



EUROPEAN
COMMISSION

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

of **XXX**

**amending Implementing Regulation (EU) 2017/53 as regards the recommended
maximum content of the active substance in complete feedingstuff of a feed additive
consisting of nonanoic acid for certain pigs and poultry species**

(Text with EEA relevance)

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amending Implementing Regulation (EU) 2017/53 as regards the recommended maximum content of the active substance in complete feedingstuff of a feed additive consisting of nonanoic acid for certain pigs and poultry species

(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 nutrition¹, and in particular Article 13(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 and modifying such authorisation.
- (2) Nonanoic acid was authorised for 10 years as a feed additive for all animal species by Commission Regulation (EC) No 2017/53².
- (3) In accordance with Article 13(1) of Regulation (EC) No 1831/2003, the Commission requested the European Food Safety Authority ('the Authority') to issue an opinion on whether the authorisation of nonanoic acid as feed additive would still meet the conditions laid down in Article 5 of Regulation (EC) No 1831/2003 if the terms of that authorisation were modified. The modification concerns an increase in the recommended maximum content of a feed additive consisting of nonanoic acid. The request was accompanied by the relevant supporting data.
- (4) The Authority concluded in its opinion of 1 February 2024³ that nonanoic acid is safe for all poultry for fattening, all poultry reared for laying or breeding, all *Suidae* for fattening and suckling and weaned piglets of all *Suidae* at 100 mg/kg feed. It further concluded that the modification of the existing authorisation of the additive would not modify the conclusions on the safety for the consumer and the environment reached in its opinion of 5 April 2013⁴. The Authority also concluded that since nonanoic acid is recognised to flavour food and its function in feed would be essentially the same as that in food, no further demonstration of efficacy is considered necessary. The Authority could not conclude on the additive's irritancy to skin and eyes nor on its potential for dermal and respiratory sensitisation.
- (5) In view of the above, the Commission considers that the authorisation of the preparation of nonanoic acid as a feed additive still meets the conditions provided for

¹ OJ L 268, 18.10.2003, p. 29, ELI: <http://data.europa.eu/eli/reg/2003/1831/oj>.

² OJ L 13, 17.1.2017, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2017/53/oj.

³ EFSA Journal 2024;22(2):e8642.

⁴ EFSA Journal 2013;11(4):3169.

in Article 5 of Regulation (EC) No 1831/2003 when increasing the maximum inclusion level of a feed additive consisting of nonanoic acid from 5 to 100 mg/kg complete feed for all poultry for fattening, all poultry reared for laying or breeding, all *Suidae* for fattening, and suckling and weaned piglets of all *Suidae*.

- (6) Implementing Regulation (EU) 2017/53 should therefore be amended accordingly.
- (7) 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

Amendment to Implementing Regulation (EU) 2017/53

In the Annex to Implementing Regulation (EU) 2017/53, in the entry for nonanoic acid, eighth column “other provisions”, the third point “The recommended maximum content of the active substance shall be 5 mg/kg of complete feedingstuff with a moisture content of 12 %.” is replaced by the following:

“The recommended maximum content of the active substance per kg of complete feedingstuff with a moisture content of 12% shall be:

- 100 mg for all poultry for fattening;
- 100 mg for all poultry reared for laying or breeding;
- 100 mg for piglets (suckling and weaned) of all *Suidae*;
- 100 mg for all *Suidae* for fattening;
- 5 mg for other animal species and categories.”

Article 2

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,

For the Commission
The President
Ursula VON DER LEYEN