



Response from the Faculty of Public Health to the European Commission's Green Paper *Towards a Europe Free from Tobacco Smoke: Policy Options at EU Level*

Introduction

The Faculty of Public Health is an authoritative public health body which sets and maintains standards in the public health workforce to improve the health of the population. It does this through three key areas of work: health improvement, health and social care standards, and health protection. In addition to maintaining professional and educational standards the Faculty advocates on public health issues.

The Faculty works actively to highlight the harmful effects of tobacco and tobacco smoke pollution. It works in partnership with others including ASH and the National Heart Forum, and is a member of the Clean the Air Coalition. It also supports the Smoke-free Air Coalition and campaigned for smokefree legislation in the UK. The Faculty also produced a briefing statement on tobacco smoke pollution which was used in its lobbying campaign to push through smokefree legislation in the UK.¹

General comments

The Faculty welcomes the Commission's commitment to improving health and tackling health inequalities of the European population through publishing its Green Paper. The number of EU member states adopting smokefree measures continues to rise and publication of these proposals is timely, and should encourage and assist those member states who have not yet adopted smokefree measures.

The evidence of the health damage from environmental tobacco smoke (also known as tobacco smoke pollution and secondhand smoke) is clear and demonstrates that it is a significant cause of disease and premature death – as acknowledged in the Green Paper. The Faculty does not therefore propose to repeat the evidence in its response but will address those specific questions raised in the consultation.

Question 1: Which of the two approaches suggested in section IV would be more desirable.

The Faculty strongly supports a total ban on smoking in all enclosed public spaces and workplaces without exemption. The risk to employees and users of services and venues from secondhand smoke is the same. Exempting particular venues will still leave many European citizens at great risk of exposure to secondhand smoke – compromising their future health and wellbeing – and will create inequalities. Implementation of anything less than a comprehensive ban – without exemptions – could substantially weaken and potentially undermine smokefree measures, increase bureaucratic burden and could also provide loopholes for exploitation for the tobacco industry. For example, exemptions in the New York City smoking ban has allowed for smoking in designated cigar bars – putting at risk the health of those employed in these establishments.

In countries where comprehensive smokefree legislation has been implemented compliance is high and support for the measure has increased.

¹ *Tobacco Smoke Pollution – a Briefing Statement* available from www.fph.org.uk

Question 2: Which of the policy options described in section V would be the most desirable/appropriate?

The Faculty would support Option 4 – a Commission or Council recommendation of best practice as a minimum standard. Whilst the Faculty has lobbied extensively in the UK for comprehensive smokefree *legislation*, with regards to the proposals for an EU-wide ban on secondhand smoke it believes Option 4 is the most realistic and feasible option for more rapidly progressing Europe towards smokefree workplaces and public places.

Binding legislation should result in strong EU policy and a positive health outcome. However, the processes involved in agreeing and implementing a robust policy would be extremely complex, lengthy and without guarantees of the outcome. It could also possibly stifle momentum for those member states actively progressing towards smokefree status but which may feel compelled to wait until the legislation is implemented.

There is also the danger that implementing Europe-wide legislation (if it was not sufficiently robust/thorough) could undermine the laws in those member states which already have robust smokefree legislation in place – opening it to challenges from those sectors with interests in promoting tobacco use.

Whilst not legally binding, a Commission or Council recommendation would exert pressure on those governments that have as yet failed to implement effective smokefree measures. However, in addition to adoption of a recommendation, the Commission should strengthen those existing directives to increase employees' protection from tobacco smoke including:

- ▶ Urging member states to adopt comprehensive legislation such as that passed in the United Kingdom and Ireland;
- ▶ extending the scope of the Carcinogens and Mutagens Directive 2004/37 to include secondhand smoke;
- ▶ strengthening the requirements for the protection of workers from tobacco smoke in Directive 89/654/EEC on minimum health and safety requirements.

The Faculty would **not** support the implementation of voluntary measures – experience from the UK has clearly demonstrated that these do not work. Nor would it support the implementation of the 'open method of co-ordination' – although the sharing of best practice and experience is important, there is little evidence to suggest that this alone could effect sustainable change.

In conclusion, whilst the Faculty strongly supported implementation of smokefree legislation in the UK, for the reasons outlined above it does not feel that this would be the most practical option for the EU at this time. It therefore supports Option 4 – the implementation of a Commission or Council recommendation.