



Council of the  
European Union

Brussels, 15 July 2015  
(OR. en)

10927/15

AGRILEG 149

#### COVER NOTE

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From:	European Commission
date of receipt:	10 July 2015
To:	General Secretariat of the Council

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No. Cion doc.:	D039828/03
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annex II to Regulation (EC) No 183/2005 of the European Parliament and of the Council as regards the dioxin testing of oils, fats and products derived thereof

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Delegations will find attached document D039828/03.

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Encl.: D039828/03



Brussels, **XXX**  
SANTE/10027/2015 Rev. 1  
(POOL/G1/2015/10027/10027R1-  
EN.doc) D039828/03  
[...](2015) **XXX** draft

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

**of **XXX****

**amending Annex II to Regulation (EC) No 183/2005 of the European Parliament and of the Council as regards the dioxin testing of oils, fats and products derived thereof**

(Text with EEA relevance)

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

of **XXX**

**amending Annex II to Regulation (EC) No 183/2005 of the European Parliament and of the Council as regards the dioxin testing of oils, fats and products derived thereof**

(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 183/2005 of the European Parliament and the Council of 12 January 2005 laying down requirements for feed hygiene<sup>1</sup>, and in particular Article 27 thereof,

Whereas:

- (1) Regulation (EC) No 183/2005 lays down general rules on feed hygiene, as well as conditions and arrangements to ensure that processing conditions to minimise and control potential hazards are respected. It also provides that feed business establishments are to be registered with or approved by the competent authority. In addition, feed business operators lower down the feed chain are required to source feed only from registered or approved establishments.
- (2) Annex II to Regulation (EC) No 183/2005 sets out requirements for feed businesses other than at the level of primary production. In particular, it requires that the dioxin testing requirements set out in that Annex are to be reviewed by 16 March 2014.
- (3) The definition of products derived from vegetable oils set out in Annex II to Regulation (EC) No 183/2005 should be amended in order to clarify that products derived from refined oil and feed additives authorised in accordance with Regulation (EC) No 1831/2003 of the European Parliament and of the Council<sup>2</sup> are not covered by that definition.
- (4) The definition of fat blending set out in Annex II to Regulation (EC) No 183/2005 should also be amended in order to clarify the difference between fat blending and the solely storage of consecutive batches of fats and oils without mixing them. Furthermore, it should be clarified when blended fats are considered a compound feed and when they are feed materials.

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<sup>1</sup> OJ L 35, 8.2.2005, p. 1

<sup>2</sup> 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) As it is prudent to detect products that are clearly contaminated with dioxin at the point of entry in the feed chain, it should be clarified that the requirements concerning dioxin monitoring set out in Annex II to Regulation (EC) No 183/2005 apply to all feed business operators placing feed on the market, including importers.
- (6) In order to ensure traceability of and proper information about the feed, compliance with the labelling requirements established in Regulation (EC) No 767/2009 of the European Parliament and of the Council<sup>3</sup> and in particular the denominations, specifications and numbers in Commission Regulation (EU) No 68/2013<sup>4</sup> should be highlighted.
- (7) It is necessary that the requirement of a representative analysis per large quantity is performed on the basis of a representative sample. Therefore it is appropriate that incremental samples to form the aggregate sample are taken at regular intervals, e.g. at least one incremental sample every 50 tonnes, which is in line with the provisions on sampling as provided for in Commission Regulation (EC) No 152/2009<sup>5</sup>.
- (8) The results of the dioxin testing established by Regulation (EC) No 183/2005, the reports<sup>6</sup> of the audits of the Commission's Food and Veterinary Office and the fact that no non-compliant sample of products derived from vegetable oils, except fatty acid distillates from physical refining and deodistillates, were notified to the Rapid Alert System for Food and Feed<sup>7</sup> show that those products do not have a high risk for dioxin contamination. As a result, it is appropriate to alleviate the requirements as regards the 100% dioxin testing for these products set out in Annex II to Regulation (EC) No 183/2005.
- (9) In order to clarify the responsibility for the dioxin testing of imported products, a specific provision should be set out in Annex II to Regulation (EC) No 183/2005. This should also assure that imported products have the same safety level of those produced in the Union.
- (10) The system established by Annex II to Regulation (EC) No 183/2005 in order to prove by means of a certificate that the mandatory analysis of a specific batch has been undertaken should be amended by several specifications concerning the tasks for the different feed business operators in order to clarify the responsibilities of the various actors in the feed chain.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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<sup>3</sup> 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 (OJ L 229, 1.9.2009, p. 1)

<sup>4</sup> Commission Regulation (EC) No 68/2013 of 16 January 2013 on the Catalogue of feed materials (OJ L 29, 30.1.2013, p. 1)

<sup>5</sup> Commission Regulation (EC) 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed (OJ L 54, 26.2.2009, p. 1)

<sup>6</sup> [http://ec.europa.eu/food/fvo/audit\\_reports/index.cfm](http://ec.europa.eu/food/fvo/audit_reports/index.cfm): Audit numbers 2013-6748, 2013-6749, 2013-6750, 2013-6751, 2013-6752, 2013-6753, 2014-7036, 2014-7037 and 2014-7038

<sup>7</sup> [http://ec.europa.eu/food/safety/rasff/portal/index\\_en.htm](http://ec.europa.eu/food/safety/rasff/portal/index_en.htm)

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 183/2005 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*.

Point 2(h) in paragraph (3)(b) of the Annex to this Regulation shall apply from [*Office of Publications please insert date six months after publication*].

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*