

Dutch court stubs out plan to stop smokers' corner in cafes

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A Dutch court Wednesday threw out a case brought by anti-cigarette campaigners seeking to force the government to close down public spaces reserved for smokers in some cafes and bars.

Clean Air Netherlands "lost its case against the state," said the group, who filed the suit two months ago before a court in The Hague.

"The authorities are allowed to make an exception on the [smoking](#) ban in restaurants when it comes to lighting up," CAN said in a statement.

Despite a general ban on smoking in restaurants, pubs and bars introduced in 2008, more than 25 percent of the country's small cafes still have an enclosed inside corner where patrons can legally light up.

Clean Air said the number of smoking areas in such [public spaces](#) was on the rise and argued such spots allowed people to "see others smoking, (and) younger people will be tempted to enter the smoking area to also start smoking".

Under Dutch law, cafes which are smaller than 70 square metres (753 square feet) can set aside a screened-off area for smokers behind floor-to-ceiling glass windows.

But it must be less attractively decorated than the rest of the cafe, and no food or drink is allowed to be served inside.

The Netherlands is a signatory to the World Health Organization's Framework Convention on Tobacco Control signed by 168 states and which entered into force in February 2005.

Clean Air Netherlands put forward the WHO convention as the basis for its legal argument for a total ban.

But judges said it was impossible to determine exactly from the WHO's framework whether a total ban on smoking should in fact be enforced.

"There can be no conclusion from the WHO's treaty to force member states to implement the measures proposed by the CAN," the judges said in their verdict.

"Also, it cannot be concluded that an exception to smoking in a public area, that has been provided, is in contradiction with the state's duty to protect everybody else from exposure to tobacco smoke," the judges said.

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