

Dutch court stubs out smokers' corners in cafes

February 13 2018

A Dutch court on Tuesday upheld an appeal by anti-cigarette campaigners and barred the use of public spaces in cafes and bars reserved for smokers.

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

But the court in The Hague found that such spaces were "in conflict" with the World Health Organization's [framework convention](#) to regulate tobacco use, which the Netherlands has signed and which entered into force in 2005.

"The [tobacco laws](#) banning smoking also cover smoking rooms," the court ruled, adding therefore the exception to the legislation was "invalid".

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

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

Clean Air Netherlands (CAN), which had appealed after losing an earlier

case in 2016, said it was "happy and satisfied" with Tuesday's outcome.

It said its mission was to strive for a smoke-free society by discouraging tobacco use.

"Smoking-rooms do not belong with this, therefore this is a small step in the right direction," it said on its website.

It was not immediately clear when the [smoking-rooms](#) would be closed, as there could be a further appeal, Dutch media said.

The court also threw out CAN's claim that the ban covers all indoor public smoking spaces, saying it had not provided sufficient evidence.

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