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*Plenary sitting*

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**B10-0173/2024 }  
B10-0174/2024 }  
B10-0176/2024 } RC1**

25.11.2024

# JOINT MOTION FOR A RESOLUTION

pursuant to Rule 136(2) and (4) of the Rules of Procedure

replacing the following motions:

B10-0173/2024 (Renew)

B10-0174/2024 (PPE)

B10-0176/2024 (Verts/ALE)

on the Council's recommendation on smoke- and aerosol-free environments  
(2024/2911(RSP))

**Laurent Castillo**

on behalf of the PPE Group

**Alessandra Moretti**

on behalf of the S&D Group

**Vlad Vasile-Voiculescu**

on behalf of the Renew Group

**Ignazio Roberto Marino**

on behalf of the Verts/ALE Group

**European Parliament resolution on the Council’s recommendation on smoke- and aerosol-free environments  
(2024/2911(RSP))**

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union, and in particular Article 168 thereof,
- having regard to Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC<sup>1</sup> (Tobacco Products Directive),
- having regard to Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union’s action in the field of health (‘EU4Health Programme’) for the period 2021-2027, and repealing Regulation (EU) No 282/2014<sup>2</sup>,
- having regard to its resolution of 26 November 2009 on smoke-free environments<sup>3</sup>,
- having regard to its resolution of 16 February 2022 on strengthening Europe in the fight against cancer – towards a comprehensive and coordinated strategy<sup>4</sup>,
- having regard to its resolution of 23 November 2022 on prevention, management and better care of diabetes in the EU on the occasion of World Diabetes Day<sup>5</sup>,
- having regard to its resolution of 13 December 2023 on non-communicable diseases (NCDs)<sup>6</sup>,
- having regard to the Commission communication of 3 February 2021 entitled ‘Europe’s Beating Cancer Plan’ (COM(2021)0044),
- having regard to the Commission proposal of 17 September 2024 for a Council recommendation on smoke- and aerosol-free environments replacing Council Recommendation 2009/C 296/02 (COM(2024)0055),
- having regard to the Commission initiative entitled ‘Healthier together – EU non-communicable diseases (NCD) initiative’, launched in December 2021,
- having regard to the UN Sustainable Development Goals, in particular Goal 3 thereof,

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<sup>1</sup> OJ L 127, 29.4.2014, p. 1, ELI: <http://data.europa.eu/eli/dir/2014/40/oj>

<sup>2</sup> OJ L 107, 26.3.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/522/oj>.

<sup>3</sup> OJ C 285 E, 21.10.2010, p. 63.

<sup>4</sup> OJ C 342, 6.9.2022, p. 109.

<sup>5</sup> OJ C 167, 11.5.2023, p. 36.

<sup>6</sup> OJ C, C/2024/4171, 2.8.2024, ELI: <http://data.europa.eu/eli/C/2024/4171/oj>.

- having regard to the World Health Organization Framework Convention on Tobacco Control (WHO FCTC), a treaty adopted by the 56th World Health Assembly held in Geneva, Switzerland on 21 May 2003,
  - having regard to Rules 136(2) and (4) of its Rules of Procedure,
- A. whereas health protection is one of the fundamental rights of EU citizens and everyone has the right to live in a safe environment;
  - B. whereas tobacco is one of the biggest public health threats the world has ever faced, killing more than 8 million people a year around the world;
  - C. whereas the market for and use of new and emerging tobacco, nicotine and non-nicotine products, such as electronic cigarettes (e-cigarettes), heated tobacco products (HTPs) and other aerosol-emitting devices, are rapidly growing and are a concern from a public health perspective<sup>7</sup>;
  - D. whereas second-hand smoke causes premature deaths and increases the risk of contracting a wide range of NCDs, including cancer, cardiovascular diseases and chronic respiratory diseases; whereas second-hand aerosols from new and emerging products emit fine and ultra-fine particles, posing a health risk not only to the user but also to bystanders;
  - E. whereas new and emerging products that emit aerosols contain dangerous chemical substances such as formaldehyde, acetaldehyde and acrolein that are known to have toxic and carcinogenic properties;
  - F. whereas smoking harms nearly every organ in the body and causes many diseases, including cancer, heart disease, strokes, lung diseases, type 2 diabetes and chronic obstructive pulmonary disease;
  - G. whereas second-hand smoke and aerosol exposure disproportionately impacts vulnerable groups, including children, pregnant women and older people;
  - H. whereas third-hand smoke pollutants that cling to furniture and other surfaces are dangerous, especially for children;
  - I. whereas the goal of Europe’s Beating Cancer Plan is to create a ‘tobacco-free generation’ by 2040, where less than 5 % of the population uses tobacco, as compared with 24 % today; whereas expanding smoke-free environments is an important policy tool that has already contributed to improvements in rates of both mortality and morbidity, including by motivating smokers to quit and by discouraging people from taking up smoking;
  - J. whereas among adult respondents to the 2023 Eurobarometer survey on the attitudes of Europeans towards tobacco and related products<sup>8</sup>, 3 % are current users of e-cigarettes

<sup>7</sup> Commission report of 15 June 2022 on the establishment of a substantial change of circumstances for heated tobacco products in line with Directive 2014/40/EU (COM(2022)0279).

<sup>8</sup> European Commission, *Special Eurobarometer 539: Attitudes of Europeans towards tobacco and related products*, May-June 2023.

and 4 % are current users of HTPs, compared to 2 % in 2020;

- K. whereas a concerning aspect of the uptake of new and emerging tobacco, nicotine and related products is their appeal among young people and, in some cases, even children;
- L. whereas according to the Eurobarometer survey, 54 % of current and past smokers started smoking before the age of 19 and 14 % started before the age of 15;
- M. whereas the Eurobarometer data indicate that 74 % of respondents have experienced people smoking in outdoor terraces and 71 % of respondents have experienced people using e-cigarettes and HTPs in the same places; whereas the survey also indicates that there is public support for banning smoking in outdoor spaces where social distancing cannot be ensured, including parks, beaches and entrances to public buildings;
- N. whereas the current Council Recommendation (2009/C 296/02)<sup>9</sup> sets out recommendations for the Member States, who are all parties to the WHO FCTC, to implement this framework convention, and thus provides guidance for them to comply with their legal commitments to protect people from second-hand smoke in all indoor workplaces, on public transport and in indoor public spaces;
- O. whereas according to Principle 1 of the guidelines for the implementation of Article 8 of the WHO FCTC, effective measures to provide protection from exposure to tobacco smoke require the total elimination of smoking and tobacco smoke in specific spaces or environments in order to create a 100 % smoke-free environment;
- P. whereas the Conference of the Parties (COP) to the WHO FCTC recognises HTPs as tobacco products and therefore as subject to the provisions of the WHO FCTC, as noted in Decision FCTC/COP8(22); whereas the COP8 concluded by urging the parties to the WHO FCTC to prioritise measures that protect people from exposure to HTP emissions and to explicitly extend smoke-free laws to include HTPs;
- Q. whereas the regulation of HTPs and new and emerging nicotine and non-nicotine products remains fragmented across the EU, making it difficult for authorities to enforce national restrictions on the use of these products in the spaces or environments concerned;
- R. whereas the proposed revision to the Council recommendation on smoke-free environments aims to better protect people, especially children, young people and pregnant women, from the effects of second-hand smoke and aerosols, and recommends extending smoke-free policies to key outdoor areas such as public playgrounds, amusement parks, swimming pools, healthcare and education premises, public buildings and transport stations;
- S. whereas the Commission's proposal was not preceded by a new impact assessment and the Commission is relying on the impact assessment conducted prior to the 2009 proposal for a Council recommendation;
- T. whereas the Commission's proposal also recommends that Member States extend

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<sup>9</sup> Council Recommendation of 30 November 2009 on smoke-free environments, OJ C 296, 5.12.2009, p. 4.

smoke-free environment policies to new and emerging products that emit smoke or aerosols, such as HTPs and e-cigarettes, and to exchange best practice and strengthen international cooperation to maximise the impact of the measures taken across the EU;

- U. whereas the Commission will provide support through a direct grant of EUR 16 million from the EU4Health programme, while EUR 80 million from the Horizon Europe programme have already been dedicated to reinforcing the control of tobacco, nicotine and related products, and addiction prevention; whereas the Commission will also develop a prevention toolkit to support the protection of children's and young people's health;
- V. whereas the implementation of the recommendation should be monitored regularly to measure progress towards achieving its objectives and to identify gaps in the efforts to extend smoke- and aerosol-free environments;
1. Reiterates its strong and continued support for the goal of creating a 'tobacco-free generation' by 2040, as set out in Europe's Beating Cancer Plan; underlines the need to step up efforts to ensure that this aim is actually achieved;
  2. Welcomes the Commission's proposal for an updated Council recommendation on smoke- and aerosol-free environments; considers the rise in the use of HTPs, e-cigarettes and other aerosol-emitting products in public, outdoor and indoor spaces to be a risk to public health; considers that further assessment is needed, especially on the recommendation's impact on the hotel and catering sector;
  3. Underlines that there are no proven safe levels of exposure to smoke and aerosols from tobacco and new and emerging products;
  4. Underlines that smoke-free environments protect the health of both non-smokers and smokers, as they prevent non-smokers from exposure and encourage smokers to reduce their consumption or stop smoking completely;
  5. Calls on the Member States to extend public bans on smoking to new and emerging products such as HTPs, e-cigarettes and other aerosol-emitting products, as appropriate, considering the available evidence of the risks posed by exposure;
  6. Calls on the Member States to extend bans on the use of smoke- and aerosol-emitting products to key outdoor areas; considers that these may include outdoor restaurants and cafés, workplaces, areas close to healthcare facilities, educational establishments, healthcare and other care facilities, public transportation including bus and tram stops, train stations and platforms, airports and recreational areas, and other areas of congregation or high congestion, taking into account the risks posed by exposure;
  7. Considers that these bans should be designed in such a way as to ensure maximum protection, especially for children, young people, pregnant women and other vulnerable groups; notes, in this regard, that 14 Member States have already prohibited smoking in cars when minors are present;
  8. Calls on the Commission and the Member States to undertake studies and stimulate further research on the risks associated with second-hand exposure to heated tobacco

and aerosols, including from e-cigarettes;

9. Expresses concern over the growing public health risks posed by the rise in black market vaping products; emphasises that the lack of control over the safety and origins of these products jeopardises public health, and calls on the Commission and the Member States to impose stronger measures to prevent such products from illegally entering the market;
10. Welcomes the fact that through the EU4Health programme the Commission is providing Member States with funding to support the implementation of health policies, including the measures recommended here; is gravely concerned, however, about the EU's levels of financing for health policy and programmes;
11. Calls on the Commission to propose, as soon as possible, a revision of the Tobacco Taxation Directive<sup>10</sup>, the Tobacco Advertising Directive<sup>11</sup> and the Tobacco Products Directive, after having followed up on the scientific evaluations of the health risks related to e-cigarettes, HTPs and novel tobacco products, including the assessment of the risks of using these products compared to consuming other tobacco products;
12. Invites the Commission to report to Parliament and the Council, four years after the adoption of this resolution, on the progress in its implementation and the implementation of the Council recommendation in the Member States;
13. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the World Health Organization.

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<sup>10</sup> Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco (codification) (OJ L 176, 5.7.2011, p. 24, ELI: <http://data.europa.eu/eli/dir/2011/64/oj>).

<sup>11</sup> Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (OJ L 152, 20.6.2003, p. 16, ELI: <http://data.europa.eu/eli/dir/2003/33/oj>).