

PLACING ON THE MARKET AND USE OF FEEDINGSTUFF - NEW REGULATION

PLASIRANJE NA TRŽIŠTE I KORIŠTENJE KRMIVA - NOVI PROPIS

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SUMMARY

EC Regulation 767/2009 on the placing on the market and use of feed was adopted late in 2009 and will come into force in September 2010. This new Regulation replaces five existing Directives regulating the area of marketing and the use of feed for both food-producing and non food producing animals within the European Community, including requirements for labelling, packaging and presentation and their contents into one comprehensive document. The main goal of this Regulation is not only to harmonize the conditions for the placing on the market and the use of feed, in order to ensure a high level of feed safety and thus a high level of protection of public health but also to simplify existing procedures and modernize the legislation relating to marketing and use of raw materials for feed, bioproteins included, and compound feeding stuffs, including dietetic feed.

Key words: animal feed/feedingstuff; placing on the market, labelling,

The production and subsequent circulation and usage of animal feed are one of the most important sectors of activity in agriculture and in the whole food chain. Annually about 230 million tonnes of feedingstuffs (excluding roughage)¹ are fed to farm animals in the whole European Union. According to the statistical data, about 20 % of the total agricultural output is connected to feed industry.

In recent years the development of food law, in which the feedingstuff law is an indivisible part, was mainly determined by ad hoc solution of problems rather than by strategic planning. This fact led to a great number of different regulations, rather chaotic and far from a unified system. Contemporary food and feedingstuff EC law differs from the state mentioned above. It puts the accent on the horizontal – cross-sectional legislation, prioritization of regulations and primarily focusing on goals formulation to be reached and principles which should be followed. One of the representatives² of this approach is the EC Regulation

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¹ For more see http://ec.europa.eu/dgs/health_consumer/index_en.htm

² The first was the EC Regulation 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

767/2009 on the placing on the market and use of feed, which replacing four existing Directives³ as well as some 50 amending or implementing acts. This Regulation will be applicable in September 2010.

The beginnings of this Regulation can be found in 2004 when the external study entitled "Assessment of the possible adoption of a new proposal recasting legislation on feed labelling and amending the authorisation/withdrawal procedure for some categories of feed materials"⁴. This study points out the problematic issues and proposes a different policy option for each of them. An Interactive Policy Making (IPM)⁵ was the further step in this process. The main goal of these online consultations was *to identify impacts on the proposed policy options and, more specifically, to gather further information on financial impacts*⁶. Finally, the European Commission Impact Assessment Board prepared on the impact assessment for the modernisation and simplification of the legislation on the circulation of feed, which has become the basis for the new Regulation.

The main issues which are being dealt in this new Regulation can be divided into two groups:

- Listing of feed materials
- Labelling of compound feed for food producing animals and of pet food.

According to the contemporary legislation there are two lists of feed materials. The first one which has never been updated is the annex of the Directive 96/25 covering about 160 feed material. The second one is the positive list of bio-proteins with authorised products, a part of Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition. The new Regulation will set up the Community Catalogue of feed materials which shall be created as a tool to improve the labelling of feed materials. The first version of Community Catalogue shall be adopted by 21 March 2010 at the latest

Article 25 lists items which should be included for each feed material;

- the name;
- the identification number;
- a description of the feed material including information on the manufacturing process, if appropriate;
- specific particulars concerning the nutritional composition that shall be included in the labelling
- a glossary with the definition of the different processes and technical expressions mentioned.

The basis for the new Community Catalogue should be the contemporary list of feed materials. The first version of the Community Catalogue shall be adopted by the 21st of March 2010 at the latest.

According to this Regulation there will also be new classification of the concentrated products in correlation with their level of feed additives, i. e. as complementary feed or as feed for a particular nutritional purpose. Regarding the classification of low concentration products, nothing has changed, so products are listed either as complementary feed or as dietetic feed.

Another important part which is newly regulated is the issue of the labelling of feed. The present legal regulation is fragmented into several pieces of legislation and to Member States have some doubts over how

³ Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs, as amended

Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition, as amended

Council Directive 93/74/EEC of 13 September 1993 on feedingstuffs intended for particular nutritional purposes, as amended

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, as amended

⁴ See http://ec.europa.eu/food/consultations/study_civic_consulting.pdf

⁵ See http://ec.europa.eu/food/consultations/index_en.htm

⁶ Commission start working document Accompanying document to the Regulation of the European Parliament and of the Council on the placing on the market and use of feed, Impact assessment, COM(2008) 124 final

to implement them. In other words it is not quite clear which rules are relevant in a certain place in the Community. The new Regulation obviously determines the principle of possibility of the unequivocal information and harmonization throughout the EC. It sets in the clear rules for labelling in general⁷ as well as for each category feedingstuff - feed material, compound feed, feed intended for particular nutritional purposes, non-compliant feed and pet food. By this regulation a modern framework has been set up to provide for mandatory and voluntary labelling on the nutritional value. The Regulation also removes unnecessary and inefficient labelling obligations by harmonizing feed and food requirements on ingredients.

Since the new Regulation has not yet come into force, we cannot predict how the main goals of the authors of this Regulation, i.e. clarification, unification and simplification of the area of labelling and marketing of the feedingstuff will be fulfilled. But taking into account the first expert public responses, it seems that this is the way what the future legislation should be like.

SAŽETAK

EU Propis 767/2009. o plasiranju na tržište i korištenju krmiva prihvaćen je koncem 2009., te će stupiti na snagu u rujnu 2010. Ovaj novi Propis zamjenjuje pet postojećih direktiva na području trgovanja i korištenja krmiva u Europskoj zajednici za životinje za proizvodnju hrane kao i one koje nisu za hranu uključujući uvjete za označavanje/etiketiranje, pakiranje i predstavljanje, te njihov sadržaj u jednom sveobuhvatnom dokumentu. Osnovna svrha ovog propisa nije samo usklađivanje uvjeta za plasiranje na tržište i korištenje krmiva, kako bi se omogućila visoka razina sigurnosti hrane, pa tako i visoka razina zaštite javnog zdravlja, ali i pojednostavili postojeći postupci i moderniziralo zakonodavstvo u vezi s trgovanjem i korištenjem sirovina za hranu, uključujući bioproteine i krmne smjese, te dijetalnu hranu.

Ključne riječi: životinjska hrana/krmivo, plasiranje na tržište, etiketiranje

⁷ The general rules are in the Article 14 as well as in the Annex II of the Regulation.