



Feedback on the draft Act amending the Tobacco Act and the State Fees Act (JDM/260826)

[Considerate Pouchers](#) is a global consumer organization representing adult nicotine pouch users. Our members are, overwhelmingly, former smokers who use nicotine pouches as a lower-risk alternative to cigarettes. We speak on their behalf.

We support proportionate, science-based regulation of nicotine pouches: a strict minimum purchase age of 18, honest labelling, and firm enforcement against sales to minors. The draft amendments go far beyond that. As written, they would remove functional products from the legal market and push adult consumers back toward cigarettes or toward unregulated cross-border supply.

1. The 4 mg/g nicotine limit is a de facto ban

A typical nicotine pouch weighs between 0.5 and 1 gram. A limit of 4 mg per gram therefore means roughly 2 to 4 mg of nicotine per pouch. This is below the strength most adult smokers need to switch successfully and stay switched. Products at this level do not compete with cigarettes. They lose to them.

The Estonian market currently operates under a voluntary memorandum of 20 mg per pouch. That ceiling already excludes the extreme-strength products that raise legitimate concern, while leaving adult smokers a realistic path off cigarettes. The draft would replace a working ceiling with one set roughly 80 to 90 percent lower, without published evidence that pouches at current strengths are causing harm in Estonia that this cap would prevent.

The predictable consequences of a cap this low are:

- Adult switchers relapse to smoking, the most harmful form of nicotine use.
- Demand shifts to informal cross-border purchases and illicit supply, where there is no age verification, no labelling, and no tax revenue for Estonia.
- The excise base created in January 2025 erodes as legal sales collapse.

Sweden, where oral nicotine products at meaningful strengths are widely available, has the lowest smoking rates in the European Union (3.7%) and correspondingly low rates of smoking-related disease. That outcome was achieved by keeping effective alternatives legal for adults, not by capping them into irrelevance.

Recommendation: Set any statutory nicotine limit at the level of the existing voluntary memorandum, 20 mg per pouch, and define the limit per pouch rather than per gram so that it reflects actual consumer exposure.

2. Restricting flavours to tobacco and menthol removes the products adults actually switch to

Most adult pouch users choose fruit and other non-tobacco flavours. This is not incidental. Many former smokers switch precisely because they want to leave the taste of tobacco behind. A positive list limited to 16 tobacco-related and 8 menthol-related substances would eliminate the majority of the products adults in Estonia currently use.

Youth protection is the stated aim, and we share it. But Estonia already has the tool: an 18-year purchase age. The correct response to underage use is enforcement of those rules against retailers who break them, not the removal of legal products from adults who follow them.

Recommendation: Withdraw the positive list. Don't ban flavour categories used predominantly by adults.

3. Enforcement: target sales to minors, not adult consumers

We support penalties for retailers and distributors who sell to minors. We caution against penalizing individual purchasers. Punishing adult consumers for buying a legal product through the wrong channel is disproportionate, difficult to enforce fairly, and diverts resources from the point where enforcement works.

4. A seven-day consultation is not a genuine consultation

The draft was published with seven days for comments, on measures that would restructure an entire product category, affect thousands of Estonian consumers, and impose fines of up to

200,000 euros. This timeline makes meaningful input from consumers, retailers and independent experts practically impossible, and it falls short of good regulatory practice. We also note that measures of this kind constitute technical regulations that require notification to the European Commission under Directive (EU) 2015/1535 before adoption, with the associated standstill period.

Recommendation: Extend the consultation to a standard period of at least four weeks and confirm that the draft will be notified under Directive (EU) 2015/1535.

Nicotine pouches are the most significant opportunity in a generation to move smokers away from cigarettes. Regulation should manage that opportunity, not eliminate it. We remain at the disposal of the Ministry of Justice and the Ministry of Social Affairs for any further information.

Respectfully submitted,

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