



ENSP - EUROPEAN NETWORK FOR SMOKING PREVENTION

> EUROPEAN TRENDS TOWARDS SMOKE-FREE PROVISIONS

Status: November 2006

COUNTRY	TRENDS
Austria/c	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. 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. Of non-smokers protection (§12,13) of the Tobacco Law (47/2006): only labelling of non smoking zones will be enforced in 2007. Smoking ban in school buildings (also for teachers) was clarified by 167/2004 and enforced in 2006. http://aerzteinitiative.at/Tabakgesetz04.html .
Belgium/c	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 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/c	"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. The owner of bars, restaurants, cafés can, if he so decides, seclude a space for smokers, provided that such space is checked to be well and effectively ventilated". 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/c	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/c	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. The new law restricting tobacco smoking will be put to the Parliament autumn 2006 - changes may occur to the above.
Estonia/c	Tobacco Act of 2001 updated and entered into force on 5 June 2005 imposes a complete ban on smoking in any enclosed private or public premises which is open to the public except in designated, closed 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 a game of chance, betting or a totalizator is organized. In bars, restaurants, coffee shops, nightclubs and other

	catering establishments will impose a complete ban on smoking on 5 June 2007. In these facilities smoking is allowed only in closed special smoking room with separate ventilation but the room arrangement is not obligatory. Also the smoking is not allowed in pedestrian tunnels, public transport incl. taxis, public transport shelters and in other places prescribed by legislation
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Finland/c	<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. Smoking is not allowed in outdoor areas primarily intended for persons under the age of eighteen. There are partial restrictions on smoking in restaurants and bars; smoking is allowed although venues with areas over 50m² must reserve half their seats for non smokers. Tobacco smoke is not allowed to spread to non-smoking areas. Smoking is completely banned from public transport, although special smoking rooms may be established in trains.</p> <p>In June 2006 Finnish Parliament unanimously approved the bill that bans smoking in bars and restaurants in June 2007. The Act will allow setting up a special smoking room with separate ventilation system. Tobacco smoke must not spread from the smoking booth to smoke-free area. Drinking, eating, serving and entertainment such as games are prohibited in the smoking booth. There is a transition period of two years 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.</p>
France/c	<p>Background: In 1991-1992 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 French Tobacco Control Alliance pushed towards implementation of a comprehensive smoking ban.</p> <p>2005: 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. October 2006: On 8 Oct Prime Minister de Villepin announced that France would ban smoking in public places. The decision, to be enacted by decree will take effect in February 2007 in offices, stores, schools and hospitals, while cafés, bars and restaurants will have until January 2008 to comply. In cafés and restaurants, Villepin said, smoking will still be permitted in hermetically sealed rooms without any services.</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. Germany's minister of Consumer Affairs Horst Seehofer stated in July 2006 that he expects a smoking ban in public places to become effective in 2007. At present it is still being debated whether bars and restaurants are to be included in such non-smoking regulations. The minister was quoted as saying that 2007 will be the year smoking becomes illegal in public buildings in Germany. He expects that the smoking ban will be on the agenda when parliament reconvenes after the summer break (source: Tagesspiegel 23/24 July 2006)</p>
Greece/c	<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/c	<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/c	<p>A complete ban at the workplace, with the possibility of designated and ventilated smoking rooms, has been implemented in Iceland. Smoking is totally banned in</p>

	<p>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. On 1st of June 2007 smoking will be banned in all restaurants, bars, cafes, pubs and nightclubs. With the law these places are no longer excluded in the act about smoke-free public places.</p>
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Ireland/c	<p>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.</p>
Italy	<p>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.</p>
Latvia/c	<p>Smoking is banned in educational facilities, with exception in universities, where smoking allowed in smoking rooms. Smoking is banned in health care institutions and institutions for rehabilitation, with exceptions mentioned in special regulations for this particular institution (allowed special designated smoking rooms or smoking areas). Complete smoking ban is in 10 meters zone from entrance of the municipal and governmental facilities, in public transport stops and in stairways of residential houses. In the indoor workplaces, offices, theatres and cinemas smoking is banned, with exception in smoking rooms. Smoking is totally banned in public transport. However long distance trains, ships and air transport have dedicated smoking space .In cafes, restaurants and other public catering establishments, gambling halls and casinos owners must set up a 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.</p>
Lithuania/c	<p>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</p>
Luxembourg/c	<p>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. The vote on this law was taken in parliament on 13.07.2006. The legislation comprises 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 has 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.</p>
Malta/c	<p>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.</p>

	€ 1250 can be levied in case of contravention. Moreover LN 406 issued on the 23 rd December 2005 bans advertising and promotion of tobacco products. No person may advertise on billboards and any other medium intended for communication, any cigarettes, cigars, tobacco or tobacco products. Nor make use of lotteries and other gift schemes intended for promotion and advertising of tobacco products.
Netherlands/c	A complete ban at the workplace excluding bars and restaurants and with the possibility of designated smoking rooms has been implemented in the Netherlands.
Norway/c	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/c	<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> <ol style="list-style-type: none"> 1. Smoking is forbidden in the following places, with the exception of areas expressly set aside for smokers: <ol style="list-style-type: none"> 1) health care establishments (see stipulation in paragraph 2) 2) schools and other educational facilities 3) closed space on the premises of institutions of employment and other public service buildings, as well as in small one-roomed gastronomic buildings, except specially designed places. 1a Responsible for introducing ban on smoking in places, mentioned in par. 1 is the owner or lender. 2. In special cases, the attending physician may exempt a patient staying at a health care facility from the ban on smoking tobacco products. 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 in their charge. <p>The Council of a commune (<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 commune.</p> <p>Last days there is public discussion on total ban of smoking in all public places.</p>
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.
Romania/c	<p>Law no. 349/2002 for preventing and combating the effects of the tobacco products use - entered into force in December 2002. Original text and enforcement date (Dec. 2002) were changed for few times (law was re-launched for discussion in the Parliament, which "achieved" the enforcement date: 31st of Dec. 2004 for the law, whilst for some special provisions (including the provisions regarding the ban of smoking in public places): 31st Dec. 2006. The law imposes total smoking ban in health institutions, both private and public. Bars, restaurants, discotheques and all other spaces with similar destination are obliged to mark off smoking and non-smoking areas and assure ventilation, unless the owner decides that the place is totally smokefree and informs the public in a visible manner. Smoking is banned in the "closed public places", with the exception of the designated smoking rooms. Definitions included in the law:</p> <p>"closed public places = all places from the public institutions, both at central and local level, as well as economic institutions or companies, also hospitality, trade, public and private institutions for culture, education, sports, all the means for public transportation, bus/train stations, airports, including the <i>closed spaces from the workplaces</i> or any other spaces provided by the law"</p> <p>"closed places from the workplaces = all places from the buildings, such as industrial buildings, storage buildings, meeting rooms, halls, lobbies, passageways, toilets, elevators, offices, and/or any other rooms destined for the use of two or more people".</p> <p>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.</p>
Slovakia/c	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/c	Act provides smoking bans in hospitals and schools. There are restrictions in public places, with the exception of restaurants, which have designated smoking areas.

	<p>Slovenian NGOs are active in informing the public about the importance of the new proposal for tobacco legislation that aims to introduce a complete ban on smoking in public places, and in particular in the hospitality industry. The Slovenian Ministry of Health is proposing an immediate public debate on the new tobacco bill. The Slovenian Coalition for Tobacco Control (SCTC) hopes that the new legislation will be discussed by Parliament in January 2007. The SCTC is co-operating with Slovenian Health Care Syndicate to support the Ministry of Health and is promoting the beneficial effects of such new legislation (which would include bars, restaurants etc.).</p> <p>Source: SCTC, 13 October 2006</p>
Spain/c	<p>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 m², 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.</p>
Sweden/c	<p>The Swedish Tobacco Act from 1993 states that employers should ensure that employees are not exposed to tobacco smoke against their will. facilities. 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.</p> <p>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. But from 1 June 2005, all restaurants, bars, nightclubs, discos, casinos, bingo-halls, cafes etc. are smoke-free. However, 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. Less than 2 % of all facilities are now having a separate smoking room, mainly nightclubs, casinos or bingo-halls. For more information please see www.tobaksfakta.org by clicking on 'in English</p>
Switzerland/c	<p>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 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: Italian part of CH) a smoking ban will come 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.</p>
UK (England)/c	<p>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 200 MPs rejected last minute compromises designed to exempt some pubs and private clubs on 14th February 2006. The total ban will extend to all enclosed areas except private homes, and designated rooms in residential care homes, prisons, hospices, long-stay mental health facilities, hotel bedrooms and offshore installations. Private vehicles will also be exempt. Accommodation for under 18s will also be covered in the legislation.</p>
UK (Wales)/c	<p>Welsh Assembly Members voted 40 to 9 in favour of a Health Committee request for extended powers from Westminster to introduce smoke-free legislation in Wales. In response, the Assembly Government committed to enact comprehensive legislation when granted law-making powers. The Health Act 2006 enables the Welsh Assembly to introduce smoke-free legislation and a comprehensive ban will be implemented in Wales on 2nd of April 2007. The detail of the measures is still being agreed but the regulations will be very similar to those to be introduced in England.</p>
UK (Scotland)/c	<p>Comprehensive smokefree 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 smokefree legislation. The ban includes all pubs, bars and restaurants. Licensees failing to enforce the ban will face fines up to GBP 2500 and customers caught smoking could be fined GBP 1000.</p> <p>. 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, private vehicles and designated rooms in care homes, hospices prisons, hotels, mental health facilities and offshore installations</p>

UK (Northern Ireland)/c	<p>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.</p> <p>Covers: the vast majority of enclosed places, including pubs and restaurants Exceptions: A consultation on the detail of the legislation and the exceptions is to be launched very shortly. It is expected that private residential homes, private vehicles and designated rooms in certain premises, for example in care homes, will be exempt</p>
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