The market presence of nicotine pouches was reflected in the application report on the Tobacco Products Directive 2014/40/EU. These products remain a public health concern since in the absence of any action they remain available to everyone (no age limit), with no restrictions on advertising and promotion and no health warnings. This issue will be further assessed in the ongoing evaluation of the EU legislative framework for tobacco control.

At this moment, the Commission takes the necessary steps to monitor the regulatory approaches of different Member States to nicotine pouches, while raising awareness of the presence of these products on the EU market and existing regulatory gaps. It is in this context that the Commission sent questions related to this topic to the competent authorities of Member States in the second half of 2021. The matter has also been discussed during the Expert Group on Tobacco Policy meetings.

One of the findings presented in the meeting of 2 December 2021 was that, among the respondents to the Commission’s questions, “most Member States have called for an EU level legislation that regulates these products (including banning nicotine pouches)”, which simply reflected the received replies from national competent authorities.

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1 ‘Legal loopholes related to chewing bags and emerging nicotine pouches became apparent’, please see: https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1621500846386&uri=COM%3A2021%3A249%3AFIN