Message 201

Communication from the Commission - TRIS/(2025) 0008

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Forwarding of the response of the Member State notifying a draft (Latvia) to of Romania.

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1. MSG 201 IND 2024 0351 LV EN 02-04-2025 03-01-2025 LV ANSWER 02-04-2025

2. Latvia

3A. Ekonomikas ministrija

3B. Veselības ministrija

4. 2024/0351/LV - C51A - Beverages

5.

6. The Ministry of Health responds to the objection raised by the Czech Republic and Romania to the amendment included in Article 3 of the Draft Law, which provides for the postponement of the delivery of alcoholic beverages purchased online, stipulating that such alcoholic beverages cannot be delivered earlier than 6 hours. Both the Czech Republic and Romania submit that that provision introduces discriminatory treatment between physical retail outlets and the online sale of alcoholic beverages. Romania, for its part, added that there was no evidence that such postponed delivery would reduce the consumption of alcoholic beverages and that it was unclear how this principle could be respected in cases where the online order with delivery exceeded the six-hour limit, even if the sales period (from 10 p.m. to 8 a.m.) is over.
In reply to the above questions, we inform you that restrictions on the delivery time of alcoholic beverages are necessary to reduce the impact of impulsive alcohol purchases and rapid delivery of alcohol to the final consumer on alcohol consumption and its consequences, thus ensuring a high level of public health protection for the population of Latvia. According to the recommendations of the World Health Organization (WHO), limiting the physical availability of alcoholic beverages, including restrictions on sales and delivery times, is a cost-effective measure that reduces alcohol consumption, including risky alcohol consumption, and related risks in society.
As previously reported in the Communication on the Draft Technical Regulations, alcohol consumption levels in Latvia are highest both among the countries of the European Union and the Organisation for Economic Cooperation and Development. Risky alcohol consumption among the working-age population of Latvia is also relatively high (40%) and exceeds the average of the countries of the WHO European region (30.4%). At the same time alcohol consumption in Latvia generates significant monetary costs, estimated in a study carried out in Latvia in 2023 at between 1.3 % and 1.8 % of GDP, which is approximately twice the income from alcohol excise duty. Although no studies have been carried out in Latvia on the impact of certain legislative changes on alcohol consumption, in other countries such studies have been carried out in recent years, including studies on the impact of distance sales of alcoholic beverages on people’s drinking habits. Research data indicate that purchasing alcohol online during the COVID-19 pandemic was linked to increased alcohol consumption and related risks. Overall, the results of other evaluations also indicate that online sale of alcohol could contribute to excessive alcohol consumption and related risks.
Accordingly, in order to ensure a high level of public health protection and to reduce the consumption of critical alcoholic beverages in society, Latvia must take all necessary actions to set stricter requirements and restrictions on the purchase, supply, and availability of products/goods that cause harm to health. We would point out that the protection of public

health interests must be considered a priority in Latvia; accordingly, it is proportionate to limit the possibilities for purchasing and supplying alcoholic beverages, including by imposing additional restrictions on business operations, especially in cases where the operator in question sells products that cause diseases and addiction, which, in turn, entails significant costs for the State in order to combat the resulting health, social, and other consequences. We would like to inform you that a transitional period has been set for this requirement, with the date of entry into force being 1 August 2026. At the same time, following the adoption of the Draft Law by the Saeima [the Parliament of Latvia], the competent Latvian authorities plan to inform the competent authorities of the Member States about the new conditions for the delivery of alcoholic beverages purchased via the website or mobile application. We would also like to clarify that in cases where the online order with delivery exceeds the six-hour limit and the sales period has ended, the purchased alcoholic beverages can be delivered the next day, as the six-hour delivery countdown is calculated from the moment of purchase. In addition, the Draft Law does not state that alcoholic beverages purchased online must be delivered exactly within 6 hours of purchase; rather, they can be delivered no earlier than 6 hours after purchase. Accordingly, they can also be delivered later, for example, after 7, 8, 9, 10 hours, etc., or even after one day. The main condition is that they are not delivered earlier than 6 hours after purchase.
On the other hand, in response to the objection raised by Romania in its detailed objection to the amendment included in Article 2 of the Draft Law, which introduces a new restriction on the sale of alcoholic beverages with an alcoholic content by volume of more than 22% in packages with a volume of less than 0.2 litres, it is stated that this measure may lead to higher costs for operators of hotels, restaurants, and catering establishments, who pay a high price for the packaging, and to an increase in the volume of packaging, which negatively impacts the environment.
We would point out that Latvia included this restriction in the Draft Law on the basis of the experience of measures introduced in other EU countries. Such a restriction has been in force in Lithuania since 1 July 2020, and it provides for a prohibition on the sale of ready-made pre-packaged alcoholic beverages with an alcohol content exceeding 22% by volume, which the manufacturer has filled in glasses, cups, and other containers for immediate consumption. This restriction was introduced in Lithuania as part of a package of interventions at the national level to reduce per capita consumption of alcoholic beverages in Lithuania, as well as to reduce the availability of alcoholic beverages with the specific alcohol content and of specific volume to persons who consume alcohol excessively and in a risky manner. Accordingly, taking into account the critical situation in Latvia regarding the high consumption of alcoholic beverages and in order to reduce the availability of alcoholic beverages and purposefully restrict the sale of such alcoholic beverages in Latvia, which are mainly intended for persons who consume alcohol excessively or in a risky manner, the above-mentioned amendment was included in the Draft Law. At the same time, we clarify that the restriction applies only to those alcoholic beverages sold in pre-packaged form and does not apply to those alcoholic beverages sold for on-site consumption in a draft form. Similarly, the volume limit for that packaging will apply specifically to (PET) packaging, but will not apply to packaging units made of glass, ceramic, wood, metal, or complex packaging consisting of a polymer or laminate bag packed in a cardboard box. Similarly, the restriction will not apply to beer, fermented beverages, intermediate products, and other alcoholic beverages marketed at their place of production or in the producer's department. In addition, it should be noted that the Draft Law also provides for a transitional period of approximately 3 years (which will enter into force on 1 January 2028) for manufacturers to adapt to the new packaging requirements.

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