



EUROPEAN COMMISSION

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

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0307/NL (Netherlands)

Amendment of the Commodities Act Regulation on packaging and consumer products in connection with the Decision of the Benelux Committee of Ministers on metal and alloy materials and articles intended to come into contact with foodstuffs

Date received : 06/06/2024

End of Standstill : 09/09/2024

Message

Message 001

Communication from the Commission - TRIS/(2024) 1479

Directive (EU) 2015/1535

Notification: 2024/0307/NL

Notification of a draft text from a Member State

Notification - Notificación - 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 késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi 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: 20241479.EN

1. MSG 001 IND 2024 0307 NL EN 06-06-2024 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën, Dienst Douane Noord, CDIU.

3B. Ministerie van Volksgezondheid, Welzijn en Sport
Directie Wetgeving en Juridische Zaken

4. 2024/0307/NL - C50A - Foodstuffs

5. Amendment of the Commodities Act Regulation on packaging and consumer products in connection with the Decision of the Benelux Committee of Ministers on metal and alloy materials and articles intended to come into contact with foodstuffs



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6. Metals and alloys used in materials and articles intended to come into contact with foodstuffs

7.

8. Article I of the draft Regulation may contain technical requirements. The Commodities Act Regulation on packaging and consumer products is amended in connection with the implementation of the Decision of the Benelux Committee of Ministers on metal and alloy materials and articles intended to come into contact with foodstuffs (M (2022) 12) (hereinafter: Benelux Decision). In the Netherlands, legal requirements were already in place for these food contact materials. The draft Regulation ensures that, where necessary, the requirements are brought into line with the Benelux Decision.

For the sake of completeness, it is noted that Article 13d of the Commodities Act contains a mutual recognition clause. The mutual recognition principle entails that an EU Member State shall not ban in its own territory the sale of goods that have been legally brought onto the market in another EU Member State on the grounds that the goods do not meet its own national regulations. It is important, however, that the legitimate public interests guaranteed by the national requirements in force are sufficiently protected.

9. Prohibition of discrimination

The proposed amendment is applied without discrimination. The amended requirements of the Commodities Act Regulation on packaging and consumer products apply to all manufacturers of food contact materials in the Netherlands.

Necessity

The proposed amendment is justified in view of an overriding reason in the public interest, namely: the protection of public health. The controlled substances were – with some exceptions – already regulated in the Commodities Act Regulation on packaging and consumer products, because they may pose a risk to the user of the food contact material when exposed. The levels set out in the Benelux Decision have been adjusted on the basis of the latest toxicological assumptions. The values included in the Benelux Decision are based on research carried out in cooperation with the Council of Europe (Resolution CM/Res(2020)9).

Proportionality

The amendment of the Commodities Act Regulation on packaging and consumer products is an appropriate measure to protect public health. This Commodities Act Regulation already lays down requirements for metal and alloy food contact materials. Adjusting these requirements in order to implement the Benelux Decision in this draft Regulation is therefore an appropriate measure to prevent food from being unsafe.

In addition, the measure does not go beyond what is necessary. There is no less restrictive measure to ensure food safety. Consumers should be able to trust that materials and articles intended to come into contact with food are safe. In this case, measures less restrictive than regulatory measures are not appropriate for the public interest, namely: to ensure adequate protection of public health.

10. Numbers or titles of basic texts:

11. No

12.

13. No

14. No

15. No



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16.

TBT aspects: No

SPS aspects: No

European Commission

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