Message 115

Communication from the Commission - TRIS/(2025) 1152

Directive (EU) 2015/1535

Notification: 2025/0044/ES

Forwarding of a detailed opinion received by a Member State (Sweden) (article 6, paragraph 2, second indent of Directive (EU) 2015/1535). This detailed opinion extends the standstill period until 28-07-2025.

Detailed opinion - Avis circonstancié - Ausführliche Stellungnahme - Подробно становище - Podrobné stanovisko - Udførlig udtalelse - Εμπεριστατωμένη γνώμη - Dictamen circunstanciado - Üksikasjalik arvamus - Yksityiskohtainen lausunto - Detaljno mišljenje - Részletes vélemény - Parere circostanziato - Išsamiai išdėstyta nuomonė - Sīki izstrādāts atzinums - Opinjoni dettaljata - Uitvoerig gemotiveerde mening - Opinia szczegółowa - Parecer circunstanciado - Aviz detaliat - Podrobné stanovisko - Podrobno mnenje - Detaljerat yttrande

Extends the time limit of the status quo until 28-07-2025. - Prolonge le délai de statu quo jusqu'au 28-07-2025.- Die Laufzeit des Status quo wird verlängert bis 28-07-2025.- Удължаване на крайния срок на статуквото до 28-07-2025. - Prodlužuje lhůtu současného stavu do 28-07-2025. - Fristen for status quo forlænges til 28-07-2025. - Παρατείνει την προθεσμία του status quo 28-07-2025. - Amplía el plazo de statu quo hasta 28-07-2025. - Praeguse olukorra tähtaega pikendatakse kuni 28-07-2025. - Jatkaa status quon määräaikaa 28-07-2025 asti. - Produžuje se vremensko ograničenje statusa quo do 28-07-2025. - Meghosszabbítja a korábbi állapot határidejét 28-07-2025-ig. - Proroga il termine dello status quo fino al 28-07-2025. - Status quo terminas pratęsiamas iki 28-07-2025. - Pagarina “status quo” laika periodu līdz 28-07-2025. - Jestendi t-terminu tal-istatus quo sa 28-07-2025. - De status-quoperiode wordt verlengd tot 28-07-2025. - Przedłużenie status quo do 28-07-2025. - Prolonga o prazo do statu quo até 28-07-2025. - Prelungește termenul status quo-ului până la 28-07-2025. - Predlžuje sa lehota súčasného stavu do 28-07-2025. - Podaljša rok nespremenjenega stanja do 28-07-2025. - Förlänger tiden för status quo fram till 28-07-2025.

The Commission received this detailed opinion on the 28-04-2025. - La Commission a reçu cet avis circonstancié le 28-04-2025. - Die Kommission hat diese ausführliche Stellungnahme am 28-04-2025 empfangen. - Комисията получи настоящото подробно становище относно 28-04-2025. - Komise obdržela toto podrobné stanovisko dne 28-04-2025. - Kommissionen modtog denne udførlige udtalelse den 28-04-2025. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 28-04-2025. - La Comisión recibió el dictamen circunstanciado el 28-04-2025. - Komisjon sai üksikasjaliku arvamuse 28-04-2025. - Komissio sai tämän yksityiskohtaisen lausunnon 28-04-2025. - Komisija je zaprimila ovo detaljno mišljenje dana 28-04-2025. - A Bizottság 28-04-2025-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 28-04-2025. - Komisija gavo šią išsamiai išdėstytą nuomonę 28-04-2025. - Komisija saņēma šo sīki izstrādāto atzinumu 28-04-2025. - Il-Kummissjoni rċeviet din l-opinjoni dettaljata dwar il-28-04-2025. - De Commissie heeft deze uitvoerig gemotiveerde mening op 28-04-2025 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 28-04-2025. - A Comissão recebeu o presente parecer circunstanciado em 28-04-2025. - Comisia a primit avizul detaliat privind 28-04-2025. - Komisia dostala toto podrobné stanovisko dňa 28-04-2025. - Komisija je to podrobno mnenje prejela dne 28-04-2025. - Kommissionen mottog detta detaljerade yttrande om 28-04-2025. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 28-04-2025.

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1. MSG 115 IND 2025 0044 ES EN 28-07-2025 28-04-2025 SE DO 6.2(2) 28-07-2025

2. Sweden

3A. Kommerskollegium

3B. Utrikesdepartementet

4. 2025/0044/ES - X60M - Tobacco

5. article 6, paragraph 2, second indent of Directive (EU) 2015/1535

6. The Government actively monitors proposals and negotiations at an international and EU level that affect the free movement of white snuff and the conditions for global trade in white snus (nicotine pouches). The free movement of goods is a core principle of the free market and a core value of the Swedish Government. A total ban on the sale of certain goods restricts free movement. The Government is also concerned that freedom of movement will be adversely affected if individual Member States impose total bans.

The Spanish proposal sets a ceiling of 0.99 mg nicotine per pouch, effectively excluding all relevant products on the market. The draft can therefore be equated with a ban. A ban is an intrusive measure that hinders free movement within the EU internal market. The Spanish proposal may thus constitute a prohibited measure under articles 34 and 35 of the Treaty on the Functioning of the European Union, which prohibits quantitative restrictions on imports and exports and measures having equivalent effect between Member States. The Spanish proposal risks having a number of negative effects on free movement in the EU internal market since, in practice, it may hinder all exports of the product to Spain and have a deterrent effect on the companies concerned.

Cigarettes and smoking tobacco pose a greater health risk than smokeless tobacco and nicotine products such as snus. According to the OECD, smoking is the single most important cause of most diseases such as certain forms of cancer, heart attacks and strokes. In the OECD, lung cancer is the leading cause of cancer mortality and smoking is the leading risk factor for lung cancer. While the proportion of Swedish men over 15 years of age who smoke daily is 5.9 per cent, which is significantly lower than the EU average of 22.3 per cent, the age-adjusted standardised death rate for lung cancer among men (33.1 per 100,000 inhabitants) in Sweden is also significantly lower than the EU average of 69.9, according to Eurostat. To the extent that snus replaces the consumption of cigarettes, the use of the product is considered to be a positive development from a public health perspective.

Spain has justified the proposal on the grounds that it will protect human life and health. It follows from case law that the public health exemption is the main interest protected in Article 36 of the TFEU and that it is left to Member States to determine the level at which protection is to be ensured. It is also clear from case law that, in the absence of harmonisation, where there is uncertainty as to the danger of a product, Member States may decide how far they wish to go in order to ensure the protection of life and health. However, this must comply with the principle of proportionality. In the context of a proportionality assessment, it must be possible to prove that the protective effect sought cannot be achieved by other less intrusive or restrictive means. In its notification, Spain has not explained why other, less restrictive measures would not be sufficient and proportionate to the objective pursued by the regulation.

The Government considers that the Spanish legislative proposal goes further than necessary and that the measure has an adverse impact on free movement within the EU.

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