



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/(2026) 1837

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Forwarding of the response of the Member State notifying a draft (Spain) to of European Commission.

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2. Spain

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4. 2026/0031/ES - C00A - AGRICULTURE, FISHING AND FOODSTUFFS

5.

6. 1.1 REGARDING THE ACCESSIBILITY OF THE RECOGNITION SYSTEM FOR PRODUCERS FROM OTHER MEMBER STATES

(a) Specifically, the Commission states that 'the notified draft contains procedural requirements which make it difficult for producers from other Member States to comply with the notified draft, even if they were to meet the specific production requirements set out in Annex I, without providing for alternative or equivalent provisions for producers from other Member States'.

The Commission refers to the following two regulations:

- Royal Decree 1113/2006 of 29 September, approving the quality standards for cheese and processed cheese.
- Royal Decree 989/2022 of 29 November, laying down the basic rules for the registration of dairy operators, milk movements and controls in the area of primary production and up to the first unloading.

RESPONSE:

In order to address the concerns identified by the Commission, the following is clarified:

In accordance with the provisions of the aforementioned regulations, the scope of application covers the territory of Spain. Both standards include a sole Additional Provision. Mutual recognition clause, in which the following is specified:

- Royal Decree 1113/2006 of 29 September: 'The requirements shall not apply to cheeses and processed cheeses lawfully manufactured or marketed in accordance with other specifications in the other Member States of the European Union or to products originating in the countries of the European Free Trade Association (EFTA), that are Contracting Parties to the Agreement on the European Economic Area (EEA), or in Turkey.'



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- Royal Decree 989/2022 of 29 November: 'The requirements of this standard shall not apply to products lawfully manufactured or marketed in accordance with other specifications, in the other Member States of the European Union, or to products originating in the countries of the European Free Trade Association (EFTA) Contracting Parties to the Agreement on the European Economic Area (EEA), or to States which have a Customs Association Agreement with the European Union.'

Accordingly, it is considered that the notified draft provides for alternative or equivalent provisions for producers from other Member States, thereby allowing access to the recognition system.

b) With regard to the concern raised in relation to Article 6 ("Quality System and Official Controls"), which provides that 'the official control is carried out by the Ministry responsible for agriculture, as provided for in Chapter IV of Decree 352/2011 of 29 November', without envisaging the situation of producers from other Member States who are subject to official controls in their own Member State,' the following clarification is provided:

RESPONSE: Article 10 of the aforementioned Chapter IV of Decree 352/2011 of 29 November stipulates that the monitoring of the commercial quality of artisan products is carried out without prejudice to the powers of other administrative authorities to carry out controls on food products.

However, to ensure greater clarity, the wording of the notified draft has been amended by adding a clarification to the second paragraph of Article 6, which now reads as follows:

'The official control is carried out by the Ministry responsible for agriculture, as provided for in Chapter IV of Decree 352/2011 of 29 November, without prejudice to producers from other Member States who are subject to official controls in their own Member State.'

(c) The main point that raises concerns is point 6 of Annex I: 'All products must leave the facility properly labelled, including the Artesanía Alimentaria [Artisan Food] label, as well as the Producto Artesano [Artisan Product] label.'

In its reasoned opinion, the Commission considers that this Artisan Food label is the general label for artisan food production in Andalusia, in accordance with Decree 352/2011, Article 6(1)(a) of which stipulates that, in order for artisan food businesses to obtain authorisation to use the artisan food label, 'the production centre or industrial facility, as well as the registered office of the artisan food business, must be located within the territory of the Autonomous Community of Andalusia'.

'The Commission therefore understands that the recognition system for artisan foods in respect of the specific products concerned is only accessible to producers located in the territory of the Autonomous Community of Andalusia.'

RESPONSE:

Firstly, it is made clear to the Commission that the notified draft regulates, as a technical standard, the specific technical conditions for the use of the terms "Artisan Cheese" or "Farm-Produced Artisan Cheese" and "Artisan Curd Cheese" or "Farm-Produced Artisan Curd Cheese" and, consequently, it is not a standard governing the voluntary use of the artisan label, as that label is regulated by Article 9 of Decree 352/2011 of 29 November.

In this regard, the Commission is informed that Decree 352/2011 of 29 November is currently in the process of being amended. Specifically, at the time of writing this report, the public consultation period is open until 17 July 2026. The text of the draft amending decree has been published and may be consulted at:

<https://www.juntadeandalucia.es/servicios/normativa/normas-elaboracion/detalle/668215.html>

In particular, the Commission is hereby informed that point (a) of the aforementioned Article 6 of this Decree is deleted, and point (b) is amended, so that they now read as follows:

'a) [Deleted].

(b) The production centre and its facilities must be entered in the registers established by the applicable regulations that



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are necessary for the exercise of the activity; in the specific case of facilities located in Andalusia, this means that they shall be entered in the Andalusian Register of Agri-Food Industries.'

This amendment is deemed to resolve the issue raised by the European Commission regarding the artisan food label, a label which, as has been indicated, is not the subject of the present notification.

In addition, in order to clarify the concerns noted by the Commission and to ensure that the recognition system is open to all producers, Article 3 of the notified draft has been amended. Scope of application of the notified draft, by inserting a second paragraph:

'This regulation governs the specific technical conditions necessary for the production and marketing of artisan cheese and artisan curd cheese in Andalusia. Without prejudice to the foregoing, artisan food products legally produced in other Spanish autonomous communities or in other Member States which satisfy the conditions set forth in this regulation may be sold within the Autonomous Community of Andalusia under the names "Artisan Cheese" or "Farm-Produced Artisan Cheese" and "Artisan Curd Cheese" or "Farm-Produced Artisan Curd Cheese" as established in this regulation. Without prejudice to the foregoing, the requirements of this regulation shall not apply to products legally manufactured and/or sold in accordance with other specifications in Member States of the European Union or in the European Economic Area. These products may be marketed in Andalusia under the name provided for in the laws, regulations or administrative provisions applicable to them in the country from which they originate.'

In the same vein, in order to clarify this issue, the wording of section 6(1) of Annex I to the notified draft is also amended as follows:

'Cheeses shall be labelled in compliance with Regulation (EU) No 1169/2011 of 25 October on the provision of food information to consumers. They may use the Artisan Food label or the Artisan Product label.'

In light of the above, it is considered that these amendments address the European Commission's concerns regarding the accessibility of the recognition scheme to producers from other Member States, as they guarantee access to any producer within the Union whose products meet the requirements of the technical standard – requirements which cannot in any way be considered directly or indirectly discriminatory, given that the use of the designations "Artisan Cheese" or "Farm-Produced Artisan Cheese" and "Artisan Curd Cheese" or "Farm-Produced Artisan Curd Cheese" is not restricted to producers based in Andalusia.

1.2. MARKET ACCESS IN ANDALUSIA FOR FOOD PRODUCTS LABELLED AS "ARTISAN" ORIGINATING IN OTHER MEMBER STATES

The Commission states in its reasoned opinion that, pursuant to Article 3 ("Scope of Application") of the notified draft, 'artisan food products legally produced in other Spanish autonomous communities or in other Member States which satisfy the conditions set forth in this regulation may be sold within the Autonomous Community of Andalusia under the names "Artisan Cheese" or "Farm-Produced Artisan Cheese" and "Artisan Curd Cheese" or "Farm-Produced Artisan Curd Cheese".'

'It therefore also appears that the mere use of these designations for products from other Member States is subject to the respect of the conditions established in the notified draft (even if the producers would not wish to participate in the artisan food product identification system of Andalusia).

Since the notified draft impedes to consider or label as "artisan cheese", etc., food products from other Member States although they comply with the conditions laid down in the legislation of these Member States, it will lay down a measure having an equivalent effect as a quantitative restriction on the free movement of goods.'

RESPONSE: As noted in the response to section 1(1)(c). above regarding the accessibility of the recognition scheme for producers from other Member States, amendments have been made to the notified draft to ensure that the scheme for recognising cheese and curd cheese as artisan products – both in terms of their designation and the use of the artisan



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label – is accessible without any restrictions to any producer based in the European Union. This ensures that the notified draft does not prevent products originating in another Member State from being regarded or labelled as “artisan food products”, even if they meet the conditions laid down in the legislation of that Member State.

1.3 LACK OF JUSTIFICATION FOR THE RESTRICTIVE MEASURES UNDER ARTICLE 36 TFEU.

RESPONSE: It is clarified that the Spanish authorities have amended the text of the notified draft in order to take account of the Commission’s previous observations, with a view to ensuring compliance with Article 34 TFEU, so that the notified draft does not impose any restrictions on the free movement of goods.

As the notified draft does not provide for any measures restricting the free movement of goods, no justification is required under Article 36 TFEU.

With this document, the Spanish authorities are fulfilling their obligation to inform the Commission of the measures they intend to adopt in response to the detailed opinion.

2. COMMENTS

a) Inclusion in the CAP strategic plan.

RESPONSE: Given that it is the intention of the Spanish authorities that the recognition system set out in the notified draft should be open to all producers, and this is reflected in the attached notified draft, compliance with the provisions of Article 47(a)(i) of Delegated Regulation (EU) 2022/126 is ensured, should support be planned under the specific framework of the CAP.

b) Food additives.

The European Commission states in its reasoned opinion:

‘Point 4.1(a) of that annex provides as follows:

‘The milk must not contain inhibitors, colostrum, preservatives or residues of veterinary medicinal products.’.

Point 5.4 of that annex further provides that:

‘The addition to milk of antibutyrics, preservatives, catalase, maturation enzymes and starch, as well as any other materials not reflected in this Technical Standard, shall also be prohibited, with the exception of the optional raw materials included in point 4.2 of Annex I.’.

Regulation (EC) No 1333/2008 on food additives provides that only food additives included in the Union list set out in Annex II to that Regulation may be placed on the market as such and used in foods, under the conditions of use specified therein.

The Spanish authorities are therefore invited to clarify the drafting of those provisions of the notified draft in this regard.’

RESPONSE: To ensure a clearer understanding, the wording of point 4.1 of Annex I has been clarified as follows:

‘The milk must not contain inhibitors, colostrum, preservatives or residues of veterinary medicinal products.’.

It is replaced by this new wording:

‘Milk: milk may not contain inhibitors, colostrum, preservatives or any other type of additive not authorised in accordance with Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives.’

With regard to point 5.4 of Annex I, the wording of the notified draft is clarified to explain that it does not refer to the addition of additives to milk, but to the use of optional raw materials in the manufacturing process as cheese ingredients.



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To ensure a clearer understanding, the wording of the sentence in point 5.4 of Annex I is amended as follows:

'The addition to milk of antibutyrics, preservatives, catalase, maturation enzymes and starch, as well as any other materials not reflected in this Technical Standard, shall also be prohibited, with the exception of the optional raw materials included in point 4.2 of Annex I.'

It is replaced by this new wording:

'The addition to milk of antibutyrics, preservatives, catalase, maturation enzymes and starch, as well as any other materials not reflected in this Technical Standard, shall also be prohibited, with the exception of the optional raw materials included in point 4.2 of Annex I.'

Please find attached the final text of the notified draft, including the amendments made in the light of the observations raised by the Commission.

European Commission

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