Changes to legislation: *Commission Regulation (EU) No 5/2014 is up to date with all changes known to be in force on or before 15 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Regulation (EU) No 5/2014 of 6 January 2014 amending Directive 2008/38/EC establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes (Text with EEA relevance)

COMMISSION REGULATION (EU) No 5/2014

of 6 January 2014

amending Directive 2008/38/EC establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes

(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 Article 10(5) thereof,

Whereas:

(1) In accordance with Article 32(2) of Regulation (EC) No 767/2009, several applications for authorisation were submitted to the Commission before 1 September 2010 for updating the list of intended uses as referred to in Article 10 of that Regulation.

(2) Some of those applications concern changes of the conditions associated with the particular nutritional purposes ‘Nutritional restoration, convalescence’ as regards dogs and ‘Stabilisation of physiological digestion’ in respect of feed that may contain additives in concentrations higher than 100 times the relevant fixed maximum content in complete feed as referred to in Article 8(2) of Regulation (EC) No 767/2009. The other applications concern new particular nutritional purposes with respect to the requirement established in Article 8(2) of Regulation (EC) No 767/2009.

(3) In addition, in accordance with Article 10 of Regulation (EC) No 767/2009, the Commission received an application to add the particular nutritional purpose ‘Reduction of iodine levels in feed in case of hyperthyroidism’ as regards cats.

(4) A specific way of feeding is the administration of a bolus. In order to guarantee an appropriate and safe use of a bolus as feed for particular nutritional purposes, general requirements should be established for the conditions associated with certain intended uses.

(5) The Commission made all applications, including the dossiers, available to the Member States.

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(6) The dossiers included in the applications demonstrate that the specific composition of the respective feeds fulfil the particular intended nutritional purposes 'Nutritional restoration, convalescence' as regards dogs, 'Stabilisation of physiological digestion''Reduction of iodine levels in feed in case of hyperthyroidism' as regards cats, 'Support the preparation for and recovery from sport effort' as regards equidae, 'Compensation for insufficient iron availability after birth' as regards suckling piglets and calves, 'Support the regeneration of hooves, trotters and skin' as regards horses, ruminants and pigs, 'Support the preparation for oestrus and reproduction' as regards mammals and birds and 'Long-term supply of grazing animals with trace elements and/or vitamins' as regards ruminants with a functional rumen.

(7) Furthermore, the evaluation showed that the feeds concerned have no adverse effects on animal health, human health, the environment or animal welfare. The evaluation of the dossiers included verification that the characterisation 'high level of a certain feed additive' implies an important level of the respective additive which is close to the relevant fixed maximum content in complete feed but not exceeding this content.

(8) The applications are therefore valid and the particular nutritional purposes should be added to the list of intended uses and the conditions associated with the particular nutritional purposes 'Nutritional restoration, convalescence' and 'Stabilisation of physiological digestion' should be changed.

(9) Directive 2008/38/EC should therefore be amended accordingly.

(10) Since safety reasons do not require the immediate application of the modifications for the feed currently legally placed on the market, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Directive 2008/38/EC is amended in accordance with the Annex to this Regulation.

Article 2

Feed included in the Annex to this Regulation and referred to in Article 8(2) of Regulation (EC) No 767/2009 that have already been legally placed on the market before 1 September 2010 which are produced and labelled before 27 July 2014 may continue to be placed on the market and used until the existing stocks are exhausted. In case this feed is intended for pets, the date mentioned in the last sentence is 27 January 2016.

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.*

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

Done at Brussels, 6 January 2014.

For the Commission

The President

José Manuel BARROSO

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ANNEX

Annex I to Directive 2008/38/EC is amended as follows:

(1) In Part A, the following point is added:

10. When a feed intended for particular nutritional purposes is placed on the market in the form of a bolus, being a feed material or complementary feed intended for individual oral administration by forced feeding, the label of the feed shall, if applicable, mention the maximum period of continuously release of the bolus and the daily release rate for each additive for which a maximum content in complete feed is fixed. At the request of the competent authority the feed business operator which is placing a bolus on the market shall provide proof that the daily available additive level in the digestive tract will not exceed, if applicable, the maximum content of the additive established per kg complete feed during the whole feeding period (slow release effect). It is recommended that feed in form of bolus is administered by a veterinarian or any other competent person.

(2) Part B is amended as follows:

Particular nutritional purpose	**Essential nutritional characteristics**	**Species or category of animal**	**Labelling declarations**	**Recommended length of time**	**Other provisions**

(a) The following row is inserted between the row of the particular nutritional purpose ‘Regulation of lipid metabolism in the case of hyperlipidaemia’ and the row of the particular nutritional purpose ‘Reduction of copper in the liver’:

Reduction of iodine levels in feed in case of hyperthyroidism	Restricted level of iodine: maximum 0,26 mg/kg complete pet food with a moisture content of 12 %	Cats	Total iodine	Initially up to 3 months	Indicate on the labelling: “It is recommended that advice from a veterinarian be sought before use and before extending the period of use”

(b) The row of the particular nutritional purpose ‘Nutritional restoration, convalescence’, species or category of animals: ‘dogs and cats’, is replaced by the following:

‘Nutritional restoration, convalescence[a]	High energy density, highly digestible ingredients,	Dogs and cats	—	Until restoration	In the case of feed specially

a The manufacturer may complete the particular nutritional purpose with a reference to “Feline hepatic lipidosis”.’

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high concentrations of essential nutrients and highly digestible ingredients		— Energy value — Content of n-3 and n-6 fatty acids (if added)	including their treatment if appropriate	presented to be given via tubing, indicate on the labelling: "Administration under veterinary supervision."
Enterococcus faecium DSM 10663 / NCIMB 10415 (E1707) The complementary feed may contain feed additives of the functional group of "gut flora stabilisers" in a concentration higher than 100 times the relevant fixed maximum content in complete feed.	Dogs	Name and added amount of the gut flora stabiliser	10 to 15 days	— The instructions for use of the feed shall ensure that the legal maximum content of the gut flora stabiliser for complete feed is respected. — Indicate on the labelling: "It is recommended that advice from

a The manufacturer may complete the particular nutritional purpose with a reference to "Feline hepatic lipidosis".'