
→ To comply with the Lisbon Treaty which provides for a distinction between delegated acts (Art. 290 of TFEU) and implementing acts (Art. 291 of TFEU) to be adopted by the Commission

→ “Delegated acts” = “non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act”  
(Procedure for preparation: via a Commission Expert Group composed of experts designated by the Member States and possibly other members – no formal opinion, no vote)

→ “Implementing acts” = “acts to ensure uniform conditions for implementing legally binding Union acts”  
(Procedure for preparation: via the Standing Committee – adoption of formal opinion through a vote)
Provisions of the Animal Nutrition legislation which are affected by the adaptation under Regulation (EU) 2019/1243

Delegated acts will have to be adopted, instead of “PRAC”, for the following measures:

1. **Under Regulation (EC) No 1831/2003 (Feed Additives)**

   - Article 3(5): **amendments to Annex IV** of the Regulation ("General conditions of use")

   - Article 6(3): **amendments to Annex I** of the Regulation (Categories and functional groups of additives)

   - Article 7(5), 3rd subparagraph: rules (so-called “guidelines”) for **simplified provisions for the authorisation of additives which have been authorised for use in food**

   - Article 16(6): **amendments to Annex III** of the Regulation (“Specific labelling requirements for certain additives and for premixtures”)

   - Article 21, 4th paragraph: **amendments to Annex II** of the Regulation (“Duties and tasks of the Community Reference Laboratory”)
2. **Under Regulation (EC) No 183/2005 (Feed Hygiene)**

- Article 5(3): definition of **specific microbiological criteria** and of **specific targets**

- Article 10(3): requirement of **approval of feed business establishments** (for additional specific activities)

- Article 27: **amendments to Annexes I, II and III** (hygiene specific requirements for primary production and other than at level of primary production, and for good animal feeding practice for food-producing animals)

- Article 28: **derogations from Annexes I, II and III** for particular reasons


- Article 7(2): decision as to whether Annexes I and II should be amended after adoption of a provisional measure by a Member State

- Article 8(1): amendments to Annexes I and II

- Article 8(2), 2\(^{nd}\) indent: definition of acceptability criteria for detoxification processes
Procedure for the adoption of delegated acts

→ Conditions for adoption of delegated acts are laid down in the basic legislative act concerned: new article “Exercise of the delegation” included

  
  o “Common Understanding between the European Parliament, the Council and the Commission on Delegated Acts” (Annex to the Agreement)
  
  o It is for the Member States to decide which experts are to participate in the Expert Group – Invitations to Group’s meetings sent via the Permanent Representations of all Member States
  
  o Stakeholders’ consultation may be included
  
  o Joint functional register of delegated acts

→ EP and Council are informed on all documents and may send experts to the Group’s meetings as observers

→ Notification of the adopted delegated act to the EP and the Council and entry into force only if no objection from EP or Council within 2 months (may be extended by another 2-month period) – Publication in the OJ after expiry of objection period