



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) 2208

Directive (EU) 2015/1535

Notification: 2024/0312/HU

Forwarding of the observations of a Member State (Germany) (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 0312 HU EN 12-09-2024 22-08-2024 DE COMMS 5.2 12-09-2024

2. Germany

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4. 2024/0312/HU - C00A - AGRICULTURE, FISHING AND FOODSTUFFS

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

6. The present Hungarian draft Act amending Act LXVI of 2022 on the protection of origin of agricultural products (notified under the Single Market Transparency Directive (EU) 2015/1535 – Notification number 2024/0312/HU) gives rise to several reasonable doubts as to the legality of the Act, as it does not appear to be compatible with Regulation (EU) 2024/1143.

Section 26/A(1)(b) and (c) of the Hungarian Act provides that the geographical indication may appear on the product when it is first placed on the market on the territory of Hungary only if the economic operator producing the product bearing the geographical indication is entitled to determine the appearance and name of the agricultural product or the essential content of its labelling and the economic operator producing the agricultural product bearing the geographical indication may sell the product without restriction by any means of his own choice. Thus, the Hungarian Act imposes stricter conditions on the producer and operator than the EU rule in Article 37(5) of Regulation (EU) 2024/1143, without justifying this restriction.

In addition, doubts arise as to the concept of 'economic operator'. This is not provided for in Regulation (EU) 2024/1143. There is no apparent justification for the use of different and new undefined legal concepts.

Section 2 is intended to authorise the HUN Minister to lay down, by decree, in accordance with Section 32(3)(a), rules governing the tasks performed by the administrative bodies and the operation of those administrative bodies and, in accordance with Section 32(3)(b), the undertakings referred to in Section 26/A(2)(a) of the Hungarian Act.

On the other hand, the provision relating to Section 32(3)(b) allows the undertakings covered by the exception in Section 26/A(2)(a) to be defined. It is therefore for the Ministerial Decree to exclude undertakings from the special conditions laid down in Section 26/A(1). The specific determination of undertakings could discriminate against other operators and distort the market accordingly.



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Section 3 provides for the insertion of the provision of Section 34/A into the Hungarian Act. The Hungarian provision shortens the grace period in the fourth subparagraph of Article 37(5) of Regulation (EU) 2024/1143 by more than 10 months. Regulation (EU) 2024/1143 does not provide for the possibility for Member States to derogate from the mandatory rule governing the grace period to the detriment of operators.

European Commission

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