

1. International Congress on Feed San Sebastian 10/06/2009

News about the EU-Legislation

***Food safety – labelling - marketing
of feed materials and compound feed***

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Areas:

1. **Modernisation feed marketing**
2. **Undesirable substances – carry over**
3. [GMO]
4. Official Controls (Art 15(5) 882/2004)
5. Feed Hygiene: “Financial Guarantees” – “Microbiol criteria” – “Community guides” – “direct heating”]
6. **Feed additives: Re-evaluation**
7. **Medicated Feed**

Animals and values

- Value of animal products in EU ~130 Bio €
- About 5 Mio farmers raise food producing animals in EU
- Feed cost represent almost half of production costs in animal production
- Turnover EU compound feed industry ~ 40 Bio €
- 62 Mio households in EU with pets (~ 60 Mio cats and dogs each)
- Turnover EU pet food industry ~ 10 Bio €

Evolution of EU law

- End 1990s, series of crises concerning human food and animal feed (BSE, dioxin, etc.)
=> weaknesses in the food legislation within the EU.
- Response: "White Paper on Food Safety" => EU established a system for ensuring a high level of protection of public health, taking into account the protection of animal health and welfare, plant health and the environment.
- In line with the new "farm to fork" approach, feed legislation has been crucial as feed is a sensitive element at the very beginning of the food chain.
- But: feed business operators for pet food excluded

Need for revision of marketing rules:

- Circulation of feed materials and compound feed is regulated by 4 main **Directives** and some 50 amending or implementing acts.
- Some of the relevant legislative requirements date back more than 25 years.
- Evolution of feed legislation focussing on **safety** has been intense ⇔ less attention on the conditions for the circulation of feed, e.g. concerning **marketing conditions**, labelling or advertising.
- The developments both in the feed business and in the legislative environment around the feed sector revealed the need to modernise and simplify the current law.

internal market – grey zones

■ **Categorisation**

Some recent examples are the phytosterols, glucosamine and chondroitin regarded in some MS as feedingstuffs and in others as additives or veterinary drugs

■ **National implementation of the Directives**

- 2 MS different permitted level of vitamin D in complementary feed => obstacles to the free circulation => Case 145/02: ECJ preclude the adoption by MS of a national measure prohibiting the marketing within its territory of a feed lawfully manufactured in another MS ... on grounds of its vitamin D level.

- MS apply national competence to require specific labelling particulars on their territory (origin labelling)

Scene Setting – *Better Regulation*

1. Revision of the legislation on feed marketing last “left over” from action plan in the White Paper on Food Safety
2. Level of **food and feed safety** is **outstanding** base
3. Political environment changed due to
 - + “internal” factors: **development, implementation and success of the farm-to-fork-approach**
 - + “external” factors: **Revised Lisbon Strategy, Transparency Initiative (“Communicating Europe”), Simplification Initiative (Verheugen), Better Regulation (impact assessment + stake holder consultation), EU-scepticism**

Revision – Objectives: general and operational

- achieve **legal clarity** and a **harmonised implementation**,
 - facilitate **smooth functioning** of the internal market,
 - **simplify** technical requirements and **remove** unnecessary administrative burden,
 - increase **competitiveness** of the EU feed and farming sector,
 - enable **users** of feed to make an **informed choice** without being misled.
- ⇒ concerning **authorisation procedures**: ensuring procedures are **proportionate to risk**;
- ⇒ for **listing feed materials**: the smooth functioning of the internal market by **clear designations and proper information of the customer**;
- ⇒ for **compound feed labelling** for food producing animals: Increase **innovation** and **competitiveness** by **reducing unnecessary labelling requirements**;
- ⇒ for pet food labelling: Improve the **appropriateness of the pet food labels** to prevent the purchaser of pet food from being confused or misled.

Revision: Subsidiarity and Proportionality

1. The circulation of feed can not be appropriately addressed by MS alone. A fully harmonised legislation is needed for:
 - Public Health: “ease the feed recalls after detection of a risk” (Art. 152 of the Treaty)
 - movement of feed without barriers: “only 2.6% intra-trade” (Art. 95)
 - good production conditions for the EU agriculture: “feed is the most significant (47%) cost factor” (Art. 37)
2. Under the prerequisite of ensuring feed/food safety it was scrutinised for each envisaged option if it is proportionate in comparing the expected benefit with the drawbacks. Respective added-value and boundary tests are undertaken once the options are compared.

ONE Regulation with clear provisions

Scope: Feed for ALL animals

- ‘Food producing animal’: any animal that is fed for the production of food for human consumption including animals that are **not consumed but that belong to species that can be normally consumed** in the Community.
- ‘Non-food producing animals’: animals kept or bred but not used for human consumption such as fur animals, pets and animals kept in laboratories, zoos or circus.
- ‘Pet’ or ‘pet animal’: non-food producing animal belonging to **species** fed, bred or kept, but normally not consumed by humans in the Community;

Safety and marketing requirements

- *Feed safety incidents in the past have taught us that the requirements on the safety of feed and the responsibility of the feed business operator should not spare e.g. pet food.*
- *Thus, the gap that existed due to the restriction of Chapter II (General Food Law) of Regulation (EC) No 178/2002 to feed for food producing animals is closed.*
- *The expansion concerns as well the responsibility of the feed business operator*

Rules on certain feedingstuffs

- The “negative list” with materials whose use as feed is restricted or **prohibited** (Decision 217/2004) becomes -without changes- an Annex to the Regulation. For the updating of the list an urgency procedure is established.
- **Bio-proteins** become “normal” feed materials.
- On **dietetic feed**, the old system was streamlined with the meanwhile common procedures but stressing that the risk manager does not in all cases have to consult the European Food Safety Authority before he takes a decision on updating the intended uses.

Lightening grey zones – Clarifying borderline issues

1. The Commission may establish **guidelines** for the better distinction between **feed materials, feed additives and other products such as veterinary drugs** for harmonised marketing conditions.
=> If necessary, the Commission may even clarify by a legal act the category of a certain product.
2. The borderline issue between complementary feed and premixtures was tackled by setting one general maximum concentration factor of feed additives in complementary feed.
=> The factor 100 can even be exceeded if the feed meets the characteristics of a certain dietetic feed.

New labelling “philosophy”

1. **Broad definition of labelling:** attribution of any words, particulars, trade marks, brand name, pictorial matter or symbol to a feed by placing this information on any medium like packaging, container, notice, label, document, ring, collar or the internet referring to or accompanying such feed, including for advertising purposes.
2. Where feed is offered for sale by **means of distance communication** ... the mandatory labelling particulars ... shall appear on the material supporting the distance selling...
3. With respect to **claims** it is clarified that a **scientific substantiation** of the truthfulness of the claim, ... shall be available with the responsible operator at the time the feed is placed on the market. The MS-authority ... may submit the issue of doubtful claims to the Commission who may adopt a decision.

General mandatory labelling requirements

A feed material or compound feed shall not be placed on the market unless the following particulars are indicated by labelling:

- (c) if available, the establishment approval number ...;
- (d) the batch or lot reference number;
- (f) **the list of feed additives preceded by the name and the content** in accordance with Chapter I of Annex V or VI, as applicable, and without prejudice to labelling provisions laid down in the Regulation authorising the respective feed additive.

n.b. Simplification for premix-labelling: "In the case of premixtures, points (b), (d), (e) and (g) shall not apply to the incorporated feed additives"

Additive labelling in feed materials + compound feed

1. The following additives shall be listed with their specific name ... added amount, identification number and ... the functional group:
 - (a) where a maximum content is set for any kind of target species,
 - (b) 'zotechnical additives' and 'coccidiostats and histomonostats',
 - (c) 'urea and its derivatives'.
3. The person responsible for the labelling shall disclose the names, the identification number and the functional group of the feed additives not mentioned in paragraph 1 to the purchaser on his request.
4. Feed additives not mentioned in paragraph 1 may be voluntarily indicated in the form as laid down in paragraph 1 or partially.
5. If a sensory or nutritional feed additive as referred to in Annex I of Regulation (EC) No 1831/2003 is labelled on a voluntary basis its added amount shall be indicated.

Specific labelling requirements for compound feed

- **Removal of the percentage labelling** for all feed materials in compound feed for food producing animals (currently labelled percentages are in fact ranges of +/- 15% that must -due to a ECJ ruling- not be disclosed.
- Listing of the feed materials in **descending weight order**.
- **Highlighted** feed materials must be indicated with the **exact percentage** and voluntarily indicated percentages have to be precise as well.
- The customer has the right to **receive the quantitative composition with a tolerance of +/-15%** but the rules on the **protection of intellectual property** rights apply.
- In case of **urgency** relating to human and animal health or to the environment, the **competent control authority may** provide the purchaser with **additional information** on the composition of the compound feed if it deems this to be justified.

Market transparency on feed materials

1. The Community **Catalogue of feed materials** shall be created as a tool to improve the labelling of feed materials and compound feed. The Catalogue shall facilitate the exchange of information on the product properties and list the feed materials in a non-exhaustive manner.
2. The first entries in the Catalogue shall be those listed in Part B of the Annex to Directive 96/25/EC and the Annex to Directive 82/471/EEC.
3. The placing on the market of a **feed material that is not listed** in the Catalogue shall immediately be **notified** to the representatives of the European feed business sectors who shall publish a register of these notifications on the Internet.

Community Codes of good labelling practice

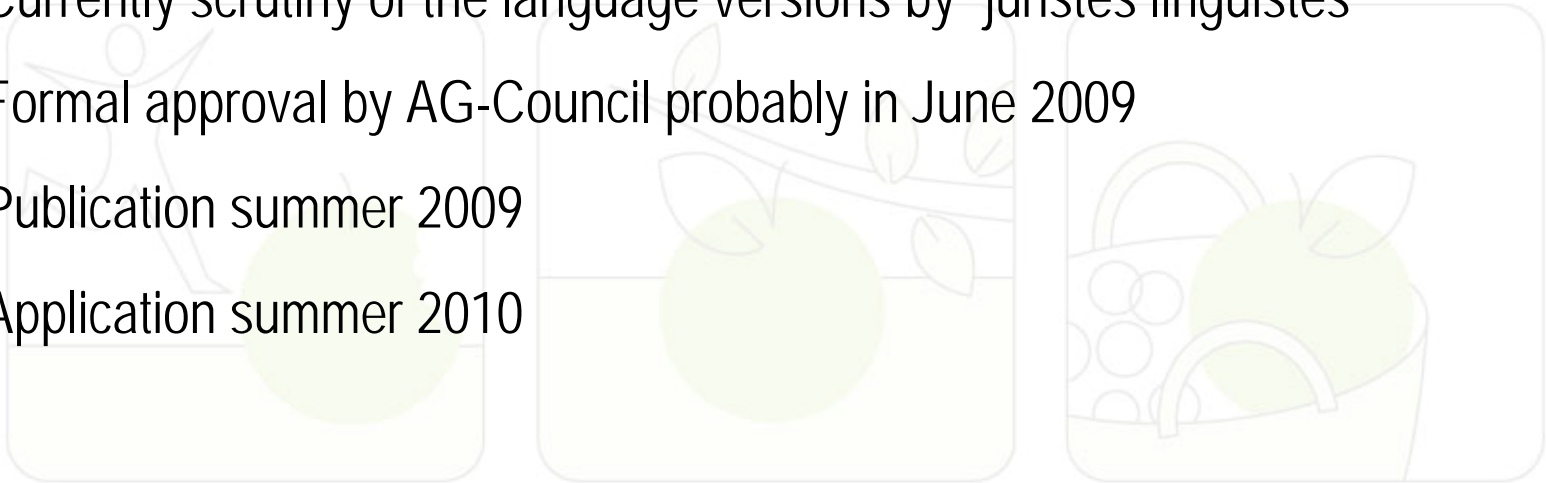
1. The Commission shall encourage the development of two Community **Codes of good labelling practice**, one for pet food and one for compound feed for food producing animals.
2. The Codes shall aim at improving the appropriateness of the labelling. They shall, in particular, include provisions on the presentation of the mandatory labelling particulars, on the voluntary labelling and on the use of claims.

Establishment of the Catalogue and Codes

1. Catalogue and Codes shall be developed by all appropriate representatives of European feed business sectors:
 - (a) in consultation with other concerned parties, such as feed users;
 - (b) in collaboration with the competent authorities of the Member States and, where appropriate, the Authority...
2. Generally, Catalogue and Codes are to be approved by the Commission with the advisory procedure.
3. If in the Catalogue maximum contents of chemical impurities, levels of botanical purity or mandatory constituent labelling particulars are set, the regulatory procedure with scrutiny has to be applied.

State of play

- EP-plenary voted overwhelmingly in favour on 5 Feb 2009
- Currently scrutiny of the language versions by “juristes linguistes”
- Formal approval by AG-Council probably in June 2009
- Publication summer 2009
- Application summer 2010



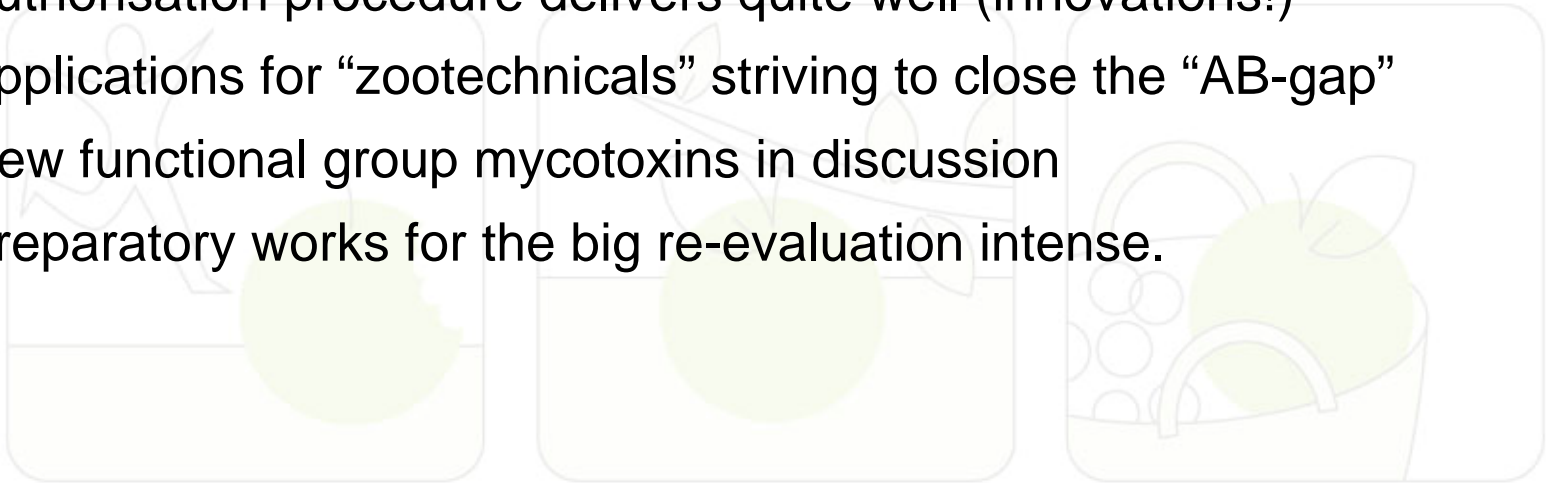
Undesirable Substances – carry over

Maximum levels of unavoidable carry-over of coccidiostats in non-target feed in application of good manufacturing practices, following the ALARA (As Low As Reasonably Achievable) principle (Comm. Directive 2009/8/EC of 10 Feb 2009)

- carry-over rate of **3 %** compared to the authorised maximum content should be considered as regards feed for **less sensitive non-target animal species**,
- carry-over rate of **1 %** compared to the authorised maximum content should be retained for feed intended to **sensitive non-target animal species** and "**withdrawal feed**", i.e. feed used for the period before slaughter.
- **MRLs in foodstuffs** (Comm. Regulation (EC) No 124/2009 of 10 Feb 2009)

Feed additives: Re-evaluation

- Authorisation procedure delivers quite well (innovations!)
- Applications for “zotechnicals” striving to close the “AB-gap”
- New functional group mycotoxins in discussion
- Preparatory works for the big re-evaluation intense.

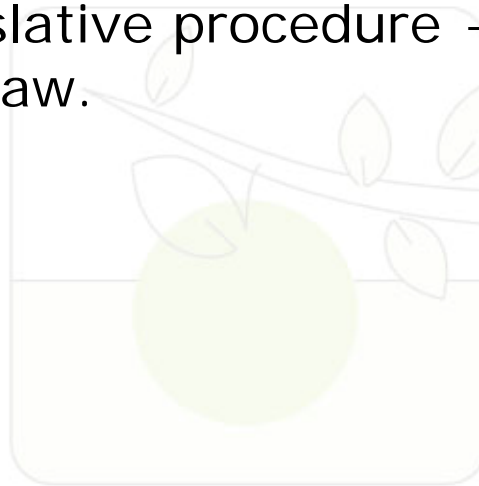
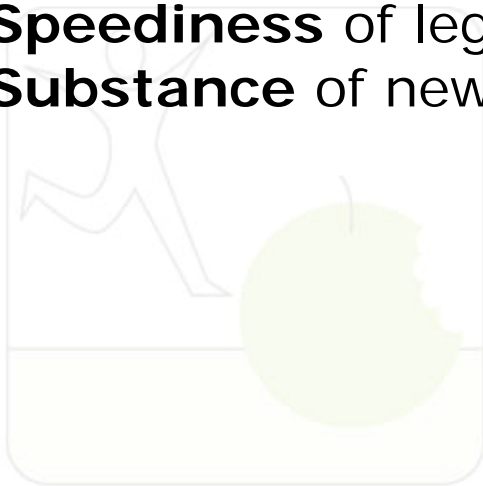


Medicated feed

- Directive 90/167/EEC (conditions governing the preparation, placing on the market and use of medicated feedingstuffs) not updated though legislation on feed and veterinary drugs has developed significantly.
- “Medicated feed is feed” => SANCO
- Revision process just started
- Legislative proposal scheduled mid 2010.

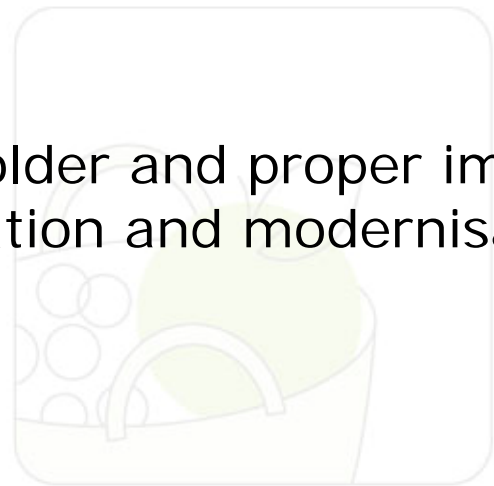
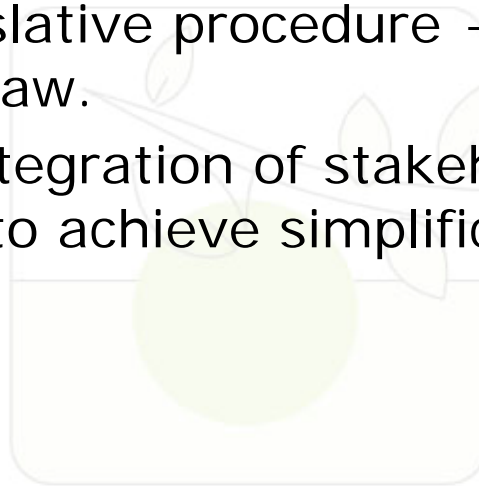
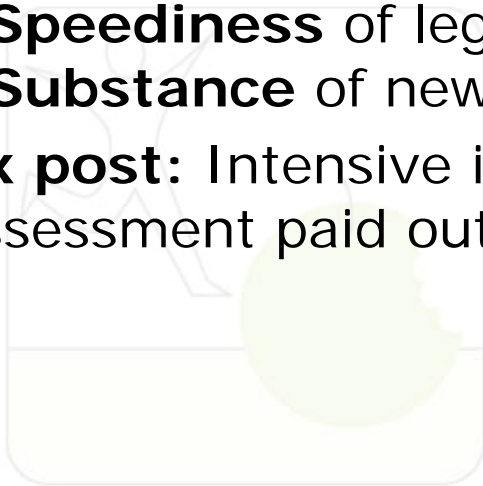
Résumé

- Modernisation of feed marketing is a **success story** in terms of
 - **Speediness** of legislative procedure +
 - **Substance** of new law.



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- Modernisation of feed marketing is a **success story** in terms of
 - **Speediness** of legislative procedure +
 - **Substance** of new law.
- **Ex post**: Intensive **integration** of **stakeholder** and proper **impact assessment** paid out to achieve simplification and modernisation.
- Commission activities re **undesirable substances** and **feed additives** underline effort for **Better Regulation** in the interest of industry and citizens of the EU.

Thank you for your attention !

