# Eight EU Capitals Want to Ban Products That Don’t Exist Yet

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**Brussels, Belgium (October 16, 2026)** — We Are Innovation is urging the European Commission to reject calls for a “market freeze” on new nicotine products in the upcoming revision of the Tobacco Products Directive (TPD). The network warns that the proposal contradicts the competitiveness agenda the EU adopted after the Draghi report.

On 6 October, the health ministers of the Netherlands, Belgium, Finland, France, Hungary, Latvia, Slovenia and Spain jointly asked the Commission to include a market freeze in the revised Directive. The proposal would bar any new product containing nicotine, anything with nicotine-like properties, or anything that resembles them from entering the EU market. The ministers also call for a ban on flavorings, caps on nicotine content, and standardized designs across all categories. They justify these measures as a way to prevent consumers from substituting one product for another.

We Are Innovation argues that the proposal tests whether the EU has absorbed the lessons of The Future of European Competitiveness, the 2024 report by Mario Draghi. The report found that EU companies invest roughly half as much in research and innovation, as a share of GDP, as their American counterparts. It also warned that Europe is stuck in a “middle technology trap” and identified overregulation as a central cause. Between 2019 and 2024, the United States passed around 3,500 federal laws, while the EU adopted about 13,000 acts, many based on precautionary logic that hits small firms and newcomers hardest.

According to We Are Innovation, the freeze would go further than any precautionary rule currently in force. Ordinary precautionary measures wait until a product exists. A market freeze would ban products before they are invented, with no evidence to evaluate, no cost-benefit analysis, and no assessment of relative risk. Novelty alone would be grounds for exclusion. By design, a rule meant to stop consumers from substituting products would stop smokers from switching away from cigarettes, the most harmful nicotine product on the market.

The network points to Sweden as evidence that a different approach works. Sweden applied the same tobacco control measures as its neighbors, including high cigarette taxes, smoking bans, and health warnings. However, it also allowed adult smokers to switch to safer alternatives: first snus, then nicotine pouches from 2016. In 2022, rather than banning pouches, Sweden regulated them with age restrictions, nicotine limits, and labeling requirements. The results include:

- Smoking prevalence fell from 11.4% in 2012 to 3.7% in 2025, making Sweden smoke-free.
- Sweden records 36% fewer lung cancer deaths than the EU average.
- Nicotine pouches reached groups that snus never did. Among women, smoking fell from 11.2% in 2015 to 5.7% in 2024.

We Are Innovation also warns that a market freeze would extend well beyond the nicotine sector. Investors in batteries, biotechnology and artificial intelligence would read it as a signal of how Europe treats new products and new entrants in general.

**Tetiana Rak, We Are Innovation's COO**, comments, *“Brussels has spent two years praising the Draghi report and promising simplification. A market freeze would ban innovations that do not yet exist, on the sole ground that they are new. If Europe wants to close its innovation gap, it cannot start by telling entrepreneurs that their products are unwelcome before they have even been invented. Swedish experience has shown that smart regulation, not prohibition, is what makes a population smoke-free.”*

We Are Innovation calls on the Commission to apply the method Draghi recommended and that its own Better Regulation toolbox already requires. This means quantifying a rule’s costs before adopting it, regulating nicotine products according to their relative risk, and protecting minors through age verification and enforcement rather than category bans. The network remains available to provide research and evidence to EU institutions and Member States throughout the TPD revision.

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**ABOUT WE ARE INNOVATION**

We Are Innovation is a dynamic network of individuals and institutions who deeply believe in innovation's power to drive progress and solve the world's most pressing problems. With over 60 think tanks, foundations, and NGOs based worldwide, We Are Innovation represents the diverse voices of a global civil society committed to advancing human creativity, adopting new technologies, and promoting innovative solutions. Through our collaborative approach and cutting-edge expertise, we are driving global transformative change. To learn more about our work, visit us at https://www.weareinnovation.global/.

## Company Contact:

**We Are Innovation**

E. info@somosinnovacion.lat
W. https://www.weareinnovation.global/

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