

Supporting Latvia's Proposed Amendments to the Handling of Alcoholic Beverages Law and Addressing Industry Concerns

The Latvian government's draft law, "**Amendments to the Handling of Alcoholic Beverages Law**," introduces a comprehensive set of measures aimed at reducing alcohol consumption and mitigating its associated health risks. Given Latvia's high levels of alcohol consumption and the significant public health concerns arising from it, these measures are both timely and necessary. While some industry representatives have raised concerns about the proposed amendments, it is important to address these points and underscore the validity and importance of the measures from a public health perspective.

Addressing alignment with EU regulations

Industry Concern: The proposed labelling requirements clash with existing EU regulations, particularly regarding ingredient listings and pictograms. The industry suggests that EU regulations allow for digital provision of this information and that Latvia should wait for EU-wide harmonization to avoid trade barriers.

Counterargument:

While it is true that **Regulation (EU) No 1169/2011** on food information to consumers allows alcoholic beverages to be exempt from mandatory ingredient and nutrition labelling, **Article 36** of the Treaty on the Functioning of the European Union (TFEU) permits Member States to introduce measures necessary to protect public health, provided they are proportionate and do not constitute a means of arbitrary discrimination or a disguised restriction on trade.

Moreover, **Member States have the right to implement national measures** that go beyond EU minimum requirements to address urgent public health concerns. Latvia's alarming alcohol consumption rates justify immediate action rather than waiting for EU-wide harmonization. Requiring on-pack labelling ensures that all consumers, including those without access to digital platforms, receive critical health information at the point of purchase.

Precedents in other EU countries:

- **France** mandates health warnings on alcohol labels, including a pictogram advising against drinking during pregnancy¹.
- **Ireland** has recently enacted legislation requiring comprehensive health warnings and nutritional information on alcoholic beverage labels².

These examples demonstrate that national labelling requirements are both permissible and practicable within the EU framework.

Addressing impact on the single market

¹ https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006687998

² <https://www.gov.ie/en/press-release/03997-ministers-for-health-bring-into-law-the-worlds-first-comprehensive-health-labelling-of-alcohol-products/>

Industry concern: The draft law's labelling requirements could create barriers to trade within the EU's single market, leading to increased costs and logistical challenges, especially for smaller producers.

Counterargument:

While the industry raises valid concerns about potential costs, the **public health benefits** of the proposed measures outweigh the potential trade impacts. The measures are designed to be **proportionate and non-discriminatory**, targeting all alcoholic beverages regardless of origin. Under **Article 36 TFEU**, restrictions on trade can be justified on grounds of public health.

Furthermore, the proposed three-year transition period until **1 January 2028** allows producers ample time to adjust their labelling processes. This period mitigates potential disruptions and provides flexibility, including for smaller producers.

The **long-term economic benefits** of reducing alcohol-related harm, such as decreased healthcare costs and increased productivity, can offset initial compliance costs.

Addressing proportionality of measures

Industry Concern: The broad warnings fail to distinguish between moderate and harmful alcohol use. The proposed six-hour delay for online alcohol deliveries is seen as discriminatory and restricts consumer choice.

Counterargument:

Recent scientific evidence indicates that **any level of alcohol consumption carries health risks**, including increased cancer risk³. Therefore, broad health warnings are appropriate to inform all consumers of potential risks. The aim is not to stigmatize moderate consumption but to ensure that consumers are fully informed.

Regarding the **six-hour delay for online deliveries**, this measure addresses the specific risk of impulsive purchasing associated with immediate availability. Unlike physical retail, where purchasing involves more effort and time, online platforms can facilitate rapid and impulsive access to alcohol. Delaying online deliveries curbs immediate access to alcohol, which can reduce impulsive purchases often associated with binge drinking and alcohol misuse.⁴ Studies have shown that immediate access via online platforms correlates with increased consumption and associated harms.⁵ This measure is proportionate, targeting a specific mode of sale that poses unique risks.

Addressing existing initiatives and evidence

Industry concern: Alcohol-related harm in Latvia is already decreasing, and existing initiatives like the Wine in Moderation program are effective. The government should focus on supporting these initiatives instead of imposing new restrictions.

³ <https://www.who.int/europe/news/item/04-01-2023-no-level-of-alcohol-consumption-is-safe-for-our-health>

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9950721/>

⁵ <https://onlinelibrary.wiley.com/doi/10.1111/dar.13222>

Counterargument:

While some progress may have been made, recorded alcohol consumption in Latvia is the highest among the countries of both the European Union and the Organisation for Economic Cooperation and Development, at **12.1 liters of pure alcohol per capita**⁶. The prevalence of **risky drinking behaviors** remains significantly higher than the European average. There are no grounds to claim that any alcohol industry-backed initiatives have been effective in reducing alcohol consumption in Latvia.

Evidence of ongoing challenges:

- **High prevalence of at-risk drinking:** Approximately **40%** of Latvia's working-age population engages in risky alcohol consumption.⁷
- **Economic costs:** Alcohol-related harms cost Latvia between **1.3% and 1.8% of GDP**, indicating a substantial ongoing burden.⁸
- **COVID-19 Pandemic Impact:** Latvia experienced an **increase in alcohol consumption frequency** during the pandemic, unlike other European countries.

These indicators suggest that stronger, evidence-based policy measures are necessary to achieve meaningful reductions in alcohol-related harm.

Supporting the proposed measures

Mandatory labelling requirements

Enhancing consumer awareness through on-pack labelling is crucial. Labels are a direct and immediate source of information at the point of purchase. By providing ingredient lists, nutritional information, and health warnings, consumers can make more informed choices, potentially leading to reduced consumption and harm.

Restrictions on alcohol availability and marketing

Limiting the availability of alcohol and restricting aggressive marketing are recognized by the **World Health Organization** as among the most effective strategies for reducing alcohol-related harm. The six-hour delay for online deliveries specifically targets the impulsivity associated with online purchases, which has been linked to increased consumption.

Alignment with international recommendations

The proposed measures are in line with international best practices and recommendations from health authorities:

⁶ <https://www.oecd.org/health/health-at-a-glance/>

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https://petijumi.mk.gov.lv/sites/default/files/title_file/Latvijas_iedziv_veselibu_ietekmejosu_paradumu_petijums_2018_Zinojums.pdf

⁸ <https://esparveselibu.lv/sites/default/files/2023-10/Gala%20zi%C5%86ojums.pdf#page=49&zoom=100,92,481>

- **WHO "Best Buys"⁹**: Implementing restrictions on availability and marketing of alcohol ¹³.
 - **European Framework for Action on Alcohol 2022–2025¹⁰**: Emphasizes addressing online alcohol sales and implementing policies to limit availability.
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Conclusion

The proposed amendments to Latvia's Handling of Alcoholic Beverages Law are **proportionate, necessary, and justified** responses to a significant public health challenge. In our view the measures are consistent with EU law provisions that allow Member States to enact public health protections.

Latvia's approach is both **responsible and aligned with international standards**. Implementing these changes is crucial for reducing alcohol-related harm and promoting the health and well-being of the Latvian population.

By proceeding with these amendments, Latvia not only adheres to its commitments under EU law but also demonstrates leadership in public health policy, setting a positive example for other nations.

Nordic Alcohol and Drug Policy Network (NordAN) is a collaborative network of over 60 non-governmental organizations (NGOs) dedicated to reducing alcohol and drug consumption in the Nordic and Baltic countries. Established in 2000, NordAN brings together voluntary organizations from Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, and Sweden.

These NGOs share a common goal of promoting evidence-based alcohol and drug policies. Unlike many other organizations, NordAN is entirely independent of the commercial alcohol industry, ensuring that its work is driven solely by the best interests of public health and well-being.

www.nordan.org

⁹ <https://iris.who.int/handle/10665/259232>

¹⁰ https://iris.who.int/handle/10665/361662?search-result=true&query=European+Framework+for+Action+on+Alcohol+2022%E2%80%932025&scope=&rpp=10&sort_by=score&order=desc