



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 103

Communication from the Commission - TRIS/(2023) 2477

Directive (EU) 2015/1535

Notification: 2023/0244/NL

Forwarding of the observations of a Member State (Sweden) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

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Konfidencialu - Sensitīvs - Tundlik - Citlivé - Zaupen - Povjerljivo - ευαίσθητες - Sensible - Sensibile - Sensível - Citlivý -
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1. MSG 103 IND 2023 0244 NL EN 24-08-2023 24-08-2023 SE COMMS 5.2 24-08-2023

2. Sweden

3A. Kommerskollegium

3B. Utrikesdepartementet

4. 2023/0244/NL - X00M - GOODS AND MISCELLANEOUS PRODUCTS

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. In support of a ban, the Netherlands refers to the similarity of nicotine pouches to snus, which is already prohibited, in terms of appearance, functioning and use.

Furthermore, the Netherlands states that the use of nicotine pouches can maintain nicotine dependence in places where smoking is not allowed and thus counteract one of the objectives of introducing a smoking ban, that is to say, to encourage smokers to stop smoking.

A ban is a very intrusive form of action. It is therefore necessary that the ban is well justified.

In order to protect public health, other Member States, including Sweden, have introduced less stringent measures such



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as age limits, marketing restrictions and various types of labelling requirements and health warnings. Denmark, for example, has chosen to allow regulated sales. The Netherlands did not explain in its notification why less restrictive measures could not achieve the same objective.

Against this background, the Netherlands should consider more proportionate measures, for example, through regulated sales as in Sweden and Denmark.

European Commission

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