

Message 116

Communication from the Commission - TRIS/(2022) 03408
 Directive (EU) 2015/1535
 Translation of the message 115
 Notification: 2022/0441/IRL

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

Comunicado detallado - Podrobné vyjádření - Udførlig udtalelse - Ausführlichen Stellungnahme - Üksikasjalik arvamus - Εμπειροπαιωμένη γνώμη - Detailed opinion - Avis circonstancié - Parere circostanziato - Detalizēts atzinums - Detali nuomonė - Részletes vélemény - Opinioni dettaljata - Uitvoerig gemotiveerde mening - Opinia szczegółowa - Parecer circunstanciado - Podrobný úsudok - Podrobno mnenje - Yksityiskohtainen lausunto - Detaljerat yttrande - Подробно становище - Aviz detaliat - Aviz detaliat.

Amplia el plazo del estatu quo hasta 22-12-2022. - Prodlužuje lhůtu pro stávající stav až do 22-12-2022. - Fristen for status quo forlænges til 22-12-2022. - Die Laufzeit des Status quo wird verlängert bis 22-12-2022. - Praeguse olukorra tähtaega pikendatakse kuni 22-12-2022. - Παρατείνει την προθεσμία του status quo μέχρι την 22-12-2022. - Extends the time limit of the status quo until 22-12-2022. - Prolonge le délai de statu quo jusqu'au 22-12-2022. - Proroga il termine dello status quo fino al 22-12-2022. - Pagarina "status quo" laika periodu līdz 22-12-2022. - Pratęsia status quo laiko limitą iki 22-12-2022. - Meghosszabbítja a korábbi állapot határidejét 22-12-2022-ig. - Jestendi t-terminu ta' l-istatus quo sa 22-12-2022. - De status-quo-periode wordt verlengd tot 22-12-2022. - Przedłużenie status quo do 22-12-2022. - Prolonga o prazo do statu quo ate 22-12-2022. - Časový limit momentálneho stavu sa predĺži až do 22-12-2022. - Podaljša rok nespremenjenega stanja do 22-12-2022. - Jatkaa status quo määräaika 22-12-2022 asti - Förlänger tiden för status quo fram till: 22-12-2022 - Удължаване на крайния срок на статуквото до 22-12-2022 - Prelungește termenul status quo-ului până la 22-12-2022.

Die Kommission hat diese ausführliche Stellungnahme am 21-09-2022 empfangen.
 The Commission received this detailed opinion on the 21-09-2022.
 La Commission a reçu cet avis circonstancié le 21-09-2022.

(MSG: 202203408.EN)

1. MSG 116 IND 2022 0441 IRL EN 22-12-2022 21-09-2022 COM 6.2(2) 22-12-2022

2. Česká republika

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4. 2022/0441/IRL - B00

5. Article 6(2), second bullet point, of Directive (EU) 2015/1535

6. Detailed opinion of the Ministry of Agriculture of the Czech Republic on the draft Act on the protection of public health (alcohol) of 2018, notified at the European Commission under: 2022/0441/IRL.

Date of notification: 21 June 2022
 End of notification: 22 September 2022

The draft legislation is also notified under Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (hereinafter "Regulation No 1169/2011") and concerns the labelling and presentation of alcoholic beverages, including specific on-line sales requirements.

According to Section 12 of the Act, labels on alcohol products must contain:

- i. A warning to inform people of the danger of alcohol consumption.
- ii. A warning to inform people of the danger of alcohol consumption when pregnant.
- iii. A warning to inform people of the direct link between alcohol and fatal cancers.
- iv. The quantity of grams of alcohol contained in the product.
- v. The number of calories contained in the alcohol product.
- vi. A link to a health website which provides information on alcohol and related harm.

We make the following key comments and remarks on this proposal:

In the adopted Europe's Beating Cancer Plan, the European Commission has already announced its intention to study and possibly propose options for "health warnings on labels by the end of 2023". With respect to the planned harmonised approach at EU level in the coming months, the Irish measures should be suspended at least until the Commission's future harmonised approach in this area becomes clearer.

The adoption of such a measure would undermine the EU's single internal market, where the labelling requirements for alcoholic beverages and spirits are precisely specified by European legislation. Although it is possible to set national requirements beyond the requirements of the European Union, it can be stated that all such measures significantly interfere with free trade and hinder access to the market in particular for medium and small entrepreneurs.

In this context, it is also appropriate to note that the Commission plans to submit a legislative proposal on the revision of Regulation No 1169/2011 in Q4 2022, inter alia, the EC, according to previous public consultations and studies, is considering introducing a mandatory indication of ingredients for alcoholic beverages and a requirement for mandatory nutrition labelling.

In our opinion, the proposal contradicts the Regulation No 1169/2011, namely Article 38, which states that "As regards the matters specifically harmonised by this Regulation, Member States may not adopt nor maintain national measures unless authorised by Union law. Those national measures shall not give rise to obstacles to free movement of goods, including discrimination as regards foods from other Member States."

In our opinion, the application of the draft act would, at least in the area of labelling, result in a significant increase in costs for producers and/or distributors who place alcoholic beverages on the Irish market and could ultimately lead to an advantage for domestic (Irish) products on the Irish market. Changing the labels will make the process of exporting to Ireland more complicated and expensive for EU producers in a business environment that is already struggling with high inflationary pressures and rising costs. As a result of the above, there is also, in our opinion, a serious risk of disruption to the free movement of goods within the EU (Articles 34-36 TFEU).

European Commission

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