

Questions:

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

The replies to these questions should be sent by 1 May to:

Directorate-General Health and Consumer Protection

Unit C6 – Health Measures

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REPLIES:

- 1) **a total ban on smoking in all enclosed public spaces and workplaces, without any doubt whatsoever.**

Reasons:

It has been reliably demonstrated that the option of making exceptions DOES NOT WORK, NOR WILL IT WORK.

Here in Spain, making a distinction between premises according to their size has resulted in everyone doing what they want: some premises have reduced their size (moving the bar) so that the owner can make them into dedicated smoking areas without making any investment (separating areas, different ventilation circuits, etc.). It's a licence to behave badly!

Furthermore, how can the protection of consumers' public health be left to the owners of establishments?

Those who initially chose to ban smoking have had to go back on their decision because, given the choice, most people – incredibly – prefer places where you can smoke. So the former were empty (economic damage).

This also meant that premises larger than 100 m² have had to make alterations, which placed them at economic disadvantage in relation to smaller premises.

There are also major contradictions in the legislation in this area. On the one hand, smoking is banned in premises where food is prepared. Cafés that also sell bread are obliged to separate the area where the bread is sold from the one where coffee is drunk – even though the door between the two areas is always open. In bars and restaurants, however, food is left on top of the bar, with no physical protection whatsoever, sandwiches and bar snacks are prepared there, and smoking is allowed near these exposed foods.

So contradictory criteria are laid down, with no logic, and of course they do not protect public health.

As for exposure to environmental tobacco smoke (ETS) in the workplace and the protection of workers, what about hotel and catering workers who have to put up with ETS throughout their working day? Another contradiction in the application, wouldn't you say? And in SMEs (small businesses) the rules are not respected; they have not been taken seriously, and smoking continues as usual. Employees would have to complain about their own boss or their colleagues, which could result in personal clashes.

Moreover, those of us who refuse to breathe in ETS and assert our right to breathe smoke-free air are singled out and labelled as fascists, Taliban and intransigents – strange but true. It is a constant struggle that we have little chance of winning.

Nor have we the option of going to smoke-free areas because there aren't any.

For example:

- In the centre of Pamplona (Navarre), a city of some 250 000 inhabitants, if you go out to eat out you can't find a single restaurant that is non-smoking. You check nearly all of them out, and you end up eating in a café-cake shop, near the cake display, since the dining room is for smokers. And that is if you're lucky. This happened to me last March.
- In Tudela (Navarre), a town of 36 000 inhabitants, not one bar where food is served is non-smoking. There is one cocktail bar, where no food is served, that has separate smoking and non-smoking sections. Of course, there is no physical separation and the ban is flouted. If you tell the waiter, he replies that it's not his problem and that he is not prepared to approach the person smoking in the non-smoking section. It is even worse in small towns. Restaurants that ought to separate the two areas physically merely put up posters, smoking here, not here, but the smoke passes freely from one area to the other...

The Spanish Government advertisements recommending we “choose smoke-free areas, for all you hold dear” and explaining the health benefits, etc., etc., look strange and illogical by comparison. Where are we meant to choose these “smoke-free spaces” if none exist?

They also remind you that, whenever you smoke in front of a child, you are forcing the child to smoke, too.

So, if exemptions are established, everyone interprets them and will interpret them to their own advantage. This, together with the lack of monitoring – let alone enforcement

– by the health authorities leaves us non-smokers who do not wish to breathe ETS completely defenceless and powerless. Many non-smokers, on the other hand, are not bothered by ETS, or take it for granted and see it as part of social relationships.

This is dangerous, because it also draws in children and young people – future smokers, as I see it – since they take it as something normal and customary, a social habit to be engaged in when, on their own or, worse still, in the company of their parents, they visit bars, restaurants, places of entertainment, etc, i.e. everywhere. So publicity campaigns are not very effective at stopping young people from smoking, since it is so closely associated with having a good time.

Of course, I find the advantages of the GENERAL BAN option entirely justified, and I fail to see why it is not put in place. I think there is NO REAL POLITICAL WILL in this regard on the part of the Spanish Government.

Unlike in Italy, where a commitment was made to protect public health from the outset. The ban was total and the result admirable. What struck me most was that smokers observed it. This is something I cannot imagine happening in Spain. I saw it for myself when I visited Rome, Florence and Venice in November 2006. Establishments were full. A survey among owners one year after the ban came into effect showed it was a success because the number of customers had not fallen, it had actually risen. This was because many non-smokers, who were bothered by ETS and avoided their establishments before had now started going to them and even bringing their children along.

2) I BELIEVE THAT DIRECT HARMONISATION, LEADING TO A TOTAL BAN, IS NECESSARY AND MORE THAN JUSTIFIED. OF COURSE, THE LEGISLATION MUST BE BINDING. THE MEMBER STATES MUST BE REQUIRED TO GIVE A FIRM COMMITMENT INCLUDING MONITORING AND ENFORCEMENT.

Any measures that are collaborative, voluntary, etc. are a waste of money and would not meet the objective of protecting public health.

We must not forget the danger lying in wait for future generations who, if corrective action is not taken in time, will have the smoking habit too deeply ingrained, since it is constantly associated with having a good time.

It has been proven that voluntary agreements are not effective in the fight against smoking. Neither will talking about coordination, collaboration and monitoring do any good without enforcement measures.

I do not think it would be reasonable to enact a separate directive on workplace smoking. What about waiters? Are they not workers too? Or do waiters have to be active smokers and therefore not be bothered by ETS? Moreover, the ban is not observed in many SMEs either.

Why attach so much importance to the workplace and so little, or none at all, to leisure and entertainment, or even leave it up to the goodwill of the owner of the establishment? As I see it, this is truly ridiculous.

Adopting exemptions like the ones suggested would be equally ridiculous. Allowing smoking in establishments where food is not served. I do not see this as being effective as far as fighting smoking is concerned.

I think there is a need to work towards eradicating the smoking HABIT. If a smoker can sit for almost two hours in a cinema without smoking, why can he not be in a bar, restaurant or pub or at work for at least that long without smoking?

In my opinion, there is no real political will to enact firm legislation in this regard. Starting with the Commission, which, in this document, clearly explains the need to eradicate smoking. The justification for the need to take measures in this respect is clear. Yet nobody dares pass legislation leading to a total ban. Why?

Italy should be held up as an example and extended throughout the EU.

3) I CANNOT THINK OF ANY. THESE HAVE ALREADY BEEN STUDIED AND DISCUSSED ENOUGH. ALL THAT REMAINS IS TO MOVE FORWARD.

4) I HAVE ALREADY SET THEM OUT.

CONCLUSION:

The health authorities, from the Commission down to local authorities, must implement a firm and courageous policy intended to protect the population from ETS, banning smoking in any enclosed spaces without further delay, including – logically enough – not only workplaces but also leisure and entertainment premises (bars, restaurants, pubs, etc.).

The WHO considers a ban on smoking in public places the second most effective means of reducing smoking-related mortality and morbidity after increasing taxes. As I see it, banning smoking in ALL PUBLIC PLACES is more effective than raising taxes.

Unfortunately, I believe that it will never be possible to be able to choose to breathe smoke-free air in Spain and in other Member States. I set little store by the approach taken to the problem by the public authorities – not even the Commission, much less the Spanish authorities.

Thank you

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