



Notification Number: 2010/536/F

## Decree on festivals and fairs referred to in Article L. 3322-9 of the Public Health Code

Date received : 04/08/2010

End of Standstill : 05/11/2010

### Message

Message 002

Communication from the Commission - SG(2010) D/52004

Directive 98/34/EC

Translation of the message 001

Notification: 2010/0536/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201002004.EN)

#### 1. Structured Information Line

MSG 002 IND 2010 0536 F EN 04-08-2010 F NOTIF

#### 2. Member State

F

#### 3. Department Responsible

Délégué interministériel aux normes – SQUALPI – Bâtiment Le Bervil - 12, rue Villiot –  
75572 PARIS Cedex 12

d9834.france@finances.gouv.fr

tél : 01 53 44 98 24 – fax : 01 53 44 98 88

#### 3. Originating Department

Ministère de la santé et des sports

Direction générale de la santé

Sous-direction de la promotion de la santé

Et de la prévention des maladies chroniques



Bureau des pratiques addictives (MC2)  
14, avenue Duquesne -75350 PARIS 07

#### **4. Notification Number**

2010/0536/F - C00A

#### **5. Title**

Decree on festivals and fairs referred to in Article L. 3322-9 of the Public Health Code

#### **6. Products Concerned**

Fixed rate sale or free offer of alcoholic beverages for a commercial aim

#### **7. Notification Under Another Act**

-

#### **8. Main Content**

This Decree aims to stipulate the conditions for an exemption with respect to the ban on the fixed rate sale or free offer of alcoholic beverages for a commercial aim provided for in Article L. 3322-9 of the Public Health Code. Thus, beyond tasting procedures within the meaning of Article 1587 of the Civil Code, the ban does not apply to festivals and fairs, either traditional or new.

The Decree defines traditional festivals and fairs as those festivals and fairs that are dedicated to heritage or traditional goods, which are recorded in the collective history, and that have taken place more than five times and for the last time within the last five years. The Decree also defines the conditions for the declaration made at the prefect of the department where the event will take place, as well as the documents that must be included in the application. A deadline of 90 days before the event is also introduced.

The Decree also lays down a distinction between new festivals and fairs, and traditional ones. The former concern festivals and fairs that do not meet the definitional criteria for traditional fairs.

These are not dedicated to heritage and to traditional goods, their organisation is not recorded in the collective history, they have not been held more than five times or for the last time within the past five years; also stipulated are the conditions for the submission of applications for approval, and their content. A deadline of 90 days before the event is introduced. The documents submitted with the application for approval must allow the administration to determine whether the conditions for the organisation of the event are compatible with the maintenance of public order, and the provisions of the Public Health Code as regards the protection of minors and the prevention of public drunkenness. The Decree stipulates the conditions for the issuance of authorisation, under a system of implicit acceptance following a period of two months.

The draft Decree provides for an extension of the provisions to Wallis-et-Futuna.

#### **9. Brief Statement of Grounds**

Article L. 3322-9 of the Public Health Code, based on Article 94 of the Law on hospital reform and relating to patients and healthcare, notably bans the fixed rate sale or free offer of alcoholic beverages for a commercial aim. Such operations are commonly known as "open bar". As such, what we have here is a ban, having regard to the exemptions laid down in said Law, of a practice that is addressed, in particular, to youth, and which has a heavy impact on mass drunk driving. Particularly evening events of this type have witnessed cases of mass drunkenness.



#### 10. Reference Documents - Basic Texts

References to basic texts: Article 94 of Law No 2009-879 of 21 July 2009 on hospital reform and relating to patients and healthcare;  
Article L. 3322-9 of the Public Health Code;  
Article 1587 of the Civil Code.

#### 11. Invocation of the Emergency Procedure

No

#### 12. Grounds for the Emergency

-

#### 13. Confidentiality

No

#### 14. Fiscal measures

No

#### 15. Impact assessment

-

#### 16. TBT and SPS aspects

TBT aspect

NO - The Draft has no significant impact on international trade.

SPS aspect

No - The project is not a sanitary or phytosanitary measure.

Catherine Day  
Secrétaire général  
Commission européenne

Point de contact Directive 98/34  
Fax: (32-2) 296 76 60  
email: [dir83-189-central@ec.europa.eu](mailto:dir83-189-central@ec.europa.eu)

-----  
sent to :



Työ- ja elinkeinoministeriö  
Ms. Leila Vilhunen

Malta standards Authority  
Sarah Jane Meli

Ministry of Economy and Commerce Division for Internal Market  
Catalina Groza

CU N Lovseth Hanne Leen  
.

European Free Trade Association  
Mr. Robert Murphy

AGENCIA ESPAÑOLA DE SEGURIDAD ALIMENTARI Comisión Interministerial para la Ordena  
M<sup>a</sup> Luisa Aguilar Zambalamberri

NSAI  
Mr Tony Losty

Undersecretariat of Foreign Trade General Directorate of Standardisation  
Mr Mehmet COMERT

EFTA Surveillance Authority  
Mr. Gunnar Thor PETURSSON

Représentation Permanente du Royaume-Uni  
.

Department for Business, Innov. & Skills  
Mr Philip Plumb

State Agency for Metrological and Technical Surveillance  
Violetta Veleva

SL  
.

Hungarian Notification Centre Ministry of National Development and Eco  
Mr Zsolt Fazekas

Représentation Permanente de l'Irlande  
Denis Colfer