

Message 901

Communication from the Commission - TRIS/(2025) 0756

Procedure for the provision of information EC - EFTA

Notification: 2025/9005/NO

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perjodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20250756.EN

1. MSG 901 IND 2025 9005 NO EN 17-03-2025 NO NOTIF

2. Norway

3A. Royal Ministry of Trade, Industry and Fisheries  
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NO-0032 Oslo  
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3B. Royal Ministry of Health and Care services  
Department for Public Health  
P.O. Box 8090, Dep  
NO-0032 Oslo  
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4. 2025/9005/NO - C50A - Foodstuffs

5. Regulation prohibiting the sale of energy drinks to children under 16 years of age.

6. The sale of energy drinks.

7.

8. The draft regulation includes nine articles. The purpose of the regulation is stated in § 1, the scope of the regulation in § 2, the definition of energy drinks in § 3, the age limit in § 4, supervision and decisions that can be made by the Norwegian Food Safety Authority in § 5, business quarantine in § 6, coercive fines in § 7, punishment in § 8 and the entry into force in § 9.

9. The purpose of the proposal is to protect children under 16 years of age against the negative health effects of energy drinks. The negative health effects of energy drinks are primarily due to their content of caffeine. Additionally, frequent consumption of energy drinks can be detrimental to dental health as the products are acidic (low pH). Acidic foods and beverages increase the risk of acid damage to teeth. Energy drinks with added sugar can contribute to increased sugar intake.

To limit the consumption of energy drinks, the government announced in Meld. St. 15 (2022–2023) Public Health Report – national strategy for reducing social health disparities, that it will investigate possible measures to limit consumption, among them prohibiting sales below a certain age. During the processing of the report, the Parliament asked the government to propose the introduction of a 16-year age limit for the purchase and sale of energy drinks. The proposed regulation follows up this and also the right of the child.

The proposed regulation is in line with harmonised regulations included in the EEA Agreement. The proposal to introduce a 16-year age limit for the sale of energy drinks does not, in the Ministry's view, constitute a trade barrier under Article 11 of the EEA Agreement. The age limit for the sale of energy drinks is a so-called sales arrangement, in line with the EFTA Court's decision in case E-9/00 (the Rusbrus case). Measures that constitute sales arrangements mean that national rules on specific forms of sale are not considered measures with equivalent effect to quantitative import restrictions when they apply to all businesses and affect the sale of domestic and imported goods in the same way, legally and factually, according to the so-called Keck doctrine. The proposal is in line with this doctrine, as the proposal to introduce a 16-year age limit for the sale of energy drinks covers all energy drinks available on the market, will apply to all businesses selling energy drinks, and will affect the sale of imported and domestic goods in the same way.

Further grounds are included in the attached Impact assessment.

10. References of the Basic Texts: No Basic Text exists

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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European Commission

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