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COMMISSION

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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**correcting Commission Implementing Regulation (EU) 2017/1145 of 8 June 2017 on the withdrawal from the market of certain feed additives authorised pursuant to Council Directives 70/524/EEC and 82/471/EEC and repealing the obsolete provisions authorising those feed additives.**

(Text with EEA relevance)

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**correcting Commission Implementing Regulation (EU) 2017/1145 of 8 June 2017 on the withdrawal from the market of certain feed additives authorised pursuant to Council Directives 70/524/EEC and 82/471/EEC and repealing the obsolete provisions authorising those feed additives.**

(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<sup>1</sup>, and in particular Article 10(5) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2017/1145<sup>2</sup> requires the withdrawal from the market of feed additives which were placed on the market and entered in the Community Register of Feed Additives as existing products in accordance with Article 10(1) of Regulation (EC) No 1831/2003, and for which no applications in accordance with Article 10(2) and (7) of that Regulation were submitted before the deadline provided for in those provisions, or for which an application was submitted but subsequently withdrawn. Implementing Regulation (EU) 2017/1145 also repeals the regulations or deletes the provisions authorising those additives.
- (2) By mistake, Annex II to Implementing Regulation (EU) 2017/1145 setting out the list of additives to be withdrawn from the market in respect of certain animal species included the feed additive coccidiostat authorised by Regulation (EC) No 1463/2004<sup>3</sup>, although the applicant requested the renewal of the authorisation in due time. That Regulation was therefore repealed by mistake by Article 3 of Implementing Regulation (EU) 2017/1145. By mistake, Regulation (EC) No 833/2005 was mentioned in recital (3) of Implementing Regulation (EU) 2017/1145 both as to be amended and as to be repealed. By mistake, Regulation (EC) No 1459/2005<sup>4</sup> was not repealed by Article 3 of Implementing Regulation (EU) 2017/1145, while it authorises certain iodine compounds that are to be withdrawn from the market in accordance with

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<sup>1</sup> OJ L 268, 18.10.2003, p. 29.

<sup>2</sup> Commission Implementing Regulation (EU) 2017/1145 of 8 June 2017 on the withdrawal from the market of certain feed additives authorised pursuant to Council Directives 70/524/EEC and 82/471/EEC and repealing the obsolete provisions authorising those feed additives (OJ L 166, 29.6.2017, p. 1).

<sup>3</sup> Commission Regulation (EC) No 1463/2004 of 17 August 2004 concerning the authorisation for 10 years of the additive «Sacox 120 microGranulate» in feedingstuffs, belonging to the group of coccidiostats and other medicinal substances. (OJ L 270, 18.8.2004, p. 5).

<sup>4</sup> Commission Regulation (EC) No 1459/2005 of 8 September 2005 amending the conditions for authorisation of a number of feed additives belonging to the group of trace elements. (OJ L 233, 9.9.2005, p. 8).

Implementing Regulation (EU) 2017/1145. Regulation (EC) No 1443/2006<sup>5</sup> was erroneously repealed by Article 3 of Implementing Regulation (EU) 2017/1145. Only Article 1 of and Annex I to that Regulation should be deleted as only those provisions concern certain enzymes that are to be withdrawn in accordance with Implementing Regulation (EU) 2017/1145. Those errors should be corrected.

- (3) By mistake, the provision of Regulation (EC) No 1334/2003 authorising some iron compounds, to be withdrawn from the market in accordance with Implementing Regulation (EU) No 2017/1145, was not deleted by Article 8 of that Regulation amending Regulation (EC) No 1334/2003. That Article should be corrected.
- (4) In Part A of Annex I to Implementing Regulation (EU) No 2017/1145 setting out the feed additives to be withdrawn for all species and categories of animals, in the table concerning vitamins, the L form of the vitamin menadione sodium bisulphite is included. This should be corrected as no reference to this L form was made in the authorisation.
- (5) Parts A and B of Annex I to Implementing Regulation (EU) No 2017/1145 should be corrected as regards some colourants as the species and categories of animals for which those colourants are required to be withdrawn from the market and the functions of those colourants were not indicated correctly. The request to withdraw the additive from the market for some of them applies only for certain species and the use as colourant is restricted to certain functions.
- (6) Implementing Regulation (EU) No 2017/1145 should therefore be corrected accordingly.
- (7) Commission Implementing Regulation (EU) 2017/1145 entered into force in June 2017. This Regulation has the objective to ensure that additives placed on the European Union market are safe for humans and animals and do not have adverse effects on the environment. It is also important for EU operators that their legitimate expectations will be satisfied, so that, additives that have been re-evaluated but do not comply with the EU requirements or products that were withdrawn from the applicant should not be placed on the market. Also those additives that have been withdrawn by mistake should continue to be used to ensure market stability. For those reasons Commission Implementing Regulation (EU) 2017/1145 should apply with retroactive effect. The retroactivity must of course be in a non-criminal context and any legitimate expectations of those affected by the measure should be duly respected.
- (8) 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*

Implementing Regulation (EU) No 2017/1145 is corrected as follows:

- (1) Recital 3 is corrected as follows:

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<sup>5</sup> Commission Regulation (EC) No 1443/2006 of 29 September 2006 concerning the permanent authorisations of certain additives in feedingstuffs and an authorisation for 10 years for a coccidiostat. (OJ L 271 , 30.09.2006, p.12).

- (a) the reference to Commission Regulation (EC) No 1463/2004 is deleted with the corresponding footnote;
- (b) the reference to Commission Regulation (EC) No 833/2005 is deleted with the corresponding footnote from the list of Regulations to be amended. The corresponding footnote is inserted after the words "(EC) No 833/2005" in the list of Regulations to be repealed;
- (b) the reference to Commission Regulation (EC) No 1459/2005 is inserted between the words "(EC) No 833/2005" and "(EC) No 492/2006" in the list of Regulations to be repealed together with a footnote referring to its full title and reference of publication;
- (c) the reference to Commission Regulation (EC) No 1443/2006 is deleted with the corresponding footnote from the list of Regulations to be repealed and inserted with the corresponding footnote between the words "(EC) No 1284/2006" and "and (EU) No 1270/2009" in the list of Regulations to be amended.

(2) Article 3 is replaced by the following:

'Article 3

#### **Repeals**

Regulations (EC) No 937/2001, (EC) No 871/2003, (EC) No 277/2004, (EC) No 278/2004, (EC) No 1332/2004, (EC) No 1465/2004, (EC) No 833/2005, (EC) 1459/2005, (EC) No 492/2006, (EC) No 1743/2006, (EC) No 757/2007, and (EC) No 828/2007 are repealed.'

(3) In Article 8 the following points are inserted after the words "The Annex to Regulation (EC) No 1334/2003, is amended as follows:" and the existing points are renumbered accordingly:

- '(1) in entry E 1 Iron — Fe, the words "Ferrous chloride, tetrahydrate" and all content relating only to Ferrous chloride, tetrahydrate are deleted.
- (2) in entry E 1 Iron — Fe, the words "Ferrous citrate, hexahydrate" and all content relating only to Ferrous citrate, hexahydrate are deleted.
- (3) in entry E 1 Iron — Fe, the words "Ferrous lactate, trihydrate" and all content relating only to Ferrous lactate, trihydrate" are deleted.'

(4) The following Article 25a is inserted:

'Article 25a

Amendment to Regulation (EC) No 1443/2006

Article 1of and Annex I to Regulation (EC) No 1443/2006 are deleted'

(5) Annexes I and II are corrected in accordance with the Annex to this Regulation.

*Article 2*  
*Entry into force*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*. It shall apply from 19 July 2017.

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

Done at Brussels,

*For the Commission*  
*The President*  
*Jean- Claude JUNCKER*