

Animal feed: placing on the market and use

2008/0050(COD) - 05/02/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 543 votes to 8 with 26 abstentions a legislative resolution 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 amendments are the result of a compromise between Parliament and Council. The main amendments -1st reading under the codecision procedure - are as follows:

Intellectual property: a new recital notes that the intellectual property rights of the producers should be protected. For the enforcement of the intellectual property rights, provisions of Directive 2004/48/EC should apply. It should also be acknowledged that the quantitative composition of compound feed, in contrast to names of feed materials incorporated, can, under certain conditions, be considered confidential information to be protected.

Responsibilities of the feed businesses: the text states that the person responsible for the labelling of feed shall make available to the authorities responsible for carrying out official controls any information concerning the composition or claimed properties of the feed such person places on the market which enables the accuracy of the information given by the labelling to be verified, including the exact percentages of weight of feed materials used in compound feed. On the grounds of any urgency relating to human and animal health or to the environment and without prejudice to the provisions of Directive 2004/48/EC the competent authority may provide the purchaser with information that is available to it provided that, after having weighted the respective legitimate interests of the manufacturers and the purchasers, it concludes that such provision of information is justified. If appropriate, the competent authority shall provide such information subject to signing of a confidentiality clause by the purchaser. This latter clause also applies to **specific mandatory labelling requirements for compound feed**.

A Commission declaration states that the Commission understands that "any urgencies related to human and animal health and the environment" may include urgencies generated amongst others by negligence, intentional fraud and criminal acts.

Additional information: in certain areas where the producer is not obliged to label particulars, the purchaser should be able to request additional information. In this case, a margin of +/- 15% of the declared value should be maintained.

Dilution: provisions should be laid down in order to ensure adequate labelling and proper implementation of the dilution ban provided by the Directive, until such contaminated materials have been detoxified by a detoxification establishment, approved in accordance with Regulation (EC) No 1831/2003, or cleaned.

Water: whilst the Regulation does not apply to water, either taken in directly by the animals or intentionally incorporated into feed, it shall apply to feed designed to be administered in water.

Prohibited materials: the list of prohibited materials and restricted is incorporated in Annex III into the regulation itself.

Claims: purchasers shall have the right to bring to the attention of the competent authority their doubts in respect of the truthfulness of a claim. Should it be concluded that the claim is not sufficiently

substantiated, the labelling in respect of such claim shall be considered misleading. Where the authority responsible for carrying out official controls has doubts regarding the scientific substantiation of the claim concerned, it may submit the issue to the Commission.

Community Catalogue: the use of the Catalogue by the feed business operators shall be voluntary. However, a name of a feed material listed in the Catalogue may be used only provided that all relevant provisions of the Catalogue are complied with. The person for the first time placing on the market a feed material that is not listed in the Catalogue shall immediately notify its use to the representatives of the European feed business sectors, who will publish a register of these notifications on the Internet and update the register on a regular basis.

Labelling of additives: a Commission declaration states that the Commission will study whether the principles of information through labelling of feed could also apply to the additives and premixtures authorised under Regulation (EC) No 1831/2003 on additives for use in animal nutrition.

Revision of Annex IV: the Commission makes a declaration on the adaptation of Annex IV (on the tolerances for the compositional labelling of feed materials and compound feed) as provided for in the Regulation to scientific and technical development.