

Procedure file

Basic information			
INI - Own-initiative procedure	2007/2105(INI)	Procedure completed	
Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level'			
Subject 4.15.15 Health and safety at work, occupational medicine 4.20 Public health 4.20.03 Drug addiction, alcoholism, smoking 4.20.05 Health legislation and policy			
Key players			
European Parliament	Committee responsible ENVI Environment, Public Health and Food Safety	Rapporteur PPE-DE <u>FLORENZ Karl-Heinz</u>	Appointed 15/03/2007
	Committee for opinion ECON Economic and Monetary Affairs	Rapporteur for opinion The committee decided not to give an opinion.	Appointed
	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
	CULT Culture and Education	The committee decided not to give an opinion.	
	FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	
Council of the European Union	Council configuration <u>Employment, Social Policy, Health and Consumer Affairs</u> <u>2803</u>	Meeting	Date 30/05/2007
European Commission	Commission DG <u>Health and Food Safety</u>	Commissioner <u>KYPRIANOU Markos</u>	
Key events			
30/01/2007	Non-legislative basic document published	<u>COM(2007)0027</u>	Summary
30/05/2007	Debate in Council	<u>2803</u>	Summary
06/06/2007	Committee referral announced in Parliament		
12/09/2007	Vote in committee		Summary
19/09/2007	Committee report tabled for plenary	<u>A6-0336/2007</u>	

23/10/2007	Debate in Parliament		
24/10/2007	Results of vote in Parliament		
24/10/2007	Decision by Parliament	T6-0471/2007	Summary
24/10/2007	End of procedure in Parliament		

Technical information

Procedure reference	2007/2105(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/46436

Documentation gateway

Non-legislative basic document	COM(2007)0027	30/01/2007	EC	Summary
Committee draft report	PE388.595	09/05/2007	EP	
Amendments tabled in committee	PE390.637	25/06/2007	EP	
Committee report tabled for plenary, single reading	A6-0336/2007	19/09/2007	EP	
Text adopted by Parliament, single reading	T6-0471/2007	24/10/2007	EP	Summary
Commission response to text adopted in plenary	SP(2007)6028	21/11/2007	EC	
Commission response to text adopted in plenary	SP(2007)6302	20/12/2007	EC	

Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level'

PURPOSE: to present a Green Paper on launching a public debate on environmental tobacco smoke (ETS).

CONTENT: the aim of this Green Paper is to launch a broad consultation process and an open public debate, involving the EU institutions, Member States and the civil society, on the best way forward to tackle passive smoking in the EU. Exposure to environmental tobacco smoke (ETS) ? also called "second-hand smoke" and "passive smoking" - remains a widespread source of excess morbidity and mortality in the EU, imposing significant costs on society as a whole. The Green Paper examines the health burden of ETS exposure, and the huge private and social costs generated as a result of it. It looks at the current regulatory environment, noting that there is a clear trend towards smoke-free environments throughout the Member States, driven by legal requirements at EU and international level. All Member States currently have some form of regulation aimed at limiting exposure to ETS and its harmful effects on health. The scope and character of these regulations vary widely.

A key issue in developing an EU smoke-free initiative is its scope. The most comprehensive approach would consist in proposing a total ban on smoking in all enclosed or substantially enclosed workplaces and public places, including means of public transport. A less stringent approach would consist in proposing a total ban on smoking in all enclosed or substantially enclosed workplaces and public places but with exemptions granted to selected categories of venues. Minimum requirements for enclosed smoking rooms, including ventilation standards, could be developed for exempted venues.

Possible exemptions could include the licensed hospitality sector (restaurants, pubs and bars), and hospitality establishments which do not serve food. The Green Paper discusses the advantages and disadvantages of both these options

Comprehensive bans on smoking in all enclosed public places and all workplaces, including bars and restaurants, have already been introduced in Ireland (March 2004) and Scotland (March 2006). In Northern Ireland, England and Wales, complete smoke-free legislation is due to come into force by summer 2007. Smoke-free legislation with exemptions introduced in Italy (January 2005), Malta

(April 2005) and Sweden (June 2005) permits employers to create special sealed-off smoking rooms with separate ventilation systems. Similar measures are set to come into effect in France in February 2007 (transition period for hospitality venues until January 2008) and in Finland in June 2007. Lithuania is set to become smoke-free (with the exception of specially equipped ?cigar and pipe clubs?) as of January 2007. A number of other Member States have banned smoking in all enclosed public places and all workplaces, with the exception of the hospitality sector where partial restrictions apply. These countries include for example Belgium, Cyprus, Estonia, Finland, the Netherlands, Slovenia and

Spain. Most Member States have regulations banning or restricting smoking in major public places, such as health care, educational and government facilities, theatres, cinemas and public transport. Restrictions of smoking at the workplace are less common. The force of the measures may range from a resolution or a voluntary agreement to a strict law with penalties for failure to comply.

Several different policy options are available to achieve the smoke-free objectives. The Green Paper lists the regulatory options in an order reflecting an increasing level of possible EU intervention (from continuing the current level of activity to developing a binding framework based on EU legislation).

The five policy options are as follows:

1) No change from the status quo: this option would mean no new activity on the part of the EU, while continuing the current work on second-hand smoke under the different Community programmes (Public health, Research, Employment). Regulatory developments in this area would be left to the Member States and the FCTC process. The Commission states that of all the options, this one could be expected to be the least effective in reducing ETS exposure and related harm. The progress in different Member States is likely to be patchy. As a result of incomplete regulations, many vulnerable groups would remain exposed to ETS in indoor environments under public jurisdiction.

2) Voluntary measures: this option would consist in encouraging stakeholders to adopt common voluntary guidelines at European level to make more places smoke-free. Sectoral approaches (e.g. in the leisure and catering industry) could be promoted. Evidence from the Member States suggests, however, that voluntary agreements have not been effective in the area of tobacco control. Specifically in the leisure and hospitality sector, voluntary measures have not met the key target of significantly reducing ETS exposure.

3) Open method of coordination: this would involve coordinating Member States' efforts on smoke-free environments. Member States would thus be encouraged to make their smoke-free laws more convergent without there being a need for direct harmonisation (although this would remain a possibility). However, the commitment to smoke-free objectives would remain voluntary and there would be no sanctions for non-compliance with the agreed targets. The effectiveness of the scheme would depend on the strength of multilateral surveillance and peer pressure.

4) Commission or Council Recommendation: whilst it would not have binding force, such a recommendation would bring the issue onto the political agenda at a high priority level in all EU Member States and thus provide support for Member States' actions. The effectiveness of this option would depend to a large degree on the clarity of EU guidelines and the reporting requirements. Clear targets accompanied by specific timelines and indicators (e.g. a recommendation that a specific percentage of workplaces be made smoke-free by a given year and sector) would certainly have a greater impact than recommendations of a more general nature. While this option would offer flexibility to Member States, the main risk would be that some Member States might choose not to act at all.

5) Binding legislation: this option would impose a comparable, transparent and enforceable basic level of protection from the risk of ETS exposure throughout the Member States. On the one hand a legislative process ensures formal consultations and thorough negotiations involving all parties, which can make the resulting policy more robust. On the other hand, the legislative route is likely to be relatively lengthy and the end result could be difficult to predict. A few options can already at this stage be mentioned, without prejudice to the outcome of the public consultation:

- revision of the existing directives based on the Framework Directive on workplace safety and health 89/391/EEC, including extending the scope of the Carcinogens and Mutagens Directive 2004/37 (to cover ETS) and/or strengthening the requirements for the protection of workers from tobacco smoke in Directive 89/654/EEC on minimum health and safety requirements;
- enact a separate directive on workplace smoking;
- amend the Dangerous Substances Directive (67/548/EEC) to classify ETS as a carcinogen.

Taking into account the unequivocal scientific evidence of the harm caused by second-hand smoke and the impact of clean indoor air policies on the overall reduction in tobacco use, the Commission considers that the policy of the widest scope would bring the biggest benefit to the public health of the population. It would also create a level playing field for all operators. Several successful examples of comprehensive smoke-free policy now in force around the world have proved that this option is viable and enforceable. The desirable level of EU involvement in promoting smoke-free legislation is an open question, and is also linked to the current evolutions in Member States.

Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level'

The Council held an exchange of views as a contribution to the consultation launched by the Commission Green Paper on the policy options at EU level for tackling involuntary exposure to environmental tobacco smoke (passive smoking).

The debate focused, in particular, on the following topic: Effective and appropriate measures and level (national or EU) at which they should be taken.

During the debate, the delegations referred to the national binding measures already taken and applied in their countries, with the aim of stopping smoking, in particular in enclosed or public areas. They recalled that the more efficient measures involve a ban on tobacco advertising; prevention of addiction in relation to young people; incentives for people to change their habits voluntarily rather than binding measures; information campaigns about the consequences of smoking for health.

A number of these measures would be more efficient if applied at local or regional level, even if financed by European contributions.

Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level'

The Committee on the Environment, Public Health and Food Safety adopted the own-initiative report drafted by Karl-Heinz FLORENZ (EPP-ED, DE) in response to the Commission's Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level'.

The Committee welcomes the Commission's Green Paper as a starting point for a responsible European policy to protect citizens from harmful tobacco smoke. They call on the Commission to classify tobacco smoke in the environment as a class 1 carcinogen and on the Member States

to introduce, within two years, an unrestricted smoking ban in all enclosed workplaces, including catering establishments, and in all enclosed public buildings and transport. It calls on the Commission to produce a report on the cost incurred by national health systems and the European Union economy as a result of smoking and the effects of tobacco smoke pollution.

It also calls on the Commission to present a proposal, by 2008, if possible, for an amendment of Directive 2001/37/EC on tobacco products, to include provisions regarding tobacco additives, in particular those that are carcinogenic or addictive. In addition, the Committee calls on the Commission to consider further measures such as an EU-wide ban on the sale of tobacco products to young people under 18, the granting of permits for the installation of cigarette machines only where the machines will be inaccessible to young people under 18, the removal of tobacco products from self-service displays in retail outlets and a ban on distance sales of tobacco products to young people under 18 (e.g. over the Internet). The Commission is also invited to list and quantify the concrete harmful effects of smoking among youth in the Member States with a view to reducing smoking among young people by at least 50 percent by 2025.

The Commission is also called upon to: a) investigate what fiscal measures could help to reduce tobacco consumption, particularly by young people and to make a recommendation to the Member States on the basis of this investigation; b) submit proposals to amend Directive 2001/37/EC so as to i) remove the requirement to display tar, nicotine and carbon monoxide yields on cigarette packs (which currently provides smokers with a misleading comparison); ii) make provision for a renewed library of larger, hard-hitting picture warnings to appear on both sides of the tobacco packs.

Member States are called upon to: i) help smokers who want to quit smoking by means of supporting measures, (e.g. smoking cessation interventions); ii) conduct information and education campaigns concerning healthy lifestyles tailored to all age ranges and social groups; and iii) stop encouraging the purchase of tobacco products by maintaining low taxation rates in their countries.

Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level'

The European Parliament adopted a resolution based on the own-initiative report drafted by Karl-Heinz FLORENZ (EPP-ED, DE) in response to the Commission's Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level'. The report was adopted by 561 votes in favour to 63 against with 36 abstentions.

Parliament welcomes the Commission's Green Paper as a starting point for a responsible European policy to protect citizens from harmful tobacco smoke. It called on the Commission to classify tobacco smoke in the environment as a class 1 carcinogen so as to bring environmental tobacco smoke under the scope of the Carcinogens and Mutagens Directive. The Commission must list and quantify the concrete harmful effects of smoking among youth in the Member States with a view to subsequently formulating European objectives for Member States aimed at curbing the uptake and consumption of tobacco among young people, with Member States committing themselves to reduce smoking among youth by at least 50% by 2025. Member States should introduce, within two years, an unrestricted smoking ban in all enclosed workplaces, including catering establishments, and in all enclosed public buildings and transport in the EU

Parliament then asked the Commission to do the following :

- if the objectives referred to above are not attained by all Member States, to submit a proposal by 2011 for rules on the protection of non-smokers in the field of employment protection, while recognising the Member States' existing national provisions. Member States that introduced a full smoking ban in public places, bars and restaurants were asked to create a voluntary charter declaring a 'European smoke free zone', thus creating a spearhead of Member States who had already adopted a full smoking ban on the basis of voluntary membership. Other charter members should consider eventually giving this voluntary charter legislative status through the enhanced cooperation procedure ;

- to submit a proposal for an amendment of the Framework Directive on Workplace Safety and Health requiring all employers to ensure that the workplace is free from tobacco smoke ;

- to produce a report on the cost incurred by national health systems and the EU economy as a result of smoking and the effects of tobacco smoke pollution ;

- to present a proposal, by 2008 if possible, for an amendment of Directive 2001/37/EC on tobacco products, containing a list of prescribed matters, including an immediate ban on all addiction-enhancing additives, and an immediate ban on all additives shown by existing toxicological data to be carcinogenic, mutagenic, or toxic to reproduction as such or upon pyrolysis (burning at a temperature of between 600 and 950°C). Directive 2001/37/EC should also be amended so as to remove the requirement to display tar, nicotine and carbon monoxide yields on cigarette packs, which currently provides smokers with a misleading comparison ;

- to support a comprehensive tobacco control and smoking cessation strategy and to examine further EU-wide measures towards a Europe free from tobacco smoke, such as an EU-wide ban on the use of tobacco in the presence of minors in private transport ; an EU-wide ban on the sale of tobacco products to young people under 18 ; the granting of a permit for the installation of cigarette vending machines only if the machines will be inaccessible to minors ; and the removal of tobacco products from self-service displays in retail outlets ;

- to investigate what fiscal measures could help to reduce tobacco consumption, particularly by young people, and calls on the Commission to make a recommendation to the Member States on the basis of this investigation

Member States were also asked to do the following :

- to prohibit smoking on public playgrounds within two years ;

- to stop encouraging the purchase of tobacco products by maintaining low taxation rates in their countries;

Parliament welcomed Italy's decision to ban all transports of unlabelled cigarettes as a way to combat smuggling and facilitate determination of origin.

Member States were requested to conduct information and education campaigns concerning healthy lifestyles tailored to all age ranges and social groups in order to enable people to shoulder responsibility for themselves and, where applicable, their children. Parliament felt that such smoking cessation measures should ensure that smokers, particularly the young and those economically less well off, have access to

affordable smoking cessation products and treatments, including counselling, so as to ensure that there are no inequalities whereby less-advantaged members of society are discouraged from using them. Information on how to stop smoking, including free phone numbers or a website address, should be visibly available in all outlets where tobacco products are sold.