



23.11.2009

B7-0164/2009

MOTION FOR A RESOLUTION

further to Question for Oral Answer B7-0225/2009 – O-0119/2009

pursuant to Rule 115(5) of the Rules of Procedure

on smoke-free environments

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European Parliament resolution on smoke-free environments

The European Parliament,

- having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 152(4),
 - having regard to the Commission proposal of 30 June 2009 for a Council recommendation on smoke-free environments (COM(2009)0328),
 - having regard to the Commission's Green Paper of 30 January 2007 entitled 'Towards a Europe free from tobacco smoke: policy options at EU level' (COM(2007)0027),
 - having regard to its resolution of 24 October 2007 on the Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level'¹,
 - having regard to its resolutions of 23 February 2005 and 4 September 2008 on 'The European Environment & Health Action Plan 2004-2010',
 - having regard to the 2003 WHO Framework Convention on Tobacco Control (FCTC), in particular Article 8 (protection from exposure to tobacco smoke) and Article 14 (demand reduction measures concerning tobacco dependence and cessation),
 - having regard to the 2004 WHO European strategy for smoking cessation policy,
 - having regard to the 2007 WHO policy recommendations on protection from exposure to second-hand tobacco smoke,
 - having regard to the UN Convention on the Rights of the Child,
 - having regard to the statement by the Council on smoke-free environments,
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas tobacco is the single largest cause of avoidable death, accounting for over half a million deaths each year in the EU²,
- B. whereas it is estimated that 25% of all cancer deaths and 15% of all deaths in the EU could be attributed to smoking³; whereas according to conservative estimates, 7 300 adults, including 2 800 non-smokers, died as a result of exposure to environmental tobacco smoke (ETS) at their workplace in the EU in 2002; and a further 72 000 adult

¹ OJ C 263 E, 16.10.2008, p. 447

² P6_TA(2005)0045 and P6_TA(2008)0410

³ http://ec.europa.eu/health/ph_determinants/life_style/Tobacco/tobacco_en.htm

deaths, including those of 16 400 non-smokers, were linked to ETS exposure at home¹,

- C. whereas, according to the Eurobarometer survey of March 2009, 70% of the EU population are non-smokers and a broad majority of citizens are in favour of a ban in all public places (workplaces, restaurants, bars and pubs),
- D. whereas, in spite of the fact that it is obvious that children are particularly vulnerable to ETS, the respective data specifically focused on the results of children's long-term and systematic exposure to ETS are either not sufficient or unavailable, and a study providing relevant data can be more effectively prepared on a pan-European level and is preferable to 27 different studies in the 27 different Member States,
- E. whereas exposure to environmental tobacco smoke (ETS) – also referred to as second-hand tobacco smoke – is a significant additional cause of mortality, morbidity and disability in the EU,
- F. whereas tobacco smoke is a complex toxic mixture of more than 4 000 gaseous and particulate compounds, including 69 known carcinogens and numerous toxic agents,
- G. whereas ETS has been classified as a known human carcinogen by the WHO International Agency for Research on Cancer,
- H. whereas there is no safe level of exposure to second-hand tobacco smoke; whereas everyone has the right to a high level of health protection and should be protected from such exposure, and whereas children are particularly vulnerable to tobacco pollution,
- I. whereas smokers take more days off work for short- and long-term illnesses than non-smokers and ex-smokers, adding to the huge cost of tobacco consumption to individuals, employers, businesses, and the economy as a whole,
- J. whereas children cannot themselves consent to their exposure to ETS in closed spaces, and have the right to be protected and not to be harmed by practices prejudicial to their health,
- K. whereas exposure to tobacco pollution during pregnancy can result in a higher risk of deformities, miscarriages, stillbirths and premature births, stunted growth of the foetus, smaller head circumference and lower birth weight, and whereas there is a link between passive smoking and middle ear infections, impaired lung functioning, asthma and sudden infant death syndrome,
- L. whereas the evidence shows that the introduction of smoke-free policies has resulted in an overall improvement in working conditions and in a reduced incidence of smoking-related morbidity (e.g. acute coronary events, respiratory conditions or myocardial infections),
- M. whereas the costs to health systems resulting from tobacco consumption are borne by the population in general and not by those responsible for creating them,
- N. whereas the EU and 26 of the 27 Member States have already signed and ratified the

¹ The Smoke Free Partnership (2006). Lifting the smokescreen: 10 reasons for a smoke free Europe - Brussels, Belgium: European Respiratory Society.

FCTC; recalling also the preamble to the Constitution of the WHO, which states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being,

- O. whereas Article 8 of the FCTC creates a legal obligation for its Parties to adopt and implement in areas of existing national jurisdiction as determined by national law and to actively promote at other jurisdictional levels the adoption and implementation of effective measures to protect people from exposure to second-hand tobacco smoke in all indoor workplaces, public transport and indoor public places and, as appropriate, other public places,
- P. whereas Parliament has called on the Member States to introduce, by October 2009, an unrestricted smoking ban in all enclosed workplaces, including catering establishments, and in all enclosed public buildings and transport in the European Union,
- Q. whereas national legislation differs widely across the Member States,
 - 1. Regrets that the Presidency decided to adopt the Council recommendation without the opinion of Parliament;
 - 2. Regrets, while respecting the principle of subsidiarity, that at EU level, despite Community competence for workplace legislation, the issue of smoke-free environments has so far been addressed in non-binding resolutions and recommendations;
 - 3. Regrets the fact that the lack of comprehensive regulations on smoke-free environments in the majority of Member States (in particular in the hospitality and leisure sectors) results in inequalities between different occupational and socio-economic groups, hospitality workers being three times more likely to be exposed to tobacco smoke for over five hours a day than office workers;
 - 4. Points out that Parliament has consistently advocated stronger measures to tackle tobacco dependence and reduce exposure among young people to second-hand tobacco smoke;
 - 5. Underlines the serious harmful effects of second-hand smoke, the particular effects which exposure to harmful substances may have during the vulnerable period of childhood, and the fact that children do not have the legal capacity to give their consent to systematic and long-term exposure to smoke-filled environments;
 - 6. Stresses that the differing national laws result in huge differences in protection from exposure to second-hand tobacco smoke between Member States;
 - 7. Considers it essential that the existing legislation on smoking bans in Member States should, while providing legal certainty, respect the principle of equality between different types of establishment in the hospitality sector;
 - 8. Welcomes the fact that the EU is actively developing a comprehensive tobacco control policy characterised by legislative measures, support for Europe-wide smoking prevention and cessation activities, mainstreaming tobacco control into a range of other Community policies, and establishing the EU as a major player in tobacco control at global level;

9. Welcomes the willingness of the EU to fight tobacco consumption, as well as the newly displayed coherence of its policies, with the end by 2010 of the direct production-linked subsidies to tobacco growing, following the 2004 tobacco sector reform (Council Regulation (EC) No 864/2004 of 29 April 2004 amending Regulation (EC) No 1782/2003);
10. Stresses that binding legislation based on Articles 137 and 152 of the Treaty could potentially bring about the biggest reductions in ETS prevalence and the related health and economic burden; recognises, however, that these articles, and in particular Article 137, do not directly address the specific problems of children;
11. Stresses that only a full smoking ban in all enclosed workplaces, including catering establishments, and in all public buildings and transport, can protect the health of employees and non-smokers and make it considerably easier for smokers to quit;
12. Welcomes the action taken by those Member States that have already adopted effective measures to ensure protection from exposure to second-hand tobacco smoke; calls on the Member States to continue introducing rules for the protection of non-smokers in the field of protection of workers' health and to strengthen the ongoing efforts to protect non-smokers;
13. Calls on the Commission to submit a proposal to Parliament and the Council for legislation on a smoking ban by 2011 in all enclosed workplaces, including all enclosed public buildings and public transport in the EU, in the field of protection of workers' health;
14. Calls on the Commission to produce a report on the costs incurred by national health systems and the EU economy as a result of smoking and the effects of tobacco smoke pollution;
15. Proposes that the Council recommend that Member States establish an ongoing dialogue and consultation with all relevant stakeholders in accordance with the Article 5.3 implementation guidelines adopted at the Conference of the Parties in 2009, in order to ensure the support of all actors for the implementation of national tobacco control strategies and programmes;
16. Renews its call on the Commission to submit a proposal for the amendment of Directive 2001/37/EC¹ on tobacco products, including at least the modifications contained in Parliament's resolution of 2007²;
17. Calls on the Commission to produce a comprehensive study of the effects of the long-term and systematic exposure of children to second-hand and third-hand tobacco smoke in all their places of activity;
18. Encourages the Commission to continue implementing support measures at EU level, for

¹ Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ L 194, 18.7.2001, p. 26.).

² European Parliament resolution of 24 October 2007 on the Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level' (2007/2105(INI)).

instance awareness-raising measures;

19. Calls on the Commission and the Member States to use both the recommendation and Member States' best practices as a basis for input into the formulation of guidelines for the implementation of Article 14 ('Demand reduction measures concerning tobacco dependence and cessation'), to be adopted at the next Conference of the Parties of the WHO Framework Convention on Tobacco Control;
20. Encourages the Commission to continue implementing support measures at EU level, for instance awareness-raising measures including information on the packages of tobacco products, which are integrated with the national communications campaigns aimed at discouraging smoking;
21. Considers it crucial that, as with the measures in favour of a 'Europe without tobacco', the Commission, cooperating closely with the Member States, should equip itself with new means to fight the different types of trafficking in and counterfeiting of tobacco products, notably on the Internet, in view of the immediate and increased dangers that they pose to consumers' health;
22. Recalling the need for strong measures to ensure full and accurate monitoring and implementation, calls on those Member States which have already ratified to implement the proposed recommendations, under their FCTC Article 8 obligations, as well as to report to the Commission biannually on the progress of their implementation;
23. Calls, once again, on the President and the Bureau, in the light of their duty to set an example to Member States, to adopt a smoking ban with no exemptions in all parts of the European Parliament and with immediate effect; calls for the rigorous enforcement of this ban;
24. Instructs its President to forward this resolution to the Council, the Commission and the WHO.