



## 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/(2024) 2814

Directive (EU) 2015/1535

Notification: 2024/0397/HU

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

MSG: 20242814.EN

1. MSG 103 IND 2024 0397 HU EN 15-01-2025 14-10-2024 ES COMMS 5.2 15-01-2025

2. Spain

3A. Ministerio de Asuntos Exteriores, UE y Cooperación  
DG de Coordinación del MI y Otras Políticas Comunitarias  
SDG de Asuntos Industriales, Energéticos, de Transportes y Comunicaciones, y de Medio Ambiente  
Plaza Marqués de Salamanca 8, 28006 Madrid

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

4. 2024/0397/HU - C50A - Foodstuffs

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

6.

In the framework of Directive 2015/1535, the Government of Hungary notified, on 15 July 2024, the draft Amendment to Government Decree No 210/2009 of 29 September 2009 on the conditions for carrying out commercial activities in the context of the protection of the health of children and minors (2024/0397/HU).

Examination of the draft has led the Spanish authorities to submit the comments set out below pursuant to Article 5(2) of the said Directive.

1. Please, clarify why the draft has composition requirements, taking into account that there is no harmonised definition or any composition requirements for energy drinks in EU legislation and that other EU Member States' national legislation sets different composition criteria than those formulated in the draft for these types of products.

2. On the basis of the above, and noting that the draft does not include a mutual recognition clause, the Hungarian authorities are invited to introduce such a clause to prevent this regulation from becoming an unnecessary obstacle to intra-Union trade in the food covered by the draft.

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