

## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN PARLIAMENT

## RULES CONCERNING THE BAN ON SMOKING ON EUROPEAN PARLIAMENT'S PREMISES

Bureau decision of 23 March 2011

(2011/C 102/04)

THE BUREAU,

Having regard to Rule 23(2) of Parliament's Rules of Procedure,

Having regard to the opinion of the Advisory Committee on Prevention and Protection at Work delivered on 11 February 2011,

Whereas:

- (1) In its resolutions of 24 October 2007 on the Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level' <sup>(1)</sup> and of 26 November 2009 on smoke-free environments <sup>(2)</sup>, the European Parliament calls on the Bureau, in the light of its duty to set an example, to adopt a rigorously enforceable smoking ban with no exemptions in all parts of the European Parliament with immediate effect.
- (2) On the basis of Council Decision 2004/513/EC, the European Union has ratified the WHO Framework Convention on Tobacco Control which contains in its Article 8(1) the recognition by the contracting parties of the existence of scientific evidence establishing that exposure to tobacco smoke causes death, disease and disability, and which sets out the obligation of the contracting parties, under its Article 8(2), to adopt effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces.
- (3) Council Directive 89/391/EEC provides in its Article 5 that the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.
- (4) As there is scientific proof that passive smoking is a serious threat to health, the European Parliament has a duty to protect its Members, staff and other users of its premises from the preventable health risks and disagreeable sensations caused by passive smoking.
- (5) As an employer, the European Parliament has a legal obligation to protect its staff against health risks at the workplace.
- (6) As an institution, the European Parliament has to take all necessary measures with a view to protecting itself against potential claims for damages.
- (7) In view of the health risks associated with passive and active smoking, it is desirable for the European Parliament to provide information to its Members, assistants and staff in order to improve the understanding of the risks of passive and active smoking as well as to provide programmes offering support to those who wish to stop smoking.
- (8) For this reason, the European Parliament supports the objective of achieving a completely smoke-free environment in its premises with the exclusive exception of specially designated areas within its buildings.
- (9) It is necessary to ensure the effective enforcement of the ban on smoking pursuant to these Rules. This prohibition shall therefore be complemented by appropriate procedures by means of which it will be possible to ensure that, where appropriate, effective, proportionate and dissuasive sanctions are imposed,

<sup>(1)</sup> P6\_TA(2007) 0471.<sup>(2)</sup> P7\_TA(2009) 0100.

HAS DECIDED:

#### *Article 1*

1. Smoking is forbidden within all premises of the European Parliament, including its information offices in Member States and the liaison office in Washington, with the only exception of specially designated areas listed in the Annex.

The Quaestors may decide about any subsequent modification of the Annex.

2. Smoking is also forbidden in official cars and all other means of transport provided by the Institution.

#### *Article 2*

1. These rules shall be notified to Members, their assistants and staff.

2. Clear indications as to the ban on smoking under Article 1 shall be posted at the entrances and throughout the public areas of the European Parliament's premises, with the exception of the specially designated areas listed in the Annex. The exact location of the smoking areas shall be clearly indicated so that Members, their assistants and staff are informed of the areas where smoking is authorised. No ashtrays shall be put at the disposal of the public within Parliament's premises, with the exception of the specially designated areas and the areas near to the entrances of Parliament's premises.

3. Leaders of the political groups shall recall the need for respect of these rules to Members and staff of their respective groups.

#### *Article 3*

The Directorate-General for Personnel, in cooperation with the Advisory Committee on Prevention and Protection at Work, shall draw up a policy for the prevention of the risks of active and passive smoking by means of the implementation of an integrated package of measures to provide information to Members of Parliament, assistants and staff to improve understanding of the risks of passive and active smoking and offer programmes designed to help those who wish to stop smoking.

#### *Article 4*

Any person failing to comply with these rules shall be requested in situ to stop smoking (oral reminder). The Secretary-General shall be responsible for ensuring compliance with this rule.

#### *Article 5*

1. Any Member who persists in failing to comply with these rules, even after the oral reminder pursuant to Article 4, shall be subject, under the authority of the Quaestors and the President, to the sanctions' regime provided for in Article 6.

2. Any official, other staff member or accredited assistant who persists in failing to comply with these rules, even after

the oral reminder pursuant to Article 4, shall be subject, under the authority of the Secretary-General, to the sanctions' regime provided for in Article 7.

3. Any local assistant, visitor or other person having entered Parliament's premises (e.g. personnel of service providers and external firms) who persists in failing to comply with these rules, even after the oral reminder pursuant to Article 4, shall be subject, under the authority of the Secretary-General, to the sanctions' regime provided for in Article 8.

#### *Article 6*

1. The Secretary-General shall report the name of any Member refusing to comply with these rules to the Quaestors. Subsequently, the Quaestors shall address a formal communication (written reminder — 'yellow card') to the Member informing him that financial sanctions will apply in case of reiterated breach of these rules.

2. In case of reiterated breach of these rules by a Member, the President, upon a proposal submitted by the Quaestors, shall adopt a decision imposing financial sanctions upon the Member concerned ('red card'). The amount of the sanction shall be equivalent to the amount of one day's subsistence allowance. This amount shall be directly deducted from the Member's general expenditure allowance.

3. The Member being subject to a sanction may submit a written complaint within 15 working days from notification to the President. Such an appeal shall have suspensory effect. The Bureau shall notify the complainant of its reasoned decision within two months from the date on which the complaint was lodged.

#### *Article 7*

1. In case of reiterated breach of these rules by an official, other staff member or accredited assistant, the Secretary-General shall address a formal communication (written reminder — 'yellow card') to the person concerned informing him that disciplinary sanctions will apply.

2. In case of continued breach of these rules, the official, other staff member or accredited assistant concerned shall be subject to disciplinary proceedings under the Staff Regulations.

3. Any person being subject to a sanction under this Article may submit an appeal to the appointing authority under Article 90 of the Staff Regulations of Officials and Conditions of Employment of other Servants of the European Community which fully apply.

#### *Article 8*

In case of reiterated breach of these rules by any local assistant, visitor or other person having entered Parliament's premises, the person concerned will be in situ escorted to the exits of the premises.

*Article 9*

These rules shall replace the Bureau decision of 13 July 2004 laying down rules on European Parliament's premises. They shall enter into force on the day after their publication in the Official Journal.

*Article 10*

These rules shall be evaluated two years after their entry into force.

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## ANNEX

List of specially designated smoking areas:

**Brussels**

1. ASP 00G110 ES Members' Bar (2 smoking booths)
2. PHS 03C011 ES room next to the Chamber Bar

**Luxembourg**

1. KAD 00C720b RE
2. GOL 00A700b RE
3. SCH 01A701 RE
4. TOA 00A891 CI relaxation area (1 smoking booth)
5. TOB 00B834 ES
6. PRE 00A720 ES 1 smoking booth

**Strasbourg**

1. WIC M-1721 RE Swan Bar
  2. LOW C01101 Members' Bar (1 smoking booth)
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