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**ASSEMBLY OF THE REPUBLIC OF MACEDONIA**

On the basis of Article 75, paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia issue an

**ORDER  
FOR PROMULGATION OF THE LAW ON THE AMENDMENT OF THE LAW FOR  
TOBACCO AND TOBACCO PRODUCTS**

The Law on the Amendment of the Law for Tobacco and Tobacco Products that the Assembly of the Republic of Macedonia passed at the session held on 11 June 2008, is promulgated.

No. 07-2850/1  
11 June 2008  
Skopje

President  
of the Republic of Macedonia,  
**Branko Crvenkovski,**  
in his own hand

President  
of the Assembly of the  
Republic of Macedonia,  
**Trajko Veljanoski,** in his own hand

**LAW ON THE AMENDMENT OF THE LAW FOR TOBACCO AND TOBACCO  
PRODUCTS**

Article 1

In the Law for Tobacco and Tobacco Products (“Official Gazette of the Republic of Macedonia” number 24/2006), in Article 7 paragraph 1 the words: “until 1 March” are replaced with the words: “until 25 March.”

Article 2

In Article 8, a new paragraph 2 is added after paragraph 1, as follows:  
“The tobacco repurchaser must provide seed material from a registered producer of tobacco seed.”  
Paragraph 2 becomes paragraph 3.

Article 3

In Article 9 paragraph 1, the words: “until 30 June” are replaced with the words; “until 30 May.”

Article 4

In Article 12 paragraph 6, the words: “until 31 May” are replaced with the words: “until 10 April.”

Article 5

In Article 13, a new line 6 is added after line 5, as follows:  
“- compensation for acting on behalf of the representative of the Association of Tobacco Producers at the time of the repurchase;”.

Article 6

Article 23 is changed as follows:

“The repurchase of tobacco carried out in the current year begins at the latest on 15 December of the current production year and ends at the latest on 15 March of the following year.”

Article 7

In Article 25 paragraph 2, the words: “until 30 November” are replaced with the words: “until 15 November.”

Article 8

In Article 26 paragraph 4 line 2, the conjunction “or” is added after the word “tobacco.”

A new line 3 is added after line 2, as follows:

“– without appropriate high, higher, or secondary education and being a producer of tobacco continuously for at least the last five years.”

Article 9

In Article 27 paragraph 2, the word “which” [neuter form] is replaced with the word “which” [masculine form].

Paragraph 3 is changed as follows:

“The compensation for acting as a representative of the Association of Tobacco Producers at the time of repurchasing tobacco is at the expense of the producer; he compensates the repurchaser at the time of paying for the repurchased tobacco and pays him on the account of the highest association of tobacco producers.”

A new paragraph 4 is added after paragraph 3, as follows:

“The highest association of tobacco producers determines the amount of the compensation from paragraph 3 of this Article, depending on the actual real losses, before the beginning of the repurchase of tobacco, after prior consent of the Ministry of Agriculture, Forestry, and Water Management.”

Article 10

In Article 43 paragraph 1 item 7, a new sub-item c) is added after sub-item b) as follows:

“c) an additional warning with a picture (on the back side) which clearly shows the harmful effect of smoking for which one of the messages from sub-item b) of this paragraph is printed on the other side.”

Article 11

In Article 45 paragraph 2 is changed as follows:

“The size of the letters for each warning on the packages of the tobacco products and pictures must be determined so that it will cover to the greatest possible degree the surface of the space that is prescribed for such warnings in Article 43 paragraphs 3 and 4 and in Article 44 of this law.”

In paragraph 4 the words: “The texts of the warnings” are replaced with the words: “the warnings.”

A new paragraph 7 is added after paragraph 6, as follows:

“The Minister of Health will designate the pictures of the harmful effect of tobacco from Article 43 paragraph 1 item 7 sub-item c) of this law.

Article 12

In Article 57, paragraph 2 is changed and as follows:

“For cigarettes that are in circulation in the Republic of Macedonia, for each production batch, the producers and importers must measure the ingredients from Article 41 paragraph 1 of this law in order to monitor the values in accordance with the registration page from the trademark register.”

In paragraph 4 the word “corresponding” is replaced with the word “authorized.”

In paragraph 5 the word “corresponding” is replaced with the word “authorized.”

Article 13

In Article 58, paragraph 3 is changed as follows:

“The determination of the tar, nicotine, and carbon monoxide content in cigarettes is made on the basis of the internationally recognized and national standards: ISO 4387 for the tar content, ISO 3400 and ISO 10315 for the nicotine content, and ISO 8454 for the carbon monoxide content.”

Articles 4 and 5 are deleted.

Article 14

In Article 61 paragraph 2, at the end of item 1 the conjunction “and” is replaced with a semicolon.

In item 2 at the end, the period is replaced with the conjunction “and”, and a new item 3 is added, as follows:

“3) the repurchaser does not provide certified seed material from a registered producer of tobacco seed (Article 8 paragraph 2).”

Article 15

In Article 62 paragraph 1, item 4 is changed as follows:

“4) the appraiser does not perform the appraisal in the space intended for repurchase of tobacco, publicly, in the presence of the producer and the representative of the association of tobacco producers who has a license.”

Article 16

In Article 63 paragraph 1 items 1, 2, 3, 4, 5, and 6, the words: “90 to 180 days” are replaced with the words: “30 days.”

Item 7 is amended as follows:

“7) of the domestic producer marketing cigarettes for which testing is not conducted by any producing party in an official laboratory;”

In item 8 the word “corresponding” is replaced with the word “authorized.”

Article 17

In Article 65 paragraph 1, item 11 is deleted.

Item 16 is amended as follows:

“16) the producer or importer of each production batch does not conduct measurement of the components from Article 41 of this law (Article 57 paragraph 2);”

Two new items 18 and 19 are added after item 17, as follows

“18) did not coordinate its operation with the provisions of articles 41, 43, 44, 45, and 46 of this law in the established period (Article 70 paragraph 2), and

19) does not remove from circulation tobacco products that are not adapted and do not contain information in agreement with articles 41, 43, 44, 45, and 46 of this law after the expiration of the period from Article 70 paragraph 3 of this law.”

In paragraph 2 the words: “90 to 180 days” are replaced with the words: 30 days.”

Article 18

In the title of part XII the words “PUNITIVE PROVISIONS” are replaced with the words: “MISDEMEANOR PROVISIONS.”

Article 19

In Article 66 paragraph 1, the words: “the legal person will be punished for a violation with a fine in the amount of 100,000 to 300,000 denars if”: are replaced with the words: “A penalty in the amount of 3,500 to 5,000 euros, in a denar equivalent, will be imposed on the legal person for a violation, if:.”

Two new items 20 and 21 are added after item 19, as follows:

“20) did not coordinate its work with the provisions of articles 41, 43, 44, 45, and 46 of this law in the established period (Article 70 paragraph 2), and

21) does not remove from circulation the tobacco products that are not adapted and do not contain information in accordance with Articles 41, 43, 44, 45, and 46 of this law after the expiration of the period from Article 70 paragraph 3 of this law.”

Paragraphs 2, 3, and 4 are changed as follows:

“In addition to the penalty from paragraph 1 of this article, a separate misdemeanor measure in the form of removal of the tobacco will be imposed for violation under section 1, items 4, 6, 7, and 8 of this article, and a separate misdemeanor measure in the form of removal of cigarettes, respectively of tobacco products, will be imposed for items 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, and 21 of this article.

In addition to the penalty from paragraph 1 of this article for violation of paragraph 1 items 4, 8, 9, 10, 11, 12, 13, 14, and 15 of this paragraph, a misdemeanor sanction in the form of temporary ban lasting from one to three years will be imposed for performing an individual act.

The penalty in an amount from 1,200 to 2,000 euros, in a denar equivalent, will also be imposed against the responsible person of the legal person for violation of paragraph 1 of this article.”

Article 20

In Article 67 paragraph 1 the words: “The legal person will be penalized with a fine of 80,000 denars to 240,000 denars if:” are replaced with the words: “A penalty in the amount of 3,000 to 4,000 euros, in denar equivalent, will be imposed for a violation of the legal person, if:”

A new item 4 is added after item 3, as follows:

“4) Repurchase of tobacco begins at the latest on 15 December of the current production year and ends at the latest on 15 March in the next year.”

Items 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 become items 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18.

Paragraph 2 is amended as follows:

“In addition to the penalty from paragraph 1 of this article for violation from paragraph 1 items 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of this article, a misdemeanor sanction in the form of temporary ban of performing an individual action lasting from one to three years and a separate punitive measure of removal of tobacco products will also be imposed.”

A new paragraph 3 is added after paragraph 2, as follows:

“In addition to the penalty from paragraph 1 of this article for the actions of paragraph 1 item 17 of this article a separate misdemeanor measure in the form of removal of tobacco for oral use will be imposed.”

Paragraph 3 which becomes paragraph 4 is amended as follows:

“A penalty in the amount of 1,000 to 1,500 euros, in a denar equivalent, will be pronounced against the responsible person in the legal person for violation of paragraph 1 of this article.”

Article 21

In Article 68 paragraph 1 the words: “The legal person will be penalized with a monetary penalty of 50,000 to 150,000 denars if:” are replaced with the words: “A penalty in the amount of 1,500 to 2,500 euros, in a denar equivalent, will be imposed for violation of the legal person if:.”

In paragraph 1 item 2 the words: “until 30 June” are replaced with the words: “until 30 May.”

Paragraphs 2 and 3 are replaced as follows:

“A penalty in the amount of 800 to 1,500 euros, in a denar equivalent, will also be imposed on the responsible person in the legal person for violation of paragraph 1 of this article.

In addition to the penalty from paragraph 1 of this article, a separate punitive measure of removal of the tobacco will be imposed for the actions of paragraph 1 item 9 of this article.”

#### Article 22

In Article 60 paragraph 1 the words: “the physical person will be penalized with a monetary penalty of 20,000 to 50,000 denars, if:” are replaced with the words: “A penalty in the amount of 600 to 1,000 euros, in a denar equivalent, will be imposed on the physical person, if:”

In paragraph 1 item 1 the words: “until 30 March” are replaced with the words: “until 25 March.”

Paragraph 2 is amended as follows:

“In addition to the penalty from paragraph 1 of this article for the actions of paragraph 2 items 3, 6, and 7 of this article, a separate measure of removal of the tobacco will also be imposed.”

#### Article 23

A new Article 69-a is added after Article 69, as follows:

##### “Article 69-a

The competent court conducts a misdemeanor procedure for the violations described in this law.

Before submitting a demand for a misdemeanor procedure for violations described in this law, the Ministry of Agriculture, Forestry, and Water management conducts a settlement and mediation procedure in accordance with the Law for Violations.”

#### Article 24

In Article 70 paragraph 2 the words: “two years” are replaced with the words: “six months.”

A new paragraph 3 is added after Article 2, as follows:

“The tobacco products that are not adapted and do not contain information in accordance with articles 41, 43, 44, 45, and 46 of this law, and which are left in circulation before the expiration of the period from paragraph 2 of this law, may remain in circulation for three more months after the expiration of the period from paragraph 2 of this law.”

#### Article 25

The subordinate legislation from Article 11 of this law shall be promulgated within a period of one year from the day that this law goes into force.

#### Article 26

The regulation from Article 10 of this law shall apply after the expiration of 18 months from the day that this law goes into force.

The tobacco products that are not adapted and do not contain information in accordance with Article 10 of this law, and which are left in circulation before the expiration of the period of paragraph 1 of this law, may remain in circulation for three more months after the expiration of the period of paragraph 1 of this article.

#### Article 27

This law goes into force on the eighth day from the day of the publication in the “Official Gazette of the Republic of Macedonia.”