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Subject:	ANNEX to the COMMISSION REGULATION (EU) No .../.. 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)

Delegations will find attached document D035527/03 ANNEX 1.

Encl.: D035527/03 ANNEX 1



Brussels, **XXX**
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ANNEX 1

ANNEX

to the

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

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

ANNEX

Amendments to Annex I to Directive 2002/32/EC

Annex I to Directive 2002/32/EC is amended as follows:

(1) Row 1 of Section I, Arsenic, is replaced by the following:

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
'1. Arsenic ⁽¹⁾	Feed materials	2
	with the exception of:	
	- meal made from grass, from dried lucerne and from dried clover, and dried sugar beet pulp and dried molasses sugar beet pulp;	4
	- palm kernel expeller;	4 ⁽²⁾
	- phosphates, calcareous marine algae;	10
	- calcium carbonate; calcium and magnesium carbonate ⁽¹⁰⁾ ; calcareous marine shells;	15
	- magnesium oxide; magnesium carbonate;	20
	- fish, other aquatic animals and products derived thereof;	25 ⁽²⁾
	- seaweed meal and feed materials derived from seaweed.	40 ⁽²⁾
	Iron particles used as tracer.	50
	Feed additives belonging to the functional group of compounds of trace elements	30
	with the exception of:	
	- cupric sulphate pentahydrate; cupric carbonate; di copper chloride trihydroxide; ferrous carbonate;	50
	- zinc oxide; manganous oxide; cupric oxide.	100
	Complementary feed	4
with the exception of:		
- mineral feed;	12	
- complementary feed for pet animals containing fish, other aquatic animals and products derived thereof and/or seaweed meal and feed materials derived from seaweed;	10 ⁽²⁾	
- long-term supply formulations of feed for particular nutritional purposes with a concentration of trace elements higher than 100 times the established maximum content in complete feed;	30	
Complete feed	2	
with the exception of:		
- complete feed for fish and fur animals;	10 ⁽²⁾	
- complete feed for pet animals containing fish, other aquatic animals and products derived thereof and/or seaweed meal		

	and feed materials derived from seaweed.	10 ⁽²⁾ ,
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(2) Row 3 of Section I, Fluorine, row 4 of Section I, Lead, and row 5 of Section I, Mercury, are replaced by the following:

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
3. Fluorine ⁽⁷⁾	<p>Feed materials</p> <p>with the exception of:</p> <ul style="list-style-type: none"> - feed materials of animal origin except marine crustaceans such as marine krill; calcareous marine shells; - marine crustaceans such as marine krill; - phosphates; - calcium carbonate; calcium and magnesium carbonate⁽¹⁰⁾ - magnesium oxide; - calcareous marine algae. <p>Vermiculite (E 561).</p> <p>Complementary feed:</p> <ul style="list-style-type: none"> - containing ≤ 4 % phosphorus⁽⁸⁾; - containing > 4 % phosphorus⁽⁸⁾. <p>Complete feed</p> <p>with the exception of:</p> <ul style="list-style-type: none"> - complete feed for pigs; - complete feed for poultry (except chicks) and fish; - complete feed for chicks; - complete feed for cattle, sheep and goats <ul style="list-style-type: none"> -- in lactation; -- other. 	<p>150</p> <p>500</p> <p>3000</p> <p>2000</p> <p>350</p> <p>600</p> <p>1000</p> <p>3000</p> <p>500</p> <p>125 per 1 % phosphorus⁽⁸⁾</p> <p>150</p> <p>100</p> <p>350</p> <p>250</p> <p>30</p> <p>50</p>

4. Lead ⁽¹¹⁾	Feed materials	10
	with the exception of:	
	- forage ⁽³⁾ ;	30
	- phosphates, calcareous marine algae and calcareous marine shells;	15
	- calcium carbonate; calcium and magnesium carbonate ⁽¹⁰⁾ ;	20
	- yeasts.	5
	Feed additives belonging to the functional group of compounds of trace elements	100
	with the exception of:	
	- zinc oxide;	400
	- manganous oxide, ferrous carbonate, cupric carbonate.	200
	Feed additives belonging to the functional groups of binders and anti-caking agents	30
with the exception of:		
- clinoptilolite of volcanic origin; natrolite-phonolite;	60	
Premixtures ⁽⁶⁾	200	
Complementary feed	10	
with the exception of:		
- mineral feed;	15	
- long-term supply formulations of feed for particular nutritional purposes with a concentration of trace elements higher than 100 times the established maximum content in complete feed;	60	
Complete feed.	5	
5. Mercury ⁽⁴⁾	Feed materials	0.1
	with the exception of:	
	- fish, other aquatic animals and products derived thereof;	0.5 ⁽¹²⁾
	- calcium carbonate; calcium and magnesium carbonate ⁽¹⁰⁾	0.3
	Compound feed	0.1
	with the exception of:	
	- mineral feed;	0.2
- compound feed for fish;	0.2	
- compound feed for dogs, cats, ornamental fish and fur animals.	0.3'	

(3) The following endnotes 11 and 12 are added at the end of section I:

“(11) for the determination of lead in kaolinitic clay and in feed containing kaolinitic clay, the maximum level refers to an analytical determination of lead, whereby extraction is performed in nitric acid (5 % w/w) for 30 minutes at boiling temperature. Equivalent extraction procedures can be applied for which it can be demonstrated that the used extraction procedure has an equal extraction efficiency.’

(12) the maximum level is applicable on wet weight basis to fish, other aquatic animals and products derived thereof intended for the production of compound feed for dogs, cats, ornamental fish and fur animals.”

(4) Row 6 of Section IV, Endosulfan is replaced by the following:

“Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
“6. Endosulfan (sum of alpha- and beta- isomers and of endosulfansulphate expressed as endosulfan)	Feed materials and compound feed with the exception of: <ul style="list-style-type: none"> - cotton seed and products derived from the processing thereof, except crude cotton seed oil - soybean and products derived from the processing thereof, except crude soybean oil - crude vegetable oil - complete feed for fish except for <i>Salmonids</i> - complete feed for <i>Salmonids</i> 	0.1 0.3 0.5 1.0 0.005 0.05”

(5) Section VI: Harmful Botanical Impurities is replaced by the following:

SECTION VI: HARMFUL BOTANICAL IMPURITIES

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
1. Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances separately or in combination including - <i>Datura sp</i>	Feed materials and compound feed	3000 1000
2. <i>Crotalaria spp</i>	Feed materials and compound feed	100
3. Seeds and husks from <i>Ricinus communis</i> L., <i>Croton tiglium</i> L. and <i>Abrus precatorius</i> L. as well as their processed derivatives ⁽¹⁾ , separately or in combination	Feed materials and compound feed	10 ⁽²⁾
4. Unhusked beech mast – <i>Fagus sylvatica</i> L.	Feed materials and compound feed	Seeds and fruit as well as their processed derivatives may only be present in feed in trace amounts not quantitatively determinable
5. Purghera – <i>Jatropha curcas</i> L.	Feed materials and compound feed	Seeds and fruit as well as their processed derivatives may only be present in feed in trace amounts not quantitatively determinable
6. Seeds from <i>Ambrosia spp.</i>	Feed materials ⁽³⁾ with the exception of - Millet (grains of <i>Panicum miliaceum</i> L.) and sorghum (grains of <i>Sorghum bicolor</i> (L) Moench s.l.) not directly fed to animals ⁽³⁾ Compound feed containing unground grains and seeds	50 200 50
7. Seeds from - Indian mustard – <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. integrifolia (West.) Thell. - Sareptian mustard – <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. juncea - Chinese mustard – <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. juncea var. <i>lutea</i> Batalin - Black mustard – <i>Brassica nigra</i> (L.) Koch - Ethiopian mustard – <i>Brassica carinata</i> A. Braun	Feed materials and compound feed	Seeds may only be present in feed in trace amounts not quantitatively determinable

- (1) Insofar determinable by analytical microscopy.
- (2) Includes also seed husk fragments.
- (3) In case unequivocal evidence is provided that the grains and seeds are intended for milling or crushing, there is no need to perform a cleaning of the grains and seeds containing con-compliant levels of seeds of *Ambrosia* spp. before milling or crushing on the condition that:
- the consignment is transported as a whole to the milling or crushing plant, and
- the milling or crushing plant is informed in advance of the presence of high level of *Ambrosia* spp. seeds in order take additional prevention measures to avoid dissemination into the environment, and
 - solid evidence is provided that prevention measures are taken to avoid dissemination of *Ambrosia* spp. seeds into the environment during transport to the crushing or milling plant, and
 - the competent authority agrees to the transport, after having ensured that the abovementioned conditions are fulfilled.

In case these conditions are not fulfilled, the consignment must be cleaned before any transport into the EU and the screenings must be appropriately destroyed.”