



EUROPEAN COMMISSION

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Institutions
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Subject: Notification 2024/32/BE

Royal Decree on advertising of beverages containing alcohol

Delivery of comments pursuant to Article 5(2) of Directive (EU) 2015/1535 of 9 September 2015

Madam,

Within the framework of the notification procedure laid down by Directive (EU) 2015/1535¹, the Belgian authorities notified to the Commission on 19 January 2024 the draft **“Royal Decree on advertising of beverages containing alcohol”** (hereafter “the notified draft”).

According to the notification message, the notified *draft Royal Decree prohibits advertisements for beverages containing alcohol in the media primarily aimed at minors.*

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

The Commission notes that, according to the national authorities, the *purpose of this draft Royal Decree is also to impose a health warning on all advertisements for beverages containing alcohol.*

In this respect, Article 7 of the notified draft provides that: *“All advertising for beverages containing alcohol shall contain a health information message, the content and form of which shall be laid down by the Minister. Only health information messages laid down*

¹ 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.

by the Minister may be mentioned on advertisements; any other health message, educational slogan or other wording is prohibited”.

The Commission notes, however, that neither the notified draft nor the notification message provide details as regards the future content of the Ministerial measure mentioned in Article 7 or the timing for its adoption.

The Commission, therefore, reminds the Belgian authorities that any future national measure implementing Article 7 of the notified draft and containing technical regulations (as defined in Article 1 of Directive (EU) 2015/1535) will have to be notified to the Commission according to Article 5(1) of the Directive. This is without prejudice to the need to notify the future acts under other notification procedures prescribed by European Union law, depending on the content and scope of the measures in question.

For the purpose of legal certainty, the Commission underlines that it would be important to clarify, in such subsequent notification, the scope of such measures(s) implementing Article 7 of the notified draft and any potential impact on the concerned alcohol products themselves (notably as regards their labelling and/or presentation).

The Belgian authorities are invited to take these 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

Kerstin JORNA
Director-General

Directorate-General for Internal
Market, Industry, Entrepreneurship
and SMEs