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Subject:	COMMISSION REGULATION (EU) No .../.. of XXX amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for arsenic, fluorine, lead, mercury, endosulfan and Ambrosia seeds (Text with EEA relevance)

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Delegations will find attached document D035527/03.

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**COMMISSION REGULATION (EU) No .../..**

**of **XXX****

**amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for arsenic, fluorine, lead, mercury, endosulfan and Ambrosia seeds**

(Text with EEA relevance)

# COMMISSION REGULATION (EU) No .../..

of **XXX**

**amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for arsenic, fluorine, lead, mercury, endosulfan and Ambrosia seeds**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed<sup>1</sup>, and in particular Article 8(1) thereof,

Whereas:

- (1) Directive 2002/32/EC provides that the use of products intended for animal feed which contain levels of undesirable substances exceeding the maximum levels laid down in Annex I to that Directive is prohibited.
- (2) New data have been provided demonstrating that the current maximum levels of arsenic, fluorine and lead are not achievable in calcareous marine shells. It is therefore appropriate to increase the maximum levels for arsenic, fluorine and lead in calcareous marine shells, to ensure the availability of the calcareous marine shells for animal nutrition whilst keeping a high level of animal and public health protection.
- (3) Pet food industry utilise many co-products and by-products of the food industry as raw materials in order to produce pet food providing a balanced diet for a cat or dog meeting their needs in terms of amino acids, carbohydrates, proteins, minerals, trace-elements and vitamins. The current maximum levels of mercury for these co-products and by-products intended for animal feed are stricter than the maximum level of mercury applicable to the muscle meat of fish for human consumption. Therefore there is a shortage in supply of such co-products and by-products compliant with the maximum level of mercury for use in pet food, resulting in the need to use of smaller size fish with lower level of mercury for production of pet food, contrary to principles of sustainable fishery. Therefore it is appropriate to adapt the maximum level for mercury for fish, other aquatic animals and products derived thereof intended for the production of compound feed for dogs, cats, ornamental fish and fur animals, whilst keeping a high level of animal health protection.

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<sup>1</sup> OJ L 140, 30.5.2002, p. 10.

- (4) Assessment of recent data of the presence of endosulfan in feed materials have indicated that the maximum levels for endosulfan levels in oilseeds and maize and derived products thereof can be decreased.
- (5) A footnote on the presence of Ambrosia seeds in feed materials was erroneously deleted from Annex I to Directive 2002/32/EC by Commission Regulation (EU) No 1275/2013. Experience has shown that certain provisions of the footnote have to be strengthened to avoid dissemination of Ambrosia seeds into the environment. It is therefore appropriate to re-introduce the footnote in that Annex.
- (6) Directive 2002/32/EC should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Directive 2002/32/EC is amended in accordance with the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels,

*For the Commission  
The President*