

More than one million votes in favour of smoke-free restaurants and bars in Bavaria

Following two weeks of intensive campaigning more than one million Bavarians have voted in favour of smoke-free bars, restaurants, discotheques and marquees in a referendum which ended yesterday. This is a huge success in a country not widely known for advanced tobacco control.

Regulation for protection of non-smokers in the hospitality sector is the responsibility of the individual German states (Bundesländer). Bavaria, the second most populated state, had in 2008 enacted the strictest smoking ban in restaurants and bars of all states. However, this strict ban was short-lived.

The tobacco industry working together with certain hospitality sector representatives mounted a massive lobbying campaign, which put the newly elected Bavarian government - a coalition of conservatives and liberals - under pressure to repeal this comprehensive legislation and create a wide range of exemptions in August 2009. Following this backtracking, smoking was permitted in bars smaller than 75 m², in annexes (which were defined vaguely), as well as in marquees and halls. In addition, the revised regulation considered ventilation systems to be an adequate "technical" means to protect non-smokers, thus bypassing any remaining smoking bans.

A referendum with the aim of reinstating the previous comprehensive law was immediately launched by a broad coalition of political parties, health organisations, non-smokers' initiatives, environmentalists and sports organisations (cf. www.nichtraucherschutz-bayern.de). The hospitality and tobacco lobby responded by mounting a vigorous counter-campaign. Over the past weeks aggressive smokers' groups have tried to defame the organisers of the referendum as "health Nazis" and "pharmaceutical industry lobbyists". In the end, the health community has prevailed: 1,298,746 citizens (i.e. considerably more than the required 940,000 supporters) have called for smoke-free hospitality venues.

The Bavarian state government now has to decide whether it will stand by the results of the referendum and reinstate the former more stringent legislation.

Failing that, the state government must call an official vote on the law within the next six months. If a vote is called and the stricter version of the law is passed by a simple majority, the Bavarian parliament must adopt and enact it.

The chances of doing so by means of an official vote are very good indeed.

To our knowledge, this referendum is the first of its kind in the European Union, which demonstrates that civil society can resist and overcome the lobby of the tobacco industry and its allies. This will be a clear signal for the German States and will also send out an unequivocal message to European neighbours.

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