

### EFA background note to members:

This is a targeted survey from a consultancy which has been mandated by the Health and Digital Executive Agency of the EU (HaDEA) to inform the Council on the stakeholders' views on the revision of the Council Recommendation on smoke-free environments. The results of the survey aim to complement the overall consultation activities on this topic at the Commission level.

The survey targeted, meaning that only invited organisations (such as EFA) can reply, and replies are provided via unique verified links.

Although recommendations are not legally binding instruments within the European Union, and thus not providing for any mandatory legislative changes at the national level, they create precedence and set certain standards, indicating the probability of future formally binding legislation on the topic.

Participating in this survey, therefore, is paramount to move the Union towards smoke-free environments.

### Background and context:

In 2009, following a proposal by the Commission, the Council issued a [Recommendation on smoke-free environments \(2009/C 296/02\)](#), calling on Member States to provide protection from tobacco smoke in indoor workplaces, indoor public places, public transport and, as appropriate, other public places. The purpose of this Council Recommendation is to protect people in the EU from exposure to second-hand smoke, as well as to encourage current smokers to quit.

Problem the initiative aims to tackle

The [2009 Council Recommendation on smoke-free environments](#) only included traditional tobacco products (perceived as the main issue at the time) and some public spaces, such as indoor and enclosed spaces, in its scope. Other public spaces (including certain outdoor spaces, such as outdoor spaces in schools, playgrounds and outdoor eating establishments) were only covered on the basis of a case-by-case hazard assessment.

However, since 2009, e-cigarettes and heated tobacco products have consolidated their market shares and they appeal, in

particular, to young consumers. The [July 2021 WHO Report](#) on the global tobacco epidemic addressing new and emerging products draws attention to the dangers posed by emerging products and second-hand exposure to them. Further evidence suggests that second-hand emissions from heated tobacco products expose bystanders to quantifiable levels of particulate matter and key toxicants, albeit at a lower level than from second-hand smoke of traditional combustible tobacco products. In addition, an [evaluative study](#) published in 2021, summarises the positive social, economic and environmental benefits of implementing smoke-free recommendations and identified certain gaps in the current regulatory framework. This provides strong supporting evidence for the revision of the Council Recommendation.

Given the current evidence, the present situation undermines the objectives of the Recommendation as it cannot sufficiently address the risks from emerging products or from exposure to second-hand smoke or e-cigarette and heated tobacco products aerosols in certain outdoor spaces. Therefore, the following updates are set to be included in the revised Council Recommendation:

- Extension of its coverage to emerging products, such as e-cigarettes and heated tobacco products (to address technological change)
- Explicitly including certain outdoor and quasi-outdoor spaces (such as school playgrounds and outdoor eating establishments) in the definition of smoke-free environments, thus removing the individual, case-by-case assessment.

Scope

of

survey

The following survey aims to gather various stakeholders' views on the updates to the Council Recommendation on smoke-free environments, specifically on the above-mentioned points. Robust data, backed by the comprehensive involvement of stakeholders, is needed to assess the initiative's wider impact. This input will feed into the drafting of the staff working document and the updated Recommendation.

**1. To what extent can the following aspects contribute to protecting people in the European Union from exposure to second-hand smoke/aerosols?**

Select one in each row

	Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
Removing the individual, case-by-case assessment of certain outdoor and quasi-outdoor spaces	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Indoor smoke/aerosol-free rules in public places	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Outdoor smoke/aerosol-free rules in public places	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Outdoor smoke/aerosol-free rules in private places	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extending the ban on consumption of tobacco/emerging products to public places where children and adolescents might be present (such as school premises, playgrounds, and outdoor eating establishments)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Continue »

**2. What general health impacts (such as increased protection from second hand smoke/aerosols and reduced consumption of tobacco/emerging products) would the updates to the Council Recommendation have regarding the following aspects?**

Select one in each row

	Positive	Rather Positive	Neutral	Rather Negative	Negative	Don't know/Can't answer
Extending its coverage to emerging products	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Explicitly including certain outdoor and quasi-outdoor spaces	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continue »

### 3. What general economic impact (e.g. work efficiency, health care expenses) could the following updates to the Council Recommendation have?

Select one in each row

	Positive	Rather Positive	Neutral	Rather Negative	Negative	Don't know/Can't answer
Extending its coverage to emerging products	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Explicitly including certain outdoor and quasi-outdoor spaces	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continue »

**4. Would the extension of the scope of the Recommendation to emerging products (such as e-cigarettes and heated tobacco products) contribute to their reduced consumption?**

Select one

Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**5. Would the explicit inclusion of certain outdoor and quasi-outdoor spaces in the scope of smoke/aerosol free environments contribute to a reduced consumption of tobacco and emerging products?**

Select one

Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continue »

**6. Could the extension of coverage to emerging products contribute to a decreased association of smoking/use of emerging products with hospitality and entertainment venues or activities?**

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Select one

Not at all	To a limited extent	To a large extent	To a full extent	Don't Know/ Can't answer
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continue »

**7. Would the extension of coverage to emerging products contribute to the protection of children and adolescents from exposure to smoke/aerosols?**

Select one

Not at all	To a limited extent	To a large extent	To a full extent	Don't Know/ Can't answer
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continue »

**8. Would the explicit inclusion of certain outdoor and quasi-outdoor spaces in the scope of smoke/aerosol free environments contribute to the protection of children and adolescents from exposure to smoke/aerosols?**

Select one

Not at all	To a limited extent	To a large extent	To a full extent	Don't Know/ Can't answer
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continue »

**9. Would the extension of coverage to emerging products (such as e-cigarettes or heated tobacco products) and the explicit inclusion of certain public places in the scope of the Recommendation contribute to a decrease in behaviours that circumvent existing smoking rules?**

Select one

Not at all	To a limited extent	To a large extent	To a full extent	Don't Know/ Can't answer
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continue »

**10. To what extent would the explicit inclusion of some of the following spaces in the scope of smoke/aerosol free environment contribute to the protection of people in the EU from exposure to second-hand smoke/aerosols?**

Select one in each row

	Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
The corresponding outdoor spaces of restaurants such as terraces or courtyards	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The corresponding outdoor spaces of cafes such as terraces or courtyards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

The corresponding outdoor spaces of bars/pubs/clubs/casinos such as terraces, courtyards, or rooftops	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Outdoor spaces of educational facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Public playgrounds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Public parks	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public transport stations and stops	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Corresponding outdoor areas of public buildings (such as hospitals, nursing homes, public offices, hotels and accommodations)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Corresponding outdoor spaces of workplaces (courtyards)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Outdoor sports grounds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Beaches	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Cars when children are present	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>



Using the concept of social distancing in any outdoor space during events (sports events, cultural events) for protection against tobacco smoke/aerosols



Continue »

## 11. What other outdoor and quasi-outdoor spaces, if any, do you think should be explicitly included in the scope of the Recommendation?

Please be as specific as possible (no word limit)

- Outdoor airport areas (large extent)  
- Cultural events eg festivals (large extent)  
- 'Public transport stations and stops' must be specified. It's easier to enforce a ban in stations of track-based transport (eg metro, tramway, train) which typically have surveillance via cameras/security guards, than in road transport (eg bus, taxi ranks). Who is to establish a violation in the latter case? If 'metro/tramway/train stations' was a standalone option, EFA would choose 'to a full extent'

## 12. From your perspective, what impact could the explicit inclusion of the following spaces in the Recommendation have?



Corresponding outdoor spaces of workplaces (courtyards)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Outdoor sports grounds	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Beaches	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cars when children are present	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**13. Could you further elaborate on what type of impact (for example on health, protection from exposure to tobacco smoke/aerosols, air quality) the explicit inclusion of the spaces indicated earlier could have?**

Please be as specific as possible

- Mitigate the environmental footprint of tobacco, by reducing littering (cigarette butts, disposable parts of e-cigs/HTPs)
- Better enforce, due to better definition of outdoor/quasi outdoor spaces
- Reduce unwanted smoke/aerosols exposure in crowded places
- Provide the good example to non-smokers, children, people who have quit & de-normalising the use of tobacco & emerging products
- Support the right to clean air by limiting the choices of smokers & not of non-smokers as it happens now

**14. To what extent could the following updates to the Council Recommendation support Member States to expand smoke/aerosol-free legislation at the national level?**

Select one in each row

	Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
Extension of coverage to emerging products (such as e-cigarettes and heated tobacco products)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Explicitly including certain outdoor and quasi-outdoor spaces (as indicated <a href="#">earlier</a> .)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Continue »

**15. To what extent could the update to the Recommendation encourage and support Member States in achieving their commitments under the WHO Framework Convention on Tobacco Control, in particular Article 8 on protection from exposure to tobacco smoke?**

Select one

Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**16.To what extent could the update to the Recommendation increase the general awareness of the health risks and consequences of consumption of emerging products such as e-cigarettes and heated tobacco products?**

Select one

Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

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**17.To what extent do the updates to the Recommendation, specifically the extension of the scope to emerging products, have the potential to result in decreased mortality, in the long term, due to consumption of tobacco/emerging products?**

Select one

Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**18.To what extent could the extension to emerging products contribute to reduce the initial uptake of tobacco/emerging product consumption, especially among the adolescent population?**

Select one

Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**19.To what extent could the following updates to the Recommendation contribute to improving the quality of air in public outdoor places such as school premises and playgrounds and outdoor eating and entertainment establishments?**

Select one in each row

	Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
Extension of coverage to emerging products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Explicitly including certain outdoor and quasi-outdoor spaces (as indicated <a href="#">earlier.</a> )	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**20.To what extent could the following updates to the Recommendation contribute to the reduction of the level of exposure to second-hand smoke/aerosols among workers and in workplaces?**

Select one in each row

	Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
Extension of coverage to emerging products	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Explicitly including certain outdoor and quasi-outdoor spaces (as indicated <a href="#">earlier.</a> )	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**21.To what extent could the following updates to the Recommendation contribute to increase the level of cessation of consumption of tobacco/emerging products?**

Select one in each row

	Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
Extension of coverage to emerging products	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Explicitly including certain outdoor and quasi-outdoor spaces (as indicated <a href="#">earlier.</a> )	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**22.To what extent could the following updates to the Recommendation contribute to reducing the air pollution and improving the air quality of certain outdoor and quasi-outdoor spaces?**

Select one in each row

	Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
Extension of coverage to emerging products	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Explicitly including certain outdoor and quasi-outdoor spaces (as indicated <a href="#">earlier.</a> )	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continue »

**23.What level of economic cost could the following updates to the Recommendation have?**

Select one in each row

	Minor	Limited	Large	Substantial	Don't know/Can't answer
Extension of coverage to emerging products	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Explicitly including certain outdoor and quasi-outdoor spaces (as indicated <a href="#">earlier.</a> )	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



### 24. What level of economic benefit could the following updates to the Recommendation have?

Select one in each row

	Minor	Limited	Large	Substantial	Don't know/Can't answer
Extension of coverage to emerging products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Explicitly including certain outdoor and quasi-outdoor spaces (as indicated <a href="#">earlier.</a> )	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

### 25. Could the updates to the Recommendation, especially the explicit inclusion of certain outdoor and quasi-outdoor places such as school premises, playgrounds and outdoor eating establishments result in more easily enforceable smoke/aerosol-free rules in Member States?

Select one

Not at all	<input type="radio"/>
To a limited extent	<input type="radio"/>
To a large extent	<input checked="" type="radio"/>

Completely	<input type="radio"/>
Don't Know/ Can't answer	<input type="radio"/>

Continue »

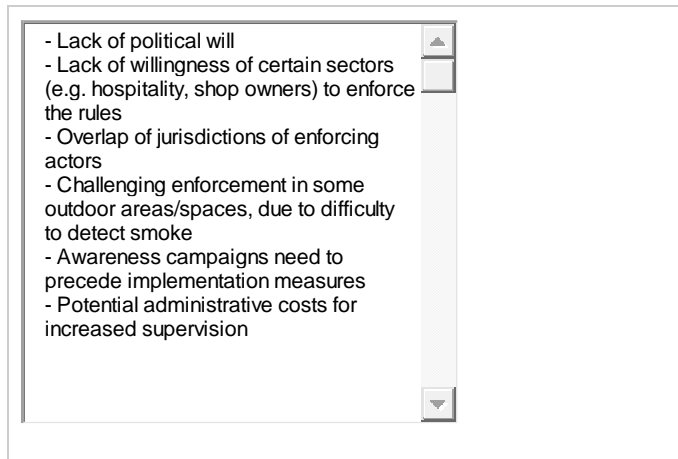
**26. What level of challenges do you foresee if/when Member States implement the update to the Recommendation in the national legislation?**

Select one

Minor	Limited	Large	Substantial	Don't know/Can't answer
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**27. Could you elaborate on what types of challenges, if any, might be encountered in the implementation of national smoke/aerosol-free rules as a result of the update to the Recommendation? (if applicable, please provide some evidence/supporting material)**

Please be as specific as possible



- Lack of political will  
- Lack of willingness of certain sectors (e.g. hospitality, shop owners) to enforce the rules  
- Overlap of jurisdictions of enforcing actors  
- Challenging enforcement in some outdoor areas/spaces, due to difficulty to detect smoke  
- Awareness campaigns need to precede implementation measures  
- Potential administrative costs for increased supervision

**28. From your perspective, are there any unintended consequences, which may occur as a result of the update to Council Recommendation in Member States and at the European Union level? (if applicable, please provide some evidence/supporting material)**

Please be as specific as possible



**29. Is there a final comment you want to share?**

Please be as specific as possible

An ambitious revision of the Council Recommendation would be a key milestone of the EU tobacco policies. Expanding the scope for products & smoke-free areas can contribute to reducing the attractiveness & overall consumption of both conventional tobacco and emerging products, and to the denormalisation of their use. It is also a unique opportunity to safeguard the right of non-smokers to breathe clean air in public domains, ensuring that they are not exposed to harmful second-hand smoke.

**Upload supporting material/evidence**