

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 6

GENERAL AND FINAL PROVISIONS

[^{F1}Article 27

Implementing measures

The appropriate authority may prescribe amendments to the Annexes in order to adapt them in light of scientific and technological developments.]

Textual Amendments

- F1** Art. 27 substituted (31.12.2020) by [The Animal Feed \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/654), regs. 1, **114**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F2}Article 28

Committee procedure

Textual Amendments

- F2** Art. 28 omitted (31.12.2020) by virtue of [The Animal Feed \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/654), regs. 1, **115**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F3}Article 28A

Regulations and devolved powers

1. Any power to make regulations under this Regulation—
 - a so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
 - b so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument.
2. For regulations made under this Regulation by the Scottish Ministers, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (Scottish statutory instruments).
3. Any power to make regulations under this Regulation includes power—

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- a to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
 - b to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.
4. Any statutory instrument or Scottish statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution—
- a in the case of England, of either House of Parliament;
 - b in the case of Wales, of Senedd Cymru;
 - c in the case of Scotland, of the Scottish Parliament;
5. In this Regulation, any power—
- a of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
 - b of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
 - c of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only.]

Textual Amendments

- F3** Art. 28A inserted (31.12.2020) by [The Animal Feed \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/654\)](#), regs. 1, **116** (as amended by [S.I. 2020/1504](#), regs. 1(2), **12(21)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Article 29

Amendment to Regulation (EC) No 1831/2003

Article 16 of Regulation (EC) No 1831/2003 shall be amended as follows:

1. paragraph 1 is amended as follows:
 - (a) point (d) is replaced by the following:
 - (d) where appropriate, the approval number of the establishment manufacturing or placing on the market the feed additive or the premixture pursuant to Article 10 of Regulation (EC) No 1831/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene⁽¹⁾ or, as applicable, to Article 5 of Directive 95/69/EC;;
 - (b) the following subparagraph is added at the end of paragraph 1:

In the case of premixtures, points (b), (d), (e) and (g) shall not apply to the incorporated feed additives.;
2. paragraph 3 is replaced by the following:
3. In addition to the information specified in paragraph 1, the packaging or container of a feed additive belonging to a functional group specified in Annex III or of a premixture containing an additive belonging to a functional group specified in

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Annex III shall bear the information, presented in a conspicuous, clearly legible and indelible manner, indicated in that Annex.;

3. paragraph 4 is replaced by the following:

4. In the case of premixtures, the word “premixture” shall appear on the label. Carriers shall be declared, in the case of feed materials, in compliance with Article 17(1)(e) of 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⁽²⁾, and, where water is used as a carrier, the moisture content of the premixture shall be declared. Only one minimum storage life may be indicated in respect of each premixture as a whole; such minimum storage life shall be determined on the basis of the minimum storage life of each of its components..

Article 30

Repeal

Article 16 of Directive 70/524/EEC and Directives 79/373/EEC, 80/511/EEC, 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC, and Decision 2004/217/EC are repealed with effect from 1 September 2010.

References to the repealed Directives and to the repealed Decision shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IX.

^{F4}Article 31

Penalties

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Textual Amendments

F4 Art. 31 omitted (31.12.2020) by virtue of [The Animal Feed \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/654\)](#), regs. 1, 117; 2020 c. 1, Sch. 5 para. 1(1)

Article 32

Transitional measures

1 By way of derogation from the second subparagraph of Article 33, feed placed on the market or labelled in accordance with Directives 79/373/EEC, 82/471/EEC, 93/74/EEC and 96/25/EC before 1 September 2010 may be placed or remain on the market until stocks are exhausted.

2 By way of derogation from Article 8(2), types of feed referred to in that Article that have already been legally placed on the market before 1 September 2010 may be placed or remain on the market until a decision on the application for updating the list of intended uses as referred to in Article 10 has been taken, provided that such application has been submitted before 1 September 2010.

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3 By way of derogation from point 1 of Annex I to this Regulation, feed materials may be placed on the market and used until the specific maximum content of chemical impurities resulting from their manufacturing process and from processing aids is fixed, provided that they comply at least with the conditions set out in point 1 of Part A, Title II of the Annex to Directive 96/25/EC. This derogation shall cease to apply, however, on 1 September 2012.

4 Measures may be adopted in order to facilitate transition to the application of this Regulation. In particular, conditions may be specified under which feed may be labelled in accordance with this Regulation prior to the date of its application. Such measures, designed to amend the non-essential elements of this Regulation, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 28(4).

Article 33

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 September 2010.

However, Articles 31 and 32 shall apply from the date of entry into force of this Regulation.

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- (1) [OJ L 35, 8.2.2005, p. 1.](#)';
- (2) [OJ L 229, 1.9.2009, p. 1.](#)'.

Changes to legislation:

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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))