

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1999/0259(COD) Procedure completed
Undesirable substances in animal feed Repealing Directive 1999/29/EC	1995/0299(CNS)
Subject 3.10.08.01 Feedingstuffs, animal nutrition 4.60.04.04 Food safety	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	DELE EP Delegation to Conciliation Committee		29/01/2002	
		ELDR PAULSEN Marit		
	Former committee responsible			
	ENVI Environment, Public Health, Consumer Policy		23/02/2000	
		ELDR PAULSEN Marit		
	ENVI Environment, Public Health, Consumer Policy		23/02/2000	
		ELDR PAULSEN Marit		
	Former committee for opinion			
	AGRI Agriculture and Rural Development (Associated committee)		26/01/2000	
		V/ALE AUROI Danielle		
Council of the European Union	Council configuration	Meeting	Date	
	Agriculture and Fisheries	2422	22/04/2002	
	Agriculture and Fisheries	2410	18/02/2002	
	Agriculture and Fisheries	2360	19/06/2001	
European Commission	Commission DG Health and Food Safety	Commissioner		

Key events			
17/12/1999	Legislative proposal published	COM(1999)0654	Summary
17/01/2000	Committee referral announced in Parliament, 1st reading		
19/09/2000	Vote in committee, 1st reading		Summary

19/09/2000	Committee report tabled for plenary, 1st reading	A5-0257/2000	
04/10/2000	Debate in Parliament		
04/10/2000	Decision by Parliament, 1st reading	T5-0430/2000	Summary
18/12/2000	Modified legislative proposal published	COM(2000)0861	Summary
17/09/2001	Council position published	10593/1/2001	Summary
19/09/2001	Committee referral announced in Parliament, 2nd reading		
21/11/2001	Vote in committee, 2nd reading		Summary
21/11/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0408/2001	
11/12/2001	Debate in Parliament		
12/12/2001	Decision by Parliament, 2nd reading	T5-0682/2001	Summary
18/02/2002	Parliament's amendments rejected by Council		
13/03/2002	Report tabled for plenary, 3rd reading	A5-0108/2002	
19/03/2002	Formal meeting of Conciliation Committee		
19/03/2002	Final decision by Conciliation Committee		Summary
19/03/2002	Joint text approved by Conciliation Committee co-chairs	3610/2002	
10/04/2002	Decision by Parliament, 3rd reading	T5-0155/2002	Summary
22/04/2002	Decision by Council, 3rd reading		
07/05/2002	Final act signed		
07/05/2002	End of procedure in Parliament		
30/05/2002	Final act published in Official Journal		

Technical information

Procedure reference	1999/0259(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codetermination procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing Directive 1999/29/EC 1995/0299(CNS)
Legal basis	Rules of Procedure EP 57_o; EC Treaty (after Amsterdam) EC 152
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/15835

Documentation gateway

Legislative proposal		COM(1999)0654 OJ C 089 28.03.2000, p. 0070	17/12/1999	EC	Summary
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Economic and Social Committee: opinion, report	CES0361/2000 OJ C 140 18.05.2000, p. 0009	29/03/2000	ESC	
Committee report tabled for plenary, 1st reading/single reading	A5-0257/2000 OJ C 178 22.06.2001, p. 0008	19/09/2000	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0430/2000 OJ C 178 22.06.2001, p. 0074-0160	04/10/2000	EP	Summary
Modified legislative proposal	COM(2000)0861 OJ C 096 27.03.2001, p. 0346 E	18/12/2000	EC	Summary
Council position	10593/1/2001 OJ C 004 07.01.2002, p. 0001-0017	17/09/2001	CSL	Summary
Commission communication on Council's position	SEC(2001)1424	18/09/2001	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0408/2001	21/11/2001	EP	
Text adopted by Parliament, 2nd reading	T5-0682/2001 OJ C 177 25.07.2002, p. 0085-0179 E	12/12/2001	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0031	18/01/2002	EC	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A5-0108/2002	13/03/2002	EP	
Joint text approved by Conciliation Committee co-chairs	3610/2002	19/03/2002	CSL/EP	
Text adopted by Parliament, 3rd reading	T5-0155/2002 OJ C 127 29.05.2003, p. 0160-0268 E	10/04/2002	EP	Summary
Implementing legislative act	32003L0057 OJ L 151 19.06.2003, p. 0038-0041	17/06/2003	EU	Summary
Implementing legislative act	32003L0100 OJ L 285 01.11.2003, p. 0033-0037	31/10/2003	EU	

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2002/32](#)
[OJ L 140 30.05.2002, p. 0010-0022](#) Summary

Undesirable substances in animal feed

PURPOSE : Proposal for a Directive on undesirable substances and products in animal nutrition. CONTENT : A previous Council Directive 1999/29/EC of 22 April 1999 lays down maximum permitted levels for undesirable substances in feedingstuffs. Feed materials that do not comply with the limits may not be put into circulation. Such materials may, however, be used in compound feedingstuffs if the maximum level laid down for the compound feedingstuff is complied with. Furthermore, there was derogation from the maximum limits in the case of fodder used without further processing on the farm that produced it, where this is necessary for particular local reasons. It is proposed that: - There have been a number of changes to the Directive and it should be recast in the interests of clarity. - The scope of the Directive has been

extended to include additives, since these too can be contaminated with undesirable substances. - In the wake of the dioxin crisis, it is no longer appropriate either to permit feed materials which do not comply with the maximum levels to be used in animal nutrition, even on strict conditions, or to keep derogations for particular local conditions, and both derogations are accordingly deleted. - An action threshold of undesirable products is fixed. This threshold is considerably lower than the maximum levels laid down. Where this threshold is exceeded, the authorities must launch an investigation to identify the source of contamination and eliminate it. This will eventually lead to a gradual reduction of undesirable products in the feed and food chain. - Member States may reduce the fixed maximum levels if human or animal health is endangered. They may also prohibit other products or fix maximum levels for other substances. There are provisions for preventing abuse of this permission. - The regulatory procedure has been amended in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.?

Undesirable substances in animal feed

The committee adopted the report (codecision procedure, first reading) by Marit PAULSEN (ELDR, S) amending the Commission proposal for a Directive on undesirable substances and products in animal nutrition. The amendments were aimed at widening the scope of the directive so as to cover all products intended for animal feedingstuffs and to make it applicable to "homegrown" feedingstuffs, i.e. those grown on the farm where they are consumed. As the entire scope of the directive was defined by the first paragraph of Article 1, the committee adopted an amendment referring to undesirable substances and products "in products of any kind intended for" animal nutrition, thus ensuring that this collective term could be used to include feedingstuffs, feed materials, feed additives and premixtures. The committee also sought to introduce much stricter levels for mercury, cadmium, dioxin and PCBs in certain feedingstuffs. It argued that the only way to reduce contamination at the end of the food chain was to exclude at the start feed materials that were too highly contaminated.

Undesirable substances in animal feed

The European Parliament endorsed the report drafted by Mrs Marit PAULSEN (ELDR, Sw), however, amendments were made to the proposal for undesirable substances and products in animal nutrition. The Parliament wishes to lay down even clearer and more precise rules than those proposed by the Commission. The European Parliament wants to establish a proactive system requiring priority to be given to food safety through coordinated measures at all stages in the feed chain. Parliament outlines that the directive must therefore also cover the primary stage, as some two thirds of all feed given to animals is produced at this stage. The use of water in feed mixtures is also highlighted. The same rules should apply to the quality of water as to that of other feed products. For this purpose water needs to be expressly mentioned in the definition of feedingstuffs. Furthermore, Parliament wants to prevent the re-export of products intended for animal nutrition which under the EU standards are deemed to contain harmful levels of undesirable products, on the grounds that this is unethical. It should be noted that rules on feedingstuffs are needed to ensure agricultural productivity and sustainability, and to make it possible to safeguard consumer health and animal welfare. In addition, there is a need for comprehensive regulation in the field of food hygiene in order to guarantee good-quality feedingstuffs on individual farms even when they are not commercially produced. Crucial amendments were also adopted on stricter limit values for mercury and cadmium, toxic substances which accumulate in food chains. The only way to reduce contamination at the end of the food chain is to exclude any products which are too highly contaminated at the start. Dioxins and PCBs are further substances which accumulate in organisms and are toxic even at very low doses. Hence, in the wake of recent food crises, Parliament felt it unthinkable to adopt a directive which did not lay down limit values for these two groups. Furthermore, levels are to be set within a maximum of six months.?

Undesirable substances in animal feed

The Commission's amended proposal for a Directive on undesirable substances and products in animal nutrition, accepted 30 of the 36 amendments proposed by the European Parliament. The main amendments accepted are the following: - it is more appropriate to use the term "materials intended for animal nutrition" instead of repeating each time "feed materials, feedingstuffs, and feed additives" to ensure that there can be no confusion and ambiguity that all materials intended for use in animal nutrition are covered. In addition, it is appropriate to define this term; - widening the scope of the Directive in order to cover also the use of all materials intended for animal nutrition and not only the putting into circulation. The Commission agrees with this extension of the scope; - editorial improvements, clarifications and additional references to the provisions of Council Directive 1995/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition; - inserting a definition for premixture, which is already foreseen in other relevant Community legislation; - determining the entry into force in function of the publication of the Directive in the Official Journal of the European Communities. The Commission agrees that this is indeed more appropriate but it is of the opinion that a longer period seems to be more appropriate, given the far-reaching nature of the proposed measures. By contrast, the European Parliament amendments rejected by the Commission relate to the following: - the explicit inclusion of water in the definition of feedingstuff; - deletion of the provision to define criteria of acceptability of feed materials which have undergone certain decontamination procedures; - the possibility to re-export non-complying consignments to the country of origin; - modification of the maximum limits for cadmium, lead, dioxin and PCBs in certain feedingstuffs.?

Undesirable substances in animal feed

The Council common position is very much in line with the spirit and substance of the Commission proposal. Nevertheless a number of changes have been made to the text by the Council. They are as follows: - In terms of water consumed by animals, a new recital has been introduced whereby water should be covered by the term animal feed. - An exhaustive list of legislative acts has been incorporated under the scope of the Directive. - In terms of definitions, the common position proposes to clarify the text by adding four new definitions namely, 'undesirable substance', 'premixtures', 'products intended for animal feed' and 'putting into circulation'. The term 'Pet animal' has been deleted. - In terms of putting food into circulation, the new wording of the text provides that, when correctly used, animal feed must not represent any danger to human health, animal health or to the environment and must not negatively affect livestock production. - Under the heading 'Action thresholds', an additional provision has been included whereby all relevant information is transmitted to the Commission and the other Member States. Additionally, the Council common position has introduced a new Annex listing the action thresholds that will trigger

investigations. - A more explicit wording has been devised concerning prohibiting the dilution of products containing levels of an undesirable substance that exceed the maximum level. - On the matter of detoxification, a new paragraph has been added, stating that measures must be taken to ensure the correct application of detoxification processes and the conformity of the detoxified products. - Concerning monitoring, the text was replaced by a provision laying down the procedure to be followed when measures that may affect health or the environment are taken. - Lastly, an additional clause has been added allowing for a more explicit use of the return of contaminated products to third countries. - The dates laid down for the implementation of the Directive were amended in order to allow Member States sufficient time to apply them. ?

Undesirable substances in animal feed

The European Commission accepts in full the common position of the Council noting that its amendments are fully in keeping with the aims and objectives of the proposed Directive.?

Undesirable substances in animal feed

The committee adopted the report by Marit PAULSEN (ELDR, S) amending the Council common position under the codecision procedure (2nd reading). It retained an amendment adopted by Parliament at 1st reading demanding a ban on the re-export to third countries of products for animal feed which were clearly unfit for consumption, saying that this would be unethical as such products could end up on the market again, in the EU or elsewhere. The committee also wanted to shorten the deadlines for the entry into force of the directive to ensure that the new rules were not unnecessarily delayed. ?

Undesirable substances in animal feed

The European Parliament adopted the report by Marit PAULSEN (ELDR, S) on the common position. Parliament took the view that the new rules on undesirable substances in animal nutrition should not be unnecessarily delayed. Therefore, amendments were adopted pointing out that the measures adopted shall apply as from six months as from the entry into force of this Directive.?

Undesirable substances in animal feed

The Commission accepts amendment 4 of the European Parliament relating to the return of contaminated products to the country of origin. The accepted amendment would make the return of EU illegal substances stricter by adding that animal feed could only be exported to third countries once the competent authority of the exporting third country has "expressly agreed, after having been fully informed of the reasons why..". The Commission, on the other hand, rejects Parliamentary amendments setting a stricter timetable for the Directive's implementation. Six months, is considered too short a time-frame for national authorities to implement given the many far reaching measures and provisions outlined in the proposed Directive.?

Undesirable substances in animal feed

The Conciliation Committee reached agreement on a joint text for the directive. The main points of the compromise can be summarised as follows: - Parliament's requirement that the re-exportation of undesirable feed must be avoided is covered by cross-references to appropriate articles in Regulation (EC) 2002/178 of the European Parliament and of the Council 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; - the directive must be implemented by the Member States before 1 May 2003 and its provisions shall be applied as of 1 August 2003 when the old directive (1999/29/EC) will also cease to apply. The Member States have given a commitment to implement and apply the directive as soon as possible. ?

Undesirable substances in animal feed

The European Parliament approved the agreement reached in the Conciliation Committee. (Please refer to the text dated 19/03/02). Therefore, the resolution drafted by Mrs Marit PAULSEN (ELDR, S) was adopted.?

Undesirable substances in animal feed

PURPOSE : to tighten the rules on undesirable substances in animal feed. COMMUNITY MEASURE : directive 32/2002/EC of the European Parliament and of the Council on undesirable substances in animal feed. CONTENT : This Directive recasts Directive 1999/29/EC by fixing more restrictive maximum levels for such substances used in animal feed. It provides that undesirable substances may be present in products intended for animal feed only in accordance with the conditions laid down in this directive. In order to reduce or eliminate sources of undesirable substances, Member States, in co-operation with economic operators, will carry out investigations to identify the sources of undesirable substances, in cases where the maximum levels are exceeded and where increased levels are detected, taking into account background levels. For a uniform approach in cases of increased levels, the directive provides for the possibility of setting action thresholds to trigger investigations. Since it has been established that additives may contain undesirable substances, the scope of the Directive is extended to cover additives. Products intended for animal feed may enter the Community from third countries only if they are sound, genuine and or

merchantable quality and therefore, when correctly used, do not represent any danger to human health, animal health or to the environment or could adversely effect livestock production. Such products will not be deemed to conform with the Directive if the level of undesirable substances they contain does not comply with the maximum levels laid down. Products that exceed the maximum levels must not be mixed for dilution purposes with the same or other products, intended for animal feed. The new provisions also restrict the re-exportation of dangerous consignments of feed. Council statement attached to the directive states that the Member States confirm that they shall do their utmost to ensure that the relevant measures needed to implement the Directive are adopted expeditiously within the time periods laid down. DATE OF TRANSPOSITION : 01/05/03. DATE OF APPLICATION : 01/08/03. ?

Undesirable substances in animal feed

COMMUNITY MEASURE : Commission Directive 2003/57/EC amending Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed. CONTENT : Council Directive 1999/29/EC of 22 April 1999 on the undesirable substances and products in animal nutrition, as amended by Directive 2001/102/EC, establishes maximum levels for dioxins in several feed materials and compound feeding stuffs. Directive 2002/32/EC repeals and replaces Directive 1999/29/EC with effect from 1 August 2003. It is of major importance for public and animal health protection that the maximum levels for dioxins established by Directive 1999/29/EC remain in force after 1 August 2003. Directive 2002/32/EC should therefore be amended in order to include the maximum levels for dioxins, established by Directive 1999/29/EC. ENTRY INTO FORCE : 09/07/2003.?