

AWT Committee Functional Feed

Recommendation for inclusion and exclusion criteria of feed materials to the EU Feed Materials Register according to REGULATION (EC) No 767/2009 Art. 24 (6) and Art. 26 (1)

The aim of this recommendation is to identify and substantiate criteria that ease the case-by-case decisions by the appropriate representatives of the European feed business sectors as defined by [REGULATION \(EC\) No 767/2009](#) Art. 26 (1) (Feed Chain Task Force FCTF) in order to reject notifications of persons who, for the first time, place on the market a feed material that is not listed in the Catalogue according to [REGULATION \(EC\) No 767/2009](#) Art. 24 (6).

The recommendation hereby refers to the following official regulatory framework and feed operators' guidelines:

- [COMMISSION RECOMMENDATION 2011/25/EU](#) (Guidelines for the distinction between feed materials, feed additives, biocidal products and veterinary medicinal products)
- [REGULATION \(EC\) No 178/2002](#) (General principles and requirements of food law)
- [REGULATION \(EC\) No 767/2009](#) (Placing on the market and use of feed)
- [REGULATION \(EU\) No 2022/1104](#) (Catalogue of feed materials)
- [REGULATION \(EC\) No 1831/2003](#) (Additives for use in animal nutrition)
- [REGULATION \(EU\) No 2019/6](#) (Veterinary medicinal products)
- [REGULATION \(EU\) 2020/354](#) (Particular nutritional purposes)
- [COMMISSION IMPLEMENTING REGULATION \(EU\) 2021/758](#) (Status of certain products as feed additives)

as well as

- [FEFAC Guide to the notifier of a product to the feed material register](#)
- [FEFANA Substances Classification Tool](#)

We pose some preliminary remarks ahead on the EU regulatory framework concerning feed materials and the significance of the listings as well as the participation of stakeholders (including feed operators) in the establishment of feed materials listings.

The legislator considered it necessary to establish a non-exhaustive Catalogue of feed materials with designations, descriptions and labelling provisions in order to facilitate the exchange of information on the product properties between the producer and the purchaser. Based on the positive experiences with voluntary standards by means of Community guidelines in the field of feed hygiene, the legislator recommended a similar procedure for feed materials. *"A more extensive listing could be achieved more flexibly, and could be better adapted to the information needs of the user, if undertaken by the stakeholders rather than*

by the legislator. The stakeholders can decide on the efforts they expend depending on the value of a list of feed materials.” ([REGULATION \(EC\) No 767/2009](#) Recital 28).

In regard to the fact that the EU Catalogue of Feed Materials is non-exhaustive and primarily has to meet the needs of information exchange, the purpose of the EU Feed Materials Register was to obtain an overview of feeding materials used in the Common Market and in particular of those which are not listed in the Catalogue, as well as to identify stakeholders of feed materials: “In the interests of transparency, it is appropriate that the representatives of the stakeholders are notified of a feed material which is not listed in the catalogue as soon as such feed material is placed on the market for the first time.” ([REGULATION \(EC\) No 767/2009](#), Recital 30). Hence, the responsibility for the EU Feed Materials Register was placed in the hands of the representatives of the European feed business sectors.

Although the EU Feed Materials Register is only a notification platform and has no legally binding character the representatives of the European feed business sectors as defined by [REGULATION \(EC\) No 767/2009](#) Art. 26 (1) felt responsible to reject notifications of products which were considered as not being feed materials. According to [COMMISSION RECOMMENDATION 2011/25/EU](#) the criteria for a rejection were difficult to substantiate and are not defined conclusively.

[COMMISSION RECOMMENDATION 2011/25/EU](#) gives some orientation (non-binding guidelines) for the distinction between feed materials and feed additives and other products used for oral administration in animals. The recitals outline the stakeholders and the most important aspects to be considered when classifying the product categories.

(1) The distinction between feed materials, feed additives and other products such as veterinary drugs has implications for the conditions for their placing on the market, depending on the relevant applicable legislation.

(2) Feed business operators and national competent control authorities are frequently confronted with questions regarding the classification of products, which might jeopardise the marketing of feed throughout the European Union.

(3) In order to avoid inconsistencies in the treatment of such products, to facilitate the work of the national competent authorities and to help the interested economic operators to act in a framework providing an appropriate level of legal certainty, non-binding guidelines for the distinction between feed materials, feed additives and other kinds of products should be established.

In addition, feed business operators beyond fair competition equity have to comply with expectations of the customers regarding a safe, effective, modern and high-quality product at reasonable expenses. Costs to place a product on the market are essentially driven by regulatory requirements depending on the category.

In regard to the preliminary remarks AWT Committee Functional Feed recommends the following criteria for the rejection of feed material notifications:

The AWT Committee recommend that the following criteria should form the basis for a product to be rejected from the Feed Materials Register giving concern that the notified product is not a feed material. It is also suggested that the representatives of the European feed business sectors (FCTF) should communicate their decisions and should inform the notifier on the reason(s) for rejection by using the listing of criteria.

I. General criteria for formal rejection

1. The product by declaration of the notifier does not comply with one of the requirements as defined by the General provisions for feed materials laid down in [REGULATION \(EU\) No 2022/1104](#) Part A Nos. 2 to 16.
2. The product by declaration of the notifier does claim to have pharmacological properties as defined by REGULATION (EU) No 2019/6 Article 4 (1a).
3. The product by declaration of the notifier does claim to have functional properties as defined by [REGULATION \(EC\) No 1831/2003](#) Annex I.

II. Special criteria for formal rejection

1. The product is already authorized as feed additive according to [REGULATION \(EC\) No 1831/2003](#).
2. The product is already listed as feed material according to [REGULATION \(EU\) No 2022/1104](#) or successive regulations hereto.
3. The product is a compound feed according to [REGULATION \(EC\) No 767/2009](#).
4. The product is a pre-mixture according to REGULATION (EC) No 1831/2003.
5. The product has been excluded from feed material status by regulation.
6. The product is defined as a trademark.
7. The product is defined having a guaranteed minimum content of components beyond core nutrients such as carbohydrates, fat, proteins, fibers and minerals.
8. The supplier recommends a maximum content of the product in feed.
9. The supplier recommends a specific dosage for use in feed.
10. The supplier recommends the use of the product exclusively via premixtures.
11. The supplier recommends specific handling conditions for the product beyond technical requirements p.e. of preservation, storage conditions and feeding techniques.
12. The supplier recommends the use of the product to achieve a specific (additive) function.

III. Special criteria for content- and process-related rejection

1. The product does not contribute
 - a. to animals' nutritional needs and does not supply energy, nutrients, minerals or dietary fiber.
 - b. to maintain the function of the intestinal tract
 - c. to maintain the productivity or quality of life of normally healthy animals.
2. The product is chemically well-defined and purified, it is a pure living (replicable) microorganism or a pure enzyme for which the manufacturer gives a certain guaranteed level of standardization beyond core nutrients such as carbohydrates, fat, proteins, fibers and minerals.
3. The product exclusively exerts an additive function as the only identifiable use.
4. The product requires the declaration of a maximum content in the daily ration for reasons of animal or human safety.
5. The product shall be used exclusively as a premixture.
6. The product is submitted to human medicinal or veterinary medicinal prescription in one of the member states as a pharmacological active substance.
7. The product is produced with a method not covered by provisions as laid down in [REGULATION \(EU\) No 2022/1104](#) Part A and B

IV. Non-relevant criteria for rejection

We kindly recommend to reject notifications of substances not solely because they are listed in indices of traditional medicinal systems. Most of these systems are not officially defined and recognized. Nearly all of them do not distinguish between food and medicine. In a lot of them conventional foodstuffs as well as spices are used for medicinal purposes. In consequence these Catalogues do not provide a sound and clear basis for a classification in the sense of a feed material.

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About AWT: AWT e.V. is the unit voice of the specialty feed ingredient industry in Germany. Our membership companies are manufacturers and traders of feed additives, functional feed ingredients, premixes and other mixtures of specialty ingredients.