



## ENSP - EUROPEAN NETWORK FOR SMOKING PREVENTION

### > REGULATION OF SALE OF TOBACCO PRODUCTS TO MINORS IN EUROPE<sup>i</sup>

Status November 2006

COUNTRY	MIN. AGE FOR BUYING TOBACCO PRODUCTS	COMMENTS	PENALTIES OR FINES FOR SELLING TO MINORS	MIN NUMBER OF CIGARETTES PER PACK	DISTRIBUTION OF TOBACCO PRODUCTS THROUGH VENDING MACHINES	PERCENTAGE OF 15 YEAR OLDS WHO SMOKE AT LEAST ONCE A WEEK 2001/2002	
						Girls	Boys
AUSTRIA/c	16 (regulated by 9 provinces)	Data from 2001. Legal source not available.	No	20 per pack. Data from 2001. Legal source not available	No Restriction Bill from 30.05.2002 on the age proof for buying from the vending machine	37	26
BELGIUM/c	16	Law amending the law of 24.01.1977 related to the protection of health of consumers (effective 1.12.2004) <a href="#">Click here</a> Effective 01.12.2004	No	Not less than 19 p/p Decree on the production and distribution of tobacco products and similar products (enacted 13.08.90; as amended on 29.05.2002 (in force from September 2002) <a href="#">Click here</a>	Vending machines access restricted to minors under sixteen	23 (Flemish) 24 (French)	23 Flemish) 22 (French)
BULGARIA	18	Applicable only for locally produced tobacco, does not concern imported tobacco Source: The Tobacco and Tobacco Products Act (enforced 30.11.93) (as amended) art. 30.2.2. <a href="#">Click here</a>	Yes	20 p/p	No Restriction	-	-
CYPRUS/c	16	Applicable since 2002 under "The Protection of Health (smoking) Unified law 2002-2004	Trespassers if found guilty are fined to a max of 1000 CYP or six months imprisonment or both	20 p/p	Prohibited	No data	No data
CZECH REPUBLIC/c	18	Law on Protection against Harms caused by Tobacco Products, Alcohol and Addictive drugs (enacted 19.8.2005; effective 1.1.2006) (Czech version available only: <a href="http://www.dokurte.cz/download/protikuracky_zakon_2006.pdf">http://www.dokurte.cz/download/protikuracky_zakon_2006.pdf</a> )	Yes	20p/p (the pack can be opened by seller and single cigarettes used as free of charge samples or for promotion purposes)	Restricted for under 18 years of age. Law 379/2005	31	29
DENMARK/c	16	Law banning sale of tobacco products to minors (Act no. 213 of 31 March 2004) came into force 1 July 2004	No	10 or 20 p/p. Special stamp required for sale of lesser amounts	No Restriction	18.5	20.8
ESTONIA/c	18	Tobacco Act (enacted 19.06.2000; effective 1.01.2001) (as amended) Chapter 2 art. 17.1 <a href="#">Click here</a>	Yes	20 p/p	Complete ban.Tobacco Act (enacted 19.06.2000; effective 1.01.2001) (as amended) Chapter 2 art. 17.4 <a href="#">Click here</a>	18	30

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FINLAND/c	18	Act on measures to reduce tobacco smoking (enacted 13.08.76; effective 1.03.77) (as amended in 1995 and 2000) Chapter 4 section 10 <a href="#">Click here</a>	Yes	Not yet, amendment under preparation	Partial restriction Allowed in restaurants having licence to sell alcohol or other sales premises there the sale is under supervision Act on measures to reduce tobacco smoking (enacted 13.08.76; effective 1.03.77) (as amended in 1995 and 2000) Chapter 4 section 11 <a href="#">Click here</a> Decree on measures to reduce tobacco smoking (enacted 25.02.77) (as amended)) Chapter 3 art. 12 <a href="#">Click here</a>	32	28
FRANCE/c	16	Law against youth tobacco use (enacted 24.07.2003; effective 03.08.2003) art. 3 <a href="#">Click here</a>	Yes	No less than 19 cigs packs	Complete Ban - legal source not available	27	26
GERMANY/c	16	Law for the protection of Minors (adopted 23.07.2002; effective 26.07.2002) Chapter 3 art. 10 <a href="#">Click here</a>	Yes Law for the Protection of Minors (adopted 23.07.2002-effective 26.07.2002) <a href="#">Click here</a>	Minimum of 17 per pack	Partial restriction Law for the protection of Minors (adopted 23.07.2002; effective in 2007) Chapter 3 art. 10 <a href="#">Click here</a> Applicable for places where minors under age of 16 can access or place is under supervision to unale the access of under 16 years old to tobacco products	34	32
GREECE/c	No	The Health Minister announced in May 2006 that measures will be taken to ban the sale of tobacco products to minors in Greece.	Not yet	20 per pack	There are no vending machines in Greece	14	14
HUNGARY/c	18	Act on the protection of non-smokers and the regulation of tobacco sales, marketing and use (1999) art. 5.2 <a href="#">Click here</a>	Yes	50 is maximum per pack	Complete ban Act for excise taxes and taxation of harmful products (1997) art. 87 <a href="#">Click here</a>		
ICELAND/c	18	Tobacco Control Act 2002 no.6,Art 8	Yes	20 minimum per pack	Complete ban	14	14

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IRELAND	18	Public Health Act (enacted 27.03.2002) art. 45 <a href="#">Click here</a>	Yes	20 p/p Public Health (Amendment) Act (enacted 23.03.2004) Section 9 <a href="#">Click here</a> Public Health Act (enacted 27.03.2002) art. 38 <a href="#">Click here</a>	Partial restriction Public Health (Amendment) Act (enacted 23.03.2004) Section 14 <a href="#">Click here</a> Vending machines allowed under certain conditions	21	20
ITALY	16	Decree (enacted 24.12.34) Chapter 3 art. 25	Yes	10 p/p	Partial restriction From January 1, 2004, vending machines are blocked from operating between 7am and 9pm. In future, machines will accept only purchases from customers with an electronic identity card, proving that they are not minors. Legal source not available.	25	22
LATVIA/c	18	Law on restrictions regarding sale, advertising and use of tobacco products (enacted 18.12.96; effective 7.01.97) (as amended) Section 7 <a href="#">Click here</a>	No data available	No	Complete ban Law on restrictions regarding sale, advertising and use of tobacco products (enacted 18.12.96; effective 7.01.97) (as amended) Section 7 <a href="#">Click here</a>	21	29
LITHUANIA/c	18	Law on tobacco control (enacted 11.05.99) (as amended in 2002) art. 10 <a href="#">Click here</a>	Yes	20 p/p	Complete ban Law on tobacco control (enacted 11.05.99) (as amended in 2002) art. 10 <a href="#">Click here</a>	18	35
LUXEMBOURG/c	16		Yes	No data available	Measures have to be taken in order to prevent minors under 16 from using vending machines		
MALTA/c	18		Yes	No	Partial restriction Allowed in the premises having a valid licence to serve alcoholic beverages or in the premises machines are kept under supervision	17	17
NETHERLANDS/c	16	Tobacco Act (enacted 10.03.88; effective 1.01.90) (as amended in 2002) <a href="#">Click here</a>	Yes	Up to 19 p/p	Partial restriction Tobacco Act (enacted 10.03.88; effective 1.01.90) (as amended in 2002) <a href="#">Click here</a>	22	25

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NORWAY/c	18 but the ban is poorly enforced	Act on prevention of the harmful effects of tobacco (enacted 9.03.73; effective 1.07.75) (as amended in 1996 and 2003) art. 5	Yes -Act on prevention of the harmful effects of tobacco (enacted 9.03.73; effective 1.07.75) (as amended in 1996 and 2003) <a href="#">art. 10 Click here</a>	No	Complete ban Act on prevention of the harmful effects of tobacco (enacted 9.03.73; effective 1.07.75) (as amended in 1996 and 2003) <a href="#">art. 5</a>	27	20
POLAND/c	18	Law on Protection of Public Health against the effects of tobacco use (enacted 25.08.95; effective 25.11.95) (as amended in 1999 and 2003) art. 6  <a href="http://www.ensp.org/files/pl_law_protection_public_health.pdf">http://www.ensp.org/files/pl_law_protection_public_health.pdf</a>	Yes	Law on Protection of Public Health against the effects of tobacco use (enacted 25.08.95; effective 25.11.95) as amended in 1999 and 2003 art.6 - 20 p/p <a href="http://www.ensp.org/files/pl_law_protection_public_health.pdf">http://www.ensp.org/files/pl_law_protection_public_health.pdf</a>	Complete ban Law on Protection of Public Health against the effects of tobacco smoke (enacted 25.08.95; effective 25.11.95) (as amended in 1999 and 2003) art. 6 - 20 p/p <a href="http://www.ensp.org/files/pl_law_protection_public_health.pdf">http://www.ensp.org/files/pl_law_protection_public_health.pdf</a>	17	26
PORTUGAL	?		No	20 p/p	Partial restriction Decree law no. 25/2003 (enacted 4.02.2003; effective 1.01.2004) art. 9 Vending machines not allowed in certain places Legal text not available.	26	18
ROMANIA/c	18	Law no.349/2002 for preventing and combating the effects of the tobacco products use - entered into force in December 2002. Original text and enacting date (Dec.2002) were changed for few times (law was re-launched for discussion in the Parliament, which "achieved" the date for entry into force: 31 <sup>st</sup> of Dec. 2004 for the law whilst for some special provisions (including the provisions regarding the ban of smoking in public places): 31 <sup>st</sup> Dec.2006. <a href="#">Click here</a>	Yes	20 per pack - from 1 <sup>st</sup> of January 2007. Law no. 349/2002 for preventing and combating the effects of the tobacco products use art. 3. alin. (5), (5 <sup>1</sup> ). Original text and enacting date (Dec. 2002) were changed for few times (law was re-launched for discussion in the Parliament, which "achieved" the date for enter into force: 31 <sup>st</sup> of Dec. 2004 for the law, whilst for some special provisions (including the provisions regarding the ban of smoking in public places): 31 <sup>st</sup> Dec. 2006. <a href="#">Click here</a>	Complete ban - from 1 <sup>st</sup> of January 2005 Law no. 349/2002 for preventing and combating the effects of the tobacco products use art. 3. alin. (6) <a href="#">Click here</a>	23.2% currently smoke cigarettes (Boys = 27.1%, Girls = 19.7%)  6.4% currently daily cigarette smokers (Boys = 6.9%, Girls = 5.9%)  (from GYTS 2004 Romania - School-based survey of students aged 13-15 years) <a href="#">Click here</a>	

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SLOVAKIA/c	18	Act on the protection of non-smokers and on alteration and amendments to certain laws (effective 1.07.2004) art. 8  Law on the protection of non-smokers (enacted 12.02.97; effective 1.07.97) art. 6.3 (repealed) <a href="#">Click here</a>	Yes Act on the protection of non-smokers and on alteration and amendments to certain laws (effective 1.07.2004) art.10-11	10 p/p Act on the protection of non-smokers and on alteration and amendments to certain laws (effective 1.07.2004) art. 8 Law on the protection of non-smokers (enacted 12.02.97; effective 1.07.97) art. 6.2 (repealed) <a href="#">Click here</a>	Partial restriction Act on the protection of non-smokers and on alteration and amendments to certain laws (effective 1.07.2004) art. 8  Law on the protection of non-smokers (enacted 12.02.97; effective 1.07.97) art. 6.2 (repealed) <a href="#">Click here</a> vending machines sale allowed if operated by an adult seller.	Girls and Boys together 16% (year 2005)

						Girls	Boys
SLOVENIA/c	15	Law on the restriction on the use of tobacco products (effective 1996) art. 14 <a href="#">Click here</a> As amended 18.12.2002 <a href="#">Click here</a>	Yes	No	Complete ban Law on the restriction on the use of tobacco products (effective 1996) art. 14 <a href="#">Click here</a>  As amended 18.12.2002 <a href="#">Click here</a>	30	30
SPAIN/c	18	National tobacco law of 28.12.2005, operating from January 1 <sup>st</sup> 2006	Yes	Prohibited any number less than 20	Vending machines allowed only in enclosed places where smoking is permitted, under direct supervision of venue owner or director, use not allowed by minors under 18, health warning compulsory. National tobacco law of 28.12.2005.	32	24
SWITZERLAND/C	Planned for the age of 18	Some cantons adopted recently legislation to restrict the sales to minors (16 or 18). The general introduction of an age limit to buy cigarettes is planned for the FCTC implementation	No	20 p/p Ordonnance sur les produits du tabac et les produits contenant des succédanés de tabac destinés à être fumés (enacted 27.10.2004; effective 1.11.2004, some parts by 1.05.2006)	The cantons which introduced new legislation concerning sales to minors have also to limit the access to vending machines. Uptil now the regulation they will adopt is not specified.	25	25

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SWEDEN/c	18	Tobacco Act (enacted 17.04.93; as amended in 1994, 1996, 2002) art. 12 and 2005 (min number of cigarettes per pack <a href="#">Click here</a> )	Yes	Yes -not less than 19 The Tobacco Act enacted in 2005 ((2205:369)	Partial restriction Restricted for minors Tobacco Act (enacted 17.04.93; as amended in 1994, 1996, 2002) art. 12 <a href="#">Click here</a>	Tricky definition for us. Every day, almost every day is in total 15 %plus only at weekends an other 2.% = 17 % in total (In 2005 14 %) (Furthermore app. At parties and sometimes an other 15 % but lstill ess often than every week) Every day almost every day is in total 10 % plus only at weekends an other 2.% In total 12 %. (In 2005 6 %) Furthermore approx. at parties and sometimes an other 12-14 % but still less often than every week)
UK/c	16	Children and Young Persons Act 1991 (enacted 27.06.91) art.4 <a href="#">Click here</a> Current proposal to increase age of purchase to 18 and introduce a licencing system.	Yes	10 p/p Children and Young Persons Act 1991 (enacted 27.06.91) art.3 <a href="#">Click here</a>	Partial restriction? Children and Young Persons Act 1991 (enacted 27.06.91) art.4 <a href="#">Click here</a> Not allowed for under 16 years of age	

<sup>i</sup> Sources: WHO Tobacco Country Profiles  
Health Behaviour in School-aged Children (HBSC) study  
Effective tobacco control policies in 28 European Countries