

Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (Text with EEA relevance)

CHAPTER 1

INTRODUCTORY PROVISIONS

Article 1

Objective

The objective of this Regulation, in accordance with the general principles laid down in Regulation (EC) No 178/2002, is to harmonise the conditions for the placing on the market and the use of feed, in order to ensure a high level of feed safety and thus a high level of protection of public health, as well as to provide adequate information for users and consumers and to strengthen the effective functioning of the ^{F1}... market.

Textual Amendments

- F1** Word in [Art. 1](#) omitted (31.12.2020) by virtue of [The Animal Feed \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/654\)](#), regs. 1, **93**; 2020 c. 1, Sch. 5 para. 1(1)

Article 2

Scope

1 This Regulation lays down rules on the placing on the market and use of feed for both food-producing and non-food producing animals within [^{F2}Great Britain], including requirements for labelling, packaging and presentation.

2 This Regulation shall apply without prejudice to other ^{F3}... provisions applicable in the field of animal nutrition, in particular:

- a Directive 90/167/EEC;
- b Directive 2002/32/EC;
- c Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies⁽¹⁾;
- d Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption⁽²⁾;
- e Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁽³⁾;

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 767/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- f Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms⁽⁴⁾;
 - g Regulation (EC) No 1831/2003; and
 - h Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products⁽⁵⁾.
- 3 This Regulation shall not apply to water, either taken in directly by the animals or intentionally incorporated into feed. It shall, however, apply to feed designed to be administered in water.

Textual Amendments

- F2** Words in Art. 2(1) substituted (31.12.2020) by [The Animal Feed \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/654\)](#), regs. 1, **94(a)** (as substituted by [S.I. 2020/1504](#), regs. 1(2), **12(17)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Word in [Art. 2\(2\)](#) omitted (31.12.2020) by virtue of [The Animal Feed \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/654\)](#), regs. 1, **94(b)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Article 3

Definitions

- 1 For the purposes of this Regulation, the following definitions shall apply:
- a the definitions of ‘feed’, ‘feed business’, and ‘placing on the market’ as laid down in Regulation (EC) No 178/2002;
 - b the definitions of ‘feed additive’, ‘premixture’, ‘processing aids’ and ‘daily ration’ as laid down in Regulation (EC) No 1831/2003; and
 - c the definitions of ‘establishment’ and ‘competent authority’ as laid down in Regulation (EC) No 183/2005.
- 2 The following definitions shall also apply:
- a ‘feed-business operator’ means any natural or legal person responsible for ensuring that the requirements of this Regulation are met within the feed business under their control;
 - b ‘oral feeding of animals’ means the introduction of feed into an animal’s gastrointestinal tract through the mouth with the aim of meeting the animal’s nutritional needs and/or maintaining the productivity of normally healthy animals;
 - c ‘food-producing animal’ means any animal that is fed, bred or kept for the production of food for human consumption, including animals that are not used for human consumption, but that belong to a species that is normally used for human consumption in the Community [^{F4}or the United Kingdom];
 - d ‘non-food producing animals’ means any animal that is fed, bred or kept but that is not used for human consumption, such as fur animals, pets and animals kept in laboratories, zoos or circuses;
 - e ‘fur animals’ means any non-food producing animal fed, bred or kept for the production of fur, and which is not used for human consumption;
 - f ‘pet’ or ‘pet animal’ means any non-food producing animal belonging to species fed, bred or kept, but not normally used for human consumption in the Community [^{F5}or the United Kingdom];

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- g 'feed materials' means products of vegetable or animal origin, whose principal purpose is to meet animals' nutritional needs, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, whether or not containing feed additives, which are intended for use in oral animal-feeding either directly as such, or after processing, or in the preparation of compound feed, or as carrier of premixtures;
- h 'compound feed' means a mixture of at least two feed materials, whether or not containing feed additives, for oral animal-feeding in the form of complete or complementary feed;
- i 'complete feed' means compound feed which, by reason of its composition, is sufficient for a daily ration;
- j 'complementary feed' means compound feed which has a high content of certain substances but which, by reason of its composition, is sufficient for a daily ration only if used in combination with other feed;
- k 'mineral feed' means complementary feed containing at least 40 % crude ash;
- l 'milk replacer' means compound feed administered in dry form or after dilution in a given quantity of liquid for feeding young animals as a complement to, or substitute for, post-colostral milk or for feeding young animals such as calves, lambs or kids intended for slaughter;
- m 'carrier' means a substance used to dissolve, dilute, disperse or otherwise physically modify a feed additive in order to facilitate its handling, application or use without altering its technological function and without exerting any technological effect itself;
- n 'particular nutritional purpose' means the purpose of meeting the specific nutritional needs of animals whose process of assimilation, absorption or metabolism is, or could be, temporarily or irreversibly impaired and who can therefore benefit from the ingestion of feed appropriate to their condition;
- o 'feed intended for particular nutritional purposes' means feed which can satisfy a particular nutritional purpose by virtue of its particular composition or method of manufacture, which clearly distinguishes it from ordinary feed. Feed intended for particular nutritional purposes does not include medicated feedingstuffs within the meaning of Directive 90/167/EEC;
- p 'contaminated materials' means feed containing a level of undesirable substances in excess of that which is acceptable under Directive 2002/32/EC;
- q 'minimum storage life' means the period during which, under proper storage conditions, the person responsible for the labelling guarantees that the feed retains its declared properties; only one minimum storage life may be indicated in respect of the feed as a whole, and it is determined on the basis of the minimum storage life of each of its components;
- r 'batch' or 'lot' means an identifiable quantity of feed determined to have common characteristics, such as origin, variety, type of packaging, packer, consignor or labelling, and, in the case of a production process, a unit of production from a single plant using uniform production parameters or a number of such units, when produced in continuous order and stored together;
- s 'labelling' means the attribution of any words, particulars, trade marks, brand name, pictorial matter or symbol to a feed by placing this information on any medium referring to or accompanying such feed, such as packaging, container, notice, label, document, ring, collar or the Internet, including for advertising purposes;
- t 'label' means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, impressed on, or attached to the packaging or the container of feed; and

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- u ‘presentation’ means the shape, appearance or packaging and the packaging materials used for the feed, further to the way in which it is arranged and the setting in which it is displayed.
- [^{F6}v “prescribe” means prescribe by regulations;
- w “appropriate authority” means—
 - i in relation to England, the Secretary of State;
 - ii in relation to Wales, the Welsh Ministers;
 - iii in relation to Scotland, the Scottish Ministers;
- x “Food Safety Authority” means—
 - i as regards England and Wales, the Food Standards Agency;
 - ii as regards Scotland, Food Standards Scotland.]

Textual Amendments

- F4** Words in Art. 3(2)(c) added (31.12.2020) by [The Animal Feed \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/654), regs. 1, **95(a)** (as substituted by S.I. 2020/1504, regs. 1(2), **12(18)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Words in Art. 3(2)(f) added (31.12.2020) by [The Animal Feed \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/654), regs. 1, **95(a)** (as substituted by S.I. 2020/1504, regs. 1(2), **12(18)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Art. 3(2)(v)-(x) inserted (31.12.2020) by [The Animal Feed \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/654), regs. 1, **95(b)** (as substituted by S.I. 2020/1504, regs. 1(2), **12(18)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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- (1) [OJ L 147, 31.5.2001, p. 1.](#)
- (2) [OJ L 273, 10.10.2002, p. 1.](#)
- (3) [OJ L 268, 18.10.2003, p. 1.](#)
- (4) [OJ L 268, 18.10.2003, p. 24.](#)
- (5) [OJ L 189, 20.7.2007, p. 1.](#)

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Changes and effects yet to be applied to :

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 4\(a\)Sch. 1](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 3(2)(c) words substituted by [S.I. 2019/654 reg. 95\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 95 substituted immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 12(18))
- Art. 3(2)(f) words substituted by [S.I. 2019/654 reg. 95\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 95 substituted immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 12(18))
- Art. 3(2)(v)-(y) inserted by [S.I. 2019/654 reg. 95\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 95 substituted immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 12(18))
- Art. 16.1(a) word substituted by [S.I. 2022/1351 reg. 18\(2\)](#)
- Art. 28A(3)(d) words substituted by [S.I. 2019/1013 reg. 83](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/1013 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(e))