



2024/2039

30.7.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/2039

of 29 July 2024

correcting Implementing Regulation (EU) 2023/1173 by deleting feed additives from the Annex thereto

(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 nutrition ⁽¹⁾ and in particular Article 10(5) thereof,

Whereas:

- (1) The feed additives sunflower absolute, sunflower oil and sunflower tincture from *Helianthus annuus* L. were required to be withdrawn from the market for all animal species by Commission Implementing Regulation (EU) No 230/2013 ⁽²⁾.
- (2) However, sunflower absolute, sunflower oil and sunflower tincture from *Helianthus annuus* L. were erroneously included in the Annex to Commission Implementing Regulation (EU) 2023/1173 ⁽³⁾, which also required the withdrawal from the market of those additives for all animal species.
- (3) The erroneous inclusion may have given rise to confusion for feed business operators as regards the actual regulatory status of the feed additives concerned, creating legal uncertainty as to their authorised presence on the market before the entry into force of Implementing Regulation (EU) 2023/1173.
- (4) For the sake of clarity and legal certainty, Implementing Regulation (EU) 2023/1173 should therefore be corrected by deleting the entry concerning those additives in the Annex to that Implementing Regulation. In order to prevent any market disturbance resulting from the erroneous inclusion and to restore legal certainty, the correction to Implementing Regulation (EU) 2023/1173 should enter into force as a matter of urgency.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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

⁽²⁾ Commission Implementing Regulation (EU) No 230/2013 of 14 March 2013 on the withdrawal from the market of certain feed additives belonging to the group of flavouring and appetising substances (OJ L 80, 21.3.2013, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2013/230/oj).

⁽³⁾ Commission Implementing Regulation (EU) 2023/1173 of 15 June 2023 withdrawing from the market certain feed additives, amending Regulation (EC) No 1810/2005 and repealing Regulations (EC) No 1453/2004, (EC) No 2148/2004 and (EC) No 943/2005 (OJ L 155, 16.6.2023, p. 28, ELI: http://data.europa.eu/eli/reg_impl/2023/1173/oj).

HAS ADOPTED THIS REGULATION:

Article 1

Correction to Implementing Regulation (EU) 2023/1173

In Part 1 of the Annex to Implementing Regulation (EU) 2023/1173, the entry for the additives “*Helianthus annuus* L.: Sunflower absolute/Sunflower oil/Sunflower tincture” is deleted.

Article 2

Entry into force

This Regulation shall enter into force on the 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, 29 July 2024.

For the Commission
The President
Ursula VON DER LEYEN