

ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

60th Meeting of ACAF on 16 January 2013

Information Paper

EU AND OTHER DEVELOPMENTS

Secretariat: January 2013

EU AND OTHER DEVELOPMENTS

1. This paper outlines the main developments in relation to EU legislation and related matters since the ACAF meeting held on 19 September 2012.

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

2. Regulation (EC) 882/2004 sets out the general principles that EU Member States must adopt when performing official controls to verify compliance with feed and food and animal health and welfare law. These principles are harmonised at EU level to protect the health of consumers and to ensure safety and quality of goods for international trade.
3. The Commission is undertaking a review of Regulation (EC) 882/2004 following a 2009 evaluation study of its implementation. The study findings suggested that some improvements were necessary in a number of areas to clarify the official controls framework. These included: controls on residues of veterinary medicines; EU border controls on live animals and products of animal origin; and the rules governing the financing of official controls. The study also indicated that, in order to streamline and eliminate redundant control requirements, Regulation (EC) 882/2004 should also cover controls to verify compliance with plant health and plant reproductive material law.
4. To achieve those necessary improvements the Commission has been working on a package of four measures: the review of Regulation (EC) 882/2004 and three sector specific legislative reviews on Animal Health, Plant Health and Plant Reproductive Material. The package of proposals is expected to be adopted in the first quarter of 2013, after which the formal negotiations process will begin.
5. Contrary to usual procedures, the Commission has released to Member States a draft paper on the proposal to review Regulation 882/2004 with the proviso that internal discussions are still on-going and it is possible that the draft paper may be subject to further changes before formal adoption in 2013. The FSA has circulated the draft paper to the relevant UK stakeholders, as it believes the paper provides an idea of the key changes that can be expected in the final draft proposal.
6. An area of significant interest will probably be the changes to current rules for the financing of official controls. The Commission, to ensure the long term sustainability of official controls, is proposing an extension of mandatory charges and that Member States recover the full cost of controls. This will involve a significant increase in the number of controls where mandatory charges will apply; although, Member States will have the option

to exempt or refund, fully or partly, the payment of fees collected from micro businesses¹.

Food and Veterinary Office General Update Audit

7. During November 2012 the UK was subject of a general update audit to follow-up on outstanding recommendations from previous specific feed and food audits. These general audits occur every two years and on this occasion examined actions in response to the FVO audits of feed controls carried out in GB in November 2011 and Northern Ireland during May 2012.
8. The FVO were provided with a substantial amount of evidence showing the work which had been carried out since 2011 to address the individual recommendations of the audits. The Agency together with VMD and DARD also attended a meeting with the FVO auditors to answer their questions and provide further clarifications.
9. At the closing meeting the FVO declared that significant progress had been achieved in actioning the recommendations on feed. The FVO are expected to complete a report on the UK country profile which includes an update on the outstanding recommendations which is expected to be sent to the UK for comment early in the new year prior to publication.
10. The FVO has signalled their intention to return to the UK during the first quarter of 2014 to undertake a further audit of feed controls which is expected to involve visits to individual local authorities and feed business establishments.

Review of Regulation (EU) 152/2009 on the sampling and methods of analysis of animal feed

11. The Commission has held two meetings of its Sampling Working Group and undertaken a consultation with industry stakeholders on an amended version of annexes I and II of the regulation which deal with the sampling of feed for official control purposes and its preparation for analysis. The changes to the regulation are designed to bring sampling requirements for feed more into line with those of food and also address the issue of sampling from bulk consignments of material. The revised Regulation will be adopted early in 2013 and the Commission is expected to continue meetings of the Sampling Working Group to facilitate the development of guidance in this area.

¹ Those businesses employing less than 10 persons and whose annual turnover and/or balance sheet does not exceed 2 million euros.

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

12. There were a total of 18 votes in favour of European Commission proposals for feed additive authorisations at the September, October and November 2012 Standing Committee meetings. These are summarised in the tables below.
13. A working paper concerning the use of feed additives in water was presented in September 2012. The Commission's intention is to add some new functional groups of additives in Annex I of Regulation 1831/2003 in order to facilitate the authorisation of the use of certain types of additives in water possible.
14. At the October 2012 meeting, feed additive authorisations for those feed flavours that had not been the subject of an application under Article 10 of Regulation 1831/2003 were revoked. However, transitional periods will be put in place to allow existing stocks of these 'orphan' additives, plus feed products containing them to be used. In 2013, it is expected that colours will be the next category of 'orphan' feed additives to be revoked.
15. Also at the October 2012 meeting, Member States votes in favour of a Commission Regulation to amend the current maximum limit for melamine in canned pet food (2.5mg/kg) to apply on an 'as in' basis, as opposed to the existing format that uses a 12% moisture content.
16. The authorising legislation for the placing on the market of products containing, consisting of, or produced from genetically modified maize MIR162 was published in the Official Journal of the European Union on 18 October 2012. This legislation (Decision 2012/651/EU) can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:290:0014:0017:EN:PDF>]

Feed additive authorisations from SCoFCAH – 24/25 September 2012

Additive	Additive type	Proposal number	Authorisation type
Zinc chloride	Trace element	SANCO/11858/2012	New
QMV gut flora stabilisers	Gut flora stabiliser	SANCO/11859/2012	Revised
Endo-1,4-beta-xylanase, endo-1,3(4)-beta-glucanase	Digestibility enhancer	SANCO/11501/2012	Extension
<i>Propionibacterium acidipropionici</i>	Gut flora stabiliser	SANCO/11066/2012	Reauthorisation

(CNCM MA 26/4U)			
Endo-1,4-beta-xylanase (<i>Aspergillus niger</i> CBS 109.713)	Digestibility enhancer	SANCO/11808/2012	Revised
Endo-1,4-beta-xylanase (<i>Trichoderma reesei</i> ATCC PTA 5588)	Digestibility enhancer	SANCO/11502/2012	Revised
<i>Lactobacillus plantarum</i> -based silage agents	Silage additives	SANCO/11535/2012	Reauthorisation

Feed additive authorisations – 19 October 2012 SCoFCAH (Animal Nutrition Section)

Additive	Additive type	Proposal number	Authorisation type
<i>Pediococcus acidilactici</i> CNCM MA 18/5M DSM 11673	Silage agents	SANCO/11864/2012	Reauthorisation
<i>Pediococcus pentosaceus</i> DSM 23376	Silage agents	SANCO/11864/2012	Reauthorisation
<i>Pediococcus pentosaceus</i> NCIMB 12455	Silage agents	SANCO/11864/2012	Reauthorisation
<i>Pediococcus pentosaceus</i> NCIMB 30168	Silage agents	SANCO/11864/2012	Reauthorisation
<i>Lactobacillus plantarum</i> DSM 3676	Silage agents	SANCO/11864/2012	Reauthorisation
<i>Lactobacillus plantarum</i> DSM 3677	Silage agents	SANCO/11864/2012	Reauthorisation
<i>Lactobacillus buchneri</i> DSM 13573	Silage agents	SANCO/11864/2012	Reauthorisation

Feed additive authorisations – 15-16 November 2012 SCoFCAH (Animal Nutrition Section)

Additive	Additive type	Proposal number	Authorisation type
Endo-1,4-beta-xylanase (<i>Trichoderma reesei</i> ATCC PTA 5588)	Digestibility enhancer	SANCO/12564/2012	Modification
6-phytase (<i>Aspergillus oryzae</i> DSM 22594)	Digestibility enhancer	SANCO/11500/2012	Extension
Endo-1,4-beta-xylanase (<i>Trichoderma koningii</i> MUCL 39203)	Digestibility enhancer	SANCO/11869/2012	Modification
Endo-1,4-beta-xylanase (<i>Aspergillus oryzae</i> DSM 10287)	Digestibility enhancer	SANCO/11860/2012	Reauthorisation

European Food Safety Authority (EFSA)

17. EFSA's FEEDAP² Panel has continued to assess applications made for feed additive authorisation and re-authorisation. The Panel's assessments are published as scientific opinions on FEEDAP's webpage:

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

18. On 31 October 2012, the FEEDAP Panel of EFSA published a summary for an Opinion regarding the in-feed probiotic Toyocerin (*Bacillus cereus* var. Toyoi).

<http://www.efsa.europa.eu/en/efsajournal/pub/2924.htm>

This is a product with a long history of use (over 30 years). However, it was noted that the strain in question carried resistance genes to two antibiotics, one of which was thought to have been acquired. In addition, analysis of the genome showed that the strain of *B. cereus* harboured all of the genes coding for the non-haemolytic and haemolytic enterotoxins. Further investigation revealed that it was possible that the bacterium had the potential to produce

² The Panel on Additives and Products or Substances used in Animal Feed.

toxins. It was for these reasons that EFSA raised significant doubts over the continued authorisation of the product.

19. The CONTAM Panel³ of EFSA provides scientific advice concerning the presence of contaminants in both feed and food. The Panel's advice can be obtained via its webpage:

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

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³ The Panel on Contaminants in the Food Chain.