



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.07.1998
COM(1998) 435 final

98/ 238(COD)

Proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

**amending Directive 79/373/EEC on the marketing of compound feedingstuffs
and Directive 96/25/EC on the circulation of feed materials**

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. AMENDMENT OF COUNCIL DIRECTIVE 96/25/EC

1. On 29 April 1996 the Council adopted Directive 96/25/EC on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC.

The provisions adopted by Directive 96/25/EC are to apply from 1 July 1998. On the same date Directive 77/101/EEC on the marketing of straight feedingstuffs will be repealed.

Directive 96/25/EC introduces and defines the term “feed materials” in place of the terms “ingredients” and “straight feedingstuffs” used in Directive 77/101/EEC which caused confusion as the only difference between them concerned their end users, namely livestock farmers and manufacturers of compound feedingstuffs.

Directive 96/25/EC applies to the circulation of feed materials within the Community. Article 3 requires Member States to prescribe that feed materials may circulate in the Community only if they are sound, genuine and of merchantable quality. They must also prescribe that the feed materials may represent no danger to animal or human health and may not be put into circulation in a manner that is liable to be misleading.

Very often feed materials are produced and used as such by livestock farmers without being put into circulation; they are not then subject to the rules introduced by Directive 96/25/EC.

There is a need therefore to extend the scope of Directive 96/25/EC and to amend its title accordingly so that in future the Community rules will legally encompass not only the putting into circulation of feed materials but also their use.

This amendment will have wide-ranging effects in that the rules contained in Article 3, namely that feed materials must be sound, genuine and of merchantable quality, will apply in future to all products used as feed.

2. Commission Decision 91/516/EEC adopted under Council Directive 79/373/EEC on the marketing of compound feedingstuffs establishes a list of ingredients which may not be used in the preparation of compound feedingstuffs. The prohibition does not, however, apply to the circulation or the direct use by livestock farmers of the feed materials in question.

In order to make good this deficiency provision should be made in Directive 96/25/EC for the establishment of a list of feed materials whose circulation and use will be prohibited in order to comply with the rules contained in Article 3 of the Directive. This list will be based on that contained in the Annex to Decision 91/516/EEC.

3. In addition to the rules laid down in Article 3, which states that feed materials must be sound, genuine and of merchantable quality, it is necessary to require also that feed materials and especially by-products that have been subjected to certain industrial processes must not have an unfavourable impact on the environment on account of any undesirable contaminants they may contain.

It is proposed requiring therefore in Article 3 that the feed materials must not represent a threat to the environment.

4. Council Directive 90/667/EEC lays down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin.

In the case of waste used as feed material and covered therefore by Directive 90/667/EEC, it is necessary to lay down rules for ensuring that these products can be traced from the time they are put into circulation up to their final use.

In future the labelling on this animal waste will have to contain information enabling its producers to be identified easily, i.e. the names and addresses of establishments and a means of identifying batches.

II. AMENDMENT OF COUNCIL DIRECTIVE 79/373/EEC

1. Directive 79/373/EEC provides that the approval number referred to in Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC must be shown on the labelling or in the document accompanying additives, premixtures and compound feedingstuffs.

The purpose of the proposed measures is to ensure that the registration number also is shown on the label or in the document accompanying compound feedingstuffs, as is required already in the case of the approval number.

2. Since provision is made in the above measures for the establishment of a list of feed materials whose circulation and use are to be prohibited, in order to avoid confusion all references in Directive 79/373/EEC to the list of ingredients whose use in compound feedingstuffs is prohibited should be deleted.
3. Reference needs to be made also in Directive 79/373/EEC to the ban on the use in the manufacture of compound feedingstuffs of the feed materials included in the new list provided for in Directive 96/25/EC.

This proposal has no financial implications for the Community budget. It is based on an exclusive Community competence.

PROPOSAL FOR
A PARLIAMENT AND COUNCIL DIRECTIVE
.../.../EC

amending Directive 79/373/EEC on the marketing of compound feedingstuffs and Directive
96/25/EC on the circulation of feed materials

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article
100a thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the Economic and Social Committee²,

Acting in accordance with the procedure referred to in Article 189b of the Treaty³,

¹ OJ L

² OJ L

³ OJ L

Whereas Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC⁴ establishes the principle of allocating an approval number to certain establishments or intermediaries; whereas, for reasons of transparency and in order to facilitate checks, the registration number should be required to be shown on the label or in the document accompanying the compound feedingstuffs as is provided for already in respect of the approval number;

Whereas, in accordance with Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs⁵, Commission Decision 91/516/EEC⁶ establishes a list of ingredients whose use is prohibited in compound feedingstuffs for reasons related to the protection of animal and human health; whereas this ban does not, however, cover the circulation of those ingredients or their use as such by livestock farmers;

Whereas in order to remedy this situation, it is necessary, firstly, to widen the scope of Directive 96/25/CE of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC,⁷ so that irrespective of the purpose for which they are intended not only may feed materials be put into circulation but also used only if they are sound, genuine and of merchantable quality and represent no danger to animal or human health; whereas secondly, a list of feed materials whose use is prohibited in animal nutrition should be drawn up to replace Commission Decision 91/516/EEC, feedingstuffs so that the scope of the prohibition is general and applies both to the use of the feed materials as such as well as to their use in compound feedingstuffs; whereas Directive 79/373/EEC should be amended accordingly;

⁴ OJ L 332, 30.12.1995, p. 15.

⁵ OJ L 86, 6. 4.1979, p. 30. Directive last amended by Commission Directive 97/47/EC (OJ L 211, 5. 8.1997, p.45.).

⁶ OJ L 281, 9.10.1991, p. 23. Decision last amended by Commission Decision 97/582/EC (OJ L 237, 28.8.1997, p. 39).

⁷ OJ L 125, 23. 5.1996, p. 35.

Whereas experience has shown also that certain by-products which have been subjected to industrial processes may contain substances which, although not representing a threat to animal or human health, may have an unfavourable impact on the environment; whereas it is necessary therefore to provide also that feed materials must not present a threat to the environment;

Whereas Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin, and amending Directive 90/425/EEC,⁸ lays down the rules for the placing on the market of animal waste intended for uses other than human consumption;

Whereas Council Directive 96/25/EC lays down rules applying to labelling providing users with accurate information concerning the identity of the products and any restrictions on their use;

Whereas there is a need to ensure that instruments relating to animal nutrition and to the veterinary sector are in perfect concordance;

Whereas, in order to provide users and control authorities with the means to verify without difficulty origin and compliance with the health guarantees offered by feed materials with regard to Directive 90/667/EEC, it is necessary to include among the indications required for those animal waste products the name and address of the producing establishment, the approval number and the reference number of the batch or any other particulars that will ensure that the feed material can be traced,

⁸ OJ L 363, 27.12.1990, p. 51. Directive last amended by the Act of Accession of Austria, Finland and Sweden (OJ C 241, 29. 8.1994, p. 155.).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 79/373/EEC is amended as follows:

1. In Article 5(1), point (k) is replaced by the following:

“(k) from 1 April 2001, the approval number allocated to the establishment in accordance with Article 5 or the registration number allocated to the establishment in accordance with Article 10 of Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector.”

2. In Article 10, point (c) is deleted.
3. In Article 10(e), the words “and the lists referred to in points (b) and (c)” are deleted.
4. In Article 10a, the following paragraph is added:

“3. Member States shall prescribe that the feed materials appearing on the list provided for in Article 11(c) of Directive 96/25/EC may not be used in the preparation of compound feedingstuffs”.

Article 2

Directive 96/25/EC is amended as follows:

1. The title is replaced by the following:

“Council Directive 96/25/EC of 29 April 1996 on the circulation and use of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC”

2. Article 1(1) is replaced by the following:

“1. This Directive shall apply to the circulation and use of feed materials within the Community.”

3. Article 3 is replaced by the following:

“Article 3

Without prejudice to the obligations arising under other Community provisions, Member States shall prescribe that feed materials may circulate or be used in the Community only if they are sound, genuine and of merchantable quality. They shall prescribe that these materials may represent no danger to animal or human health or to the environment and may not be put into circulation in a manner that is liable to mislead.”

4. In Article 5(1), point (g) is replaced by the following:

“(g) the name or business name and the address or registered place of business of the producing establishment, the approval number and the reference number of the batch or any other particulars which ensure that the feed material can be traced, where the establishment must be approved in accordance with Council Directive 90/667/EEC;

(h) the name or business name and the address or registered place of business of the person responsible for the particulars referred to in this paragraph, if different from the producer referred to in point (g).”

5. Article 11 is amended as follows:

(a) The words “Article 14” are replaced by “Article 13”;

(b) Point (b) is replaced by the following:

“(b) a list of feed materials whose circulation and use are prohibited shall be established in order to ensure compliance with Article 3;

(c) amendments to the Annex and to the list referred to in point (b) shall be adopted in the light of advances in scientific and technical knowledge.”

Article 3

1. Member States shall adopt and publish not later than 30 June 1998 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall inform the Commission thereof forthwith. The provisions adopted shall apply from 1 July 1998.

Where the Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by the Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

Article 5

This Directive is addressed to the Member States.

Done at,

For the European Parliament
The President

For the Council
The President

ISSN 0254-1475

COM(98) 435 final

DOCUMENTS

EN

03 02 05 07

Catalogue number : CB-CO-98-447-EN-C

ISBN 92-78-38045-8

Office for Official Publications of the European Communities

L-2985 Luxembourg

AE