Commission Regulation (EU) 2015/1905 of 22 October 2015 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) 2015/1905

of 22 October 2015

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 of the Council of 12 January 2005 laying down requirements for feed hygiene[(1)], 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[(2)] 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.

(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

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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[3] and in particular the denominations, specifications and numbers in Commission Regulation (EU) No 68/2013[4] 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[5].

(8) The results of the dioxin testing established by Regulation (EC) No 183/2005, the reports[6] 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[7] 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,

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 23 April 2016.

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

Done at Brussels, 22 October 2015.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/1905. (See end of Document for details)*

ANNEX

Annex II to Regulation (EC) No 183/2005 is amended as follows:

(1) in the Section headed 'DEFINITIONS', points (b) and (c) are replaced by the following points (b) and (c) and the following point (d) is added:

(b) "products derived from oils and fats" means any product derived directly or indirectly from crude or recovered oils and fats by oleochemical or biodiesel processing or distillation, chemical or physical refining, other than:
— the refined oil,
— products derived from refined oil, and
— feed additives;

(c) "fat blending" means manufacturing of compound feed or, in case of all components belonging to the same entry in PART C of the Annex to Commission Regulation (EU) No 68/2013[8] which are derived from the same plant or animal species, of feed materials by mixing crude oils, refined oils, animal fats, oils recovered from food business operators falling within the scope of Regulation (EC) No 852/2004 or products derived thereof to produce a blended oil or fat, with the exception of the:
— sole storage of consecutive batches, and
— exclusive mixing of refined oils;

(d) "refined oil or fat" means oil or fat that has undergone the process of refining as referred to in No 53 of the glossary of processes listed in Part B of the Annex to Regulation (EU) No 68/2013.;

(2) in Section headed 'PRODUCTION' point 8 is replaced by the following and the following point 9 is added:

8. The labelling of the products shall clearly indicate whether they are intended for feed or other purposes. If a certain batch of a product is declared not intended for feed use, this declaration shall not be subsequently altered by an operator at a later stage of the chain.

9. The labelling of feed materials according to Article 16 of Regulation (EC) No 767/2009 of the European Parliament and of the Council[9] should use, where available, the denominations as laid in Regulation (EU) No 68/2013.;

(3) the Section headed 'DIOXIN MONITORING' is amended as follows:

(a) the heading of that Section is replaced by the following:
DIOXIN MONITORING FOR OILS, FATS AND DERIVED PRODUCTS;

(b) point 2 is replaced by the following:

2. To supplement the feed business operator's HACCP system, the analyses referred to in point 1 shall be carried out with at least the following frequencies (if not further specified, a batch of products to be analysed shall not exceed 1 000 tonnes):

(a) Feed business operators processing crude vegetable fats and oils:

(i) 100 % of the batches of the products derived from oils and fats of vegetable origin, except for the following:

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— glycerine,
— lecithin,
— gums,
— products referred to in (ii);

(ii) acid oils from chemical refining, soap stocks, used filter aids, used bleaching earth and incoming batches of crude coconut oil shall be analysed and documented as part of the HACCP system.

(b) Feed business operators producing animal fat including animal fat processors:

(i) one representative analysis per 5 000 tonnes with a minimum of one representative analysis per year of animal fat and products derived thereof belonging to category 3 material, as referred to in Article 10 of Regulation (EC) No 1069/2009 of the European Parliament and of the Council[10] or from an establishment approved in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council[11].

(c) Feed business operators producing fish oil:

(i) 100 % of the batches of fish oil if it is produced from:
— products derived from fish oil other than refined fish oil;
— fisheries with no monitoring history, of unspecified origin or from the Baltic Sea;
— fish by-products from establishments manufacturing fish for human consumption that are not EU approved;
— blue whiting or menhaden;

(ii) 100 % of the outgoing batches of products derived from fish oil other than refined fish oil;

(iii) one representative analysis per 2 000 tonnes as regards fish oil not referred to in (i);

(iv) fish oil decontaminated by an officially approved treatment as referred to in Annex VIII of Regulation (EC) No 767/2009 and in Commission Regulation (EU) 2015/786[12] shall be analysed and documented as part of the HACCP system.

(d) Oleochemical industry placing feed on the market:

(i) 100 % of incoming batches of animal fats not covered by point (b) or (h), fish oil not covered by point (c) or (h), oils and fats recovered from food business operators falling within the scope of Regulation (EC) No 852/2004 and of blended fats and oils;