

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 939/2010, ANNEX. (See end of Document for details)*

## ANNEX

Annex IV to Regulation (EC) No 767/2009 is replaced by the following:

### ANNEX IV

#### **Permitted tolerances for the compositional labelling of feed materials or compound feed provided for in Article 11(5)**

##### ***Part A:***

##### ***Tolerances for the analytical constituents set out in Annexes I, V, VI and VII***

1. The tolerances laid down in this Part include technical and analytical deviations. Once analytical tolerances covering measurement uncertainties and procedural variations are fixed at Union level, the values set in point 2 should be adapted accordingly in order to cover only the technical tolerances.
2. Where the composition of a feed material or compound feed is found to deviate from the labelled value of the analytical constituents set out in Annexes I, V, VI and VII the following tolerances shall apply:
  - (a) for crude oil and fats, crude protein and crude ash:
    - (i)  $\pm 3\%$  of the total mass or volume for declared contents of 24 % or more;
    - (ii)  $\pm 12,5\%$  of the declared content for declared contents of less than 24 % but not less than 8 %;
    - (iii)  $\pm 1\%$  of the total mass or volume for declared contents of less than 8 %;
  - (b) for crude fibre, sugar and starch:
    - (i)  $\pm 3,5\%$  of the total mass or volume for declared contents of 20 % or more;
    - (ii)  $\pm 17,5\%$  of the declared content for declared contents of less than 20 % but not less than 10 %;
    - (iii)  $\pm 1,7\%$  of the total mass or volume for declared contents of less than 10 %;
  - (c) for calcium, ash insoluble in hydrochloric acid, total phosphorus, sodium, potassium and magnesium:
    - (i)  $\pm 1\%$  of the total mass or volume for declared contents of 5 % or more;
    - (ii)  $\pm 20\%$  of the declared content for declared contents of less than 5 % but not less than 1 %;
    - (iii)  $\pm 0,2\%$  of the total mass or volume for declared contents of less than 1 %;
  - (d) for moisture:
    - (i)  $\pm 8\%$  of the declared content for declared contents of 12,5 % or more;
    - (ii)  $\pm 1\%$  of the total mass or volume for declared contents of less than 12,5 % but not less than 5 %;

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- (iii)  $\pm 20\%$  of the declared content for declared contents of less than  $5\%$  but not less than  $2\%$ ;
- (iv)  $\pm 0,4\%$  of the total mass or volume for declared contents of less than  $2\%$ ;
- (e) as regards the energy value and the protein value, where no tolerance has been laid down in accordance with an EU method or in accordance with an official national method in the Member State in which the feed is placed on the market, the following tolerances shall apply: for the energy value  $5\%$  and for the protein value  $10\%$ .
- 3. By way of derogation from point 2(a) as regards crude oil and fats and crude protein in pet food, where the declared content is less than  $16\%$  the permitted deviation shall be  $\pm 2\%$  of the total mass or volume.
- 4. By way of derogation from point 2, the permitted deviation from the declared content to the upper side for crude oil and fats, sugar, starch, calcium, sodium, potassium, magnesium, energy value and protein value may be up to twice the tolerance laid down in points 2 and 3.
- 5. By way of derogation from point 2, the tolerances for ash insoluble in hydrochloric acid and moisture apply only to the upper side and no limits to the tolerances are set to the lower side.

### **Part B:**

#### ***Tolerances for feed additives labelled according to Annexes I, V, VI and VII***

1. The tolerances laid down in this Part include technical deviation only. They shall apply to feed additives in the list of feed additives and in the list of analytical constituents.

As regards feed additives listed as analytical constituents, the tolerances shall apply to the total amount labelled as the guaranteed quantity at the end of the minimum storage life of the feed.

Where the content of a feed additive in a feed material or compound feed is found to be below the declared content, the following tolerances shall apply<sup>(1)</sup>:

- (a)  $10\%$  of the declared content if the declared content is 1 000 units or more;
  - (b) 100 units if the declared content is less than 1 000 units but not less than 500 units;
  - (c)  $20\%$  of the declared content if the declared content is less than 500 units but not less than 1 unit;
  - (d) 0,2 units if the declared content is less than 1 unit but not less than 0,5 units;
  - (e)  $40\%$  of the declared content if the declared content is less than 0,5 units.
2. Where a minimum and/or a maximum content of an additive in a feed is laid down in the respective authorisation act for that feed additive, the technical tolerances laid down in point 1 shall only apply above a minimum content or below a maximum content, where appropriate.
  3. As long as the fixed maximum content of an additive as referred to in point 2 is not exceeded, the deviation above the declared content may go up to three times the tolerance laid down in point 1. However, if for feed additives belonging to the group

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of micro-organisms a maximum content is laid down in the respective authorising act for that feed additive, the maximum content shall constitute the upper permitted value.

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- (1) 1 unit in this point means 1 mg, 1 000 IU,  $1 \times 10^9$  CFU or 100 enzyme activity units of the respective feed additive per kg feed, as appropriate.

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