

TOBACCO CONTROL IN 30 EUROPEAN COUNTRIES FROM 2005 TO 2007 WITH AN UPDATE IN 2010

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Abstract: In this article the results of the surveys about the tobacco control activity in European countries made in 2005 and 2007—using the Tobacco Control Scale (TCS)— are described. The most effective tobacco control measures are: the high taxes, the prohibition of advertising, the laws prohibiting tobacco use in working places and the sanitary warnings on tobacco packets. In the conclusions, the changes in several European countries since 2004 are analyzed to measure the improvement of tobacco policies.

Resumen: En este artículo se comparan los resultados de las investigaciones sobre el control del tabaco realizadas en Europa en 2005 y 2007 mediante el uso de la Escala de Control del Tabaco (TCS). Entre los métodos más eficaces para el control del tabaco destacan el aumento de impuestos, la prohibición de la publicidad, las leyes que prohíben el consumo de tabaco en los lugares de trabajo y las advertencias sanitarias en las cajetillas. En las conclusiones se analizan los cambios experimentados desde 2004 en diferentes países europeos para medir su mejora en relación con las políticas sobre el tabaco.

Laburpena: Europan 2005 eta 2007 bitartean, Tabakoaren Eskala Kontrol (TCS) baten bidez neurtutako tabakoaren kontrolari buruzko ikerketen ondorioak agertzen dira artikuluko honetan. Tabakoaren kontrolerako neurri erangikorren artean zergen igoera, publizitatearen debekua, lan esparruan tabakoaren kontsumoa debekatzen duten legeak eta tabako paketeetako osasun abisuak nabarmentzen dira. Ondorioetan, 2004. urtetik aurrera europako herrialdeetan eman diren aldaketak aztertzen dira, tabakoaren arloko politiken hobekuntza neurtzeko.

Résumé : Dans cet article on compare les résultats des recherches sur le contrôle du tabac menées en Europe en 2005 et 2007 en utilisant l'Échelle de Contrôle du Tabac (TCS). Parmi les méthodes les plus efficaces pour le contrôle du tabac il faut souligner l'augmentation des impôts, l'interdiction de la publicité, les lois interdisant la consommation du tabac dans les lieux de travail et les avertissements sanitaires dans les paquets de tabac. Pour conclure, l'auteur analyse les changements expérimentés depuis 2004 dans les différents pays européens pour évaluer leur amélioration par rapport aux politiques sur le tabac.

Key words: Tobacco, Tobacco control, direct advertising, indirect advertising, taxes, legislation.

Palabras clave: Tabaco, Control del tabaco, Publicidad directa, Publicidad indirecta, Impuestos, Legislación.

Gako Hitzak: Tabakoa, tabakoaren kontrola, zuzeneko publizitatea, zeharkako publizitatea, zergak, legeria.

Mots clef : Tabac, Control du tabac, Publicité directe, Publicité indirecte, Impôts, Législation.

INTRODUCTION

In this article we describe the results of a survey of tobacco control activity in 30 European countries in 2007, using the Tobacco Control Scale (TCS), first described in *The Tobacco Control Scale: a new scale to measure country activity*¹. A description of how the scale was constructed and of the original survey methodology can be found in this paper, and the scale itself is reproduced in Table 1. Here we report the results of the 2007 survey, compare them with the results of the 2005 survey, and discuss the changes and reasons for them.

Table 1. The Tobacco Control Scale (TCS)

Price of cigarettes and other tobacco products	30
Price of Marlboro, and price of most popular price category, in January 2005 – additive	
The price of Marlboro in January 2005, taking into account Gross Domestic Product per capita expressed in Purchasing Power Standards (PPS). Country with highest price ratio receives 15 points. (see notes)	15
The price of a packet of cigarettes in the most popular price category in January 2005, taking into account Gross Domestic Product per capita expressed in the PPS. Country with highest price ratio receives 15 points.	15
Smoke free work and other public places on 1 July 2005	22
Workplaces excluding cafes and restaurants – one only of	10
Complete ban without exceptions (no smoking rooms); enforced	10
Complete ban, but with closed, ventilated, designated smoking rooms; enforced	8
Complete ban, but with ventilated, designated smoking rooms; enforced	6
Meaningful restrictions; enforced	4
Legislation, but not enforced	2
Cafes and restaurants – one only of	8
Complete ban; enforced	8
Complete ban, but with closed, ventilated, designated smoking rooms; enforced	6
Meaningful restrictions; enforced	4
Legislation, but not enforced	2
Public transport and other public places – additive	4

1. JOOSSENS, L.; RAW, M.: The Tobacco Control Scale. a new scale to measure country activity. *Tobacco Control* 2006;15:247-253. Text: <http://tc.bmjournals.com/cgi/content/full/15/3/247>
PDF: <http://tc.bmjournals.com/cgi/reprint/15/3/247>

Complete ban in domestic trains without exceptions	1
Complete ban in other public transport without exceptions	1
Complete ban in educational, health, government and cultural places without exceptions	2
OR Ban in educational, health, government and cultural places, but with designated smoking areas or rooms	1
Spending on public information campaigns in 2004	15
Tobacco control spending by the government in 2004, as a proportion of Gross Domestic Product (GDP). Country with highest ratio receives 15 points (see notes).	
Comprehensive bans on advertising and promotion on 1 July 2005	13
Points for each type of ban included – additive	
Complete ban on tobacco advertising on television	3
Complete ban on outdoor advertising (eg. posters)	2
Complete ban on advertising in print media (eg. newspapers and magazines)	2
Complete ban on indirect advertising (eg. cigarette branded clothes, watches, etc.)	2
Ban on point of sale advertising	1
Ban on cinema advertising	1
Ban on sponsorship	1
Ban on internet advertising	½
Ban on radio advertising	½
Large direct health warning labels on 1 July 2005	10
Rotating health warnings	2
Size of warning – one only of	4
10% or less of packet	1
11 – 25% of packet	2
26 – 40% of packet	3
41% or more of packet	4
Contrasting colour (eg. black lettering on white background)	1
A picture	3
Treatment to help dependent smokers stop	10
Quitline – one only of	2
Well funded national quitline or well funded quitlines in all major regions of country	2
OR National quitline with limited funding or a patch work of small local quitlines	1

Network of smoking cessation support	3
Reimbursement of treatment	3
Cessation support network covering whole country (3); free (3)	6
Cessation support network, but only in selected areas, eg. major cities (2); free (3)	5
Cessation support network covering whole country (3), partially free (2)	5
Cessation support network, but very limited, just a few centres (1), free (3)	4
Cessation support network, but only in selected areas, eg. major cities (2), partially free (2)	4
Cessation support network covering whole country (3), not free (0)	3
Cessation support network, but very limited, just a few centres (1), partially free (2)	3
Cessation support network, but only in selected areas, eg. major cities (2); not free (0)	2
Cessation support network, just a few centres (1), not free (0)	1
Reimbursement of medications – one only of	2
Reimbursement of pharmaceutical treatment products	2
OR Partial reimbursement of pharmaceutical treatment products	1
Maximum possible score	100

Table notes. **Cigarette price:** Gross Domestic Product can be expressed in PPS (purchasing Power Standard). PPS per capita has been used to take account of real purchasing power in different countries; points are awarded using the same method as for public information campaign spending. **Public information campaign spending:** the top country, the UK, is awarded 15 points; the UK ratio (spending/GDP) is then divided by 15 and the resulting number gets 1 point; countries achieve points for multiples of that number. For a more detailed explanation please see *tobcon url*. **Advertising:** television is the medium most used for tobacco advertising in countries with no advertising restrictions; outdoor advertising (eg. posters) is a prominently used medium when television advertising is banned; indirect advertising (eg. clothing, watches, or other products with cigarette branding, is the industry's favoured loophole when there are otherwise comprehensive advertising bans.

The TCS, which quantifies the implementation of tobacco control policies at country level, is based on six policies described by the World Bank² and which they say should be prioritised in a comprehensive tobacco control programme. The six policies are:

- price increases through higher taxes on cigarettes and other tobacco products;
- bans/restrictions on smoking in public and work places;
- better consumer information, including public information campaigns, media coverage, and publicising research findings;

2. World Bank. Tobacco control at a glance. Washington DC, 2003. www.worldbank.org/tobacco.

- comprehensive bans on the advertising and promotion of all tobacco products, logos and brand names;
- large, direct health warning labels on cigarette boxes and other tobacco products;
- treatment to help dependent smokers stop, including increased access to medications.

METHODS FOR THE TOBACCO CONTROL SCALE 2005-2007

In 2005 the European Network for Smoking Prevention (ENSP) requested LJ to measure tobacco control activity at country level in Europe³. The questionnaire was sent to the ENSP correspondents, who had agreed to fill in their country data. They were nominated by ENSP because they were the official country representatives to ENSP, members of their national coalition and thus knowledgeable about tobacco control. During 2007 the survey was repeated with the same 30 European countries and correspondents.

The Tobacco Control Scale (TCS) shows the points allocated to each policy, with a maximum score of 100 (Table 1). The right column of the blue rows shows the maximum points that can be scored for each policy. The questionnaire asked about legislation in force on the 1 July 2007, price data on 1 January 2007, and the 2006 tobacco control budget. Any legislation, price increases or funding introduced or enforced after those dates are not included.

The following data sources (apart from the questionnaire) were used to score the scale:

- The price of a pack of 20 cigarettes in the most popular price category on 1 January 2007 was based on the 2007 European Commission report “Excise duty tables”⁴
- GDP expressed in Purchasing Power Standards (PPS) per capita and GDP in 2006, and country population data on 1 January 2006 were collected from the statistical office of the European Union⁵
- The tobacco legislation database of the Regional Office for Europe of the World Health Organization
- The WHO European Tobacco Control Report 2007⁶

3. JOOSSENS, L.: Effective tobacco control policies in 28 European countries. Brussels, European Network for Smoking Prevention, 2004.

4. European Commission. Excise duty tables. Ref 1.024, Directorate General Taxation and Customs Union Tax Policy, Brussels, January 2007.

5. Eurostat. Statistical Office of the European Union. www.europa.eu.int/comm/eurostat/, accessed 06.05.07.

6. World Health Organization, Regional Office for Europe. The European Tobacco Control Report 2007. Copenhagen, World Health Organization, Regional Office for Europe. 2007.

- The ENSP report on smokefree provisions⁷
- The ENSP report on tobacco advertising legislation in Europe⁸.

As in 2005 the most common problem in assigning points remained the subjectivity involved in assessing implementation and enforcement, and so again we relied in general on the judgement of our correspondents, familiar with the situation in their country.

RESULTS

Table 2 shows the average subscale and total scores in 2005 and 2007 and shows that the overall scores rose relatively little over the two years with only three of the six subscales showing an increase: smokefree public places, tobacco control spending and advertising bans.

Table 2: Average TCS total and subscale scores on 1 July 2005 and 1 July 2007 for all 30 countries

	1 July 2005	1 July 2007
Total TCS score (100)	47	52
Price (30)	17	17
Smoke free public places (22)	8	11
Tobacco control spending (15)	2	3
Comprehensive advertising ban (13)	9	11
Health warnings (10)	6	6
Treatment (10)	5	5

Table notes: conventional rounding: .5 and more up, <.5 down; maximum possible score in brackets.

Table 3 shows the TCS scores for the 30 countries in 2007. We have highlighted countries that increased their score by 10 points or more. Most notable are the higher scores in the UK, Estonia, Spain, Romania, Switzerland, Lithuania, Latvia and Luxembourg. The UK shows the biggest gain as a result of introducing laws banning smoking in public places, in Scotland in 2006, and in Wales, Northern Ireland and England in 2007. The UK score for this policy rose from 1 point in 2005 to 21 points in 2007, taking the UK into top place, displacing Ireland.

7. European Network on Smoking Prevention. European trends towards smokefree provisions. Brussels, European Network on Smoking Prevention, April 2007.

8. European Network on Smoking Prevention. Implementation of EU ad ban directives. Status on November 2006. Brussels, European Network on Smoking Prevention, 2006.

Table 3: European countries ranked by total TCS score in 2007

Rank	Country	Price (30)	Public place bans (22)	Public info. campaign spending (15)	Advertising bans (13)	Health warnings (10)	Treatment (10)	Total (100)
1	UK	30	21	15	11	6	10	93
2=	Ireland	23	21	3	12	6	9	74
2=	Iceland	22	17	14	13	6	2	74
4	Norway	22	17	4	13	6	4	66
5	Malta	22	17	3	12	7	1	62
6	Sweden	19	15	1	13	6	7	61
7	France	21	13	3	11	6	6	60
8=	Finland	17	12	2	13	7	7	58
8=	Belgium	16	13	3	12	9	5	58
10	Italy	17	17	1	10	6	6	57
11	Estonia	11	13	5	13	6	8	56
12	Spain	12	15	5	12	6	5	55
13	Bulgaria	22	8	0	12	6	6	54
14=	Netherlands	14	9	4	12	6	5	50
14=	Romania	18	8	1	12	6	5	50
14=	Poland	14	12	0	12	6	6	50
17	Slovakia	17	8	0	11	6	6	48
18	Switzerland	14	6	10	4	6	7	47
19	Cyprus	17	6	-	12	6	5	46
20	Denmark	16	3	3	10	6	7	45
21	Lithuania	10	14	-	10	6	4	44
22	Hungary	14	6	-	10	6	7	43
23	Portugal	20	5	-	10	6	1	42
24	Latvia	9	12	4	9	6	1	41
25=	Czech Rep.	13	6	0	10	6	5	40
25=	Slovenia	12	6	0	12	6	4	40
27	Germany	19	2	0	5	6	5	37
28=	Greece	15	7	0	4	6	4	36
28=	Luxembourg	6	11	0	9	7	3	36
30	Austria	13	4	0	9	6	3	35

Bold – EU; blue = countries that increased their score by 10 points or more

Table 4 compares scores and ranks in 2005 and 2007 and shows how much a country's score and rank has risen or fallen. One of the surprising results is that several countries actually lost points. Norway for example lost 5 points, mainly on price, in spite of a pack of cigarettes increasing to 8 Euros, because taking into account the cost and standard of living, which rose even more, this did not represent a real increase. Estonia increased their scores mainly on smokefree public places and better health warnings. Spain increased their

overall score by a substantial 24 points, mainly on smokefree work places (with the exception of bars and restaurants) and an advertising ban. Romania almost doubled its overall score from 27 to 50, improving on price, an advertising ban and health warnings. Switzerland improved their tobacco control spending, health warnings and treatment provision. Lithuania improved a lot on smokefree public places, and a little on treatment. Latvia increased their score a lot on smokefree public places, and modestly on tobacco control spending, and advertising restrictions. Finally Luxembourg moved off the bottom of the table, to be replaced by Austria, by increasing their smokefree public places and advertising restrictions scores.

Table 4: Comparison of 2005 and 2007 total TCS scores and ranks

Country	2007 rank	2005 rank	Change in rank	2005 score	2007 score	Change in score
UK	1	2	▲1	73	93	▲19
Ireland	2=	1	▼1	74	74	---
Iceland	2=	4	_2	70	74	▲4
Norway	4	3	▼1	71	66	▼5
Malta	5	5	---	62	62	---
Sweden	6	6	▲1	60	61	---
France	7	9	▲2	56	60	▲3
Finland	8=	7	▼1	58	58	---
Belgium	8=	12	▲4	50	58	▲8
Italy	10	8	▼2	49	57	---
Estonia	11	17	▲6	45	56	▲11
Spain	12	26	▲14	31	55	▲24
Bulgaria	13	16	▲3	46	54	▲8
Netherlands	14=	10	▼4	52	50	▼2
Romania	14=	29	▲15	27	50	▲23
Poland	14=	12	▼2	50	50	---
Slovakia	17	14	▼3	49	48	▼1
Switzerland	18	24	▲6	35	47	▲12
Cyprus	19	11	▼8	51	46	▼5
Denmark	20	17	▼3	45	45	---
Lithuania	21	25	▲4	34	44	▲10
Hungary	22	15	▼7	47	43	▼4
Portugal	23	19	▼4	39	42	▲3
Latvia	24	28	▲4	29	41	▲12
Czech Rep.	25=	20	▼5	38	40	▲2
Slovenia	25=	22	▼3	36	40	▲4
Germany	27	22	▼5	36	37	▲1
Greece	28=	20	▼8	38	36	▼2
Luxembourg	28=	30	▲2	26	36	▲10
Austria	30	26	▼4	31	35	▲4

Grey: countries that increased total TCS score by 10 points or more.

DISCUSSION

The overall improvement in Europe from 2005 to 2007 was mainly because of the 2003 EU directive banning tobacco advertising and because of new smokefree laws. The adoption by the European Parliament and Council in 2003 of Directive 2003/33/EC⁹ banning tobacco advertising and sponsorship with a cross border dimension in all EU member states, was an important development, and resulted in stronger legislation on advertising in many countries.

The adoption of laws banning smoking in public places has been feared by the tobacco industry for decades and in our 2006 paper we showed that the financial world concurred with this judgement, rating smokefree legislation as having a significant impact on the market.

Trade analysts *Citigroup Smith Barney* made the following comment on the Irish market in September 2004: "Once again, the month-by-month data continues to look worrying. Overall, we believe the ban has probably reduced consumption by 5%. It will also make recruiting new smokers, and marketing to all smokers, much harder, we believe"¹⁰. In April 2005 they said: "Investors currently are most concerned about the impact of bans in bars and public places. The impact in Ireland has been quite severe, probably between 5-7% on volume"¹¹.

The investment bank *Morgan Stanley* speculated on the possible impact of a smoking ban in the UK: "According to our estimates a complete UK smoking ban may reduce consumption by an incremental 4-5%, but we would expect manufacturers to offset the impact of lost volumes through price increases, an approach which seems to have worked in Ireland"¹². Even the impact of the Italian law, which was less strict than the Irish ban and which allowed closed, designated and ventilated smoking rooms, was feared by the stock analysts. *Morgan Stanley* described the situation in Italy in their 29 June 2005 analysis thus: "Italy. Indications from the most recent Nielson retail data that despite increasingly warmer weather –which would presumably moderate the adverse impact of the January 2005 indoor smoking ban– that the pace of cigarette consumption decline has unfortunately not significantly moderated"¹³.

AREAS FOR IMPROVEMENT

Arguably one of the lessons of tobacco control over the last few decades is that it is important to maintain a high level of activity. We believe our results support this, as several countries that maintained their tobacco control score slipped down the table as other countries implemented new policies and overtook them.

9. Directive 2003/33/EC of the European Parliament and Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products. [Directive 2003/33/EC](#)

10. Citigroup Smith Barney. Gallaher. 9 September 2004, page 5.

11. Citigroup Smith Barney. The startling economics of tobacco. April 2005, page 70.

12. MORGAN, Stanley: UK smoking ban debate will reignite. 17 June 2005, page 1.

13. MORGAN, Stanley: Altria Group. 29 June 2005, page 2.

High price remains the most effective and cheapest tobacco control measure. The stock analysts Morgan Stanley noted: "Of the various measures available to governments in reducing demand for tobacco, clearly the one that concerns the cigarette companies the most is rising taxation."¹⁴ Thus it is important to note how much the price of tobacco varies in Europe. In January 2007 a pack of Marlboro cost from € 1.17 in Latvia to almost € 8.17 in Norway. Some European countries (France, Germany and the Netherlands) increased tobacco taxes substantially in 2004, with an effect on prevalence but which was undermined by cross border shopping^{15,16,17}.

"The other two regulatory environment changes that concern the industry the most are homogeneous packaging and below-the-counter sales. Both would significantly restrict the industry's ability to promote their products." (Morgan Stanley again)¹⁸ Countries in the European Union have the option of requiring picture based warnings on tobacco products¹⁹, a cost effective way to warn smokers about tobacco products²⁰. Pictorial health warnings should become mandatory on both main surfaces of tobacco products for all EU countries, renewed on regular basis, with the aim that the whole pack would become a platform for health promotion messages.

No European country had banned smoking in bars and restaurants by January 2004. By July 2007 ten countries had introduced smokefree bars and restaurants and more countries are planning to do so. The most comprehensive European smokefree legislation (a complete ban on smoking at the workplace –including bars and restaurants– with no exemptions at all) has been introduced in Ireland, Scotland and England. Genuinely comprehensive, enforced smokefree legislation, which includes a total ban in all work places (including bars and restaurants), public places (including health and educational facilities) and public transport, should be a priority. Few European countries have adopted smokefree legislation which complies with the FCTC Article 8 guidelines²¹. The guidelines emphasise that effective protection of health requires the creation of 100% smokefree environments and that ventilation and designated smoking rooms are not acceptable approaches.

14. LEYERS, P.: Dicke luft in der tabaksindustrie, d'Wort, 14 July 2007, page 95.

15. DOUGLAS, Bettcher: Director, Tobacco Free Initiative, World Health Organization. Presentation at European Parliament, Strasbourg, 20 June 2007.

16. NEUMAN, M.D.; BITTON, A.; GLANTZ, S.A.: Tobacco industry strategies for influencing European Community tobacco advertising legislation. *Lancet* 2002;359:1323-1330.

17. Open Society Institute. Taking on Goliath. Civil society's leadership role in tobacco control. New York, Open Society Institute, 2007.

18. MORGAN, Stanley: Tobacco. Late to the party. January 30, 2007.

19. European Commission. Commission Decision of 26/V/2005 on the library of selected source documents containing colour photographs or other illustrations for each of the additional warnings listed in annex 1 to Directive 2001/37/EC of the European Parliament and of the Council.

20. HAMMOND, D.; FONG, G.T., MCNEILL, A.; BORLAND, R.; CUMMINGS KM. Effectiveness of cigarette warning labels in informing smokers about the risks of smoking: findings from the International Tobacco Control (ITC) Four Country Survey. *Tobacco Control* 2006;15 (suppl III):19-25.

21. WHO Framework Convention on Tobacco Control. Guidelines for implementation. Article 8. Geneva, WHO, 2009. http://whqlibdoc.who.int/publications/2009/9789241598224_eng.pdf

Finally, we believe there is an urgent need for more investment in tobacco control. In the EU in 2006/07 only the UK spent more than € 2 per capita per year on tobacco control. The 2004 ASPECT report recommended that EU member states increase per capita spending by € 1-3²².

AN UPDATE OF THE TOBACCO CONTROL LEGISLATION IN 2010

1) Smoke free legislation:

No European country had banned smoking in bars and restaurants by January 2004. By May 2010, 18 European countries have smoke free bars and restaurants:

- | | |
|--------------------|------------------------|
| 1. Ireland (2004) | 10. Lithuania (2007) |
| 2. Norway (2004) | 11. Finland (2007) |
| 3. Italy (2004) | 12. Slovenia (2007) |
| 4. Malta (2005) | 13. France (2008) |
| 5. Scotland (2006) | 14. Netherlands (2008) |
| 6. Sweden (2006) | 15. Turkey (2009) |
| 7. Latvia (2006) | 16. Cyprus (2010) |
| 8. Iceland (2006) | 17. Macedonia (2010) |
| 9. England (2007) | 18. Croatia (2010) |

2) Pictorial health warnings

No European country had pictorial health warnings by January 2004. By May 2010, 6 European countries have pictorial health warnings and three other European countries will have them in 2011

- | | |
|-----------------------|------------------|
| 1. Belgium (2006) | 6. Turkey (2010) |
| 2. Romania (2008) | 7. Norway (2011) |
| 3. UK (2008) | 8. France (2011) |
| 4. Switzerland (2010) | 9. Malta (2011) |
| 5. Latvia (2010) | |

3) Price of cigarettes

In July 2003 14 EU countries had retail prices of € 2.50 or less for a pack of cigarettes of the most popular price category. In 2010 11 EU countries had retail prices of € 2.50 or less for a pack of cigarettes of the most popular price category.

22. ASPECT Consortium. Tobacco or health in the European Union. Past, present and future. Brussels, European Commission, 2004, page 228. http://www.europa.eu.int/comm/health/ph_determinants/life_style/Tobacco/ev_20041022_en.htm

Spain:	€ 2.50	Estonia:	€ 2.06
Czech republic:	€ 2.37	Romania:	€ 1.74
Hungary:	€ 2.35	Poland:	€ 1.70
Slovenia:	€ 2.20	Bulgaria:	€ 1.48
Slovakia:	€ 2.10	Lithuania:	€ 1.45
Lithuania:	€ 2.09		

DISCUSSION ON THE SITUATION OF SPAIN IN 2010 IN A EUROPEAN CONTEXT

In 2005 Spain adopted comprehensive tobacco control legislation, which included an advertising ban and smoke-free legislation at the work place. As result of this legislation, Spain improved its tobacco control scale which quantifies the implementation of tobacco control policies at country level. However the 2005 smoke-free legislation in bars and restaurants contained many exceptions and was ineffective. In order to improve its tobacco legislation, to comply with international obligations and to increase its tobacco control scale compared with other European countries, it would be recommended that Spain adopt comprehensive smoke free legislation without exceptions, increases the taxes on tobacco products and makes pictorial health warnings obligatory.

- 1) The government has announced new legislation on smoke free bars and restaurants, which would come into force in 2011. Spain has ratified the WHO Framework Convention on Tobacco Control on 11 January 2005. New legislation has to comply with the WHO FCTC Article 8 guidelines. The guidelines emphasise that effective protection of health requires the creation of 100% smokefree environments and that ventilation and designated smoking rooms are not acceptable approaches.
- 2) Taxes and prices of cigarettes are low in Spain and the lowest among the EU 15 Member States (EU member states before the enlargement of 10 new Member States in May 2004).
- 3) Spain has no legislation, which makes pictorial health warnings mandatory.

Annexes

Implementation of smoke free laws in the EU: DG Sanco, European Commission may 2010: http://ec.europa.eu/health/archive/ph_determinants/life_style/tobacco/documents/tobacco_implementation_en.pdf

IMPLEMENTATION OF SMOKE-FREE LAWS IN THE EU : MEASURES BY EU MEMBER STATE –MAY 2010

Country	Scope of current regulation	Entry into force	Future developments
1. Total protection in all enclosed workplaces and public places (smoking banned altogether)			
IE	<ul style="list-style-type: none"> Ban on smoking in all enclosed workplaces and public places, including bars and restaurants, and in public transport. Minimum exemptions on humanitarian grounds for hotel bedrooms, prisons, nursing homes and psychiatric hospitals. 	March 2004	
CY	<ul style="list-style-type: none"> Ban on smoking in all public buildings, educational institutions, hospitals, private or public home for elderly or disabled people, private clinics, cultural centres, hotels, premises where foodstuffs are prepared, sport centers, bars and restaurants. 	1 January 2010	
UK	<ul style="list-style-type: none"> Regulations adopted in the four parts of the UK differ slightly but as a rule smoking is banned in all enclosed or substantially enclosed workplaces and public places, including bars and restaurants, and in public transport and other vehicles used for work. Minimum exemptions for certain premises, including private residential premises, designated rooms in hotels or guest houses, designated rooms in specified categories of residential accommodation (such as long-stay care homes and hospices), designated rooms in off-shore installations, and specified categories of research and testing facilities. 	March 2006-July 2007 (depending on the region)	
2. Comprehensive protection (smoking allowed only in separate smoking rooms)			
FR	<ul style="list-style-type: none"> Ban on smoking in public transport, enclosed workplaces and public places, incl. hospitality venues, with the exception of separately ventilated smoking rooms in which no service is to be provided. The smoking room should not occupy more than 20% of the overall surface of the establishment and should not exceed 35 m². Smoking banned altogether in healthcare and educational facilities (incl. outdoor spaces of childcare and educational establishments) 	Jan. 2008 for hospitality venues Feb. 2007 for all other venues	
IT	<ul style="list-style-type: none"> Ban on smoking in all enclosed workplaces and public places (with the exception of separately ventilated smoking rooms) and in public transport. Emilia-Romagna Region has extended the smoking ban to open areas of healthcare facilities. 	January 2005	There is a discussion ongoing in the Italian Parliament on a new law that extends the smoking ban to outdoor area of hospitals and school. The law intends to create a Fund for the Prevention and Reduction of harm of smoking that would be financed mainly by resources arising from financial penalties imposed for violations of the smoking ban

IMPLEMENTATION OF SMOKE-FREE LAWS IN THE EU : MEASURES BY EU MEMBER STATE –MAY 2010

Country	Scope of current regulation	Entry into force	Future developments
LV	<ul style="list-style-type: none"> Ban on smoking in indoor workplaces, and healthcare facilities, except for specially designated rooms reserved exclusively for smoking. Total smoking ban (no smoking rooms) in public buildings, structures and premises (cinemas, concert and sports halls, other sports buildings and structures, post offices and other institution halls, discotheques and dance halls, etc.) and educational establishments. Total smoking ban in public transport stops, on the railway platforms and shelters; common areas of multi-apartment residential buildings and children's playgrounds. In stadiums, outside cafes as well as parks, squares and bathing places, smoking is restricted to designated areas. Total smoking ban in hospitality venues. 	June 2006	or from taxes revenues exceeding the provision for the year.
LT	<ul style="list-style-type: none"> Smoking banned in all educational establishments, health care facilities and their territories In enclosed workplaces, special premises (places) for smoking may be set aside which have to meet the requirements for fitting out and operating set forth by the Government or an institution authorised by it. Smoking banned in all types of public transport, except for long-distance trains and aircrafts where individual car or separate places shall be designated for non smokers and for smokers. In common-use residential and other public premises where non smokers may be forced to breathe tobacco smoke-polluted air. In hospitality and leisure venues, including restaurants, cafes, bars, others mass caterers, clubs, discotheques, clubs of internet, gambling houses, casino, bingo, salons as well as premises where sports and other events take place and other enclosed premises intended for service of clients and visitors. Smoking is only allowed in specially designated cigar and pipe clubs that must justify specific requirements (there are no more than 5 in the country). 	May 2004 January 2007	
MT	<ul style="list-style-type: none"> Ban on smoking in all enclosed areas (any space covered by a roof and enclosed by more than one wall or side). Smoking is only allowed in "designated smoking rooms". These rooms are authorised and registered with the Health Authority. 	October 2005	Designated rooms will no longer be allowed after 1 January 2013.

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Country	Scope of current regulation	Entry into force	Future developments
NL	<ul style="list-style-type: none"> Ban on smoking in public transport, enclosed workplaces and public places, incl. hospitality venues, with the exception of enclosed smoking rooms. There are no requirements for size or ventilation of the smoking rooms. Enforcement problems in bars which united forces to disobey the smoking ban. In May 2009, a Dutch appeals court ruled that small bars with no staff except their owners are exempt from the ban. The Supreme Court has recently found that the smoking ban is valid for all hospitality venues in the Netherlands, including small bars with no staff. The final judgement on this case is to be expected in June 2010. 	July 2008	
SI	<ul style="list-style-type: none"> Smoking banned in enclosed workplaces and public places, incl. hospitality venues, with the exception of separate ventilated smoking rooms which are reserved only for smoking (with no eating or drinking allowed inside) and should not occupy more than 20% of the overall surface. Smoking banned altogether in public transport and healthcare and educational facilities (incl. outdoor spaces of childcare and educational establishments). 	Aug. 2007	
FI	<ul style="list-style-type: none"> Smoking banned in enclosed public places, workplaces (in joint and public premises as well as in areas which have contacts with clients) and public transport except for designated smoking rooms (separate smoking room is not allowed in indoor premises primarily used by persons under the age of eighteen). In bars and restaurants, smoking is only allowed in separately ventilated smoking rooms where no food or drink is served. 	June 2007	<p>May 2010: Government Bill in the Parliament: Smoking banned</p> <ul style="list-style-type: none"> in private cars when children present at events organised outdoors (football matches, concerts, conventions etc). <p>It is estimated to enter into force at earliest in the autumn 2010 (Gov bill 180/2009)</p>
SE	<ul style="list-style-type: none"> Ban on smoking in indoor public places (except for separately ventilated smoking rooms), educational and healthcare facilities and public transport. In workplaces, employer is obliged to ensure that employees are not exposed to tobacco smoke against their will. In restaurants and bars, smoking is allowed only in separately ventilated smoking rooms where no food or drink can be served or consumed. 	June 2005	
3. Partial protection			
BE	<ul style="list-style-type: none"> Smoking is banned altogether in enclosed public places, workplaces and public transport. Smoking can be allowed in separate, ventilated smoking rooms intended exclusively for smoking. 	January 2006	The possibility for bars and pubs to install smoking zones

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Country	Scope of current regulation	Entry into force	Future developments
BG	<ul style="list-style-type: none"> Partial ban in hospitality sector: In restaurants smoking allowed only in separately ventilated rooms where no eating allowed and whose surface cannot exceed ¼ of the total surface. Bars and pubs which serve no food can install smoking zones (maximum 50% of the surface reserved for smokers, except in establishments below 50m² where there is no surface limitation). Smoking in indoor workplaces and public places is only allowed in ventilated smoking rooms. Smoking is banned altogether in educational facilities, all forms of public transport, internet clubs, establishments for culture activities, places for producing and keeping food, shops, etc.. In hospitality venues of more than 80 seats, smoking is allowed in separated and ventilated halls. In smaller venues, smoking allowed in ventilated smoking area (maximum 50% of the surface reserved for smokers). 	January 2005	<p>will be suppressed at the latest on 1st July 2014 and at the shortest on 1st January 2012.</p> <p>Full smoking ban in all indoor workplaces and public places including bars and restaurants as of June 2010. An amendment of the article 56 of the Health Act has been voted in May so as to allow bars and restaurants under 100m² to decide to be smoke free or not.</p>
CZ	<p>Smoking is banned in:</p> <ul style="list-style-type: none"> Most public places (enclosed places accessible to the public, facilities connected with public transport, enclosed entertainment and sport facilities etc), except for separated smoking rooms, In public transport, In all types of educational facilities, Inside healthcare facilities (exception – separated smoking rooms in closed psychiatric/ drug addiction units) In hospitality venues: bars, restaurants etc. except for separated spaces for smokers with appropriate signs and well arranged ventilation (however, there is no obligation for owners to make any practical separation of the smoking and non-smoking spaces). <p>In workplaces, restriction of smoking depends on type of workplace and/or decisions of employers; if there is no special restriction, employees who smoke are obliged to not expose non-smokers to tobacco smoke.</p>	January 2006	<p>As of 1st July 2010 newly, owners in the hospitality sector will have to choose whether their hospitality venue is non-smoking, smoking or combined regime (with separated room for smokers). There will be also requirements on appropriate ventilation and signs.</p>
DK	<ul style="list-style-type: none"> Smoking is banned at workplaces (except rooms which serve as a workplace for one person at a time), public transport and public places, incl. hospitality establishments, with the exception of smoking booths and rooms. Smoking booths should be equipped with air treatment system and are typically enclosed by a ceiling and three sidewalls, the fourth side being open. Smoking is permitted in small pubs with a bar-room floor space (excluding the bar) not exceeding 40 m² if the establishment does not serve food. 	August 2007	
DE	<ul style="list-style-type: none"> Employers are obliged to protect non-smokers against passive smoking at federal and Länder (state) level except for workplaces accessible to the public (i.e. primarily hospitality sector). Smoking is banned altogether in public transport on federal level. 	Aug. 2007 – 2009	<p>There will be a referendum on the smoking ban in Bavaria in summer 2010.</p>

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Country	Scope of current regulation	Entry into force	Future developments
	<ul style="list-style-type: none"> All Länder banned smoking in public places and healthcare and education facilities, some allowing for smoking rooms. Following the ruling of the Federal Constitutional Court in July 2008, most Länder adopted bans on smoking in hospitality venues allowing for separate smoking rooms and exempting non-food establishments of less than 75 m² that do not serve food and do not allow people under 18. In 2010 Saarland implemented a complete smoking ban for the hospitality sector. 		
EE	<ul style="list-style-type: none"> Smoking is banned in workplaces and most public places with the exception of separately ventilated smoking rooms or smoking areas. Smoking in bars and restaurants is only allowed in enclosed smoking rooms with separate ventilation systems where no food is served. In educational and childcare facilities (incl. outdoor spaces), smoking is banned altogether except for the institutions of higher education in designated rooms or areas. 	September 2007	
EL	<ul style="list-style-type: none"> Smoking is banned in workplaces and in all places used for provision of services (except for ventilated smoking rooms/spaces). Smoking is banned in all forms of public transport. In bars and restaurants, smoking will be allowed in ventilated smoking rooms/spaces. Hospitality venues smaller than 70m² can opt to be either smoking or non-smoking. 	July 2009	
ES	<ul style="list-style-type: none"> Smoking is banned altogether in enclosed workplaces and most of the public places and public transport. It is only possible to create separately ventilated smoking rooms in airports. In bars and restaurants larger than 100 m² as well as in clubs and gambling establishments, smoking is allowed only in separate smoking rooms (not bigger than 30% of the total surface). Smaller hospitality venues can opt to be either smoking or non-smoking. 	January, 2006	Draft amendment to current law being discussed. It aims at protecting minors and workers in the hospitality sector.
LU	<ul style="list-style-type: none"> Smoking banned in enclosed public places, public transport, healthcare and education facilities. In workplaces, the employer is obliged to take all necessary measures to protect employers against passive smoking. Smoking banned in restaurants except for ventilated smoking rooms which do not occupy more than 25% of the total area. Partial smoking ban (during dining hours) in drinking establishments that also serve food. No restrictions for venues that do not serve food. 	September 2006	
HU	<ul style="list-style-type: none"> Smoking in workplaces and most public places is allowed in designated areas. In education facilities, most forms of public transport and most healthcare facilities, smoking is banned altogether. Smoking in restaurants is allowed in designated areas, in non-food establishments – there are no restrictions. 	Nov. 1999 (with amendments in force since Sept 2006)	

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Country	Scope of current regulation	Entry into force	Future developments
AT	<ul style="list-style-type: none"> • Ban on smoking in indoor public places with the exception of separate smoking rooms. • In workplaces, smoking banned (except for smoking rooms) if smokers and non-smokers cannot be given separate offices and in offices which have contact with clients. • Partial ban in hospitality sector. In venues larger than 80 m², smoking is allowed only in separate smoking rooms which do not occupy more than 50% of the surface. Businesses smaller than 50 m² can choose whether to be smoking or non-smoking while business between 50 and 80m² are able to allow smoking if they can prove that it is not possible to arrange for a separate smoking room. There are no smoking restrictions for one-room-establishments over 50m² that have declared officially before January 2009 that they will install a separate smoking room until July 2010. 	January 2009	Transitional period for hospitality venues to install smoking rooms until July 2010.
PL	<ul style="list-style-type: none"> • Smoking banned in rooms in work establishments and public places (except for smoking rooms) and in public transport (except for reserved cars in trains). • In hospitality venues that have more than one room, smoking is allowed in separate rooms. In one-room establishments, smoking is allowed in designated areas. 	January 2002	New regulation being discussed. It will enter into force by the end of 2010 at the earliest. They introduce a smoking ban in: educational institutions areas, health care units' areas, indoor work places, public transportation (and bus/tram stops), indoor public places (culture and sport facilities, hospitality sector), areas designated for children recreation. Employers/owners may arrange special separate rooms for smoking. Restaurants, bars, cafes smaller than 100m ² can be declared by owners as "for smokers" or "for non-smokers".
PT	<ul style="list-style-type: none"> • In workplaces and most public places, smoking is banned, except for separate ventilated designated areas or smoking rooms ("areas which are either physically separated or equipped with ventilation or other mechanisms preventing smoke from spreading into adjacent areas"). • Smoking is banned altogether in means of public transport and education facilities, without any exception. • Bars and restaurants smaller than 100 m² can choose to ban or allow smoking, if certain ventilation conditions 	January 2008	

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Country	Scope of current regulation	Entry into force	Future developments
RO	<p>are respected. In bars and restaurants larger than 100 m², smoking is banned, except for separate smoking rooms which meet certain ventilation conditions and do not occupy more than 40% of the overall surface or in designated areas equipped with ventilation or other mechanisms preventing smoke from spreading into adjacent areas which do not occupy more than 30% of the overall surface.</p> <ul style="list-style-type: none"> • Smoking is banned in all enclosed workplaces and public places except for separately ventilated smoking rooms, which are reserved only for smoking. • In bars and restaurants, smoking rooms cannot exceed 50% of the total space designated for clients and must be ventilated and separated from the rest of the space. Venues smaller than 100 m² can choose to allow smoking. • Smoking is completely banned in healthcare facilities and public transport. 	January 2009	
SK	<ul style="list-style-type: none"> • Smoking is banned in workplaces in the presence of non-smokers. • Smoking is banned altogether in most public places (official buildings, cultural institutions, shops etc), healthcare and educational institutions and in public transport (except for reserved cars in trains). • In restaurants, smoking is allowed only in separate smoking rooms (which can not occupy more than 50% of the overall surface) as of September 2009. Establishments not serving food can decide themselves whether to be smoking or non-smoking. 	April 2009	