

**From:** [REDACTED]  
<info@seepa.gr>  
**Sent:** 28 February 2019 14:29  
**To:** GROW B2  
**Subject:** Concerns regarding the TRIS Notification 2019/80/GR  
**Attachments:** To DG GROW on TRIS.pdf

Dear Sir or Madam,

We are contacting regarding the TRIS Notification Number 2019/80/GR that has been submitted by the Greek Competent Authorities regarding a national legislation amendment that sets requirements of placing non- nicotine containing e-liquids on the Greek Market and the prohibition of the placing of other chemical products.

We request that a public consultation regarding the is allowed is conducted between stakeholders in order to express their opinion on various provisions that hinder the free movement of goods in the single market.

Please find attached the relevant document. We are able to provide further details if required.

Best Regards / Με εκτίμηση,

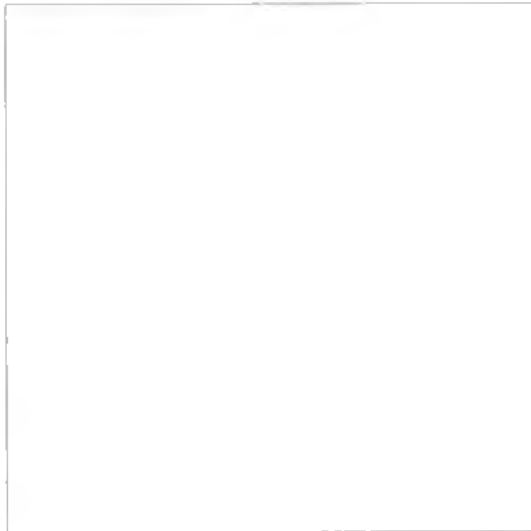
[REDACTED]



**ΣΕΕΠΑ - GATVAP**

**Σύνδεσμος Ελληνικών Επιχειρήσεων Προϊόντων Ατμίματος  
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Date: 28/02/2019

**TO:**

Internal Market, Industry, Entrepreneurship and SMEs Directorate-General  
DG GROW/B/2  
N105 4/66  
B-1049 Brussels

**Subject: Concerns on Notification Number: 2019/80/GR**

**Relevant:**

Notification 2019/80/GR (Greece) on amendments to Law 4419/2016 (Government Gazette 174 A) - Adaptation of the Greek legislation to the Directive 2014/40 / EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States manufacture, presentation and sale of tobacco products and related products

Dear Sir or Madam,

We are writing on behalf of the Greek Association for Traders of VAPing Products - GATVAP (formerly known as Green Electronic Cigarette Trade Association – GECTA), to bring to your attention the national legislation amendment for which the Greek Ministry of Health on the 19<sup>th</sup> of February 2019 initiated the procedures in the Greek Parliament regarding the requirements of placing non-nicotine containing e-liquids on the Greek Market and the prohibition of the placing of other chemical products. The legislation was notified to TRIS (Number: 2019/80/GR), on 25<sup>th</sup> of February 2019, but stakeholders cannot contribute, since there is no consultation available.

The Greek competent authorities have requested to skip public consultation procedure required by TRIS, on grounds of emergency relating “public health issues”, without specifically defining which these issues are. Also, the Greek Ministry of Health refused to conduct a meaningful consultation, and not merely a pretense, with the local stakeholders on the matter. So technically there has been no consultation on any level on the legislation amendment.

**It is our Association’s opinion that the Greek Competent authorities’ grounds for the emergency are not valid and a public consultation between stakeholders is of paramount importance to highlight the various provisions that hinder the free movement of goods in the single market.**



## Background Information & Short Analysis

The relevant legislation is part of a broader bill called “Modernization and Reform of the Institutional Framework of Private Clinics, Establishment of a National Public Health Organization, Establishment of a National Institute of Neoplasms and other provisions” which includes hundreds of provisions completely irrelevant to vaping products. The specific parts of the bill that affect the placing of the non-nicotine containing liquids and other chemical products on the market, were notified to TRIS on 25<sup>th</sup> of February 2019 (Number: 2019/80/GR).

In May of 2018, the Ministry of Health prohibited the placing of the non-nicotine containing liquids and of the chemical products used in making liquids for electronic cigarettes.

The chemical mixtures and substances in question are Propylene Glycol (CAS57-55-6), Glycerin (CAS 56-81-5), Food Flavor ingredients, mixtures of the aforementioned and others.

The Ministry, on the pretense, that the chemicals may be used for electronic cigarettes, has imposed a prohibition on the placing on the Greek market chemicals that are widely marketed throughout the European Union for a variety of uses. It is our opinion that the prohibition imposed by the Ministry of Health breaches the articles 128 of the REACH Regulation and 51 of the CLP Regulation regarding the free movement of substances and mixtures. The Hellenic Association of Chemical Industries have already requested the DG GROW’s examine the facts and intervene in order to protect the interests of its members and the Greek and European free market. (CHAP 2018 02038)

The bill and the relevant TRIS Notification 2019/80/GR not only include the above-mentioned prohibition but also other requirements that are not scientifically justified and hinder the free movement of goods

Further to the prohibition of placing chemical products on the Greek Market, the legislation includes:

- The legislation suggests that the non-nicotine containing liquids should be included in the Greek transposition of the Directive 2014/40, the Law 4419/2016. The Law and the Directive only apply to tobacco products and nicotine containing liquids. All the requirements and safety precautions that the Directive and the Law suggest are based on the hazard and addictiveness of nicotine. Since the products in question do not contain nicotine, it is illogical to have requirements that are based on nicotine content, as the legislation of the Greek Ministry of Health suggests.  
For example, the legislation requires that the non-nicotine containing liquids should carry a leaflet that contain information on the addictiveness of their ingredients, such as Propylene glycol, glycerin, vanillin etc.
- The legislation provides a transitional period of six months for the implementation of its article 18b, which sets some of the requirements for placing products on the Greek Market. The rest of the requirements are included in article 18a and there is no transitional period for its implementation. As a result, the transitional period is, nonexistent since products will have to comply immediately with article 18a. That is technically impossible to implement since the article contains labeling requirements which cannot be immediately fulfilled, especially for the products that are already on the market.



- There is no scientific proof for the requirement imposed to the non-nicotine containing products. Especially the "Health Warning" is not scientifically justified and it is our Association opinion that it violates the provisions of the Regulation EC 1272/2008 -CLP and more specifically paragraph 3 and 4 of Article 25. The European Chemical Agency (ECHA) has expressed the same opinion on the matter.

We strongly suggest that the emergency procedures of TRIS do not apply in this case, because there are no public health issues involved and that a public consultation is conducted, which is vital for the stakeholders to be able to express their opinions.

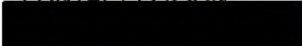
At your disposal for any further clarification

Kind Regards,



Chairman

CONTACT PERSON:



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Tel. 0030

