EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 115

Communication from the Commission - TRIS/(2024) 1051

Directive (EU) 2015/1535

Notification: 2024/0032/BE

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 22-07-2024.

Detailed opinion - Avis circonstancié - Ausführliche Stellungnahme - Подробно становище - Podrobné stanovisko - Udførlig udtalelse - Εμπεριστατωμένη γνώμη - Dictamen circunstanciado - Üksikasjalik arvamus - Yksityiskohtainen lausunto - Detaljno mišljenje - Részletes vélemény - Parere circostanziato - Išsamiai išdėstyta nuomonė - Sīki izstrādāts atzinums - Opinjoni dettaljata - Uitvoerig gemotiveerde mening - Opinia szczegółowa - Parecer circunstanciado - Aviz detaliat - Podrobné stanovisko - Podrobno mnenje - Detaljerat yttrande

Extends the time limit of the status quo until 22-07-2024. - Prolonge le délai de statu quo jusqu'au 22-07-2024.- Die Laufzeit des Status quo wird verlängert bis 22-07-2024.- Удължаване на крайния срок на статуквото до 22-07-2024. - Prodlužuje lhůtu současného stavu do 22-07-2024. - Fristen for status quo forlænges til 22-07-2024. - Παρατείνει την προθεσμία του status quo 22-07-2024. - Amplía el plazo de statu quo hasta 22-07-2024. - Praeguse olukorra tähtaega pikendatakse kuni 22-07-2024. - Jatkaa status quon määräaikaa 22-07-2024 asti. - Produžuje se vremensko ograničenje statusa quo do 22-07-2024. - Meghosszabbítja a korábbi állapot határidejét 22-07-2024-ig. - Proroga il termine dello status quo fino al 22-07-2024. - Status quo terminas pratęsiamas iki 22-07-2024. - Pagarina “status quo” laika periodu līdz 22-07-2024. - Jestendi t-terminu tal-istatus quo sa 22-07-2024. - De status-quoperiode wordt verlengd tot 22-07-2024. - Przedłużenie status quo do 22-07-2024. - Prolonga o prazo do statu quo até 22-07-2024. - Prelungește termenul status quo-ului până la 22-07-2024. - Predlžuje sa lehota súčasného stavu do 22-07-2024. - Podaljša rok nespremenjenega stanja do 22-07-2024. - Förlänger tiden för status quo fram till 22-07-2024.

The Commission received this detailed opinion on the 18-04-2024. - La Commission a reçu cet avis circonstancié le 18-04-2024. - Die Kommission hat diese ausführliche Stellungnahme am 18-04-2024 empfangen. - Комисията получи настоящото подробно становище относно 18-04-2024. - Komise obdržela toto podrobné stanovisko dne 18-04-2024. - Kommissionen modtog denne udførlige udtalelse den 18-04-2024. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 18-04-2024. - La Comisión recibió el dictamen circunstanciado el 18-04-2024. - Komisjon sai üksikasjaliku arvamuse 18-04-2024. - Komissio sai tämän yksityiskohtaisen lausunnon 18-04-2024. - Komisija je zaprimila ovo detaljno mišljenje dana 18-04-2024. - A Bizottság 18-04-2024-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 18-04-2024. - Komisija gavo šią išsamiai išdėstytą nuomonę 18-04-2024. - Komisija saņēma šo sīki izstrādāto atzinumu 18-04-2024. - Il-Kummissjoni rċeviet din l-opinjoni dettaljata dwar il-18-04-2024. - De Commissie heeft deze uitvoerig gemotiveerde mening op 18-04-2024 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 18-04-2024. - A Comissão recebeu o presente parecer circunstanciado em 18-04-2024. - Comisia a primit avizul detaliat privind 18-04-2024. - Komisia dostala toto podrobné stanovisko dňa 18-04-2024. - Komisija je to podrobno mnenje prejela dne 18-04-2024. - Kommissionen mottog detta detaljerade yttrande om 18-04-2024. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 18-04-2024.

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1. MSG 115 IND 2024 0032 BE EN 22-07-2024 18-04-2024 RO DO 6.2(2) 22-07-2024

2. Romania

3A. Ministerul Economiei, Antreprenoriatului si Turismului
Direcția Afaceri Europene si Relatii Internationale

Adresa: Calea Victoriei nr.152, București, Sector 1
Email: reglementari_tehnice@economie.gov.ro
Tel: +40372492634

3B. Ministerul Economiei, Antreprenoriatului si Turismului
Direcția Afaceri Europene si Relatii Internationale
Adresa: Calea Victoriei nr.152, București, Sector 1
Email: reglementari_tehnice@economie.gov.ro
Tel: +40372492634

4. 2024/0032/BE - C50A - Foodstuffs

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

6. Romania issues this detailed opinion on the draft technical regulations notified by Belgium on 19 January 2024 under number 2024/0032/BE, entitled Royal Decree on advertising of beverages containing alcohol.
We begin by stressing that Romania appreciates and supports the efforts of the Belgian authorities to put the health and interests of minors first when it comes to alcohol advertising.
However, we would like to bring to the attention of the Belgian authorities some issues that we believe they should include and clarify in the draft decree so that there is no room for interpretation and the Member States and the European Commission can assess the impact of the project on the free movement of goods in the single market.
In this respect, we consider that the following actions would be necessary:
a) The inclusion of the date of entry into force of the provisions of the decree and the mention of the existence (or absence) of a transitional period during which economic operators may adapt to the new rules;
b) Complement the definition of advertising in such a way that the scope of the decree is much more clearly defined. As it stands, the scope seems to cover a very wide range of types of communication going beyond advertising and is therefore undefined, leaving room for interpretation whether the labelling of alcoholic beverages falls within the scope;
c) Specification of the content of the health information message (Article 7 of the Decree). At this point, neither the Member States nor the European Commission can assess whether this message could constitute a barrier to the free movement of products in the single market because its content is not clearly specified. Although this type of messages are not yet regulated at EU level, in 2021 the European Commission announced in its Communication entitled Europe’s Beating Cancer Plan that it will propose binding measures related to health warnings. We therefore believe that Member States should wait for the European Commission’s proposal to harmonise these rules at European level and refrain from adopting national regulations in this area. On the other hand, if the labelling falls within the scope of the decree, this could represent an additional burden for producers of alcoholic beverages (and a barrier to the free movement of products), who should redesign the labels of alcoholic beverages (as well as other materials bearing the company's brand or logo) intended to be exported and marketed on the Belgian market, even if the health information messages they already use may be similar to the message provided for in the future legislative act issued by the competent minister. Also, currently, as required by Directive (EU) 2018/1808, Member States shall encourage the use of co-regulation and the fostering of self-regulation through codes of conduct, and many economic operators in the alcoholic beverages industry promote various health information messages that may not be identical to the one that will be established by the Belgian authorities but could be essentially similar. The fact that, under Article 7 of the Decree, any messages other than that established by the relevant Belgian Minister will be prohibited, even if the substance of the message would be the same, could constitute a barrier to the free movement of goods in the single market.
In view of the above, we believe that the draft decree could impose barriers to the free movement of products in the single market by leaving room for interpretation, that it is not clear on certain aspects and regulates certain areas that the European Commission has intended to establish at European level.
In conclusion, we consider it necessary to issue this detailed opinion and recommend the withdrawal of the draft decree and its renotification in a form covering all the above-mentioned elements and thus to enable the Member States and the European Commission to assess the full impact of the measures on the free movement of goods in the single market.

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European Commission
Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu