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[...] (2023) **XXX** draft

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**withdrawing from the market certain feed additives**

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>1</sup>, and in particular Article 10(5) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. In particular, Article 10(2) of that Regulation provides rules for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC<sup>2</sup>.
- (2) Article 10(5) of Regulation (EC) No 1831/2003 imposes an obligation on the Commission to adopt a Regulation requiring the withdrawal from the market of feed additives for which no applications as required by Article 10(2) of Regulation (EC) No 1831/2003 were submitted before the deadline provided for in that provision. Similarly, a Regulation should be adopted concerning feed additives for which an application was submitted but subsequently withdrawn.
- (3) Therefore, the feed additives as listed in the Annex should be withdrawn from the market.
- (4) In the case of feed additives for which applications have been submitted only for certain animal species or categories, or applications have been withdrawn only for certain animal species or categories, the withdrawal from the market should only concern the animal species and categories for which no application has been submitted or for which the application has been withdrawn.
- (5) It is appropriate to allow for a transitional period within which existing stocks of the additives concerned, premixtures, compound feed and feed materials which have been produced with those additives may be used up in respect of the animal species and categories for which the withdrawal from the market is required, in order to allow interested parties to adapt to the obligation to withdraw those products from the market.
- (6) The withdrawal from the market of the products listed in the Annex does not prevent them from being authorised or from being subject to a measure concerning their status in accordance with Regulation (EC) No 1831/2003.

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<sup>1</sup> OJ L 268, 18.10.2003, p. 29, ELI: <http://data.europa.eu/eli/reg/2003/1831/2021-03-27>.

<sup>2</sup> Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs (OJ L 270, 14.12.1970, p. 1), ELI: <http://data.europa.eu/eli/dir/1970/524/2003-03-31>.

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Withdrawal from the market**

The feed additives specified in the Annex, as authorised pursuant to Directive 70/524/EEC, shall be withdrawn from the market in respect of the animal species and categories mentioned in that Annex.

*Article 2*

**Transitional measures**

1. Existing stocks of the feed additives referred to in Article 1 may continue to be placed on the market and used until [*12 months from the date of entry into force of this Regulation – Dated to be inserted by the Service responsible for the publication*].
2. Premixtures produced with the feed additives referred to in paragraph 1 may continue to be placed on the market and used until [*15 months from the date of entry into force of this Regulation – Dated to be inserted by the Service responsible for the publication*].
3. Compound feed and feed materials produced with the feed additives referred to in paragraph 1 or with the premixtures referred to in paragraph 2 may continue to be placed on the market and used until [*24 months from the date of entry into force of this Regulation – Dated to be inserted by the Service responsible for the publication*].

*Article 3*

**Entry into force**

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*[...]*