

Tobacco Act

Passed 19 June 2000

(RT¹ I 2000, 59, 379),

entered into force 1 January 2001,

amended by the following Acts:

19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387;

19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375;

17.10.2001 entered into force 01.07.2002 - RT I 2001, 88, 531;

18.04.2001 entered into force 01.07.2001 - RT I 2001, 43, 242.

Chapter 1

General Provisions

§ 1. Scope of application of Act

(1) The Tobacco Act provides the requirements for tobacco products, the sales packaging, handling and consumption thereof, and the supervision over compliance with this Act and liability for violation of this Act, with the primary purpose of ensuring the protection of human health.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 2. Definitions

For the purposes of this Act:

1) “tobacco product” means smoking tobacco, cigarettes, cigars and cigarillos, snuff, chewing tobacco and other tobacco products as defined in the Tobacco Excise Duty Act (RT I 1994, 54, 901; RT I 2001, 51, 296; 87, 528; 88, 531);

(18.04.2001 entered into force 01.07.2001 - RT I 2001, 43, 242)

2) “smokeless tobacco product” means a tobacco product which does not produce smoke when used for its intended purpose;

3) “sales packaging” means sales packaging as defined in the Packaging Act (RT I 1995, 47, 739; 1997, 53, 836; 2002, 53, 336; 61, 375; 63, 387);

4) “handling” means the production, packaging, possessing, storage, distribution, import and export, offer for sale and sale, or delivery of tobacco products in any other manner to a consumer or another handler;

5) “import” means the import of tobacco products into the Estonian customs territory under the customs procedure of release for free circulation as defined in the Customs Code;

(17.10.2001 entered into force 01.07.2002 - RT I 2001, 88, 531)

6) “export” means the exportation of tobacco products from the Estonian customs territory under the export customs procedure as defined in the Customs Code;

(17.10.2001 entered into force 01.07.2002 - RT I 2001, 88, 531)

7) “country of location of producer” means a country where a tobacco product is packaged into the sales packaging.

Chapter 2

Handling of Tobacco Products

§ 3. Requirements for sales packaging

(1) If tobacco products are produced in Estonia or imported into Estonia, except in the case specified in subsection 8 (4) of this Act, the following shall be printed or attached to the sales packaging of the tobacco products being handled:

- 1) a health warning;
- 2) information concerning the tobacco products contained in the sales packaging (the name and quantity of the tobacco products, menthol yield, if any, and in the case of cigarettes, lack of a filter);
- 3) in the case of cigarettes, the nicotine and tar yield;
- 4) the lot number or the date of production which enables identification;
- 5) the name and country of location of the producer, and in the case of tobacco products manufactured on the basis of a licence, additionally the name and seat of the holder of the licence;
- 6) other labelling established by law.

(2) The entries provided for in clauses (1) 1) – 5) of this section shall be printed on the sales packaging of cigarettes.

(18.04.2001 entered into force 01.07.2001 - RT I 2001, 43, 242)

(3) A trade mark which is similar to the trade mark used for foodstuffs and products for children shall not be used on the sales packaging of tobacco products. The labelling and

shape of a packaging shall not mislead the consumer with regard to the contents of the packaging.

(4) Tobacco products the sales packaging of which does not conform to the compulsory requirements are subject to seizure.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

(5) The provisions of subsection (4) of this section do not apply to natural persons who possess, store or distribute tobacco products the sales packaging of which does not conform to the compulsory requirements for their own use in less than significant quantities. Significant quantity is a quantity which exceeds the tax-free quantity established in the Tobacco Excise Duty Act.

(17.10.2001 entered into force 01.07.2002 - RT I 2001, 88, 531)

(6) If a natural person possesses, stores or distributes tobacco products the sales packaging of which does not conform to the compulsory requirements for his or her own use in significant quantities, his or her activity is deemed to be the possessing, storage or distribution of tobacco products the sales packaging of which does not conform to the compulsory requirements, with the aim of distribution thereof.

§ 4. Health warning

(1) The sales packaging of smoking tobacco products shall carry the following health warning in Estonian:

”SUITSETAMINE KAHJUSTAB TERVIST!” [“SMOKING DAMAGES HEALTH!”].

(2) The sales packaging of chewing tobacco products shall carry the following health warning in Estonian:

”TUBAKA PRUUKIMINE PÕHJUSTAB VÄHKTÕBE!” [“USE OF TOBACCO CAUSES CANCER!”].

(3) The text of a health warning shall:

1) cover at least 4 per cent of the front and back surface of the sales packaging of cigarettes, and at least 1 per cent of the total surface of the sales packaging of other tobacco products;

2) be displayed under transparent wrapping upon existence thereof;

3) be clearly visible, legible and on a contrasting background;

4) not be printed in a place where it may be damaged when the package is opened.

§ 5. Tar and nicotine yield of cigarettes

(1) The tar yield of cigarettes is the yield of raw anhydrous nicotine-free condensate of smoke which shall be expressed in Estonian, in milligrams rounded to the nearest whole number, as follows: “*tõrva mg*” [“tar mg”].

(2) The nicotine yield of cigarettes is the yield of nicotinic alkaloids which shall be expressed in Estonian, in milligrams rounded to decimals, as follows: “*nikotiini,... mg*” [“nicotine,... mg”].

(3) The cigarettes handled, except in the case set out in subsection 8 (4) of this Act, shall not yield more tar than 12 mg and more nicotine than 1.2 mg per cigarette.

(4) Information concerning the tar and nicotine yield of cigarettes shall cover at least 4 per cent of the side surface of the sales packaging of cigarettes.

§ 6. Verification of yield of tobacco products

The Minister of Social Affairs shall establish the procedure for measuring tar and nicotine yield of the cigarettes handled and the tariffs, except in the case set out in subsection 8 (4) of this Act.

§ 7. Activity licence for handling tobacco products

(1) The purpose of an activity licence for handling tobacco products (hereinafter activity licence) is to regulate the market of tobacco products and to ensure fair competition and receipt of taxes.

(2) Only undertakings which are entered in the commercial register and which hold activity licences are permitted to engage in the production of, wholesale trade in, and import and export of tobacco products.

(3) The classes of activity licence are:

- 1) activity licence for production of tobacco products;
- 2) activity licence for wholesale trade in tobacco products;
- 3) activity licence for import and export of tobacco products.

(4) The Minister of Economic Affairs shall issue, amend and revoke activity licences.

(5) The issue or amendment of an activity licence shall be decided within thirty days after the submission of a corresponding application. A person who submits an application shall be informed of the decision.

(6) An activity licence shall set out:

- 1) the registration number and date of issue of the activity licence;
- 2) the period of validity of the activity licence;
- 3) the name and postal address of the undertaking which receives the activity licence;

- 4) the registry code of the undertaking;
- 5) the activity permitted by the activity licence pursuant to this Act;
- 6) the addresses of all production buildings and warehouses;
- 7) a reference to the agency which issued the activity licence and the seal of the agency;
- 8) the name and signature of the Minister of Economic Affairs or a minister performing his or her duties.

§ 8. Scope of activity licences

(1) An activity licence specified in clause 7 (3) 1) of this Act additionally grants the right to engage in wholesale trade in and export of the tobacco products produced on the basis of the licence. An activity licence specified in clause 7 (3) 3) of this Act additionally grants the right to engage in wholesale trade in tobacco products imported on the basis of the licence.

(2) An undertaking which holds an activity licence may operate only at the place of business entered on the activity licence. Operation outside the place of business entered on an activity licence is deemed to be operation without an activity licence. This does not apply to a wholesaler who offers for sale or sells tobacco products to the retailer at the place of business of the latter, if the tobacco products supplied for retail trade or sold by the wholesaler are stored at the place of business entered on the activity licence held by the wholesaler.

(3) If an undertaking engages in one type of activity at several places of business, one activity licence which sets out all the places of business shall be issued to the undertaking.

(4) Travellers who are at least 18 years of age may import and export tobacco products without activity licences pursuant to the procedure and in the quantities prescribed in the customs rules.

§ 9. Term of activity licences

Activity licences shall be issued for up to three years.

§ 10. Display of activity licences

A valid activity licence or a copy thereof which is certified by the Ministry of Economic Affairs shall be displayed at places of wholesale trade in tobacco products in a visible place.

§ 11. Issue of activity licences

(1) In order to obtain an activity licence, the following shall be submitted to the issuer thereof:

1) an application which sets out, among other things, the address of each place of business, and the name, official title and details of the person responsible for the given activity;

2) (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

3) the consent of a local Tax Board Office for the issue of the activity licence if the undertaking owes taxes and pays the taxes by instalments, and the undertaking meets the schedule for payment of tax arrears, and if the undertaking does not operate but is registered in the state register of taxpayers and withholding agents;

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

4) upon issue of an activity licence specified in clause 7 (3) 1) of this Act, a certificate issued by a local office of the Rescue Board concerning the conformity of premises used for the production or storage of raw material or finished products to fire safety requirements;

5) upon issue of an activity licence specified in clause 7 (3) 1) of this Act, copies of documents which certify the right to use the premises and equipment used for production;

6) (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

7) upon issue of an activity licence specified in clause 7 (3) 1) of this Act, the designs of the sales packaging of tobacco products to be handled which are in accordance with the requirements of trade mark law;

8) upon issue of activity licences specified in clauses 7 (3) 2) and 3) of this Act, copies of agreements, authorisation documents and other documents which prove the origin of the tobacco products to be handled;

9) upon issue of an activity licence specified in clause 7 (3) 1) of this Act, a certificate issued by the Health Protection Inspectorate concerning the conformity of premises and equipment used for production to health protection requirements;

10) (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) An applicant for the activity licence shall comply with the following requirements:

1) the applicant shall have registration in the commercial register;

2) the applicant shall not have any tax arrears to the Tax Board, except for in the case provided for in clause (1) 3) of this section where the Tax Board has given specific consent thereto;

3) the applicant shall not have any tax arrears to the Customs Board upon issue of an activity licence specified in clauses 7 (3) 1) and 3) of this Act;

4) the applicant shall have paid the state fee.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) The authority issuing the activity licence shall verify the compliance of the applicant for the activity licence with the requirements provided for in subsection (2) of this section.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 12. Refusal to issue activity licence

An activity licence shall not be issued:

1) to a person whose activity licence is revoked on the basis of subsection 15 (2) or (3) of this Act, and it is prohibited to issue a new activity licence of any class within one year after entry into force of the decision to revoke the activity licence;

2) if the applicant for the activity licence does not submit the documents specified in subsection 11 (1) of this Act or if the applicant submits inaccurate information;

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

3) if the applicant does not meet the requirements provided for in subsection 11 (2) of this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 13. Duty to notify issuer of activity licences of change in data

The holder of an activity licence shall give the issuer of the activity licence written notice of a change in the name, official title or details of a person responsible for the activity permitted by the activity licence within ten working days.

§ 14. Amendment of activity licences

(1) An activity licence is subject to amendment on the basis of an application of the holder of the activity licence, upon any amendments to the data entered on the activity licence.

(2) Upon merger or division of a company which holds an activity licence, the rights prescribed on the activity licence transfer to the acquiring company, in the case of merger, and to the company which receives the place of business of the company being divided, in the case of division.

(3) In the cases specified in subsection (1) of this section, the issuer of an activity licence shall issue a new activity licence of the same class and with the same expiry date as the activity licence to be amended, for which no fee shall be charged, and the issuer of the activity licence has the right to demand submission of the relevant documents specified in § 11 of this Act.

(4) The amendment of an activity licence shall be refused if the undertaking which applies for the amendment of an activity licence does not submit to the issuer of the activity licence the documents requested by the latter or submits inaccurate information.

§ 15. Revocation of activity licences

(1) The issuer of activity an licence shall revoke the activity licence if so requested by the holder of the activity licence.

(2) The issuer of activity licences may revoke an activity licence if, in the area of activity permitted by the activity licence, the holder of the activity licence or the employee thereof:

1) fails to comply with the requirements for tobacco products or the sales packaging thereof established by this Act;

2) fails to comply with the provisions of subsection 8 (2) of this Act;

3) fails to comply with the provisions of § 13 of this Act;

4) fails to comply with the provisions of subsection 17 (3) of this Act;

5) fails to comply with Acts regulating taxes;

6) submits inaccurate information to the issuer of activity licences upon application for issue or amendment of the activity licence.

(3) In addition to the cases provided for in subsection (2) of this section, an issuer of activity licences may revoke an activity licence if tobacco products the sales packaging of which does not conform to the requirements or tobacco products marked with counterfeit or falsified revenue stamps are stored at a place of business, regardless of the ownership or quantity of such tobacco products.

(4) A decision concerning revocation of an activity licence shall be made within five working days after receipt of the corresponding application or after other circumstances which constitute the grounds for the revocation of the activity licence become known.

(5) The decision to revoke an activity licence enters into force on the fifth day after the date on which the decision is made.

(6) The decision to revoke an activity licence shall be delivered to the holder of the activity licence by post or electronic means, and the decision shall also be immediately communicated to the Tax Board, Consumer Protection Board, Police Board and Customs Board.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(7) The revocation of an activity licence extends to all places of business entered on the activity licence. Whether a violation which is the basis for revocation of the activity licence is established and documented in relation to the given place of business or not is not relevant.

(8) Upon revocation of an activity licence, the state fee paid for issue of the activity licence shall not be refunded.

§ 16. Retail trade in tobacco products

(1) The retail trade in tobacco products is permitted on the basis of an operating licence (trade licence) which is issued by an executive body of a local government to a place of retail trade which is located at the specified seat and has a notation concerning permission of retail trade in the tobacco products.

(2) A valid trade licence specified in subsection (1) of this section or a copy certified by the issuer thereof shall be displayed in a visible place at the place of sale.

(3) The selling price of tobacco products shall be displayed in a visible place at the place of sale together with a sample of the goods or shall be set out in the menu.

§ 17. Requirements for and restrictions on handling of tobacco products

(1) The sale of tobacco products is prohibited:

1) to natural persons less than 18 years of age (hereinafter minors), whereas the seller is required to demand identification from the buyer if there are doubts concerning the age of the buyer, and to refuse to sell tobacco products if the buyer fails to present such identification;

2) by minors;

3) if the tobacco products do not have the accompanying documents which contain the lot number or date of production thereof and the number of the declaration of goods;

4) from automatic vending machines;

5) in rooms and territories where health care institutions, educational institutions and sports establishments and facilities are located;

6) in the case of cigarettes, in amounts less than the sales packaging which contains twenty cigarettes;

7) by the piece (except cigars), by weight or out of open sales packaging;

8) if buying any other goods is set as a condition for sale.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

(2) It is prohibited to offer tobacco products to minors in whatever manner.

(3) In the case of import or export of tobacco products or wholesale trade in tobacco products on the basis of an activity licence, the tobacco products shall be paid for by way of a non-cash settlement from the bank account of the buyer to the bank account of the seller.

- (4) The handling of smokeless tobacco products, except chewing tobacco, is prohibited.
- (5) The premises and equipment used for the production of tobacco products shall be in the sole use of the producer of the tobacco products.
- (6) It is prohibited to import tobacco products if the initial transparent wrapping of the producer is removed from the sales packaging of the tobacco products or is spoiled.
- (7) Tobacco products may be accepted for sale only from undertakings which hold valid activity licences.
- (8) A declaration of goods prepared concerning the import or export of tobacco products shall, in addition to other requirements provided for in legislation, set out the lot number or the date of production of the tobacco products, and the name of the tobacco products.

Chapter 3

Requirements for Smoking Areas

§ 18. Restrictions on smoking

(1) Smoking is prohibited in:

- 1) health care institutions and their designated territories;
- 2) educational institutions and children's social welfare institutions and their designated territories;
- 3) state and local government agencies;
- 4) cultural establishments and facilities;
- 5) sports establishments and facilities;
- 6) commercial, manufacturing and service enterprises, except mass caterers and accommodation establishments;
- 7) tunnels, passenger waiting rooms and public transport vehicles which carry passengers;
- 8) corridors and stairwells which are in common use in apartment buildings;
- 9) rooms which are in common use of the tenants in a dwelling at the request of the owner.

(2) In the places specified in subsection (1) of this section, the owner, possessor or employer shall separate a special marked room or area for smoking where necessary and possible.

(3) Minors shall not consume tobacco products.

(4) Regulation of smoking in mass caterers and accommodation establishments shall be based on the following requirements:

1) visible and clear information concerning where smoking is permitted or prohibited shall be displayed to the public in businesses with one room where services are provided to the public;

2) upon permitting smoking, some rooms shall be separated and marked for smokers, and smoking in other rooms shall be prohibited in businesses with two or more rooms where services are provided to the public.

§ 19. Requirements for separate smoking rooms and areas

(1) Smoking rooms shall be negatively pressurised. The air outflow in a room shall be at least 8.4 l/s per square metre. If a room is not used, the air outflow may be reduced to 25 per cent of normal air renewal.

(2) The air outflow ventilation system of a smoking room shall be separate and continuous or connected to other continuously operating air outflow systems by a separate duct.

(3) Smoking areas may be separated in indoor premises which have ventilation systems. The ventilation system of an area shall ensure the flow of air from the non-smoking area to the marked smoking area and therefrom directly to the outside environment.

Chapter 4

Supervision

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 20. Authorities exercising supervision

The following exercise supervision over compliance with the requirements of this Act:

1) police officers (except security police officers), officials of the health care authority and the Labour Inspectorate, over compliance with the restrictions on smoking and the requirements for smoking rooms and areas;

2) officials of the consumer protection authority, police officers (except security police officers), taxation officials and officials authorised by local government councils, over market supervision;

3) customs officials, over compliance of sales packaging to the requirements provided for in §§ 3-5 of this Act upon import of tobacco products.

§ 21. Competence of officials exercising supervision

Officials exercising supervision have the right to:

1) monitor compliance with the requirements of this Act without hindrances and without giving prior notice;

2) enter the territory, buildings, structures and premises of handlers of tobacco products, and open the means of transport thereof;

3) demand immediate presentation of documents concerning the handling of tobacco products, verify the documents on site, receive transcripts or extracts of the documents, and confiscate documents relevant to the just adjudication of the matter on the basis of a report on seizure;

4) take samples of tobacco products for laboratory analysis without charge;

5) seal the storage facilities of or means of transporting tobacco products and to seize tobacco products in the event of a violation of this Act;

6) conduct proceedings in criminal matters or matters concerning misdemeanours in connection with failure to comply with this Act, pursuant to the procedure provided by law;

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

7) make a proposal concerning revocation of the document which grants the right to handle tobacco products.

Chapter 4¹

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Liability

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 21¹. Smoking in prohibited areas

Smoking in an area where smoking is prohibited pursuant to law is punishable by a fine of up to 10 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 21². Violation of requirements set for smoking areas and failure to comply with restrictions for smoking

(1) Violation of requirements set for smoking areas and failure to comply with restrictions for smoking is punishable by a fine of up to 50 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 21³. Purchase or consumption of tobacco products by persons under 18 years of age

Purchase or consumption of tobacco products by a person under 18 years of age is punishable by a fine of up to 10 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 21⁴. Purchase or sale of tobacco products to persons under 18 years of age

(1) Purchase or sale of tobacco products to a person under 18 years of age is punishable by a fine of up to 100 fine units.

(2) Sale of tobacco products to a person under 18 years of age by a legal person is punishable by a fine of up to 20 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 21⁵. Permitting persons under 18 years of age to trade in tobacco products

(1) Permitting a person under 18 years of age to trade in tobacco products is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 21⁶. Unlawful handling of tobacco products

(1) Storage, warehousing, or delivery with the aim of distribution of tobacco products not marked with a revenue stamp or packaged in a sales packaging not in compliance with other requirements, and trade in such tobacco products is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 21⁷. Trading in cigarettes at price higher than prescribed

(1) Trade in cigarettes at a price which is higher than the price printed on the revenue stamp attached to the sales packaging of the cigarettes, is punishable by a fine of up to between 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 40 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 21⁸. Violation of requirements for handling tobacco products

(1) Failure to comply with the requirements for handling tobacco products not provided for in § 21¹–21⁷ of this Act for the keeping of documents is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 21⁹. Procedure

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 44, 284; 56, 350) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313) apply to the misdemeanours provided for in §§ 21¹–21⁸ of this Act.

(2) A police prefecture or Customs Board shall confiscate the thing which was the direct object of commission of a misdemeanour provided for in §-s 21⁶.

(3) The following extra-judicial bodies shall conduct proceedings in the matters of the misdemeanours provided for in § 21¹ of this Act:

1) the Labour Inspectorate;

2) the Health Protection Inspectorate.

(4) The Customs Board shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in § 21⁶ of this Act.

(5) The following extra-judicial bodies conduct proceedings in matters of misdemeanours provided for in §§ 21¹–21⁸ of this Act:

1) police prefectures;

2) rural municipality or city governments.

(6) The Consumer Protection Board shall conduct extra-judicial proceedings in matters of misdemeanours provided for in §§ 21² and 21⁴–21⁸ of this Act:

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 21¹⁰. Accrual of fines

The amount paid for a warning or fine imposed by a rural municipality or city government acting as an extra-judicial body for a misdemeanour provided for in §§ 21¹–21⁸ of this Act shall be transferred to the budgetary funds of such rural municipality or city government.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 22. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 23. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 24. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 25. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Chapter 5

Implementing Provisions

§ 26. Amendments to Consumer Protection Act

The Consumer Protection Act (RT I 1994, 2, 13; 1999, 35, 450; 102, 907; 2000, 40, 252; 59, 379; 2001, 50, 283; 289; 56, 332; 2002, 13, 81; 18, 97; 35, 214; 53, 336; 61, 375; 63, 387) is amended and worded as follows:

1) the words “rules for the import and export, production and sale of tobacco and tobacco products,” are omitted from subsection 11 (3);

2) in subsection 12 (4), the words “in clauses 15 1) and 2)” are substituted by the words “in clauses 15 (1) 1) and 2)”;

3) the words “and in § 17¹ of this Act” are omitted from clause 17 (1) 2);

4) the words “, except for cases provided for in § 17¹ of this Act,” are omitted from subsections 17 (2), (3) and (4);

5) section 17¹ is repealed;

6) the words “and in § 17¹” are omitted from subsection 18 (2);

7) subsection 18 (3) is repealed;

8) section 18¹ is repealed.

§ 27. Amendments to Tobacco Excise Duty Act

The Tobacco Excise Duty Act (RT I 1994, 54, 901; RT I 2001, 51, 296; 87, 528; 88, 531) is amended as follows:

1) subsection 1 (3) is repealed;

2) the third sentence of subsection 5 (1) is amended and worded as follows:

“Undertakings which hold activity licences for the production of tobacco products or activity licences for the import and export of tobacco products have the right to purchase revenue stamps.”;

3) in subsection 5 (2), the words “enterprises which have an activity licence” are substituted by the words “undertakings which hold activity licences”;

4) clause 6 of the Annex to the Act is repealed.

§ 28. Amendments to State Fees Act

The State Fees Act (RT I 1997, 80, 1344; 2001, 55, 331; 56, 332; 64, 367; 65, 377; 85, 512; 88, 531; 91, 543; 93, 565; 2002, 1, 1; 9, 45; 13, 78; 79; 81; 18, 97; 23, 131; 24, 135; 27, 151; 153; 30, 178; 35, 214; 44, 281; 47, 297; 51, 316; 57, 358; 58, 361; 61, 375; 62, 377) is amended as follows:

1) the words “tobacco products and” are omitted from subsection 183 (2);

2) the words “for the production and distribution of and wholesale trade in tobacco products, and” are omitted from subsection 183 (3);

3) subsection (3¹⁵) is added to § 183 worded as follows:

”(3¹⁵) A state fee shall be paid for the issue of an activity licence for the handling of tobacco products in the following amounts:

1) in the case of an activity licence for the production of tobacco products, 20 000 kroons per one year;

2) in the case of an activity licence for the wholesale trade in tobacco products, 20 000 kroons per one year;

3) in the case of an activity licence for the import and export of tobacco products, 20 000 kroons per one year.”

§ 29. Entry into force of Act

(1) This Act enters into force on 1 January 2001.

(2) Subsection 4 (2) of this Act enters into force one year after the date of entry into force of this Act.

(3) Subsection 5 (3) of this Act enters into force two years after the date of entry into force of this Act.

(4) Subsections 19 (1) and (2) of this Act enter into force three years and subsection 19 (3) of this Act enters into force one year after the date of entry into force of this Act.

(5) Activity licences which were issued prior to the entry into force of this Act pursuant to the procedure established by the Government of the Republic for the production, import, or export of tobacco products or for wholesale trade in tobacco products and which expire on or before 1 April 2001 are valid until the due date specified therein.

(6) Activity licences which were issued prior to the entry into force of this Act pursuant to the procedure established by the Government of the Republic for the production, import, or export of tobacco products or for wholesale trade in tobacco products and which are not specified in subsection (5) of this section are valid until 1 April 2001. Instead of such activity licence, the Minister of Economic Affairs shall, until 1 April 2001, issue to the holder of the activity licence an activity licence of the corresponding class and with the same expiry date, for which no fee shall be charged, if the undertaking submits the relevant documents specified in § 11 of this Act.

¹ RT = *Riigi Teataja* = *State Gazette*