

EFA's response to the call for evidence for the update of the Council 2009 recommendation on smoke-free environments (Directorate General for Health and Food Safety)

Introduction

The European Federation of Allergy and Airways Diseases Patients' Associations (EFA) is the voice of over 200 million people living with allergy, asthma, and chronic obstructive pulmonary disease (COPD) in Europe. We bring together 45 national associations from 26 countries and channel their knowledge and patients' needs to the European institutions. We connect European stakeholders to ignite change and bridge the policy gaps on allergy and airways diseases so that patients live uncompromised lives, have the right and access to the best quality care, and a safe environment.

EFA applauds the European Commission's intention to update the Council 2009 recommendation on smoke-free environments¹. Latest market developments related to e-cigarettes and Heated Tobacco Products (HTPs) and misconceptions about the definition of outdoor spaces already provide a sufficient basis for such an update. However, it is the increasing awareness of the risks linked to exposure to second-hand smoke (SHS), together with a growing disapproval of smoking and vaping among the general population that make this initiative an absolute necessity for the protection of public health.

Arising from Europe's Beating Cancer Plan², the updated recommendation is meant to be a cornerstone of a 'Tobacco-Free Europe' that the Commission envisages for 2040, benefitting other major non-communicable diseases too, such as allergy, asthma and COPD. As patients heavily affected by the toll imposed from the exposure to tobacco and smoking emissions, we hope that the Commission proposal will result on an updated Council recommendation that paves the way towards better implementation of the provisions of Article 8 of the Framework Convention on Tobacco Control (FCTC) at the national level.

As Associate Member and Partner of the European Network of Smoke Prevention and Control (ENSP), EFA fully supports ENSP's response to this consultation.

Exposure to smoke: patients find themselves unprotected

Smoke from tobacco and related products is a major pollutant of indoor air. Environments polluted with smoke from all types of tobacco and non-tobacco-based products expose indiscriminately both smokers and non-smokers to a wide range of toxic substances, irritants and dangerous aerosols. These represent a key risk factor responsible for adverse health outcomes, including a grave impact on lung function and impaired respiratory health more broadly. According to the Global Burden of Disease (GBD) study, in 2019 alone exposure to second-hand smoke accounted for over 73,000 deaths and almost 1,760,000 Disability-Adjusted Life Years (DALYs) in the EU³.

¹ Council Recommendation on Smoke-Free Environments, 2009 [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009H1205\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009H1205(01)&from=EN)

² European Commission communication to the European Parliament and the Council, *Europe's Beating Cancer Plan*, 2021 https://health.ec.europa.eu/system/files/2022-02/eu_cancer_plan_en_0.pdf

³ European Commission Health Promotion and Disease Prevention Knowledge Gateway, *Global Burden of Disease Study*, 2019 https://knowledge4policy.ec.europa.eu/health-promotion-knowledge-gateway/tobacco-smoking_en#health

It is self-evident that passive exposure to SHS is a factor of growing concern especially for vulnerable groups such as children, pregnant women and people with chronic respiratory conditions^{4,5,6}. Indeed, scientific evidence has established a strong association between exposure to SHS and adverse health effects, including more severe respiratory symptoms related to asthma and COPD^{7,8,9}.

But beyond those with pre-existing conditions, exposure to SHS can also affect healthy individuals. Studies show that exposure to SHS is accountable for up to 4,3% of asthma cases and 2,9% of COPD cases, pointing towards a significant role of SHS exposure not only in the exacerbation of diseases, but also in their onset among adult population¹⁰. In fact, exposure to SHS during childhood has proven to be a predictor for the development of asthma and COPD later on in life¹¹.

Studies conducted in the context of the EU-funded TackSHS project concluded that the burden attributable to SHS is still substantial in the EU, mainly due to exposure at home. During 2017, SHS has been responsible for 344 deaths of children between 0 and 14 years old, as well as 30,000 premature deaths among the adult population¹². The outcomes referred to smoke from conventional tobacco as well as e-cigarettes.

With regards to smoke from e-cigarettes, they too have been linked with increased risk for respiratory health, including in certain inflammatory biomarkers and alterations in respiratory mechanics^{13,14}.

Importantly, according to the EFA 'Active Patients' report of 2019, tobacco smoke is patients' biggest concern, with 9 in 10 asthma and COPD patients considering it as the main indoor pollutant that triggers most of their symptoms. While patients hold that authorities have done positive steps in establishing smoke-free environments, 1 in 3 thinks that more should be done to protect citizens in

⁴ E. Zairina, 'Maternal passive smoking and the risk of developing wheeze in children: how should we deal with it?', *European Respiratory Journal*, 2016 <https://erj.ersjournals.com/content/48/1/3.long>

⁵ C.I. Vardavas, C. Hoffmann et al., 'The independent role of prenatal and postnatal exposure to active and passive smoking on the development of early wheeze in children', *European Respiratory Journal*, 2016 <https://erj.ersjournals.com/content/48/1/115.long>

⁶ M. El Sharkawy, S. Heinze et al. 'Change in exposure of children to second-hand smoke with impact on children's health and change in parental smoking habits after smoking ban in Bavaria – a multiple cross-sectional study', *BMC Public Health*, 2021 <https://bit.ly/3B4uMB1>

⁷ N. Korsbæk, E. M. Landt, M. Dahl, 'Second-Hand Smoke Exposure Associated with Risk of Respiratory Symptoms, Asthma, and COPD in 20,421 Adults from the General Population', *Journal of Asthma and Allergy* 2021 <https://www.dovepress.com/second-hand-smoke-exposure-associated-with-risk-of-respiratory-symptom-peer-reviewed-fulltext-article-JAA>

⁸ N. Putcha, R. G. Barr et al, 'Understanding the impact of second-hand smoke exposure on clinical outcomes in participants with COPD in the SPIROMICS cohort', *Thorax*, 2016 <https://thorax.bmj.com/content/71/5/411>

⁹ Centers for Disease Control and Prevention (CDC) https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm

¹⁰ N. Korsbæk, E. M. Landt, M. Dahl, 'Second-Hand Smoke Exposure Associated with Risk of Respiratory Symptoms, Asthma, and COPD in 20,421 Adults from the General Population', *Journal of Asthma and Allergy* 2021 <https://www.dovepress.com/second-hand-smoke-exposure-associated-with-risk-of-respiratory-symptom-peer-reviewed-fulltext-article-JAA>

¹¹ A. Johannessen, P. S. Bakke et al. 'Association of exposure to environmental tobacco smoke in childhood with chronic obstructive pulmonary disease and respiratory symptoms in adults', *Respirology*, 2012 <https://pubmed.ncbi.nlm.nih.gov/22248329/>

¹² TackSHS Project https://www.tackshs.eu/wp-content/uploads/2019/10/8-October_TackSHS_ICO_EN.pdf

¹³ Ibid

¹⁴ A. Tzortzi, S. I. Teloniatis et al., 'Passive exposure to e-cigarette emissions: Immediate respiratory effects', *Tobacco Prevention & Cessation*, 2018 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7205134/pdf/TPC-4-18.pdf>

this respect, as exposure to second-hand smoke indoors is still too high¹⁵.

Such perception illustrates a public health law gap: smokers' right to pollute the air prevails upon people's right to health and a healthy environment.

EFA firmly believes that the interest of all individuals, and the protection of health, should be enshrined in the Council recommendation. We caution against the narrative that communicates about smoking as an expression of freedom and personal choice in detriment of public health.

Smoke-free environments: a lot to learn from the national level

The above aspects of the health burden indicate the value of ensuring smoke-free environments throughout the public sphere. Under its mandate to protect public health, the EU has committed to ensure the implementation of these environments. This is also in line with its international commitments to support Member States in the implementation of the WHO Framework Convention on Tobacco Control (FCTC), especially Article 8 which lays out the provisions for smoke-free environments¹⁶.

However, the recent 'Study on smoke-free environments and advertising of tobacco and related products' outlines serious compliance differences among countries, with many Member States implementing only partial bans even in enclosed spaces such as libraries, hospitals and restaurants/bars. The reason seems to be the big differences in the interpretation of indoor spaces, with the hospitality sector strongly opposing 100% smoke-free environments in many countries.

Overall, compliance appears to be looser for e-cigarettes and HTPs compared to conventional tobacco, while implementation levels tend to vary a lot also depending on the space¹⁷. As a result, there are notable differences in the level of implementation of the various FCTC tobacco-control 'building blocks' among European countries¹⁸.

Against this background, at EFA we take note of the crucial efforts being undertaken at the national level across but also beyond the EU. As indispensable components of national policies to reduce the prevalence of tobacco use, some of them move further than the provisions of the Council recommendation on smoke-free environments and try to prevent exposure to SHS in a systematic and evidence-based way.

For example:

- **Sweden** has expanded prohibitions on smoking in public places to include outdoor dining areas such as patios, entrance areas to smoke-free public venues, areas that are meant to be

¹⁵ European Federation of Allergy and Airways Diseases Patients' Associations (EFA), *Active Patients-ACCESS report*, 2019 https://www.efanet.org/images/Active_Patients_ACCESS_Care_EFA_Report_2019.pdf

¹⁶ World Health Organisation, Framework Convention on Tobacco Control (FCTC), *Guidelines for implementation of Article 8*, 2017 <https://fctc.who.int/publications/m/item/protection-from-exposure-to-tobacco-smoke>

¹⁷ European Commission Directorate-General for Health and Food Safety, *Study on Smoke-Free Environments and Advertising of Tobacco and Related Products*, 2021 <https://op.europa.eu/en/publication-detail/-/publication/66e35611-5d59-11ec-9c6c-01aa75ed71a1/language-en>

¹⁸ M. C. Willemsen, B. Hipple Walters et al., 'Recommendations on how to achieve tobacco-free nations in Europe', *Tobacco Prevention and Cessation*, 2019

<http://www.tobaccopreventioncessation.com/Recommendations-on-how-to-achieve-tobacco-free-nations-nin-Europe,110587,0,2.html>

used by persons using domestic public transportation (i.e., bus stops, train stations), enclosed spaces to be used for sports activities, and public playgrounds¹⁹.

- **Tobacco-free Ireland 2025** policy framework promotes tobacco-free environments and in particular parks and beaches in conjunction with the local authorities by voluntary measures or by the introduction of by-laws²⁰.
- The **French programme 'The Fight Against Tobacco 2018-2022'** promotes the ban of smoking in all workplaces and the enlargement of smoke-free environments to parks, beaches and sports facilities²¹.
- The **Finnish 'Tobacco-Free Act' of and the 'Tobacco-Free Finland 2030' programme** introduce a prohibition of smoking in public beaches and playgrounds, in private vehicles where anyone under the age of 15 is present, while housing corporations may impose a ban forbidding or restricting smoking on balconies of individual apartments²²
- At local level, the **city of Barcelona** followed other Spanish regions and cities in banning smoking from its beaches²³

In the meantime, **Switzerland** has since 2008 introduced a ban to smoke in covered public places, in public transport and at working places used from more than one person. Additionally, a national law expected to come into force in 2025 will align e-cigarettes and HTPs with conventional tobacco products^{24,25}.

As the Commission study reveals, existing national legislation seems to vary greatly based on the type of smoke-free environments considered e.g. while there is good level of coverage for educational facilities, coverage is very low in outdoor public places and private areas²⁶.

Tobacco cessation programmes, key to less consumption and exposure

In the fight against smoking, tobacco cessation programmes have a central role as they assist people quit this harmful habit via specialised treatments and techniques. To be effective, tobacco cessation therapies must be based on specialist support and be provided free-of-charge to smokers. Here, too, there are significant successful practices and examples implemented at the country level that can be applied cross-border. For example:

¹⁹ Swedish law (2018: 2088) on tobacco and similar products <https://perma.cc/F4YK-TPZ5>. For an analysis in English, see here: <https://www.loc.gov/item/global-legal-monitor/2019-09-25/sweden-new-rules-on-smoking-in-public-places-and-sale-of-tobacco-enter-into-force/>

²⁰ Tobacco Free Ireland 2025 <https://assets.gov.ie/7560/1f52a78190ba47e4b641d5faf886d4bc.pdf>

²¹ French 'Programme National de Lutte Contre le Tabac 2018-2022' https://solidarites-sante.gouv.fr/IMG/pdf/180702-pnlt_def.pdf

²² Finnish 'Tobacco-Free Finland 2030' programme and 'Tobacco-Free Act' (updated in 2016) <https://savutonsuomi.fi/en/>

²³ <https://www.reuters.com/world/europe/sun-sea-now-smoke-free-barcelona-bans-cigarettes-beach-2022-04-08/>

²⁴ Swiss Federal Law to Protect Against Passive Smoking, 2008 <https://www.fedlex.admin.ch/eli/cc/2009/766/de>

²⁵ Swiss New Tobacco Products Act, 2021 <https://www.bag.admin.ch/bag/de/home/strategie-und-politik/politische-auftraege-und-aktionsplaene/politische-auftraege-zur-tabakpraevention/tabakpolitik-schweiz/tabpg.html>

²⁶ European Commission Directorate-General for Health and Food Safety, *Study on Smoke-Free Environments and Advertising of Tobacco and Related Products*, 2021 <https://op.europa.eu/en/publication-detail/-/publication/66e35611-5d59-11ec-9c6c-01aa75ed71a1/language-en>

2016²⁷

- Community nurse-led management of COPD in **Italy** improved smoking cessation, body mass index, physical activity and vaccination indicators in **the Netherlands**²⁸
- A **UK** nurse-led lung screening programme targeting high-risk smokers in deprived areas. Preliminary results show a calculation of lung cancer risk, higher diagnosis of other chronic and rare lung diseases, and increased smoking cessation rates²⁹

The Commission can play a crucial role in identifying successful tobacco cessation programmes and practices, encouraging Member States to introduce actions helping quitting beyond mere legislative constraints to tobacco consumption.

In the report 'Harmonizing Prevention and Other Measures for COPD Patients across Europe' from 2014, undertaken by COPD specialists and patients, EFA explored the status of smoking cessation programmes in 19 EU and non-EU countries, looking into aspects such as access, availability, cost for patients, level of provision, related criteria etc. We presented the benefits of free access to smoking cessation programmes as a key aspect of COPD prevention³⁰.

The recommendations of the allergy, asthma and COPD patient community

In light of the vision for a 'Tobacco-Free Generation 2040', the Commission must ensure 100% smoke-free environments to sharply reduce human exposure to smoke emissions in both indoor and outdoor spaces. The updated Council recommendation must therefore propose to:

- › Reinforce the overall adoption of the FCTC provisions on smoke-free environments at the national level, while supporting their implementation on the ground
- › Prohibit the use of tobacco and related products in areas currently not covered by the Council recommendation, including schools, terraces, beaches, playgrounds, and sports facilities, in line with several forward-looking national policy frameworks
- › Ban the use of e-cigarettes and novel tobacco products, including HTPs, in all public places where conventional smoking is not allowed
- › Encourage the adoption of smoking cessation programmes enabling the exchange of best practices among Member-States and offering smokers the access to quitting treatments and techniques
- › Conduct a mapping and assessment of existing smoking cessation programmes and policies in each Member State

²⁷ S. Ranzani, M. Dalmaso et al., 'The family and community nurse-led proactive management of COPD patients: experience of an Italian health district', *Assistenza Infermieristica e Ricerca*, 2021
<https://pubmed.ncbi.nlm.nih.gov/34783318/>

²⁸ I. Kramer, N. de Over et al., 'Outcomes of an intensive smoking cessation program implemented in general practices in the Netherlands', *Tobacco Prevention and Cessation*, 2022
<http://www.tobaccopreventioncessation.com/Outcomes-of-an-intensive-smoking-cessation-program-implemented-in-general-practices,150931,0,2.html>

²⁹ H. Balata, L. Traverse-Healey et al., 'Attending community-based lung cancer screening influences smoking behaviour in deprived populations', *Lung Cancer*, 2020 <https://pubmed.ncbi.nlm.nih.gov/31726252/>

³⁰ European Federation of Allergy and Airways Diseases Patients' Associations (EFA), 'Harmonizing Prevention and Other Measures for COPD Patients across Europe' report, 2014
<https://www.efanet.org/images/2015/04/EFA-2014-SURVEY-%E2%80%93-Harmonizing-Prevention-and-other-Measures-for-COPD-Patients-across-Europe.pdf>

At EFA we are ready to engage with the Commission in the upcoming discussions on the revision of tobacco-related legislative and non-legislative frameworks.