



EUROPEAN COMMISSION

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Ms Maria Malmer Stenergard  
Minister for Foreign Affairs  
Arvfurstens palats  
Gustav Adolfs torg 1  
SE - 103 23 Stockholm  
Sweden

**Subject: Notification 2025/108/SE**

**Draft Law on Nitrous Oxide**

**Delivery of comments pursuant to Article 5(2) of Directive (EU)  
2015/1535 of 9 September 2015**

Madam,

Within the framework of the notification procedure laid down by Directive (EU) 2015/1535 <sup>(1)</sup>, the Swedish authorities notified to the Commission on 21 February 2025 the draft 'Law on Nitrous Oxide' under the reference 2025/108/SE.

According to the notification message, the notified draft regulates the sale and marketing of nitrous oxide to consumers.

Examination of the notified draft has prompted the Commission to issue the following comments.

The Commission invites the Swedish authorities to inform other Member States about their concerns and experience regarding nitrous oxide uses through well-established channels of dialogue.

These comments by the Commission do not involve or suggest application of the rules in the General Product Safety Regulation <sup>(2)</sup>. However, for exchange of information purposes only, the Consumer Safety Network (CSN) could possibly be a useful forum.

This could help the understanding and the extent of the problem in the EU and identify a common suitable potential solution jointly with other Member States, which could ensure

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<sup>1</sup>) 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, OJ L 241, 17.9.2015, p. 1.

<sup>2</sup>) Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC, OJ L 135, 23.5.2023, p. 1.

the EU wide protection of human health against risks stemming from the use of nitrous oxide. The Commission recalls the importance of protection of human health and the relevance of harmonised measures in an internal market.

Depending on the application of the new Swedish rules in the notified draft on the sale and marketing of nitrous oxide, market surveillance measures may come into question. In such cases, the Commission also recalls the obligation to notify corrective measures against (such) products in certain cases in Safety Gate <sup>(3)</sup>, formerly known as RAPEX (Rapid Alert System for Non-Food Products).

This obligation aside, the Commission invites the Swedish authorities to find the best approach to discuss these draft national measures with other Member States as suggested above, as well as within the meetings of the Commission expert group Competent Authorities for Regulation 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals <sup>(4)</sup>, and Regulation 1272/2008 on classification, labelling and packaging of chemicals <sup>(5)</sup> (REACH and CLP, respectively) if the other means are not considered sufficient.

The Commission invites the Swedish authorities to take the above comments into account.

The Commission furthermore reminds the Swedish authorities that once the definitive text has been adopted, they are required to communicate it to the Commission in accordance with Article 5(3) of Directive (EU) 2015/1535.

Yours faithfully,

For the Commission

Kerstin JORNA  
Director-General

Directorate-General for Internal  
Market, Industry, Entrepreneurship  
and SMEs

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<sup>3</sup> () <https://ec.europa.eu/safety-gate>

<sup>4</sup>() Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, OJ L 396, 30.12.2006, p. 1.

<sup>5</sup>() Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, OJ L 353, 31.12.2008, p. 1.