



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 103

Communication from the Commission - TRIS/(2025) 0378

Directive (EU) 2015/1535

Notification: 2024/0604/HR

Forwarding of the observations of a Member State (Spain) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

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1. MSG 103 IND 2024 0604 HR EN 06-02-2025 07-02-2025 ES COMMS 5.2 06-02-2025

2. Spain

3A. Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y de Medioambiente
DG de Mercado Interior y otras Políticas Comunitarias

3B. Comisión Interministerial para la Ordenación Alimentaria
Agencia Española de Seguridad Alimentaria y Nutrición.
Ministerio de Derechos Sociales, Consumo y Agenda 2030

4. 2024/0604/HR - C50A - Foodstuffs

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. Notification 2024/0604/HR:

In the framework of Directive 2015/1535, the Government of Croatia notified, on 5 November 2024, the draft 'Ordinance on measures for the adaptation to the requirements of regulations concerning food of animal origin'.

Examination of the draft has led the Spanish authorities to submit the comments set out below pursuant to Article 5(2) of said Directive.

With regard to Article 10 of the notified draft, which provides that ungulates, equines, and farmed game that originate from the Republic of Croatia or have been reared in the Republic of Croatia for more than three months may remain in the slaughterhouse for up to 21 days until slaughter, this seems to be an excessive amount of time taking into account the provisions of Union legislation. Both Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin, and Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing provide that slaughter is to be carried out 'without unnecessary delay' or 'without undue delay', respectively.

Article 1(2)(c) of Regulation (EC) No 852/2004 states that the Regulation shall not apply to the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer;

The Union legislation does not set a specific maximum time limit for slaughtering animals after their arrival at a slaughterhouse, except for animals from other Member States and for animal health reasons, through Commission Delegated Regulation (EU) 2020/688. From the point of view of animal welfare, we consider it ideal that, unless they need to rest, the animals spend as little time as possible in the waiting pens, which are a source of stress: they face a strange environment and experience fear, mix with unknown animals, sometimes the facilities are not the most suitable for rest,



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and there is a significant movement of people, as well as strange noises and smells, etc. Even under the best possible conditions of keeping animals until slaughter, the slaughterhouse is a place where animals should not be caused any avoidable suffering and where the shortest possible amount of time should pass from arrival to slaughter. This recommendation is reflected in several EFSA reports, stating that animals after unloading should be slaughtered without any delay and that keeping them in holding pens should be avoided or kept to a minimum. Lastly, we consider that all animals are equally entitled to the same level of protection at the time of slaughter, so this criterion should apply to all animals regardless of factors such as the type of slaughterhouse in which they are slaughtered, or their place of rearing.

In addition, as regards on-board dispatch centres:

With regard to the terms defined in Article 6 of the draft, concerning the 'small-capacity dispatch centres for live bivalve molluscs situated on board vessels', it is unclear whether the dispatch centre is an establishment as defined in the legislation and carries out all the activities provided for therein. In particular, Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin provides for the following:

'Dispatch centre' means any on-shore or off-shore establishment for the reception, conditioning, washing, cleaning, grading, wrapping and packaging of live bivalve molluscs fit for human consumption.

In addition, if it is a dispatch centre, our understanding is that the vessel should also be a purification centre (unless it only handles Class A molluscs) and that this should be indicated in the text.

Furthermore, Article 16, where it is stated that solid walls and windows do not need to be provided, as long as, in the course of the activities, the live bivalve molluscs are protected against pests and air contamination, we consider that it should be indicated that molluscs must be protected against any contamination, as specified in Regulation (EC) No 852/2004 of 29 April 2004 on the hygiene of foodstuffs, and not only protected against pests and air contamination.

Therefore, on the basis of the above, we request that the Croatian authorities:

1. Consider reducing the maximum time indicated in Article 10, stating that ungulates, equines, and farmed game that originate from the Republic of Croatia or have been reared in the Republic of Croatia for more than three months may remain in the slaughterhouse, as it is stated in the draft, for up to 21 days until slaughter, as it seems excessive, considering the provisions of the Union legislation to ensure that slaughter is carried out 'without unnecessary delay' or 'without undue delay', respectively, as set out above.
2. Clarify, in Article 6, whether the on-board dispatch centres are establishments as defined in the legislation, in particular Regulation (EC) No 853/2004, as set out above, and, also, to provide for the fact that they would also be purification centres (unless they only handle Class A molluscs).
3. Indicate, in Article 16, that molluscs must be protected against any contamination (not only pests and air contamination).

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