



2007

EPHA policy position on a Smokefree Europe¹

EPHA is the European Platform bringing together public health organisations representing health professionals, patients groups, health promotion and disease specific NGOs, academic groupings and other health associations. Our membership includes representatives at international, European, national, regional and local level.

EPHA's mission is to protect and promote public health in Europe. EPHA brings together organisations across the public health community, to share learning and information and to bring a public health perspective to European decision-making. We help build capacity in civil society participation across Europe in the health field, and work to empower the public health community in ensuring that the health of European citizens is protected and promoted by decision-makers. Our aim is to ensure health is at the heart of European policy and legislation.

Please see www.ephapro.org for more information.

EPHA considers a total ban on smoking in all enclosed public places as the only approach that should be adopted

Secondhand smoke (SHS) is a proven and classified carcinogen. The dangerous health effects of SHS have been documented in over 20 reports, ranging from the International Agency for Research on Cancer (IARC)² to the US Surgeon General³. Conservative estimates suggest that exposure to SHS kills at least 79,000 people in the EU each year⁴.

The only legitimate response to this data is a complete ban on smoking in all enclosed work and public places. All workers deserve the same level of protection from life-threatening passive smoke. Extending protection from a known carcinogen to some workers, but excluding others, cannot be justified under any existing principles of occupational health and safety. However, workers in the hospitality sector are known to be exposed to some of the highest levels of passive smoking and toxins⁵, yet will most likely be denied the protection of workplace smoking bans if exemptions are granted. In addition,

¹ Based on the EPHA response to the European Commission Green paper on a smokefree Europe, May 2007

² WHO International Agency for Research on Cancer. Volume 83: Tobacco smoke and involuntary smoking (in preparation), 2002. <http://monographs.iarc.fr/htdocs/indexes/vol83index.html>

³ <http://www.surgeongeneral.gov/library/secondhandsmoke/factsheets/factsheet6.html>

⁴ Lifting the smokescreen: 10 reasons for a smoke free Europe. Smoke Free Partnership, 2006. http://www.ersnet.org/ers/show/default.aspx?id_attach=13509

⁵ Smoking in Public Places: A Consultation on Reducing Exposure to Second Hand Smoke, Evidence Report. Kay Russell and Sue Granville, George Street Research, Scottish Executive Social Research, 2004. <http://www.scotland.gov.uk/Publications/2004/12/20381/48193>

two social partners, Business Europe (formerly UNICE Union of Industrial & Employer's Confederations in Europe) nor the European Trade Union Confederation (ETUC), have declared any formal position on smokefree workplaces, despite the fact that exposure to second-hand smoke is one of the biggest killers in EU workplaces. The failure of two EU social partners to show leadership, or express a public position on the need to eliminate smoking in the workplace, does not inspire confidence that a sufficiently strong agreement would be negotiated or respected.

Open Method of Coordination

Whilst we appreciate that the Open Method of Coordination (OMC) may be a useful tool with some benefits, we remain convinced that a voluntary approach is not capable of ensuring that both enclosed public places and workplaces will become completely smokefree. Whilst we encourage the Member States that have already gone smokefree to share their experiences with those that are still contemplating this step, we do not believe that the OMC would be a sufficient tool for protecting European workers.

Commission or Council Recommendation

A Council Recommendation already exists in the field of smokefree policy¹¹. The evidence shows that following the introduction of the 1989 recommendation, Member States did introduce legislation which led to some sectors of the workforce and the public becoming smokefree¹².

We believe that a further Commission or Council Recommendation could enjoy similar success provided that considers recent legislative and evidential developments in the Member States and beyond. Such a recommendation would need to:

- Urge Member States to adopt comprehensive legislation, such as that passed in Ireland, the United Kingdom and Norway, as best practice.
- Refer to the need for mass media education campaigns to raise awareness about second-hand smoke and increase support for smokefree laws.
- Stress the importance and relevance of Article 8 of the Framework Convention on Tobacco Control (FCTC) and the Conference of the Parties (COP)¹³ guidelines, currently under development.
- Recommend the collection of data on smoking prevalence and attitudes towards smokefree provisions.
- Recommend a revision of 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 second-hand smoke; and strengthening the requirements for the protection of workers from tobacco smoke in Directive 89/654/EEC on minimum health and safety requirements.

11 Resolution of the Council and the Ministers for Health of the Member States, meeting within the Council of 18 July 1989 on banning smoking in places open to the public Official Journal C 189, 26/07/1989 P. 0001 0002

12 Commission Report to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions of 14 November 1996 on the response to the Resolution of the Council and the Ministers for Health of the Member States meeting within the Council on banning smoking in places open to the public [COM(96) 573 final not published in the Official Journal]. The report outlines the situation regarding the application of the Resolution, based on information provided by the Member States.

13 The documents for the second Conference of the Parties, including the draft guidelines on Article 8 (smokefree) are now available at: http://www.who.int/gb/fctc/PDF/cop2/FCTC_COP2_7en.pdf

through litigation in the US have revealed. It is also worth noting that the preamble to the FCTC recognises, “the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts”.