

(English version)

**Question for written answer E-001654/25
to the Commission
Jonas Sjöstedt (The Left)
(24 April 2025)**

Subject: Sales of alcoholic beverages in Sweden on producers' sites

In July 2024, Sweden gave notification of a legislative proposal to introduce sales of alcoholic beverages in Sweden on producers' sites. The proposal was subject to the standard notification process, with one Member State, as well as a number of stakeholders, regarding the proposal as contrary to the EU Treaties under Articles 34 and 36.

The Commission opted not to comment on the notification. With that in mind:

1. Does the Commission regard the Swedish proposal on sales on producers' sites as compatible with a continued retail monopoly under Article 37 TFEU?
2. Does the decision by the Commission not to comment during the TRIS process mean that it shares the Swedish Government's interpretation of the EU Treaties and therefore does not see any risk of discrimination against other Member States' producers?
3. Why did the Commission opt not to set out its legal appraisal during the notification procedure?

Submitted: 24.4.2025

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(9 July 2025)**

On 5 July 2024, Sweden notified the 'Draft Act amending the Alcohol Act (2010:1622)' to the Commission under Directive (EU) 2015/1535 ⁽¹⁾ under the reference 2024/388/SE ⁽²⁾.

The Commission issued a request for supplementary information on 2 August 2024 and Sweden answered to the Commission's request on 16 August 2024.

Portugal issued a detailed opinion. The Commission did not react on the 'Draft Act amending the Alcohol Act (2010:1622)'. The final text of the measure at issue has not been notified to the Commission yet.

According to the case-law, Article 37 of the Treaty on the Functioning of the EU ⁽³⁾ may be applied in the context of alcohol monopolies by ensuring that monopolies are organised and operated in such a way as to exclude discrimination between nationals of Member States.

Monopolies must pursue objectives of general interest, such as the protection of public health, without placing goods from other Member States at a disadvantage ⁽⁴⁾.

According to the information which has been provided to the Commission, the Swedish legislative proposal does not change the rules on which products are listed by Systembolaget and still requires all operators, together with all interested manufacturers, to meet the criteria applicable to each range.

The on-site farm sales are intended to be of limited scope and are not meant to constitute ordinary retail sales or an alternative to Systembolaget's retail trade.

The Commission exercises discretionary powers in deciding whether reacting under Directive (EU) 2015/1535, based on the potential impact of the measure on the internal market.

The absence of a reaction from the Commission under Directive (EU) 2015/1535 to a draft technical regulation does not prejudice any decision that might be taken under other EU acts.

⁽¹⁾ Directive (EU) 2015/1535 of the European Parliament and the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1.

⁽²⁾ <https://technical-regulation-information-system.ec.europa.eu/en/notification/26051>.

⁽³⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016E037>.

⁽⁴⁾ Case C-198/14, *Visnapuu*, 12 November 2015, ECLI:EU:C:2015:751, paragraph 95.