



EUROPEAN COMMISSION

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

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0678/NL (Netherlands)

Policy Rule on Precautionary Allergen Labelling

Date received : 13/12/2024

End of Standstill : 17/03/2025

Message

Message 001

Communication from the Commission - TRIS/(2024) 3326

Directive (EU) 2015/1535

Notification: 2024/0678/NL

Notification of a draft text from a Member State

Notification – Notification – 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 - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx 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: 20243326.EN

1. MSG 001 IND 2024 0678 NL EN 13-12-2024 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën, Dienst Groningen, CDIU.

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

4. 2024/0678/NL - C50A - Foodstuffs

5. Policy Rule on Precautionary Allergen Labelling

6. This Policy Rule specifies the use of allergen labelling. The aim is to provide clarity on when there is cross-contamination with allergens and when allergen labelling should be applied as a precautionary measure.

7.



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8. Article 2 of the draft Policy Rule may contain technical regulations. For allergic consumers, it is important that the information on the label warns if an allergen is present in quantities that could pose an actual risk. Precautionary allergen labelling may therefore only be used if it appears that, despite preventive measures, there is a risk to consumers with allergies. This Policy Rule specifies when allergen labelling may be applied as a precautionary measure.

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 Policy Rule is applied without discrimination. The rules apply to all food business operators 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. Substances or products that cause allergies or intolerances (hereinafter: allergens) may inadvertently become present in food as a result of cross-contamination. Cross-contamination occurs when an allergen can inadvertently become present in a food at a low concentration. The possible and inadvertent presence of allergens in food poses a health risk to consumers with food allergies. Therefore, it is first and foremost important to prevent or minimise the risk of cross-contamination by taking preventive measures. A risk assessment must show whether the preventive measures have been sufficiently effective. Only if this risk assessment reveals that the product in question could pose an actual risk to consumers with food allergies should allergen labelling be applied as a precautionary measure.

The correct application of precautionary allergen labelling is important, on the one hand, since very low concentrations of an allergen can lead to very serious reactions and consequences in some consumers with food allergies. On the other hand, the unnecessary use of precautionary allergen labelling may limit the food choices of consumers with food allergies, and increase the risk of developing nutrient deficiencies. Therefore, this Policy Rule indicates when there is cross-contamination with allergens and when allergen labelling should be applied as a precautionary measure. This is necessary to ensure food safety for consumers with food allergies and thus to protect public health.

Proportionality

The Policy Rule is an appropriate measure to protect the public health of specifically consumers with food allergies. It implements Article 14 of the General Food Law. In determining whether any food is unsafe, regard shall be had, inter alia, to the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods. For consumers with food allergies, it is important that the information on the label warns if an allergen is present in quantities that could pose an actual risk. A warning should therefore only be used if it appears that, despite preventive measures, there is a risk for consumers with food allergies. The cross-contamination then exceeds the safe limit. In addition, the measure does not go beyond what is necessary. By establishing rules for when allergen labelling may be applied as a precautionary measure, consumers with food allergies are adequately informed and unjustified application is prevented. Consumers with food allergies must be able to trust that the food they consume is safe.

10. Numbers or titles of basic texts: There are no basic texts

11. No

12.

13. No

14. No



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15. No

16.

TBT aspects: No

SPS aspects: No

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