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) 2667

Directive (EU) 2015/1535

Notification: 2024/0351/LV

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 03-01-2025.

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 03-01-2025. - Prolonge le délai de statu quo jusqu'au 03-01-2025.- Die Laufzeit des Status quo wird verlängert bis 03-01-2025.- Удължаване на крайния срок на статуквото до 03-01-2025. - Prodlužuje lhůtu současného stavu do 03-01-2025. - Fristen for status quo forlænges til 03-01-2025. - Παρατείνει την προθεσμία του status quo 03-01-2025. - Amplía el plazo de statu quo hasta 03-01-2025. - Praeguse olukorra tähtaega pikendatakse kuni 03-01-2025. - Jatkaa status quon määräaikaa 03-01-2025 asti. - Produžuje se vremensko ograničenje statusa quo do 03-01-2025. - Meghosszabbítja a korábbi állapot határidejét 03-01-2025-ig. - Proroga il termine dello status quo fino al 03-01-2025. - Status quo terminas pratęsiamas iki 03-01-2025. - Pagarina “status quo” laika periodu līdz 03-01-2025. - Jestendi t-terminu tal-istatus quo sa 03-01-2025. - De status-quoperiode wordt verlengd tot 03-01-2025. - Przedłużenie status quo do 03-01-2025. - Prolonga o prazo do statu quo até 03-01-2025. - Prelungește termenul status quo-ului până la 03-01-2025. - Predlžuje sa lehota súčasného stavu do 03-01-2025. - Podaljša rok nespremenjenega stanja do 03-01-2025. - Förlänger tiden för status quo fram till 03-01-2025.

The Commission received this detailed opinion on the 01-10-2024. - La Commission a reçu cet avis circonstancié le 01-10-2024. - Die Kommission hat diese ausführliche Stellungnahme am 01-10-2024 empfangen. - Комисията получи настоящото подробно становище относно 01-10-2024. - Komise obdržela toto podrobné stanovisko dne 01-10-2024. - Kommissionen modtog denne udførlige udtalelse den 01-10-2024. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 01-10-2024. - La Comisión recibió el dictamen circunstanciado el 01-10-2024. - Komisjon sai üksikasjaliku arvamuse 01-10-2024. - Komissio sai tämän yksityiskohtaisen lausunnon 01-10-2024. - Komisija je zaprimila ovo detaljno mišljenje dana 01-10-2024. - A Bizottság 01-10-2024-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 01-10-2024. - Komisija gavo šią išsamiai išdėstytą nuomonę 01-10-2024. - Komisija saņēma šo sīki izstrādāto atzinumu 01-10-2024. - Il-Kummissjoni rċeviet din l-opinjoni dettaljata dwar il-01-10-2024. - De Commissie heeft deze uitvoerig gemotiveerde mening op 01-10-2024 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 01-10-2024. - A Comissão recebeu o presente parecer circunstanciado em 01-10-2024. - Comisia a primit avizul detaliat privind 01-10-2024. - Komisia dostala toto podrobné stanovisko dňa 01-10-2024. - Komisija je to podrobno mnenje prejela dne 01-10-2024. - Kommissionen mottog detta detaljerade yttrande om 01-10-2024. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 01-10-2024.

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1. MSG 115 IND 2024 0351 LV EN 03-01-2025 01-10-2024 RO DO 6.2(2) 03-01-2025

2. Romania

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4. 2024/0351/LV - C51A - Beverages

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

6. Point 2 of the draft introduces a new restriction on the sale of alcoholic beverages containing more than 22% alcohol by volume in packages not exceeding 0.2 litres.
• This measure may lead to high costs for economic operators operating in the HoReCa industry and for which the cost of packaging is high, but also to an increased number of packaging with an environmental impact.

Point 3 of the draft introduces the obligation that alcoholic beverages purchased online should not be delivered to the purchaser earlier than six hours from the time of order.
• This provision is discriminatory in relation to traditional sales where the drinks are delivered as soon as the order is placed. It is also not clear how such a measure can be enforced in a situation where an online order can overlap its delivery beyond the six-hour limit, even during the closed sales period (10:00 p.m. to 8:00 a.m.). At the same time, there is no scientific explanation for the minimum 6-hour delivery interval of an online order that would lead to a decrease in alcohol consumption.

Point 4 of the draft provides for additional labelling requirements for alcoholic beverages, namely: a warning pictogram whose graphic form has not been established by the notified draft thus creating ambiguity in application. The same point also requires additional labelling on the nutrition declaration of alcoholic beverages, excluding small distilleries, for which only the warning pictogram is sufficient.
• This could be a discriminatory measure between economic operators which would distort competition in the Single Market.

We consider that the new restrictions introduced by Latvia violate the principle of free movement in the Single Market, distort competition between economic operators in the Member States and fragment the Single Market by creating new barriers to trade by imposing additional costs and negatively affecting the environment.

We believe that, with this draft, Latvia has not taken proportionate and adequate measures to achieve its public health objective, namely to reduce the consumption of alcoholic beverages, moreover this new regulation may create discrimination among economic operators operating in the sector, but also in related areas such as HoReCa, Tourism, etc. and may represent a disguised restriction of trade between Member States leading to the fragmentation of the Single Market.

The notified draft creates barriers to trade and discriminatory conditions in the offline and online market, but also between large and small economic operators in the Member States and creates a dangerous precedence in the regulation of the legislative framework.

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