



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 303

Communication from the Commission - TRIS/(2022) 02742

Directive (EU) 2015/1535

Notification: 2022/0374/SI

Observations from the Commission (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

Observaciones - připomínky - Bemärkninger - Bemerkungen - Märkused - Παρατηρήσεις - Comments - Observations - Osservazioni - Piezīmes - Komentarai - Megjegyzések - Kummenti - Opmerkingen - Uwagi - Observacoes - Comentáre- Pripombe - Huomautuksia - Synpunkter - Коментари - Comentarii.

Sin plazo de statu quo - Doba pozastavení prací se neaplikuje - Ingen status quo frist - Keine Stillhaltefrist - Ooteaeg ei ole kohaldatav - Δεν υπάρχει statu quo - Standstill period does not apply - Pas de délai de statu quo - Termine di status quo non previsto - Bezdarbības periods netiek piemērots - Atidējimo periodas netaikomas - A halasztási időszak nem alkalmazandó - Il-perjodu ta' waqfien ma japplikax - Geen status quo-periode - Okres odroczenia nie ma zastosowania - Prazo do statu quo não previsto - Períoda pozastavenia neplatí - Obdobje mirovanja ne velja - Ei status quon määraaika - Ingen tidfrist för status quo - Не се прилага период на прекъсване - Perioada de stagnare nu se aplică.

(MSG: 202202742.EN)

1. MSG 303 IND 2022 0374 SI EN 29-08-2022 08-08-2022 COM 5.2 29-08-2022

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2022/0374/SI - C50A

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. Within the framework of the notification procedure laid down in Directive (EU) 2015/1535, the Slovenian authorities notified to the Commission on 26 May 2022 a draft "Rules on the quality of beer" (hereafter "the notified draft").

According to the notification message, the notified draft aims to regulate the conditions for the minimum quality, classification and labelling that beer must meet on the market for the purposes of consumer protection.

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

Article 6 of the notified draft sets out provisions on the labelling of beer, including, as it is understood, provisions on the legal name to be provided in the labelling of different types of beer classified according to certain characteristics as provided for in Article 5 of the notified draft and further specified in the provisions of Article 6.

The Commission notes that the legal name of the food may, in the absence of Union provisions applicable to the name of the food such as in the case of different types of beer, be provided in the national legislation of the Member state subject to conditions laid down in Article 17 of Regulation (EU) No 1169/2011 on the provision of food information to consumers. The Commission also takes note of the provisions on mutual recognition included in Article 2, paragraphs (2) and (3) of the notified draft.

Article 6(3) of the notified draft includes provisions on labelling of beer given the lower alcoholic content and provides in its second indent that beer shall be labelled as non-alcoholic beer if it contains a maximum of 0.5% by volume of alcohol. Article 4(4) of Regulation (EC) No 1924/2006 on nutrition and health claims made on foods provides that, in the absence



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of specific Community rules regarding nutrition claims referring to low alcohol levels, or the reduction or absence of alcohol or energy in beverages which normally contain alcohol, relevant national rules may apply in compliance with the provisions of the Treaty. The Commission would nevertheless invite the Slovenian authorities to consider clarifying the provision of the second indent of Article 6(3) of the notified draft so as also to allow other indications such as "alcohol-free" or, where appropriate, "de-alcoholised" to avoid excessively burdensome or disproportionate requirements.

Article 6(10) of the notified draft provides that beer with a lower CO₂ content shall be labelled as beer containing a lower value of CO₂ as defined in Article 6 of the notified draft. Article 7 of Regulation (EU) No 1169/2011 lays down provisions on fair information practices, prohibits misleading food information, particularly as specified in paragraph 1 of that Article, and requires, in paragraph 2 of that Article, food information to be accurate, clear and easy to understand for the consumer. As Article 7 of Regulation (EU) No 1169/2011 is directly applicable in the Member States and provides for a legal basis for competent authorities to take action in case misleading, inaccurate or unclear information is provided to consumers, and to avoid excessively burdensome or disproportionate requirements. The Slovenian authorities are invited to reconsider the necessity of the specific labelling requirement which would be imposed by Article 6(10) of the notified draft on any beer with a lower carbon dioxide content.

In addition, the Commission notes that the provision of Article 6(10) of the notified draft appears unclear, as the article does not specify the level of carbon dioxide which is meant by "a lower CO₂ content".

The Slovenian authorities are invited to take into account the above mentioned comments.

The Commission furthermore invites the Slovenian Government to communicate the adoption of the definitive text of the notified act, in accordance with Article 5(3) of Directive (EU) 2015/1535.

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European Commission

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