



ENSP - EUROPEAN NETWORK FOR SMOKING PREVENTION

> EUROPEAN TRENDS TOWARDS SMOKE-FREE PROVISIONS

Status: January 2006

| COUNTRY | TRENDS |
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| Austria | The Austrian Tobacco law (431/1995, updated 98/2001,74/2003) prohibits smoking in class, conference rooms or school sports buildings, in buildings open to the public, schools or similar institutions open to children and young people, universities and other educational institutions, public transport, but not in workplaces. No sanctions in case of violation. |
| Belgium | Since 1 January 2006 , smoking has been banned in all enclosed workplaces under the employer's authority and to which workers have access (workplaces and social facilities). The smoking ban will also apply in spaces used by self-employed persons working with employees, to which such employees have access. Smoking will only be allowed in dedicated smoking areas, but the employer has no obligation to provide these. Belgium will implement measures in January 2007 that will allow smoking in restaurants only in separate rooms that are completely closed off from the rest of the building and where no food is served. Bars and cafes will be exempt from the ban, though they must have adequate ventilation and a non-smoking zone. |
| Cyprus | Unified law of 2002 prohibits smoking in all public places including places of entertainment, in all government buildings, public transport and in private cars with passengers under 16. It regulates smoking in workplaces. (enforcement?). |
| Czech Republic | Anti-smoking law took effect in Czech Republic in January 2006 The law bans smoking at bus, train and tram stops, schools, cinemas and theatres, sports halls and administrative buildings. Smoking in restaurants is banned by law "in principle", although the provisions of the law are unclear regarding implementation in terms of 'dedicated smoking zones' in the restaurant or in terms of ventilation. The Czech Coalition Against Tobacco has called for the law to be tightened. Source: Agence France Presse, Czech Coalition Against Tobacco, 5 January 2006 |
| Denmark | Under current legislation, smoking is only banned in schools and government buildings open to the public. Transport and council services must have individual smoking policies. |
| Estonia | Tobacco Act of 2001 amended in 2004: imposes a complete ban on smoking in healthcare, education and government facilities, indoor offices and workplaces, as well as theatres and cinemas although in all these areas special smoking areas are permitted . |
| Finland | Smoking is completely banned in healthcare, educational and government facilities, indoor workplaces and offices, theatres and cinemas although separate areas for smoking may be provided. There are partial restrictions on smoking in restaurants and bars; smoking is allowed although venues with areas over 50m ² must reserve half their seats for non smokers.. Smoking is completely banned from public transport, although special smoking areas may be established in buses, trains. The Finnish government said on 15 December 2005 that it would submit a bill to parliament on 22/12/05 that would require restaurateurs to build smoking booths where no food or drink would be served, to prevent tobacco smoke from passing into non smoking areas. It is expected that some small establishments will have to close as a result of the law. The government plans to have the new law in force by June 2007. |
| France | Background: In 1992 the Evin law regulates no smoking in public or workplace. Smoking areas can be introduced in places such as bars and restaurants under certain conditions of ventilation. In the autumn of 2004 the CNCT and the French Tobacco Control Alliance pushed towards implementation of a comprehensive smoking ban. 2005: Yves Bur, UMP deputy for Alsace Lorraine is planning to present a bill in the autumn of 2005 to the lower chamber of parliament, which is backed by 60 other lawmakers. The bill is to call for a total ban on smoking in public places - including bars and restaurants . Surveys shows that more than seventy percent of the French people are in favour of such a ban. August 2005: French state railway SNCF has stated that it plans to introduce a universal smoking ban on its trains by the end of 2005. |
| Germany | There is a non smokers protection act of 2002 for workplaces excluding hospitality industry and public areas. Smoking is not banned in trains, planes, public transportation, healthcare, government buildings, schools etc. The German government (Federal Ministry of Economics and Labour) classified ETS as a human carcinogenic substance in 2001. |

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| Greece | Several pieces of legislation in Greece include complete smoking bans in specific public places, although all allow for special smoking areas. |
| Hungary | Act XCIII of 1993 on industrial safety requires employers to provide adequate protection to non smokers in the workplace. Designated smoking areas may be provided. Act XXXI of 1997 on child protection and management of legal guardianship includes the provision according to which each child has the right to be protected from environmental hazards and substances harmful to health. |
| Iceland | Smoking is prohibited in the service areas of institutions, businesses and voluntary organisations, including sports and leisure activity. Smoking is permitted in restaurants and entertainment places within specific areas, but adequate ventilation must be ensured. Smoking is totally banned in schools, pre-schools, day-care facilities for children, on premises intended for children and teenagers, social, sports and leisure activities; at public indoor gatherings which are primarily intended for children on teenagers, in public transport. New initiatives are under way to ban smoking in restaurants and bars. |
| Ireland | Public Health Act introduced on 29 March 2004: bans smoking in a wide range of workplaces, including pubs, restaurants, offices and shops. The act does not apply to hotel bedrooms, prisons or psychiatric hospitals. Fines are foreseen in case of violation of the law (the amount of the fine is at the discretion of the judge). |
| Italy | 10 January 2005: Italy imposed a ban on smoking in all enclosed public places including bars and restaurants from midnight on 10 January 2005. Businesses face a fine of up to € 2000 if they fail to ensure their customers do not smoke, while smokers themselves could face a € 275 for repeatedly ignoring the new rules. The ban has not been welcomed by all, with some bar owners and smokers saying they will ignore the ban on the grounds that cigarettes and smoking are an integral part of Italian bar and cafe culture. The new rules allow smoking in special sealed-off areas fitted with smoke extractors; however many bar owners say fitting the automatic doors and forced ventilation systems required by law is too expensive. |
| Latvia | A law imposes a complete ban on smoking in healthcare, education and governmental facilities, indoor workplaces, theatres and cinemas, imposes partial restrictions in restaurants, pubs and bars and trains , also planes. In all these places smoking areas are allowed. |
| Lithuania | Smoking is totally banned in healthcare and educational facilities. Complete smoking ban in government facilities, indoor workplaces , offices, theatres and cinemas, although there are designated smoking areas. Smoking is totally banned in public transport. However long distance trains and air transport have dedicated smoking areas. |
| Luxembourg | Regulation of 1994 concerns minimum health and safety provisions at the workplace. The law applies to smoking at the workplace. A government working group is responsible for elaborating a new law applying on smoking in the workplace. It is uncertain if the bill will pass. |
| Malta | Prior to 5 April 2004, the introduction of smoke free policy at the workplace was achieved through the initiative of the employer. Employers were not obliged by law to implement this policy but introduced the smoke free policy out of their own goodwill. On 16 June 2003 Malta was one of the first signatories to the FCTC and on 4 September 2003, Malta ratified the FCTC. This led to a series of changes within the National legislation. On 12 September 2003 Chapter 315 (Tobacco Control) of the main National Legislation was updated. The main issues which were updated were the prohibition of sponsorship and advertising. A series of Legal Notices were issued regarding the Smoke Free Public places and the tobacco labelling regulations. The latest smoke-free public places regulations are LN 414 and were issued on 14 September 2004. It mentions that “smoking is banned in any enclosed private or public premises which is open to the public except in designated smoking rooms (LN 414, Paragraph 3). The ban includes bars and restaurants. A document has been published by the Malta Standards Authority, which serves as a guide to how the smoking room should be constructed. The present ban is a TOTAL ban. The smoking areas are enclosed smoking areas and should be constructed in a certain way. The regulations to how the smoking room should be constructed were issued by the Malta Standards Authority and anyone wishing to construct a smoking room has to comply with these regulations. Fines of up to approx. € 250 can be levied in case of contravention. |
| Norway | Act of 1975 amended in 1996 and 2003: Clean indoor air provision, with a total ban in all public establishments/workplaces and transportation including bars, restaurants, pubs etc. Norway imposed a national ban on smoking in restaurants, bars and cafes from 1 June 2004. The government says ban is to protect staff working in these establishments from passive smoking and to “de-normalise” smoking as social pastime. |
| Poland | Law on the protection of public health against the effects of tobacco use passed in 1995, amended in 1999 and in 2003: this law includes a smoking ban in public places. |

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| Portugal | A law imposes a total smoking ban in healthcare, education and government facilities, as well as indoor workplaces, offices, theatres and cinemas with dedicated smoking areas . Smoking is banned on busses, trains, taxis if journey lasts less than one hour . Partial restrictions on smoking on domestic air transport. |
| Slovakia | Act 330/1996 on safety and health protection in the workplace effective 97 forces employer to ban smoking in workplaces where non smokers work. |
| Slovenia | Act provides smoking bans in hospitals and school. And restrictions in public places, ex restaurants with designated smoking areas. |
| Spain | The Spanish, who are credited with inventing cigarettes 500 years ago, smoke more per capita than anyone in Europe but the Greeks. Starting January 1, 2006 smoking has been restricted in bars in Spain, this is a significant change for people who tend to consider their favourite bar an extension of their living room. The law prohibits smoking in bars and restaurants that are larger than 100 square meters, or about 1,100 square feet, although these may set up small smoking rooms that are sealed off from the main areas. It also bans smoking in the workplace and a variety of other enclosed public spaces, and tightens restrictions on tobacco advertising and the selling of tobacco products. Restaurants and bars under 100 square meters have to provide clear signs indicating whether they are smoking or smoke free establishments. |
| Sweden | Background: Swedish tobacco act 1993 amended 1994,1997, 2002. Contains regulations on smoke free public areas. Smoking is prohibited in day-care centres, schools, other areas where children and young people are, including school grounds. Smoking ban in healthcare centres and hospitals, in the public transportation. In schools smoking may be permitted in designated rooms, provided that children do not have access to them. The same rules apply to the public premises e.g. those in which cultural or sporting events take place. In practice, most workplaces are smoke free, but smoking is often allowed in designated smoking room or “cabins”. From 1 June 2005, all restaurants, bars and cafes are smoke-free. The smoke free public places law has been strengthened to include smoke free serving in all establishments. However, this law does allow for the possibility to build a separately ventilated designated smoking room where no food or drink is to be served. For more information please see www.tobaksfakta.org by clicking on ‘rokfria krogar’. |
| Switzerland | Swiss regulation related to the Federal Labour Lax 1993 imposes partial restrictions in government facilities and in indoor workplaces and offices. Voluntary agreements in some cantons have imposed smoke free restrictions on healthcare and educational facilities, restaurants, bars, pubs, theatres and cinemas. Whilst there are no restrictions in taxis, some voluntary agreements exist in some areas of public transport. |
| The Netherlands | Tobacco law amended 2002: restrictions of smoking in public places, a smoke free workplace, smoke free public transport (national), enforcement and fines . Jan. 2004: The smoke free workplace legislation came into force at the same time as decree which regulations exceptions to smoke free workplace. The decree lists the following areas as exceptions to the smoke free workplace: areas designated for the public in hotels, bars and restaurants, (hospitality industry); hospitality areas designated for the public in non public theatres and entertainment facilities. |
| UK (England)) | On 16 November 2004 the government released a white paper proposing that smoking could be banned progressively by the end of 2008 in workplaces and establishments where food is being served across England. This has been widely contested by campaigners who are in favour of outright ban in pubs and restaurant as in Ireland and who are campaigning actively for a total ban. Responding to the consultation on proposed smoke free legislation, the British Health and Safety Commission has recommended that the government should introduce a comprehensive ban on smoking in public places and states that a partial ban could result in undesirable health inequalities. A universal ban would be more beneficial to the public and easier to enforce. (8 August 2005). |
| UK (Northern Ireland) | A smoking ban encompassing all enclosed public places - including pubs, restaurants and hotels - is due to come into effect in April 2007. Smoking is already banned in government offices and other institutions. Making the announcement last October, Northern Ireland Office Minister Woodward said: “No one has a right to subject colleagues and workmates to the dangers and hazards of second-hand smoke and passive smoking. |
| UK (Scotland) | A blanket ban on smoking in public places in Scotland has been confirmed and is set to come into effect on 26 March 2006. The proposal, which is part of the Smoking, Health and Social Care Act (Scotland), was given Royal assent on 5 August 2005. The ban, which prohibits smoking in all pubs, bars and restaurants, is stricter than the proposal set out in England, as certain exemptions are provided for pubs not serving food and private members’ clubs. Licensees failing to enforce the ban will face fines up to GBP 2500 and customers caught smoking could be fined GBP 1000. (update: 9 August 2005) |
| UK (Wales) | A cross-party committee of members of parliament has recommended that smoking should be banned in enclosed public spaces and in workplaces within the next two to three years. Such a ban would be further reaching than that proposed in the White Paper for England, where there would be an exemption for pubs not serving food. (May 2005) |