



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.01.2002

COM(2002) 31 final

1999/0259 COD

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

ON UNDESIRABLE SUBSTANCES IN ANIMAL FEED

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 3 amendments proposed by Parliament.

2. BACKGROUND

Date of transmission of the proposal to the EP and the Council 17.12.1999
(document COM(1999) 654 final – 1999/0259 COD):

Date of the opinion of the Economic and Social Committee: 29.03.2000

Date of the opinion of the European Parliament, first reading: 04.10.2000

Date of transmission of the amended proposal (document 19.12.2000
COM(2000) 861 final)

Date of adoption of the common position: 17.09.2001

Communication from the Commission concerning the common 18.09.2001
position

Adoption by Parliament of the Recommendation for a second 12.12.2001
reading

3. PURPOSE OF THE PROPOSAL

This proposal would replace Council Directive 1999/29/EC of 22 April 1999 on the undesirable substances and products in animal nutrition¹. (which was itself a consolidation of Directive 1974/63/EEC, frequently amended).

The proposed text is a recasting of Directive 1999/29/EC, but with modifications, the more important of which can be summarised as follows:

- extension of the scope of the Directive to include the possibility of establishing maximum limits for undesirable substances in feed additives.
- deletion of the existing possibility to dilute contaminated feed materials instead of decontamination or destruction (introduction of the principle of non-dilution).
- deletion of the possibility for derogation of the maximum limits for particular local reasons.
- introduction of the possibility of establishing an action threshold triggering an investigation to identify the source of contamination (“early warning system”) and to take measures to reduce or eliminate the contamination (“pro-active approach”).

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

4.1. Amendments accepted by the Commission

- Amendment 4 introduces in Article 13 paragraph 2 an additional requirement for the returning of non-complying consignments to the country of origin (Article 13 paragraph 2 last sentence: “This return of products intended for animal feed to the exporting third country may take place only after the competent authority of the exporting third country has *expressly agreed, after having* been fully informed of the reasons why, and circumstances under which, the products concerned intended for animal feed could not be put into circulation in the Community”). In addition to the existing conditions, non-complying consignments can only be returned to the country of origin after explicit agreement of the competent authority of the country of origin. The Commission can accept the amendment as it shares the concerns of the European Parliament concerning the possible re-entering into the market of these non-complying consignments and agrees therefore that this return can only happen under strict conditions. This amendment is also in line with the provision concerning this matter contained in Article 12 of the proposed European Parliament and Council Regulation laying down the general principles and requirements of food law, establishing the European Food Safety Authority, and laying down procedures in matters of food safety.

4.2. Amendments rejected by the Commission

- Amendment 2 (related to Article 14, paragraph 1) and amendment 3 (related to Article 15, paragraphs 1 and 2) introduce a tight time limit of 6 months for the transposition of the measures in national legislation and the application of the measures. Although the Commission shares the view that these important measures should not be unnecessarily delayed, the Commission considers a period of 6 months too short because these far reaching measures need to be transposed in national legislation and that serious efforts will be required from the operators to apply the measures in practice.

¹ OJ L 115, 4.5.1999, p. 32.

5. Conclusion

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.