Government of Iceland
Ministry of Health

Tobacco Control Act No. 6/2002.

Originally Act No. 74/1984.
Amended by Act No. 7/1996, 101/1996, 82/1998 and 95/2001.
Reissued as Act No. 6/2002,
amended by Act No. 164/2002, 18/2003, 24/2003, 83/2006, 88/2008, 33/2009, 162/2010, 28/2011, 126/2011, 131/2011, 59/2013, 47/2018, 80/2022 and 110/2023.

Where mention is made in this Act of 'the minister' or 'the ministry' without further definition, the reference intended is to the Minister of Health or to the Ministry of Health, which is responsible for the implementation of this Act. Information on the division of responsibilities between ministries according to a presidential decree may be found here.

SECTION I
[Objectives, definitions and scope.][1)]

[1)] *Act No. 110/2023, Article 4.*

Article 1
[*Objectives.*][1)]

[The objective of this Act is to reduce damage to health and fatalities caused by tobacco and related products, including by reducing tobacco consumption and thus protecting people from the effects of tobacco smoke. Special effort shall be directed towards combating tobacco consumption among children and young people and limit the supply of tobacco and counterfeiting of tobacco, specifically intended to appeal to them.][1)]

Every person's right not to have to inhale air polluted by tobacco smoke from others shall be respected.

Those who have care of a child shall seek to ensure that the child's rights under the second paragraph are observed, including in places where smoking is not prohibited under Section III of this Act.

[1)] *Act No. 110/2023, Article 1.*

Article 2
[*Definitions.*

The meaning of words in this Act is as follows:

1. *Advertising:* among other things
   a. any form of information addressed to the public or to a specified target group, including product promotions, window displays in shops, signs of any kind and comparable items,
   b. all use of traditional tobacco trademarks (name and logo) or parts of them;
   c. any form of media coverage, in web medium or social media, of individual products for other purposes than to warn of their harmful effects,
   d. distribution of samples of goods to consumers.

2. *Additive:* A substance, other than tobacco, that is added to a tobacco product, a unit packet or to outside packaging.
3. *Flavouring:* Additive that imparts smell and/or taste.
4. *CMR properties:* Carcinogenic, mutagenic or reprotoxic properties.
5. *Unit packet:* The smallest individual packaging of a tobacco or related product that is placed on the market.
6. *Characterising flavour*: A clearly noticeable smell or taste other than one of tobacco, resulting from an additive or a combination of additives, including, but not limited to, fruit, spice, herbs, alcohol, candy, menthol or vanilla, which is noticeable before or during the consumption of the tobacco product.
7. *Unique identifier:* An alphanumeric code that enables identification of unit packets or complete packs of tobacco products.
8. *Cross-border distance sale:* Distance sale to a consumer where, at the time the consumer orders the product from a retail outlet, the consumer is located in another member state of the European Economic Area or the third country where that retail outlet is established. A retail outlet is deemed to be established in a member state in the case of:
    a. a person which has his/her place of business in that member state,
    b. a retail outlet which has its statutory seat, central administration or place of business, including a branch, agency or any other establishment in that member state.
9. *Manufacturer:* A person or legal entity who manufactures a product or has a product designed or manufactured and markets that product under their name or trademark.
10. *First retail outlet:* A facility where tobacco products are placed on market for the first time. Facility means any location, building or vending machine where tobacco products are manufactured, stored or placed on market.
11. *Importer:* The party that imports to the country a product covered by this Act.
12. *Ingredients*: Tobacco, an additive, as well as any substance or element present in a finished tobacco product or related products, including paper, filter, ink, capsules and adhesives.
13. *Herbal product for smoking*: A product based on plants, herbs or fruits which contains no tobacco and that can be consumed via a combustion process.
14. *Carbon monoxide*: CO.
15. *Oral tobacco:* All tobacco products for oral use, made entirely or partly from tobacco, except those intended to be inhaled or chewed, in form of powder or fine particles or assembled from powder and particles, e.g. products presented in sachet portions or porous sachets.
16. *Combined health warning:* A health warning consisting of a combination of a text warning and a corresponding photograph or illustration.
17. *Nasal tobacco:* Powder or grains, made entirely or partly from tobacco, for nasal use.
18. *Nicotine*: Nicotinic alkaloids.
19. *Novel tobacco product*: A tobacco product which was placed on the market after 19 May 2014 and does not fall into any of the following categories: Cigarettes, roll-your-own tobacco, pipe tobacco, water pipe tobacco, cigars, cigarillos, chewing tobacco, nasal tobacco or oral tobacco.
20. *Economic operator:* Any person or legal entity who is involved in the trade of tobacco products, from the manufacturer to the last economic operator before the first retail outlet.
21. *Smoking accessories:* Tools and equipment relating to smoking of tobacco, such as cigarette papers, pipes and equipment for rolling cigarettes, as well as all similar goods.
22. *Placing on market:* To make products, irrespective of their place of manufacture, available to consumers, with or without payment, including by means of distance sale. In the case of cross-border distance sales the product is deemed to be placed on the market in the state where the consumer is located.
23. *Cigarette*: A roll of tobacco that can be consumed via a combustion process.
24. *Retail outlet:* Any outlet where tobacco products are placed on the market, including by a person.
25. *Cigarillo:* A small type of cigar.

26. *Tar:* Raw anhydrous nicotine-free condensate of smoke.
27. *Tobacco:* Tobacco plants (nicotiana) and all products made entirely or in part from them for consumption, such as cigarettes, cigars, smoking tobacco, nasal tobacco and oral tobacco.
28. *Chewing tobacco:* Tobacco product in pieces or strips, mainly intended for chewing, such as plug tobacco.
29. *Roll-your-own tobacco*: Tobacco which can be used for making cigarettes by consumers or retail outlets.
30. *Product*: Tobacco product, herbal product for smoking, tobacco substitute and other products covered by this Act.
31. *Waterpipe tobacco*: A tobacco product that can be consumed via a water pipe. If a product can be used both via water pipes and as roll-your-own tobacco, it shall be deemed to be roll-your-own tobacco.
32. *Health warning:* A warning concerning the adverse effects on human health of a product or other undesired consequences of its consumption, including text warnings, combined health warnings, general warnings and information messages.
33. *Cigar*: A roll of tobacco that can be consumed via a combustion process.
34. *Outside packaging*: Any packaging in which tobacco or related products are placed on the market, including unit packets and an aggregation of unit packets. Transparent wrappers are not regarded as outside packaging.
35. *Service area:* All premises under a roof, fixed or movable, and also marquees and exhibition tents to which the public have access for commerce and provision of service and participation in cultural and social events, including spectator areas, waiting rooms, guest reception areas, halls, corridors, lavatories, etc.][1)]

[1)] *Act No. 110/2023, Article 2.*

Article 3

[*Scope.*

This Act apply to products containing tobacco and related products. This Act does not apply to products covered by the Act on nicotine products, electronic cigarettes and refills for electronic cigarettes nor products covered by the Toxic and Hazardous Substances Act.][1)]

[1)] *Act No. 110/2023, Article 3.*

[**SECTION I A**

Administration.

Article 4

Supervision.

The minister in charge of public health and prevention shall exercise supervision of matters covered by this Act.][1)]

[1)] *Act No. 110/2023, Article 5.*

[Article 5

Role of the State Alcohol and Tobacco Company of Iceland.

The State Alcohol and Tobacco Company of Iceland, ÁTVR, executes and supervises the provisions of this Act on:

a. emission and measurement methods, *cf.* Article 6,
b. reporting of ingredients and emission, *cf.* Article 6 a,
c. ingredients of tobacco products and characterising flavour, *cf.* Article 6 b,
d. labelling and packaging, *cf.* Article 6 c,
e. traceability, *cf.* Article 6 d,
f. recording, *cf.* Article 6 e,
g. security feature, *cf.* Article 6 f,

h. notification of novel tobacco products, *cf.* Article 6 g,
i. information on who is licenced to retail tobacco products, *cf.* the thirteenth paragraph of Article 8.

Other tasks of ÁTVR include, among others, to prohibit imports and sales or to recall a product from the market in accordance with this Act, and to maintain a register of those who are licenced to retail tobacco products and of notified tobacco products.

ÁTVR is authorised to request information and data from manufacturers, importers and others covered by this Act as deemed necessary by the institution in order to monitor and meet obligations under this Act and government directives issued hereunder.

ÁTVR may, on its own initiative, address specific issues and make a decision on them, or according to a report or suggestion. ÁTVR sets its own rules of procedure.

ÁTVR is authorised to process personal information for the purpose of monitoring and to meet legal obligations according to this Act, provided that the conditions of the Act on Data Protection and the Processing of Personal Data are met.

The minister may define ÁTVR's tasks further by means of a regulation and to set, among other things, further provisions on arrangement and implementation of ÁTVR's monitoring.

[1] Act No. 110/2023, Article 5.

[Article 5 a

Role of the Directorate of Health.

The Directorate of Health handles education and preventive activities in the field of tobacco control, advises the minister and carries out supervision as mandated by this Act. In that regard, the Directorate of Health shall, among other things:

a. provide advice and education to the minister and other authorities, professionals and the public on issues in the field of tobacco control,
b. handle prevention projects in the field of tobacco control,
c. collect and process information on tobacco consumption, consumption patterns and the effects of tobacco smoking and tobacco consumption on health and promote research in the field of tobacco control,
d. carry out other tasks assigned to the Directorate according to this Act, government directives issued hereunder or decision of the minister, including collaboration with foreign organisations in the field of tobacco control.

The Directorate of Health is authorised to demand information and data from manufacturers, importers and others as specified in this Act, deemed necessary by the organisation in order to monitor and fulfil obligations according to this Act and government directives issued hereunder, e.g. information on the basis of Article 6 a on ingredients and emission and Article 6 b on ingredients of tobacco products and characterising flavour.

The Directorate of Health is authorised to process personal data, including sensitive personal data about health of individuals, for the purpose to fulfil statutory obligations according to this Act under the conditions of the Act on Data Protection and the Processing of Personal Data.

The minister may further specify the tasks of the Medical Director of Health in the field of tobacco control by regulation.][1)]

[1] Act No. 110/2023, Article 5.

[Article 5 b

Role of the local authority boards of health.

The local authority boards of health grant licences for the retail sale of tobacco and supervise the retail sale of tobacco. The role and supervision of the local authority boards of health is further detailed in Articles 17 and 18.

The minister may define the tasks of local authority boards of health in more detail by regulation and stipulate in more detail the arrangement and execution of granting licences and supervision of the boards in accordance with this Act.

[1] Act No. 110/2023, Article 5.

SECTION II
[Emission, ingredients, packaging, traceability etc.][1)]

[1)] *Act No. 110/2023, Article 9.*

[Article 6

Emission and measurement methods.

The maximum emission levels from cigarettes, placed on the market or manufactured in Iceland, shall 10 mg of tar per cigarette, 1 mg of nicotine per cigarette and 10 mg of carbon monoxide per cigarette. The minister may lower the aforementioned maximum emission levels from cigarettes by regulation. Additionally, the minister shall stipulate in a regulation on the maximum emission levels from other tobacco products.

Measurement of emission according to the first paragraph shall be conducted on laboratories that have been approved by ÁTVR, following the opinion of the Medical Director of Health. The Medical Director of Health supervises the laboratories. The minister shall by regulation stipulate in more detail the measurement methods and the conditions that a laboratory shall meet.

Manufacturers and importers of tobacco products shall bear the costs of verification of the measurements referred to in this Article.][1)]

[1)] *Act No. 110/2023, Article 6.*

[Article 6 a

Reporting of ingredients and emission.

Manufacturers and importers of tobacco products shall submit to ÁTVR information, by brand name and type of tobacco products, a list of all ingredients and quantities thereof, used in the manufacture of the tobacco product, the emission levels according to Article 6 and, where available, information on other emission and their levels. All the aforementioned information shall be submitted before new or modified tobacco product is placed on the market. Furthermore, manufacturers and importers of cigarettes and roll-your-own tobacco shall submit a technical document setting out a general description of the additives used and their properties.[1)]

Manufacturers and importers of herbal products for smoking shall submit to ÁTVR a list of all ingredients and quantities thereof, used in the manufacture of such products by brand name and type. This information shall be submitted before new or modified herbal product for smoking is placed on the market.

Manufacturers and importers are obliged to inform ÁTVR if the composition of a product has been modified in a way that affects the information submitted pursuant according to the first and second paragraphs, prior to the placing on a market of a new or modified product.

Manufacturers and importers shall submit to ÁTVR a sample of a product and carry out tests that are deemed necessary by ÁTVR to assess the ingredients, properties and effects of the product. The minister may issue a regulation on further execution of this provision.

The Directorate of Health may require manufacturers or importers to carry out researches in order to assess the effects of ingredients on health, taking into account, *inter alia*, their addictiveness and toxicity.

Manufacturers and importers shall annually submit to ÁTVR and the Directorate of Health their sales volumes of tobacco products per brand name and type. Manufacturers and importers shall submit to the Directorate of Health internal and external researches available to them on market research and consumption patterns of various groups, such as with regard to age and gender, as well as market surveys conducted by them.

Specific obligation of information and reporting rests on manufacturers and importers of roll-your-own tobacco and cigarettes containing additives listed in a priority list, in addition to which they are obliged to carry out detailed researches on the effects of the relevant additives. The minister shall publish a priority list in a regulation, along with specifying the duties of manufacturers and importers according to this provision.

Information on ingredients, emission levels and, where applicable, other emission and levels according to this article, shall be published on the website of ÁTVR and the Directorate of Health and thus be accessible to the public, taking into account the trade secrets of the product in question.

The minister sets in a regulation further provisions on the obligation of information and reporting by manufacturers and importers according to this Article.

Manufacturers and importers of tobacco products shall bear the cost of information and reporting according to this Article, such as costs incurred from receiving, storing, handling, analysing, and publishing the information on the website of the regulator. Furthermore, manufacturers and importers bear the costs for the researches, measurements, and tests required of them according to this Article.][2)]

[1) If a tobacco product has already been placed on the market, manufacturers and importers shall provide ÁTVR information according to the first paragraph of Article 6 a, no later than six months after this Act takes effect, cf. Article 18 of Act No. 110/2023. 2) Act No. 110/2023, Article 6.

[Article 6 b

Ingredients of tobacco products and characterising flavour.

It is prohibited to place on the market cigarettes and roll-your-own tobacco with a characterising flavour. It is also prohibited to place on the market roll-your own tobacco and cigarettes containing flavourings in any of their components, such as filters, papers, packages, capsules or other technical features allowing modification of the smell or taste of the tobacco product concerned or their smoke intensity.

The minister may prescribe in a regulation that it is prohibited to place on the market other tobacco products with characterising flavour than those stated in the first paragraph.

It is prohibited to place on the market tobacco products containing the following additives:

a. vitamins or other additives that give rise to the idea that the product has a health benefit or presents reduced health risks,
b. caffeine, taurine or other additives and stimulant compounds that are associated with energy and vitality,
c. additives having colouring properties for emissions,
d. additives that facilitate inhalation or nicotine uptake,
e. additives that have carcinogenic, mutagenic or reprotoxic properties (CMR properties) in unburnt form.

Filters, papers and capsules of tobacco products shall not contain tobacco or nicotine.

It is prohibited to place on the market tobacco products containing additives in quantities that increase the toxic or addictive effect, or the CMR properties of the tobacco product at the stage of consumption to a significant or measurable degree. The Minister sets in a regulation further details for the implementation of this provision.[1)]

Manufacturers and importers of tobacco products shall bear the cost of assessing whether a tobacco product has a characterising flavour, whether prohibited additives or flavourings are used in its production, and whether a tobacco product contains additives in quantities that increase, significantly and measurably, the toxic or additive effect or the CMR properties of the tobacco product concerned.][2)]

[1) Regulation No. 790/2011, cf. 1250/2011. 2) Act No. 110/2023, Article 6. This Article will take effect 11 January 2028 according to Article 18 of Act No. 110/2023.

[Article 6 c

Labelling and packaging.

Each unit packet of a tobacco product and any outside packaging shall carry the health warnings as further stipulated in this Act and regulations established according to the Act. Health warnings shall be in Icelandic. Tobacco product may only be offered for sale or distribution if health warnings about the harmful effects of the product are registered on its packaging. Warning labels shall be indelible and fully visible.

The labelling of unit packets and any outside packaging and the tobacco product itself shall not include markings, whether text, name, trademark, images and figurative or other signs, that:

a. provides information on the nicotine, tar or carbon monoxide content of the tobacco product,
b. promotes a tobacco product or encourage its consumption by creating an erroneous impression about its characteristics, health effects, risks or emissions,

c. suggests that a particular tobacco product is less harmful than others or aims to reduce the effect of some harmful components of smoke or has vitalising, energetic, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits,
d. refers to taste, smell, any flavourings or other additives or the absence thereof,
e. resembles a food or a cosmetic product,
f. suggests that a certain tobacco product has improved biodegradability or other environmental advantages,
g. suggests economic advantages by including printed vouchers, offering discounts, free distribution or any other offers.

It is not permitted to place herbal products for smoking on the market in Iceland unless the unit packets and its outside packaging have health warnings in accordance with this Act and regulations established according to the Act. Unit packets and any outside packaging of herbal products for smoking shall not include any of the elements or features under items a, b, c and e of the second paragraph and shall not state that the product is free of additives or flavourings.

Manufacturers and importers shall bear the cost of labelling according to this Article and regulations established under the Article.

The minister sets in a regulation[1)] further provisions on health warnings and layout of unit packets and outside packaging according to this provision, including on text warning, images warning, font and font size, and the weight, size and shape of packaging.][2)]

[1)] Regulation No. 790/2011, cf. 1250/2011. [2)] Act No. 110/2023, Article 6. This Article will take effect 11 January 2025 according to Article 18 of Act No. 110/2023.

Article 6 d

Traceability.

All unit packets that contain tobacco product and are placed on the market in Iceland shall be marked with a unique identifier. The unique identifier shall be irremovably printed or affixed. It shall be indelible and not hidden or interrupted in any form, including through tax stamps or price marks, or by the opening of the unit packet.

With the unique identifier, amongst other things, the registered place and time of manufacturing, along with the product description and the intended shipment route and market of retail sale, shall be recorded.

ÁTVR nominates the issuer for identifier to be responsible for making and issuing unique identifier. The minister may by regulation entrust another party to nominate the issuer for identifier.

The minister shall issue a regulation on further execution of this Article, such as which items concerning the product must be registered with a unique identifier, which information must be accessible in electronic form linked to the unique identifier and which requirements are made to the issuer of identifiers, labelling of products with a unique identifier and its verification.

Manufacturers and importers shall bear the costs of labelling of tobacco products with a unique identifier according to this article and the regulations based on it.][1)]

[1)] Act No. 110/2023, Article 6. This Article will take effect 11 January 2025 according to Article 18 of Act No. 110/2023.

[Article 6 e

Recording.

All economic operators involved in the trade of tobacco products, from the manufacturer to the last economic operator before the product arrives at the first retail outlet, shall record the entry of all unit packets into their possession. The same obligation of recording applies to them during intermediate movements and the final exit of the unit packets from their possession. The economic operator may comply this obligation of recording according to this provision by the marking and recording of all complete packs of tobacco products, such as cartons, boxes around cartons or pallets, provided that ÁTVR deems it still possible to track and trace all unit packets.

All natural and legal persons engaged in the supply chain of tobacco products shall maintain complete and accurate records of all transactions with the respective tobacco products.

Manufactures of tobacco products shall provide all economic operators involved in the trade of tobacco products, from the manufacturer to the last economic operator before the first retail outlet, including importers, warehouses and transporting companies, with the equipment that is necessary for the recording of the tobacco products purchased, sold, stored, transported or otherwise handled. That equipment shall be able to read and transmit the recorded data electronically to a data storage facility, *cf.* the fourth paragraph.

Tobacco products may only be placed on the market if the manufacturers and their importers have agreed on data storage with an independent third party for the purpose of hosting the data storage facility for all relevant data.

The minister shall issue a regulation on traceability system to track and trace all tobacco products, including labelling with a unique identifier, recording, transmission, processing and data storage and access to stored data. The minister shall also stipulate, in a regulation, a more detailed elaboration of this article, such as requirements and implementation regarding recording of tobacco products and provisions regarding data storage, such as key elements of data storage agreements.

Manufacturers of tobacco products shall bear the costs of equipment for recording of tobacco products, *cf.* the third paragraph. Manufacturers and importers shall bear all the costs in relations to traceability system, data storage and data storage facility according to this Article and regulations based on it.][1)]

[1)] Act No. 110/2023, Article 6. This Article will take effect 11 January 2025 according to Article 18 of Act No. 110/2023.

[Article 6 f

Security feature.

All unit packets of tobacco products, which are placed on the market in Iceland, shall carry a security feature, composed of visible and invisible elements. The security feature shall be irremovably printed or affixed, indelible and not hidden or interrupted in any form.

The minister shall stipulate in a regulation a more detailed elaboration of this Article, such as on requirements regarding security features, what elements a security feature must consist of and technical standards for the security features. The minister may stipulate in a regulation that it is permitted to use tax stamps, which meet the technical standards and functionality according to the regulation, as a security feature.][1)]

[1)] Act No. 110/2023, Article 6. This Article will take effect 11 January 2025 according to Article 18 of Act No. 110/2023.

[Article 6 g

Notification of novel tobacco products.

Manufacturers and importers, who intend to place novel tobacco products on the market in Iceland, are required to submit a notification to ÁTVR sex months before the marketing is intended. The notification shall be submitted in electronic form and it shall be accompanied by a detailed description of the novel tobacco product as well as instructions for its use and information on ingredients and emissions in accordance with this Act. A new notification shall be submitted for each significant modification of the tobacco product, and ÁTVR decides whether a modification is considered significant. It is not permitted to import or sell novel tobacco product that has not been notified in accordance to this provision and regulations based on it and approved by ÁTVR.

The minister sets in a regulation more detailed provisions on notification according to the first paragraph, *inter alia*, on what information must be accompanied with the notification, the obligation of manufacturers and importers to carry out tests on the relevant tobacco product or provide additional information about the tobacco product, receiving notifications and storing and handling and analysing the information accompanying the notification.

ÁTVR is may charge a fee for receiving notifications to cover the costs of receiving them and storing and handling and analysing the information received by the entity. The minister establishes a tariff for notifications based on proposals from ÁTVR. The tariff must take into account the costs.

ÁTVR publishes on its website information about the products that have met the conditions for notification according to the first paragraph.][1)]

[1)] Act No. 110/2023, Article 6.

[Article 6 h

Cross-border distance sales of tobacco products.

Cross-border distance sales of tobacco product to consumers is prohibited.][1)]

[1)] *Act No. 110/2023, Article 6.*

Article 7

[*Advertising.*][1)]

All forms of advertising of tobacco, [herbal products for smoking, products covered by this Act][1)] and smoking accessories are prohibited in Iceland. [This does not apply, however, to information on tobacco products distributed to parties selling tobacco, wholesale or retail, provided that it is ensured that the information is not accessible to consumers or others. The same applies to advertisements in publications printed and published outside the European Economic Area, provided that they are primarily intended for distribution outside the area, and that their primary purpose is not the advertising of such products. The State Alcohol and Tobacco Company of Iceland is, notwithstanding the provisions of the first sentence, authorised to publish and promulgate a register of harmful substances in tobacco products.][2)]

It is also prohibited to show consumption or any form of handling of tobacco or smoking accessories in advertisements or information on goods or services of other kinds and in illustrations on goods. [In addition, it is prohibited to import, manufacture or sell toys or confectionery which is made to resemble cigarettes, cigars or pipes.][2)]

…[1)]

It is prohibited to place tobacco on the Icelandic market under trademarks which are known or used as trademarks for other goods or services.

Any form of contribution to an event or activity whose objective, or direct or indirect effect, is to promote tobacco, is prohibited.

Tobacco and tobacco trademarks shall be so placed at [retail outlets][1)] that they are not visible to the customer. [Specialist tobacco shops, e.g. shops which primarily offer tobacco and smokers' supplies, may, however, place tobacco and tobacco trademarks in such a way inside the shop that they are visible to customers when they have entered the shop.][3)]

[1)] *Act No. 110/2023, Article 7.* [2)]*Act No. 33/2009, Article 2.* [3)] *Act No. 83/2006, Article 2.*

Article 8

[*Sale and delivery.*][1)]

Tobacco may neither be sold nor delivered to individuals under the age of 18 years. A statement of this prohibition shall be displayed prominently where tobacco is for sale. In cases where the purchaser's age is in doubt, the sale can only be made if the customer shows by identification that he/she is at least 18 years old.

…[2)]

Sale of tobacco from self-service machines is prohibited.

Sale of cigarettes in units of less than whole packets of 20 cigarettes is prohibited.

The importation, manufacture and sale of fine-grained snuff and all oral tobacco is prohibited, with the exception of chewing tobacco.

Tobacco may not be sold in schools, institutions for children and teenagers, or at health institutions.

Only persons who are at least 18 years of age may sell tobacco. The board of health of the relevant region may grant a temporary exemption from this provision regarding the age limit. [The Minister][3)] issues regulations,[4)] on receipt of recommendations from the Occupational Safety and Health Administration, containing further provisions on exemptions from the age limit.

…[1)]

…[1)]

…[1)]

[For retail sale of tobacco, a special permit is required from the board of health of the relevant region. For operation of a specialist tobacco shop, a special permit is also required from the board of health of the

relevant region. A specialist tobacco shop shall be especially distinguished. [A permit under this Article shall be tied to a specific outlet, granted for four years at a time and only granted to a legal entity that meets the conditions of the regulation on licencing, *cf.* the seventh sentence.][1)] Local authorities are permitted to collect a fee for permits and for monitoring the activities of permit-holders, on receipt of recommendations from the local authority boards of health. Such fees shall be in accord with the Health and Pollution Control Act. The Minister may, in consultation with [the Minister in charge of matters concerning pollution control],[5)] issue regulations[6)] stating further provisions on the granting of permits under this article, *inter alia* [on conditions, on licencing retail sale of tobacco, that are deemed necessary to ensure safety and monitoring the trade activity,][1)] on the fittings of specialist tobacco shops, how such shops are to be distinguished, and how tobacco and tobacco trademarks may be placed at [retail outlets][1)] and in specialist shops.][7)]

Wholesalers of tobacco may not sell or deliver tobacco to others than those who have been granted a permit for retail sale of tobacco under this Act.

[ÁTVR publishes on its website information on those who have a licence to retail tobacco products. Licence issuer are obliged to notify ÁTVR of issued and cancelled licences.][1)]

[1)] Act No. 110/2023, Article 8. [2)] Act No. 33/2009, Article 3. [3)] Act No. 162/2010, Article 72. [4)] Regulation No. 326/2007. [5)] Act No. 126/2011, Article 338. [6)] Regulation No. 325/2007. [7)] Act No. 83/2006, Article 3.

SECTION III
Restrictions on smoking.

Article 9

[Smoking is prohibited in the service areas of institutions, business and voluntary organisations, for instance at restaurants and places of entertainment, and where cultural and social activities take place, including sports and leisure activity. The same applies to equivalent outdoor areas, if they are not sufficiently open to ensure adequate ventilation.][1)]

…[1)]

Notwithstanding the provisions of the first paragraph, smoking may be permitted in specified guest rooms of hotels and guesthouses. In hostels, smoking may not be permitted in rooms or dormitories.

Where smoking is permitted under this article, ventilation shall be ensured, meeting the requirements of the health inspectorate, and it shall be ensured that smoke does not pollute the atmosphere of non-smoking areas.

…[1)]

[The Minister may make further provisions in regulations,[2)] in consultation with [the Minister in charge of implementation of the legislation on restaurants, lodging and entertainment][3)] and [the Minister in charge of matters concerning pollution control],[3)] on smoking in places of accommodation and on the implementation of the prohibition of smoking in restaurants and at places of entertainment, *inter alia* with respect to smoking in outdoor areas, *cf.* the first paragraph.][1)]

Smoking is prohibited in every space of a common part of a multi-owner building.

The Minister shall, in consultation with [the Minister in charge of sports affairs][3)] and the Icelandic Sports and Olympic Federation, issue rules[2)] regarding restrictions on tobacco consumption out-of-doors at sports facilities.

[1)] Act No. 83/2006, Article 4. [2)] Regulation No. 326/2007. [3)] Act No. 126/2011, Article 338.

Article 10

Smoking is entirely prohibited:

1. In primary/lower secondary schools, local authority summer work-training programmes for children, pre-schools, all day-care facilities for children, and on premises primarily intended for children's and teenagers' social, sports and leisure activities.
2. At public gatherings indoors which are primarily intended for children or teenagers.
3. In upper-secondary schools and other secondary-level schools.
4. At health-care centres, doctors' surgeries and other places providing health services. This does not apply, however, to the rooms where residents of nursing homes and old people's homes live; but non-smokers must be offered non-smoking rooms.
5. In hospitals. Smoking by patients may, however, be permitted under special circumstances. The Minister shall issue regulations[1)] containing further provisions on the implementation of the exemption.
6. In prison. Smoking may, however, be permitted in cells. Non-smokers must be offered non-smoking cells.

All other consumption of tobacco is also prohibited in primary/lower secondary schools, local authority summer work-training programmes for children, pre-schools, all day-care facilities for children, and on premises primarily intended for children's and teenagers' social, sports and leisure activities. The same applies to all gatherings primarily intended for teenagers.

Directors of all public institutions other than those specified in the first paragraph shall, in consultation with staff, draw up a plan regarding prohibition of smoking within the relevant institution, which shall be implemented no later than the end of the year 2000. Within each institution, however, it is permissible to allocate a space where smoking is allowed.

[1)] Regulation No. 326/2007.

Article 11

Management of premises to which the public have access, but which do not fall under the provisions of arts. 9 and 10 of this Act, may themselves decide to restrict smoking on the premises. This shall be clearly indicated on the premises, and the local authority board of health or the Occupational Safety and Health Administration shall be notified, as applicable under the first paragraph Article 18, and the provisions of this Act shall then apply as relevant.

Article 12

[With the exception that may be entailed by the third paragraph of Article 9, every person shall have a right to a smoke-free atmosphere indoors in his/her workplace, and the employer shall ensure that his/her right is observed.][1)]

[The Minister][2)] shall issue rules[3)] in consultation with …[2)] [the Minister in charge of implementation of the legislation on restaurants, lodging and entertainment][4)] regarding restrictions on smoking in the workplace, including aboard ship, in accord with the first paragraph and taking account of Article 1 of this Act.

[1)] Act No. 83/2006, Article 5. [2)] Act No.162/2010, Article 72. [3)] Regulation No. 326/2007. [4)] Act No. 126/2011, Article 338.

Article 13

Smoking is prohibited in public transport facilities for which a fare is charged.

[Aircraft][1)] operators may permit smoking in a part of the passenger cabin on international commercial flights which do not land in Iceland. It shall always be ensured, however, that this does not cause discomfort to non-smokers.

[1)] Act No. 80/2022, Article 265.

SECTION IV
Educational activities.

Article 14

[The Ministry in charge of Education][1)] shall, in consultation with [the Ministry][2)] and [the Medical Director of Health],[3)] ensure that regular educational activity takes place with the objective of reducing tobacco consumption:

1. In Icelandic schools. Special emphasis shall be placed upon such education in primary/lower-secondary schools, and in colleges which train people for work in the child-care, education and health sectors.
2. In the media.

Education on the effects of tobacco consumption and means of reducing consumption shall be provided at health-care centres and hospitals.

[1)] Act No. 126/2011, Article 338. [2)] Act No. 162/2010, Article 72. [3)] Act No. 28/2011, Article 15.

SECTION V
[Coercive measures etc.][1)]

[1)] Act No. 110/2023, Article 13.

Article 15

[*Authorisation for inspection and duty of disclosure.*

ÁTVR can require manufacturers, importers and others covered by this Act, information and data to carry out supervision according to this Act and regulation issued hereunder during the examination of individual cases. Information can be requested orally or in writing and must be provided within a reasonable deadline determined by the agency.

ÁTVR can require information and data from other authorities, including customs authorities, regardless of their confidentiality.

ÁTVR is authorised to inspect tobacco products and other products covered by this Act and regulation issued hereunder, at economic operators and retailers, whether at the manufacturing site, in a warehouse, at transport companies, wholesale or retail, and take samples of the product for investigation.

The economic operator or retailer shall bear the costs of the samples taken for investigation according to the third paragraph. Upon completion of the investigation, samples must be returned or securely destroyed, where applicable.][1)]

[1)] Act No. 110/2023, Article 10.

Article 16

[*Cautions, reparations and per diem fines.*

To ensure compliance for the implementation of measures under this Act, ÁTVR may give the party in question a caution. At the same time, a suitable period of time shall be granted to take remedial measures if they are needed.

When a party fails to comply with instructions within a specified period of time, ÁTVR may impose per diem fines on it until the situation is rectified and the fines may amount to as much as ISK 500,000 per day. When the amount of a per diem fine is determined, consideration shall be given to factors including the scope and seriousness of the violation, how long it lasted and whether the violation was repeated.

Decisions to impose per diem fines may be enforced. If a fine under this Article has not been paid within 30 days of the relevant regulatory body's decision to impose it, arrears interest shall be paid on the fine amount. Decisions and calculations relating to arrears interest shall be in accordance with the Interest and Price Indexation Act. Uncollected per diem fines, which are imposed up to the final day, shall not be waived even though the party later pays the relevant claim, unless the relevant regulatory body decides this specially. Fines under this Article shall go to the Treasury following deduction of the costs of their collection.][1)]

[1)] Act No. 110/2023, Article 11.

[Article 16 a

Recall and ban on sale.

ÁTVR can prohibit import or sale of a tobacco product or other product if it does not meet the requirements of this Act and regulations issued hereunder.

ÁTVR can order a recall or the removal of a product from the market if it does not meet the requirements of this Act and regulations issued hereunder.

If an economic operator or a retailer verifiably obstructs ÁTVR's investigation or supervision or deliberately provides the agency with false or incomplete information about a tobacco product or other product under this law, ÁTVR can prohibit sales and recall the product until the investigation is complete.

ÁTVR may demand that the economic operator or retailer dispose the product in question in a secure manner or recall it and store it until the defects have been rectified.

The economic operator or retailer bears all costs of product recall. If a product does not comply with the established rules, the economic operator or retailer must bear the costs resulting from inspection, research, storage and testing, as well as other costs.][1)]

[1)] Act No. 110/2023, Article 12.

[Article 16 b

Police assistance.

ÁTVR may seek police assistance, if necessary, when applying coercive measures.][1)]

[1)] Act No. 110/2023, Article 12.

[Article 16 c

Fees.

ÁTVR may charge fees for costs resulting from:

a. verification of measurements of the emission levels of tobacco products, *cf.* Article 6.
b. receiving, storing, handling, analysing and publishing information that manufacturers and importers are obliged to provide according to this Act, *cf.* Article 6 a and Article 15,
c. assessment of whether a tobacco product has a characterising flavour, whether prohibited additives or flavourings are used and whether a tobacco product contains additives in quantities that increase, significantly and measurably, the toxicity or addictive effect or CMR properties of the relevant tobacco product, *cf.* Article 6 b,
d. monitoring that the labelling and packaging of tobacco products and herbal products for smoking are in accordance with this Act and the regulations issued hereunder, *cf.* Article 6 c,
e. receiving, storing, investigating and, where applicable, destruction of a sample of a product to assess its ingredients, properties and effects, or to ensure that other provisions of this Act are observed, such as labelling and packaging, *cf.* Article 6 a and Article 15,
f. monitoring that the requirements of this Act and the regulations issued hereunder regarding the traceability of tobacco products according to Article 6 d, recording of tobacco products according to Article 6 e and security feature according to Article 6 f is satisfied,
g. receipt of notifications of novel tobacco products and storage, handling and analysing of information accompanying the notification, *cf.* Article 6 g,
h. recall or confiscation of a product and, where applicable, its storage or disposal, *cf.* Article 16 a and Article 19 a.

After receiving proposals from ÁTVR, the minister shall issue a tariff of charges for services provided, monitoring and tasks assigned to the agency which it undertakes to perform under this Act. The amount of each fee shall take account of the cost of the service and the execution of individual tasks. The fee may not exceed costs. The tariff of charges shall be published in Section B of the Government Gazette. Fees may be collected by attachment.][1)]

[1)] Act No. 110/2023, Article 12.

SECTION VI
Monitoring and penalties.

Article 17

[*Monitoring of the local authority boards of health.*][1)]

Local authority boards of health, under the supervision of [the Environmental Agency of Iceland][2)], shall monitor [retail outlets][1)] of tobacco, and monitor the observation in their district of the provisions of Section II of this Act, regarding labelling [and the packaging of tobacco products sold by retail][1)], advertising and sale of tobacco.

[In the case of a violation of the provisions of Section II and the local authority board of health's instructions are not complied with, the board may apply the same measures as are stated in Sections V and VI, as well as the measures listed in Sections XVII–XIX of the Health and Pollution Control Act, No. 7/1998.][1)]

Should a permit-holder under Article 8 violate the terms of that article, the board of health in the relevant district may, after issuing a reprimand, revoke the permit. In the case of repeated violations, or gross violation, the board of health must revoke the permit.

[Rulings of a local authority board of health may be appealed to the Environmental and Natural Resources Board of Appeal. The parties, deadline for appeals, handling of case and other issues regarding the appeal is subject to the Act on Environmental and Natural Resources Board of Appeal.][3)]

[1)] Act No. 110/2023, Article 14. [2)] Act No. 164/2002, Article 27. [3)] Act No. 131/2011, Article 31.

Article 18

Local authority boards of health, the Occupational Safety and Health Administration, [The Icelandic Transport Authority][1)] shall monitor, as applicable, observation of the provisions of Section III of this Act, in accord with the legislation applying to these agencies.

The Minister issues regulations[2)] stating further provisions regarding implementation of monitoring.

[1)] Act No. 59/2013, Article 20. [2)] Regulation No. 326/2007.

Article 19

[*Sanctions, criminality, attempted violations and accessory capacity.*

Violations of this Act or regulations issued hereunder are punishable by fines or imprisonment, of up to two years, irrespective of whether they are committed on purpose or through negligence.

Profits, direct or indirect, resulting from violations of the provisions of this Act, may be confiscated by a court order.

Attempted violations, or acting as an accessory in violations, of this Act shall be punishable according to the provisions of the General Penal Code.][1)]

[1)] Act No. 110/2023, Article 15.

[Article 19 a

Confiscation.

ÁTVR may confiscate tobacco products or other products under this Act, that do not meet the requirements of this Act or of regulations issued hereunder and destroy them at the expense of the party in charge of them.][1)]

[1)] Act No. 110/2023, Article 16.

[Article 19 b

Administrative fines.

ÁTVR may levy administrative fines on natural or legal persons that violate provisions of this Act and regulations issued hereunder and decisions of regulators.

Administrative fines imposed on natural persons may lie in the range ISK 10,000–10,000,000. Administrative fines imposed on legal persons may lie in the range ISK 25,000–25,000,000.

The minister may, in a regulation, determine the monetary amounts of administrative fines for violations of individual provisions of this Act within the framework set out in the fourth paragraph.

If the monetary amounts of fines have not been determined in a regulation, then when fines are determined, consideration shall be given to factors including the seriousness of the violation, how long it has lasted, whether the perpetrator has demonstrated a willingness to cooperate and whether the violation was repeated.

The due date for the payment of an administrative fine is 30 days after the decision to impose the fine was taken. If the administrative fine remains unpaid 15 days after the due date, arrears interest shall be paid on the fine, calculated from the due date. Decisions by ÁTVR to impose administrative fines are enforceable and the fines shall go to the Treasury after deduction of the costs of imposition and collection. Decisions and calculations relating to arrears interest shall be in accordance with the Interest and Price Indexation Act.

Administrative fines shall be imposed irrespective of whether violations are committed on purpose or through negligence.][1)]

[1) Act No. 110/2023, Article 16.

[Article 19 c

Charges to the police.

ÁTVR my refer violations to the police.

If an alleged violation of this Act is punishable by both administrative fines and sanctions, ÁTVR shall assess whether to refer the matter to the police or whether it is to be concluded by an administrative decision by the agency. In the event of major violations, however, ÁTVR shall refer them to the police. Violations shall be regarded as major if the action was committed in a particularly reprehensible manner or under circumstances that seriously increase the criminality of the violation. Furthermore, ÁTVR may, at any stage of proceedings, refer a case involving violations of this Act for criminal investigation. Consistency shall be observed in the resolution of comparable cases.

Referral to the police shall be accompanied by copies of the materials on which the suspicion of a violation is based. The provisions of Sections IV–VII of the Administrative Procedure Act shall not apply to decisions according to the first paragraph to refer matters to the police.

ÁTVR may provide the police or the prosecutory authority with information and materials that the agency has gathered and are related to violations referred to in the second paragraph. ÁTVR may participate in police measures related to the investigation of violations referred to in the second paragraph.

The police and the prosecutory authority may provide ÁTVR with information and materials that they have gathered and are related to violations referred to in the second paragraph. The police may participate in measures by ÁTVR related to the investigation of violations referred to in the second paragraph.

If the prosecutor considers there are insufficient grounds for bringing an action over the alleged criminal activity which also falls under administrative sanctions, he/she may send the case back to ÁTVR for processing and further decision.][1)]

[1) Act No. 110/2023, Article 16.

Article 20

A person who continues to smoke on premises or in a vehicle where smoking is prohibited under Articles 9, 10 and 13, *cf.* also Article 11, shall be liable to a fine, provided that the person responsible for the premises or the driver of the vehicle or their representative has given a prior reprimand.

The same parties may expel the offender from the premises or vehicle, should he/she refuse to comply.

[SECTION VII
Regulations and implementation.][1)]

[1)] *Act No. 110/2023, Article 17.*

[Article 20 a

Authorisation for issuing regulations.

The minister shall set out, in regulations[1)], more detailed provisions on the application of this Act, including as regards the following:

1. maximum emission levels from other tobacco products than cigarettes, *cf.* the first paragraph of Article 6,
2. measurement methods and conditions that a laboratory shall meet when measuring emission, *cf.* the second paragraph of Article 6,
3. priority list, *cf.* the seventh paragraph of Article 6 a,
4. obligation of information and reporting by manufacturers and importers on ingredients and emission, *cf.* the ninth paragraph of Article 6 a,
5. additives that cause toxic or addictive effect, *cf.* the fifth paragraph of Article 6 b,
6. health warnings and layout of unit packets and outside packaging, *cf.* the fifth paragraph of Article 6 c,
7. traceability, *cf.* the fourth paragraph of Article 6 d,
8. traceability system, recording and data storage, *cf.* the fifth paragraph of Article 6 e,
9. security feature, *cf.* the second paragraph of Article 6 f,
10. notification of novel tobacco products, *cf.* the second paragraph of Article 6 g,
11. exemptions on age limit, *cf.* the seventh paragraph of Article 8,
12. restrictions on tobacco use in out-of-doors at sports facilities, *cf.* the eighth paragraph of Article 9,
13. restrictions on tobacco use in hospitals, *cf.* point 5 of the first paragraph of Article 10,
14. implementation of monitoring, *cf.* the second paragraph of Article 18.

The minister may furthermore set out further provisions on the implementation of this Act in regulations, including as regards the following:

1. arrangement and implementation of ÁTVR's monitoring, *cf.* the sixth paragraph of Article 5,
2. the tasks of the Medical Director of Health in the field of tobacco control, *cf.* the fourth paragraph of Article 5 a,
3. the tasks of local authority boards of health, including on arrangement and execution of granting licences and supervision, *cf.* the second paragraph of Article 5 b,
4. maximum emission levels from cigarettes for lowering, *cf.* the first paragraph of Article 6,
5. further execution on samples and tests deemed necessary to assess the ingredients, properties and effects of a tobacco product, *cf.* the fourth paragraph of Article 6 a,
6. what other tobacco products with a characterising flavour is prohibited to place on the market, others than those mentioned in the first paragraph of Article 6 b, *cf.* the second paragraph of Article 6 b,
7. nomination of issuer for identifier, *cf.* the third paragraph of Article 6 d,
8. the use of tax stamps as security feature, *cf.* the second paragraph of Article 6 f,
9. granting permits, *cf.* the eleventh paragraph of Article 8,
10. restrictions on tobacco smoking, *cf.* the sixth paragraph of Article 9,
11. monetary amounts of administrative fines for violations of individual provisions of this Act, *cf.* the third paragraph of Article 19 b.

The minister may publish as a regulation implementation rules of the European Union, implementation decisions and other derivative acts of the European Commission on tobacco control and tobacco products, with adaptations taking account of the EEA Agreement and the Convention Establishing the European Free Trade Association.][1)]

[1)] *Act No. 110/2023, Article 17.*

[Article 20 b

Implementation.

This Act is passed in order to implement in Iceland law the following acts, with their amendments to date:

1. Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC as adopted in the EEA Agreement with the Decision of the EEA Joint Committee No. 6/2022 of 4 February 2022.
2. European Commission delegated directive 2014/109/EU of 10 October 2014 amending Annex II to Directive 2014/40/EU of the European Parliament and of the Council by establishing the library of picture warnings to be used on tobacco products, as adopted in the EEA Agreement with the Decision of the EEA Joint Committee No. 6/2022 of 4 February 2022.][1)]

[1)] *Act No. 110/2023, Article 17.*

Article 21

…[1)]

[1)] *Act No. 88/2008, Article 233.*

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The original Icelandic text is published in the Law Gazette.
In case of a possible discrepancy, the original Icelandic text applies.]