

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 4

LABELLING, PRESENTATION AND PACKAGING

Article 11

Principles for labelling and presentation

- 1 The labelling and the presentation of feed shall not mislead the user, in particular:
 - a as to the intended use or characteristics of the feed, in particular, the nature, method of manufacture or production, properties, composition, quantity, durability, species or categories of animals for which it is intended;
 - b by attributing to the feed effects or characteristics that it does not possess or by suggesting that it possesses special characteristics when in fact all similar feeds possess such characteristics; or
 - c as to the compliance of the labelling with the Community Catalogue and the Community Codes referred to in Articles 24 and 25.
- 2 Feed materials or compound feed marketed in bulk or in unsealed packages or containers in accordance with Article 23(2) shall be accompanied by a document containing all mandatory labelling particulars required under this Regulation.
- 3 Where feed is offered for sale by means of distance communication as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts⁽¹⁾ the mandatory labelling particulars required by this Regulation, except for the particulars provided for in Articles 15(b), (d), (e), and 16(2)(c) or 17(1)(d), shall appear on the material supporting the distance selling or they shall be provided through other appropriate means prior to the conclusion of a distance contract. The particulars referred to in Articles 15(b), (d), (e), and 16(2)(c) or 17(1)(d) shall be provided at the latest at the time of delivery of the feed.
- 4 Labelling provisions additional to those set forth in this Chapter are laid down in Annex II.
- 5 Permitted tolerances for discrepancies between the labelled compositional values of a feed material or compound feed and the values analysed in official controls in compliance with Regulation (EC) No 882/2004 are listed in Annex IV to this Regulation.

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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)

Article 12

Responsibility

1 The person responsible for the labelling shall ensure the presence and substantive accuracy of the labelling particulars.

2 The person responsible for the labelling shall be the feed business operator who first places feed on the market or, where applicable, the feed business operator under whose name or business name the feed is marketed.

3 To the extent that their activities affect labelling within the business under their control, feed business operators shall ensure that the information provided through whatever medium satisfies the requirements of this Regulation.

4 Feed business operators responsible for retail or distribution activities which do not affect labelling shall act with due care to help ensure compliance with the labelling requirements, in particular by refraining from supplying feed which they know or should have presumed, on the basis of the information in their possession and as professionals, does not comply with those requirements.

5 Within the businesses under their control feed business operators shall ensure that mandatory labelling particulars are transmitted throughout the food chain in order to allow the information to be provided to the final feed user in accordance with this Regulation.

Article 13

Claims

1 The labelling and the presentation of feed materials and compound feed may draw particular attention to the presence or the absence of a substance in the feed, to a specific nutritional characteristic or process or to a specific function related to any of these, provided that the following conditions are met:

- a the claim is objective, verifiable by the competent authorities and understandable by the user of the feed; and
- b the person responsible for the labelling provides, at the request of the competent authority, scientific substantiation of the claim, either by reference to publicly available scientific evidence or through documented company research. The scientific substantiation shall be available at the time the feed is placed on the market. Purchasers shall have the right to bring to the attention of the competent authority their doubts in respect of the truthfulness of the claim. Where the conclusion is reached that the claim is not sufficiently substantiated, the labelling in respect of such claim shall be considered misleading for the purposes of Article 11. Where the competent authority has doubts regarding the scientific substantiation of the claim concerned, it may submit the issue to the Commission. The Commission may adopt a decision, where appropriate after obtaining an opinion from the Authority, in accordance with the advisory procedure laid down in Article 28(2).

2 Without prejudice to paragraph 1, claims concerning optimisation of the nutrition and support or protection of the physiological conditions are permitted, unless they contain a claim of the type referred to in paragraph 3(a).

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3 The labelling or the presentation of feed materials and compound feed shall not claim that:

- a it will prevent, treat or cure a disease, except for coccidiostats and histomonostats as authorised under Regulation (EC) No 1831/2003; this point shall not, however, apply to claims concerning nutritional imbalances provided that there is no pathological symptom associated therewith;
- b it has a particular nutritional purpose, as provided for in the list of intended uses as referred to in Article 9, unless it satisfies the requirements laid down therein.

4 Specifications relating to the requirements laid down in paragraphs 1 and 2 may be included in the Community Codes referred to in Article 25.

Article 14

Presentation of labelling particulars

1 The mandatory labelling particulars shall be given in their entirety in a prominent place on the packaging, the container, on a label attached thereto or on the accompanying document provided for in Article 11(2), in a conspicuous, clearly legible and indelible manner, in the official language or at least one of the official languages of the Member State or region in which it is placed on the market.

2 The mandatory labelling particulars shall be easily identifiable and shall not be obscured by any other information. They shall be displayed in a colour, font and size that does not obscure or emphasise any part of the information, unless such variation is to draw attention to precautionary statements.

3 Specifications relating to the requirements laid down in paragraphs 1 and 2 and the presentation of the voluntary labelling referred to in Article 22 may be included in the Community Codes referred to in Article 25.

Article 15

General mandatory labelling requirements

A feed material or compound feed shall not be placed on the market unless the following particulars are indicated by labelling:

- (a) the type of feed: ‘feed material’, ‘complete feed’ or ‘complementary feed’, as appropriate;
 - for ‘complete feed’, the designation ‘complete milk replacer feed’ may be used, if appropriate,
 - for ‘complementary feed’, the following designations may be used if appropriate: ‘mineral feed’ or ‘complementary milk replacer feed’,
 - for pets other than cats and dogs, ‘complete feed’ or ‘complementary feed’ may be replaced by ‘compound feed’;
- (b) the name or business name and the address of the feed business operator responsible for the labelling;
- (c) if available, the establishment approval number of the person responsible for the labelling granted in accordance with Article 13 of Regulation (EC) No 1774/2002 for establishments authorised in accordance with Article 23(2)(a), (b) and (c) of

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Regulation (EC) No 1774/2002 or Article 17 of Regulation (EC) No 1774/2002 or with Article 10 of Regulation (EC) No 183/2005. If a person responsible for the labelling has several approval numbers he shall use the one granted in accordance with Regulation (EC) No 183/2005;

- (d) the batch or lot reference number;
- (e) the net quantity expressed in units of mass in the case of solid products, and in units of mass or volume in the case of liquid products;
- (f) the list of feed additives preceded by the heading 'additives' in accordance with Chapter I of Annex VI or VII, as applicable, and without prejudice to labelling provisions laid down in the legal act authorising the respective feed additive; and
- (g) the moisture content in accordance with point 6 of Annex I.

Article 16

Specific mandatory labelling requirements for feed materials

1 In addition to the requirements provided for in Article 15, the labelling of feed materials shall also include:

- a the name of the feed material; the name shall be used in compliance with Article 24(5); and
- b the compulsory declaration corresponding to the respective category as set out in the list in Annex V; the compulsory declaration may be replaced by the particulars laid down in the Community Catalogue referred to in Article 24 for each feed material in the respective category.

2 In addition to the requirements provided for in paragraph 1, the labelling of feed materials shall include the following when additives are incorporated:

- a the species or categories of animals for which the feed material is intended where the additives in question have not been authorised for all animal species or have been authorised with maximum limits for some species;
- b instructions for proper use in accordance with point 4 of Annex II, where a maximum content of the additives in question is set; and
- c the minimum storage life for additives other than technological additives.

Article 17

Specific mandatory labelling requirements for compound feed

1 In addition to the requirements provided for in Article 15, the labelling of compound feed shall also include the following:

- a the species or categories of animals for which the compound feed is intended;
- b the instructions for proper use indicating the purpose for which the feed is intended; such instructions shall, where applicable, be in accordance with point 4 of Annex II;
- c in cases where the producer is not the person responsible for the labelling, the following shall be provided:
 - the name or business name and address of the producer, or
 - the approval number of the producer as referred to in Article 15(c) or an identifying number in accordance with Articles 9, 23 or 24 of Regulation (EC)

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No 183/2005; if such number is not available, an identifying number allocated at the request of the producers or the importing feed business operator, which shall be in accordance with the format laid down in Chapter II of Annex V to Regulation (EC) No 183/2005;

- d the indication of the minimum storage life in accordance with the following requirements:
- ‘use before ...’ followed by the date indicating a certain day in the case of feed highly perishable due to degradation processes,
 - ‘best before ...’ followed by the date indicating a certain month in the case of other feed.

If the date of manufacture is indicated on the label, the date indicating minimum storage life may be provided as well as ‘... (time period in days or months) after the date of manufacture’;

- e a list of the feed materials of which the feed is composed, bearing the heading ‘composition’ and indicating the name of each feed material in accordance with Article 16(1)(a), and listing those feed materials in descending order by weight calculated on the moisture content in the compound feed; that list may include the percentage by weight; and
- f the compulsory declarations provided for in Chapter II of Annex VI or VII, as applicable.

2 As regards the list provided for in paragraph 1(e), the following requirements shall apply:

- a the name and percentage by weight of a feed material shall be indicated if its presence is emphasised on the labelling in words, pictures or graphics;
- b if the percentages by weight of the feed materials contained in compound feed for food-producing animals are not indicated on the labelling, the person responsible for the labelling shall, without prejudice to Directive 2004/48/EC, make available to the purchaser, on request, information on the quantitative composition data within a range of +/- 15 % of the value according to the feed formulation; and
- c in the case of compound feed intended for non-food producing animals except fur animals, the indication of the specific name of the feed material may be replaced by the name of the category to which the feed materials belong.

3 In the event of any urgency relating to human or animal health or to the environment, and without prejudice to Directive 2004/48/EC, the competent authority may provide the purchaser with information that is available to it under Article 5(2), provided that, after having balanced the respective legitimate interests of the manufacturers and the purchasers, it concludes that the provision of such information is justified. If appropriate, the competent authority shall provide such information subject to the signing of a confidentiality clause by the purchaser.

4 For the purposes of paragraph 2(c), the Commission shall establish a list of categories of feed materials which may be indicated instead of individual feed materials on the labelling of feed for non-food producing animals except fur animals.

Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 28(4).

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Article 18

Additional mandatory labelling requirements for feed intended for particular nutritional purposes

In addition to the general mandatory requirements laid down in Articles 15, 16 and 17, as applicable, the labelling of feed intended for particular nutritional purposes shall also include:

- (a) the qualifying expression ‘dietetic’, in the case, exclusively, of feed intended for particular nutritional purposes, next to the designation of the feed as laid down in Article 15(a);
- (b) the particulars prescribed for the respective intended use in columns 1 to 6 of the list of intended uses referred to in Article 9; and
- (c) an indication that the opinion of a nutrition expert or veterinarian should be sought before using the feed or before extending its period of use.

Article 19

Additional mandatory labelling requirements for pet food

On the label of pet food a free telephone number or other appropriate means of communication shall be indicated in order to allow the purchaser to obtain information in addition to the mandatory particulars on:

- (a) the feed additives contained in the pet food; and
- (b) the feed materials contained therein that are designated by category as referred to in Article 17(2)(c).

Article 20

Additional mandatory labelling requirements for non-compliant feed

1 In addition to the requirements laid down in Articles 15, 16, 17 and 18, feed which does not comply with the requirements under Community law set out in Annex VIII, such as contaminated materials, shall bear the labelling particulars laid down in that Annex.

2 The Commission may amend Annex VIII in order to bring it into line with legislative progress towards the development of standards.

Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 28(4).

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Article 21

Derogations

1 The particulars referred to in Article 15(c), (d), (e), and (g) and Article 16(1)(b) shall not be required where, before each transaction, the purchaser has stated in writing that he does not require this information. A transaction may consist of several consignments.

2 On packaged feed the particulars referred to in Article 15(c), (d) and (e) and Article 16(2)(c) or Article 17(1)(c), (d), and (e) may be given on the packaging outside the place of the label as referred to in Article 14(1). In such cases it shall be pointed out where these particulars appear.

3 Without prejudice to Annex I to Regulation (EC) No 183/2005, the particulars referred to in Article 15(c), (d), (e) and (g) and Article 16(1)(b) of this Regulation shall not be mandatory for feed materials that do not contain feed additives, with the exception of preservatives or silage additives, and which are produced and delivered by a feed business operator in accordance with Article 5(1) of Regulation (EC) No 183/2005 to a feed user involved in primary production for use within his own holding.

4 The compulsory declarations referred to in Article 17(1)(f) shall not be required for mixes of whole plant grains, seeds and fruit.

5 In the case of compound feed constituted from no more than three feed materials the particulars referred to in Article 17(1)(a) and (b) shall not be required where the feed materials used are clearly indicated in the description.

6 For quantities not exceeding 20 kg of feed materials or compound feed intended for the final user and sold in bulk, the particulars referred to in Articles 15, 16 and 17 may be brought to the purchaser's attention by means of an appropriate notice at the point of sale. In such cases, the particulars referred to in Article 15(a) and Article 16(1) or Article 17(1)(a) and (b), as appropriate, shall be provided for the purchaser at the latest on or with the invoice.

7 For quantities of pet food sold in packages with several containers, the particulars referred to in Article 15(b), (c), (f) and (g) and Article 17(1)(b), (c), (e) and (f) may be given only on the outer packaging instead of on each container, provided that the combined total weight of the package does not exceed 10 kg.

8 By way of derogation from the provisions of this Regulation, Member States may apply national provisions for feed intended for animals kept for scientific or experimental purposes on condition that such purpose is clearly indicated on the label. The Member States shall notify those provisions to the Commission without delay.

Article 22

Voluntary labelling

1 In addition to the mandatory labelling requirements, the labelling of feed materials and compound feed may also include voluntary labelling particulars, provided that the general principles laid down in this Regulation are complied with.

2 Further conditions for voluntary labelling may be provided in the Community Codes referred to in Article 25.

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Article 23

Packaging

1 Feed materials and compound feed may be placed on the market only in sealed packages or containers. Packages or containers shall be sealed in such a way that, when the package or container is opened, the seal is damaged and cannot be reused.

2 By way of derogation from paragraph 1, the following feed may be placed on the market in bulk or in unsealed packages or containers:

- a feed materials;
- b compound feed obtained exclusively by mixing grain or whole fruit;
- c deliveries between producers of compound feed;
- d deliveries of compound feed directly from the producer to the feed user;
- e deliveries from producers of compound feed to packaging firms;
- f quantities of compound feed not exceeding 50 kilograms in weight which are intended for the final user and are taken directly from a sealed package or container; and
- g blocks or licks.

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(1) [OJ L 144, 4.6.1997, p. 19.](#)

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