



EUROPEAN COMMISSION

HEALTH & CONSUMERS DIRECTORATE-GENERAL

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**SUMMARY RECORD OF THE
STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH
HELD ON 8-9 MARCH 2010 IN BRUSSELS
(Section Animal Nutrition)**

President : Mr Willem PENNING

1. Feed Additives

1.1. Applications under Regulation (EC) No 1831/2003 Art. 4

1.1.1. New applications

1.2. Applications under Regulation (EC) No 1831/2003 Art. 9

1.2.1. Discussion on EFSA scientific opinion on the safety and efficacy of *Pediococcus pentosaceus* (DSM 16244) as a feed additive for all animal species. **Annex**

A discussion took place. A draft Regulation will be submitted for vote in a forthcoming meeting.

1.3. Applications under Regulation (EC) No 1831/2003 Art. 25

1.3.1. Endo-1,3(4)-beta-glucanase (EC 3.2.1.6), Endo-1,4-beta-glucanase (EC 3.2.1.4), Alpha-amylase (EC 3.2.1.1.), and Endo-1,4-beta-xylanase (EC 3.2.1.8) (enzyme 54) laying hens. Application for permanent authorisation. Rapp. : BE. **Annex**

A discussion took place. A draft Regulation will be submitted for vote in a forthcoming meeting.

1.4. Exchange of views on priorities and other matters relating to additives subject to the re-evaluation procedure under Article 10 of Regulation (EC) N° 1831/2003

The situation was reviewed briefly. The Commission provided feedback about the recent letter sent to operators to remind them of the re-evaluation exercise.

Practical aspects of the situation for additives for which no application for re-evaluation would be submitted before the deadline of 8 November and the steps in preparing the regulations withdrawing their authorisation were explored.

2. Issues related to undesirable substances in feed

2.1. Replacement of the current annex to Directive 2002/32/EC on undesirable substances in feed integrating all amendments since 2002

The document was presented and discussed.

One delegation requested to list the undesirable substances per section alphabetically. As there are other examples in EU legislation whereby listing of the substances are in alphabetical order, the sequence of listing of substances is adapted according to the language, the Commission representative indicated to consider this also for the Annex to Directive 2002/32/EC.

Another delegation proposed to have for aflatoxin B1 the same levels for complementary and complete feed.

It was furthermore highlighted that with the replacement of the term feedingstuffs (as defined in Directive 2002/32/EC) by the term feed (as defined by Regulation (EC) 178/2002), maximum levels would also apply to feed additives and premixtures while this is currently not the case. A few delegations expressed a concern about this. However the Commission representative indicated that as it relates to the maximum levels for persistent organochlorine compounds, there should be no problem in practice. The Commission representative invited these delegations to present cases with concrete examples where the replacement of feedingstuff by feed would create problems.

On a request of a delegation, the Commission representative indicated that the 7 % phosphorus mentioned in relation to the maximum levels for cadmium refers to 7 % relative to a feed with a moisture content of 12 %.

2.2. Discussion on a draft Commission Regulation defining acceptability criteria for detoxification processes in application of Article 8 of Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed

The draft was discussed. It was confirmed that the objective is to create at EU level, a framework for the application of the detoxification processes but that the acceptability of specific detoxification processes would be done by national competent authorities in accordance with the provisions provided for in this draft Regulation. The foreseen yearly exchange of information on the application of this draft Regulation should ensure a uniform application of this Regulation. If in practice it would show that this is not the case, the approach could then be reviewed.

Furthermore following remarks were made :

- to insert a recital on the relation with the authorisation of the mycotoxin binders under Regulation (EC) N° 1831/2003;
- to include the reference to independent expert advice also in the articles;
- to include the criterion that the characteristics and the nature of the feed should not be adversely affected by the physical detoxification process;
- to have available a list of plants authorised in the different Member States for carrying out detoxification of feed with the indication of the authorised detoxification processes. The Commission representative indicated that such a list would indeed be useful and could be compiled once the regulation would enter into application. This list would be publicly available on the website of DG Health and Consumers;
- following a comment of a stakeholder organisation, to reconsider the need for a requirement for the chemical substance used in a chemical detoxification process to be authorised for that purpose in feed, if appropriate.

2.3. Discussion on possible provisions as regards non-dioxin like PCBs in feed

The Commission representative provided additional information on the updated occurrence data provided by EFSA which were statistically processed. Of relevance for feed is the separation of the data from before 1999, from the period between 2000-2004 and from 2005 onwards.

Looking at the most recent data compiled by EFSA and taking into account that maximum levels would be set as "upperbound level" and the performance of most laboratories analysing non dioxin like PCBs in feed in the European Union, it was suggested to set the level at 10µg/kg as lowest level. This level would apply to most feed, with the exception of fish oil (125 µg/kg), fish meal (25 µg/kg) fish protein hydrolysates (50 µg/kg) and feed for fish and pet foods (30 µg/kg).

The issue was raised as regards the level applicable to the use of fresh/frozen fish for feeding of farmed fish (tuna).

Member States were invited to examine these suggestions in detail and to provide comments, underpinned by data, in view of the finalisation of the technical discussions at a future meeting.

2.4. Discussion on the review of the provisions on dioxins and dioxin-like PCBs in feed and the influence of using the new TEF 2005

The Commission representative provided additional information on the updated occurrence data provided by EFSA, whereby the data TEF1998 were compared with the data TEF2005 and which were statistically processed.

A document suggesting revised maximum levels for dioxins and furans (PCDD/F) and the sum of dioxins, furans and dioxin-like PCBs (PCDD/F = DL-PCBs) and revised action levels for PCDD/F and for DL PCBs was made available.

Member States were invited to examine these suggestions in detail and to provide comments, underpinned by data, in view of the finalisation of the technical discussions at a future meeting.

2.5. Assessment of the current provisions as regards mycotoxins in feed

Member States were informed on the joint letter from FEFAC, Primary Food Producers, COCERAL, CEPM, COPA-COGECA, EUROMALT and EUROMAISIERES on this issue. No further discussion took place at this stage on this issue as there was no concrete proposal from the Commission services yet.

Under this agenda item the draft Commission Recommendation on the monitoring of the presence of ergot alkaloids in feed and food was also presented and discussed.

Some comments were made and which will be taken into account.

The Committee had no objections to the adoption and publication of the Commission recommendation.

3. Implementing measures of Regulation (EC) N° 767/2009

3.1. List of products to be considered as feed materials (Article 7(2)) :

The Committee discussed the revised list of products that are not to be considered feed additives but feed materials. Several minor amendments have been suggested. It was clarified that the listing comprises a dynamic exercise to come to a harmonisation in the internal EU-market for those products that on the one side are currently registered as feed additives and as feed materials and on the other side for those never authorised as additives but with an unclear status. A draft legal act taking into account the outcome of the discussions will be prepared for the next Committee to proceed with the adoption of the list.

3.2. Revision of Annex IV for analytical tolerances

The Committee discussed a draft text for the revised Annex IV. Several minor changes have been suggested. In the light of the discussions, a draft Regulation for the revision of Annex IV will be prepared for the next Committee.

3.3. State of play on the update of the Catalogue of feed materials (Article 24)

A Commission representative informed the Committee that the feed chain partners announced a first proposal for the update of the Catalogue of feed materials for mid march. A working group is scheduled on the 29/30 March 2010 to assess this proposal.

3.4. State of play on the Codes for good labelling practice (Article 25)

A Commission representative informed the Committee that the pet food industry (FEDIAF) announced a draft Code for good pet food labelling for mid march. A working group is scheduled on the 29/30 March 2010 to assess this proposal.

4. Approbation of the Guide to Good Practice for the Manufacture of Safe Pet Foods (F.E.D.I.A.F)

- The new amended version (revision of 12 March 2010) of the Guide to Good Practice for the Manufacture of Safe Petfoods has been assessed by the Committee. Some concerns in relation to the "retention samples" have been discussed and it was agreed to ask F.E.D.I.A.F to review this point and to amend the guide at the time of the next revision

- It was announced that the new amended version of the AAF/FEDIOL Guide to Good Practice will be reviewed in the Working Group foreseen the 22 March 2010 and presented in the April Standing Committee for final assessment.

5. Exchange of views on the electronic Working Group relating to future work on animal feeding in Codex Alimentarius

Delegations were overall informed of the comments sent by participants to the additional 4th round of comments to the letter from the Chair. Once the report from the Chair and co-chair is finished the issue will be further discussed at the next Codex Alimentarius Commission (CAC) in June–July. Further discussions will take place both at the Standing Committee and at the coordination meetings in Council regarding CAC to coordinate the positions.

6. Exchange of views and possible opinion on a draft Regulation (EC) concerning the authorisation of *Bacillus subtilis* C-3102 (DSM 15544) as a feed additive for weaned piglets (holder of authorisation CALPIS Co. Ltd. Japan, represented in the European Union by Calpis Co. Ltd. Europe Representative Office)

(Document SANCO/10107/2010)

(Legal basis : Article 9 of Regulation (EC) No 1831/2003 - Right of scrutiny of the European Parliament)

A discussion took place and the vote was taken.

The draft Regulation received a favourable opinion by qualified majority.

- 7. Exchange of views and possible opinion on a draft Regulation (EC) concerning the authorisation of L-isoleucine as a feed additive for all animal species**

(Document SANCO/10106/2010)

(Legal basis : Article 9 of Regulation (EC) No 1831/2003 - Right of scrutiny of the European Parliament)

A discussion took place and the vote was taken.

The draft Regulation received a favourable opinion by qualified majority.

- 8. Exchange of views and possible opinion on a draft Regulation (EC) concerning the authorisation of 3-phytase as a feed additive for all avian species other than chickens for fattening and ducks (holder of authorisation BASF SE)**

(Document SANCO/10105/2010)

(Legal basis : Article 9 of Regulation (EC) No 1831/2003 - Right of scrutiny of the European Parliament)

A discussion took place and the vote was taken.

The draft Regulation received a favourable opinion by qualified majority.

- 9. Exchange of views and possible opinion on a draft Regulation (EC) amending Regulation (EC) No 721/2008 as regards the composition of the feed additive**

(Document SANCO/10194/2010)

(Legal basis : Article 9 of Regulation (EC) N° 1831/2003 – Right of scrutiny of the European Parliament)

A discussion took place and the vote was taken.

The draft Regulation received a favourable opinion by qualified majority.

- 10. Exchange of views and possible opinion on a draft Regulation (EC) concerning the authorisation of copper chelate of hydroxy analogue of methionine as a feed additive for all animal species**

(Document SANCO/10200/2010)

(Legal basis : Article 9 of Regulation (EC) No 1831/2003 - Right of scrutiny of the European Parliament)

A discussion took place and the vote was taken.

The draft Regulation received a favourable opinion by qualified majority.

11. Exchange of views and possible opinion on a draft Regulation (EC) concerning the authorisation of zinc chelate of hydroxy analogue of methionine as a feed additive for all animal species
(Document SANCO/10465/2010)
(Legal basis : Article 9 of Regulation (EC) No 1831/2003 - Right of scrutiny of the European Parliament)

A discussion took place and the vote was taken.
The draft Regulation received a favourable opinion by qualified majority.

12. Exchange of views and possible opinion on a draft Regulation (EC) concerning the authorisation of manganese chelate of hydroxy analogue of methionine as a feed additive for all animal species
(Document SANCO/10466/2010)
(Legal basis : Article 9 of Regulation (EC) No 1831/2003 - Right of scrutiny of the European Parliament)

A discussion took place and the vote was taken.
The draft Regulation received a favourable opinion by qualified majority.

13. A.O.B.

a) A delegation raised the question of the practical application of **Article 12(1) of Regulation (EC) No 178/2002**, and in particular the second subparagraph thereof.

A representative of the Commission first informed the Committee that this provision is the subject of a guidance document ("Guidance on the implementation of Articles 11, 12, 14, 17, 18, 19 and 20 of Regulation (EC) No 178/2002 on General Food Law"), which is published on the Website of Directorate-General Health and Consumers.

The representative of the Commission replied that it would be appropriate for the exporter to produce a certificate demonstrating that the conditions provided for in Article 12(1) of Regulation (EC) No 178/2002 are met. This implies that the certificate should preferably clearly mention the relevant provision in force in the importing country which enables the export – or, in the case of the second subparagraph of Article 12(1), contain the express agreement of the importing country after having been fully informed of the reasons why the product could not be placed on the market within the EU.

Where necessary, appropriate contacts with the official representations of the third countries concerned should be taken by the national competent authorities to verify the compliance with the above requirements.

b) The Committee was furthermore informed by the Irish delegation on the finding of an increased level of dioxins and dioxin-like PCBs in dried seaweed (RASFF notification 2010.0289) It concerned a slight exceeding of the existing maximum level. The distribution of the contaminated product was limited to Ireland and Japan. The necessary measures have been taken to seize the

contaminated product. Initial investigations indicate that the source of the slightly increased level might be linked to the drying technique.

c) The Commission representative informed the Committee that information was received on potentially increased levels of dioxins and dioxin-like PCBs in menhaden based fish oil and fish meal originating from the US. Member States were requested to pay attention to this issue.

Bernard Van Goethem,
Director (signé)