



EUROPEAN COMMISSION

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

Message 301

Communication from the Commission - TRIS/(2025) 3036

Directive (EU) 2015/1535

Notification: 2025/0637/SK

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve - Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információ kérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prošba o uzupeňnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

MSG: 20253036.EN

1. MSG 301 IND 2025 0637 SK EN 22-10-2025 COM INFOSUP COM

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2025/0637/SK - C51A - Beverages

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services, the Slovak authorities notified to the Commission on 20 October 2025 the “Draft Act on the Conditions of Sale of Energy Drinks” (hereinafter, the “notified draft”).

In order to allow the Commission to finalise its assessment, the Slovak authorities are invited to reply to the following request for supplementary information:

According to the Article 6 (7)(a) of the Directive (EU) 2015/1535, the request for urgency can only be accepted where for urgent reasons, occasioned by serious and unforeseeable circumstances, a Member State is obliged to prepare technical regulations in a very short space of time in order to enact and introduce them immediately without any consultations being possible. Such serious and unforeseeable circumstances may be related to the protection of public health or safety, the protection of animals or the preservation of plants, and for rules on services, also for public policy, in particular the protection of minors.

1. Can the Slovak authorities provide additional explanations regarding the unforeseeability criteria as set out in Article 6(7) of Directive (EU) 2015/1535.
2. Can the Slovak authorities provide data showing recent health concerns experienced by minors in Slovakia as a result of the consumption of energy drinks.

Furthermore, regarding the content of the notified draft:



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3. Given the definition of an “energy drink” as a pre-packaged sweetened non-alcoholic beverage containing caffeine from any source in excess of 150 mg/l, does this definition explicitly exclude coffee- and tea-based beverages that may meet the same caffeine threshold? Do this definition include also beverages with sweeteners, without sugar?
4. Are Articles 4(3), 5 and 6 of the notified draft intended to apply to providers of information society services as per the meaning of Directive 2000/31/EC? In the affirmative, please clarify:
 - a) if the notified draft would apply to providers of information society services established in the territory of other Member States than Slovakia and
 - b) what would be the obligations applicable to those service providers resulting from the notified draft?
5. Are Articles 4(3), 5 and 6 of the notified draft intended to apply to providers of online intermediary services as defined in Article 3(g) of Regulation (EU) 2022/2065. In the affirmative, please clarify the intended interplay between the notified draft and the Regulation (EU) 2022/2065 in view of its maximum harmonization effect, in particular as regards its Article 28 and the Guidelines adopted pursuant to it, Articles 34 and 35 concerning the aim of protecting minors online as well as the system for control and penalties for breaches of sales rules and the interplay with Chapter IV of Regulation (EU) 2022/2065.

In light of the urgency request, the Slovak authorities are invited to respond to this request for supplementary information by 24 October 2025.

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