



ECMA

EUROPEAN CIGAR MANUFACTURERS ASSOCIATION

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European Commission
Directorate-General Health and Consumer Protection
Unit C6 – Health Measures
B-1040 BRUSSELS
Belgium

Eindhoven, 20 April 2007

Dear sir, madam,

I am writing to you on behalf of the European Cigar Manufacturers Association (ECMA). ECMA is the European trade association of cigar manufacturers and its members account for over 90% of the cigars produced and sold in the European Union.

On 30 January 2007 the European Commission adopted a Green Paper entitled "Towards a Europe free from tobacco smoke: policy options at EU level". The Green Paper is intended to launch a broad public consultation on the best way to promote smoke-free environments in the European Union. ECMA would like to respond to the questions raised in the Green Paper.

1) Which of the two approaches suggested in Section IV would be most desirable?

We believe that a policy on smoking in public places should be proportionate and allow for both non-smokers and smokers to be accommodated. A policy option that allows for separate, designated smoking areas, that outlines specific air quality standards coupled with smoking bans in other areas will ensure both smokers and non-smokers can be accommodated. We therefore consider the option for 'smoke-free regulation with exemptions', as outlined in the Green Paper, to be the most acceptable and workable solution. In our view the exemptions should include 1) the research and testing of tobacco products, 2) horeca facilities with a useable area of less than 100m², 3) physically separated, ventilated areas in other horeca establishments, 4) private membership clubs such as cigar clubs, 5) cigar tasting rooms in specialised tobacco outlets and 6) permanent or temporary residential homes such as prisons and old people's homes.

2) Which of the policy options described in Section V would be most desirable?

The cigar smoker generally is a male adult of mature age: the majority of cigar smokers are over 35 years of age. For these smokers, cigar smoking is an occasional enjoyment. We believe that sensible regulation can ensure that both non-smokers and smokers are accommodated and as such we would encourage the Commission to introduce a policy option that is proportionate and recognises the rights of both non-smokers and smokers. We believe that an EU Commission Recommendation would be most appropriate.



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3) Are there any further data which should be taken into account?

The greatest impact of regulations falls upon the hospitality sector and we would urge the Commission to engage in dialogue with the relevant trade associations to ensure that their views are adequately represented, especially those trade associations within European countries who have witnessed complete bans in their countries (e.g. the Licenced Vintners association in Ireland and the Scottish Licenced Trade Association). Additionally we are of the opinion that the economic and social impact on the tobacco industry, its suppliers and its customers (retailers, wholesalers) should be assessed more extensively than is currently being done in Section II paragraph 2.3. of the Green Paper.

According to reference ⁷⁸ “complete elimination of tobacco smoke using ventilation is not possible”. Nevertheless we believe that the latest research on the development of efficient ventilation systems, as referenced in the report “Decentralised smoke displacement system using recirculation and filtration”⁷⁷, which was published by the Netherlands organisation for Applied Scientific research in 2006, should be given a fair scientific evaluation.

We also believe that policy on smoking in public places should be proportionate and allow for both non-smokers and smokers to be accommodated and would therefore urge the Commission to fully consider the UK House of Lords Select Committee on Economic Affairs report on "Government Policy on the Management of Risk" Chapter 5, Page 26, as part of this consultation process:

<http://www.publications.parliament.uk/pa/ld200506/ldselect/ldeconaf/183/183i.pdf>

4) Do you have any other comments or suggestions on the Green Paper?

We support the establishment of a wide platform multi-stakeholder process and would welcome the opportunity to participate in further engagement going forward.

Yours sincerely,

Marcel Crijnen,
Secretary General.

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