



EUROPEAN COMMISSION

Brussels, 1.8.2023  
C(2023) 5384 final

**Subject: Directive (EU) 2015/1535 on technical rules - Notification  
2023/233/SE**

**General advice of the Consumer Agency on the marketing of  
alcoholic beverages and preparations similar to alcoholic beverages  
to consumers  
Delivery of comments pursuant to Article 5(2) of Directive (EU)  
2015/1535 of 9 September 2015**



Within the framework of the notification procedure laid down by Directive (EU) 2015/1535 <sup>(1)</sup>, the Swedish authorities notified to the Commission on 11 May 2023 a draft “*General advice of the Consumer Agency on the marketing of alcoholic beverages and preparations similar to alcoholic beverages to consumers*” (hereafter “the notified draft”).

According to the notification message, the general advice is related to regulations on the marketing of alcoholic beverages and alcohol-like preparations to consumers, in the Alcohol Act (2010:1622) and the Marketing Act (2008:486). The general advice concerns marketing by means of text and images, including packaging and labels, commercial advertisements in periodicals and on radio and television broadcasts, as well as marketing on the Internet. The general advice also contains sections dealing with special marketing methods such as direct mail and outdoor advertising as well as sales promotion measures such as discounts and combination offers. The general advice aims to provide information on which regulations can be applied to the marketing of alcoholic beverages and alcoholic preparations and to offer guidance on how these can or should

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<sup>1</sup>() Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1.

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be interpreted and applied. In particular, the general advice aims to specify the general requirement for special moderation. The objective is to promote a uniform application of the marketing regulations in the Alcohol Act, both vis-à-vis active industries and local supervisory authorities, as well as contribute to the development of practice in a certain direction. The advice is not legally binding.

Examination of the notified draft has prompted the Commission to issue the following comments.

Under section 4.4, the general advice states that “points 4.2 and 4.3 do not apply to grocery retailers’ websites which, in addition to marketing for, among other things, food products, contain only marketing for folköl-strength beer (greater than 2.25 % ABV but not exceeding 3.5 %).” Similarly, under section 6.1, the general advice states that “customary direct advertising from grocery retail covering a variety of different products, for example, weekly newsletters or similar, may include the marketing of folköl-strength beer, provided that the marketing is compatible with the requirement for particular moderation”, and under section 6.4.4 that “customary offers from grocery retail for folköl-strength beer may take place”.

The Commission understands that these exceptions for folköl-strength beer are due to the low alcoholic content of this type of beer. However, it is not clear why these exceptions only apply to low alcohol beer, and not to other alcoholic drinks with an equally low alcoholic content, such as, for example, certain types of cider.

The Commission invites the Swedish authorities to take the above comments into account.

The Commission furthermore recalls that once the definitive text has been adopted, it must be communicated to the Commission in accordance with Article 5(3) of Directive (EU) 2015/1535.

Yours faithfully,

For the Commission

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Member of the Commission