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COMMISSION DECISION

of 9 September 1991

establishing a list of ingredients whose use is prohibited in compound feedingstuffs

(91/516/EEC)

(OJ L 281, 9.10.1991, p. 23)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Decision 92/508/EEC of 20 October 1992	L 312	36	29.10.1992
►M2	Commission Decision 95/274/EC of 10 July 1995	L 167	24	18.7.1995
►M3	Commission Decision 97/582/EC of 28 July 1997	L 237	39	28.8.1997
►M4	Commission Decision 1999/420/EC of 18 June 1999	L 162	69	26.6.1999
►M5	Commission Decision 2000/285/EC of 5 April 2000	L 94	43	14.4.2000

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COMMISSION DECISION

of 9 September 1991

establishing a list of ingredients whose use is prohibited in compound feedingstuffs

(91/516/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs [1], as last amended by Directive 90/654/EEC [2], and in particular Article 10 (c) thereof,

Whereas Directive 79/373/EEC applies without prejudice to, *inter alia*, Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition [3], as last amended by Directive 90/654/EEC; whereas this latter Directive provides that such products which fulfil its requirements may be marketed as feedingstuffs or incorporated in feedingstuffs;

Whereas Council Directive 74/63/EEC of 17 December 1973 concerning undesirable substances and products in animal nutrition [4], as last amended by Directive 91/126/EEC [5], is concerned only with those substances and products whose presence it is impossible to exclude totally from feedingstuffs and its constituents; whereas this Directive applies without prejudice to other Community provisions on feedingstuffs;

Whereas Member States were, until now, able to require that compound feedingstuffs marketed on their territories be free of certain ingredients;

Whereas it is necessary to remove the barriers to intra-Community trade resulting from such restrictions by adopting, at Community level, a list of ingredients whose use as such should be prohibited;

Whereas the use in feedingstuffs of protein products obtained from *Candida* yeasts cultivated on n-alkanes has already been prohibited by Commission Decision 85/382/EEC [6];

Whereas veterinary legislation regulates the eradication and control of certain animal diseases within the Community; in particular Council Directive 90/667/EEC [7], veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal origin; whereas Member States are still authorized to take, on a provisional basis, certain eradication measures at national level;

Whereas Directive 79/373/EEC provides that a list of ingredients whose use is prohibited for animal and public health reasons shall be established in the light of advances in scientific and technical knowledge;

Whereas this list reflects the situation at the moment of its establishment and remains open to later amendments and additions;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DECISION:

Article 1

The use of the ingredients listed in the Annex is prohibited in compound feedingstuffs.

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(1) OJ No L 86, 6. 4. 1979, p. 30.
(2) OJ No L 353, 17. 12. 1990, p. 48.
(3) OJ No L 213, 21. 7. 1982, p. 8.
(4) OJ No L 38, 11. 2. 1974, p. 31.
(5) OJ No L 60, 7. 3. 1991, p. 16.
(6) OJ No L 217, 10. 7. 1985, p. 27.
(7) OJ No L 363, 27. 12. 1990, p. 51.

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Article 2

This Decision applies without prejudice to the provisions on micro-organisms in feedingstuffs, to the national measures referred to in Article 1 (2) of Council Directive 90/667/EEC, and to Articles 16 and 20 of that Directive.

Article 3

This Decision shall apply from 22 January 1992.

Article 4

This Decision is addressed to the Member States.

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ANNEX

List of prohibited ingredients

1. Faeces, urine as well as separated digestive tract content resulting from the emptying or removal of the digestive tract, irrespective of any form of treatment or admixture.

▼M2

2. Hide treated with tanning substances, including its waste.

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3. Seeds and other plant propagating materials which, after harvest, have undergone specific treatment with plant protection products for their intended use (propagation), and any derived by-products.

4. Wood, sawdust and other materials derived from wood treated with wood protection products.

▼M5

5. All wastes obtained from the various phases of the urban, domestic and industrial waste water [1] treatment process, irrespective of any further processing of these wastes and irrespective also of the origin of the waste waters.

   The term 'waste water' does not refer to 'process water', i.e. water from independent conduits integrated in food or feed industries; where these conduits are supplied with water, this must be wholesome and clean water [2]. In the case of fish industries, the conduits concerned might be also supplied with clean seawater [3]. Process water shall only carry feedingstuffs or foodstuffs material and shall be technically free from cleaning agents, disinfectants or other substances not authorised by the animal nutrition legislation.

   Materials of animal origin in the process water shall be treated in accordance with Council Directive 90/667/EEC.

▼M1

6. Solid urban waste, such as household waste.

7. Untreated waste from eating places, excluding foodstuffs of vegetable origin considered unsuitable for human consumption for reasons of freshness.

8. The packaging and parts of packaging from the use of products from the agri-food industry.

▼M3

9. Protein derived from mammalian tissue as an ingredient in compound feeding stuffs for ruminants, excluding:

   — milk and milk products,

   — gelatin,

▼M4

   — hydrolysed proteins with a molecular weight below 10 000 daltons which have been:

      (i) derived from hides and skins obtained from animals which have been slaughtered in a slaughterhouse and have undergone an *ante mortem* inspection by an official veterinarian in accordance with Chapter VI of Annex I to Directive 64/433/EEC and passed fit, as a result of such inspection, for slaughter for the purpose of that Directive;

      and

      (ii) produced by a production process which involves appropriate measures to minimise contamination of hides and skins, preparation of the hides and skins by brining, liming and intensive washing followed by exposure of the material to a pH of > 11 for > three hours at temperature > 80 ºC and followed by heat treatment at > 140 ºC for 30 minutes at > 3,6 bar or by an equivalent production process approved by the Commission after consultation of the appropriate Scientific Committee;

      and

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(1) As defined in Article 2 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment.

(2) As specified in Article 4 of Council Directive 98/83/EC of 3 November 1998 concerning the quality of water intended for human consumption.

(3) As defined in Article 2 of Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products.

▼M4

(iii) come from establishments which carry out an own checks programme (HACCP),

▼M3

— dicalcium phosphate derived from defatted bones, and

— dried plasma and other blood products.