



EUROJUST DECISION

On the protection of postholders against the effects of tobacco smoke in the EUROJUST Building

THE EUROJUST APPOINTING AUTHORITY,

Having regard to Article 30 of the Council Decision 2002/187/JHA of 28 February 2002¹ whereby Eurojust was created with a view to reinforcing the fight against serious crime;

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No. 259/68² in particular Article 1e (2) thereof;

Having regard to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work³ in particular Article 5 thereof;

Whereas:

1. Article 152 of the EC Treaty establishing the European Community provides that “*A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities. Community action, which shall complement national policies, shall be directed towards improving public health, preventing human illness and disease, and obviating sources of dangers to human health. Such actions shall cover the fight against the major health scourges, by promoting research into their causes, their transmission and their prevention, as well as health information and education*”.
2. Scientific research reveals that environmental tobacco smoke also represents a health risk for non-smokers, in particular to vulnerable groups such as pregnant women and persons with respiratory diseases, while the High Level Cancer Experts Committee of the “Europe Against Cancer” Programme of the European Commission recommends that the rights of non-smokers should be protected, involuntary exposure to environmental tobacco smoke prevented and smoking in public places and in the workplace banned.

¹ OJ L 63, 6.3.2002, p.1

² OJ L56, 4.3.1968. Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2581/2001 (OJ L 337, 22.12.2005, p.7)/

³ OJ L 183, 29.06.1989, p.1



3. There is an increasing political will in the Member States to reduce the prevalence of smoking and in parallel to increase the number of public and work areas where smoking is banned.
4. This trend is also reflected in the “Framework Convention on Tobacco Control” which was unanimously adopted by the 192 members of the World Health Organisation, on 21 May 2003. This convention requires countries to adopt and implement effective legislative, executive administrative and/or other measures, providing protection from exposure to tobacco smoke in indoor workplaces, indoor public areas, on public transport and, as appropriate, other places.
5. Taking into account the above mentioned aspects, legislation in the Member States and the WHO Convention on tobacco control, the Appointing Authority has come to the conclusion that the institution’s legal obligation to protect its postholders against health risks at the workplace can only be met if the Eurojust building is declared a smoke-free area.
6. The Commission has decided upon a total ban on smoking inside its buildings to protect the health of its personnel. The European Parliament has adopted the same scheme.
7. It is appropriate that action taken by Eurojust in the same area be analogous to that which has been recommended to the Member States.
8. Eurojust has a general legal obligation to protect its postholders against health risks and has a duty to ensure the safety and health of workers in every work related aspect.
9. As there is increasing scientific proof that passive smoking is a serious threat to health, this requires Eurojust to apply the precautionary principle to protect postholders that do not smoke.
10. As an institution, Eurojust has to protect itself against litigation from damage claims.
11. In view of the health risks associated with passive and active smoking it is desirable for Eurojust to provide information to its postholders to improve their understanding of the risks of passive and active smoking as well as programmes offering support to those who wish to stop smoking.

ON THE REQUEST OF THE STAFF COMMITTEE AND AFTER CONSULTATION OF THE COLLEGE HAS DECIDED AS FOLLOWS:

Article 1

Smoking is prohibited in all premises occupied by Eurojust, except in external areas and specifically assigned smoking rooms.



Article 2

Clearly visible displays shall be placed at the entrance of the Eurojust premises to indicate that the building is smoke-free.

Article 3

Measures shall be taken to ensure that those who supervise reception areas are instructed to inform all persons who do not comply with the rules when entering the Eurojust premises of the need to comply with this decision.

Article 4

The Human Resources Unit shall provide information to Eurojust postholders to improve understanding of the risks of passive and active smoking and shall offer programmes designed to help those who wish to stop smoking.

Article 5

This Decision shall take effect on 1 January 2007.

Done at The Hague on 10 October 2006.



Ernst Merz
Administrative Director