COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 279 final
Brussels, 18.07.1994

94/ 0174(CNS)

Proposal for a

COUNCIL DIRECTIVE

amending Council Directive 79/373/EEC

on the marketing of compound feedingstuffs

(presented by the Commission)

[redacted]

EXPLANATORY MEMORANDUM

Since the implementation of Council Directive 90/44/EEC, amending Council Directive 79/373/EEC on the marketing of compound feedingstuffs, harmonised rules on labelling requirements for compound feedingstuffs and Commission Directive 92/87/EEC established for this purpose a list of the main ingredients normally used and marketed for the preparation of compound feedingstuffs intended for animals other than pets, the adoption of Council Directive ../.../ EC on the circulation of feed materials induces certain amendments to Council Directive 79/373/EEC.

This proposal notably provides for the following changes:

1. "ingredients (raw materials)" are called "feed materials";

2. mixtures of feed materials, other than those listed in the Annex of Council Directive ../.../ EC, are considered as semi-manufactured compound feedingstuffs, subjected to special for this category compound feedingstuffs in Council Directive 79/373/EEC created labelling provisions;

3. Council Directive ../.../ EC contains a list of the main feed materials which should also be used for the labelling of feed materials used in compound feeds.

With the entry into force of Council Directive ../.../ EC, measures should be taken in order to ensure that Commission Directive 92/87/EEC is repealed.

On grounds of an efficient an effective functioning of the Internal Market action must be taken on Community level hereby removing distortions to trade and ensuring comparable commercial conditions.

COUNCIL DIRECTIVE

of ...

amending Council Directive 79/373/EEC

on the marketing of compound feedingstuffs

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular article 43 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 Council Directive 77/101/EEC on the marketing of straight feedingstuffs(4), as last amended by Directive 90/654/EEC(5) has been repealed by Council Directive .../.../EC on the circulation of feed materials(6);

Whereas Directive .../.../EC is, in particular, aimed to remove differences in the national legislations concerning straight feedingstuffs and raw materials; whereas, for this purpose, Directive .../.../EC introduced a common term "feed materials" and a definition of this term which covers straigh feedingstuffs and raw materials; whereas, consequently, these terms and their definitions in Directive 79/373/EEC(7), as last amended by Council Directive 93/74/EEC(8), should be replaced by the new common term and by its definition as given in Directive .../.../EC;
whereas this has also an impact on the definition of compound feedingstuffs;

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(1) OJ N°.....
(2) OJ N°.....
(3) OJ N°.....
(4) OJ N° L 32, 03.02.1977, p. 1.
(5) OJ N° L 353, 17.12.1990, p. 48.
(6) OJ N° .....
(7) OJ N° L 86, 06.04.1979, p. 30.
(8) OJ N° L 237, 22.09.1993, p. 23.

Whereas "mixtures of feed materials", other than those explicitly listed as a feed material, are considered as "semi-manufactured compound feedingstuffs"; whereas Council Directive 79/373/EEC should be amended as appropriate;

Whereas these semi-manufactured compound feedingstuffs, for further mixing with other feed materials can be delivered to both feed compounders and farmers; whereas it is therefore desirable to declare the contents of the designated analytical constituents of the semi-manufactured compound feedingstuffs; whereas this declaration should reflect on those of the constituing feed materials;

Whereas the list contained in Part B of Annex I of the Council Directive ../.../EC should be used for the circulation of feed materials of all destinations as well as for the labelling of feed materials used in compound feedingstuffs;

Whereas Commission Directive 92/87/EEC[9], establishing a non exclusive list of the main ingredients normally used and marketed for the preparation of compound feedingstuffs intended for animals other than pets, provides for a list of ingredients for labelling requirements of compound feedingstuffs; whereas measures should be taken in order to ensure that Commission Directive 92/87/EEC is repealed with the entry into force of Parts A and B of Annex I of Council Directive ../.../EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Council Directive 79/373/EEC is amended as follows:

1. the term "straight feedingstuffs" in Article 1 (2) a is replaced by the term "feed materials";

(9) OJ N° L 319, 04.11.1992, p. 19.

2. the term "ingredients" in each case is replaced by the term "feed materials";

3. Article 2 (b) is changed as follows:
"compound feedingstuffs: mixtures of feed materials, which are intended for oral animal feeding as complete or complementary feedingstuffs";

4. Article 2 (k) is changed as follows:
   a. the term "ingredients (raw materials)" is replaced by the term "feed materials";
   b. the definition of "feed materials" is replaced by the following:
   "feed materials": various products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, whether or not containing additives, which are intended for use for oral animal feeding, whether as such or in a processed form, in the preparation of compound feedingstuffs or as carriers of premixtures;

5. after Article 2 (l) the following is added:
"(m)semi-manufactured compound feedingstuffs: mixtures constituted from no more than three feed materials, which are intended for the preparation of compound feedingstuffs";

6. in Article 5 (1) (a) after the wording "complementary feed", the wording "semi-manufactured compound feedingstuffs" is inserted;

7. the term "ingredient" in Article 5c is replaced by the term "feed material";

8. Article 10 (b) is deleted;

9. the wording "referred to in Article 10 (b)" in Article 10a (1) is replaced by the wording "of the main feed materials as in Part B of Annex I of Council Directive ../.../EC on the circulation of feed materials";

10. Article 10a (2) is changed as follows:

"Member States shall ensure that the provisions under "General" of Part A (I), (II), (III) and (IV) of Annex I of Council Directive ../.../EC are respected.";

11. Article 11 is changed as follows:

"For the purpose of trade within the Community, the indications printed on the packaging, on the container or on a label attached thereto shall be given in a language easily understood by the purchaser, or, shall be provided by any other appropriate means. This does not prejudice the use of more than one language for those indications.";

12. Paragraphs 2 to 5 of Article 13 shall be replaced by the following:

"2. The representative of the Commission shall submit to the measures to be taken. The committee shall deliver its opinion on the draft,within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account."

13. the annex of Directive 79/373/EEC is amended as shown in the annex hereto.

Article 2

Member States shall bring into force not later than 30 June 1997 the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive. They shall forthwith inform the Commission thereof.

When Member States adopt the provisions, these shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The procedures of making such a reference shall be adopted by the Member States.

Article 3

The adopted provisions shall apply as from 1 July 1997.
Member States shall, however, lay down that compound feedingstuffs manufactured before 1 July 1997 which do not comply with this Directive may still be marketed until 30 June 1998.

Article 4

This directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

The President.

ANNEX

At the end of Part B of the Annex of Directive 79/373/EEC an extra category is added, called "semi-manufactured compound feedingstuffs" in column (1), with the provision to declare according column (2) "the analytical constituents similar to those required for the single constituing feed materials according Article 5, paragraph (1) (c) and (d) of Council Directive ../.../EC", for "all animals" indicated in column (3).

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