Commission Regulation (EC) No 322/2009 of 20 April 2009 concerning the permanent authorisations of certain additives in feedingstuffs (Text with EEA relevance)

COMMISSION REGULATION (EC) No 322/2009

of 20 April 2009

concerning the permanent authorisations of certain additives in feedingstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs[(1)], and in particular Articles 3 and 9d(1) thereof,

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[(2)], and in particular Article 25 thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition.

(2) Article 25 of Regulation (EC) No 1831/2003 lays down transitional measures for applications for the authorisation of feed additives submitted in accordance with Directive 70/524/EEC before the date of application of Regulation (EC) No 1831/2003.

(3) The applications for authorisation of the additives set out in the Annexes to this Regulation were submitted before the date of application of Regulation (EC) No 1831/2003.

(4) Initial comments on those applications, as provided for in Article 4(4) of Directive 70/524/EEC, were forwarded to the Commission before the date of application of Regulation (EC) No 1831/2003. Those applications are therefore to continue to be treated in accordance with Article 4 of Directive 70/524/EEC.

(5) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Bacillus subtilis* (LMG S-15136) was provisionally authorised for laying hens by Commission Regulation (EC) No 358/2005[(3)]. It was authorised without a time limit for chickens for fattening by Commission Regulation (EC) No 1259/2004[(4)], for piglets (weaned) by Commission Regulation (EC) No 1206/2005[(5)], for pigs for fattening and turkeys for fattening by Commission Regulation (EC) No 516/2007[(6)] and for 10 years for ducks by Commission Regulation (EC) No 242/2007[(7)]. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation for laying hens. The assessment shows that the conditions laid down in Article 3a of Directive

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 322/2009. (See end of Document for details)*

70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex I to this Regulation, should be authorised without a time limit.

(6) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (IMI SD 135) was provisionally authorised for laying hens, pigs for fattening and weaned piglets by Commission Regulation (EC) No 1436/1998[8]. It was authorised without a time limit for chickens for fattening by Commission Regulation (EC) No 2148/2004[9], for turkeys for fattening by Commission Regulation (EC) No 828/2007[10]. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation for laying hens and weaned piglets. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex II to this Regulation, should be authorised without a time limit.

(7) The use of the enzyme preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by *Penicillium funiculosum* (IMI SD 101) was provisionally authorised for piglets (weaned) and ducks for fattening by Regulation (EC) No 2148/2004. It was authorised for chickens for fattening without a time limit by Regulation (EC) No 1259/2004, for laying hens and turkeys for fattening by Commission Regulation (EC) No 943/2005[11] and for pigs for fattening by Regulation (EC) No 1206/2005. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation for ducks for fattening and weaned piglets. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex III to this Regulation, should be authorised without a time limit.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation belonging to the group ‘Enzymes’, as specified in Annex I, is authorised without a time limit as additive in animal nutrition under the conditions laid down in that Annex.

[F1]Article 2

. . . . . .

Textual Amendments

F1 Deleted by Commission Implementing Regulation (EU) 2015/1043 of 30 June 2015 concerning the authorisation of the preparation of endo-1,4-beta-xylanase (EC 3.2.1.8) produced by Trichoderma citrinoviride Bisset (IM SD135) as a feed additive for chickens for fattening, turkeys for fattening, laying hens, weaned piglets, pigs for fattening and minor poultry species for fattening and for laying,

and amending Regulations (EC) No 2148/2004, (EC) No 828/2007 and (EC) No 322/2009 (holder of authorisation Huvepharma NV) (Text with EEA relevance).

[F2]Article 3

. . . . . .

Textual Amendments

F2 Deleted by Commission Implementing Regulation (EU) No 290/2014 of 21 March 2014 concerning the authorisation of a preparation of endo-1,4-beta-xylanase and endo-1,3(4)-beta-glucanase produced by Talaromyces versatilis sp. nov. IMI CC 378536 as a feed additive for poultry, weaned piglets and pigs for fattening and amending Regulations (EC) No 1259/2004, (EC) No 943/2005, (EC) No 1206/2005 and (EC) No 322/2009 (holder of the authorisation Adisseo France S.A.S.) (Text with EEA relevance).

Article 4

This Regulation shall enter into force on the 20th day following 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.