

COMMISSION DIRECTIVE 97/8/EC
of 7 February 1997
amending Council Directive 74/63/EEC on undesirable substances and products
in animal nutrition
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 74/63/EEC of 17 December 1973 on undesirable substances and products in animal nutrition⁽¹⁾, as last amended by Directive 96/25/EC⁽²⁾, and in particular Article 6 thereof,

Whereas Directive 74/63/EEC provides for regular updating of its Annexes to take account of advances in scientific and technical knowledge;

Whereas, in the light of experience and to improve clarity, the Articles to which the Annexes to Directive 74/63/EEC relate should be listed in the title of the Annexes to Directive 74/63/EEC;

Whereas feed materials containing levels of undesirable substances and products in excess of those indicated for those feed materials in Annex I to Directive 74/63/EEC may only be supplied to compound feed manufacturers approved in accordance with the provisions of Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector⁽³⁾; whereas those undesirable substances and products, as already announced in Directive 96/25/EC on the circulation of feed materials, where they are not already listed in respect of certain feed materials in Part A of Annex II to Directive 74/63/EEC, should be included in the list in Part B of Annex II to Directive 74/63/EEC opposite the corresponding feed materials;

Whereas Directive 96/25/EC has replaced the terms 'straight feedingstuffs' and 'raw materials' with 'feed materials', it would seem sensible to adapt the Annexes to this new terminology;

Whereas Directive 74/63/EEC provides for a consolidated version of the Annexes to be adopted at regular intervals in order to incorporate the amendments made on account of advances in scientific and technical knowledge; whereas, since the adoption of the Directive, the Annexes have been amended a number of times; whereas, by reason of their number, complexity and dispersal among numerous Official Journals, the texts are difficult to use

and thus lack the clarity which should be an essential feature of all legislation; whereas this opportunity should therefore be taken to consolidate them;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I and II to Directive 74/63/EEC are replaced by the Annexes to this Directive.

Article 2

1. Member States shall adopt the laws, regulations or administrative provisions required for compliance with this Directive by 30 June 1998 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for making such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 7 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 38, 11. 2. 1974, p. 31.

⁽²⁾ OJ No L 125, 23. 5. 1996, p. 35.

⁽³⁾ OJ No L 332, 30. 12. 1995, p. 15.

ANNEX I

(Article 2a (2), Article 3, Article 3a (2) and (3), Article 4, Article 8 (2a))

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
A. Substances (ions or elements)		
1. Arsenic	Feed materials with the exception of: — meal made from grass, from dried lucerne and from dried clover, and dried sugar beet pulp and dried molasses sugar beet pulp — phosphates and feedingstuffs obtained from the processing of fish or other marine animals Complete feedingstuffs with the exception of: — complete feedingstuffs for fish Complementary feedingstuffs with the exception of: — Mineral feedingstuffs	2 4 10 2 4 4 12
2. Lead	Feed materials with the exception of: — green fodder — phosphates — yeasts Complete feedingstuffs Complementary feedingstuffs with the exception of: — Mineral feedingstuffs	10 40 30 5 5 10 30
3. Fluorine	Feed materials with the exception of: — feedingstuffs of animal origin — phosphates Complete feedingstuffs with the exception of: — complete feedingstuffs for cattle, sheep and goats — in milk — other — complete feedingstuffs for pigs — complete feedingstuffs for poultry — complete feedingstuffs for chicks Mineral mixtures for cattle, sheep and goats Other complementary feedingstuffs	150 500 2 000 150 30 50 100 350 250 2 000 ⁽¹⁾ 125 ⁽²⁾
4. Mercury	Feed materials with the exception of: — feedingstuffs produced by the processing of fish or other marine animals	0,1 0,5

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
5. Nitrites	Complete feedingstuffs with the exception of:	0,1
	— complete feedingstuffs for dogs and cats	0,4
	Complementary feedingstuffs except:	0,2
	— complementary feedingstuffs for dogs and cats	
	Fish meal	60 (expressed as sodium nitrite)
6. Cadmium	Complete feedingstuffs excluding:	15
	— feedingstuffs intended for pets except birds and aquarium fish	(expressed as sodium nitrite)
	Feed materials of vegetable origin	1
	Feed materials of animal origin except:	2
	— feedingstuffs for pets	
	Phosphates	10 ⁽³⁾
	Complete feedingstuffs for cattle, sheep and goats except:	1
B. Products	— complete feedingstuffs for calves, lambs and kids	
1. Aflatoxin B ₁	Other complete feedingstuffs except:	0,5
	— feedingstuffs for pets	
	Mineral feedingstuffs	5 ^(*)
	Other complementary feedingstuffs for cattle, sheep and goats	0,5
	Feed materials with the exception of:	0,05
	— Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof	0,02
	Complete feedingstuffs for cattle, sheep and goats with the exception of:	0,05
	— dairy cattle	0,005
	— calves and lambs	0,01
	Complete feedingstuffs for pigs and poultry (except young animals)	0,02
Other complete feedingstuffs	0,01	
Complementary feedingstuffs for cattle, sheep and goats (except complementary feedingstuffs for dairy animals, calves and lambs)	0,05	

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
	Complementary feedingstuffs for pigs and poultry (except young animals)	0,03
	Other complementary feedingstuffs	0,005
2. Hydrocyanic acid	Feed materials with the exception of: — linseed — linseed cakes — manioc products and almond cakes	50 250 350 100
	Complete feedingstuffs with the exception of:	50
	— complete feedingstuffs for chicks	10
3. Free Gossypol	Feed materials with the exception of: — cotton-seed cakes Complete feedingstuffs with the exception of: — complete feedingstuffs for cattle, sheep and goats — complete feedingstuffs for poultry (except laying hens) and calves — complete feedingstuffs for rabbits and pigs (except piglets)	20 1 200 20 500 100 60
4. Theobromine	Complete feedingstuffs with the exception of: — complete feedingstuffs for adult cattle	300 700
5. Volatile mustard oil	Feed materials with the exception of: — rape-seed cakes Complete feedingstuffs with the exception of: — complete feedingstuffs for cattle, sheep and goats (except young animals) — complete feedingstuffs for pigs (except piglets) and poultry	100 4 000 (expressed as allyl isothiocyanate) 150 (expressed as allyl isothiocyanate) 1 000 (expressed as allyl isothiocyanate) 500 (expressed as allyl isothiocyanate)
6. Vinyl thioxazolidone (Vinyloxazolidine thione)	Complete feedingstuffs for poultry with the exception of: — complete feedingstuffs for laying hens	1 000 500
7. Rye Ergot (<i>Claviceps purpurea</i>)	All feedingstuffs containing unground cereals	1 000

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
8. Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances separately or in combination including (a) <i>Lolium temulentum</i> L., (b) <i>Lolium remotum</i> Schrank, (c) <i>Datura stramonium</i> L.	All feedingstuffs	3 000
9. Castor oil plant — <i>Ricinus communis</i> L.	All feedingstuffs	10 (expressed in terms of castor-oil plant husks)
10. <i>Crotalaria</i> spp.	All feedingstuffs	100
11. Aldrin } singly or } combined 12. Dieldrin } expressed as } dieldrin	} All feedingstuffs with the exception of: } — fats	} 0,01 } 0,2
13. Camphchlor (Toxaphene)	All feedingstuffs	0,1
14. Chlordane (sum of cis- and trans-isomers and of oxychlordane, expressed as chlordane)	All feedingstuffs with the exception of: — fats	0,02 0,05
15. DDT (sum of DDT- TDE and DDE-isomers, expressed as DDT)	All feedingstuffs with the exception of: — fats	0,05 0,5
16. Endosulfan (sum of alpha- and beta-isomers and of endosulfansulphate expressed as endosulfan)	All feedingstuffs with the exception of: — maize — oilseeds — complete feedingstuffs for fish	0,1 0,2 0,5 0,005
17. Endrin (sum of endrin and delta-ketoi-endrin, expressed as endrin)	All feedingstuffs with the exception of: — fats	0,01 0,05
18. Heptachlor (sum of heptachlor and of heptachlor-epoxide, expressed as heptachlor)	All feedingstuffs with the exception of: — fats	0,01 0,2
19. Hexachlorobenzene (HCB)	All feedingstuffs with the exception of: — fats	0,01 0,2
20. Hexachlorocyclo-hexane (HCH)		
20.1. alpha-isomers	All feedingstuffs with the exception of: — fats	0,02 0,2
20.2. beta-isomers	Compound feedingstuffs with the exception of: — feedingstuffs for dairy cattle Feed materials with the exception of: — fats	0,01 0,005 0,01 0,1
20.3. gamma-isomers	All feedingstuffs with the exception of: — fats	0,2 2,0

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
<p>C. Botanical impurities</p> <ol style="list-style-type: none"> 1. Apricots — <i>Prunus armeniaca</i> L. 2. Bitter almond — <i>Prunus dulcis</i> (Mill.) D. A. Webb var. <i>amara</i> (DC.) Focke (= <i>Prunus amygdalus</i> Batsch var. <i>amara</i> (DC.) Focke) 3. Unhusked beech mast — <i>Fagus silvatica</i> (L.) 4. Camelina — <i>Camelina sativa</i> (L.) Crantz 5. Mowrah, Bassia, Madhuca — <i>Madhuca longifolia</i> (L.) Macbr. (= <i>Bassia longifolia</i> L. = <i>Illipe malabrorum</i> Engl.) <i>Madhuca indica</i> Gmelin (= <i>Bassia latifolia</i> (Roxb.) F. Mueller) 6. Purghera — <i>Jatropha curcas</i> L. 7. Croton — <i>Croton tiglium</i> L. 8. Indian mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>integrifolia</i> (West.) Thell. 9. Sareptian mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>juncea</i> 10. Chinese mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>juncea</i> var. <i>lutea</i> Batalin 11. Black mustard — <i>Brassica nigra</i> (L.) Koch 12. Ethiopian mustard — <i>Brassica carinata</i> A. Braun 	All feedingstuffs	Seeds and fruit of the plant species listed opposite as well their processed derivatives may only be present in feedingstuffs in trace amounts not quantitatively determinable

(¹) Member States may also prescribe a maximum fluorine content of 1,25 % of the phosphate content.

(²) Fluorine content per 1 % phosphorus.

(³) Member States may also prescribe a maximum cadmium content of 0,5 mg per 1 % phosphorus.

(⁴) Member States may also prescribe a maximum cadmium content of 0,75 mg per 1 % phosphorus.

ANNEX II

PART A

(Article 2a (2), Article 3a, Article 3c)

Substances, products	Feed materials	Maximum content in mg/kg (ppm) relative to feed materials with a moisture content of 12 %
(1)	(2)	(3)
1. Aflatoxin B ₁	Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof	0,2
2. Cadmium	Phosphates	10 (1)
3. Arsenic	Phosphates	20

(1) Member States may also prescribe a maximum cadmium content of 0,5 mg per 1 % phosphorus.

PART B

(Article 3a (3))

Substances, products	Feed materials
(1)	(2)
A. Substances (ions or elements)	
1. Arsenic	All feed materials with the exception of: — phosphates
2. Lead	All feed materials
3. Fluorine	All feed materials
4. Mercury	All feed materials
5. Nitrites	Fish meal
6. Cadmium	All feed materials of vegetable origin All feed materials of animal origin with the exception of: — feed materials for pets
B. Products	
1. Aflatoxin B ₁	All feed materials with the exception of: — Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof
2. Hydrocyanic acid	All feed materials

Substances, products	Feed materials
(1)	(2)
3. Free Gossypol	All feed materials
4. Volatile mustard oil	All feed materials
5. Rye Ergot (<i>Claviceps purpurea</i>)	Unground cereals
6. Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances separately or in combination including (a) <i>Lolium temulentum</i> L., (b) <i>Lolium remotum</i> Schrank, (c) <i>Datura stramonium</i> L.	All feed materials
7. Castor oil plant — <i>Rizinus communis</i> L.	All feed materials
8. <i>Crotalaria</i> spp.	All feed materials
9. Aldrin } 10. Dieldrin } singly or combined expressed as dieldrin	} All feed materials
11. Camphechlor (Toxaphene)	All feed materials
12. Chlordane (sum of cis- and trans-isomers and oxychlordane, expressed as chlordane)	All feed materials
13. DDT (sum of DDT-, TDE- and DDE-isomers, expressed as DDT)	All feed materials
14. Endosulfan (sum of alpha- and beta-isomers and endosulfan sulphate expressed as endosulfan)	All feed materials
15. Endrin (sum of endrin and of delta-ketoendrin, expressed as endrin)	All feed materials
16. Heptachlor (sum of heptachlor and of heptachlor-epoxide, expressed as heptachlor)	All feed materials
17. Hexachlorobenzene (HCB)	All feed materials
18. Hexachlorocyclohexane (HCH)	
18.1. alpha-isomer	All feed materials
18.2. beta-isomer	All feed materials
18.3. gamma-isomer	All feed materials
C. Botanical impurities	
1. Apricots — <i>Prunus armeniaca</i> L.	All feed materials
2. Bitter almond — <i>Prunus dulcis</i> (Mill.) D. A. Webb var. <i>amara</i> (DC.) Focke (= <i>Prunus amygdalus</i> Batsch var. <i>amara</i> (DC.) Focke)	All feed materials
3. Unhusked beech mast — <i>Fagus silvatica</i> (L.)	All feed materials
4. Camelina — <i>Camelina sativa</i> (L.) Crantz	All feed materials

Substances, products	Feed materials
(1)	(2)
5. <i>Mowrah, Bassia, Madhuca</i> — <i>Madhuca longifolia</i> (L.) Macbr. (= <i>Bassia longifolia</i> L. = <i>Illipe malabrorum</i> Engl.) <i>Madhuca indica</i> Gmelin (= <i>Bassia latifolia</i> (Roscb.) = <i>Illipe latifolia</i> (Roscb.) F. Mueller)	All feed materials
6. <i>Purghera</i> — <i>Jatropha curcas</i> L.	All feed materials
7. <i>Croton</i> — <i>Croton tiglium</i> L.	All feed materials
8. Indian mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>integrifolia</i> (West.) Thell.	All feed materials
9. Sareptian mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>juncea</i>	All feed materials
10. Chinese mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>juncea</i> var. <i>lutea</i> Batalin	All feed materials
11. Black mustard — <i>Brassica nigra</i> (L.) Koch	All feed materials
12. Ethiopian mustard — <i>Brassica carinata</i> A. Braun	All feed materials