

EU Survey for Stakeholders on Gold-plating

Introduction

Dear business representative,

Thank you for helping us remove unnecessary barriers from the EU's single market, so that your business operations are smoother and more effective. The focus of this exercise is to **identify by the 15th of September 2026 examples of cases where EU businesses face gold-plating.**

According to The Communication [A Simpler, Clearer and Better Enforced EU Rulebook](#) adopted in April 2026, gold-plating occurs “*where a Member State, when transposing or implementing EU law in a given policy area, introduces a wider scope, stricter rules or obligations that go beyond the requirements set by the EU legal act. Creating more burdensome procedures than what is necessary to implement the EU law can also be considered gold-plating.*”

Therefore, gold-plating involves **exceeding EU legislation requirements or administrative practices during national law transposition and implementation**, adding unnecessary complexity, costs, and burdens to stakeholders without necessarily infringing EU law (often referred to as over-implementation).

Gold-plating in Member States can take different forms, such as:

- *More stringent norms* (higher standards, expanded scope of application of EU act, language and safety demands, reporting obligations, additional labelling requirements, thresholds, removal of exemptions, etc);
- *Administrative procedures* (authorisation, notification or permitting requirements, parallel or multiple procedures at different levels (local, regional, national), new document obligations);
- *Interpretative guidance* (stringent or divergent legal interpretations of EU definitions);
- *Enforcement measures* (stringent penalties, burdensome information injunctions, frequent inspections).

When answering this EU survey, please be as specific as possible in **identifying the barriers that you encounter when marketing your products and providing your services across the EU market**. This might include information about the product/service, target countries/regions, and differences in how EU rules are implemented at national or local level that complicate your business operations, making procedures longer, more complex or more costly.

Collecting your views and experience is important to reduce unnecessary burdens and costs that impact you when operating in the Single Market. Thank you in advance for **providing your answer by 15 September 2026**. It will contribute to our [Simplification](#) agenda, including the development of a Toolkit for Member States to help them prevent gold-plating practices.

For further clarification, please contact GROW-SIMPLIFICATION@ec.europa.eu, in DG GROW, Unit B1 Planning and Simplification.

QuestionPrivacy Statement

[GROW B1 Privacy Statement for gold-plating survey DPR-EC-01011 .pdf](#)

About Your Business

Please tell us more about your business and sector of your activity.

* Question 1. Your **Organisation (Name)**

FoodDrinkEurope

* Question 2. **Company size**

- **Micro**-company has up to 10 employees and a turnover or balance sheet total of up to €2 million
- Answer
- **Small** company has up to 50 employees and a turnover or balance sheet total of up to €10 million
- Answer
- **Medium**-sized company has up to 250 employees, a turnover of up to €50 million or a balance sheet total of up to €43 million;
- Answer
- **Large** company (250 or more employees)

* Question 3. **Sector** of operations / your industrial ecosystem

Aerospace & Defence
Agri-food
Construction
Creative & cultural industries
Digital
Energy intensive industries
Health and care
Electronics
Mobility, transport, automotive
Proximity & Social economy
Renewable energy
Retail
Textile
Tourism

* Question 4. **Indicate your main product / service** so we understand better in which subsector you are part of.

Food and drink products

* Question 5. **Main Member State** of your business operations. *Multiple choice is possible if you wish to flag cross-border nature of your activity.*

Austria (AT)
Belgium (BE)
Bulgaria (BG)
Croatia (HR)
Cyprus (CY)
Czechia (CZ)
Denmark (DK)
Estonia (EE)
Finland (FI)

France (FR)
Germany (DE)
Greece (EL)
Hungary (HU)
Ireland (IE)
Italy (IT)
Latvia (LV)
Lithuania (LT)
Luxembourg (LU)
Malta (MT)
Netherlands (NL)
Poland (PL)
Portugal (PT)
Romania (RO)
Slovak Republic (SK)
Slovenia (SI)
Spain (ES)
Sweden (SE)
Other (NA)

* Question 6. May we **contact you** for further details, if needed?

YE
S
NO

DESCRIPTION OF IDENTIFIED GOLD-PLATING PRACTICES

* Question 7. **Have you encountered gold-plating** practices in your area of operations?

YES
NO

* Question 8. Please identify which **category(ies)** of gold-plating have you encountered:

<i>More stringent norms</i> : higher standards, e.g. supplementary substantive rules (on the characteristics of the product and/or service provision in question) beyond those required by an EU Act
<i>More stringent norms</i> : expanded scope of application of EU legislation as transposed or implemented at national, regional or local level
<i>More stringent norms</i> : stricter deadlines
<i>More stringent norms</i> : additional language and safety demands
<i>More stringent norms</i> : reporting obligations
<i>More stringent norms</i> : additional labelling requirements
<i>More stringent norms</i> : authorisation, notification, registration or permitting requirements not required by an EU Act
<i>More stringent norms</i> : different thresholds (size, turnover, emissions, etc.)
<i>More stringent norms</i> : removal of exemptions allowed by the EU Act
<i>Administrative procedures</i> : new document obligations incl. authorisations, notifications, information requests
<i>Administrative procedures</i> : parallel or multiple procedures at different levels (local, regional, national)
<i>Interpretative guidance</i> : stringent or divergent legal interpretations of EU definitions;
<i>Enforcement measures</i> : stricter penalties, burdensome information injunctions, frequent inspections
<i>Other</i>

* Question 9. Identify the **sector(s)**, for which this gold-plating case is relevant

Aerospace & Defence
Agri-food
Construction
Creative & cultural industries
Digital
Energy intensive industries
Health and care
Electronics
Mobility, transport, automotive
Proximity & Social economy
Renewable energy
Retail
Textile
Tourism

* Question 10. Identify the **product or service** concerned by this gold-plating case

1. Pesticides in food and feed of plant and animal origin
2. Packaging minimisation
3. Labelling requirements for food products

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* Question 11. Identify the **Member State(s)** where you have encountered this **gold-plating** practice

AT - Austria
BE - Belgium
BG - Bulgaria
HR - Croatia
CY - Cyprus
CZ - Czechia
DK - Denmark
EE - Estonia
FI - Finland
FR - France
DE - Germany
EL - Greece
HU - Hungary
IE - Ireland
IT - Italy
LV - Latvia
LT - Lithuania
LU - Luxembourg
MT - Malta
NL - Netherlands
PL - Poland
PT - Portugal
RO - Romania
SK - Slovak Republic
SI - Slovenia
ES - Spain
SE - Sweden

* Question 12. Identify the **applicable EU legal act(s), national measure(s) or administrative practice(s)** impacted by gold-plating; and if possible, indicate which authority is responsible for adopting the measure.

1. Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin
2. Directive 94/62/EC on packaging and packaging waste, now replaced by Regulation (EU) 2025/40 (PPWR).
3. Belgium's litter clean-up tax: Belgium's Interregional Cooperation Agreement on extended producer responsibility for certain waste streams and litter, which was notified via the TRIS procedure (2023/0490/BE), goes beyond the scope of the Single-Use Plastics Directive and imposes litter clean-up fees on a wider scope of packaging streams and products.
4. Spanish draft law on Sustainable Consumption: The Spanish draft law on Sustainable Consumption, which implements the Empowering Consumers for the Green Transition Directive, includes amendments that exceed the text of the ECGT Directive. The draft law aims to transpose, inter alia, the ECGT Directive, and includes additional requirements that go beyond the ECGT for:

- **Company names with environmental references:** These are prohibited unless they are backed by specific certification schemes.
- **Animal welfare claims and imagery on packaging:** These are subject to strict restrictions and companies are required to ensure that imagery on packaging is not neutral (e.g. it is not possible to distinguish if the animal is located inside or outside) or faithful to the production system.

The Spanish draft law was notified to the European Commission in June 2026 (<https://technical-regulation-information-system.ec.europa.eu/en/notification/28025>) and its standstill period will end on 15 September.

5. French interpretation of “WITH NO ADDED SUGARS” claim:

In a letter dated 21 March 2025 sent to ANIA (see [Q4 on DGCCRF page](#)), the French authorities (DGCCRF) stated that the addition of an ingredient containing sugars, or the use of processing methods that result in the formation of sugars, where these lead to a significant increase in the sugar content of the products, that is to say by more than 20 per cent, and even if this were not the primary intention of such an addition or processing method, means that the claim ‘with no added sugars’ must be regarded as likely to mislead the consumer. The concept of intentionality regarding whether or not sugars are used is not taken into account in this interpretation. This additional requirement laid down by the DGCCRF constitutes a further standard in addition to Regulation (EU) No 1924/2006 and a divergent legal interpretation of the EU definition.

6. France - Calculation of Nutrient Thresholds per Portion for Nutrition Claims:

Since at least 2023, the French authority (DGCCRF) introduced an additional requirement for the validation of nutrition claims, going beyond the provisions of Regulation (EC) No 1924/2006 (see [Q6 on DGCCRF page](#): <https://www.economie.gouv.fr/dgccrf/les-fiches-pratiques/allegations-nutritionnelles-et-de-sante-ne-vous-faites-pas-avoir>). To comply with the provisions of articles 5.1.b and 5.1.d of Regulation (EC) No 1924/2006, DGCCRF requires that the amount of the nutrient and/or any other substance must be expressed per portion. This additional requirement has not been harmonized at EU level and creates additional compliance obligations for food business operators and may lead to divergent application of EU nutrition claims rules within the internal market.

7. French waste sorting instructions (Triman + Info-tri):

France have introduced national-specific recycling logos or sorting instructions (cf. <https://www.ecologie.gouv.fr/info-tri>).

8. France - Indication of primary ingredient origin:

In its [FAQ](#) published in July 2024, the French authorities introduced additional rules defining the primary ingredient.

For example, provided there are no more than three ingredients in total, the origin of the ingredients must be stated if it differs from that claimed on the foodstuff for:

- * the ingredient present in a proportion exceeding 50 per cent, where applicable
- * the characteristic ingredient(s) common to the generic and homogeneous category of interchangeable foodstuffs to which the foodstuff in question belongs, other than that referred to in the previous point
- * any ingredient(s) mentioned in the name of the foodstuff, other than those falling under the two previous cases, the latter being listed in order of appearance in the list of ingredients.

This additional requirement laid down by the DGCCRF constitutes a further standard in addition to Regulations (EU) No 1169/2011 and 2018/775 and a divergent legal interpretation of the EU definition.

We would also like to refer to FoodDrinkEurope's contribution to **Questions for the brainstorming with Member States on potential SMET project addressing packaging and labelling challenges** that was shared with DG GROW in July 2025. While the examples and case studies included in that contribution do not constitute gold-plating in the strict sense, they have comparable implications for the functioning of the Single Market.

* Question 13. Estimate the **intensity and frequency** at which this gold-plating problem burdens your business.

Move the slider or accept the initial position.

Small one-off
Costly recurrent burden

1 to 5

* Question 14. **Describe** additional information about this gold-plating practice (nature of the gold-plating burden, frequency of dealing with it, impact on your operations, geography, timeline), which you encounter when operating in the EU.

1. Following the Regulation (EC) No 396/2005, maximum residue levels of pesticides are harmonised at EU level. Nevertheless, France and Poland have introduced stricter national requirements for residues of certain plant-protection active substances. The introduction of divergent national residue requirements undermines the harmonisation achieved through the Regulation (EC) No 396/2005) and risks fragmenting the Single Market. Companies will face additional compliance costs, increased bureaucracy and legal uncertainty.

France additionally adopted an emergency agricultural bill, including provisions formalizing the government's ability to take measures similar to those in the decree above mentioned, for other substances. See excerpt below of Article 2.

"Under the conditions laid down in Articles 53 and 54 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, as a precautionary measure and pending the adoption by the European Commission of appropriate measures, in the event of the withdrawal or non-renewal of the approval of an active substance in plant protection products or of the authorisation of a veterinary medicinal product in the European Union on grounds relating to the protection of health or the environment, **the Minister responsible for food safety or animal health shall suspend or impose specific conditions on the introduction, import or placing on the market in France of foodstuffs or animal feed containing residues of such substances or medicinal products, where it is evident that they are likely to pose a serious risk to human or animal health.**"

2. Dutch packaging minimisation and packaging dossier requirements under the [Besluit beheer verpakkingen 2014](#), including requirements to provide supporting documentation demonstrating compliance with packaging minimisation obligations. Responsible authorities: Ministry of Infrastructure and Water Management (IenW); supervision and enforcement by the Human Environment and Transport Inspectorate

Digital labelling as a solution

Digital consumer information, including QR codes and other digital carriers, can help address some of the practical burden created by divergent national requirements, particularly where information is extensive or needs to be provided in multiple languages. Digital solutions can provide scalable and multilingual access to consumer information while preserving limited on-pack space and reducing the need for multiple physical packaging versions.

FoodDrinkEurope supports the development of a harmonized legislative framework that integrates digital labelling as a reliable and environmentally conscious alternative to physical labelling. Such a framework should be future-proof and not preclude the technical nature of digital means.

* Question 15. Please **share if you have a more detailed description of the problem available**, such as a position paper, legal analysis or press release.

Select file(s) to upload

IMPACT & COST OF GOLD-PLATING ON YOUR BUSINESS

Help us understand the qualitative and quantitative impact that the above-mentioned gold-plating practice has on your business growth, bottom-line or expansion opportunities. If possible, please quantify the burden including direct and indirect costs. Even a rough estimate is valuable; exact figures are not required as long as some justification is provided. For more details about the typology of costs, refer to [Better Regulation Toolbox](#), p. 507

* Question 16. **How significant is the burden** on your business?

Minor inconvenience
Low burden
Moderate burden
Significant burden
Major barrier to market entry or business operations

* Question 17. Which type(s) of **DIRECT costs** have you incurred as a result of this/these gold-plating practice(s)?

Adjustment costs: investments and expenses to adjust your activity to the gold-plated requirements
Administrative costs to comply with administrative obligations
Regulatory charges: including fees, levies, taxes, etc.
Enforcement costs associated with implementation of the rules (such as monitoring, inspections and adjudication/litigation)
Hassle costs from unnecessary waiting time, delays, redundant legal provisions.
Other

Question 18. Please specify **any other additional direct cost** incurred.

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* Question 19. In a typical month, **what percentage of employees' time, if any, is spent on dealing with those additional requirements** imposed by national regulation or administrative practices?

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* Question 20. **Specify and/or quantify (in EUR) the above-mentioned costs** of gold-plating: e.g. as extra expense per unit of sales, annual operating expense, compliance costs (e.g. for legal analyses), or other.

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* Question 21. Which **type(s) of INDIRECT costs** have you incurred as a result of this/these gold-plating practice(s)?

Indirect compliance costs related to the fact that stakeholders have to comply with legislation
Offsetting/substitution costs related to reliance on alternative sources of supply
Transaction costs of renegotiating contracts
Opportunity costs of foregone alternative investments
Negative impacts on market functioning: reduced competition or market access, reduced innovation or investment.
Other

* Question 22. Please specify any **other additional indirect cost** incurred.

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* Question 23. **Specify if/how the above-mentioned gold-plating practices negatively impacts your business, including indirect costs in EUR**, e.g. due to delays in market entry, loss of contracts / opportunities, reduced competitiveness, or impact on your decision to enter / remain in a particular market?

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SOLUTIONS

This section aims to understand whether/how you have already tried addressing the issue and what the result was.

* Question 24. Which **channel / authority** did you approach for remedy?

National, regional or local public authority
Courts
EU reporting tools, such as the Single Market Barrier Tracker or Solvit
Industry association or public affairs representative
EU Business Support Network (e.g. EEN or industry cluster)
Public communication including social media

Other
None

* Question 25. **How was the request addressed?** Which organisation helped you address it and what kind of action / solution have they offered / delivered?

Your answer will help us identify better / worse practices for eliminating gold-plating in various Member States.

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* Question 26. What other **action(s) would you welcome** so that the problem is solved?

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* Question 27. Have you identified **Member States that have implemented the same EU legislation in a less burdensome way?**

If so, please specify the Member State/s and main differences observed.

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