

EN
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Answer given by Ms Kyriakides
on behalf of the European Commission
(14.4.2023)

The Irish draft measures in question were assessed under the Food Information to Consumers Regulation¹ (FIC Regulation) and the Single Market Transparency Directive².

As regards the labelling requirements imposed by the Irish legislation, it should be borne in mind that the case-law of the Court has repeatedly pointed out that, in the absence of harmonised rules at EU level, the Member States have a wide margin of discretion in determining the level of health protection to be granted. This assessment is based on the specific legal and factual circumstances of the Member State concerned. It is for the Member State to demonstrate the necessity and proportionality of the measures aimed at ensuring the protection of public health. The Irish authorities have extensively justified the notified measures by explaining their action is based on scientific evidence on public health grounds.

Europe's Beating Cancer Plan³ announced work towards health warnings on labels of alcoholic beverages. Currently, preparatory work and evidence gathering are in progress. It also announced to introduce a mandatory indication of the list of ingredients and the nutrition declaration on labels of all alcoholic beverages. This work was incorporated in the revision of the FIC Regulation under the Farm to Fork Strategy⁴. An impact assessment is currently in preparation, involving a wide-ranging evidence and data gathering exercise.

¹ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32011R1169>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L1535>

³ https://health.ec.europa.eu/system/files/2022-02/eu_cancer-plan_en_0.pdf

⁴ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12749-Food-labelling-revision-of-rules-on-information-provided-to-consumers_en