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Delegations will find attached document D050799/04.

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Brussels, **XXX**
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[...](2017) **XXX** draft

COMMISSION REGULATION (EU) .../...

of XXX

amending Annexes II, IV, VI, VII and VIII to Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Annexes II, IV, VI, VII and VIII to Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC¹, and in particular Articles 20(2) and 27(1) thereof,

Whereas:

- (1) In order to allow a meaningful labelling, specific expressions for feed for pets are allowed in some Union languages. New developments in the pet food sector of two Member States suggest that specific expressions for pet food are also adequate in the language of these Member States.
- (2) Annex II to Regulation (EC) No 767/2009 should therefore be amended accordingly.
- (3) Tolerances for analytical constituents and feed additives in feed materials and compound feed should be revised considering technological progress in analytics and experiences with good laboratory practice. Annex IV to Regulation (EC) No 767/2009 should therefore be amended accordingly.
- (4) An increasing number of authorisations of feed additives in accordance with Regulation (EC) No 1831/2003 of the European Parliament and of the Council² establish maximum contents for additives in compound feed and feed materials for which no such values had been previously set and others newly established the concept of a maximum recommended content of an additive in complete feed. In addition, manufacturing technology of feed may result in reductions of the added amount of additives such as vitamins which might be also naturally present in the final product. This might lead to ambiguities in practice if the operator is to label the added amount but the control authority can only analyse and verify the amount in the final product. In order to take these developments into account and to ascertain a balanced, appropriate and meaningful labelling of feed materials and compound feed, Annexes VI and VII to Regulation (EC) No 767/2009 should be amended accordingly.

¹ OJ L 229, 1.9.2009, p. 1.

² Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29).

- (5) Technological developments allow an increased use of food which is no longer intended for human consumption as feed. Commission Regulation (EU) No 68/2013³, lists such ‘former foodstuffs’ as feed materials. However, as the quality of such former foodstuff may in some cases not comply with the requirements for feed, the labelling of those former foodstuffs should indicate that their use as feed is allowed only after processing. Annex VIII to Regulation (EC) No 767/2009 should therefore be amended accordingly.
- (6) Since safety reasons do not require the immediate application of the modifications to the Annexes, in order to avoid unnecessary disruption of commercial practices and not to create an unnecessary administrative burden on the operators, it is appropriate to provide for transitional measures allowing a smooth conversion of labelling.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II, IV, VI, VII and VIII to Regulation (EC) No 767/2009 are amended in accordance with the Annex to this Regulation.

Article 2

1. Feed materials and compound feed which have been labelled before [*12 months after the date of entry into force of this Regulation – Date to be inserted by the Service responsible for the publication*] in accordance with the rules applicable before [*the date of entry into force of this Regulation – Date to be inserted by the Service responsible for the publication*] may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for food-producing animals.
2. Feed materials and compound feed which have been labelled before [*24 months after the date of entry into force of this Regulation – Date to be inserted by the Service responsible for the publication*] in accordance with the rules applicable before [*the date of entry into force of this Regulation – Date to be inserted by the Service responsible for the publication*] may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for non-food producing animals.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

³ Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials (OJ L 29, 30.1.2013, p. 1).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER