

World Federation of Advertisers  
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Belgium

Transparency register: 6440918199-49

**WFA's Submission Regarding the Technical Regulation Information System (TRIS)  
Notification  
Belgian Royal Decree on advertising of beverages containing alcohol  
(notification number 2024/0032/BE)**

21<sup>st</sup> March 2024

Dear Sir/Madam,

On behalf of the World Federation of Advertisers (WFA) we welcome the opportunity to comment on the draft Royal Decree on advertising of alcoholic beverages notified to the European Commission through the TRIS notification procedure. [WFA](#) is the voice of marketers worldwide, representing 90% of global marketing communications spend – over €800 billion per year – through a unique, global network of the world's biggest markets and biggest marketers. WFA champions responsible and effective marketing communications worldwide. We represent 150 brand owners and 60 national advertiser associations across the world. This includes national advertiser associations in 19 EU Member States and about 50% of the companies we represent are European.

In January 2024, the Belgian Government notified to the European Commission, under the TRIS procedure, of its intentions to promulgate legislation on alcohol advertising. In line with WFA's commitment in favour of responsible advertising, we fully support the objective of the [Interfederal Alcohol Plan](#) to reduce alcohol-related harm and welcome the fact that many of the provisions are taken from the industry's self-regulatory code, the "[Convention en matière de publicité et de commercialisation des boissons contenant de l'alcool](#)".

We are however concerned by certain provisions of the draft Royal Decree which, in their current wording, could lead to possible misinterpretation of about the scope of the Decree. These provisions could present an obstacle to the free movement of goods within the European Single Market and create disproportionate and unnecessary barriers to trade. In addition, they have the potential to cause barriers for SMEs and new entrants into the market.

**1) The definition of “advertising” to include marks/logos goes beyond the intended scope**

The definition of what constitutes “advertising” in article 1 of the Decree to include “the affixing of a mark or logo shall also be regarded as advertising” does not correspond to the scope of the Interfederal Alcohol Plan, nor the European Audiovisual Media Services Directive, which defines audiovisual communications in article 1 as “Images with or without

sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal person pursuing an economic activity; such images accompany, or are included in, a programme or user-generated video in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement”). The definition proposed in the draft Decree would encompass a variety of things that do not pertain to advertising, such as physical labels on bottles, signposts near production sites, non-alcohol products which have the same brand as an alcohol product etc. Such a definition would mean that the requirement to feature the health information message provided for in article 7 of the draft decree would apply to these situations as well, which we believe is not the original intention of the Interfederal Alcohol Plan. The inclusion of packaging and/or merchandising in the scope of the draft Decree would be particularly problematic due to its direct impact the free movement of these goods in Belgium, as the labels but in the case of merchandising, the products themselves would have to be modified to comply with the rules.

While such barriers to trade may be allowed in the EU Single Market on grounds of public health, we believe that such a broad scope beyond advertising (i.e. “audiovisual commercial communications” as defined in the AVMSD) is neither necessary nor proportionate to the objective of the Belgian authorities, which to our knowledge, have not provided scientific evidence of the necessity of such a broad definition.

### **The introduction of a Minister of Health mandated health message in all alcohol advertising**

First of all, we would like to highlight the impact this proposed measure would have on advertising in print media<sup>1</sup> in particular: as a multi-lingual country, Belgium is a market where many non-Belgian print media are distributed, which are likely to include advertising for alcoholic beverages. Requiring these ads to include the Belgium-specific health information message, would render their distribution in Belgium impossible unless the publisher creates a Belgium-specific edition, which would in many cases be too costly to do.

Another concern is the wording of the health information message provided for in article 7 is meant to be decided by the Health Minister at a later stage, and which would prohibit any other educational message than the one provided for by the Health Minister. We believe that to be effective in raising awareness about alcohol-related harm, such message should be evidence-based and proportional. We call upon the Health Ministry to consult and involve relevant authorities and stakeholders when laying down the wording. This should also take into account the new slogan recently announced by Belgian industry, as well as ensure recognition of other information messages (e.g. the French mandatory health message or well-established pregnancy logo). We also call upon the European Commission to carefully evaluate whether the proposed wording, when notified by the Belgian Health Minister, is in fact science-based and proportional.

We therefore call on the European Commission to consider the detrimental impact that the proposed provisions would have on the functioning of the EU Single Market and would

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<sup>1</sup> This is only relevant for media targeting an adult audience; WFA fully supports the prohibition of advertising for alcohol beverages in media targeting under 18 year-olds.

welcome clarification from the Belgian government on the above-mentioned aspects and the evidence supporting the proposed provisions.