

## Overview of smoke-free legislation<sup>1</sup>

### Legend:

- - Total ban on indoor smoking
- - Partial ban on indoor smoking, e.g. smoking zones or exemptions for certain categories of venues
- ⊙ - Ban on indoor smoking, while providing for separate enclosed smoking rooms / Obligation for employer to protect employees
- X - Recommendations, suggestions, or no ban

	General Workplace	Enclosed Public Places	Restaurants	Bars	Health Care Facilities	Education Facilities	Public Transport	Hotels & Accommodation	Residential Care	Prisons
Austria <sup>i</sup>	⊙	⊙	○	○	⊙	⊙	⊙	⊙	⊙	⊙
Belgium <sup>ii</sup>	⊙	⊙	⊙	⊙	⊙	●	●	⊙	⊙	⊙
Bulgaria <sup>iii</sup>	●	●	●	●	●	●	⊙	●	●	●
Cyprus <sup>iv</sup>	⊙	●	●	●	●	●	●	●	X	○
Czech Republic <sup>v</sup>	○	○	X	X	⊙	●	⊙	○	⊙	○
Denmark <sup>vi</sup>	⊙	⊙	⊙	○	⊙	⊙	⊙	○	⊙	⊙
Estonia <sup>vii</sup>	○	○	⊙	⊙	○	○	○	○	○	○
Finland <sup>viii</sup>	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
France <sup>ix</sup>	⊙	⊙	⊙	⊙	●	●	●	⊙	⊙	⊙
Germany <sup>x</sup>	⊙	⊙	○	○	⊙	⊙	⊙	⊙	⊙	⊙
Greece <sup>xi</sup>	●	●	●	○	●	●	●	●	●	●
Hungary <sup>xii</sup>	●	●	●	●	⊙	●	●	⊙	●	⊙
Ireland <sup>xiii</sup>	●	●	●	●	●	●	●	⊙	⊙	⊙
Italy <sup>xiv</sup>	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Latvia <sup>xv</sup>	⊙	⊙	●	●	⊙	●	⊙	⊙	⊙	⊙
Lithuania <sup>xvi</sup>	⊙	●	●	●	●	●	●	○	⊙	⊙
Luxembourg <sup>xvii</sup>	⊙	●	⊙	○	⊙	●	⊙	⊙	⊙	⊙
Malta <sup>xviii</sup>	●	●	●	●	●	●	●	⊙	●	●
Netherlands <sup>xix</sup>	⊙	⊙	⊙	○	⊙	⊙	⊙	⊙	⊙	⊙
Poland <sup>xx</sup>	⊙	●	⊙	⊙	●	⊙	⊙	⊙	⊙	⊙
Portugal <sup>xxi</sup>	○	○	○	○	○	⊙	●	○	○	⊙
Romania <sup>xxii</sup>	⊙	⊙	○	○	●	⊙	●	○	⊙	⊙
Slovakia <sup>xxiii</sup>	⊙	●	⊙	X	●	●	⊙	⊙	⊙	⊙
Slovenia <sup>xxiv</sup>	⊙	⊙	⊙	○	●	●	⊙	⊙	○	⊙
Spain <sup>xxv</sup>	●	●	●	●	●	●	●	⊙	⊙	⊙
Sweden <sup>xxvi</sup>	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙
Unit. Kingdom <sup>xxvii</sup>	●	●	●	●	●	●	●	⊙	⊙	⊙
Turkey <sup>xxviii</sup>	●	●	●	●	●	●	●	⊙	●	⊙
Former Yugoslav Republic of Macedonia	●	●	●	●	●	●	●	●	●	●
Norway <sup>xxix</sup>	⊙	⊙	●	●	⊙	●	⊙	⊙	⊙	⊙
Serbia <sup>xxx</sup>	●	●	○	○	●	●	●	⊙	⊙	⊙
Iceland	⊙	⊙	●	●	⊙	●	●	⊙	⊙	○
Croatia	⊙	●	●	○	●	●	●	⊙	●	⊙

<sup>1</sup> Information on private smoking clubs where no food or beverages are served is not included. This overview is based on the analysis of the relevant legal provisions in each Member State as of January 2013, but does not take into account their enforcement nor does it reflect forthcoming legislative changes or plans in Bulgaria, the Czech Republic, Denmark, Estonia, Finland, Hungary, Latvia, Luxembourg, Portugal, Romania, Sweden and Norway.

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## **Endnotes referring to figure**

- <sup>i</sup> Federal legislation allows smoking in bars and restaurants smaller than 50 m<sup>2</sup>. In venues larger than 50 m<sup>2</sup> enclosed smoking rooms are allowed. In enclosed public places and other workplaces enclosed smoking rooms are allowed. Smoking is also allowed if smokers have their own offices and there is no contact with clients. Regional authorities can adopt stricter legislation.
- <sup>ii</sup> General ban with an exemption for clearly designated, enclosed smoking rooms with appropriate ventilation. In the hospitality sector all service is forbidden in smoking rooms.
- <sup>iii</sup> Comprehensive ban with a limited exemption for designated, ventilated smoking rooms in airports and minors are not allowed to enter.
- <sup>iv</sup> In restaurants, bars and enclosed public places, smoking is only allowed in open outdoor places. In other workplaces enclosed smoking rooms are allowed.
- <sup>v</sup> The operator may allow smoking, or provide structurally separated areas for smokers and non-smokers and there must be sufficient ventilation. In other workplaces there is an obligation for the employee not to smoke where non-smokers can be exposed.
- <sup>vi</sup> Smoking is allowed in bars smaller than 40 m<sup>2</sup>. In enclosed public places, restaurants and other workplaces smoking is allowed in enclosed smoking rooms.
- <sup>vii</sup> Smoking allowed in smoking rooms or smoking areas in workplaces and enclosed public places, whereas smoking is only allowed in enclosed smoking rooms in the bars and restaurants.
- <sup>viii</sup> In the hospitality sector smoking is allowed in enclosed, ventilated smoking rooms where no food or drink can be served or consumed. In other workplaces smoking is allowed in enclosed, ventilated smoking rooms.
- <sup>ix</sup> In the hospitality sector smoking is allowed in enclosed, ventilated smoking rooms where no food or drink can be served. In other workplaces smoking is allowed in enclosed, ventilated smoking rooms.
- <sup>x</sup> Smoke-free legislation is regulated at regional level. In most states in Germany, separate, enclosed smoking rooms are allowed, and smaller establishments that do not serve food are exempted from the smoking ban altogether. Total smoking bans for the hospitality sector are in place in Saarland, Bavaria and North Rhine-Westphalia.
- <sup>xi</sup> Comprehensive smoking bans in workplaces and enclosed public places, and smaller venues in the hospitality sector. However, smoking is allowed in entertainment centres larger than 300 m<sup>2</sup> with live music and casinos.
- <sup>xii</sup> Comprehensive ban, the only exemptions are cigar rooms in hotels, prisons, police detention cells, psychiatric institutions and certain types of workplaces with increased risk of fire and/or explosion. In these workplaces smoking rooms are allowed under certain conditions.
- <sup>xiii</sup> Comprehensive ban, smoking is only allowed in dwellings, prisons, hotel bedrooms, nursing homes, hospice settings and psychiatric hospitals
- <sup>xiv</sup> In the hospitality sector smoking is allowed in enclosed, ventilated smoking rooms which cover less than half of the serving area. In other workplaces smoking is allowed in enclosed, ventilated smoking rooms.
- <sup>xv</sup> Total smoking ban in the hospitality sector and in enclosed public places with few exceptions for casinos and gambling halls where it is allowed to smoke in premises separated for smoking or premises specially designated for smoking. In other workplaces smoking allowed in enclosed smoking rooms. Smoking is allowed in long distance trains and at international airports in specially designated areas.
- <sup>xvi</sup> Total smoking ban in enclosed public places and the hospitality sector. In other workplaces smoking allowed in enclosed, ventilated smoking rooms.
- <sup>xvii</sup> There is a smoking ban in brasserie's during dining hours (12.00-14.00 and 19.00-21.00). Smoking is allowed in enclosed smoking rooms in restaurants and tea rooms, and other workplaces. Total ban in enclosed public places.
- <sup>xviii</sup> Comprehensive ban, smoking only allowed in hotel bedrooms
- <sup>xix</sup> Smoking is allowed in bars that are smaller than 70 m<sup>2</sup> and that have no serving staff. In enclosed public places, restaurants and other workplaces smoking is allowed in enclosed smoking rooms.
- <sup>xx</sup> Total ban in enclosed public places. Enclosed, ventilated smoking rooms allowed in the hospitality sector and other workplaces. Smoking is banned public transport; special isolated rooms for smoking are allowed only in airports and in waiting halls in bus/train stations
- <sup>xxi</sup> Smoking allowed in enclosed smoking rooms in hospitality venues smaller than 100 m<sup>2</sup>. In venues larger than 100 m<sup>2</sup>, owners may designate up to 30% of the total area as a smoking area, or 40% if it is an enclosed smoking room, as long as the area does not include areas destined exclusively for workers, or where workers have to be permanently. In enclosed public places and other workplaces smoking rooms or smoking areas are allowed.
- <sup>xxii</sup> In restaurant and bar venues smaller than 100 m<sup>2</sup>, smoking may be allowed. In larger hospitality venues, other workplaces and enclosed public places enclosed, ventilated smoking rooms are allowed.

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<sup>xxiii</sup> Smoking is allowed in enclosed smoking rooms in restaurants, whereas in bars the owners can decide whether to allow smoking or not, given that food is not served on the premises. In other workplaces smoking is banned where non-smokers work. In enclosed public places there is a total ban.

<sup>xxiv</sup> In the hospitality sector smoking is allowed in enclosed, ventilated smoking rooms where no food or drink can be consumed. In other workplaces smoking is allowed in enclosed, ventilated smoking rooms.

<sup>xxv</sup> There are no exemptions to the ban on smoking in the workplace as such, but private smoking clubs established under certain, strict conditions are allowed. Minors are not allowed in the private smoking clubs

<sup>xxvi</sup> In the hospitality sector smoking is allowed in enclosed, ventilated smoking rooms where no food or drink can be consumed. In other workplaces smoking is allowed in enclosed, ventilated smoking rooms.

<sup>xxvii</sup> Comprehensive ban, smoking is only allowed in designated hotel rooms, care home and hospice rooms and prison cells, as well as offshore installations, research and testing facilities, in specialist tobacconists and on stage if needed for artistic integrity

<sup>xxviii</sup> Comprehensive ban, smoking only allowed in hotel bedrooms and prisons

<sup>xxix</sup> Total smoking ban in the hospitality sector. In other workplaces and enclosed public places, smoking is allowed in enclosed smoking rooms.

<sup>xxx</sup> Smoking is banned completely in workplaces and enclosed public places. However smoking is permitted in 50% of bars and restaurants smaller than 80 m<sup>2</sup>. Larger businesses can allow smoking and non-smoking areas, provided they have ventilation.