

Message 001

Communication from the Commission - TRIS/(2026) 2499

Directive (EU) 2015/1535

Notification: 2026/0486/NL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20262499.EN

1. MSG 001 IND 2026 0486 NL EN 04-09-2026 NL NOTIF

2. Netherlands

3A. Directie Wetgeving en Juridische Zaken (WJZ)

3B. Ministerie van Volksgezondheid, Welzijn en Sport

4. 2026/0486/NL - C50A - Foodstuffs

5. Amendment of the Commodities Act Decree on Herbal Preparations and the Commodities Act Decree on Food Supplements in connection with the designation of harmful substances

6. Herbal preparations and food supplements

7.

Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods: Article 12

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8. Articles I and II of the draft Decree contain technical requirements. This draft Decree designates substances, plants and fungi that may be harmful to health and the use of which in food supplements and herbal preparations is, for that reason, prohibited, or permitted subject to conditions or with consumer advice.

For the sake of completeness, it is noted that Article 13d of the Commodities Act contains a mutual recognition clause. The principle of mutual recognition entails that an EU Member State shall not ban in its own territory the sale of goods that have been legally brought onto the market in another EU Member State on the grounds that the goods do not meet its own national regulations. It is important, however, that the legitimate public interests guaranteed by the national requirements in force are sufficiently protected. The principle of mutual recognition is included in the explanatory memorandum to the draft decree.

9. The proposed amendment is aimed at public health protection.

9a. The measure is appropriate and proportionate in view of the objective of protecting public health. Substances are included in the draft Decree only if scientific risk assessments show that these substances can be harmful to health. In this context, a distinction is made, based on health risks, between substances that must not be present in food supplements and herbal preparations, substances that are permitted subject to certain conditions, and substances for which consumer advice is mandatory.

9b. The proposed amendment is necessary to ensure a high level of public health protection. The identification of substances that may be harmful to health and which, for that reason, must not be present in food supplements and herbal preparations, or may be present only subject to certain conditions, is a measure justified on the grounds of public health protection. The General Food Law (Regulation No. 148/2002) lays down general requirements to ensure that only safe foods are placed on the market, in order to guarantee the proper functioning of the internal market for such products. Measures may be taken as a precautionary measure to protect health where scientific risk assessments indicate that foods may be harmful to health.

9c. The measure is considered necessary for public health protection and is based on scientific risk assessments. Based on health risks, a distinction is made between substances that must not be present in food supplements and herbal preparations, substances that are permitted subject to certain conditions, and substances for which consumer advice is mandatory. The measure is applied without discrimination. No distinction is made between operators of food supplements and herbal preparations established in the Netherlands and operators of food supplements and herbal preparations established in other countries.

10. Numbers or titles of the basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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