Message 101

Communication from the Commission - TRIS/(2024) 0897

Directive (EU) 2015/1535

Notification: 2023/0750/NL

Forwarding of a request for supplementary information by a Member State (Spain)

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve – Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információ kérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

MSG: 20240897.EN

1. MSG 101 IND 2023 0750 NL EN 27-03-2024 01-04-2024 ES INFOSUP 27-03-2024

2. Spain

3A. Ministerio de Asuntos Exteriores, UE y Cooperación
DG de Coordinación del Mercado Interior y Otras Políticas Comunitarias
SGde Asuntos Industriales, Energéticos, de Transportes y Comunicaciones, y de Medio Ambiente

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

4. 2023/0750/NL - C50A - Foodstuffs

5.

6. Notification No 2023/0750/NL:

In the framework of Directive 2015/1535, the Netherlands notified, on 27 December 2023, the draft amendment of the Commodities Act Decree Act on the preparation and treatment of foodstuffs and the Commodities Act Decree on the hygiene of foodstuffs in relation to the amendment of microbiological requirements for foodstuffs and beverages and the requirements for raw milk and raw cream.

Its examination has led the Spanish authorities to issue the following request for additional information, as set out in Article 5.2 of the aforementioned Directive:

It is noted that the draft refers to a mutual recognition clause, with different wording from the usual one, which reads as follows:

‘ 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 the sale of goods that have been legally

brought onto the market in another EU Member State in its own territory on the grounds that the goods do not meet its own national regulations. It is important here that goods from another EU Member State offer at least an equivalent level of protection. The marketing of goods with an equivalent level of protection originating from other EU Member States falling within the scope of this regulation is therefore not prohibited on the basis of requirements laid down in this regulation.'

Consequently, the Spanish authorities wonder why the wording of the mutual recognition clause is different from the standard.

Madrid, 27 March 2024.

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