



EUROPEAN COMMISSION

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

Message 103

Communication from the Commission - TRIS/(2024) 3383

Directive (EU) 2015/1535

Notification: 2024/0521/FI

Forwarding of the observations of a Member State (Spain) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

MSG: 20243383.EN

1. MSG 103 IND 2024 0521 FI EN 19-03-2025 17-12-2024 ES COMMS 5.2 19-03-2025

2. Spain

3A. Subdirección General de Asuntos Industriales, Energéticos, de Transportes y Comunicaciones, y de Medio Ambiente
Plaza Marqués de Salamanca 8, 28006 Madrid

3B. Comisión Interministerial para la Ordenación Alimentaria
Agencia Española de Seguridad Alimentaria y Nutrición.
Ministerio de Derechos Sociales, Consumo y Agenda 2030.

4. 2024/0521/FI - C50A - Foodstuffs

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

6. Notification No 2024/0521/FI:

In the framework of Directive (EU) 2015/1535, the Government of Finland notified, on 19 September 2024, the draft 'Government proposal to Parliament for an Act amending the Alcohol Act'.

Examination of the draft has led the Spanish authorities to submit the comments set out below pursuant to Article 5(2) of the said Directive.

In the draft, in section 2.1.3. Assessment of the current situation, sub-paragraph on the relationship of this project with EU law, it is stated that the competent licensing authorities under the Alcohol Act have interpreted that, under current alcohol legislation, the seller of alcoholic beverages must have a retail licence and a retail outlet in Finland as referred to in the Alcohol Act, and that the requirement for a retail licence also applies to sellers of alcoholic beverages located abroad.

The current Finnish Government Programme foresees the development of a proposal that clarifies the situation of distance selling from abroad. However, the fact that the draft in question will enter into force before the adoption of that rule creates a discriminatory situation for operators wishing to make distance sales of alcohol from outside the Finnish territory.

We believe that, while this draft rule will make it possible for establishments authorised for retail sale in Finland to deliver beverages purchased at a distance, producers in other Member States are still unable to do so, constituting an obstacle to the free movement of goods in the single market, contrary to Article 34 of the TFEU.

Therefore, based on all the above reasoning, we request the Finnish authorities to:



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1. Provide information on the proposed legislation on distance selling and delivery of alcohol in Finland for foreign operators.
2. Consider the recommendation that the entry into force of this draft planned for January 2025 should coincide with the one governing distance selling for foreign operators.

European Commission

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