

ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

52nd Meeting of ACAF on 15 December 2010

Information Paper

EU DEVELOPMENTS

**Secretariat
December 2010**

EU DEVELOPMENTS

1. This paper outlines the main developments in relation to EU legislation and related matters since the ACAF meeting held on 22 September 2010.

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

2. The Official Feed and Food Controls (England) (Amendment) Regulations 2011 - the Food Standards Agency is currently consulting stakeholders (see link below) on a proposed amendment, to the 2009 Regulations. It will remove the right of food business operators (of those establishments handling products of animal origin, for which approval is required under EU legislation) to continue to operate, when the outcome of an appeal against the refusal or withdrawal of approval is pending. The full public consultation, launched on 20 September, closes on 10 December 2010. There are concurrent consultations on the proposed change in Scotland, Wales and Northern Ireland.

<http://www.food.gov.uk/consultations/consulteng/2010/offcregs2011eng>

3. The first European Commission report on the overall operation of official controls across the European Community – this report provides an overview of the way competent authorities in Member States carry out their official controls on feed and food law, animal health and animal welfare rules and plant health. It focuses on the data submitted by Member States and concludes with ideas to help simplify and streamline the report compilation process in the future. This report covers the period 1 January to 31 December 2007 and is published at the link below.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0441:FIN:EN:PDF>

4. Implementing rules for import controls for 'high-risk' feed and food of non-animal origin – following the second quarterly review, the Commission proposal to amend the list of products in Annex I (expected to enter into force on 1 January 2011), was endorsed at the meeting of the Standing Committee on the Food Chain and Animal Health (SCoFAH) on 12 October 2010.
5. Better Training for Safer Food (BTSF) - this is a Commission initiative for training officials of competent authorities in Member States and third countries that carry out official controls in the feed, food, animal health and welfare, and plant health sectors. Previous training programmes have included courses on feed law controls. The current programme for 2010/11 does not include any further such courses, but the Agency on behalf of the UK, has been asked to consider the programme for 2012/13 onwards and submit comments and suggestions for future training

activities. Suggestions have been sought and the deadline for submitting these was 12 November 2010.

EU Regulation 767/2009 on the marketing and use of feed

6. The Animal Feed Regulations 2010, to provide for the enforcement of this EU measure, came into force in all parts of the UK on 23 November 2010. There are separate but parallel Statutory Instruments for England, Scotland, Wales and Northern Ireland. These Regulations: (a) repeal the existing secondary legislation - the Feeding Stuffs (England) Regulations 2005 - which transposed several Directives the Regulation has replaced; (b) re-enact those EU feed measures which remain outside the Regulation's scope and make the references to the Annexes to them - and the Annexes to the Regulation - ambulatory so that amendments to them will take effect without having to be transposed into national law; (c) designate competent authorities for the enforcement of the Regulation's provisions; (d) increase the penalties for breaches of feed labelling and composition; and (e) amend primary legislation (the Agriculture Act 1970) where it repeats, conflicts or overlaps with the Regulation.
7. A measure to amend the limits of variation in Annex IV of the Regulation was adopted earlier this year and was published in the Official Journal of the European Union as Commission Regulation 939/2010 of 20 October 2010. The principle of ambulation (see previous paragraph) means that it can be enforced directly.

European Food Safety Authority (EFSA)

8. Opinions that have been published by the EFSA Scientific Panels on Additives and Products or Substances Used in Animal Feed (FEEDAP) and Contaminants in the Food Chain (CONTAM) since the Committee was updated in September 2010 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>

9. Please note that some Opinions published by the CONTAM Panel do not apply specifically to animal feed.

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

Feed Additives

10. Six votes in favour were obtained for the authorisation of feed additives at the September and October 2010 meetings of SCoFCAH (Animal Nutrition Section). These are summarised below.
11. Commission Regulation (EU) 892/2010 has now been published in the Official Journal (OJ L266/6-9, 9.10.2010). This Regulation provides some clarification concerning certain borderline products. The first part of the Annex to the Regulation removes feed additive status (and revokes the authorisations as such under Regulation 1831/2003) for certain ‘dual use’ products such as glycerol that had previously been used as both a feed material and as a feed additive. Such products can now be used freely as feed materials. No applications for re-authorisation as feed additives for these substances can be made under Article 10.2 of Regulation 1831/2003. The second part of the Annex to Regulation 892/2010 lists some substances that were previously deemed not to be feed additives under Article 2.3 of Regulation 1831/2003 (e.g. potassium chloride).

Commission Proposals that received a qualified majority vote in September and October 2010

Product	Proposal number	Animal category	Purpose
6-phytase from <i>Aspergillus oryzae</i> (DSM 17594)	SANCO/11466/2010	sows	Extension to additional animal category
<i>Enterococcus faecium</i> DSM 7134	SANCO/12059/2010	broilers	Extension to additional animal category
<i>Pediococcus acidilactici</i> CNCM MA 18/5M	SANCO/11555/2010	Weaned piglets	New use
<i>Saccharomyces cerevisiae</i> MUCL 39885	SANCO/11554/2010	Horses Dairy cows	-New use -Re-authorisation
Diclazuril	SANCO/11552/2010	Broilers	Re-authorisation
Citric acid, Sorbic acid, thymol and vanillin	SANCO/11465/2010	Piglets	New authorisation

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