

## **IMI notification No 391611 by Sweden (26/04/2022)**

### **Request for clarifications by the Commission services**

Within the framework of the notification procedure laid down under Article 15(7) and Article 39(5) of the Directive 2006/123/EC relating to the provision of information in the field of the freedom of establishment as well as the freedom to provide services, the Swedish authorities notified via the IMI system the “*Act amending the Tobacco and Similar Products Act (2018: 2088)*”. The Commission would like to thank the Swedish authorities for this IMI notification with the notification number No 391611.

In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the Swedish authorities are kindly invited to reply to the following request for clarifications:

The Commission services note that the draft measure notified would introduce in Chapter 4, section 4, of the Tobacco and Similar Products Act (2018:2088) a new paragraph in accordance to which “*[w]ithin physical points of sale, commercial communications for electronic cigarettes and filling containers which are not intrusive, outreach or inciting the use of such-products are permitted*”. The Commission services understand that this new paragraph is intended to replace the current provision of Chapter 4, section 4.

In order to allow the Commission services to understand the changes that the notified draft aims to introduce in Chapter 4, section 4, of the Tobacco and Similar Products Act (2018:2088), the Swedish authorities are invited to clarify how the correct transposition of the provisions of Article 20(5) of the Tobacco Products Directive 2014/40/EU would be ensured in the Swedish legal system.

The Commission would like to highlight that this request for clarifications aims only to clarify the scope, objective and aim of the notified measure and does not constitute a formal position.

The Commission would like to thank in advance the Swedish authorities for their co-operation.