Opinion of the European Economic and Social Committee on the ‘Proposal for a Regulation of the European Parliament and of the Council on the placing on the market and use of feed’


(2009/C 77/21)

On 18 March 2008 the Council decided to consult the European Economic and Social Committee, under Articles 37 and 152(4) of the Treaty establishing the European Community, on the Proposal for a Regulation of the European Parliament and of the Council on the placing on the market and use of feed.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 2 September 2008. The rapporteur was Mr Allen.

At its 447th plenary session, held on 17 and 18 September 2008 (meeting of 17 September 2008), the European Economic and Social Committee adopted unanimously the following opinion.

1. Conclusions and Recommendations

1.1 The EESC welcomes this proposed Regulation from the Commission.

1.2 The EESC welcomes the proposal as specified in Article 4(1) and Article 5(1) that the relevant sections of the feed hygiene Regulation and the food law Regulation will apply to pet food as well as to feed for food producing animals.

1.3 It is important that the control authorities can access any information concerning the composition or claimed properties of the feed placed on the market so that the accuracy of the label can be verified.

1.4 Feed Business operators first placing feed on the EU market and who use feed or feed materials imported from outside the EU must ensure that such imports comply with the same standards as if such materials originated within the EU. This must be able to be verified by the control authorities.

1.5 There must be a commitment that the person who answers the free telephone as indicated on the pet food label is suitably qualified to deal with customers queries and that queries will be dealt with swiftly.

1.6 Article 17(1)(a) and (b) should apply in all cases. This means that the category of animal for whom the feed is intended and the proper feeding instructions must always appear on the label of a compound feed.

2. Background

2.1 At present the circulation of Feed Materials and Compound Feed is regulated by 5 Old Council Directives and some 50 amending or implementing acts. The legislation is extremely scattered with many cross references making it difficult to understand and implement in a uniform way in the different member states. For example two member states applied the Directive differently as regards the permitted level of Vitamin D3 in compound feed.

2.2 Intra EU Trade in Compound Feed amounts to only 2.6 % of production which suggests the possibility of trade obstacles and a lack of consistency in the implementation of the existing Directives.

2.3 In 2005 in the EU 25 it should be noted that 5 million farmers produced milk, pork, poultry, beef and veal to a total value of EUR 129 bn. Purchased Compound Feed amounted to EUR 37 bn. The EU feed industry (excluding pet food) directly employs 100 000 people in about 4 000 plants.

2.4 In terms of quantity about 48 % of feed used is roughage produced on farms e.g. grass, silage, hay, maize etc. 32 % of feed is purchased Compound Feed.

2.5 About 62 million EU households have pets. The EU pet food market is estimated at EUR 9 bn per year giving direct employment to 21 000 people.

2.6 The label serves for enforcement, traceability and control purposes and to pass information to the user.

2.7 Concerns have been expressed that the current legislation on the labelling of pet food can mislead customers, as to the quality and nature of the ingredients contained in the pet food.
3. Animal Feed Definitions

3.1 Animal feed falls in 4 categories:

a) Feed materials which may be fed direct such as grass or grains or feed materials that can be incorporated into a compound feed.

b) Feed additives which are substances such as micro-organisms or preparations (other than feed material and pre-mixtures) which are intentionally added to feed in order to perform certain functions.

c) Compound feed is a mixture of feed materials, which may also contain additives for oral animal feeding in the form of a complete or complementary feedstuff.

d) Medicated feed is feed containing veterinary medicinal products intended to be fed to animals without further processing.

3.2 Feed materials and Compound Feed are by far the most common type of feed used.

4. Commission proposal

4.1 The proposal is included in the Commission Rolling Programme of simplification. It is in line with the Commission Better Regulation Policy and the Lisbon Strategy.

4.2 Currently, the general rules for the marketing of feed, including pet food, are spread over several Directives according to the type of feed concerned. There is Directive 79/373/EEC on compound feed, and Directive 93/74/EEC laying down the rules for the circulation of feeding stuffs intended for particular nutritional purposes (dietetic feeds). Directive 96/25/EC contains the general rules for the circulation and use of feed materials and Directive 82/471/EEC lays down the marketing conditions for certain products belonging to the category feed materials, used in animal nutrition ('bio-proteins'). The proposed Regulation streamlines, simplifies, updates and modernises the above mentioned provisions.

4.3 The TSE Regulation (999/2001) containing the ban to feed meat and bone meal to food producing animals. The Animal By-product Regulation (1774/2002) setting the conditions for the such product if intended to be fed to animals. The regulation on GM Food and Feed (1829/2003) setting the rules for the use of genetically modified feed. The feed Hygiene Regulation (183/2005) focusing on assuring safety during the production process of feed. These regulations, which have been established following the new integrated food safety approach 'from farm to fork' are not being changed.

4.4 The general objective of the proposed new regulation is to consolidate, revise and modernise the existing directives on the circulation and labelling of feed materials and compound feed.

4.5 The subsidiarity principle applies in so far as the proposal does not fall under the exclusive competence of the community. The proposal complies with the proportionality principle because it harmonises the regulatory framework for the marketing and use of animal feed.

4.6 The proposal removes unnecessary and inefficient labeling obligations. It is now proposed that the requirements to label ingredients will be the same as those required for food. The new rule would no longer require the indication of the percentage of all raw materials but only their indication in their exact weight order. At the moment, all feed materials used in a compound feed for food producing animals have to be labelled as a percentage of the total weight but with a tolerance of +/- 15%. The farmer cannot get the real percentage of incorporation. Under the new proposal, if a manufacturer voluntarily indicates the percentages they will have to be exact. Furthermore, the exact percentage has to be indicated for raw materials in compound feed that are highlighted on the label. Finally, the farmer can request information on the composition of the feed beyond the descending weight order of raw material, which the manufacturer could only reject if this unveils business secrets.

4.7 The name of the Feed Business operator who first places a compound feed on the EU market must be clearly identified on the label.

4.8 Any voluntary information provided on the label must be accurate and understandable to the final user.

4.9 The Commission will be obliged to maintain and update a list of materials whose placing on the market is prohibited. In addition the Commission may adopt guidelines clarifying the distinction between feed materials, feed additives, and veterinary drugs.

4.10 The requirement for pre-market authorisation must be proportionate to the risk in order to give the necessary assurance that emerging feed materials are adequately specified for proper use. The integrated food safety approach from farm to fork (under Reg. 178/2002) safely allows for the reduction of 'red tape' in this area. It is not justified that for bio-proteins and for emerging feed materials that all of them would have to undergo a pre-market authorisation procedure.
4.11 The trend is one of an increasing supply of co-products for feed rations due to the stronger competition for the base grains between feed, food and fuel. Lack of clear product information contributes to the under utilisation of these materials.

4.12 It is proposed that all stakeholders (and users) would be involved in establishing a catalogue of Feed Materials that is more comprehensive and better adapted to market developments than the current non-exhaustive list in the Directive. Also stakeholders would be encouraged to prepare Community Codes to good labelling practice within the framework of voluntary labelling with one code for pet food and another code for feed for food producing animals. The commission shall advise in the preparation of the voluntary Community catalogue and the Codes both of which shall be subject to final approval by the Commission (co-regulation).

4.13 The labelling of feed additives would be generally mandatory only for sensitive additives. The remainder could be labelled on a voluntary basis in line with the stakeholder code of good practice as approved by the core regulation.

4.14 In the case of pet food the objective is to improve the appropriateness of the pet food labels and to facilitate the purchaser and to prevent misleading labelling. Any nutritional claims made must be able to be verified as accurate scientifically. Under Article 19, a pet food label must have a free telephone number to allow the customer to obtain information as regards feed additives and feed materials that are designated by category.

4.15 Feed intended for particular nutritional purposes may only be marketed as such if it fulfils its claimed essential nutritional characteristics and as authorised and included in the list established in accordance with Article 10. Under Article 13(3) the labelling or the presentation of feed shall not claim that it will prevent, treat or cure a disease.

4.16 The labelling and presentation of feed must not mislead the user. The mandatory labelling particulars must be given in their entirety in a prominent position on the packaging.

4.17 The Feed Business operator who first places feed on the EU market will be responsible for the labelling particulars and ensure their presence and substantive accuracy.

5. General Comments

5.1 The level of food and feed safety has been significantly improved due to the new General Food Law, the Feed Hygiene Regulation and their implementing measures. The improved traceability system, the introduction of the HACCP (Hazard analysis and critical control point) principle in feed businesses guarantees better feed safety all round.

5.2 It is essential that any of the proposed changes do not compromise the safety standards that are necessary in the case of food producing animals.

5.3 Feed Business operators must supply the official authorities with any information required to satisfy that the rules are being properly observed.

5.4 Reduced administrative burdens are usually very welcome because in many areas we have become over regulated in terms of paperwork requirements.

5.5 There can be no question of ever allowing meat and bone meal (MBM) to be fed to ruminant food producing animals. At present the TSE Regulation (999/2001) contains the ban on feeding MBM to ruminant animals. MBM can be used in pet food. This proposed Regulation does not propose any changes in the use of meat and bone meal insofar as this issue does not fall within the scope of the present proposal for a regulation. The subject must be debated in connection with the proposal for a regulation laying down health rules as regards animal by-products not intended for human consumption.

5.6 Compound Feed production is generally located close to where animals are produced. Hence the production facilities are often located in rural areas with limited alternative employment opportunities. In terms of transporting the animal feed to the farms it is also convenient to have a local distribution system which avoids the necessity for long distance driving on the part of the delivery trucks thereby reducing greenhouse gas emissions.

5.7 The Commission emphasises that there is little intra-EU trade in compound feed and it suggests that the new proposed regulation will improve competition by encouraging greater intra-EU trade in Compound Feed.

6. Specific Comments

6.1 In General the EESC welcomes the proposal to simplify, streamline and improve the Administrative efficiency of the Animal Feed Sector.

6.2 The proposed new Regulation confers greater freedom and responsibility on feed business operators. Article 12(1) states that the manufacturer of the feed shall be responsible for the labelling particulars and ensure their presence and substantive accuracy and they must also fulfil the obligations of this Regulation and the obligations imposed by the other relevant
Regulations such as 183/2005, 178/2002 and 1831/2003. Whereas regulation 88/2004 lays down general rules for the performance of official controls to verify compliance with the rules, the FVO must ensure consistent application. Feed Business operators first placing feed on the EU market, who use imports from outside EU must be subject to adequate controls to verify that imports are of the same standards as products originating within EU.

6.3 This conferring of greater responsibility to feed manufacturers to regulate their business means that if a serious problem of feed contaminated with poisonous substances or feed detrimental to animal husbandry or feed detrimental to the environment arises, especially in the area of emerging feed materials serious damage could be done to the food producing animal sector before adequate remedial action is taken. If the manufacturer has insufficient financial resources to deal with the problem then even more serious problems could arise.

6.4 The animal feed customer that is the farmer needs adequate protection in the event of a disaster arising because of the consequential financial, social and economic losses. These aspects should therefore be considered in connection with a specific regulation, and in the light of the Report from the Commission to the European Parliament and the Council on existing legal provisions, systems and practices in the Member States and at Community level relating to liability in the food and feed sectors and on feasible systems for financial guarantees in the feed sector (1).

6.5 We must observe the precautionary principle in this area as very serious mistakes have been made in the past.

6.6 It is unlikely that there will be major growth in intra-EU trade for compound feed for food producing animals because customers prefer to deal with local feed business operators. This situation could change if multi-national companies were to take control of a major section of the animal feed business sector.

6.7 There is a risk that multi-national companies would seek to take control of large sections of the Animal feed business and thereby reduce competition. If this were to happen it could lead to a large reduction in the number of feed mills and lead to greater intra-community trade. It does not follow that the market will become more competitive.

6.8 As regards pet food, what pet owners really need is adequate advice as to what is the best quality food for their pets rather than a list of the actual ingredients. It is also important to state the proper quantities to feed to particular pets and whether the feed is a complementary or a complete feed.

6.9 As world wide demand for protein increases there is a great need for a massive increase in investment in research and development in the animal feed sector.


The President
of the European Economic and Social Committee
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