COMMISSION IMPLEMENTING REGULATION (EU) 2017/61

of 14 December 2016

concerning the authorisation of 4-allyl-2,6-dimethoxyphenol and eugenyl acetate as feed additives for all animal species except for fish and poultry

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ([1]), and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10 of that Regulation provides for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC ([2]).

(2) 4-Allyl-2,6-dimethoxyphenol and eugenyl acetate were authorised without a time limit in accordance with Directive 70/524/EEC as feeds additives for all animal species. Those products were subsequently entered in the Register of feed additives as existing products, in accordance with Article 10(1) of Regulation (EC) No 1831/2003. 4-Allyl-2,6-dimethoxyphenol and eugenyl acetate for poultry and fish will not be re-authorised as they were withdrawn by the applicant.

(3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003 in conjunction with Article 7 thereof, an application was submitted for the re-evaluation of 4-allyl-2,6-dimethoxyphenol and eugenyl acetate as feed additives for all animal species. The applicant requested those additives to be classified in the additive category 'sensory additives'. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(4) The European Food Safety Authority ('the Authority') concluded in its opinion of 15 November 2011 ([3]) that, under the proposed conditions of use in feed, 4-allyl-2,6-dimethoxyphenol and eugenyl acetate do not have adverse effects on animal health, human health or the environment. The Authority further concluded that the function of 4-allyl-2,6-dimethoxyphenol and eugenyl acetate in feed is similar to that on food. The Authority has already concluded that for food those substances are efficacious, as it increases the food smell or palatability. Therefore, that conclusion can be extrapolated for feed. The Authority is not in a position to evaluate the use 4-allyl-2,6-dimethoxyphenol and eugenyl acetate in water for drinking. However, those substances can be used within compound feeds which are subsequently administered via water.

(5) Restrictions and conditions should be provided for to allow better control. Since safety reasons do not require the setting of a maximum content and taking into account the re-evaluation performed by the Authority, recommended contents should be indicated on the label of the additive. Where such contents are exceeded, certain information should be indicated on the label of premixtures, compound feeds and feed materials.

(6) The Authority concluded that 4-allyl-2,6-dimethoxyphenol is irritant to eyes and skin and that eugenyl acetate is irritant to skin only. Consequently, appropriate protective measures should be taken. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additives in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

(7) The assessment of 4-allyl-2,6-dimethoxyphenol and eugenyl acetate shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of those substances should be authorised as specified in the Annex to this Regulation.

([1]) OJ L 268, 18.10.2003, p. 29.
([2]) Council Directive 70/524/EEC of 23 November 1970 concerning additives in feeding-stuffs (OJ L 270, 14.12.1970, p. 1).
([3]) EFSA Journal 2011;9(12):2440.

(8) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation for 4-allyl-2,6-dimethoxyphenol and eugenyl acetate, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the authorisation.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Authorisation

The substances specified in the Annex, belonging to the additive category 'sensory additives' and to the functional group 'flavouring compounds', are authorised as feed additives in animal nutrition subject to the conditions laid down in that Annex.

Article 2

Transitional measures

1. The substances specified in the Annex and premixtures containing those substances, which are produced and labelled before 6 August 2017 in accordance with the rules applicable before 6 February 2017 may continue to be placed on the market and used until the existing stocks are exhausted.

2. Compound feed and feed materials containing the substances as specified in the Annex which are produced and labelled before 6 February 2018 in accordance with the rules applicable before 6 February 2017 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for food-producing animals.

3. Compound feed and feed materials containing the substances as specified in the Annex which are produced and labelled before 6 February 2019 in accordance with the rules applicable before 6 February 2017 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for non-food-producing animals.

Article 3

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/kg of complete feedingstuff with a moisture content of 12 %			
(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)	(9)
Category: Sensory additives. Functional group: Flavouring compounds									
2b04051	—	4-Allyl-2,6-dimethoxyphenol	*Additive composition* 4-Allyl-2,6-dimethoxyphenol *Characterisation of the active substance* 4-Allyl-2,6-dimethoxyphenol Produced by chemical synthesis Purity: min. 98 % Chemical formula: $C_{11}H_{14}O_3$ CAS number 6627-88-9 FLAVIS No 04.051 *Method of analysis* (1) For the identification of 4-allyl-2,6-dimethoxyphenol in the feed additive and flavouring premixtures: Gas chromatography mass spectrometry with retention time locking GC-MS-RTL.	All animal speciesexcept fish and poultry)	—	—	—	1. The additive shall be incorporated into the feed in the form of a premixture. 2. In the directions for use of the additive and premixtures, the storage and stability conditions shall be indicated. 3. The recommended maximum content of the active substance shall be: 5 mg/kg of complete feedingstuff with a moisture content of 12 %. 4. On the label of the additive the following shall be indicated: 'Recommended maximum content of the active substance of complete feedingstuff with a moisture content of 12 %: 5 mg/kg'. 5. The functional group, the identification number, the name and the added amount of the active substance shall be indicated on the labelling of the premixtures, feed materials and compound feedingstuffs, if the following content of the active substance in complete feedingstuff with a moisture content of 12 % is exceeded: 5 mg/kg.	6 February 2027

(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)	(9)
								6. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks by dermal contact or eyes contact. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including safety glasses and gloves.	
2b09020	—	Eugenyl acetate	*Additive composition* Eugenyl acetate *Characterisation of the active substance* Eugenyl acetate Produced by chemical synthesis Purity: min. 98 % Chemical formula: $C_{12}H_{14}O_3$ CAS number 93-28-7 FLAVIS No 09.020 *Method of analysis* ([1]) For the identification of eugenyl acetate in the feed additive and flavouring premixtures: Gas chromatography mass spectrometry with retention time locking GC-MS-RTL.	All animal species except fish and poultry.	—	—	—	1. The additive shall be incorporated into the feed in the form of a premixture. 2. In the directions for use of the additive and premixtures, the storage and stability conditions shall be indicated. 3. The recommended maximum content of the active substance shall be: 5 mg/kg of complete feedingstuff with a moisture content of 12 %. 4. On the label of the additive the following shall be indicated: 'Recommended maximum content of the active substance of complete feedingstuff with a moisture content of 12 %: 5 mg/kg'.	6 February 2027

(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)	(9)
								5. The functional group, the identification number, the name and the added amount of the active substance shall be indicated on the labelling of the premixtures, feed materials and compound feedingstuffs, if the following content of the active substance in complete feedingstuff with a moisture content of 12 % is exceeded: 5 mg/kg. 6. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks by dermal contact. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including gloves.	

(1) Details of the analytical methods are available at the following address of the Reference Laboratory: https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports