



6 February 2023

(23-0791)

Page: 1/3

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>IRELAND</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Department of Health Block 1 Miesian Plaza 50 – 58 Lower Baggot Street Dublin 2 D02 XW14 Email: tobacco_and_alcohol_control_unit@health.gov.ie Website: http://www.gov.ie/health Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): The Act relates to the sale, labelling, advertising, marketing, and display of alcohol products. Beer made from malt (HS code(s): 2203); Wine of fresh grapes, incl. fortified wines; grape must, partly fermented and of an actual alcoholic strength of > 0,5% vol or grape must with added alcohol of an actual alcoholic strength of > 0,5% vol (HS code(s): 2204); Vermouth and other wine of fresh grapes, flavoured with plants or aromatic substances (HS code(s): 2205); Cider, perry, mead and other fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, n.e.s. (excl. beer, wine or fresh grapes, grape must, vermouth and other wine of fresh grapes flavoured with plants or aromatic substances) (HS code(s): 2206); Undenatured ethyl alcohol of an alcoholic strength of < 80%; spirits, liqueurs and other spirituous beverages (excl. compound alcoholic preparations of a kind used for the manufacture of beverages) (HS code(s): 2208)
5. Title, number of pages and language(s) of the notified document: Public Health (Alcohol) (Labelling) Regulations 2022 (18 pages, in English).
6. Description of content: The Public Health (Alcohol) Bill was notified to the WTO Committee on Technical Barriers to Trade in 2016. Section 12 of that Bill contained the obligation to provide health information and health warnings on the labels of alcohol products and in other settings. The Public Health (Alcohol) Bill was subsequently enacted in 2018. Draft Regulations under Section 12 of the Public Health (Alcohol) Act 2018 are currently being notified to the TBT Committee of the WTO. These draft regulations provide the detail in relation to

the health warnings and health information. The draft regulations do not contain the requirement for such warnings as this is contained in section 12 and this was enacted in 2018.

The consumption of alcohol has been identified as causing significant public health harm in Ireland. In response to this threat, the Irish Government enacted the Public Health (Alcohol) Act 2018 for the protection of human health.

Under Section 12 of the Public Health (Alcohol) Act, the Minister for Health is empowered to make regulations to require that the labels of alcohol products should contain:

- i. A warning to inform people of the danger of alcohol consumption.
- ii. A warning to inform people of the danger of alcohol consumption when pregnant.
- iii. A warning to inform people of the direct link between alcohol and fatal cancers.
- iv. The quantity of grams of alcohol contained in the product.
- v. The number of calories contained in the alcohol product.
- vi. A link to a health website which gives information on alcohol and related harms.

In addition, section 12 provides that those selling alcohol in on-licensed premises will be required to display a notice containing the same health warnings, a link to the public health website and an indication to the customer that the alcohol and calorie content of alcohol products for all 'poured drinks' is available in a document on request.

The draft labelling regulations apply to all alcohol products sold in Ireland, whether produced locally or imported into the State.

The draft regulations notified to the WTO, TBT provide the detail for the obligation under section 12. In relation to the requirements for health warnings, the requirement under 12(i) to provide for a warning to inform people of the danger of alcohol consumption has been specified as a warning on the risk of liver disease. In addition, the requirement for a pregnancy warning under 12(ii) can be fulfilled through using a specified pictogram. The health website required at 12(vi) is www.askaboutalcohol.ie.

The draft regulations also provide that for alcohol products which have a small surface area the health warnings and information can be of a smaller size or a flag label can be used. Finally, the regulations specify that websites which sell alcohol products must display the same information as would be available to the consumer in a physical shop so that the online consumer has all the information at the point of purchase.

The purpose of this provision is to ensure that important and necessary public health information is communicated to the Irish consumer at the point of purchase so that the consumer can make an informed choice about their alcohol consumption. In addition, evidence shows that health information on the labels of alcohol products leads to a reduction in alcohol consumption and therefore in the health harms caused by alcohol.

Currently, there is no regulatory requirement for the display of health warnings or health information on alcohol products sold in Ireland. This is despite the well settled scientific evidence that alcohol causes conditions such as alcoholic liver disease and alcohol induced pancreatitis as well as cancers, cardiovascular disease and other conditions being attributable to alcohol. Ireland's objective is to reduce the disease and death caused by the way alcohol is currently consumed here and to do so using methods that do not exceed what is necessary to achieve that objective. In the case of labelling, Ireland is taking the minimal action of requiring the risks associated with the product to be stated for the benefit of the consumer.

7. Objective and rationale, including the nature of urgent problems where applicable:

The high volumes and harmful patterns of alcohol consumption in Ireland are responsible for an enormous burden of public health harms and healthcare costs. The proposed regulations submitted here form part of a suite of measures under the Public Health (Alcohol) Act that are designed to reduce these harms and costs for the protection of the health of Irish citizens.

In accordance with Article 2.2 of the WTO TBT Agreement and in pursuit of the protection of human safety and health, these regulations are aimed at protecting human health.

The draft labelling regulations apply to all alcohol products sold in Ireland, whether produced locally or imported into the State. Therefore, in accordance with Article 2.1 of the WTO TBT Agreement, products imported from the territory of any member will be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any other country.

Alcohol consumption levels in Ireland have remained extremely high in recent years despite extended closures of on-licensed premises due to COVID-19. 50% of Irish drinkers drink to a hazardous level and one in five drinkers have an alcohol use disorder.

Alcohol consumption creates an enormous burden on public health in Ireland causing an estimated 4.8% of all deaths and 5.2% of disability adjusted life years. Alcohol attributable morbidity is trending upward with hospitalisations doubling since the mid-1990s and illnesses becoming more complex. 4% of total health expenditure will be on alcohol related disease for the next 30 years unless Ireland changes its populations understanding of and relationship with alcohol.

The data shows that the Irish population is not aware of the health risks of alcohol. Despite the public health burden caused by alcohol consumption here, awareness of the health harms remains low also among younger age groups. 16% do not know if it is safe to consume alcohol while pregnant, 79% do not know of the breast cancer risk and those aged 15-24 were typically less aware of the risks than others. There is a demand to know more; 78% believe that the government has a responsibility to implement public health measures to address high alcohol consumption and 95% support including details of alcohol-related harms on labels.

In order to empower Irish consumers to make healthier choices about their alcohol consumption, the draft regulations are designed to ensure that consumers are directly informed of the risks associated with alcohol products at the point of purchase and at the point of consumption.

The draft regulations are designed to be effective in accordance with international best practice and are a proportionate response to the serious threat to health posed by alcohol consumption in Ireland.

The draft regulations provide for a very long lead-in time (3 years) which will not begin until the regulations have been finalised and provide options for businesses to minimise the impact on their processes. Additional provisions designed to facilitate businesses include reducing the minimum dimensions of the health information for alcohol containers of a smaller size and allowing for the use of a flag label to contain the required information.

Consumer information, labelling; Protection of human health or safety

8. Relevant documents:

<https://dohireland.sharefile.eu/d-s0ec8009f60064cb0ba895f010568f506>

<https://dohireland.sharefile.eu/d-sda24737eb8234620afe93e55130bf058>

9. Proposed date of adoption: To be determined

Proposed date of entry into force: To be determined

10. Final date for comments: 90 days from notification

11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:

Contact emails:

Siobhan_mcnamara@health.gov.ie

Claire_gordon@health.gov.ie

<https://dohireland.sharefile.eu/d-s0ec8009f60064cb0ba895f010568f506>