

ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

50th Meeting of ACAF on 3 June 2010

Information Paper

EU DEVELOPMENTS

**Secretariat
May 2010**

EU DEVELOPMENTS

This paper outlines the main developments in relation to EU legislation and related matters since the ACAF meeting held on 3 March 2010.

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

1. UK National Control Plan (January 2007 to March 2011) - the UK's first multi-annual National Control Plan, prepared jointly by the Agency and the four Agriculture/Rural Affairs Departments in order to meet a requirement in Regulation 882/2004, was published in December 2006. The Plan is kept under review and Revision 4 was published in February 2010. No substantive amendments were made but the Plan was updated to reflect some organisational changes and to reflect the publication of new or revised guidance material and European and national legislation. The Plan can be found on the FSA website at:

<http://www.food.gov.uk/foodindustry/regulation/europeleg/feedandfood/ncpuk>.

2. Review of fees and charges for official controls - the Commission, as part of the on-going review of the inspection fees system, is currently undertaking an impact assessment to evaluate the options available and the need to prepare a legislative proposal. The review of the fees system under Regulation 882/2004 is in response to the findings of an external study carried out in 2008, which identified some shortcomings in the current legislative framework.

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

3. The previous EC Developments paper (ACAF/10/03) reported on the consultation on the draft Feed (Sampling and Analysis and Specified Undesirable Substances) (England) Regulations 2010 to provide for: (a) the administration of EC Regulation 152/2009 on sampling and analysis; and (b) the transposition of Commission Directive 2009/141 amending the entries for arsenic, theobromine and certain alkaloid-containing and toxic weed seeds. This consultation was launched in England on 22 February 2010; separate but parallel consultations were launched in Scotland, Wales and Northern Ireland.

4. The consultation had initially been planned to run for twelve weeks, but was shortened to eight weeks because the timing of the Scottish Parliament's Summer recess could have left Scotland unable to bring the Regulations into force until the Autumn. The consultation ended on 19 April, but attracted only three substantive replies, all concerning the sampling and analysis aspects. Other responses were of the "no comment" variety or raised issues peripheral to the two EC measures in question. At the time of writing, officials had commenced

drafting a submission to obtain Ministerial signature of the Regulations to bring the two EC measures into force in Summer 2010.

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

5. The previous EU Developments paper also reported on the then forthcoming consultation on the draft Animal Feed (England) Regulations 2010 to provide for the enforcement of EC Regulation 767/2009 on the marketing and use of feed. This EU measure, which was part of the Commission's modernisation and simplification programme, replaces five existing Directives and brings their provisions together into a single comprehensive document. The Regulation also introduces a number of changes, some more significant than others: the most important is the repeal of the existing requirement for the mandatory percentage ingredient declaration for compound feed, which it is anticipated will save the UK feed industry around £44 million a year. Other changes include a new requirement for fuller labelling of feed additives, the introduction of a procedure for the authorisation of new nutritional purposes for which certain products may be promoted, and controls on the levels of additives in complementary feeds.

6. Because of the extent of the amendments which it would have been necessary to make to the Feeding Stuffs (England) Regulations 2005, it was instead decided to repeal the existing legislation in its entirety and to make a new set of Regulations, the Animal Feed (England) Regulations 2010. The key features of the new Statutory Instrument are:

- to provide for the enforcement of certain provisions of EC Regulation 767/2009/EC;
- to designate competent authorities for the enforcement of these provisions;
- to re-enact those provisions of the Feeding Stuffs (England) Regulations 2005, such as those which enforce EU rules on feed additives, which do not repeat, conflict or overlap with the provisions of EC Regulation 767/2009;
- to make the references to the lists of categories of feed materials for non-food producing animals, MPLs for undesirable substances and products for particular nutritional purposes ambulatory, so that any amendments to them take effect without having to be transposed into national law;
- to increase the penalties for breaches of the Regulations, to bring them into line with those for breaches of feed hygiene; and
- to make consequential amendments to primary legislation (the Agriculture Act 1970) to disapply its provisions where they repeat, conflict or overlap with the provisions of EC Regulation 767/2009.

7. The consultation was launched in England on 31 March 2010. Separate but parallel consultations were launched in Wales and Northern Ireland on the same day and in Scotland a day later. The consultation was timetabled to run for

twelve weeks, with a closing date of 18 June 2010. The EC Regulation is required to be applied in Member States from 1 September 2010.

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 March 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 directly to animal feed.

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

Feed Additives

10. Votes in favour were obtained for the authorisation of feed additives at the March and April 2010 meetings of SCoFCAH (Animal Nutrition Section). These are summarised below.

Commission Proposals that received a qualified majority vote in March 2010

Product	Proposal number	Animal category	Purpose
<i>Bacillus subtilis</i> DSM 15544 – gut flora stabiliser	SANCO/10107/2010	Weaned piglets	Authorisation
L-isoleucine from <i>Escherichia coli</i> FERM ABP-10641 – amino acid	SANCO/10106/2010	All animal species	Authorisation
3-phytase from <i>Aspergillus niger</i> CBS 101.672 – digestibility enhancer	SANCO/10105/2010	Ornamental birds, minor avian species	Authorisation
Carotenoid-rich	SANCO/10104/2010	Salmon and trout	Change to

<i>Paracoccus carotinifaciens</i> – feed colour			specification for existing product
Copper chelate of hydroxy analogue of methionine – compound of trace element	SANCO/10200/2010	All animal species	Authorisation
Zinc chelate of hydroxy analogue of methionine – compound of trace element	SANCO/10465/2010	All animal species	Authorisation
Manganese chelate of hydroxy analogue of methionine – compound of trace element	SANCO/10466/2010	All animal species	Authorisation

Commission Proposals that received a qualified majority vote in April 2010

Product	Proposal number	Animal category	Purpose
Endo-1,3(4)-beta-glucanase produced by <i>Aspergillus aculeatus</i> (CBS 589.94); endo-1,4-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (CBS 592.94); alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (DSM 9553); and endo-1,4-beta-xylanase produced by	SANCO/10675/2010	Laying hens	Authorisation

<i>Trichoderma viride</i> (NIBH FERM BP4842)			
<i>Pediococcus pentosaceus</i> (DSM 16244)	SANCO/10419/2010	All	Authorisation
<i>Bacillus subtilis</i> (DSM 17299)	SANCO/10672/2010	Chickens for fattening	Amended authorisation

Marketing and Use of Feed

11. At the 27–28 April 2010 meeting of SCoFCAH (Animal Nutrition Section) a Commission proposal (SANCO/10658/2010) amending Regulation 767/2009 on permitted tolerances for the compositional labelling of feed was agreed. This will enter into force on 1 September 2010; this is the same date as Regulation 767/2009, enters into force and will provide more workable tolerances than those currently contained in Annex IV of that Regulation.

**ACAF Secretariat
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