
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, DIOXIN MONITORING FOR OILS, FATS AND DERIVED PRODUCTS. (See end of Document for details)

ANNEX II

REQUIREMENTS FOR FEED BUSINESSES OTHER THAN AT THE LEVEL
OF PRIMARY PRODUCTION OF FEED REFERRED TO IN ARTICLE 5(1)
[^{F1}[^{F2}DIOXIN MONITORING FOR OILS, FATS AND DERIVED PRODUCTS]

1. Feed business operators placing on the market fats, oils or products derived thereof intended for use in feed, including compound feed, shall analyse those products in accredited laboratories for the sum of dioxins and dioxin-like PCBs in accordance with Commission Regulation (EC) No 152/2009 ⁽¹⁾.
2. [^{F2}To supplement the feed business operator's HACCP system, the analyses referred to in point 1 shall be carried out with at least the following frequencies (if not further specified, a batch of products to be analysed shall not exceed 1 000 tonnes):
 - (a) Feed business operators processing crude vegetable fats and oils:
 - (i) 100 % of the batches of the products derived from oils and fats of vegetable origin, except for the following:
 - glycerine,
 - lecithin,
 - gums,
 - products referred to in (ii);
 - (ii) acid oils from chemical refining, soap stocks, used filter aids, used bleaching earth and incoming batches of crude coconut oil shall be analysed and documented as part of the HACCP system.
 - (b) Feed business operators producing animal fat including animal fat processors:
 - (i) one representative analysis per 5 000 tonnes with a minimum of one representative analysis per year of animal fat and products derived thereof belonging to category 3 material, as referred to in Article 10 of Regulation (EC) No 1069/2009 of the European Parliament and of the Council ⁽²⁾ or from an establishment approved in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council ⁽³⁾.
 - (c) Feed business operators producing fish oil:
 - (i) 100 % of the batches of fish oil if it is produced from:
 - products derived from fish oil other than refined fish oil;
 - fisheries with no monitoring history, of unspecified origin or from the Baltic Sea;
 - fish by-products from establishments manufacturing fish for human consumption that are not [^{F3}approved under retained EU law];
 - blue whiting or menhaden;
 - (ii) 100 % of the outgoing batches of products derived from fish oil other than refined fish oil;

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- (iii) one representative analysis per 2 000 tonnes as regards fish oil not referred to in (i);
 - (iv) fish oil decontaminated by an officially approved treatment as referred to in Annex VIII of Regulation (EC) No 767/2009 and in Commission Regulation (EU) 2015/786 ⁽⁴⁾ shall be analysed and documented as part of the HACCP system.
- (d) Oleochemical industry placing feed on the market:
 - (i) 100 % of incoming batches of animal fats not covered by point (b) or (h), fish oil not covered by point (c) or (h), oils and fats recovered from food business operators falling within the scope of Regulation (EC) No 852/2004 and of blended fats and oils;
 - (ii) 100 % of the batches of products derived from oils and fats placed as feed on the market, except for the following:
 - glycerine,
 - pure distilled fatty acids from splitting,
 - products referred to in (iii);
 - (iii) crude fatty acids from splitting, fatty acids esterified with glycerol, mono and diglycerides of fatty acids, salts of fatty acids and incoming batches of crude coconut oil shall be analysed and documented as part of the HACCP system.
- (e) Biodiesel industry placing feed on the market:
 - (i) 100 % of incoming batches of animal fats not covered by point (b) or (h), fish oil not covered by point (c) or (h), oils and fats recovered from food business operators falling within the scope of Regulation (EC) No 852/2004 and of blended fats and oils;
 - (ii) 100 % of the batches of products derived from oils and fats placed as feed on the market, except for the following:
 - glycerine,
 - lecithin,
 - gums,
 - products referred to in (iii);
 - (iii) acid oils from chemical refining, soap stocks and crude coconut oil shall be analysed and documented as part of the HACCP system.
- (f) Fat blending establishments:
 - (i) 100 % of incoming batches of crude coconut oil, animal fats not covered by point (b) or (h), fish oil not covered by point (c) or (h), oils and fats recovered from food business operators falling within the scope of Regulation (EC) No 852/2004, blended fats and oils and products derived from oils and fats, except for the following:
 - glycerine,
 - lecithin,
 - gums,
 - products referred to in (ii);

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- (ii) acid oils from chemical refining, crude fatty acids from splitting, pure distilled fatty acids from splitting and soap stocks shall be analysed and documented as part of the HACCP system;
 - or
 - (iii) 100 % of the batches of blended fats and oils intended for feed.
 - The feed business operator shall declare to the competent authority which alternative he chooses.
 - (g) Producers of compound feed for food producing animals other than those covered by point (f):
 - (i) 100 % of incoming batches of crude coconut oil, animal fats not covered by point (b) or (h), fish oil not covered by point (c) or (h), oils and fats recovered from food business operators falling within the scope of Regulation (EC) No 852/2004, blended fats and oils and products derived from oils and fats, except for the following:
 - glycerine,
 - lecithin,
 - gums,
 - products referred to in (ii);
 - (ii) acid oils from chemical refining, crude fatty acids from splitting, pure distilled fatty acids from splitting; filter aids, bleaching earth and soap stocks shall be analysed and documented as part of the HACCP system;
 - (iii) 1 % of the batches as regards manufactured compound feed containing products referred to in (i) and (ii).
 - (h) ^{F4}Importers placing the following feed on the market:
 - (i) 100 % of imported batches of crude coconut oil, animal fats, fish oils, oils and fats recovered from food business operators, blended fats and oils, tocopherols extracted from vegetable oil and tocopheryl acetate made thereof and products derived from oils and fats, except for the following:
 - glycerine,
 - lecithin,
 - gums,
 - products referred to in (ii);
 - (ii) acid oils from chemical refining, crude fatty acids from splitting, pure distilled fatty acids from splitting and soap stocks shall be analysed and documented as part of the HACCP system.]]
3. If it can be demonstrated that a homogenous consignment is bigger than the maximum batch size according to point 2 and that it has been sampled in a representative way, then the results of the analysis of the appropriately drawn and sealed sample will be considered acceptable.
4. ^{F2} Where a feed business operator has documentary proof that a batch of a product or all components of a batch of a product as referred to under point 2 entering his

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establishment has already been analysed at an earlier stage of production, processing or distribution, the feed business operator shall be released from the obligation to analyse this batch.

5. Any batch of products analysed in accordance with point 2 shall be accompanied by documentary proof that these products, or all of its constituent components, have been analysed or have been submitted for analysis to an accredited laboratory referred to in point 1, except for the batches of products referred to in point 2(a)(ii), (b)(i), (c)(iii), (c)(iv), (d)(iii), (e)(iii), (f)(ii), (g)(ii) and (h)(ii).

The proof of analysis shall unambiguously link the delivery and the batch or batches tested. This link shall be described in the documented traceability system in place at the premises of the supplier. In particular, when the delivery is obtained from more than one batch or component, the documentary proof to be provided shall be a proof for each of the components of the delivery. In the case where the testing is performed on the outgoing product, the proof that the product has been analysed shall be the analytical report.

Any delivery of products as referred to under point 2(b) (i) or c (iii) shall be accompanied by a proof that these products are in compliance with the requirements of point 2(b)(i) or (c)(iii). If required, the proof of analysis that include the batch or batches delivered must be consigned to the consignee when the operator receives the analysis from the authorised laboratories.

6. If all incoming batches of products referred to in point 2(g)(i) entering a production process have been analysed in accordance with the requirements of this Regulation and if it can be assured that the production process, handling and storage does not increase the dioxin contamination, the feed business operator shall be released from the obligation to analyse the outgoing product and instead analyse it according to the HACCP system.]
7. [^{F5}Where a feed business operator mandates a laboratory to perform an analysis, as referred to in point 1 the feed business operator must instruct the laboratory to communicate the results of that analysis to the competent authority in case the dioxin limits set out in points 1 and 2 of Section 5 of Annex 1 to Directive 2002/32/EC are exceeded.]

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Feed business operators shall inform the competent authority ^{F7}... if they mandate a laboratory located in a third country. Evidence must be provided that the laboratory performs the analysis in accordance with Regulation (EC) No 152/2009.

8. The dioxin testing requirements shall be reviewed by 16 March 2014 .]

Textual Amendments

- F3** Words in Annex 2 substituted (31.12.2020) by The Animal Feed (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/654), regs. 1, **61(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Inserted by Commission Regulation (EU) 2015/1905 of 22 October 2015 amending Annex II to Regulation (EC) No 183/2005 of the European Parliament and of the Council as regards the dioxin testing of oils, fats and products derived thereof (Text with EEA relevance).
- F5** Words in Annex 2 substituted (31.12.2020) by The Animal Feed (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/654), regs. 1, **61(b)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Annex 2 omitted (31.12.2020) by The Animal Feed (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/654), regs. 1, **61(b)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)

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F7 Words in Annex 2 omitted (31.12.2020) by virtue of The Animal Feed (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/654), regs. 1, **61(b)(ii)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)

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- (1) [^{F1}OJ L 54, 26.2.2009, p. 1.]
- (2) [^{F1}^{F2}Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).]]
- (3) [^{F1}^{F2}Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).]]
- (4) [^{F1}^{F2}Commission Regulation (EU) 2015/786 of 19 May 2015 defining acceptability criteria for detoxification processes applied to products intended for animal feed as provided for in Directive 2002/32/EC of the European Parliament and of the Council (OJ L 125, 21.5.2015, p. 10).]]

Textual Amendments

- F1** Inserted by Commission Regulation (EU) No 225/2012 of 15 March 2012 amending Annex II to Regulation (EC) No 183/2005 of the European Parliament and of the Council as regards the approval of establishments placing on the market, for feed use, products derived from vegetable oils and blended fats and as regards the specific requirements for production, storage, transport and dioxin testing of oils, fats and products derived thereof (Text with EEA relevance).
- F2** Substituted by Commission Regulation (EU) 2015/1905 of 22 October 2015 amending Annex II to Regulation (EC) No 183/2005 of the European Parliament and of the Council as regards the dioxin testing of oils, fats and products derived thereof (Text with EEA relevance).

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