

New Tobacco Legislation in Slovenia

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On 11 March 2017, the ***new Restriction on the Use of Tobacco and Related Products Act ("ZOUTPI")*** came into force in Slovenia, introducing some important changes with regards to the sale of tobacco and related product in Slovenia. The new legislation was adopted in order to implement the **Directive 2014/40/EU** into Slovenian legislation and mostly with the objective to prevent young people from starting or continuing to smoke as well as to reduce the number of diseases and deaths caused by smoking and to implement an efficient system of control.

This article describes some of the more important changes introduced with the new legislation. Due to the fact that some of the changes require the manufacturers to change their products and/or their packaging, the ZOUTPI provides for transitional periods before certain novelties will apply. These are also indicated herein.

As an important change to previous legislation in Slovenia the new one prohibits the sale of tobacco products that include **flavourings** in any component (filters, paper, wraps or capsules), or that have technical characteristics that enable the change of smell or taste of the tobacco product. This provision applies to cigarettes and rolling tobacco. "Specific aroma" as defined in the ZOUTPI, includes the aroma of fruit, spices, herbs, alcohol, candy, mint and vanilla. Tobacco products which have a specific aroma and for which the volume of sale is 3 percent or more in an individual category of products in the EU will be subject to this provision from a later date than other products to which this provision applies, namely **as of 20 May 2020**.

Requirements regarding **health warning** presentation, size and placement have been changed, mostly requiring the warnings to cover a bigger part of the packaging. Each packet and outer packaging of tobacco products for smoking needs to include a general, an informative and a combined health warning. The new legislation now also regulates electronic cigarettes and provides for health warning requirements on their packaging as well. The requirement for health warnings to be displayed at the top corner of the packet and the outer package and facing the same direction as all other data, indicated on the cover of the packaging, will apply **as of 20 May 2019**. Until that date, cardboard packages should contain a health warning on the back, directly underneath the tax band, whereas the soft material packets are approved to have a rectangular surface, intended for a tax band whose height shall not exceed 13 mm between the upper edge of the packet and the upper edge of the composite health warnings.

New restrictions or requirements apply regarding the **size of packs**, namely a package of cigarettes needs to include at least 20 cigarettes and the packaging of the tobacco for rolling needs to include a least 30g of tobacco. *ZOUTPI provides for a cuboid shaped packaging made of cart board or soft material, which can only be opened in a way that it cannot be sealed again, apart from the cap. There are **prescribed colours** to the packaging and specific locations of the trademark (can only be posted once).* ZOUPTI envisages that a regulation will be adopted which shall prescribe the colour of the packaging to ensure a unified look of the packaging. Such regulation has not yet been adopted at the time of writing of this article. Provisions of the new legislation which provide for the colour and the tone used for the packaging of tobacco product and individual cigarettes, and provisions on the rules for indication of trademark, name and type of tobacco products, data on the manufacturer, number of cigarettes or amount of rolling tobacco, bar code, other identification mark or safety element on the packaging shall apply **as of 1 January 2020**.

New provisions on **traceability and safety elements** have been added which shall apply to cigarettes and rolling tobacco as of 20 May 2019 and to other tobacco products as of 20 May 2024.

The new ZOUTPI expressly requires mandatory **notification of new tobacco products** to the Health Protection Institute of the Republic of Slovenia prior to its placement on the market. Additionally, manufacturers and/or importers are to report the changes to the ingredients of the product if they influence the information which was

reported before a new product was launched. Both is to be done prior to placing the new or changed product on the market and applies also to electronic cigarettes and fillers to refill them (for the last two, reporting should be done 6 months in advance).

Mandatory licences are a new requirement provided for by the new legislation, namely a license is required **for the sale of tobacco, tobacco products and related products**. A retail license is issued for a specific business premise by the ministry and is issued for 5 years (it can be extended for 5 years at a time).

A new prohibition has been added with the new legislation, namely the new ZOUTPI **prohibits the sale of tobacco products via the internet, telecommunications and evolving technology**, as well as the sale **through cross-border distance selling** and **from movable trade outlets** (kiosks, which are set up in accordance with the provisions of the local community, do not count as movable outlets).