



Notification Number: 2005/67/E

## Preliminary draft Act regulating the sale, supply, consumption and advertising of tobacco products, for the protection of public health

Date received : 24/02/2005  
End of Standstill : 25/05/2005 ( 25/08/2005)  
Issue of comments by : Commission  
Issue of detailed opinion by : Germany

### Message

#### Message 002

Communication from the Commission - SG(2005) D/50413  
Directive 98/34/EC  
Translation of the message 001  
Notification: 2005/0067/E

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200500413.EN)

#### 1. Structured Information Line

MSG 002 IND 2005 0067 E EN 25-05-2005 24-02-2005 E NOTIF 25-05-2005

#### 2. Member State

Spain

#### 3. Department Responsible

SUBDIRECCIÓN GENERAL DE ASUNTOS INDUSTRIALES, ENERGÉTICOS, DE TRANSPORTES, COMUNICACIONES Y MEDIO AMBIENTE.  
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### 3. Originating Department

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SECRETARÍA GENERAL DE SANIDAD  
DIRECCIÓN GENERAL DE SALUD PÚBLICA  
SUBDIRECCIÓN GENERAL DE PROMOCIÓN DE LA SALUD Y EPIDEMIOLOGÍA

### 4. Notification Number

2005/0067/E - X00M

### 5. Title

Preliminary draft Act regulating the sale, supply, consumption and advertising of tobacco products, for the protection of public health

### 6. Products Concerned

Tobacco

### 7. Notification Under Another Act

-

### 8. Main Content

In Spain, as in other developed countries, tobacco use is the main isolated cause of avoidable disease and death, and it is necessary to adopt measures impinging on the availability and accessibility of tobacco products, above out of concern for young people, protection of the non-smoking population and also smokers. To this end, it is necessary to rectify the limitations and deficiencies of current Spanish legislation by limiting the sale, supply and consumption of tobacco and by regulating the advertising, promotion and sponsorship of tobacco products in complete accordance with the strategies defined by the WHO and the legislation adopted by the European Union, which is transposed into Spanish law by means of this legislative draft

Key words: Tobacco use; avoidable disease and death; availability and accessibility of tobacco.

### 9. Brief Statement of Grounds

To reduce the prevalence of tobacco among the Spanish public, by means of measures which allow our citizens to see that the social norm of not smoking is the majority habit and is also healthy, both from the individual and collective point of view.

### 10. Reference Documents - Basic Texts

General Health Law No 14 of 25 April 1986; Royal Decree No 192 of 4 March 1988, subsequently amended by Royal Decree No 1293 of 23 July 1999; General Advertising Laws No 34 of 11 November 1988, No 25 of 12 July 1994, transposing Directive 89/552/EEC into Spanish legislation, and No 22 of 7 June 1999, amending the previous Law.



**11. Invocation of the Emergency Procedure**

NO

**12. Grounds for the Emergency**

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**13. Confidentiality**

NO

**14. Fiscal measures**

NO

**15. Impact assessment**

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**16. TBT and SPS aspects**

TBT

A) NO

B) III) The draft will not have a perceptible effect on international trade.

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European Commission

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