

No. 693/1976

TOBACCO ACT

(This Amended Act enters into force on 1 October 2010)

CHAPTER 1 – General provisions

Section 1 (20.8.2010/698)

This Act prescribes measures to prevent people from taking up the use of tobacco products, to promote quitting their use and to protect the population against exposure to tobacco smoke.

The aim of the Act is to end the use of tobacco products containing compounds that are toxic to humans and create addiction.

CHAPTER 2 – Scope of application

Section 2 (23.10.1992/953)

For the purposes of this Act,

1) *tobacco* means a stimulant manufactured from or containing leaves, stalks or stems of tobacco plants (*nicotiana*);

2) *substitute tobacco* means stimulants which correspond to tobacco in their intended use but do not contain tobacco;

3) *tobacco product* means products made wholly or partly of tobacco and intended for smoking, sniffing, sucking or chewing, whether genetically modified or not; (14.6.2002/498)

3a) *tobacco for oral use* means all products for oral use, except for those intended for smoking or chewing, made wholly or partly of tobacco, in powder or 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; (14.6.2002/498)

3 b) *a cigarette* means a roll of tobacco, ready wrapped in paper or made of some other material, placed or intended to be placed in a tube-shaped wrap designed for smoking, which cannot be regarded as a cigar or a cigarillo; (19.12.2008/984)

3 c) *a cigar* means a roll of tobacco made of natural tobacco with its outermost wrap or binder leaf made of tobacco leaf or of otherwise reconstructed tobacco-coloured tobacco; (19.12.2008/984)

3 d) *a cigarillo* means a cigar that weighs no more than three grams; (19.12.2008/984)

4) *smoking accessory* means equipment or supplies intended for smoking or mainly for the preparation thereof, such as cigarette paper or other wrapping, cigarette rolling machines, mouthpieces, filters, pipes and pipe cleaners, in accordance with further regulations laid down by the Ministry of Social Affairs and Health; (19.12.2008/984)

5) *tobacco imitation* means products which in their form closely resemble tobacco products or smoking accessories but which do not contain tobacco or a substitute thereof; (9.4.1999/487)

- 6) *tobacco smoking* means smoking or other use of tobacco products as a stimulant;
- 7) *tar* means the raw anhydrous nicotine-free condensate of tobacco smoke; (14.6.2002/498)
- 8) *nicotine* means nicotine alkaloids; (21.7.2006/700);
- 9) *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; (21.7.2006/700)
- 10) *indoor premises* means closed indoor premises with ceiling, floor and walls, or premises of which it is possible to construct closed premises by installing an additional level and which are intended for housing, staying, as waiting space or for working; (21.7.2006/700)
- 11) *work premises* means indoor or outdoor premises where people work; (21.7.2006/700)
- 12) *smoking area* means a separate room placed on indoor premises that has been approved by the building inspection authority; (21.7.2006/700)
- 13) *smoke-free area* means indoor premises or part thereof where smoking is prohibited; (21.7.2006/700)
- 14) *joint premises of the workplace* means facilities for rest and eating meals, sanitary premises as well as other premises intended for the staff or being in their joint use, corridors, halls and staircases as well as indoor premises intended for convening together; (21.7.2006/700)
- 15) *public premises of the workplace* means indoor premises to which the public has unrestricted access; (21.7.2006/700)
- 16) *premises intended for clients or customers of the workplace* means indoor premises reserved for clients or customers or being at their disposal; (20.8.2010/698)
- 17) *public event* means a public meeting or public event referred to in the Assembly Act (530/1999); and (20.8.2010/698)
- 18) *tobacco sponsoring* means any form of public or private support to an event, activity or individual with the aim or direct or indirect effect to promote the sales of a tobacco product. (20.8.2010/698)

Section 3

In addition to what is provided in this Act,

- 1) what is separately provided concerning the sale of tobacco products, smoking accessories and tobacco imitations shall be observed;
- 2) what is provided concerning consumer protection against the sale of inferior products and financial loss resulting therefrom shall apply to substitute tobacco, tobacco products, smoking accessories and tobacco imitations; and (9.4.1999/487)
- 3) what is separately provided concerning the prohibition or restriction of smoking by reason of fire safety, foodstuff hygiene or other corresponding reason shall be observed.

Section 4 (17.1.1991/106)

This Act is not applicable to tobacco substitutes that are considered pharmaceuticals or toxicants.

CHAPTER 3 – Composition and quality control (23.10.1992/953)

Section 5 (14.6.2002/498)

It can be prescribed by Government decree which substances dangerous or harmful to health tobacco products or smoking accessories may not contain and which may not originate when tobacco products are smoked.

The burning qualities of cigarettes must meet adequate fire safety requirements regarding self-extinguishability. Further provisions on fire safety requirements are issued by decree of the Ministry of Social Affairs and Health. (19.12.2008/984)

The maximum permissible yields of dangerous or harmful substances other than those referred to in paragraph 1 contained in tobacco products or originating when they are smoked are prescribed by decree of the Ministry of Social Affairs and Health as required by the implementation of the acts of the European Community.

Section 6 (19.12.2008/984)

Manufacturers or importers of tobacco products and smoking accessories are responsible for assaying the yields of substances referred to in section 5 contained in tobacco products intended for commercial sales or other supply, for verification of fire safety requirements, for controlling the accuracy of labelling and for quality control relating to these.

Manufacturers or importers of cigarettes must make sure that the tar, nicotine and carbon monoxide yields produced during smoking of a cigarette have been measured and that the accuracy of the tar and nicotine indications on packets and also the realisation of the fire safety requirements have been verified before the product in question is released for retail sale. Further provisions on the methods used for testing, verifying and authenticating are laid down by decree of the Ministry of Social Affairs and Health.

Section 6 a (20.8. 2010/698)

A testing laboratory that carries out testing, verification or authentication referred to in section 6 (2) must be approved and supervised by the National Supervisory Authority for Welfare and Health. The National Supervisory Authority keeps a list of approved laboratories.

An application for the approval of a testing laboratory shall be submitted to the National Supervisory Authority for Welfare and Health. The National Supervisory Authority approves a laboratory if the laboratory presents, attached to its application, a certificate that the Centre for Metrology and Accreditation has ascertained that the laboratory fulfils the international requirements for the competence of testing laboratories and that the measurement methods referred to in section 6 (2), are covered by its area of competence.

Only an authority may be approved as a testing laboratory. A testing laboratory operating in connection with the importer or manufacturer of tobacco products may, however, be approved to carry out testing or verification of its own products. Authentication of fire safety requirements may also be carried out by another accredited research laboratory.

A testing laboratory is considered approved without a separate decision if the manufacturer or importer of tobacco products submits to the National Supervisory Authority for Welfare and Health a certificate indicating that the competent authority of another Member State has approved the testing laboratory and notifies the National Supervisory Authority of the grounds on which the laboratory and the measurement methods used have been approved.

Section 6 b (20.8.2010/698)

The National Supervisory Authority for Welfare and Health is authorised to interrupt the operations of a laboratory for a fixed period or withdraw the approval of the laboratory, if

1) the Centre for Metrology and Accreditation assesses that the testing laboratory does not fulfil the requirements set for its competence or the accuracy of its measurement methods; or

2) the National Supervisory Authority has obtained reliable information from the authority of another Member State or some other body that the testing laboratory or its measurement methods do not meet the requirements set for the approval or competence of testing laboratories or that the results of the tests reported by the laboratory cannot be considered reliable.

The National Supervisory Authority for Welfare and Health is also authorised to interrupt the operation of a laboratory for a fixed period if it has reasonable cause to suspect, in regard to a matter essential to the operations, the correctness of the information concerning the testing laboratory or the appropriateness of its operations, and if the requests or warnings issued to the laboratory have not led to remedying the deficiencies.

A testing laboratory shall inform the National Supervisory Authority for Welfare and Health of any changes in the conditions for its approval,

Further provisions on testing laboratories and their approval, the accreditation procedure required for their approval, carrying out the monitoring and the notifications to be made to the National Supervisory Authority for Welfare and Health are laid down by decree of the Ministry of Social Affairs and Health. Provisions on notifications regarding testing laboratories to be made to the European Commission may also be laid down by decree of the Ministry.

Section 6 c (19.12.2008/984)

Manufacturers or importers of tobacco products must submit once a year to the National Supervisory Authority for Welfare and Health:

1) a list with information on the tar, nicotine and carbon monoxide yields produced when smoking commercially sold cigarettes as well as information about the testing laboratory that has carried out the tests and the verification;

2) a list of ingredients, specific to the brand and type, of all the ingredients used in the manufacture of each tobacco product and of their quantities; and

3) research descriptions and statements by an approved testing laboratory or research institute indicating brand-specific implementation of fire safety requirements and information on the testing laboratory or research institute.

Further provisions are laid down by decree of the Ministry of Social Affairs and Health on the structure of the lists referred to in paragraph 1(1) and (2), on the reports concerning the ingredients, toxicological and other information attached to the lists, and on the delivery of the lists to the National Supervisory Authority for Welfare and Health and to the European Commission. In addition, further provisions are laid down by decree of the Ministry of Social Affairs and Health regarding delivery of information referred to in paragraph 1(3) to the National Supervisory Authority.

The National Supervisory Authority for Welfare and Health is responsible for communicating any information referred to in paragraph 1(1) and (2) to consumers.

CHAPTER 4 – Import, possession, sales and other supplying of tobacco products, and advertising (20.8.2010/698)

Section 7 (20.8.2010/698)

Tobacco products may only be sold or otherwise supplied commercially in unit packets in accordance with this section and section 7 a (1) and (2). Loose tobacco may only be sold in packets containing no more than 30 grams. Cigarettes may only be sold in packets with a minimum of 20 cigarettes and cigarillos in packets with a minimum of 10 cigarillos. However, cigars may be sold individually. Individually sold cigars must be provided with appropriate labelling.

Except for cigars, tobacco products may not be sold in unit packets containing smaller packets or that can be divided into smaller packets.

Manufacturers or importers of tobacco products must, prior to commercial sale or other supply of tobacco products, label the unit packets in Finnish and Swedish as follows:

- 1) warnings of health hazards due to tobacco;
- 2) information in Finnish and Swedish on the tar, nicotine and carbon monoxide yields produced when smoking a cigarette; and
- 3) information necessary to identify and trace the product.

Provisions on the area, position, text and illustration, rotation, framing and other definition of the markings referred to in paragraphs 1 and 3 may be laid down by decree of the Ministry of Social Affairs and Health.

What is separately provided concerning labelling regarding excise taxation shall apply to unit packet markings.

The provision of paragraph 3 of this section concerning the use of Finnish and Swedish in the labelling does not apply to tobacco products or smoking accessories which are exported, nor to the sale of tobacco products or smoking accessories on board a vessel or aircraft in commercial international traffic or their sale in a tax-free shop on board such a vessel or at an airport.

Section 7 a (19.12.2008/984)

Any expressions, terms, trade marks and illustrated or other signs suggesting that a said tobacco product is less harmful than others must not be used on packaging of tobacco products. However, this shall not apply to packaging of tobacco products exported outside the European Community.

It may not be claimed on the unit packets of tobacco products that the product is fireproof, or otherwise create an impression that it is not dangerous or that it is safer than other comparable products.

What is provided in paragraphs 1 and 2 regarding packets of tobacco products also applies to the display of products at places of sale and to the product information referred to in section 8 (3).

Section 7 b (12.6.2009/412)

The maximum amounts of tobacco products whose labelling differs from that laid down in section 7 (3) that may be imported to Finland for own use are 200 cigarettes, 50 cigars, 100 cigarillos and 250 grams pipe or cigarette tobacco.

Section 8 (20.8.2010/698)

Advertising, whether direct or indirect, of tobacco products is prohibited. The sales promotion of tobacco products through the advertising of other commodities by exploiting the established symbol of a tobacco product or an altered but identifiable version thereof, or which otherwise creates an impression of a particular tobacco product, is specifically considered to constitute indirect advertising of tobacco products. What is provided above concerning tobacco products shall also apply to tobacco, substitute tobacco, tobacco imitations and smoking accessories. What is provided above concerning advertising shall also apply to tobacco sponsoring and other sales promotion activity.

However, the provisions in paragraph 1 shall not apply to advertising in publications which are printed and published outside the European Union and which are not primarily directed at the markets in the European Union and whose main purpose is not to advertise tobacco, tobacco products, substitute tobacco, tobacco imitations or smoking accessories.

The provisions of paragraph 1 notwithstanding, an importer or a manufacturer of tobacco, tobacco products, substitute tobacco, tobacco imitations or smoking accessories may, in its marketing activity, provide parties engaged in the sale of the said products with information on price, composition, properties and manufacture and with other corresponding product information. Further provisions concerning the content of product information may be laid down by Government decree.

Section 8 a (20.8.2010/698)

Display of tobacco products and their trademarks in retail sale facilities for tobacco products is forbidden.

What is provided in paragraph 1 does not apply to a sales point mainly selling tobacco products and smoking accessories that is provided with a separate entrance and whose tobacco products cannot be seen by the public from outside the sales point.

What is provided in paragraph 1 does not apply to the sales of tobacco products on board a vessel used in international maritime traffic.

The retailer of tobacco products may show purchasers of tobacco products at their request a printed catalogue presenting packets of the tobacco products on sale in the retail sale facilities. At the purchaser's request the retailer may also supply to the purchaser a printed list of the tobacco products and their prices. Further provisions on the content and layout of the catalogue and list are laid down by decree of the Ministry of Social Affairs and Health.

Section 9 (20.8.2010/698)

Associating tobacco, tobacco products, substitute tobacco, tobacco imitations or smoking accessories with the sale or assignment of other products or provision of services is prohibited.

Section 10 (20.8.2010/698)

Tobacco products may not be sold or otherwise assigned to persons under the age of eighteen.

A person selling tobacco products must be aged at least eighteen years. However, a person younger than that may sell tobacco products if the sale takes place under the supervision of a person aged over eighteen.

Tobacco products may not be commercially sold or otherwise assigned to persons under the age of eighteen.

A business entrepreneur selling tobacco products or smoking accessories shall at his or her own expense draw up and implement a plan for own control for compliance with the prohibitions laid down in paragraphs 1 and 3. Further provisions on the drawing up of a self-monitoring plan, and provisions on its content and implementation are laid down by decree of the Ministry of Social Affairs and Health.

Section 10 a (20.8.2010/698)

Tobacco for oral use may not be imported, sold or otherwise assigned. The ban on import also applies to acquiring or receipt of tobacco for oral use by mail or by comparable means from countries outside Finland. Private persons may however import for their personal use a maximum of 30 boxes tobacco for oral use in their baggage, provided that a box contains at most 50 grams of that tobacco.

The ban on import referred to in paragraph 1 does not apply to products kept in specific sales facilities or stores on board vessels in international water or air traffic.

It is forbidden to sell tobacco products from automatic vending machines.

Tobacco products may not be sold at a customs auction or in facilities referred to in section 12, paragraph 1 (1) and (2).

Section 10 b (19.12.2008/984)

Tobacco products may only be sold or otherwise supplied on the basis of a retail licence granted by the local authority where the product is sold. It must be possible for the seller of tobacco products to continuously supervise the purchase situations. A retail licence can be granted for a fixed period if the operation is meant to continue for a fixed period. A fixed-term licence can be granted for a maximum of one year.

The local authority may grant, on application in writing, a retail licence, specific to the place of sales, for commercial sale of tobacco products if the applicant has presented an acceptable self-monitoring plan for the sale of tobacco products and a report complying with the provisions on the siting of tobacco products and tobacco accessories at the point of sales and proves to be able to be responsible for the adequacy of the monitoring arrangements. Licence for the sale of tobacco products on a means of transport is granted by the licence applicant's municipality of residence.

The application for a sales licence must include the following information:

- 1) the applicant's name or organisation's business name and contact details, business identity code and address of place of sale of tobacco products;
- 2) a report on monitoring arrangements for sales and a self-monitoring plan;
- 3) a report on the number and location of the points of sale within the sales premises; and
- 4) a report on the siting of tobacco products and smoking accessories at the points of sale.

The retail licence must be kept on display to customers at the point of sales.

A holder of a retail licence must inform the local authority of any changes to the information in the licence application and of termination of sales. The local authority must inform the National Product Control Agency for Welfare and Health of granting and cancelling of a licence, violations of the rules of sale and termination of sales.

Further provisions on the content of the licence application and its display at the point of sales may be laid down by decree of the Ministry of Social Affairs and Health.

Section 10 c (19.12.2008/984)

The National Supervisory Authority for Welfare and Health and local authorities keep a retail sale licence register for the processing, supervision and statistics regarding the licence matters referred to in this Act of the establishments that have been granted a licence referred to in this Act or that have applied for such a licence. The National Supervisory Authority is responsible for taking care that the data system of the licence register functions appropriately.

Information that has to be registered includes:

- 1) name and business name, contact details, personal or business identity code and the address of the place of sale of tobacco products;
- 2) licence number, information on the operations and self-monitoring conducted based on the licence granted in virtue of this Act, and on violation of provisions, regulations and prohibitions issued on the basis of this Act and provisions issued in virtue of it and of any consequences for such violations, as well as information on any inspections carried out by supervisory authorities and their outcomes; and
- 3) other information necessary for the processing, supervision and statistics regarding licence matters that is not regarded as sensitive information in accordance with section 11 of the Personal Data Act (523/1999).

If the establishment referred to in paragraph 2 is a natural person, the provisions of the Personal Data Act apply to the right to check the information and to rectify errors as laid down in the Personal Data Act. Deviating from what is provided in section 16 (3) in the Act on the Openness of Government Activities (621/1999), the name of the licence holder, the licence number and the address and contact details meant for general use can be made public as such in the register. The information on the establishment is kept in the register for five years after termination of the sales or cancelling of the retail licence.

Section 10 d (19.12.2008/984)

Without a retail licence tobacco products may only be sold in wholesale to another wholesale shop for resale or to holders of a retail licence in accordance with section 10 b.

Section 11 (20.8.2010/698)

Tobacco products may not be imported or possessed by persons under the age of eighteen.

CHAPTER 5 – Protecting the population from health harms caused by ambient tobacco smoke (19.8.1994/765)

Section 11 a (21.7.2006/700)

Ambient tobacco smoke is a carcinogen. The provisions laid down in this Act and in occupational safety and health legislation are applied in regard to protecting from it at work.

Section 12 (20.8.2010/698)

Smoking is prohibited

- 1) on the indoor premises of family day care homes when family day care is provided there, on the indoor and outdoor premises of day-care centres, and on the indoor premises and outdoor areas of institutions providing care for persons under the age of eighteen in virtue of the Child Welfare Act (417/2007) or the Mental Health Act (1116/1990);
- 2) on the indoor premises of educational institutions providing basic, vocational or upper secondary education and in their student dormitories, as well as in the outdoor areas in their use;
- 3) on the indoor premises of government agencies and authorities and comparable public bodies intended for the public and clients;
- 4) at public events arranged indoors;
- 5) on the joint and public indoor premises of workplaces and on their indoor premises intended for clients and customers, unless otherwise provided below;
- 6) inside public means of transport;
- 7) on the joint and public indoor premises of apartment house companies or residential real estates of other housing communities; and
- 8) in shelters and spectators' halls at public events arranged outdoors, and on other premises intended for following the event where the participants stay on places assigned for them.

If an establishment allows smoking in the restaurant's outdoor serving area or elsewhere in an outdoor area in the establishment's possession, the establishment shall see to it that tobacco smoke does not spread through an open window, door or other opening or ventilation to the indoor premises of the restaurant.

Apartment house companies or other housing communities may forbid smoking in the joint outdoor areas close to the building's air conditioning openings, in children's playground and on joint balconies.

Section 13 (20.8.2010/698)

The proprietors of indoor premises or public means of transport referred to in section 12, paragraph 1 (3) to (6) and the organisers of public events may, however, allow smoking in a room intended for this purpose or in part of the facilities or space as long as no tobacco smoke can enter those indoor premises where smoking is prohibited. A separate room or other space for smoking shall not, however, be located in conjunction with indoor premises primarily used by persons under the age of eighteen.

Smoking may also be allowed in at most one out of ten rooms for accommodation of customers in hotels and corresponding establishments. Irrespective of the number of rooms, smoking can however be allowed in three rooms for accommodation. In that case it has to be seen to it that employees are not exposed to tobacco smoke when working in these rooms.

In addition, smoking can be allowed in restaurants on board a vessel used in international maritime traffic and in other restaurants whose serving area is not larger than 50 m². On premises with a larger serving area, an area of maximum 50 per cent may be reserved for smokers. In that case it has to be seen to it, however, that tobacco smoke does not spread to the area where smoking is prohibited. The restaurant facilities in a hotel and restaurant complex that are open at the same time are regarded as one and the same restaurant. By serving area is meant an area reserved for eating the food or drinking the drinks served there.

Following negotiation with employees or their representative, employers are required to prohibit or restrict smoking so that employees are not involuntarily exposed to tobacco smoke on any work premises at the workplace where smoking is not prohibited under section 12, paragraph 1 (5).

What is provided in section 12, paragraph 1 (5), and in paragraph 4 of this section on the prohibition and restriction of smoking on common and work premises at workplaces shall not apply to any work premises which are located in the home of the worker or the business entrepreneur or other professional, or to other work premises in the exclusive use of persons belonging to the same family and others living in the same household.

The proprietors of indoor premises and outdoor areas and organisers of public events referred to in section 12 above, or the proprietors of space intended for smoking referred to in paragraphs 1–3 of this section shall put up signs indicating where smoking is prohibited and where smoking is allowed, unless it is question of a natural person's home. Further provisions concerning such signs and their placement may be laid down by decree.

Section 13 a (20.8.2010/698)

Any person who smokes in a means of public transport or on indoor or outdoor premises where this is prohibited under the provisions of section 12 or 13, and who does not discontinue such smoking despite being asked to do so, may be removed from the means of public transport or indoor or outdoor premises by the proprietor of the vehicle or a member of the transport personnel, the organiser of the public event or the proprietor of the indoor or outdoor premises in question or his or her representative, unless such removal can be considered unreasonable.

Section 13 b (21.7.2006/700)

Smoking can be allowed on the indoor premises of restaurants only in a separate smoking area approved for smoking. In that case it must, however, be seen to it that tobacco smoke does not spread to the area where smoking is prohibited. It is prohibited to serve food or drink, or to eat or drink in the smoking area.

Section 13 c (21.7.2006/700)

It is prohibited to work in the smoking area except for work that is necessary for the keeping of order, fire and rescue services and work that is necessary for safety. The smoking area may be cleaned only after the area has been carefully aired, taking into account what is otherwise provided by statute regarding the occupational safety and health of employees.

Section 13 d (21.7.2006/700)

The smoking area must be reasonably large in proportion to the size of the restaurant's serving area or the number of places for customers. Provisions of the Land Use and Building Act (132/1999) and provisions issued in virtue of it apply to the construction and maintenance of and repairs and alterations to the smoking area.

The establishment shall draw up a self-control plan specifying how the functionality of the smoking area is ensured and how the conditions and order in the smoking area can be supervised from outside it.

Further provisions on the minimum and maximum size of the smoking area or on the proportion of the area to the size of the restaurant's serving area or number of places for customers may be issued by Government decree.

Further provisions on the requirements for the structure and functionality of the smoking area as well as on the drawing up, content and implementation of the self-control plan required of the establishment as referred to in paragraph 2 may be issued by decree of the Ministry of Social Affairs and Health.

Section 13 e (20.8.2010/698)

The occupational safety and health authorities, the municipal supervisory authority referred to in section 14 a and, as necessary, the police shall notify the licensing authority referred to in sections 41 and 42 of the Alcohol Act (1143/1994) of any violation of the provisions on the smoking area, and the building inspection authority of any violation of the provisions and regulations on construction and maintenance of or repairs and alterations to the smoking area. The licensing authority under the Alcohol Act shall notify the occupational safety and health authority and the municipal supervisory authority of any violation of the provisions concerning the smoking area or smoking outdoors that they have observed. The occupational safety and health authority and the municipal supervisory authority referred to in section 14 a shall notify each other of any violation of the above-mentioned provisions and regulations.

CHAPTER 6 – Direction and supervision

Section 14 (22.12.2009/1538)

The general direction and guidance of compliance with this Act and the provisions issued under it is the responsibility of the Ministry of Social Affairs and Health, while supervision and its guidance is the responsibility of the National Supervisory Authority for Welfare and Health.

The National Supervisory Authority for Welfare and Health shall guide the Regional State Administrative Agencies and local authorities in managing the duties assigned to them under this Act. The Supervisory Authority shall supervise the compliance with the provisions of sections 5, 6, 6a-6c, 7, 7a, 8 and 9 concerning the composition, quality control, testing laboratories, and the sale and advertising of tobacco products. The supervision of the competence of testing laboratories and the accuracy of their testing methods that is the responsibility of the Supervisory Authority takes place with the assistance of the Centre for Metrology and Accreditation. While giving this assistance the Centre possesses the rights of the supervisory authority laid down in section 28.

The National Supervisory Authority for Welfare and Health shall draw up a national programme for guiding and coordinating the supervision of compliance with this Act

(*supervision programme*). The national supervision programme shall contain at least the following information:

- 1) general definition of the content of an inspection;
- 2) criteria on the basis of which risks of the different types of objects of supervision are assessed and the frequency of inspections is determined;
- 3) evaluation of the need for sampling and guidelines for it;
- 4) methods to be used in assessment of the implementation of the supervision plans referred to in section 14 a (3); and
- 5) methods to be used in assessment of the implementation of the supervision programme.

The supervision programme shall be revised as necessary, but at least every three years. The supervision programme in accordance with this Act is a part of the national supervision programme for environmental health care, which also includes the other national supervision programmes on which provisions are laid down in other acts on environmental health care.

Further provisions on the drawing up of the national supervision programme and its content are laid down by Government decree.

The Regional State Administrative Agency shall within its territory guide local authorities in the enforcement of the provisions of this Act and the provisions and regulations issued in virtue of it and, in addition, assess local authorities' supervision plans referred to in section 14 a and their implementation.

Section 14 a (21.4.2006/286)

Within their territory, local authorities shall supervise the compliance with this Act and the provisions issued under it. Within the territory of a municipality the duties under this Act shall be managed by an organ appointed by the municipality. The municipal council may decide that the organ may shift its powers to an office-holder under it. The organ however has not the right the shift its powers for approving the supervision plan referred to in paragraph 3 to an office-holder under it.

A municipality may agree with another municipality or a joint municipal board that the tasks assigned to the municipality or its authority under this Act are transferred, subject to public liability, to an office-holder of another municipality or joint municipal board. A joint municipal board may conclude the agreement referred to above with another joint municipal board if the member local authorities of the joint municipal board consent to it. The Act on Planning and Government Grants for Social Welfare and Health Care (733/1992) and the Act on Central Government Transfers to Local Authority Basic Services (1704/2009) is applied to the activities arranged by local authorities in virtue of this Act, unless otherwise provided elsewhere in the law. (29.12.2009/1731)

Local authorities shall draw up and approve a supervision plan for the regular supervision of compliance with this Act (*municipal supervision plan*) to ensure that the supervision will be of a high quality, regular and prevent health harms. The supervision plan shall include the following information:

- 1) definition of the content of inspections;
- 2) frequency of inspecting the objects of supervision;
- 3) sampling and examination carried out by local authorities;
- 4) assessment of the implementation of the supervision plan; and
- 5) laboratories on which the supervision leans on.

The municipal supervision plan shall take into account the national supervision programme referred to in section 14. The supervision plan shall be revised as necessary, but at least every three years.

Further provisions on the content of the supervision plan, inspections included in the supervision plan, frequency of inspection of the objects of supervision, sampling and assessment of the implementation of the supervision plan are laid down by Government decree.

Section 14 b (20.8.2010/698)

Unless otherwise provided in this Act, compliance with the provisions to prohibit and restrict smoking laid down in section 12, paragraph 1 (5) , and in section 13, paragraph 4, shall be supervised at workplaces by the occupational safety and health authorities in accordance with the relevant provisions of the Act on Occupational Safety and Health Enforcement and Cooperation on Safety and Health at Workplaces (44/2006).

The Customs supervise the compliance with the restrictions on import referred to in section 7 b and the ban on import referred to in section 10 a, paragraph 1, and in section 11 of this Act.

Compliance with the provisions laid down in section 12, paragraph 1 (4) ,(5) and (8), of this Act shall be supervised by the police.

Section 15

For the purpose of issuing opinions and taking initiatives, an advisory committee may assist the Ministry of Social Affairs and Health with questions of principle with far-reaching implications related to the reduction of smoking. (3.8.1992/768)

Further regulations on said advisory committee will be issued by the Government.

Section 16

Section 16 was repealed by Act 9.4.1999/487.

Section 17 (20.8.2010/698)

Local authorities must carry out, on their own initiative or on the basis of notifications made, inspections of facilities for storing and selling tobacco products and also supervise the sales and display of tobacco products and smoking accessories at the point of sale, the self-monitoring of sales of tobacco products and smoking accessories, the advertising of and other sales promotion activities for tobacco products and smoking accessories, and the compliance with prohibitions and restrictions on smoking within their territory.

If any activities contrary to provisions are observed during an inspection or otherwise, the local authority must prohibit the activities contrary to the provisions. The local authority may give notice of the matter to:

- 1) the public prosecutor in the case of procedures contrary to the provisions of sections 8 a, 10, 10 b, 10 d or section 12, section 13, paragraphs 1– 3 or 6 or section 13 b; and
- 2) the National Supervisory Authority for Welfare and Health in the case of procedures contrary to the provisions in sections 5, 6, 6 a - 6 c, 7, 7 a, 8 or 9.

Section 18 (20.8.2010/698)

On the basis of advertising of tobacco products, substitute tobacco, tobacco imitations or smoking accessories or other sales promotion contrary to section 7 a, paragraph 3, or section 8 or 9, the National Supervisory Authority for Welfare and Health may forbid the commissioner of the advertising or sales promotion, the party carrying out said activity, and anyone in their employ from continuing and renewing the procedures contrary to provisions.

The National Supervisory Authority for Welfare and Health may prohibit the manufacturer or importer of tobacco products or smoking accessories, or other business entrepreneur from engaging in the commercial sale or other assignment of a product,

- 1) if the product or its unit packet is contrary to section 5 or section 7, paragraphs 1 to 3, or section 7 a, paragraph 1 or 2;
- 2) if the nicotine, tar and carbon monoxide yields of cigarettes have not been assayed according to section 6, paragraph 2, or in a laboratory approved as laid down in section 6 a, or if a notification on said yields according to section 6 b, paragraph 3, or section 6 c, paragraphs 1 and 2, has not been made;
- 3) if the National Supervisory Authority finds out that the yields of substances harmful to health differ from the information provided by the manufacturer or importer or the packet markings do not correspond with the yields of substances harmful to health contained by the tobacco products; or
- 4) for checking the information submitted to the National Supervisory Authority under section 6 and sections 6 a to 6 c.

The National Supervisory Authority for Welfare and Health may impose a sales ban referred to in paragraph 2 above also when considering the preconditions for approval of a testing laboratory or cancellation of the approval, if it has reasonable cause to suspect the correctness of the information concerning the testing laboratory or the appropriateness of its activities. When imposing a sales ban the National Supervisory Authority shall take into account if the manufacturer or importer of tobacco products or smoking accessories has a possibility to use another approved testing laboratory for fulfilling the obligations referred to in this Act during the processing of the matter.

The National Supervisory Authority for Welfare and Health may require the manufacturer or importer referred to in paragraph 2 to withdraw a tobacco product or smoking accessory from the market within a time limit set by the National Supervisory Authority.

The National Supervisory Authority for Welfare and Health shall decide on cancellation of the sales ban or the obligation concerning withdrawal from the market immediately after there no more exist grounds under this Act for such an order by the competent authority.

Section 19 (20.8.2010/698)

If the procedure continued or renewed as referred to in section 18, paragraphs 1 and 2, is of such nature or significance that it needs to be urgently prevented, the National Supervisory Authority for Welfare and Health may issue a temporary prohibition before final settlement of the matter. The temporary prohibition order takes force immediately and may be cancelled prior to the final settlement.

Section 20 (20.8.2010/698)

In deciding on the prohibition referred to in section 18, paragraphs 1 and 2, and section 19 or on the withdrawal from the market as laid down in section 18, paragraph 4, the National Supervisory Authority for Welfare and Health may require the party receiving the prohibition or order to carry out a rectification within a time limit and in a way set by said

Authority, if this is considered necessary with regard to the evident harmfulness of the procedure contrary to provisions.

The National Supervisory Authority for Welfare and Health or a local authority may reinforce a prohibition or order issued under the provisions of this Act by a conditional fine or by the threat that any action not taken within the time limit laid down will be carried out at the defaulter's expense. Unless otherwise provided in this Act, what is laid down in the Act on Conditionally Imposed Fines (1113/1990) shall be applied to the conditional fines and threat of performance at the defaulter's expense imposed under the provisions of this Act.

Section 21 (20.8.2010/698)

A prohibitive decision or temporary prohibition order issued by the National Supervisory Authority for Welfare and Health on the basis of advertising or other sales promotion contrary to section 7 a, paragraph 3, or section 8 or 9, or on the basis of a tobacco product unit packet contrary to section 7, paragraphs 1 to 3, or section 7 a, paragraph 1 or 2, or a conditional fine or conditional threat of performance at the defaulter's expense imposed by said Authority to reinforce them may not be appealed.

A decision on a conditional fine or a threat of performance at the defaulter's expense issued by a local authority or an office holder referred to in section 14 a in order to reinforce compliance with the prohibition in the matter referred to in paragraph 1, may not be appealed against. A party on whom a conditional fine or threat of performance at the defaulter's expense has been imposed may, on application, place the matter before the National Supervisory Authority for Welfare and Health for processing within 14 days of receiving notice of the instructions. The party receiving a decision from the National Supervisory Authority may also place the matter before the Market Court according to the provisions in paragraph 3.

A party whom the National Supervisory Authority for Welfare and Health has issued a prohibitive decision or a temporary prohibition order as referred to in paragraph 1 or imposed a conditional fine or threat of performance at the defaulter's expense may, upon application, place the matter before the Market Court within 30 days of receiving notice of the decision or order.

Upon the application of the party imposing the conditional fine or threat of performance at the defaulter's expense, the Market Court shall decide whether to order a conditional fine to be paid or to enforce a threat of performance at the defaulter's expense imposed by a local authority or the National Supervisory Authority for Welfare and Health in the matter referred to in paragraph 1.

Upon the application of the imposing party, the competent administrative court shall decide on ordering a conditional fine to be paid or enforce a threat of performance at the defaulter's expense imposed by the National Supervisory Authority for Welfare and Health in the case of a party violating sections 5, 6, 6 a to 6 c, and those imposed by a local authority in the case of a party violating sections 10, 10 a or 12 or section 13, paragraphs 1 to 3 or 6.

Section 21 a (19.12.2008/984)

A party violating a prohibition or obligation reinforced by a conditional fine referred to in this Act may have his or her sentence for the same act waived.

CHAPTER 7 – Research, monitoring, and activities to reduce smoking (9.4.1999/487)

Section 22 (15.5.2009/334)

The National Institute for Health and Welfare shall monitor and research the effects of the measures laid down in this Act and of changes in the retail prices of tobacco products on the prevalence of smoking and carry out research, monitoring and development related to the reduction of dangers and harms to health originating from smoking.

Section 23 (22.12.2009/1538)

The National Institute for Welfare and Health and the Regional State Administrative Agency in cooperation with it shall:

- 1) be responsible for the nation-wide and regional action to reduce smoking;
- 2) provide other State authorities and local authorities with health education programmes and other material on the dangers and harms to health originating from smoking;
- 3) issue instructions aimed in particular at persons working with children and young people, health care professionals, public figures, employers and mass-media journalists on recommendable methods for avoiding and reducing smoking.

Section 24 (9.4.1999/487)

On the local level, local authorities shall be responsible for activities aimed at reducing smoking.

Local authorities shall see to it that sufficient quantities of the materials referred to in section 23 are available to non-governmental organizations, educational institutions and others in need of such material within their territory.

CHAPTER 8 – Costs and charges (14.6.2002/498)

Section 25 (21.4.2006/286)

The manufacturer or importer of tobacco products is responsible for the costs incurred in assaying the substances harmful to health contained in tobacco products and for those incurred in quality control.

The manufacturer or importer of tobacco products is also responsible for the costs incurred in withdrawing a tobacco product from the market as referred to in section 18, paragraph 4.

The processing of matters under this Act by state authority may be subject to a charge, the amount of which is determined according to the provisions of the Act on Criteria for Charges Payable to the State (150/1992). Further provisions on charges are issued by decree of the Ministry of Social Affairs and Health.

Section 25 a (19.12.2008/984)

Local authorities shall charge an establishment in accordance with the rate approved by them for inspections and sampling included in the municipal supervision plan referred to in section 14 a, paragraph 3, except for the monitoring of the sales of tobacco products.

Furthermore, local authorities shall charge an establishment for the supervision of compliance with orders issued based on an inspection included in the municipal supervision plan referred to in section 14 a, paragraph 3, when the issuing of orders is based on failure to comply with provisions of this Act.

Local authorities shall charge an applicant for a sales licence for tobacco products in accordance with the rate approved by them. Furthermore, local authorities shall collect an annual supervision charge, specific to the point of sales, from the licence holder in accordance with the rate confirmed by them for the supervision of sales and procedures relating to supervision.

Local authorities shall determine the charges they collect for their performances so that the amount of the charges corresponds at most to the costs incurred in the carrying out of the performance concerned.

The State compensates the costs incurred by local authorities for such inspections, sampling, research and reports that are laid down in this Act to be duties of the National Supervisory Authority for Welfare and Health but that the Agency directs them to carry out. (12.6.2009/412)

Section 25 b (13.3.2009/132)

Charges under this Act may be collected without a judgement or decision in the order prescribed in the Act on the Enforcement of Taxes and Charges (706/2007).

If a charge prescribed for a procedure has not been paid by the due date, an annual penalty interest may be charged for the amount of the late payment according to the rate of interest referred to in section 4 (1) of the Interest Act (633/1982). The due date may be at the earliest two weeks after the receipt of the service on the basis of which the charge is determined. Instead of interest the authorities may charge a penalty of five euros for late payment if the amount of the penalty interest is lower than that.

Section 26

Section 26 was repealed by Act 23.10.1992/953.

Section 27

Section 27 was repealed by Act 15.5.2009/334.

CHAPTER 9 – Access to information (21.5.1999/681)

Section 28 (14.6.2002/498)

For the supervision of compliance with this Act and the provisions issued in virtue of it, the authority referred to in sections 14 and 14 a of this Act has the right:

- 1) to be allowed to inspect the facilities of manufacturing, packaging, storage and place of sales and also testing laboratories of tobacco products and smoking accessories and their operations, and any documents necessary for supervision;
- 2) to take and receive for assays free samples of tobacco, substitute tobacco, tobacco products and smoking accessories from the manufacturer, importer and seller of the said product; and
- 3) to receive free of charge for their disposal any necessary information, reports,

documents and other material. (19.12.2008/984)

The right of access to information also applies to information on private business or professional secrets that is necessary for supervision.

Regardless of the confidentiality obligation laid down in the Act on the Openness of Government Activities (621/1999), in supervising the observance of this Act and carrying out duties related to supervision, information on business or professional secrets may be submitted to:

- 1) state and local authorities for the carrying out of duties under this Act;
- 2) prosecution, police and customs authorities for clearing up an offence; and
- 3) foreign bodies and inspectors as required by the legislation of the European Community or other international agreements that are binding on Finland, if the legislation or agreement concerned so requires.

Unless the samples, information, reports, documents and other material referred to in paragraph 1(2) and (3) are submitted within a set time limit, the authority referred to in sections 14 and 14 a may demand these under penalty of a fine. A conditional fine shall be ordered to be paid by an administrative court at the request of the authority referred to in sections 14 and 14 a. No conditional fine may however be imposed if there is reason to suspect the party of an offence and the material requested is related to a matter subject to a suspicion of an offence (19.12.2008/984)

Section 28 a (22.12.2009/1538)

Upon request the municipal supervisory authorities and the Regional State Administrative Agencies are responsible for supplying information on inspections, supervision measures, supervision staff, charges and other information on supervision to the National Supervisory Authority for Welfare and Health for the purposes of supervision, guidance, monitoring, reporting, and compilation of statistics under this Act.

The supervisory authority shall supply the information referred to in paragraph 1 in the manner determined by the National Supervisory Authority for Welfare and Health.

Further provisions on the notification and information duty of the supervisory authority are issued by Government decree.

Section 29

The information and material referred to in section 28 may be brought to the notice of the advisory committee referred to in section 15.

Section 30

Section 30 was repealed by Act 21.5.1999/681.

Section 30 a (19.12.2008/984)

The authority referred to in sections 14 and 14 a of this Act shall have the right to receive executive assistance from other authorities in order to be able to supervise compliance with this Act and with the provisions issued in virtue of it and to enforce decisions issued in virtue of it.

CHAPTER 10 – Consequences

Section 31 (20.8.2010/698)

Any party advertising tobacco, tobacco products, substitute tobacco, tobacco imitations or smoking accessories or being engaged in any other sales promotion activities for these products, or otherwise acting contrary to section 7 a (3) or sections 8, 8 a or 9 must be fined for a *tobacco marketing violation*. What is provided above also applies to a party commissioning an advertisement or other sales promotion activity, its executor and those employed by them.

Section 31 a (20.8.2010/698)

Any party advertising tobacco, tobacco products, substitute tobacco, tobacco imitations or smoking accessories or being engaged in any other sales promotion activities for these products, or otherwise acting contrary to section 7 a (3) or sections 8 or 9 in such a way that it must be considered serious, when also judged as a whole, taking into account the method of implementation, the age or extent of the target group, or the financial benefit obtained from the procedure, must be fined or sentenced to prison for a maximum of two years for a *tobacco marketing offence*. What is provided above also applies to a party commissioning an advertisement or other sales promotion activity, its executor and those employed by them.

Section 31 b (19.12.2008/984)

Prior to bringing charges concerning a tobacco marketing violation or a marketing offence based on sections 31 and 31 a, the public prosecutor must give the National Supervisory Authority for Welfare and Health an opportunity to give its statement, and when dealing with this type of a matter, the court must give the National Supervisory Authority an opportunity to be heard.

Section 31 c (20.8.2010/698)

Any party

- 1) who sells or otherwise against compensation supplies tobacco products to persons younger than eighteen years of age, contrary to section 10(1);
- 2) who sells or otherwise against compensation supplies tobacco for oral use contrary to section 10 a (1)
- 3) who engages in commercial sale of or otherwise supplies tobacco products without a retail licence, contrary to section 10 b; or
- 4) who in wholesale sells or otherwise supplies tobacco products to other parties than another wholesaler or retail licence holder contrary to section 10 d,
shall be fined or sentenced to prison for a maximum of six months for a *tobacco selling violation*.

Section 31 d (20.8.2010/698)

Any party who engages in commercial sale of or otherwise supplies tobacco products not tested in a testing laboratory approved in accordance with section 6 a or on which no information referred to in section 6 c has been submitted or where labelling is not in compliance with the provisions of section 7(1)-(3) or section 7 a (1) and (2)
shall be fined for *sale of a product contrary to the Tobacco Act*.

Section 31 e (12.6.2009/412)

Any party who imports tobacco products contrary to section 7 b or 11 or tobacco for oral use contrary to section 10 a (1), shall be fined, unless a more severe punishment is laid down elsewhere in the law, for a *tobacco product violation*. (20.8.2010/698)

Officials with powers of arrest may verifiably dispose of such a tobacco product with packaging that can be seized, or have it disposed of, if there is reason to assume that it will be declared confiscated on the basis of paragraph 1 or that has no considerable sales value.

Section 32 (21.7.2006/700)

A person who continues to smoke on indoor or outdoor premises where smoking is prohibited under the provisions of section 12 despite an objection from the proprietor of the means of public transport, indoor or outdoor premises in question, or their representative, or the organiser of a public event or a person acting as a steward, or the supervisory authority shall be sentenced to a fine for a *smoking violation*.

Section 33 (21.7.2006/700)

The proprietor of a means of public transport or of indoor or outdoor premises or his or her representative, or the organiser of a public event that deliberately or through gross carelessness

1) allows smoking contrary to section 12 on indoor or outdoor premises where it is prohibited;

2) fails, contrary to the provisions of section 12, paragraph 2, section 13 or 13 b, to undertake the action required by the prohibition or regulations issued by the local authority under section 17 in an individual case in order to prevent tobacco smoke from spreading into indoor premises where tobacco smoking is prohibited; or

3) allows use of the smoking area for another purpose than that referred to in section 13 b,

shall, unless the failure can be considered insignificant or a more severe punishment is prescribed for the action elsewhere in the law, be sentenced to a fine for *failing to take protective measures required by the Act on Measures to Reduce Tobacco Smoking*.

Section 33 a (19.12.2008/984)

A local authority may cancel, without compensation, a retail licence for a fixed period, for a minimum of one week and a maximum of six months, if the holder of a sales licence referred to in section 10 b, despite a written request, warning or a fine imposed by the local authority or other supervisory authority:

1) advertises tobacco products or smoking accessories or engages in other sales promotion for them contrary to section 8 (1) or displays tobacco products in the sales facilities contrary to section 8 a; (20.8.2010/698)

2) sells or otherwise commercially supplies tobacco products or smoking accessories contrary to section 10 (1); or

3) fails to notify essential information referred to section 10 b(3).

A local authority may cancel, without compensation, a retail licence referred to in section 10 b permanently, if the written request or warning issued has not led to remedying the deficiencies referred to in paragraph 1 and the violation of the Act is repeated or deliberate or it is also serious judged as a whole.

A local authority may cancel, without compensation, a retail licence, if the holder of a sales licence referred to in section 10 b sells, stores or lets store in the place of sales such

tobacco products whose import, sale and other supplying is forbidden under section 10 a or that are contrary to the provisions in section 7 or 7 a.

A retail licence cancelled permanently may be re-granted on application at the earliest in one year from the cancellation of the retail licence.

Section 33 b (19.12.2008/984)

The police must inform the local authority that has granted the sales licence of selling offences reported to the police and of the measures undertaken by the police in the matter.

Section 34

Section 34 was repealed by Act 19.12.2008/984.

CHAPTER 11 – Appeal

Section 35 (31.4.2006/286)

An appeal against the decision on a sales licence referred to in section 10 b, on a monitoring plan referred to in section 14 a(3) and on charges referred to in section 25 a shall be brought observing the provisions on appeals in the Local Government Act (365/1995). (19.12.2008/984)

Decisions of administrative authorities referred to in this Act may be executed irrespective of appeal. The appeal authorities are, however, entitled to prohibit or suspend the execution of a decision until the appeal is legally settled.

Matters pertaining to issue of the prohibitions referred to in this Act may be taken up for reconsideration if special justifiable cause exists.

CHAPTER 12 – Miscellaneous provisions

Section 36

Further provisions pertaining to the execution and application of this Act and to questions concerning the origin, type, method of manufacture, composition, quality and other health-affecting factors of tobacco, its substitutes, tobacco products and smoking accessories will be laid down by decree.

Section 37

Section 37 was repealed by Act 8.12.1994/1148.

Section 38

This Act enters into force on 1 March 1977.

Tobacco products and smoking accessories retailed prior to this Act taking force may, however, be marketed and otherwise assigned for one year after this Act becomes effective, notwithstanding the provisions of sections 5, 6, 7, 8 and 9.

Measures necessary for the implementation of this Act may be taken before its entry into force.

As an exception to what is provided in paragraph 1 of section 27, the sum appropriated in the 1977 budget will be used during 1977 for combating smoking, for the research, follow-up and information and education activity referred to in Chapter 7, and for purchasing the equipment needed to supervise compliance with this Act. (31.12.1976/1147)

Entry into force and application of amended provisions:

19.12.2008/984

This Act enters into force on 1 April 2009.

Tobacco products may still be sold commercially or otherwise supplied without the provisions in section 10 b preventing it for one year from the date the Act entered into force provided that a retail licence application for tobacco products has been submitted to the relevant local authority within three months from the date the Act entered into force.

Tobacco products may still be sold in wholesale or otherwise supplied without the provisions in section 10 c preventing it for one year from the date the Act entered into force provided that the purchaser has submitted a retail licence application to the relevant local authority within three months from the date the Act entered into force.

When this Act enters into force, any existing unit packets may be sold commercially for six months from the date the Act entered into force without the provisions in section 7(1) preventing it.

Notwithstanding what is provided in paragraph 1, section 5 (2) enters into force on 1 April 2010.

Measures necessary for the implementation of this Act may be taken before its entry into force.

29.12.2009/1731:

This Act enters into force on 1 January 2010.

12.6.2009/421:

This Act enters into force on 1 July 2009. Sections 7 and 25a however enter into force on 15 June 2009.

20.8. 2010/698:

This Act enters into force on 1 October 2010.

Section 8 a however enters into force on 1 January 2012.

Paragraph 3 of section 10 a enters into force on 1 January 2015. Before its entry into force the provisions that were in force at the entry into force of this Act shall apply to automatic vending machines.

Smoking can be permitted in rooms for accommodation of customers in hotels or corresponding establishments notwithstanding section 13, paragraph 2, until 1 January 2012.

Measures necessary for the implementation of this Act may be taken before its entry into force.