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European Commission  
Directorate-General Health and Consumer Protection  
Unit C6 – Health Measures  
B-1040 Brussels  
Belgium

Email: [sanco-smoke-free-consultation@ec.europa.eu](mailto:sanco-smoke-free-consultation@ec.europa.eu)

Dear Sirs

### Consultation on "Towards a Europe free from tobacco smoke: policy options at EU level"

We are responding to the above consultation on behalf of the principal members of the Tobacco Manufacturers' Association (TMA) – British American Tobacco<sup>1</sup>, Gallaher Limited and Imperial Tobacco Ltd (UK).

The Confederation of European Community Cigarette Manufacturers (CECCM), of which the members of the TMA are also members, has already responded to the Commission's Green Paper. In its response, CECCM set out the key features that any restrictions on smoking should incorporate. CECCM also favoured a Commission or Council Recommendation, rather than binding legislation at the EU level. We wish to confirm our full endorsement of those responses.

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

The TMA supports the adoption of 'Smoke-free Regulation with Exemptions' across the EU as outlined in Option 2, Section IV of the Green Paper.

This organization believes that the following exemptions should apply:

- All private residential premises including permanent or temporary accommodation; for example, prisons, care homes, and designated hotel rooms.
- Private membership clubs where the members have chosen by a majority to permit smoking in all or part of the premises.
- Hospitality outlets (e.g. restaurants, bars and pubs) catering primarily for adults which, if they occupy an area of less than 100 square metres, should be allowed to permit smoking throughout should they so choose, or, if they occupy an area larger than 100 square

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<sup>1</sup> British American Tobacco: British-American Tobacco (Holdings) Limited and British American Tobacco UK Limited.

metres, should be permitted to set aside a physically separate and ventilated part of their premises for exemption.

- Research, development and testing facilities for tobacco products to enable the continuation of existing regulatory testing, quality control and research activities.
- Sampling of tobacco products, in particular cigars and pipe tobacco, in defined specialist tobacco retail outlets, whose businesses depend on such activity.

Further conditions, which should apply, in the case of these exemptions are as follows:

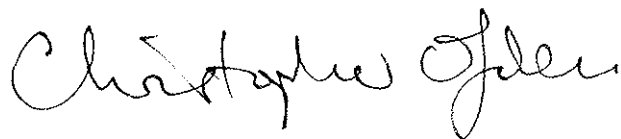
- Smoking should not be banned in any fully outdoor, or partially enclosed, areas including those that comprise part of public places and workplaces.
- No exemptions should apply to any facilities providing services primarily to minors.
- Signage should be mandatory when any place, or part of it, is exempted from the ban so that the public can determine where smoking is permitted.
- Only consenting employees should be expected to work in designated parts of premises where smoking is allowed.

**2. 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?**

We believe that sensible regulation can ensure that both non-smokers and smokers are accommodated, and would encourage the EU Commission to introduce a policy which is transparent, evidence-based and proportionate and recognises the rights of both groups of people. Any policy option that meets these criteria would be acceptable to our Members.

As is stated in the Green Paper a number of Member States have already introduced, or will shortly be introducing, measures to ban smoking in public places aimed at limiting exposure to ETS, and the trends are already towards the tightening of such regulation. A Council or Commission Recommendation would ensure that the issue was at a high priority level on the agenda in all Member States.

Yours faithfully



CHD Ogden  
Director