

**SMOKEFREE POLICIES IN EUROPE
ARE WE THERE YET?**

**BREAKFAST SEMINAR
EVENT REPORT
14 APRIL 2015
RUE DE L'INDUSTRIE 24
BRUSSELS**

Introduction



Members of the SFP Coalition and policy makers before and after the event

On 14 April 2015, the Smoke Free Partnership held a Breakfast Seminar to discuss the current state of smokefree policies across the EU and celebrate the relaunch of the SFP Smokefree Map which details the smokefree policies of all 28 EU Member States and four neighbouring countries. The seminar was attended by over 50 participants from a wide-range of organisations including the Council of the EU, European Parliament, European Commission and civil society.

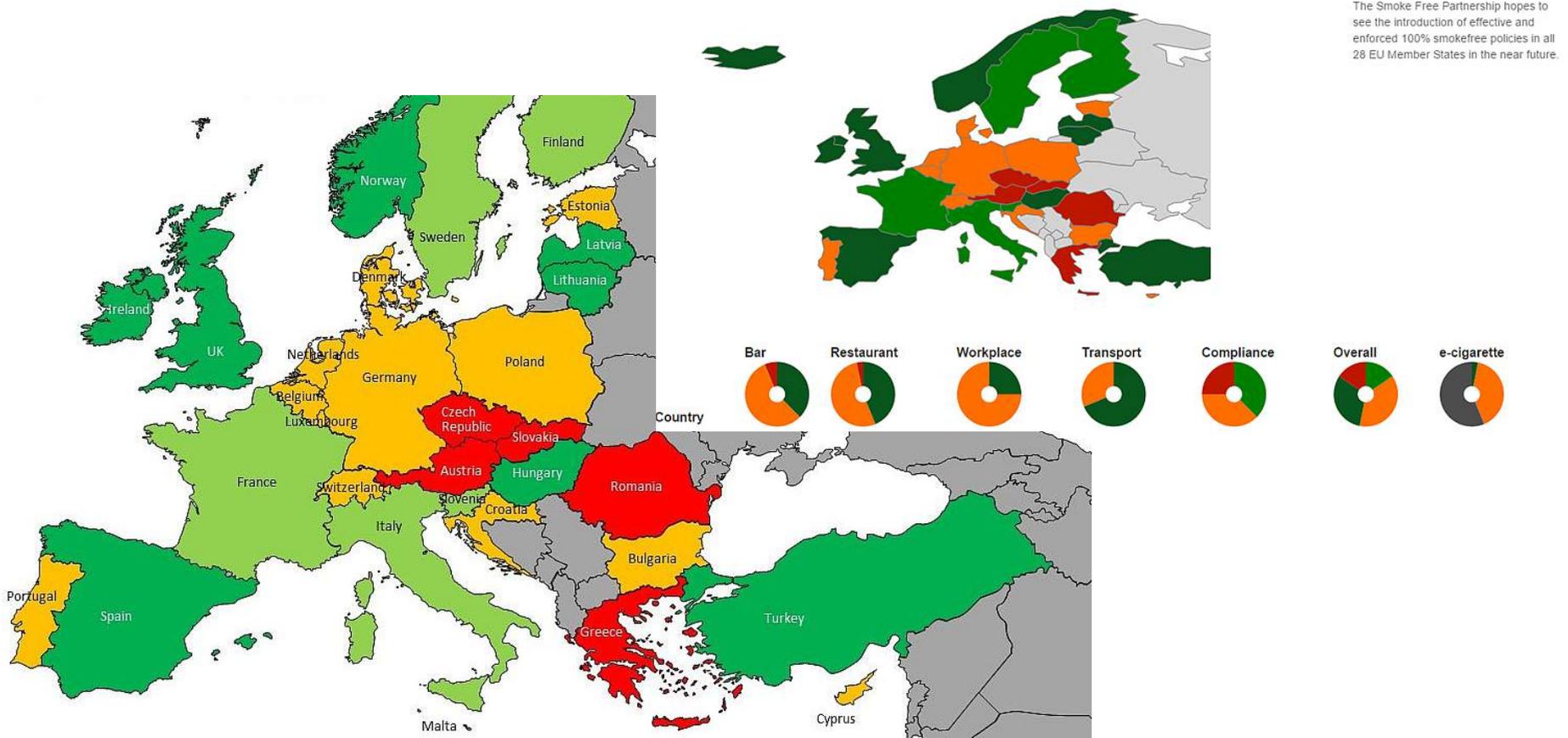
Moderated by Florence Berteletti, SFP Director, the speakers included:

- **Martin Seychell**, Deputy Director General for Health and Food Safety, European Commission
- **Jennifer Burch**, Policy and Advocacy Officer, Smoke Free Partnership
- **Dr Sofia Ravara**, Medical Doctor, PhD Student at the Universidade da Beira Interior, CHCB University Hospital, Covilhã, Portugal, and Coordinator of the Portuguese NGO tobacco control movement
- **Dr Heide Weishaar**, Research Fellow at the MRC/CSO Social and Public Health Sciences Unit, University of Glasgow

Smokefree Policy background

All 28 EU Member States have obligations under Article 8 of the WHO FCTC and the 2009 Council Recommendation on Smokefree Environments to implement comprehensive smokefree policies which not only provide sufficient legal protection from the harm caused by second-hand smoke but are also appropriately enforced.

The SFP Smokefree Map identifies the current state of comprehensive smokefree policies across the EU and allocates a traffic-light style colour rating to every EU Member State and four neighbouring countries (Iceland, Norway, Switzerland and Turkey) based on the country's smokefree legislation and corresponding enforcement in three main public places: bars and restaurants, workplaces and public transport. There are four overall categories: Very good, Good, Limited and Weak.



Speakers' presentations



Martin Seychell, European Commission, Florence Berteletti, SFP Director, Jennifer Burch, SFP Policy and Advocacy Officer

The seminar began with a keynote speech from **Martin Seychell** who presented the key findings from monitoring the implementation of the 2009 Council Recommendation on smokefree environments. Mr Seychell noted that while progress has been made since the adoption of the Council Recommendation, **there are large differences between policies among Member States both in terms of legal protection offered to non-smokers and in terms of exposure to second-hand smoke** in public places. Mr Seychell called on Member States to place more emphasis on enforcement of existing legislation. He also emphasised that smokefree laws are easier to implement and far more effective if they are comprehensive and contain no exemptions. Mr Seychell reminded the audience that the transposition and implementation of the EU's 2014 Tobacco Products Directive can provide an opportunity for countries to revitalise their tobacco control debates and strengthen their smokefree laws. Finally, he mentioned that there are still a lot of uncertainties regarding electronic cigarettes and that although these products could have the potential to encourage smokers to quit, so far products on the market are not necessarily fulfilling this role. Following Martin Seychell's keynote speech, **Jennifer Burch** presented the findings of the updated SFP Smokefree Map which highlights that although progress has been made in a number of EU Member States such as Spain, **the majority still need to do more to meet their European and international obligations**. In particular, she drew attention to Austria, Czech Republic, Greece, Romania and Slovakia who are the worst-performing states in the EU.



Jennifer Burch presenting the updated smokefree map

To address the legislative shortcomings in many EU Member States, Ms Burch recalled the provisions of the evidence-based Limassol Recommendations developed by leading public health organisations in 2005. These include, for policy makers, adopting clear and comprehensive legislation with no exceptions, clear penalties for non-compliance, and encouraging substantial public debate and consultation to later aid the implementation of such legislation. Moreover, for civil society, the recommendations call for speaking with one voice, having a coordinated media strategy, and being prepared for strong opposition.



Dr Sofia Ravara explaining the non compliance of smoking bans in Portugal

Dr Sofia Ravara then focused in on the specific difficulties faced in Portugal in the adoption and implementation of a comprehensive smokefree policy. Despite repeated commitments made by the Portuguese government for the past decade to strengthen the existing legislation, Dr Ravara stated that **the lack of political will, legal loopholes promoting exemptions and undermining the enforcement of legislation, weak enforcement and disregard for the rules at the highest political levels continue to create obstacles to an adequate level of protection from smoke in public places.** As a result, despite widespread support for smokefree legislation among citizens, smokefree legislation in Portugal is weakly-enforced and is contributing to growing health inequalities.

She concluded by calling on the Portuguese government to deliver on its recent commitment to a new, stronger smokefree law, and to ensure that future legislation is comprehensive, enforceable, and without exemptions. She also called on the European Union and international NGO partners to support Portuguese advocates' efforts to put pressure on the government.



Dr Heide Weishaar highlighting the importance of a unified campaign



Florence Berteletti introducing the Q&A session

The presentations were concluded with **Dr Heide Weishaar** presenting findings from a study analysing the advocacy activities around the negotiations of the Council Recommendation on smoke-free environments in 2009. During the political negotiations, two poles of influence were identified including a strong, coordinated public health response in favour of strong smokefree provisions, and a tobacco industry-led group of stakeholders working to secure exemptions.

Dr Weishaar's presentation then focused on the **success factors for the adoption of a strong Council Recommendation, which included political will, a diverse coalition of supporters collaborating actively, strategic leadership, unity around simple key messages, familiarity with scientific evidence and tobacco industry arguments, and protection of public health policies from interests of the tobacco industry.** Dr Weishaar pointed out that these factors could be successfully applied at EU and national level in order to advocate for, and implement, effective tobacco control policies

Smokefree infographic



Smokefree policies in Europe Are we there yet?

ALL 28 MEMBER STATES

have legal obligations to implement comprehensive smokefree policies under Article 8 of the WHO FCTC and the 2009 Council Recommendation on Smokefree Environments

12 EU countries

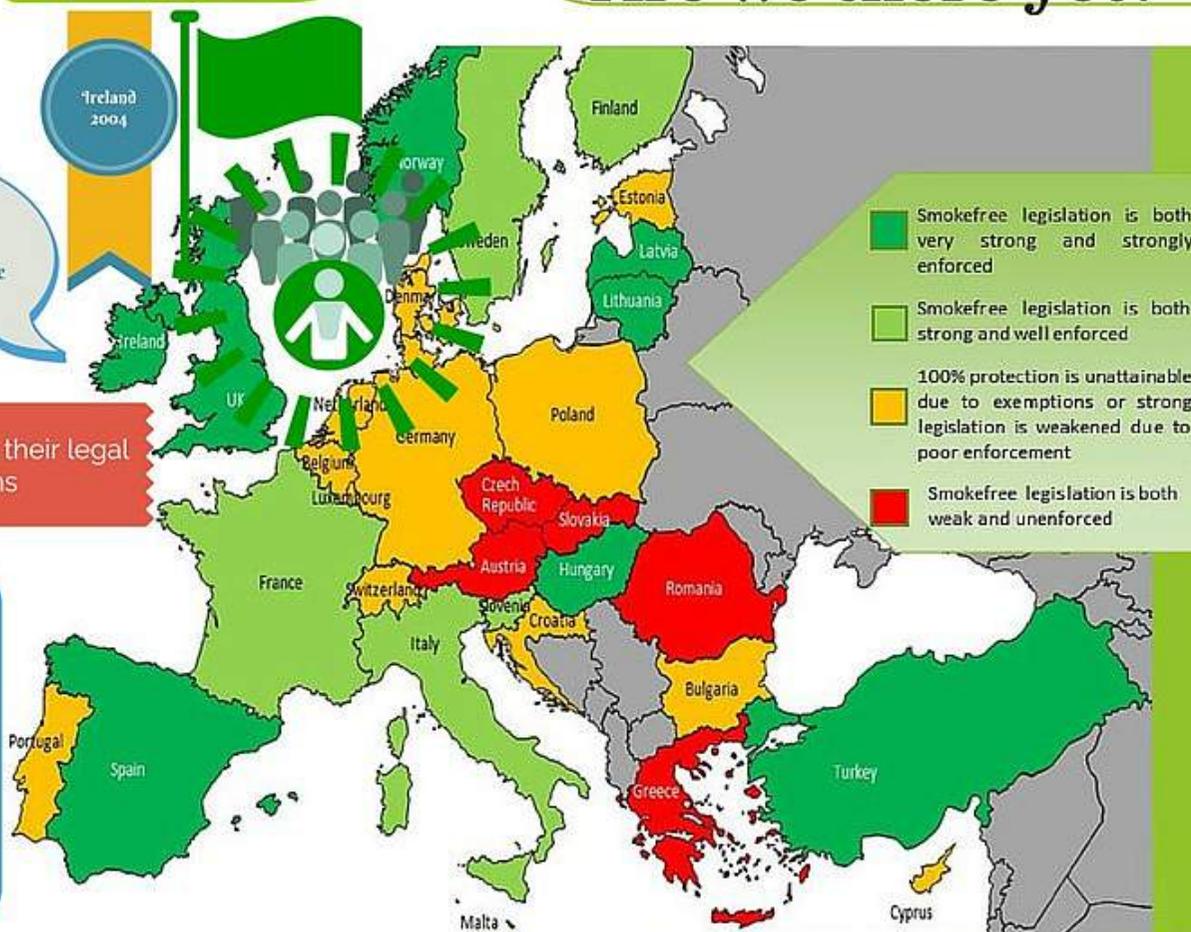
are currently meeting their international obligations under the WHO FCTC Article 8

16 EU countries

are failing to meet their legal obligations

The 1st country in the world to introduce comprehensive smokefree legislation

Ireland 2004



If you would like to know more about the countries that are currently reviewing their smokefree legislation as well as the ones that have gone further with it please visit www.smokefreepartnership.eu

Visit SFP website www.smokefreepartnership.eu Follow SFP on twitter @PartnershipFree

Q&A session

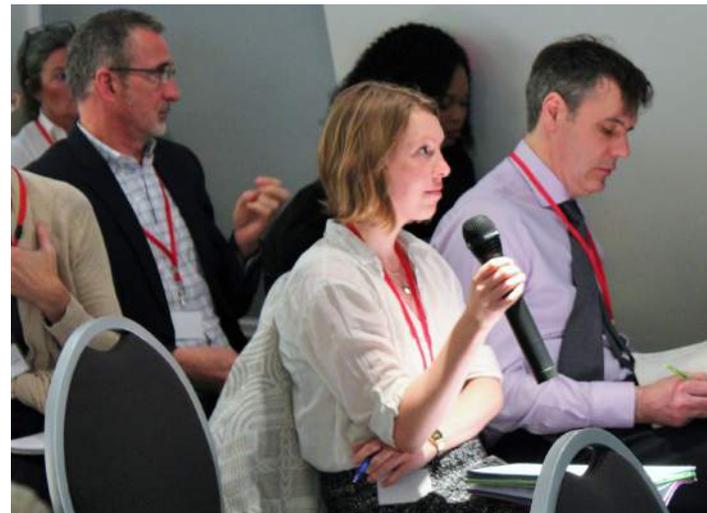
The Q&A session began with further clarification on the methodology of the SFP Smokefree Map after a query from **Luk Joossens (Association of European Cancer Leagues)** about the rating allocated to Belgium, Norway and Turkey, particularly regarding compliance in bars. **Jennifer Burch** responded that the data was collected from a range of credible sources including the European Commission-funded Eurobarometer, national EU focal points for smokefree environments and the expertise of the SFP Coalition members. She also pointed out that the online version of the map acknowledges that compliance varies in different venues but that for the three countries mentioned there is generally good compliance with smokefree legislation.

Kris Boers (Permanent Representation of Belgium to the EU) then made an intervention to say that Belgium was the first country to regulate e-cigarettes at the same level as tobacco products with regard to smokefree legislation.

Lea Pfefferle (GSK) followed by asking what the success factors are for strong enforcement and compliance regarding smokefree legislation for EU Member States and how one country can become a strong enforcer in a time span of 2-3 years, such as Spain who only introduced comprehensive smokefree legislation in 2011.



Kris Boers, Permanent Representation of Belgium to the EU



Lea Pfefferle (GSK)

Florence Berteletti pointed out that clarity of the law, efficacy of enforcement, and the existence of penalties are very important pre-requisites for good compliance with smokefree legislation. She gave the successful examples of the UK and Ireland, where penalties are applied for non-compliance.

Furthermore, she emphasised **that civil society plays a crucial role and should be vigilant**. In response to the follow up question about the successful enforcement of legislation, she further outlined several key factors, including political commitment for enforcement by the government, training for law enforcement and other relevant authorities, and introducing and financing mechanisms such as phone lines for reporting non-compliance with smokefree laws.

In answer to a question from the audience on the factors that increase political appetite for smokefree laws, **Ms Berteletti** answered that it is generally (but not always) the responsibility of the state or local health department to implement and enforce smokefree legislation. A smokefree coalition or voluntary health agency can ensure that the official enforcement agency is able and willing to do its job, identify the specific person(s) within the agency responsible for each aspect of education and enforcement, and support implementation with media advocacy and public education. She concluded by referring to the 2005 Limassol Recommendations which still very much hold true today and are designed to support civil society and policymakers in the quest towards the adoption of comprehensive smokefree policies.

Dr Weishaar added that the **timing in which the respective legislation is being released is very important**, as are the political will and broad coalitions of international organisations working together. She also noted it is crucial to draw evidence and feedback from academic research as well as to build cooperation between academia and civil society.

Following these comments, an audience member called for civil society to focus more on governments, which need to align with increasingly supportive public opinion and demonstrate political will for change. They concluded by saying that governments must eliminate exemptions to smokefree provisions and must also send a message to society that smoking is not socially acceptable.

The discussion then moved on to e-cigarettes with **Nikolaj Nielsen (EUobserver)** raising the question of SFP's position on their use under smokefree legislation. In response, **Ms Berteletti** stated that the scientific evidence is not yet clear on a number of aspects including the effect of vapour on non-users, the long-term health effects on users, and the public health benefits from smokers switching to e-cigarettes versus their potential role as a gateway to tobacco use. Therefore, SFP does not currently have a position and is unable to make recommendations on the regulation of e-cigarettes. Instead, SFP remains focused on eliminating smoking in public places, which is a more pressing issue at this point because of the number of citizens that are still exposed to second-hand smoke.



Speakers' panel discussion



Florence Berteletti, Martin Seychell and Jennifer Burch

Mr Seychell recognised that this is a difficult issue due to the fast pace at which e-cigarettes appeared on the market. **The European Commission does not have a definite approach to e-cigarettes and more time will be needed to estimate their effects.** Furthermore, he added that there are hopes that e-cigarettes could encourage smokers to quit, but also pointed out that the products currently on the market were not designed to contribute to the denormalisation of smoking.

He also expressed scepticism regarding an eventual industry shift from producing normal cigarettes to only producing e-cigarettes. Finally, he stressed that Member States should think very carefully about the regulation of these products, as they also carry the risk of acting as gateway products. He concluded by calling for smoking to become socially unacceptable.

Clive Needle (EuroHealthNet) then asked about the next steps envisaged by the Commission regarding the implementation of the WHO Framework Convention on Tobacco Control (FCTC) and what SFP Coalition members can do to assist in this matter. In response, **Mr Seychell** emphasised that the Commission is highly committed to the full and successful implementation of the FCTC. He noted that **a key challenge is the large disparity between the smokefree policies in EU Member States.** He continued by saying that the Commission will engage more in bilateral talks with countries with weaker performance regarding smokefree legislation as well as continue to work with the best performing countries to ensure they remain on track. The Commission will facilitate the exchange of best practices and exchange of evidence through its expert group on tobacco control.

Vincent Houdry (Permanent Representation of France to the EU) asked whether the audience was aware that Portugal had sent a formal letter against plain packaging to those EU Member States working towards that goal such as France. In response, Dr Ravara said that the Portuguese tobacco control movement was aware of that situation and that they had sent a protest letter to the government. She further said that the formal reply by the Prime Minister claimed that this issue is a matter of international affairs. She continued by saying the situation in Portugal regarding tobacco control policies is dire, with the government refusing to bring the issue to public debate, while **media interest in exposing tobacco industry influence is low.**

Panellists built on this and discussed advocacy strategies to advance smokefree legislation in countries such as the Czech Republic, Portugal, Austria and Romania following an intervention of **Jiří Jeřábek (Cesko Bez Koure)**. **Florence Berteletti responded that cooperation among civil society is essential and highlighted that the SFP Coalition is able to provide support at national level through joint actions, technical assistance and capacity building.** She also called on the European Commission to put more pressure on EU Member States to implement the 2009 Council Recommendation on smoke-free environments.

Martin Seychell added that the issue can be raised bilaterally. Moreover, he recalled that the process of **transposing the EU's 2014 Tobacco Products Directive into national law provides an excellent opportunity** for countries to adopt and implement far reaching tobacco control legislation at national level.

That process can provide civil society with an opportunity to stir up public debate on the need for strong tobacco control policies at the national level. He also recalled that the Commission has provided Member States with economic arguments in support of stricter tobacco control policies.

However, Dr Sofia Ravara's experience in Portugal showed that not all governments are open to European and international support and she called on governments currently failing to implement comprehensive smokefree legislation to learn from international institutions and countries.

The Question and Answer session concluded with Claudia Wöhry (Austrian Federal Ministry of Health) announcing that Austria had recently published new draft legislation which would introduce a comprehensive smoking ban in all public places including bars and restaurants. This development was welcomed by SFP and it is hoped that the proposed legislation is adopted by the Austrian parliament in its current forms without any exemptions.

Key conclusions and calls for action

- The European Commission should further encourage Member State governments to implement the 2009 Council Recommendation on smoke-free environments
- Building strong coalitions among civil society is essential to success during legislative negotiations on smokefree policies
- The international tobacco control community can help promote public debate and support for smokefree policies at national and European level
- Legislative protection from second-hand smoke goes hand in hand with strict enforcement. Enforcement strategies require training and planning mechanisms from both health and environmental government departments
- FCTC Article 5.3 can prove an essential tool to civil society when calling for the implementation of comprehensive smokefree policies as a key public health measure





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