

# Animal feed: placing on the market and use

2008/0050(COD) - 13/07/2009 - Final act

**PURPOSE:** to simplify and consolidate legislation on animal feed and to bring it into line with food law.

**LEGISLATIVE ACT:** Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC.

**CONTENT:** the Council adopted this regulation on the placing on the market and use of feed, following a first-reading agreement with the European Parliament. The main objectives of the new regulation are to boost innovation within the feed industry and to strengthen the competitiveness of the EU livestock sector while maintaining a high level of protection for animals and European citizens.

The new regulation includes the following provisions:

**The labelling rules for feed** will be aligned with those for food for human consumption. More specifically, the current requirement to state all raw materials of compound feed as a percentage of total weight on the label, with a tolerance of +/-15%, is replaced by an obligation to list the ingredients in decreasing order of weight. However, if the presence of a feed material is emphasised on the label in words, pictures or graphics, its exact percentage by weight must be indicated. At farmers' request, feed producers have to provide quantitative data in a range within +/-15% of the exact quantity, as long as this does not infringe Directive 2004/48/EC on intellectual property rights. In the event of health or environmental emergencies the competent authorities may provide farmers with additional information. The rules for pet food do not require as much detail, but labels must carry a telephone number which pet owners can call if they seek additional information on the contents of such food.

**A new voluntary EU catalogue of feed materials** will be created, designed to facilitate the exchange of information on product properties. Feed material not listed in this catalogue which is placed on the market for the first time must be notified in an on-line register.

**Nutritional claims** will only be allowed as long as they are objective, understandable and scientifically substantiated. If farmers raise doubts as to the truthfulness of nutritional claims, the national authorities must verify the scientific substantiation and may submit the issue to the Commission. This will ensure that farmers do not pay for non-existent features;

**Health claims** will be forbidden, except for coccidiostats and histomonostats. Claims concerning nutritional imbalances such as "compensation for maldigestion" or "regulation of glucose supply (diabetes mellitus)" will, however, be allowed.

**Feed used as a protein source** ("bio-proteins") will not be subject to systematic pre-market authorisations any more, but only according to the risk involved.

Feed manufacturers and feed users are invited to develop two **Community codes of good labelling practice**, one for pet food and one for compound feed for food producing animals. These codes should aim to make labelling more appropriate.

**Penalties:** Member States shall lay down penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

**Transitional measures:** A transitional period is necessary, in particular in respect of feed which fulfils a particular nutritional purpose and in respect of the acceptable level of chemical impurities resulting from the manufacturing process and from processing aids. This derogation shall cease to apply, however, on 1 September 2012. The text also provides for the marketing of existing stock. They may remain on the market until 1 September 2010 or until stocks are exhausted. Furthermore, it specifies conditions under which feed may be labelled in accordance with this Regulation prior to the date of its application.

The new regulation, which replaces seven directives and one Commission decision.

**ENTRY INTO FORCE:** 21/09/2009

**APPLICATION:** from 01/09/2010. However, Articles 31(penalties) and 32 (transitional measures) shall apply from the date of entry into force of the Regulation.