

Dear Sir/Madam,

I enclose my replies to the anti smoking survey.

Yours faithfully,

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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.***

**A total ban on smoking in all enclosed public spaces and workplaces – no question.**

Reasons:

It has become patently obvious that the option of granting exemptions DOES NOT AND WILL NOT 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 investing one single cent (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 opted 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 m<sup>2</sup> had to make alterations, which placed them at economic disadvantage relative 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. But in bars and restaurants, food is left on top of the bar, with no physical protection whatsoever, sandwiches and *pinchos* (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.

On the subject of exposure to 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 conflicts.

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 are unlikely to win.

Neither do we have the possibility 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 you can't find one restaurant that is non-smoking. You check almost 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 is what 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 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. In small towns, it's even worse. Restaurants that ought to create a physical separation between the two areas merely put up posters, smoking here, not here, but the smoke passes freely from one area to the other...

The Spanish Government advertisements advising us to “**ELIGE LOCALES LIBRES DE HUMO, POR LO QUE MÁS QUIERAS**” (“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 find these “smoke-free spaces” if there are none?

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 as best suits them. This, together with the absence of monitoring measures – let alone enforcement measures – from the health authorities, leaves us non-smokers who do not wish to breathe ETS completely defenceless and powerless. On the contrary, many non-smokers are not bothered by ETS, or are completely comfortable with it and see it as part of their social relationships.

This is a dangerous aspect, 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 they – either on their own or, worse yet, in the company of their parents – visit bars, restaurants, places of entertainment, etc, in other words everywhere. Publicity campaigns are thus 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 in 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 really struck me 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 the success of the same, since not only had the number of customers not fallen, it had actually risen. This was because many non-smokers, who were bothered by ETS and did not frequent their establishments before, had now started doing so and were even bringing their children.

- 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?***

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 MEASURES.

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 measures 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 this need to take measures in this respect is clear. Yet nobody dares pass legislation leading to a total ban. Why?

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

**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?**

I cannot think of any. These have already been studied and discussed enough. All that remains is to move forward.

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

I have already set out my comments, but these are my conclusions:

**CONCLUSION:**

The health authorities, from the Commission down to the 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 establishments (bars, restaurants, pubs, etc.).

The WHO considers a ban on smoking in public places to be 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. The approach taken to the problem by the public authorities – both in the Commission and the Spanish authorities – does not give me any hope.

**Thank you**

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