



TRIS Notification - Belgian Royal Decree on advertising of beverages containing alcohol

Addendum to Submission of The Brewers of Europe

April 2024

The following is an **Addendum to the Submission of The Brewers of Europe**, published 21 March 2024, on the TRIS notification of a Belgian Royal Decree on advertising of beverages containing alcohol

The scope of the Royal Decree, specifically its Articles 1(1) and 7, is unclear. We would expect it to be limited to advertising only. However, as stated in our original submission, given the current wording and lack of any additional information, the provisions could also be interpreted as applying to the labelling / packaging of alcoholic beverages. This would seem erroneous.

In this respect, we note that the Belgian government indicated in the TRIS Notification of the Royal Decree that it does not consider the measure to entail any relevant Technical Barriers to Trade (“**TBT**”) aspects. Moreover, the Belgian government has not (or at least not yet) notified the Royal Decree to the World Trade Organization (“**WTO**”) TBT Committee under the WTO Agreement on Technical Barriers to Trade (“**TBT Agreement**”)¹.

As labelling requirements would evidently entail relevant TBT aspects,² this seems to confirm the Royal Decree does not intend to cover labelling. We would like to highlight the following:

- If the Royal Decree is indeed not intended to cover labelling, Belgium should clarify the exact scope of the Royal Decree to avoid any confusion.
- Belgium should confirm that the provisions on the health information message do not apply to the labelling of alcoholic beverages but only to advertising (i.e., that the labelling / packaging of alcoholic beverages is outside the scope of the Royal Decree).
- This will require an amendment of the wording of Article 1(1) – and potentially Article 7 – of the Royal Decree to clearly exclude labelling from the scope, for the sake of clarity.

If, by contrast, the Royal Decree is intended to also cover labelling, it should be notified to the TBT Committee pursuant to the TBT Agreement, that specifically and explicitly mentions “labelling requirements”.

- This would allow WTO Members the possibility to submit comments or raise trade concerns concerning the Royal Decree.
- Pursuant to Article 2.9.2 of the TBT Agreement, such notification “shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account”. This thus needs to take place well before the Royal Decree is adopted.

Therefore, based on the above considerations, the Belgian government should:

- Clarify the scope of the Royal Decree to make it clear that its provisions do not apply to the labelling of alcoholic beverages.**
- If labelling would nevertheless be covered by the measure, notify the draft Royal Decree to the TBT Committee pursuant to the TBT Agreement and ensure that the Royal Decree not be adopted before WTO Members have sufficient time to comment, and the Belgian government could review and incorporate such comments.**

¹ Publicly available at: https://www.wto.org/english/docs_e/legal_e/17-tbt_e.htm

² See definition of Technical Regulation as laid down in Annex 1: Terms and their Definitions for the Purpose of this Agreement, referring to “[d]ocument which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or **labelling requirements** as they apply to a product, process or production method.” (emphasis added)