

Basic information	
<b>2008/0050(COD)</b>  COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Animal feed: placing on the market and use  Repealing Directive 96/25/EC <a href="#">1994/0180(CNS)</a> Amending Regulation (EC) No 1831/2003 <a href="#">2002/0073(COD)</a>	
<b>Subject</b>  3.10.03 Marketing and trade of agricultural products and livestock 3.10.04.02 Animal protection 3.10.08.01 Feedingstuffs, animal nutrition 4.60.04.04 Food safety	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AGRI</b> Agriculture and Rural Development	GRAEFE ZU BARINGDORF Friedrich-Wilhelm (Verts/ALE)	01/04/2008
	Committee for opinion	Rapporteur for opinion	Appointed
Council of the European Union	<b>ENVI</b> Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	Council configuration	Meetings	Date
	Agriculture and Fisheries	2952	2009-06-22

Key events			
Date	Event	Reference	Summary
03/03/2008	Legislative proposal published	COM(2008)0124 	Summary
24/04/2008	Committee referral announced in Parliament, 1st reading		
07/10/2008	Vote in committee, 1st reading		Summary
15/10/2008	Committee report tabled for plenary, 1st reading	A6-0407/2008	
05/02/2009	Decision by Parliament, 1st reading	T6-0050/2009	Summary
05/02/2009	Results of vote in Parliament		

05/02/2009	Debate in Parliament		
22/06/2009	Act adopted by Council after Parliament's 1st reading		
09/07/2009	End of procedure in Parliament		
13/07/2009	Final act signed		
01/09/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0050(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Directive 96/25/EC <a href="#">1994/0180(CNS)</a> Amending Regulation (EC) No 1831/2003 <a href="#">2002/0073(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 152-p4b EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/6/61976

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE407.923	24/06/2008	
Amendments tabled in committee		PE409.724	28/07/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0407/2008	15/10/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0050/2009	05/02/2009	<a href="#">Summary</a>

Council of the EU			
Document type	Reference	Date	Summary
Draft final act	<a href="#">03611/2009/LEX</a>	13/07/2009	

European Commission			
Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0124 	03/03/2008	<a href="#">Summary</a>
Document attached to the procedure	SEC(2008)0275 	03/03/2008	
	SEC(2008)0276		

**Additional information**

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

**Final act**

Corrigendum to final act 32009R0767R(01)

OJ L 192 22.07.2011, p. 0071

[Summary](#)

Regulation 2009/0767

OJ L 229 01.09.2009, p. 0001

[Summary](#)

## Animal feed: placing on the market and use

2008/0050(COD) - 22/07/2011 - Corrigendum to final act

This corrigendum does not concern the English version.

## Animal feed: placing on the market and use

2008/0050(COD) - 03/03/2008 - Legislative proposal

PURPOSE: to consolidate, revise and modernise Directives on the circulation and labelling of feed materials and compound feed.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: marketing conditions for feed plays a crucial role on the competitiveness of the livestock sector. A further important factor in feed is pet food, which is bought regularly by more than 60 million households in the EU. The compound feed industry, including the pet food industry, has an annual turnover of almost EUR 50 billion – not accounting for the feed material business.

Currently, a number of Council Directives and Commission implementing Directives exist that govern the labelling of feed materials and compound feed. The main objective of current legislation is to regulate traceability as well as providing unambiguous information to the consumer. Labelling requirements seek to be as simple and as clear as possible with mandatory requirements being checked against what is necessary to enable the average user to make an informed choice.

CONTENT: the purpose of this proposal is to simplify the current regulatory regime regarding the placing of feed on the market and the use of that feed. In a bid to simplify current provisions all existing legislation in the field of marketing and use of certain feeds is to be replaced by this single Regulation. In summary, the main elements of the Commission's proposal, are as follows:

**Introductory provisions:**

The main objective of the Regulation is:

- to harmonise conditions for placing and using feed on the market;
- to ensure adequate information is passed on to both users and consumers; and
- to guarantee the effective functioning of the internal market.

Provisions have been put in place to allow for the circulation and use of feed materials and compound feed whilst offering the consumer a high level of safety. At the same time the proposed Regulation seeks to provide for a modern market environment. The proposal covers rules on placing and using feed on the market including labelling, packaging and presentation requirements.

**General Requirements:**

General safety and marketing requirements have been set out for all feed. Manufacturers and operators will be obliged to follow strict control and feed safety measures. The Commission will be empowered to maintain and update a list of all prohibited feed.

#### **Placing specific types of feed on the market:**

Special criteria regarding impure feed material is being proposed. In order to differentiate feed materials from other types of feed the Commission will be empowered to issue guidelines. In addition the term complementary feed and its relation to maximum content of feed additives has been clarified. Concerning dietetic feed (feed intended for particular nutritional purposes) the Commission proposes to maintain existing provisions in this area albeit that the list of authorisations may be updated in comitology, following consultation from the European Food Safety Authority.

#### **Labelling, presentation and packaging:**

The proposal sets out general labelling provisions for all feed materials and compound feed. The Commission has sought to clarify how labelling, along the food chain, should be conducted. In future all claims will have to be scientifically substantiated upon a request from the authorities. The general mandatory labelling requirements will be the same for both feed materials and compound feed. Special labelling requirements are established for contaminated feed.

#### **Community catalogue for feed materials and codes of good labelling practice:**

For the sake of market transparency, the Commission is proposing a more complete list of feed materials accompanied with the correct product identification. This list is to be prepared by stakeholders given that feed material specification does not influence feed safety and given that stakeholders are best placed to assess which products need to be prioritised. Within the framework of voluntary labelling industry will be encouraged to develop "good labelling" Community Codes. For its part the Commission will be involved in an advisory capacity and give final approval for the catalogue.

#### **General and final provisions:**

The Commission proposes that implementation of the provisions will be done in accordance with the regulatory procedure. The labelling of pre-mixtures (as laid down in Article 16 of Regulation 1831/2003) will be amended in order to remedy certain inconsistencies.

## **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 183/2005, 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.

## 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.