



Paris, 27 July 2022

CEVI position on the Notification of Draft Regulations Under Section 12 of the Public Health (Alcohol) Act 2018 – TRIS notification 2022/441/IRL

The European Confederation of Independent Winegrowers (CEVI) is the only organisation representing and defending the interests of independent winegrowers at European level. CEVI counts today 12 000 members from 12 different States. Independent winegrowers are entrepreneurs at the head of a micro/small enterprise, often a family business. They make everything from the field to the bottle meaning that they produce and sell their wines directly to the consumer.

On 21 June 2022, Ireland notified the European Commission (“Commission”) of its intention to adopt secondary legislation on labelling of alcoholic beverages (“the Draft Regulations”), under the Technical Regulations Information System (“TRIS”) and Food Information to Consumers (“FIC”) notification processes. In particular, the Draft Regulations require all alcoholic beverages sold in Ireland to carry two significant health warnings. The proposed wording for the two health-related warnings is as follows:

- “There is a direct link between alcohol and fatal cancers”; and
- “Drinking alcohol causes liver disease”.

CEVI would like to provide its remarks to the TRIS notification 2022/441/IRL on the Notification of Draft Regulations Under Section 12 of the Public Health (Alcohol) Act 2018:

1. Risk undermining coherent EU-wide action planned

a) Moderate and responsible drinking information and health warnings

Currently, health warnings for wine and alcoholic beverages are not yet regulated within the EU legislation.

The European Commission has set up the objective to reduce harmful use of alcohol. One of the way could be oriented to rethink health warnings, as mentioned within the Europe’s Beating Cancer Plan¹. Moreover, earlier this year, the European Parliament through the adopted report on “strengthening Europe in the fight against cancer” laid down that “the European Parliament supports the provision of better information to consumers by improving the labelling of alcohol beverages to include

¹ Commission’s Communication on [“Europe’s Beating Cancer Plan”](#), COM(2021) 44 final, 3 February 2021.

moderate and responsible drinking information and introducing the mandatory indication of the list of ingredients and nutritional information, and in addition, by introducing digital labelling.”

Unilateral initiatives by Member States, such as Ireland's draft regulation, will undermine these EU-wide efforts. Health labelling should be based on the existing body of requirements and evidence at EU level, and future actions should be coordinated at EU level.

b) Alcohol and Energy labelling

The quantitative labelling requirements are inconsistent and incompatible with current EU rules. Alcohol content labelling (Regulation 12(iv) to be expressed in grams of alcohol contained in the container concerned and Energy / calorie labelling (Regulation 12(v) on the energy value expressed in kilojoules and kilocalories contained in the container concerned) included in the Irish draft regulations (2022) are inconsistent and incompatible with provisions harmonized by Regulation 1169/2011 and by wine and aromatised wine products labelling provisions contained in relevant EU regulation. In particular, Regulation 1308/2013 and Regulation (EU) No 1151/2012, as amended by Regulation (EU) 2021/21173, include provisions for compulsory information on the nutrition declaration of wines and aromatised wine products.

2. Barrier to trade in breach of EU law that undermines the Single Market

The labelling requirements would restrict the access of products from other Member States to Ireland, as independent winegrowers will be obliged to use specific labels for the Irish market. Otherwise, they will be excluded from the Irish market. The lack of harmonisation on labelling will further increase the financial and administrative burden on businesses and in particular SMEs.

Moreover, such a measure will reduce the fluidity of the single market. It therefore, constitutes restrictions on imports, constituting barriers to trade, which is prohibited in the single market². While some exceptions exist – such as to protect human health³ – Ireland has not provided any evidence that such labelling requirements are proportionate. Ireland has failed to demonstrate that the measure is appropriate to protect human health and that it does not go beyond what is necessary to attain that objective. This is required should Ireland want to rely on one of the exceptions. It is not clear whether the Irish government has considered other less disruptive measures to convey relevant health information to consumers. However, a Member State that intends to adopt a measure such as the Draft Regulations needs to assess the nature and scale of the restriction on the free movement of goods resulting from that measure by comparison with other possible measures which are less disruptive of trade within the EU. In addition, should this be allowed and if other Member States follow suit in adopting similar unilateral health warning measures, the resulting divergences would cause significant barriers to trade across the EU and would lead to a fragmentation of the single market.

3. Inaccurate and disproportionate health warnings not based on evidence

Cancer is a multi-factorial disease, the cancer risk cannot be evaluated in isolation, and studies suggest that lifestyle factors are important risk factors for cancer. Moreover, while scientific evidence shows that excessive consumption of alcoholic beverages carries an increased cancer risk, it also shows that drinking wine in moderation, with a meal, as part of healthy lifestyles and dietary patterns, in particular the Mediterranean diet, does not seem to increase your cancer risk. There is no scientific

² See Article 34 TFEU.

³ See Article 36 TFEU.

data to support an increased risk of cancer when wine is consumed in moderation, with meals, as part of Mediterranean diet and as part of a healthy lifestyle.

The Irish government has not to date produced any scientific evidence of a “direct link” between the *unqualified* consumption of alcohol and *fatal* cancers or causation of liver disease, as suggested by the wording of the proposed health warnings. The warnings fail to reflect the complexities that arise in considering the health risks for consumers of alcohol, which vary greatly depending on the volume and pattern consumed. The warnings neither provide information on the precautions, which may be taken to use the product safely. Thus, the warnings do not accurately inform consumers. Lastly, disproportionate warnings are likely to undermine the credibility of the source of information and the effectiveness of other warnings on the label.

CEVI believes that the wording is not consistent with the evidences and the complexities of the equation factors – risks.

In the light of the above, the proposed Draft Regulations and the health warnings would impact negatively the independent winegrowers’ businesses without providing consumers with an accurate information.

We therefore urge the European Commission and Member States to block the adoption of Draft Regulation.