

**ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS**

**49<sup>th</sup> Meeting of ACAF on 3 March 2010**

**Information Paper**

**EC DEVELOPMENTS**

**Secretariat  
February 2010**

## EC DEVELOPMENTS

1. This paper outlines the main developments in relation to EU legislation and related matters since the ACAF meeting held on 3 December 2009.

### **Official feed and food controls - Regulation (EC) No 882/2004**

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#### Implementing rules for import controls for 'high-risk' feed and food of non-animal origin

2. Since the last update, the legal measures needed to give effect at national level to the requirements of Regulation 669/2009 on import controls for high risk feed and food of non-animal origin came into force on 25 January 2010. The new provisions are included in the Official Feed and Food Controls (England) Regulations 2009 (SI 2009/3255). Parallel legislation has been enacted in Scotland, Wales and Northern Ireland) (copies of the legislation may be downloaded from the Office of Public Sector Information (OPSI) at [opsi.gov.uk](http://opsi.gov.uk)).
3. Guidance Notes for: (i) feed and food businesses operators; and (ii) feed and food enforcers aimed at ensuring consistency in application by the regulatory authorities, have been published and are available on the FSA Website at:

[food.gov.uk/multimedia/pdfs/fbohighriskguidance0912.pdf](http://food.gov.uk/multimedia/pdfs/fbohighriskguidance0912.pdf)

[food.gov.uk/multimedia/pdfs/ec6692009guideforenforcers.pdf](http://food.gov.uk/multimedia/pdfs/ec6692009guideforenforcers.pdf)

### **EC Regulation 152/2009 on sampling and analysis and Commission Directive 2009/141 amending the maximum permitted levels for certain undesirable substances**

4. Commission Regulation 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed was published in the Official Journal of the European Union on 26 February 2009 and applied directly in all Member States from 26 August 2009. It replaces a number of Commission Directives which date back almost forty years, and which have been amended and extended on numerous occasions, bringing their provisions together in a single, comprehensive document. The opportunity has also been taken to delete some harmonised Community methods of analysis, either because they are considered to be no longer valid or fit for purpose or because there are a number of satisfactory alternative analytical methods available. The Regulation also introduces two new methods of analysis for carbadox (a banned veterinary drug) and for calculating the energy value of poultry feed.

5. The provisions of EC Regulations cannot be repeated in national legislation. It will therefore be necessary to repeal existing secondary legislation which implements the Commission Directives and introduce a new measure to provide for the administration and application of the EC Regulation by linking its provisions to the powers of enforcement officers. It will also be necessary to modify primary legislation, the Agriculture Act 1970, to bring certain of its provisions into line with those in the EC Regulation and to disapply those of its provisions which cover areas now occupied by the EC Regulation.
6. Commission Directive 2009/141 of 23 November 2009 amending certain entries in Annex 1 of Directive 2002/32 on undesirable substances was published in the Official Journal of the European Union on 24 November 2009 and has to be transposed into national law no later than 1 July 2009. Annex 1 of Directive 2002/32 has been transposed into national law as Schedule 5 to the Feeding Stuffs (England) Regulations 2005 (as amended), which lays down statutory upper limits for a range of contaminants from various sources. The Commission Directive extends, and in some cases tightens, the current range of statutory upper limits for the undesirable substances arsenic, theobromine and certain alkaloid-containing or toxic weed seeds. The amendments have been adopted following an Opinion from the relevant panel of the European Food Safety Authority, which has been undertaking a review of the MPLs in the light of advances in scientific knowledge and experience of the actual presence of these undesirable substances in feed and their effects on animal health.
7. Provision for the administration and application of EC Regulation 152/2009 and for the transposition of Commission Directive 2009/141 in England will be achieved via the Feed (Sampling and Analysis and Specified Undesirable Substances) (England) Regulations 2010. There will be separate but parallel legislation in Scotland, Wales and Northern Ireland. The public consultation on the draft Regulations is expected to begin in mid-February, and will last for a period of eight weeks. The consultation will include an Impact Assessment setting out the Food Standards Agency's views of the expected costs and benefits of both EC measures, and invite comments on them from stakeholders.

**EC Regulation 767/2009 of 13 July 2009 on the placing on the market and the use of feed**

8. The public consultation on the draft Animal Feed (England) Regulations 2010 to provide for the enforcement of this major measure is currently expected to begin in March, and will last for a period of twelve weeks. There will be separate but parallel consultations in Scotland, Wales and Northern Ireland. The consultation will include an Impact Assessment

setting out the Food Standards Agency's views of the expected costs and benefits of the measure, and invite comments on them from stakeholders.

9. Provision for the enforcement of the EC Regulation will also require some amendments and modifications to the Agriculture Act 1970 to disapply those of its provisions which cover areas now occupied by the EC Regulation. The opportunity is also being taken to increase the penalties for breaches of feed labelling and undesirable substances requirements, to bring them into line with those that apply for breaches of feed hygiene requirements. At the time of writing, the proposed increases were still subject to formal approval by the Ministry of Justice.

### **European Food Safety Authority (EFSA)**

10. Opinions that have been published by the EFSA Scientific Panels on Additives and Products or Substances Used in Animal Feed (FEEDAP) and on Contaminants in the Food Chain (CONTAM) since the Committee was updated in December 2009 can be accessed via the following links:

<http://www.efsa.europa.eu/en/panels/feedap.htm>

<http://www.efsa.europa.eu/en/panels/contam.htm>

11. Please note that some of the Opinions published by the CONTAM Panel do not apply directly to animals feed.

### **Standing Committee on the Food Chain and Animal Health (SCoFCAH): Animal Nutrition Section**

#### Votes

#### Feed Additives

12. Votes in favour were obtained for the authorisation of feed additives at the November 2009 meeting of SCoFCAH. These are summarised below.

<b>Additive</b>	<b>Additive type</b>	<b>Animal type</b>
potassium diformate	other zootechnical additive	sows
<i>Bacillus subtilis</i> ATCC PTA-6737	gut flora stabiliser	broilers
manganese chelate of the	compound of trace	broilers

hydroxy analogue of methionine	element	
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### Feed labelling

13. At the January 2010 meeting agreement was obtained on a Commission proposal to amend EC Regulation 767/2009 that would allow feed business operators to use the new feed labelling regime outlined in 767/2009 prior to 1 September 2010. In addition, it will allow an extended period of time for the use of pre-printed pet food labels that comply with existing labelling rules.

### Undesirable substances (contaminants) in animal feed.

14. The European Commission and Member States have agreed that the controls contained in Annex I and II of Directive 2002/32/EC on undesirable substances in feed should be consolidated into a new Commission Regulation. It is likely that the controls on dioxins and PCBs will be amended in order to use the 2005 WHO toxic equivalent factors (TEFs). The net result of this presentational change will be that the maximum limits will effectively remain as at present.

**ACAF Secretariat  
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