

## Sales through Cigarette Vending Machines in Europe - Status January 2011

COUNTRY	BANNED	ENFORCED	ALLOWED	BAN DUE BY:	ADDITIONAL INFO
AUSTRIA			✓		Minors (< 16) are not allowed to buy tobacco from vending machines and there is an electronic age control by bank card or mobile phone. They still may have access to the machines using expired bank cards from parents or via older siblings and friends
BELGIUM			✓		Sales prohibited to minors < 16 yr olds - the automatic vending machines must be locked and can be unlocked and activated only by and to the profit of a person of 16 or more.
BULGARIA	There are no vending machines in BG				No specific legislation covering vending machines
CYPRUS	✓	✓			
CZECH REPUBLIC			✓		Both laws 379/2005 and law 305/2009 ban sale of tobacco products through vending machines and all other ways where age (of 18) cannot be controlled, so vending machines are mostly indoor - in bars and similar spaces.
DENMARK			✓		Vending machines are not a big problem in Denmark. You don't see them in the streets or outside stores, where there is nobody to keep an eye on them. You find them only in restaurants, bars and hotel lobbies occasionally. Staff in such places will ensure that nobody under the age of 18 buys cigarettes.
ESTONIA	✓	✓			
FINLAND			✓	1/1/2015	Sales prohibited to young people <18 years and the vending machines should be under supervision
FRANCE	✓	✓			
GEORGIA	✓	✓			
GERMANY			✓		There are more than 400.000 vending machines in Germany, half of them located outdoors. The machines contain an electronic device for controlling the age of buyers (no sale to young people < 18 years).
GREECE	✓	✓			
HUNGARY	✓	✓			

Source: ENSP National Coalition Representatives and member organisations, January 2011

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ICELAND	✓	✓			
IRELAND	✓	✓			Prohibited except in licensed premises and registered clubs
ITALY			✓		Sales to minors < 16 prohibited. As of 1/11/2009 all vending machines should be equipped with electronic devices to control the age of purchasers. Draft legislation to ban vending machines was presented in February 2010 to the Chamber of Deputies, number C3182 by initiative of deputy Cosenza; the draft was halted and there is no political will to reconsider it at the moment.
LATVIA	✓	✓			
LITHUANIA	✓	✓			
LUXEMBOURG			✓		Sales to minors < 16 is prohibited. Purchasers have to get a coin from the counter to activate the machines.
MALTA			✓		Sales to < 18 is prohibited. Machines need to be supervised.
NETHERLANDS			✓		Vending machines require age coins in order to prevent minors (<16 yrs) to use these machines to buy cigarettes. This rule is the responsibility of the owner of the premises where the machine is. In practice however, these age coins are available on top of the vending machine.
NORWAY	✓	✓			Note on the Norwegian legislation: self-service vending machines are banned to address the issue of sales to minors, However when the display ban concerning tobacco products at points of sale was introduced in January 2010, vending machines that carry tobacco, over the counter medicines, razors and other products were allowed, as long as there is no advertising on the machines, and that a token for the tobacco products (and other products) is bought in the store and the age limit is overheld.
POLAND	✓	✓			
PORTUGAL			✓		Sales prohibited to < 18 years. Enforcement problems reported with minors. The vending machines must have an electronic device to open it and they must be inside the shop... if you doubt of the age of the minor you can ask de I.D. and photo.
ROMANIA	✓	✓			
SLOVAKIA	✓	✓			
SLOVENIA	✓	✓			

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SPAIN			✓		No sales < 18 years. failure to comply with the law is considered as a serious violation (example: vending machines not having installed the technical device as they are used by minors) and penalties go from 601 to 10.000€.
SWEDEN			✓		The existing law provides that the vending machines should be placed and controlled so that no ≤ 18 can buy tobacco products. Of course that is not the case all the time.
SWITZERLAND			✓		In 17 out of 26 cantons tobacco sales to youngster are banned. (6 cantons age-limit 18, 11 cantons age-limit 16). Some of this cantons have legislation to ensure that access to vending machines for youngsters is "not" possible
UKRAINE	✓	✓			
ENGLAND/WALES			✓	<p>Legislation has been passed to ban vending machines in all four countries of the UK with effect from 1st October 2011. The regulations for England can be accessed at:  <a href="http://www.legislation.gov.uk/ukxi/2010/864/contents/made">http://www.legislation.gov.uk/ukxi/2010/864/contents/made</a></p> <p>Machine provider Sinclair Collis, part of Imperial Tobacco, has requested a judicial review of the ban. The appeal is due to be heard in Court during the week beginning 7<sup>th</sup> March.</p> <p>Although the Department of Health states that a favourable outcome may be anticipated given the legal considerations accepted by the Court in their original decision (01/12/10), it is impossible to predict how long the Court may deliberate after the hearing, nor when their final judgment will be announced.</p> <p><b>1 October 2011</b> is still planned implementation date; but this may have to be delayed if the judgment is not announced fairly soon after the hearing.</p>	<p>Machines should be sited in places where children cannot access them and should be in full view of staff.</p> <p>Despite this agreement, vending machines are regularly used by children who have little difficulty in making purchases since the machines are self service and rarely supervised</p>

UK SCOTLAND			✓	<p>01/10/2011</p> <p>The tobacco and primary medical services (Scotland) Act 2010, which was passed by the Scottish Parliament in January 2010 but has not been enacted - <a href="http://www.legislation.gov.uk/asp/2010/3/section/9">http://www.legislation.gov.uk/asp/2010/3/section/9</a> - will prohibit the sale of tobacco products from vending machines completely, remote locking mechanisms will not be permitted</p> <p><b>Will become effective on:</b> 1 October 2011 has been the expected commencement date, however this has yet to be confirmed. The reason for the delay is a legal challenge to the section of the Act dealing with vending machines by Imperial Tobacco's vending machine subsidiary, Sinclair Collis. We await the outcome of this judicial review, which is expected to come to court probably in May 2011.</p>	<p>Sales to young people &lt; 18 are prohibited.</p> <p><b>Enforcement:</b> Currently there is no law or regulation governing this, the placement and operation of machines is controlled by a voluntary agreement between vending machine manufacturer and the site manager where the machine is located. This agreement typically states that machines should be sited in places where young people can't access them, and in full view of site staff. However, this agreement isn't legally binding, and it is common for machines to be unmonitored and placed out of sight of staff down corridors and hallways.</p>
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