

Ministerial Decision Y1//2005/B-1075 - Advertising and sponsorship of tobacco products in compliance with Directive 2003/33/EC (OJ L 152/20.6.2003) of the European Parliament and the Council

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The Ministers of the Interior, Public Administration and Decentralization, Economy and Finance - Health and Solidarity - Department of State

Taking into account that:

1. The provisions of Article 2 case g and h of Law 1338/1983 "Implementation of Community Law" Government Gazette 34/A'/17.XX.1983 as amended by Article 6 of Law 1440/1984 "Participation of Greece in the capital, reserves and the forecasts of the European Investment Bank in the capital of the European Coal and Steel Community and the EURATOM Supply Agency" Government Gazette 70/A'/21.5.1984, and the provisions of Article 65 of Law 1892/31.7.1990 Government Gazette 101/A' "For the modernization and development and other provisions".
2. The requirement for integrating into Greek Law the Directive 2003/33/EC of the European Parliament and the Council on the harmonisation of the laws, regulations and administrative provisions of the member states concerning the advertising and sponsorship of tobacco products.
3. The provisions of paragraph 2 of Article 12 of Law 1302/1988 (Government Gazette A' 172) according to which advertising in any form of tobacco products is permitted only under terms, conditions and procedures provided by a Decision of the Minister for Health, Welfare and Social Security issued once.
4. The provisions of Law 1730/1987 (A' 145) regarding the Greek Broadcasting Corporation S.A., with the repeal of par. 9 of Article 3 of Law 1730/1987 (A' 145) and its substitution by par. 2 of Article 85 of Law

1943/1991 (Government Gazette A´ 50), on prohibition of the advertisements of tobacco products, including indirect advertising.

5. The provisions of Law 1866/1989 (Government Gazette A´ 222) with the addition at the end of Article 4 of Law 1866/1589 (Government Gazette A´ 50) case h, as stipulated in par. 4 of Article 85 of Law 1943/1991 (Government Gazette A´ 50).

6. The provisions of the Presidential Decree p.d. 236/1992 (Government Gazette A´ 124) on television broadcasting in compliance with Directive 89/552/E.E.C. of the Council of European Communities, dated 3.10.1989.

7. The fact that this Joint Ministerial Decision does not cause an expenditure burden on the state budget, we issue the present Joint Ministerial Decision:

Article 1 Purpose

1. The purpose of this Joint Ministerial Decision is the adjustment of Greek legislation to the Directive 2003/33/EC regarding the advertising and promotion of tobacco products:

- a) In the press and other printed media;
- b) On the radio;
- c) In information society services and;
- d) Through tobacco related sponsorship, including the free distribution of tobacco products.

2. Advertising relating to medicinal products for human use is covered by Directive 2001/83/EC of the European Parliament and of the Council, dated November 6th 2001, on the Community code relating to medicinal products intended for human use (EU L 311 28.11 2001).

3) Advertising relating to products intended for use in overcoming addiction to smoking does not fall within the scope of the present Joint Ministerial Decision.

Article 2 Definitions

For the purposes of the present Joint Ministerial Decision, the meaning is as follows:

a) "Tobacco products": all products intended to be smoked, sniffed, sucked or chewed inasmuch as they are made, even partly, of tobacco,

b) "Advertising": any form of commercial communication with the aim or direct or indirect effect of promoting a tobacco product,

c) "Sponsorship": any form of public or private contribution to any event, activity or individual with the aim or direct or indirect effect of promoting a tobacco product,

d) "Information society services": services within the meaning of Article 1 par. 2 of Directive 98/34/EC of the European Parliament and of the Council, dated June 22nd 1998, for establishing a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services, as this directive was integrated in the Greek legislation with the presidential decree p.d. 39/2001 (A 28).

Article 3 Advertising in printed media and information society services

1. Advertising in the press and other printed media shall be limited to publications intended exclusively for professionals in the tobacco trade and to publications which are printed and published in third countries, provided that the said publications are not principally intended for the Community market. Any other advertising in the press and other printed publications is prohibited.

2. Advertising, which is not permitted in the press and other printed media, is not permitted in information society services either.

Article 4 Radio advertising and sponsorship

1. All forms of radio advertising for tobacco products are prohibited.
2. Radio programmes shall not be sponsored by companies whose principal activity is the manufacture or sale of tobacco products.

Article 5 Sponsorship of events

1. Sponsorship of events or activities in which more than one member state is taking part or which (*activities*) take place in more than one member state or have in any other way crossborder effects is prohibited.
2. Any free distribution of tobacco products in the context of the sponsorship of the events referred to in paragraph 1 having the purpose or the direct or indirect effect of promoting such products is prohibited.

Article 6 Implementation

1. This Decision does not affect the current ban on advertising tobacco products, especially cigarettes, including indirect advertising, as defined in paragraph 2 of Article 85 of Law 1943/1931 (Government Gazette A´ 50), in substitution of Article 9 of Law 1730/1937 (Government Gazette A´ 145) on the Greek Broadcasting Corporation, Société Anonyme (ERT S.A.)
2. This Decision does not interfere with the current ban on all forms of television advertising of cigarettes and other tobacco products as stipulated in the Presidential Decree under number 236/1992 (Government Gazette A´ 124), on television broadcasting in Greece in compliance with the Directive 89/552/EEC of the Council of European Communities, dated 3.10.1989.

3. This Decision does not interfere with the current ban on sponsorship of television programmes by companies whose principal activity is the manufacture or sale of cigarettes or other tobacco products or the provision of services whose advertising is prohibited by the Presidential Decree under number 236/1992 (Government Gazette A' 124), on television broadcasting in Greece and compliance with the Directive 89/552/EEC of the Council of European Communities, dated 3.10.1989.

4. This Decision does not affect the current ban on all forms of advertising in areas used for the provision of health services, educational institutions of all levels governed by public or private law, youth centres, gyms, etc., as referred to in paragraph 2 of the Ministerial Decision under number A2g/fin 1591/29.5.1989 (Government Gazette B' 411) regarding the terms and conditions of advertising tobacco products.