



# Civil Dialogue Group for Wine

Draft Royal Decree on the advertising of beverages containing alcohol- Notification 2024/32/BE

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# Today's presentation

**1. Directive (EU) 2015/1535**

**1. Notification 2024/32/BE**

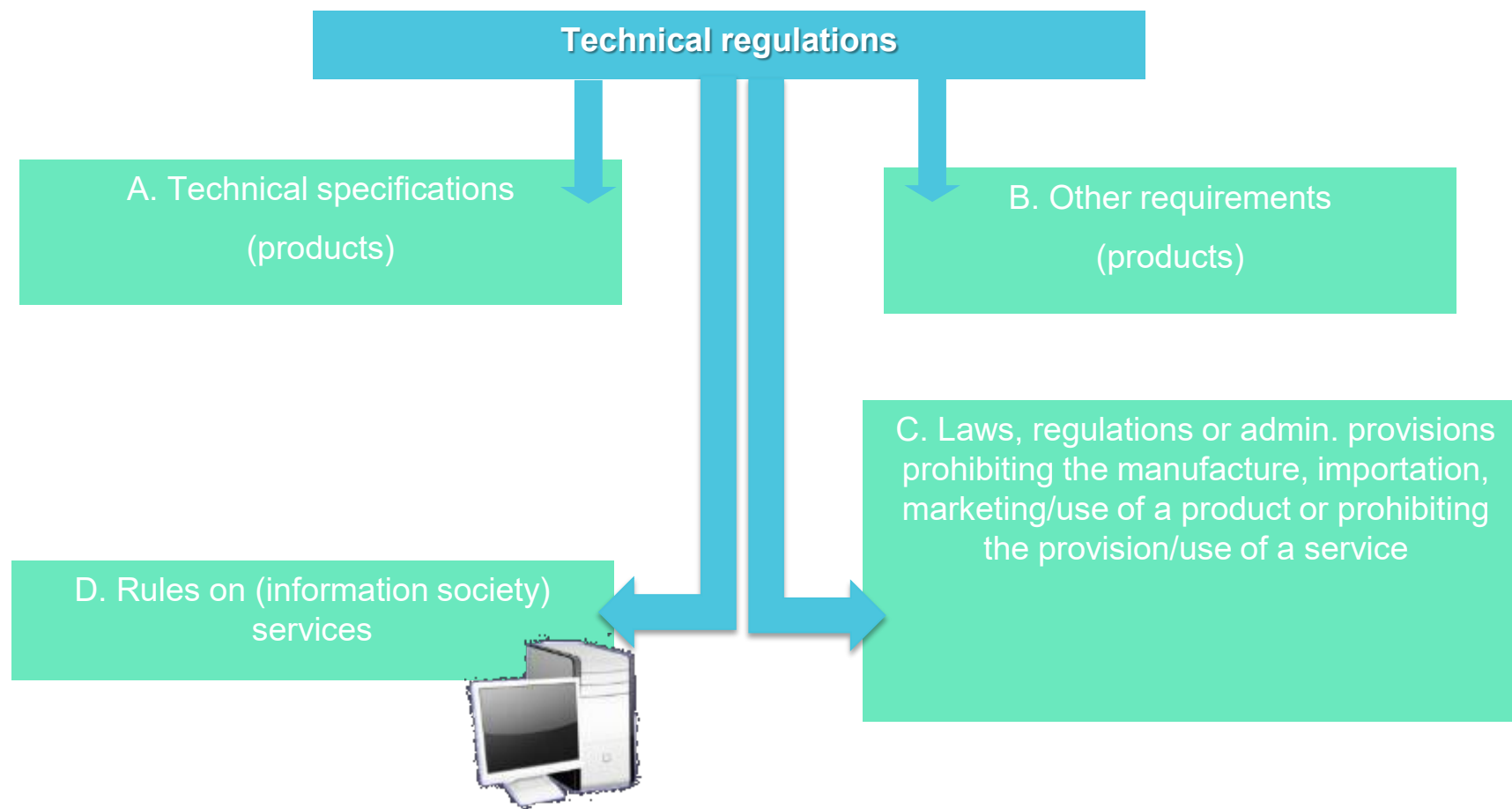
**2. Reactions**

**3. Next steps**

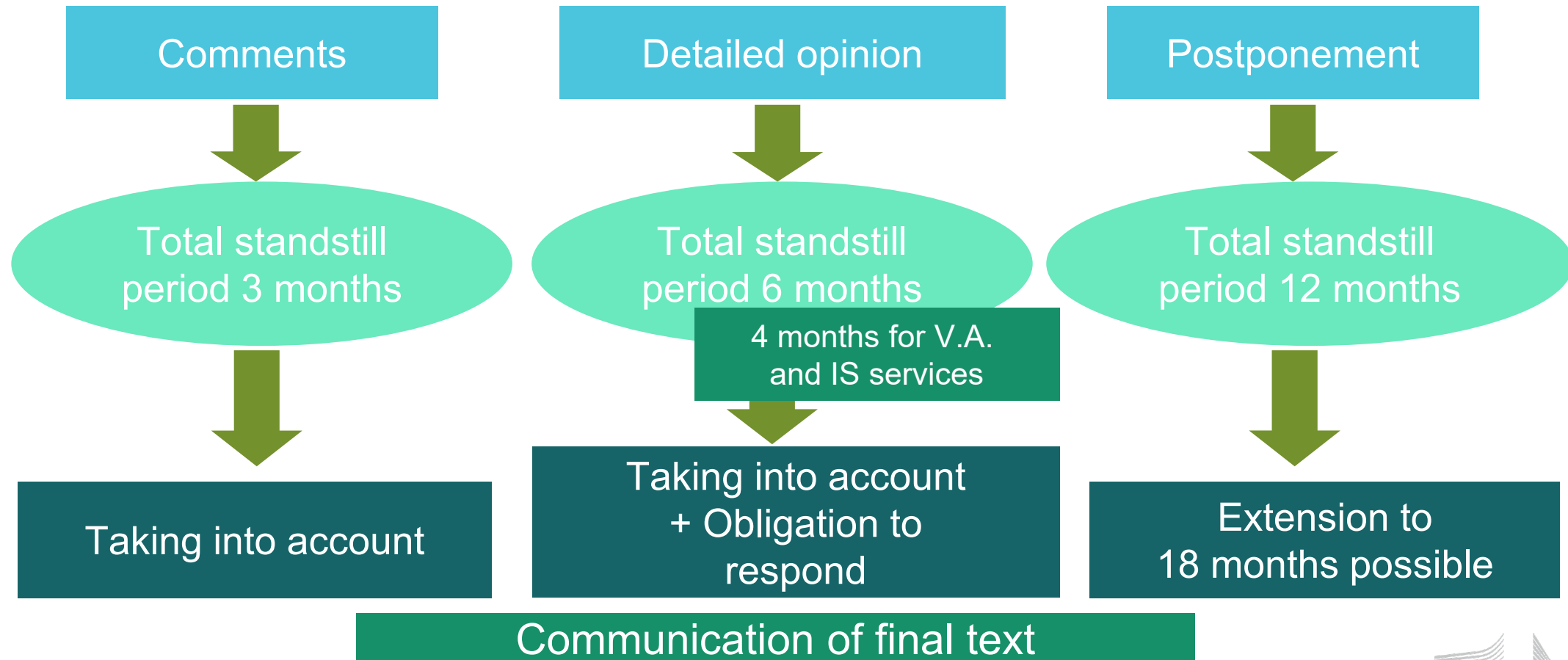
# What is Directive (EU) 2015/1535?

**A system of notification  
of technical regulations  
in draft form  
applying standstill periods  
during which the Commission  
and all Member States  
can react in a specific form**

# Scope of Directive (EU) 2015/1535



# Reactions from Commission and Member States



# Notification 2024/32/BE

- Draft Royal Decree on the advertising of beverages containing alcohol
- The purpose of this draft Royal Decree is to prohibit advertising of alcohol-containing beverages in the media primarily aimed at minors.
- Prohibits the free distribution of beverages containing alcohol except for the purchase of a drink containing alcohol and during tastings.
- Imposes a health warning on all advertisements for beverages containing alcohol- only the health warnings defined by the Minister may be present on these advertisements.

# Scope

- Definition of advertising: *any communication, regardless of the location, means or techniques used, with the direct or indirect aim of promoting brand awareness or the sale of beverages containing alcohol. For the purposes of this Decree, the affixing of a mark or logo shall also be regarded as advertising.*
- Certain prohibition of advertising targeted at minors and provision of free samples (with exceptions)
- Health warning: *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.*

# Reactions

- Comments:
  - European Commission
  - Spain
  - Bulgaria
  - Portugal
  - Croatia
- Detailed opinions:
  - Italy
  - Romania
  - Czechia
- Standstill extended until 22 July 2024



# Commission Reaction

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).

# Member States' reactions

- Definition of advertising and its potential to include product labelling and/or its compatibility with art 34 TFEU Directive 2010/13/EU Audiovisual Media Services Directive
- Lack of specificity regarding the health warning
- Future harmonisation of health warnings regarding harmful alcohol consumption at EU level under European Beating Cancer Action Plan.
- Mutual recognition clause
- Entry into force of the decree

# Belgian clarifications

As regards the scope of the Royal Decree, it covers all types of advertisements for beverages containing alcohol. The affixing of the brand of beverages containing alcohol or its logo, for example, to ordinary objects such as glasses, umbrellas, etc. is also considered to be advertising.

As regards its entry into force, this is envisaged for 01/01/2025.

Finally, the information messages are those contained in the opinion of the Superior Health Council of 6/03/2024 (<https://www.health.belgium.be/en/report-9781-measures-reduce-harm-associated-alcohol>). The Ministerial Order will also be notified via TRIS.

# Next Steps

- Belgium has an obligation to respond to the detailed opinions issued
- Implementing legislation, i.e. the follow-up decrees would be subject to independent notification(s), provided they contain rules, which fall within the scope of Directive 2015/1535
- Adoption of the notified draft is deferred until 22 July at the earliest
- In case of substantial changes, need for new notification
- Final text of the measure as adopted is to be notified and made available in TRIS

# Questions?

Thank you!











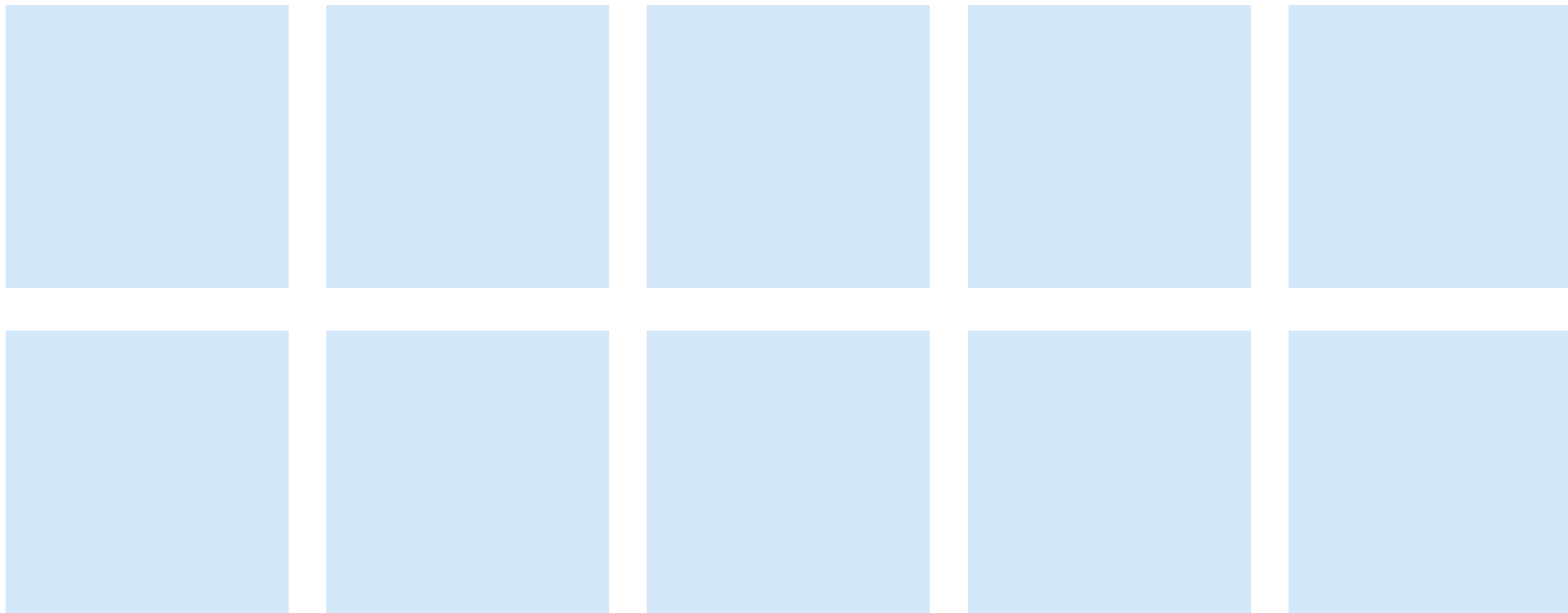




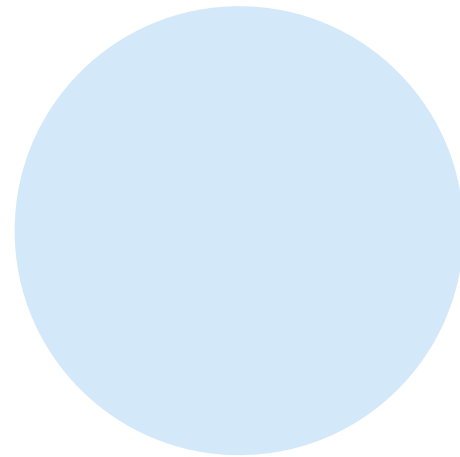
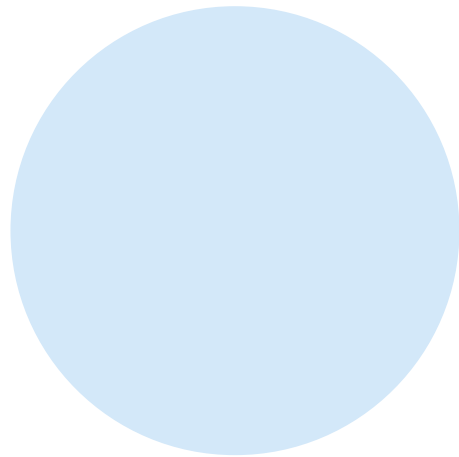
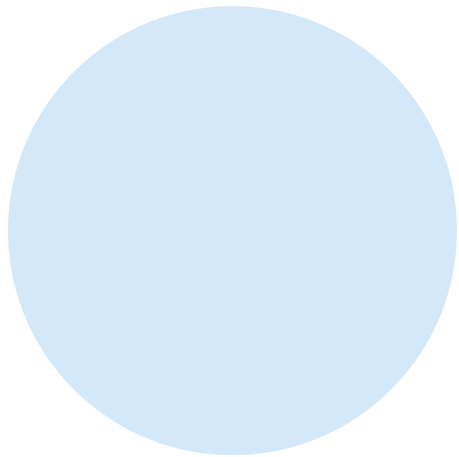
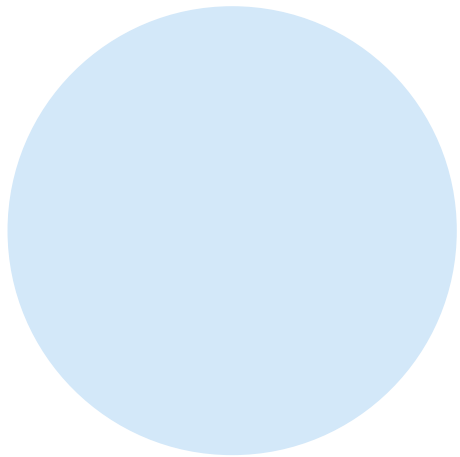












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# Thank you



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