



Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Circulation of compound feedingstuffs Amending Directive 2002/2/EC 2000/0015(COD)	
Subject 3.10.08.01 Feedingstuffs, animal nutrition 4.60.02 Consumer information, advertising, labelling	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AGRI Agriculture and Rural Development		12/07/2006
		Vers/ALE GRAEFE ZU BARINGDORF Friedrich-Wilhelm	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
European Commission	Council configuration	Meeting	Date
	Agriculture and Fisheries	2793	16/04/2007
	Commission DG	Commissioner	
	Health and Food Safety	KYPRIANOU Markos	

Key events			
27/06/2006	Legislative proposal published	COM(2006)0340	Summary
06/07/2006	Committee referral announced in Parliament, 1st reading		
22/11/2006	Vote in committee, 1st reading		Summary
24/11/2006	Committee report tabled for plenary, 1st reading	A6-0411/2006	
11/12/2006	Debate in Parliament		
12/12/2006	Results of vote in Parliament		
12/12/2006	Decision by Parliament, 1st reading	T6-0546/2006	Summary
16/04/2007	Act adopted by Council after Parliament's 1st reading		

23/05/2007	Final act signed		
23/05/2007	End of procedure in Parliament		
14/06/2007	Final act published in Official Journal		

Technical information

Procedure reference	2006/0117(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
	Amending Directive 2002/2/EC 2000/0015(COD)
Legal basis	EC Treaty (after Amsterdam) EC 152-p4b
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/6/38837

Documentation gateway

Legislative proposal		COM(2006)0340	27/06/2006	EC	Summary
Committee draft report		PE378.659	18/09/2006	EP	
Economic and Social Committee: opinion, report		CES1363/2006	26/10/2006	ESC	
Amendments tabled in committee		PE378.873	14/11/2006	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0411/2006	24/11/2006	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0546/2006	12/12/2006	EP	Summary
Commission response to text adopted in plenary		SP(2007)0303	24/01/2007	EC	
Draft final act		03601/1/2007	23/05/2007	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Decision 2007/623](#)
[OJ L 154 14.06.2007, p. 0023](#) Summary

Circulation of compound feedingstuffs

PURPOSE: to correct Directive 2002/2/EC amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs.

PROPOSED ACT: Decision of the European Parliament and of the Council.

CONTENT: this proposal concerns the deletion of a provision requiring manufacturers of feeding stuffs to provide, upon a customer's request, the exact percentages, by weight, of feed materials used in compound feeding stuffs.

Related legislative acts and provisions:

- Council Directive 79/373/EEC on the circulation of compound feeding stuffs as regards labelling provisions;
- Directive 2002/2/EC amending the 1979 Council Directive (please refer to COD/2000/0015), of which the following Articles:
- Article 1 (4), providing for the compulsory declaration of the percentages of feed materials present in compound feeding stuffs, other than pet food, in descending order by weight, with a tolerance of +/- 15% of the declared value;
- Article 1 (1) (b) requiring a communication of the exact percentages, by weight, of feed materials used in the compound feeding stuffs, upon a customer's request.

The United Kingdom, Italy and the Netherlands challenged, through the European Court of Justice, the essential validity of Directive 2002/2/EC and in particular Article 1 (4) and Article 1 (1) (b) thereof. Manufacturers of compound feeding stuff, as well as representatives of that industry, were seeking an annulment or suspension of the provisions enshrined in these two Articles.

In its judgement on 6 December 2006, the European Court of Justice rejected the arguments contesting the validity of Article 1 (4) and supported the position put forward by the institutions. However, based on the principle of proportionality, the Court ruled that Article 1 (1) (b) was disproportionate and therefore invalid. The Court decided that the obligation to inform customers, on request, of the exact quantitative composition of compound feeding stuffs could not be justified by the objective of protecting public health, which manifestly went beyond what is necessary to attain that objective.

Based on this judgement, the Commission is proposing to correct Directive 2002/2/EC by deleting Article 1 (1) (b). For the sake of consistency any reference made to the deleted provision should also be removed. The form of the draft proposal is a correcting Decision, taking account of the principle that amending acts should not be amended themselves but that they may be corrected. It is proposed to correct the Directive through a Decision, which will guarantee transparency and clarity of Community law, while at the same time not imposing a direct obligation on the Member States to change their national legislation, as they are in any case obliged to take all appropriate measures under their national legal system to ensure fulfilment of the Court's judgement.

Circulation of compound feedingstuffs

The committee adopted the report by Friedrich GRAEFE zu BARINGDORF (Greens/EFA, DE) approving - under the 1st reading of the codecision procedure - the proposal to correct Directive 2002/2/EC, following on from the judgment of the Court of Justice, by deleting a provision whereby manufacturers of feedingstuffs are required to provide, upon a customer's request, the exact percentages, by weight, of feed materials used in compound feeding stuffs.

The committee adopted a few amendments, including a provision enabling the competent authorities to obtain the exact percentages used in feedstuffs in the event of calamities.

Circulation of compound feedingstuffs

The European Parliament adopted a resolution based on the draft by Friedrich GRAEFE zu BARINGDORF (Greens/EFA, DE) approving the proposal to correct Directive 2002/2/EC, subject to a few amendments to the recitals. Parliament stated that the Council and the European Parliament are not at present making more far-reaching amendments to the basic legal act, as the Commission has promised, as part of the simplification programme, to draw up proposals by mid-2007 to overhaul feed legislation. They anticipate that the issue of the so-called 'open declaration' of ingredients will be fully reviewed in this connection, and expect new proposals from the Commission taking account both of the interest of farmers in being provided with precise, detailed information on the feed materials contained in feedingstuffs and the interest of the industry in ensuring that business secrets are adequately protected.

Furthermore, Article 1(5) of Directive 2002/2/EC, which added to Article 12 of Directive 79/373/EEC a new sub-paragraph, already provides for an obligation of manufacturers of compound feedingstuffs to make available to the authorities responsible for carrying out official inspections, on request, any document concerning the composition of feedingstuffs intended to be put into circulation which enables the accuracy of the information given by the labelling to be verified.

Circulation of compound feedingstuffs

PURPOSE: to amend Directive 2002/2/EC on the circulation of compound feedingstuffs.

LEGISLATIVE ACT: Decision adopted jointly by the European Parliament and the Council: Decision no 623/2007/EC of the European Parliament and of the Council amending Directive 2002/2/EC amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs.

CONTENT: when adopted in 2002, Directive 2002/2/EC stated that manufacturers of compound animal feedingstuffs were required to indicate, at the customer's request, the exact composition of a feedingstuff. (Article 1 (1) (b).

The United Kingdom, Italy and the Netherlands challenged, through the European Court of Justice, the essential validity of this provision. In its court rulings, the ECJ found that Article 1 (1) (b) was, on the principle of proportionality, invalid. As such, and based on Treaty requirements, the institutions are required to comply with the ECJ judgements.

The purpose of this Decision, therefore is to delete Article 1 (1) (b) requiring manufacturers of compound animal feedingstuffs to indicate, upon a customer's request, the exact composition of a feedingstuff.

On the basis of the Commission's simplification programme, the Commission has promised to draw up, by mid-2007, proposals to overhaul the EU's feed legislation. The Decision, therefore, also specifies that by November 2006, the Commission will submit a report to the European

Parliament and the Council on the indication of quantities, in the form of percentage by weight, of feed materials on the labelling of compound feedingstuffs, including the permitted tolerance. This report is to be accompanied by proposals designed to improve these measures should it be deemed necessary. The review will take account of both farmers' interests on being provided with precise, detailed information on feed materials contained in feedingstuffs, and industry's interest in ensuring that business secrets are adequately protected.

ENTRY INTO FORCE: 15 June 2007.