

Animal feed: placing on the market and use

2008/0050(COD) - 07/10/2008

The Committee on Agriculture and Rural Development adopted the report by Friedrich-Wilhelm **GRAEFE zu BARINGDORF** (Greens/ALE, DE), amending the proposal for a Regulation of the European Parliament and of the Council on the placing on the market and use of animal feed.

The main amendments adopted by the committee (1st reading under the codecision procedure) are as follows:

Open declaration of feed materials: MEPs point out that the exact percentages of all feed materials incorporated in compound feed may be provided for on a voluntary basis, but must be notified to the authorities and should be made available to interested consumers upon demand.

Providing additional information: in certain areas where the producer is not obliged to label particulars, the customer should have the possibility to request additional information. MEPs add that intellectual property rights of the producer should be protected; thus a margin of +/- 15% of the declared value should be permitted. However, MEPs rejected the additional right, as provided for in the proposal, enabling a manufacturer to refuse disclosure of information by invoking the commercially sensitive nature of information or intellectual property rights.

Animal meal: measures should be taken to ensure that the presence of animal meal in compound feed is clearly labelled, thereby going beyond the listing of feed materials used.

Dilution: stressing that contaminated feedingstuffs must not enter the food chain, MEPs believe that adequate provisions should be laid down in order to ensure that the dilution ban pursuant to Directive 2002/32/EC is respected and to prevent batches being placed on the market for detoxification or disposal.

Guidelines and codes of conduct: according to MEPs, these are a useful instrument which assists undertakings in implementing the provisions on feedingstuff labelling. Although they may facilitate interpretation of the leeway provided by legislation, they are not an instrument for flexibilisation.

Scope: this regulation should apply without prejudice to the provisions of Regulation (EC) No 1831/2003 on additives for use in animal nutrition. Although this regulation does not contain provisions dealing with water, it shall, however, apply to feed designed to be administered in water.

Definitions: MEPs propose to incorporate the notion of “first placing on the market” into the Regulation, so that the various feed businesses have clearly defined responsibilities.

Responsibilities and obligations of undertakings: the competent authorities may pass on to consumers information forwarded to them concerning the composition or claimed properties of the feed, where they consider, after weighing up the respective legitimate interests of manufacturers and consumers, that such a step is justified. Where appropriate, the authorities shall make the passing on of information contingent on the signing of a confidentiality declaration.

Prohibited materials: according to MEPs, the list of prohibited materials should be incorporated into the regulation itself, in an annex, like the list of authorised materials, and not appear in a separate text (at present Decision 2004/217/EC). In the interest of consumer protection, the Commission should be able to issue bans on certain materials in animal feed with immediate effect. In such cases, the urgent procedure should be used (comitology).

Characteristics of the types of feed: in accordance with the regulatory procedure with scrutiny (comitology), the Commission may adopt guidelines clarifying the distinction between feed materials, feed additives and veterinary drugs.

Transactions by distance: in the special case of transactions by distance, the mandatory labelling particulars required by this Regulation shall appear on the information material relating to the distance selling or be provided by any other appropriate means.

Responsibilities in terms of labelling: within the business under their control, feed business operators shall ensure that mandatory labelling particulars are transmitted throughout the food chain.

Claims: consumers shall have the right to receive from the competent authority a summary of the scientific substantiation of the truthfulness of the claim, or, where there are justified grounds for suspecting that a misleading claim has been made, to ask the competent authority to have such substantiation provided by the manufacturer. In order to increase transparency, it is important that the Commission lay down guidelines to define the necessary rules to substantiate a claim for a feed material.

Mandatory labelling particulars: if the feed is sold to a feed business, the purchaser shall be informed of the mandatory labelling particulars in the most appropriate manner. Such particulars shall be given in a clearly legible and comprehensible manner. However, if the feed is sold to a person other than a feed business, the mandatory labelling particulars shall be given in their entirety in a prominent place on the packaging, the container or on a label attached thereto, in a conspicuous, clearly legible and indelible manner, or on an insert, in the language of the Member State in which it is placed on the market. The Codes shall, specifically, indicate the manner in which the mandatory labelling particulars are to be displayed.

Pet food: on the label of pet food a cost-free means of contacting the person responsible for the labelling particulars (such as by telephone, e-mail or via the Internet) shall be indicated in order to allow the customer to exercise his right to obtain information.

Voluntary labelling particulars: the list of voluntary labelling particulars should not be comprehensive. Particulars which are not included in the list but which are not inconsistent with the ban on misleading claims should be admissible. These voluntary labelling particulars may include: (i) particulars concerning digestible starch and raw protein; (ii) particular on the presence/absence of a given substance.

Community Catalogue: a person responsible for the first placing on the market of a feed material not yet listed in the Catalogue must register its use immediately and apply to have it included in the Catalogue.

Regulation (EC) No 1831/2003: MEPs also introduced amendments aimed at bringing the labelling requirements laid down in Regulation (EC) No 1831/2003 into line with the approach, based on the provision of information through labelling, introduced by the regulation under consideration here, since they are linked. This can be achieved by incorporating the definitions of 'labelling' and 'label' into Regulation (EC) No 1831/2003.