

CC:
Secretary-General
Bureau
Quaestors

Brussels, December 2008

Dear President Pottering,

We respectfully request that you along with the Bureau and the Quaestors investigate the merits of granting the use of the European Parliament premises to the International Coalition Against Prohibition (TICAP) for the conference entitled “Smoking Bans and Lies” on the 27-28th of January 2009. We are of the view that this planned event **should not under any circumstances take place on the premises of the European Parliament** as:

- 1) **the event appears to be in contravention of Parliament’s own rules of procedure and is detrimental to the dignity of Parliament.**
- 2) **the event goes against all of Parliament’s adopted reports and the European Community’s legislation and commitments on this topic.**
- 3) **it violates the spirit of the International Framework Convention on Tobacco Control.**

1) The conference is most probably in contravention of Parliament’s own rules of procedure¹, given that the advertising for the conference (encl.) boasts that: *“Sponsorship will enable your company to link up with many industries located throughout Europe with commercial interests in the subjects under the microscope”*.

We contend that this statement of commercial intention violates Article 4(d), on the rules governing the use of Parliament’s premises.² Furthermore, the advertising for this event mentions that: *“there is an opportunity to sponsor an evening event, this is an excellent opportunity to meet & relax with delegates and is to be held on the 27th January 2009”*.

Were this evening event to take place in the Member’s restaurant or lounges this would arguably breach Article 2(b) Annex III.³

2) The event goes against Parliament’s, Council’s and European Community’s resolutions and legislation in this area. The Parliament and the Commission share the view that only a full smoking ban in all enclosed smoking workplaces and public places can adequately protect the health

¹ RULES GOVERNING THE USE OF PARLIAMENT’S PREMISES BY OUTSIDE BODIES BUREAU DECISION OF 14 MARCH 2000

² “Events may under no circumstances have a commercial purpose and must not undermine the dignity of Parliament. Sponsorship shall be prohibited, along with any form of partnership between Parliament and a private body”;

³ “the event must be linked to the activities of the European Union and have a direct bearing on the European Parliament; it may not in any circumstances be of a commercial nature or detrimental to the dignity of the institution;”

of citizens and workers. Parliament in its resolution on the Green Paper "Towards a Europe free from tobacco smoke: policy options at EU level" underlined the health burden of exposure to second-hand smoke, public support for smoke-free policies as well as the obligation to act under the Framework Convention on Tobacco Control (FCTC). The Resolution also called on the Member States to introduce comprehensive smoke-free laws within two years and invited the Commission to table a relevant legislative proposal by 2011, in case of unsatisfactory progress. If this event is sanctioned it will not only violate the Parliament, Council and Commission's stated aims in this area but it will also go against the objectives of the reports, resolutions and Directives adopted by these institutions on the topic (listed below).⁴

3) It violates the spirit of the International Framework Convention on Tobacco Control. In reaching a decision on this event the Parliament must be cognizant of its obligations to World Health Organization's Framework Convention on Tobacco Control. The nature and intention of this event clearly seeks to undermine the Framework Convention on Tobacco Control of which the European Parliament's Environment, Public Health and Food Safety Committee takes a keen interest in⁵ and which the European Community is a signatory. The TICAP conference purports to develop methods and strategies to end "the use of pseudo-science" in relation to tobacco control, in contrast the WHO FCTC recognizes "that **scientific evidence has unequivocally established** that tobacco consumption and exposure to tobacco smoke cause death, disease and disability".

For the reasons stated above and in order to maintain the dignity of Parliament we urge you to investigate and reconsider granting the use of Parliament for such blatantly commercial and detrimental intentions that arguably contravene the rules of Parliament, violate the European Community's legislative objectives and make a mockery of the EU's international commitments in tobacco control.

Yours Sincerely,

Florence Berteletti Kemp
Director
Smoke Free Partnership

⁴ The report of the Committee on the Environment, Public Health and Food Safety (A6-0336/2007, The Commission's Green Paper "Towards a Europe free from tobacco smoke: policy options at EU level" ([COM\(2007\)0027](#)), the Commission statement concerning tobacco additives in the context of the negotiations on REACH and concerning the European Parliament's amendments on tobacco additives, The 1989 Council Resolution 89/C 189/0141 on smoking in public places, The Council Recommendation 2003/54/EC42 on the prevention of smoking and on initiatives to improve tobacco control, The Framework Directive on Health and Safety in the Workplace (89/391/EEC), The Directive on minimum safety and health requirements for the workplace (89/654/EEC), The Directive on temporary or mobile construction sites (92/57/EEC), The Directive on mineral-extracting industries through drilling (92/91/EEC), The Directive on mineral-extracting industries (92/104/EEC), The Carcinogens and Mutagens Directive (2004/37/EC), The Asbestos Directive (83/477/EEC)⁵⁰, The Pregnant Workers Directive,(92/85/EEC) Dangerous Substances Directive (67/548/EEC).

⁵ Presentation by the Commission (DG SANCO) of the FCTC guidelines and the results of the third Conference of the Parties at the 9th December meeting of the Committee on the Environment, Public Health and Food Safety.

[Webmaster](#)'s note: The following organizations want to participate at this EU parliament conference:

Ban The Ban Winsconsin (USA)
Bund mündiger Bürger (D)
C.A.G.E. (CDN)
Danmarks Rygerforening (DK)
FORCES Germany (D)
FORCES International (USA)
FORCES Italiana (I)
FORCES Netherlands (NL)
Freedom To Choose Scotland (UK)
Freedom To Choose (UK)
MyChoice (CDN)
National Smoking Day (UK)
Opponents of Ohio Bans (US)
Partij tegen Betutteling (NL)
PASAN (USA)
Rauchen NRW (Germany)
Stichting KHO (NL)
Stichting Rokers Belangen (NL)
Rygerpartiet (DK)
The Smoker's Club (USA)
The Voice of Freedom Network (CDN)
Tobacco Smokers of Canada (CDN)
York Tutors Agency (UK)