

(English version)

**Question for written answer E-003044/24
to the Commission
Afroditi Latinopoulou (PfE)
(18 December 2024)**

Subject: Compatibility of the proposed dictatorial anti-smoking measures with individual freedom

The Commission recently proposed tougher measures to combat smoking in the EU, as part of the broader public health strategy.

While the goal of protecting public health is undoubtedly important, there are serious concerns that the measures may violate the fundamental right to individual freedom as enshrined in the EU Charter of Fundamental Rights. The balance between protecting public health and respecting individual freedoms is a delicate issue that requires careful consideration and dialogue.

In view of the above:

1. How does the Commission ensure that the proposed anti-smoking measures do not exceed the limits of proportionality and do not excessively infringe the individual freedom of EU citizens?
2. Has it looked at alternative approaches, such as educational programmes or incentives for stopping smoking, which could achieve similar results without restricting individual freedoms? If so, what were the conclusions reached?
3. How does it plan to ensure a balance between protecting public health and respecting individual freedoms in the context of its tobacco control policy?

Submitted: 18.12.2024

**Answer given by Mr Várhelyi on behalf of the European Commission
(11 March 2025)**

The Council Recommendation on Smoke- and Aerosol-free Environments ⁽¹⁾ recommends that Member States extend the coverage of smoke- and aerosol-free policies to indoor areas and key outdoor areas such as recreational spaces for children (public playgrounds), service establishments, public buildings and transport stops and stations.

The Council Recommendation is a non-binding instrument and the competence of introducing smoking bans and bans against the use of emerging products in public places, rests with the Member States, at national level.

The main objective of the Council Recommendation on Smoke- and Aerosol-Free Environments is to better protect people in the EU from exposure to second-hand smoke and aerosols, especially among children and more vulnerable people, in both indoor and certain outdoor spaces.

It also aims to de-normalise and discourage the use of traditional tobacco products and emerging product and reduce nicotine addiction.

Prevention, smoking cessation, and awareness-raising campaigns to support the reduction of nicotine addiction are included in the recommendation as supporting measures to help strengthen smoke- and aerosol-free environments.

⁽¹⁾ https://commission.europa.eu/news/commission-proposes-extend-coverage-smoke-free-environments-2024-09-17_en#:~:text=The%20revision%20calls%20on%20EU%20countries%20to%20extend%20the%20coverag