

(English version)

**Question for written answer E-001951/26
to the Commission
Jessica Polfj rd (PPE)
(12 May 2026)**

Subject: France’s ban on nicotine pouches and the consequences for EU citizens

Nicotine pouches (also known as ‘white snus’) have been banned in France since 1 April 2026. France has however gone further than simply banning or regulating the sale of nicotine pouches: under French law, white snus is now categorised as a narcotic, meaning that anyone in possession of it risks a heavy fine or even imprisonment. Smoking cigarettes, however, is still totally fine in France. Snus, including white snus, is an important hallmark of Swedish culture and part of Sweden’s tobacco model.

With that in mind:

1. Does the Commission consider it reasonable that Swedish citizens — including staff working for the EU institutions who regularly travel to France in the course of their duties — could be imprisoned for possession of a product which, for Swedes, has a high cultural value and which, unlike smoking, does not pose any risk to third parties?
2. Does the Commission take the view that the French rules are consistent with the EU’s principles of free movement and with the EU’s motto, ‘United in diversity’?

Submitted: 12.5.2026

**Answer given by Mr V rhelyi on behalf of the European Commission
(17 July 2026)**

With regard to products that do not fall under harmonised EU legislation, such as nicotine pouches, measures having equivalent effect to quantitative restrictions within the meaning of Article 34 of the Treaty on the Functioning of the European Union (TFEU) can be considered justified when falling within one of the exceptions provided for in Article 36 TFEU, which include the protection of health and life of humans and are compliant with the general principles of EU law such as proportionality.

Considering the discretion of Member States to determine the level of protection which they wish to afford to public health and the way they want to achieve it, in accordance with the case-law of the Court of Justice of the European Union ⁽¹⁾, the Commission has not identified sufficient elements indicating that the notified French legislation ⁽²⁾ would be unjustified or disproportionate to the need to protect the life and health of the population and particularly of minors.

As highlighted by the recent evaluation of the EU tobacco control framework ⁽³⁾, novel tobacco and nicotine products, including nicotine pouches, pose serious health risks and represent a significant public health concern.

The enforcement of national legislation falls within the Member States’ competence.

⁽¹⁾ See Case C-198/14, *Visnapuu*, ECLI:EU:C:2015:751.

⁽²⁾ <https://technical-regulation-information-system.ec.europa.eu/en/notification/26692>.

⁽³⁾ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13481-Evaluation-of-the-legislative-framework-for-tobacco-control_en.