

Anti-smoking legislation in Europe

The question of the smoking prohibition in public places has been raised one more time in France on October 2006 and created a large debate. Finally the decision has been taken: tobacco will be banned from public places. The law will enter into force in two phases:

1. Starting from February 1st 2007, smokers will not be allowed to light their cigarettes in almost all places welcoming public i.e working places, schools, etc...
2. Starting from January 1st 2008, cigarettes will be forbidden in every public place including restaurants, bars and discos. One solution for smokers: to go in a so called "smoking room" (if the establishment has created one), which must be equipped with a smoke suction fan.

Reminder: Already from 1991 on, the Evin Law forbade any direct or indirect advertisement for tobacco and free distribution of cigarettes. Prices for cigarettes are regularly increasing. The non smoking rule applied already to places dedicated to a collective use (hospitals, train stations, airports, companies, etc...). It obliges those establishments to create special smoking areas or areas equipped with a smoke suction fan. In case of a breach of the law the smoker and the employer can be fined (the fine can be between 68 and 450 € for a smoker and 1500 € for an employer).

This current debate is a good opportunity to get also an overview of the rules in other European countries. Two categories of countries can be distinguished: those where tobacco is totally prohibited and those where it is partially forbidden.

Full prohibition

Ireland:

First country to forbid smoking in every public and working place since march 31st 2004, including pubs and restaurants. Maximum fine is €3,000.

Italy:

Since January 10th 2005, full prohibition in public places. Fines are between 27.50 € and 275 € for smokers and can be up to 2200 € for owners.

Norway:

Smoking Ban came into effect on 31st March 2006 in every working place, including pubs and restaurants. It does not include ALL tobacco products, as the Scandinavian tobacco product "snus" is still allowed. Advertisement for tobacco has been prohibited for more than 30 years already.

Spain:

Since January 1st 2006 it is completely forbidden to smoke in public and work places. In case of law infringement, the professional offender can be fined up to 600 000 €. Nevertheless, a special authorisation is awarded to bars and restaurants under 100 m². Larger establishments must have smoking areas which can't be larger than 30% of the total surface.

Sweden:

Since 1993, it is forbidden to smoke in hospitals and schools. In 1997, young people under the age of 18 have been forbidden to buy tobacco. Since June 1st 2005, this restriction has been extended to bars, cafés and restaurants. The law states that

restaurants can open a separate smoking area but neither food nor drinks can be served in such places.

Complete ban foreseen

United Kingdom

Last February, the British Members of Parliament have voted the total smoking prohibition in all enclosed public places including pubs, restaurants and private clubs but also in offices and plants. The law is enforced in Scotland since last March and will be applied from April 2007 in Northern Ireland and July 2007 in England.

Partial prohibition

Austria

Since December 2004, it is forbidden to smoke in every public place (governmental buildings, schools, cinemas, airports, train stations, etc) but not in offices. Restaurants and pubs fall outside the scope. In counterpart, professionals of the accommodation sector have promised to progressively create areas for non-smokers in rooms larger than 75 m². No fine is foreseen by the law.

Belgium

Since the **1st of January 2006**, the Royal Decree of the 13th December of 2005 provides a smoking ban in work places and in public places. There are however exceptions. (more details on the Belgian-ECC website)

From the **1st of January 2007** there will be a total ban on smoking in restaurants or drinking places where the serving of food is an important activity. They can have however a separate room equipped as smoking room which cannot be larger than a quarter of the total surface of the restaurant. For drinking houses, smoking will only be allowed in the consumption room, when this one is larger than 50m², at least half of the drinking houses should be smoke free and the discomfort for the non smokers should be reduced to a minimum.

The Netherlands

Since January 1st 2004 it is forbidden to smoke in every working place. But this does not apply to customers in restaurants or cafés. Since 2002, minors under the age of 16 cannot buy tobacco products.

ECC-France, December 2006