



EUROPEAN COMMISSION

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

Message 201

Communication from the Commission - TRIS/(2024) 3170

Directive (EU) 2015/1535

Notification: 2024/0307/NL

Forwarding of the response of the Member State notifying a draft (Netherlands) to comments (5.2) of European Commission.

MSG: 20243170.EN

1. MSG 201 IND 2024 0307 NL EN 09-09-2024 28-11-2024 NL ANSWER 09-09-2024

2. Netherlands

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

3B. Ministerie van Volksgezondheid, Welzijn en Sport  
Directie Voeding, Gezondheidsbescherming en Preventie

4. 2024/0307/NL - C50A - Foodstuffs

5.

6. Comments and response to the Commission's comments on the draft regulation amending the Commodities Act Regulation on packaging and consumer products.

The Commission requests the Dutch authorities to:

- ensure that Regulation (EU) No 10/2011 is fully and correctly applied to materials and articles consisting partly of metals or alloys and that such materials or articles or parts thereof are also plastic materials and articles;
- consider aligning the migration limits for certain metals applicable to metal or alloy materials and articles, as set out in the notified draft, with those set out for the same metals in Annex II to Regulation (EU) No 10/2011.

Response:

The amendments to Chapter IV of Part A of the Annex to the Commodities Act Regulation on packaging and consumables apply to packaging and consumables made wholly or partly of metals and alloys, whether or not coated. The reference in the legal text to 'articles of use partly made of metals and alloys' means that if articles consist of a metal part (or alloys) and a part consisting of another material (e.g. plastic), only the metal component must comply with the new requirements in the Commodities Act Regulation. The Dutch authorities acknowledge that the plastic part has to comply with Regulation (EU) No 10/2011.

The migration limits included in the amendment to the Commodities Act Regulation are based on the recommended values in the Technical Guide Metals and Alloys published by the Council of Europe. A toxicological risk assessment was carried out when setting these migration limits.

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