

SAMPLE TRANSLATION: DANISH INTO ENGLISH
DANISH LEGISLATION - TOBACCO PREVENTION

A TOLLUND® LEGAL TRANSLATION
DANISH - ENGLISH



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BEMÆRKNINGER TIL LOVFORSLAGET**1. ALMINDELIGE BEMÆRKNINGER**

Lovforslaget er et led i et af regeringens overordnede sundhedspolitiske mål, der har til hensigt at reducere antallet af rygere markant. Dette skal ske dels gennem rygestop, dels gennem begrænsning af antal nye rygere.

Bestemmelserne i tobaksvareloven, loven om en aldersgrænse i forbindelse med salg af tobak og tobaksreklameloven er alle i et vist omfang medvirkende til at hæmme formidlingen af salgsfremmende foranstaltninger, at vanskeliggøre tilgængeligheden af tobaksvarer og dermed også til at reducere antallet af rygere og at begrænse antallet af nye rygere.

Ændringsforslagene til de tre tobakslove strammer alle op i forhold til de gældende regler.

1.1. ÆNDRING AF LOV OM FREMSTILLING, PRÆSENTATION OG SALG AF TOBAKSVARER

Tobaksvareloven er en implementering af Europa-Parlamentets og Rådets direktiv 2001/37/EF af 5. juni 2001 om indbyrdes tilnærmelse af medlemsstaternes love og administrative bestemmelser om fremstilling, præsentation og salg af tobaksvarer.

I forbindelse med en redegørelse fra Kammeradvokaten fra februar 2006 om mulighederne for nationalt at gennemføre et forbud mod tilsætningsstoffer, der øger nikotinens afhængighedsskabende effekt, pegede Kammeradvokaten i sin udtalelse bl.a. på, at ministeriet bør sikre sig, at direktivet implementeres fuldt ud, således at tobaksfabrikanterne skal angive de eksakte mængder af aromastoffer i deres cigaretter, bl.a. for ikke at blive mødt med en traktatbrudssag fra Kommissionens side.

På denne baggrund foreslås det, at tobaksvarelovens § 15, stk. 2, ophæves, således at bestemmelsen kommer i overensstemmelse med tobaksvaredirektivets artikel 6.

COMMENTS ON THE PRESENT BILL**1. GENERAL COMMENTS**

The present bill is part of the Government's overall health policy initiatives whose objective is to produce significant reductions in the number of smokers. This objective will be met both through smoking cessation and by limiting the number of new smokers.

To a certain extent, the provisions laid down in the Danish Tobacco Products Act, the Danish Act on Age Limits in Connection with the Sale of Tobacco and the Danish Tobacco Advertising Act all contribute to restraining the dissemination of promotional measures, hindering the access to tobacco products and thus also to reducing the number of smokers and to limit the number of new smokers.

The proposed amendments to the three tobacco acts tighten them in relation to the current rules.

1.1. AMENDMENT TO THE ACT ON THE MANUFACTURE, PRESENTATION AND SALE OF TOBACCO PRODUCTS

The Danish Tobacco Products Act implements Directive 2001/37/EF of the European Parliament and of the Council of June 5, 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products.

In connection with a report submitted by the attorney to the Danish Government of February 2006 on the feasibility for nationally implementing a prohibition against additives that enhance the addictive effect of nicotine, the attorney to the Danish Government noted, among other things, that the Ministry should ensure that the Directive be implemented in full in such a manner that tobacco manufacturers must indicate the exact quantities of flavoring substances used in their cigarettes, among other things, so as not to be exposed to action for failure to fulfill an obligation from the European Commission.

It is on that basis that we propose that Section 15(2) of the Danish Tobacco Products Act be repealed in order for the provision to be in accordance with Article 6 of the Tobacco Products Directive.

1.2. ÆNDRING AF LOVEN OM ALDERSGRÆNSER VED SALG AF TOBAK OG ALKOHOL

Som et led i gennemførelsen af regeringsgrundlaget - Mulighedernes samfund - fra november 2007 foreslås det, at aldersgrænsen for salg af tobak forhøjes fra 16 år til 18 år.

1.3. ÆNDRING AF TOBAKSREKLAMELOVEN

Den foreslåede ændring af tobaksreklameloven vedrører en af undtagelserne til det generelle reklameforbud i loven om udstilling af tobaksvarer på tobaksudsalgssteder. Det foreslås, at det kommer til at fremgå direkte af loven, at undtagelsen kun gælder en neutral anbringelse af tobaksvarer, der er placeret i forbindelse med betalingskasser, diske, barer eller lignende, hvilket har været den oprindelige mening med den pågældende undtagelsesbestemmelse.

2. LOVFORSLAGETS ØKONOMISKE OG ADMINISTRATIVE KONSEKVENSER FOR DET OFFENTLIGE

Lovforslaget vil ikke have økonomiske og administrative konsekvenser for statslige myndigheder, kommuner eller regioner.

3. LOVFORSLAGETS ØKONOMISKE OG ADMINISTRATIVE KONSEKVENSER FOR ERHVERVSLIVET

Det skønnes, at lovforslaget kun vil have begrænsede økonomiske konsekvenser for erhvervslivet.

Salg af tobak til personer under 18 år udgør en meget lille del af det samlede salg af tobaksvarer i Danmark. På sigt må lovforslaget formodes at have den konsekvens, at der bliver færre rygere. En reduktion af antallet af rygere kan have økonomiske konsekvenser for tobaksindustrien.

Lovforslaget vil ikke have administrative konsekvenser for erhvervslivet.

4. LOVFORSLAGETS MILJØMÆSSIGE KONSEKVENSER

Lovforslaget har ingen miljømæssige konsekvenser.

5. ADMINISTRATIVE KONSEKVENSER FOR BORGERNE

Lovforslaget indebærer, at de 16-18 årige ikke kan købe tobaksvarer.

6. FORHOLDET TIL EU-RETEN

Forslaget om ændring i tobaksvareloven er medtaget for at sikre overensstemmelse mellem den danske lov og tobaksvaredirektivet, jf. pkt. 1.1. ovenfor.

1.2. AMENDMENT TO THE DANISH ACT ON AGE LIMITS FOR THE SALE OF TOBACCO AND ALCOHOL

As part of the implementation of the Government initiative — Mulighedernes samfund ['Society of Opportunities'] — of November 2007, we propose that the age limit for the sale of tobacco be raised from 16 to 18 years of age.

1.3. AMENDMENT TO THE DANISH TOBACCO ADVERTISING ACT

The proposed amendment to the Danish Tobacco Advertising Act concerns one of the exemptions in the general prohibition against advertising in the Danish Act on the Presentation of Tobacco Products in tobacco retail outlets. We propose that the wording of the Act explicitly state that the exemption solely applies to the neutral placement of tobacco products placed in connection with cash registers, counters, bars or similar locations, which was the original intent of the derogation in question.

2. THE BILL'S FINANCIAL AND ADMINISTRATIVE CONSEQUENCES TO THE PUBLIC AUTHORITIES

The Bill will have no financial and administrative consequences for government authorities, municipalities or regions.

3. THE BILL'S FINANCIAL AND ADMINISTRATIVE CONSEQUENCES TO THE BUSINESS COMMUNITY

The financial consequences to the business community of the present Bill are deemed to only limit in nature.

The sale of tobacco to persons under the age of 18 constitutes a very small portion of total sales of tobacco products in Denmark. In the long term the Bill must be presumed to result in fewer smokers. A reduction in the number of smokers may have financial consequences for the tobacco industry.

The Bill will not have administrative consequences for the business community.

4. THE BILL'S ENVIRONMENTAL CONSEQUENCES

The Bill has no environmental consequences.

5. ADMINISTRATIVE CONSEQUENCES FOR INDIVIDUALS

The Bill entails that individuals between the ages of 16 and 18 will not be able to purchase tobacco products.

6. IN RELATION TO EU LAW

The Bill to amend the Danish Tobacco Products Act is introduced to ensure that the Danish act is in accordance with the Tobacco Product Directive, cf. Subclause 1.1 above.

Sample Translation

Danish into English

7. HØRTE MYNDIGHEDER, ORGANISATIONER M.V.

Lovforslaget har i udkast været forelagt for:

Astma-Allergi Forbundet, BUPL, Børnerådet, Coop Danmark, Danmarks Lungeforening, Danmarks Lærerforening, Danmarks Restauranter og Cafeer (DRC), Dansk Arbejdsgiverforening, Dansk Erhverv, Dansk Industri, Dansk Supermarked, Dansk Ungdoms Fællesråd, Danske Regioner, Danske Skoleelever, De Samvirkende Købmænd, Det Nationale Råd for Folkesundhed, Diabetesforeningen, DSB, Forbrugerombudsmanden, Forbrugerrådet, Forebyggelses- og Patientrådet, Foreningen af Politimestre i Danmark, Handel, Transport og Service, Hjerteforeningen, HK-Handel, HORESTA - Hotel-, Restaurant & Turisterhvervet, KL, Konkurrencestyrelsen, Kræftens Bekæmpelse, Leverandørforeningen for Tobaks- og Konfekturvarer, LO, Lægeforeningen, Nærbutikkernes Landsforening, Philip Morris, Skole & Samfund, Sundhedskartellet og Tobaksindustrien.

7. COMMENTS BY AUTHORITIES, ORGANIZATIONS, ETC.

The draft Bill was submitted for comments to:

Astma-Allergi Forbundet [Danish Asthma-Allergy Association], BUPL [The Danish National Federation of Early Childhood Teachers and Youth Educators], Børnerådet [Danish National Council for Children], Coop Danmark, Danmarks Lungeforening [Danish Lung Association], Danmarks Lærerforening [Danish Union of Teachers], Danmarks Restauranter og Cafeer (DRC) [Danish Association of Restaurants and Cafés], Dansk Arbejdsgiverforening [Danish Employers' Association], Dansk Erhverv [Danish Chamber of Commerce], Dansk Industri [Confederation of Danish Industries], Dansk Supermarked, Dansk Ungdoms Fællesråd [Danish Youth Council], Danske Regioner [Danish Regions], Danske Skoleelever [Danish School Students' Union], De Samvirkende Købmænd [Trade Association for Danish Grocers], Det Nationale Råd for Folkesundhed [Danish Fitness and Nutrition Council], Diabetesforeningen [Danish Diabetes Association], DSB [Danish Railways], Forbrugerombudsmanden [Danish Consumer Ombudsman], Forbrugerrådet [Danish Consumer Council], Forebyggelses- og Patientrådet [Danish Prevention and Patient Council], Foreningen af Politimestre i Danmark [Confederation of Danish Police Chiefs], Handel, Transport og Service [Confederation of Danish Commercial Transportation and Service Industries], Hjerteforeningen [Danish Heart Association], HK-Handel [Danish Union of Commercial and Clerical Employees/Trade], HORESTA - Hotel-, Restaurant & Turisterhvervet [Danish Association of the Hotel, Restaurant and Tourism Industry in Denmark], KL [Danish National Association of Municipalities], Konkurrencestyrelsen [Danish Competition Authority], Kræftens Bekæmpelse [Danish Cancer Society], Leverandørforeningen for Tobaks- og Konfekturvarer [Danish Association for Tobacco and Confectionary Products Suppliers], LO [Danish Confederation of Trade Unions], Lægeforeningen [Danish Medical Association], Nærbutikkernes Landsforening [Danish Local Grocers' Confederation], Philip Morris, Skole & Samfund [Danish National Association of School Parents], Sundhedskartellet [Danish Health Care Confederation] and Tobaksindustrien [Tobacco Manufacturers Association of Denmark].



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