Message 301

Communication from the Commission - TRIS/(2024) 1962

Directive (EU) 2015/1535

Notification: 2024/0384/HU

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve – Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információ kérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

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1. MSG 301 IND 2024 0384 HU EN 07-10-2024 19-07-2024 COM INFOSUP COM 07-10-2024

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2024/0384/HU - C00A - AGRICULTURE, FISHING AND FOODSTUFFS

5.

6. In the framework of the notification procedure under Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, the Hungarian authorities notified to the Commission on 4 July 2024 a draft “On the amendment of Act XLVI of 2008 on the food chain and its official supervision” (the “notified draft”).
In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the Hungarian authorities are kindly invited to reply to the following request for supplementary information:

1. The Hungarian authorities are invited to explain why only wholesaler or food retailers whose net turnover is above HUF 100 billion (in the previous calendar year) would be obliged to offer the concerned foodstuff (products with minimum durability of more than 48 hours, at least 48 hours before the date of minimum durability) to an intermediate body engaged in food rescue (see Section 3 of the notified draft)? Could the Hungarian authorities explain how the threshold was set and on the basis of what criteria?

2. Could the Hungarian authorities further clarify how is the turn-over of more than HUF 100 billion calculated? As retailers may be operating as integrated retailers or franchise chains, could the Hungarian operators explain how does the threshold of HUF 100 billion apply to food retailers organised as franchise chains?

3. The Hungarian authorities are invited to provide information on the reasons of the inclusion of certain products with particularly short shelf-life included in the list such as fish and fresh meat, milk and supply any proportionality assessment done in this respect?

4. Could the Hungarian authorities clarify if and what less restrictive measures or alternative measures have been considered to attain the objective? Could the national authorities supply additional information on these?

5. The Hungarian authorities are further invited to clarify how is the notified draft intended to ensure that the introduction of an obligation for certain larger food business operators to donate products that reach their best before date within 48 hours does not lead to food business operators changing their labelling regime from the use of 'best before' to 'use by' date?

6. Can the Hungarian authorities clarify whether the Food Rescue Database described in the notified draft is to be understood as a traceability system as foreseen by Article 18 of Regulation (EC) No 178/2002 (the General Food Law Regulation) and for food of animal origin by Article 3 of Commission Implementing Regulation (EU) No 931/2011?

7. The list of products affected by the notified draft includes, amongst others, products for which Annex X of Regulation (EU) No 1169/2011 on the provision of food information to consumers (the FIC regulation) states that the date of minimum durability does not need to be provided, such as sugar and flour. The Hungarian authorities are invited to clarify how they intend to ensure that this measure does not lead to more food waste of products, not included on the list of Annex X to the FIC Regulation.

The Hungarian authorities are kindly invited to reply by 31 July 2024.

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