



The Smokefree Partnership Position Paper on the draft Council Recommendation on Smoke-Free Environments

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Contacts

Florence Berteletti-Kemp, SFP Director, florence.berteletti@ersnet.org
Brian Ward, ERS Policy Adviser, brian.ward@ersnet.org

General Comments

The Smokefree Partnership¹ welcomes the Commission's proposal for a Council Recommendation on Smokefree environments,² in line with the EU's international obligations under the WHO Framework Convention on Tobacco Control (FCTC). We hope this will lead to increased national efforts to better protect citizens from disease, disability and death caused by tobacco. We especially welcome the calls for stronger measures to tackle second-hand smoke exposure among young people, policies for cessation and tobacco dependence treatment, measures advocating pictorial warnings and plans for enhanced co-ordination between Member States.

In order to strengthen and increase the effectiveness of this Recommendation, the SFP has a number of comments and suggested amendments.

Specific Comments

We welcome the reference to combined warnings in **Article 3 (b)**, however we feel this is best complimented with a reference to **plain packaging** as recommended by paragraph 46 of the Article 11 Guidelines of the FCTC. (See Plain Packaging annex)

Article 2 (b) should be amended to allow Member States to strengthen their smoke-free strategies by classifying second-hand smoke as a carcinogen, as already done so by Finland and Germany.

The proposed structure of the **national focal points (Article 6)** is vague at present. It is imperative that the structure and reporting procedure of the national focal points is further clarified. For example, how will the national focal points be established in Germany? Will each State have its own focal point or will the focal point be centralised in Berlin?

Moreover, the **'coherent framework' (Article 7)** for national focal points should be strongly defined with benchmarks and indicators based on WHO FCTC criteria and a clear timeline. It is essential that this Recommendation is implemented in a timely fashion with deadlines for receiving Member States progress reports. For instance the Parliament has already called on the Commission to adopt a legislative proposal by 2011 in the event of unsatisfactory progress (see paragraph (18) of recommendation). How will this 'coherent framework' operate in practice so that satisfactory progress is met? This article needs to be strengthened to ensure smooth implementation of these recommendations in the Members States.

¹ The Smoke Free Partnership is a strategic, independent and flexible partnership between the European Respiratory Society, European Heart Network, Cancer Research UK and the Institut National du Cancer. It aims to promote tobacco control advocacy and policy research at EU and national levels in collaboration with other EU health organisations and EU tobacco control networks.

² Proposal for a Council Recommendation on smoke-free environments, COM (2009) 328 final

Suggested amendments:

Amendment 1 to Article 1

1. 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 on protection from exposure to tobacco smoke adopted by the Second Conference of the Parties to the Convention, within five years of the Convention's entry into force for that Member State, or at the latest within **12 months** following the adoption of this Recommendation;

Justification: *Given the obligations under the FCTC, the timeline for implementation lacks the necessary urgency.*

Amendment 2 to Article 2

2. Develop and/or strengthen strategies and measures to reduce exposure to second hand tobacco smoke of children and adolescents, **as well as classifying environmental tobacco smoke as a carcinogen**;

Justification: *There is simply no safe level of exposure to secondhand tobacco smoke which is a toxic air contaminant and an established carcinogen. In line with the overwhelming scientific evidence, the Member States must classify it as such.*

Amendment 3 to Article 3 (a)

3. Complement smoke-free policies with supporting measures, including:

(a) taking effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence as outlined in Article 14 of the WHO Framework Convention, **including integrating the guidelines adopted at the next relevant Conference of the Parties to the Convention.**

Justification: *The latest evidence-based guidelines adopted by international experts must be taken into account in any effective measures proposed by the Member States.*

Amendment 4 to Article 3 (b)

3. Complement smoke-free policies with supporting measures, including:

(b) introducing combined warnings (as defined by Article 2(4) of Commission Decision 2003/641/EC of 5 September 2003 on the use of colour photographs or other illustrations as health warnings on tobacco packages), **plain packaging** and information on services supporting the cessation of tobacco use on the packages of smoking tobacco products in order to better inform consumers about the health risks of tobacco use and exposure to tobacco smoke, encourage cessation of tobacco use and deter initiation;

Justification: *In order to protect citizens across the EU on an equal basis, the introduction of generic, standardised (plain) packaging for all tobacco products should be adopted. This would strengthen health warnings, help to denormalise tobacco use, and make smoking less trendy, glamorous and attractive.*

Amendment 5 to Article 4

4. Develop, implement, periodically update and review comprehensive multi-sectoral national tobacco control strategies, plans and programmes which address, inter alia, the issue of protection from tobacco smoke in both public and private settings, *in accordance with the 5.3 guidelines adopted at the conference of the Parties in 2009*³;

Justification: *Tobacco control efforts need to be protected from commercial and other vested interests of the tobacco industry, in line with the FCTC.*

Amendment 6 to Article 6

6. Establish and communicate to the Commission, *if possible* within 6 months after the adoption of this Recommendation, *clearly defined* national focal points for tobacco control with a view to exchanging information and best practices as well as policy coordination with other Member States;

Justification: *A clear deadline needs to be established for the Recommendation to be respected. An opt-out is not necessary. Further clarity is needed as to what is meant by 'national focal points'.*

Amendment 7 to Article 7

7. Co-operate closely among themselves and with the Commission on a coherent, *comprehensive* framework of definitions, benchmarks and indicators, *fully compliant with Article 8 guidelines to facilitate* the implementation of this Recommendation;

Justification: *The framework needs to be detailed in line with FCTC and best practice in tobacco control.*

Amendment 8 to Article 8

8. *Biannually* monitor, evaluate *and report on* the effectiveness of policy measures using the above mentioned indicators;

Justification: *Regular reporting is essential to the success of this Recommendation and protecting EU citizens from the serious risks of tobacco smoke.*

Amendment 9 to Article 9

9. *Annually* inform the Commission of legislative and other action taken in response to this Recommendation and of the results of monitoring and evaluation.

Justification: *A clear annual target needs to be set to encourage compliance and positive action.*

³ WHO Framework Convention on Tobacco Control: guidelines for implementation Article 5.3; Article 8; Article 11; Article 13.