Forwarding of a detailed opinion received by a Member State (Croatia) (article 6, paragraph 2, second indent of Directive (EU) 2015/1535). This detailed opinion extends the standstill period until 22-12-2022.

Communication from the Commission - TRIS/(2022) 03630
Directive (EU) 2015/1535
Notification: 2022/0441/IRL


In accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, Ireland notified (Notification number 2022/0441/IRL) the Draft Regulation, in accordance with section 12 of the Public Health (Alcohol) Act 2018, which refers to labelling of alcoholic products.

Section 12 of the Public Health (Alcohol) Act 2018 sets out the obligation to indicate the following:

— the warning ‘Alcohol consumption causes liver cirrhosis’
— a symbol (pictogram) warning of the danger of alcohol consumption when pregnant
— the warning ‘There is a direct link between alcohol consumption and fatal carcinogenic diseases’
— alcohol content expressed as grams of alcohol contained in the product
— energy values expressed as kilojoules and kilocalories contained in the package; and
— links to the website www.askaboutalcohol.ie.

The Draft Regulation, which is the subject of this notification, lays down in detail the method of labelling of said information.

Pursuant to Article 6(2) of Directive (EU) 2015/1535, the Ministry of Agriculture of the Republic of Croatia provides a detailed opinion on the legislation in question, within the scope of its competence:


Therefore, the indication of alcohol content in grams contained in the product, as proposed in the notified regulation, and not as required by Regulation (EU) No 1169/2011, as the indication of actual alcoholic strength by volume, derogates from the harmonised EU rule. Furthermore, the imposition of obligation to label energy values expressed in kilojoules and kilocalories contained in the package is also contrary to the rule under the Regulation (EU) No 1169/2011, according to which that information is voluntary. Also, introducing a new unit of measure can create confusion among consumers.

Since this proposal for quantitative labelling is not in line with the harmonised EU legislation, we consider that it constitutes a restriction for the functioning of the single market, i.e. an obstacle to free movement of goods between Member States within the internal market of the European Union. The adoption of the proposed provisions would mean that products destined for the market of Ireland would have to be specifically packaged and labelled, and that non-Irish producers would be placed at a disadvantage compared to Irish producers.

Although there are certain exceptions where trade restrictions are justified, such as health protection, according to Article 36 of the Treaty on the Functioning of the European Union, they should be proportionate to their intended purpose. Relating to the aforesaid, we consider that the Irish authorities have not provided evidence that the proposed labelling requirements are proportionate to the objective, nor that such a measure is suitable for the protection of human health.

We believe that any national regulation regarding labelling of alcoholic beverages should await the revision of Regulation (EU) No 1169/2011 which is being prepared.

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