



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) 2671

Directive (EU) 2015/1535

Notification: 2024/0339/CZ

Forwarding of the response of the Member State notifying a draft (Czechia) to comments (5.2) of Austria.

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1. MSG 201 IND 2024 0339 CZ EN 25-09-2024 01-10-2024 CZ ANSWER 25-09-2024

2. Czechia

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4. 2024/0339/CZ - C00A - AGRICULTURE, FISHING AND FOODSTUFFS

5.

6. § 3b(3) of the Fertilisers Act is an adaptation provision for Article 5 of Regulation (EU) 2019/515 for the assessment of fertilisers. From the point of view of the supremacy of EU law, pursuant to § 3b(3) of the Fertilisers Act, the process must always take into account the legitimate public interest to which the national technical rule (i.e. the limits under Decree No 474/2000) would apply.

In other words, in the case of a decision prohibiting the placing on the market of a mutually recognised fertiliser, it is not sufficient to exceed the limits of risk elements pursuant to Decree No 474/2000, but it must be duly justified [in particular in accordance with Article 5(11)(b), (c) and (e) of Regulation (EU) 2019/515] what is the public interest in not allowing a specific product on the market in the Czech Republic when it has been authorised in another Member State.

European Commission

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