

# Health

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## SMOKING AT EUROPEAN LEVEL

### Council Recommendation of 30 November 2009 on smoke-free environments ([2009/C 296/02](#))

#### Objective

To ensure that all EU Member States adopt and implement by 2012 “comprehensive” laws banning smoking in public and workplaces, to protect people from tobacco smoke. The Recommendation makes direct reference to the WHO Framework Convention on Tobacco Control, signed by all EU Member States and the European Community.

#### Relevance for the hospitality industry

The Recommendation is relevant to the industry because it covers *all* public spaces and workplaces, without any exception.

The objective of creating a 100% smoke-free environment, combined with the statement that approaches including ventilation, filtration, and use of designated smoking areas have shown to be ineffective, together with the indication that legislation may cover “*outdoor or quasi-outdoor*” public places “*where appropriate*”, could encourage Member States to adopt national laws banning smoking also in partially enclosed spaces such as patios or terraces of hospitality venues.

#### State of progress

Proposed by the European Commission on 30 June 2009 and adopted by the Council of the EU on 30 November 2009 (with the abstention of Austria, the Czech Republic and Slovakia).

For a detailed overview of the various stages of the procedure and related documents you can visit [PreLex](#) (European Commission) or [OEIL](#) (European Parliament).

#### Content

The Recommendation (a non-binding instrument) is the outcome of the Green Paper consultation launched by the Commission in 2007 on possible measures to achieve “a Europe free from tobacco smoke”.

The Recommendation calls on EU Member States to adopt by 2012 at the latest, national legislation (smoking bans) to protect from tobacco smoke, in line with the guidelines of the World Health Organization (WHO). The purpose is to urge Member States to fully comply with their legal obligations stemming from the WHO “anti-tobacco” Treaty, the Framework Convention on Tobacco Control (FCTC). The WHO Treaty has been signed by the European Community and all EU Member States. Only the Czech Republic still needs to ratify it.

Member States are invited to:

*“provide effective protection from exposure to tobacco smoke in indoor workplaces, indoor public places, public transport and, as appropriate, other public places, as stipulated by Article 8 of the WHO Framework Convention on Tobacco Control and based on the annexed guidelines [...]”.*

The guidelines of the WHO are incorporated in the text of the Recommendation as an annex. They identify the key elements of the legislation necessary to protect from tobacco smoke: principles, definitions, scope of effective legislation and enforcement.

## HOTREC position

HOTREC shares the concerns of public authorities in relation to smoking and health. However, as stated in its reply to the Green Paper consultation, HOTREC is of the opinion that the issue of smoking in public places is best tackled at national level, where local and practical conditions can be better taken into account. In accordance with the principle of subsidiarity, Member States should be allowed to decide on the most appropriate manner for them to comply with their obligations under the WHO FCTC.

### See also:

HOTREC [reply](#) of March 2008 to the impact assessment consultation on “An EU smoke-free initiative”

HOTREC reply of May 2007 to the Green Paper consultation

## Official references

Council Recommendation on smoke-free environments ([2009/C 296/02](#)), O.J. C/296 of 05.12.2009

Commission proposal of 30 June 2009 for a Council Recommendation on smoke-free environments ([COM\(2009\)328 final](#))

### See also:

European Parliament resolution of 24 October 2007 on the Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level' ([P6\\_TA\(2007\)0471](#))

Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level', 30 January 2007 ([COM\(2007\)27 final](#))

WHO Framework Convention on Tobacco Control ([FCTC](#)), June 2003

Council Recommendation [2003/54/EC](#) on the prevention of smoking and on initiatives to improve tobacco control, O.J. L/2231 of 25.01.03

Eurobarometer ([253](#)): “Survey on Tobacco. Analytical Report” of March 2009

Commission [Report](#) of November 2007 on the Green Paper consultation

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