



ENSP - EUROPEAN NETWORK FOR SMOKING PREVENTION

> EUROPEAN TRENDS TOWARDS SMOKE-FREE PROVISIONS

Status: January 2008

COUNTRY	TRENDS
Austria	The Austrian Tobacco law (431/1995, updated 98/2001,74/2003) prohibits smoking in classes, 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. Except for the hospitality industry and similar working rooms used by customers (and not by employees only), smoking is banned at workplaces (§30 AschG 159/2001) in the presence of non-smokers (employees). While the Workers' Protection Law is enforced, no sanctions are foreseen in case of violation concerning protection of non-smokers (§12,13) as per the Tobacco Law (47/2006): only labelling of non-smoking zones was enforced in 2007. A smoking ban in school buildings (also for teachers) was clarified by 167/2004 and enforced in 2006.
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 also applies in spaces used by self-employed persons working with employees, to which such employees have access. Smoking is only permitted in dedicated, ventilated smoking areas, but the employer has no obligation to provide smoking areas. Since January 2007 smoking is permitted 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 are exempt from the ban, though they must have adequate ventilation as well as a no-smoking zone.
Bulgaria	Since 1 January 2005, smoking has been banned in all enclosed workplaces under the employer's authority and to which workers have access (i.e. workplaces and social facilities). Smoking is only permitted in areas specifically dedicated for this purpose, which the employer has an obligation to provide. The smoking ban also applies in all public places such as restaurants, bars, cafes, etc. In these places smoking is permitted only in specially ventilated smoking areas. An advertising ban applies on television and radio, in print media, in cinemas, outdoors, indirectly, and at points-of-sale. Since 1 January 2007 sponsorship of both national and international events by tobacco producers and companies and in the Internet has been banned and enforced.
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. Owners of bars, restaurants and cafés may, if they so decide, reserve a separate space for smokers, provided that such space is well and effectively ventilated. Smoking in workplaces is regulated by special provisions of the Law, which require the employer to co-operate with employees to draw up regulations, which must be posted in conspicuous places, to protect non-smokers from other persons' smoke at the workplace. The provisions of the law regarding smoking in workplaces are checked and enforced by officers of the Ministry of Labour, which is responsible for health and safety at the workplace.
Czech Republic	The anti-smoking law came into effect in the Czech Republic in January 2006. The law bans smoking at bus, train and tram stops, in 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.
Denmark	Act No. 512 Smoke-free Environments Act, dated 6 June 2007 The new law on smoke-free premises came into force on 15 August 2007. The law regulates smoking in workplaces, public indoor areas, institutions and schools, public transport and the hospitality sector. In principle smoking is not permitted in indoor areas or in public transport. There are some exceptions: at workplaces the employer may decide to permit smoking in designated smoking rooms or smoking cabins and the employer may also allow smoking in rooms where only one person works. All restaurants, cafés and other places for eating and drinking have to be smoke-free, although the owner may allow smoking in designated smoking rooms or smoking cabins, where there is no service. In premises selling alcohol but no food, and where the serving area is smaller than 40 m ² , the owner may permit smoking in the entire premises. Exceptions: smoking is still allowed for residents of nursing care homes and other institutions serving the socially disadvantaged and mentally ill - but only in their own rooms. Staff may require the resident to refrain from smoking while they are working in the room. The law states that it will be revised within the next three years, so a revision is due by 15 August 2010.

Estonia	The Tobacco Act dated 2001, updated and applicable since 5 June 2005, imposes a complete ban on smoking in all enclosed private or public premises, which are open to the public, except in designated, enclosed and separately ventilated smoking rooms or smoking areas (which is not obligatory) in the premises of state and local governments, cultural institutions, recreational facilities, institutions of higher education, the office premises and other public premises of enterprises, local and long-distance trains and passenger ships and in rooms where games of chance or betting are organised. In bars, restaurants, cafés, nightclubs and other catering establishments a complete ban on smoking is set to apply as of 5 June 2007. In these facilities smoking will be permitted only in separate, enclosed smoking rooms with separate ventilation systems, but the room arrangement is not obligatory. Smoking is also not permitted in pedestrian tunnels, public transport including taxis, public transport shelters and in other places set out by this legislation.
Finland	Smoking is completely banned in healthcare, educational and government facilities, indoor workplaces and offices, theatres and cinemas, although separate ventilated areas for smoking may be provided. Smoking is not allowed in outdoor areas primarily intended for persons under the age of 18. There are partial restrictions on smoking in restaurants and bars: smoking is permitted, although venues with an area of over 50 m ² must reserve half their seats for non-smokers. Tobacco smoke is not allowed to spread to non-smoking areas. Smoking is completely banned in public transport, although special smoking rooms may be installed in trains. In June 2006 the Finnish Parliament unanimously approved the bill that bans smoking in bars and restaurants in June 2007. The act will permit the installation of a special smoking room with a separate ventilation system. Tobacco smoke must not spread from the smoking room to the smoke-free area. Drinking, eating, serving and entertainment such as games are prohibited in the smoking room. A transition period of two years has been granted for those bars and restaurants that have arranged the smoking areas so that tobacco smoke does not spread to smoke-free areas. For these restaurants the law will become effective in June 2009.
France	With effect as of 1 February 2007 smoking is banned in France in workplaces, schools, shopping centres, public administration buildings, stations, airports, hospitals, sports facilities and entertainment venues. Cafés, bars, restaurants, nightclubs and water pipe cafés likewise became smoke-free on 1 January 2008. Smoking rooms are permitted, but the regulations are very stringent: no service, permanent depression of 5 hpa, automatic door, < 35 m ² . The government also decided to step up penalty measures and increase the number of policing staff responsible for reporting contraventions. Anyone caught smoking in non-smoking zones can be fined up to € 68 and proprietors not enforcing non-smoking regulations face a fixed penalty of € 135. Police officers are backed up in this task by public health and labour inspectors, who must check that no ashtrays are left in office spaces, that appropriate signage is in place and that smoking rooms, in so far as these exist, comply with the new regulations.
Germany	Smoking is not permitted in enclosed facilities of the German Federal Government and in public transport (including taxis) since September 2007. At the end of 2007, the federal states (Länder) had banned smoking in all indoor facilities of health care, education, recreation or sports and in restaurants, cafés, bars and discotheques. Depending on the state, smoking is permitted in separate, enclosed rooms. Moreover, in some states, smoking is permitted in tents during beer, wine and other festivals. In Bavaria, the hospitality sector is entirely smoke-free. Smokers and proprietors infringing the law are fined. The penalties for violating the new laws will come into force at different times in the course of 2008 and will vary from state to state.
Greece	Several pieces of legislation in Greece include complete smoking bans in specific public places, although all allow for special smoking areas. A smoking ban applies in public transport.
Hungary	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. Act XLII of 1999 is the most important regulation relating to 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 permitted to designate smoking areas or smoking rooms (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 public education institutions that are accessed by students; (4) in day-care or residential care service units for children; (5) in social care units; (6) in public transport facilities, including commuter trains as well as buses in scheduled domestic interurban public traffic; (7) in indoor areas of sports facilities designed for performing 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 designated as the responsible authority for enforcing this legislation and applying fines as stipulated by this law; (e) young people under 18 are not permitted to smoke even in places where smoking is otherwise permitted. The amendment of the Act XLII of 1999 dated 19 December 2005 makes nursery schools, 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 to introduce smoke-free regulations.

Iceland	A complete ban at the workplace, with the possibility of specially designated and ventilated smoking rooms, applies 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, and in public transport. Smoking is banned in all restaurants, bars, cafés, pubs and nightclubs with effect as of 1 June 2007.
Ireland	The Public Health Act was 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 (fitted with smoke extractors). Businesses face a fine of up to € 2000 for failing to ensure that their customers refrain from smoking, while smokers themselves could face a € 275 fine for repeatedly ignoring the new rules.
Latvia	Smoking is banned in educational facilities, with exceptions in universities, where smoking is permitted in smoking rooms. Smoking is banned in healthcare institutions and institutions for rehabilitation, with exceptions mentioned in special regulations for this particular institution (specially designated smoking rooms or smoking areas are permitted). A complete smoking ban applies in the 10 m. zone around the entrance of municipal and governmental facilities, in public transport stops and in stairways of residential houses. Smoking is banned in indoor workplaces, offices, theatres and cinemas, with the exception of smoking rooms. Smoking is totally banned in public transport, however long-distance trains, ships and air transport have dedicated smoking areas. In cafes, restaurants and other public catering establishments, gambling halls and casinos owners must set up no-smoking rooms, no less than 50% of the total area of the establishment. The local municipalities have the right to restrict smoking in parks, squares, beaches and similar public territories by issuing municipal rules.
Lithuania	Legislation banning smoking in cafés, restaurants, bars, nightclubs, discotheques and other public establishments, which had been approved by the Lithuanian parliament in May 2006, came into effect on 1 January 2007. Proprietors of establishments caught infringing the law and allowing their customers to smoke could be fined up to € 1400.
Luxembourg	Regulation dated 1994 concerning minimum health and safety provisions at the workplace: the law governs smoking at the workplace. Following a vote in parliament on 13.07.2006, legislation was passed comprising a total ban on advertising and sponsoring, plus a ban on smoking in certain public places: notably restaurants (although separate smoking rooms are permitted if these account for less than 25% of the total area of the venue) and cafés (with a ban in place during dining hours), total ban in schools as well as public buildings, buses and trains. As far as workplace regulations are concerned, the employer is under the obligation to take all reasonable efforts to ensure that workers are protected from passive smoking. The smoking ban in public places came into effect on 5 September 2006. Individuals contravening the smoking ban face fines of up to € 250 and establishments could be fined up to € 1000.
Malta	The latest Smoke-free Public Places Regulations are LN 414, issued on 14 September 2004. These regulations state that smoking is banned in enclosed private or public premises which is open to the public, except in designated smoking rooms and including workplaces (LN 414, Paragraph 3). The ban includes bars and restaurants and permits the possibility of designated, closed, ventilated smoking rooms. Designated smoking areas must be enclosed and must be constructed in a specific way. Smoking rooms have to comply with the regulations set out by the Malta Standards Authority. Fines of up to approx. € 1250 can be levied in case of contravention. Moreover LN 406 issued on 23 December 2005 bans advertising and promotion of tobacco products.
Netherlands	A complete ban at workplaces, excluding bars and restaurants and with the possibility of designated smoking rooms, has been implemented in the Netherlands.
Norway	Norwegian smoke-free legislation, which was introduced in June 2004, comprises a total ban on smoking in bars and restaurants, but is less strict in other workplaces, where designated smoking rooms are permitted.

Poland	<p>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.</p> <p>1. Smoking is prohibited in the following places, with the exception of areas expressly set aside for smokers:</p> <ul style="list-style-type: none"> (a) health care establishments (see stipulation in paragraph 2), (b) schools and other educational facilities, (c) closed spaces on the premises of institutions of employment and other public service buildings, as well as in small one-roomed gastronomic buildings, except specially designed areas. <p>The owner of lease-holder of the premises is responsible for applying the smoking ban in places mentioned in par.1.</p> <p>2. In special cases, the attending physician may exempt a patient staying at a health care facility from the ban on smoking tobacco products.</p> <p>3. The Minister for National Defence, the Minister for Internal Affairs and the Minister of Justice shall issue ordinances stating the rules for permitting tobacco use on the premises of buildings within their control.</p> <p>The Council of a municipality (<i>gmina</i>) may adopt a resolution declaring places other than those listed in par. 1 as smoke-free public places within the territory of the municipality.</p>
Portugal	<p>From 1 January 2008 smoking is banned in all government buildings without exception, workplaces, rented accommodation, reception areas, health and medical facilities, retirement homes, orphanages, all education and sport facilities, museums, libraries, theatres, food and beverage establishments, airports, bus and train stations, covered car parks and ATM vestibules. However, the law states that smoking areas can be created in any units or facilities that treat people for psychological problems. Prisons also have the option to create separate accommodation for smokers. Smoking areas can be designated up to 30% of the total space or up to 40% of the space, if the smoking area is completely separate for indoor public places larger than 100 m². Any building measuring less than 100 m² must choose the designation and can opt to be smoke-friendly. In this case, signs must be posted prior to entry and within, there must be walls or separations and ventilation units. Hotels can allocate smoking floors and rooms (up to 40% of the total area).</p>
Romania	<p>Law no. 349/2002 for preventing and combating the effects of the use of tobacco products came into force in December 2002. Certain amendments applied as of 31st December 2004, and some special provisions (including the provisions governing the ban on smoking in public places as of 31 December 2006. The law imposes total smoking ban in health institutions, both private and public. Bars, restaurants, discotheques and all other spaces with a similar function are obliged to demarcate smoking and non-smoking areas and assure that ventilation is installed, unless the owner decides that the place is totally smoke-free and displays visible signage to this effect. Smoking is banned in enclosed public places, with the exception of designated smoking rooms. The law provides the following definitions: "Enclosed public places = all places in public institutions, at central and local levels, as well as economic institutions or companies, also hospitality, trade, public and private institutions for culture, education, sports, all public transportation, bus/train stations, airports, including enclosed spaces in workplaces or any other spaces provided by the law." "Enclosed places in the workplace = all places in buildings, such as industrial buildings, storage buildings, meeting rooms, halls, lobbies, passageways, toilets, elevators, offices, and/or any other rooms destined for use by two or more people".</p>
Slovakia	<p>Act 330/1996 on Safety and Health Protection in the Workplace, effective since 1997, obliges employers 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.</p>
Slovenia	<p>Act provides smoking bans in hospitals and schools. There are currently restrictions in public places, with the exception of restaurants, which have designated smoking areas. The Slovenian Ministry of Health proposed a public debate on the new tobacco bill. The public consultation concluded at the end of January 2007. The proposal for the new law includes the following: a total ban on smoking in all enclosed public places, including bars and restaurants, although smoking booths are to be permitted; the smoking room must be completely physically separated from the rest of the place and is exclusively for smoking (i.e. no food or drink, no serving); public places are all health, child care, education, social care facilities, transport infrastructure and vehicles, hospitality sector, sports, recreation and culture infrastructure - in all enclosed public and working places including outside areas in educational buildings (exceptions: hotel rooms, psychiatric hospitals, old people's homes - where it is indicated that it is a smoking area, smoking rooms); no smoking rooms in health and educational institutions; a quitline phone number is to be printed on cigarette packets; a ban on the sale of tobacco products to persons under the age of 18 (including ID checking); law to be enforced by inspectorate (i.e. not police).</p>
Spain	<p>On 1 January 2006 Spain introduced a complete ban on smoking at the workplace. The law prohibits smoking in bars and restaurants that are larger than 100 m², although these may set up small smoking rooms that are sealed off from the main areas. Restaurants and bars under 100 m² have to provide clear signs indicating whether they are smoking or smoke-free establishments.</p>

Sweden	The Swedish Tobacco Act dated 1993 states that employers should ensure that employees are not exposed to tobacco smoke against their will. In schools and similar facilities, smoking may be permitted in designated rooms or areas, provided that children and young people do not have access to them. In practice most workplaces (except for designated smoking rooms) are smoke-free. The same rules apply to other public premises, e.g. those in which cultural or sporting events take place. Smoking is also prohibited in healthcare centres and hospitals, in the common areas of homes for the elderly, and in public transportation. Hotels are required to provide some non-smoking rooms for their guests. Before 1 June 2005 eating and drinking facilities were exempted from a regulation in the tobacco law which stated that employers should ensure that employees are not exposed to tobacco smoke against their will. However, from 1 June 2005, all restaurants, bars, nightclubs, discos, casinos, bingo-halls, cafes etc. are smoke-free. This law does allow for the possibility to build a closed and separately ventilated designated smoking room where no food or drink is to be served. Fewer than 2% of all facilities now have a separate smoking room, mainly nightclubs, casinos and bingo-halls.
Switzerland	Swiss regulation related to the Federal Labour Law 1993 imposes partial restrictions in government facilities and in indoor workplaces and offices. A new law to regulate smoking at the workplace is under construction. Voluntary agreements in some cantons have imposed smoke-free restrictions on healthcare and educational facilities, restaurants, bars, pubs, theatres and cinemas. In one canton (Ticino) a smoking ban comes into force in April 2007. In several other cantons smoking bans in restaurants are on the political agenda. 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 enclosed and 'substantially enclosed' workplaces and vehicles throughout England is due to come into force on 1 July 2007. The total ban will extend to all enclosed areas, except private homes and designated rooms in residential care homes, prisons, hospices, hotel bedrooms and offshore installations. NHS facilities are already smoke-free, but mental health residential facilities, which have been exempt, will become smoke-free on 1 July 2008. Private vehicles will also be exempt. Accommodation for under-18s will also be covered by the legislation.
UK (Wales)	The Health Act 2006 enables the Welsh Assembly to introduce smoke-free legislation and a comprehensive smoking ban was introduced in Wales on 2 April 2007. The law affects most public premises, including restaurants, pubs, bars, shops, cinemas, shopping centres, leisure centres, other enclosed workplaces and public transport. No Smoking signage must be displayed in enclosed public premises and work premises. Failure to comply with the law will be a criminal offence, as set out in the Health Act 2006. Penalties and fines are as follows: individuals may be liable to a fixed penalty of GBP 50 (maximum fine GBP 200); the manager or person in control of any smoke-free premises could be fined a fixed penalty of GBP 200 for failing to display No Smoking signs (maximum fine GBP 1000); the manager or person in control of any smoke-free premises could be fined up to GBP 2500 for failing to prevent others from smoking in those premises.
UK (Scotland)	Comprehensive smoke-free legislation was introduced in Scotland on 26 March 2006. The Smoking, Health and Social Care Act (Scotland), which was given Royal assent on 5 August 2005, laid the provisions for smoke-free legislation. The ban includes all pubs, bars and restaurants. Licensees failing to enforce the ban face fines up to GBP 2500 and customers caught smoking could be fined GBP 1000. The smoking ban covers enclosed locations that are used by the public, such as workplaces, clubs or places of entertainment, health and care services. Exemptions are private residential homes, private vehicles and designated rooms in care homes, hospices prisons, hotels, mental health facilities and offshore installations.
UK (Northern Ireland)	The Smoking (Northern Ireland) Order 2006 comes into effect on 30 April 2007. It is against the law to smoke in most 'enclosed' and 'substantially enclosed' workplaces and public places, including work vehicles and public transport. Those responsible for smoke-free premises and/or smoke-free vehicles are required to display no-smoking signs so that they are clearly visible to all employees, customers and visitors. Failure to comply may result in the issue of a GBP 200 fixed penalty notice or lead to a prosecution, for which the maximum penalty on summary conviction is GBP 1000. Individuals may receive a GBP 50 fixed penalty notice if they smoke in smoke-free premises or smoke-free vehicles. The maximum penalty on summary conviction is GBP 1000. The law requires those responsible for smoke-free premises to prevent or stop a person smoking there. A similar requirement is made of drivers, those with management responsibilities and those with responsibility for order and safety on smoke-free vehicles. Failure to comply may lead to a prosecution for which the maximum penalty on summary conviction is GBP 2500.