

Barcelona, December 9, 2024

 @TobControlUnit
#icowho2024

7th ICO-WHO SYMPOSIUM ON TOBACCO CONTROL

Taking **decisive action** in tobacco control

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Session 3

What is the next step in the expansion of smoke and aerosol free environments?



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Smoke-Free Environments: Barriers and Opportunities in Adopting and Enforcing Comprehensive Policies

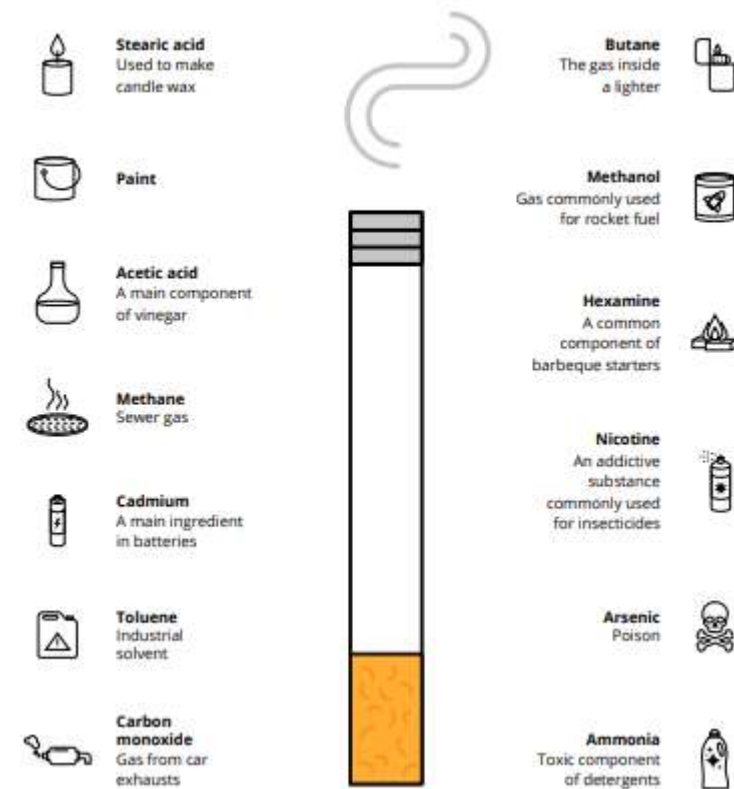
Angela Ciobanu, WHO Regional Office for Europe

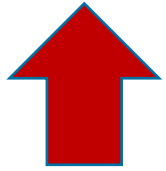


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Tobacco smoke has been classified by the International Agency for Research on Cancer as a Group 1 carcinogen

- Secondhand smoke contains more than 7000 chemicals, with 69 known to cause cancer
- **It kills around 1.3 million people every year**
 - **47 000** of these preventable deaths are in **children under the age of 5 years**

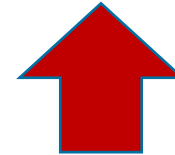




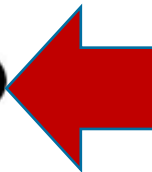
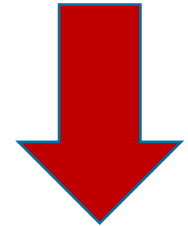
Antenatal period

Postpartum

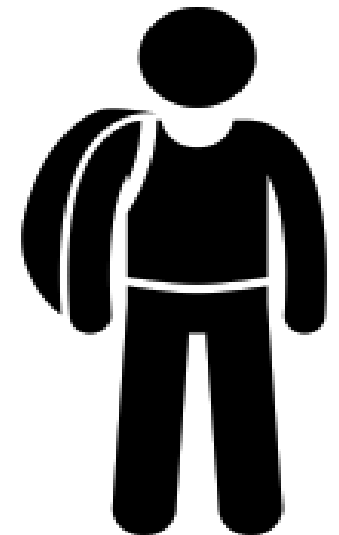
(Chemicals, including nicotine, can be passed from the breastfeeding mother to her infant)



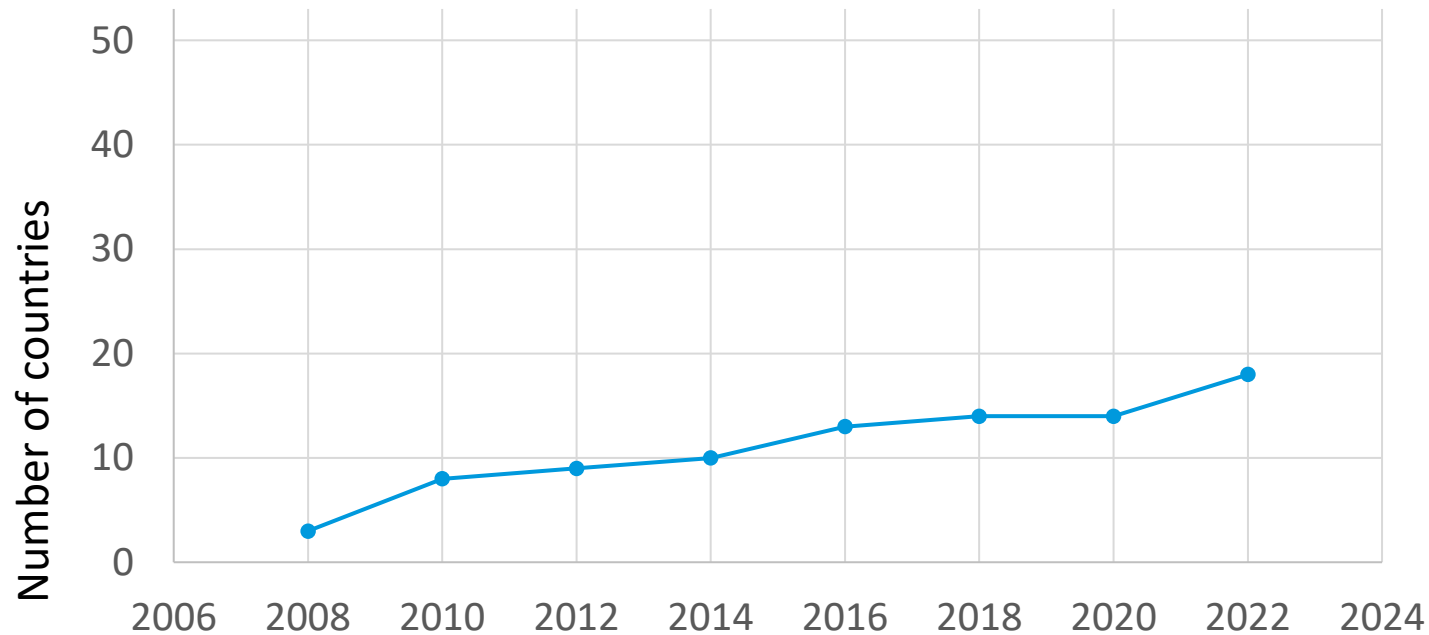
Current use and exposure to the second-hand smoking



Exposure to second-hand smoking
(at home or in public places)



THE NUMBER OF WHO EUROPEAN REGION COUNTRIES IN WHICH ALL PUBLIC PLACES ARE COMPLETELY SMOKE-FREE, 2022



Smoke-free policies

- Effective smoke-free policies save lives
- Smoking bans have a positive economic impact on business and tourism
- Support for a smoke-free environment is high

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- Implementation of smoke-free measures is cost-effective

1 international dollar per healthy life year gained



What are the barriers and opportunities?



Barriers & Opportunities

- Lack of political will and stakeholder involvement



BE PREPARED! USE THE WINDOW OF OPPORTUNITY

- **Build** a national coalition
- **Build** strong, evidence-based arguments
- **Raise** public awareness about the harm of secondhand smoke and build public support
- **Public support** - conduct national surveys and share data showing the level of public support
- **Spread the word** - involve media
- Other activities

Barriers & Opportunities

- Tobacco and related industries' interference



<https://www.who.int/news-room/spotlight/tobacco-exposed-2023>



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- **Be prepared** with evidence-based arguments (DSRs, “loss of business”, etc.)
- **Be vigilant** against research affiliated with the tobacco industry and their front groups
- **Protect** - ensure that tobacco and related industries are not involved in the legislation process
- **Collaborate** with NGOs, medical associations, media – engage
- Other activities

Barriers & Opportunities

- Limited resources (both human and financial)



- Raising and/or using tobacco tax revenue to offset implementation costs
- Utilizing existing infrastructure for inspections and enforcement
- Collaborating with civil society or building a voluntary task force to enforce smoke-free laws
- Donor support

Barriers & Opportunities

- **Enforcement of smoke-free measures**

The **Law** is unclear and has many loopholes.

- A potential problem can arise if the definition of smoking is limited to the use of tobacco and tobacco products.
- Where it is claimed that a non-tobacco product is being used, such as herbal smoking mixtures and tobacco-free shisha, enforcement officers would need to obtain proof to the contrary and this could involve the collection of samples and laboratory analysis, causing delays and additional costs.



Example from the Republic of Moldova

- In the case of S.C. "Alimer-Comerț" S.R.L., the court nullified the decision to impose a fine issued by the police officer and terminated the infringement proceedings against S.C. "Alimer-Comerț" S.R.L., which had been charged with committing an offence under Article 911 of the Criminal Code. paragraph (15) of the Contravention Code of the Republic of Moldova No 218/2008 (admission of smoking in public places), on the ground that there is no fact of contravention. According to the judgment of the court, S.C. "Alimer-Comerț" S.R.L. was accused of the fact that on 17.10.2021, around 19.00, through its employees, in the premises of the premises "Look", located in *****, admitted hookah smoking in the closed public space, namely in the premises where smoking is prohibited by law. The actions of S.C. "Alimer-Comerț" S.R.L. were qualified by the Complex Investigation Department of the National Investigation Inspectorate of the General Inspectorate of Police on the basis of Article 911 paragraph (15) of the Contravention Code no. 218/2008, and a report on the contravention no. MAI04775774 was drawn up. In the grounds for the judgment, the court held that the investigating officer did not prove that the hookah was used with tobacco, since there is no expert report on file and, according to sources known to all, the hookah does not use tobacco, but certain other substances intended exclusively for it.



Example from the Republic of Moldova, continuation

- “**Smoking** - the possession or control of a tobacco product for smoking, whether lit or smoldering or of a related product involving a process of combustion or smoldering, regardless of whether the smoke is actively inhaled or exhaled. For the purposes of this law, the possession or control of a device activated for heating a tobacco product or of a related product that does not involve a process of combustion or smoldering, or of any other new tobacco product that does not involve a process of combustion or smoldering, regardless of whether the aerosol is actively inhaled or exhaled, is considered smoking”
- “**Related products** - herbal smoking products and products containing nicotine, including electronic cigarettes”

Barriers & Opportunities

- Enforcement of smoke-free measures

Lack of knowledge of the Law and about the Law.

- **Inform:** government authorities; responsible entities that need to comply; general public
- **Comprehensive public education and awareness** programs.
Communication plan to explain the law
- **Media support**

**Guidance and
information
materials**

Barriers & Opportunities

- Enforcement of smoke-free measures

Nobody knows who should enforce the Law

1

Assign **enforcement authority** (or authorities)

- Establish duties for each component of the law
- Establish sanctions

2

Generate support for law enforcement through active collaboration with NGOs media and the general public

3

Tool-free telephone complaint hotline, an **internet website** or a similar system to encourage the public to report violations



Trainings

Guidance materials

A designated lawyer

Low level of fines and difficulties in applying penalties

- Sanctions must be clear and easy to apply
 - **Range of penalties.** Dissuasive, proportionate to legal duties, seriousness, number of occurrences
 - Sanctions should be applied to the conduct of entities and not only to individuals
 - Sanctions should also include the obligation to countermeasure/redress the infringement



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- Robust research is encouraged to better inform enforcement strategies in different contexts.

Monitoring of implementation and compliance is essential

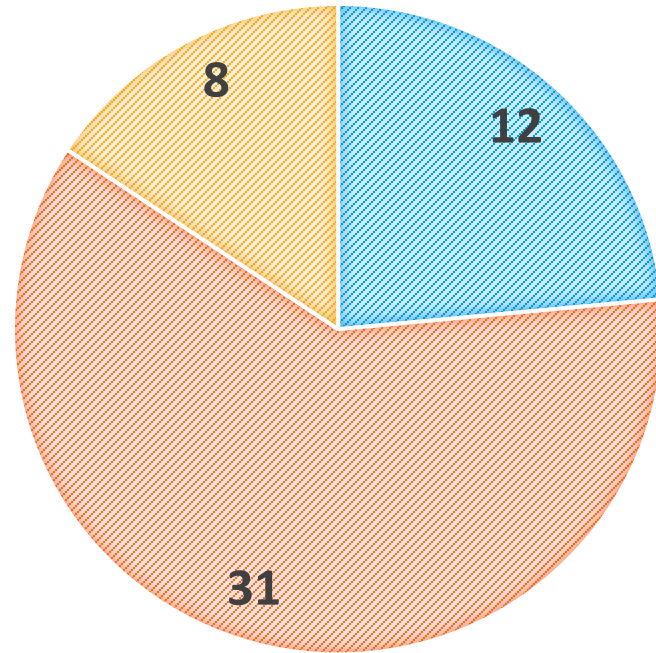


Policy development and adoption of smoke-free measures

- **Comprehensiveness of the smoke-free policy is important!** Comprehensive smoke-free laws are easier to enforce and achieve higher levels of compliance.
 - Ban tobacco smoking in all indoor public places, workplaces, and public transport
 - treating HTP aerosols as smoke, and treating HTP use as smoking (FCTC/COP/9/10)
 - implementing decision FCTC/COP7(9) to prohibit ENDS use within smoke-free areas
- **Enforcement is vital to have a real impact.**

Numbers of countries in the WHO European Region with full, partial or no regulation of use of ENDS in public indoor areas, 2022

■ Full ■ Partial ■ None



Only 12 countries has a full ban on the use of ENDS in indoor public areas

Take home messages

- **Comprehensive tobacco control approach** - a range of measures that reinforce and complement each other synergistically.
- **To be effective, the smoke-free legislation should be comprehensive and well-enforced.**
- **Monitoring of implementation and enforcement**
- **Protection of existing tobacco-control efforts** from commercial and other vested interests of the tobacco industry **is more important than ever.**

To protect children and adults from cancerogenic and toxic substances

– implement and enforce comprehensive SMOKE-FREE POLICIES



European Region



Thank you

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