

Message 001

Communication from the Commission - TRIS/(2026) 0392

Directive (EU) 2015/1535

Notification: 2026/0063/FI

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20260392.EN

1. MSG 001 IND 2026 0063 FI EN 10-02-2026 FI NOTIF

2. Finland

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4. 2026/0063/FI - S10E - Packaging

5. The Act of Åland on Tobacco and Related Products is proposed to be amended to expand the areas where smoking is prohibited, introduce requirements for plain packaging, and restrict the sale and content of smokeless nicotine-containing products.

6. The legislative proposal aims to introduce plain packaging requirements (plain packaging) for all types of tobacco products, related products and smokeless nicotine-containing products, as well as to restrict the sale and content of smokeless nicotine-containing products.

7.

8. The proposal suggests that, in terms of labelling or other design, the retail packaging of tobacco products, electronic cigarettes, refill containers and smokeless nicotine-containing products should not differ from the unit packets of other equivalent products and that the packaging should not be used to promote the sale of the products.

The proposal suggests a definition of what smokeless nicotine-containing products and nicotine pouches, which are a type of smokeless nicotine-containing product, are, in the same way that there currently are definitions of tobacco products and related products. The Government of Åland also proposes that it should be prohibited to sell smokeless nicotine-containing products in the same way as tobacco products and related products, with the same reservations as apply to those. According to the general rule, it is proposed that the sale of smokeless nicotine-containing products with a characteristic aroma or flavour should be prohibited. However, it is proposed that the Government of Åland should have the option of providing exemptions from the ban on flavours and fragrances in a decree of Åland, and the intention is that a decree containing provisions on exemptions should enter into force at the same time as the Act. When assessing which aromas and flavours should be exempted from the ban, the Government of Åland will follow developments primarily in our Nordic neighbouring countries and take note of studies on the impact of flavours and aromas on young people, in particular, and their willingness to use smokeless nicotine-containing products.

In addition, a ban on the sale of nicotine pouches containing more than 16.6 mg of nicotine per gram of the product is proposed. This means that there is a limit on the maximum amount of nicotine per pouch in order to minimise the direct toxic effects of nicotine (especially for children in case of ingestion), its harmful effects on health, and the risk of developing an addiction. In addition, all packaging shall bear information based on the requirements laid down in the chemicals legislation.

Furthermore, it is proposed that products intended to create a characteristic aroma or flavour in tobacco products and related products, as well as smokeless nicotine-containing products, should be prohibited.

9. The Tobacco Products Directive contains provisions laying down requirements for the provision of information to consumers, such as health warnings in the form of pictorial and textual warnings, standardisation of packaging and information on harmful substances. The Tobacco Products Directive has been transposed into the Åland Island's legislation by means of provisions in the Tobacco Act. Thus, packaging that attracts attention, for example in terms of colour or shape, interesting packaging or packaging that is visually pleasing in some other way, has de facto been able to be used as a marketing tool. For

example, the colours used on packaging have been designed to give consumers an idea of the characteristics of the tobacco product, such as its flavour or strength. Despite the provisions of the current Tobacco Act, in practice, sales promotion measures using unit packets cannot be completely prevented.

According to Article 24(2) of the Tobacco Products Directive, the Directive shall not affect the right of a Member State to maintain or introduce further requirements, applicable to all products placed on its market, in relation to the standardisation of the packaging of tobacco products, where it is justified on grounds of public health, taking into account the high level of protection of human health achieved through the Tobacco Products Directive. However, these measures may not be used as a means of arbitrary discrimination or a disguised restriction on trade between Member States. The Commission shall be informed of these measures and of the grounds for maintaining or introducing them. The Tobacco Products Directive does not require Member States to introduce provisions on plain packaging, but gives each Member State the right to introduce such regulations in its own legislation. This has also been confirmed by the Court of Justice (C-358/14, C-477/14 and C-547/14), which held that the Tobacco Products Directive is valid in all respects, including the right of Member States to introduce plain packaging.

In practice, plain packaging means that logos and other elements associated with a trademark are prohibited. As of 1 May 2023, the Finnish Tobacco Act has introduced requirements for plain packaging. There is no corresponding legal requirement in the Åland Tobacco Act.

10. References in the basic texts: Basic texts have been forwarded under a previous notification:
2025/0029/FI

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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