

Prime Ministerial Decree of 23 December 2003

Implementation of Article 51 (2) of Law No. 3 of 16 January 2003 as amended by Article 7 of Law No. 306 of 21 October 2003 on 'safeguarding the health of non-smokers'.

Article 1:

1. This Decree transposes the Agreement between the State, the Regions and the Autonomous Provinces of Trento and Bolzano on safeguarding the health of non-smokers, that was ratified at the Standing Conference for Relations between the State, the Regions and Autonomous Provinces of Trento and Bolzano of 24 July 2003.

Article 2:

1. Annex 1, which is an integral part of this Decree, sets out the technical requirements for smoking rooms, their respective ventilation systems and for the specimen signs regarding the smoking ban.

Annex 1

Technical requirements for smoking rooms, their respective ventilation systems and for the specimen signs regarding the smoking ban.

1. Smoking rooms, in accordance with Article 51(1b) of Law No 3 of 16 January 2003, shall be marked accordingly and set up in such a way as to be appropriately separated from adjacent rooms, where smoking is prohibited. To this end, smoking rooms shall comply with the following structural requirements:

- a) they shall be enclosed on all four sides by floor-to-ceiling walls;
- b) they shall have an entrance with an automatically closing door which is normally in the closed position;
- c) they shall have appropriate signs that are in accordance with the provisions set out in points 9 and 10;
- d) they may not consist of rooms through which non-smokers have to pass.

2. Smoking rooms shall be equipped with appropriate mechanical means of forced ventilation in order to guarantee an additional supply of external fresh air or that is transmitted from other adjacent rooms where smoking is prohibited. The additional supply of fresh air shall be appropriately filtered. The minimum additional supply of air that shall be ensured is equivalent to 30 litres/second for each person who may be present in the room, in accordance with the law in force, on the basis of a density rating of 0.7 persons/ m². The maximum number of persons permitted on the basis of the capacity of the establishment shall be indicated at the entrance.

3. Smoking rooms shall be kept at a vacuum of at least 5 Pa (Pascal) in relation to the surrounding areas.

4. Smoking areas in catering establishments, in accordance with Article 51 of Law 3 of 16 January 2003, shall, in all cases, be less than half of the overall serving area of the establishment.

5. The air from smoking rooms may not be recycled and shall be extracted to the outside through appropriate systems and functional openings, in accordance with the provisions of the law in force on external atmospheric emissions and in compliance with municipal hygiene and building regulations.

6. The design, installation, maintenance and inspection of ventilation systems shall comply with safety and energy saving rules and regulations in force, and with the technical standards of the Italian Unification Body (*UNI*) and of the Italian Electrotechnical Committee (*CEI*). Authorised entities shall provide an appropriate declaration that the systems have been installed in accordance with the rules of the trade and that they comply with the law in force. The Installation certificates attesting the appropriateness of the extraction systems and the annual certificates on the inspection and maintenance of the ventilation systems, shall, for the purpose of the required check, be kept at the disposal of the competent authorities.

7. Appropriate clearly visible signs pointing out this prohibition shall be posted in rooms where smoking is prohibited. For the purpose of uniformity within the national territory that is technically possible, these signs shall bear the words 'No Smoking' supplemented by the statutory requirements regarding the penalties applicable to offenders and the parties responsible for ensuring compliance with this prohibition and for detecting infringements.

8. In establishments with several rooms, in addition to the specimen sign set out in point 7, signs bearing only 'No Smoking' shall be posted in entrances or in prominent places.

9. Smoking rooms shall be marked, for reasons of uniformity referred to in point 7, with appropriate illuminated signs clearly indicating 'Smoking Area'.

10. Signs referred to in point 9 shall, in all cases, be supplemented by other illuminated signs bearing, for reasons of uniformity set out in point 7, the words 'Ventilation System Out of Order: Please Do Not Smoke' that are automatically triggered in the event of failure or malfunctioning of the additional ventilation systems and at the same time switch off the sign indicating the reserved area.

11. Any room which does not comply, even temporarily, with the technical requirements set out above may not implement the rules referred to in Article 51 of Law No 3 of 16 January 2003.