



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/9015/NO (Norway)

## **Amendment to the Food Act and proposal for new Regulations on the prohibition of the marketing of certain foods and beverages aimed at children**

Date received : 02/10/2024

End of Standstill : 03/01/2025 (closed)

### **Message**

Message 901

Communication from the Commission - TRIS/(2024) 2683

Procedure for the provision of information EC - EFTA

Notification: 2024/9015/NO

Notification – Notificación – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20242683.EN

1. MSG 901 IND 2024 9015 NO EN 02-10-2024 NO NOTIF

2. Norway

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4. 2024/9015/NO - X40M - Labelling and advertising

5. Amendment to the Food Act and proposal for new Regulations on the prohibition of the marketing of certain foods and beverages aimed at children

6. The sale and advertising of certain food and beverages

7.

8. The following measures are proposed:

1) Amendment of the Food Act § 26a to mandate infringement fines to breaches of the Marketing Regulations.

2) New Marketing Regulations which prohibit the marketing of certain food and beverages to children under 18 years of age.

a) In Annex I to the draft Marketing Regulations, there is a list of what food categories are covered by the Regulations:

- Categories 1 to 6 (products such as chocolate and sugar confectionery; energy bars; sweet toppings/spreads and desserts; cakes; biscuits; other sweet and/or fatty pastries; snacks; edible ices; energy drinks; soft drinks; and cordial/squash) cannot be marketed to children.

- For categories 7 to 11 (products such as juices; milk; plant-based milks/beverages; breakfast cereals; yoghurts and similar products; fast food and composite dishes), nutrient thresholds are used to cover the unhealthiest products within these categories.

b) All marketing of products covered by Annex I aimed at children, is prohibited, cf. the draft Marketing Regulations § 4(1). In § 4(2) marketing which is always considered to be aimed at children is listed, i.e. advertising in cinemas in connection with films aimed at children under the age of 13 that starts before 18:30; competitions open to children; tastings and samples to children; and special displays that may appeal to children.

c) In the draft Marketing Regulations § 4(3) examples of components for the assessment of whether the marketing is aimed at children, is given.

d) Marketing of products covered by Annex I must not encourage adults to buy such products for children, cf. the draft Marketing Regulations § 4(4).

e) Products covered by Annex I may not be displayed at points of sale in connection with products or services that appeal to children, cf. draft Marketing Regulations § 5.

f) The following is exempted from the marketing ban, cf. draft Marketing Regulations § 6:

- Sponsorship involving only company name/logo,
- Design of the product
- Packaging and wrapping, with certain exceptions
- Ordinary display of products at point of sale
- Simple/factual product information on websites and in connection with point of sale.

g) The Norwegian Directorate of Health is proposed as the supervisory authority and may impose coercive fines or infringement fines if the prohibitions are breached, cf. the draft Marketing Regulations §§ 7, 8 and 9. A transitional period of 6 months after entry into force is also proposed, cf. the draft Marketing Regulations § 10.

9. The purpose of the proposal is to promote public health through the prevention of diet-related diseases in the population by protecting children from the marketing of unhealthy foods and beverages. This includes prevention of



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overweight and obesity and other diet-related diseases, but also other health issues such as dental problems.

The proposed regulation follows up on, among other things, the 2023 recommendations from the World Health Organisation (WHO guideline on Policies to protect children from the harmful impact of food marketing), and the rights of the child.

The draft Marketing Regulations are based on the current Norwegian self-regulatory scheme which has been in place since 2013. Evaluations have shown that the self-regulatory scheme has severe weaknesses, mainly that it does not protect children up to 18 years of age and that it may not impose any sanctions when their guideline is breached.

The Ministry is of the opinion that the proposed regulation is in line with the harmonised EEA legislation on food marketing and other relevant areas. It is however a trade restriction on goods and services, but the Ministry considers that the proposed measure is justified, as it is both suitable and necessary to achieve the protection of public health in Norway.

Further grounds are included in the attached Impact assessment.

10. References of the Basic Texts:

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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European Commission

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