



ENSP - EUROPEAN NETWORK FOR SMOKING PREVENTION

> EUROPEAN TRENDS TOWARDS SMOKE-FREE PROVISIONS

Status: April 2010

COUNTRY	TRENDS
Austria/c	<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 contacts with clients. Partial ban in hospitality sector. In restaurants and bars larger than 80m² smoking is allowed only in separate smoking rooms which do not occupy more than 50% of the surface. In premises below 50m² the owner can opt to either be smoking or non-smoking while businesses 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. Trains and railway stations are smoke-free since July 2007. Some smoking rooms at stations and smoking islands on platforms are designated. Street cars and busses have been smoke-free for a longer time already, which is well respected, Only part of taxis are smoke-free. The most important deficit of the Austrian law is lack of enforcement: Neither the police nor work inspection or food inspection is empowered to control smoking. The ministry of health must not make systematic controls. The 2nd link on http://www.aerzteinitiative.at/TabGes08.html shows the amendments to the tobacco law of 2008, the 3rd link gives the text, the 4th the interpretation by the ministry,
Belgium/c	<ul style="list-style-type: none"> Since 1 January 2006, smoking has been banned in all enclosed workplaces under the employer's authority and to which workers have access (workplaces and social facilities). The smoking ban also applies in spaces used by self-employed persons working with employees, to which such employees have access. Smoking is only permitted in dedicated, ventilated smoking areas, but the employer has no obligation to provide smoking areas. September 2008: Smoking no longer allowed in schools. Smoking was banned in restaurants in 2007, with the possibility to build a separate smoking room. January 2010: After a general smoking ban in the hospitality sector, including all types of bars had been largely discussed, this has been watered down to a smoking ban applying only when food is served. Since 1 January 2010 smoking is no longer allowed in cafés where food is served. Exception: smoking is allowed in cafés, casinos and bars that only serve packaged foods which are non perishable for at least three months. A general smoking ban in the hospitality sector is expected by 2012 and by July 2014 at latest.
Bulgaria/c	<p>Since 1 January 2005, smoking in indoor workplaces and public places is only allowed in ventilated smoking rooms. Smoking is banned altogether in educational facilities and most of public transport. In hospitality venues of more than 60 seats, smoking is allowed in separated ventilated halls. In smaller venues, smoking is allowed in ventilated smoking areas. From 1st June 2010 this ban had to be extended to bars, cafes, restaurants. Unfortunately the Parliament voted against this extension.</p>
Cyprus/c	<p>As from 1st January 2010 a new law, "The Protection of Health (Control of Smoking) Laws 2002-2009 is in force. This law prohibits smoking in all public buildings, in all public and private schools and other educational and medical establishments in all banks and Co-operatives, at seaports and airports, all hospitality venues, including restaurants, pubs, cafes and hotels, in all clubs public or private and places of entertainment.</p> <p>In all the above mentioned places and others named in the respective article places smoking is not allowed except in open spaces. The trespasser, if found guilty, is fined with up to two thousand euros (2.000).</p> <p>Whoever has in his/her possession any of the above mentioned places has to post in a conspicuous place easily-read signs that smoking is prohibited. The trespasser, if found guilty, is fined with a sum not exceeding one thousand (1.000) euros.</p> <p>Smoking is also prohibited in all public transport as well as in private cars that carry a person under 16 years old.</p> <p>In places of work which do not fall within the above category, (offices, etc), the employer has to provide for the non-smoker employee protection from smoke and in consultation with his employee make such regulations and indicate places where smoking is not allowed. The regulations are posted in a conspicuous place for all to</p>



	see. Anybody trespassing this provision if found guilty is fined with up to 1.700 euros or six months imprisonment, or both.
Czech Republic/c	Currently, there is a law 379/2005 (in force after July 2010) that bans smoking in all public places such as institutions, hospitals (except of closed psychiatric and detox wards), bus stops, train and tram stops, in schools, cinemas and theatres, sports halls and administrative buildings, but not in restaurants, bars and clubs. Restaurant can decide to be smoking, non-smoking or mixed (with separate room divided by wall for non-smokers in this case). This decision has to be clearly marked by a sticker given by the law. Czech Republic thus remains one of the few countries of European Union where smoking in bars and restaurants is based on the discretion of owners. Except of the stickers, there is no significant change coming with this law.
Denmark/c	<p>Act No. 512 Smoke-free Environments Act, dated 6 June 2007</p> <p>The new law on smoke-free premises came into force on 15 August 2007. The law regulates smoking in workplaces, public indoor areas, institutions and schools, public transport and the hospitality sector. In principle smoking is not permitted in indoor areas or in public transport. There are some exceptions: at workplaces the employer may decide to permit smoking in designated smoking rooms or smoking cabins and the employer may also allow smoking in rooms where only one person works.</p> <p>All restaurants, cafés and other places for eating and drinking have to be smoke-free, although the owner may allow smoking in designated smoking rooms or smoking cabins, where there is no service. In premises selling alcohol but no food, and where the serving area is smaller than 40 m², the owner may permit smoking in the entire premises. Exceptions: smoking is still allowed for residents of nursing care homes and other institutions serving the socially disadvantaged and mentally ill - but only in their own rooms. Staff may require the resident to refrain from smoking while they are working in the room.</p> <p>The law states that it will be revised within the next three years, so a revision is due by 15 August 2010.</p>
Estonia/c	<p>The Tobacco Act dated 2001, updated and applicable since 5 June 2005, imposes a complete ban on smoking in all enclosed private or public premises, which are open to the public, except in designated, enclosed and separately ventilated smoking rooms or smoking areas (which is not obligatory) in the premises of state and local governments, cultural institutions, recreational facilities, institutions of higher education, the office premises and other public premises of enterprises, local and long-distance trains and passenger ships and in rooms where games of chance or betting are organised.</p> <p>As from June 2007 smoking in bars and restaurants is only allowed in enclosed smoking rooms with separate ventilation systems where no food is served.</p> <p>In educational and childcare facilities (incl. outdoor spaces), smoking is banned altogether except for the institutions of higher education in designated rooms or areas.</p>
Finland/c	Smoking has been banned in indoor public areas and workplaces from 1 March 1995, except in specially designated smoking rooms; restaurants were included in 2007. Legislation aimed towards voluntary prevention of secondary smoking was enacted, but it was not successful. Few establishments installed ventilation systems capable of eliminating secondhand smoke. Dividing a restaurant into a smoking and non-smoking section was also an ineffective measure. Thus, smoking has been banned in all indoor public and workplaces, including bars, cafes, clubs and restaurants from 1 June 2007 except in those places which have been permitted a transition period of up to two years. Smoking in bars and trains is still allowed in enclosed smoking booths, where you can't serve or take any food or drink. Many smaller bars have not been able to build such smoking booths and patrons have to smoke outside. The bans are respected by the general population. As of early 2010 Finland becomes the first country in the world with plans to phase out smoking completely.
France	<p>- As from February 1st 2007, smoking was forbidden in all public places and workplaces (but the hospitality sector) enclosed and covered on health premises, public transport and all educational premises (primary, middle and high schools, both private and public (including all outdoor areas such as recreational areas), as well as all premises used to gather, train or accommodate minors. Smoking areas can be provided everywhere, except health premises and premises for use by minors, but would be subject to draconian conditions.</p> <p>- It wasn't until January 1st 2008, a year later, that these measures were put into practice in cafés, hotels, restaurants, casinos, games rooms and nightclubs, unless management decided to built a smoking cubicle within the establishment with high technical requirement.</p>

To avoid lax implementation of the executive order, several inspection bodies were mobilized, using clearly defined instructions, planning inspections before and after violations or seizures, stressing on the fact that human lives can be preserved through an active implementation of this law and that this monitoring assignment should not be treated as a secondary priority. It is within this context that NGOs and CHRDC trade-union leaders emphasized the importance of clarifying the texts relative to terraces and a rigorous application of the protective measure with regard to second-hand smoke. Moreover, the legislature has given NGOs legal control by allowing them to invoke civil law in cases of violation.

Germany/c	Smoking is banned in public transport (including taxis) since September 2007. At the end of 2007, the Federal States (Bundesländer) banned smoking in all indoor facilities of health care, education, recreation or sports and in restaurants, cafés, bars and discotheques. Depending on the State, smoking is permitted in separate, enclosed rooms. Moreover, a number of States allows smoking in tents during beer, wine and other festivals. Overall, the laws which came into force at different times in 2008 vary within the 16 States to some extent creating a patchwork of regulations. Following a ruling of the Federal Constitutional Court in July 2008, almost all States softened their smoking ban in the hospitality venues allowing for separate smoking rooms and exempting pubs of less than 75 m ² from the ban provided they do not serve food and do not give access to young people under 18 years. In some States, e.g. Nordrhein-Westfalen or Thuringen, the decision on the smoking bans is still pending. In February 2010, the State of Saarland adopted a comprehensive smoking ban in all hospitality venues which will come into force in July 2010. In the State of Bavaria, a referendum successfully asked for smoke-free hospitality venues in 2009. A final "official" vote on the issue will be taken on 4 th of July 2010. Federal legislation obliges employers to protect employees against passive smoking at the workplace. However, this does not apply to workplaces accessible to the public, i.e. primarily those in the hospitality sector.
Greece	Since older legislation was not very efficient a new, stricter law was passed. Effective from July 1, 2009, this law bans smoking <i>and</i> consumption of tobacco products by other means, in all working places, transportation stations, in taxis and passenger ships (in trains, buses and airplanes smoking is already prohibited), as well as in all enclosed public places including restaurants, night clubs etc. Small establishments (of entertainment) under 70 m ² - total - area will have the option to be designated as "smoking areas". In larger establishments, separate enclosed smoking rooms with special air conditioning can be created. Up to 30% of the area (or 40% for night clubs with live music) could be designated as a smoking area which would have to be separated with a door from the rest of the establishment and have separate ventilation systems (at night clubs with live music the smoking area still has to have a separate ventilation and air-conditioning system, but the separation from the non-smoking area can be achieved with a 2m high wall and a special "air-curtain" in order for the smoke not to pass to the non-smoking section. A special website (www.smokestop.gov.gr) and a telephone hotline for information as well as citizens to report any violations of the new law (tel: 1142) along with an extensive media campaign have been created to promote the July 1st smoking ban in Greece. Despite the attempts to enforce the law in the first months since it became effective, as of January 2010, the lack of control by authorities and the vague language in the law render the law virtually ineffective. Therefore, the new Minister for Health and Social Solidarity, Mariliza Xenogiannakopoulou has stated that the law is going to be re-examined, possibly forbidding smoking in all public places with no exceptions.
Hungary/c	In workplaces and most public places smoking 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. In 2009, a proposal to ban smoking in most public places including restaurants, bars, etc. was placed on hold.
Iceland/c	A complete ban at the workplace, with the possibility of specially designated and ventilated smoking rooms, applies in Iceland. Smoking is totally banned in schools, pre-schools, day-care facilities for children, on premises intended for children and teenagers, social, sports and leisure activities; at public indoor gatherings which are primarily intended for children on teenagers, and in public transport. Smoking is banned in all restaurants, bars, cafés, pubs and nightclubs with effect as of 1 June 2007.
Ireland/c	The Public Health Act was introduced on 29 March 2004: a complete ban at the workplace, including bars, restaurants, without designated smoking rooms has been introduced. The act does not apply to hotel bedrooms, prisons or psychiatric hospitals. Fines are foreseen in case of violation of the law (the amount of the fine is at the discretion of the judge). Smoking is also banned in public transport. From 01.07.09 new pieces of legislation are in place as follows:



	<ul style="list-style-type: none"> - No advertising or display of tobacco products is permitted in a retail premises that sells tobacco products ; - Retailers must ensure that their tobacco products are stored out of view, within a closed container or dispenser only accessible by the retailer and retail staff; - The retailer may use a pictorial list (in accordance with Regulations) to inform a member of the public aged 18 years and older who intends to purchase a tobacco product as to the products that are available; - Retailers must display a sign at their premises informing the public that tobacco products may be sold at those premises to persons aged 18 years and over; - Self-service vending machines are prohibited except in licensed premises and registered clubs and must be operated in accordance with Regulation - All retailers of tobacco products must register with the Office of Tobacco Control.
Italy	<p>The Italian legislation enacted in January 2005 provides for smoke-free workplaces, including bars and restaurants, but permits the possibility of designated, closed, sealed-off, ventilated smoking rooms (fitted with smoke extractors). Businesses face a fine of up to € 2000 for failing to ensure that their customers refrain from smoking, while smokers themselves could face a € 275 fine for repeatedly ignoring the new rules. Emilia-Romagna region has extended the smoking ban to open areas of healthcare facilities.</p>
Latvia	<p>Ban on smoking in indoor workplaces, public buildings, structures and premises and healthcare facilities, except for specially designated smoking rooms where services can be provided.</p> <p>Total smoking ban in public transport stops and shelters, common areas of multi-apartment residential buildings and children's playgrounds.</p> <p>In cafes, restaurants and other public catering establishments, gambling halls and casinos owners must set up no-smoking rooms, no less than 50% of the total area of the establishment. The local municipalities have the right to restrict smoking in parks, squares, beaches and similar public territories by issuing municipal rules.</p> <p>Total smoking ban (no smoking rooms) in public buildings, structures and premises and educational establishments as of July 2009 and in hospitality venues as of April 2010</p>
Lithuania	<p>Smoking is banned altogether in public places. In 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.</p> <p>Smoking is banned in public transport, except for long-distance trains and planes. In hospitality and leisure venues as well as in premises where sport events take place (except for cigar and pipe clubs), smoking is banned altogether.</p> <p>As from July 2008 smoking is banned in casinos, game machines and bingo salons, other enclosed places where sport or other events will take place.</p>
Luxembourg	<p>Regulation dated 1994 concerning minimum health and safety provisions at the workplace: the law governs smoking at the workplace.</p> <p>Following a vote in parliament on 13.07.2006, legislation was passed comprising a total ban on advertising and sponsoring, plus a ban on smoking in certain public places: notably restaurants (although separate smoking rooms are permitted if these account for less than 25% of the total area of the venue) and cafés (with a ban in place during dining hours), total ban in schools as well as public buildings, buses and trains.</p> <p>As far as workplace regulations are concerned, the employer is under the obligation to take all reasonable efforts to ensure that workers are protected from passive smoking. The smoking ban in public places came into effect on 5 September 2006. Individuals contravening the smoking ban face fines of up to € 250 and establishments could be fined up to € 1000.</p> <ul style="list-style-type: none"> ○ bars: ban in place during dining hours (12 a.m.- 2 p.m. and 7 p.m. - 9 p.m.) (<i>same regulation as for cafés</i>) ○ nightclubs: no ban ○ public transports (train, bus, airplane): ban <ul style="list-style-type: none"> ▪ railway station: ban ▪ taxis: no ban ▪ train platforms: no ban ▪ bus and train stops: no ban
Malta	<p>The latest Smoke-free Public Places Regulations are LN 414, issued on 14 September 2004. These regulations state that smoking is banned in enclosed private or</p>

public premises which is open to the public, except in designated smoking rooms and including workplaces (LN 414, Paragraph 3). The ban includes bars and restaurants and permits the possibility of designated, closed, ventilated smoking rooms. Designated smoking areas must be enclosed and must be constructed in a specific way. Smoking rooms have to comply with the regulations set out by the Malta Standards Authority. Fines of up to approx. € 1250 can be levied in case of contravention. Moreover LN 406 issued on 23 December 2005 bans advertising and promotion of tobacco products.

Jan 2010: Smoking in public places will be completely banned within three years and lighting a cigarette will no longer be allowed in designated rooms.

As from January 2013, it will be illegal to smoke anywhere inside public places and this includes all enclosed areas such as clubs and restaurants, according to a legal notice.

Netherlands	<p>A complete ban at workplaces (since 1/1/2004), including bars and restaurants (since 1/7/2008). Owners have the opportunity to create a closed off smoking room. Serving in the smoking room is not allowed, drinking, consuming and dancing is. Smoking in the terrace is also still allowed. Only retailers without employees, outside hospitality, are exempt from the legislation (for instance a tobacco shop with no employees).</p> <p>Additional details :</p> <ol style="list-style-type: none"> 1. cafes, bars, nightclubs: all the same: should be smoke free, a designated smoking room is possible 2. public transport: is smokefree, no designated smoking rooms. Platform when not completely covered do not have to be smokefree, the dutch railway organisation decided to create smoking zones at train platforms. Bus and tram platforms out in the open are not smoke free. Subway/metro is not in the open and should therefore be smokefree. 3. the ban-version suits the Netherlands best.
Norway	<p>Norwegian smoke-free legislation, which was introduced in June 2004, comprises a total ban on smoking in bars and restaurants, but is less strict in other workplaces, where designated smoking rooms are permitted.</p>
Poland/c	<p>“In March 2010 the lower house of parliament (Sejm) has voted for very liberal amendment to a bill banning smoking in public places in Poland, allowing not only areas in pubs and clubs where smokers can light up a cigarette but also establishing the smoking rooms in such places as healthcare and educational facilities. This vote came as a shock to the parliamentary health committee which had recommended a total smoking ban in public and aroused many controversies in media and public opinion. The new bill was then sent to the upper chamber of parliament (Senat) that has voted for new, more restrictive provisions. This proposal was sent back to Sejm, where on the final voting, that took place on 8th of April, parliamentarians have voted for the Senat’s proposal with some minor amendments. On 29th of April a new bill was signed by the Speaker of the Polish Sejm, Mr. Bronislaw Komorowski, who is now the acting president of Poland. The new bill will enter into force six months after its publication in the Official Journal of the Republic of Poland („Monitor Polski”).</p> <p>When the new law will come into force, smoking will be banned in all enclosed areas of public places and worksites, in means of public transport and in all places of family and children recreation. Smoking rooms (described in the bill as „enclosed area isolated from all other rooms, equipped with ventilation system”) can be established in such places as: universities, hotels, working establishments and public transportation facilities.</p> <p>In hospitality venues (restaurants, bars and clubs) that have more than one room, the owner has a privilege to create an isolated, closed room for smokers, equipped with ventilation system, ensuring that „tobacco smoke will not be present in other rooms of such establishment” . In one-room establishments smoking is forbidden, however owner has a right to build a smoking room, as defined in legislation.”</p>
Portugal	<p>On May 3, 2007, the Portuguese parliament made a law banning smoking in all public places, except when proper air-ventilation systems are provided. It went into effect January 1, 2008. Smokers who break the law face a fine of up to €1000 and establishments that break the law will face a fine of up to €2500 . The legal age to purchase tobacco is 18.</p>
Romania/c	<p>Law no. 349/2002 regarding preventing and combating the effects of the use of tobacco products came into force in December 2002. Certain amendments were applied as of 31st December 2004, and some special provisions (including the provisions governing the ban on smoking in public places) were applied as of 31 December 2006</p>



and of 30 January 2008. The law imposes total smoking ban in health institutions, both private and public. Smoking is banned in enclosed public places, with the exception of designated smoking rooms. Starting with 1st January 2009 smoking rooms must fulfil some mandatory requirements: to be used only for smoking, to be not passageways, to have functional ventilation systems, to have ashtrays and fire extinguishers and to be visible marked.

The law provides the following definitions:

Enclosed public places = all places in the central or local institutions, economic institutions and units, institutions and units of public catering, tourism, commercial, education, medical and sanitary, cultural, instruction, sport institutions and units, all public transportation means, public and private bus terminals, railway stations and airports, the enclosed spaces in workplaces or any other spaces provided by the law, except for the spaces marked and especially arranged for smoking within their precincts."

"Enclosed places in the workplace = all places in buildings, such as the industrial warehouses, storage places, sitting halls, council halls, halls, corridors, toilets, elevators, offices and/or rooms used by two or more persons."

Smoking shall be allowed in bars, discos, restaurants and other public spaces with a similar destination, only in places especially arranged for smoking, in compliance with the following mandatory conditions:

- a) to represent more than 50% of the surface of the enclosed public space destined to the clients;
- b) to be separate from the rest of the enclosed public space, so as to ensure its complete proofing;
- c) to be endowed with functional ventilation systems that allow the discharge of tobacco smoke
- d) to be endowed with ashtrays and fire extinguishers and to be arranged according to the legal provisions in force on fire prevention and extinguishing;
- e) to be marked, in a visible place, with one of the following indicators: "Smoking place", "Smoking room" or "Room where smoking is allowed".

The above mention provision shall not apply to bars, discos, restaurants and other public spaces with a similar destination, whose surface - the surface of the entire enclosed public space destined to the clients - is less than 100 sq.m, if their owner or manager establishes and displays the warning: "Smoking is allowed in this unit.

Slovakia

Smoking is presently banned in educational facilities and will be no exceptions in universities from 01.07.2009.

Smoking is banned in air transport.

Smoking will be banned completely in cafes, restaurants and other public catering establishments from the 01.04.2010, with exceptions in gambling halls and casinos where owners must set up no smoking rooms, no less than 50% of the total area of establishment.

The local municipalities no more special right to restrict smoking by issuing municipal rules.

Cafes and bars will be smoke - free from 01.04.2010.

Nightclubs will be smoke - free from 01.07. 2009.

Public transport smoke - free.

Slovenia

On 5 August 2007 the Act Amending the Restriction of the Use of Tobacco Products Act entered into force in Slovenia, prohibiting smoking in all enclosed workplaces and public places, including means of public transport, bars and restaurants. The Act allows smoking only in separate smoking rooms of the accommodation facilities and other facilities that provide overnight stays, in the residential rooms of the old people's homes and in prisons, in separate smoking rooms of the psychiatric hospitals and in the rooms designed specially for smoking- the so called smoking rooms. It is not allowed to bring or serve food and drinks inside smoking rooms and they can comprise no more than 20% of the total area of the public or working place. Smoking rooms are not allowed in places to which total ban of smoking has applied so far, i.e. healthcare and educational institutions. The Act also prohibits the purchase and sale of tobacco products by or to people under the age of 18. The Act introduces new information that needs to be put on the packaging of tobacco products besides the health warnings, namely the telephone number of the 'quit smoking help line'. It provides quick assistance to the smokers who want to stop smoking and information on various 'stop smoking' programmes.



Spain/c

Spain introduced smoke free legislation on 1 January 2006.. The law prohibited smoking in enclosed public places and workplaces, In some public places (e.g.entertainment premises, airports, bus and railway stations), it is possible to create separately ventilated smoking rooms. 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.

Only 10% of small bars and 15% of small restaurants have decided to go smoke-free since the introduction of the legislation..

A new, stricter law has been already announced by the government.. The proposal provides that smoking will be banned in every indoor public places, including bars, clubs and restaurants. Next June 2010 the Ministry of Health will present the new text in the meeting that join the Government with the health representatives of regions.

Sweden/c

The Swedish Tobacco Act dated 1993-94 states that employers should ensure that employees are not exposed to tobacco smoke against their will. Smoking is prohibited in schools and in facilities with children, in healthcare, in common areas in housing complexes including those for the elderly, on public transport, in workplaces and in other public places (such as sporting facilities) with the possibility of building separately ventilated designated smoking rooms. Related to health care centres and hospitals the majority have closed their designated smoking rooms. Hotels are required to provide non-smoking rooms for their guests but in practice not very many smoking rooms remain.

From 1 June 2005, all restaurants, bars, nightclubs, discos, casinos, bingo-halls, cafes etc. are smoke-free with the exception of building a closed and separately ventilated designated smoking room where no food or drink is to be served.

In January 2008, the Swedish Prison and Probation Service banned smoking indoors in prisons.

In 2009 a population poll showed that the majority of people surveyed also want additional areas including outdoor areas of restaurants (73%) and building entrances (80%) to be smoke free. Furthermore, 69% would like smoke-free outdoor waiting areas on public transport. Related to private dwellings, 86% would like homes where children live to be smoke-free and 79% would like balconies and stairwells to be smoke-free.

About half of municipalities in Sweden have enacted a smoke-free working hours policy - the degree of implementation so far differs widely. Public support for this is at 80%. A main topic of debate concerns the right to a smoke-free working environment for employees in elderly care clashing with the right of clients to smoke in their own homes. A pilot study recently showed that such employees are exposed to ETS to the same extent as were hospitality workers before 2005 legislation was in place.

Switzerland/c

The Swiss Federal Assembly enacted a law for the protection against passive smoking in 2008. It prohibits smoking in enclosed, publicly accessible areas and in rooms that are workplaces for several persons. There are exceptions for bars and restaurants, which may allow smoking in separate, ventilated rooms or in establishments smaller than 80 square meters, but the federal statute allows for more stringent cantonal smoking bans. The federal legislation will enter into force after the Swiss Federal Council has decided upon the implementation regulations. Until that time, each canton determines its own smoking laws. As of June 2009, all cantons with the exception of Zurich, Appenzell, Innerrhoden Glarus, Jura, Obwalden and Schaffhausen have banned smoking in enclosed public areas (although restaurants are exempt in Lucerne and Nidwalden). The details of the restrictions vary somewhat, and in several cantons the bans will not enter into force until some time between 2009 and 2012. The ban in Geneva has come into force on October 31, 2009.

New 2010:

The Swiss national Smoking ban will enter in to force the 1 May 2010. The law still has the known weaknesses, restaurants or bars smaller than 80 square meters have the possibility to allow smoking and the other restaurants and bars have the possibility of installing an separate smoking room. 12 Cantons will adopt only the national law or they have laws how are equal to the national law (Jura, Aargau, Obwalden, Nidwalden, Zug, Schwyz, Glarus, Schaffhausen, Thurgau, Appenzell, Innerrhoden, Appenzell Ausserrhoden). The other 14 Cantons (Genf, Waadt, Neuenburg, Wallis, Fribourg, Bern, Solothurn, Basel-Stadt, Basel-Land, Zürich, Uri, Tessin, Graubünden, St. Gallen) have their own laws which are stricter than the national law. More clearly they don't allow small restaurants (<80m²) to avoid the smoking ban. Currently all the 14 laws allow separate smoking rooms, some are even with service (Bern, Solothurn, Zürich, Uri Tessin, Graubünden). The Swiss federal law isn't just



a mess concerning the regulation of the hospitality sector, it is also a mess concerning workplaces. At least the lawmakers were consequent. The law will ban smoking in workplaces used by two or more persons, this regulation covers the majority of the workplaces but excludes single workplaces. So all persons sitting alone in an office are allowed to smoke in their office. Additionally companies are allowed to install smoking rooms in their facilities.

UK (England)	<p>A total ban on smoking inside offices, pubs, restaurants and enclosed and 'substantially enclosed' workplaces and vehicles throughout England came into force on 1 July 2007. Designated smoking rooms are not allowed. The total ban foresees a few exceptions such as private homes and designated rooms in residential care homes, prisons, hospices, hotel bedrooms and offshore installations. NHS facilities are already smoke-free, but mental health residential facilities, which have been exempt, have become smoke-free on 1 July 2008. Accommodation for under-18s is also covered by the legislation. See info on Smoke Free England: http://www.smokefreeengland.co.uk/ and information on legislation enforcement: http://www.smokefreeengland.co.uk/faq/enforcement.html</p>
UK (Wales)	<p>The Health Act 2006 enables the Welsh Assembly to introduce smoke-free legislation and a comprehensive smoking ban was introduced in Wales on 2 April 2007. The law affects most public premises, including restaurants, pubs, bars, shops, cinemas, shopping centres, leisure centres, other enclosed workplaces and public transport. No Smoking signage must be displayed in enclosed public premises and work premises. Failure to comply with the law will be a criminal offence, as set out in the Health Act 2006. Penalties and fines are as follows: individuals may be liable to a fixed penalty of GBP 50 (maximum fine GBP 200); the manager or person in control of any smoke-free premises could be fined a fixed penalty of GBP 200 for failing to display No Smoking signs (maximum fine GBP 1000); the manager or person in control of any smoke-free premises could be fined up to GBP 2500 for failing to prevent others from smoking in those premises.</p>
UK (Scotland)	<p>Comprehensive smoke-free legislation was introduced in Scotland on 26 March 2006. The Smoking, Health and Social Care Act (Scotland), which was given Royal assent on 5 August 2005, laid the provisions for smoke-free legislation. The ban includes all pubs, bars and restaurants. Licensees failing to enforce the ban face fines up to GBP 2500 and customers caught smoking could be fined GBP 1000. The smoking ban covers enclosed locations that are used by the public, such as workplaces, clubs or places of entertainment, health and care services. Designated smoking rooms are not allowed. Exemptions are private residential homes, private vehicles and designated rooms in care homes, hospices prisons, hotels, mental health facilities and offshore installations. 3 February 2010: MSPs have voted 108 to 15 to approve the Tobacco and Primary Medical Services (Scotland) Bill, which will bring an end to the display of cigarettes and tobacco products in shops as well as banning sales from vending machines. Other changes included in the bill are a registration scheme for tobacco retailers and fixed penalty notices for retailers who sell cigarettes to under 18s, making it an offence to buy them for an under 18 and for under 18s to buy cigarettes. Implementation in 2011 planned .</p>
UK (Northern Ireland)	<p>The Smoking (Northern Ireland) Order 2006 comes into effect on 30 April 2007. It is against the law to smoke in most 'enclosed' and 'substantially enclosed' workplaces and public places. Designated smoking rooms are not allowed. Those responsible for smoke-free premises and/or smoke-free vehicles are required to display no-smoking signs so that they are clearly visible to all employees, customers and visitors. Failure to comply may result in the issue of a GBP 200 fixed penalty notice or lead to a prosecution, for which the maximum penalty on summary conviction is GBP 1000. Individuals may receive a GBP 50 fixed penalty notice if they smoke in smoke-free premises or smoke-free vehicles. The maximum penalty on summary conviction is GBP 1000. The law requires those responsible for smoke-free premises to prevent or stop a person smoking there. A similar requirement is made of drivers, those with management responsibilities and those with responsibility for order and safety on smoke-free vehicles. Failure to comply may lead to a prosecution for which the maximum penalty on summary conviction is GBP 2500.</p>

