Message 115

Communication from the Commission - TRIS/(2024) 2689

Directive (EU) 2015/1535

Notification: 2024/0351/LV

Forwarding of a detailed opinion received by a Member State (Italy) (article 6, paragraph 2, second indent of Directive (EU) 2015/1535). This detailed opinion extends the standstill period until 03-01-2025.

Detailed opinion - Avis circonstancié - Ausführliche Stellungnahme - Подробно становище - Podrobné stanovisko - Udførlig udtalelse - Εμπεριστατωμένη γνώμη - Dictamen circunstanciado - Üksikasjalik arvamus - Yksityiskohtainen lausunto - Detaljno mišljenje - Részletes vélemény - Parere circostanziato - Išsamiai išdėstyta nuomonė - Sīki izstrādāts atzinums - Opinjoni dettaljata - Uitvoerig gemotiveerde mening - Opinia szczegółowa - Parecer circunstanciado - Aviz detaliat - Podrobné stanovisko - Podrobno mnenje - Detaljerat yttrande

Extends the time limit of the status quo until 03-01-2025. - Prolonge le délai de statu quo jusqu'au 03-01-2025.- Die Laufzeit des Status quo wird verlängert bis 03-01-2025.- Удължаване на крайния срок на статуквото до 03-01-2025. - Prodlužuje lhůtu současného stavu do 03-01-2025. - Fristen for status quo forlænges til 03-01-2025. - Παρατείνει την προθεσμία του status quo 03-01-2025. - Amplía el plazo de statu quo hasta 03-01-2025. - Praeguse olukorra tähtaega pikendatakse kuni 03-01-2025. - Jatkaa status quon määräaikaa 03-01-2025 asti. - Produžuje se vremensko ograničenje statusa quo do 03-01-2025. - Meghosszabbítja a korábbi állapot határidejét 03-01-2025-ig. - Proroga il termine dello status quo fino al 03-01-2025. - Status quo terminas pratęsiamas iki 03-01-2025. - Pagarina “status quo” laika periodu līdz 03-01-2025. - Jestendi t-terminu tal-istatus quo sa 03-01-2025. - De status-quoperiode wordt verlengd tot 03-01-2025. - Przedłużenie status quo do 03-01-2025. - Prolonga o prazo do statu quo até 03-01-2025. - Prelungește termenul status quo-ului până la 03-01-2025. - Predlžuje sa lehota súčasného stavu do 03-01-2025. - Podaljša rok nespremenjenega stanja do 03-01-2025. - Förlänger tiden för status quo fram till 03-01-2025.

The Commission received this detailed opinion on the 02-10-2024. - La Commission a reçu cet avis circonstancié le 02-10-2024. - Die Kommission hat diese ausführliche Stellungnahme am 02-10-2024 empfangen. - Комисията получи настоящото подробно становище относно 02-10-2024. - Komise obdržela toto podrobné stanovisko dne 02-10-2024. - Kommissionen modtog denne udførlige udtalelse den 02-10-2024. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 02-10-2024. - La Comisión recibió el dictamen circunstanciado el 02-10-2024. - Komisjon sai üksikasjaliku arvamuse 02-10-2024. - Komissio sai tämän yksityiskohtaisen lausunnon 02-10-2024. - Komisija je zaprimila ovo detaljno mišljenje dana 02-10-2024. - A Bizottság 02-10-2024-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 02-10-2024. - Komisija gavo šią išsamiai išdėstytą nuomonę 02-10-2024. - Komisija saņēma šo sīki izstrādāto atzinumu 02-10-2024. - Il-Kummissjoni rċeviet din l-opinjoni dettaljata dwar il-02-10-2024. - De Commissie heeft deze uitvoerig gemotiveerde mening op 02-10-2024 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 02-10-2024. - A Comissão recebeu o presente parecer circunstanciado em 02-10-2024. - Comisia a primit avizul detaliat privind 02-10-2024. - Komisia dostala toto podrobné stanovisko dňa 02-10-2024. - Komisija je to podrobno mnenje prejela dne 02-10-2024. - Kommissionen mottog detta detaljerade yttrande om 02-10-2024. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 02-10-2024.

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1. MSG 115 IND 2024 0351 LV EN 03-01-2025 02-10-2024 IT DO 6.2(2) 03-01-2025

2. Italy

3A. Ministero delle imprese e del Made in Italy
Dipartimento Mercato e Tutela

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

Direzione Generale Consumatori e Mercato
Divisione II. Normativa tecnica - Sicurezza e conformità dei prodotti, qualità prodotti e servizi
00187 Roma - Via Molise, 2

3B. Ministero dell'Agricoltura, della Sovranità Alimentare e delle Foreste
Ufficio Legislativo

Autorità per le Garanzie nelle Comunicazioni
Servizio Giuridico

4. 2024/0351/LV - C51A - Beverages

5. article 6, paragraph 2, second indent of Directive (EU) 2015/1535

6. On 1st July 2024, the Latvian Government notified, as part of the TRIS 2015/1535 notification procedure, the draft law “Amendments to the Handling of Alcoholic Beverages Law” (TRIS 2024/0351/LV).
The proposal introduces amendments to the current law on the production of alcoholic beverages, which regulates all activities related to alcoholic beverages, including production, packaging, labelling, import, export, distribution, marketing and retailing on trains, aircraft and ships registered in Latvia.
In particular, the Latvian technical standard on alcoholic beverages introduces the obligation to:
1) ‘additional’ labelling of the nutritional declaration (which may be limited to calories) and the list of ingredients, provided on the label of the product or made available by electronic means, with the location of the nutritional declaration and the list of ingredients for all alcoholic beverages;
2) the indication on the label of a “graphic symbol and other visual elements (e.g. borderlines, background drawing, or colour) serving as a warning against the consumption of alcoholic beverages during pregnancy and while operating a vehicle.”
It is also introduced:
 the obligation to display a sign at points of sale warning that the consumption of alcoholic beverages has adverse effects on health and that alcoholic beverages cannot be sold to minors [note that this obligation already exists for advertising and online sales of alcohol];
 the prohibition of promotional activities for alcohol in points of sale (including online), for example by offering more units of products involving a unit price lower than the price that would have been paid for the purchase of a single unit separately, or as “2 for 1 offer”;
 the prohibition of advertising of "alcoholic beverage prices and discounts" in publications, printed advertising material, cinemas, online support, postal services, and points of sale (with the exception of the production site and premises of the producer) [note that alcohol advertising is already quite restrictively regulated in Latvia]
The Decree notified by Latvia provides that these measures will enter into force on 1st June 2025, with the exception of those on labelling which will enter into force on 1st January 2028 (with an unlimited stock exhaustion clause for products "processed and labelled" before that date).
While Italy has always supported the need to encourage responsible consumption of alcohol, it should be noted that the Latvian draft law risks undermining the harmonisation of legislation at the European level and creating a barrier to the free movement of goods.
It should be noted that, for wine and aromatised wine products, in accordance with Article 119 of Regulation (EU) No 1308/2013, as amended by Regulation (EU) 2021/2117, the nutritional declaration and the list of ingredients are already mandatory indications. The aforementioned European legislation therefore certainly takes precedence over the draft law notified by Latvia, in particular as regards both the possibility of providing the aforementioned mandatory information via the digital label and the way in which it is presented (Delegated Regulations (EU) 2023/1606 and (EU) 2024/585 laid down, respectively, rules on the designation of ingredients for wines and aromatised wine products).
The measure notified by Latvia therefore risks introducing new labelling requirements that would force producers and importers to change labels specifically for the Latvian market, thus creating barriers to trade and hampering the smooth functioning of the single market. The provision in question, by not providing for the “mutual recognition clause”, could

constitute an obstacle to the free movement of goods and a measure equivalent to a quantitative restriction, prohibited by Article 34 TFEU.
It is recalled in this regard that, according to the principle of mutual recognition, Member States may not prohibit the placing on their market of a product for which there is no harmonised legislation and which has already been lawfully marketed in another Member State, or which originates in Turkey or an EEA country and is lawfully marketed in those countries. The main purpose of the Mutual Recognition Regulation is precisely to establish a procedural framework to minimise the risk that national technical rules create unlawful obstacles to the free movement of goods between Member States.
It should also be noted, as observed by the European Commission in its “observations” on Latvia’s draft technical regulation, that according to the Court of Justice, C-376/22, a Member State cannot impose general and abstract obligations on the provider of a communication platform established in another Member State. Such a national approach is contrary to Union law, which guarantees the free movement of information society services through the principle of control in the Member State of origin of the service concerned.
According to the findings of the Communications Guarantee Authority, the draft technical regulation under examination does not appear to be consistent with Regulation (EU) 2022/2065 on intermediation services either. With this regulation, the European legislator intended, in fact, that "in order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary to avoid and put an end to fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers and fostering interoperability." Article 2 specifically states that “this Regulation shall apply to intermediary services offered to recipients of the service that have their place of establishment or are located in the Union, irrespective of where the providers of those intermediary services have their place of establishment.”
In other words, the Intermediated Services Regulation seeks to establish uniform rules, applicable to all service providers offering services in the European Union irrespective of the country of establishment of the providers of those intermediary services, in order to ensure that the movement of goods and services within the European Union is not hindered by different rules.
The notified Latvian draft, in so far as it imposes specific obligations on service providers offering services on Latvian territory, appears not to be in line with European Regulation 2022/2065, given that the regulation seeks, on the contrary, to create a single digital space with uniform rules applicable to all service providers offering services in the European Union.
In light of the problems identified, with reference to the notification referred to above, it is proposed to issue a detailed opinion, as it is considered that the draft could create barriers to the free movement of goods in the internal market.

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