



Republic of Moldova
PARLIAMENT LAW No. 97
dated 26-07-2019
concerning the introduction of changes in certain legislative documents

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The Parliament adopts the herein organic law.

Article I. – To introduce the following changes Into the Law on tobacco control No. 278/2007 (republished: Official monitor of the Republic of Moldova, 2015, No. 258–261, article 489), with subsequent changes:

1. In article 2:

after the concept "addition" supplement the article with the concept having the following content:

«*an aerosol of a tobacco product or a derivative product* – a substance extracted as a result of the insertion and by means of the use of a device for heating a nonsmoking tobacco product or derivative product, not involving the process of burning or smoldering, or any other new tobacco product included for use in another way;»;

the concept "smoking" is to be stated as follows:

«*smoking* – the possession or manipulation of a burned or smoldered tobacco product or derivative product involved in the process of burning or smoldering independently of whether smoke is inhaled or exhaled. For the purposes of the herein law, the possession or manipulation of a device inserted for the heating of a nonsmoking tobacco product or derivative product, not involving the process of burning or smoldering, or any other new tobacco product not involving the process of burning or smoldering, independently of whether the aerosol is inhaled or exhaled, is declared smoking;»;

in the concept "tobacco smoke" delete the word "smoking" after the concept "cross-border advertisement, the promotion and sponsorship of tobacco products", add to the article the concept having the following content:

«*tobacco stick* – a nonsmoking tobacco product intended for use by means of a device for heating tobacco and other substances for the purpose of extracting the aerosol for inhalation and not subject to the process of burning;».

2. section (8) of article 15 is declared null and void.

3. State article 17¹ as follows:

«**Article 17¹.** The labeling of nonsmoking tobacco products

(1) On every individual package and on any internal packaging of nonsmoking tobacco products, the warning about harm to health is printed: "This tobacco product seriously harms the health and leads to dependency", accompanied by the information stipulated in point a) section (4) of article 16.

(2) The warning about the harm to health shown in section (1) is printed on the two large sides of the single pack and any internal packaging and should occupy no less than 30 percent of the area of the corresponding surface of the single package and internal packaging.

(3) The warning about the harm to health stipulated in section (2) should correspond to the requirements stipulated in section (6) of article 17.».

4. In article 19:

to section (1) add point d) having the following content:

«d) associations are evoked with food or cosmetic products or toys.»; section (6) is declared null and void.

5. State article 21 as follows:

«**Article 21.** Advertisement and promotion of tobacco products by means of sponsorship, of derivatives of products, devices and the accessories for their use, reloading or heating

Unofficial Translation

(1) Any form of advertisement, direct or indirect, of tobacco products, derivatives of products, devices and accessories for their use, reloading or heating, including advertisement on radio and television, in print, in film and video services, by electronic means of mass information, mobile and stationary telephone connections, which includes, is not limited to, external advertisement and advertisement within closed and semi-closed public spaces, in particular on the outside and inside of points of wholesale and retail sale of tobacco products, derivative products, devices and accessories for their use, reloading and heating, advertisement in dwellings where services are rendered, advertisement either on the means of transport and through the mail, as well as advertisement on smoking accessories, is prohibited.

(2) The conditions of section (1) do not extend to forms of the brand name and logo located in the main office of a business entity conducting the import or practicable retail sale of tobacco products, derivative products, devices and the accessories for their use, reloading or heating, as well as the advertising materials designated for dissemination exclusively among manufacturers, importers and sellers of tobacco, tobacco products, derivative products, devices and the accessories for their use, reloading or heating.

(3) Any activity which misleads or creates a false interpretation of the characteristics of tobacco products and derivative products and their effect on health is prohibited.

(4) The promotion of tobacco products, derivative products, devices and the accessories for their use, reloading or heating, including by means of sponsorship or other social backing or commercial measures or initiatives is prohibited.

(5) Tobacco industry business entities are prohibited from organizing or participating in sponsorship or charitable campaigns, as the result of which either the trade name of the business entity, the brand name of a tobacco product, derivative products, devices and the accessories for their use, reloading or heating, any other references to the brands of tobacco products, derivative products, devices and the accessories for their use, reloading or heating may be displayed for viewing, or if any other information concerning the association of a business entity with an event is made public.

(6) The advertisement and promotion of tobacco products, derivative products, devices and the accessories for their use, reloading or heating, as well as the sponsorship of demonstrations and events originating from the territory of the Republic of Moldova and having a cross-border effect associated with tobacco products, derivative products, devices and the accessories for their use, reloading or heating is prohibited.

(7) The use of brand names of tobacco products, derivative products, devices and the accessories for their use, reloading or heating to promote other products or services, as well as the brand names of other products or services in the promotion of tobacco products, derivative products, devices and the accessories for their use, reloading or heating is prohibited.

(8) The use of smoking accessories (ashtrays, lighters) of devices and the accessories for the use, reloading or heating of tobacco products and derivative products for the direct or indirect promotion of tobacco products and derivative products is prohibited.

(9) The supplying of tobacco products, derivative products, devices and the accessories for their use, reloading or heating on preferential terms or as a gift is prohibited.

(10) Monitoring of compliance with the regulations of the herein article is exercised by the Trade Council, the National Public Health Agency and the State Tax Service within the bounds of the powers established by the current legislation.».

6. In section (2) of article 24 delete the word "smoking".

7. In section (5) of article 25 the words «smoking tobacco products and derivative products» should be replaced in both cases with the words «tobacco products, derivative products, devices and the accessories for their use, reloading or heating».

8. The title of chapter VII should be supplemented with the words "AND THE AEROSOL OF TOBACCO PRODUCTS OR DERIVATIVE PRODUCTS».

9. In article 26:

the title of the article should be supplemented with the words "and the aerosol of tobacco products or derivative products";

section (2) following the word «smoke» should be supplemented with the words «or the aerosol of tobacco products or derivative products».

10. Item b) of article 31 should be supplemented with the words «and the aerosol of tobacco products or derivative products».

11. The title of chapter IX should be supplemented with the words «AND THE AEROSOL OF TOBACCO PRODUCTS OR DERIVATIVE PRODUCTS».

12. In point b) of section (1) of article 33 the word «smoking» should be deleted in both cases.

13. The title and content of article 34 following the words «tobacco smoke» should be supplemented with the words «and the aerosol of tobacco products or derivative products».

14. Section (3) of article 37 following the words «tobacco smoke» should be supplemented with the words «and the aerosol of tobacco products and derivative products».

Article II. – In the Code of the Republic of Moldova concerning infringements of the law No. 218/2008 (republished in: Official Monitor of the Republic of Moldova, 2017, No. 78–84, article 100), as amended, insert the following changes:

1. In article 91¹:

In sections (6) and (10) the words «smoking tobacco product» should be replaced with the words «tobacco product» in the corresponding number and case;

the disposition of section (11) should be stated as follows:

«the placement of tobacco products, derivative products, devices and the accessories for their use, reloading or heating on generally accessible commercial areas»;

section (20) should be stated as follows:

«(20) The sale of tobacco products in prohibited places – at points with a commercial area of less than 20 square meters, located at a distance of 200 meters from educational and medical-sanitary facilities involves the establishment of a zone for public servants measuring 250 to 300 conventional units, for corporations 350 to 400 conventional units with or without deprivation of the right to exercise the given activity for a period of 6 months to 1 year.».

2. In article 364¹:

in the title of the article the words «smoking tobacco product» should be replaced with the words «tobacco products and derivative products»;

the disposition of section (1) should be stated as follows:

«The placement and/or dissemination of an advertisement of tobacco products, derivative products, devices and the accessories for their use, reloading or heating and the promotion, including by means of sponsorship, of tobacco products, derivative products, devices and the accessories for their use, reloading or heating, having the purpose by either direct or indirect means of the stimulation of sales and the increase in the use of tobacco products and derivative products,»; the disposition of section (2) should be stated as follows: «The use of brand names of tobacco products, derivative products, devices and the accessories for their use, reloading or heating in the promotion of other products or services, as well as the use of the brand names of other products or services in the promotion of tobacco products, derivative products, devices and the accessories for their use, reloading or heating, the use of accessories for smoking, devices and the accessories for the use, reloading or heating of tobacco products and derivative products for the purposes of the direct or indirect promotion of tobacco products and/or derivative products, the supplying of tobacco products and/or derivative products, devices and the accessories for their use, reloading or heating on preferential terms or as a gift».

Article III. – In Tax Code No. 1163/1997 (republished in: Official Monitor of the Republic of Moldova, special release dated 8 February 2007), as amended, insert the following changes:

1. Point 7) of article 119 should be supplemented with sub point a¹) having the following content: «a¹) tobacco sticks for heating tobacco;».

2. In appendix 1 to chapter IV market items 240220 and 2403 should be stated as follows:

240220	Cigarettes containing tobacco:				
	– with a filter	1000 pieces/ cost in leus	410 leus + 12%, but no less than 540 leus	460 leus + 12%, but no less than 610 leus	540 leus + 13%, but no less than 700 leus
	– without a filter:				
	oval line to 70 mm	1000 pieces/ cost in leus	260 leus + 3%	360 leus + 6%	540 leus +13%, but no less than 700 leus
	with mouthpiece, other	1000 pieces/ cost in leus	300 leus + 3%	460 leus + 6%	540 leus +13%, but no less than 700 leus
2403	Smoking tobacco, other commercially prepared	kilograms	136.41 leus	143.17 leus	150.33 leus

Unofficial Translation

	tobacco and commercial tobacco substitutes; «homogenized» or «regenerated» tobacco; tobacco extracts and essences				
exclude 240319	Thin-sliced tobacco for rolling cigarettes	kilograms	–	1000 leus	1200 leus
exclude 240399900	Tobacco sticks for devices for heating tobacco	1000 pieces	–	610 leus	700 leus

Article IV. – (1) By derogation from the provisions of sections (1) and (2) of article 56 of the Law on standards documents No.100/2017 the herein law enters into force on 1 January 2020, with the exception of articles II and III, which enter into force on the day of publication of the law in the Official Monitor of the Republic of Moldova.

(2) The government should align its standards documents in compliance with the herein law within a three-month period from the day of its publication.

REPRESENTATIVE OF PARLIAMENT

Zinaida GRECHANYJ

No. 97. Kishinev, 26 July 2019