

Regulation (EC) No 183/2005 of the European Parliament  
and of the Council of 12 January 2005 laying down  
requirements for feed hygiene (Text with EEA relevance)

CHAPTER V

**FINAL PROVISIONS**

*Article 26*

**Implementing measures**

Implementing measures may be laid down in accordance with the procedure referred to in Article 31(2).

*[<sup>F1</sup>Article 27*

**Amendments to Annexes I, II and III**

Annexes I, II and III may be amended to take account of:

- (a) the development of codes of good practice;
  - (b) the experience gained from the implementation of HACCP-based systems pursuant to Article 6;
  - (c) technological developments;
  - (d) scientific advice, particularly new risk assessments;
  - (e) the setting of feed safety targets;
- and
- (f) the development of requirements relating to specific operations.

[<sup>F2</sup>The Commission is empowered to adopt delegated acts in accordance with Article 30a to amend Annexes I, II and III.]]

**Textual Amendments**

- F1** Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.
- F2** Substituted by 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 (Text with EEA relevance).

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 183/2005 of the European Parliament and of the Council, CHAPTER V. (See end of Document for details)*

## *[<sup>F2</sup>Article 28*

### **Derogations from Annexes I, II and III**

The Commission is empowered to adopt delegated acts in accordance with Article 30a in order to supplement this Regulation by granting derogations from Annexes I, II and III for particular reasons, provided that such derogations do not affect the achievement of the objectives of this Regulation.]

#### **Textual Amendments**

- F2** Substituted by [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 \(Text with EEA relevance\)](#).

## *Article 29*

### **Rapid Alert System**

Should a specific feed, including feed for animals not kept for food production, present a serious risk to human or animal health or to the environment, Article 50 of Regulation (EC) No 178/2002 shall apply *mutatis mutandis*.

## *Article 30*

### **Penalties**

The Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take the measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by 8 February 2007, and shall notify it without delay of any subsequent amendment affecting them.

## *[<sup>F3</sup>Article 30a*

### **Exercise of the delegation**

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 5(3), point (3) of Article 10, Article 27 and Article 28 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

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3 The delegation of power referred to in Article 5(3), point (3) of Article 10, Article 27 and Article 28 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>(1)</sup>.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 5(3), point (3) of Article 10, Article 27 and Article 28 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.]

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#### Textual Amendments

- F3** Inserted by [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 \(Text with EEA relevance\)](#).

### Article 31

#### Committee Procedure

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up by Regulation (EC) No 178/2002 (hereinafter referred to as the Committee).

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

<sup>F4</sup>3 .....

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#### Textual Amendments

- F4** Deleted by [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 \(Text with EEA relevance\)](#).

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### *Article 32*

#### **Consultation of the European Food Safety Authority**

The Commission shall consult the European Food Authority on any matter, falling within the scope of this Regulation, that could have a significant impact on public health and, in particular, before proposing criteria or targets in accordance with Article 5(3).

### *Article 33*

#### **Repeal**

The following Directives are repealed, without prejudice to the obligations of the Member States concerning the deadlines for transposition, with effect from 1 January 2006:

- (a) Council Directive 95/69/EC;
- (b) Commission Directive 98/51/EC.

### *Article 34*

#### **Entry into force**

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

It shall apply as from 1 January 2006.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 183/2005 of the European Parliament and of the Council, CHAPTER V. (See end of Document for details)

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(1) [<sup>F3</sup>OJ L 123, 12.5.2016, p. 1.]

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**Textual Amendments**

- F3** Inserted by 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 (Text with EEA relevance).

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