

[EMBLEM]
Liberty – Equality – Brotherhood
FRENCH REPUBLIC

Ministry of Health, Youth, Sports and Community Outreach

General Administration of Health

Sub-Department for the promotion of health
and the prevention of chronic illnesses,
Bureau of addiction practices

From The Minister of Health, Youth, Sports and
Community Outreach

To

Ladies and Gentlemen Regional Prefects
(for information)

Ladies and Gentlemen Departmental Prefects
(for information)

CIRCULAR N°DGS/MC2/2008/292 of September 17, 2008, concerning procedures for the implementation of the second phase of the prohibition of smoking in places of common use.

Date of implementation: 2008

NOR : : SJSP0830980C (text that has not appeared in the *journal officiel* ['official bulletin'])

Subject classification: health protection

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| Summary: This Circular specifies the procedures for the implementation of the prohibition of smoking in outdoor spaces. |
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| Keywords: prohibiting smoking - tobacco- terraces- patios |
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| Reference texts: |
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| <ul style="list-style-type: none">• Article L.3511-7 of the Code of Public Health.• Decree No. 2006-1386 of November 15, 2006, setting the conditions for the implementation of the prohibition of smoking (Articles R.3511-1 to R.3512-2 of the Code of Public Health).• Circular of November 29, 2006, concerning the prohibition of smoking in places of common use• Circular No. DGS/MC2/2007370 of October 9, 2007 concerning the entry into force of the second phase of the prohibition of smoking in places of common use |
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| Texts rescinded or modified: none |
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| Annexes: |
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Decree n°2006-1386 of November 15, 2006, strengthens the conditions for the prohibition of smoking in places of common use.

The purpose of this Circular is to specify the procedures for the implementation of the strengthening of the ban on smoking in outdoor spaces.

Pursuant to the terms of the Decree, the prohibition of smoking applies to “enclosed and covered” places (the two conditions are cumulative). With the exception of “non-covered spaces at schools, academies, public and private high schools, as well as institutions intended for the reception, training and accommodation of minors,” outdoor spaces, whether they are open and/or uncovered are therefore not addressed by Decree n°2006-1386 setting the conditions for the prohibition of smoking in places of common use.

1- On terraces

The prohibition of smoking does not concern terraces strictly speaking (“a space on the sidewalk of a public thoroughfare where tables and chairs are set up for customers, in front of an establishment”).

Indeed, a terrace is an outdoor space. Pursuant to the terms of Decree No. 2006-1386, such spaces are not addressed by the ban on smoking.

For the purposes of this text, the following are to be particularly considered as outdoor spaces:

- Terraces that are completely uncovered even though they are closed off on the sides,
- Terraces that are covered but whose principal side would be completely open (in general, at the front)

I call your attention to the fact that a terrace must be physically separated from the interior of the establishment. Smoking is therefore prohibited on a “terrace” that is nothing more than an extension of the establishment that is not even set apart by a partition.

These rules have already been stated in Circular WPGS{MC2/2Q07/370 of October 9, 2007.

II- On uncovered spaces

Similarly, uncovered spaces, such as an interior courtyard open to the sky, or a patio, for example, do not fall within the criteria for the prohibition of smoking, since although all sides are closed off (except access doorways), they are not covered spaces. Accordingly, they are not addressed by the ban on smoking stated in Decree n°2006-1386.

For the Minister and by delegation
The Director General of Health

Prof. Didier HOUSSIN