

## Message 116

Communication from the Commission - TRIS/(2022) 03341

Directive (EU) 2015/1535

Translation of the message 115

Notification: 2022/0441/IRL

Forwarding of a detailed opinion received by a Member State (Romania) (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 - Udförlig uttalelse - Ausführlichen Stellungnahme - Üksikasjalik arvamus - Εμπειριοτατωμένη γνώμη - Detailed opinion - Avis circonstancié - Parere circostanziado - Detalizēts atzinums - Detali nuomonė - Részletes vélemény - Opinjoni 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 estatus quo hasta 22-12-2022. - Prodlužuje lhútu 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. - Παρατίθεται 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-status 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 predĺží až do 22-12-2022. - Podaljša rok nespremenjenega stanja do 22-12-2022. - Jatkaa status quo määräaikaa 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 19-09-2022 empfangen.

The Commission received this detailed opinion on the 19-09-2022.

La Commission a reçu cet avis circonstancié le 19-09-2022.

(MSG: 202203341.EN)

1. MSG 116 IND 2022 0441 IRL EN 22-12-2022 19-09-2022 COM 6.2(2) 22-12-2022

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4. 2022/0441/IRL - B00

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

6. We consider that the measures proposed in the notified project prevent the free movement of goods on the European market because they impose labelling conditions that would only be valid in one Member State, which is a disadvantage for manufacturers and distributors based outside Ireland and creates regulatory divergences with the rest of the European Union.

We also appreciate that the notified project contravenes EU legislation, because, through Annex I, it requires that the alcohol content on the label be expressed in grams, which contravenes Regulation (EU) no. 1169/2011, which specifies the following: "The actual alcoholic strength by volume of beverages containing more than 1,2 % by volume of alcohol shall be indicated by a figure to not more than one decimal place. It shall be followed by the symbol '% vol.' and may be preceded by the word 'alcohol' or the abbreviation 'alc'." (Annex XII of Regulation 1169/2011)

Article 3(1) of Regulation (EU) No 1169/2011 on the provision of food information to consumers lays down the general objective that 'the provision of food information shall pursue a high level of protection of consumers' health and interests by providing a basis for final consumers to make informed choices and to make safe use of food'.

The additional labelling/warning particulars proposed by Ireland regarding the consumption of alcohol is not included in Annex III to Regulation (EU) No 1169/2011 and is implicitly not harmonised at EU level. They

may be adopted on the basis of Article 39 of Regulation 1169/2011 (FIC). Where a food may present a possible danger to a vulnerable section of the population such as young people and pregnant women in a Member State, it may be dangerous for consumers in the other Member States, which requires harmonisation of the indications at the European level, with prior consultation of the European Food Safety Authority.

Regarding the health impact warnings, the European Commission announced its intentions in its Communication entitled Europe's Beating Cancer Plan to review the policy for the promotion of alcoholic beverages and to propose a mandatory indication of the list of ingredients and nutrition declaration on the labelling of alcoholic beverages before the end of 2022 and health warnings on labels before the end of 2023. In conclusion, taking into consideration that the draft public health legislation notified by Ireland (alcohol — labelling) does not set out the position of the European Food Safety Authority on the direct link between alcohol consumption, liver disease and fatal cancers, that the group of alcoholic beverages whose consumption could cause the mentioned inconveniences is not clearly defined, the enactment of such measure creates a barrier to the free movement of goods.

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