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**FEFAC COMMENTS TO THE PUBLIC CONSULTATION ON
Proposal for an Implementing Regulation authorising certain
products and substances for use in organic production and
establishing their lists
Ares (2021)2131426**

FEFAC representing the EU compound feed and premixtures industry welcomes the opportunity to share its remarks regarding this proposal. Our comments concern Annex III listing among others those feed materials and feed additives of non-organic origin that may be used to feed animals under organic farming conditions.

General

We note that, in a number of case, the feed use of the non-organically produced feed material or the feed additive is permitted “when not available from organic production”. We would appreciate guidance for the type of evidence that the operator should provide to justify that this requirement is fulfilled.

Part A, 1. Feed materials of mineral origin:

No comment

Part A, 2. Other feed materials

Meal, oil and other feed materials of fish, mollusc or crustacean origin: This entry refers to the whole of chapter 10 of the EU Catalogue of feed materials. However, chapter 10 of the EU Catalogue of feed materials refers to “Fish, other aquatic animals and products derived thereof” and includes products such as starfish meal (entry 101.10.1), which his neither a fish, nor a mollusc nor a crustacean and represents in certain EU Member States a valuable source of local, natural proteins. We would therefore recommend aligning the designation of this entry with the wording of the header of chapter 10 of the EU Catalogue of feed materials, i.e. “Fish, other aquatic animals and products derived thereof”.

In addition, the description of the item “Meal, oil and other feed materials of fish, mollusc or crustacean origin” requires that the product is “obtained from fisheries that have been certified as sustainable under a scheme recognised by the competent authority in line with the principles laid down in Regulation (EU) No 1380/2013.” For the sake of proper functioning of the internal market, it is essential for operators and national authorities to get access to the lists of schemes recognized by each competent authorities (or a list of weblinks pointing to national lists).

Yeasts / Yeast products: we welcome the extension of Part A (2) to yeasts products. We however do not understand the reason why only 2 yeasts species are listed whereas there is no reason to treat differently yeast species as they all meet in the same way the eligibility criteria for authorization of non-organic feed materials. We therefore consider it appropriate to replace in the column “specifications/restrictions” the words “*obtained by Saccharomyces cerevisiae and Saccharomyces carlsbergensis*” by “*obtained by yeasts listed in the EU Catalogue of feed materials*”.

Cholesterol: the insertion of this feed material in the EU Catalogue of feed materials was proposed by the EU Feed Chain Task Force and is being discussed by the SCoPAFF Animal Nutrition. We understand that the members of the SCoPAFF do not consider the name “cholesterol” as appropriate. It is essential to take into account the final decision of the SCoPAFF animal nutrition to avoid inconsistencies between this Annex III and the EU Catalogue of feed materials.

Specific protein compounds: It is our understanding that fish meal (“when obtained from fisheries that have been certified as sustainable under a scheme recognised by the competent authority in line with the principles laid down in Regulation (EU) No 1380/2013”) and yeast and yeast products (obtained from *Saccharomyces cerevisiae* or *Saccharomyces carlsbergensis*, inactivated resulting in absence of live micro-organisms) should not be considered as specific protein compounds and subject to the restrictions that are set for this specific protein compounds, in particular that they should not be accounted within the 5% set for non-organic protein sources in feed for piglets of less than 35 kg and young poultry.

We would also like to stress that guidelines are highly suitable for the interpretation of the notion of young poultry to ensure level playing field across the EU.

Part B, (1)(d): binders and anticaking agents

Calcium stearate: Calcium stearate from natural origin was listed as feed additive in Annex VI of the [original version](#) of Regulation 2008/889 (see below, page 46) for use as binder.

Calcium stearate was authorised as feed additive under E470 (that includes also other salts of fatty acids) (see attached page 21).

In 2010, the EU Commission adopted [Regulation 2010/892](#) stating that Sodium, potassium and calcium salts of edible fatty acids with at least four carbon atoms/stearates which were authorised as feed additives were actually not feed additives.

The consequence of this regulation was that calcium stearate, like other salts of fatty acids did not require an authorisation as feed additives anymore and were therefore delisted as feed additives. This however did not have any consequence on the possibility to use calcium stearate in conventional feed: it could still be used as feed material with binding properties.

In 2013, calcium stearate were listed in the EU Catalogue of feed materials ([Regulation \(EU\) 68/2013](#)) under the generic name of salts of fatty acids (13.6.4).

However, between 2010 and 2013, calcium stearate could be used as feed material but was not listed anywhere. This may explain why, in 2012, when reviewing annexes V and VI of Regulation (EC) No 889/2008, calcium stearate disappeared (see Regulation (EC) 505/2012 – no longer available on EUR-Lex - there is no reference in the whereas to any withdrawal of substances from Annex VI, only to addition). What should have happened at the time was the transfer of calcium stearate from natural origin from Annex VI to Annex V (feed materials).

Calcium stearate was used to avoid losses when unmolding licking blocks. It is still used in formulation of licking blocks for conventional farming.

Considering that the unintended delisting of calcium stearate was due to an inappropriate administrative operation, it should be brought back in Annex III of the draft implementing act on authorised products and substances for use in organic farming.

Part B, (3)(a) Vitamins and provitamins:

There has been a lot of confusion on the market place as regards the interpretation of annex VI of Regulation 889/2008 and we believe that the present draft implementing regulation provides a unique opportunity to address these. The main problems lay in:

- The types of substances permitted for use in monogastric animals and aquaculture:
 - The functional group 3a as specified in annex to Regulation 1831/2003 refers to “vitamins, provitamins and chemically well-defined substances having a similar effects” whereas the name mentioned in this regulation is “Vitamins and provitamins”
 - Provitamins are mentioned in the name but the par on monogastrics and aquaculture animals refers to vitamins only.
- The wording “identical to vitamins derived from agricultural products” gives raise to different interpretations.

We therefore propose to address these unclarities via the following wording, inspired from the wording used in article 24(3)(e) of Regulation 2018/848:

ID numbers or Functional groups	Substance	Description, conditions for use	
		Wording in the present draft regulation	Alternative proposal
3a	Vitamins and provitamins and chemically well defined substances having a similar effects	Derived from agricultural products If not available from agricultural products: - derived synthetically, only those identical to vitamins derived from agricultural products may be used for monogastric animals and aquaculture animals. - derived synthetically, only vitamins A, D and E identical to vitamins derived from agricultural products may be used for ruminants; the use is subject to prior authorisation of the Member States based on the assessment of the possibility for organic ruminants to obtain the necessary quantities of the said vitamins through their feed rations	Derived from agricultural products Monogastric animals and aquaculture animals: Derived synthetically when sources derived from agricultural products are not available in sufficient quantities or qualities or where alternatives are not available. Ruminants: Only vitamins A, D and E derived synthetically when sources derived from agricultural products are not available in sufficient quantities or qualities or where alternatives are not available.

Part B. (3)(b) Compounds of trace elements:

Implementing regulation (EU) 2020/2117 corrected the ID number of the additive “Selenised yeast, inactivated”: it should now read “3b812” and no longer “3b8.12”. The same regulation introduced also the term “inactivated” in the name, so that the 5 feed additives bear the same denomination of “selenised yeasts, inactivated”, making the addition of “a.o” next to it not only superfluous but also potentially confusing as to the nature of the feed additives at stake.