



EUROPEAN COMMISSION

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Subject: Notification 2023/648/SE

Regulations amending the Swedish Board of Agriculture's regulations and general advice (SJVFS 2021:10) on biosecurity measures and notification and surveillance of animal diseases and infectious agents

Delivery of comments pursuant to Article 5(2) of Directive (EU) 2015/1535 of 9 September 2015

Sir,

Within the framework of the notification procedure laid down by Directive (EU) 2015/1535¹, the Swedish authorities notified to the Commission on 20 November 2023 the draft “**Regulations amending the Swedish Board of Agriculture's regulations and general advice (SJVFS 2021:10) on biosecurity measures and notification and surveillance of animal diseases and infectious agents**” (hereafter “the notified draft”).

According to the notification message, the notified draft lays down biosecurity measures for poultry, rules on the notification of suspected or detected cases of animal diseases and infectious agents and on the surveillance of animal diseases and infectious agents.

The examination of the notified draft has prompted the Commission to issue the following comments.

The Commission notes the absence of a mutual recognition clause in the notified draft. The national authorities have indicated in the notification message that *The principle of*

¹ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1.

mutual recognition applies because of the primacy of EU law and therefore does not have to be included in Swedish regulations.

The Commission would like to recall that, according to recital 16 of Regulation (EU) 2019/515 on the mutual recognition of goods², in order to raise awareness on the part of national authorities and economic operators of the principle of mutual recognition, Member States should consider providing for clear and unambiguous ‘*single market clauses*’ in their national technical rules with a view to facilitating the application of the principle.

In order to ensure legal certainty and the correct application of the Regulation 2019/515 on the mutual recognition of goods the national authorities are invited to include in the notified draft a single market clause, whose wording is consistent with the Commission suggestion in the Guidance on Regulation (EU) 2019/515³, which reads as follows:

“Goods lawfully marketed in another Member State of the European Union or in Turkey, or originating and lawfully marketed in the Contracting Parties to the EEA Agreement are presumed to be compatible with these rules. The application of these rules is subject to Regulation (EU) 2019/515 of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State”.

The Swedish authorities are invited to take these comments into account.

The Commission furthermore recalls that once the definitive text has been adopted, it must be communicated to the Commission in accordance with Article 5(3) of Directive (EU) 2015/1535.



For the Commission

Kerstin Jorna
Director-General

Directorate-General for Internal
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² Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008 (Text with EEA relevance.), OJ L 91, 29.3.2019, p. 1.

³ Guidance document for the application of Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008.