QUIT LIKE SWEDEN
quitlikesweden.org

To: Ministry of Justice and Digital Affairs / Ministry of Social Affairs, Republic of Estonia
Submitted to: info@justdigi.ee
Reference: JDM/26-0826

Feedback on the draft Act amending the Tobacco Act and the State Fees Act

1. About Quit Like Sweden

Quit Like Sweden (QLS) is an independent public health initiative that advocates for tobacco harm reduction based on the Swedish model: helping adult smokers move away from combustible tobacco by keeping safer nicotine alternatives accessible, acceptable and affordable, while protecting children and young people through age restrictions and robust enforcement. QLS brings together policymakers, organisations, and the general public to identify the regulatory pathways most likely to reduce smoking prevalence and smoking-related mortality and morbidity.

Sweden's daily smoking rate now stands at 3.7 percent [1], the lowest recorded in the European Union. Sweden achieved this while implementing the same WHO Framework Convention on Tobacco Control-aligned measures as its EU neighbours, such as taxation, advertising restrictions, and smoke-free spaces, but without restricting safer, non-combustible alternatives to cigarettes. By keeping these alternatives accessible, acceptable, and affordable to smokers, Sweden reached a result that conventional tobacco control measures alone have not achieved elsewhere in the EU.

This is reflected in health outcomes: among men, lung cancer mortality in Sweden is 54 percent below the EU average, and overall cancer mortality is 22 percent lower [2]. Independent research estimates that 3.5 million lives could be saved across the EU over the next decade if the rest of the EU followed Sweden's approach [3]. We welcome the opportunity to comment on the draft amendments to the Tobacco Act and the State Fees Act.

Having reviewed the proposals set out in the draft Act, we wish to highlight the following points for consideration.

2. Risk-proportionate regulation

We are concerned that several provisions in the draft would regulate non-combustible nicotine products, which carry substantially lower health risks than cigarettes, more restrictively than cigarettes themselves.

A 2025 scoping review published in Nicotine & Tobacco Research, the official journal of the Society for Research on Nicotine and Tobacco, examined the evidence base specifically for oral nicotine pouches and concluded that they are less toxic than cigarettes while delivering comparable nicotine, presenting a viable alternative for people who currently smoke [4].

This is consistent with the wider scientific consensus that non-combustible nicotine products fall far lower on the risk continuum than smoked tobacco, and that regulation disproportionate to this relative risk, or that undermines a product's ability to deliver comparable nicotine, discourages smokers from switching to safer alternatives. We recommend that the final Act reflect this principle.

3. Nicotine concentration limit

The proposed limit of 4 mg of nicotine per gram is not supported by the evidence. It controls how concentrated the nicotine is in the pouch filler, not what each nicotine pouch actually delivers. What matters to a consumer, and to whether a pouch can work as an acceptable alternative to smoking, is the total dose in each pouch and how well that nicotine is absorbed.

The difference is easy to see with real products. The German Federal Institute for Risk Assessment (BfR) found that the typical pouch it examined weighed 0.6 grams and contained 9.48 mg of nicotine. Under Estonia's proposed limit, a pouch of that size could contain no more than 2.4 mg [5].

The BfR's own evidence shows why such a low dose is unlikely to work for smokers. In one study, pouches containing 5.8 mg and 10.1 mg of nicotine produced considerably less nicotine in the blood than a single cigarette. The BfR estimated that a well-absorbed pouch would need around 16.6 mg of nicotine to match a cigarette, and it identified 16.6 mg per pouch as a workable upper limit based on its assessment of nicotine safety [5]. In other words, the amount a pouch needs to compete with a cigarette is roughly seven times what Estonia's proposed limit would allow in a typical pouch.

The BfR also found that two pouches with the same nicotine content can deliver quite different amounts to the user, because absorption depends on how the product is formulated, including its pH and how quickly the nicotine is released. A rule based only on milligrams per gram therefore tells us very little about either the user's actual exposure or the product's safety [5].

Sweden, the country with the lowest smoking prevalence in Europe, has taken a more proportionate approach. Its Act on Tobacco-Free Nicotine Products regulates notification, ingredients, labelling, marketing, sales and age restrictions, without imposing a general legal cap on nicotine [6]. Product standards are handled separately: the Swedish Institute for Standards has developed SIS/TS 72:2024, which covers nicotine content alongside pH, ingredients, labelling and measurement methods [7]. As an expert in public health in relation to tobacco and nicotine policy Clive Bates documented in his response to the Swedish Government's consultation, this standard sets a maximum of 20 mg of nicotine per pouch [8].

Bates recommends regulating the total dose per pouch rather than the concentration. A concentration limit invites an obvious workaround: manufacturers can simply make bigger pouches with more low-density filler, which changes the product's design without controlling the dose. He proposes starting with a limit of 20 mg per pouch, monitoring the market, and lowering the limit later only if this can be done without pushing people back to smoking, fuelling illicit trade or causing other unintended harm [8].

Put simply, at the BfR's typical pouch weight of 0.6 grams, Estonia's proposed limit would allow just 2.4 mg per pouch. That is around one seventh of the BfR's 16.6 mg benchmark and only 12% of the Swedish standard. A limit this low risks making legal nicotine pouches too weak to satisfy the smokers they are meant to help, while cigarettes remain freely available on every corner.

We therefore recommend replacing the proposed 4 mg/g concentration limit with a maximum of 20 mg or 16.6 mg of nicotine per pouch. Products should state the nicotine dose per pouch clearly on the packaging and meet appropriate requirements on nicotine release, pH, ingredients and manufacturing quality. The limit should then be kept under review through market surveillance, including its effects on smoking rates, consumer behaviour and illicit trade.

4. Flavour restriction and positive list

Flavour restrictions on non-combustible nicotine products do not remove consumer demand. They transfer it to the illicit market. Estonia has direct, first-hand experience of this. Following the 2018 introduction of an excise duty on e-liquids and the 2019 restriction limiting e-liquids to tobacco and unflavoured variants, independent estimates placed illicit, self-mixed and cross-border e-liquid sales at 62 to 80 percent of the Estonian market. The legal market did not simply lose share, it lost most of the market. Parliament recognised this and suspended the e-liquid excise duty in April 2021 specifically to help restore the legal market's competitiveness against illicit trade [9].

This pattern is not unique to Estonia. A March 2026 study by the Fraunhofer Institute for Integrated Circuits (IIS), examining EU-wide trade and customs data, found that around 48 percent of the e-cigarette market across the EU already originates from irregular sources, worth an estimated 6.6 billion euro [10]. Where legal supply is restricted, illicit supply expands to meet the demand that remains.

Restricting nicotine pouches to tobacco and menthol flavours only, governed by a narrow 24-substance positive list, would produce the same consumer and market response as happened in Estonia and other EU countries. The difference is what Estonia stands to lose. Growth in illicit trade equals loss of tax revenue for the government and leaves consumers exposed to the dangers of the illicit market.

Consumers who cannot obtain the products they use legally will obtain them from informal suppliers instead. Those suppliers pay no excise, verify no ages and meet no ingredient, labelling or manufacturing standards. Estonia would therefore lose revenue, lose oversight of what is being sold and lose the age controls that the legal market currently enforces, while the demand the restriction was intended to address continues to be met.

5. Distance selling and age verification

We recognise the enforcement gap the draft seeks to close: age cannot be reliably verified when nicotine products are ordered by post.

We are concerned, however, that a blanket ban on distance selling addresses this gap by removing an entire legal sales channel rather than by fixing the verification failure within it. This channel is not incidental to accessibility: for adult consumers without a nearby specialist retailer, with reduced mobility, or who rely on online purchase while attempting to quit smoking, distance selling is often the only practical way to access regulated, tested products at all.

A more targeted alternative exists, and Estonia already applies it in a comparable context. Estonian gambling law requires online gambling operators to use electronic identification methods, meaning the national eID, Mobile-ID, or Smart-ID, to verify a player's age before granting access, enforced by the same Estonian Tax and Customs Board that oversees tobacco and nicotine product taxation [11].

Denmark has applied the equivalent logic to nicotine products specifically: its regulation requires retailers to apply an effective age-verification system for cross-border sales, explicitly permitting a national eID solution such as MitID to confirm a buyer's identity and age at the point of purchase [12]. By contrast, Estonia's current approach to age verification in distance sales of another age-restricted product, alcohol, relies on physical identification at delivery rather than digital verification at purchase.

This gap illustrates precisely why a distance-selling ban is the wrong instrument: the failure is in how age is verified, not in the existence of the sales channel itself. Extending Estonia's own eID requirement, already mandatory for online gambling, to distance sales of nicotine products would close the verification gap directly, using infrastructure the country has already built and proven to work in another regulated sector.

6. Recommendations

We recommend that the final Act:

- Reflect the relative risk of the products it regulates, so that non-combustible nicotine products are not regulated more restrictively than the cigarettes they are capable of replacing.
- Replace the 4 mg/g concentration cap with a dose-based nicotine threshold expressed in milligrams per pouch. We recommend a maximum of 20 mg per pouch, consistent with SIS/TS 72:2024 and with the voluntary standard under which the Estonian market has operated to date. At a minimum, the threshold should not fall below the 16.6 mg per pouch that the BfR identified as an applicable upper limit on toxicological grounds.
- Enforce an age-verified retail model, rather than eliminating flavour from the legal market outright. This preserves the acceptability of these products for adult smokers while still limiting casual youth access, and avoids the transfer of demand to illicit supply that Estonia experienced in the e-liquid market.
- Replace the blanket ban on distance selling with a requirement for verified e-ID authentication at the point of purchase, using Estonia's existing national e-ID infrastructure. This closes the specific age-verification gap the draft identifies without removing a sales channel that adult consumers, particularly those without nearby specialist retail access, depend on.

We would welcome the opportunity to share further evidence or discuss these points with officials ahead of the Act's finalisation.

Yours sincerely,

Suely Castro
QLS Director

References

[1] Centralförbundet för alkohol- och narkotikaupplysning (CAN), Rapport 242: Vanor och konsekvenser 2025, https://www.can.se/app/uploads/2026/03/can-rapport-242-vanor-och-konsekvenser-2025.pdf

[2] Eurostat, "Cancer statistics — specific cancers," Statistics Explained (datasets hlth_cd_aro and hlth_cd_asdr2). https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Cancer_statistics_-_specific_cancers

[3] A. Milton et al., "The Swedish Experience: A Roadmap for a Smoke-Free Society," Smoke Free Sweden, 2023 https://smokefreesweden.org/wp-content/themes/smokefreesweden/assets/pdf/reports/Report%20The%20Swedish%20Experience%20EN.pdf

[4] N. Travis, K.E. Warner, M.L. Goniewicz, et al., "The Potential Impact of Oral Nicotine Pouches on Public Health: A Scoping Review," Nicotine & Tobacco Research, 27(4), 2025, pp. 598–610. https://doi.org/10.1093/ntr/ntae131

[5] German Federal Institute for Risk Assessment (BfR), Health Risk Assessment of Nicotine Pouches, Updated BfR Opinion No. 023/2022, 7 October 2022. https://www.bfr.bund.de/cm/349/health-risk-assessment-of-nicotine-pouches.pdf

[6] Sveriges riksdag, Lag (2022:1257) om tobaksfria nikotinprodukter [Act on Tobacco-Free Nicotine Products]. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20221257-om-tobaksfria-nikotinprodukter_sfs-2022-1257/

[7] Swedish Institute for Standards (SIS) (2024). SIS/TS 72:2024: Nicotine-containing, tobacco-free oral products—Safety and quality related requirements. 2nd edition, approved 17 June 2024. Stockholm: Svenska institutet för standarder. https://www.sis.se/en/produkter/agriculture/tobacco-tobacco-products-and-related-equipment/sists-722024/

[8] Bates, C., Comment on S2024/00726: A Safe Upbringing Without Nicotine, Alcohol and Nitrous Oxide (SOU 2024:23), consultation response to the Swedish Ministry of Health and Social Affairs, 30 August 2024. https://clivebates.com/documents/SwedenPouchesConsultationAugust2024.pdf

[9] Riigikogu amendment suspending the excise duty on e-cigarette liquids, effective 1 April 2021. https://news.err.ee/1210447/amendment-to-exempt-e-cigarette-liquids-from-excise-duty-passed

[10] Fraunhofer Institute for Integrated Circuits (IIS), study on irregular e-cigarette sources in the EU, March 2026, https://skr-ag.com/wp-content/uploads/2026/03/SKR_Website-Studie_E-Zigarette_Pressemitteilung_engl.pdf

[11] Estonian Tax and Customs Board (EMTA), electronic identification requirement for setting gambling restrictions and player age verification. https://www.emta.ee/en/private-client/e-services-tax-literacy/registers-inquiries/setting-restrictions-gambling

[12] Denmark, cross-border age-verification requirement for tobacco substitute sales (MitID), notified via the EU Technical Regulation Information System. https://technical-regulation-information-system.ec.europa.eu/da/notification/25821/text/D/ET