Questions and answers related to the United Kingdom’s withdrawal from the European Union (EU) with regard to feed

The United Kingdom (UK) submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that unless the withdrawal agreement establishes another date or the period is extended by the European Council in accordance with Article 50(3) of the Treaty on European Union, all Union primary and secondary law ceases to apply to the United Kingdom from 30 March 2019, 00:00h (CET). The United Kingdom will then become a "third country".

In this regard, four different pieces of feed legislation lay down requirements for non-EU countries that will entail certain obligations for UK feed business operators (FBOs):

- applicants for an authorisation of feed additives - Regulation (EC) No 1831/2003 on additives for use in animal nutrition¹;
- applicants for the authorisation of particular nutritional purposes (PARNUTs) - Regulation (EC) No 767/2009 on the placing on the market and use of feed²;

In order to support applicants and operators in this process, Q&As, containing practical information are published below.

What are the feed additives linked to an authorisation holder?

Additives linked to an authorisation holder are those containing, consisting of or produced from GMOs and additives belonging to the following categories: zootechnical additives, coccidiostats and histomonostats (Article 3(3) of Regulation (EC) No 1831/2003 on additives for use in animal nutrition).

What are generic feed additives?

Generic additives are those not linked to an authorisation holder and belonging to the following categories: technological additives, sensory additives and nutritional additives.

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Those categories are listed in Annex I to Regulation (EC) No 1831/2003 on additives for use in animal nutrition.

**What are the obligations for a UK holder of authorisation of a feed additive already authorised?**

According to Article 4 to Regulation (EC) No 1831/2003, the applicant for an authorisation or his representative shall be established in the EU. Through the European Economic Area (EEA) Agreement this is extended to Norway, Iceland and Liechtenstein.

The authorisation holder established in the UK should take this into account, for example by designating a representative established in the EU (or EEA) and communicating its relevant contact details to the European Commission.

**I am a UK operator that applied for an authorisation for a feed additive linked to an authorisation holder but my product is not yet authorised. Do I have any obligation?**

According to Article 4 of Regulation (EC) No 1831/2003, the applicant for an authorisation or his representative shall be established in the EU. Through the European Economic Area (EEA) Agreement this is extended to Norway, Iceland and Liechtenstein.

The authorisation holder established in the UK should take this into account, for example by designating a representative established in the EU (or EEA) and communicating its relevant contact details to the European Commission.

**What are the obligations for UK applicants for generic additives?**

When the authorisation has not yet been granted by an implementing Regulation, because it is in the process of evaluation or authorisation, applicants have to designate a representative established in the EU (or EEA) and communicate their relevant contact details to the European Commission.

If the additive is already authorised by an implementing Regulation, the applicant does not need to designate a representative in the EU (or EEA).

**What are the requirements for UK applicants requesting a new use, a modification or a renewal of an authorisation?**

Applicants requesting a new use, a modification or a renewal of an authorisation need to designate a representative established in the EU (or EEA). This applies to all types of feed additives.

The authorisation holder established in the UK should take this into account, for example by designating a representative established in the EU (or EEA) and communicating its relevant contact details to the European Commission.
What are the obligations for UK applicants requesting the update of the list of intended uses of feed intended for particular nutritional purposes (PARNUTs)?

The applications for PARNUTs are regulated in Articles 9 and 10 of Regulation (EC) No 767/2009 on the placing on the market and use of feed. According to Article 10(2) of Regulation (EC) No 767/2009 on the placing on the market and use of feed an applicant for updating the list of intended uses has to be established in the EU or EEA⁵.

If the authorisation is not yet granted by an implementing Regulation because it is in the process of evaluation or authorisation, the authorisation holder established in the UK should take this into account, for example by designating a representative established in the EU (or EEA) and communicating its relevant contact details to the European Commission.

If the PARNUT is already authorised by an implementing Regulation, the applicant does not need to designate a representative in the EU (or EEA).

Are there other obligations in feed legislation that UK operators must take into account?

Yes, there are obligations for third country operators that want to export to the EU. According to Article 6(1) to Commission Directive (EC) No 98/51 third country establishments must have a representative established in the European Union. Member States may only authorise import of feed from establishments which have such a representative. The representative has certain obligations indicated in Regulation (EC) No 183/2005 laying down requirements for feed hygiene and, in particular, in Article 6 of Commission Directive 98/51/EC. Also Regulation (EC) No 882/2004 on official controls (to be replaced by the Official Controls Regulation (EU) 2017/625) lays down certain obligations for FBOs.

⁵ European Economic Area (EEA) Agreement