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.

****
Sensitive – Sensible – Sensibel – Känslig – Arkaluonteinen – Følsomme – Gevoelig – чувствителна – Sensibil – Konfidencialu – Sensitīvs – Tundlik – Citlivé – Zaupen – Povjerljivo – ευαίσθητες – Sensible – Sensibile – Sensível – Citlivý – Érzékeny – Wrażliwy – Sensittiv – íogair

Document handled in the framework of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

This document is only releasable to staff of the European Commission and Member States' public administrations with an established need-to-know basis in the framework of Directive (EU) 2015/1535.

In case you are the holder of this document without having the established need-to-know basis, as indicated above, inform the author, originator or sender immediately and return it securely unread. Failure to do so shall be considered a breach of security, which may give rise to disciplinary or legal action.
****

MSG: 20232477.EN

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

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
Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu