



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/(2026) 1728

Directive (EU) 2015/1535

Notification: 2026/0161/BE

Forwarding of a detailed opinion received by a Member State (Italy) (article 6, paragraph 2, second indent of Directive (EU) 2015/1535). This detailed opinion extends the standstill period until 01-10-2026.

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 - Opinioni dettaljata - Uitvoerig gemotiveerde mening - Opinia szczegółowa - Parecer circunstanciado - Avis detaliat - Podrobné stanovisko - Podrobno mnenje - Detaljerat yttrande

Extends the time limit of the status quo until 01-10-2026. - Prolonge le délai de statu quo jusqu'au 01-10-2026. - Die Laufzeit des Status quo wird verlängert bis 01-10-2026. - Удължаване на крайния срок на статуквото до 01-10-2026. - Prodłużuje lhůtu současného stavu do 01-10-2026. - Fristen for status quo forlænges til 01-10-2026. - Παρατείνει την προθεσμία του status quo 01-10-2026. - Amplía el plazo de statu quo hasta 01-10-2026. - Praeguse olukorra tähtaega pikendatakse kuni 01-10-2026. - Jatkaa status quon määraaika 01-10-2026 asti. - Produžuje se vremensko ograničenje statusa quo do 01-10-2026. - Meghosszabbítja a korábbi állapot határidejét 01-10-2026-ig. - Proroga il termine dello status quo fino al 01-10-2026. - Status quo terminas pratęsiamas iki 01-10-2026. - Pagarina "status quo" laika periodu līdz 01-10-2026. - Jestendi t-terminu tal-istatus quo sa 01-10-2026. - De status-quoperiode wordt verlengd tot 01-10-2026. - Przedłużenie status quo do 01-10-2026. - Prolonga o prazo do statu quo até 01-10-2026. - Prelungește termenul status quo-ului până la 01-10-2026. - Predlžuje sa lehota súčasného stavu do 01-10-2026. - Podaljša rok nespremenjenega stanja do 01-10-2026. - Förlänger tiden för status quo fram till 01-10-2026.

The Commission received this detailed opinion on the 01-07-2026. - La Commission a reçu cet avis circonstancié le 01-07-2026. - Die Kommission hat diese ausführliche Stellungnahme am 01-07-2026 empfangen. - Комисията получи настоящото подробно становище относно 01-07-2026. - Komise obdržela toto podrobné stanovisko dne 01-07-2026. - Kommissionen modtog denne udførlige udtalelse den 01-07-2026. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 01-07-2026. - La Comisión recibió el dictamen circunstanciado el 01-07-2026. - Komisjon sai üksikasjaliku arvamuse 01-07-2026. - Komissio sai tämän yksityiskohtaisen lausunnon 01-07-2026. - Komisija je zaprimila ovo detaljno mišljenje dana 01-07-2026. - A Bizottság 01-07-2026-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 01-07-2026. - Komisija gavo šią išsamiai išdėstytą nuomonę 01-07-2026. - Komisija saņēma šo sīki izstrādāto atzinumu 01-07-2026. - Il-Kummissjoni rċeviet din l-opinioni dettaljata dwar il-01-07-2026. - De Commissie heeft deze uitvoerig gemotiveerde mening op 01-07-2026 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 01-07-2026. - A Comissão recebeu o presente parecer circunstanciado em 01-07-2026. - Comisia a primit avizul detaliat privind 01-07-2026. - Komisia dostala toto podrobné stanovisko dňa 01-07-2026. - Komisija je to podrobno mnenje prejela dne 01-07-2026. - Kommissionen mottog detta detaljerade yttrande om 01-07-2026. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 01-07-2026.

MSG: 20261728.EN

1. MSG 115 IND 2026 0161 BE EN 01-10-2026 01-07-2026 IT DO 6.2(2) 01-10-2026

2. Italy

3A. Ministero delle Imprese e del Made in Italy

Dipartimento Mercato e Tutela Direzione Generale Consumatori e Mercato Divisione II. Normativa tecnica - Sicurezza e



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3B. Ministero delle Imprese e del Made in Italy
Ministero dell'agricoltura, della sovranità alimentare e delle foreste

4. 2026/0161/BE - C51A - Beverages

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

6. Notification 2026/0161/BE pursuant to Directive (EU) 2015/1535 – Legislative Decree 223/2017.
Detailed opinion

On 30 March 2026, the Kingdom of Belgium notified the European Commission, under the Technical Barriers to Trade Information System (TRIS) procedure, of the draft regulation referred to above. The notification (2026/0161/BE) triggered the three-month standstill period, during which the measure cannot be adopted and during which the Commission and the Member States may submit comments or detailed opinions.

The notified text introduces stricter rules on the advertising of alcoholic beverages. The measures focus primarily on protecting minors and include a ban on certain promotional activities, such as offering alcohol for free outside tasting events. They also require a standardised health warning, 'Alcohol is harmful to your health', to be included in all advertising for alcoholic beverages. There are detailed technical and linguistic specifications for presenting this warning in print, audiovisual, radio and digital media.

Breaches of the above rules would be punishable in Belgium by criminal penalties (imprisonment for up to 12 months) and fines of up to €150,000, applicable also to foreign operators and online platforms whose advertising activities are aimed at (or reach) the Belgian market.

In this regard, it should be noted that Italy supports the need to encourage responsible alcohol consumption and to ensure that alcohol advertising is not directed at minors. In Italy, in fact, the sale and serving of alcoholic drinks are prohibited to those under the age of 18. The penalty system operates on two levels:

- Children under 16: the act of administering the substance constitutes the offence provided for in Article 689 of the Criminal Code, punishable by imprisonment for up to one year. If the offence is committed more than once, an administrative fine of between 1,000 and 25,000 euros and a three-month suspension of business operations shall also apply.
- Minors aged between 16 and 17: Article 14-ter of Law No. 125/2001 applies, which prohibits the sale and serving of alcoholic drinks to under-18s. A breach carries an administrative fine of between 250 and 1,000 euros; in the event of a repeat offence, the fine is between 500 and 2,000 euros and the business is suspended for between 15 days and 3 months.

The seller is obliged to request proof of identity, unless it is clear that the buyer is of legal age.

With regard to advertising, Article 13 of Law No. 125/2001 prohibits the advertising of alcoholic beverages and spirits in programmes aimed at under-18s, as well as during the fifteen minutes before and after their broadcast and in places predominantly frequented by under-18s. It is also prohibited to depict minors consuming alcohol or to portray the consumption of alcoholic beverages in a positive light.

Italy therefore welcomes initiatives aimed at protecting minors with respect to alcohol consumption.

However, the Belgian draft decree, although intended to protect minors from alcohol consumption, raises some



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significant concerns regarding compliance with EU law, proportionality and the functioning of the internal market.

Therefore, whilst supporting the stated objective, the main concerns identified are set out below.

The notified provisions appear to impose disproportionate restrictions on the free movement of goods and services (Articles 34 and 56 of the Treaty on the Functioning of the EU), with negative repercussions for the competitiveness of Italian agricultural and food supply chains (the wine, beer and spirits/distilled drinks sectors) on the Belgian market and within the broader context of the European single market.

These observations justify the drafting of this detailed opinion pursuant to Article 5(2) of Directive (EU) 2015/1535 (transposed by Legislative Decree 223/2017).

Critical profiles detected:

(a) Obstacle to the free movement of goods (Article 34 TFEU): The general obligation to include a standardised health warning on all advertising of alcoholic beverages, with prescribed graphic and linguistic features, forces operators in the sector to adapt or redesign their cross-border advertising campaigns solely for the Belgian market. This leads to increased costs and organisational complexity, which particularly affects foreign producers (who are less well-known on the Belgian market and more reliant on advertising to establish themselves). The Belgian measure, whilst seemingly neutral, therefore affects imported goods more severely than domestic ones, imposing a barrier to market access that distorts fair competition beyond Belgium's borders.

According to the established case law of the Court of Justice, any national measure capable of hindering (directly or indirectly) intra-EU trade must be regarded as a 'measure having equivalent effect' to a quantitative import restriction, prohibited by Article 34 TFEU.

Consequently, the advertising requirements imposed by the Belgian draft, by affecting market access for alcoholic products from other Member States, constitute a breach of the principle of the free movement of goods enshrined in Article 34 TFEU.

(b) Principle of proportionality and necessity of the measure: Whilst the objective of protecting public health is legitimate, the proposed measures nevertheless appear excessive and are not supported by sufficient evidence, and are therefore disproportionate.

In particular:

(i) the general health warning 'alcohol is harmful to health' does not distinguish between moderate consumption and alcohol abuse, conveying a simplistic message that does not reflect the complexity of the scientific evidence on the health impact of moderate consumption.

The scientific justification for such a generalised message currently appears controversial and lacks specific evidence that any consumption of alcohol, regardless of quantity or method, is in itself harmful.

(ii) Nor is there any evidence that less restrictive measures (e.g. strengthening self-regulation codes, targeted education campaigns) have been adequately considered and found to be insufficient, nor that there is a direct causal link between the introduction of a requirement for an additional warning and a reduction in alcohol consumption (which has already been falling in Belgium in recent years). In this regard, reference is made to the 2022 UN General Assembly Political Declaration on the prevention and control of non-communicable diseases (NCDs) and the promotion of health mental health and well-being, which, whilst promoting the prevention of alcohol abuse, recognises the distinction between moderate consumption and abuse and calls for responsible drinking patterns not to be penalised, particularly in societies (such as Italy) where such beverages play a cultural and identity-defining role.

(c) Risk of fragmentation of the single market and conflicts with existing EU regulations: The notified Royal Decree imposes a new set of national technical rules on a sector already governed by EU regulations and principles (e.g. the Audiovisual Media Services Directive and the E-Commerce Directive), as well as by voluntary sector-specific codes of conduct harmonised at European level. Uncoordinated national measures of this kind may undermine the future harmonisation currently under discussion at EU level (e.g. as part of the European Plan to Combat Cancer) and set regulatory precedents that other Member States might emulate, thereby further fragmenting the internal market. It is



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essential to safeguard the consistency of the EU's regulatory approach on matters affecting the fundamental freedoms enshrined in the Treaty and the functioning of strategic sectors (wine, beer and spirits) across the various Member States.

(d) Legal uncertainty. It is noted that there are certain provisions which are unclear in terms of their definition and application.

Articles 2, 3, 4 and 5(1): The absence of a definition of 'intended primarily for a minor audience' results in the provision being excessively vague.

Article 4(1): The phrase 'shown in a cinema' appears to distinguish between films shown in a cinema and those shown outside a cinema. It is unclear what this means, for example, for films screened – not via television or digital media – during an event.

Article 6, paragraph 1: It is unclear what is meant by advertising that must not be aimed at minors, 'whether through its content [...]' or 'the way in which it is communicated'. Furthermore, it is unclear what the age of 25 referred to in paragraph 2 refers to and how it was determined.

Article 7: There is no definition of 'promotional campaign' or 'tastings', which leads to unclear and disproportionate application.

All of this contributes to legal uncertainty and disproportionate compliance burdens.

Finally, it is worth noting that Member States should refrain from adopting legislation on matters falling within the scope of EU action.

Although health warnings relating to alcoholic beverages are not yet regulated by EU legislation, the European Commission announced as early as 2021 its intention to address this issue as part of its Communication to the European Parliament and the Council on the European Plan to Combat Cancer.

Specifically, the Commission plans to propose mandatory health warnings for alcoholic beverages as part of its efforts to curb harmful alcohol consumption. As part of this initiative, the European Parliament adopted a resolution on 16 February 2022 on Strengthening Europe in the Fight against Cancer. In particular, paragraph 16 of the resolution highlights the need to provide consumers with more information by improving the labelling of alcoholic beverages to include information on moderate and responsible consumption and by introducing mandatory labelling of the list of ingredients and nutritional information.

Member States should therefore refrain from taking unilateral action on matters where regulatory work is currently underway at European level.

For the reasons set out above, the Italian Government expresses a detailed unfavourable opinion on the draft Belgian Royal Decree in relation to the areas of competence of these Ministries (free movement of goods, proportionality of health protection measures, impact on key agri-food sectors).

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