



To: Sebastian Kurz, Minister of Foreign Affairs, designated Prime Minister
Cc: Dr Pamela Rendi-Wagner, Minister for Health
Doris Bures, President of the Chamber of Deputies, Austrian Parliament
Dr. Vytenis Andriukaitis, European Commissioner for Health and Food Safety
Univ.-Prof. Dr. Van der Bellen, President of Austria

Brussels, 23 November 2017

Re: The implementation of the smoke-free legislation in Austria

We are writing on behalf of the Smoke Free Partnership and the European Public Health Alliance, which together have over 100 member organisations across the public health and tobacco control community from all over Europe¹.

We write to you to express our deep concern regarding the possible changes in the smoke-free legislation due to be implemented in 2018. According to media reports, it has been requested by a political party to introduce exemptions for the hospitality industry. Such exemptions would undermine the main purpose of the legislation: that of protecting people from exposure to second hand smoke. There are several reasons for maintaining the current regulations as adopted in September 2015.

First, from a public health perspective, **smoke-free laws are strongly rooted in evidence and are proven to be effective** everywhere they have been introduced. Experience from all over Europe shows that smoking bans are effective in reducing exposure to environmental smoke as well as in reducing overall smoking especially in young people, have not resulted in economic loss, and are very popular with citizens. Experience also shows that effective smoke-free legislation has the least possible exemptions and that comprehensive laws are more effective both in terms of public health by protecting people from second-hand smoke, but also because they are easier to enforce.

This evidence has been enshrined internationally in Article 8 of the WHO FCTC and its accompanying guidelines, and on the EU-level with the adoption of the 2009 Council Recommendation on Smoke-free Environments.² Experience from the implementation of the EU Council Recommendation shows **that exemptions are a serious barrier to the enforcement of**

¹ SFP Coalition membership: <https://smokefreepartnership.eu/about-us/sfp-coalition>

EPHA membership: <https://epha.org/our-members/>

² <http://www.tobaccofreekids.org/research/factsheets/pdf/0368.pdf>

smoke-free laws. In the absence of these laws, Austria still ranks among the countries in Europe with the least protection from second hand smoke³.

Smoke-free laws also help to reduce the uptake of smoking among children and young people. Academic studies have shown that young people who live in towns with comprehensive smoking bans in restaurants are half as likely to become smokers in comparison with young people living in areas with a partial or no smoking ban.⁴ Children and young people also benefit from strong smoke-free policies through improved health outcomes, for example reductions in asthma-related hospitalisations in children⁵ and a reduction in premature births.⁶

Secondly, from an economic perspective, **reverting public health legislation so close to its entry into force creates confusion and unpredictability for citizens and businesses.** Experience shows that smoking bans do not harm the hospitality sector.⁷ Studies from Ireland⁸, Spain⁹, the United States¹⁰, Norway¹¹ and many other countries demonstrate that smoke-free laws have not affected employment or revenues in either restaurants or bars. In addition, a meta-analysis of 39 economic studies from the United States, Australia, Europe and other regions of the world further confirmed that a full smoking ban does not have a negative impact on the restaurant industry.¹²

With this in mind, we urge you to protect and enforce the smoke-free legislation during the ongoing negotiations. Thank you for your support and we remain at your disposal for any further information.

With kind regards,



Florence Berteletti

Director, Smoke Free Partnership



Nina Renshaw

Secretary general, European Public Health Alliance

³ <https://smokefreepartnership.eu/our-policy-work/smokefree-map>

⁴ <http://tobaccocontrol.bmj.com/content/14/5/300.full>

⁵ <http://www.nejm.org/doi/full/10.1056/NEJMoa1002861#t=articleDiscussion>

⁶ <http://www.ncbi.nlm.nih.gov/pubmed/24680633>

⁷ <http://www.tobaccofreekids.org/research/factsheets/pdf/0144.pdf>

⁸ <http://www.ncbi.nlm.nih.gov/pubmed/16872027>

⁹ <http://www.ncbi.nlm.nih.gov/pubmed/25586775>

¹⁰ <http://www.tobaccofreekids.org/research/factsheets/pdf/0144.pdf>

¹¹ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3249552/>

¹² <http://www.ncbi.nlm.nih.gov/pubmed/24529192>