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

Notification Number : 2023/0581/FI (Finland)

Government proposal to Parliament for an Act amending the Tobacco Act

Date received : 16/10/2023
End of Standstill : 17/01/2024 (withdrawn)

Message

Message 001

Communication from the Commission - TRIS/(2023) 2883

Directive (EU) 2015/1535

Notification: 2023/0581/FI

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: 20232883.EN

1. MSG 001 IND 2023 0581 FI EN 16-10-2023 FI NOTIF

2. Finland

3A. Työ- ja elinkeinoministeriö
Työllisyys ja toimivat markkinat -osasto
PL 32
FI-00023 VALTIONEUVOSTO
Puhelin +358 29 5047437
maaraykset.tekniset.tem@gov.fi

3B. Sosiaali- ja terveysministeriö
Turvallisuus ja terveys -osasto
PL 33
FI-00023 VALTIONEUVOSTO
Puhelin +358 295 16001
kirjaamo.stm@gov.fi

4. 2023/0581/FI - X00M - GOODS AND MISCELLANEOUS PRODUCTS

5. Government proposal to Parliament for an Act amending the Tobacco Act

6. Tobacco products, electronic cigarettes, refill containers, nicotine-containing liquids, liquids other than nicotine-containing liquids for use in electronic cigarettes

7.

8. The Proposal proposes amendments to the Tobacco Act. The amendment is required because the sale of nicotine pouches has been liberalised as a result of a change in the interpretation of the Medicines Act.

The Proposal will implement an entry in the Government Programme of Prime Minister Petteri Orpo's Government, according to which nicotine pouches will be included in the scope of the Tobacco Act and their sale will be authorised in accordance with rules set for them to prevent use by young people, parallel imports and illegal trade, and to combat organised crime. Retail sales are made subject to authorisation, the nicotine limits of the products are aligned with those in use in neighbouring countries, and only flavours aimed at adults will be allowed.

The Proposal proposes to add to the Tobacco Act a definition for a 'smokeless nicotine product' that would cover nicotine pouches and products closely resembling these. These are products resembling oral tobacco products that do not contain tobacco but to which nicotine has been added and that correspond, in terms of their intended use and appearance, to traditional tobacco for oral use.

It is proposed that smokeless nicotine products be regulated in a manner similar to the provisions of the Tobacco Act on tobacco products and nicotine-containing liquids. This would mean, among other things, imposing a nicotine limit on the products and banning the flavours of alcohol and cannabis, as well as flavours that are likely to attract young people. Health warnings would be required for unit packets of the products and the layout of the packaging would be harmonised. The retail sale of products would be subject to authorisation, wholesale sales would be subject to notification and the distance selling of products would be prohibited. Quantity limits and time limits would be imposed on imports, for example. The products and their sale would be subject to supervisory fees. In addition, a prohibition is proposed on the use of smokeless nicotine products in the indoor and outdoor areas of kindergartens and educational institutions providing pre-school and basic education, vocational education or upper secondary school education, and in playgrounds.

In addition, the Proposal proposes that imports of smokeless tobacco products such as tobacco for oral use ('snus') by passengers should be permitted in smaller quantities than at present.

The proposed Act is intended to enter into force as soon as possible. For example, restrictions on the characteristics of smokeless nicotine products and provisions on unit packets would only enter into force at a later date. In addition, the proposed Act contains a number of transitional provisions.

9. The Government Programme entries on nicotine pouches are part of measures to open up the market and increase competition. In accordance with the Government Programme, the aim of the Proposal is to prevent parallel imports and illegal trade and to combat organised crime. The aim of the Proposal is to encourage Finns who have acquired snus through illegal channels to switch to legally sold nicotine pouches. From this perspective, the regulation must ensure that nicotine pouches remain sufficiently attractive as an alternative to snus.

In contrast, the aim of the Proposal is, in accordance with the Government Programme, to prevent the use of nicotine pouches among young people. The aim is also to reduce the life-threatening nicotine poisoning that small children may experience if they are able to swallow or suck nicotine pouches.

The aims of the Proposal are partly contradictory, as proactive measures to ensure nicotine pouches become established

in the Finnish market will increase the likelihood that the products will become a new pathway to nicotine addiction for children and young people and thus to the use of other tobacco and nicotine products. However, this risk can be reduced, for example, by limiting the nicotine content, attractiveness and availability of nicotine pouches.

10. Basic text references: 2015/0490/FIN

The basic texts have been provided in connection with an earlier notification:
2015/0490/FIN

11. No

12.

13. No

14. No

15. Yes

16.
TBT aspects:
The draft is a technical regulation or a conformity assessment

SPS aspects: No

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