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COMMISSION

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COMMISSION REGULATION (EU) …/…

of XXX

amending Regulation (EU) No 68/2013 on the Catalogue of feed materials

(Text with EEA relevance)

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This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION REGULATION (EU) …/…

of XXX

amending Regulation (EU) No 68/2013 on the Catalogue of feed materials

(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 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC[1], and in particular Article 26 (3) thereof,

Whereas:

(1) Since the last revision of the Catalogue of feed materials pursuant to Commission Regulation (EU) No 68/2013[2] published 2017, the appropriate representatives of the European feed business sectors have, in consultation with other parties concerned, in collaboration with the competent national authorities and taking into account relevant experience from opinions issued by the European Food Safety Authority and scientific or technological developments, developed amendments to the Catalogue of feed materials.

(2) Those amendments concern clarifications of the general provisions, new entries for treatment processes and for feed materials and adaptations of existing entries. In particular, specific provisions concerning the description, maximum contents of chemical impurities and particulars concerning the compulsory declarations, as referred to in Article 16(1)(b) of Regulation (EC) No 767/2009, should be established for certain emerging feed materials in order to provide for more detailed information on the respective products' properties. In order to foster the valorisation of certain feed materials originating from the bio-economy, food or biofuel sector, such feed materials should rather have the denominator "co-product" than "by-product", as the latter has a depreciative character. However, this rewording should not apply to animal by-products falling within the scope of Regulation (EC) No 1069/2009[3]. Moreover, the provisions of the Annex to Regulation (EU) No 68/2013 concerning the products and co-products obtained by fermentation should be amended, in order to better reflect the different kinds of fermentation products.

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1 OJ L 229, 1.9.2009, p. 1.

2 Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials (OJ L 29, 30.1.2013, p. 1).

3 Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (OJ L 300, 14.11.2009, p. 1).

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(3) The amendments to the Catalogue of feed materials should take into account the provisions laid down in Commission Implementing Regulation (EU) 2021/758[4], with regard to the status of certain products, including the transitional measures specified therein. In particular, Implementing Regulation (EU) 2021/758 provides that the products sodium citrates, potassium citrates, sorbitol, mannitol and calcium hydroxide are feed additives to be withdrawn from the market under Article 10(5) of Regulation (EC) No 1831/2003[5], whilst they were also included in the Catalogue of feed materials. In order to take account of the legal uncertainty about the classification of those additives, Implementing Regulation (EU) 2021/758 provides for a transitional period until 30 May 2028 for their withdrawal from the market and use. This should allow interested parties to submit new applications for authorisation of those feed additives in accordance with Regulation (EC) No 1831/2003. The consequential removal of the said products from the Catalogue of feed materials should therefore be accompanied by a similar transitional period, as far as their placing on the market and use as feed materials are concerned.

(4) Furthermore, Implementing Regulation (EU) 2021/758 provides that the products xylitol, ammonium lactate and ammonium acetate, respectively included in the Catalogue of feed materials, are feed additives within the scope of Regulation (EC) No 1831/2003. As a result of the classification of those products as feed additives in accordance with Implementing Regulation (EU) 2021/758, it is appropriate to provide for a transitional period as the one laid down in that Implementing Regulation, in order to allow interested parties to adapt to the new status of those products and to submit a new application for authorisation of those feed additives under the procedures set out in Regulation (EC) No 1831/2003.

(5) The conditions set out in Article 26(4) of Regulation (EC) No 767/2009 are fulfilled.

(6) Given the very high number of amendments to be made to Regulation (EU) No 68/2013, it is appropriate, for reasons of coherence, clarity and simplification, to replace the Annex to that Regulation.

(7) It is appropriate to reduce the administrative burden on the operators by providing a sufficient period of time allowing a smooth conversion of labelling to avoid unnecessary disruption to commercial practices.

(8) 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

The Annex to Regulation (EU) No 68/2013 is replaced by the Annex to this Regulation.

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[4] Commission Implementing Regulation (EU) of 2021/758 of 7 May 2021 on the status of certain products as feed additives within the scope of Regulation (EC) No 1831/2003 of the European Parliament and of the Council and on the withdrawal from the market of certain feed additives (OJ L 162, 10.5.2021, p. 5).

[5] Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29).

Article 2

Feed materials which have been labelled before [*12 months after the date of entry into force of this Regulation – Date to be inserted by the Service responsible for the publication]* in accordance with Regulation (EU) No 68/2013 as it stood before being amended by this Regulation may continue to be placed on the market and used until stocks are exhausted.

Article 3

The feed additives sodium citrates, potassium citrates, sorbitol, mannitol, calcium hydroxide, xylitol, ammonium lactate and ammonium acetate may continue to be placed on the market and used as feed materials until 30 May 2028 at the latest.

Article 4

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

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