



## ENSP - EUROPEAN NETWORK FOR SMOKING PREVENTION

### > EUROPEAN TRENDS TOWARDS SMOKE-FREE PROVISIONS

Status: June 2006

COUNTRY	TRENDS
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 and ventilated 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	"The protection of Health (Smoking) Unified Laws 2002 - 2004" prohibit smoking in all public places, including places of entertainment (restaurants, bars etc) in all government buildings, public transport and in private cars carrying any passenger under 16 years old. Smoking in workplaces is regulated by special provisions in the Law, which require that the employer shall co-operate with his/her employees to draw up regulations, which will be posted in conspicuous places, that will protect non-smokers while at work from other persons' smoke. It is expected that soon the provisions of the law regarding the appearance of health messages on cigarette packets will provide that the messages will be backed by photographs depicting the detrimental effects of smoking. It is also expected that the provisions of the law regarding smoking in workplaces will be checked and enforced by officers of the Ministry of Labour, which is responsible for health and safety at work.
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. In March 2006 the Danish government announced that it wants to ban smoking in bars and restaurants as of 2007, but will allow larger eateries to have separate rooms where smoking is allowed. Health Minister Lars Loekke Rasmussen said that the government did not want to issue a general ban on smoking at work places, saying that should be up to the employer.
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. Smoking is completely banned on public transport. (including taxis).

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Finland	<p>Smoking is completely banned in healthcare, educational and government facilities, indoor workplaces and offices, theatres and cinemas although separate and ventilated 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<sup>2</sup> 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.</p> <p>The Finnish government said on 15.12.05 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.</p> <p>On 13.06.06 the Finnish parliament decided by a vote of 113 to 57 to ban drinking in designated restaurant smoking booths, endorsing the content of new smoking legislation. The new restrictions to smoking in restaurants are due to come into force at the start of June 2007. Large restaurants, which have already created smoke-free spaces using ventilation systems, will have a transitional period of two years to construct separate smoking areas, the new law becoming effective for them in June 2009.</p>
France	<p>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.</p> <p><b>2005:</b> Yves Bur, UMP deputy for Alsace Lorraine presented a bill in the autumn of 2005 to the lower chamber of parliament, backed by 60 other lawmakers. The bill calls 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. French National Railway Company SNCF has enacted a smoking ban on their whole railway network including stations since 2005.</p>
Germany	<p>There is a non smokers protection act of 2002 for workplaces excluding hospitality industry and public areas. Smoking is not banned by law in trains, planes, public transportation, healthcare, government buildings etc.</p>
Greece	<p>Several pieces of legislation in Greece include complete smoking bans in specific public places, although all allow for special smoking areas. Smoking ban applies in public transport.</p>
Hungary	<p>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.</p> <p>Act XLII of 1999 is the most important regulation on smoking in public places. The law on the protection of non-smokers and the regulation of tobacco sales, marketing and use stipulates: (a) smoking shall be banned with the exception of areas designated for smoking 1) within any indoor facility of public institutions that is open for the users of services; 2) on public conveyances; 3) during functions taking place within an indoor facility; 4) in the workplace, as provided for by separate legislation and as regulated by the employer's policy; (b) it shall not be allowed to designate smoking area or smoking room 1) within primary health care and outpatient specialist care units; 2) in retail pharmacies that are open for access by patients; 3) within premises of institutions of public education that are accessed by students; 4) in day-care or residential care service units for children; 5) in social care units; 6) on public transport facilities, including commuter trains as well as buses in scheduled domestic interurban public traffic. (In its jurisdiction the management of MALÉV Hungarian Airlines introduced a total ban of smoking on all its flights as of November 1997); 6) in indoor areas of sports facilities designed for carrying out sports activities; (c) a smoking area shall not be designated within the same premises (e.g. in a restaurant), except if the indoor air of such area can be separated from the remaining part thereof, or if separation can be executed by using appropriate ventilation techniques; (d) the National Public Health and Medical Officer Service is named the responsible authority for enforcing this legislation and applying fines as stipulated by this law; (e) young people under 18 are not allowed to smoke even in places where otherwise smoking is permitted. The amendment of the Act XLII of 1999 dated 19 December 2005 makes kindergartens, primary health care units and child care wards and hospital units totally smoke-free. Schools and workplaces can be declared totally smoke-free if the majority of employers agree.</p>
Iceland	<p>A complete ban at the workplace (excluding bars and restaurants), with the possibility of designated and ventilated smoking rooms, has been implemented in Iceland. 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.</p> <p>On 2 June 2006 the Icelandic parliament approved by a huge margin a bill proposing smoke-free bars and restaurants with effect as of 1 June 2007. The ban will apply to all restaurants, cafes, bars, pubs and nightclubs - all places where people receive service of any kind.</p>

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Ireland	Public Health Act introduced on 29 March 2004 : A complete ban at the workplace, including bars, restaurants, without designated smoking rooms has been introduced. 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). Smoking is also banned in public transport.
Italy	The Italian legislation enacted in January 2005 provides for smoke-free workplaces, including bars and restaurants, but permits the possibility of designated, closed, sealed-off ventilated smoking rooms(smoke extractors). 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. Many bar owners say fitting the automatic doors and forced ventilation systems required by law is too expensive.
Latvia	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.
Lithuania	22.01.06:Lithuanian government approves public smoking ban from 2008: The Lithuanian government approved a law that aims to ban smoking in public places from January 1, 2008, the government's information bureau said. The law, if approved by parliament, will ban smoking in restaurants, cafes, pubs, discos and other public locations. Smoking in the Baltic country, which joined the European Union in May 2004, is currently allowed in public places in specially designated areas. Smoking is totally banned in public transport. However long distance trains and air transport have dedicated smoking areas. May 2006: The Lithuanian parliament passed smoke-free legislation On 11.05.06 a vote was taken in the Lithuanian parliament to amend the Lithuanian Tobacco Control Law to ban smoking completely in bars, restaurants, cafés, clubs and discotheques as of 1 January 2007 (no separate smoking rooms will be permitted). Members of parliament voted in favour of such a ban. One exception, however, is that smoking will still be permitted in special cigar and pipe clubs. More than fifty NGOs joined the initiative of the National Tobacco and Alcohol Control Coalition lobbying in support of strong tobacco control measures. There was strong lobbying against the law amendment from the Lithuanian Association of Bars and Restaurants, but support for the ban was very high (some 73 %). Source: Press Release by Lithuanian National Tobacco Control Coalition
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	The latest Smoke-free Public Places Regulations are LN 414, which were issued on 14 September 2004. These regulations mention that "smoking is banned in any enclosed private or public premises which is open to the public except in designated smoking rooms and includes workplaces (LN 414, Paragraph 3)." The ban includes bars and restaurants and permits the possibility of designated, closed, ventilated smoking rooms. A document has been published by the Malta Standards Authority, which serves as a guide to how the smoking room should be constructed. The designated 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.
Netherlands	A complete ban at the workplace excluding bars and restaurants and with the possibility of designated and ventilated smoking rooms has been implemented in the Netherlands.
Norway	Norwegian smoke-free legislation which was introduced in June 2004, provides the same protection in bars and restaurants as in Ireland but is less strict in other workplaces, where designated smoking rooms are allowed.
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.
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 1997 forces employer to ban smoking in workplaces where non smokers work. The Act on Protection of Non-smokers was amended: as of 1 November 2005 schools, health and social facilities , i.e. buildings and their adjacent areas, are fully smoke-free. The hospitality industry has kept its previous arrangement whereby smoke-free zones are only mandatory in restaurants and other facilities serving meals.
Slovenia	Act provides smoking bans in hospitals and schools. There are restrictions in public places, with the exception of restaurants, which have designated smoking areas.

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Spain	On 1 January 2006 Spain introduced a complete ban at the workplace. The law prohibits smoking in bars and restaurants that are larger than 100 m <sup>2</sup> , although these may set up small smoking rooms that are sealed off from the main areas. Restaurants and bars under 100 square meters have to provide clear signs indicating whether they are smoking or smoke-free establishments.
Sweden	In practice, most workplaces are smoke-free, but smoking is often allowed in designated smoking room or “cabins”. (closed and ventilated) 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 closed and ventilated designated smoking room where no food or drink is to be served. For more information please see <a href="http://www.tobaksfakta.org">www.tobaksfakta.org</a> by clicking on ‘rokfria krogar’
Switzerland	Swiss regulation related to the Federal Labour Law 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. There is a total smoking ban in all public transportation, such as busses, boats, trains etc. The only exception is taxis, but most taxis are smoke-free.
UK (England)	A total ban on smoking inside offices, pubs, restaurants and “virtually every enclosed public place and workplace” throughout England will come into force in the summer of 2007 after a resounding cross-party majority of MPs on 14.02.06 rejected last minute compromises designed to exempt some pubs and private clubs. British Members of Parliament voted on 14 February 2006 by a margin of 200 votes to impose a ban on smoking in all enclosed public spaces. The total ban will extend to all enclosed areas except private homes, residential care homes, hospitals, prisons and hotel bedrooms.
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) The ban: likely to be a strict ban in public places under plans being prepared by the Welsh Assembly by 2007. Covers: similar to Scotland with no-smoking premises defined as enclosed locations that are used by the public. Last year the Welsh Assembly announced that all of its estates would be smoke-free. Exemptions: to be decided.
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. It is a complete ban at the workplace - including bars and restaurants with no designated smoking rooms. 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. The ban: comes into force at 6am on 26 March 2006. Covers: enclosed locations that are used by the public, such as work places, clubs or places of entertainment, health and care services. Exemptions: private residential homes or designated rooms in care homes, hospitals, prisons, hotels, offshore installations and private vehicles.
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. The ban: comes into effect in April 2007. Covers: all enclosed places, including pubs, restaurants and hotels. Smoking is already banned in government offices. A decision on prisons and psychiatric institutions has yet to be taken. Exemptions: to be decided.