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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**on the exercise of the power to adopt delegated acts pursuant to Regulation (EC) No  
1831/2003 of the European Parliament and of the Council of 22 September 2003 on  
additives for use in animal nutrition**

## **1. INTRODUCTION AND LEGAL BASIS**

The Regulation on additives for use in animal nutrition ('the Regulation')<sup>1</sup> establishes a Union procedure for authorising the placing on the market and use of feed additives. It also lays down rules for the supervision and labelling of feed additives and premixtures. The overall objective is to provide the basis for the assurance of a high level of protection of human health, animal health and welfare, environment and of users' and consumers' interests in relation to feed additives, whilst ensuring the effective functioning of the internal market.

The Regulation empowers the Commission to adopt delegated acts as referred to in Article 21a(1), with a view to:

- amend Annex IV to the Regulation on the general conditions of use of additives, in order to adapt these general conditions to technological progress or scientific development, as provided for in Article 3(5);
- amend Annex I to the Regulation on the additive groups, in order to adapt feed additive categories and functional groups as a result of technological progress or scientific development, as provided for in Article 6(3);
- supplement the Regulation by establishing rules to allow for simplified provisions for the authorisation of additives which have been authorised for use in food, as provided for in the third subparagraph of Article 7(5);
- amend Annex III to the Regulation on additional specific labelling and information requirements for certain additives and premixtures, to take technological progress and scientific development into account, as provided for in Article 16(6);
- amend Annex II to the Regulation on the duties and tasks of the Community Reference Laboratory, as provided for in Article 21.

The present report is required under Article 21a(2) of the Regulation, which confers on the Commission the power to adopt delegated acts referred to in Article 3(5), Article 6(3), Article 7(5), Article 16(6) and Article 21 of that Regulation for a period of five years from 26 July 2019. The Commission is required to prepare a report in respect to this delegation of power not later than nine months before the end of the five-year period.

## **2. EXERCISE OF THE DELEGATION**

The empowerments under Article 3(5), Article 6(3), Article 7(5), Article 16(6) and Article 21 of the Regulation have not been used during the reporting period. This is *inter alia* due to the fact that measures had already been adopted before the reporting period as regards all of the subject matters covered by those empowerments:

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<sup>1</sup> Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29, ELI: <http://data.europa.eu/eli/reg/2003/1831/oj>).

- An amendment to Annex IV to the Regulation, regarding the general conditions of use of additives, was brought by Commission Regulation (EU) 2015/327<sup>2</sup>;
- Several amendments to Annex I to the Regulation, regarding the establishment of new functional groups of additives, were brought by Commission Regulation (EC) No 386/2009<sup>3</sup>, Commission Regulation (EU) 2015/2294<sup>4</sup> and Commission Regulation (EU) 2019/962<sup>5</sup>;
- Rules concerning the preparation and presentation of applications and the assessment and the authorisation of additives, providing for simplified procedures for additives which have been authorised for use in food, have been established by Commission Regulation (EC) No 429/2008<sup>6</sup>;
- An amendment to Annex III to the Regulation, regarding specific additional labelling and information requirements for certain additives and premixtures, was brought by Commission Regulation (EU) 2015/327;
- An amendment to Annex II to the Regulation, regarding the duties and tasks of the Community Reference Laboratory, was brought by Commission Regulation (EC) No 378/2005<sup>7</sup>.

During the reporting period, no significant technological progress or scientific development has required further amendments to Annexes I, III or IV to the Regulation. In addition, experience in the application of Annex II to the Regulation and of the simplified procedures for additives which have been authorised for use in food has not given rise, during the past five-year period, to the need for further amendments or supplementation to those provisions.

The high number of applications for authorisation of various additives may require within the next five-year period a new amendment to Annex I to the Regulation in order to adapt the functional groups to new types of additives as a result of technological progress and scientific development. In addition, continuous experience or further technological or scientific development in the sector of additives might require the use of the empowerments provided for in the Regulation.

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<sup>2</sup> Commission Regulation (EU) 2015/327 of 2 March 2015 amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards requirements for the placing on the market and conditions of use of additives consisting of preparations (OJ L 58, 3.3.2015, p. 46, ELI: <http://data.europa.eu/eli/reg/2015/327/oj>).

<sup>3</sup> Commission Regulation (EC) No 386/2009 of 12 May 2009 amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the establishment of a new functional group of feed additives (OJ L 118, 13.5.2009, p. 66, ELI: <http://data.europa.eu/eli/reg/2009/386/oj>).

<sup>4</sup> Commission Regulation (EU) 2015/2294 of 9 December 2015 amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the establishment of a new functional group of feed additives (OJ L 324, 10.12.2015, p. 3, ELI: <http://data.europa.eu/eli/reg/2015/2294/oj>).

<sup>5</sup> Commission Regulation (EU) 2019/962 of 12 June 2019 amending Annex I to Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the establishment of two new functional groups of feed additives (OJ L 156, 13.6.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/962/oj>).

<sup>6</sup> Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives (OJ L 133, 22.5.2008, p. 1, ELI: <http://data.europa.eu/eli/reg/2008/429/oj>).

<sup>7</sup> Commission Regulation (EC) No 378/2005 of 4 March 2005 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the duties and tasks of the Community Reference Laboratory concerning applications for authorisations of feed additives (OJ L 59, 5.3.2005, p. 8, ELI: <http://data.europa.eu/eli/reg/2005/378/oj>).

### **3. CONCLUSION**

The Commission sees the need for the tacit extension of the delegation of power as provided for in Article 21a of the Regulation for another period of five years, in accordance with that Article. This is due to the fact that the possible need to develop rules based on the empowerments referred to by Article 21a of the Regulation will continue to exist in the future. The extension of the delegation of powers will be important to provide the necessary flexibility in the legal framework, to complement and adjust it regularly, taking into account technological progress and the latest scientific developments, and to allow the Commission to act in the areas where it did not act to this moment, but may need to do so in the future.

With this report, the Commission complies with the reporting requirement under Article 21a(2) of Regulation (EC) No 1831/2003 and invites the European Parliament and the Council to take note of this report.