Commission Regulation (EU) 2017/2279 of 11 December 2017 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) 2017/2279

of 11 December 2017

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/EC[(1)], 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 Council[(2)] 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

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2017/2279. (See end of Document for details)*

meaningful labelling of feed materials and compound feed, Annexes VI and VII to Regulation (EC) No 767/2009 should be amended accordingly.

(5) Technological developments allow an increased use of food which is no longer intended for human consumption as feed. Commission Regulation (EU) No 68/2013[(3)], 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 1 January 2019 in accordance with the rules applicable before 1 January 2018 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 1 January 2020 in accordance with the rules applicable before 1 January 2018 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*.

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

Done at Brussels, 11 December 2017.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

(1) Annex II is amended as follows:

In point 3, point (b) is replaced by the following:

(b) in the designation of feed for pets the following expressions shall be allowed: in Bulgarian “храна”; in Spanish “alimento”; in Czech the designation “kompletní krmná směs” may be replaced by “kompletní krmivo” and “doplňková krmná směs” may be replaced by “doplňkové krmivo”; in English “pet food”; in Italian “alimento”; in Hungarian “állateledel”; in Dutch “samengesteld voeder”; in Polish “karma”; in Slovenian “hrana za hišne živali”; in Finnish “lemmikkieläinten ruoka”; in Estonian “lemmikloomatoit”; in Croatian “hrana za kućne ljubimce”.

(2) Annex IV is amended as follows:

Part A is replaced by the following:

Part A: Tolerances for the analytical constituents set out in Annexes I, V, VI and VII

(1) The tolerances laid down in this Part include technical and analytical deviations. Once analytical tolerances covering measurement uncertainties and procedural variations are fixed at Union level, the values set in point 2 should be adapted accordingly in order to cover only the technical tolerances.

(2) Where the composition of a feed material or compound feed is found to deviate from the labelled value of the analytical constituents set out in Annexes I, V, VI and VII the following tolerances shall apply:

Constituent	**Declared content of the constituent**	**Tolerance**[a]	
	[%]	**Below the labelled value**	**Above the labelled value**
crude fat	< 8	1	2
	8 - 24	12,5 %	25 %
	> 24	3	6
crude fat, feed for non-food producing animals	< 16	2	4
	16 - 24	12,5 %	25 %
	> 24	3	6
crude protein	< 8	1	1
	8 - 24	12,5 %	12,5 %
	> 24	3	3

a The tolerances are given either as an absolute percentage value (this value must be subtracted from/added to the declared content) or as a relative value marked with “%” after the value (this percentage must be applied to the declared content to calculate the acceptable deviation).

b The tolerances are applicable where no tolerance has been laid down in accordance with an EU method or in accordance with an official national method in the Member State in which the feed is placed on the market or in accordance with an method adopted by the European Committee for Standardisation (https://standards.cen.eu/dyn/www/f?p=204:32:0::::FSP_ORG_ID,FSP_LANG_ID:6308,25&cs=1C252307F473504B6354F4EE56B99E235).

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crude protein, feed for non-food producing animals	< 16	2	2
	16 - 24	12,5 %	12,5 %
	> 24	3	3
crude ash	< 8	2	1
	8 - 32	25 %	12,5 %
	> 32	8	4
crude fibre	< 10	1,75	1,75
	10 - 20	17,5 %	17,5 %
	> 20	3,5	3,5
sugar	< 10	1,75	3,5
	10 - 20	17,5 %	35 %
	> 20	3,5	7
starch	< 10	3,5	3,5
	10 - 20	35 %	35 %
	> 20	7	7
calcium	< 1	0,3	0,6
	1 - 5	30 %	60 %
	> 5	1,5	3
magnesium	< 1	0,3	0,6
	1 - 5	30 %	60 %
	> 5	1,5	3
sodium	< 1	0,3	0,6
	1 - 5	30 %	60 %
	> 5	1,5	3
total phosphorus	< 1	0,3	0,3
	1 - 5	30 %	30 %
	> 5	1,5	1,5
ash insoluble in hydrochloric acid	< 1	no limits are set	0,3
	1 - < 5		30 %
	> 5		1,5

a The tolerances are given either as an absolute percentage value (this value must be subtracted from/added to the declared content) or as a relative value marked with "%" after the value (this percentage must be applied to the declared content to calculate the acceptable deviation).

b The tolerances are applicable where no tolerance has been laid down in accordance with an EU method or in accordance with an official national method in the Member State in which the feed is placed on the market or in accordance with an method adopted by the European Committee for Standardisation (https://standards.cen.eu/dyn/www/f?p=204:32:0::::FSP_ORG_ID,FSP_LANG_ID:6308,25&cs=1C252307F473504B6354F4EE56B99E235).