COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.04.1995
COM(95) 132 final

Draft
COUNCIL DIRECTIVE

amending Directive 70/524/EEC concerning additives in feedingstuffs

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(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Since 23 November 1970 the use of additives in livestock feedingdstuffs in the Community has been governed by Council Directive 70/524/EEC[1]. Since that date only those substances authorized under the Directive may be incorporated in feedingstuffs. Two types of authorization are provided for, depending on the extent of the guarantees offered by the additive. Annex I to the Directive liste those additives which meet all its requirements and which, therefore, may be freely used throughout the Community; Annex II lists those in respect of which examination has not been completed, but which nonetheless offer adequate guarantees of innocuousness for the Member States to be allowed to authorize them, provisionally and at national level, for a period which has since 3 December 1986 been limited to five years.

   As in other fields where Community legislation is greatly affected by constantly advancing scientific and technical knowledge, the Council has entrusted the Commission with the task of making the necessary amendments to the annexes to the Directive. The procedure adopted involves the Standing Committee for Feedingstuffs.

   In order to avail itself of all the scientific guarantees required, the Commission set up, on 2 September 1976, the Scientific Committee on Animal Nutrition[2], which it consults on any proposals for measures which might have repercussions on animal health and consequently upon human health. When such proposals are being prepared, great importance is attached to the opinions of the Scientific Committee.

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1 OJ No. L 270, 14.12.1970, p. 1.

2 OJ No. L 279, 09.10.1976, p. 35.

2. On 28 March 1995 a draft was put to the Standing Committee for Feedingstuffs authorizing, throughout the Community, the use of Avoparcine in feed for dairy cattle:

- The additive has been listed in Annex II to Directive 70/524/EEC since the application of Directive 90/206/EEC[3] of 9 April 1990. It has been authorized for several years in most Member States arising to its beneficial effect on milk production.

- A decision must be taken on Community authorization, given that the five-year limit on national authorization expires on 10 April 1995.

- The Scientific Committee for Animal Nutrition, after a thorough examination of the dossier and after requesting further studies, has issued a favourable opinion on this additive[4].

The vote of the Standing Committee did not allow an opinion to be issued.

54 for
24 against
7 abstentions

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[3] OJ No. L 106, 26.04.1990, p. 30.

[4] Opinion of 25 March 1994, confirmed on 29 September 1994. To be published in the 10th Series of the Reports of the Scientific Committee for Animal Nutrition.

Supplementary opinion of the Scientific Committee of 24 March 1995.

3. In the absence of an opinion from the Standing Committee for Feedingstuffs, the Council must decide whether the measures proposed by the Commission are justified.

4. This draft has no impact on the Community budget.

Council Directive
of
amending Directive 70/524/EEC
concerning additives in feedingstuffs

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Traty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs[1], as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 7 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 70/524/EEC provides for regular amendment of the content of its Annexes to take account of advances in scientific and technical knowledge; whereas the annexes were consolidated by Commission Directive 91/248/EEC[2];

Whereas a new use of the antibiotic "Avoparcin" has been widely tested in several member States; whereas, on the basis of experience gained and studies undertaken, it appears that this new use can be authorized throughout the Community;

Whereas the Scientific Committee for Animal Nutrition issued an opinion on this new use of Avoparcin;

Whereas in absence of an opinion from the Standing Committee for Feedingstuffs, the Commission has been unable to adopt the provisions planned in accordance with the procedure provided for in Article 23 of the abovementioned Directive,

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1 OJ N° L270, 14.12.1970, p. 1.

2 OJ N° L 124, 18.5.1991, p. 1.

HAS ADOPTED THIS DIRECTIVE :

Article 1

Annex I to Directive 70/524/EEC is hereby amended as set out in the Annex hereto.

Article 2

1. **Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 1st July 1995 at the latest. They shall immediately inform the Commission thereof.**

   When member States adopt these measures, they shall contain a reference to this Directive or shall be accompagnied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. **Member states shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.**

Article 3

This Directive shall enter into force on the third day following its publication in *the Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, For the Commission

ANNEX

In Annex I to Directive 70/524/EEC, Part A "Antibiotics", the following is added to entry n° E 715 "Avoparcin":

EC N°	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions
					mg/kg of complete feedingstuff		
			Dairy cattle	-	4	10	Indicate in the instructions for use : "The dose of avoparcin in the daily ration : -must not exceed 150 mg, -must not be less than 50 mg."

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