

**COMPETENCE OF THE FUTURE EXPERT GROUP
ON ANIMAL NUTRITION
FOR THE PREPARATION OF DELEGATED ACTS**

- **Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union**

(published in OJ L 198, 25.7.2019, p. 241)

→ 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 1831/2003 (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

3. Under Directive 2002/32/EC (Undesirable substances)

- 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), 2nd 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

→ Consultation of Expert Group in accordance with principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making (*published in OJ L 123, 12.5.2016, p. 1*)

- “Common Understanding between the European Parliament, the Council and the Commission on Delegated Acts” (*Annex to the Agreement*)
- 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
- Stakeholders’ consultation may be included
- 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