

of having this revised regularly in the light of new scientific evidence. Different national lists should not be allowed to constitute a technical barrier to trade.

#### 6.9. Article 5.7

'Typical' would be better than 'average'. The same applies to the definitions in Article 1(k).

#### 6.10. Article 5.8

Although this is not an ideal solution, the Commission should look at the possibility of using charts or visual symbols as permitted alternatives to words. However,

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such alternative methods of presentation would need to be harmonized, so as to avoid further barriers to trade.

#### 6.11. Article 7

The Committee approves the timing proposals given by the Commission, i.e. x months after notification; and would encourage the Commission to use this method for proposals in other directives as well.

#### 6.12. General

Standard methods of food analysis and common tables of nutrient contents for food must be agreed between the Member States.

*The Chairman  
of the Economic and Social Committee*

Alberto MASPRONE

### Opinion on the draft Council recommendation on banning smoking in public places<sup>(1)</sup>

(89/C 159/16)

On 19 January 1989, the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned recommendation.

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 4 April 1989. The rapporteur was Mr Ferraz da Silva.

At its 265th plenary session (meeting of 26 April 1989) the Economic and Social Committee adopted the following Opinion by 71 votes to 25, with 19 abstentions.

#### 1. Introduction

1.1. The recommendation to ban smoking in public places forms part of the campaign against tobacco contained in the 'Europe against cancer' programme. This programme received the endorsement of the Economic and Social Committee<sup>(2)</sup>.

1.2. This is the fourth Committee referral in this area. The previous three concerned:

- the proposal for a Council Directive on the approximation of taxes on cigarettes, and the proposal for a Council Directive on the approximation of taxes on manufactured tobacco other than cigarettes<sup>(3)</sup>,

<sup>(1)</sup> OJ No C 32, 8. 2. 1989, p. 9.

<sup>(2)</sup> OJ No C 105, 21. 4. 1987.

<sup>(3)</sup> OJ No C 237, 12. 9. 1988.

- the proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products<sup>(1)</sup>,
- the proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the maximum tar yield of cigarettes<sup>(2)</sup>.

## 2. General comments

2.1. The Committee approves the proposal, subject to the following comments.

2.2. The Committee is pleased to see that the Commission is continuing its action against tobacco use. Such action is an effective way of reducing the number of deaths caused by cancer in the Community, and of reducing the incidence of other illnesses (fatal or otherwise) caused by contact with tobacco smoke.

2.3. The Committee realizes that the campaign against tobacco will take a long time and will require educational measures and medical support for those who stop smoking. However, it feels that a recommendation is an inadequate and rather limited tool for solving the problem.

2.4. In its Opinion on the tar content of cigarettes<sup>(3)</sup>, the Committee stressed that 'every effort must be made in the interests of personal and public health to reduce smoking in general'.

2.5. The Committee is well aware that smoking brings an increased risk of illness and early death, as it carries a high risk of cancer and involves a specific carcinogen.

2.6. Recent studies backed by the World Health Organization have shown that non-smokers who come into contact with tobacco smoke in closed environments are equally at risk. Pregnant women (and the foetus), children, the elderly, and sufferers from respiratory diseases, bronchitis and heart disease are particularly vulnerable.

2.7. The burning of tobacco gives off:

- carcinogens:
  - benzopyrene,
  - 5-methylchrysene,
  - dibenzanthracene;
- other chemicals which can encourage carcinogenesis:
  - volatile phenols,
  - acidic compounds.

2.8. The carcinogens in tobacco exhaled by the smoker may combine with other carcinogens in the atmosphere to increase the risk not only of lung cancer, but also of cancers of the mouth, pharynx, larynx, stomach, etc.

2.9. The smoking of cigarettes, cigars, etc. is also an accident and fire hazard. In most Member States, smoking was initially banned in public places in order to reduce the risk of fires.

2.10. All forms of tobacco use, but particularly those which entail contact with tobacco smoke, increase the risk of premature death and illness among users.

2.11. The Committee also notes that scientific data and reports on the subject have shown again and again that tobacco is one of the main sources of air pollution in enclosed areas.

The European Parliament<sup>(4)</sup> has emphasized the need to pay due attention to the problem of air quality in indoor environments, given that human beings spend most of their lives indoors.

The Committee would also point out that in the fourth environmental action programme the Commission undertook to 'define and implement preventive measures against indoor pollution'.

2.12. The Committee therefore asks the Commission to consider making its measures to ban smoking in public places part of a wider strategy to protect air quality in indoor environments.

2.13. Whilst realizing the possible economic and social implications of measures to reduce tobacco consumption, the Committee trusts that in the interests of public health the Commission will press ahead with the actions scheduled in its campaign against tobacco.

2.14. Smokers become psycho-socially dependent on cigarettes (stress, or peer-group pressure, or as a form of 'worry-bead') and physically dependent on nicotine. Smoking is thus a serious social problem. Mindful of this, the Committee urges the Commission to submit another more aggressive package of measures to complement the measures already taken. This should include

<sup>(1)</sup> OJ No C 48, 20. 2. 1988, p. 8.

<sup>(2)</sup> OJ No C 48, 20. 2. 1988, p. 10.

<sup>(3)</sup> OJ No C 237, 12. 9. 1988.

<sup>(4)</sup> OJ No C 290, 14. 11. 1988.

a hard-hitting campaign featuring European personalities, targeted specifically at young people, and the setting-up of special centres to help people who wish to stop smoking.

2.15. The Committee notes that the Commission is to present the Council with a proposal for a Directive regulating advertising of tobacco brands.

Given the undisputed harm which tobacco causes, the Committee would like to see a Community-level move by Member States towards outlawing direct or indirect tobacco advertising (including sponsorship of sports events).

2.16. There is growing concern that children are being encouraged to smoke through the ready availability of imitation products (they wish to imitate the adult).

The Commission is therefore urged to present a proposal, perhaps as part of action 8 (protection of children), to discourage the manufacture and sale of such products.

In the meantime, every effort should be made to point out the harmful effects that imitation tobacco products can and will have in the programme to discourage people now and in the future from using tobacco products.

Done at Brussels, 26 April 1989.

### 3. Specific comments

#### 3.1. Preamble

The Committee suggests that the preamble to the recommendation should include a reference to the risk of accident or fire associated with cigarette smoking.

#### 3.2. Point 1, second paragraph

Areas reserved for smokers should be equipped with systems for changing for air.

The Committee suggests that the words 'equipped with proper systems for changing the air' be added after 'clearly defined areas'.

#### 3.3. Point 3

Taking safety as the paramount consideration, the Committee wonders whether such a ban is workable on all forms of transport if no maximum journey-time is set. It would prefer to see a distinction between (a) means of transport where the measure could be implemented immediately without compromising safety (e.g. trains, boats), as separate compartments may be provided for smokers and non-smokers, and (b) means of transport where separation is more difficult (e.g. planes, buses). For the latter cases, until efficient techniques are devised, a maximum journey-time (such as three hours) should be set; outside this period, smoking would be allowed in areas set aside for the purpose.

#### 3.4. Annex 1

The Annex should be revised accordingly.

*The Chairman  
of the Economic and Social Committee*

Alberto MASPRONE

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