

Message 104

Communication from the Commission - TRIS/(2020) 04045  
Directive (EU) 2015/1535  
Translation of the message 103  
Notification: 2020/0510/D

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

(MSG: 202004045.EN)

1. MSG 104 IND 2020 0510 D EN 18-11-2020 13-11-2020 COM 5.2 18-11-2020  
2. Spain

3A. Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y de Medio Ambiente.

Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias.

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3B. Comisión Interministerial para la Ordenación Alimentaria

Agencia Española de Seguridad Alimentaria y Nutrición.

Ministerio de Consumo.

4. 2020/0510/D - C50A

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

6. Within the framework of Directive (EU) 2015/1535, Germany notified draft No 2020/510/D, 'Twenty-second Ordinance amending the Consumer Goods Ordinance'.

Examination of the draft has led the Spanish authorities to issue the following comments, as set out in Article 5(2) of said Directive:

The draft German Ordinance does not include a mutual recognition clause allowing the free movement in Germany of goods that comply with both the applicable Community legislation (Article 3 of Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food), and the legislation established, where appropriate, by other Member States of the European Union, thus possibly distorting the single market; this is as long as there is no scientific evidence to demonstrate the possibility that there is a health risk for German citizens.

On the other hand, the German authorities should take into account the ongoing work by the European Commission and the Member States to collect information on mineral oil hydrocarbons, which may allow for a correct risk assessment in the medium term to establish the measures harmonised at Community level necessary for the management thereof.

Madrid, 10 November 2020

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