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

Notification Number : 2023/0375/SE (Sweden)

The Swedish National Food Agency’s regulations on snus, snus-like products and chewing tobacco

Date received : 15/06/2023
End of Standstill : 18/09/2023 (closed)

Message

Message 001

Communication from the Commission - TRIS/(2023) 1815

Directive (EU) 2015/1535

Notification: 2023/0375/SE

Notification of a draft text from a Member State

Notification – Notification – Notifzierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéseket - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta’ dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20231815.EN

1. MSG 001 IND 2023 0375 SE EN 15-06-2023 SE NOTIF

2. Sweden

3A. Kommerskollegium

3B. Livsmedelsverket

4. 2023/0375/SE - X60M - Tobacco

5. The Swedish National Food Agency’s regulations on snus, snus-like products and chewing tobacco

6. Snus, snus-like products and chewing tobacco

7.

8. A new rule is being introduced by the draft regulations stipulating that products known as ‘snus-like products’ are to be

covered by some of the provisions currently found in the National Food Agency's regulations (LIVSFS 2012:6) on snus and chewing tobacco.

Under the draft regulations, snus-like products will not be allowed to contain ingredients presenting a risk to human health, with the exception of nicotine and certain other contaminants named specifically in the regulations. The draft regulations will also impose requirements on the water used in the production of snus-like products.

The draft regulations will require operators engaged in the manufacture of snus-like products – where necessary in order to maintain satisfactory hygiene or meet the requirements in the draft regulations – to comply with certain specified requirements in Annex II to Regulation (EC) No 852/2004 of the European Parliament and of the Council and to establish, implement and maintain one or more permanent procedures based on the HACCP principles in accordance with Article 5(2) of the Regulation. In addition, operators will be required to ensure that all documentation describing the aforementioned procedure is up to date and kept for an appropriate period of time.

Under the draft regulations, manufacturers of snus-like products will also be obligated to have systems and procedures in place enabling them to identify the actors from which they obtained ingredients intended for or likely to be included in snus-like products as well as all actors who have obtained their products; but not consumers.

Finally, operators engaged in the manufacture of snus-like products will be required to notify their manufacturing facilities in writing for registration to the authority competent to register the facilities under Section 23 of the Food Ordinance (2006:813).

The National Food Agency's assessment is that the draft registration rules will not create any obstacles to trade in goods between Member States. If, however, the draft rules should be regarded as creating obstacles to trade in goods between Member States, the National Food Agency considers the draft rules – in the interest of protecting human life and health – to be permissible restrictions on the free movement of goods.

The notification concerns Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC.

9. It is important that snus-like products are manufactured in a hygienic manner and that the products do not contain dangerous substances as far as possible.

In order for the control authorities to carry out risk-based official controls effectively on operators engaged in the manufacture of snus-like products, operators need to be known to the control authorities. It is difficult for the control authorities to identify and collect data on these operations on their own, as well as regularly review whether new operations have been added. This would also be very resource-intensive.

The National Food Agency therefore deems there to be a need for regulation, ensuring that snus-like products are manufactured in a hygienic manner, that the products do not contain dangerous substances as far as possible, and that operators make themselves known to the control authorities and provide them with basic information about their operations.

10. Reference(s) to basic text(s): No basic texts available

11. No

12.

13. No

14. No

15. Yes

16.
TBT aspects: No

SPS aspects: No

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