



Position Paper

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EDA position on the European Commission's draft guidelines for use of former foodstuff as feed

The draft Commission working document in view of the preparation of EU guidelines for use of former foodstuff as feed has been issued for stakeholder consultation

EDA appreciates the overall idea conveyed by the newly issued **draft Commission guidelines for use of former foodstuff as feed** and what appears to be its general outcome, i.e. that former foodstuffs which fall under the Animal by-products (ABP) regulation are part of the food and feed legislation (see page 2).

Nevertheless, the document leaves many issues relevant to the dairy sector unclarified. Hence, EDA would ask for a more ambitious guidance – apt to shed light into the grey zones described in the **EDA paper providing input to the Commission** on this topic ([link](#)).

While many real examples of issues from our aforementioned position are mentioned in these draft guidelines, no clear solution is foreseen to solve the following: **transport** of milk and milk products (including whey) in tankers and **ABPs labelling; registration** of dairy plants or further **requirements of feed hygiene** legislation; passed **durability dates**.

The draft COM working document in view of the preparation of EU guidelines for use of former foodstuff as feed has been issued for stakeholder consultation. It has already been discussed with MS experts on feed and environment, and it was presented for discussion to the EU Platform on Food Losses and Food Waste on 29 November 2016.

EDA appreciates the overall idea conveyed by this guidance and what appears to be its general outcome, namely that former foodstuffs are regulated under food and feed legislation, especially former foodstuff which falls under the ABP regulation (see page 2). This is especially important nowadays, when most Member States have a negligible animal health risk status, and the precious resources of all food and feed material should be used and not wasted.

However, while many real examples of issues from [EDA paper providing input to the Commission](#) are mentioned in the draft Commission guidelines, no real solution is foreseen to solve these open points:

- **Transport of milk and milk products (including whey) in tankers, and ABPs labelling** – only open for 'further reflection'.
 - EDA would propose a pragmatic approach – as already in use in some EU Member States: to allow operators to use the same tanker but mandatory labelling the ABP-transport with a tag (ABP 3.class, not for human consumption) at the unloading tube/valve. Furthermore, in case of antibiotic positive load (2. Class ABP) already in the tanker, there is no sense to pump the milk to another tanker to take it to biofuel plant; it is allowed also according to the food hygiene Regulation 852/2004 Annex II Chapter IV transport, as far as there are effective (recorded) CIP cleanings between loads.



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- The issue of **registration of dairy plants under feed hygiene and full compliance with feed hygiene legislation** is set to depend on the amount of product, which can be critical for whey, the product for which such opening is most needed. In addition, the additional burden is described as 'low', meaning not a real reason to change the requirements (see page 6, 4.1). But this is of great concern to the dairy operators.
- **Passed durability dates** – Food with expired durability dates should automatically be categorised as category 3; only in very few cases the categorisation as category 2 material may be necessary due to circumstances known by the operators.
- **Labelling of former foodstuff**: Former foodstuffs, as feed materials, need to be re-labelled to be in line with the provisions of Regulation 767/2009. It is not always easy, especially for former foodstuffs already prepacked for food purpose. For practical reason, a simplification of the system would be welcome, as it is done for food through article 8.7 of the INCO Regulation 1169/2011.
- EDA wishes a **clear differentiation** of deliberately produced feed, animal-by-product and former foodstuff, as defined in the Annex, Part A, No 3 of the Annex to Regulation 68/2013.

In conclusion, even if it may open doors to better use of former foodstuffs for feed, the document leaves many issues relevant to the dairy sector unclarified. As the needs of the feed and the food industries may be different, the Commission's guidance should provide the food industry with further indications on the re-use of former foodstuffs containing ABP.

Hence, EDA would ask for a more ambitious guidance – apt to shed light into the described grey zones.