

REPUBLIC



OF CYPRUS

2003

2004

2008

75(I) of 2002
40(I) of

37(I) of

14(I) of

89(I) of 2009.

**THE HEALTH PROTECTION
(CONTROL OF SMOKING)
LAWS OF 2002 TO 2009**

(English translation and consolidation)

Office of the Law Commissioner

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NOTE FOR THE READER

The publication at hand by the Office of the Law Commissioner is an English translation and consolidation of the Health Protection (Control of Smoking) Laws 2002 to 2009 [i.e. Laws 75(I) of 2002, 40(I) of 2003, 37(I) of 2004, 14(I) of 2008, 89(I) of 2009]. The Note, appearing at the end of the publication is important and should be borne in mind.

However useful the English translation of the consolidated Laws is in practice, it does not replace the original text of the Laws since only the texts published in the Official Gazette of the Republic of Cyprus are authentic.

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**A LAW TO PROVIDE FOR THE
TAKING OF MEASURES
FOR RESTRICTIONS IN SMOKING**

The House of Representatives enacts as bellows:

Short title. **1.** The Law may be cited as the Health Protection (Control of Smoking) Laws, 2002 to 2009.
75(I) of 2002
40(I) of 2003
37(I) of 2004*
14(I) of 2008
89(I) of 2009*.

Interpretation. **2.** For the purposes of this Law, unless the context otherwise requires –

2 (a) of 14(I)/2008. “advertising” means any form of commercial communication with the aim or direct or indirect effect of promoting a tobacco product;

“authorised officer” means a member of the Cyprus Police Force, or an officer of the Customs Department or a Health Inspector of the Medical and Public Health Services or a Health Inspector of municipalities or of improvement boards or an officer of the Competition and Consumers’ Protection Service or a Labour Inspector of the Labour Inspection Department;

2(b) of 14(I)/2008. “information society services” means services as defined in section 5A;

2(c) of 14(I)/2008. “ingredient” means any substance or any constituent except for tobacco leaf and other natural or unprocessed tobacco plant parts used in the manufacture or preparation of a tobacco product and still present in the finished product, even if in altered form, including paper, filter, inks and adhesives;

“licence to sell tobacco” means a licence to trade or sell tobacco products issued under the provisions of Part VI of the Customs and

*See Note at the end of the text.

Excise Laws, 1967 to 2003;

82 of 1967*
57 of 1969
4 of 1971
45 of 1973
12 of 1977
104 of 1987
98 of 1989
5 of 1991
77(I) of 1998
14 (I) of 1999
49 (I) of 2001
78 (I) of 2002
107 (I) of 2003
108(I) of 2003
109(I) of
2003.

“manufacturer of tobacco product” means the person who manufactures tobacco products, or the importer of tobacco products or any person appearing to be the manufacturer by affixing his name, address, trade mark, or other distinctive signs upon the tobacco product;

“Minister” means the Minister of Health;

“minor” means a person who has not attained the age of eighteen;

“nicotine” means all nicotinic alkaloids;

“packet” in relation to a tobacco product means any box, package or other pot containing the product and intended to be exposed for retail sale excluding any additional wrapper or other pot, transparent or non-transparent and which can be rejected at the opening;

“place of sale of tobacco” means every place wherein tobacco products are sold;

“place wherein smoking is prohibited”, means a public building, a place of state or semi-state services, a credit money institution, a university, a school or other education institution, or institute, an airport, a port, a hospital, including an agricultural health centre and an outpatient’s department, a public or private shelter for old and disabled, a private clinic, a surgery, a private dental clinic, a private pharmacy, a cinema, a theatre, a video’s or digital disc’s projection room, a museum, an art gallery, a concert hall, a cultural centre, a

* Note: Law 82 of 1967, as amended, was repealed and replaced by the Customs and Excise Code Law, 2004 (L.94 (I)/2004).

public library, an indoor sports ground, a hotel, a factory or other establishment for preparing or packing or sale of food-stuff, a room for preparing food-stuff, a lift, a trade centre, an association, a club irrespective of whether the entrance is free or for members only, a kiosk, a gambling house, a billiard room, a children's recreation ground, an internet-café, a coffee-shop and a place of entertainment, including among others a restaurant, a coffee-shop, a bar, a cabaret, a reception hall, a discotheque, a dancing club or other place of entertainment;

"public use vehicle" means all buses and taxis;

2 of 89(I)/2009*. "sponsorship" means any form of public or private contribution to any event, activity or individual with the aim or direct or indirect effect of promoting a tobacco product;

"tar" means the raw, anhydrous and nicotine-free condensate of smoke in its natural state;

"third country" means a country not being a member state of the European Union;

"tobacco product" means any product intended to be smoked, sniffed, sucked or chewed in as much as it is made, even partly of tobacco, genetically modified or not;

"tobacco for oral use" means all products for oral use, except those intended to be smoked or chewed, made wholly or partly of tobacco, in powder or in particulate form or in any combination of those forms, particularly those presented in sachet portions or porous sachets, or in a form resembling a food product.

*See Note at the end of the text.

2 (c) of
14(1)/2008.

2(c) of
14(1)/2008.

Prohibition of
supplying tobacco
to a minor.

3.-(1) Notwithstanding the provisions of any other Law, a person supplying tobacco products to a minor, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one

thousand, seven hundred and eight euros** or to a sentence of imprisonment not exceeding six months or to both such penalties.

(2) After his second conviction, the dealer shall be deprived of his licence to sell tobacco and he cannot acquire a new licence to sell tobacco for a period not exceeding five years from the time of such cancellation.

4.-(1) Any person who-

Prohibition of distribution of tobacco products.

(a) freely distributes tobacco products or schematic imitations of tobacco products; or

(b) supplies or offers to supply, exposes with intent to supply or has in his possession with intent to supply-

(i) tobacco products for oral use; or

(ii) tobacco products in respect of which the manufacturer has not complied with the requirements of this Law or the Regulations made thereunder; or

(iii) schematic imitations of tobacco products,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand, seven hundred and eight euros** or to a sentence of imprisonment not exceeding six months or to both such penalties.

(2) Subsection (1) shall not apply to tobacco products supplied or intended to be supplied for consumption outside the Republic.

** P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I) of 2007, as amended)

**P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I) of 2007, as amended)

Prohibition of advertisement.
2 of 40(I)/2003.
3 of 14(I)/2008.

5.- (1) Advertising and/or sponsorship of tobacco products in every form of message written, oral, printed, radio broadcasting, cinematographic or of information society services shall be prohibited.

(2) There shall be exempted from the prohibition of subsection (1) advertisements in the press or other printed media intended exclusively for professionals in the tobacco trade and publications printed and published in third countries, where those publications are not principally intended for the Community market.

5A. Information society services shall be considered to be any services usually provided for remuneration at a distance by electronic means and at the individual request of a recipient of services, except for the services included in the Annex.

Information society services.
4 of 14(I)/2008.

For the purposes of this section:

Annex.

- "at a distance": means that the service is provided without the contracting parties being simultaneously present,
- "by electronic means": means that the service is sent initially and received at its destination by means of electronic equipment for the processing (including digital compression) or storage of data, and entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means,
- "at the individual request of a recipient of services": means that the service is provided through the transmission of data on individual request.

6.-(1) Any person who, in contravention of the provisions of this Law, advertises or sponsors or participates, in any manner, in the production, preparation, circulation, promotion, distribution or publication of advertising or/and sponsorship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one

thousand, seven hundred and eight euros** or to a sentence of imprisonment not exceeding six months or to both such penalties.

Offences and penalties in relation to advertising.

5 (a)(i) of 14(I)/2008
5 (a)(ii) of 14(I)/2008.

5(b) of 14(I)/2008.

(2) The manufacturer of tobacco product being the object of advertising or/and sponsorship in contravention of the provisions of this Law, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand, seven hundred and eight euros** or to a sentence of imprisonment not exceeding six months or to both such penalties.

Applications to Court by natural persons or bodies corporate or duly established group of persons.
6 of 14(I)/2008.

6A. Any natural person or body corporate or duly established group of persons, having a legitimate interest in the cancellation of advertisements, sponsorships or other activities incompatible with the provisions of this Law, may apply to the Court for the issue of a prohibitive or injunction order including an interim order with the purpose of achieving the said cancellation.

7.- (1) Every packet of a tobacco product offered for sale must bear the general and specific warning regarding the harmfulness of smoking prescribed by Regulations.

(2) Subsection (1) shall not apply in relation to-

Indication of warning regarding the harmfulness of smoking.

(a) Packets offered for sale to departing passengers at the duty free shops at ports and airports and bearing warnings and labelling concerning the contents in tar, nicotine and carbon monoxide, in accordance with the provisions of the Regulations made by virtue of this Law;

(b) packets imported by arriving passengers for their personal use and which as such are excluded from customs duty;

(c) packets delivered to privileged persons or authorities or organizations and which as such are excluded from customs duty.

8. – (1) Every manufacturer is obliged to ensure the inscription of the warnings regarding the harmfulness of smoking on every packet of tobacco which shall be prescribed by Regulations.

Obligation of manufacturer to inscribe warnings on every packet.

(2) No person shall be entitled to affix warnings referred to in subsection (1) at a time other than the time or before the time when such tobacco product was packed, by any means, either through printing or the use of tape or otherwise, on any tobacco product which was manufactured or packed in the Republic:

Provided that the general warning on tobacco products, except for cigarettes shall be prescribed and placed in accordance with Regulations made by virtue of this Law.

(3) Any person who contravenes the provisions of subsections (1) and (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand, seven hundred

** P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I) of 2007, as amended)

*See Note at the end of the text.

and eight euros** or to a sentence of imprisonment not exceeding six months or to both such penalties.

(4) Every packet of tobacco which does not bear the indication referred to in subsection (1) or while bearing such an indication this was removed, forged, altered, or replaced in contravention of the provisions of subsection (2), may be confiscated by an authorised officer and the Court trying the case may, by virtue of this subsection, order the confiscation or destruction of the seized packets of tobacco.

9. Any person who-

(a) has under his control or possession an automatic tobacco vending machine of any kind or allows such a machine to be installed or used at a property controlled or possessed by him, or

Prohibition of sale of tobacco by automatic tobacco vending machines.

(b) uses or operates at any place an automatic tobacco vending machine of any kind;

(c) imports or constructs for domestic use an automatic tobacco vending machine,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand, seven hundred and eight euros** or to imprisonment not exceeding six months or to both such penalties and the Court trying the case, may order the confiscation of the machine related to the commission of the offence.

10.- (1) It is prohibited for any person to smoke at a place wherein smoking is prohibited, with the exception of the open outdoor or indoor spaces thereof.

Prohibition of smoking at specific places.

**P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I) of 2007, as amended)

*See Note at the end of the text

** P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I) of 2007, as amended)

3(a) of 89(I)/2009.*

(2) Any person responsible for a place wherein smoking is prohibited, where a contravention of the provisions of subsection (1) is ascertained, shall be considered to be liable for such contravention, unless he proves that he took all reasonably necessary measures to prevent smoking within that place.

(3) Any person who contravenes the provisions of subsections (1) and (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand euros.

11.-(1) It is prohibited for any person to smoke in public use vehicles.

3(b) of 89(I)/2009.*

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand, seven hundred and eight euros** or to imprisonment not exceeding six months or to both such penalties.

Prohibition of smoking in public use vehicles.

Prohibition of smoking in private use vehicles that carry persons below the age of sixteen years.

12. (1) It is prohibited for any person to smoke in a private use vehicle that carry persons below the age of sixteen years.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand, seven hundred and eight euros** or to imprisonment not exceeding six months or to both such penalties.

13. (1) Any person having under his supervision or in his possession any premises wherein smoking is prohibited, shall be obliged to put at a conspicuous spot at such a place, a sign stating in a legible and distinct manner that smoking is prohibited.

Signs at premises wherein smoking is prohibited.
4 of 89(I)/2009.*

(2) Any person who contravenes the provisions of the above subsection shall be guilty of an offence and shall be liable on

*See Note at the end of the text.

** P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I) of 2007, as amended)

conviction to a fine not exceeding one thousand euros.

14.- (1) Without prejudice to the provisions of section 10, every employer shall be obliged after consultations with the employees who may be affected or with the representatives of such employees, to prescribe in writing and to apply a policy in relation to smoking within each workplace, which is based on the principle that the employees who do not smoke or do not wish to smoke in their workplace are protected from smoke within that workplace.

Smoking in workplaces.
5(a) of 89(I)/2009.*

(2) In particular, the policy referred to in subsection (1) must fulfill the following prerequisites:

(a) In every workplace the employer shall provide for the placing or distribution of a copy of the policy applied to smoking in such place and shall supply, upon request, any employee,

(b) candidate for employment or representative of such employee, with a copy of such policy, and

(c) in every workplace the employer shall provide for the placing at conspicuous places of easily legible and distinct signs indicating areas wherein smoking is prohibited or allowed.

5(b) of 89(I)/2009.*

(3) Without prejudice to the provisions of section 10, the provisions of this section shall not obstruct the employer to allow smoking in indoor areas adequately ventilated and wherein solely employees who are smokers are assembled and request in writing smoking to be allowed in such area.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand, seven hundred and eight euros** or to imprisonment not exceeding six months or to both such penalties.

*See Note at the end of the text

** P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33 (I) of 2007, as amended).

15.- (1) The contents of tobacco products in nicotine, tar and other ingredients which are potentially harmful to smokers' health, must not exceed the limits prescribed by Regulations made under this Law.

Specifications of contents of tobacco in harmful ingredients.

(2) Any person manufacturing, packing or importing from abroad tobacco products containing ingredients being incompatible with the specifications prescribed under subsection (1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand, seven hundred and eight euros** or to imprisonment not exceeding six months or to both such penalties and the Court trying the case may order the confiscation or destruction of such product.

15A. The use of texts, names, trade marks and descriptions or other indications on the packaging of tobacco products indicating that a specific tobacco product is less harmful than others shall be prohibited.

3 of 37(I)/2004*.

3 of 37(I)/2004*.

15B. – (1) Every manufacturer of a tobacco product shall, each year, submit a list of all ingredients used for the manufacture of products by brand-name and type as well as the quantities of these ingredients.

(2) The list referred to in subsection (1) shall be accompanied by-

(a) a statement setting out the reasons for the inclusion of such ingredients in the tobacco products mentioning their function and category,

*See Note at the end of the text.

** P.I. 312/2007 issued pursuant to section 9(I) of the Adoption of the Euro Law, 2007 (L.33(I) of 2007, as amended)

(b) toxicological data available to the manufacturer regarding these ingredients in burnt or unburnt form referring to their effects on health and taking into account, inter alia, any addictive effects.

(3) The list referred to in subsection (1) shall be established in descending order of the weight of each ingredient included in the product.

(4) Information provided in accordance with this section shall be disclosed with a view to informing consumers taking into account the protection of information on specific product formulae which constitutes a trade secret.

(5) The list of ingredients for each product indicating tar, nicotine and carbon monoxide (Co) shall be published.

16. -(1) Every authorised officer may enter freely at any reasonable time into any public place or building wherein a tobacco product is packed, packaged or offered for sale, with the purpose of ascertaining the observance of the provisions of this Law and the Regulations made thereunder.

Inspection of buildings in order to ascertain the observance of the provisions of this Law.

(2) Without prejudice to the generality of subsection (1), every authorised officer may take a sample of a tobacco product in order that it be analysed and be ascertained whether it complies with the specifications prescribed in this Law and the Regulations made thereunder.

(3) For the purpose of facilitating the authorised officer in exercising his duties every manufacturer of a tobacco product is bound, at any reasonable time, to produce to the authorised officer the samples requested by him.

17. Any person who obstructs, hinders or harasses, any authorised officer from exercising any duty or power assigned to him pursuant to the provisions of this Law or attempts to do anything from the aforementioned shall be guilty of an offence

Obstructing officers from exercising their

duties.

and shall be liable on conviction to a fine not exceeding one thousand, seven hundred and eight euros** or to a sentence of imprisonment not exceeding six months or to both such penalties.

Commission of an offence by a body corporate.

18. When an offence is committed by a public body corporate in contravention of this Law or of the Regulations made thereunder, every person who at the time of the commission of the offence holds the position of a managing director, director, secretary or appears to act in such capacity, shall be guilty of an offence, unless he proves that the offence was committed without his consent or complicity or negligence and shall be liable to a fine provided for such an offence.

19. – (1) The Council of Ministers may make regulations for the better carrying into effect of the provisions of this Law and, in particular, for regulating or prescribing any matter referred to therein and which may be regulated or prescribed by regulations.

(2) Without prejudice to the generality of the provisions of subsection (1), Regulations made by virtue of this Law may provide for the following matters:

Regulations.

- (a) Prescribing the prohibitive or warning indications regarding the harmfulness of smoking and describing the method of their labelling;
- (b) prescribing the places at which the prohibitive or warning indications regarding the harmfulness of smoking shall be placed;
- (c) prescribing the measurement methods and the contents of tobacco products in tar, nicotine and other ingredients, and
- (d) imposing a fine not exceeding one thousand, seven hundred and eight euros** or imprisonment not exceeding six months

** P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I) of 2007, as amended)

*See Note at the end of the text.

or both such imprisonment and fine, for contravention of the obligations regulated by virtue of Regulations;

(e) prescribing details concerning the context of the list referred to in section 15B.

4 of 37(I)/2004.*
20. Upon the date of the entry into force of this Law* the Protection of Health (Control of Smoking) Laws, 1980 to 1999 shall be repealed.

Repeal of Laws.

51 of 1980
47 of 1984
196 of 1986
38 of 1988
98(I) of 1995
33(I) of 1999.

7 of 14(I) of 2008

ANNEX

(Section 5A)

Indicative list of services not covered by the term "information society services"

1. Services not provided "at a distance"

Services provided in the physical presence of the provider and the recipient, even if they involve the use of electronic devices:

- (a) medical examinations or treatment at a doctor's surgery using electronic equipment where the patient is physically present;
- (b) consultation of an electronic catalogue in a shop with the customer on site;
- (c) plane ticket reservation at a travel agency in the physical presence of the customer by means of a network of computers;

** P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I) of 2007, as amended)

* Note: Law 75(I)/2002 entered into force on the date of its publication, that is, on 14.6.2002.

(d) electronic games made available in a video-arcade where the customer is physically present.

2. Services not provided "by electronic means"

- Services having material content even though provided via electronic devices:

(a) automatic cash or ticket dispensing machines (banknotes, rail tickets);

(b) access to road networks, car parks, etc., charging for use, even if there are electronic devices at the entrance/exit controlling access and/or ensuring correct payment is made.

- Off-line services: distribution of CD roms or software on diskettes.

- Services which are not provided via electronic processing/inventory systems:

(a) voice telephony services;

(b) telefax/telex services;

(c) services provided via voice telephony or fax;

(d) telephone/telefax consultation of a doctor;

(e) telephone/telefax consultation of a lawyer;

(f) telephone/telefax direct marketing.

3. Services not supplied "at the individual request of a recipient of services"

Services provided by transmitting data without individual demand for simultaneous reception by an unlimited number of individual receivers (point to multipoint transmission):

(a) television broadcasting services (including "near-video on-demand services"), covered by point (a) of Article 1 of Directive 89/552/EEC;

(b) radio broadcasting services;

(c) (televised) teletext.

NOTE

The following laws contain provisions which do not constitute part of the principal law and they cannot be included in the consolidated text of the Law as a section thereof. However, in view of the fact that they affect the application of the Law it was considered expedient to include them in this Note.

1. The Health Protection (Control of Smoking) (Amendment) Law, 2004 (L.37(I)/2004) published in the Official Gazette of the Republic, Supplement I (I), dated 19.3.2004, contains the following provision:

“Entry into force of this Law. 5. This Law shall come into force upon its publication in the Official Gazette of the Republic, with the exception of section 4 which shall come into force on 1.5.2004”.

2. The Health Protection (Control of Smoking) (Amendment) Law, 2009 (L.89(I)/2009) published in the Official Gazette of the Republic, Supplement I (I), dated 24.7.2009, contains the following provision:

“Entry into force of this Law. 6. This Law shall come into force on the 1st January, 2010”.