	UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE EUROPEAN ASSOCIATON OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

UEAPME position paper on the Commission's green paper "Towards a Europe free from tobacco smoke: policy options at EU level"

Background

The European Commission carried out already in June 2006 an informal consultation on the exposure to environmental tobacco smoke (ETS).[1] This informal consultation was aimed to give the Commission a basis to reflect upon the most appropriate form and content of the proposed Green Paper on Smoke-Free Environments. UEAPME contributed to this process with a position paper.[2]

General Remarks

While agreeing that environmental tobacco smoke (ETS) is a general concern UEAPME stresses that this is typically a public health issue and not one of health and safety at the work place and therefore that the solution should not be based on the Health and Safety in the Workplace legislation. The added value of activities at European level in such an area is not always evident In any case the principle of subsidiarity should be respected. Therefore UEAPME believes that EU actions should mainly concentrate on awareness raising initiatives and the exchange of good practises.

Response to the Questions

Which of the two approaches suggested in Section IV would be more desirable in terms of its scope for smoke-free initiative: a total ban on smoking in all enclosed public spaces and workplaces or a ban with exemptions granted to selected categories of venues? Please indicate the reason(s) for your choice.

Concerning the scope of activities, UEAPME is of the opinion that this is a choice which has to be left up to the individual Member States to decide. The different national examples show that Member States have opted for different scopes and solutions in relation to their legislation on smoking.

In the case that a Member State would decide to introduce legislation banning smoking in some areas, or more generally, it is important that the national government gives the population sufficient time to prepare and adapt to the new situation before coming into force, by raising awareness and understanding of the issue.

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[1] TOWARDS A EUROPE FREE OF TOBACCO SMOKE D(2006) 360166

[2] http://www.ueapme.com/docs/pos_papers/2006/060615_pp_smoke.pdf

This is also of particular importance for economic actors. For example newspaper agencies and kiosks which are mainly micro enterprises, need this time to adapt their products and services in order not to face a significant loss of clients and reduction of turnover in case a smoking ban would be implemented with only a short preparation period. The impact on enterprise profits and employment might vary strongly between the different member states and should not be underestimated. Therefore assessments on the impact on the economy should be carried out before proposing any type of legislation.

Even if it should be left up to the national level to decide the scope to be taken, the specificity of the HORECA sector needs to be considered. While the experiences in Ireland, Italy and Norway have shown neither a decrease in turnover nor a significant loss of employment in this sector, this can not be assumed for all Member States. Therefore the decision to include the HORECA sector into a possible binding smoking ban has to be taken on a case by case basis at national level and follow a serious impact assessment. Different policy options, varying from voluntary regulation, over separate areas for smoker and non-smokers, to a total ban, might be applicable for different national circumstances. In any case an awareness raising campaign, which sensitises the whole of the population and the companies to the risks for their clients as well as for their staff, would be useful.

Which of the policy options described in Section V would be the most desirable and appropriate for promoting smoke-free environments? What form of EU intervention do you consider necessary to achieve the smoke-free objectives?

Concerning the policy options described by the European Commission in its Green paper, UEAPME prefers a policy approach which would focus on awareness raising campaigns looking at the dangers of tobacco smoke combined with the exchange of good practises between the Members states on applying different policy options, which would create a healthy competition supported through a peer review process, while leaving it to the Member States to decide for themselves which policy options they want to use, as some Member States are further advanced on this issue than others.

This would therefore reflect partially policy option 1 and 3 proposed by the European Commission, however, this should not include the fixing of common European targets and benchmarks as the various countries clearly need different time horizons as there are differences between the level of awareness of the problem, and the discussions at national level on this issue are advanced to varying degrees.

This approach would leave the decision to the individual Member States to choose how best to address this issue, depending on the national circumstances and cultural differences, which can not be changed over night. The statistics on "attitudes of Europeans towards tobacco" based on a Eurobarometer study and presented by the Commission in the Green paper, clearly show the significant differences between the attitudes of Europeans in the different Member States concerning smoke bans in bars and pubs, ranging from 71% in Ireland (a country where a smoking ban already exists) to 16% in the Czech Republic where people are totally in favour, and strong opposition in other countries such as the Netherlands (36%) or Denmark (28%)

European craft and SMEs clearly reject policy option number 5 which proposes European legislation.

Furthermore, before taking any new initiatives it would be useful to evaluate the impact of the different already existing Community measures such as "HELP".

Conclusion
- UEAPME agrees that environmental tobacco smoke (ETS) is a general concern
- However, this is typically a public health issue and not one of health and safety at the work place and therefore that the solution should not be based on the Health and Safety in the Workplace legislation.
- The scope of activities should be decided on a case by case basis in the individual Member States
- Awareness raising campaigns are the most appropriate tools to address this issue at European level
- The exchange of good practises between the different Member states would also present a valuable policy option and important tool while fixing timetables at European level would not be useful
- In the case of deciding to have a smoking ban at national level, the coming into force needs to be preceded by sufficient time for the population and enterprises to adapt themselves to the new situation
- The HORECA sector is a specific case and needs to be treated with cautious and different policy options might be applicable for the various Member states. In any case, an awareness raising campaign to sensitise companies to the risks for their clients as well as for their staff would be useful
- Assessments on the economic impact have to precede any new legislative initiative
- Previous Community activities on ETS such as the "HELP" initiative should be evaluated before starting with new ones

Brussels, 23 April 2007