



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

**Notification of Regulatory Barriers**

Message 201

Communication from the Commission - TRIS/(2024) 1076

Directive (EU) 2015/1535

Notification: 2023/0750/NL

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

MSG: 20241076.EN

1. MSG 201 IND 2023 0750 NL EN 27-03-2024 23-04-2024 NL ANSWER 27-03-2024

2. Netherlands

3A. Ministerie van Financiën, Dienst Douane Noord, CDIU.  
(cdiu.notificaties@douane.nl 050 5232135)

3B. Ministerie van Volksgezondheid, Welzijn en Sport  
Directie Voeding, Gezondheidsbescherming en Preventie

4. 2023/0750/NL - C50A - Foodstuffs

5.

6. Response to the observations of the Commission and Spain to the draft Decree amending the Commodities Act Decree on the preparation and treatment of foodstuffs in relation to the modification of microbiological requirements for food and drink products and amendment of the Commodities Act Decree on hygiene of foodstuffs in order to modify the requirements for raw milk and raw cream intended for direct human consumption:

Commission observation 1:

In the draft Decree submitted by the Netherlands, STEC is added as a microbiological food safety criterion. This criterion is not included in Annex I to Regulation (EC) 2073/2005. The Commission invites the Dutch authorities to ensure that the notified draft does not lead to an unjustified obstacle to the free movement of goods lawfully placed on the market in other Member States.

Response:

The presence of STEC in food can have serious public health consequences. Due to the lack of specific European or national regulations, the NVWA (Netherlands Food and Consumer Product Safety Authority) has established intervention policy with regard to the presence of STEC in food. The inclusion of this specific microbiological criterion in a policy of the NVWA was a good way to address a legislative gap swiftly and specifically. However, including microbiological criteria in the legislation is preferable. This amendment therefore includes the requirement that STEC is not demonstrable in 25 g or ml based on the intervention policy in the Commodities Act Decree on the preparation and treatment of foodstuffs.

The NVWA will respect the principle of free movement of goods and mutual recognition when supervising compliance with this new national rule.

Commission observation 2:

The Commission invites the Dutch Government to notify the adoption of the final text of the draft technical regulation in question, in accordance with Article 5(3) of Regulation (EU) 2015/1535.



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Response:

We will share the decision with the Commission after publication.

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European Commission

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