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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

concerning the authorisation of capsaicin as a feed additive for all animal species

(Text with EEA relevance)

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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

concerning the authorisation of capsaicin as a feed additive for all animal species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition¹, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such an authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of capsaicin. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of capsaicin, requesting that additive to be classified in the category ‘sensory additives’ and in the functional group ‘flavouring compounds’.
- (4) The European Food Safety Authority (‘the Authority’) concluded in its opinion of 18 March 2025² that, under the proposed conditions of use, capsaicin is safe for all animal species, consumers and the environment. It also concluded that capsaicin is a respiratory and skin irritant and is assumed to be an eye irritant. Capsaicin is not dermal sensitiser. Finally, any exposure to capsaicin is considered a risk. The Authority further concluded that since capsaicin is recognised to flavour food and its function in feed would be essentially the same as that in food, no further demonstration of efficacy is considered necessary. The Authority did not consider that there is a need for specific requirements of post-market monitoring. The Authority also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) In view of the above, the Commission considers that capsaicin satisfies the conditions provided for in Article 5 of Regulation (EC) No 1831/2003. Accordingly, the use of that additive should be authorised for all animal species. Capsaicin is an additive that has zootechnical and medicinal effects. In order to prevent the use of doses of the additive which could potentially lead to such zootechnical effects or medicinal effects, it is necessary to establish a maximum content. In addition, the Commission considers

¹ OJ L 268, 18.10.2003, p. 29, ELI: <http://data.europa.eu/eli/reg/2003/1831/oj>.

² EFSA Journal. 2025;23:e9340.<https://doi.org/10.2903/j.efsa.2025.9340>

that appropriate protective measures should be taken to prevent adverse effects on the health of the users of the additive.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Authorisation

The preparation specified in the Annex, belonging to the additive category ‘sensory additives’ and to the functional group ‘flavouring compounds’, is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President

Ursula VON DER LEYEN