DIRECTIVE 2000/16/EC OF THE EUROPEAN PARLIAMENT AND THE COUNCIL

of 10 April 2000

amending Council Directive 79/373/EEC on the marketing of compound feedingstuffs and Council Directive 96/25/EC on the circulation of feed materials

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4) thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the Economic and Social Committee [2],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty [3],

Whereas:

(1) Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC [4] lays down the principle of allocating an approval number to certain establishments or intermediaries; for reasons of transparency and in order to facilitate checks, the registration number or approval number, as the case may be, should be required to be shown on the label or in the document accompanying the compound feedingstuffs.

(2) Article 2(l) of Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs [5] defines the minimum storage life of a compound feedingstuff as lasting until that date until which, under proper storage conditions, that feedingstuff retains its specific properties; the term 'specific properties' encompasses all the properties which determine the quality of a compound feedingstuff, particularly the effectiveness of the additives it contains; this effectiveness is indicated by the expiry date of the guarantee, which has to be stated in accordance with Council Directive 70/524/EEC [6]; therefore, in all cases in which the minimum storage life of an additive is the limiting factor as regards the quality of a compound feedingstuff, this date is decisive in determining the minimum storage life of the compound feedingstuff; however, the relevant provision in Article 5d(1), second subparagraph, of Directive 79/373/EEC does not provide sufficient clarity and should therefore be replaced.

(3) The German version of Directive 79/373/EEC uses the term 'circulation' *(Verkehr)* instead of 'marketing' *(Vermarktung)*, as in the other language versions; since there is a difference in meaning, the language versions need to be aligned; since the scope of more recent Directives on animal feed law usually extends to 'putting into circulation' or 'circulation', Directive 79/373/EEC should be adjusted accordingly and a definition of 'circulation' ('putting into circulation') should be included.

(4) In accordance with Directive 79/373/EEC, Commission Decision 91/516/EEC [7] establishes a list of ingredients whose use is prohibited in compound feedingstuffs for reasons related to the protection of human and animal health; this ban does not, however, cover the circulation of such materials as feed materials or the use of these materials as such as feed materials by livestock farmers.

(5) In order to remedy this situation, it is necessary, firstly, to widen the scope of Council Directive 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC [8], in order to cover the use of feed materials as well; secondly, a list of materials whose circulation or use as feed materials is prohibited or restricted should be drawn up to replace Commission Decision 91/516/EEC, so that the scope of the prohibitions or restrictions is general and applies both to the use of the feed materials as such as well as to their use in compound feedingstuffs; Council Directive 79/373/EEC should be amended accordingly.

[1] OJ C 261, 19.8.1998, p. 3.
[2] OJ C 101, 12.4.1999, p. 89.
[3] Opinion of the European Parliament of 16 December 1998 (OJ C 98, 9.4.1999, p. 150), confirmed on 16 September 1999, Council common position of 15 November 1999 (OJ C 17, 20.1.2000, p. 1) and decision of the European Parliament of 15 March 2000.
[4] OJ L 332, 30.12.1995, p. 15. Directive as last amended by Council Directive 1999/29/EC (OJ L 115, 4.5.1999, p. 32).
[5] OJ L 86, 6.4.1979, p. 30. Directive as last amended by Commission Directive 1999/61/EC (OJ L 162, 26.6.1999, p. 67).
[6] OJ L 270, 14.1.1970, p. 1. Directive as last amended by Commission Regulation (EC) No 45/1999 (OJ L 6, 12.1.1999, p. 3).
[7] OJ L 281, 9.10.1991, p. 23. Decision as last amended by Commission Decision 1999/420/EC (OJ L 162, 26.6.1999, p. 69).
[8] OJ L 125, 23.5.1996, p. 35. Directive as last amended by Commission Directive 1999/61/EC (OJ L 162, 26.6.1999, p. 67).