



REGERINGSKANSLIET

14 December 2010

**Ministry for Foreign Affairs
Sweden**

Minister for Trade

Swedish snus and the possible revision of the Tobacco Products Directive

Dear Colleague,

I would like to draw your attention to an issue related to snus, a form of tobacco for oral use, which has a long-standing tradition in Sweden, as well as in some of our neighbouring countries and regions.

The European Commission has launched a public consultation on the possible revision of the Tobacco Products Directive 2001/37/EC. The Commission has stated that international and scientific developments as well as the good functioning of the internal market require reflecting whether the Directive still fully responds to the challenges and ensures a high level of health protection. The deadline for submission of comments is 17 December 2010.

Section 2 of the consultation document relates to smokeless tobacco products. Article 8 of the Directive bans some smokeless tobacco products, such as snus, while others are freely available in many Member States. The consultation document lists three possible options in relation to the revision of the Directive: no change, lifting the ban on snus or banning all types of smokeless tobacco products.

Ever since Sweden's accession to the European Union successive Swedish governments have, with strong parliamentary backing, argued the case for lifting the ban on snus.

Firstly, there is no scientific evidence supporting that snus and similar non-smoking tobacco products are as a general rule harmful enough to motivate banning them.

Secondly, there is no reason to regulate snus differently compared to similar kinds of tobacco products. The grounds for the current ban on

the placing on the market of products that have not traditionally been found in the EU, such as snus, under Article 8 of the Tobacco Products Directive 2001/37/EC, do not fulfil the applicable non-discrimination requirements. The ban is disproportionate and has discriminatory effects.

Sweden considers that snus should be regulated in a similar manner to other tobacco products, respecting a high level of health protection. This is already the case in Sweden. Lifting the ban and agreeing on a responsible product regulation on snus, would be in line with the principle of free movement of goods, in contrast to the current rules.

Against this background, we would like to encourage you to respond to the public consultation and to support the lifting the ban on snus (i.e. option 2 in section 2 of the Commission's consultation). We would of course, in cooperation with the Commission, Member States and the European Parliament, be prepared to look into ways of meeting any concerns related to lifting the ban on snus. Responsible regulation for all tobacco products remains a priority.

I am, along with my collaborators, at your disposal should you wish to discuss this issue in more detail. More information can be found at www.sweden.gov.se/snus.

Yours sincerely,

Ewa Björling