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COUNCIL DIRECTIVE

of 22 January 1990

amending Directive 79/373/EEC on the marketing of compound feedingstuffs

(90/44/EEC)

(OJ L 27, 31.1.1990, p. 35)

Amended by:

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COUNCIL DIRECTIVE

of 22 January 1990

amending Directive 79/373/EEC on the marketing of compound feedingstuffs

(90/44/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

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

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas Directive 79/373/EEC [4], as last amended by Directive 87/235/EEC [5], lays down rules for the marketing of compound feedingstuffs within the Community;

Whereas under present Community legislation Member States may, in certain cases, waive the Community rules, particularly as regards labelling and the choice of ingredients;

Whereas, with a view to the completion of the internal market, all national derogations liable further to inhibit free movement of compound feedingstuffs or creating unequal conditions of competition should be eliminated;

Whereas the most appropriate method of eliminating all present disparities relating to labelling rules is to fix — at Community level — a list of declarations which, in each case, must be given or may be given on a voluntary basis by the person responsible for labelling;

Whereas, as regards labelling, the purpose of Directive 79/373/EEC is to ensure that stock farmers are informed objectively and as accurately as possible as to the composition and use of feedingstuffs; whereas it is important to ensure that the accuracy of the declarations made can be officially verified, in accordance with the relevant provisions laid down in the Directive, at all stages of marketing of the feedingstuffs;

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

Whereas the quantitative determination of the ingredients in feedingstuffs for production animals raises at the present time, as regards verification, difficulties, mainly because of the nature of the products used, of the complexity of the mixtures made or the manufacturing methods adopted;

Whereas, accordingly, it is appropriate — at this stage — to prefer, at least for feedingstuffs for production animals, a flexible declaration arrangement confined to the indication of the feedingstuff ingredients without stating their quantity; whereas the possibility must also be retained of creating categories making it possible to group under a single name several ingredients; whereas, since categories of ingredients have already been established by Commission Directive 82/475/EEC [6] for compound feedingstuffs intended for pets, similar provisions should be adopted for the other feedingstuffs;

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[1] OJ No C 178, 7. 7. 1988, p. 4 and OJ No C 100, 21. 4. 1989, p. 10.
[2] OJ No C 12, 16. 1. 1989, p. 382.
[3] OJ No C 23, 20. 1. 1989, p. 10.
[4] OJ No L 86, 6. 4. 1979, p. 30.
[5] OJ No L 102, 14. 4. 1987, p. 54.
[6] OJ No L 213, 21. 7. 1982, p. 27.

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Whereas special provisions are needed for the labelling of feedingstuffs for pets to allow for the special character of this kind of feedingstuff;

Whereas manufacturers of compound feedingstuffs must be free to provide the stock farmer with information other than that specifically laid down in Directive 79/373/EEC, but provision of such additional information should be made subject to certain conditions or restrictions to ensure fair competition between manufacturers and to ensure that such information is objective;

Whereas Directive 79/373/EEC now enables Member States to require that compound feedingstuffs be manufactured on the basis of specified ingredients or be free of certain ingredients; whereas the obstacles resulting from such limitations must be eliminated by adopting, at Community level, a list of ingredients used for the manufacture of compound feedingstuffs and a list of ingredients use of which must be prohibited for health reasons;

Whereas the list of ingredients which can be used in feedingstuffs cannot be exhaustive owing to the great diversity of products and by-products which may be used, to the constant development of food technology and to the need not to restrict the choice of manufacturers; whereas it is sufficient to draw up an inventory of the main ingredients normally used in the manufacture of compound feedingstuffs;

Whereas that inventory must specify the common names to be used to designate the various ingredients and the descriptions with which they must comply in order to qualify for such names;

Whereas the description given of the various ingredients might prove insufficient on its own to distinguish products which are very close but sometimes different in quality; whereas provision should be made for such special cases for the additional possibility of laying down minimum compositional requirements;

Whereas the list of ingredients which may be used in the manufacture of compound feedingstuffs is not exhaustive; whereas the Member States are accordingly required to allow compound feedingstuffs marketed within the Community to contain ingredients other than those included on the abovementioned list provided that such products are of sound, genuine and merchantable quality and that they are designated by specific names preventing any confusion with ingredients qualifying for a name established at Community level;

Whereas the establishment of the list of the main ingredients normally used and marketed for the preparation of compound feedingstuffs and the establishment of the list of ingredients use of which must be prohibited in the future are measures of a scientific nature; whereas, to facilitate the adoption of such measures, the procedure introducing close cooperation between the Member States and the Commission within the Standing Committee for Feedingstuffs should be followed;

Whereas, in order to ensure compliance with the requirements concerning compound feedingstuffs, Member States must provide for appropriate inspections by sampling not only during marketing but also during the manufacture of feedingstuffs; whereas the latter method of inspection may in particular cover the manufacturers' written records,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 79/373/EEC is hereby amended as follows:

1. The following point is added to Article 1 (2):

   ‘(g) the approximation of the laws of the Member States relating to the making up, by mass or by volume, of certain prepackaged products.’

2. The following point is added to Article 2:

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'1. the minimum storage life of a compound feedingstuff: that the date until which, under proper storage conditions, that feedingstuff retains its specific properties.'

3. Article 5 is replaced by the following:

'Article 5

1. Member States shall prescribe that compound feedingstuffs may not be marketed unless the particulars listed below, which shall be clearly visible, legible and indelible and for which the manufacturer, packer, importer, seller or distributor established within the Community shall be held responsible, are shown, in a space provided for that purpose, on the packaging, on the container or on a label attached thereto:

(a) the description "complete feedingstuff", "complementary feedingstuff", "mineral feedingstuff", "molassed feedingstuff", "complete milk replacer feed" or "complementary milk replacer feed", as appropriate;

(b) the species or category of animal for which the compound feedingstuff is intended;

(c) directions for the proper use of the feedingstuff indicating the purpose for which the feedingstuff is intended;

(d) for all compound feedingstuffs except those intended for pets other than dogs and cats: the ingredients to be declared in accordance with Article 5c;

(e) where appropriate, the declarations of the analytical constituents in the cases provided for in Part A of the Annex;

(f) as relevant to the case, the declarations provided for in Part B of the Annex in columns 1, 2 and 3;

(g) the name or business name and the address or registered place of business of the person responsible for the particulars referred to in this paragraph;

(h) the net quantity expressed in units of mass in the case of solid products, and in units of mass or volume in the case of liquid products;

(i) the minimum storage life, to be indicated in accordance with Article 5d (1);

(j) the batch number if the date of manufacture is not given.

2. Member States shall prescribe that compound feedingstuffs, when marketed in tankers or similar vehicles or in accordance with Article 4 (2), shall be accompanied by a document containing the particulars referred to in paragraph 1 of this Article. For small quantities of feedingstuffs intended for the final user, these particulars may be brought to the purchaser's attention by means of an appropriate notice at the point of sale.

3. Member States shall prescribe that, in conjunction with the particulars listed in paragraph 1, only the following additional particulars may be put in the space referred to in paragraph 1:

(a) the identification mark or trade mark of the person responsible for the labelling particulars;

(b) the name or business name and the address or registered place of business of the manufacturer, if this is not the person responsible for the labelling particulars;

(c) where appropriate, the batch number;

(d) the country of production or manufacture;

(e) the price of the product;

(f) the description or trade name of the product;

(g) for compound feedingstuffs intended for pets other than dogs and cats: the ingredients to be declared in accordance with Article 5c;

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(h) where appropriate, particulars relating to the provisions of Article 14 (a);

(i) an indication of the physical condition of the feedingstuff or the specific processing it has undergone;

(j) where appropriate, the declarations of the analytical constituents in the cases provided for in Part A of the Annex;

(k) the declarations provided for in Part B of the Annex in columns 1, 2 and 4;

(l) the date of manufacture to be indicated in accordance with Article 5d (2).

4. Member States may, for feedingstuffs produced and marketed in their territories:

(a) permit the particulars specified in paragraph 1 (b) to (f) and (h) to be shown only in an accompanying document;

(b) prescribe an official code number enabling the manufacturer to be identified where the latter is not responsible for the labelling particulars.

5. Member States shall prescribe that:

(a) in the case of compound feedingstuffs constituted from no more than three ingredients, the particulars referred to in paragraph 1 (b) and (c) shall not be required where the ingredients used appear clearly in the description;

(b) in the case of whole grain mixes, the declarations referred to in paragraph 1 (e) and (f) shall not be required; they may, however, be provided;

(c) the descriptions "complete feedingstuff" or "complementary feedingstuff" in respect of feedingstuffs intended for pets other than dogs or cats may be replaced by the description "compound feedingstuff". In this case, the declarations required or allowed under this Article shall be those laid down for complete feedingstuffs;

(d) the minimum storage life, the net quantity and the batch reference number may be marked outside the space reserved for the labelling particulars referred to in paragraph 1; in this case, the relevant expressions shall be accompanied by an indication of where the information appears.

6. For compound feedingstuffs for pets, the descriptions:

(a) in English "compound feedingstuff", "complementary feedingstuff", and "complete feedingstuff" may be replaced by the descriptions "compound pet food", "complementary pet food" and "complete pet food" respectively;

(b) in Spanish "pienso" may be replaced by the description "alimento";

(c) in Dutch "mengvoeder", "aanvullend diervoeder" and "volledig diervoeder" may be replaced by the descriptions "samengesteld voeder", "aanvullend samengesteld voeder" and "volledig samengesteld voeder" respectively.'

4. Articles 5a and 5b are deleted.

5. The following Articles are inserted:

'Article 5c

1. Where a declaration of the ingredients is provided, all the ingredients must be mentioned.

2. The listing of ingredients shall be subject to the following rules:

(a) compound feedingstuffs intended for animals other than pets: listing of ingredients in descending order by weight;

(b) compound feedingstuffs intended for pets: listing of ingredients either indicating the amount contained or naming them in descending order by weight.