Commission Implementing Regulation (EU) 2017/1145 of 8 June 2017 on the withdrawal from the market of certain feed additives authorised pursuant to Council Directives 70/524/EEC and 82/471/EEC and repealing the obsolete provisions authorising those feed additives (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1145

of 8 June 2017

on the withdrawal from the market of certain feed additives authorised pursuant to Council Directives 70/524/EEC and 82/471/EEC and repealing the obsolete provisions authorising those feed additives

(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition[(1)], and in particular Article 10(5) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. In particular Article 10(2), in conjunction with Article 10(7) of that Regulation provide for specific procedures for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC[(2)] and Council Directive 82/471/EEC[(3)].

(2) Article 10(5) of Regulation (EC) No 1831/2003 imposes an obligation on the Commission to adopt a Regulation withdrawing from the market feed additives which were entered in the Community Register of Feed Additives as existing products and for which no applications in accordance with Article 10(2) and (7) of Regulation (EC) No 1831/2003 were submitted before the deadline provided for in those provisions, or for which an application was submitted but subsequently withdrawn. Therefore such feed additives should be withdrawn from the market. As Article 10(5) does not differentiate between authorisations issued with a time limit and authorisations without a time limit, for clarity reasons it is appropriate to provide for the withdrawal from the market of feed additives whose limited authorisation periods pursuant to Directive 70/524/EEC have already expired.

(3) As a consequence of the withdrawal from the market of the feed additives it is appropriate to repeal the provisions authorising them. Consequently Commission Regulations (EC) No 2316/98[(4)], (EC) No 1353/2000[(5)], (EC) No 2188/2002[(6)], (EC) No 261/2003[(7)], (EC) No 1334/2003[(8)], (EC) No 1259/2004[(9)], (EC) No 1288/2004[(10)], (EC) No 1453/2004[(11)], (EC) No 2148/2004[(12)], (EC) No 255/2005[(13)], (EC) No 358/2005[(14)], (EC) No 521/2005[(15)], (EC) No 600/2005[(16)], (EC) No 833/2005[(17)],

(EC) No 943/2005[18], (EC) No 1206/2005[19], (EC) No 1458/2005[20], (EC) No 1810/2005[21], (EC) No 1811/2005[22], (EC) No 2036/2005[23], (EC) No 252/2006[24], (EC) No 773/2006[25], (EC) No 1284/2006[26] and (EU) No 1270/2009[27] should be amended accordingly and Commission Regulations (EC) No 937/2001[28], (EC) No 871/2003[29], (EC) No 277/2004[30], (EC) No 278/2004[31], (EC) No 1332/2004[32], (EC) No 1463/2004[33], (EC) No 1465/2004[34], (EC) No 833/2005, (EC) No 492/2006[35], (EC) No 1443/2006[36], (EC) No 1743/2006[37], (EC) No 757/2007[38] and (EC) No 828/2007[39] should be repealed.

(4) In the case of feed additives for which applications have been submitted only for certain animal species or categories of animals, or applications have been withdrawn only for certain animal species or categories of animals, the withdrawal from the market should only concern the animal species and categories of animals for which no application has been submitted or the application has been withdrawn.

(5) As regards feed additives whose authorisation did not expire until the date of entry into force of this Regulation it is appropriate to allow a transitional period for interested parties within which existing stocks of the additives concerned, premixtures, compound feed and feed materials which have been produced with those additives may be used up, taking account of the shelf-life of certain feed containing the additives in question.

(6) 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

Withdrawal

1 The feed additives specified in Annex I shall be withdrawn from the market in respect of the animal species or categories of animals as specified in that Annex.

2 The feed additives specified in Annex II shall be withdrawn from the market in respect of the animal species or categories of animals as specified in that Annex.

Article 2

Transitional measures

1 Existing stocks of the additives listed in Annex I may continue to be placed on the market and used until 19 July 2018.

2 Premixtures produced with the additives referred to in paragraph 1 may continue to be placed on the market and used until 19 October 2018.

3 Compound feed and feed materials produced with the feed additives referred to in paragraph 1 or with the premixtures referred to in paragraph 2 may continue to be placed on the market and used until 19 July 2019.

[F1 Article 3

Repeals

Regulations (EC) No 937/2001, (EC) No 871/2003, (EC) No 277/2004, (EC) No 278/2004, (EC) No 1332/2004, (EC) No 1465/2004, (EC) No 833/2005, (EC) No 1459/2005, (EC) No 492/2006, (EC) No 1743/2006, (EC) No 757/2007, and (EC) No 828/2007 are repealed.**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2018/353 of 9 March 2018 correcting Implementing Regulation (EU) 2017/1145 on the withdrawal from the market of certain feed additives authorised pursuant to Council Directives 70/524/EEC and 82/471/EEC and repealing the obsolete provisions authorising those feed additives (Text with EEA relevance).

Article 4

Amendment to Regulation (EC) No 2316/98

Annex II to Regulation (EC) No 2316/98, is amended as follows:

(1) in entry E 4 on Copper — Cu, the words ‘Cupric methionate’ and all content relating only to Cupric methionate are deleted;

(2) in entry E 5 on Manganese — Mn, the words ‘Manganic oxide’ and all content relating only to Manganic oxide are deleted;

(3) in entry E 5 on Manganese — Mn, the words ‘Manganous carbonate’ and all content relating only to Manganous carbonate are deleted;

(4) in entry E 5 on Manganese — Mn, the words ‘Manganous hydrogen phosphate, trihydrate’ and all content relating only to Manganous hydrogen phosphate, trihydrate are deleted;

(5) in entry E 5 on Manganese — Mn, the words ‘Manganous sulphate, tetrahydrate’ and all content relating only to Manganous sulphate, tetrahydrate are deleted;

(6) in entry E 6 on Zinc — Zn, the words ‘Zinc carbonate’ and all content relating only to Zinc carbonate are deleted;

(7) in entry E 6 on Zinc — Zn, the words ‘Zinc lactate, trihydrate’ and all content relating only to Zinc lactate, trihydrate are deleted;

(8) in entry on E 6 Zinc — Zn, the words ‘Zinc chloride, monohydrate’ and all content relating only to Zinc chloride, monohydrate are deleted.

Article 5

Amendment to Regulation (EC) No 1353/2000

Regulation (EC) No 1353/2000 is amended as follows:

(1) Article 1 is deleted;

(2) Annex I is deleted.

Article 6

Amendment to Regulation (EC) No 2188/2002

In Annex I to Regulation (EC) No 2188/2002 in entry 11, on 'Endo-1,4-beta-glucanase EC 3.2.1.4 Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Endo-1,4-beta-xylanase EC 3.2.1.8' the words 'laying hens' and all content relating only to laying hens are deleted.

Article 7

Amendment to Regulation (EC) No 261/2003

Regulation (EC) No 261/2003 is amended as follows:

(1) Article 1 is replaced by the following:

Article 1

The preparation specified in Annex I, belonging to the group "Enzymes" is authorised for use as additive in animal nutrition under the conditions laid down in that Annex.;

(2) Annex II is deleted.

Article 8

Amendment to Regulation (EC) No 1334/2003

The Annex to Regulation (EC) No 1334/2003, is amended as follows:

(1) **[**[F2]in entry E 1 Iron — Fe, the words 'Ferrous chloride, tetrahydrate' and all content relating only to Ferrous chloride, tetrahydrate are deleted;

(2) in entry E 1 Iron — Fe, the words 'Ferrous citrate, hexahydrate' and all content relating only to Ferrous citrate, hexahydrate are deleted;

(3) in entry E 1 Iron — Fe, the words 'Ferrous lactate, trihydrate' and all content relating only to Ferrous lactate, trihydrate are deleted;**]**

(4) in entry E 4 on Copper — Cu, the words 'Cupric methionate' and all content relating only to Cupric methionate are deleted;

(5) in entry E 5 on Manganese — Mn, the words 'Manganic oxide' and all content relating only to Manganic oxide are deleted;

(6) in entry E 5 on Manganese — Mn, the words 'Manganomanganic oxide' and all content relating only to Manganomanganic oxide are deleted;

(7) in entry E 5 on Manganese — Mn, the words 'Manganous carbonate' and all content relating only to Manganous carbonate are deleted;

(8) in entry E 5 on Manganese — Mn, the words ‘Manganous hydrogen phosphate, trihydrate’ and all content relating only to Manganous hydrogen phosphate, trihydrate are deleted;

(9) in entry E 5 on Manganese — Mn, the words ‘Manganous sulphate, tetrahydrate’ and all content relating only to Manganous sulphate, tetrahydrate are deleted;

(10) in entry E 6 on Zinc — Zn, the words ‘Zinc carbonate’ and all content relating only to Zinc carbonate are deleted;

(11) in entry E 6 on Zinc — Zn, the words ‘Zinc lactate, trihydrate’ and all content relating only to Zinc lactate, trihydrate are deleted;

(12) in entry E 6 on Zinc — Zn, the words ‘Zinc chloride, monohydrate’ and all content relating only to Zinc chloride, monohydrate are deleted.

Textual Amendments

F2 Inserted by Commission Implementing Regulation (EU) 2018/353 of 9 March 2018 correcting Implementing Regulation (EU) 2017/1145 on the withdrawal from the market of certain feed additives authorised pursuant to Council Directives 70/524/EEC and 82/471/EEC and repealing the obsolete provisions authorising those feed additives (Text with EEA relevance).

Article 9

Amendment to Regulation (EC) No 1259/2004

Regulation (EC) No 1259/2004 is amended as follows:

(1) Article 2 is replaced by the following:

Article 2

The preparations belonging to the group “enzymes”, as set out in Annexes III and VI are authorised for use without a time limit as additive in animal nutrition under the conditions laid down in those Annexes.;

(2) Annex V is deleted.

Article 10

Amendment to Regulation (EC) No 1288/2004

Annex I to Regulation (EC) No 1288/2004 is amended as follows:

(1) entry E 161(z), on ‘Astaxantin-rich *Phaffia Rhodozyma* (ATCC 74219)’ is deleted;

(2) entry E 1704, on ‘*Saccharomyces cerevisiae* CBS 493.94’ for calves is deleted.

Article 11

Amendment to Regulation (EC) No 1453/2004

Annex II to Regulation (EC) No 1453/2004 is amended as follows: