

## **Contribution of the Lithuanian Food Industry Association on TRIS notification 2025/0311/ES (Spain – Draft Royal Decree on accessible labelling of consumer products)**

The Lithuanian Food Industry Association (LMIA), representing the food sector, wishes to express its strong concerns regarding the Spanish Draft Royal Decree regulating the accessible labelling of consumer products, notified under TRIS 2025/0311/ES.

Lithuanian manufacturers, many of which are SMEs, export a significant portion of their production within the EU. Any unilateral national labelling requirements directly hinder their competitiveness in the Single Market.

### **1. Inconsistency with EU law and Single Market rules**

The draft Decree introduces unilateral requirements (mandatory Braille, tactile markers, Spanish-language labelling) that constitute barriers to the free movement of goods, contrary to Articles 34 and 36 TFEU. Such measures fragment the Single Market and undermine the principle of mutual recognition.

It also conflicts with Articles 4.2 and 4.3 of the Packaging and Packaging Waste Regulation (PPWR), which explicitly prohibit Member States from restricting the placing on the market of packaging that is fully compliant with EU requirements. In practice, this would mean that packaging legally marketed across the EU would need to be redesigned solely for Spain, contrary to the harmonisation objectives of the PPWR.

Furthermore, the requirements are incompatible with Article 38 of Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC Regulation). National measures are permitted only if they do not restrict the free circulation of goods, yet the draft Decree would directly impede products otherwise fully compliant with EU law.

### **2. Lack of proportionality**

LMIA recognises the importance of ensuring that visually impaired consumers can access product information. However, the measures proposed by Spain are disproportionate to this legitimate objective. Less restrictive and more efficient alternatives already exist, including digital tools such as QR codes, NaviLens codes, and other mobile-based applications, which can provide complete and accessible information to consumers without requiring costly and technically challenging changes to physical packaging.

It should also be noted that the use of Braille is limited among visually impaired consumers, with only a small percentage using it in daily life. Mandating Braille on all products would therefore impose significant burdens on businesses while only partially addressing the accessibility objective.

### **3. Technical constraints**

The practical feasibility of the proposed measures is highly questionable. Packaging space is insufficient to display all mandatory information in Braille, especially on small packs. Even larger packs cannot reasonably accommodate the required volume of information.

Braille embossing and tactile markers are technically difficult to apply on many packaging formats, such as flexible packs or adhesive labels. During production and distribution, Braille embossing may become flattened and unreadable. Implementation would also require redesigning production lines, investing in new tooling and moulds, and adjusting supply chains. Realistic lead times for such investments exceed 36 months.

In addition, the requirements contradict the waste prevention objectives of the PPWR. To emboss Braille or add tactile markers, producers may need to increase material thickness or apply additional labels, leading to higher material use and increased packaging waste.

### **4. Economic impact**

Redesigning packaging solely for Spain undermines economies of scale in the Single Market and forces companies either to produce separate packaging lines or withdraw from the Spanish market.

For Lithuanian producers, many of whom are SMEs, such requirements would represent a disproportionate burden. Unlike large multinational companies, SMEs have limited financial and technical resources to redesign production lines or absorb additional costs. One-off redesign costs for packaging and artworks may reach millions of euros for larger companies; for SMEs, even smaller cost increases can jeopardise their ability to export.

Ongoing costs are expected to rise by 5–15% per product due to new moulds, production changes, and increased complexity. Ultimately, these costs will either reduce the competitiveness of Lithuanian and EU producers in Spain or result in higher consumer prices in the Spanish market.

The lack of a proper transition period further aggravates the situation. The draft Decree requires immediate compliance after publication, which is unrealistic and forces companies to invest prematurely, in parallel with upcoming EU-wide harmonised rules

under the PPWR. This creates unnecessary duplication of costs and regulatory uncertainty.

## **Conclusion**

The Lithuanian Food Industry Association urges the European Commission to adopt a Detailed Opinion on TRIS 2025/0311/ES. The draft Decree introduces disproportionate, technically unfeasible, and legally inconsistent requirements that will create unjustified barriers to trade in the EU Single Market.

We strongly believe that the objective of accessible labelling should be pursued at the EU level through proportionate, technology-neutral solutions that leverage digital innovation. This approach would ensure inclusiveness for consumers while safeguarding the competitiveness of European industry and the integrity of the Single Market.