Message 103

Communication from the Commission - TRIS/(2026) 1717

Directive (EU) 2015/1535

Notification: 2026/0161/BE

Forwarding of the observations of a Member State (Spain) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

MSG: 20261717.EN

1. MSG 103 IND 2026 0161 BE EN 01-10-2026 30-06-2026 ES COMMS 5.2 01-10-2026

2. Spain

3A. Ministerio de Asuntos Exteriores, UE y Cooperación
DG de Coordinación del MI y Otras Políticas Comunitarias
SdG de Asuntos Industriales, Energéticos, de Transportes y Comunicaciones, y de Medio Ambiente
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3B. Comisión Interministerial para la Ordenación Alimentaria
Agencia Española de Seguridad Alimentaria y Nutrición.
Ministerio de Derechos Sociales, Consumo y Agenda 2030.

4. 2026/0161/BE - C51A - Beverages

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. Within the framework of Directive (EU) 2015/1535, on 31 March 2026 the Belgian Government notified the draft Royal Decree on the Advertising of Alcoholic Beverages.

Following their examination of the draft, the Spanish authorities have issued the following observations pursuant to Article 5(2) of the aforementioned Directive:

While Spain acknowledges that, ideally, many of these matters should be governed by harmonised legislation at European Union level and that, in the absence of such legislation, Member States may legislate at national level, it wishes to emphasise the following:

- The draft Belgian decree raises problems of interpretation. In particular, Article 7, concerning the prohibition on offering alcoholic beverages free of charge in the context of promotional campaigns, except where the consumer purchases an alcoholic beverage or where this takes place in the context of tastings. Specifically, it is not specified whether the exception applies to two distinct situations — namely, campaigns in which the consumer purchases a beverage and campaigns involving tastings — or whether, on the contrary, it refers exclusively to campaigns in which both circumstances are present simultaneously.

- The notified draft Royal Decree introduces specific rules at national level around prohibitions affecting the advertising and marketing of alcoholic beverages that could negatively affect the proper functioning of the single market.

In conclusion, Spain requests the Belgian authorities to:

1. Clarify the scope of the prohibition on offering alcoholic beverages free of charge in the context of tastings.

2. Include a mutual recognition clause in the draft to prevent national requirements from becoming an unnecessary obstacle to intra-Community trade in the products concerned.

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