



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 21 & 22 SEPTEMBER 2011 IN BRUSSELS  
(Animal Nutrition Section)**

Chairman: Mr James Moynagh.

25 Member States were present, Malta was absent and not represented, Cyprus was represented by Greece.

**1. Feed Additives**

**1.1. Applications under Regulation (EC) No 1831/2003 Art. 4 or 13**

Member States were updated regarding the list of applications sent to EFSA.

**1.1.1. New applications**

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

**1.2.1. Discussion on EFSA opinion: Scientific Opinion on the safety and efficacy of FRESTA® F for weaned piglets**

A discussion took place. Since the nature of the product needs to be further clarified, it was agreed to continue the discussion at a future date.

**1.2.2. Discussion on EFSA opinion: Scientific Opinion on the efficacy of Bentonite (dioctahedral montmorillonite) for all species**

A discussion took place. Additional information has been supplied to EFSA. The point will be brought up again at a future meeting.

### 1.2.3. Discussion on 12 EFSA opinions on silage additives and ANNEX:

- *Lactococcus lactis* DSM 11037 for all animal species
- *Lactobacillus buchneri* DSM 12856 for all animal species
- *Lactobacillus plantarum* DSM 12837 for all animal species
- *Lactobacillus paracasei* DSM 16245 for all animal species
- *Pediococcus acidilactici* DSM 16243 for all animal species
- *Lactobacillus rhamnosus* NCIMB 30121 for all animal species
- *Lactococcus Lactis* NCIMB 30160 for all animal species
- *Lactobacillus plantarum* DSM 12836 for all animal species
- *Lactobacillus brevis* DSM 12835 for all animal species
- *Pediococcus pentosaceus* DSM 12834 for all animal species
- *Lactobacillus paracasei* DSM 16773 for all animal species
- *Lactobacillus buchneri* DSM 16774 for all animal species

A discussion took place. Draft implementing Regulations will be put to the vote at a future Committee meeting.

## 2. Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin

- **Presentation of the amendments to Annex I of particular importance for feed which are currently under consideration and discussion on the consequences for feed**

A representative of the Commission presented the envisaged changes to Annex I of Regulation (EC) No 396/2005, which have consequences for feed. These envisaged changes are:

- deletion of current footnote 4. This footnote provides that the maximum residue levels (MRLs) for the different products in Annex II and III of Regulation (EC) 396/2005 apply only for the product when used for human consumption. For parts of the product used exclusively as ingredients for animal feed, separate MRLs would be applicable. As the footnote was a transitional measure to allow the feed sector to adapt, it is considered that sufficient time has now elapsed and this provision is no longer needed.

- addition to Annex I, section 12, 'Crops exclusively used for animal feed'. Currently, MRLs are not applicable to this section until the individual products are identified and listed. It is proposed to supplement the section by adding crops and commodities exclusively used for feed (such as forage, feed crops, straw, hay, pastures, etc.) in Annex I. MRLs for these crops will be established per active substance and an additional footnote will be needed to ensure that for active substances for which MRLs in crops exclusively used for animal feed have not yet been considered, the default MRL of 0.01 mg/kg would not apply.

- Compound and processed feed. In general, no MRLs are established in Regulation (EC) 396/2005 for compound and processed feed directly. The MRLs apply to these products after application of the appropriate Transformation Factor (TF) and/or relative proportion of the different (processed) feed materials in the compound feed. If necessary, specific TF factors can be established.

Comments were made to the effect that only a very limited number of pesticide residues are of relevance to feed from the point of view of animal health and/or public health and that extension of the MRLs to crops exclusively used for animal feed would mainly affect farmers. Furthermore it was mentioned that it would not be easy to calculate which MRL is applicable to certain compound feeds, which are composed of several processed feed materials.

The Committee was informed that the discussion would continue in the 'Pesticide residues' section of the Committee and that it was appropriate to closely follow the discussions on this issue.

### **3. Update and exchange of views on recent RASFF notifications related to undesirable substances in feed (including the recent dioxin findings)**

The Committee was informed of the following recent RASFF notifications as regards undesirable substances in feed since the last meeting of the Committee:

#### Level of dioxins and dioxin-like PCBs above the maximum level (ML) in

- hydrogenated palm fatty acid distillate for use in feed for ruminants. The process resulting in the increased levels is still being investigated as hydrogenation does not usually increase the level of dioxin contamination, and analysis of control samples has provided evidence that the palm fatty acid distillates before hydrogenation were compliant with EU legislation. The conditions under which hydrogenation might change the contamination pattern, resulting in increased toxicity, are also being investigated.
- copper sulphate from Romania. Copper sulphate was initially put on the market for technical purposes but the destination was changed and was used for feed production.
- sodium bicarbonate with silicic acid (anticaking agent). The initial high level analysed could not be confirmed by several follow-up analyses. Only in one case was a level above the ML found in the follow-up analysis but at a significantly lower level than the initial analysis. In any case, the sodium bicarbonate with silicic acid was clearly labelled to be used for technical purposes only but was, despite this clear labelling, used for the production of feed.
- copper sulphite from Israel, in parsley stalks from Egypt, in paprika powder from China, in fishmeal from Mauritania and in fishmeal from Estonia.

The Commission representative informed the Committee of two other RASFF notifications related to the presence of dioxins in food:

- the presence of dioxins in breeding hens and broilers in Portugal due to the use of contaminated wooden chips. The exact source of contamination of the wooden chips is still under investigation;
- the presence of dioxins in organic eggs in the Netherlands. Investigations have already provided evidence that the source of the contamination is not feed but the exact source has not yet been identified.

#### Level of aflatoxins above the ML in

- maize gluten from China.
- groundnut kernels from South Africa, groundnuts for bird feed from Nicaragua, United States and India. As regards the repeated presence of aflatoxins at high levels in groundnuts for bird feed from India in recent months, the Commission's representative informed the Committee that the competent authorities from India had submitted an action plan to address the issue and the Commission would closely monitor the implementation of the action plan to ensure the effectiveness of it. It was further noted that the significant decrease in RASFF notifications since July 2011 was related to the fact that the import season was over.

#### Level of arsenic above the ML in palm kernel expeller (three notifications)

In two notifications, the level of arsenic was very high (> 100 mg/kg) and the Commission has requested the Malaysian authorities to provide an explanation for this very high level.

Finally attention was drawn to the finding of levels above the ML of DDT in white maize from Ethiopia, salinomycin in feed for laying hens due to cross-contamination and cadmium in calcium carbonate from Spain. As usual, high level of mercury in vitamin B2 premix from China was detected.

#### **4. Update of Annex I to Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed**

##### **• Discussion on requested minor amendments (details will follow)**

The Commission informed the Committee that, due to time constraints, the following issues would be discussed at a future meeting:

- the maximum level of lead in natrolite-phonolite;
- the maximum level of (heavy) metals in calcium and magnesium carbonate;
- the maximum level of shrimp meal for use in feed for non-food producing animals.

This list is not exhaustive and other issues can be raised for further discussion.

## **5. Update on the review of Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed, in particular as regards the sampling provisions**

Due to time constraints, this issue was not discussed. The aim is to update the sampling provisions to take into account the current way feed is produced, stored, transported and marketed.

## **6. Implementation of Regulation (EC) No 767/2009**

### **6.1. State of play on the applications for high concentrate products under Article 32(2)**

A representative of the Commission reviewed the state of play on the applications for the so-called high concentrate feed. The applicants had provided supplementary information, as requested, on the dossiers that were already evaluated (first wave). This information would be forwarded to the experts who did the initial evaluation. It was planned to organise a working group before the end of the year to discuss the outcome of evaluations.

The rest of the applications for which the legal placing on the market before September 2010 had meanwhile been cleared (second wave) were assigned to experts.

### **6.2. Claims on feed consisting of maltodextrin, trypsin hydrolysed bovine casein and magnesium stearate**

A representative of the Commission informed the Committee that a company had applied for extension of the particular nutritional purpose 'reduction of stress reactions' to cats and dogs for feed containing trypsin hydrolysed bovine casein as a nutritional characteristic. He declared that until the procedure was finalised, feed consisting of maltodextrin, trypsin hydrolysed bovine casein and magnesium stearate could not use the claim 'reduction of stress reactions'; for other claims such feed has to comply with Article 13 of Regulation (EC) No 767/2009.

### **6.3. Claims on probiotic yeast products**

A representative of the Commission explained, using the example of a yeast product, the principle on claims as laid down in Article 13 of Regulation (EC) No 767/2009. These products are listed under 12.1.5 in the Catalogue of feed materials. Claims reserved for veterinary medicinal products and for dietetic feed are excluded. Other claims can be used once the feed business operator has the scientific substantiation available at the time when he places a feed product with this claim on the market. As there is not yet any guidance available about such 'scientific substantiation', a discussion took place on how to proceed in practice. It was agreed that it is a case by case decision of the competent control authority. However, against the background of the single market, Member States want a harmonised approach. Therefore, a working group could be envisaged. For the time being, each competent authority is encouraged to challenge arbitrary claims by requiring the responsible feed business operator to present their scientific substantiation. Apart from the possibility of submitting doubtful cases to the Commission, it would be useful in the interest of harmonisation if a competent

authority were to notify the other Member States and the Commission if they reject the substantiation of a specific claim.

#### **6.4. Borderline between products under the scope of the biocide and feed legislation**

A representative of the Commission informed the Committee of the follow-up to the letter from the French authorities on the issue. The Commission representative clarified that, after consultation with the services responsible for biocides, an automatism for the transfer of disinfectants for drinking water of animals currently listed in Product Type 5 of Directive 98/8/EC cannot be deduced from Recommendation 2011/25/EU. Member States noted the need for further work on the borderline between disinfectants for drinking water in order to achieve legal clarity and harmonised rules.

#### **6A. Preparation of the coordination of the work about the Ad Hoc Intergovernmental Task Force on Animal Feeding**

Draft comments from the European Union at step 3 of the Procedure on the two documents circulated by Codex Alimentarius were examined and discussed. In order to meet the deadline for comments set at 15 October, delegations were invited to send additional remarks to be included in the document up to five days after the meeting of the Standing Committee. The revised document would then be sent to the EU Codex contact points, possibly for a second round of comments up to 5 October, which should leave some time for revising the document if necessary, before being sent finally to Codex.

#### **6B. Exchange of views on the work programme for 2012 of the EURL for feed additives under Regulation EC (No) 882/2004 and participation of NRLs**

The Commission informed Member States that the EU Reference Laboratory for feed additives would, for the first time, be carrying out a proficiency trial for the detection of coccidiostats in 2012.

It was also noted that not all Member States had notified their respective National Reference Laboratories to the EURL. Member States were requested to do so without delay.

#### **7. Exchange of views and possible opinion on a draft Commission Implementing Regulation concerning the authorisation of *Saccharomyces cerevisiae* NCYC R-625 as feed additive for weaned piglets (holder of the authorisation Integro Gida Ve Ticaret represented by RM Associates Ltd)**

*(Document SANCO/11372/2011) -- (Legal basis: Article 9 of Regulation (EC) No 1831/2003) (Opinion of the Committee via the examination procedure)*

A discussion took place and the vote was taken.

**The draft Implementing Regulation was approved by qualified majority.**

8. Exchange of views and possible opinion on a draft Commission Implementing Regulation concerning the authorisation of an enzyme preparation of endo-1.4-beta-xylanase produced by *Aspergillus niger* (CBS 109.713) and endo-1.4-beta-glucanase produced by *Aspergillus niger* (DSM 18404) as a feed additive for chickens reared for laying, turkeys for breeding purposes, turkeys reared for breeding, other minor avian species (other than ducks for fattening) and ornamental birds (holder of authorisation BASF SE)

*(Document SANCO/11376/2011)* -- (Legal basis: Article 9 of Regulation (EC) No 1831/2003) (Opinion of the Committee via the examination procedure)

A discussion took place and the vote was taken.

**The draft Implementing Regulation was approved by qualified majority.**

9. Exchange of views and possible opinion on a draft Commission Implementing Regulation concerning the authorisation of an enzyme preparation of endo-1.4-beta-xylanase produced by *Trichoderma reesei* (MULC 49755) and endo-1.3(4)-beta-glucanase produced by *Trichoderma reesei* (MULC 49754) as a feed additive for weaned piglets (holder of authorisation Aveve NV)

*(Document SANCO/11638/2011)* – (Legal basis: Article 9 of Regulation (EC) No 1831/2003) (Opinion of the Committee via the examination procedure)

A discussion took place and the vote was taken.

**The draft Implementing Regulation was approved by qualified majority.**

10. Exchange of views and possible opinion on a draft Commission Implementing Regulation concerning the authorisation of an enzyme preparation of endo-1.4-beta-xylanase produced by *Trichoderma reesei* (CBS 114044) as a feed additive for laying hens, minor poultry species and pigs for fattening (holder of authorisation Roal Oy)

*(Document SANCO/11647/2011)* -- (Legal basis: Article 9 of Regulation (EC) No 1831/2003) (Opinion of the Committee via the examination procedure)

A discussion took place and the vote was taken.

**The draft Implementing Regulation was approved by qualified majority.**

**11. Exchange of views and possible opinion on a draft Commission Implementing Regulation concerning the authorisation of *Lactobacillus plantarum* (NCIMB 30236) as a feed additive for all animal species**

**(Document SANCO/10656/2011) -- (Legal basis: Article 9 of Regulation (EC) No 1831/2003) (Opinion of the Committee via the examination procedure)**

A discussion took place and the vote was taken.

**The draft Implementing Regulation was approved by qualified majority.**

**12. Exchange of views and possible opinion on a draft Commission Regulation amending Annex II to Regulation (EC) No 183/2005 as regards the approval of establishments placing on the market blended oils and fats and products derived from vegetable oils intended for use in feed and as regards the specific requirements for production, storage and transport and testing for dioxin in fats, oils and products derived therefrom intended for use in feed**

**(Document SANCO/10282/2011) -- (Legal basis: Article 27 (b) and (f) of Regulation (EC) No 183/2005) (Opinion of the Committee via the regulatory procedure with scrutiny)**

The Committee had a detailed exchange of views on the proposal to avoid dioxin contamination of the food and feed chain, which had been revised in the light of recent comments from the Member States and stakeholders. The Commission's representative provided a comprehensive explanation of the details of the amendments compared to the paper discussed in the Committee in July. In the light of the constructive discussions, further amendments were made. Though the support for the revised text was greater than in July, it seemed not to be enough to obtain a qualified majority and therefore a formal vote was not taken.

**13. Exchange of views 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 (see point 14 of the SCFCAH of 6-7 July 2011)**

**(Document SANCO/6448/2009) -- (Legal basis: Article 8(3) of Directive 2002/32/EC) (Opinion of the Committee via the regulatory procedure with scrutiny)**

The Committee was informed of the state of play as regards the internal consultation within the Commission services on this draft Commission Regulation.

#### 14. A.O.B.

- Use of ‘deoxidizer bags’

A delegation informed the Committee of safety concerns expressed by the national competent authorities upon carrying out controls on feed products in contact with ‘bags with deoxidizer’, which were imported from a third country.

These ‘deoxidizer bags’, which contain iron powder and some other materials, are for preserving the feed products concerned and bear the remark that they are not to be eaten.

After an exchange of views between the Committee members, it was concluded that in the absence of specific EU legislation concerning the use in feed of such products – while for food, the legislation on food contact materials would apply – the general feed safety and marketing requirements laid down in Regulation (EC) No 767/2009 and Regulation (EC) No 178/2002 should be complied with.

It is then up to the national competent authorities to assess the conformity with those requirements.

It was concluded that the use of ‘deoxidizer bags’ as reported to the Committee does not appear to present an immediate safety risk. However, the competent authority might require, as a further precautionary measure, that the label on the feed packaging should draw the attention of the user to the need to remove the ‘deoxidizer bag’ before administration to animals.

- Code of good labelling practice for pet food

One Member State representative asked for clarification on the publication of the Code of good labelling practice for pet food. The Commission’s representative pointed out that the establishment of the Code had to accord with Article 26 of Regulation (EC) No 767/2009. The Commission had verified that all the conditions mentioned therein were met and will consequently publish the title and the references of the Code in the C Series of the Official Journal of the European Union.

- Legal status of Broilact

One Member State representative asked for clarification on the legal status of the oral use of Broilact, a product typically containing hundred(s) of different bacteria isolated from the caecum of healthy chicken. It had been mentioned that an application as a feed additive had already been rejected and that it is used in salmonella eradication measures in combination with vaccination. The outcome of the discussion was that the product is not an authorised feed additive and, considering its mode of action, cannot be considered a feed application.

- Unavoidable carry-over of coccidiostats in non-target feed

One Member State asked for clarification as regards the update of Commission Regulation (EC) No 124/2009 of 10 February 2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed. The Commission representative informed the Committee that an amendment was being prepared, taking into account new information on carry-over from feed to food of animal origin, changes in the authorisation of coccidiostats and amendments to the Annex to Regulation (EU) No 37/2010 on pharmacologically active substances.