



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/(2025) 0689

Directive (EU) 2015/1535

Notification: 2024/0678/NL

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

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1. MSG 103 IND 2024 0678 NL EN 17-03-2025 12-03-2025 BE COMMS 5.2 17-03-2025

2. Belgium

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4. 2024/0678/NL - C50A - Foodstuffs

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

6. Belgium has taken note of the draft legislation of the Dutch authorities concerning the precautionary labelling of allergens.

Belgium wishes to clarify that it regrets that no measures in this area have so far been established at the European level. Belgium is in favour of harmonised legislation at the European level, in the interests of public health and the internal market. It therefore urges the European Commission to act without waiting for the outcome of the discussions at the international level.

In this context, Belgium understands the motivations of the Netherlands for the introduction of this measure. However, it expresses concerns about the reference value adopted for lupin, which exceeds that recommended by the FAO/WHO expert group and the level currently applied in Belgium.

This difference in thresholds will lead to inconsistencies in precautionary labelling and jeopardise health protection and official control. Indeed, for values between the thresholds applied in Belgium and those established in the Netherlands, precautionary labelling would be mandatory in Belgium but prohibited in the Netherlands, where the notified regulations allow it only if the set reference value is exceeded. Consequently, products manufactured in the Netherlands could be marketed in Belgium without precautionary labelling, which would, on the one hand, reduce the protection of Belgian consumers and, on the other hand, trigger infringement measures by the Belgian control authorities. Conversely, Belgian products legally labelled as precautionary and placed on the market in the Netherlands will be considered non-compliant by the competent authorities of the Netherlands.



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As regards the formulation of precautionary labelling, Belgium understands the need to limit the number of authorised terms and supports this approach. It nevertheless suggests that the Netherlands authorities also include the possibility of using the words 'Kan bevatten: x, y, z' in the event that several allergens are concerned.

Belgium also questions whether the wording 'Niet geschikt voor xxx' could not be perceived by some consumers as a repetition of all allergens present (intentionally or not) in the product. These consumers could only rely on this statement and would not pay attention to the other allergens included in the list of ingredients. Belgium would like to receive data from the Dutch authorities on this subject showing that this risk of misunderstanding has been assessed and taken into account.

European Commission

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