

## **Chapter G Measures for full prohibition of smoking in public areas – amendments of Law 3730/2008 and 3370/2005**

### **Codification**

**Article 17 of Law 3868/2010** (Gazette 129\_ /3.8.2010):

#### **Article 1 Protection of Minors**

1. The protection of minors from the use of tobacco products and the consumption of alcohol falls within the competence of the Ministry of Health and Social Solidarity and is implemented by the Division of Addictions of the General Public Health Administration.

2. According to the meaning of the present law:

a) Tobacco products are the products manufactured fully or partially from tobacco leaves as raw material and are intended for use through inhalation, sipping or chewing,

b) Minors are the persons who have not reached the eighteenth year of their age.

#### **Article 2 Regulations for the Tobacco Products**

1. As of the publication of the present document, the following are prohibited:

a) The sale of tobacco products to minors and from minors,

b) The placement of tobacco products in displays of shops, excluding duty free shops, kiosks and shops which sell exclusively tobacco products,

c) The manufacturing, display, trading and sale of items with the external appearance of tobacco products, as well as the electronic cigarette, with the reservation of paragraph 2 of the present article,

d) The advertisement and sale of tobacco products in areas of Healthcare Services and educational institutions of all levels, both Public and Private, as well as in the cafeterias of said Institutions and Services,

e) The sale of tobacco products and smoking in areas of internet service provisions and artificial intelligence games, and

f) The consumption of tobacco products in enclosed areas of gymnastics, team sports and sporting events.

g) Any type of advertisement and promotion of tobacco products to all external, outdoors and internal areas. Internal areas of the points of sale of tobacco products are excluded. External area is also the front side and the other sides and the tents and surrounding area of a kiosk. Outdoor areas are determined per the meaning of article 1 of Law 2946/2001 (Gazette 224 A'). Internal areas include, indicatively, movie theatres, theatres, military units, Courts of Law, all health product stores, hotels, and any type of tourist resorts, as well as commercial stores.

h) The showing tobacco product advertisements in movie theatres is prohibited.

2. As of the publication of the present, and without prior approval by the Ministry of Health and Social Solidarity, the following are prohibited:

(a) any accompanying indication in tobacco product packaging, as well as in any type of advertising displays or entries, according to which the use of tobacco products imposes a reduced risk for health and

(b) the circulation of products which are intended for the cessation of smoking. The conditions and the procedure for the assignment of the approval shall be determined by a joint decision of the Minister of Development and the Minister of Health and Social Solidarity.

3. Upon one year from the publication of the present law, the sale of tobacco products through vending machines, as well as the sale of individual cigarettes, or the sale of cigarettes in packages which contain less than twenty cigarettes are prohibited.

4. The free of charge distribution of tobacco products is prohibited.

5. In tobacco selling venues, a sign must be posted in regard to the prohibition of selling tobacco products to minors.

### **Article 3 Tobacco Product Use Prohibition**

1. In addition to the prohibitive or limiting provisions that are already in force, smoking and consumption of tobacco products is strictly prohibited, as of July 1st 2009, in the following areas:

a) In all public or private areas, enclosed or covered, which are used for the provision of work, as well as in the areas used for the production of tobacco products,

b) In all health product and health care stores, especially the stores for the production and offer of food, drinks, pastries, any type of milk based products, multiple use stores and entertainment clubs, per the meaning of the provisions of articles 5, 37, 38, 29, 40 and 41 of the Healthcare Provision A1b/8577/1983 (Gazette 526 B'), excluding their external areas, in the case that they are open from at least two sides. As "internal area" for the objectives of the present law, is also the atrium/patio or the area with a sliding or detachable roof, and any area covered and concurrently enclosed in its perimeter by any means,

c) Any type of enclosed waiting areas,

d) Airports, excusing the areas that will be specifically determined for smokers,

e) The stations of public transportation and passenger stations at ports,

f) Any type of deli stores / cafes,

g) Any type of public transportation, including public use cars, taxis with meter and daily use taxis. Other areas and spaces may also be included in the prohibition of the present article by decision of the Minister of Health and Social Solidarity.

2. The prohibition of smoking, pursuant to paragraph 1 of the present article, applies as of 1.9.2010.

Casinos and entertainment clubs exceeding a surface area of 300 square and hosting live music meters are excluded, and the prohibition shall apply in such cases as of 1.6.2011.

The terms and conditions for the compliance of casinos and said clubs for the transitional period shall be determined by decision of the Minister of Health and Social Solidarity.

#### **Article 4 Regulations for Alcoholic Beverages**

The entrance and stay, as well as any type of activity or employment in entertainment venues and bars, as well as the consumption of alcoholic beverages in any public centres, excluding the cases of private events are prohibited to minors.

#### **Article 5 Services for the Protection and the Control of the use of Tobacco and Alcohol**

1. The Division for Addictions of the General Public Health Administration of the Ministry of Health and Social Solidarity shall be competent for the issues concerning tobacco and alcohol products.

2. The Division for Addictions, according to the provisions of the Convention of the World Health Organization for the control of tobacco, which was ratified with Law 3420/2005 (Gazette 298 A') is responsible for:

- a) The development of the national research and the coordination of research programs in the area of tobacco and alcohol control,
- b) The promotion, encouragement and development of research in regard to the determining factors and the consequences from the consumption of tobacco and alcohol, the exposure to tobacco, as well as the research for discovering alternative methods of cultivation,
- c) The training and support of all those who are involved in activities for the control of tobacco and alcohol, including the research, the implementation and the evaluation,
- d) The establishment, in cooperation with the Center for Disease Control and Prevention (KELPNO), of a national system of epidemiological monitoring of the consumption of tobacco and alcohol, as well as the relevant social and economic indicators and health indicators,
- e) The creation and updating of a database with its subject being the laws and control regulations, information concerning their implementation, and the relevant case law,
- f) The cooperation with the competent authorities of other countries, as well as with international or peripheral organizations, for the implementation of their goals and actions, and for the development of programs for the peripheral and global control of tobacco,
- g) The expression of opinions or the management, upon relevant decision by the Minister of Health and Social Solidarity, of any other subject which concerns tobacco, alcohol and their products, and
- h) The creation, in cooperation with OKANA and KETHEA, of a national prevention plan, which shall be determined by decision of the Minister of Health and Social Solidarity, in matters of tobacco and alcohol.

The services for the control of the implementation of the laws for the prohibition of smoking are obliged to submit six-month reports and statistical information to the Division for Addictions of the General Public Health Administration of the Ministry of Health and Social Solidarity. An annual report shall be drawn on the basis of reports and said information, which shall be submitted to the Minister of Health and Social Solidarity.

3. A Department of Tobacco and Alcohol Control is established in the Association of Health Services and Provision Inspectors (SEYYP), which shall be responsible for the control of the application of the present law, as well as the relevant community and national laws, for the protection from tobacco and alcohol, and shall be responsible for the handling of complaints about violations of the law. With a decision of the Minister of Health and Social Solidarity, said Department of Control shall be staffed, with the reservation of the provisions of Law 2920/2001 (Official Gazette 131 A') with employees from the Ministry of Health and Social Solidarity, as well as public organizations that are supervised by the Ministry of Health and Social Solidarity. A similar decision determines the issues of organization and operation of said Department of Control. During the conduct of the suppressive control, the local competent police and port authorities, upon request by the Department of Control, are obliged to provide immediate aid.

The competent authorities for the control of application of the present law, the verification of violations and the imposition of sanctions are the Public Health Administrations of the Prefectural Governments, the local police, as well as the port authorities in the areas of their jurisdiction.

## **Article 6 Administrative Sanctions**

1. The violation of the provisions for the prohibition of smoking by the public officials, public employees, employees of public law entities and employees of the public sector, in the facilities which host their services, constitute a disciplinary offense and is punished according to the provisions that govern their disciplinary responsibilities.

2. Individuals who smoke or consume tobacco products in violation of article 3 are subject to a fine from fifty (50) to five hundred (500) Euros. Repeated offense will be considered for the amount of the fine.

3. A fine ranging from five hundred (500) to ten thousand (10,000) Euros will be imposed to any person responsible for the management and the operation of areas/spaces described in the first paragraph of article 3 if said person tolerates the violation of article 3. Repeated offense will be considered for the amount of the fine. Upon the fourth offense, the operational permit of the health products / health care store shall be temporarily suspended with a decision of the authority which granted it, for a time period of ten (10) days. The operational permit will be permanently suspended by the granting authority upon the fifth violation.

4. A fine of five hundred (500) to ten thousand (10,000) Euros will be imposed to anyone who sells tobacco products and alcohol to minors or tolerates a violation of the relevant provision of the present law. Repeated offense will be considered for the amount of the fine. Upon the fourth offense, the operational permit shall be temporarily suspended with a decision of the authority which granted it, for a time period of ten (10) days. The operational permit will be permanently suspended by the granting authority upon the fifth violation.

5. A fine of five hundred (500) to ten thousand (10,000) Euros will be imposed to anyone who violates the provisions of the present law in regard to the advertisement of tobacco products. Repeated offense will be considered for the amount of the fine. In addition to the above, penalties provided by other laws are also applicable.

6. The officials, the control procedure, the verification of violations and the imposition of the abovementioned fines as well as the amount of the fines, the criteria for the amount of the fines, the process for the collection of the fines, and the disposal of the revenues and any relevant matter shall be determined by decision of the Ministers of Health and Social Solidarity, Economics, Internal Affairs, Citizens Protection and other Ministers with relevant competence.