



The Right Honourable Mariano Rajoy Brey
Prime Minister of Spain
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Spain

Brussels, 8 July 2013

Open letter

For the attention of The Right Honourable Mariano Rajoy Brey, Prime Minister of Spain

Subject: Serious public health concerns about the proposed modification to Spanish anti-Tobacco legislation in order to allow smoking in the Las Vegas Sand – Eurovegas casinos in Madrid

Dear Prime Minister Rajoy Brey,

I am writing to you in response to reports that the Spanish government is considering modifying Spanish anti-tobacco legislation in order to allow smoking in the proposed Las Vegas Sand - Eurovegas casinos in Madrid. These reports have raised serious concerns amongst the European and Spanish public health community, especially in the light of the ongoing discussions on the revision of European legislation aiming at strengthening the **European tobacco control policy**¹. Maintaining robust smoke free legislation is necessary to guarantee a high level of health protection in Spain which is Party to the **UN Treaty – the WHO Framework Convention on Tobacco Control (FCTC)**². Given the leading role that your country has played internationally in tobacco control the international public health is concerned that a decision to allow smoking in some public venues would undermine the leadership shown by Spain and lose some of the gains in health and associated socio-economic benefits achieved in recent years.

As you will know, Spain has not escaped the global tobacco epidemic: in 2012 33% of the population acknowledged smoking (5% more than the European average) and 22% defined themselves as ex-smokers³. It is estimated that **60 000 Spanish citizens die every year** due to tobacco consumption and exposure to secondhand smoke⁴. Regarding the estimated economic costs of smoking, **in 2005 it reached €14 711 million** including direct healthcare expenses, losses of productivity and absenteeism from work, and additional costs due to environmental preservation⁵. Smoking is also the main risk factor for many chronic diseases, including **Chronic Obstructive Pulmonary Disease (COPD)**, a serious respiratory condition that lowers the lung's ability to transfer oxygen to the blood and the rest of the body: 80 to 90% of the cases are caused by exposure to tobacco smoke⁶, which makes this disease almost fully preventable. In Spain, the estimated percentage of the population over 40 years affected by **COPD** ranges from 9 to 10% (although the 70% remain undiagnosed), which means that **more than 1 200 000 Spaniards suffer from this condition**. In 2005, it was the fifth main cause of death among men (61 deaths per 100 000 inhabitants) and the seventh among women (20 deaths per 100 000 inhabitants), the mortality due to COPD being heterogeneous among the different Spanish regions⁴.

¹ Tobacco Products Directive http://ec.europa.eu/health/tobacco/products/revision/index_en.htm

² The FCTC is the world's first international public health treaty. It aims to protect present and future generations from the devastating health, environmental and socio-economic consequences of tobacco consumption and exposure to tobacco smoke through the adoption of evidence-based policies and legally binding obligations.

³ Special Eurobarometer 385: Attitudes of Europeans towards tobacco. DG SANCO.

http://ec.europa.eu/health/tobacco/docs/eurobaro_attitudes_towards_tobacco_2012_en.pdf

⁴ Estrategia en EPOC del Sistema Nacional de Salud. Ministerio de Sanidad y de Medio Ambiente. Gobierno de España. 2009.

<http://www.msssi.gob.es/organizacion/sns/planCalidadSNS/docs/EstrategiaEPOCSNS.pdf>

⁵ 50 Mitos del Tabaco. Rodrigo Córdoba and Encarna Samitier. 2009. http://www.cnpt.es/doc_pdf/Libro_50_Mitos_Tabaco.pdf

⁶ Feenstra et al. 2001

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Protecting public health in Spain: the introduction of the law Law 42/2010

The Law 42/2010 of health measures against smoking and regulating the sale, supply, consumption and marketing of tobacco products, that prevents smoking inside public premises, was as you are aware, introduced in Spain in early 2011: at that time, it was considered to be one of the most strict anti-tobacco legislation worldwide.

There is extensive and consistent evidence that **this law has improved public health in Spain**, even if it came into force only 2 years and a half ago. In 2012, the percentage of the Spanish population that declared as smoking was 33%, a slight reduction from 2009 (35%) and 2006 (36%); what is more important, the percentage of ex-smokers that year was 22%, up from 21% in 2009 and 16% in 2006. However, the main achievement of this legislation is the **protection from secondhand smoke exposure**: in 2012, only one year after the law came into force, 17% of the population reported visiting a pub or a bar where tobacco smoke was present, an impressive decrease of 70% since 2009. Regarding restaurants, 7% of the population noticed tobacco smoke inside them, a reduction of 68% in three years. In both cases, the decrease in Spain was the highest among the EU27. **The protection at the workplace has also improved**, with 23% of Spaniards exposed to tobacco smoke indoors compared to the EU27 average of 28%⁷.

Contradicting some alarmist previsions, the law has had no negative impact on the hospitality sector or tourism, which increased by 7% during 2011. Furthermore, an estimated 950 000 adults have stopped or will never start smoking thanks to this legislation, which is reflected in 500 million packs of cigarettes less being sold in 2011, compared to the previous year: that **money not spend on tobacco will be invested in other products and services that create jobs and other social benefits**⁸.

Overwhelming support to the present legislation

Given the robust evidence that this much-needed law is working in the right direction to tackle the burden of tobacco in Spain, **several health actors have positioned against weakening the current legislation**: the Lugo College of Pharmacy⁹, the Councils of the Colleges of Physicians, Dentists, Psychologists and Nurses, and the Committee for the Prevention of Smoking (Comité Nacional para la Prevención del Tabaquismo – CNPT)⁸ have expressed their reject to the possibility of modifying the law to allow smoking in the casinos. All of them recall that this legislation is a health investment for the future and that a hypothetical creation of jobs cannot be used as a justification to restrict the health of the population.

Not only the health professionals are against the introduction of such a step backwards: a survey carried by the Spanish Society of Family and Community Medicine – semFYC – among 8 494 citizens from all Spanish regions, including smokers, non smokers and ex-smokers, showed that **the 82% of the Spanish population disapproves any modification of the legislation** that would lead to allow smoking in casinos and gambling venues¹⁰.

The European public health community strongly encourages the Spanish Government to reconsider its initiative and maintain the current tobacco legislation while society is forced to deal with the social, financial and economic costs associated with this harm. We hope that we can continue to count on your leadership on tobacco control and that the Spanish government will guarantee all public places to remain smoke-free.

Yours sincerely,



Monika Kosinska
EPHA Secretary General

⁷ WHO report on the global tobacco epidemic. 2011. http://www.who.int/tobacco/global_report/2011/en/

⁸ http://www.cnpt.es/detalle-noticia.asp?id_noticia=162

⁹ http://www.cnpt.es/detalle-noticia.asp?id_noticia=167

¹⁰ http://www.semfy.com/grupos_trabajo/taquismo/noticias_grupo/detalle/XIVSemanaSinHumo/

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