

Case C-210/03 Swedish Match [2004]

Facts: The case concerned a reference for a preliminary ruling requested by Swedish Match and the UK Secretary of State for Health on the validity of Article 8 of Directive 2001/37/EC which prohibited selling tobacco products for oral use (e.g. tobacco in powder form). The legislation emerged as a response to a problem emerging in several countries where the products have attracted young people and have contributed to nicotine addiction. When the Directive was transposed to national law by the UK, Swedish Match sought judicial review and the UK Courts asked the CJEU whether the Directive was justified on the basis of Article 114 TFEU.

Held: The Court held that the Directive was still valid. The Court remarked that ‘Community legislature must be allowed a broad discretion in an area such as that concerned in the present case, which involves political, economic and social choices’. [48]