



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) 2588

Directive (EU) 2015/1535

Notification: 2024/0341/DK

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

MSG: 20242588.EN

1. MSG 103 IND 2024 0341 DK EN 26-09-2024 24-09-2024 AT COMMS 5.2 26-09-2024

2. Austria

3A. Bundesministerium für Arbeit und Wirtschaft

Abteilung V/8

A-1010 Wien, Stubenring 1

Telefon +43-1/71100-808805

E-Mail: not9834@bmaw.gv.at

3B. Bundesministerium für Land- und Forstwirtschaft, Regionen und Wasserwirtschaft

Abteilung Recht 1

A-1010 Wien, Stubenring 1

Telefon +43-1/71100-602144

E-Mail: Abt-R1@bml.gv.at

4. 2024/0341/DK - C00A - AGRICULTURE, FISHING AND FOODSTUFFS

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

6. The notified draft provides a subsidy for products that is suitable for consolidating the position of these products on the market. This jeopardises the free movement of goods.

Justification:

CH₄-reducing animal feed will generally be used in the future. Reducing CH₄ as a climate protection benefit is therefore to be welcomed. It also makes sense to compensate for additional services economically. This can be reflected by product subsidies or under the CAP. It is expected that feed additives for CH₄ reduction will be used throughout Europe in the near future. How customers react to this type of additive may vary from country to country.

Subsidies should be aligned with the effect on climate protection, regardless of the product, in compliance with the legal framework and also with regard to future development.

However, large parts of the notification consist of a distinction between 3-NOP and other available or yet-to-be-developed products, which have no relevance for climate protection.

The rationale based on the effectiveness level of 28.5 % and the delimitation on the nitrate content are likely to foster the achievement of a monopoly position.



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Climate protection should be a process that cannot be fixed to a threshold value. Lower reduction effects using other products (natural feed or other feed with EFSA approval) are also to be evaluated equivalently and positively.

The inclusion of other feed materials and feed additives in the support scheme, even with lower effects, can enable further reductions in methane emissions. The current draft regulation also excludes persons or farms from the support scheme where the use of 3-NOP is not permitted (e.g. organic farming). This has the potential to jeopardise the free movement of goods. Especially in these areas, the use of products with a lower impact can also make a contribution to reducing CH₄.

The lower eligibility limit of farms with 50 cows also has the potential to jeopardise the free movement of goods.

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu