# Commission Regulation (EU) 2015/186 of 6 February 2015 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)

## COMMISSION REGULATION (EU) 2015/186

## of 6 February 2015

## 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)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed[1], and in particular Article 8(1) thereof,

Whereas:

(1) Directive 2002/32/EC provides that the use of products intended for animal feed which contain levels of undesirable substances exceeding the maximum levels laid down in Annex I to that Directive is prohibited.

(2) New data have been provided demonstrating that the current maximum levels of arsenic, fluorine and lead are not achievable in calcareous marine shells. It is therefore appropriate to increase the maximum levels for arsenic, fluorine and lead in calcareous marine shells, to ensure the availability of the calcareous marine shells for animal nutrition whilst keeping a high level of animal and public health protection.

(3) Pet food industry utilise many co-products and by-products of the food industry as raw materials in order to produce pet food providing a balanced diet for a cat or dog meeting their needs in terms of amino acids, carbohydrates, proteins, minerals, trace-elements and vitamins. The current maximum levels of mercury for these co-products and by-products intended for animal feed are stricter than the maximum level of mercury applicable to the muscle meat of fish for human consumption. Therefore there is a shortage in supply of such co-products and by-products compliant with the maximum level of mercury for use in pet food, resulting in the need to use of smaller size fish with lower level of mercury for production of pet food, contrary to principles of sustainable fishery. Therefore it is appropriate to adapt the maximum level for mercury for fish, other aquatic animals and products derived thereof intended for the production of compound feed for dogs, cats, ornamental fish and fur animals, whilst keeping a high level of animal health protection.

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/186. (See end of Document for details)*

(4) Assessment of recent data of the presence of endosulfan in feed materials have indicated that the maximum levels for endosulfan levels in oilseeds and maize and derived products thereof can be decreased.

(5) A footnote on the presence of Ambrosia seeds in feed materials was erroneously deleted from Annex I to Directive 2002/32/EC by Commission Regulation (EU) No 1275/2013[(2)]. Experience has shown that certain provisions of the footnote have to be strengthened to avoid dissemination of Ambrosia seeds into the environment. It is therefore appropriate to reintroduce the footnote in that Annex.

(6) Directive 2002/32/EC should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Directive 2002/32/EC 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*.

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

Done at Brussels, 6 February 2015.

*For the Commission*

*The President*

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2015/186. (See end of Document for details)*

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 with the exception of: | 2 |
| | – 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 |

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/186. (See end of Document for details)*

| | |
|---|---|
| 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 with the exception of: | 4 |
| – 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 with the exception of: | 2 |
| – 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])’ |

(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:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2015/186. (See end of Document for details)*

| **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]) | Feed materials<br>with the exception of: | 150 |
| | – feed materials of animal origin except marine crustaceans such as marine krill; calcareous marine shells; | 500 |
| | – marine crustaceans such as marine krill; | 3 000 |
| | – phosphates; | 2 000 |
| | – calcium carbonate; calcium and magnesium carbonate ([10]) | 350 |
| | – magnesium oxide; | 600 |
| | – calcareous marine algae. | 1 000 |
| | Vermiculite (E 561). | 3 000 |
| | Complementary feed: | |
| | – containing ≤ 4 % phosphorus ([8]); | 500 |
| | – containing > 4 % phosphorus ([8]). | 125 per 1 % phosphorus ([8]) |
| | Complete feed<br>with the exception of: | 150 |
| | – complete feed for pigs; | 100 |
| | – complete feed for poultry (except chicks) and fish; | 350 |