



17 March 2021

(21-2233)

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Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1. Notifying Member: <u>EUROPEAN UNION</u> If applicable, name of local government involved:
2. Agency responsible: European Commission, Health and Food Safety Directorate-General
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): Preparation of a kind used in animal nutrition (HS Code: 2309)
4. Regions or countries likely to be affected, to the extent relevant or practicable: <input checked="" type="checkbox"/> All trading partners <input type="checkbox"/> Specific regions or countries:
5. Title of the notified document: Commission Implementing Regulation (EU) 2021/426 of 10 March 2021 correcting Implementing Regulation (EU) No 1263/2011 as regards the authorisation of <i>Lactococcus lactis</i> (NCIMB 30160) as a feed additive for all animal species (Text with EEA relevance). Language(s): English, French and Spanish. Number of pages: 3 https://members.wto.org/crnattachments/2021/SPS/EEC/21_1974_00_e.pdf https://members.wto.org/crnattachments/2021/SPS/EEC/21_1974_00_f.pdf https://members.wto.org/crnattachments/2021/SPS/EEC/21_1974_00_s.pdf
6. Description of content: The use of the preparation of <i>Lactococcus lactis</i> NCIMB 30160 as a feed additive was authorised for all animal species by Commission Implementing Regulation (EU) No 1263/2011 for a 10- year period. The authorisation was subsequently modified by Commission Implementing Regulation (EU) 2020/1092 in accordance with Article 13(2) of Regulation (EC) No 1831/2003, as regards the formulation of the additive. The intended modification did not concern the period of authorisation laid down in Implementing Regulation (EU) No 1263/2011, which was to run until 26 December 2021. However, in the Annex to Implementing Regulation (EU) 2020/1092, it was mistakenly indicated that the period of authorisation for <i>Lactococcus lactis</i> NCIMB 30160 was to run until 16 August 2030. That error was therefore inserted in Implementing Regulation (EU) No 1263/2011 through Implementing Regulation (EU) 2020/1092. For reasons of clarity and legal certainty, it is therefore necessary to correct Implementing Regulation (EU) No 1263/2011 as regards the end of period of authorisation for <i>Lactococcus lactis</i> NCIMB 30160. Implementing Regulation (EU) 2020/1092 provided that the modification to be brought to the terms of the authorisation of the additive <i>Lactococcus lactis</i> NCIMB 30160 only concerned the formulation of the additive. No reference was made to the need to modify the period of authorisation of that additive. In addition, Article 9(8) of Regulation (EC) No 1831/2003 prescribes that authorisations are granted for a period of 10 years and such rule may not be derogated from through a modification to the terms of an authorisation. Moreover, the Register of feed additives continued to mention the date of 26 December 2021 as the expiry date of the authorisation of the additive <i>Lactococcus lactis</i> NCIMB 30160, even after the adoption of Implementing Regulation (EU) 2020/1092. The absence of retroactive effect of the proposed correction would lead

to a breach of the principle of non- discrimination between operators, as the granting of an extended period of authorisation from the date of entry.	
7.	Objective and rationale: <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.
8.	<p>Is there a relevant international standard? If so, identify the standard:</p> <p><input checked="" type="checkbox"/> Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): Code of practice on Good Animal Feeding CAC/RCP 54-2004</p> <p><input type="checkbox"/> World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):</p> <p><input type="checkbox"/> International Plant Protection Convention (e.g. ISPM number):</p> <p><input type="checkbox"/> None</p> <p>Does this proposed regulation conform to the relevant international standard?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, describe, whenever possible, how and why it deviates from the international standard:</p>
9.	Other relevant documents and language(s) in which these are available:
10.	<p>Proposed date of adoption (dd/mm/yy): 10 March 2021</p> <p>Proposed date of publication (dd/mm/yy): 11 March 2021</p>
11.	<p>Proposed date of entry into force: <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p><input checked="" type="checkbox"/> Trade facilitating measure</p>
12.	<p>Final date for comments: <input type="checkbox"/> Sixty days from the date of circulation of the notification and/or (dd/mm/yy): Not applicable</p> <p>Agency or authority designated to handle comments: <input checked="" type="checkbox"/> National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>European Commission DG Health and Food Safety, Unit D2-Multilateral International Relations Rue Froissart 101 B-1049 Brussels Tel: +(32 2) 29 54263 Fax: +(32 2) 29 98090 E-mail: sps@ec.europa.eu</p>
13.	<p>Text(s) available from: <input checked="" type="checkbox"/> National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>European Commission DG Health and Food Safety, Unit D2-Multilateral International Relations Rue Froissart 101 B-1049 Brussels Tel: +(32 2) 29 54263 Fax: +(32 2) 29 98090 E-mail: sps@ec.europa.eu</p>