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COUNCIL DIRECTIVE

of 21 July 1986

amending Directive 74/63/EEC on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs, Directive 77/101/EEC on the marketing of straight feedingstuffs and Directive 79/373/EEC on the marketing of compound feedingstuffs

(86/354/EEC)

(OJ L 212, 2.8.1986, p. 27)

Amended by:

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(86/354/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 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 the definitions of straight feedingstuffs and the various types of compound feedingstuffs in Directives 74/63/EEC ([4]), 77/101/EEC ([5]) and 79/373/EEC ([6]), as last amended by Directives 86/299/EEC ([7]), 83/87/EEC ([8]) and 82/957/EEC ([9]) respectively, should be aligned on the new definitions in Council Directive 84/587/EEC of 29 November 1984 amending Directive 70/524/EEC concerning additives in feedingstuffs ([10]); whereas 'milk replacer feeds' should also be defined;

Whereas it should be made clear that the provisions of Directives 74/63/EEC, 77/101/EEC and 79/373/EEC are without prejudice to the provisions of Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition ([11]);

Whereas Directive 74/63/EEC concerns undesirable substances and products in feedingstuffs; whereas, therefore, the maximum permitted levels laid down in the Annex to that Directive do not apply to the raw materials used for preparing compound feedingstuffs;

Whereas the fixing of maximum levels or the limiting of the presence of certain undesirable substances and products in raw materials is at the moment governed by divergent provisions in the Member States;

Whereas the consequences of the presence, above a certain level, of these substances or products are likely to prove harmful to human health and whereas it is therefore necessary to guarantee, in an appropriate and uniform manner,the safe use of these products and substances throughout the Community;

Whereas, moreover, the divergent provisions in the national legislation of Member States leads to substantial barriers in intra-Community trade and whereas it is desirable to adopt appropriate measures within the context of Directive 74/63/EEC;

Whereas, in addition, Directives 77/101/EEC and 79/373/EEC should be adopted to better facilitate the marketing of straight and compound feedingstuffs;

Whereas it is desirable to define the concept of raw materials in order to set clear limits to the scope of the measures relating to that class of products, which is also referred to by the term 'ingredients' in other Directives on animal feedingstuffs;

([1]) OJ No C 258, 26. 9. 1984, p. 7.
([2]) OJ No C 175, 15. 7. 1985, p. 21.
([3]) OJ No C 87, 9. 4. 1985, p. 4.
([4]) OJ No L 38, 11. 2. 1974, p. 31.
([5]) OJ No L 32, 3. 2. 1977, p. 1.
([6]) OJ No L 86, 6. 4. 1979, p. 30.
([7]) OJ No L 189, 11. 7. 1986, p. 40.
([8]) OJ No L 56, 3. 3. 1983, p. 31.
([9]) OJ No L 386, 31. 12. 1982, p. 42.
([10]) OJ No L 319, 29. 11. 1984, p. 13.
([11]) OJ No L 213, 21. 7. 1982, p. 8.

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Whereas the provisions in question apply exclusively to raw materials intended for animal feed which are to be entered into circulation in the form of straight feedingstuffs or as carriers of premixtures of additives or, after being mixed with other products, as compound feedingstuffs;

Whereas, in order to ensure that certain particularly undesirable substances are not present in feedingstuffs, it is necessary not only to limit their presence in raw materials to an acceptable level but also to restrict the use of those raw materials to persons who have the requisite skill, apparatus and equipment for the diluting operations which ensure that the maximum levels laid down in the Directive for compound feedingstuffs are observed;

Whereas the minimum conditions laid down in Annex III to Council Directive 70/524/EEC for a person to be entered on a national list of manufacturers of compound feedingstuffs must also be applied to manufacturers of compound feedingstuffs using raw materials which contain a level of undesirable substances and products higher than that permitted in straight feedingstuffs; whereas it is desirable, however, that Member States should be able to confine the delivery of such highly contaminated raw materials to those manufacturers who produce compound feedingstuffs for sale where their inspection services are unable to monitor at farm level those manufacturers of compound feedingstuffs who are also livestock farmers and who use all or part of their production for their own requirements;

Whereas, for certain raw materials whose level of undesirable substances and products is not restricted in Annex II (A), provision should be made for the possibility of imposing appropriate labelling provisions if the quantity of the undesirable substance or product present in the raw materials exceeds the maximum level laid down for the corresponding straight feedingstuffs; whereas this measure is indispensable in order to ensure that such raw materials are not delivered to livestock farmers and to inform manufacturers of the nature and quantity of the undesirable substance or product present;

Whereas the Member States should provisionally be authorized to retain the national provisions which they have adopted concerning raw materials contaminated by aflatoxin other than those referred to in Annex II (A) or relating to undesirable substances or products other than aflatoxin affecting the quality of the raw materials; whereas a Community decision should be taken before 3 December 1990 so that by that date uniform Community rules exist regarding the presence of undesirable substances and products in raw materials used in the preparation of feedingstuffs;

Whereas, in order to guarantee the safety of feedingstuffs, rules should be laid down governing the presence of undesirable substances and products and processes sought for decontaminating raw materials; whereas, on the basis of the results obtained, the criteria should be laid down with which products subject to certain decontamination processes must comply;

Whereas the procedure introducing close cooperation between the Member States and the Commission within the Standing Committee for Feedingstuffs should be applied in order to facilitate implementation of the measures proposed and to make, *inter alia*, amendments and additions concerning the fixing of maximum levels or labelling rules for raw materials contaminated by certain undesirable substances or products and the establishment of acceptability criteria for decontaminated raw materials;

Wheras an information procedure must be established for notifying Member States of cases of non-compliance with Community provisions in order to facilitate supervision of the application of Directive 74/63/EEC;

Whereas the experience gained in the implementation of Directive 79/373/EEC shows the need to improve or supplement the labelling of compound feedingstuffs in certain cases;

Whereas, in particular, an indication of the name or business name and address of the manufacturer must be stipulated where the latter is not responsible for the labelling particulars; whereas, however, account must be taken of the particular control systems in certain Member States and whereas such Member States should be authorized, for feedingstuffs produced and marketed in their territory, to replace these particulars by the official code number given to each manufacturer,

HAS ADOPTED THIS DIRECTIVE:

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