



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) 0772

Directive (EU) 2015/1535

Notification: 2024/0678/NL

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

MSG: 20250772.EN

1. MSG 103 IND 2024 0678 NL EN 17-03-2025 18-03-2025 SE COMMS 5.2 17-03-2025

2. Sweden

3A. Kommerskollegium

3B. Utrikesdepartementet

4. 2024/0678/NL - C50A - Foodstuffs

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

6. Sweden is in favour of measures aimed at protecting consumers' interests and providing them with the information they need to make informed purchases. As a starting point, however, it is important that the internal market is not unnecessarily fragmented by diverging national regulatory frameworks.

National labelling requirements generally require companies to adapt their product to the national market. This may mean that companies have to repackage the products or create larger packages to accommodate the labelling. Labelling requirements can thus in themselves constitute measures that impede free movement in the EU's internal market.

The Dutch proposal on the precautionary labelling of allergens (Precautionary Allergen Labelling, PAL) means that companies that export to the Netherlands may need to adapt their products. This, in turn, can lead to increased costs and administrative burdens for them.

Furthermore, the proposal is not consistent with the terms used in the Codex Alimentarius, where terms such as 'may contain' are used instead of the Dutch proposal's 'not suitable for'. Codex rules are expected to have an impact on future EU regulation. In addition, the Dutch proposal lacks important aspects such as the fact that PAL should also be used in case of risk of contamination below the reference dose (e.g. through pieces of nuts).

Today, the use of PAL varies between Member States, which hinders the internal market and the ability of consumers to make informed choices. The fact that the Netherlands introduces national rules before the EU common rules are in place can further complicate the work to create uniform guidelines.

A proposal that impedes free movement must be proportionate to its objective in order to be admissible. This means that there must be no other, less intrusive measure that can achieve the same objective and that the proposal must be appropriate. In this case, there is no explanation as to why no other, less intrusive, measures would be sufficient. This is particularly important in view of the problems surrounding the existing fragmentation of PAL labelling.

Finally, Sweden considers that the mutual recognition clause referred to in the notification communication should be



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included in the draft Regulation.

European Commission

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