

The smoking ban: an overview

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On May 15, 2022, the law amending the law of April 27, 2018 on the police of the railroads for completely smoke-free platforms was introduced. This law makes train stations, including the platforms, smoke-free zones as of January 2023.

In response to this change of law, we hereby provide you with an overview of the places where smoking is prohibited.

- Closed areas that are accessible to the public

First of all, it is prohibited to smoke in closed areas accessible to the public. The law lists non-exhaustively the following places:

- Government places;
- Stations;[\[1\]](#)
- Airports;
- Commercial establishments;
- Places where services are provided to the public, including food and beverages;
- Hospitals and elderly homes;
- Schools;
- Theatres;
- Places where sports are practiced;
- ...

A clear no-smoking sign must be displayed at the entrance and within each area.

The operator of a closed publicly accessible area does have the option of installing a smoking room. This must meet a number of conditions:

- The smoking room may not be a transit area;
- The smoking room must be fitted out in such a way that the discomfort caused by the smoke is limited as much as possible for non-smokers;
- The smoking room must be clearly marked as such so that it can be recognized and located;
- The surface of the smoking room must be less than 1/4 of the total surface area;
- The smoking room must be equipped with an extraction or ventilation

system.

In case of non-compliance with the smoking ban, both the operator of the public place and the smoker himself can be sanctioned. Both can be punished with a fine of 26,00 Euro to 1,000.00 Euro and/or with imprisonment of 8 days to 3 months. The operator may also incur a mandatory closure of up to 6 months.

- The workplace

Every employee has the right to have smoke-free workplaces and social facilities (bathroom, dining place etc.). The employer must take the necessary measures and ensure that these are complied with, both by the employees as by third parties. Failure to do so exposes him to criminal prosecution (under the Social Penal Code). The officials of the Social Inspectorate are responsible for monitoring these obligations of the employer.

The employer also has the possibility, after prior advice from the Committee for Prevention and Protection at Work, to install a smoking room in the workplace.

- Vehicles

In addition, it is prohibited to smoke in a vehicle as soon as a minor (<18 years) is present in the car. The prohibition also applies when the windows or the roof of the car are open. Smoking is only allowed in a convertible where the roof is completely tucked in.

Smoking is also permanently prohibited in all vehicles used for public transport, even when they are temporarily not in service.

The rules surrounding the smoking ban are included in the law of 22 December 2009, which came into force on [1 January 2010](#). This means the famous smoking ban has been in place for more than 10 years now!

[\[1\]](#) Including the platforms as from January 2023.