



**ROYAL MINISTRY OF
TRADE AND INDUSTRY**

NOTIFICATION MESSAGE on the EFTA-EC procedure according to Directive 98/34/EC as amended by Directive 98/48/EC in the EEA-Agreement laying down a procedure for the exchange of information in the field of technical regulations and of rules on information society services.

1. Special code. (This section will be completed by the mission.)

2. State: **Norway (N)**

3.a. **ROYAL MINISTRY OF TRADE AND INDUSTRY,
Department for Industrial and Trade Issues
P.O. BOX 8014 DEP
N-0030 OSLO
Norway**

3.b. Origination Ministry or Authority: **The Norwegian Ministry of Health and Care Services**

4. Notification: (This number will be allocated by the EFTA Surveillance Authority)

5. Title:

Draft of new provisions in Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco

6. Products and/or Services Concerned:

Tobacco products: retail and marketing of tobacco products to consumers

7. Notification under Another Community Act:

N/A

8. Main content:

The Norwegian Ministry of Health proposes adding a new provision to the Tobacco Act banning the visible display of tobacco products and smoking accessories at points of sale. Although all types of tobacco products are covered, tobacconist shops are exempted from the ban.

Information regarding selection and price will continue to be available in the form of a neutrally designed price list at the point of sale.

The Ministry proposes that the current prohibition of sales from vending machines be amended to make it clear that the ban only applies to self-service vending machines, i.e. vending machines that can be operated without the assistance of staff on the premises. Vending machines operated by cards purchased at the cash register or checkout for dispensing tobacco products to consumers are not covered by the ban. The new provision also makes it clear that the vending machine cards must have a neutral appearance.

The practical consequence of the ban is that retail outlets will have to remove or cover tobacco products to render them invisible to customers. This can be done by placing the tobacco products under the counter, in closed containers above the counter, in closed cabinets or drawers or behind sliding doors, shutters or curtains that are closed.

The prohibitions on advertising of smoking accessories and on the free distribution of tobacco products to consumers are clarified, and a new prohibition against the use of special discounts on the sale of tobacco products to consumers is introduced.

Further information can be found in the annexed explanatory text.

9. Brief statement of grounds:

The Government's aim, as set forth in *Norway's National Strategy for Tobacco Control 2006-2010*, is to halve the daily smoking prevalence among young people by 2010, from 24% in 2005, and to halt the increase in the use of smokeless tobacco. As one of several specific actions the strategic plan mentions that a proposal should be considered to ban the visual display of tobacco products at retail outlets as a measure to make tobacco products less accessible.

The Directorate for Health and Social Affairs was tasked by the Ministry in 2006 to study such a proposal. The Directorate concluded that such a ban would have the effect of reducing the advertising function of tobacco packaging. In the Directorate's view, this would have a particularly beneficial preventive effect on young people who neither smoke nor use smokeless tobacco, as well as on persons who are trying to quit/have quit smoking or using smokeless tobacco.

Further information can be found in the annexed explanatory text.

10. Reference documents: (Previous regulations, references to international standards etc.)

- A. Explanatory document
- B. The existing Tobacco Act and Tobacco Advertising Regulations.

11. Invocation of the Emergency Procedure: **NO**12. Grounds for the emergency: **N/A**

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| 13. <u>Confidentiality</u> : NO |
| 14. <u>Fiscal Measures</u> : NO |
| <p>15. <u>Impact Assessment</u>: Please tick below as appropriate:</p> <p>a) <input checked="" type="checkbox"/> Information on the impact assessment can be found on page 4 in the attached explanatory document.</p> <p>b) <input type="checkbox"/> The impact assessment is attached.</p> |
| <p>16. <u>TBT and SPS Aspects</u>:</p> <p>TBT Aspect</p> <p>a) NO</p> <p>b) Should the Member State respond with NO, it indicates the reasons that have motivated its decision. Please tick below as appropriate:</p> <p>i) <input type="checkbox"/> The draft is not a technical regulation nor a conformity assessment procedure in the sense of Annex 1 of the TBT Agreement.</p> <p>ii) <input type="checkbox"/> The draft is in conformity with an international standard.</p> <p>iii) <input checked="" type="checkbox"/> The draft does not have a significant effect on international trade.</p> <p>SPS Aspect</p> <p>a) NO</p> <p>b) Should the Member State respond with NO, it indicates the reasons that have motivated its decision. Please tick below as appropriate:</p> <p>i) <input checked="" type="checkbox"/> The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.</p> <p>ii) <input type="checkbox"/> The content of the draft is in essence the same as the one of an international standard, guideline or recommendation.</p> <p>iii) <input type="checkbox"/> The draft does not have a significant effect on international trade.</p> |