



The Brewers of Europe

Secretary General

Directorate-General for Enterprise and
Industry
European Commission
Rue Belliard 100
1040 Brussels

As uploaded to the TRIS website
Also per e-mail: [grow-dir83-189-
central@ec.europa.eu](mailto:grow-dir83-189-central@ec.europa.eu)

Brussels, 22 September 2017

3717DIV

Dear Madame,
Dear Sir,

Re: TRIS NOTIFICATION 2017/264/LV

The Brewers of Europe is the European trade confederation uniting 29 national brewers' associations, though not currently Latvia, to represent, promote and defend the interests of beer and brewers in Europe.

We are therefore highly concerned by the Draft law 'Amendments to the Handling of Alcoholic Beverages Law' as notified by Latvia, which will introduce a ban on the sale of certain alcoholic beverages, based on their strength and size and type of packaging, including a number of beer products that are currently traded legally on the EU market.

According to Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 Member States may not prohibit or restrict the placing into circulation of prepacked products and pre-packages within the internal market of the European Union. Exceptions exist, though not for beer. It also seems to violate Directive [94/62/EC](#) of 20 December 1994 on packaging and packaging waste. The draft law is thus inconsistent with the European legislation guaranteeing free movement of goods and as such jeopardises the Single Market.

The "social responsibility" justification is not demonstrated. We understand that it is argued that restricting the size and strength of alcoholic beverages, in casu beer, in PET packaging should have positive effects in terms of addressing alcohol consumption, with the argument that such containers are less expensive and the targeted products are favoured by those who abuse alcohol.

However the proposal only addresses PET packaging, while beer can still be sold in bigger packaging, not being PET bottles, like glass bottles or cans. A ban on certain sizes of PET bottle thus deprives certain brewers of the cost benefits that they may obtain by using one packaging size and material over another.

In addition, there is also a discriminatory approach between beer and wine since polymer or laminate bags placed in cardboard boxes (as used for bag-in-box wine) are specifically exempted, whilst PET kegs (as increasingly used for on-trade sales of beer, by both small and large breweries across the EU) are covered. Furthermore, one may also question the impact of such measure on the price levels of other packaging materials.

The Brewers of Europe
Rue Caroly 23 – 25
1050 Bruxelles
Belgium

Phone : +32 2 551 18 10
Fax : + 32 2 660 94 02

www.brewersofeurope.org
info@brewersofeurope.org

We finally note the lack of a significant transition period, the draft law unreasonably stating that the law shall enter into force already on 1 January 2018 and products falling under the ban can no longer be sold after 31 March 2018.

Although we understand the challenges with alcohol misuse, this measure is neither targeted nor justifiable. The Brewers of Europe herewith requests that the Latvian authorities undertake a thorough impact assessment and work with the alcoholic beverages sector at large to combat alcohol misuse.

In that regards The Brewers of Europe invited the European Commission to deliver a detailed opinion on the disproportionate nature of this measure and its inconsistency with EU legislation.

The Brewers of Europe remains at your disposal should you have further queries.

Yours sincerely,



Pierre-Olivier Bergeron

cc. M. Bouthors, DG GROWTH

The Brewers of Europe
Rue Caroly 23 – 25
1050 Bruxelles
Belgium

Phone : +32 2 551 18 10
Fax : + 32 2 660 94 02

www.brewersofeurope.org
info@brewersofeurope.org