COMMISSION DIRECTIVE 97/8/EC

of 7 February 1997

amending Council Directive 74/63/EEC on undesirable substances and products in animal nutrition

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 74/63/EEC of 17 December 1973 on undesirable substances and products in animal nutrition [1], as last amended by Directive 96/25/EC [2], and in particular Article 6 thereof,

Whereas Directive 74/63/EEC provides for regular updating of its Annexes to take account of advances in scientific and technical knowledge;

Whereas, in the light of experience and to improve clarity, the Articles to which the Annexes to Directive 74/63/EEC relate should be listed in the title of the Annexes to Directive 74/63/EEC;

Whereas feed materials containing levels of undesirable substances and products in excess of those indicated for those feed materials in Annex I to Directive 74/63/EEC may only be supplied to compound feed manufacturers approved in accordance with the provisions of 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 [3]; whereas those undesirable substances and products, as already announced in Directive 96/25/EC on the circulation of feed materials, where they are not already listed in respect of certain feed materials in Part A of Annex II to Directive 74/63/EEC, should be included in the list in Part B of Annex II to Directive 74/63/EEC opposite the corresponding feed materials;

Whereas Directive 96/25/EC has replaced the terms 'straight feedingstuffs' and 'raw materials' with 'feed materials', it would seem sensible to adapt the Annexes to this new terminology;

Whereas Directive 74/63/EEC provides for a consolidated version of the Annexes to be adopted at regular intervals in order to incorporate the amendments made on account of advances in scientific and technical knowledge; whereas, since the adoption of the Directive, the Annexes have been amended a number of times; whereas, by reason of their number, complexity and dispersal among numerous Official Journals, the texts are difficult to use and thus lack the clarity which should be an essential feature of all legislation; whereas this opportunity should therefore be taken to consolidate them;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I and II to Directive 74/63/EEC are replaced by the Annexes to this Directive.

Article 2

1. Member States shall adopt the laws, regulations or administrative provisions required for compliance with this Directive by 30 June 1998 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for making such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities.*

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 7 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

---

[1] OJ No L 38, 11. 2. 1974, p. 31.
[2] OJ No L 125, 23. 5. 1996, p. 35.
[3] OJ No L 332, 30. 12. 1995, p. 15.

ANNEX I

(Article 2a (2), Article 3, Article 3a (2) and (3), Article 4, Article 8 (2a))

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
A. **Substances (ions or elements)**		
1. Arsenic	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
	— phosphates and feedingstuffs obtained from the processing of fish or other marine animals	10
	Complete feedingstuffs with the exception of:	2
	— complete feedingstuffs for fish	4
	Complementary feedingstuffs with the exception of:	4
	— Mineral feedingstuffs	12
2. Lead	Feed materials with the exception of:	10
	— green fodder	40
	— phosphates	30
	— yeasts	5
	Complete feedingstuffs	5
	Complementary feedingstuffs with the exception of:	10
	— Mineral feedingstuffs	30
3. Fluorine	Feed materials with the exception of:	150
	— feedingstuffs of animal origin	500
	— phosphates	2 000
	Complete feedingstuffs with the exception of:	150
	— complete feedingstuffs for cattle, sheep and goats	
	— in milk	30
	— other	50
	— complete feedingstuffs for pigs	100
	— complete feedingstuffs for poultry	350
	— complete feedingstuffs for chicks	250
	Mineral mixtures for cattle, sheep and goats	2 000 (1)
	Other complementary feedingstuffs	125 (2)
4. Mercury	Feed materials with the exception of:	0,1
	— feedingstuffs produced by the processing of fish or other marine animals	0,5

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
	Complete feedingstuffs with the exception of:	0,1
	— complete feedingstuffs for dogs and cats	0,4
	Complementary feedingstuffs except: — complementary feedingstuffs for dogs and cats	0,2
5. Nitrites	Fish meal	60 (expressed as sodium nitrite)
	Complete feedingstuffs excluding: — feedingstuffs intended for pets except birds and aquarium fish	15 (expressed as sodium nitrite)
6. Cadmium	Feed materials of vegetable origin	1
	Feed materials of animal origin except: — feedingstuffs for pets	2
	Phosphates	10 (3)
	Complete feedingstuffs for cattle, sheep and goats except: — complete feedingstuffs for calves, lambs and kids	1
	Other complete feedingstuffs except: — feedingstuffs for pets	0,5
	Mineral feedingstuffs	5 (4)
	Other complementary feedingstuffs for cattle, sheep and goats	0,5
B. **Products**		
1. Aflatoxin B_1	Feed materials with the exception of:	0,05
	— Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof	0,02
	Complete feedingstuffs for cattle, sheep and goats with the exception of:	0,05
	— dairy cattle	0,005
	— calves and lambs	0,01
	Complete feedingstuffs for pigs and poultry (except young animals)	0,02
	Other complete feedingstuffs	0,01
	Complementary feedingstuffs for cattle, sheep and goats (except complementary feedingstuffs for dairy animals, calves and lambs)	0,05

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
	Complementary feedingstuffs for pigs and poultry (except young animals)	0,03
	Other complementary feedingstuffs	0,005
2. Hydrocyanic acid	Feed materials with the exception of:	50
	— linseed	250
	— linseed cakes	350
	— manioc products and almond cakes	100
	Complete feedingstuffs with the exception of:	50
	— complete feedingstuffs for chicks	10
3. Free Gossypol	Feed materials with the exception of:	20
	— cotton-seed cakes	1 200
	Complete feedingstuffs with the exception of:	20
	— complete feedingstuffs for cattle, sheep and goats	500
	— complete feedingstuffs for poultry (except laying hens) and calves	100
	— complete feedingstuffs for rabbits and pigs (except piglets)	60
4. Theobromine	Complete feedingstuffs with the exception of:	300
	— complete feedingstuffs for adult cattle	700
5. Volatile mustard oil	Feed materials with the exception of:	100
	— rape-seed cakes	4 000 (expressed as allyl isothiocyanate)
	Complete feedingstuffs with the exception of:	150 (expressed as allyl isothiocyanate)
	— complete feedingstuffs for cattle, sheep and goats (except young animals)	1 000 (expressed as allyl isothiocyanate)
	— complete feedingstuffs for pigs (except piglets) and poultry	500 (expressed as allyl isothiocyanate)
6. Vinyl thiooxazolidone (Vinyloxazolidine thione)	Complete feedingstuffs for poultry with the exception of:	1 000
	— complete feedingstuffs for laying hens	500
7. Rye Ergot *(Claviceps purpurea)*	All feedingstuffs containing unground cereals	1 000