

EU Stakeholder Dialogues 2006

Final Report

Research report prepared for
British American Tobacco plc



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Public Place Smoking

Summary

The presence of several high profile participants indicates the extent to which PPS is taken seriously by people involved in politics at the European level. It is seen by one high-level stakeholder as *the* key issue for BAT, a litmus test of BAT's attitude to dialogue, whether the Commission can trust the company and whether BAT has moved on from its past positions. It is also the immediate issue with regard to regulation, of course, with the upcoming publication of the green paper on Smoke-Free Environments, and stakeholders would like to see BAT actively engaging with the debate on the green paper.

The question of political involvement in the PPS issue is clearly a main area of debate. Although there is general agreement that there is demand for political involvement in PPS, there are many different ideas on what shape this involvement should take. Some feel that there is need for regulation at an EU level; some suggest that EU framework agreements should be adopted; some feel that it is an area in which member states should be left to act independently and argue in favour of voluntary agreements.

In terms of the provision of the information needed to inform discussion on PPS, there is concern that the data currently available has not been collected in a systematic way or analysed according to standard principles. This is seen as creating the potential for dispute and misunderstanding, and a clear need is outlined for agreement on a framework covering both the collection and analysis of data (particularly data relating to the experiences of countries which have put PPS initiatives into place).

There is a call for all information relevant to the PPS debate to be made publicly available to ensure a common starting point for discussion and for Commission deliberations on the Green Paper. This is seen as an area in which BAT can make an immediate positive contribution, and there is a clear hope that the company will do this. There are also calls for BAT's website to link to balanced research.

Some disagree with the information in the BAT presentation, particularly on the impact of the Irish smoking ban, and many feel that conflicting perspectives are inevitable given the inconsistencies in research methodologies. Nevertheless, there is perhaps a question regarding whether BAT should acknowledge these conflicting reports when it presents its stance on PPS, to avoid any charges of deliberately distorting the picture by withholding other points of view.

Air quality is felt to be a less controversial topic than PPS, and therefore one which it might be easier for the EU to regulate on. Some argue that citizens' rights in relation to air quality are more easily defined ("every European citizen has the right to air quality"). Broadening the debate to emphasise air quality rather than PPS, it is felt, presents an opportunity for BAT involvement, both in terms of helping to define air quality standards and contributing to initiatives to improve indoor air quality.

Priority Issues

In the eyes of one high-level stakeholder, environmental tobacco smoke is **the** key issue for BAT. It is seen partly as a litmus test of the company's attitude to dialogue with the EU and partly as a measure of whether the Commission can trust the company and whether it has truly broken with what is perceived as its damaging stance of the past.

Public place smoking is also the immediate issue with regard to regulation, of course, with the upcoming publication of the green paper on Smoke-Free Environments, which provides a vehicle for BAT to take dialogue on this issue forward, as "*it's a place to start*". In both the PPS dialogue session and some individual interviews, stakeholders clearly expect BAT to actively engage with the debate on the green paper:

When the Green Paper comes out, if BAT is supportive or positive [that would be a basis for further engagement] and if there are issues [disagreements] on the margins, that's fine.

A wide variety of issues relating to Public Place Smoking are raised by stakeholders, reflecting the varied interests and opinions present within the European political community. These can be roughly grouped into four themes:

- The company's stated position on the issue;
- The provision of information;
- Air quality; and
- Political involvement.

It seems clear that the different stakeholders present at the PPS session approach the public smoking issue from different viewpoints, and with different considerations in mind. Workplace health and safety is a trigger for many debates on PPS, whereas wider public health and individual rights are more prominent concerns for others:

The interesting thing about the country that I know best is that when there was discussion about smoke-free work places it was workers' unions who actually wanted to have protection against tobacco smoke, so it was very much seen as an occupational health issue there.

The starting point for us is the protection of the workers as well as the protection of other people in the society.

In our view, nobody can say now that he is not informed about the health dimension or the health damages of smoking, so if somebody wants to smoke or is smoking then it's his choice or her choice, and it's clear that any regulation should be a balance between the right to smoke and the right not to be annoyed by smoke.

Every European citizen has the right to air quality.

Stated position on ETS & PPS

There is pressure from one high-level stakeholder for BAT to adopt a position on environmental tobacco smoke and public place smoking that “*moves on from where you are today*”. This stakeholder would like to see the company taking more risks:

I don't see you sticking your neck out.

This stakeholder feels strongly that BAT needs to drop its defensive positioning on the issue, citing BAT's emphasis on the doubts over the science and the impact of environmental tobacco smoke, and its warnings of unintended consequences of public place smoking regulation. There is a perception of a “*quasi-denial that ETS is a carcinogen*” from correspondence with BAT:

If BAT is trying to build trust [it needs to move to an acceptance of] the observable balance of probabilities as noted in peer-reviewed scientific journals ... [since] a civil liability standard of probabilities [will influence the public debate].

One science and research stakeholder, while sharing BAT's view that ETS does not pose a health risk, believes that they have lost the argument. Despite his anger over the misinterpretations of the science that supporters use to justify smoking bans, he has decided not to voice his opinion on the issue:

ETS – it is a travesty. It absolutely misuses science ... There is no justification for outdoor bans, no evidence whatsoever. You can make decisions based on politics and hysteria or you can make it based on science ... [But] I have kept quiet on second hand smoke. There's no winning it.

However, several stakeholders hold a very different view. A stakeholder from the policy session refers to the weight of scientific evidence on the health risks of ETS, concluding “*there's no doubt that second-hand smoke causes diseases*”. He would

like to see links on BAT's website both to the scientific research that backs the company's position and to that with which the company disagrees, and implies that BAT is exaggerating its case:

Would you not have a link to the overwhelmingly body of scientific knowledge that says ETS is lower risk than smoking?

Several stakeholders clearly want BAT to accept their view that there are health risks in exposure to ETS and see the promotion of different messages as unhelpful:

We need to clarify in our minds that passive smoking is a very serious health risk. Anyone who doubts that is not entirely right, to put it mildly ... There is a plethora of evidence that passive smoking has a very serious risk – we cannot doubt that. I'd like to hear that there is no doubt that passive smoking causes serious diseases.

There seems to be potential for confusion regarding BAT's position on the risks of ETS. On the one hand BAT states that ETS has some (very limited) potential health risks, while on the other it defends its positions in court cases related to ETS. This seems to come across to some stakeholders as inconsistency on BAT's part. There is also some disagreement between BAT representatives and the stakeholders about the outcome of previous legal challenges on the ETS issue.

This is a logic I don't understand. You agree passive smoking could cause cancer but in court you would say different?

One stakeholder feels that the way BAT's position is currently expressed, with a focus first and foremost on where it differs from much of the public health community, "comes over as unnecessary defensive" and smacks of "denial, blocking, delay, diversion". If instead BAT starts with a recommended acceptance of the probable risks of ETS, or even just with a commitment to act to help reduce ETS, that is a basis for further discussion and action:

It takes half an hour to get to what positive things BAT can do. If it was the other way round, it would be obvious that you're serious.

There is also a suggestion that BAT should use its influence over industry associations to ensure that their lobbying does not diverge too far from its own position.

Information

Although there is an acknowledgement of the limited amount of time BAT had for its initial overview during the dialogue session, it is argued by some participants that the information presented by BAT does not give the whole picture, and that it needs to take a broader focus. This argument is particularly strong in relation to the information BAT presented about the Irish smoking ban:

Knowing that smoking is an addictive process, we cannot expect reduction in the prevalence of smoking very quickly, and [yet] we can see a reduction in the consumption of tobacco. The interesting thing about Ireland [would be to know] what the effect the smoke-free hospitality industry has on [those] starting [to smoke].

Some stakeholders give views in direct conflict with what BAT says in its presentation, and think that it should take a broader view of the impacts of the ban on economic, social and employment issues:

On the [negative] economic impact of smoking restrictions, BAT can produce some research to support the points you make [but] it depends on the framework [used]. There is economic research, for example, showing that when people quit smoking, or when they don't start smoking, they start spending on other matters [instead of on HORECA]. In particular, we know that when they have more money they spend it on tourism and on eating out, and of course on other luxury things too.

Ireland has been taken as a negative example – [BAT points to a] reduction of jobs and the HORECA industry hit – but we have data [which show] that these have not been the facts. There has been a loss [in the custom] of some smokers who would have gone to smoke in a pub, but at the same time there have been more clients who have gone to places because they're dedicated to non-smokers.

The ban is working well in Ireland and Scotland ... Just to reassure you, the ban does work.

Some stakeholders see conflicting reports as inevitable given the differences in how studies are conducted, the frameworks of analysis used and the timeframes in which the studies take place. The main message emerging is therefore the need for agreement on how studies should be conducted as well as a system within which to analyse the facts emerging from them:

We're got to start from the same assumptions and we've got to have very similar data.

When we are reviewing the facts, it's important to have a very strong framework for reviewing them.

This perhaps also raises the question of whether BAT should acknowledge these conflicting reports when it presents its stance on PPS, to avoid any suspicion that it is withholding other points of view to further its own objectives.

Both stakeholders from the Commission and certain high-level stakeholders stress that information from all sources is needed to inform the debate on PPS, and that there is a need for as much data sharing as possible in order to generate consensus among European stakeholders on this issue:

The important thing for the Commission is that we find the right health facts surrounding [public place smoking]. [They] have to be discovered and have to be acknowledged by all stakeholders.

There is a clear consultation process planned by the Commission to bring together all the information available (ahead of the Green Paper on PPS), and stakeholders are very direct in their call for all information held on PPS to be made available to them during their review, including the information held by BAT.

One science and research stakeholder gives the example of a US paper that gives a historical review of all the studies conducted on harm reduction and smokeless tobacco since the 1970s. This could perhaps be a model for something similar in the area of ETS:

It could be used as a basis for providing a comprehensive way to look at what information is available. A lot of people pick and choose what they review and cite. This is designed to present a comprehensive review.

Air quality

Stakeholders argue that there is a need for a broader approach to PPS, which does not focus on the issue of smoking *per se*, so much as on air quality and health as a whole.

Go one layer above in terms of what the objective really is, and that's air quality. Tobacco smoking is just one of the ways of deteriorating air quality.

We shouldn't only focus on smoking because everybody knows that smoking is bad for your health – even BAT cannot neglect that. But life itself is a risk so what we should do is describe air standards – what do we want? And how can the smoking industry take part and provide, for smoking, the solution?

One stakeholder likens the debate on smoking in public places to the equally unpopular topic of nuclear energy: although it is almost impossible to talk about nuclear energy as a topic by itself in EU institutions, it *is* possible to talk about energy solutions for the future, of which nuclear energy is part.

What I miss in BAT's approach is that it is all focussed on smoking. I would prefer to have, if possible, a broader approach and then go down to what is the effect [of smoking] in this whole package ... There is, at the minute, a very bad image of smoking and it's easy for politicians to say 'no, we don't like it' [and ban it]. We need ventilation [though], not only to [remove] the smoke out of the air, but also to improve air quality [generally]. If you see how many people get sick from air conditioning, [you see that] there are a lot of other pollutants in the air. If you consider them too, then it's a whole package, and I think it's easier to find a solution and to define goals [at that level].

This participant is interested in looking at the influence of smoking on air quality, and how air quality standards should be defined. Another stakeholder suggests a good place to start would be to look at the impact of smoking in creating air pollution, particularly in an indoor setting:

If we are talking about air quality, there a lot of worrisome issues at the moment. We know, though, that in indoor air, smoking is one of the most prevalent pollutants, and it has the unique characteristic of being rather easy to act upon as compared to some of the others.

Another stakeholder also wants to see “*what sort of investment BAT can make*” in the environmental tobacco smoke space. Rather than “*telling us how to regulate ETS*”, this stakeholder would like to see the company investing in programmes to reduce ETS and its impact, much as Diageo done with its inner city initiatives to address alcohol abuse (which has provided a basis for the company to engage EU stakeholders).

However, for at least one stakeholder, ventilation cannot entirely solve the problem. He thinks that ventilation is essential, both for the smoker and the non-smoker, but it will be hard to convince him that ETS is not harmful (even with good ventilation). His own air quality test found that in a restaurant where people were smoking (into the reading device), the air pollution level was 25 times that of the reading in his office. He is not convinced that ventilation

systems can sufficiently improve air quality where people are smoking to eliminate the health risks he sees in ETS.

Overall, air quality is seen as one area in which BAT could take action, both on helping to define air quality standards and contributing to initiatives to improve air quality.

Political involvement

A main topic of debate is whether or not political involvement is needed in regulating PPS. There are two main strands to this debate: firstly, whether public demand for political involvement is there; and secondly, whether any political involvement is best done at an EU level or at a member state level.

Most stakeholders seem to agree that there is public demand for action on PPS:

In the country that I know best ... when people got used to having smoke-free environments at work, they are now requiring that also at home. It is very, very clear that there is public demand; that this is not only a technocratic thing [emerging] from Brussels.

Are the PPS bans demanded by public opinion, or is it a technocratic discussion that started only in Brussels? What we can see is that there is a demand, by the public, to have protection – and not only with regards to tobacco.

There is a general demand for protection, but then in which framework should we do that?

I do think that most people have been very welcoming of the bans.

However, opinion is not unanimous and one stakeholder in particular is concerned that equal weight is not being given to all interested parties:

Where I, as a politician, have problems is that it's always the emotional minority who is really shouting and demonstrating outside, which changes the minds of politicians. I think that the vast majority of EU citizens are happy with the status quo.

In terms of where any political involvement should come from, it is clear that some stakeholders feel that their institutions have a role to play in PPS:

My presence here is a testimony to the fact that the Commission is listening to all stakeholders. We honestly would want to hear all the opinions round the table. We would like to find as much consensus as possible.

However, not all agree that this is a topic which necessitates EU involvement:

As for an EU directive, or green paper at least, on air quality – from our party point of view, we wouldn't encourage that kind of thing. From [our] point of view, you want things to be handled at national, member-state level.

There is particular apprehension regarding how the public in member states like Britain would react to EU directives on PPS (particularly given the strong media influence).

The environmental standards have been implemented well in Britain, but with the tobacco issue, it really depends on how the media takes it. If people are going to grab it as 'we're going try and ban smoking at an EU level', I think that it won't be seen well, but if we are going to talk about air quality and some general standards, then I think it will [be seen well].

There is a sense that the success of PPS initiatives depend to some extent on country specifics, and there are seen to be cultural differences in member states that are directly relevant to the PPS debate:

Certainly in terms of Spanish society, I think it [a ban on PPS] would have a massive impact on how people socialise.

According to one high-level stakeholder, this also applies in the case of companies deciding how to approach the issue of workplace smoking. While industry associations and business organisations can suggest an approach to their members (e.g. involving consultation with workers), it is seen as very much down to individual member companies to decide how they regulate this issue, and the outcome is expected to depend on a number of variables such as the cost of the proposed measures, workers' satisfaction and views, and the position and influence of trade unions, etc.

The implications of this cultural heterogeneity in determining what regulatory systems should be adopted do not seem clear cut for dialogue participants. Some feel regulation should be established at the EU level, some favour the idea of an EU framework within which member states could regulate PPS in their own countries, and others see scope for a more ad hoc set of agreements:

There is no one-size-fits-all. Smoking, like drinking, is a question of lifestyles and there is a huge difference between smoking in Finland or in Italy and Spain. Our demand is to apply the principle of subsidiarity – to call for self-regulation or agreements between the stakeholders and the social partners, like in the Netherlands where you have tailor-made agreements with the hospitality sector ... It has been very pragmatic, and one can say, successful.

Indeed, some of the existing systems in member states are felt to appropriately reflect the particular cultural context. The approaches of both Italy and Ireland are suggested as good examples by different stakeholders:

In Italy, the fact that they thought it would be wise to have smoking rooms, or areas where smokers would actually be able to smoke, does not derive so much from the fact that they thought the quality of air in those rooms would be suitable for citizens, but derives from the need to strike a balance between public health and the survival of an industry and a cultural sector, which in Italy is extremely lively.

There has to be something for smokers. In Scotland there's nowhere for smokers to go except outside. In Ireland there is a compromise, there are some provisions for smokers. They shouldn't fear complete bans too much – maybe you should encourage Ireland as an example rather than Scotland.

Additionally, among those who agree that political initiatives are needed at an EU level, there is debate on what form those interventions should take. A few stakeholders speak strongly against stringent restrictions and outright bans, feeling that regulation on PPS is going too far:

I am in favour of, as the Italians say, vietato vietare – it's forbidden to forbid – because [if you forbid] you never will find a solution. That's why I'm always open to have a debate and to find a solution for all of us.

Bans never provide solutions and innovations, but goals do.

I think it's important to have alternatives. We're not banning a substance, we shouldn't be killing people by forcing them to go outside ... One of the most ridiculous sights you'll see in the UK is patients and nurses standing

*outside [a hospital], holding their drips, to have a cigarette.
That can't be doing their health any good.*

*In the States, [the bans] will extend to homes and cars.
Already it is extending to apartment buildings. It is going
to go to cars with children in them – it will redefine child
abuse.*