

**EUROPEAN ECONOMIC AREA**  
**STANDING COMMITTEE**  
**OF THE EFTA STATES**

Ref. 1075790

21 May 2007

**EFTA WORKING GROUP ON PUBLIC HEALTH**

**EEA EFTA COMMENT ON THE COMMISSION GREEN PAPER**  
**“TOWARDS A EUROPE FREE FROM TOBACCO SMOKE:**  
**POLICY OPTIONS AT EU LEVEL”**  
**COM(2007) 27 final**

**EXECUTIVE SUMMARY**

The EEA EFTA States applaud the Commission for taking steps in exploring and implementing smoke-free policies at EU level. The Green Paper “Towards a Europe free from tobacco smoke: Policy options at EU level” is an important contribution towards a more coordinated policy at EU level. The open process carried out during its preparatory phase is highly appreciated by the EEA EFTA States. The EEA EFTA States consider binding legislation to be the most desirable option to introduce and promote smoke free environments. Since there is now unequivocal evidence of the harmful effects of second hand smoke, they believe binding EU legislation would be the most efficient tool to ensure satisfactory protection for the European population. As full participants in the Public Health Programme, the EEA EFTA States look forward to playing an active part in the follow-up to the Green Paper.

**I INTRODUCTION**

The EEA EFTA States recognise the importance of an open dialogue at European level to share experiences and to identify best practices, and to agree on actions to tackle common problems. Reviewing other strategies and extending the knowledge base through learning from experiences across Europe is necessary in order to achieve the goals set at national level.

It is hoped that this comprehensive consultation process secures sufficient involvement from all relevant parties. The EEA EFTA States will use the opportunity to comment upon the Green Paper and to put an emphasis on some of the issues raised during this process.

## **II GENERAL COMMENTS**

Building on the efforts undertaken in several European countries over recent years, experience with total bans on smoking in enclosed public places has been generally very positive. Looking at the examples of two of the EEA EFTA States, namely Norway and Iceland, several important steps towards a tobacco free environment have been taken over recent years. In Norway, a ban on smoking in enclosed public places has been in force since 1988, and likewise in Iceland since 1999. The hospitality industry was exempted in Norway until 2004. On 1 June 2004, Norway also banned smoking in bars, pubs, cafes, restaurants and other hospitality establishments. As of 1 June 2007, the Icelandic hospitality industry will become smoke-free. This means that restaurants, pubs, clubs and cafés will finally join the majority of workplaces in Iceland in protecting the health and safety of employees from the harmful effects of passive smoking. This legislation is based on the idea that all employees should enjoy the same access to smoke-free working conditions. Managers of establishments in the hospitality industry will, of course, also benefit from these changes by similarly being protected from the harmful effects of passive smoking. Consequently, this new legislation in Iceland will complete the implementation of a total smoking ban in enclosed public places. These changes will result in considerable benefits for persons working in the hospitality sector, as well as for the general public.

### **The Norwegian experience**

Looking at the Norwegian example, two and a half years after enactment of the total ban, it can be confirmed that the transition has been extremely smooth. The main intention behind the Act, i.e. a better working environment for employees, has been achieved. In other words, experience from the first years of the ban in Norway indicates a number of positive tendencies. The main findings in several surveys indicate that:

- People generally comply with the ban;
- The inspection authorities and the employees experience very few problems with compliance;
- A growing number of people support the ban;
- Guests state that air quality has improved;
- There is little difference in the turnover index of bars and restaurants before/after;
- There has been a distinct improvement in air quality in the workplace;
- Far fewer employees state that they have general medical problems;
- Fewer employees state that they experience respiratory problems;
- 1 of 10 employees who were smokers had quit smoking five months after the ban.

There were many predictions about how the ban would work in Norway. Some expected a state of chaos outside bars and restaurants, accompanied by a steep economic downturn for the industry. Others also expected the general public to largely ignore the ban. These predictions did not materialize. Already on the eve of 1 June 2004, people could be

observed smoking outside as though it were the most natural thing in the world. Reports from the general public, those who work in the industry and the inspection authorities all indicate very few problems related to enforcement of the ban. Most people respected it. There are no grounds for contending that the hospitality industry has lost business because of it. Meanwhile, the most gratifying aspect is that a survey established that employees have a significantly better working environment and that they report that they are healthier than before the law was amended. Public support is also increasing. A survey from June 2006 showed that 78 % of the public now support the ban on smoking in bars and restaurants, compared with 54 % in March 2004, before the ban was enacted.

### **Background for the ban**

In 1988, a new provision was adopted and incorporated into the Act from 1973, relating to the prevention of the harmful effects of tobacco, i.e. the Tobacco Act. Section 6 of the Act stated that the air should be smoke free in premises and vehicles accessible to the general public, and in meeting rooms, work premises and institutions where two or more individuals are gathered. The rules are designed to protect people from passive smoking. Since 1988, the hospitality industry was exempted from the general rule regarding smoke-free premises and allowed smoking sections. Up until 1 June 2004, employees in this industry had less protection against passive smoking at work than other groups of wage-earners. The main objective of the amendment in 2004 banning smoking in bars and restaurants was to improve the employees' working environment.

### **Scope of the Norwegian legislation**

The ban on smoking in bars and restaurants applies to premises where food and/or drink are served and which are also places of work or accessible to the general public. Smoking is prohibited in such places. The Act does not allow the establishment of unattended smoking areas for guests. The owner or manager of the premises is responsible for ensuring compliance with the provisions. Pursuant to § 6 of the Tobacco Act, responsibility for inspection and control is divided between the municipal authorities and the Norwegian Labour Inspection Authority.

### **Evaluations**

Several evaluations have been conducted to assess the consequences of smoke-free bars and restaurants. The results of the surveys are and will be published as articles in national and international journals, and as a series of reports. The Norwegian Institute for Alcohol and Drug Research (SIRUS) and the Research Centre for Health Promotion (HEMIL Centre) at the University of Bergen are engaged in a major project to evaluate the authorities' overall efforts to prevent tobacco-related diseases from 2003 to 2007. The evaluation of smoke-free bars and restaurants is a part of that project.

The most comprehensive projects have been: The HEMIL Centre has conducted a survey among a sample of employees in the hospitality industry concerning their working experience with the ban and how it has affected their working environment. This is a

panel study conducted by MMI consisting of a preliminary survey and two follow-up surveys. SIRUS has conducted a survey among the general public about attitudes to and the consequences of the ban, and evaluated the media campaign. Data from Statistics Norway and MMI have been used. SIRUS is also analysing the economic consequences of smoke-free bars and restaurants. The National Institute of Occupational Health, Norway (STAMI) has measured the changes in air quality in bars and restaurants, as well as lung and biological markers of nicotine exposure among employees before and after 1 June 2004<sup>1</sup>.

### **The Icelandic example**

A poll conducted in Iceland in March 2007 clearly suggests that the implementation of a total smoking ban in enclosed public places from 1 June 2007 is popular with the general public. Indeed, 74% of respondents agreed that all bars and restaurants should be smoke-free, compared with 60% in 2005. Furthermore, 90% of the respondents revealed that they would continue to go just as often or even more often to restaurants, cafés and bars if they were smoke-free. These results indicate that public support for the smoke-free legislation is strong, which should lessen potential concerns that restaurateurs, publicans etc. may previously have had about the effects of the ban on future trade.

### **The situation in Liechtenstein**

Liechtenstein legislation until now has provided few general suitable measures to protect the employees' health against the harmful effects of passive smoking (labour law).

Recently the government proposed a new act on the protection of non-smokers and tobacco prevention. The public consultation closed on 30 April 2007. With this proposed act, a legal basis for a smoking ban in premises that are accessible to the public, public means of transport as well as schools and establishments for children and young people should be created. Such a smoking ban in premises that are accessible to the public concerns consequently also restaurants, bars, pubs, cafes and other types of public establishments. Exemptions from the ban would be establishments and premises with separated and enclosed smoking rooms.

The public authorities are now analysing the results of the public consultation, different statements received a call for further discussion and finally resolution in Parliament.

## **III. SPECIFIC COMMENTS**

### **Questions posed in the Green Paper**

---

<sup>1</sup> For a comprehensive overview of the evaluation results, undertaken on the basis of the Norwegian experience, please see [http://www.shdir.no/tobakk/english/legislation\\_and\\_history/overview\\_of\\_evaluations\\_ofand\\_experience\\_w ith\\_smokefree\\_public\\_places\\_43794](http://www.shdir.no/tobakk/english/legislation_and_history/overview_of_evaluations_ofand_experience_w ith_smokefree_public_places_43794)

The EEA EFTA States have the following response to the questions set forth in Section VI of the Green Paper.

1. The EEA EFTA States recommend a comprehensive approach, directed towards a ban on smoking in public places. Furthermore, Norway and Iceland recommend the most comprehensive approach, i.e. a total ban on smoking in all enclosed or substantially enclosed workplaces and public places. This approach will bring the biggest public health benefit, particularly to employees and will include preventing the intake of smoking among younger children. Experience also shows that this type of policy is the easiest to enforce and creates a level playing field for all operators. The evaluation results cited in this document show that this option is good for public health in all sectors and different parts of the population and has not led to the economic downturn for the hospitality industry that was predicted.

2. The EEA EFTA States consider policy option number five, i.e. binding legislation, to be the most desirable option to introduce and promote smoke free environments. Since there is now unequivocal evidence of the harmful effects of second hand smoke, EU legislation in the form of a directive would be the most efficient tool to ensure satisfactory protection for the European population.

\* \* \* \* \*