



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/(2024) 2980

Directive (EU) 2015/1535

Notification: 2024/0444/LU

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.

MSG: 20242980.EN

1. MSG 103 IND 2024 0444 LU EN 06-02-2025 05-11-2024 SE COMMS 5.2 06-02-2025

2. Sweden

3A. Kommerskollegium

3B. Utrikesdepartementet

4. 2024/0444/LU - X60M - Tobacco

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

6. Article 7(4)(a) of the draft sets a ceiling of 0.048 mg nicotine per sachet, effectively excluding all relevant products on the market. The draft can therefore be equated with a ban. A ban is an intrusive form of measure that hinders the free movement within the EU internal market. Such a measure must therefore be duly justified and proportionate to the objective to be achieved.

In its notification, Luxembourg has not explained why other, less restrictive measures, could not be sufficient and proportionate to the objective pursued by the regulation.

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu