

Overview of smoke-free legislation and its implementation in the EU

Austria	
General Workplace Enclosed Public Places Health Care Facilities Hotels and Accommodation Residential Care Prisons	Banned, with exemptions: <ul style="list-style-type: none"> • Smoking rooms allowed, provided that smoke is not penetrating the general non-smoking area. • If smokers have their own office and there is no contact with clients. • For health care facilities a federal basic act provides guidelines that have to be implemented by provincial law foresee the possibility of separate smoking rooms. Provinces have implemented this regulation in various ways.
Restaurants Bars	Banned, with exemptions: <ul style="list-style-type: none"> • In venues larger than 50m², separate and totally enclosed smoking rooms covering a maximum of 50% of the places reserved for customers are permitted if the main area of the venue is covered by the smoking ban. • Venues consisting of one single room between 50m² and 80m² may permit smoking provided the owner can prove that partitioning or separation of the premises is forbidden by legal provisions. • Venues smaller than 50m² may decide to become either fully smoking or non-smoking. • Pregnant women are not allowed to work in places where they might be exposed to tobacco smoke. • Minors under 18 years are not allowed to work predominantly in rooms where they are exposed to ETS. <p>Employees have the right to claim severance pay if they quit their job due to exposure to smoke.</p> <p>Clear signposting of smoking premises required.</p>
Education Facilities	Banned, with exemptions: <ul style="list-style-type: none"> • Smoking banned altogether for children under 18. • In other facilities, there is a possibility of smoking rooms, provided that smoke is not penetrating the general non-smoking area.
Public Transport	Ban, except in segregated smoking rooms in airports.
Outdoor Areas	Regional laws may foresee bans, e.g. on children's playgrounds.
Future Developments	None planned.
Legislation	Federal Act No. 431/1995, revised version, on the manufacture and marketing of tobacco products and advertising for tobacco products and the protection of non-smokers (Tobacco Act)

	<p>(major amendments concerning ETS in 2004 and 2008).</p> <p>Federal Basic Act No. 1/1957, revised version, on hospitals and medical institution (last amendment concerning ETS in 2011).</p>
Competent Authority	Ministry with policy responsibility for tobacco issues: Federal Ministry of Health (holds primary responsibility on tobacco issues) and the Federal Ministry of Labour, Social Affairs and Consumerism
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: local administrative unit (so called “Bezirkshauptmannschaft”) • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: Sanctions for violations of the smoking bans/restrictions in public indoor places including hospitality venues: fines up to €2.000,- for first violation by tenant, up to €10.000,- for repeated/ongoing violations; fines up to €100,- for first violation by smokers/up to €1.000,- for second violation). In case of 3 final convictions the holder of an establishment may lose his/her license • Please provide available data on application of sanctions: Between 1 January 2009 and 1 June 2012 16.000 complaints on the infringement against existing smoking bans have been filed and 3.300 fines up to EUR 5.000,- (in some cases just admonishments) have been remitted. In 1.000 cases the decision was appealed. • Please describe any specific enforcement/compliance difficulties: Due to capacity problems it is hard to control if smoking bans and restrictions are carried out properly. Furthermore especially in case of appeal stages proceedings may last quite long, up to several years.
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 60% exposed (in the last 6 months)</p> <p>Restaurants: 42% exposed (in the last 6 months)</p> <p>Workplace: 49% exposed (at least occasionally)</p>
Belgium	
General Workplace Enclosed Public Places	Ban, with an exemption of a clearly designated smoking room with appropriate ventilation. The smoking room

Restaurants Bars Health Care Facilities Hotels and Accommodation	cannot take up more than 25% of the total surface of the establishment. Any kind of service is forbidden and the customers can only take their drink with them (in hospitality sector).
Education Facilities Public transport	Total ban.
Residential Care Prisons	Banned, with an exemption of closed places considered as private rooms.
Outdoor Areas	Ban in schools outdoor areas (communities decree)
Future developments	None planned
Legislation	Loi instaurant une réglementation générale relative à l'interdiction de fumer dans les lieux fermés accessibles au public et à la protection des travailleurs contre la fumée du tabac (1) (M.B. 29.XII.2009) (entered into force 1 st January 2010, modification of the Constitutionnal Court entered into force 1st July 2011).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Public Health for public places and Ministry of Labour for workplaces
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: Ministry of Public Health for public places and Ministry of Labour for workplaces • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: fines (up to 6600 euros) • Please provide available data on application of sanctions: Between July and December 2011: 6833 controls. 695 fines issued. • Please describe any specific enforcement/compliance difficulties: enforcement of the ban in bars in the evening and at night.
Exposure to Smoke Indoors (Eurobarometer 2012)	Bars: 23% exposed (in the last 6 months) Restaurants: 6% exposed (in the last 6 months) Workplace: 29% exposed (at least occasionally)
Bulgaria	
General Workplace Enclosed Public Places Restaurants Bars Education Facilities Health Care Facilities Hotels and Accommodation Public transport Residential Care	Total ban for all public places, with an exemption at airports for designated separate smoking rooms with good mechanical ventilation, airtight walls, tight-fitting doors and indication as smoking units. It is forbidden for persons under 18 years old to be at this designated smoking room. The Council of Ministers will define the requirements for the separate smoking rooms by an Ordinance.

Prisons	
Outdoor Areas	Smoking is banned in the following outdoor public places: the associated grounds and pavements of nurseries, kinder gardens, schools, student dormitories and the places for provision of social services for children; playgrounds for children; where there are organized events for children and schoolchildren; sport objects, summer cinemas and theatres – during sport and cultural events.
Future Developments	The Ministry of Health (MoH) will elaborate a project of Ordinance for the designated smoking rooms which are allowed at airports. MoH has elaborated a draft Ordinance for requirements for labelling, marking and external appearance of tobacco products. The draft is in a procedure for approval.
Legislation	Art. 56 and 56a, art. 218 and art. 231 in Health Act (published in SG 70, 10 August 2004, entered into force 1 st of January 2005). Law for amendment and supplementation of Health Act published in State Gazette 40, 29 May 2012, entered into force 1 st June 2012,
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Health is responsible for the control on smoking. The other institutions: Ministry of Economics, Energy and Tourism, Ministry of Agriculture and Foods, Ministry of Finance, Commission for Consumer Protection, Institute for Tobacco and Tobacco Products, Custom Agency have different responsibilities on tobacco issues.
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: Ministry of Health, and the Regional Health Inspectorates (RHI) • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: for individuals: for first violation –300 - 500 leva, in repeating the same violation – 500 - 1000 leva; for sole proprietors: for first violation – 1000 - 1500 leva, in repeating the same violation – 1500 - 3000 leva; for legal entities: for first violation – 3000 - 5000 leva, in repeating the same violation – 5000 – 10 000 leva. • Please provide available data on application of sanctions: Since 1st of June, the health state inspectors from the Regional Health Inspectorates have performed 20 729 checks all over the country for tobacco smoking at indoor public places and some outdoor places after the complete ban entered into force. They have checked 19 683 premises – indoor and outdoor public places,

	<p>including working places, schools and catering and entertainment locations. There are 27 acts for tobacco smoking at indoor public places. The state health inspectors have given 864 administrative prescriptions for irregular interpretation of Health Act or with a preventive aim to legal entities of schools and companies.</p> <ul style="list-style-type: none"> • Please describe any specific enforcement/compliance difficulties: The MoH and the RHI puts in a lot of work and efforts to perform strict health control for the implementation of the Law for the total ban of smoking and for non-violation of the Law.
<p>Exposure to Smoke Indoors (Eurobarometer 2012)</p>	<p>Bars: 69% exposed (in the last 6 months) Restaurants: 57% exposed (in the last 6 months) Workplace: 45% exposed (at least occasionally)</p> <p>We do not have a national representative survey as regards the bars and restaurants and we cannot make comments on the data above. The information in the “Eurobarometer” – 47 page: “Respondents in Greece (71%), Bulgaria (69%) and Luxembourg (68%) are the most likely to say that when they visited a drinking establishment within the last 6 months there were people smoking inside. In ... Bulgaria, smoking is banned in public places such as bars but the implementation of the regulation has been weak” is not correct.</p> <p>In 2011 and till 1 of June 2012 there was not a complete ban for smoking in bars. Smoking was allowed in each bar or restaurant, which is under 50 sq.m., in all the night premises, in designated smoking rooms during the day and everywhere after 22:00 in night bars. .</p> <p>As regards the working places there was a complete ban but we don't have a national representative survey in order to verify the data from “Eurobarometer”.</p>
Cyprus	
<p>General Workplace</p>	<p>Every employer shall, after consultation with the employees who may be affected or with representatives of the employees, prescribe in writing and implement a policy in all workplaces, which shall be based in the principle that employees who do not smoke, or do not desire to smoking in their workplace, shall be protected from such smoke in such workplace.</p> <p>The provisions of the Law shall not prevent an employer to allow smoking in closed areas, which have an adequate ventilation system and where only employees who are smokers</p>

	<p>are found and who request in writing that smoking may be allowed in such a place.</p> <p>It should be clarified here that for workplaces that fall under the definition of “no smoking area”, smoking is prohibited excluding open outdoor areas, or open interior areas. “No smoking area” means public building, a building of government or semi-state services, a financial institution, university, school or other educational institution, or educational establishment, airport, port, hospital including rural health centre and outpatient department, public or private home for the elderly and disabled persons, private clinic, private consulting room, private pharmacy, cinema theatre, projection room for videos, or digital disks, museum, gallery, concert hall, cultural centre, public library, closed sports area, hotel, factory, or other premises for the preparation or packaging and or sale of foodstuffs, room for the preparation of food, lift, mall, clubhouse, club, irrespective if entrance is free or is for members only, kiosk, betting shop, pinball shop, billiard room events centre for minors, internet café and entertainment centre, including inter alia restaurants, cafeterias, bars, cabarets, reception halls, discotheques, dance hall or any other amusement areas.</p>
<p>Enclosed Public Places Restaurants Bars Education Facilities Health Care Facilities Hotels and Accommodation</p>	<p>Ban on smoking excluding open outdoor or indoor spaces.</p>
<p>Residential Care</p>	<p>No specific provisions for residential care.</p>
<p>Prisons</p>	<p>No specific provisions in the Law for prisons. However, areas which are commonly used by prisoners (such as restaurants, kitchen, work places etc.) are considered as "no smoking areas" and smoking is forbidden. As far as the prison cells are concerned, there are different chambers for smokers and non-smokers.</p>
<p>Public transport</p>	<p>Total ban including in private vehicles where persons under 16 years of age are on board.</p>
<p>Outdoor Areas</p>	<p>No ban for outdoor areas</p>
<p>Future Developments</p>	<p>None planned.</p>
<p>Legislation</p>	<p>Health (Control of smoking) Law of 2002 {N.75(I)/2002} (amendments entered into force 1st January 2010).</p>
<p>Competent Authority</p>	<p>Ministry with policy responsibility for tobacco issues: Ministry of Health and Ministry of Economics for taxation.</p>
<p>Enforcement</p>	<ul style="list-style-type: none"> National body responsible for enforcement: Authorised officer for the enforcement of the legislation is: a

	<p>member of the Police Force or an officer of the Customs Department or a Health Inspector of the Department of Medical and Public Health Services or a Health Inspector of the municipalities or improvement councils or an officer of the Competition and Consumer Protection Service; or labour inspection officer of the department of labour inspection .</p> <ul style="list-style-type: none"> • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: For smoking or the permission of smoking in a “non smoking area” a fine not exceeding 2000 Euros. For other infringements, a fine of thousand pounds (1700 euro), or imprisonment not exceeding six months or both such penalties. Enforcement officers can also give an out of court notice of 85 euro fine in the cases of smoking or permission of smoking in no smoking areas. • Please provide available data on application of sanctions: In the year 2012 an antismoking campaign took place between the months February end of April, in which 174 cases were given out of court notice of 85 euro fine and other 126 cases will be prosecuted. • Please describe any specific enforcement/compliance difficulties:
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 53% exposed (in the last 6 months) Restaurants: 45% exposed (in the last 6 months) Workplace: 41% exposed (at least occasionally)</p>
Czech Republic	
General Workplace	Obligation for employee not to smoke at workplaces and other premises where non-smokers would be exposed to the effects of smoking.
Enclosed Public Places	Banned with the exception of structurally separated areas reserved for smoking and permanently ventilated to areas outside the building when occupied
Restaurants Bars	<ul style="list-style-type: none"> • The operator may decide whether to designate their premises as smoking or non-smoking, or provide structurally separated areas for smokers and non-smokers. • They must visibly label their premises accordingly. • Smoking establishments and establishments with reserved areas in which smoking is permitted must have sufficient ventilation.
Health Care Facilities	Total ban with the exception of closed psychiatric wards or

Residential Care	other facilities for the treatment of addictions, in which smoking is permitted only in structurally separated areas reserved for smoking and permanently ventilated to areas outside the building when occupied
Educational Facilities	Total ban
Public Transport	Banned, except in structurally separate premises of stations, airports, etc.
Hotels and Accommodation	<ul style="list-style-type: none"> • Smoking regime in rooms is a decision of a hotel operator. • Smoking is prohibited in publicly accessible premises (such as hotel lobbies) with the exception of structurally separated areas.
Prisons	<ul style="list-style-type: none"> • The general provision on smoking in the buildings of state authorities applies, i.e. the managers are obliged to ensure that the persons in these buildings are protected from the harmful effects of smoking. • In addition, the convicted nonsmoker may request to be placed separately from smokers.
Outdoor Areas	<ul style="list-style-type: none"> • A municipality with independent authority may temporarily or permanently prohibit smoking on publicly accessible children's playgrounds, publicly accessible sports venues etc.
Future Developments	Revision of Act No 379/2005 Coll. on protective measures against damage caused by tobacco products, alcohol and other addictive substances, is currently under way. Draft of amendment will be submitted to the government of the Czech Republic in autumn 2012.
Legislation	<ul style="list-style-type: none"> • Act No 379/2005 Coll. on protective measures against damage caused by tobacco products, alcohol and other addictive substances (entered into force 1st January 2006 with some exceptions which entered into force 1st July 2006 and 1st January 2007). • Act No 262/2006 Coll., Labour Code (entered into force 1st January 2007). • Decree Nr. 345/1999 Coll., of the Ministry of Justice ,by which is issued Order of execution of imprisonment
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Health in cooperation with other ministries
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: Municipality in delegated competence, The Police of the Czech Republic, Municipal police, Public Health Authority (as regards meal services), State Labour inspection office and regional labour inspectorates (as regards workplaces)

	<ul style="list-style-type: none"> • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: fine for operator from 5 000 CZK up to 10 000 CZK, and for person, who smoke at place with smoking ban – up to 1 000 CZK • Please provide available data on application of sanctions: no concrete data available • Please describe any specific enforcement/compliance difficulties: e.g. missing definition of smoking in the legislation
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 67% exposed (in the last 6 months)</p> <p>Restaurants: 55% exposed (in the last 6 months)</p> <p>Workplace: 31% exposed (at least occasionally)</p>
Denmark	
General Workplace Enclosed Public Places Restaurants Residential Care Prisons	Banned, except in smoking rooms or cabins.
Bars	Smoking is prohibited in venues larger than 40m ² , except in smoking rooms or cabins, where food and drinks are not served. Small bars, with a serving area smaller than 40m ² may permit smoking.
Health Care Facilities	Same restrictions as general workplaces. Most hospitals are completely smoke free by local decisions.
Education Facilities	<ul style="list-style-type: none"> • Smoking banned altogether in all schools and youth education institutions where most of the students are younger than 18 years. This applies to everyone – also staff members - inside and outside. • In residential home and certain institutions for children or young persons below 18 years that also serve as dwellings adolescents may be allowed to smoke in designated smoking rooms, in their own rooms and outside the buildings.
Public Transport	Banned, except in smoking rooms and cabins on passenger ships. Otherwise, it follows with overall law.
Hotels and Accommodation	<ul style="list-style-type: none"> • In hotel rooms, it may be decided that the guests are permitted to smoke. • Smoking is prohibited in publicly accessible premises except for smoking rooms or cabins.
Outdoor Areas	In institutions for children, schools and educational institutions for adolescents, in which the main part of the adolescents are below 18 years smoking is prohibited both inside and outside for everyone.
Future Developments	Recent changes were decided in parliament in June 2012 and

	will come into force 15. August 2012 The law will be revised within three years.
Legislation	Act No. 512 of 6 th June 2007. Smoke-free Environments Act (entered into force on 15 th August 2007). Act No. 186 of 13. June 2012: Act on Changes on the Act on Smoke free environments (entered into force on the 15 th August 2012).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Health and Prevention
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: Health and Safety Inspectorate, and Police • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: enforcement orders and fines for the responsible employers or owners of establishments • Please provide available data on application of sanctions: From 1st January 2008 to 1st April 2009, 861 enforcement orders were given by the Labour, Health and Safety Inspectorate. In the same period, the police registered 25 cases of violations of the law. • Please describe any specific enforcement/compliance difficulties: : It seems that bars and pubs have some problems with compliance, as some bigger places allow smoking as if they were a small establishment (with <40 square meters serving area)
Exposure to Smoke Indoors (Eurobarometer 2012)	Bars: 34% exposed (in the last 6 months) Restaurants: 10% exposed (in the last 6 months) Workplace: 13% exposed (at least occasionally)
Estonia	
General Workplace	In office premises and other public premises of enterprises, smoking is allowed only in separately ventilated smoking rooms (which are negatively pressurised) or smoking areas.
Enclosed Public Places	Banned in certain types of public places (e.g. shops), but in others (cultural institutions, sport and recreational facilities), smoking is allowed in designated rooms or areas.
Hotels and Accommodation Residential Care Prisons	Smoking banned in all enclosed public spaces, except for designated smoking rooms or areas.
Restaurants Bars	Smoking permitted outside catering establishments or in designated smoking rooms intended exclusively for smoking.
Health Care Facilities	Smoking allowed in designated rooms or areas.
Education Facilities	Smoking banned altogether except on the premises of institutions of higher education, in designated rooms or areas.

Public Transport	Banned, except for designated and ventilated areas on trains and passenger ships.
Outdoor Areas	Banned in the outdoor spaces of educational and childcare facilities.
Future Developments	In 2011, we started review of current tobacco policy including smoke free environment, tobacco policy green book will be presented to government in the end of 2012.
Legislation	Tobacco Act (passed 4 th May 2005 and entered into force on 5 th June 2005).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Social Affairs
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement Health Board • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: Tobacco Act § 49. Smoking in an area where smoking is prohibited is punishable by a fine of up to 20 fine units. (Fine unit - 4 euros) § 50. Violation of requirement to restrict smoking areas (1) Granting permission to smoke in a place where smoking is prohibited by law and violation of the requirements established for smoking rooms or smoking areas is punishable by a fine of up to 200 fine units. (2) The same act, if committed by a legal person, is punishable by a fine of up to 2 000 euros. (Fine unit - 4 euros) • Please provide available data on application of sanctions: • Please describe any specific enforcement/compliance difficulties:
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 16% exposed (in the last 6 months)</p> <p>Restaurants: 13% exposed (in the last 6 months)</p> <p>Workplace: 27% exposed (at least occasionally)</p>
Finland	
General Workplace	<p>Smoking banned on the joint and public premises of workplaces and the areas accessible to clients except for designated smoking rooms.</p> <p>In any other premises at the workplaces, employers are to ensure that employees are not involuntarily exposed to tobacco smoke.</p>
Enclosed Public Spaces Health Care Facilities	Smoking allowed only in designated smoking rooms.

Residential Care Prisons	
Restaurants Bars	Smoking allowed in separately ventilated smoking rooms where no food or drink is to be served or consumed.
Educational Facilities	Total ban in primary, secondary and vocational schools, otherwise the same rules as for enclosed public spaces apply.
Hotels and Accommodation	Smoking allowed in at most one out of ten rooms for accommodation. Irrespective of the number of rooms, smoking can however be allowed in three rooms for accommodation.
Public Transport	Smoking is banned inside public means of transport. It is permitted: <ul style="list-style-type: none"> • in smoking rooms on premises of public transport. • in restaurants over 50m² of international vessels
Outdoor Areas	Smoking banned in outdoor spaces of childcare and educational facilities and at outdoor events where the participants stay on places assigned for them.
Future Developments	A total ban for workplaces and block house balconies has been suggested but no official proposal has been made yet.
Legislation	<ul style="list-style-type: none"> • Tobacco Act No. 693/1976. Issued in Helsinki on 13th August 1976. Latest amendment passed in August 2010.
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Social Affairs and Health
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: National Institute for Health and Welfare, National Supervisory Authority for Welfare and Health, Occupational Safety and Health Administration, and Regional State Administrative Agencies • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: fine, sums can vary depending on the severity of the offence, and in case of firms on the turnover. • Please provide available data on application of sanctions: N/A • Please describe any specific enforcement/compliance difficulties: -
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 9% exposed (in the last 6 months) Restaurants: 4% exposed (in the last 6 months) Workplace: 15% exposed (at least occasionally)</p> <p>The Finnish report 'Health Behaviour and Health among the Finnish Adult Population, Spring 2011' indicates that 9%</p>

	of Finns are exposed to smoke in the workplace at least occasionally.
France	
General Workplace Enclosed Public Places Hotels and Accommodation Residential Care Prisons	Smoking is banned, except in separately ventilated smoking rooms, in which no services are provided. The smoking room should not occupy more than 20% of the overall surface of the establishment and should not exceed 35 m ² . Serving staff and minors are not permitted to enter smoking room.
Restaurants Bars	Smoking allowed in separately ventilated smoking rooms. The smoking room should not occupy more than 20% of the overall surface of the establishment and should not exceed 35 m ² . Serving staff and minors are not permitted to enter smoking room (Art R3511-3 of the public health code)
Health Care Facilities Education Facilities	Total ban
Public Transport Outdoor Areas	Smoking is banned, except on the outside of maritime vessels. Smoking banned in outdoor spaces of childcare and educational establishments
Future Developments	None planned
Legislation	Décret n° 2006-1386 du 15 novembre 2006 fixant les conditions d'application de l'interdiction de fumer dans les lieux affectés à un usage collectif (entered into force in enclosed workplaces and public places February 2007 and in hospitality venues January 2008). Arrêté du 1er décembre 2010 fixant les modèles de signalisation prévus par l'article R. 3511-6 du code de la santé publique (defining models of display within spaces where it is forbidden to smoke)
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Social Affairs
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: Police, Public Health inspectorate, Health and Safety Inspectorate, work inspectorate • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: To smoke when forbidden : third class fine (68 euros, Art R3512-1 Public Health-Code) If ban not respected by those responsible for the premises: forth class fine (135 euros, Art R3512-2 Public Health Code) • Please provide available data on application of sanctions: no data available

	<ul style="list-style-type: none"> Please describe any specific enforcement/compliance difficulties:
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 12% exposed (in the last 6 months)</p> <p>Restaurants: 7% exposed (in the last 6 months)</p> <p>Workplace: 21% exposed (at least occasionally)</p>
Germany	
General Workplace Hotels and Accommodation Prisons	<ul style="list-style-type: none"> Employers are required to effectively protect non-smoking employees from tobacco related health risk. If necessary, the employer must issue a general smoking ban or one restricted to individual areas of the workplace.
Enclosed Public Places Health Care Facilities Education Facilities	Smoking banned at Länder level. In some states, smoking rooms are allowed.
Restaurants Bars	<ul style="list-style-type: none"> Smoking bans exist at Länder level, usually allowing for separate smoking rooms and exempting smaller establishments that do not serve food. Complete smoking bans for the hospitality sector are in place in Saarland, North Rhine-Westphalia and Bavaria
Public Transport	Banned in trains and taxis, otherwise it follows general workplace law.
Residential Care	Smoking permitted in separate rooms.
Outdoor Areas	Smoking banned in outdoor areas of schools.
Future Developments	No plans at federal level.
Legislation	Information on the legislation in the 16 Länder http://www.rauch-frei.info/?id=431
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Health, Ministry of Food, Agriculture and Consumer Protection
Enforcement	<ul style="list-style-type: none"> National body responsible for enforcement: no national body, usually on local level Are there sanctions for non-compliance with national legislation/requirements: yes Please specify these sanctions: fines for misdemeanor Please provide available data on application of sanctions: yes Please describe any specific enforcement/compliance difficulties: enforcement depends on the capacity for control on the local level
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 32% exposed (in the last 6 months)</p> <p>Restaurants: 11% exposed (in the last 6 months)</p> <p>Workplace: 23% exposed (at least occasionally)</p>

Greece

General Workplace Enclosed Public Places Restaurants Health Care Facilities Education Facilities Public Transport Hotels and Accommodation Residential Care	Total ban
Bars	Smoking is allowed in entertainment centres larger than 300 m2 with live music and casinos.
Prisons	Allowed.
Outdoor Areas	No ban.
Future Developments	None planned.
Legislation	Health Regulations Y1/GP oik.76017 (FEK* 1001/v.b /01-08-02) and Y1/GPoik. 82942 (FEK* 1292/v. b/12-09-03) (entered into force in September 2003).
Competent Authority	Ministry with policy responsibility for tobacco issues: Hellenic Ministry of Health and Social Solidarity
Enforcement	<ul style="list-style-type: none">• National body responsible for enforcement: Departmental Public Health Departments, Municipal police, Port police and SEYYP• Are there sanctions for non-compliance with national legislation/requirements: yes• Please specify these sanctions: Violation of the provisions on banning smoking from public officers is considered a disciplinary offence. For smokers the fine varies to 50 to 500 euros. For businesses the fine is 500 to 10.000 euros.. For those who sell tobacco products to minors the fine 500 to 10.000 euros. For those who advertise tobacco products the fine is 500 to 10.000 euros.• Please provide available data on application of sanctions: During 2011 the total amount of fines which were imposed sums to 464,828 euros.• Please describe any specific enforcement/compliance difficulties: In many areas are not enough the responsible for the control of tobacco.
Exposure to Smoke Indoors (Eurobarometer 2012)	Bars: 71% exposed (in the last 6 months) Restaurants: 72% exposed (in the last 6 months) Workplace: 58% exposed (at least occasionally)

Hungary

<p>General Workplace Enclosed Public Places Restaurants Bars Health Care Facilities Education Facilities Public Transport Hotels and Accommodation Residential Care Prisons</p>	<p>Total Ban.</p> <p>Exception: Cigar rooms of hotels, prisons, police detention cells, psychiatric institutes, workplaces where the corrected effective temperature is over 24°C and -with certain conditions- at workplaces and establishments with increased risk or risk of fire and explosion or risk of fire.</p>
<p>Outdoor Areas</p>	<p>Smoking banned at public transportation stops and stations (bus, tram, trolley, bus, and underground), playgrounds and five meters around them. Smoking banned even in open air spaces in public education institutions, in child welfare and child protection institutions, in the premises of health service providers.</p>
<p>Future Developments</p>	<p>Still collecting the opinions and suggestions related to the amendment to Act XLII of 1999 (entered into force 1st January 2012). After evaluating these suggestions, we will decide on further steps.</p> <p>An act is under notification aiming at the reduction of youth smoking.</p>
<p>Legislation</p>	<ul style="list-style-type: none"> • Act XLII of 1999 on the Protection of Non-Smokers and Certain Regulations on the Consumption and Distribution of Tobacco Products (entered into force 1999). • Amendment to Act XLII of 1999 (entered into force 2nd January 2012).
<p>Competent Authority</p>	<p>Ministry with policy responsibility for tobacco issues: Ministry of Human Resources, State Secretariat for Healthcare</p>
<p>Enforcement</p>	<ul style="list-style-type: none"> • National body responsible for enforcement National Public Health and Medical Officer Service, policy administration services of public health and subregional public health institutes of government offices • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: A health protection fine is imposed in the case of violations of prohibitions or obligations regarding the consumption or distribution of tobacco products, on the infringing natural or legal person or organisation without legal personality. • Please provide available data on application of sanctions: In the first three months after the introduction of the law 18 073 units were controlled: lack of compliance was found in 957 units and

	<p>authority measures were taken in 530 cases.</p> <ul style="list-style-type: none"> • Please describe any specific enforcement/compliance difficulties: Citizen complaints over the increased smoke concentrations in open air spaces especially near bars.
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 28% exposed (in the last 6 months) Restaurants: 16% exposed (in the last 6 months) Workplace: 44% exposed (at least occasionally)</p> <p>According to a national survey (TÁRKI-OEFI Adult Smoking Survey 2012): bars, discos: 47%, restaurants: 19%, workplaces: 33%</p>
Ireland	
General Workplace Enclosed Public Places Restaurants Bars Health Care Facilities Education Facilities Public Transport	Total ban
Hotels and Accommodation	Smoking allowed in designated hotel rooms.
Residential Care Prisons	Smoking permitted
Outdoor Areas	Smoking is permitted in outdoor areas.
Future Developments	Work is on-going on the development of legislation to ban smoking in cars where children are present. Also the Report of the Tobacco Policy Review Group will be published before year end and further extension of the smoking ban will be considered in this regard.
Legislation	Public Health (Tobacco) Acts 2002 and 2004 (entered into force in March 2004).
Competent Authority	Ministry with policy responsibility for tobacco issues: Health
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: The Health Service Executive • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: Fines of up to €4,000 may be imposed on summary conviction. Anyone convicted of an offence and who is engaged in selling tobacco products, shall also be removed from the Retail Register for a period as determined by the Courts, up to a maximum of 3 months. They are prohibited from selling tobacco products during this period.

	<ul style="list-style-type: none"> • Please provide available data on application of sanctions: There have been 210 cases taken between 2004 and 2011 for breaches of the smoke-free legislation. This has resulted in 213 convictions (there are generally a number of summonses served in each case, hence greater no of convictions than cases) Fines ranged from €30-€3,000; removals from the Retail Register ranged from 1 day to 3 months. • Please describe any specific enforcement/compliance difficulties: Compliance with exemptions relating to outdoor areas/smoking shelters in licensed premises has proved challenging. Two High Court judgments provide valuable precedent, a third case will be heard in Jan 2013 and it is hoped this will provide further clarity on interpretation of the legislation.
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 8% exposed (in the last 6 months)</p> <p>Restaurants: 5% exposed (in the last 6 months)</p> <p>Workplace: 14% exposed (at least occasionally)</p>
Italy	
General Workplace Enclosed Public Places Health Care Facilities Education Facilities Public Transport Residential Care Prisons	Smoking allowed only in separately ventilated smoking rooms.
Restaurants Bars Hotels and Accommodation	Smoking allowed only in separately ventilated smoking rooms which cover less than half of the overall serving area
Outdoor Areas	Smoking is permitted in outdoor areas except for some parks where municipalities extended the smoking ban and some school courtyards where principals extended the smoking ban.
Future Developments	None planned.
Legislation	Law No 3 of 16 January 2003 "Regulatory provisions governing public administration" (entered into force January 2005).
Competent Authority	Ministry with policy responsibility for tobacco issues: Health
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: Public Health and Health and Safety Inspectorate • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: 1) between €27.5 and

	<p>€275 for smoking where not allowed and 2) between €220 and €2,200 for the persons in charge of the respect of the ban.</p> <ul style="list-style-type: none"> • Please provide available data on application of sanctions: from 2005 to 2011 over 22,000 controls, 1,478 sanctions has been imposed (6.7%), among them 554 (2.5%) for smoking where not allowed and 924 (4.2%) for failing the compliance with smoking ban (lack or irregular signs, ventilated smoking rooms etc.) • Please describe any specific enforcement/compliance difficulties: difficulties in smoking ban enforcement regards some particular place (prisons, psychiatric hospitals, nursing homes, outside)
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 11% exposed (in the last 6 months) Restaurants: 7% exposed (in the last 6 months) Workplace: 41% exposed (at least occasionally)</p>
Latvia	
General Workplace Healthcare facilities Residential Care Prisons	Ban on smoking, except for specially designated rooms reserved exclusively for smoking.
Restaurants Bars Education facilities	Total smoking ban
Enclosed Public Places	Total smoking ban with the exception of casinos and gambling halls where it is allowed to smoke in premises separated for smoking or premises specially designated for smoking.
Public Transport	Smoking is permitted on long distance trains and ships in designated carriages/cabins. Areas specially designated for smoking may be situated in the public departure areas of international airports behind the security control points.
Hotels and Accommodation	Smoking allowed in designated hotel rooms.
Outdoor Areas	Smoking is banned in public transport stops and children's playgrounds. Smoking is restricted to designated areas in stadiums, outside cafes, parks, squares and bathing places.
Future Developments	The Ministry of Health has been developing an amendment to the Law On Restrictions regarding Sale, Advertising and Use of Tobacco Products which will allow the local municipalities to adopt additional smoking bans, for example, a ban of smoking on balconies or loggias of multi-apartment residential buildings.
Legislation	Law On Restrictions regarding Sale, Advertising and Use of Tobacco Products (the basic document entered into force in 21 January 1997; the last amendments of 16 December 2010 entered into force 1 January 2011; all amendments are

	transposed into the basic document).
Competent Authority	<p>Ministry with policy responsibility for tobacco issues:</p> <p>Intersectoral responsibility: the Ministry of Health is responsible for tobacco issues concerning the public health, the Ministry of Finance (particularly the State Revenue Service) is responsible for tobacco issues concerning taxation, the Ministry of the Interior (particularly the Police) is responsible for tobacco issues concerning sanctions about smoking restrictions and selling tobacco products to minors, the Ministry of Education and Science (particularly the National Centre for Education) is responsible for tobacco issues concerning the education programmes about the harm of using tobacco, the Ministry of Economics (particularly the Consumer Rights Protection Centre) is responsible for tobacco issues concerning the ban of tobacco advertisement.</p>
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: the Ministry of Finance (particularly the State Revenue Service) is responsible for the enforcement of tobacco taxation, the Ministry of the Interior (particularly the Police) is responsible for the enforcement of sanctions about smoking restrictions and selling tobacco products to minors, the Ministry of Economics (particularly the Consumer Rights Protection Centre) is responsible for the enforcement of the ban of tobacco advertisement, the Ministry of Health is responsible for the enforcement of public health prevention and promotion activities, the Ministry of Education and Science (particularly the National Centre for Education) is responsible for the enforcement of the education programmes. • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: The Administrative Violation Code determines the type and amount of penalties for violations: For smoking in a prohibited area, a fine in an amount up to 10 lats shall be imposed. In the case of designation of a room (place) for smoking which does not comply with the requirements of the law, a fine in an amount from 150 lats of up to 250 lats shall be imposed on a legal person. In the case of failure to display the informative notice or symbol

	<p>regarding the prohibition of smoking as specified in the law, a fine in an amount from 50 lats up to 100 lats shall be imposed on the manager of the institution. The administrative penalty for vendors who sell tobacco products to minors is from 200 lats to 250 lats, but for legal entities from 500 lats to 1000 lats. For repeated offenses within the year vendors receive an administrative penalty and a fine from 250 lats to 500 lats, but for legal entities administrative penalty and a fine is from 2000 lats to 5000 lats. The Licensing Commission within the State Revenue Service can revoke a special permit (licence) to a merchant if tobacco products are sold at sites where they are prohibited or are sold to minors.</p> <ul style="list-style-type: none"> • Please provide available data on application of sanctions: For smoking in a prohibited area and in the case of designation of a room (place) for smoking, which does not comply with the requirements of the law, in 2009, the Police imposed 3351 protocols on administrative violation (the total amount of the fine was 9284.5 lats); in 2010, the Police imposed 2386 protocols on administrative violation (the total amount of the fine was 7520 lats); in 2011, the Police imposed 1330 protocols on administrative violation (the total amount of the fine was 4344 lats) • Please describe any specific enforcement/compliance difficulties: Difficulties to impose protocols on administrative violation if selling tobacco products to minors.
<p>Exposure to Smoke Indoors (Eurobarometer 2012)</p>	<p>Bars: 19% exposed (in the last 6 months) Restaurants: 10% exposed (in the last 6 months) Workplace: 25% exposed (at least occasionally)</p> <p>Health Behaviour among Latvian Adult Population, 2010 (FINBALT) showed that more men than women are subject to passive smoking in their work place. The proportion of male exposed to tobacco smoke at work more than 1 hour per day is 14.2%, but that of female – 3.3%. Larger proportion is exposed to passive smoking at home – 51.1% men and 38.5% women report that someone in the family smokes in the presence of other people. FINBALT does not contain questions about</p>

	persons who are exposed to passive smoking in bars and restaurants.
Lithuania	
General Workplace	Smoking banned except in designated smoking rooms which meet certain ventilation requirements.
Enclosed Public Places Restaurants Bars Health Care Facilities Education Facilities	Total ban. Exception: Smoking is allowed in specially established private cigar and pipe clubs, where no serving or consumption of food and drink is permitted.
Public Transport	<ul style="list-style-type: none"> • Total ban.
Hotels and Accommodation	<ul style="list-style-type: none"> • Smoking regime in individual rooms is a decision of hotel managers • In publicly accessible premises, smoking banned except in designated smoking rooms
Residential Care Prisons	The administrative bodies of a legal person must ensure that its personnel, clients and visitors are not exposed to tobacco smoke. They must also ensure that special smoking rooms are set aside.
Outdoor Areas	Municipal councils shall have the right to prohibit smoking in public places (parks, squares, etc.) and other public places falling within the scope of their competence.
Future Developments	There are no concrete measures planned at the time
Legislation	<ul style="list-style-type: none"> • Law on Tobacco Control 20 December 1995 No I-1143 • Amended on 15 June 2006 – No X-699 and 26 June 2008 – No X-1637 (entered into force July 2008).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Health and Ministry of Economy
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: Drug, Tobacco and Alcohol Control Department (DTACD) • Are there sanctions for non-compliance with national legislation/requirements: There are both for natural and legal person • Please specify these sanctions: Legal persons that violate the requirement set in subparagraph 5 of paragraph 1 of Article 19 of this Law shall be subject to a fine between one thousand and five thousand litas. • Please provide available data on application of sanctions: 8 cases of infringement in 2007 and 5 – in 2008. No sanctions for legal persons were applicable since 2009. Data for natural persons are not available. • Please describe any specific enforcement/compliance

	<p>difficulties: Though natural persons shall be held liable for violating this Law in accordance with the procedure laid down in the Code for Administrative Offences of the Republic of Lithuania and the Criminal Code of the Republic of Lithuania there are some difficulties with implementation.</p>
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 8% exposed (in the last 6 months) Restaurants: 2% exposed (in the last 6 months) Workplace: 32% exposed (at least occasionally)</p>
Luxembourg	
General Workplace Hotels and Accommodation Prisons	Employer is obligated to ensure that workers are effectively protected from passive smoking. This can include providing smoking rooms.
Enclosed Public Places Education Facilities	Total ban
Restaurants	Ban on smoking in restaurants and tea rooms, except in smoking rooms, covering less than ¼ the surface. Minors are not permitted in the smoking room.
Bars	Ban during dining hours, except in smoking rooms covering less and ¼ of the surface. Minors are not permitted in the smoking room.
Health Care Facilities Public Transport	Smoking allowed only in smoking rooms (one per establishment).
Residential Care	Smoking permitted in designated smoking areas, but strictly reserved for patients.
Outdoor Areas	Ban in outdoor areas of education and health care facilities
Future Developments	Ban in bars and discos (except in smoking rooms of less than ¼ of the total surface)
Legislation	Law of 11 th August 2006 (entered into force in September 2006).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministries of Justice, Finance, Economics and the Interior (Home Office)
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: Home Office (Ministry of the Interior) • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: Taxed fees (advertisement taxes) • Please provide available data on application of sanctions: The director of the Police and Customs have a database of the fines given (RGD du 14 mars 2007 relatif aux avertissements taxées et aux consignations en matière d'interdiction de fumer)

	<ul style="list-style-type: none"> Please describe any specific enforcement/compliance difficulties: -
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 68% exposed (in the last 6 months)</p> <p>Restaurants: 9% exposed (in the last 6 months)</p> <p>Workplace: 19% exposed (at least occasionally)</p>
Malta	
General Workplace Enclosed Public Places Restaurants Bars Public Transport Hotels and Accommodation Residential Care Prisons	Smoking allowed in approved designated smoking rooms until 1 January 2013.
Health Care Facilities Education Facilities	Total ban
Outdoor Areas	Smoking banned in playgrounds and parks with playing equipment for children.
Future developments	The government has banned the use of approved designated smoking rooms as of January 2013, with the exception of individual hotel rooms.
Legislation	<ul style="list-style-type: none"> Tobacco Control Act (Act XLII of 1986 as amended by Act IX of 2003). Smoking in Premises Open to the Public Regulations (L.N. 414 of 2004) (entered into force 5th April 2004). Smoking in Public Places Regulations (L.N. 23 of 2010) (entered into force December 2011).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry for Health, the Elderly and Community Care
Enforcement	<ul style="list-style-type: none"> National body responsible for enforcement: Environmental Health Directorate- Environmental Health Officers, Police Officers and Local Wardens Are there sanctions for non-compliance with national legislation/requirements: yes Please specify these sanctions: First conviction to a fine of not less than two hundred and thirty-two euro and ninety-four cents (232.94) and not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), and where the act or omission constituting the offence subsists for more than a day, the Court shall in addition impose a fine of not less than twenty-three euro and twenty-nine cents

	<p>(23.29) and not more than one hundred and sixteen euro and forty-seven cents (116.47) for each day in which such act or omission subsists, and on a second or subsequently conviction, in addition to such fines, and, at the request of the prosecution, to imprisonment for a term not exceeding three months, and to suspension of the license of the premises or public transport means where the offence took place, for a period of not less than one week and not exceeding one month.</p> <ul style="list-style-type: none"> • Please provide available data on application of sanctions: In 2005, there were 21 contraventions and monetary sanctions were 2794.95 euros. In 2006, the total number of contraventions was 37 and monetary sanctions were 1630 euros. In 2007, the total number of contraventions was 7 and monetary sanctions were 698.82 euros. Data for more recent years is still being collated. • Please describe any specific enforcement/compliance difficulties: Regular inspections in premises open to the public.
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 35% exposed (in the last 6 months) Restaurants: 9% exposed (in the last 6 months) Workplace: 27% exposed (at least occasionally)</p>
Netherlands	
General Workplace Enclosed Public Places Health Care Facilities Education Facilities Public transport Hotels and Accommodation Prisons	Banned, except in designated smoking rooms.
Restaurants Bars	Banned, except in separate smoking rooms with no service. An exception to the smoking ban is made for bars smaller than 70m, without staff.
Residential Care	Smoking allowed in half the number of rooms in mental, disabled, and elderly care homes where there is more than one room.
Outdoor Areas	Smoking allowed
Future developments	None planned.
Legislation	<ul style="list-style-type: none"> • Tobacco Act of 1988 (entered into force 1990). • Amendment in 2002 (entered into force January 2004). • Amendment in 2007 (entered into force 1st July 2008).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry

	of Health, Welfare and Sport
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: National Food and Safety Authority • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: fines, in some cases criminal prosecution. • Please provide available data on application of sanctions: In 2011, our Food and Safety Authority imposed 1259 fines. This includes all fines for smoke free HORECA. • Please describe any specific enforcement/compliance difficulties: Compliance to smoke free regulation in bars is still a challenge.
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 38% exposed (in the last 6 months)</p> <p>Restaurants: 7% exposed (in the last 6 months)</p> <p>Workplace: 22% exposed (at least occasionally)</p>
Poland	
General Workplace Prisons	<p>Smoking banned except in:</p> <ul style="list-style-type: none"> • Smoking rooms (a separate premise used exclusively for smoking, provided with mechanical exhaust ventilation or filtration system, so that tobacco smoke does not penetrate other premises) • The Ministers of National Defense, Internal Affairs and Justice will issue specific regulations for facilities and the means of transport they are in charge of, taking into account the need to keep these facilities smoke-free and protect non-smokers from tobacco smoke
Public transport	Smoking banned except in special isolated rooms for smoking in airports and in waiting halls in bus/train stations
Enclosed Public Places Health Care Facilities	Total ban
Education Facilities	Total ban but smoking rooms possible in higher education system
Restaurants Bars	<p>Smoking banned, except in:</p> <ul style="list-style-type: none"> • Smoking rooms used exclusively for smoking • In venues where at least 2 rooms exist, one may be designated for smoking, provided there is ventilation preventing tobacco smoke penetrating other rooms. Serving food and drinks is allowed in these rooms.
Hotels and Accommodation	<p>Smoking banned, except in:</p> <ul style="list-style-type: none"> • Smoking rooms used exclusively for smoking. • Managers/owners may decide to exclude individual rooms from the smoking ban.

Residential Care	Smoking permitted in smoking rooms used exclusively for smoking.
Outdoor Areas	Smoking banned around bus stops and playgrounds
Future Developments	None planned.
Legislation	Act of 9 November 1995 on the protection of human health from the effects of the consumption of tobacco and tobacco products (amended on 5 November 1999 and on 8 April 2010).
Competent Authority	Ministry with policy responsibility for tobacco issues: [Health, Labour/Social Affairs (Occupational Safety and Health), Combination, or Other (please specify)]
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: [Public Health, Health and Safety Inspectorate, Combination, or Other (please specify)] • Are there sanctions for non-compliance with national legislation/requirements: [yes/no] • Please specify these sanctions: [please fill in] • Please provide available data on application of sanctions: [number of formal actions, any sanctions imposed (monetary or other)] • Please describe any specific enforcement/compliance difficulties: [please fill in]
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 15% exposed (in the last 6 months)</p> <p>Restaurants: 5% exposed (in the last 6 months)</p> <p>Workplace: 41% exposed (at least occasionally)</p>
Portugal	
General Workplace Enclosed Public Places	In workplaces and most public places, smoking is banned, except for enclosed rooms, or designated areas that prevent tobacco smoke from spreading into adjacent areas.
Restaurants Bars	<ul style="list-style-type: none"> • In venues with an area for clients less than 100m², the owner may permit smoking, as long as the smoking area: <ul style="list-style-type: none"> ○ is clearly designated ○ physically detached from remaining facilities or have an autonomous ventilation mechanism ○ has a direct ventilation to the exterior which is assured by an air extraction system • In venues with a total area of 100m² or more, owners may designate up to 30% of their total area for clients as a smoking area or up to 40% in case of an enclosed smoking room, as long as the conditions mentioned above are fulfilled and the area does not include spaces destined exclusively for workers or areas where

	workers have to be permanently.
Public Transport	Total ban
Education Facilities	Total ban. In higher education system, smoking is allowed in enclosed rooms, or designated areas that prevent tobacco smoke from spreading into adjacent areas.
Health Care Facilities Residential Care	Smoking is totally banned, except in psychiatric hospitals and psychiatric, alcoholic and drug services, smoking allowed in enclosed rooms or designated areas that prevent tobacco smoke from spreading into adjacent areas.
Hotels and Accommodation	<ul style="list-style-type: none"> • Owners may permit smoking, as long as the smoking area: <ul style="list-style-type: none"> ○ is clearly designated ○ physically detached from remaining facilities or have an autonomous ventilation mechanism ○ has a direct ventilation to the exterior which is assured by an air extraction system • Hotels may designate no more than 40% of the total accommodation for smokers as long as the conditions mentioned above are fulfilled
Prisons	Total ban in enclosed areas. Cells or units for smokers can be created, with ventilation and independent air extraction, but only for prisoners (not allowed for visitors or staff).
Outdoor Areas	Smoking banned in outdoor spaces of childcare and educational establishments
Future Developments	In January 2012 it has been approved a National Programme on tobacco control. The possible revision of the tobacco Law is now under discussion.
Legislation	Law No 37/2007 of 14 August 2007 Approving rules to protect citizens from involuntary exposure to tobacco smoke and measures to reduce demand related to dependency and giving up smoking (entered into force on 1 st January 2008).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Health
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: General Directorate of Health; the Food and Economic Safety Authority; The General-Directorate of Consumer; The Authority for Labor Conditions • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: Monetary. Ban on selling tobacco. • Please provide available data on application of sanctions: In the period 2008-2011, 186 993 economic operators were controlled and 4110 were prosecuted. • Please describe any specific enforcement/compliance

	difficulties: In general, the law is being well complied with. It is difficult to enforce compliance in certain workplaces like bars, pubs and casinos.
Exposure to Smoke Indoors (Eurobarometer 2012)	Bars: 35% exposed (in the last 6 months) Restaurants: 15% exposed (in the last 6 months) Workplace: 18% exposed (at least occasionally)
Romania	
General Workplace Enclosed Public Places Education Facilities Residential Care Prisons	Ban, except in separately ventilated smoking rooms, which are reserved only for smoking
Restaurants Bars Hotels and Accommodation	<ul style="list-style-type: none"> • Smoking rooms must cover under half the floor space, and be equipped with functional ventilation equipment. • In venues with a surface of less than 100m², owners may permit smoking, with clear signage.
Health Care Facilities Public Transport	Total ban
Outdoor Areas	No legal restrictions of smoking in outdoor areas but some sport facilities banned smoking, both indoor and outdoor.
Future Developments	The law for total ban of smoking in indoor public places and open spaces for childcare is introduced in the Parliament for debate.
Legislation	Law no 349 of 6th June 2002 Regarding the prevention and fighting of the effects of the tobacco products consumption (entered into force on 1 st January 2008).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Health (for health-related tobacco issues), Ministry of Finance (for tax-related tobacco issues) and Ministry of Agriculture (for crop-related tobacco issues)
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: Ministry of Health and National Authority for Consumers Protection (for health-related tobacco regulation) and Ministry of Finance (for tax-related tobacco regulation) • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: fines and suspension of the license • Please provide available data on application of sanctions: <ul style="list-style-type: none"> ○ number of formal actions: 71962 tobacco-related controls of the Ministry of Health in 2011

	<ul style="list-style-type: none"> ○ any sanctions imposed (monetary or other): 357 sanctions (fines and warnings) with a total of 64850 lei from fines ● Please describe any specific enforcement/compliance difficulties: human resources-based (reduced number of inspectors, lack of motivation instruments); difficulties in measuring the space of the restaurants, clubs; violence of the owners
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 54% exposed (in the last 6 months)</p> <p>Restaurants: 33% exposed (in the last 6 months)</p> <p>Workplace: 62% exposed (at least occasionally)</p>
Slovakia	
General Workplace Hotels and Accommodation Prisons	Banned in places where non-smokers work.
Enclosed Public Places Health Care Facilities Education Facilities	Total ban
Restaurants	Smoking is allowed only in separate smoking rooms (which cannot occupy more than 50% of the overall surface).
Bars	Establishments not serving food can decide themselves whether to be smoking or non-smoking.
Public transport	Smoking banned altogether except reserved cars in trains
Residential Care	Banned, except for designated smoking rooms for employees.
Outdoor Areas	Smoking is allowed
Future Developments	None planned.
Legislation	Act no. 377/2004 on the protection of non-smokers and the amendment to the act no. 465/2005 in 2005 (entered into force 1 st November 2005).
Competent Authority	Ministry with policy responsibility for tobacco issues: Health
Enforcement	<ul style="list-style-type: none"> ● National body responsible for enforcement: Public Health, State food and veterinary Administration, Employment Inspectorate, Policy force, Municipal Police, Public Protection Authorities. ● Are there sanctions for non-compliance with national legislation/requirements: yes ● Please specify these sanctions: The Slovak Trade Inspection shall impose a penalty of €31 up to €6,638 on a natural person-businessman or a legal entity who in the retail activity sells tobacco products unlabelled on the unit packet with the warnings, next natural person-businessman or a legal entity who fails to

	<p>respect the prohibition of or restriction on the sale of tobacco products. The State Veterinary and Food Administration of the Slovak Republic shall impose a penalty of €3,319 up to €31,939 where the acts under paragraphs 1 and 2 are committed by the manufacturer or the importer or tobacco products in the wholesale activity directed to placing those tobacco products on the market. Public Health Authorities shall impose a penalty of €31 to €3,319 if natural person-businessman or a legal entity don't create condition for compliance prohibition of smoking by this law</p> <ul style="list-style-type: none"> • Please provide available data on application of sanctions: • Please describe any specific enforcement/compliance difficulties:
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 51% exposed (in the last 6 months) Restaurants: 15% exposed (in the last 6 months) Workplace: 42% exposed (at least occasionally)</p>
Slovenia	
General Workplace Enclosed Public Places Restaurants Bars Public Transport	<ul style="list-style-type: none"> • Smoking allowed only in separate smoking rooms, used exclusively for smoking. • Smoking rooms will not allow eating or drinking, nor should they cover more than 20% of the overall surface. • If no smoking room is available, then a total indoor ban exists.
Health Care Facilities Education Facilities	Total ban
Hotels and Accommodation	Smoking is permitted in designated hotel rooms.
Residential Care	<ul style="list-style-type: none"> • Smoking rooms allowed in psychiatric wards. Smoking is allowed in areas specially designated for smokers in psychiatric hospitals and in areas specially designated for smokers at other treatment providers for mental patients. • Smoking allowed in other residential care facilities in rooms occupied by smokers, and not intended for common use.
Prisons	Smoking permitted in rooms occupied by smokers and not intended for common use.
Outdoor Areas	Smoking banned in outdoor space of childcare and educational establishments.

Future Developments	None planned.
Legislation	The Act Amending the Restriction of the Use of Tobacco Products Act (Official Gazette of the Republic of Slovenia no. 60/2007) (entered into force on 5 th August 2007).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Health of the Republic of Slovenia
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: the Health Inspectorate of the Republic of Slovenia and the Labour Inspectorate of the Republic of Slovenia • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: A fine of €2,000 to €3,000 shall be imposed upon a legal person, a fine of €400 to €1,000 shall be imposed upon the responsible officer of a legal person, a fine of €300 to €4,000 shall be imposed upon a sole trader that fails to uphold the prohibition of smoking in public places or workplaces. A fine of €25 shall be imposed upon an individual who smokes in a public place or workplace where smoking is prohibited. • Please provide available data on application of sanctions: In 2011: 14556 formal actions regarding prohibition of smoking in public places (6109 actions regarding individuals, 8447 actions regarding legal entities) and 156 actions regarding smoking rooms. In 2011: 249 monetary sanctions and 123 other sanctions regarding prohibition of smoking in public places, 13 monetary sanctions and 11 other sanctions regarding smoking rooms. • Please describe any specific enforcement/compliance difficulties: <ul style="list-style-type: none"> ○ enforcement at the level of individuals is almost impossible without police assistance as some individuals refuse to show their identification papers, ○ during cold months some catering operators close terraces with various materials claiming that the material's structure renders the space open, ○ some catering operators try to avoid prohibition of smoking by designating certain rooms in the

	<p>establishment as "private",</p> <ul style="list-style-type: none"> o different/contradictory rulings of court judges regarding the same offence.
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 10% exposed (in the last 6 months) Restaurants: 2% exposed (in the last 6 months) Workplace: 13% exposed (at least occasionally)</p> <p>SI telephonic public survey conducted in 2011 shows that 9.4% of Slovenians were exposed to tobacco smoke in bars and restaurants and 14% of Slovenians were exposed to tobacco smoke at workplace at least occasionally.</p>
Spain	
General Workplace Enclosed Public Places Restaurants Bars Health Care Facilities Education Facilities Public Transport	<p>Total ban</p> <p>Exception: Smoking allowed only in private smoking clubs only for partners, which must be constituted as a legal body, be non-profit making, and must not include amongst their activities the sale of any goods or consumables. Minors are not allowed in private smoking clubs.</p>
Hotels and Accommodation	Up to 30% of a hotel's rooms may be set aside for smoking.
Residential Care Prisons	Smoking rooms with independent ventilation may be provided, but only for residents (not allowed for visitors or staff).
Outdoor Areas	Smoking banned in playgrounds and outdoor areas of healthcare and educational facilities (except for those dedicated exclusively to adult education)
Future Developments	To include not closed areas in the smoking ban as stadium, sport areas, bull rings, festivals, funfairs, etc
Legislation	Law No. 28/2005 of 26 December 2005 on health measures in relation to smoking and regulating the sale, supply, consumption, and advertising of tobacco products (entered into force December 2005). Amended by Law No. 42/2010 of 30 December (entered into force January 2011)
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Health, Social Service and Equality
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: Public Health Department of Autonomic Regions, coordinated by Directorate General on Public Health, Quality and Innovation (MSSSI) • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions:

	<ul style="list-style-type: none"> ○ smoke only once: 30 € ○ minor sanctions: 30-600 € ○ serious sanctions: 601-10,000 € ○ very serious sanctions: 10,001-6,000,000 € <ul style="list-style-type: none"> ● Please provide available data on application of sanctions: As the competencies are mainly of the autonomic regions total data are not available for now. From <u>6 regions</u> (out of a total 17) the data show: 75,748 inspections 2,458 complaint reports 629 sanction files ● Please describe any specific enforcement/compliance difficulties: outdoor areas of health and educational centres; lorries and vans for distribution
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 17% exposed (in the last 6 months)</p> <p>Restaurants: 7% exposed (in the last 6 months)</p> <p>Workplace: 23% exposed (at least occasionally)</p>
Sweden	
General Workplace	Employer is obliged to ensure than employees are not exposed to tobacco smoke against their will, at the workplace or at a similar place where the employee is active.
Enclosed Public Spaces Health Care Facilities	Smoking is banned in indoor premises where the public has access or where a public assembly takes place. Smoking is also banned in health care premises. Smoking is allowed, in specifically dedicated smoking parts/rooms at the premises.
Restaurants Bars	Smoking is banned in all types of premises which serve food or drinks e.g. restaurants, bars, café's etc. Smoking is allowed in outdoor serving areas and in specifically dedicated and ventilated smoking rooms. Food or drink cannot be brought into the smoking room.
Education Facilities	Smoking is banned indoors at education and daycare facilities such as nursery, primary- and secondary schools and gymnasium. Smoking is also banned outdoors in the schoolyard or playground that belongs to the facility. Smoking is allowed for members of the staff in a dedicated staff smoking part/room placed where pupils do not enter.
Public Transport	Smoking is banned on domestic public transport e.g. busses, trains and ferry's etc. Smoking is also banned at e.g. indoor arrival halls, waiting rooms and underground platforms etc. Smoking is allowed, in specifically dedicated parts/rooms at the premises.
Hotels and Accommodation	Smoking should be banned in a certain number of rooms in hotels or other form of commercial temporary accommodation. Smoking in permanent residential accommodation is exempt from regulation with regards to smoking.

Residential Care Prisons	Smoking is banned in the parts of residential care (and other forms of institutions with specific service or care) intended for common use e.g. lounge, laundry room and elevators etc. Smoking is allowed, in for smoking specifically dedicated parts/rooms, at the premises. In prisons an internee are not allowed to smoke indoors, but outdoors, at assigned time and place (KVFS 2011:1).
Outdoor Areas	Smoking is banned outdoor at the schoolyard or playground that belongs to education and daycare facilities such as nursery, primary- and secondary school and gymnasium.
Future Developments	The Swedish National Institute of Public Health has been assigned by the government to produce a report (2012-2013) with regards to passive smoking and possible new outdoor smoke free areas in particular where children and young people stay.
Legislation	<ul style="list-style-type: none"> • Tobacco Act (1993:581). • Amendments up to and including SFS 2005:369 (entered into force on 1st July 2012).
Competent Authority	Ministry with policy responsibility for tobacco issues: Ministry of Health and Social Affairs
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: The Swedish National Institute for Public Health is central supervisory authority of all smoke free areas, except the workplace. The local and regional supervision of the smoke free areas, which the Swedish National Institute for Public Health are responsible for, are monitored by the county administrative boards and the local authorities. The Swedish Work Environment Authority is central and local supervisory authority for smoke free workplaces. • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: Administrative injunctions with or without a financial penalty • Please provide available data on application of sanctions: The number of court cases with administrative injunctions with regards to all smoke free areas are few, but rising. An example of the amount of a single financial penalty is 10 000 SEK or 2 000 SEK for every occasion smoking occurs. • Please describe any specific enforcement/compliance difficulties: -

Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 3% exposed (in the last 6 months)</p> <p>Restaurants: 1% exposed (in the last 6 months)</p> <p>Workplace: 7% exposed (at least occasionally)</p>
United Kingdom	
<p>General Workplace</p> <p>Enclosed Public Places</p> <p>Restaurants</p> <p>Bars</p> <p>Health Care Facilities</p> <p>Education Facilities</p> <p>Public Transport</p>	Total ban
Hotels and Accommodation	Smoking permitted in a certain number of hotel rooms.
Residential Care	Smoking permitted in designated rooms
Prisons	<p>Wales: total ban on smoking</p> <p>England, Scotland: smoking allowed in designated rooms</p> <p>Northern Ireland: smoking allowed, with the exception of social clubs, sports clubs and visitors centres.</p>
Outdoor Areas	No regulation.
Future Developments	Nothing currently planned.
Legislation	<ul style="list-style-type: none"> • Health Act 2006 (entered into force in England 1st July 2007). • Smoking, Health and Social Care (Scotland) Act (entered into force 26th March 2006) • Smoking (Northern Ireland) Order 2006 (entered into force 30th April 2007) • Smoke-Free Premises etc.(Wales) Regulations (entered into force 2nd April 2007).
Competent Authority	<p>Ministry with policy responsibility for tobacco issues:</p> <p>Department of Health (in England)</p>
Enforcement	<ul style="list-style-type: none"> • National body responsible for enforcement: At local level by local authority environmental health officers. • Are there sanctions for non-compliance with national legislation/requirements: yes • Please specify these sanctions: In England, the penalties for committing the offence of smoking in a smokefree place are a fixed penalty notice of £30 if paid in 15 days, a £50 fixed penalty notice if paid in 29 days or up to £200 through a court awarded fine. In England, the penalties for committing the offence of failing to display the required no-smoking signs are a fixed penalty notice of £150 if paid in 15 days, a £200 fixed penalty notice if paid in 29 days or a court awarded fine of up to £1,000. In England, the penalty

	<p>for committing the offence of failing to prevent smoking in a smokefree place is a court awarded fine of up to £2,500.</p> <ul style="list-style-type: none"> • Please provide available data on application of sanctions: Data was collected for the first three years following the introduction of the smokefree legislation in England. From July 2007 to June 2010 (inclusive), in England, enforcement authorities issued 4,446 written warnings in respect of failing to prevent smoking in premises or vehicles and there were 107 court hearings. In the same period, in England, 11,246 written warnings were issued in respect of signage, with 193 fixed penalty notices and 29 court hearings. Finally, in the same period, in England, enforcement authorities issued 2,168 written warnings to individuals for smoking in a smokefree area, with 2,268 fixed penalty notices and 93 court hearings. • Please describe any specific enforcement/compliance difficulties: None. In the first three years of the legislation, in England, the overall compliance rates were 98.3% for no smoking (in premises and vehicles combined) and 91.3% for signage.
Exposure to Smoke Indoors (Eurobarometer 2012)	<p>Bars: 6% exposed (in the last 6 months) Restaurants: 4% exposed (in the last 6 months) Workplace: 9% exposed (at least occasionally)</p>