



## **CABINET OF MINISTERS OF UKRAINE DECREE**

**dated 11 August, 2023 № 839  
Kyiv**

### **On the approval of the Procedure for preliminary age identification of users of websites of manufacturers, importers of devices for consumption of non-combusted tobacco products and/or electronic cigarettes**

In accordance with [the third part](#) of Article 16<sup>1</sup> and [the third part](#) of Article 16<sup>2</sup> of the Law of Ukraine "On measures to prevent and reduce the use of tobacco products and their harmful effects on the health of the population," the Cabinet of Ministers of Ukraine **decrees**:

1. Approve [the Procedure for the preliminary age identification of users of the websites of manufacturers, importers of devices for the consumption of non-combusted tobacco products and/or electronic cigarettes](#), which is attached.
2. To the Ministry of Digital Transformation, provide preliminary age identification of the website user by using an identity document, by means of the Unified State Web Portal of Electronic Services, in particular, by using the mobile application of the Diya Portal (Diya).
3. This decree enters into force three months after its publication.

**Prime Minister of Ukraine**

**D. SHMYGAL**

**Ind. 67**

**APPROVED**  
by decree of the Cabinet of Ministers of Ukraine  
dated 11 August, 2023 № 839

**THE PROCEDURE**  
**for the preliminary age identification of users of the websites**  
**of manufacturers, importers of devices for the consumption**  
**of non-combusted tobacco products and/or electronic**  
**cigarettes**

1. This Procedure establishes a mechanism for performing preliminary age identification of users of websites of manufacturers, importers of devices for consumption of non-combusted tobacco products and/or electronic cigarettes.

2. The terms used in this Procedure have the following meanings:

1) the owner of the website - a manufacturer, importer of devices for consumption of non-combusted tobacco products and/or electronic cigarettes, which places information about such products for users on its own website;

2) website user - an individual who has reached the age of 18, has taken the necessary actions to access the website of the manufacturer, importer of devices for consumption of non-combusted tobacco products and/or electronic cigarettes, and has received such access;

3) liveness detection method - a method of photographing a person in real time using algorithms that make it possible to distinguish a real person from a reproduction in any form of his appearance;

4) operator - an employee of the website owner who performs user verification in real time.

Other terms in this Procedure are used in the meaning given in [the Tax Code of Ukraine](#), Laws of Ukraine "[On State Regulation of Production and Circulation of Ethyl, Cognac and Fruit Alcohol, Alcoholic Beverages, Tobacco Products, Liquids Used in Electronic Cigarettes, and Fuel](#)", "[On Electronic Commerce](#)", "[On Copyright and Related Rights](#)".

3. The owner of the website is obliged to provide direct, simple, stable access to the information provided for in [Article 7](#) of the Law of Ukraine "[On Electronic Commerce](#)".

4. The list of identity documents is given in the [Law of Ukraine](#) "[On the Unified State Demographic Register and documents confirming the citizenship of Ukraine, certifying a person or his special status](#)".

5. The owner of the website provides users with access to the website.

6. Access to the information on the assortment, consumer characteristics, maintenance and use of devices for consumption of non-combusted tobacco products and/or electronic cigarettes on

the website of the manufacturer, importer, is provided by the owner of the website on the condition that the age of the website user is previously identified using a document that verifies a person in any of the following ways:

1) submission of information (information, data) contained in the e-passport, e-passport for travel abroad, in the order and manner provided for the submission of electronic copies of the e-passport and e-passport for travel abroad, as well as other means of identification that make it possible to unambiguously establish a person and his age;

2) using facial recognition technology:

The user on the website of the manufacturer, importer, through the appropriate module, shows his face and an identity document;

The website of the manufacturer, importer, automatically checks the authenticity of the user's image using the liveness detection method, recognizes the document and, if the face image matches the document, identifies the user's age;

3) involving the operator:

The user on the website of the manufacturer, importer, through the appropriate module, in real time shows his face and an identity document;

The operator performs remote identification of the user and checks his age.

7. Protection of personal data during identification of the user's age using an identity document is carried out in accordance with the requirements of the [Law of Ukraine](#) "On the Protection of Personal Data".

8. A website user who has passed the preliminary age identification procedure is granted one-time access to the website.

9. For violation of the requirements of this Procedure, the owner of the website bears the responsibility provided by law.



On the approval of the Procedure for preliminary age identification of users of websites of manufacturers, importers of devices for consumption of non-combusted tobacco products and/or electronic cigarettes

Decree of the Cabinet of Ministers of Ukraine; The procedure dated 11.08.2023 № 839

**Acceptance** dated **11.08.2023**

*Permanent address:*

<https://zakon.rada.gov.ua/go/839-2023-%D0%BF>

**Legislation of Ukraine**

As of 28.09.2023

**Enters into force**



839-2023-p

## Publications of the document

Unofficial Translation

- **Government Courier** dated 15.08.2023 — № 163