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Standing Committee on Plants, Animals, Food and Feed

Section *Animal Nutrition*

24 - 26 June 2019

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SUMMARY REPORT

A.01 Feed Additives - Applications under Regulation (EC) No 1831/2003 Art. 4 or 13

Update on status of old applications under EFSA evaluation. A list of the old applications submitted under Article 10 has been distributed and for which reaction from the applicants have been received from several years. The Member States have been invited to check if the applicants are still interested in the application. A new discussion will be held at the next meeting.

A.02 Feed Additives - Applications under Regulation (EC) No 1831/2003 Art. 9

A.02.1. TYFERTM (ferric tyrosine chelate) as a zootechnical feed additive for chickens, turkeys and minor poultry species for fattening or reared for laying/breading – update.

The explanations of the applicant on the EFSA opinion have been presented. The Member States confirmed the request for more data on user safety.

A.02.2. Muramidase from Trichoderma reesei DSM 32338 as a feed additive for turkeys for fattening, turkeys reared for breeding, chickens reared for breeding and other poultry species reared for breeding – Annex

A draft Regulation will be proposed at a future meeting. The request to extend the authorisation to poultry reared for laying was not accepted.

A.02.3. Biomin® DC-C as a zootechnical feed additive for weaned piglets – Annex

A new Annex will be proposed at a future meeting.

A.02.4. Bactocell® (Pediococcus acidilactici CNCM I-4622) as a feed additive for all fish and shrimps and its extension of use for all crustaceans (renewal) – Annex

A new Annex will be proposed at a future meeting.

A.02.5. Bactocell® (Pediococcus acidilactici CNCM I-4622) as a feed additive for weaned piglets, pigs for fattening, minor porcine species (weaned and for fattening), chickens for fattening, laying hens and minor avian species for fattening and for laying and its extension of use to all growing pigs and all avian species (renewal)

A new Annex will be proposed at a future meeting.

A.02.6. Levucell® SB (Saccharomyces cerevisiae CNCM I-1079) as a feed additive for turkeys for fattening – Annex

A draft Regulation will be proposed at a future meeting.

A.02.7. Hemicell®-L (endo-1,4-b-mannanase) as a feed additive for chickens for fattening or reared for laying, turkeys for fattening or reared for breeding and minor poultry species – Annex

A draft Regulation will be proposed at a future meeting.

A.02.8. Natuphos (3-phytase) as a feed additive for poultry and pigs (renewal) – Annex

A draft Regulation will be proposed at a future meeting.

A.02.9. Natugrain® Wheat TS and TS L (endo-1,4-beta-xylanase) as a feed additive for chickens for fattening, ducks, turkeys for fattening, turkeys reared for breeding, minor avian species (except ducks and laying birds) and ornamental birds (renewal) – Annex

A draft Regulation will be proposed at a future meeting.

A.02.10. GalliPro® (Bacillus subtilis DSM 17299) for chickens for fattening (renewal) – Annex

A draft Regulation will be proposed at a future meeting.

A.02.11. APSA PHYTAFEED® 20,000 GR/L (6-phytase) as a feed additive for chickens for fattening, chickens reared for laying and minor growing poultry species – Annex

A draft Regulation will be proposed at a future meeting.

A.02.12. PHYZYME® XP 5000 G/L (6-phytase) for chickens for fattening, laying hens, turkeys for fattening, ducks for fattening, weaned piglets, pigs for fattening and sows for reproduction (renewal) – Annex

A draft Regulation will be proposed at a future meeting.

A.02.13. PHYZYME® XP 10000 TPT/L (6-phytase) as a feed additive for all avian species and all swine species (renewal) – Annex

A draft Regulation will be proposed at a future meeting.

A.02.14. Copper chelates of lysine and glutamic acid as a feed additive for all animal species (EFSA-Q-2018-00011, FAD-2017-0071) - Annex entry

The EFSA opinion was presented to the Committee. An Annex entry will be prepared for the next meeting.

A.02.15. L-arginine produced by fermentation with Corynebacterium glutamicum NITE SD 00285 for all animal species (EFSA-Q-2016-00783, FAD-2016-0071) - Annex entry

The EFSA opinion was presented to the Committee. An Annex entry will be prepared for the next meeting.

A.02.16. L-arginine produced by fermentation with Corynebacterium glutamicum KCCM 80182 for all animal species (EFSA-Q-2018-00612, FAD-2018-0045) - Annex entry

The EFSA opinion was presented to the Committee. An Annex entry will be prepared for the next meeting.

A.02.17. L-leucine produced by fermentation with Escherichia coli NITE BP-02351 for all animal species (EFSA-Q-2018-00548, FAD-2018-0041) - Annex entry

The EFSA opinion was presented to the Committee. An Annex entry will be prepared for the next meeting.

A.02.18. L-tryptophan produced by fermentation with Escherichia coli KCCM 80135 for all animal species (EFSA-Q-2017-00542, FAD-2017-0033) - Annex entry

The draft Annex entry was discussed. In the light of the discussions, a draft Regulation will be proposed at a future meeting.

A.02.19. L-tryptophan produced by fermentation with Escherichia coli KCCM 80152 for all animal species (EFSA-Q-2017-00693, FAD-2017-0052) - Annex entry

The draft Annex entry was discussed. In the light of the discussions, a draft Regulation will be proposed at a future meeting.

A.02.20. L-tryptophan produced by fermentation with Corynebacterium glutamicum KCCM 80176 for all animal species (EFSA-Q-2018-00451, FAD-2018-0033) - Annex entry

The draft Annex entry was discussed. In the light of the discussions, a draft Regulation will be proposed at a future meeting.

A.02.21. L-tryptophan for all animal species (EFSA-Q-2017-00485) - Annex entry

The draft Annex entry was discussed. In the light of the discussions, a draft Regulation will be proposed at a future meeting.

A.02.22. L-lysine monohydrochloride and concentrated liquid L-lysine (base) produced by fermentation with Corynebacterium glutamicum KCCM 10227 for all animal species (EFSA-Q-2018-00442, FAD-2018-0012) - Annex entry

The Annex entry was discussed. It will be included into the draft authorisation Regulation for four lysine compounds for vote in one of the next meetings.

A.02.23. L-threonine for all animal species (EFSA-Q-2018-00506) and L-threonine for all animal species (EFSA-Q-2018-00084) - Annex entry

The draft Annex entry was discussed. In the light of the discussions, a draft Regulation will be proposed at a future meeting.

A.02.24. Brilliant Blue FCF as feed additive for cats and dogs - Annex entry

The Annex entry was discussed in order to present a draft Regulation for vote at the next Standing Committee.

A.02.25. Allura Red AC as feed additive for cats and dogs - Annex entry

The Annex entry was discussed in order to present a draft Regulation for vote at the next Standing Committee.

A.02.26. Tartrazine as feed additive for cats, dogs, ornamental fish, grain-eating ornamental birds and small rodents - Annex entry

The Annex entry was discussed in order to present a draft Regulation for vote at the next Standing Committee.

A.02.27. Ponceau 4R as feed additive for cats, dogs and ornamental fish - Annex entry

The Annex entry was discussed in order to present a draft Regulation for vote at the next Standing Committee.

A.02.28. Phenylmethanethiol, benzyl methyl sulphide, 2-pentylthiophene, tridec-2-enal, 12-methyltridecanal, 2,5-dimethylphenol, hexa-2(trans),4(trans)-dienal and 2-ethyl-4-hydroxy-5-methyl-3(2H)-furanone as feed additives for cats and dogs - Annex entry

The Annex entry was discussed in order to present a draft Regulation for vote at the next Standing Committee.

A.02.29. Erythrosine - The authorisation of erythrosine for cats, dogs and reptiles - Annex entry

The Annex entry was discussed in order to present a draft Regulation for vote at the next Standing Committee.

A.02.30. 26 compounds belonging to chemical group 3 (a,b-unsaturated straight-chain and branched-chain aliphatic primary alcohols, aldehydes, acids and esters) when used as flavourings for all animal species and categories – update

The Commission's representative informed that the levels proposed by EFSA did not correspond, in many cases, with the higher levels proposed by the applicant. The initial intention to adopt the draft Regulation is postponed as the applicant informed that it is doing tests on target species to support the proposed levels. The Commission submitted a letter to the applicant requesting complementary information.

A.02.31. Essential oil from Elettaria cardamomum (L.) Maton when used as a sensory additive in feed for all animal species

An Annex entry will be presented at the next Standing Committee.

A.02.32. Lutein and lutein/zeaxanthin extracts from Tagetes erecta for poultry for fattening and laying (except turkeys)

An Annex entry will be presented at the next Standing Committee.

A.02.33. Methyl ester of conjugated linoleic acid (t10,c12 isomer) for sows and cows for reproduction – update

The Commission's representative informed that the applicant has been requested to provide complementary information with a specific time schedule by the end of June 2019.

A.02.34. Cassia gum as a feed additive for cats and dogs – Annex

A discussion was held. A draft Regulation will be presented in a future meeting.

A.02.35. Benzoic acid as a feed additive for weaned piglets and pigs for fattening – Annex

A discussion was held. A draft Regulation will be presented in a future meeting.

A.02.36. Algae interspaced bentonite as a feed additive for all animal species

A discussion was held. Member States required more time in order to evaluate the information provided by the applicant.

A.02.37. Sodium formate as a feed additive for all animal species – Annex

A discussion was held. A draft Regulation will be presented in a future meeting.

A.02.38. Sorbitan monolaurate as a feed additive for all animal species

A discussion was held. EFSA Opinion did not take into consideration the ECHA's assessment of the same molecule, which apparently tackles the issue of the safety for the environment. This information was forwarded by the applicant to the Commission and it will be forwarded to EFSA in order to consider a new assessment.

A.02.39. Saccharomyces cerevisiae NBRC 0203, Lactobacillus plantarum NBRC 3070 and Lactobacillus casei NBRC as a feed additive for all animal species

As the EFSA opinion is inconclusive, the applicant will be contacted in order to decide on the way forward.

A.02.40. Aluminosilicate of sodium, potassium, calcium and magnesium as a feed additive for pigs

After the discussion, supplementary information will be requested to the applicant.

RASFF notification 2019.1459, which apparently is related to this product, was also discussed.

One Member State also requested clarification on the final intended use of the additive. Although the application is for the use as anticaking agent, apparently the additive could be used as a zootechnical.

The Commission's representative underlined that as the application of this product has been done under Article 4 of Regulation (EC) No 1831/2003 on additives for use in animal nutrition, the product in any case cannot be placed on the market until its final authorisation.

A.03 Feed marketing Regulation (EC) N° 767/2009

A.03.1. Dietetic feed (Directive 2008/38/EC) - state of play of pending evaluations and discussion of the draft Regulation for repealing the Directive

The Commission's representative informed the Committee that the draft Regulation will go for the public feedback in July and SPS notification. The vote is scheduled for the next Committee meeting.

A.03.2. Feed material Register - conclusion on arbitrary entries

No specific substances were discussed. The Commission's representative informed the Committee that the Feed Chain Task Force is elaborating a memorandum to improve the quality of the Register. Once a draft is available, it will be presented to the Committee.

A.03.3. Placing of the Asparagopsis taxiformis meal as feed material on the market

The Committee discussed supplementary information received from the applicant. The scientific studies were in vitro whereas the real rumen might deliver different results; therefore, in vivo data would be appreciated. Adverse effects neither on animal health nor on the consumer of animal products became evident. With respect to the claims, the studies presented would allow only a short-term effect on the methane reduction. For claims with a longer horizon, long term trials are necessary.

A.03.4. Spelling of “Crude fibre” in some language versions of the table in chapter II point 1 of Annex VII

The spelling of “Crude fibre” in Regulation (EU) 767/2009 is generally in the singular. However, in some language versions of Annex VII to Regulation (EU) 767/2009, the spelling of “Crude fibre” is in the plural.

The Committee agreed that the correct labelling of crude fibre in Chapter II point 1 of Annex VII to Regulation (EU) 767/2009 should be in singular also in the following languages:

Spanish: Fibra bruta (and not Fibras bruta);

English: Crude fibre (and not Crude fibres);

Italian: Fibra grezza (instead of Fibre grezze);

Latvian: Kopšķiedra (instead of Kopšķiedras).

A.04 List of products considered out of the scope of Regulation (EC) No 1831/2003 and list of feed additives to be withdrawn from the market

The Commission’s representative presented a new version of the working documents which had been circulated to the Committee's members. A discussion took place. In particular, further verification of the status of certain products with regard to the relevant legislation will be carried out.

Taking into account the outcome of the discussion and of subsequent verifications, new documents will be submitted in view of the next meeting of the Standing Committee. Any further comments may still be communicated to the Commission's service concerned.

A.05 Undesirable substances

A.05.1 Draft Commission Recommendation on the monitoring of the presence of inorganic arsenic in feed: exchange of views and possible endorsement

In reply to the comments made in writing in advance of the meeting and at the meeting the Committee was informed of the following:

- As regards the recommendation to determine in the same samples inorganic arsenic and the total arsenic content in view of determining the ratio between the presence of inorganic arsenic, it was confirmed that the total arsenic and inorganic arsenic can be determined with the same method (Inductively coupled plasma mass spectrometry (ICP-MS) and Hydride generation atomic absorption spectrometric (HGAAS)) but that a different extraction procedure has to be applied for the determination of inorganic and total arsenic;
- There is no need to distinguish between the different forms of organic arsenic;
- The feed materials and compound feed explicitly mentioned in the draft Recommendation for monitoring have been selected on the basis of the fact that a significant difference in the content of inorganic arsenic versus organic arsenic can be expected in these feed materials and compound feed. However, it was stressed that the monitoring should cover also other feed materials and compound feed;
- In order to enable more time for the generation of data, it was agreed to extend the deadline for submission of data to EFSA to 31 October 2021.

No further comments on the draft Recommendation were made.

A.05.2 Exchange of views on issues related to undesirable substances in feed

a) <u>Dioxins and PCBs in calcium salts of fatty acids from fish oil</u>

Based on the information provided by a delegation, the setting of specific maximum level of dioxins and PCBs in calcium fatty acids from fish oils seems to be appropriate. However, it is necessary that additional data on the presence of dioxins, sum of dioxin and dioxin-like PCBs and non-dioxin-like PCBs in the fish oil used for the production of calcium salts of fatty acids and the levels found in the resulting calcium salts of fatty acids are provided.

b) Review of the maximum levels for dioxins and PCBs following EFSA opinion

A table indicating the scope for reduction of the maximum levels based on the occurrence data in the EFSA database was further discussed. As already mentioned before, the data available in the EFSA database are for certain feed materials and compound feed limited and therefore it cannot be excluded that the data are not fully representative. If this is the case, Member States and stakeholder organisations are invited to provide as yet and as soon as possible occurrence data on dioxins and PCBs to the EFSA database.

c) Deoxynivalenol (DON) and modified forms

Following the outcome of the EFSA opinion on the risks to human and animal health related to the presence of deoxynivalenol and its acetylated and modified forms in food and feed, an exchange of views on the scope for possible amendment to the current guidance levels on DON as established by Commission Recommendation (EC) 2006/576 has taken place and in particular on following aspects:

- the nature of the regulatory levels: continuation with guidance levels or necessity to set maximum levels;
- to establish regulatory levels for DON only (as marker for the sum of DON, 3 and 15-acetylDON and DON-3-glucoside) or to establish regulatory levels for the sum of DON and its modified forms. Also the analytical aspects need to be considered and the EURL for mycotoxins and plant toxins has been requested to provide a report on the feasibility of the sum of DON and modified forms in feed;
- An overview of No Observed Adverse Effect Levels (NOAEL for the sum of DON, 3 and 15-acetylDON and DON-3-glucoside as established by EFSA has been provided: it appears from this that the current guidance levels are not animal health protective for pigs and farmed fish and possibly also not for dairy cows, goats, poultry and rabbits;
- Based on the occurrence data available in the EFSA database, there is scope for reduction of the current guidance levels.

A delegation raised the point that it might be appropriate to establish different guidance values for complementary feed and complete feed (compared to the current guidance value for compound feed) or to establish a guidance value for complete feed only and not for complementary feed.

A more in depth discussion will be held at the next meeting of the Committee.

d) T-2 and HT-2 toxins

Following the outcome of the EFSA report on human and animal dietary exposure to T-2 and HT-2 toxin, the Committee was informed that it is foreseen to establish maximum levels for T-2 and HT-2 toxins in cereals and cereal products destined for human consumption. Therefore, Commission Recommendation (EC) 2013/165 of 27 March 2013 on the presence of T-2 and HT-2 toxin in cereals and cereal products needs to be amended or repealed. An overview of No Observed Adverse Effect Levels (NOAEL) / Lowest Observed Adverse Effect levels (LOAEL) for the sum of T-2 and HT-2 toxin as established by EFSA has been provided. An exchange of views has taken place. The Committee agreed that it might be appropriate to establish guidance values for the sum of T-2 and HT-2 in the frame of Commission Recommendation (EC) 2006/576. Based on the occurrence data available in the EFSA database, there is scope for most feed materials and compound feed for setting guidance levels lower than the current indicative levels.

A more in depth discussion will be held at the next meeting of the Committee.

e) Update on provisions related to unavoidable carry-over of authorised feed additives into non–target feed

Several possible amendments were suggested:

- Changes in conditions of authorisation for diclazuril and salinomycin-sodium require a change in provisions;
- To include useful information currently in recitals of Directive (EC) 2009/8 in endnotes/footnotes;
- The provisions for "other animal species" are applicable for "other animal species and other categories within an animal species"; Therefore the wording needs to be modified;
- Reference is to be made to the definition of "non-target feed" as provided for in Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC.

No comments were raised on the suggested changes.

f) p-phenetidine, cadmium in binders and anti-caking agents, lead in game meat used in pet food

- The establishment of maximum levels for p-phenetidine in compound feed and fishmeal was discussed. The EURL shall be requested to provide a report on the analytical feasibility to enforce the levels p-phenetidine suggested as possible maximum levels for discussion at the next meeting of the Committee;

- As regards the presence of cadmium in clay binders and anticaking agents and the presence of lead in game meat used in pet food, in view of the setting of a possible maximum level in the frame of Directive 2002/32.EC on undesirable substances in feed, the Commission's representative indicated to check with EFSA what data are available in the EFSA database. In addition, Member States and stakeholder organisations are requested to provide as soon as possible available occurrence data that have not yet been submitted to the EFSA database.

g) Other issues

- Letter from EFSA as regards the detoxification process of aflatoxins in groundnut meal

  The Committee was informed of the letter the Commission has received from EFSA about its decision to discontinue the assessment of the application for approval of a process for the detoxification of groundnut meal from aflatoxin B1 using ammonia, given that the concerned business operator informed the Commission to withdraw the application. The data gaps identified to conduct a proper assessment of the proposed detoxification process are listed in the annex to the letter.

- Nickel in feed

  The Committee was informed of the recent publication of the EFSA report on occurrence data of nickel in feed and animal exposure assessment. At the next meeting of the Committee a possible regulatory follow-up will be discussed. In view of this discussion, it would be appropriate to have more detailed information on possible carry-over of nickel from feed to food of animal origin.

- Possible future use of an acrylamide-based product to recover solids from waste water-streams within the food production sector for subsequently marketing as feed material.

  The Committee was informed of the possible future use of an acrylamide-based product to recover solids from waste water-streams within the food production sector for subsequently marketing as feed material. Based on the information provided, this would not result in unacceptable levels of acrylamide in the feed material. However, it would be appropriate to provide effective analytical results on the presence of acrylamide in the feed material to confirm this conclusion.

A.06 RASFF

A.06.1 Update and exchange of views on recent RASFF notifications

The Commission's representative informed the Committee on the RASFF notifications related to undesirable substances in animal feed, issued since the meeting of the Committee in April 2019.

The notifications related to a too high level/content of:

- ragweed (*Ambrosia* spp) in sorghum from France (2), roasted soya beans from Belgium with raw material from France, in sunflower seeds from France and in millet from France;
- non-dioxin-like PCBs in meal worms from Germany;
- dioxins in ginkgo biloba leaves from China and in herbs of Provence from Germany;
- aflatoxins in groundnuts in shell for birdfeed from China, in groundnut kernels from Sudan, from India and from Nigeria;
- aflatoxins in sunflower seeds from Egypt;
- arsenic in shrimp powder from Norway;
- lead in sodium aluminium silicate from Italy;
- zearalenone in beet pulp molasse from Germany (see report of the Committee from April 2019).

Furthermore, the attention was drawn to the RASFF notifications related to the presence of pesticide residues in rice meal and wheat from France, the presence of the prohibited substance chloramphenicol in skimmed milk powder from Lithuania and the technical potassium chloride from Israel sold as feed-grade.

A.07 Information about the TRACES system

The Commission's representative provided a brief overview, in the framework of the Regulation on official controls, about the procedures in the TRACES system regarding certain imports of food and feed of non-animal origin.

A.08 Discussion on amending Regulation (EC) No 429/2008

A short presentation of the last development following the modification of GLF and the ongoing discussion on analytical method for the detection of rDNA has been held. A revised document will be submitted in a future meeting.

A.09 Discussion on the use of preservatives in feed - Annex

A revised Annex has been presented and discussed. A new version will be submitted in a future meeting.

A.10 Evaluation of Regulation (EC) No 1831/2003 on additives for use in animal nutrition – update

The Commission's representative updated the Member States on the evaluation process and asked their contribution to the Survey that is going to be addressed to the National Competent Authorities. Data is essential in accordance to the Better Regulation rules to perform a good evaluation of the Regulation on feed additives.

A.11 Status of vitamin B2 for all animal species – update

The Commission's representative informed that the application for riboflavin 5-phosphate ester monosodium salt for all animal species when used in water for drinking (EFSA-Q-2012-00955 /FAD-2011-0051) was withdrawn by the applicant.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation concerning the authorisation of a preparation of endo-1,4-beta-xylanase produced by *Bacillus subtilis* LMG S-27588 as a feed additive for chickens for fattening or reared for laying, turkeys for fattening or reared for breeding, minor poultry species for fattening or reared for laying or for breeding, weaned piglets, pigs for fattening and minor porcine species (holder of authorisation Puratos).

The draft Regulation concerns the authorisation of an enzyme as feed additive.

Vote taken: Favourable opinion.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation concerning the authorisation of a preparation of *Bacillus amyloliquefaciens* NRRL B-50508, *Bacillus amyloliquefaciens* NRRL B-50509 and *Bacillus subtilis* NRRL B-50510 as a feed additive for pigs for fattening and minor porcine species for fattening (holder of authorisation Cargill Incorporated, represented by Provimi Holding BV).

The draft Regulation concerns the authorisation of several micro-organisms as feed additive.

Vote taken: Favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising a preparation of *Enterococcus faecium* DSM 7134 s a feed additive for sows (holder of authorisation Lactosan Starterkulturen GmbH & Co).

The draft Regulation concerns the authorisation of a micro-organism as feed additive.

Vote taken: Favourable opinion.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Implementing Regulation (EU) No 338/2018 as regards the minimum content of a preparation of 6-phytase, produced by *Aspergillus niger* (DSM 25770) as a feed additive for chickens for fattening or reared for laying (holder of authorisation BASF SE).

The draft Regulation concerns the authorisation of the minimum content of the enzyme 6-phytase.

Vote taken: Favourable opinion.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation concerning the authorisation of L-valine produced by *Corynebacterium glutamicum* KCCM 11201P as a feed additive for all animal species.

The draft Regulation concerns the authorisation of L-valine as a feed additive.

Vote taken: Favourable opinion.

M.1 Actisaf® Sc47 (Saccharomyces cerevisiae CNCM I-4407) as a feed additive for cattle for fattening, dairy cows, weaned piglets and sows

A revised Annex has been submitted for the discussion. A draft Regulation will be proposed at a future meeting.

M.2 FEDIAF code for good labelling practice

On request of one Member State, the note in point 3.2.1.3 of the FEDIAF code for good labelling practice was discussed ("The labelling of pet rabbit food and koi food as pet food is accepted if the product is clearly labeled as destined for non-food producing animals (by pictures, other visuals and words) and if the packaging does not exceed 10 kg."). It was concluded that this note is not in compliance with the definition of "food-producing animals" in Article 3.2 (c) of the Regulation (EC) No 767/2009 and should therefore be deleted.

M.3 The placing on the EU market of liquid complementary feed containing silage additives

On request of one Member State, the placing on the EU market of liquid complementary feed containing silage additives has been discussed. Based on the information available, in the manufacturing process the silage additives have been added to plant substrates. Subsequently, the solid plant matter has been removed and only the propagated microorganisms have been placed on the market for horses and pets. Furthermore, the labelling of the product contains claims used for probiotic feed additives. Based on this information, the Committee concluded that (1) with respect to the definition of ensiling in Regulation (EC) No 429/2008, the product at stake cannot be considered a silage, (2) considering point 6 of Part A to the Annex to Regulation (EU) No 68/2013, the product is not a feed material and (3) with respect to the product properties, it should be classified as unauthorised feed additive.

M.4 Specific hygiene requirements for insects intended for human consumption

On request of one Member State, a draft Commission Regulation amending Annex III of Regulation (EC) No 853/2004 as regards specific hygiene requirements for insects intended for human consumption was discussed. The Member State alerted the Committee that this draft contains specific rules for the feeding of the insects, which are very critical with respect to feed legislation. Many delegations shared this concern with some of them speaking of potential ambiguity of EU legislation or contradiction with the horizontal feed legislation. The Commission's representative invited the delegation to coordinate with the colleagues responsible for the draft in their Member States.

M.5 New Commission Expert Group on Animal Nutrition

The Commission's representative informed the Committee on the preparatory works concerning the creation of a Commission Expert Group on Animal Nutrition. Such Group needs to be set up in view of the forthcoming adoption of delegated acts under the EU legislation on animal nutrition[1]. Indeed, three pieces of that legislation, namely Directive 2002/32/EC (undesirable substances), Regulation (EC) No 1831/2003 (feed

[1] Delegated acts need to be prepared in line with the Interinstitutional Agreement on Better Law-Making of 13 April 2016 and the Common Understanding on Delegated Acts (published in the Official Journal of the EU L 123 of 12.5.2016, p. 1), providing *i.a.* for a consultation of Member States experts through a Commission expert group.

additives) and Regulation (EC) No 183/2005 (feed hygiene) are being amended to provide the adoption of delegated acts instead of acts adopted under the regulatory procedure with scrutiny ("RPS" or "PRAC")[2]. This will however not affect the measures ("implementing acts") currently adopted under the examination ("comitology") procedure.

The Committee will be kept informed on the state-of-play concerning the setting up of the Group.

M.6 Ethoxyquin

On request of several delegations, the Commission's representative informed the Committee on the state-of-play concerning the status of ethoxyquin as a feed additive.

In particular, it was indicated that some data have still to be provided by the applicant for assessment by EFSA and that therefore the adoption of the EFSA's opinion could be envisaged – hopefully - by the end of the first quarter of 2020, allowing the submission of a draft measure to the Committee in the course of 2020.

It was recalled by the Commission's representative that the transitional measures laid down in Commission Implementing Regulation (EU) 2017/962 fully apply and that it belongs to the Member States' competent authorities, in the context of official controls, to ensure that they are complied with, i.a. on the occasion of imports into the Union. In particular, Article 3(1)(b) of that act provides that specific feed materials from marine origin (including fish meal) produced with ethoxyquin may continue to be placed on the EU market until 31 December 2019.

In addition, it was recalled that a measure concerning the presence of the impurity p-phenetidine is envisaged under Directive 2002/32/EC on undesirable substances in animal feed.

M.7 Measures related to homogeneity and carry-over in the feed production

The Commission's representative informed about the state-of-play of the tasks done by the working group created for the drafting of a possible Union guide with harmonized criteria to evaluate measures related to homogeneity and carry-over in the feed production.

At this stage, some Member States have suggested to the Commission to organize a face-to-face meeting. The Commission will try to organize a meeting of the Working Group when possible.

The Commission's representative invited Member States before the meeting to provide comments on the draft document already provided in order to have the most efficient outcome.

[2] The Regulation providing for the alignment to the Lisbon Treaty of a series of EU acts is expected to be adopted and to enter into force during the summer of 2019.