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## Response to TRIS notification 2024/0032/BE

Dear Mr Radek,

On behalf of the Advertising Information Group (AIG; transparency number: 11220347045-31), an informal network of European advertising and media associations, we write to you with regards to the **TRIS notification 2024/0032/BE – Royal Decree on advertising of beverages containing alcohol**.

First and foremost, we fully support and agree with the need to encourage responsible drinking and to restrict advertising alcoholic beverages to minors. The advertising of alcoholic beverages across the EU is already regulated comprehensively by both statutory regulation, such as the Audiovisual Media Services Directive (AVMSD) and industry self-regulation based on national codes of conduct and enforced by a network of self-regulatory bodies across Europe. This co-regulatory regime, as envisaged by the AVMSD, ensures that alcohol advertising is not targeted at minors, and it does not encourage immoderate consumption.

Alcohol advertising and marketing already includes messages to discourage excessive consumption. Commercial organisations already take great care not to target alcohol advertising at minors either through content or placement. The Responsible Marketing Pact, an initiative of the World Federation of Advertisers, is backed by Europe's largest alcohol producers and establishes clear guidelines on ad placement and ad content. It also sets new standards and controls for digital media to reduce minors' exposure to alcohol marketing, limit its appeal to minors, and ensure minors' digital media experience is free from alcohol ads.

However, we would like to express our strong concerns around Article 7 of the Belgian decree, which states:

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

We believe that this will have a significant impact on advertising and media plurality and will create a technical barrier to trade within the internal market for the following reasons:

- Too much information in advertising may in fact be counterproductive in conveying key health messages to consumers especially in small print formats or time limited TV or radio broadcast advertising. A balance must be struck between transparency and information overload.

- Advertisers would incur higher costs to pay for larger print formats or longer TV or radio broadcast segments to incorporate the health message. The mandatory health information required in advertisements will simply lead to fewer advertisements, meaning less financing for professional Belgian and other European media content.
- Print media originating from another Member State intended for sale or distribution in Belgium would be forced to adapt advertising to include the mandatory health messages. This would incur higher costs for publishers. EU publishers may be forced to consider withdrawing publications from the Belgian market. Ultimately this would impact media plurality and choices for Belgian consumers.
- The “Advertising scope” in Article 1 includes logos. However, we would argue that this is too wide-ranging and ill-defined. Article 7, when read in conjunction with Article 1, suggests that the scope of the decree would cover labelling. Different labelling requirements across the EU would create a technical barrier to trade between Member States and would be a breach of the Single Market.
- Important information is missing from the draft decree such as scope, content of the health message, date of entry into force/date of application and transition period.

Furthermore, Article 7 restricts the content and form of the health information, which must be laid down by the minister and bans any other health message, educational slogan or other wording. This suggests that the following campaigns could be banned in Belgium:

Category	Message
Responsible drinking	If you drink, drink some water in between! (Estonia)
	Minimum alcohol, maximum enjoyment. (Hungary)
	No binge: Responsible Consumption (Italy)
	Make it a summer you will remember. (Malta)
	Alcohol. Always responsibly (Poland)
	Responsibility on campus (Spain)
	Be drinkaware (UK)
	Wrong side of the road (EU)
Reducing underage drinking	Kikid-Booze (Netherlands)
	Minors not a drop (Portugal)
Health	“Zero alcohol” whilst pregnant (France)
	Responsible from the Start! (Germany)

The net result would be a decreased level of information for consumers when in fact they are currently benefiting from existing messaging and pictograms.

We therefore urge the European Commission to assess the provisions in the decree that pose a challenge to the internal market. We also believe that the Belgian government should withdraw the draft decree because it is incomplete. Instead, they should re-notify a draft decree under the condition that it provides clearer technical specifications.

Rules and guidelines on alcohol advertising that are applied by the Belgian self-regulatory organisation, JEP (*Jury d’Ethique Publicitaire / Jury voor Ethische Praktijken inzake reclame*), already provide a sound framework which is coherent



with EU law such as the AVMSD. Additionally, given the country-of-origin principle enshrined in AVMSD, we would be grateful if the Commission could reconfirm that broadcasting services that originates from other Member States would not be required to adapt alcohol advertising as a result of this decree.

We thank you for your time and consideration and remain at your disposal should you want to discuss our concerns further.

Yours sincerely,

Advertising Information Group