II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE 92/87/EEC

of 26 October 1992

establishing a non-exclusive list of the main ingredients normally used and marketed for the preparation of compound feedingstuffs intended for animals other than pets

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs [1], as last amended by Directive 90/654/EEC [2], and in particular Article 10 (b) thereof,

Whereas a nomenclature of goods meeting the requirements of both the Common Customs Tariff and the Community's external trade statistics was introduced by Council Regulation (EEC) No 2658/87 [3];

Whereas, as regards labelling, the purpose of Directive 79/373/EEC is to ensure that stockfarmers are informed objectively and as accurately as possible;

Whereas the declaration of the ingredients in feedingstuffs constitutes, in certain cases, an important item of information for stockfarmers;

Whereas Directive 79/373/EEC provides for two forms of declaration of the ingredients of compound feedingstuffs for animals other than pets;

Whereas, in accordance with Directive 79/373/EEC, as amended by Directive 90/44/EEC [4], and in view of progress in scientific and technical knowledge, a non-exclusive list should be drawn up of the main ingredients normally used and marketed for the manufacture of compound feedingstuffs for animals other than pets with a view to abolishing barriers to intra-Community trade;

Whereas the list should establish a common name and description for each ingredient and may, in certain cases, establish minimum compositional requirements;

Whereas a level of botanical purity and a definition of what is to be understood by botanical impurities must be determined in order for individual ingredients to be distinguished from mixtures;

Whereas establishing a glossary describing the main manufacturing processes enables numerous repetitions to be avoided;

Whereas ingredients included on the abovementioned list may be declared as such only under the names specified and on condition that they correspond to the descriptions therein and any compositional requirements which may be laid down;

Whereas, in accordance with Directive 79/373/EEC, the list of ingredients which may be used in the manufacture of compound feedingstuffs cannot be exhaustive; whereas Member States are accordingly required to allow ingredients other than those on the list to be marketed provided that such products are of sound, genuine and merchantable quality and that they are declared using names other than those listed in the Annex which cannot mislead the purchaser;

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

[1] OJ No L 86, 6. 4. 1979, p. 30.
[2] OJ No L 353, 17. 12. 1990, p. 48.
[3] OJ No L 256, 7. 9. 1987, p. 1.
[4] OJ No L 27, 31. 1. 1990, p. 35.

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Member States shall prescribe that in the case of compound feedingstuffs intended for animals other than pets, the ingredients listed at Part B of the Annex may be declared, on the packaging, on the container or on a label attached thereto, only under the names specified therein, and on condition that they correspond to the descriptions given therein and any compositional requirements which may be laid down.

Furthermore, the Member States shall ensure that the provisions under 'General' of Part A of the Annex are respected.

Article 2

Member States shall, however, lay down that compound feedingstuffs manufactured before 1 March 1993 which do not comply with this Directive may still be marketed until 31 December 1993.

Article 3

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive by 1 March 1993 at the latest. They shall inform the Commission immediately thereof.

The provisions to be adopted by the Member States shall contain a reference to this Directive or shall be accompanied by such a reference when they are published officially. The reference shall be as laid down by the Member States.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 26 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

PART A

General

I. *Explanatory notes:*

1. Ingredients are listed and named in Part B according to the following criteria:

   — the origin of the product/by-product, e.g. vegetable, animal, mineral,

   — the part of the product/by-product used, e.g. whole, seeds, tubers, bones,

   — the processing to which the product/by-product has been subjected, e.g. decortication, extraction, heating and/or the resulting product/by-product, e.g. flakes, bran, pulp, fat,

   — the maturity of the product/by-product and/or the quality of the product/by-product, e.g. 'low in glucosinolate', 'rich in fat', 'low in sugar'.

2. The list is divided into 12 chapters:

   1. Cereal grains, their products and by-products;
   2. Oil seeds, oil fruits, their products and by-products;
   3. Legume seeds, their products and by-products;
   4. Tubers, roots, their products and by-products;
   5. Other seeds and fruits, their products and by-products;
   6. Forages and roughages;
   7. Other plants, their products and by-products;
   8. Milk products;
   9. Land animal products;
   10. Fish, other marine animals, their products and by-products;
   11. Minerals;
   12. Miscellaneous.

II. *Provisions regarding botanical purity:*

1. The botanical purity of the products and by-products listed in Part B shall not be less than 95 %, unless a different level has been laid down in Part B.

2. The following are considered as being botanical impurities:

   (a) natural but innocuous impurities (e.g. straw and straw waste, seeds of other cultivated species or weeds);

   (b) harmless residues of other oil seeds or oleaginous fruit derived from a previous manufacturing process, the level of which does not exceed 0,5 %.

3. The levels indicated refer to the weight of the product as such.

III. *Provisions regarding naming:*

Where the name of an ingredient includes a word or words in brackets, the bracketed word(s) may be included or omitted as an option; e.g. soya (bean) oil may be declared as soya bean oil or soya oil.

IV. *Provisions regarding the glossary:*

The glossary given below refers to main processes used for the preparation of ingredients mentioned in Part B of the Annex. When the names of these ingredients include a common name or term from this glossary, the process to be used must be in accordance with the given definition.

Process	Definition	Common Name/Term
Concentration	Increase in certain contents by removing water or other constituents	Concentrate
Decortication (1)	Removal of outer layers from grains, seeds, fruits, nuts and others	Decorticated
Drying	Dehydration by artificial or natural processes in order to preserve the product	Dried (sun or artificially)
Extraction	Removal either by organic solvent of fat or oil from certain materials or by aqueous solvent of sugar or other water soluble components. In the case of the use of organic solvent, the resulting product must be technically free of such solvent	Extracted (in case of oil-containing materials) Molasses, pulp, (in case of products containing sugar or other water soluble components)
Extrusion	Pressing, pushing or protusion of material through orifices under pressure. See also pregelatinization	Extruded
Flaking	Rolling of moist heat-treated material.	Flakes
Flour milling	Physical processing of grain to reduce particle size and facilitate separation into constituent fractions (principally flour, bran and middlings).	Flour, bran, middlings
Heat treatment/heating	General term covering a number of heat treatments carried out under specific conditions to influence the nutritional value or the structure of the material.	Toasted, cooked, puffed, heat-treated
Hydrogenation	Treatment of oils and fats to achieve a higher melting point	Hardened
Hydrolysis	Breakdown into simpler chemical constituents by appropriate treatment with water and possibly either enzymes or acid/alkali.	Hydrolysed
Pressing	Removal by mechanical pressure (either by a screw- or other type of press) and possibly some heat, of fat/oil from oil-rich materials, or of juice from fruits or other vegetable products.	Expeller (2) (in case of oil-containing materials) Pulp, pomace (in case of fruits, etc.)
Pelleting	Compaction into a moulded form of presentation.	Pellet

(1) 'Decortication' may be replaced by 'dehulling' or 'dehusking' if appropriate. Therefore the common name/term should be 'dehulled' or 'dehusked'.

(2) When appropriate, the word 'expeller' may be replaced by 'cake'.

Process	Definition	Common Name/Term
Pregelatinization	Modification of starch to improve markedly its swelling properties in cold water.	Pregelatinized
Refining	Removal of impurities in sugars, oils and other natural materials by chemical/physical treatment	Refined
Wet-milling	Mechanical separation of the component parts of kernel/grain after steeping in water, possibly with sulphur dioxide, for the extraction of starch	Germ, gluten, starch

PART B

Non-exclusive list of the main ingredients

1. CEREAL GRAINS, THEIR PRODUCTS AND BY-PRODUCTS

Number	Name	Description
1.01	Oats	Grains of *Avena sativa* L. and other cultivars of oats.
1.02	Oat flakes	Product obtained by steaming and rolling dehusked oats. It may contain a small proportion of oat husks.
1.03	Oat middlings	By-product obtained during the processing of screened, dehusked oats into oat groats and flour. It consists principally of oat bran and some endosperm.
1.04	Oat hulls and bran	By-product obtained during the processing of screened oats into oat groats. It consists principally of oat hulls and bran.
1.05	Barley	Grains of *Hordeum vulgare* L.
1.06	Barley middlings	By-product obtained during the processing of screened, dehusked barley into pearl barley, semolina or flour.
1.07	Rice, broken	By-product of the preparation of polished or glazed rice *Oryza sativa* L. It consists principally of undersized and/or broken grains.
1.08	Rice bran (brown)	By-product of the first polishing of dehusked rice. It consists principally of silvery skins, particles of the aleurone layer, endosperm and germ.
1.09	Rice bran (white)	By-product of the second polishing of dehusked rice. It consists principally of particles of the aleurone layer, endosperm and germ.
1.10	Rice bran with calcium carbonate	By-product of the polishing of dehusked rice. It consists principally of silvery skins, particles of the aleurone layer, endosperm, germ and small amounts of calcium carbonate resulting from use in the manufacturing process.