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FEFAC comments on the call for evidence for a simplification of administrative burden in food and feed safety legislation

General comments

FEFAC representing the EU manufacturers of feed for food producing animals welcomes the initiative of the EU Commission to simplify and reduce the administrative burden related to the the food and feed safety legislation, in line with the EC “better regulation” principles. We understand and agree that the purpose of this initiative is to eliminate red tapes and amend a number of provisions in a way that enables to deliver the same high level of food and feed safety with less administrative constraints. In this respect, the examples of provisions deserving simplification mentioned in the Call For Evidence are all relevant in our views.

However, it is also clear for us that an omnibus with a limited scope should not exonerate the EU Commission from proceeding to further amendments or even recasting of certain outdated feed and food legal acts. This is the case in particular for the feed additives Regulation (EC) No 1831/2003, whose evaluation, which started in 2017, has shown an imperative need for modernisation. We acknowledge and welcome the EU Commission intention to address some of the issues identified in this evaluation but there are more to tackle beyond the administrative simplification, in particular to support the transition to more sustainable feeding practices, to encourage applications for authorisation of generic feed additives, etc.

Likewise, we see a clear case for a general reflection on how to align more the feed legislation with the new policy priorities in terms of circularity and food security. This would concern in particular the Animal By-Products Regulation (EC) No 1069/2009 and certain restrictions to access to certain materials for example in Regulation (EC) No 999/2001 on TSE and annex III of Regulation (EC) No 767/2009 on the marketing of feed. A catalogue of potential measures to improve feed circularity is available [here](#).

Finally, a significant part of the administrative burden for operators lays in the way the EU food & feed standards are enforced. Although we acknowledge that enforcement is not in the scope of this omnibus, we believe that a more harmonised, risk-proportionate enforcement of the existing safety standards is needed and that the EU Commission should play a role in this.

Specific comments

Amendment of Regulation (EC) No 1831/2003

FEFAC agrees with the need to alleviate the administrative burden linked to the feed additives legislation. We do agree that the 10-years renewal obligation is useless, burdensome and possibly conducive to losing important feed additives. We support its withdrawal as there are other ways to reconsider an authorisation in case of safety concerns related to a specific additive.

We also agree that the labelling rules for feed additives are excessively burdensome, in particular for multilingual labels for products marketed in several Member States. This is even worse for premixtures, considering the massive amount of information that the legislation requires to be put on the label. Granting operators the possibility to provide labelling particulars

in a digital form would be a significant step forward and alleviate considerably the burden on operators. We are confident that the EU Commission can propose rules that meet the interests of the producers, the users and the control authorities.

We also think that the omnibus provides an excellent opportunity to address other issues related to the labelling of feed additives and premixtures, in particular:

- Securing a better alignment with labelling provisions of Regulation (EC) No 767/2009 on the marketing of feed by establishing a legal basis for claims and for the development and endorsement of a sector Code of Good Labelling Practice by relevant Feed Business organisations.
- Filling in the legal vacuum left by the exemption of feed additives and premixtures from the scope of Regulation (EC) N 1272/2008 on Classification, Labelling and Packaging of hazardous substances and mixtures, further to the legal analysis by the EU Commission services in 2023/24. This may be achieved by referring in Regulation (EC) No 1831/2003 to the relevant sections/articles of the CLP legislation allowing for a standardised classification of feed additives and premixtures as well as ensuring communication along the chain via coherent labelling and SDS transmission.

Next to these labelling issues, we also see an opportunity for the omnibus to establish a legal basis allowing the export to third countries of safe but non-authorized feed additives, either as single substances or in premixtures or compound feed. The EU has developed overtime an excellent trade relationship with many third countries relying on the know-how and reputation of EU feed business operators to feed efficiently their animals in a safe and responsible way. Maintaining such a trade flow still requires a robust legal basis.

Fermentation products

We do welcome the initiative of the EU Commission to clarify under which circumstances fermentation products using GMMs qualify as “products from” or “products with”. Since the entry into application of Regulation (EC) No 1829/2003 and the authorisation of feed additives produced by fermentation using GMMs, both producers and users of these additives were lacking legal certainty as regards their legal compliance, with sometimes significant costs for withdrawal of products declared non-compliant by control authorities.