

European Commission's call for evidence to revise 2009 Recommendation on Smoke-free Environments

Response of European Respiratory Society and European Lung Foundation

[European Respiratory Society \(ERS\)](#) and [European Lung Foundation \(ELF\)](#) welcome the initiative to review the Council Recommendation of 30 November 2009 on smoke-free environments by extending the provisions to emerging products and introducing additional smoke-free areas. To preserve tobacco control progress achieved in the last decade in the EU and keep up with the ambitious goal of reaching Tobacco-Free Generation in Europe by 2040 a series of measures should be introduced by the next Recommendation to Member States. In order to protect vulnerable populations, children and youth as well as wider public from all types of exposure to tobacco and nicotine products ERS and ELF propose the following set of priorities and guiding principles:

- **To ban the use of emerging products in public spaces where smoking ban on conventional tobacco products applies.** There is growing number of studies measuring aerosol exposure and demonstrating presence of harmful substances in the spaces where those products are used.
- **To cover all categories of emerging products including e-cigarettes, heated tobacco, all forms of smokeless tobacco and such products as nicotine pouches.** They pose a threat to renormalisation of tobacco use, lead to dual use, undermine desire of ex-smokers and never-smokers to stay smoke-free and serve as gateway to smoking, especially among youth.
- **To add appropriate definitions and provisions to cover exposure to novel products aerosol (second-hand) as well as third-hand smoke and particles exposure.** There is evidence showing that some novel products release cancer causing chemicals; while third-hand exposure poses significant risks to the health of children who are the most exposed to its effects.
- **To extend the list of smoke-free areas.** Smoking ban should apply to wider list of places such as restaurant terraces, private cars in the presence of underage passengers, hospitals, childcare facilities, school premises, playgrounds and sports grounds etc.
- **To eliminate the provisions allowing dedicated smoking areas.** In most of the cases they do not completely protect from exposure to smoke and aerosol, undermine desire of ex-smokers and never-smokers to stay tobacco-free, and furthermore contribute to the risk of renormalisation of smoking.
- **To ensure adoption and implementation of comprehensive smoke-free legislation across all Member States.** Despite not having a specific directive from the European Commission, many EU countries have adopted national smoke-free laws for public and

workplaces, but further harmonisation is needed to equally protect all population across the EU. Inclusion of smoke-free provisions in a directive (compared to a recommendation) could facilitate that process.

- **To provide guidelines to Member States to enforce the smoking bans.** Many countries that have already adopted smoke-free legislation reported difficulties and poor level of enforcement due to lack of resources and capacity. Member States should be supported with clear plans and strategies for higher level of compliance.
- **To ensure compliance with the WHO FCTC Article 5.3 at all levels and stages of legislative and implementation process.** Interference of the tobacco industry hinders the progress in achieving comprehensive smoking bans and providing adequate protection from exposure to tobacco and novel products.
- **To engage representatives of health care professionals, patients, civil society.** Public health stakeholders should have an opportunity to actively participate in the legislative consultation process both at the EU and national level as well as implementation and progress monitoring of national smoke-free laws.
- **To foresee reporting and evaluation mechanisms on the status of smoke-free legislation.** It is crucial to gather national data on adoption, implementation and level of compliance with the smoke-free legislation to plan further steps and progress in tobacco control both nationally and for the EU overall.

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