



Council of the
European Union

Brussels, 31 August 2017
(OR. en)

11810/17
ADD 1

AGRILEG 163

COVER NOTE

From:	European Commission
date of receipt:	29 August 2017
To:	General Secretariat of the Council
No. Cion doc.:	D050799/04 ANNEX 1
Subject:	ANNEX to the COMMISSION REGULATION (EU) .../... amending Annexes II, IV, VI, VII and VIII to Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed

Delegations will find attached document D050799/04 ANNEX 1.

Encl.: D050799/04 ANNEX 1



EUROPEAN
COMMISSION

Brussels, XXX
SANTE/11984/2015 ANNEX
(POOL/E5/2015/11984/11984-EN
ANNEX.doc) D050799/04
[...] (2017) XXX draft

ANNEX 1

ANNEX

to the

COMMISSION REGULATION (EU) .../...

amending Annexes II, IV, VI, VII and VIII to Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed

ANNEX

- (1) Annex II is amended as follows:

In point 3, point (b) is replaced by the following:

"(b) in the designation of feed for pets the following expressions shall be allowed: in Bulgarian 'храна'; in Spanish 'alimento'; in Czech the designation 'kompletní krmná směs' may be replaced by 'kompletní krmivo' and 'doplňková krmná směs' may be replaced by 'doplňkové krmivo'; in English 'pet food'; in Italian 'alimento'; in Hungarian 'állateledel'; in Dutch 'samengesteld voeder'; in Polish 'karma'; in Slovenian 'hrana za hišne živali'; in Finnish 'lemmikkieläinten ruoka'; in Estonian 'lemmikloomatoit'; in Croatian 'hrana za kućne ljubimce'."

- (2) Annex IV is amended as follows:

Part A is replaced by the following:

"Part A: Tolerances for the analytical constituents set out in Annexes I, V, VI and VII

- (1) The tolerances laid down in this Part include technical and analytical deviations. Once analytical tolerances covering measurement uncertainties and procedural variations are fixed at Union level, the values set in point 2 should be adapted accordingly in order to cover only the technical tolerances.
- (2) Where the composition of a feed material or compound feed is found to deviate from the labelled value of the analytical constituents set out in Annexes I, V, VI and VII the following tolerances shall apply:

Constituent	Declared content of the constituent	Tolerance ¹	
		Below the labelled value	Above the labelled value
crude fat	[%]		
	<8	1	2
	8 - 24	12.5%	25%
crude fat, feed for non-food producing animals	>24	3	6
	<16	2	4
	16 - 24	12.5%	25%
crude protein	>24	3	6
	<8	1	1
	8 - 24	12.5%	12.5%
	>24	3	3

crude protein, feed for non-food producing animals	<16	2	2
	16 - 24	12.5%	12.5%
	>24	3	3
crude ash	<8	2	1
	8 - 32	25%	12.5%
	>32	8	4
crude fibre	<10	1.75	1.75
	10 - 20	17.5%	17.5%
	>20	3.5	3.5
sugar	<10	1.75	3.5
	10 - 20	17.5%	35%
	>20	3.5	7
starch	<10	3.5	3.5
	10 - 20	35%	35%
	>20	7	7
calcium	<1	0.3	0.6
	1 - 5	30%	60%
	>5	1.5	3
magnesium	<1	0.3	0.6
	1 - 5	30%	60%
	>5	1.5	3
sodium	<1	0.3	0.6
	1 - 5	30%	60%
	>5	1.5	3
total phosphorus	<1	0.3	0.3
	1 - 5	30%	30%
	>5	1.5	1.5
ash insoluble in hydrochloric acid	<1	no limits are set	0.3
	1 - <5		30%
	>5		1.5
potassium	<1	0.2	0.4
	1 - 5	20%	40%
	>5	1	2
moisture	<2	no limits are set	0.4
	2 - <5		20%
	5 - 12.5		1
	>12.5		8%

energy value ²		5%	10%
protein value ²		10%	20%

- 1 The tolerances are given either as an absolute percentage value (this value must be subtracted from / added to the declared content) or as a relative value marked with “%” after the value (this percentage must be applied to the declared content to calculate the acceptable deviation).
- 2 The tolerances are applicable where no tolerance has been laid down in accordance with an EU method or in accordance with an official national method in the Member State in which the feed is placed on the market or in accordance with a method adopted by the European Committee for Standardization
(https://standards.cen.eu/dyn/www/f?p=204:32:0:::FSP_ORG_ID,FSP_LANG_ID:6308,25&cs=1C252307F473504B6354F4EE56B99E235).

(3) Annex VI is replaced by the following:

"ANNEX VI

Labelling particulars for feed materials and compound feed for food-producing animals

Chapter I: Compulsory and voluntary labelling of feed additives as referred to in Article 15(f) and 22(1)

1. The following additives shall be listed, along with their specific names, identification numbers, added amount and the name of the functional group as laid down in Annex I to Regulation (EC) No 1831/2003 or the category referred to in Article 6(1) of that Regulation:
 - (a) additives where a maximum content is set for at least one food producing animal;
 - (b) additives belonging to the categories ‘zootechnical additives’ and ‘coccidiostats and histomonostats’;
 - (c) additives for which the recommended maximum contents established in the legal act authorising the feed additive are exceeded.

The labelling particulars shall be indicated in accordance with the legal act authorising the feed additive in question.

The added amount referred to in the first paragraph shall be expressed as the amount of the feed additive except where the legal act authorising the respective feed additive indicates a substance in the column "minimum/maximum content". In this latter case, the added amount shall be expressed as the amount of that substance.

2. For feed additives of the functional group vitamins, pro-vitamins and chemically well-defined substances having similar effect which must be listed pursuant to point 1, the labelling may indicate the total amount guaranteed during the complete shelf-life under the heading "Analytical constituents" instead of indicating the added amount under the heading "Additives".

3. The name of the functional group as referred to in point 1, 4 and 6 may be replaced by the following abbreviation, if such abbreviation is not established in Annex I to Regulation (EC) No 1831/2003:

Functional group	Name and description	Abbreviated name
1h	Substances for control of radionuclide contamination: substances that suppress absorption of radionuclides or promote their excretion	Radionuclide controllers
1m	Substances for reduction of the contamination of feed by mycotoxins: substances that can suppress or reduce the absorption, promote the excretion of mycotoxins or modify their mode of action	Mycotoxin reducers
1n	Hygiene condition enhancers: substances or, when applicable, microorganisms which favourably affect the hygienic characteristics of feed by reducing a specific microbiological contamination	Hygiene improvers
2b	Flavouring compounds: substances the inclusion of which in feedingstuffs increase feed smell or palatability.	Flavourings
3b	Compounds of trace elements	Trace elements
3c	Amino acids, their salts and analogues	Amino acids
3d	Urea and its derivatives	Urea
4c	Substances affecting favourably the environment	Environment improvers

4. Feed additives emphasised on the labelling in words, pictures or graphics shall be indicated in accordance with point 1 or 2, as applicable.
5. The person responsible for the labelling shall disclose the names, the identification number and the functional group of the feed additives not mentioned in point 1, 2 and 4 to the purchaser at his request. This provision shall not apply to flavouring compounds.
6. Feed additives not mentioned in points 1, 2 and 4 may be voluntarily indicated at least with their name or, in the case of flavouring compounds, at least with their functional group.
7. Without prejudice to point 6, where a sensory or nutritional feed additive is labelled on a voluntary basis, its added amount shall be indicated in accordance with points 1 or 2, as applicable.
8. If an additive belongs to more than one of the functional groups, the functional group or category appropriate to its principal function in the case of the feed in question shall be indicated.
9. Labelling particulars concerning the proper use of feed materials and compound feed which are laid down in the legal act authorising the feed additive in question shall be indicated.

Chapter II: Labelling of analytical constituents as referred to in Articles 17(1)(f) and 22(1)

1. The analytical constituents of compound feed for food producing animals shall be indicated on the label, preceded by the heading “Analytical constituents”¹, as follows:

Compound feed	Target species	Analytical constituents and levels
Complete feed	All species All species All species All species All species All species All species Pigs and poultry Pigs and poultry	- Crude protein - Crude fibre - Crude fat - Crude ash - Calcium - Sodium - Phosphorus - Lysine - Methionine
Complementary feed - Mineral	All species All species All species Pigs and poultry Pigs and poultry Ruminants	- Calcium - Sodium - Phosphorus - Lysine - Methionine - Magnesium
Complementary feed - Other	All species All species All species All species All species All species Pigs and poultry Pigs and poultry Ruminants	- Crude protein - Crude fibre - Crude fat - Crude ash - Calcium $\geq 5 \%$ - Sodium - Phosphorus $\geq 2 \%$ - Lysine - Methionine - Magnesium $\geq 0.5 \%$

2. Substances indicated under this heading, which are also sensory or nutritional additives, shall be declared along with the total amount thereof.
3. If the energy value and/or protein value are indicated, such indication shall be in accordance with Article 11 of Regulation (EC) No 882/2004."

¹ In German language “analytische Bestandteile” may be replaced by “Inhaltsstoffe”. In Swedish language "Analytiska beståndsdelar" may be replaced by "Analyserat innehåll".

- (4) Annex VII is replaced by the following:

"ANNEX VII

Labelling particulars for feed materials and compound feed for non-food producing animals

Chapter I: Compulsory and voluntary labelling of feed additives as referred to in Articles 15(f) and 22(1)

1. The following additives shall be listed, along with their specific names and/or identification numbers, added amount and the name of the functional group as laid down in Annex I to Regulation (EC) No 1831/2003 or the category referred to in Article 6(1) of that Regulation:
 - (a) additives where a maximum content is set for at least one non-food producing animal;
 - (b) additives belonging to the categories 'zootechnical additives' and 'coccidiostats and histomonostats';
 - (c) additives for which the recommended maximum contents established in the legal act authorising the feed additive are exceeded.

The labelling particulars shall be indicated in accordance with the legal act authorising the feed additive in question.

The added amount referred to in the first paragraph shall be expressed as the amount of the feed additive except where the legal act authorising the respective feed additive indicates a substance in the column "minimum/maximum content". In this latter case, the added amount shall be expressed as the amount of that substance.

2. For feed additives of the functional group vitamins, pro-vitamins and chemically well-defined substances having similar effect which must be listed pursuant to point 1, the labelling may indicate the total amount guaranteed during the complete shelf-life under the heading "Analytical constituents" instead of indicating the added amount under the heading "Additives".
3. The name of the functional group as referred to in point 1, 5 and 7 may be replaced by the abbreviation in accordance with the table in point 3 of Annex VI, if such abbreviation is not established in Annex I to Regulation (EC) No 1831/2003.
4. Feed additives emphasised on the labelling in words, pictures or graphics shall be indicated in accordance with point 1 or 2, as applicable.
5. By way of derogation from point 1, for additives of the functional groups 'preservatives', 'antioxidants', 'colourants' and 'flavouring compounds', only the functional group in question needs to be indicated. In this case the information referred to in point 1 and 2 shall be disclosed by the person responsible for the labelling to the purchaser at his request.
6. The person responsible for the labelling shall disclose the names, the identification number and the functional group of the feed additives not mentioned in point 1, 2 and 4 to the purchaser at his request. This provision shall not apply to flavouring compounds.

7. Feed additives not mentioned in point 1, 2 and 4 may be voluntarily indicated at least with their name or, in the case of flavouring compounds, at least with their functional group.
8. The added amount of a sensory or nutritional feed additive shall be indicated in accordance with points 1 or 2, as applicable, if it is labelled on a voluntary basis.
9. If an additive belongs to more than one of the functional groups, the functional group or category appropriate to its principal function in the case of the feed in question shall be indicated.
10. Labelling particulars concerning the proper use of feed materials and compound feed which are laid down in the legal act authorising the feed additive in question shall be indicated.

Chapter II: Labelling of analytical constituents as referred to in Articles 17(1)(f) and 22(1)

1. The analytical constituents of compound feed for non-food producing animals shall be listed under the heading “Analytical constituents”² and shall be labelled as follows:

Compound feed	Target species	Analytical constituents
Complete feed	Cats, dogs and fur animals Cats, dogs and fur animals Cats, dogs and fur animals Cats, dogs and fur animals	- Crude protein - Crude fibres - Crude fat - Crude ash
Complementary feed - Mineral	All species All species All species	- Calcium - Sodium - Phosphorus
Complementary feed - Other	Cats, dogs and fur animals Cats, dogs and fur animals Cats, dogs and fur animals Cats, dogs and fur animals	- Crude protein - Crude fibres - Crude fat - Crude ash

2. Substances indicated under this heading, which are also sensory or nutritional additives, shall be declared along with the total amount thereof.
3. If the energy value and/or protein value are indicated, such indication shall be in accordance with Article 11 of Regulation (EC) No 882/2004."

² In German language “analytische Bestandteile” may be replaced by “Inhaltsstoffe”. In Swedish language "Analytiska beståndsdelar" may be replaced by "Analyserat innehåll".

(5) Annex VIII is amended as follows:

(a) Point 1 is replaced by the following:

"1. Contaminated materials shall be labelled as 'feed with excessive level(s) of ... (designation of the undesirable substance(s) in accordance with Annex I to Directive 2002/32/EC), only to be used as feed after detoxification in approved establishments'. The approval of such establishments shall be in accordance with Article 10(2) or (3) of Regulation (EC) No 1831/2003."

(b) The following point is added:

"3. Without prejudice to point 1 and 2, former foodstuffs that need to be processed before they can be used as feed, shall be labelled as: "former food, only to be used as feed material after ... (designation of the adequate process in accordance with part B of the Annex to Regulation (EU) No 609/2013)."