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COMMISSION DIRECTIVE 94/39/EC

of 25 July 1994

establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes

(OJ L 207, 10.8.1994, p. 20)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Commission Directive 95/9/EC of 7 April 1995	L 91	35	22.4.1995
► <u>M2</u> Commission Directive 2002/1/EC of 7 January 2002	L 5	8	9.1.2002



COMMISSION DIRECTIVE 94/39/EC
of 25 July 1994

establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/74/EEC of 13 September 1993 on feedingstuffs intended for particular nutritional purposes⁽¹⁾, and in particular Article 6 (a) thereof,

Whereas Council Directive 93/74/EEC provides for the establishment of a positive list of the intended uses of animal feedingstuffs for particular nutritional purposes; whereas that list must indicate the precise use, that is to say, the particular nutritional purpose, the essential nutritional characteristics, the labelling declarations and where appropriate the special labelling requirements;

Whereas certain nutritional purposes cannot be included at present in the list of intended uses due to the absence of Community methods of control for the energy value in pet foods and for dietary fibre in feedingstuffs; whereas this list must be completed as soon as these methods have been adopted;

Whereas the established list may be modified, where appropriate, following developments in scientific and technical knowledge;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall require that feedingstuffs intended for particular nutritional purposes within the meaning of Council Directive 93/74/EEC shall be marketed only if their intended uses are included in Part B of the Annex to this Directive and if they fulfil the other provisions laid down in that Part of the Annex.

Furthermore, the Member States shall ensure that the provisions under 'General provisions' of Part A of the Annex are complied with.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary for them to comply with this Directive no later than 30 June 1995. They shall immediately inform the Commission thereof.

When Member States adopt these provisions these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 3

This Directive shall enter into force 20 days after its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 237, 22. 9. 1993, p. 23.

▼B*ANNEX***PART A****General provisions**

1. Where there is more than one group of nutritional characteristics indicated in column 2 of Part B, denoted by 'and/or', for the same nutritional purpose, the manufacturer has the option to use either or both groups of essential characteristics, in order to achieve the nutritional purpose defined in column 1. For each option the corresponding labelling declarations are given opposite in column 4.
2. Where a group of additives is mentioned in column 2 or column 4 of Part B the additive(s) used must be authorized in Council Directive 70/524/EEC⁽¹⁾ as corresponding to the specified essential characteristic.
3. Where the source(s) of ingredients or of analytical constituents is (are) required in column 4 of Part B, the manufacturer must make a precise declaration (e.g. specific name of the ingredient(s), animal species or part of the animal) allowing the evaluation of conformity of the feedingstuff with the corresponding essential nutritional characteristics.
4. Where the declaration of a substance, also authorized as an additive, is required in column 4 of Part B and is accompanied by the expression 'total' the declared content must refer to, as appropriate, the quantity naturally present where none is added or, by derogation from Directive 70/524/EEC, the total quantity of the substance naturally present and the amount added as an additive.
5. The declarations required in column 4 with the reference 'if added' are compulsory where the ingredient or the additive has been incorporated or increased specifically to enable the achievement of the particular nutritional purpose.
6. The declarations to be given in accordance with column 4 of Part B concerning analytical constituents and additives must be quantitative.
7. The recommended period of use indicated in column 5 of part B indicates a range within which the nutritional purpose should normally be achieved. Manufacturers can refer to more precise periods of use, within the fixed limits.
8. Where a feedingstuff is intended to meet more than one particular nutritional purpose, it must comply with the corresponding entries in Part B.
9. In the case of complementary feedingstuffs intended for particular nutritional purposes guidance on the balance of the daily ration must be provided in the instructions for use contained on the label.

⁽¹⁾ OJ No L 270, 14. 12. 1970, p. 1.

PART B
List of intended uses

Particular nutritional purpose	Essential nutritional characteristics	Species or category of animals	Labelling declarations	Recommended length of time for use	Other provisions
1	2	3	4	5	6
Support of renal function in case of chronic renal insufficiency ⁽¹⁾	Low level of phosphorus and restricted level of protein but of high quality	Dogs and cats	<ul style="list-style-type: none"> — Protein source(s) — Calcium — Phosphorus — Potassium — Sodium — Content of essential fatty acids (if added) 	Initially up to 6 months ⁽²⁾	<p>Indicate on the package, container or label: 'It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.'</p> <p>Indicate in the instructions for use: 'Water should be available at all times.'</p>
Dissolution of struvite stones ⁽³⁾	— Urine acidifying properties, low level of magnesium, and restricted level of protein but of high quality	Dogs	<ul style="list-style-type: none"> — Protein source(s) — Calcium — Phosphorus — Sodium — Magnesium — Potassium — Chlorides — Sulphur — Urine substances acidifying 	5 to 12 weeks	<p>Indicate in the instructions for use: 'Water should be available at all times.'</p> <p>Indicate on the package, container or label: 'It is recommended that a veterinarian's opinion be sought before use.'</p>
	— Urine acidifying properties and low level of magnesium	Cats	<ul style="list-style-type: none"> — Calcium — Phosphorus — Sodium — Magnesium — Potassium — Chlorides — Sulphur — Total taurine — Urine substances acidifying 		

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1	2	3	4	5	6
Reduction of acute intestinal absorptive disorders	Increased level of electrolytes and highly digestible ingredients	Dogs and cats	<ul style="list-style-type: none"> — Highly digestible ingredients including their treatment if appropriate — Sodium — Potassium — Source(s) of mucilaginous substances (if added) 	1 to 2 weeks	<p>Indicate on the package, container or label:</p> <ul style="list-style-type: none"> — ‘During periods of and recovery from acute diarrhoea.’ — ‘It is recommended that a veterinarian's opinion be sought before use.’
Compensation for maldigestion ⁽²⁾	Highly digestible ingredients and low level of fat	Dogs and cats	Highly digestible ingredients including their treatment if appropriate	3 to 12 weeks, but lifetime in case of chronic pancreatic insufficiency	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be sought before use.’
Support of heart function in case of chronic cardiac insufficiency	Low level of sodium and increased K/Na ratio	Dogs and cats	<ul style="list-style-type: none"> — Sodium — Potassium — Magnesium 	Initially up to 6 months	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.’
Regulation of glucose supply (Diabetes mellitus)	Low level of rapid glucose-releasing carbohydrates	Dogs and cats	<ul style="list-style-type: none"> — Carbohydrate source(s) — Treatment of carbohydrates if appropriate — Starch — Total sugar — Fructose (if added) — Content of essential fatty acids (if added) — Source(s) of short and medium chain fatty acids (if added) 	Initially up to 6 months	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.’
Support of liver function in case of chronic liver insufficiency	<ul style="list-style-type: none"> — High quality protein, moderate level of protein, low level of fat, high level of essential fatty acids and high level of highly digestible carbohydrates 	Dogs	<ul style="list-style-type: none"> — Protein source(s) — Content of essential fatty acids — Highly digestible carbohydrates including their treatment if appropriate — Sodium — Total copper 	Initially up to 6 months	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.’

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1	2	3	4	5	6
<p>▼ <u>M2</u></p> <p>Support of liver function in case of chronic liver insufficiency</p>	<p>High quality protein, moderate level of protein, high level of essential fatty acids and high level of highly digestive carbohydrates</p>	<p>Dogs</p>	<ul style="list-style-type: none"> — Protein source(s) — Content of essential fatty acids — Highly digestible carbohydrates including their treatment if appropriate — Sodium — Total copper 	<p>Initially up to 6 months</p>	<p>Indicate on the package, container or label: 'It is recommended that a veterinarian's opinion be sought before use or before extending the period of use'</p> <p>Indicate in the instructions for use: 'Water should be available at all times'</p>
<p>▼ <u>B</u></p> <p>Regulation of lipid metabolism in case of hyperlipidaemia</p>	<p>High quality protein, moderate level of protein and high level of essential fatty acids</p>	<p>Cats</p>	<ul style="list-style-type: none"> — Protein source(s) — Content of essential fatty acids — Sodium — Total copper 	<p>Initially up to 6 months</p>	<p>Indicate on the package, container or label: 'It is recommended that a veterinarian's opinion be sought before use or before extending the period of use'</p> <p>Indicate in the instructions for use: 'Water should be available at all times'</p>
<p>Reduction of copper in the liver</p>	<p>Low level of fat and high level of essential fatty acids</p>	<p>Dogs and cats</p>	<ul style="list-style-type: none"> — Content of essential fatty acids — Content of n-3 fatty acids (if added) 	<p>Initially up to 2 months</p>	<p>Indicate on the package, container or label: 'It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.'</p>
	<p>Low level of copper</p>	<p>Dogs</p>	<p>Total copper</p>	<p>Initially up to 6 months</p>	<p>Indicate on the package, container or label: 'It is recommended that a opinion be sought before use or before extending the period of use.'</p>

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1	2	3	4	5	6
▼ <u>M1</u> Reduction of excessive body weight	— Low energy density	Dogs and cats	— Energy value (calculated according to EC method)	Until target body weight is achieved	In the instructions for use an appropriate daily intake must be recommended
Nutritional restoration, convalescence ⁽⁶⁾	— High energy density, high concentrations of essential nutrients and highly digestible ingredients	Dogs and cats	— Highly digestible ingredients, including their treatment if appropriate — Energy value (calculated according to EC method) — Content of n-3 and n-6 fatty acids (if added)	Until restoration is achieved	In the case of feedingstuffs specially presented to be given via tubing, indicate on the package, container or label: 'Administration under veterinary supervision'
▼ <u>B</u> Support of skin function in case of dermatosis and excessive loss of hair	High level of essential fatty acids	Dogs and cats	Content of essential fatty acids	Up to 2 months	Indicate on the package, container or label: 'It is recommended that a veterinarian's opinion be sought before use.'
Reduction of the risk of milk fever	— Low level of calcium and/or — Low cations/anions ratio	Dairy cows	— Calcium — Phosphorus — Magnesium — Calcium — Phosphorus — Sodium — Potassium — Chlorides — Sulphur	1 to 4 weeks before calving	Indicate in the instructions for use: 'Stop feeding after calving.'
Reduction of the risk of ketosis ⁽⁷⁾ ⁽⁸⁾	Ingredients providing glucogenic energy sources	Dairy cows and ewes	— Ingredients providing glucogenic energy sources — Propane-1,2-diol (if added as a glucose precursor) — Glycerol (if added as a glucose precursor)	3 to 6 weeks after calving ⁽⁹⁾ Last 6 weeks before and the first 3 weeks after lambing ⁽¹⁰⁾	

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Reduction of the risk of tetany (hypomagnesaemia)	High level of magnesium, easily available carbohydrates, moderate level of protein and low level of potassium	Ruminants	<ul style="list-style-type: none"> — Starch — Total sugars — Magnesium — Sodium — Potassium 	3 to 10 weeks during periods of fast grass growth	<p>In the instructions for use guidance shall be provided on the balance of the daily ration, with regard to the inclusion of fibre and easily available energy sources.</p> <p>In case of feedingstuffs for ovines indicate on the package, container or label: 'Especially for lactating ewes.'</p>
Reduction of the risk of acidosis	Low level of easily fermentable carbohydrates and high buffering capacity	Ruminants	<ul style="list-style-type: none"> — Starch — Total sugars 	Maximum 2 months ⁽¹⁾	<p>In the instructions for use guidance shall be provided on the balance of the daily ration, with regard to the inclusion of fibre and easily fermentable carbohydrate sources.</p> <p>In case of feedingstuffs for dairy cows indicate on the package, container or label: 'Especially for high yielding cows.'</p> <p>In case of feedingstuffs for ruminants for fattening indicate on the package, container or label: 'Especially for intensively fed ...' ⁽²⁾</p>
Stabilization of water and electrolyte balance	Predominantly electrolytes and easily absorbable carbohydrates	Calves Piglets Lambs Kids Foals	<ul style="list-style-type: none"> — Carbohydrate source(s) — Sodium — Potassium — Chlorides 	1 to 7 days (1 to 3 days if fed exclusively)	<p>Indicate on the package, container or label:</p> <ul style="list-style-type: none"> — 'In case of risk of, during periods of, or recovery from digestive disturbance (diarrhoea).' — 'It is recommended that a veterinarian's opinion be sought before use.'

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1	2	3	4	5	6
Reduction of the risk of urinary calculi	Low level of phosphorus, magnesium, and urine acidifying properties	Ruminants	<ul style="list-style-type: none"> — Calcium — Phosphorus — Sodium — Magnesium — Potassium — Chlorides — Sulphur — Urine acidifying substances 	Up to 6 weeks	<p>Indicate on the package, container or label: 'Especially for intensively fed young animals.'</p> <p>Indicate in the instructions for use: 'Water should be available at all times.'</p>
Reduction of stress reactions	<ul style="list-style-type: none"> — High level magnesium and/or — Highly digestible ingredients 	Pigs	<p>Magnesium</p> <ul style="list-style-type: none"> — Highly digestible ingredients including their treatment if appropriate — Content of n-3 fatty acids (if added) 	1 to 7 days	Guidance shall be provided on the situation in which the use of this feed is appropriate.
Stabilization of physiological digestion	<ul style="list-style-type: none"> — Low buffering capacity, and highly digestible ingredients — Highly digestible ingredients 	<p>Piglets</p> <p>Pigs</p>	<ul style="list-style-type: none"> — Highly digestible ingredients including their treatment if appropriate — Buffering capacity — Source(s) of astringent substances (if added) — Source(s) of mucilaginous substances (if added) — Highly digestible ingredients including their treatment if appropriate — Source(s) of astringent substances (if added) — Source(s) of mucilaginous substances (if added) 	2 to 4 weeks	Indicate on the package, container or label: 'In case of risk of, during periods of, or recovery from, digestive disturbance.'
Reduction of the risk of constipation	Ingredients stimulating intestinal passage	Sows	Ingredients stimulating intestinal passage	10 to 14 days before and 10 to 14 days after farrowing	—

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1	2	3	4	5	6	
Reduction of the risk of fatty liver syndrome	Low energy and high proportion of metabolizable energy from lipids with high level of polyunsaturated fatty acids	Laying hens	<ul style="list-style-type: none"> — Energy value (calculated according to EEC method) — Percentage of metabolizable energy from lipids — Content of polyunsaturated fatty acids 	Up to 12 weeks	—	
Compensation for mal-absorption	Low level of saturated fatty acids and high level of fat soluble vitamins	Poultry excluding geese and pigeons	<ul style="list-style-type: none"> — Percentage of saturated fatty acids in relation to total fatty acids — Total vitamin A — Total vitamin D — Total vitamin E — Total vitamin K 	During the first 2 weeks after hatching	—	
▼ M1	Compensation for chronic insufficiency of small intestine function	— Highly preceacally digestible carbohydrates, proteins and fats	Equines ⁽¹³⁾	<ul style="list-style-type: none"> — Source(s) of highly digestible carbohydrates, proteins and fats, including their treatment if appropriate 	Initially up to six months	<p>Guidance should be provided on the situations in which the use of the feed is appropriate and the manner in which it should be fed including many small meals per day</p> <p>Indicate on the package, container or label: 'It is recommended that a veterinarian's opinion be sought before use or before extending the period of use'</p>
Compensation for chronic digestive disorders of large intestine	— Highly digestible fibre	Equines	<ul style="list-style-type: none"> — Fibre source(s) — Content of n-3 fatty acids (if added) 	Initially up to six months	<p>Guidance should be provided on the situations in which the use of the feed is appropriate and the manner in which the feed should be fed</p> <p>Indicate on the package, container or label: 'It is recommended that a veterinarian's opinion be sought before use or before extending the period of use'</p>	

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1	2	3	4	5	6
Reduction of stress reactions	— Highly digestible ingredients	Equines	<ul style="list-style-type: none"> — Magnesium — Highly digestible ingredients including their treatment if appropriate — Content of n-3 fatty acids (if added) 	Two to four weeks	Guidance shall be provided on the precise situations in which the use of the feed is appropriate
Compensation of electrolyte loss in cases of heavy sweating	Predominantly electrolytes and easily absorbable carbohydrates	Equines	<ul style="list-style-type: none"> — Calcium — Sodium — Magnesium — Potassium — Chlorides — Glucose 	One to three days	<p>Guidance shall be provided on the situations in which the use of the feed is appropriate</p> <p>When the feed corresponds to a significant part of the daily ration, guidance should be provided to prevent the risk of abrupt changes in the nature of the feed</p> <p>Indicate on the instructions for use: 'Water should be available at all times'</p>
Nutritional restoration, convalescence	— High concentration of essential nutrients and highly digestible ingredients	Equines	<ul style="list-style-type: none"> — Highly digestible ingredients, including their treatment if appropriate — Content of n-3 and n-6 fatty acids (if added) 	Until restoration is achieved	<p>Guidance shall be provided on the situations in which the use of the feed is appropriate</p> <p>In the case of feedingstuffs specially presented to be given via tubing, indicate on the package, container or label: 'Administration under veterinary supervision'</p>
Support of liver function in case of chronic liver insufficiency	— Low level of protein but of high quality and highly digestible carbohydrates	Equines	<ul style="list-style-type: none"> — Protein and fibre sources — Highly digestible carbohydrates including their treatment if appropriate — Methionine — Choline — Content of n-3 fatty acids (if added) 	Initially up to six months	<p>Guidance should be provided on the manner in which the feed should be fed including many small meals per day</p> <p>Indicate on the package, container or label: 'It is recommended that a veterinarian's opinion be sought before use or before extending the period of use'</p>

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1	2	3	4	5	6
Support of renal function in case of chronic renal insufficiency	— Low level of protein but of high quality and low level of phosphorus	Equines	— Protein source(s) — Calcium — Phosphorus — Potassium — Magnesium — Sodium	Initially up to six months	Indicate on the package, container or label: 'It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.' Indicate in the instructions for use: 'Water should be available at all times.'

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- (¹) If appropriate the manufacturer may also recommend use of temporary renal insufficiency.
- (²) If the feedingstuff is recommended for temporary renal insufficiency the recommended period for use shall be two to four weeks.
- (³) In case of feedingstuffs for cats, 'feline lower urinary tract disease' or 'feline urological syndrome — F.U.S.' may complete the particular nutritional purpose.
- (⁴) In case of feedingstuffs for a particular intolerance reference to the specific intolerance can replace 'ingredient and nutrient'.
- (⁵) The manufacturer may complete the particular nutritional purpose with the reference: 'exocrine pancreatic insufficiency'.
- (⁶) In case of feedingstuffs for cats, the manufacturer may complete the particular nutritional purpose with a reference to 'Feline hepatic lipidosis'.
- (⁷) The term 'ketosis' may be replaced by 'acetoaemia'.
- (⁸) The manufacturers may also recommend the use for ketosis recuperation.
- (⁹) In the case of feedingstuffs for dairy cows.
- (¹⁰) In the case of feedingstuffs for ewes.
- (¹¹) In case of feedingstuffs for dairy cows: 'maximum two months from the start of lactation'.
- (¹²) Indicate the category of ruminants concerned.
- (¹³) In case of feedingstuffs specially prepared to meet the specific conditions of very old animals (easily ingestible ingredients) a reference to 'old animals' shall complete the indication of the species or category of animals.