NANNY STATE INDEX 2017

The best and worst countries to eat, drink, smoke, & vape in the EU

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EPICENTER
European Policy Information Center

Welcome...

to the 2017 Epicenter Nanny State Index, a league table of the best and worst places in the European Union to eat, drink, smoke and vape. Since the first edition of this Index was published in March 2016, there have been many regulatory changes, most of them for the worse. Of the 28 countries included, all but six of them have a higher score than they did last year.

2016 was a particularly bad year for vapers.

Eleven countries now forbid the use of e-cigarettes wherever smoking is banned after Finland, Luxembourg, Hungary and Poland joined the fold. As governments seek to raise money and protect their tobacco revenues, there is also a growing trend towards taxing e-cigarette fluid. Greece, Slovenia, Romania, Latvia and Hungary all introduced new taxes in 2016, and e-cigarette tax rates now range from €0.01 per ml in Latvia to €0.60 per ml in Portugal. Although some governments have been slow to recognise the health benefits of safer nicotine products, they have been quick to see their potential for raising revenue. The emergence of 'heat-not-burn' technology, such as iQOS, has inspired Greece and Slovakia to approve new taxes that specifically target tobacco for 'electronically heated' products.

The most significant change that took place in 2016 was the introduction of the EU's Tobacco Products Directive (TPD) which came into effect in May. This legislation is principally aimed at smokers, with a ban on packs of ten, mandatory graphic warnings and, from 2020, a ban on menthol cigarettes, but it also places a significant burden on vapers. The TPD bans all e-cigarette fluids containing more than two per cent nicotine, restricts the sale of e-cigarette fluid to small, 10ml bottles, and bans e-cigarette advertising in printed media, online and on television and radio. As a result of the TPD, twelve countries that scored a perfect zero for nanny state regulation of e-cigarettes now have at least 16 points (out of 100).

The UK and France decided to gold-plate the TPD by becoming the first countries in the Northern hemisphere to ban branding on tobacco packaging ('plain' or 'standardised' packaging). Hungary, Slovenia and Ireland look set to join them in the next few years and there have inevitably been calls to roll this policy out to food and alcohol.

It is not all bad news, however.

Some governments used the TPD as an opportunity to liberalise their vaping laws. Countries that previously had a de jure or de facto ban on e-cigarette sales, including Finland, Denmark, Hungary and Belgium, now permit their sale under varying degrees of regulation.

There are a few flickers of liberalisation in other areas as well.

Finland discarded its tax on confectionery, chocolate and ice cream in January 2017 and the Finnish government is considering relaxing its highly restrictive alcohol laws by, for example, making it legal to buy a round of drinks and pay by credit card. In Slovakia, cyclists are now permitted to drink a pint of beer before using a cycle lane. Last year, the Czech Republic's finance minister pledged to halve VAT on draft beer (this has not yet happened) and, in Bulgaria, a proposed tax on fast food and energy drinks in Bulgaria was rejected thanks to the finance minister.

The most sensational piece of deregulation came in Sweden

where the e-cigarette market went from complete illegality to laissez-faire by accident. After Sweden's Supreme Administrative Court ruled that e-cigarettes are not medical devices and cannot be regulated as such, they fell into legal limbo where they remain at the time of writing. Unsurprisingly, there have been no reports of any health problems as result of e-cigarettes being freely bought and sold. The Swedish government should bear this in mind when it finally gets around to regulating the vaping market.

Looking to the future, the prospects for lifestyle freedom generally look bleak. A number of countries are seeking to join Hungary, Finland and France in putting a 'sin tax' on sugary drinks. Belgium has already done so. Ireland and the UK will join them next year. Latvia and Lithuania have set a precedent by banning the sale of energy drinks to people aged under 18. France banned free refills of fizzy drinks at the start of 2017. Sweden is set to regulate alcoholic ice cream. Greece has introduced a tax on wine for the first time.

The Czech Republic will soon introduce an indoor smoking ban, albeit with plenty of exemptions. Romania introduced a more severe smoking ban last year, leaving only Austria, Germany and Slovakia as the last truly smoker-friendly countries in the EU - and Austria has a ban planned for 2018.

Cyprus is looking to both extend its ban to some outdoor places and include vaping in it. The governments of Scotland and Finland have set a deadline for making their countries 'tobacco-free'. Estonia and the Netherlands are seriously considering a retail display ban for tobacco.

There has been little in the way of nanny state regulation of alcohol since the last Index was published, but that looks set to change. Lithuania, Latvia and Estonia are all on the verge of introducing heavy temperance legislation, with the health minister of Estonia publicly stating that he wants to treat alcohol and tobacco in the same way, ie. with draconian regulation. Minimum pricing for alcohol is tied up in the courts at the time of writing but, win or lose, the Scottish government will be able to introduce this regressive policy after Brexit. Meanwhile, Ireland has tabled a temperance law that will introduce minimum pricing, extensive advertising restrictions and possibly even a retail display ban similar to that already in place for tobacco.

This rising tide of lifestyle regulation confirms C.S. Lewis's view that ***'those who torment us for our own good will torment us without end for they do so with the approval of their own conscience.'***

The nanny state never sleeps. There is so much legislation and so many new proposals that it can be difficult to keep up, but that is what the Nanny State Index aims to do.

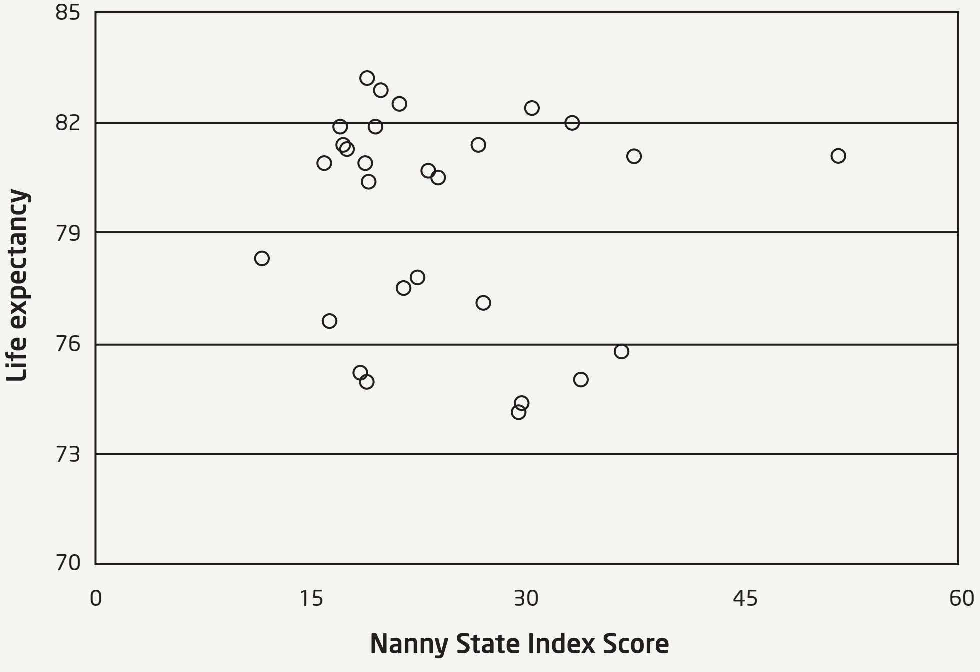
Does paternalistic regulation work?

Despite efforts by the EU to harmonise some legislation, the Nanny State Index reveals huge differences in the way governments choose to regulate their citizens' lifestyles. The most heavy-handed countries - Finland, the UK and Ireland - all have very high taxes on alcohol and tobacco, as well as severe smoking bans, but Finland has an almost impregnable lead at the top of the table thanks to its negative approach to e-cigarettes, its tax on soft drinks and its harsh temperance laws which include a near-total ban on alcohol advertising and a state-controlled alcohol monopoly.

At the other end of the table, countries such as the Czech Republic and Germany have modest taxes on alcohol and tobacco, do not try to control their citizens' diets, and treat vapers and smokers with respect. If you want to use the Nanny State Index as a travel guide, there are separate league tables for food, alcohol, tobacco and vaping below, so you can pick your holiday according to your preferences.

Paternalistic lifestyle policies create a number of problems and costs. 'Sin taxes' fall most heavily on the poor. High prices fuel the black market. Advertising bans restrict competition and stifle innovation. Smoking bans damage pubs and clubs. Excessive regulation creates excessive bureaucracy and drains police resources. Insofar as 'public health' campaigners acknowledge these costs, they argue that they are more than offset by the benefit to health, but the data in this Index finds little evidence of this. As Figure 1 shows below, there is no correlation between Nanny State Index scores and life expectancy.

Figure 1:



There is also no relationship between tobacco control scores and lower smoking rates (Figure 2), or between alcohol control scores and lower rates of alcohol consumption (Figure 3). Nor is there any relationship between alcohol control scores and rates of binge-drinking among men or women (Figure 4 shows the data for men).

Figure 2:

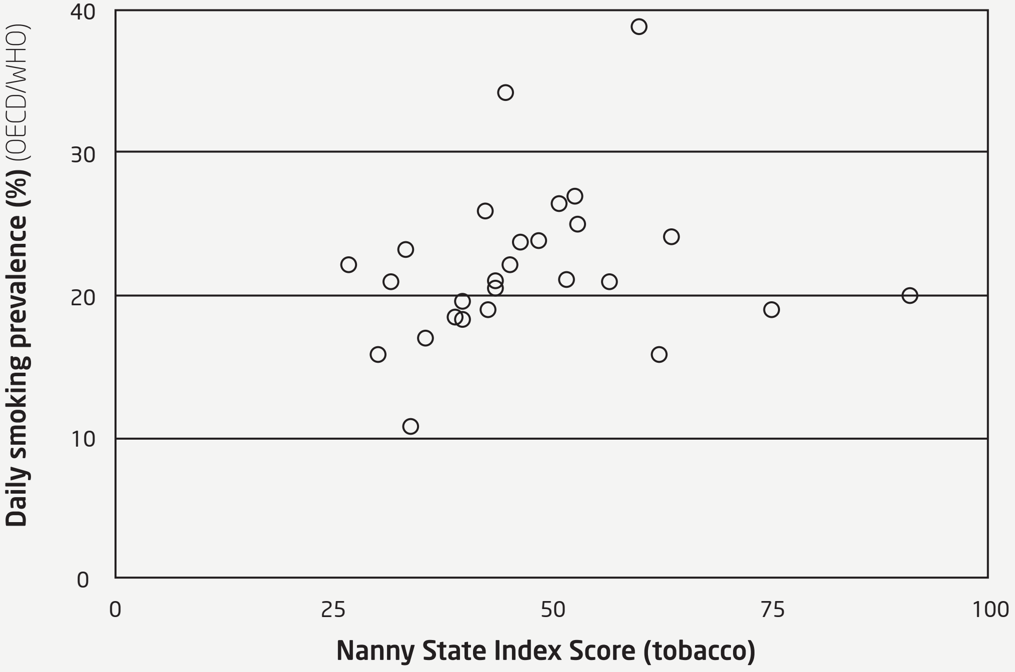


Figure 3:

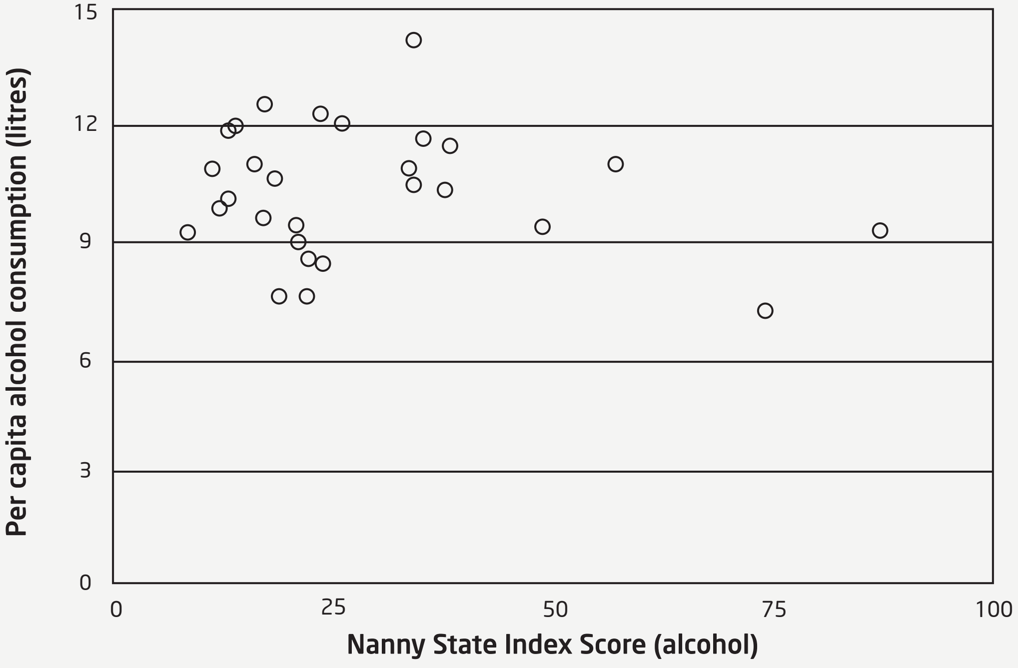
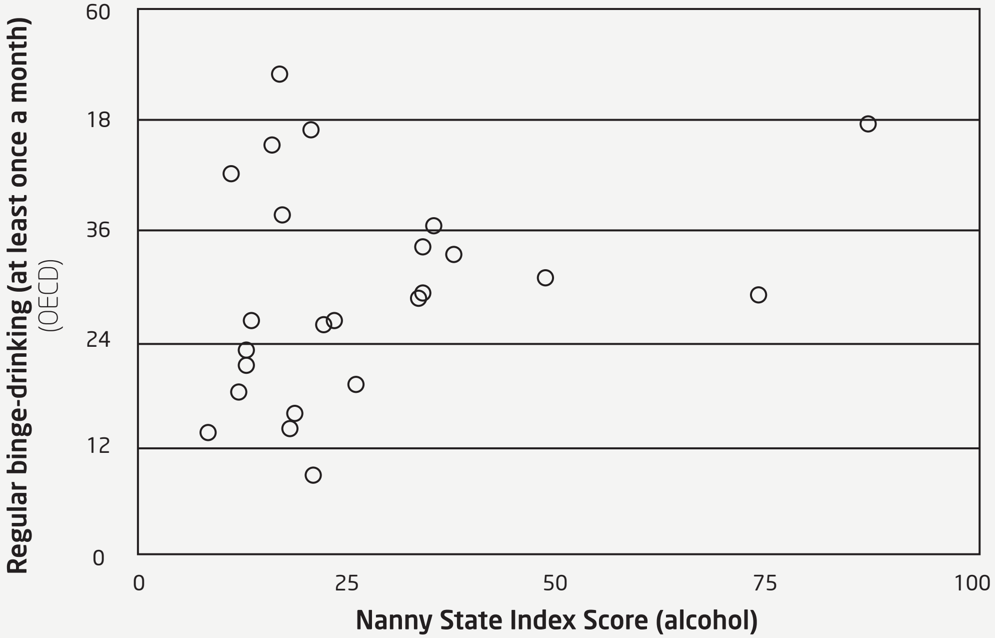
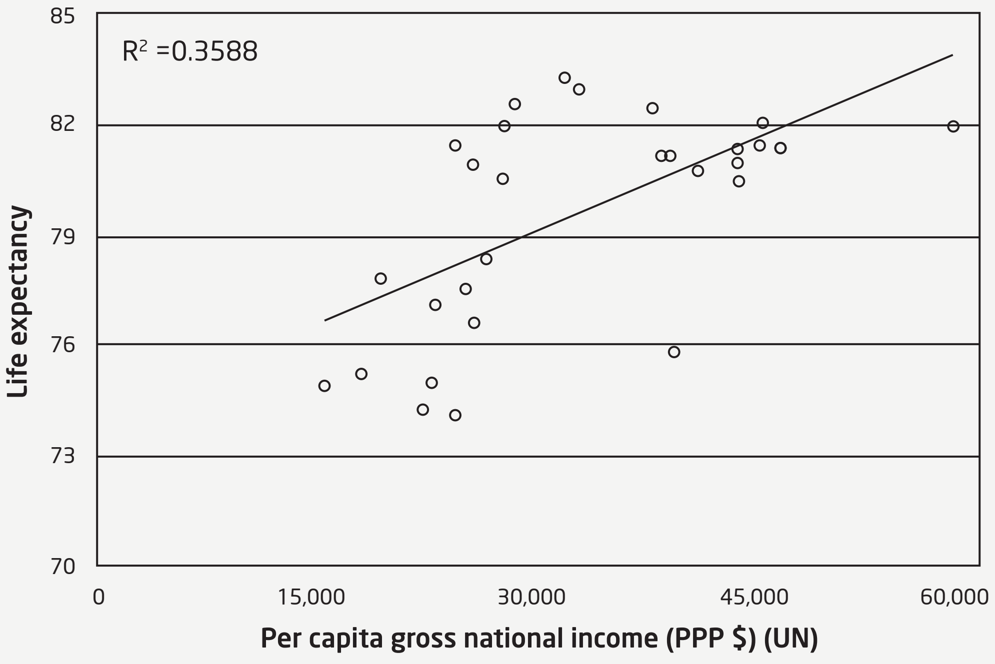


Figure 4: Weekly binge-drinking (men) and NSI scores



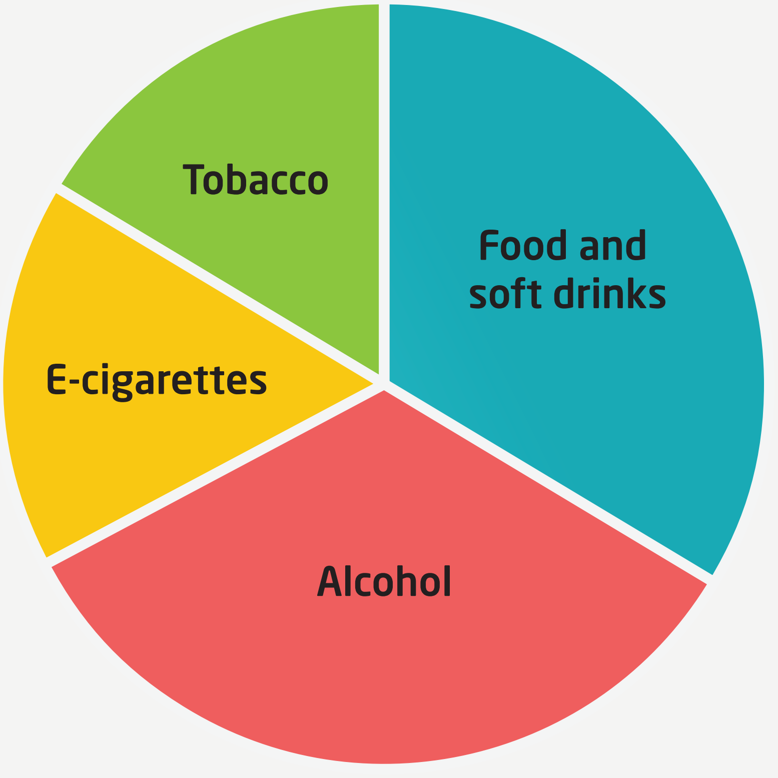
Indeed, the only relationship we can find between life expectancy and any other variable is economic prosperity. The statistically significant association between life expectancy and gross national income (Figure 5) suggests that health campaigners would do better to pursue economic growth than make doomed attempts to control the personal behaviour of the public through coercion.

Figure 5: Life expectancy and per capita GDP scores



The criteria

The Nanny State Index consists of three main categories: alcohol, nicotine and diet. Each of the three categories is weighted equally at 33.3 per cent. Nicotine is subdivided into tobacco and e-cigarettes, each with an equal weighting, ie. 16.7 per cent overall.



Each category has a number of different criteria. Points are scored for each criteria which are combined to reach the final score.

The Nanny State Index is only concerned with policies that have an adverse impact on consumers.

These policies are given different weights to reflect the extent to which consumers are negatively affected, from relatively minor inconveniences to heavy taxes to outright prohibitions.

Countries with higher scores are less free and countries with lower scores are more free.

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Paternalistic policies typically reduce the individual's quality of life in one or more of the following ways:

- raising prices (through taxation or retail monopolies)
- stigmatising consumers
- restricting choice
- inconveniencing consumers
- limiting information (with advertising bans)
- reducing product quality

The Index includes any policy designed to deter consumption of legal products which imposes one or more of these costs on consumers. The criteria for each category and their weightings are shown on the pages for alcohol, e-cigarettes, food and soft drinks, and tobacco.

All data reflect the legal status in March 2017 to the best of our knowledge. We do not make adjustments for how the law is enforced. Some countries may not police their regulations effectively - in fact, we know that they do not - but this is unquantifiable. We are interested only in what the law says, not whether it is easy to flout the law in practice. Nor do we include legislation that is pending. In some instances we have included commentary about laws that have been proposed or rejected. These are included to provide additional information - they do not affect the scores.

Ranking	Countries	E-cigs (1/6)	Tobacco (1/6)	Food (1/3)	Alcohol (1/3)	TOTAL (out of 100)	Change in position since 2016
1	**Finland**	9.9	10.4	2.3	29	51.6	Same
2	**UK**	2.7	15.2	3.3	16.2	37.4	Higher
3	**Ireland**	2.7	12.5	2.3	19	36.5	Higher
4	**Hungary**	9.8	8.5	9.3	6.1	33.7	Higher
5	**Sweden**	1.7	5.7	1	24.7	33.1	Lower
6	**France**	3.3	10.6	3.7	12.7	30.3	Same
7	**Latvia**	6.2	7.5	3.3	12.5	29.5	Higher
8	**Lithuania**	7.5	7.6	3	11.3	29.4	Lower
9	**Poland**	7.2	7.8	0.7	11.3	27	Higher
10	**Greece**	8.4	10	2	6.2	26.6	Higher
11	**Slovenia**	4	7.3	1.3	11.2	23.8	Higher
12	**Belgium**	7.6	7.1	2.7	5.7	23.1	Lower
13	**Croatia**	4.2	9.5	0	8.7	22.4	Higher
14	**Estonia**	2.7	7	0	11.7	21.4	Lower
15	**Cyprus**	6.9	7.3	0	6.9	21.1	Higher
16	**Italy**	4.5	7.3	0.7	7.3	19.8	Higher
17	**Malta**	3.3	8.7	0	7.4	19.4	Lower
18	**Denmark**	3.5	5.9	2.7	6.9	19	Lower
19	**Spain**	8	8.1	0	2.8	18.9	Higher
20	**Bulgaria**	3.5	8.8	2	4.5	18.8	Higher
21	**Portugal**	7.5	6.5	0.7	4	18.7	Lower
22	**Romania**	4	8.8	0	5.6	18.4	Lower
23	**Austria**	3.5	5.5	0.7	7.8	17.5	Same
24	**Netherlands**	2.7	6.6	0	7.9	17.2	Higher
25	**Luxembourg**	6.7	5	0	5.3	17	Higher
26	**Slovakia**	5.3	6.6	0	4.3	16.2	Lower
27	**Germany**	6.9	5.3	0	3.7	15.9	Same
28	**Czech Republic**	2.7	4.5	0	4.3	11.5	Same

Alcohol

The alcohol category includes taxation (50%), advertising restrictions (20%) and other (30%).

Taxation is divided into three categories of alcohol duty: beer, wine and spirits. Each has equal weighting. The data come from the European Commission (wine and spirits) and the British Beer and Pub Association (beer). Tax rates are adjusted for purchasing power. The country with the highest rate of tax scores 100. The other countries' scores are based on their tax rate as a percentage of the highest taxing country. Calculations are made for each of the three types of drink, leaving a score out of 300 which is converted into a score out of 50.

Advertising is divided into three categories: TV/radio advertising, outdoor advertising and sponsorship. These are subdivided into two further categories: wine/spirits and beer (wine and spirits tend to be subject to the same advertising restrictions). Each of the six resulting subcategories is given a score out of 10, with 10 representing a full ban and 0 representing no significant restrictions. This leaves a score out of 60 which is converted to a score out of 20.

Other is made up of the following four subcategories with a total value of 30 points:

Retail monopoly. Some countries have a state-owned monopoly on alcohol retail, thereby restricting competition, reducing availability and raising prices. Monopoly = 5 points. No monopoly = 0 points.

Statutory closing time in the on-trade. Some countries force bars and restaurants to stop serving alcohol and/or close at a certain time of night. These countries score 10 points, those which allow the proprietor to decide when to close receive 0 points.

Zero or near-zero drunk driving limit. Most EU countries have a drunk driving limit of 0.05% blood alcohol concentration. Others, including the UK, have a higher limit of 0.08%. In some countries, however, the limit is set so low as to be more of temperance measure than a road safety measure. A limit of 0.02% or lower is well below the range at which driving becomes dangerous and has the effect of discouraging people from consuming alcohol if they are driving the following morning. Countries which set the limit at 0.02% or lower are given 5 points in the index.

Ban on promotions. Some countries restrict or ban the use of sales promotions such as happy hour or two-for-one deals. No restrictions = 0 points. Partial restrictions: up to 9 points. Full ban: 10 points.

	Tax Out of 50	Advertising Out of 20	Other Out of 30	GRAND TOTAL Out of 100
Finland	47.8	14.3	25	87.1
Sweden	36	13	25	74
Ireland	34	8	15	57
UK	37.6	0	11	48.6
France	10.2	18	10	38.2
Latvia	16.6	16	5	37.6
Estonia	23.2	7	5	35.2
Lithuania	14	8	12	34
Poland	13.6	15.3	5	33.9
Slovenia	14.2	9.3	10	33.5
Croatia	9.6	13.3	3	25.9
Netherlands	11.6	2	10	23.6
Austria	5.7	6.7	11	23.4
Malta	9.5	2.7	10	22.2
Italy	7.9	4	10	21.9
Cyprus	8.8	2	10	20.8
Denmark	15.6	0	5	20.6
Greece	16	2.7	0	18.7
Hungary	10.2	3	5	18.2
Belgium	14.9	2.3	0	17.2
Romania	7.1	4.7	5	16.8
Luxembourg	1.9	4	10	15.9
Bulgaria	6.8	6.7	0	13.5
Slovakia	7.9	0	5	12.9
Czech Republic	6.5	1.3	5	12.8
Portugal	9.3	2.7	0	12
Germany	4.8	1.3	5	11.1
Spain	5	3.3	0	8.3

E-cigarettes

The e-cigarette category includes product bans (up to 40 points), advertising restrictions (up to 10 points), taxes (10 points) and vaping bans (up to 40 points) with a total of 100 points available.

Product bans. Up to 40 points are given for bans on certain types of e-cigarettes and/or fluids. Full prohibition or the regulation of e-cigarettes as medical products would give 40 points, but e-cigarettes are now legal in all EU countries subject to different degrees of regulation. The EU has set limits on tank sizes, fluid strength, bottle size and several other product features, meaning that all TPD-compliant countries score at least 10 points. Further points are awarded for bans on flavours (up to 5 points), refillable e-cigarettes (5 points), cross-border sales (5 points), domestic mail order sales (2 points).

Advertising. Points are awarded according to the size and scope of advertising restrictions. All countries must ban most forms of e-cigarette advertising to comply with the EU's Tobacco Products Directive and therefore score at least 6 points. Further points are awarded for bans on purely domestic e-cigarette advertising.

Tax. Countries which place a specific tax on e-cigarettes (in addition to standard sales tax) score up to 10 points. Points are awarded according to the size of the tax as a proportion of the highest tax, with the country with the highest tax scoring 10.

Vaping ban. Up to 40 points are awarded for bans and restrictions on e-cigarette use (vaping) in public places. In countries where vaping is classed as smoking for the purpose of smoking bans, the score from the smoking ban subcategory in the tobacco index is used.

	Product ban (out of 40)	Advertising (out of 10)	Specific tax (out of 10)	Indoor ban (out of 40)	TOTAL
Finland	22	10	5	22.4	59.4
Hungary	20	10	3	25.6	58.6
Greece	15	10	2	23.2	50.2
Spain	15	6	0	27.2	48.2
Belgium	15	10	0	20.8	45.8
Portugal	15	7	10	12.8	44.8
Lithuania	15	9	0	20.8	44.8
Poland	15	9	0	19.2	43.4
Luxembourg	15	9	0	16	40
Latvia	15	6	1	15.2	37.2
Slovakia	10	10	0	12	32
Italy	15	6	6	0	27
Croatia	15	10	0	0	25
Romania	15	6	2	1	24
Slovenia	15	6	3	0	24
Austria	15	6	0	0	21
Bulgaria	15	6	0	0	21
Cyprus	15	6	0	0	21
Denmark	10	10	0	1	21
Germany	15	6	0	0	21
France	10	10	0	0	20
Malta	10	10	0	0	20
Czech Republic	10	6	0	0	16
Estonia	10	6	0	0	16
Ireland	10	6	0	0	16
Netherlands	10	6	0	0	16
UK	10	6	0	0	16
Sweden	0	10	0	0	10

Food and soft drinks

This category is made up of five categories with a total score of 100.

Taxation. This includes any taxes (in excess of normal sales tax) placed on food products, soft drinks or specific ingredients. Scores are given according to the number of products taxed and the size of the tax. Up to 10 points for soft drinks and up to 25 points for food = maximum of 35 points.

Advertising restrictions. Up to 25 points are awarded according to the scope and severity of advertising restrictions.

Energy drinks. Some countries regulate caffeinated cold drinks ('energy drinks') more severely than traditional, caffeinated hot drinks. Restrictions on advertising these drinks are included in 'advertising restrictions' above but a further five points are awarded for a total ban on the sale of energy drinks to people aged under 18 years.

Vending machines. Up to 10 points are awarded for bans on food vending machines and/or bans on certain food/drink products being sold from vending machines. Scores depend on the scope of the ban (eg. schools, hospitals) and the number products affected.

Mandatory Limits. Up to 25 points are awarded for state-sanctioned limits on how ingredients can be used in food. Note: some countries have 'voluntary agreements' with industry with regards to levels of salt, fat and sugar. As these are not statutory, we do not include them as part of the Index, despite the fact that these 'voluntary' agreements are frequently backed up with the threat of legislation.

	Taxes (35)	Vending machines (10)	Energy drinks (5)	Advertising (25)	Mandatory limits (25)	TOTAL (100)
Hungary	24	0	0	0	4	28
France	7	4	0	0	0	11
Latvia	0	0	5	3	2	10
UK	0	1	0	9	0	10
Lithuania	0	1	5	3	0	9
Belgium	2	0	0	0	6	8
Denmark	3	0	0	0	5	8
Finland	7	0	0	0	0	7
Ireland	0	0	0	0	0	7
Bulgaria	0	0	0	0	6	6
Greece	2	0	0	0	4	6
Slovenia	0	4	0	0	0	4
Sweden	0	0	0	3	0	3
Austria	0	0	0	0	2	2
Italy	0	2	0	0	0	2
Poland	0	2	0	0	0	2
Portugal	0	0	0	0	2	2
Croatia	0	0	0	0	0	0
Cyprus	0	0	0	0	0	0
Czech Republic	0	0	0	0	0	0
Estonia	0	0	0	0	0	0
Germany	0	0	0	0	0	0
Luxembourg	0	0	0	0	0	0
Malta	0	0	0	0	0	0
Netherlands	0	0	0	0	0	0
Romania	0	0	0	0	0	0
Slovakia	0	0	0	0	0	0
Spain	0	0	0	0	0	0

Tobacco

The tobacco category includes taxation (30%), advertising (10%), smoking ban (30%) and other (30%).

Taxation. Calculated in a similar way to alcohol taxation (see above). Tax rates are taken from the European Commission and adjusted for purchasing power. The highest taxing country scores 100. Other countries are scored as a percentage of the highest tax.

Advertising. Scored out of 10. A total ban scores 10 points, a total ban except at point of sale scores 9 points. If other advertising is permitted, a lower score is awarded, but all TPD-compliant countries score at least 6 points.

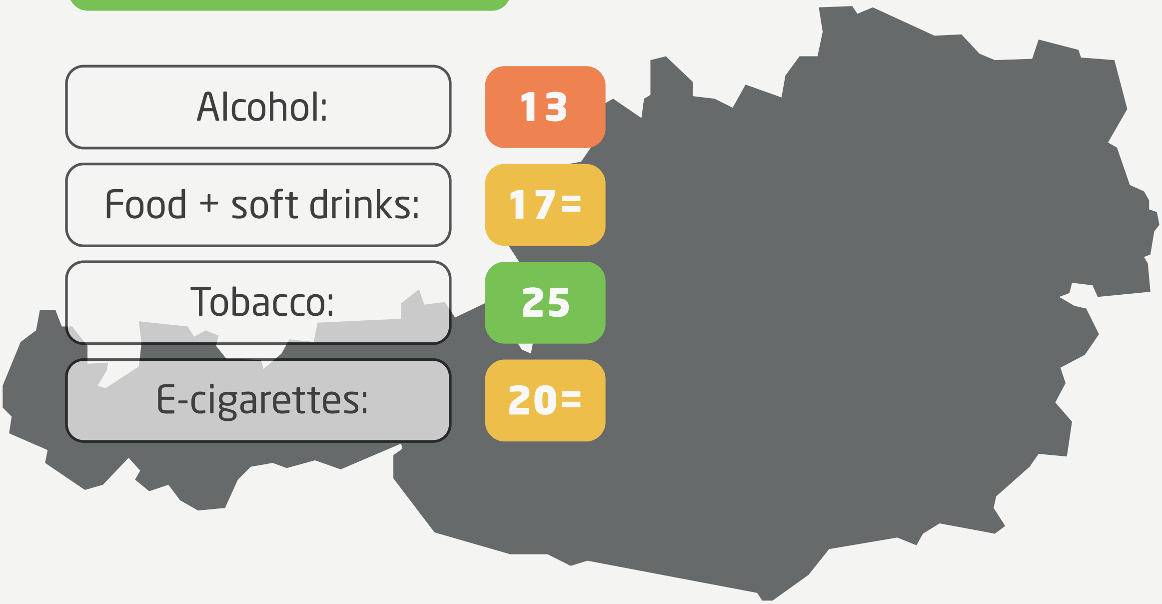
Smoking ban. Divided into five subcategories, each scoring up to 10 points. These are: bar, restaurant, workplace, cars and outdoors. Points are awarded according to the size and scope of the ban with the final score out of 50 adjusted to make it a score out of 30.

Other. Divided into five subcategories: plain packaging (10 points), retail display ban (10 points), oral tobacco ('snus') prohibition (5 points) and vending machine ban (5 points).

	Tax out of 30	Advertising out of 10	Packaging out of 10	Display ban out of 10	Smoking ban out of 30	Vending out of 5	Snus Out of 5	GRAND TOTAL Out of 100
UK	30	10	10	10	21	5	5	91
Ireland	20.4	10	10	10	19.8	0	5	75.2
France	19.2	9	10	0	15.6	5	5	63.8
Finland	15.6	10	0	10	16.8	5	5	62.4
Greece	15.6	9	0	8	17.4	5	5	60
Croatia	14.1	10	0	10	12.6	5	5	56.7
Romania	15.9	9	0	0	18	5	5	52.9
Bulgaria	16.5	7	0	0	19.2	5	5	52.7
Malta	17.1	10	0	0	19.8	0	5	51.9
Hungary	12.6	9	0	0	19.2	5	5	50.8
Spain	14.1	9	0	0	20.4	0	5	48.5
Poland	13.2	9	0	0	14.4	5	5	46.6
Lithuania	10.8	9	0	0	15.6	5	5	45.4
Latvia	13.5	10	0	0	11.4	5	5	44.9
Cyprus	14.7	9	0	0	10.2	5	5	43.9
Italy	13.5	9	0	0	16.2	0	5	43.7
Slovenia	12	9	0	0	12.6	5	5	43.6
Belgium	13.2	9	0	0	15.6	0	5	42.8
Estonia	13.2	9	0	0	10.2	5	5	42.4
Netherlands	13.2	9	0	0	12.6	0	5	39.8
Slovakia	11.7	9	0	0	9	5	5	39.7
Portugal	15.6	9	0	0	9.6	0	5	39.2
Denmark	12	9	0	0	9.6	0	5	35.6
Sweden	12.3	9	0	0	12.6	0	0	33.9
Austria	10.2	9	0	0	9	0	5	33.2
Germany	11.7	6	0	0	9	0	5	31.7
Luxembourg	4.2	9	0	0	12	0	5	30.2
Czech Republic	9.9	9	0	0	3	0	5	26.9

Austria

Overall score: 23



Alcohol:	13
Food + soft drinks:	17=
Tobacco:	25
E-cigarettes:	20=

Population:	**8,592,400 (2017)**
GDP per capita:	**US$ 43,775.0**
Current government:	**Federal Chancellor Christian Kern (Social Democratic Party of Austria)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**30 out of 180 (72.3)**

Austria currently has a relatively liberal approach to indoor smoking with only partial restrictions. In general, proprietors are allowed to choose whether to permit smoking on their premises. However, a more draconian ban will be introduced in 2018.

Austria's tobacco tax is among the lowest in the EU, as are taxes on beer and spirits. **There is no wine duty at all.**

Austria has strict regulation of spirits advertising. It is banned on television, radio and on billboards. **Sponsorship is also banned outright**, but beer and wine can be advertised in all media.

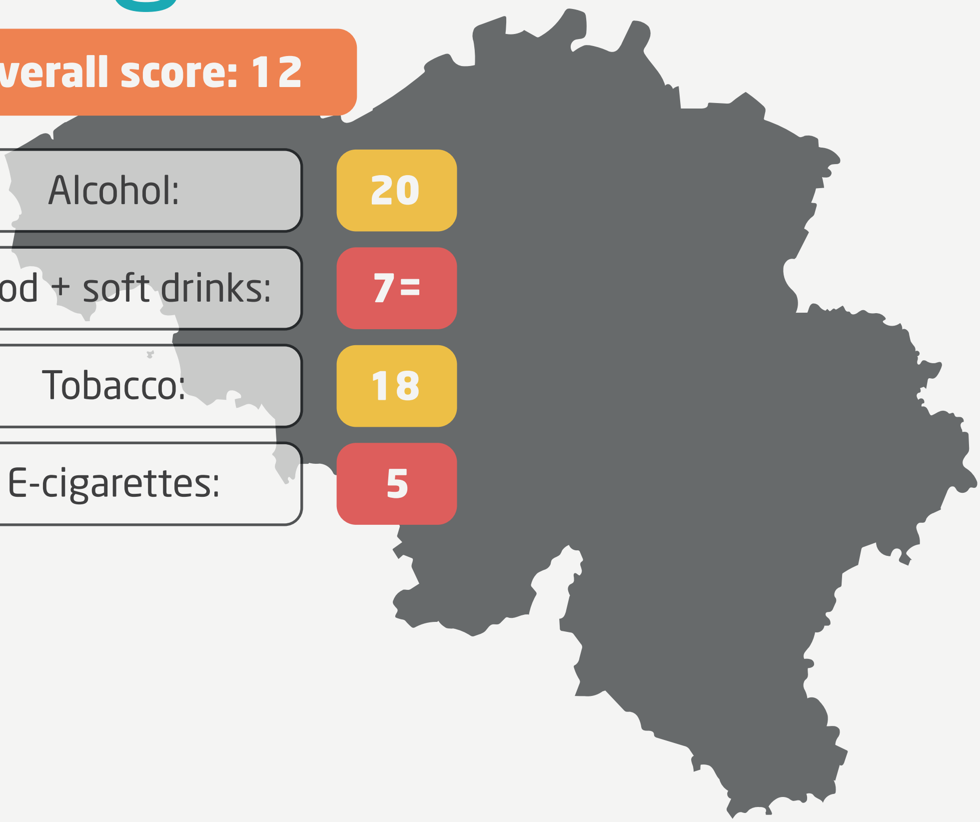
There is no ban on cigarette vending machines and no display ban. Tobacco advertising is only allowed at point of sale. **There are no restrictions on vaping indoors** and e-cigarettes are available as consumer products having been previously classified as medicinal products. Cross-border sales of e-cigarettes are now banned.

Trans fats are limited in food by law to two per cent (by weight) or, in some products, four per cent.

Belgium

Overall score: 12

Alcohol:	20
Food + soft drinks:	7=
Tobacco:	18
E-cigarettes:	5



Population:	**11,443,830 (2017)**
GDP per capita:	**US$ 40,324.0**
Current government:	**Prime Minister Charles Michel (Reformist Movement)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**49 out of 180 (67.8)**

Traditionally a smoker-friendly country, **Belgium has seen a significant extension of smoking bans in recent years**, including in some outdoor areas. As in most EU countries, smoking rooms are still permitted. Belgium does not prohibit cigarette vending machines and it does not have a display ban.

E-cigarettes were legalised as consumer products in 2016, but internet sales and e-cigarette advertising are banned. **Vaping is banned wherever smoking is banned.**

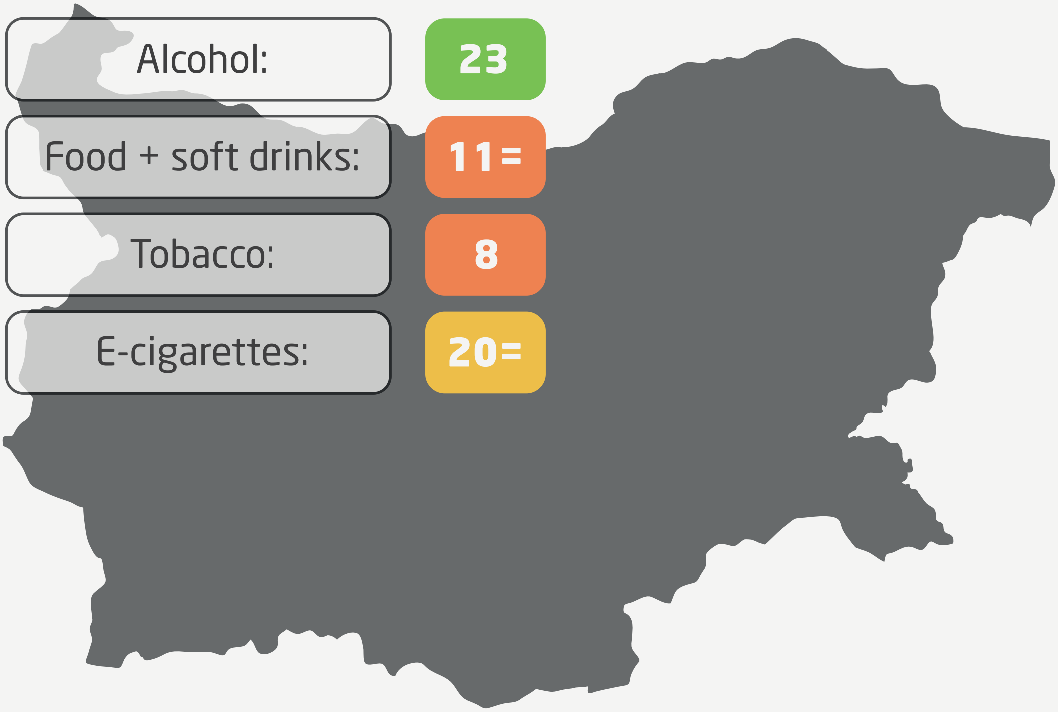
A tax on soft drinks of €0.03 cents per litre was introduced in 2016 and **Belgium has legal limits on the amount of salt that can be put into bread, cheese and meat.**

Taxes on beer, wine and spirits are all relatively low and owners of bars and restaurants have the freedom to choose when they stop serving alcohol. However, in October 2016, tax on wine was increased by 17 cents per standard bottle and tax on a standard bottle of spirits was increased by €2.52.

Bulgaria

Overall score: 20

Alcohol:	23
Food + soft drinks:	11=
Tobacco:	8
E-cigarettes:	20=



Population:	**7,045,259 (2017)**
GDP per capita:	**US$ 6,993.5**
Current government:	**Interim Prime Minister Ognyan Gerdzhikov (National Movement for Stability and Progress)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**47 out of 180 (67.9)**

Bulgaria has legal limits on salt levels in manufactured bread, cheese and meat products. A tax on 'junk food' and energy drinks was expected in 2017 **but the Finance Ministry took a strong position against it**, despite pressure from the Health Ministry and Prime Minister. **The idea is likely to be revived in 2018.**

Bulgaria's tobacco advertising laws are somewhat more liberal than those of most EU countries. Advertising is banned on TV, radio, online and in print (in accordance with EU law) but is permitted in some outdoor areas, at point of sale, and at some events.

Adverts cannot show the cigarettes themselves, only the brand logo is permitted. There is, however, a ban on cigarette vending machines and **Bulgaria's smoking ban is among the most severe in Europe with no exemptions in bars, restaurants or workplaces** and some restrictions outdoors. The ban is poorly enforced in practice, however, and although EU law now bans the sale of cigarettes in anything less than packs of 20, smaller numbers can be bought in the illicit market.

There are no restrictions on vaping indoors and there has been no gold-plating of the EU Tobacco Products Directive. E-cigarettes can be freely bought and sold domestically although cross-border sales are now banned.

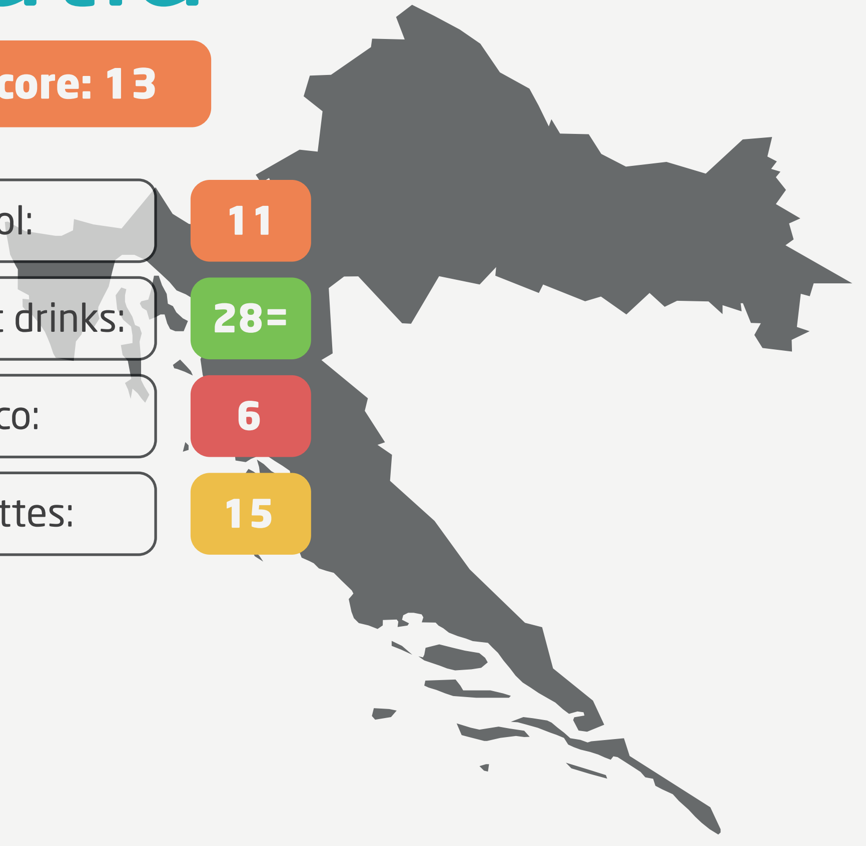
Tobacco taxes in Bulgaria are the fourth highest in the EU relative to income but there is no wine duty. **Taxes on beer and spirits are low by European standards.** The advertising of spirits is prohibited on TV and radio except in a heavily regulated form after 10pm. **There are few restrictions on beer and wine advertising.**

With thanks to Dimitar Kolichev

Croatia

Overall score: 13

Alcohol:	**11**
Food + soft drinks:	**28=**
Tobacco:	**6**
E-cigarettes:	**15**



Population:	**4,209,815 (2017)**
GDP per capita:	**US$ 11,535.8**
Current government:	**Prime Minister Andrej Plenkovic (Croatian Democratic Union)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**95 out of 180 (59.4)**

Croatia takes a tough stance on spirits, tobacco, wine and e-cigarettes, none of which can be advertised in any media. Only beer can be advertised. Tax on spirits is low by EU standards and there is no duty on wine.

Bars in urban areas must close at midnight, but municipal, city or county authorities can issue permission to certain areas where bars can work longer (up to 2 am), or even restrict closing hours earlier than midnight.

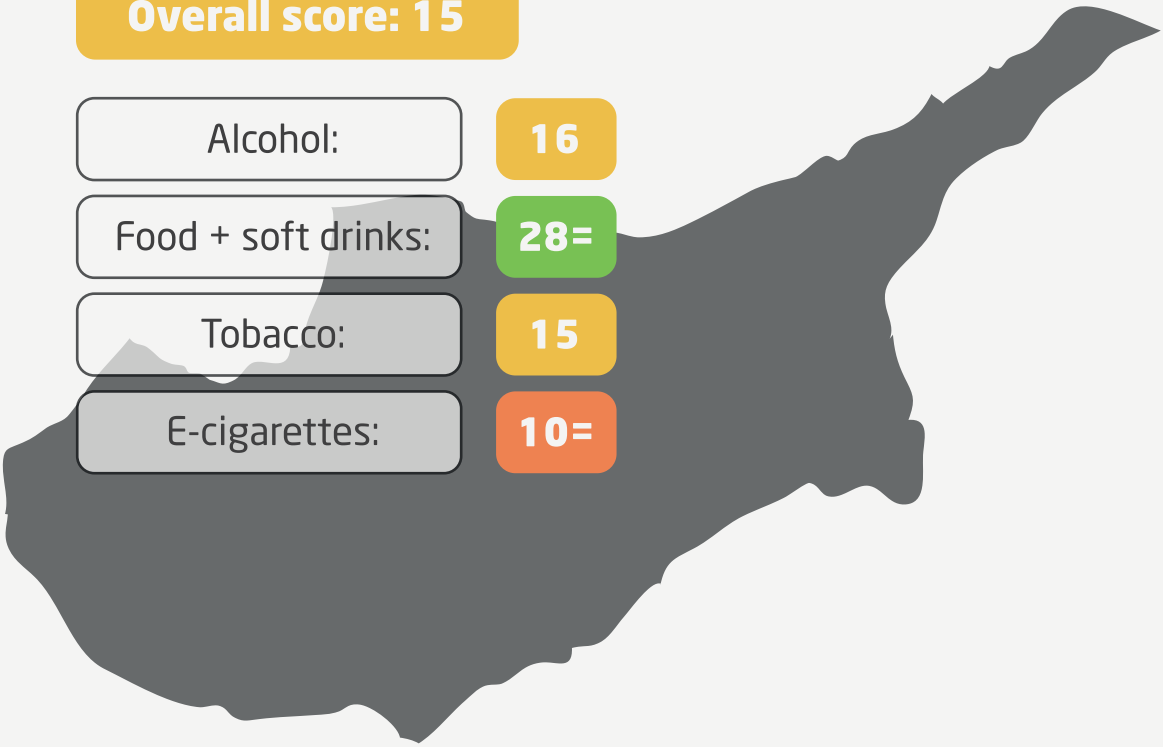
A comprehensive smoking ban was repealed in 2009 after damaging the hospitality industry and the current law is relatively liberal by European standards, with exemptions for small bars. Larger premises are allowed to have ventilated smoking rooms. **Vaping is not banned indoors.** A tax on e-cigarette fluid is expected but is not in place at the time off writing. Croatia is one of only four EU countries to have a tobacco retail display ban.

With thanks to Marina Harapin and the Entrepreneurial Initiative project at the Centre for Public Policy and Economic Analysis

Cyprus

Overall score: 15

Alcohol:	16
Food + soft drinks:	28=
Tobacco:	15
E-cigarettes:	10=



Population:	**1,187,575 (2017)**
GDP per capita:	**US$ 23,242.8**
Current government:	**President Nicos Anastasiadies (Democratic Rally)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**48 out of 180 (67.9)**

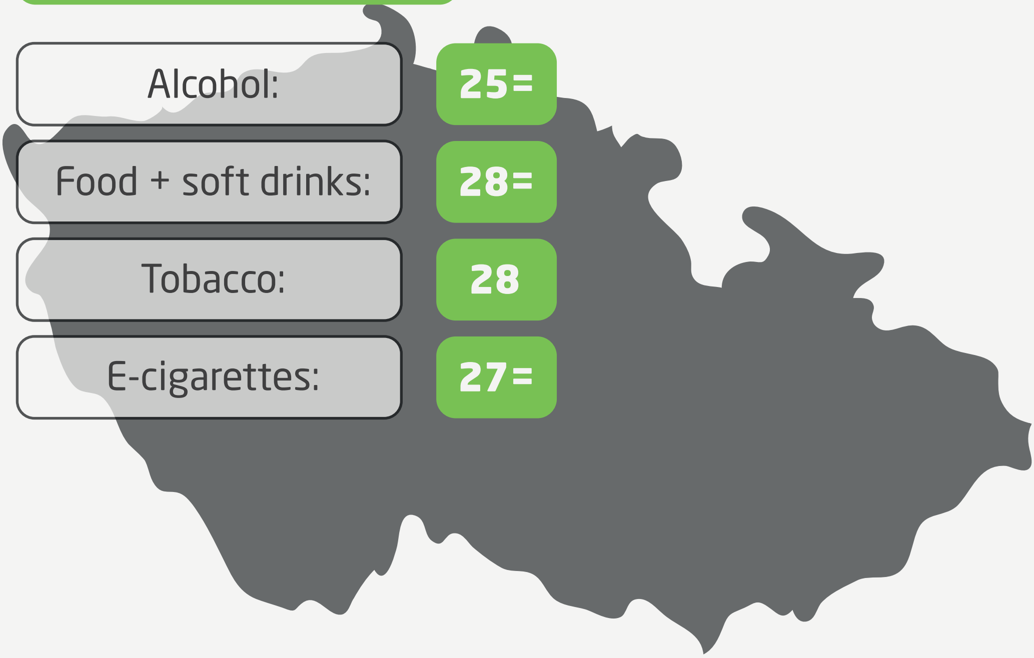
Alcohol advertising is largely permitted in Cyprus although television and radio advertisements cannot air in the daytime. Tobacco advertising is restricted to point of sale and cigarette vending machines are banned, but there is no display ban.

Smoking is banned in bars and restaurants but smoking areas are permitted. Smoking is also prohibited in cars carrying children under the age of 16. E-cigarettes can be sold and vaping is not banned indoors. A new smoking ban was proposed in September 2016 that would ban designated smoking areas and ban smoking (and vaping) in some outdoor settings. At the time of writing, this law has not come into effect.

Cyprus has no nanny state laws regulating food and soft drinks. Its tax on spirits is relatively low and it is **one of fourteen EU countries to have no wine duty.**

Czech Republic

Overall score: 28



Alcohol:	25=
Food + soft drinks:	28=
Tobacco:	28
E-cigarettes:	27=

Population:	**10,555,130 (2017)**
GDP per capita:	**US$ 17,548.3**
Current government:	**Prime Minister Bohuslav Sobotka (Czech Social Democratic Party)** [7]
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**28 out of 180 (73.3)**

The Czech Republic's reputation as a haven of liberty in the EU is confirmed by the Nanny State Index. **There are no national restrictions on when bars and restaurants can stop serving alcohol.** E-cigarettes can be advertised, sold and used indoors. Alcohol advertising is largely unrestricted except in some outdoor areas (eg. outside schools) and taxes are low.

Per capita beer consumption is higher in the Czech Republic than anywhere in the world and its beer tax is among the lowest in the EU. In February 2016, the finance minister made a pledge - which has yet to be realised - to halve VAT on draft beer. **Tax on spirits is relatively low and there is no wine duty at all.**

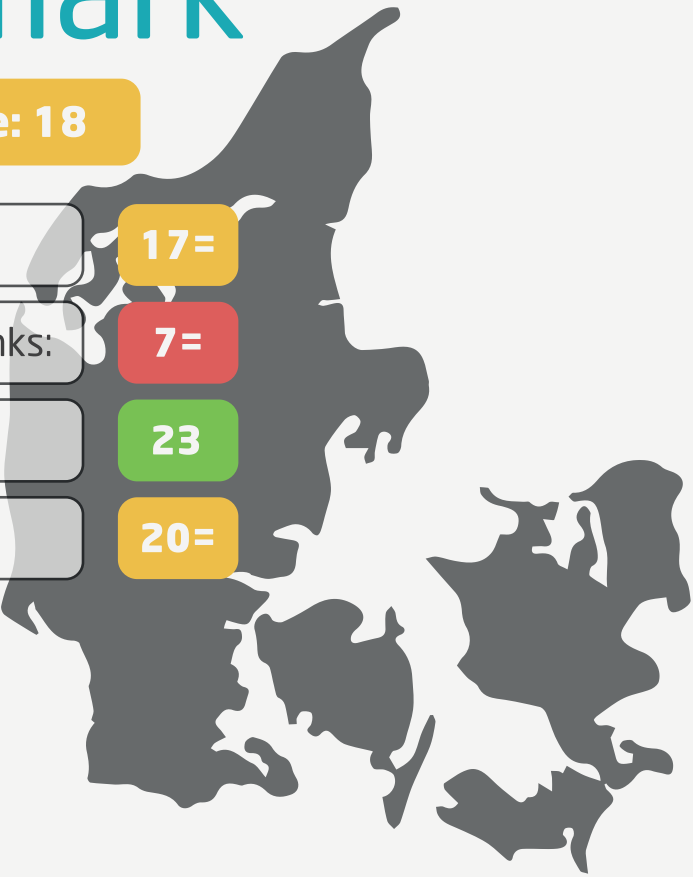
Tobacco taxes are the second lowest in the EU. Cigarettes can be displayed in shops and bought from vending machines. **E-cigarettes can be advertised, purchased and used anywhere.**

One pillar of Czech tolerance is about to fall, however. **At the time of writing, owners of bars and restaurants can decide whether to permit smoking.** A ban on smoking in restaurants was rejected by parliament in May 2016, but an extensive smoking ban was signed off by the president in February 2017 and is due to be enforced from May 31st 2017.

Denmark

Overall score: 18

Alcohol:	**17=**
Food + soft drinks:	**7=**
Tobacco:	**23**
E-cigarettes:	**20=**



Population:	**5,711,837 (2017)**
GDP per capita:	**US$ 51,989.3**
Current government:	**Prime Minister Lars Lokke Rasmussen (Venstre, Denmark's Liberal Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**18 out of 180 (75.1)**

Unlike its Scandinavian neighbours to the north, Denmark has a relaxed attitude towards alcohol advertising and it is **the cheapest place in Scandinavia to drink beer, wine and spirits.** It is also the only Nordic country that does not have a statutory closing time for bars.

The Danes have a cigarette vending machine ban in place but there is no retail display ban. More importantly for smokers, indoor use is much less restricted than in most EU countries. Although smoking is generally prohibited, there is an exemption for small pubs, and smoking rooms of any size are permitted in bars and restaurants.

Until 2016, Denmark had a less enlightened attitude to vaping. E-cigarettes were classified as medical products and effectively banned from sale. However, when the EU's Tobacco Products Directive came into force in May 2016, the Danes legalised the sale of e-cigarettes and vaping fluids as consumer products. **Vaping has always been permitted in public places** (except public transport) and cross-border sales are legal if the seller is registered with the government.

Denmark was the first country in the world to limit the use of trans fats in manufactured food to such an extent that they are effectively banned. It still has a tax on confectionery but a disastrous tax on saturated fat was repealed in 2013. The Danish government subsequently abandoned its plans for a sugar tax, abolished its tax on sugary drinks and cut its beer duty.

Nanny state activists are fighting hard against the relatively tolerant attitude of the Danish government. In June 2016 it was revealed that the Danish Health Authority (Sundhedsstyrelsen) plans to completely 'phase out' smoking using tax rises, plain packaging and a display ban, and the Danish Council on Ethics - a government think tank - has called for a tax on red meat, ostensibly to combat climate change.

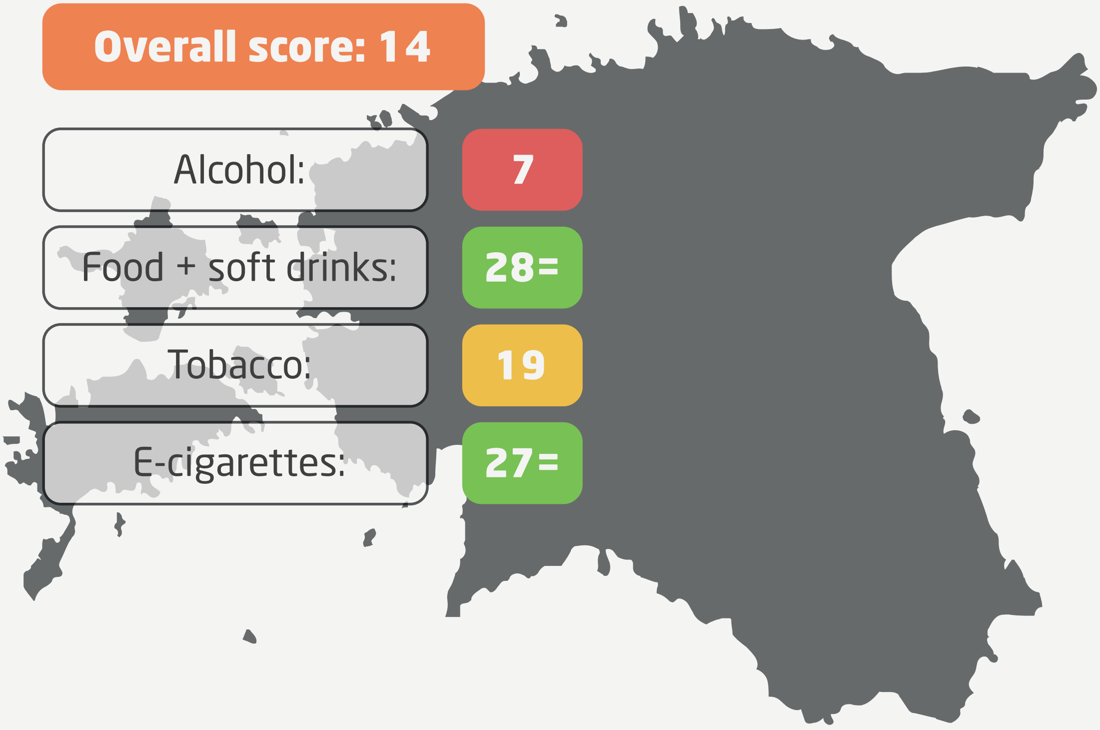
Loose snus, which escaped earlier EU laws, was banned in January 2016.

With thanks to Klaus K

Estonia

Overall score: 14

Alcohol:	7
Food + soft drinks:	28=
Tobacco:	19
E-cigarettes:	27=



Population:	**1,305,755 (2017)**
GDP per capita:	**US$ 17,118.5**
Current government:	**Prime Minister Jüri Ratas (Centre Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**6 out of 180 (79.1)**

Taxes on beer, wine and spirits are all higher than the EU average in Estonia. The country has mixed rules on alcohol advertising, allowing it on TV and radio after 9pm but banning wine and spirits advertising outdoors.

Its near-total ban on tobacco advertising is typical of EU member states, as is its ban on cigarette vending machines. **Estonia's smoking restrictions are less severe than most EU countries**, but a ban on smoking in cars with children was introduced in 2016 (with maximum fines of €300) and a ban on smoking in prisons will come into effect in October 2017. A tobacco display ban that would apply to all shops except specialist tobacconists was proposed in late 2016.

A law that effectively prohibited the sale of e-cigarettes was overturned in 2013 and they can now be sold as consumer products. **There are currently few restrictions on vaping indoors, although a vaping ban was proposed in December 2016.**

Life is likely to get worse for consumers in the coming years as Estonia slides down the slippery slope of nanny state interference. **It has been reported that the new government plans to introduce a soft drink tax and raise alcohol taxes by 2019.** A ban on e-cigarette flavours has been proposed, as has a tax on e-cigarette fluid.

In February 2016, the Ministry of Social Affairs proposed a ban on outdoor alcohol advertising and limiting other alcohol advertising to simple information about the product plus health warnings. The bill failed to become law but the new Minister for Health, Jevgeni Ossinovski, remains keen on the idea, saying in December 2016: 'My goal is to ban [alcohol] advertising, just like tobacco advertising has been banned for 15 years already,' Ossinovski said in an interview with the paper. 'I don't see any reason to treat tobacco and alcohol differently.'

With thanks to Meelis Kitsing, Estonian Business School

Finland

Overall score: 1

Alcohol:	1
Food + soft drinks:	9=
Tobacco:	4
E-cigarettes:	1

Population:	**5,541,274 (2017)**
GDP per capita:	**US$ 42,311.0**
Current government:	**Prime Minister Juha Sipilä (Centre Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**24 out of 180 (74.0)**

With high scores on every criteria, Finland retains its commanding lead at the top of the EU Nanny State Index. **It has extremely high taxes on beer, wine and spirits, as well as a tax on sugary drinks and e-cigarette fluids.** It has a state-controlled alcohol monopoly, a wide range of advertising bans and plans to be 'tobacco-free' by 2030.

In some respects, Finland has become more liberal in the last twelve months. In January 2017, it rescinded its tax on confectionery, chocolate and ice cream, and e-cigarettes were legalised in May 2016. The government now intends to relax some of its alcohol laws, making it legal to buy a round of drinks and pay by credit card. The state alcohol retailer, Alko, will lose its monopoly on the sale of beer stronger than 4.7 per cent, and Alko shops will be allowed to open an hour longer (to 9pm) on weekdays. Some advertising restrictions will be relaxed. None of this has been done yet, however.

Otherwise, it is business as usual in the EU's top nanny state. A new Tobacco Act came into force on August 15th 2016 banning smoking in cars carrying children under the age of 15. **All smokeless tobacco has been banned and e-cigarettes are subject to the same regulation as tobacco cigarettes,** including a full advertising ban. The advertising ban includes e-cigarette fluids that do not contain nicotine and - bizarrely - includes products that resemble tobacco products such as liquorice pipes. A tax on e-cigarette fluid of 30 cents per ml was introduced on 1st January 2017 and applies also to 'nicotine free liquids intended for vapourisation'. **Internet sales of e-cigarettes are illegal.**

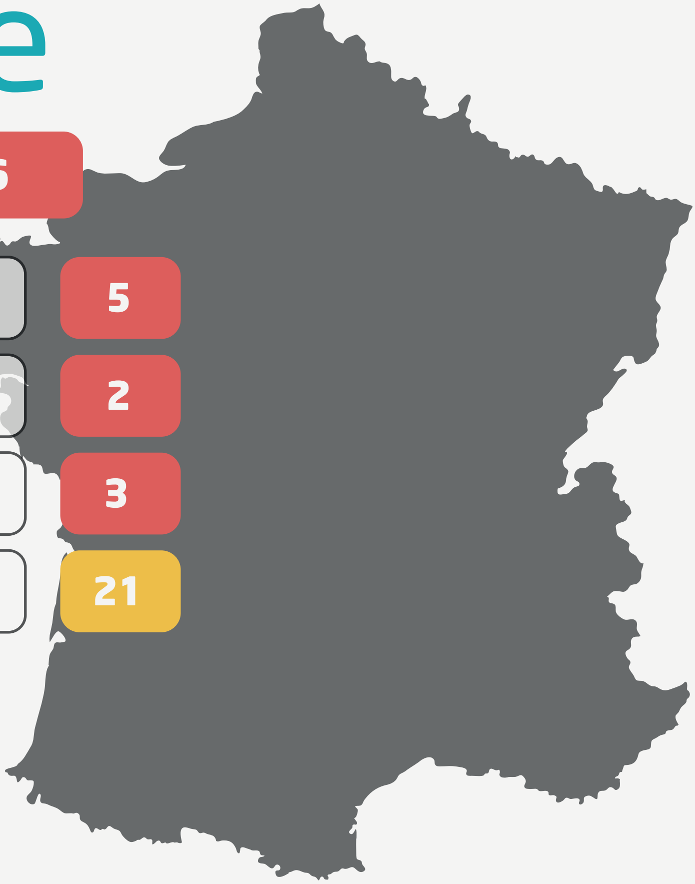
The smoking ban in Finland is somewhat less draconian than the smoke-free laws of Ireland and the UK, but vaping is banned wherever smoking is banned and some outdoor areas are included. In addition to a total ban on tobacco advertising, there is a retail display ban and cigarettes cannot be sold from vending machines.

A tax on fizzy drinks remains in place at a rate of €0.22 for sugar-sweetened drinks and €0.11 for non-sugary drinks. Spirits advertising is banned in all forms and restrictions on beer and wine advertising are severe, with a ban before 10pm on television and a near total outdoor ban (sport and music events are exempt). **Finland has the EU's highest beer tax,** the second highest spirits tax (after Sweden), **and the second highest wine duty** (after the UK). It is one of only two EU countries to have a state monopoly on alcohol sales, and discount promotions such as happy hours are banned.

With thanks to Timbro and Juhani Orelma (Vapers Finland RY)

France

Overall score: 6



Alcohol:	5
Food + soft drinks:	2
Tobacco:	3
E-cigarettes:	21

Population:	**64,938,716 (2017)**
GDP per capita:	**US$ 36,205.6**
Current government:	**Not known at time of going to press (elections to be held on April 23rd and May 7th)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**72 out of 180 (63.3)**

France's reputation as a laid back place to drink and smoke has taken a battering in recent years. Taxes on wine are very low but this is the only consolation for drinkers. In 1991, France introduced some of the world's most restrictive laws on alcohol advertising, banning it entirely on television. Alcohol sponsorship is restricted to such an extent that when Carlsberg sponsored the Euro 2016 football championships, it was unable to show the beer or name the brand. Some radio advertising is permitted but only late at night. **There are ongoing discussions about banning happy hour.**

For smokers, there is a near-total ban on tobacco and e-cigarette advertising (only point of sale and the trade press are excluded) and **an extensive ban on smoking in bars, restaurants and workplaces** (some smoking rooms are permitted). A display ban is in place and France is one of only three countries in the world to have introduced plain packaging (in May 2016). Large increases in tobacco taxation in the last decade have left the French with **the third highest cigarette duty in the EU**. Despite this frenzy of activity, France's smoking rate is higher than that of countries which have taken a more liberal approach, such as the Czech Republic, Germany and Luxembourg.

If that were not enough, there is also a tax on sweetened drinks and energy drinks, including low calorie varieties (€0.08 per litre). France has had a tax on energy drinks since 2013 and has recently discussed putting sin taxes on fast food and confectionery. **Free refills of soft drinks were banned in January 2017.**

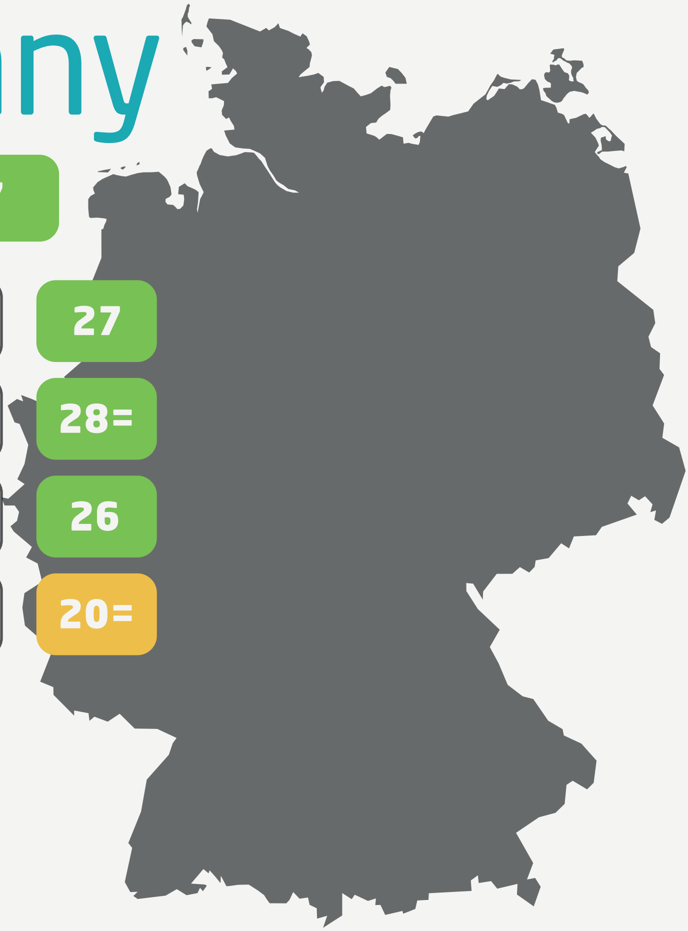
E-cigarettes are legal and vaping is not banned but there are proposals to heavily restrict it indoors.

With thanks to Institut Économique Molinari

Germany

Overall score: 27

Alcohol:	27
Food + soft drinks:	28=
Tobacco:	26
E-cigarettes:	20=



Population:	**80,636,124 (2017)**
GDP per capita:	**US$ 41,313.3**
Current government:	**Chancellor Angela Merkel (Christian Democratic Union)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**26 out of 180 (73.8)**

After the Czech Republic, **Germany has the best record of any EU country for resisting nanny state legislation.** Its beer tax is the second lowest in the EU, taxes on spirits are well below the EU average, and there is no wine duty. Germany allows alcohol advertising in all its forms, including on television after 6pm, and there is no statutory closing time for bars.

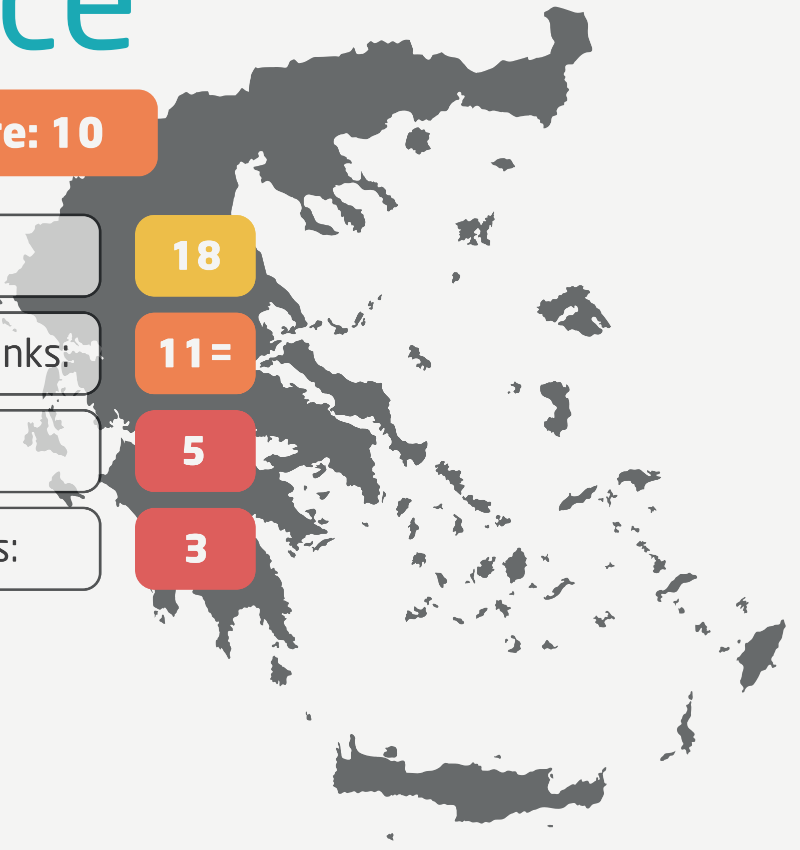
Smoking restrictions vary by region but **bans are generally less draconian than those of most European countries and its tobacco tax is lower than the EU average**. There is no vending machine ban or display ban for cigarettes and some tobacco advertising is permitted so long as it cannot be seen in other member states (in accordance with EU law).

E-cigarettes can be sold and used without restriction, although there are restrictions on which flavours can be sold. Cross-border sales are legal.

Greece

Overall score: 10

Alcohol:	18
Food + soft drinks:	11=
Tobacco:	5
E-cigarettes:	3



Population:	**10,892,931 (2017)**
GDP per capita:	**US$ 18,002.2**
Current government:	**Prime Minister Alexis Tsipras (Syriza)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**127 out of 180 (55.0)**

Greece's taxes on beer and spirits taxes are relatively high and the government introduced a tax on wine for the first time in 2016 (at €0.21 per litre). Alcohol advertising is mostly unrestricted although it cannot be broadcast on TV or radio until 7pm.

Tobacco retail displays are banned with the exception of specialist tobacco outlets such as kiosks and duty-free shops. The sale of cigarettes in vending machines was banned in 2009.

Smoking is prohibited in workplaces, bars and restaurants. There is an exemption for casinos and bars larger than 300 square metres which can allow smoking in designated areas no larger than half of the total floor space. Smoking in taxis and public transport is forbidden as well as in private vehicles if there is a passenger under 12 years old.

E-cigarettes are legal but vaping is banned wherever smoking is banned and Greeks cannot buy e-cigarettes or vaping fluids from other countries by mail order.

Since 1971, there have been mandatory limits on the amount of salt that can be put in manufactured bread, tomato juice and tomato concentrates. Until August 2014, Greek law stated that bread must be sold in pieces of 250, 350, 500, 750 or 1000 grams, but that rule has been replaced by a law dictating that each piece of bread must be weighed for the consumer to pay the exact amount according to the price per kilo.

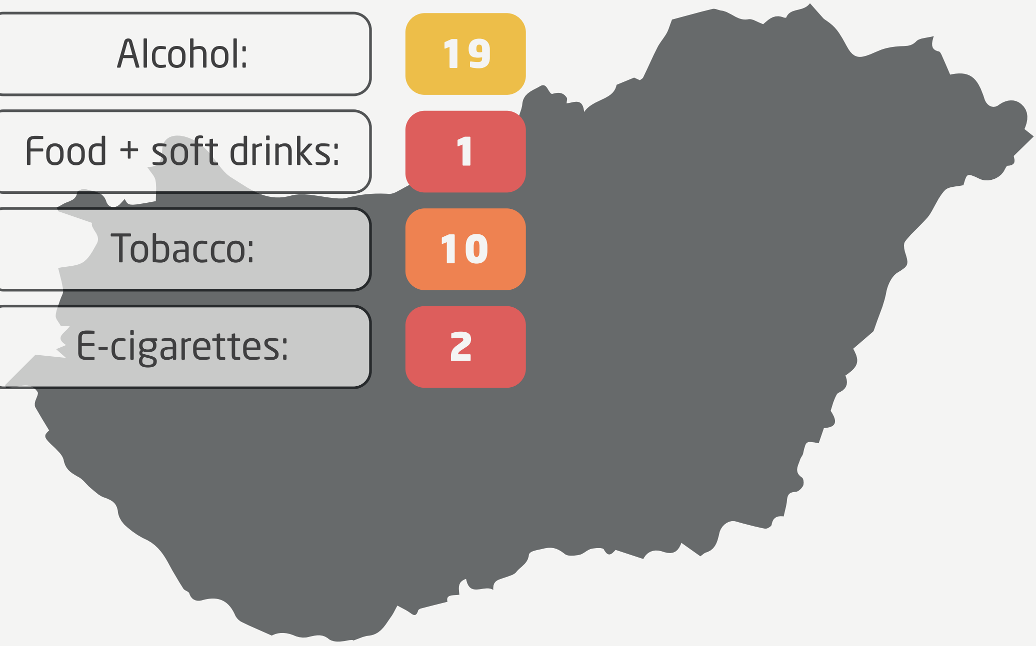
Greece's dire economic problems have led its government to raise various taxes in an effort to reduce its budget deficit. In addition to the new wine tax, a tax on e-cigarettes came into effect in January 2017 (at €0.10 per ml) and there have been tax rises on beer, cigarettes, coffee and 'electronically heated tobacco products' (the latter is €156.70 per kilogram).

With thanks to Michael Iakovidis, Greek Liberties Monitor

Hungary

Overall score: 4

Alcohol:	19
Food + soft drinks:	1
Tobacco:	10
E-cigarettes:	2



Population:	**9,787,905 (2017)**
GDP per capita:	**US$ 12,363.5**
Current government:	**Prime Minister Viktor Orbán (Fidesz – Hungarian Civic Alliance)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**56 out of 180 (65.8)**

The authoritarian attitude of the current Hungarian government is reflected in its approach to lifestyle regulation. **Hungary has the most extensive system of food and soft drink taxes in Europe, a full ban on smoking indoors and a tax on e-cigarettes.**

The Public Health Product Tax (commonly known as the 'chips tax') was introduced in 2011 and levies sin taxes on a host of foods that are deemed to be high in salt, sugar and/or fat including sweets, condiments, crisps and jam. **There are legal limits on the amount of trans-fats that food can contain** and limits on the amount of salt that can be put into bread. **Sugary drinks and high fat meat are banned in public canteens and it is illegal to display salt and sugar shakers on tables in restaurants.** There are also taxes on sugary drinks and energy drinks.

Tobacco is heavily regulated with a vending machine ban and a law that makes it illegal to display tobacco products in a manner that makes them visible from outside. Plain packaging for tobacco was passed in August 2016 and will be fully implemented in May 2019. There is a zero-exemption ban on smoking in bars, restaurants and workplaces, and smoking is even banned in some outdoor areas. Tobacco retailing is a state monopoly, with licences allegedly handed out to party loyalists. Since May 2016, these shops have been able to sell e-cigarettes (they cannot be sold elsewhere). It has been reported that the government plans to turn the alcohol retail business into a similar state monopoly.

Until 2016, nicotine-containing e-cigarette fluid was effectively prohibited but **it has since been legalised as a consumer product**. However, a tax of 65 Hungarian Forints (€0.21) per ml was introduced on January 1st 2017 and will rise to 70 Forints in July 2017. E-cigarette advertising is banned and vaping is prohibited wherever smoking is prohibited. Cross-border sales are banned and all e-cigarette flavours apart from 'tobacco flavour' are prohibited.

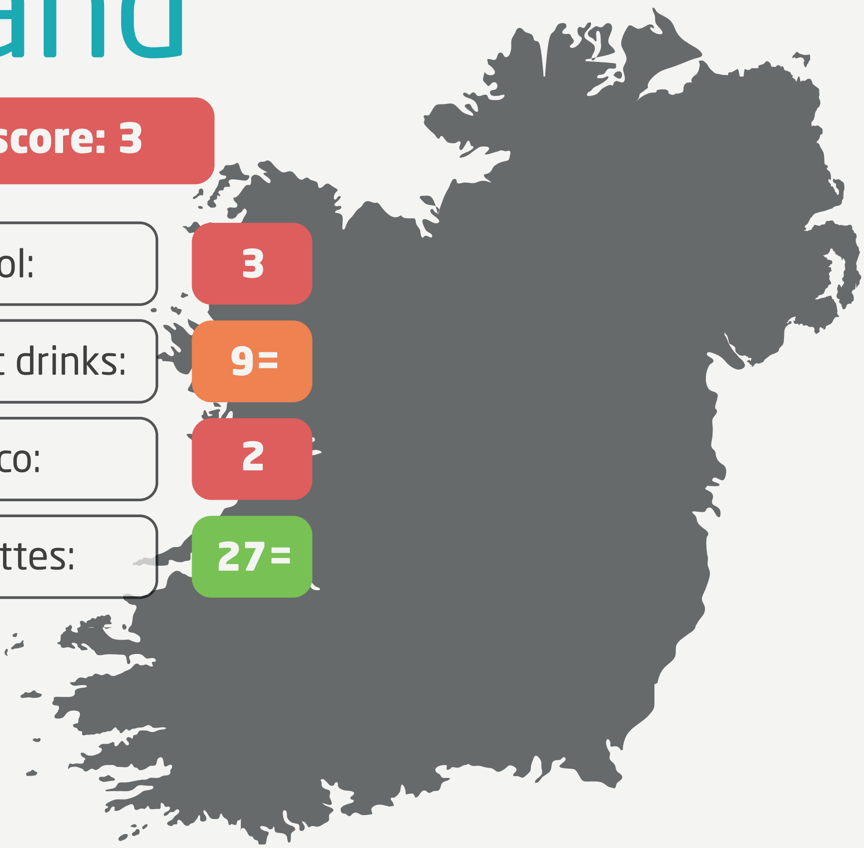
If Hungary had Scandinavian levels of alcohol taxation it would be a strong contender for the number one spot in the Index, but although its beer tax is relatively high, **taxes on spirits are about average and there is no sin tax on wine.**

With thanks to the Hungarian Free Market Foundation

Ireland

Overall score: 3

Alcohol:	**3**
Food + soft drinks:	**9=**
Tobacco:	**2**
E-cigarettes:	**27=**



Population:	**4,749,153 (2017)**
GDP per capita:	**US$ 61,133.7**
Current government:	**Prime Minister Enda Kenny (Fine Gael)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**9 out of 180 (76.7)**

Since becoming the first country to introduce a full smoking ban in 2004, **Ireland has prided itself on being a pioneer of lifestyle regulation.** It was the first European country to pass legislation for plain packaging of tobacco, with plain packs due to hit the shelves in September 2017.

A new Alcohol Bill was initiated in 2015 and proposes a range of temperance policies, including minimum pricing (at €0.80 per unit*), advertising bans and even a display ban for alcohol in grocery shops, but the legislation has run into problems politically and may not be passed in the lifetime of the current parliament.

Ireland already has a host of other nanny state policies for food, tobacco and alcohol, and **can boast some of the world's highest sin taxes.** The only EU member states with higher taxes on alcohol are the UK and Finland, and only Britain can rival Ireland's huge tobacco taxes (which have risen by €1.40 a pack in the last three budgets). **Spirits advertising is banned on TV and radio, and tobacco advertising is banned in all its forms.** The advertising of a wide range of food products is banned on children's television and there are plans to bring in a 9pm watershed for alcohol commercials.

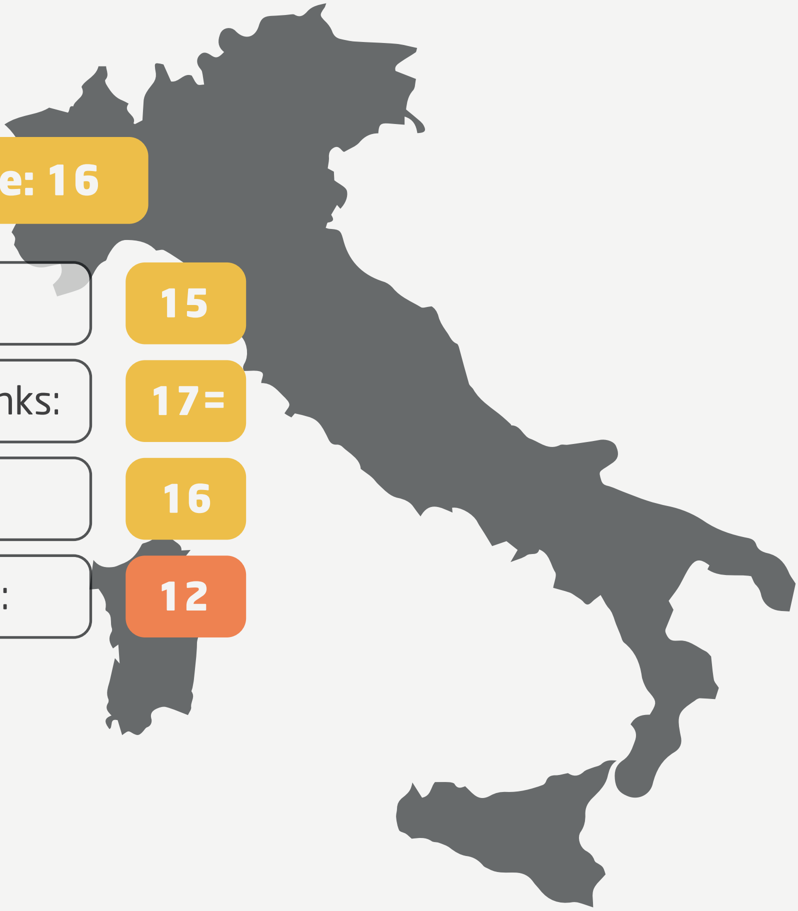
Only vapers have so far escaped the fire of the paternalists. **E-cigarettes can be bought and used without restriction** and there has been no gold-plating of the EU Tobacco Products Directive. Domestic advertising and cross-border sales remain legal. The Department of Finance has encouraged the government to introduce a tax on e-cigarette liquids of €0.05 per ml, but there are officially no plans to do so.

A ban on smoking in cars if a person under the age of 18 is present came into effect on 1st January 2016 with a potential fine of €100. At the time of writing, nobody has been fined for breaching this law.

A tax on sugary drinks will come into effect in 2018.

*Based on a UK unit of 8 grams of alcohol. An Irish unit is 10 grams, making their minimum price €1.00.

Italy



Overall score: 16

Alcohol:	15
Food + soft drinks:	17=
Tobacco:	16
E-cigarettes:	12

Population:	**59,797,978 (2017)**
GDP per capita:	**US$ 29,957.8**
Current government:	**Prime Minister Paolo Gentiloni (Democratic Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**79 out of 180 (62.5)**

Alcohol advertising is largely unrestricted although there is a ban on spirits sponsorship. **There is no wine duty and tax on spirits is relatively low.**

Since 2005, **Italy has had a near-total ban on smoking in public places** which, in 2016, was extended to vehicles if a passenger is pregnant or a child. Smoking is also banned in some parks. Italy does not have a retail display ban for tobacco but graphic warnings were introduced in February 2016 in advance of the EU's Tobacco Products Directive.

E-cigarettes are legal and can be used indoors with few restrictions but Italy was the first EU country to introduce a specific tax on e-cigarettes, at a punitive rate of €0.38 per ml, after Italian MPs complained about losing tobacco revenue.

In 2014, food and drinks that are 'high in sugar, fat and caffeine' were banned from school vending machines.

With thanks to Istituto Bruno Leoni

Latvia

Overall score: 7

Alcohol:	6
Food + soft drinks:	4=
Tobacco:	14
E-cigarettes:	10

Population:	**1,944,565 (2017)**
GDP per capita:	**US$ 13,648.5**
Current government:	**Prime Minister Maris Kucinskis (Union of Greens and Farmers)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**20 out of 180 (74.8)**

Taxes on wine and spirits are well above the EU average in Latvia and the government takes a tough line on alcohol advertising and sponsorship. Wine and beer adverts are banned entirely on billboards, and spirits cannot be advertised on television, radio or outdoors. As of 2014, alcohol sponsorship is almost entirely prohibited. The Ministry of Health has prepared draft legislation to prohibit the depiction of people in alcohol adverts and ban the marketing of discounts on alcohol (except at point of sale). There is also draft legislation that would ban all alcohol advertising on TV and radio between 6 am and 10 pm.

Tobacco advertising is illegal in all forms. Cigarette vending machines are prohibited and smoking is banned in all bars, restaurants, casinos and airports except for designated smoking areas. Smoking is banned at public transport stops and within ten metres of government buildings, as well as in parks, squares and playgrounds except designated areas.

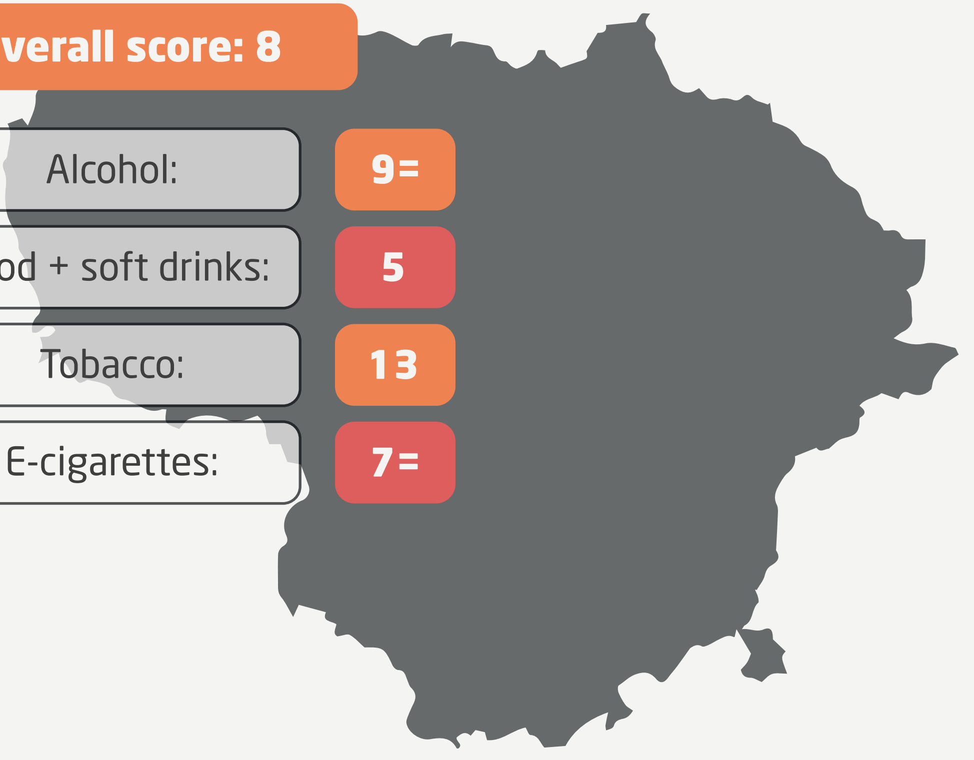
E-cigarettes are classified as consumer products and can be sold to anyone over the age of 18, **but their use is prohibited wherever smoking is banned.** In 2016, Latvia introduced a €0.01 per ml tax on e-cigarette fluid and banned cross-border sales.

Latvia banned the sale of energy drinks to minors in June 2016. There are now restrictions on energy drink advertising (eg. banned in schools, on children's television, cannot be associated with sport). Advertisements must carry a warning about the supposed risks of drinking them. Energy drinks must be displayed separately from other food items in shops. In May 2016, new limits on trans-fats were introduced (2g per 100g of total fat).

With thanks to Students for Liberty

Lithuania

Overall score: 8



Alcohol:	9=
Food + soft drinks:	5
Tobacco:	13
E-cigarettes:	7=

Population:	**2,830,582 (2017)**
GDP per capita:	**US$ 14,147.0**
Current government:	**Prime Minister Saulius Skvernelis (Lithuanian Farmers and Greens Union)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**16 out of 180 (75.8)**

Attitudes towards alcohol regulation in Lithuania have toughened in recent years. While there is no mandated closing time for bars, **alcoholic beverages can only be sold between 8am and 10pm in shops.** The possibility of limiting alcohol sales to state-owned shops has recently been raised, but there is no evidence of public support for such a proposal. There have also been proposals to ban alcohol sales at commercial events, such as music festivals and theatrical productions.

Regulation of alcohol advertising is very strict. Spirits advertising is banned outdoors and no alcohol commercials can be broadcast before 11pm. A wider ban on alcohol marketing in the media and online has been proposed but not passed. The sale of alcohol at petrol stations was banned in January 2016. From 1st November 2016, various alcohol promotions, including prizes, coupons, gifts, free samples and discount campaigns were banned. Advertising of price reductions was also banned.

Smoking is banned in most indoor public places and on parts of some beaches. Some municipalities declare certain public places, such as town squares or bus stops, smoke-free zones.

E-cigarettes are subject to the same restrictions as other tobacco products. **Vaping is banned in places where smoking is banned** and cross-border sales of e-cigarettes and nicotine fluids are prohibited.

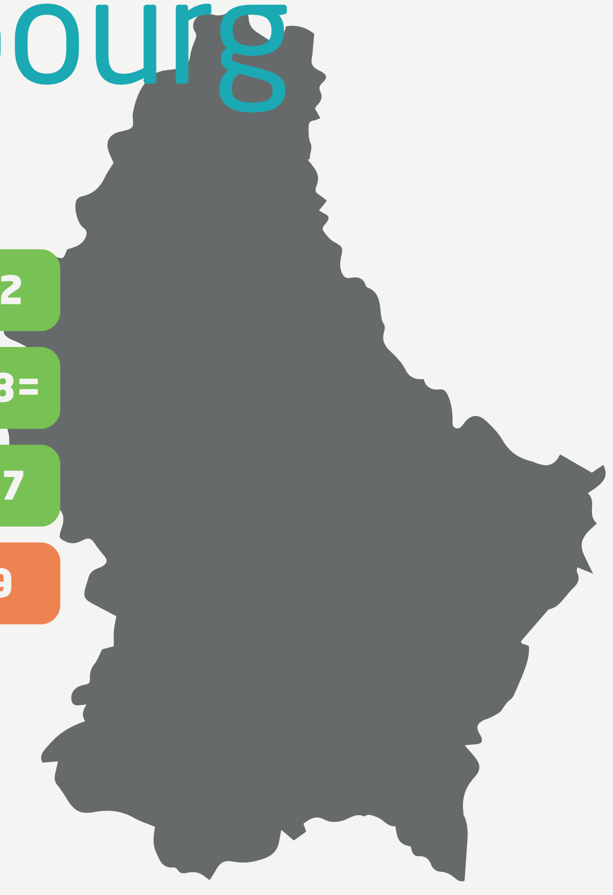
A ban on the sale of energy drinks to under-18s came into effect in January 2015 and the advertising of energy drinks is banned in educational institutions, concert or sports venues, theatres, cinemas and in any media aimed at children.

With thanks to the Lithuanian Free Market Institute

Luxembourg

Overall score: 25

Alcohol:	22
Food + soft drinks:	28=
Tobacco:	27
E-cigarettes:	9



Population:	**584,103 (2017)**
GDP per capita:	**US$ 101,450.0**
Current government:	**Prime Minister Xavier Bettel (Democratic Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**14 out of 180 (75.9)**

Luxembourg's partial ban on smoking means that smoking is permitted in designated smoking rooms and in licensed cigar bars. There is no retail display ban for tobacco, nor is there a vending machine ban. Restrictions on alcohol advertising are relatively trivial.

E-cigarettes are legal to advertise, buy and use. However, as part of its process of implementing the EU's Tobacco Products Directive, the government applied the same rules to vaping indoors and e-cigarette advertising as it applies to tobacco (ie. a partial ban and a near-total ban, respectively). Cross-border e-cigarette sales are illegal.

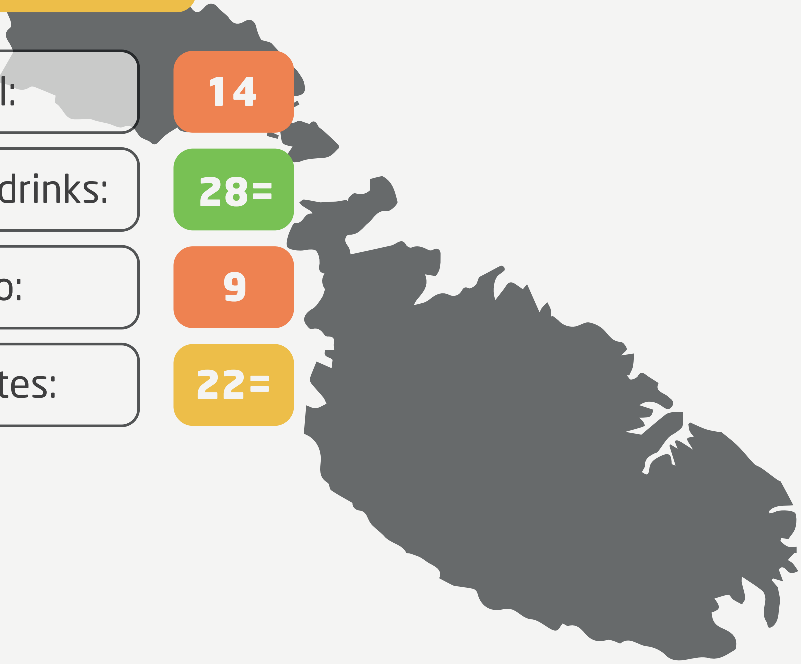
Taxes on beer and spirits are low and seem even lower when the country's unusually high GDP is taken into account. There is no wine duty. Tobacco taxes are average in nominal terms but are low relative to average incomes. There are no nanny state policies for food and soft drinks.

With thanks to Bill Wirtz, European Students for Liberty

Malta

Overall score: 17

Alcohol:	14
Food + soft drinks:	28=
Tobacco:	9
E-cigarettes:	22=



Population:	**420,521 (2017)**
GDP per capita:	**US$ 22,596.2**
Current government:	**Prime Minister Joseph Muscat (Labour Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**50 out of 180 (67.7)**

Alcohol commercials cannot be broadcast before 9pm in Malta and **there is a total ban on tobacco and e-cigarette advertising.** Malta was one of the first countries to ban smoking indoors (2004) and its ban is more draconian than most, although there are exemptions in practice. Smoking in cars with passengers aged under 18 was banned in January 2017 with fines of €50.

Vaping is relatively common in Malta, but **there has been confusion about whether e-cigarettes, which are regulated as tobacco products on the island, are banned in public places.** Some health groups have claimed that they are but, in 2015, a woman who had been fined €233 for vaping in an enclosed place had her conviction overturned on appeal. The court confirmed that the smoking ban only applies to tobacco products, not e-cigarettes.

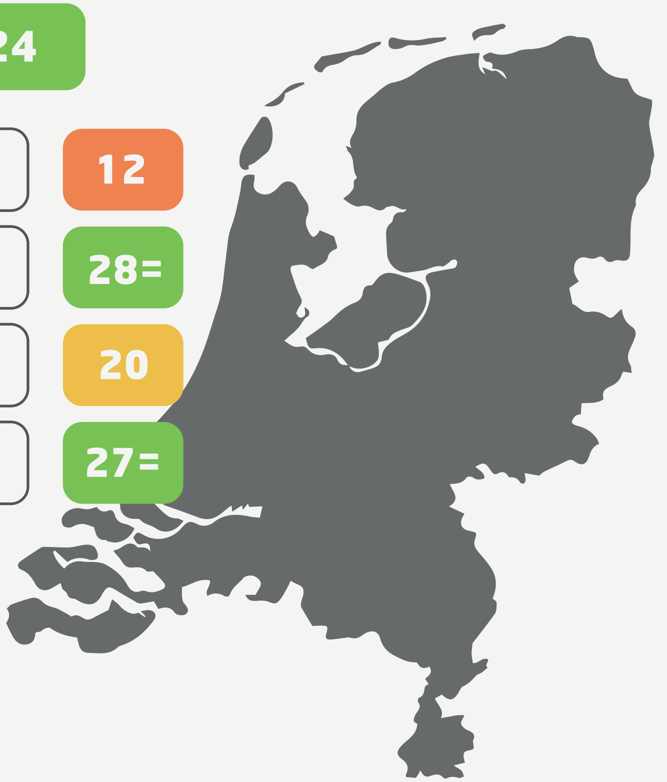
A public consultation was conducted in late 2016 with a view to toughening laws on drink-driving and alcohol promotion. **Malta introduced a tax on wine for the first time in 2015**, at a rate of €0.21 per litre.

With thanks to Martin Eriksson, editor of Corax

The Netherlands

Overall score: 24

Alcohol:	12
Food + soft drinks:	28=
Tobacco:	20
E-cigarettes:	27=



Population:	**17,032,845 (2017)**
GDP per capita:	**US$ 44,299.8**
Current government:	**Prime Minister Mark Rutte (People's Party for Freedom and Democracy)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**15 out of 180 (75.8)**

The Netherlands' reputation as one of the world's most liberal countries is reflected in the Nanny State Index where it has the fifth lowest score. The Dutch have become increasingly paternalistic in recent years, however. A ban on smoking was introduced in 2008 but was overturned for small bars in 2010 before being reintroduced in 2014. The current situation leaves smoking banned in the vast majority of indoor venues, although there is an exemption for marijuana, and some smoking rooms are permitted.

Alcohol advertising can only be broadcast after 9pm and a ban on happy hours was introduced in 2014. **Taxes on alcohol and tobacco are not very high in the Netherlands, but nor are they particularly low.**

In general, however, the picture remains broadly positive. There is a political consensus against using taxation in an attempt to change people's diets in the Netherlands and although there have been discussions in parliament about introducing a tobacco display ban, **cigarettes can be still be displayed in shops and bought from vending machines.**

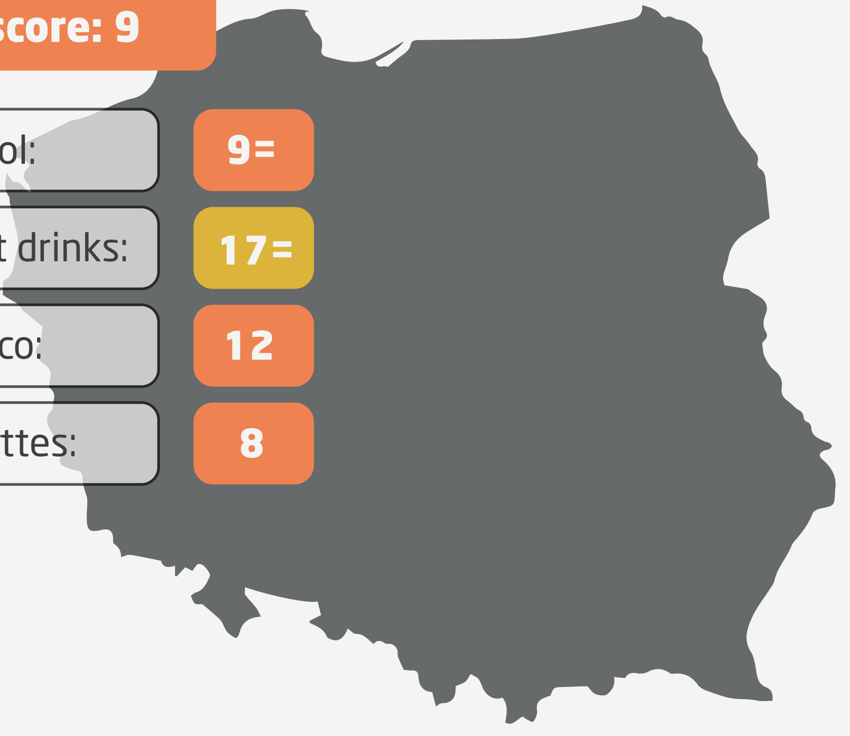
E-cigarettes are legal to buy and use. A ban on e-cigarette advertising was overturned in 2012 and cross-border sales of vaping products are still legal.

With thanks to the Dutch Libertarian Party

Poland

Overall score: 9

Alcohol:	9=
Food + soft drinks:	17=
Tobacco:	12
E-cigarettes:	8



Population:	**38,563,573 (2017)**
GDP per capita:	**US$ 12,554.5**
Current government:	**Prime Minister Beata Szydlo (Law and Justice)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**45 out of 180 (68.3)**

Like several countries in Eastern Europe, Poland takes a tough line on wine and spirits advertising, with a total ban on television, radio and outdoors. Beer can only be advertised after 8pm. New regulations of alcohol sales are being discussed in Poland, but changes have not been introduced yet.

Poland has a near-total ban on tobacco advertising and a full ban on cigarette vending machines, but no display ban. It has a severe, but not total, ban on smoking in bars, restaurants and workplaces. **There is also a ban on alcohol consumption in streets, squares and parks,** as well as some restrictions on where alcohol can be sold set at the local level (eg. around churches and schools).

In September 2015 new restrictions on what can be sold in school shops and served in school canteens were introduced, leading to the closure of some outlets. It also led to many absurdities such as preventing schools from selling water in large bottles. Thanks to the new limits on salt and sugar in canteens, children sometimes do not want to eat their meals (or bring their own salt and sugar from home). There were even cases of students bringing illegal sweets and snacks to school and selling them to other students in a small black market.

At the beginning of September 2016, these rules were liberalised somewhat. Legislators still strictly define the amount of salt and sugar in food available for students as well as dictate what can be sold in school shops, but now allow certain products, such as buns and sweetened coffee. New limits on salt and sugar are slightly less restrictive.

Until recently, e-cigarettes could be used anywhere and were legal to buy and advertise, but in September 2016, Poland banned e-cigarette advertising, cross-border sales and prohibited vaping indoors wherever smoking is banned, including bus stops. Importers and producers who want to introduce new products (e-cigarettes or liquids) are obliged to report it to the Inspector of Chemical Substances (for a fee).

The government intends to introduce an excise tax on e-cigarettes in the future. According to Miroslaw Dworniczak, a scientist at Adam Mickiewicz University, the current Health Minister, Dr. Konstanty Radziwiłł, 'is well known for his hatred of e-cigarettes and used to say frequently that e-cigarettes are as bad as conventional ones – possibly even worse.'

With thanks to the Civil Development Forum (FOR)

Portugal

Overall score: 21

Alcohol:	**26**
Food + soft drinks:	**17=**
Tobacco:	**22**
E-cigarettes:	**7=**

Population:	**10,264,797 (2017)**
GDP per capita:	**US$ 19,222.2**
Current government:	**Prime Minister António Costa (Socialist Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**77 out of 180 (62.6)**

Portugal is gradually moving towards a full ban on smoking in indoor public places. At the moment, it is generally forbidden to smoke in cafes, restaurants, bars and nightclubs of less than 100 square metres, but the owner may choose to provide separate smoking areas of up to 30 per cent of floor space, or in a physically separated smoking rooms of up to 40 per cent of floor space. Smokers who flout the law can be fined up to €750 and establishments which permit illegal smoking can be fined up to €250,000. A more draconian ban on smoking in enclosed public spaces is expected to come into in force in 2021.

Vapers have been clobbered by the nanny state in Portugal recently. As of January 2017, vaping is banned wherever smoking is banned and e-cigarette fluid is subject to a tax of €0.60 per millilitre, the highest rate in Europe.

Alcohol can only be advertised on TV and radio after 7pm, but drinks marketing is otherwise unrestricted. Alcohol can be sold in shops between 8.00am and midnight and there are no restrictions on opening hours in bars and restaurants. **Taxes on beer and spirits are about average for the EU and there is no wine duty.** Tobacco can only be promoted at point of sale but there is no display ban and no vending machine ban.

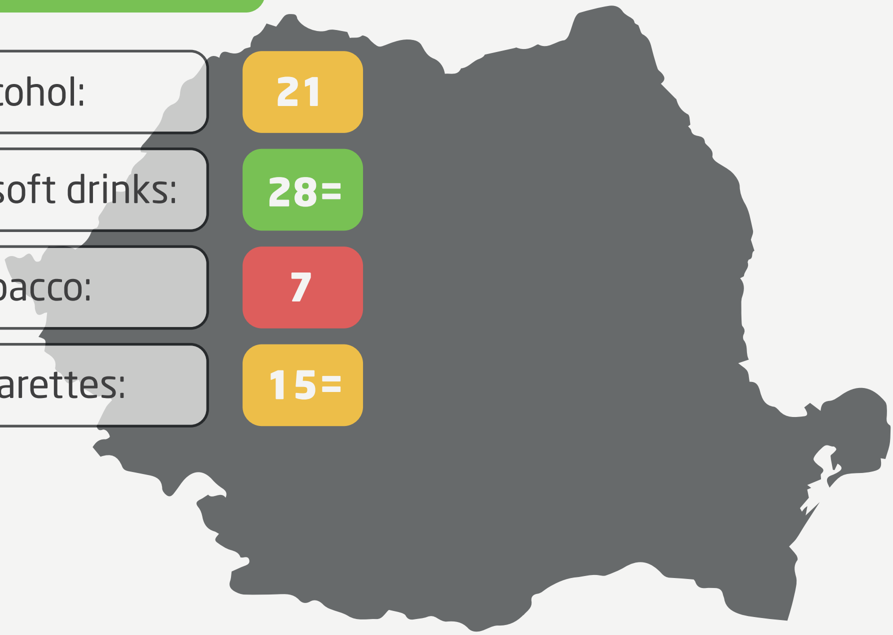
Drinkers of soft drinks will also soon be hit. Portugal plans to introduce a tax on soft drinks in 2017 that is estimated to increase the price of a 1.5 litre bottle by 15-30 cents. As in France, the tax will be levied on soft drinks regardless of whether they contain sugar or not.

With thanks to Sofia Carvalho

Romania

Overall score: 22

Alcohol:	**21**
Food + soft drinks:	**28=**
Tobacco:	**7**
E-cigarettes:	**15=**



Population:	**19,237,513 (2017)**
GDP per capita:	**US$ 8,972.9**
Current government:	**Prime Minister Sorin Grindeanu (Social Democratic Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**39 out of 180 (69.7)**

Romania regulates alcohol advertising quite heavily with a ban on spirits commercials on television before 10pm. Beer and wine can be advertised at any time.

Relative to Romania's low GDP, tobacco taxes are high and there is a ban on cigarette vending machines. **On March 17th 2016, Romania introduced one of Europe's toughest bans on smoking in workplaces,** including all bars and restaurants. Only airports and prisons are exempt. After protests from the public, parliament looked at amending the ban to provide designated smoking sections but this was rejected in October.

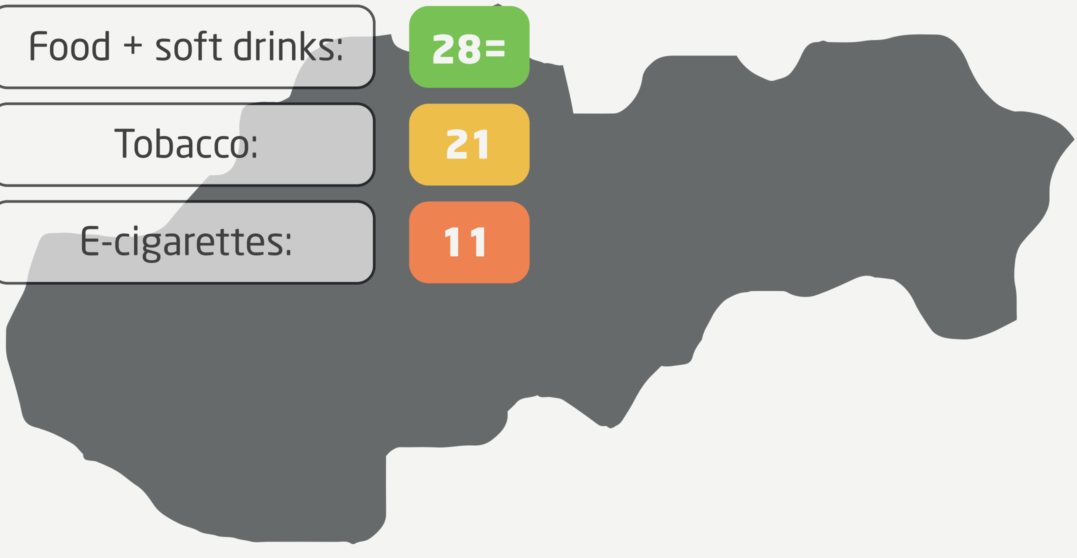
Vaping is not included in the new smoking ban but it is banned on public transport. E-cigarettes are legal to buy, but 2016 saw the introduction of an e-cigarette tax of €0.10 per ml of fluid. Cross-border sales of e-cigarette fluid are banned.

With thanks to Dino Landa

Slovakia

Overall score: 26

Alcohol:	**25=**
Food + soft drinks:	**28=**
Tobacco:	**21**
E-cigarettes:	**11**



Population:	**5,432,157 (2017)**
GDP per capita:	**US$ 16,088.3**
Current government:	**Prime Minister Robert Fico (Direction – Social Democracy)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**57 out of 180 (65.7)**

Slovakia has relatively low tax rates on alcohol and tobacco and allows owners of bars and restaurants to accommodate smokers in separate sections. Cigarettes cannot be bought from machines but there is no display ban. **There are no restrictions on where and when alcohol can be advertised.**

Although Slovakia's approach to social freedoms is generally sound, it is not perfect. **Smoking is only partially banned indoors, but vaping is prohibited wherever smoking is banned.** E-cigarette advertising and sponsorship is banned. So too are cross-border sales. **Slovakia is also one of only four EU member states where it is illegal to drink any quantity of alcohol before driving.** Until January 2017, this zero tolerance approach also applied to cyclists on cycle lanes but the law has now been changed to allow cyclists to consume one pint of beer (ie. the blood alcohol concentration limit has been raised to 0.05%).

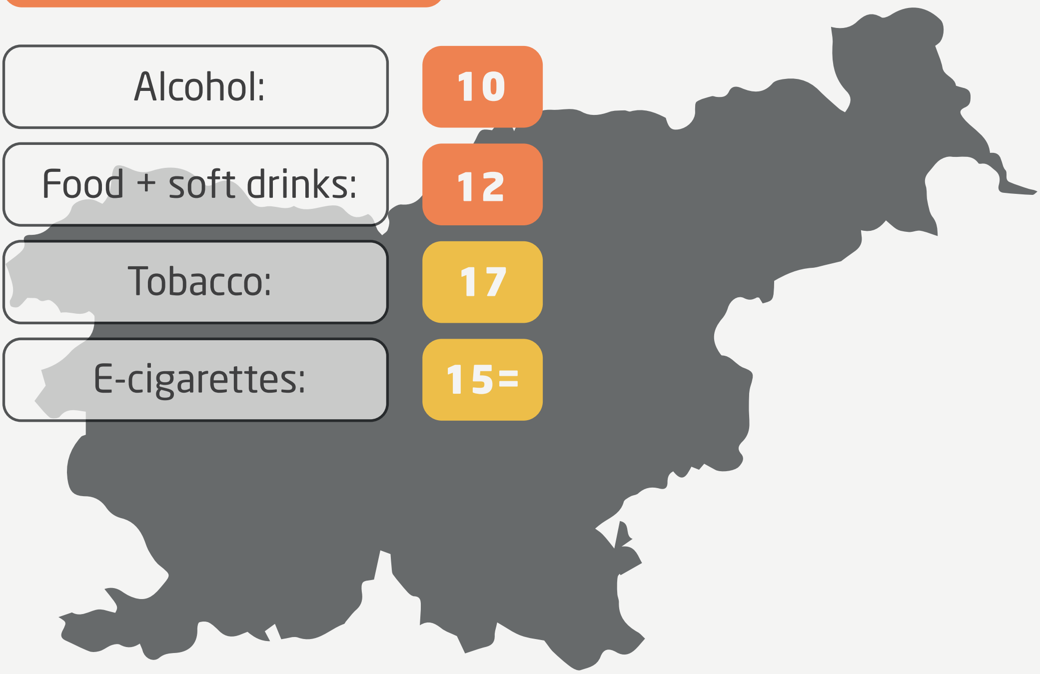
According to E-Cigarette Intelligence: 'In May 2017, the Slovak Republic will introduce a specific tax of €73.90 per kg of "smokeless tobacco", a new category of tobacco excluding chewing tobacco and snuff, which are consumed without burning.'

With thanks to David Stancel, Students for Liberty Slovakia

Slovenia

Overall score: 11

Alcohol:	10
Food + soft drinks:	12
Tobacco:	17
E-cigarettes:	15=



Population:	**2,071,252 (2017)**
GDP per capita:	**US$ 20,726.5**
Current government:	**Prime Minister Miro Cerar (Modern Centre Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**97 out of 180 (59.2)**

Slovenia has entirely banned advertising for alcoholic drinks which are above 15% volume. Commercials for beer and wine, if below 15%, can be broadcast on TV and radio between 9.30pm and 7am, and in cinemas after 10 pm. No advertising of alcoholic products is permitted on billboards within 300 metres of a school or kindergarten.

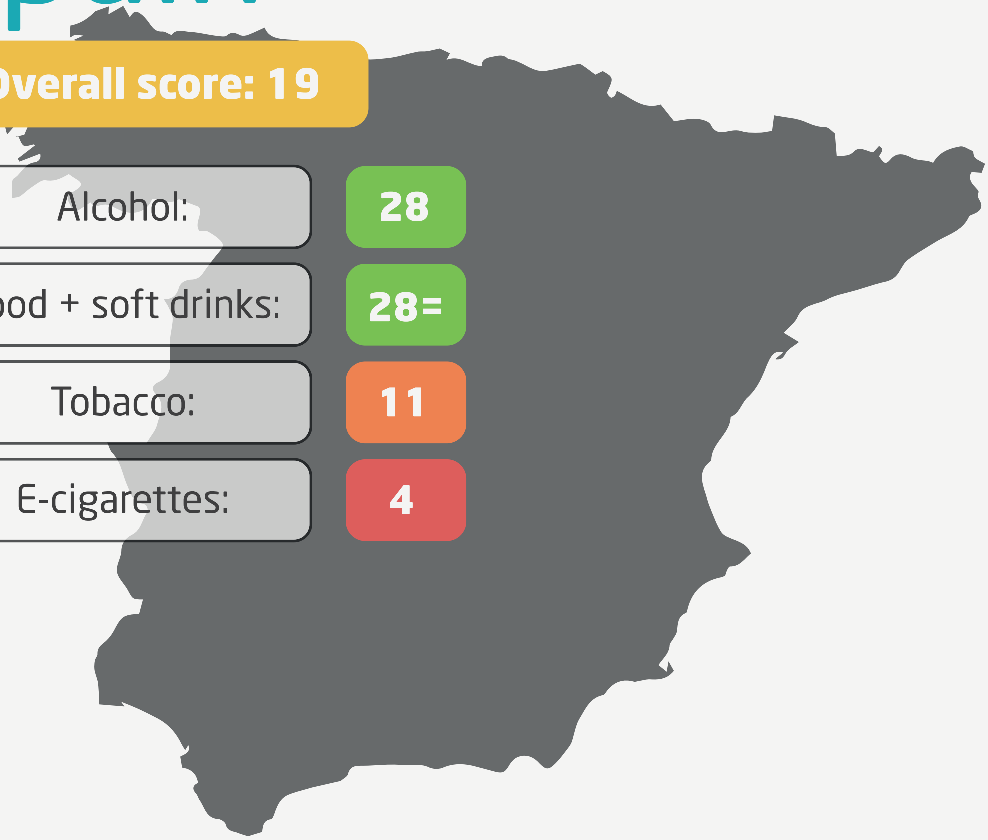
Cigarette vending machines are banned nationwide and food vending machines are banned in schools. As in the Netherlands, sealed smoking rooms are permitted in bars and restaurants but no waiter service is allowed in them. The Slovenian government has proposed a raft of anti-smoking policies, including a ban on smoking being shown on television, a ban on smoking in cars with minors and an extension of the smoking ban in public places. **It intends to introduce plain packaging in 2020.**

E-cigarettes can be advertised domestically and used indoors, but they can only be sold in licensed shops or online. A €0.18 per ml tax on e-cigarette fluid was introduced in April 2016 with the explicit aim of discouraging smokers from switching to them.

With thanks to the Visio Institute

Spain

Overall score: 19



Alcohol:	28
Food + soft drinks:	28=
Tobacco:	11
E-cigarettes:	4

Population:	**46,070,146 (2017)**
GDP per capita:	**US$ 25,831.6**
Current government:	**Prime Minister Mariano Rajoy (People's Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**69 out of 180 (63.6)**

Spain is one of the best places in the EU to be a drinker. **Taxes on beer and spirits are among the lowest in the EU, there is no wine duty, and there is no statutory closing time for bars.** Alcohol advertising is legal in all media with the exception of spirits which cannot be advertised on television or in places where alcohol consumption is not permitted. Some local councils have banned happy hours and/or bulk buys but there are no national prohibitions on either.

Life is not so good for consumers of nicotine. Traditionally a smoker-friendly country, **Spain now has a total ban on smoking in all bars, restaurants and workplaces. Sadly, this legislation also prohibits the use of e-cigarettes.** Smoking is banned in a few outdoor areas as well, including schools, hospitals and playgrounds. In April 2016, the Basque Country Parliament banned smoking and drinking in sports stadia.

After years of economic misery in Spain, sin taxes are on the rise. Effective taxes on alcohol currently equal 40 per cent of what the consumer pays, while tobacco taxes amount to 80 per cent of the final price. Tax on spirits rose by five per cent in 2017. In December 2016, the Spanish government announced that it would be introducing a tax on soft drinks to help reduce the national deficit but the government later shelved the idea because it did not want to hurt the working class.

With thanks to Diego Sánchez de la Cruz at Foro de Regulación Inteligente

Sweden

Overall score: 5

Alcohol:	2
Food + soft drinks:	13
Tobacco:	24
E-cigarettes:	28

Population:	**9,920,624 (2017)**
GDP per capita:	**US$ 50,579.7**
Current government:	**Prime Minister Stefan Löfvén (Sweden's Social Democratic Workers' Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**19 out of 180 (74.9)**

Sweden has the highest spirits duty in the EU and one of the highest rates of beer and wine duty. It has a state-run off-licence monopoly and bans alcohol advertising completely on television and radio, although TV channels broadcast from other countries are able to circumvent this. Outdoor alcohol advertising is also prohibited. **All television advertising that is perceived to be aimed at children is illegal, including for toys and food.**

Sweden is a paternalistic country in many respects but there has been some liberalisation in recent years, reflected in a fivefold increase in the number of restaurants serving alcohol, and longer opening hours. State monopolies in the manufacture, import and export of alcohol have been scrapped, and its state-run alcohol shops boast a greater selection of products.

Sweden's tobacco regulation is more liberal than that of many European countries. **Cigarette advertising is banned outright but snus, a smokeless tobacco product, can be marketed and is taxed at a lower rate than cigarettes.** Sweden is the only EU country in which snus can be bought thanks to an exemption it negotiated when joining the EU in 1995. Its smoking ban is extensive but it allows for separate, ventilated smoking rooms. **There is no ban on cigarette vending machines and no retail display ban. Sweden has by far the lowest smoking rate in Europe.**

At the time of writing, e-cigarettes are in legal limbo in Sweden. Having previously been classified as medical products (and therefore effectively banned) Sweden's Supreme Administrative Court ruled in February 2016 that they are not, thus preventing the Medical Product Agency from banning them. A bill was subsequently drawn up to implement the EU's Tobacco Products Directive (TPD) with draconian regulations that would have banned the majority of vaping products and banned vaping indoors, but this was not passed. The TPD has therefore not been transposed into Swedish law at the time of writing and e-cigarettes are legal in all forms. Cross-border sales and legal and vaping indoors is legal. E-cigarettes are entirely self-regulated by the industry, but this is likely to change in the near future.

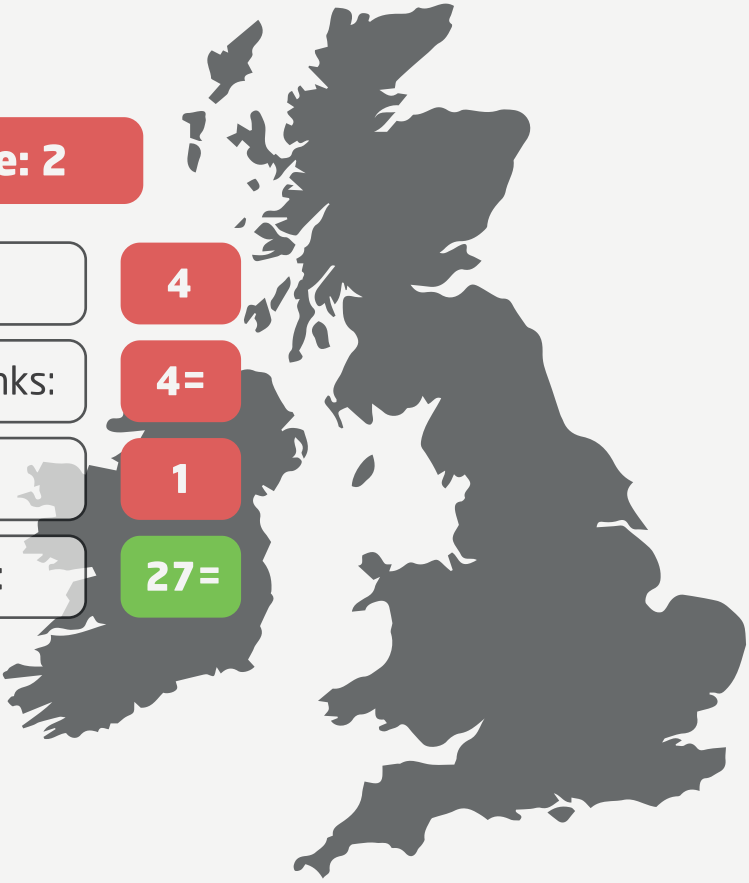
Another product that slipped through Sweden's regulatory net and generated heated discussions in 2016 is alcoholic ice cream. Due to its solid form, alcoholic ice cream - which has about the same alcohol content as a standard beer - is not classified as an alcoholic beverage and can be sold in regular grocery stores to adults. The public health minister swiftly appointed a commission to plug this loophole and is expected to present a draft bill by summer 2017.

With thanks to Timbro

UK

Overall score: 2

Alcohol:	**4**
Food + soft drinks:	**4=**
Tobacco:	**1**
E-cigarettes:	**27=**



Population:	**65,511,098 (2017)**
GDP per capita:	**US$ 43,876.0**
Current government:	**Prime Minister Theresa May (Conservative Party)**
Heritage Foundation, 2017 Index of Economic Freedom (Ranking):	**12 out of 180 (76.4)**

‘Until 1914’, wrote the historian A. J. P. Taylor, ‘a sensible, law-abiding Englishman could pass through life and hardly notice the existence of the state’. The same can surely not be said about Britain in 2017. Like Ireland, **the UK has seen a rising tide of lifestyle regulations in recent years**. Its smoking ban, introduced in 2007, allows fewer exemptions than that of almost any other country and was extended to cars carrying passengers under the age of 18 in 2015 (2016 in Scotland). **In 2008, Britain became the first EU country to mandate graphic warnings on cigarettes** and cigarette vending machines were banned in 2011. A full retail display ban followed in 2015. **In May 2016, the UK and France became the first European countries to ban branding on tobacco products (‘plain packaging’) in May 2016.**

The UK has some particularly punitive sin taxes. **It has the highest taxes on cigarettes and wine in the EU and the second highest taxes on beer.** There are relatively few legal limits on where alcohol can be advertised but there are strict guidelines on content. Off trade alcohol discount deals such as buy-one-get-one-free are banned in Scotland.

Anti-smoking policies are now being rolled out to food and soft drinks. A ban on ‘junk food’ advertising to children was extended to digital media in December 2016 and a UK-wide tax on sugary drinks is expected to be implemented in 2018. There is a ban on sugary drinks in Scottish hospitals and both the Scottish and Welsh governments support minimum pricing for alcohol. **Britain’s Nanny State Index score for food and soft drinks arguably makes the country seem more liberal than it is because it does not include the food reformulation scheme which has led to chocolate bars shrinking and food products becoming less tasty as Public Health England pushes food manufacturers towards reducing sugar, salt and fat content.** Although this scheme is technically voluntary, it is backed up with the threat of legislation.

The only sliver of liberalism comes in the UK’s approach to e-cigarettes. Although the Welsh Assembly has proposed banning vaping in many indoor public places, no legislation forbids e-cigarette use in the UK. Domestic e-cigarette advertising is legal and there has been no gold-plating of the Tobacco Products Directive. Cross-border sales are legal and although the Scottish government has granted itself powers to ban domestic e-cigarette advertising it has not yet done so.

Thank you

The Nanny State Index could not have been compiled without the valuable assistance of our network of friends throughout Europe and the think tanks listed below. While every effort has been made to verify the data from multiple sources, mistakes can happen so please notify us if you believe the Index contains any errors.

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