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CONFÉDÉRATION EUROPÉENNE DES DÉTAILLANTS EN TABAC (G.E.I.E.)

European Commission
Directorate General for Health and Consumer Protection
Unit C6 – Health measures
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The CEDT, the European Confederation of Tobacco Retailers, has been the voice of tobacco retailers in Europe since its foundation in 1970 and a registered European Economic Interest Grouping since 1999.

The main aim of our organisation is to defend the interests of more than 350,000 families for whom the sale of a legal product such as tobacco, consumed by over 100 million citizens, constitutes one of their commercial activities. What's more, these families also provide a public service by offering other products and services such as tax stamps, international money transfers, national gaming and betting, telephone products, etc.

Responses from the CEDT to questions posed by the Commission in the Green Paper "Towards a Europe free from tobacco smoke: policy options at EU level".

1) Which of the two approaches suggested in Section IV would be more desirable in terms of its scope for a 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.

While understanding the wish to protect the health of European citizens, we would like to reiterate that the smoker's freedom of choice must be respected in order to guarantee the tolerance and mutual respect that must be accorded to all citizens.

The CEDT is therefore of the opinion that the European Commission's policy should be that of a ban with exemptions granted to selected categories of venues.

These exemptions must be specified by the Commission in order to maintain the right to smoke in selected categories of venues rather than a total, precautionary ban on smoking, retaining, by contrast, the flexibility to take account of updates, progress and technological innovation.

We suggest that the following categories of venues would benefit from an exemption:

- Bars with a tobacco licence (bar-tabacs), private clubs, especially those for smokers;



C.E.D.T.

CONFÉDÉRATION EUROPÉENNE DES DÉTAILLANTS EN TABAC (G.E.I.E.)

- concerning workplaces: individual offices not open to the public; designated smoking rooms, even those not equipped with a ventilation system provided they contain windows of a suitable size;
- in the catering sector: establishments with a surface area of less than 100 m² should be given the option of permitting smoking on the entire premises;
- in zones with a high concentration of small establishments (less than 100 m²), one in four establishments should be given the possibility of being a smoking area;
- psychiatric hospitals;
- prisons;
- nursing homes and old peoples' homes.

Furthermore, the CEDT supports the creation of sealed off smoking areas in catering establishments where there is a ban on smoking.

In the case of areas completely separated from the rest of the associated premises, experts are of the opinion that air curtains can achieve the same results as separating the areas using partitions. Air curtains of this type are widely used in department stores.

Furthermore, the CEDT wishes to cite the example of Article 11 of Decree 57/2006 of 21 April of the Consell de la Generalitat Valenciana which states: "Standards for the approval of smoking areas. Approved smoking areas, as defined under Article 8 of Law 28/2005 of 26 December, shall be marked as such and separated from zones in which smoking is prohibited. The division of the two areas shall be carried out using any means able to guarantee that the no-smoking area is free of tobacco smoke. In any event, approved smoking zones must have ventilation systems to avoid tobacco smoke entering the zones in which smoking is prohibited."

Furthermore, as mentioned above, it is very important that scope for technological innovation be retained when implementing the ban on smoking.

Indeed, studies in France have shown that air purification systems can achieve very reliable and extremely effective results (see response to question number 3).

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?

The CEDT is of the opinion that the most desirable and appropriate option would be non-binding legislation in the form of a Recommendation.

The Commission could encourage the stakeholders to adopt common voluntary guidelines at European level to make more places smoke-free. As suggested by the Commission, sector-specific initiatives could be encouraged, for example in the catering or leisure sectors.

Another possibility to be considered is that of self-regulation based on social dialogue, given the fact that this is a highly flexible tool that can be adapted more easily to the needs of individual businesses. Laws that are excessively restrictive often prove difficult to apply and, after an initial clampdown period, give way to a much more lenient approach.



C.E.D.T.

CONFÉDÉRATION EUROPÉENNE DES DÉTAILLANTS EN TABAC (G.E.I.E.)

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?*

Taking the example of Italy, the country has more than 56,000 tobacconist shops, each of which employs an average of three workers. Therefore, from the point of view of wholesale trade, the tobacco sector employs at least 168,000 people (data from the FIT, Federazione Italiana Tabaccai). All in all, the tobacco industry, which includes agriculture (Italy is Europe's largest producer of tobacco), the processing industry and associated activities such as the manufacturing industry and tobacco distribution network, employ over 500,000 people (data from the 2007 Nomisma report).

What's more, according to a Sofres survey of stakeholding consumers, a ban on smoking in bar-tabacs in France will lead to a 30% drop in turnover. This reduction in turnover is likely to lead to a 20% drop in employment in the bar-tabac sector, which currently employs 120,000 people.

Air purification systems:

Concerning air purification systems, the creation of smoking areas should be technically feasible and affordable.

The CEDT suggests the possibility of offering tax concessions to tobacconists wishing to purchase the necessary equipment.

In Italy, for example, the provisions for implementing Law 3/03 on the ban on smoking in all enclosed public spaces, which provides for the creation of enclosed areas for smokers, contains technical specifications that are too complicated and costly to put into place.

Today, only a 1% of establishments envisage actually applying these provisions, while 25% of the population in Italy smokes.

However, as mentioned above, it is very important to take technological innovation into account to consider possible effective alternatives to a general ban on smoking.

In France, the Confederation of Tobacconists commissioned a study to measure the effectiveness of a new air purification system. The study was carried out in a bar-tabac measuring 50 m², in which a group of ten adults smoked for 30 minutes.

The results of this study show that:

- by using this new technology in a smoky room, it is possible to create a level of air quality at least identical to that of the outside air;
- 95% of the fine particles not eliminated by existing air purifiers were filtered by the new technology;
- the system cuts pollution by aromatic hydrocarbons (AHs);
- the system is equipped with a HEPA (High Efficiency Particulate Air) filter which uses a micron filter and is employed in sites including hospitals and areas with a high level of exposure to chemicals;
- this new technology is based on an air filtration process.

The test was conducted under an appropriate certification protocol.



C.E.D.T.

CONFÉDÉRATION EUROPÉENNE DES DÉTAILLANTS EN TABAC (G.E.I.E.)

Furthermore, the new technology is affordable and as far as possible tax concessions are concerned the Confederation of Tobacconists has already obtained a tax credit.

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

The CEDT is in favour of a campaign aimed at protecting citizens' health and preventing underage smoking and strongly encourages the launch of communication and education initiatives targeting young people.

Furthermore, since it considers citizens' health to be of far greater importance than market interests, the CEDT is in favour of Member States having the freedom to fix a minimum price for cigarettes. This will serve as a financial obstacle to underage smoking and, in any case, as a tool to dissuade the entire population from smoking.

The CEDT is, however, of the opinion that a minimum tax rate should be fixed at European Union level.

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