Message 201

Communication from the Commission - TRIS/(2025) 1014

Directive (EU) 2015/1535

Notification: 2024/0698/CZ

Forwarding of the response of the Member State notifying a draft (Czechia) to comments (5.2) of European Commission.

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1. MSG 201 IND 2024 0698 CZ EN 19-03-2025 04-04-2025 CZ ANSWER 19-03-2025

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4. 2024/0698/CZ - C50A - Foodstuffs

5.

6. The Czech Republic has received a comment from the European Commission regarding the draft Decree on requirements for starch, legumes, oilseeds and products thereof (2024/0698/CZ). The Czech Republic thanks the Commission for this comment and submits the following observations in this regard.

With regard to the comment concerning the mutual recognition of goods and the single market clause, we note the following:

In accordance with the principle of mutual recognition, the proposed legislation generally applies only to products made in the Czech Republic. The mutual recognition clause is generally set out in Act No 110/1997 on foodstuffs and tobacco products, as amended (hereinafter the 'Foodstuffs Act'). Specifically, it is provided in § 11a(1) of the Act in question.

‘(1) Food produced or placed on the market in a Member State of the European Union may not be refused access to the market in the Czech Republic, provided that the food complies with:

a) the regulations applicable to the production or placement of this food on the market in one of these states; or

b) the production methods and good manufacturing practice rules applied in one of these states, for which sufficiently detailed documentation exists that can serve as a basis for conducting additional investigations, if necessary.’

According to Czech legislative rules, the mutual recognition clause for the area of foodstuffs is provided in the Foodstuffs Act and extends to implementing legislation, including this draft (please note that this draft Decree will be one of the implementing measures of the Foodstuffs Act). According to legislative rules, the mutual recognition clause cannot be further incorporated into individual implementing measures. At the same time, we are not aware of any cases where the Czech supervisory authorities have acted contrary to the mutual recognition clause.

Paragraph 2 has been designed solely as a fail-safe measure for exceptional cases where the rules of another Member State do not guarantee the level of protection of a legitimate interest of the European Union, including the possibility of initiating infringement proceedings by the European Commission under the Treaty on the Functioning of the European Union.

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