Subject: Finland's notification under Article 24(3) of Directive 2014/40/EU

On 20 August 2015, the Commission was notified of a draft Finnish bill relating to an amendment to Finland's Tobacco Act and certain related acts. The draft measures were notified in the framework of Directive 2015/1535, but also under Article 24(3) of Directive 2014/40/EU.

The notification under Article 24(3) of Directive 2014/40/EU relates to the proposed prohibition on the sale and import of all smokeless tobacco products in Finland (sections § 57 and § 66 of the draft law).

In order to allow the Commission services to conduct their analysis under the relevant provisions of EU law the Finnish authorities are kindly invited to reply to the following questions:

- The Commission services would be thankful for further clarification as to the reasons for the proposed prohibition on the sale and import of all smokeless tobacco products in Finland, in particular the grounds relating to the specific situation in Finland and the public health grounds justifying the measure. The Commission services would be thankful to receive up-to-date data, assessments or impact assessments in this regard, where available, as well an outline of the expected effects of such a measure demonstrating the justification of the need to protect public health in the light of the specific situation identified in respect of Finland.

- The Commission services would appreciate a detailed breakdown of information on the current prevalence of the use of smokeless tobacco products in the population, including a breakdown per product segment (tobacco for oral use, chewing tobacco, nasal tobacco, other).

- The Commission services would appreciate information on maximum limits for (personal) imports of smokeless tobacco products according to Finnish legislation, and whether the import, under a particular threshold, of tobacco for oral use for personal use is currently allowed.
• The Commission services would be interested in evidence supporting the proportionality of the proposed measure, including whether any alternative or less restrictive measures were considered.

• The Commission services would appreciate further details on how the current legislation relating to tobacco for oral use in Finland is circumvented in practice, in particular how often such circumvention takes place and by what means it is apprehended. A description of the practical enforcement issues encountered, including of the difficulties in distinguishing between tobacco for oral use and other smokeless products such as chewing tobacco, could also be included.

• The Commission services would be grateful for details on the use patterns and prevalence of the consumption of tobacco for oral use and/or smokeless products having particular regard to Finland’s demographics and geography.

The Finnish authorities are kindly invited to submit their reply to SANTE-D4-SOHO-and-TOBACCO-CONTROL@ec.europa.eu before 8 January 2016.

Yours sincerely,