

1) Which of the two approaches suggested in Section IV would be more desirable in terms of its scope for smoke-free initiative: a total ban on smoking in all enclosed public spaces and workplaces or a ban with exemptions granted to selected categories of venues? Please indicate the reason(s) for your choice.

Nofumadores.org, the key association in Spain for the defence of the rights of passive smokers, aims principally to defend the right to live in an environment without tobacco smoke and to obtain a ban on smoking in all enclosed public spaces.

Nofumadores.org therefore supports a **total ban** on smoking in all enclosed public spaces and workplaces as set out in the approach suggested in the Green Paper.

As the various scientific studies referred to in the document show, passive smoking causes morbidity and mortality and is therefore one of the major problems currently confronting public health. Nofumadores.org therefore draws no distinction between different types of enclosed public spaces, since the negative effects on the health of passive smokers are no different where the conditions are the same. Since the damage is the same, the protection provided by the public authorities for all enclosed spaces must also be the same.

In addition, Nofumadores.org holds that permitting smoking in certain types of place, such as in cafes and bars, constitutes a violation of the labour rights of workers in the hotel and catering sector. In this respect, it makes no sense to guarantee protection for workers from a vast majority of sectors on the one hand and provide none for those working in bars, cafes and restaurants on the other hand; it establishes a discriminatory situation that we consider inadmissible. Unfortunately, some of the members of Nofumadores.org are workers from that sector who have been exposed to this pollutant and now suffer from serious illness. We would remind you on their behalf that both the public authorities and employers have a duty to guarantee a working environment which presents no threat to the health and safety of their workers.

2) Which of the policy options described in Section V would be the most desirable and appropriate for promoting smoke-free environments? What form of EU intervention do you consider necessary to achieve the smoke-free objectives?

Nofumadores.org **supports the option of binding legislation as the only possible means for achieving the desired objectives** and rejects the other proposed measures since they do not meet the current need for action.

In this respect, maintaining the **status quo** in the face of the data available on the serious consequences that environmental tobacco smoke has every day on public health in Europe is clearly unacceptable; strong action is needed to redress the situation.

With regard to the second option set out in the Green Paper, **voluntary measures** have proved to be ineffective wherever they have been applied. This is reflected by the data reported in the Commission document and corroborated by Nofumadores.org in respect of the situation in Spain. The association maintains a national database on smoke-free leisure which clearly indicates the shortage of smoke-free establishments beyond those under a legal obligation. The database is the result of field research carried out by Nofumadores.org members throughout the national territory. The research also shows how ineffective voluntary measures are in small towns, villages and rural areas, where, in the absence of obligatory measures, certain pubs and restaurants are reluctant to declare themselves smoke-free and comply with the measure when faced with the need to satisfy the entire demand that exists, small enough as it is, rather than just a section of it.

Nofumadores.org is therefore of the opinion that the European Union must intervene by means of **binding legislation** since this is the only way of guaranteeing equal protection for the rights of citizens in all Member States. This would prevent the risk acknowledged in the Green Paper of citizens in States that have not adopted any measures being completely without protection. It would also prevent situations, such as the one described above, in which the inhabitants of larger cities have greater opportunities to access smoke-free environments than those of villages and rural areas, who have none.

3) Are there any further quantitative or qualitative data on the health, social or economic impact of smoke-free policies which should be taken into account?

Nofumadores.org welcomes the ideas presented in the Green Paper on the different implications of smoke-free policies. However, we would ask for an explicit acknowledgement that health considerations should take precedence over economic interests where both are at odds.

4) Do you have any other comments or suggestions on the Green Paper?

No.

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