

WRITTEN QUESTION E-1432/04  
by Michl Ebner (PPE-DE)  
to the Commission

Subject: Problems with the implementation of the smoking ban in Italian catering establishments

Law No 3 of 16 January 2003 (Article 51) provides for a general ban on smoking in all public places and places open to the public, such as bars, restaurants, guest houses and hotels. A decree of 23 December 2003 sets out the implementing provisions for this law, which will come into force on 13 January 2005.

In principle, smoking will be banned in these establishments, whereby it will be possible to install smoking sections that must be physically separated from non-smoking sections. It is prohibited to make the access to the non-smoking section through the smoking section.

- However, not all establishments have enough room to make two separate sections (stand-up bars). This would therefore imply that the bar would have to become a non-smoking bar. These establishments fear a loss of business.
- The Italian State provides for air exchange equipment of a capacity of 108 m<sup>3</sup> per person per hour for the smoking rooms. However, the south Tyrol legislation stipulates 32 m<sup>3</sup>. This means high costs for the installation of this equipment as well as high heating and air conditioning costs.
- Access to the non-smoking sections and toilets should not be through the smoking section, so what will therefore happen with the bar area where people can generally smoke anywhere?

There is a fundamental distortion of competition. Most visitors in south Tyrol come from Germany, Austria and Switzerland where there is no ban on smoking in bars and restaurants. Until now, no European Member State has adopted such a law (except the Republic of Ireland, in pubs).

Can the Commission say whether there are any plans for a Directive to harmonise or introduce new rules for this situation at European level?