



## Draft government amendments to the draft law relating to official controls of animal feed and repealing the amended law of 19 May 1983 regulating the manufacture and trade of animal feed

### TEXT OF THE AMENDMENTS

#### *Amendment 1*

The title of the draft law is amended and replaced as follows: 'Draft law relating to official controls and other official activities relating to animal feed.'

#### *Amendment 2*

Article 1 of the draft law is amended and reads as follows:

#### **'Art. 1. Purpose and scope of application**

(1) This law sets out the rules for the manufacture, marketing and use of animal feed and the rules concerning the performance of official controls and other official activities relating to animal feed.

(2) This law applies to animal feed:

- 1° products manufactured, processed or distributed within the territory of the Grand Duchy of Luxembourg;
- 2° originating from another Member State of the European Union;
- 3° originating from a third country outside the European Union; or
- 4° intended for export to third countries outside the European Union.

(3) This law aims to ensure the safety, integrity, wholesomeness and quality of animal feed, and applies to all stages of the production, processing, distribution and use of animal feed. It applies to the premises, facilities, equipment, sites of operators and other places under their control, as well as to the operators' means of transport and their online interfaces.

(4) This law implements the provisions of the following European regulations:

1. Article 7 of Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible encephalopathies, hereinafter referred to as "Regulation (EC) No 999/2001";
2. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, hereinafter referred to as "Regulation (EC) No 178/2002";
3. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed, hereinafter referred to as "Regulation (EC) No 1829/2003";
4. Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 on the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms, and amending Directive 2001/18/EC, hereinafter referred to as "Regulation (EC) No 1830/2003";
5. Regulation (EC) No 1831/2003 of the European Parliament and of the Council, of 22 September 2003, on feed additives, hereinafter referred to as "Regulation (EC) No 1831/2003";
6. Regulation (EC) No 1831/2005 of the European Parliament and of the Council, of 12 January 2005, laying down requirements for the hygiene of feed, hereinafter referred to as "Regulation (EC) No 1831/2005";
7. Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC;
8. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 concerning the placing on the market and use of feed, amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC, and Commission Decision 2004/217/EC, hereinafter referred to as "Regulation (EC) No 767/2009";
9. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation), as amended, hereinafter referred to as "Regulation (EU) 2017/625";
10. Regulation (EC) No 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed for animals, amending Regulation (EC) No 1831/2005 of the European Parliament

and of the Council and repealing Council Directive 90/167/EEC, hereinafter referred to as "Regulation (EC) No 2019/4";

11. Section 3 of Chapter VII of Regulation (EC) No 2019/6 of the European Parliament and of the Council, of 11 December 2018, on veterinary medicinal products and repealing Directive 2001/82/EC, hereinafter referred to as "Regulation (EC) No 2019/6".

(5) In order to determine the danger, the harmfulness to the consumption of an animal feed and if criteria and methods of evaluation are not sufficiently specified by European regulations, a Grand-Ducal Regulation specifies the criteria and limits relating to substances of internal or external origin of a physical, biochemical or chemical nature, to microbiological organisms as well as to hygiene parameters allowing an animal feed to be considered as dangerous to animal or human health. '

#### *Amendment 3*

Article 2 of the draft law is deleted.

#### *Amendment 4*

Article 2 (formerly 3) is amended and reads as follows:

#### **'Art. 2. Definitions**

For the purposes of this law, the following definitions apply:

1° "animal feed":

- a) any feed for animals referred to in Article 3, point 4, of Regulation (EC) No 178/2002;
- b) the additives referred to in Article 2(2), point (a), of Regulation (EC) No 1831/2003;
- c) the premixtures referred to in Article 2(2), point (e), of Regulation (EC) No 1831/2003 ;
- d) any medicated food referred to in Article 3(2), point (a), of Regulation (EU) No 2019/4 ;
- e) any intermediate product referred to in Article 3(2), point (b), of Regulation (EU) No 2019/4;
- f) the mixture of water with a veterinary medicine or the manual mixing of a veterinary medicine with food;

2° "ALVA": the Luxembourg Veterinary and Food Administration;

3° "establishment": any unit referred to in Article 3, point (d), of Regulation (EC) No 183/2005 ;

4° "fraud": the substitution, alteration, or misrepresentation of animal feed or any material information relating to animal feed, as well as any intentional misinformation or claims

relating to animal feed, with the aim of deceiving the operator or the end consumer of the animal feed and making an economic profit;

5° "online interface": any software, including a website, part of a website, or an application, as defined in Article 3, "online interface": any software, including a website, part of a website, or an application, as defined in Article 3, point 15, of Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017, on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004;

6° "Minister": the Minister responsible for Agriculture;

7° "operator": any person referred to in Article 3(29) of Regulation (EU) 2017/625 and subject to the obligations contained in this law. '

#### *Amendment 5*

Article 4 of the draft law is deleted.

#### *Amendment 6*

Article 3 (formerly 5) of the draft law is amended and reads as follows:

#### **'Art. 3. Powers regarding official controls**

(1) The agents of ALVA, as well as the natural persons and bodies designated in accordance with Article 2(2) of the Law of 8 September 2022 establishing and organising the Luxembourg Veterinary and Food Administration (hereinafter referred to as the "ALVA Law"), carry out their mission of official monitoring and control of animal feed and are authorised to:

- 1° request access to all registers, records, documents, and other information relating to the products and activities covered by this law, to make copies thereof, and to obtain a translation into one of the three official languages;
- 2° access the data of operators' computer systems within the framework of the official controls provided for by this law;
- 3° have free access to the premises, facilities, equipment, sites, means of transport of the operators;
- 4° make or obtain copies of information, data, or documents, regardless of their storage medium, including online interfaces;
- 5° photograph the products, facilities, premises, sites, and means of transport subject to this law;
- 6° carry out, or have carried out, technical and scientific measurements and examinations of the facilities, premises, sites, and means of transport used;
- 7° take, or have taken, for examination or analysis, samples of animal feed. The samples shall be taken against issuance of an acknowledgement of receipt. A portion of the sample, sealed or sealed, shall be given to the operator of the facility, premises, site, or

means of transport used, or their representative, unless they expressly waive this right or there are technical reasons preventing it. The owner or holder of the samples taken has the right to request a counter-sample and shall be compensated at the current market value of these samples, unless they expressly waive this right or in the event of non-compliance of the animal feed;

- 8° require the operator concerned and their personnel to provide all the information necessary for carrying out official controls;
- 9° to conduct test purchases of animal feed, if necessary anonymously or under a false identity, and to inspect, analyse and test animal feed.

(2) The operator is entitled to request the opinion of a second expert at any time, at their own expense, in accordance with Article 35(1) and (2) of Regulation (EU) 2017/625.

The request for a second expert opinion submitted by the operator under Subparagraph 1 does not affect the right of the ALVA Director to order the emergency measures referred to in Article 8 or the right of the Minister to order the administrative measures referred to in Article 9 of this Law.

In the event of a dispute between ALVA and the operators based on the opinion of a second expert referred to in Subparagraph 1 of this paragraph, the operators may request, at their own expense, a review of the documentation of the initial analysis, test, or diagnosis and, if necessary, another analysis, test, or diagnosis by another official laboratory.

The counter-sample is taken during sampling at the operator's request.

(3) In carrying out their monitoring and control duties, ALVA agents conduct official controls and report their presence to the operator or their representative. If this is not possible, it shall be noted in the official report.

These agents may be accompanied by:

1. personnel designated by the competent authority of another Member State as part of the assistance provided for in Article 104 of Regulation (EU) 2017/625;
2. an expert from the European Commission or another Member State of the European Union acting within the framework of the controls provided for in Article 116 of Regulation (EU) 2017/625.

(4) The operator has the right to accompany ALVA agents, as well as natural persons and bodies designated in accordance with Article 2(2) of the ALVA Law, carrying out official controls during the visit, and must facilitate the control operations they conduct.

These agents have the right to directly request the assistance of law enforcement for the execution of their mission.

(5) A written report details official control operations, findings, obligations, and corrective measures to be implemented within specified timeframes, including withdrawals and recalls of animal feed. A copy of the written report is provided to the operator. '

#### *Amendment 7*

Article 4 (formerly 6) of the draft law is amended and takes the following form:

#### **'Art. 4. Product withdrawal and recall**

(1) If an operator considers or has reason to believe that an animal feed which it has imported, produced, processed, manufactured, distributed or transported does not meet the requirements of this law, it shall immediately initiate a procedure to withdraw or recall the product from the market, when the latter is no longer under the direct control of that operator, and shall inform ALVA. For this purpose, the operator must notify ALVA in advance of withdrawals and recalls.

(2) When the animal feed referred to in Paragraph 1 may have reached the user, the operator effectively informs users and specifies the reasons for the withdrawal and, if necessary, recalls products already supplied when other measures are insufficient to achieve a high level of protection of human and animal health. '

#### *Amendment 8*

Article 5 (formerly 7) of the draft law is amended and reads as follows:

#### **'Art. 5. Registration and approval**

(1) Each operator shall notify ALVA of each of the establishments, places and online interfaces for which it is responsible and that carries out one of the stages of the production, processing, storage, transport and distribution of animal feed, for the purpose of its registration, in accordance with Article 9(2) of Regulation (EC) No 183/2005, and Article 15 (5) of Regulation (EU) 2017/625.

(2) Operators in the animal feed sector ensure that the establishments under their control are approved by the Minister, with ALVA consulted for its opinion., in accordance with Article 10 of Regulation (EC) No 183/2005 and Article 13 of Regulation (EU) No 2019/4, before starting activities requiring approval.

(3) A Grand-Ducal regulation specifies the procedures and modalities of registration as well as the modalities of obtaining, suspending and withdrawing the accreditation referred to in Paragraphs 1 and 2 of this Article.

The list of registered establishments, companies, and online interfaces, as well as approved establishments, is made publicly available. '

#### *Amendment 9*

Article 6 (formerly 8) is amended and reads as follows:

**'Art. 6. Register**

Pursuant to Article 10(2), of Regulation (EU) 2017/625, the Minister shall establish a register of operators. '

*Amendment 10*

Article 7 (formerly 9) of the draft law is amended and reads as follows:

**'Art. 7. Fees**

(1) A Grand-Ducal Regulation shall set the amount of the fees, in accordance with the provisions of Articles 79, 80, 81 and 82 of Regulation (EU) 2017/625, and shall specify the procedures for the collection and payment of these fees, in accordance with the provisions of Articles 83 and 84 of Regulation (EU) 2017/625.

(2) The break-even point for collecting fees shall be set at EUR 100 in accordance with the provisions of Article 79(4), of Regulation (EU) 2017/625. '

*Amendment 11*

Article 10 of the draft law is deleted.

*Amendment 12*

Article 8 (formerly 11) of the draft law is amended and reads as follows:

**'Art. 8. Emergency measures**

(1) ALVA is authorised to order emergency measures, as provided for in Articles 66, 67, 69, 71 and 72 of Regulation (EU) 2017/625.

(2) ALVA can order:

- 1° all necessary measures to remedy non-conformities and in particular the measures provided for in Article 138 of Regulation (EU) 2017/625, except point (j), in the event of an established breach and where plants, plant products or other objects are produced, manufactured, imported, placed on the market or used in the territory of the Grand Duchy of Luxembourg;
- 2° all necessary measures for the purpose of regularising and ceasing breaches of European regulations, this law and its implementing regulations, in the event of an imminent and serious danger to human health.

The emergency measures provided for in this paragraph have a maximum period of validity of forty-eight hours. Based on a second control carried out at the expiry of the fixed validity period, they may, where appropriate, be extended for a maximum period of five days in the event that the operator has not stopped the non-conformities or an imminent and serious danger to human health persists. Within this maximum period of five days, the Minister confirms this extension

and makes a possible decision regarding a further extension which may not exceed thirty days, which may be renewed twice.

(3) As soon as ALVA has determined that the operator concerned has remedied the non-conformities that were the subject of the measures provided for in Paragraphs 1 and 2, these measures are lifted.

(4) The order issued pursuant to Paragraphs 1 and 2 is notified to the operator by registered letter with acknowledgement of receipt or delivered by hand. It is reasoned, takes effect on the date of its notification and its duration depends on the nature, seriousness and frequency of the non-compliance found. The operator against whom the measures have been taken, heard or summoned.

(5) The orders provided for in this article are subject to appeal to the administrative court. This appeal must be lodged, under penalty of forfeiture, within three months of notification of the decision. The costs incurred as a result of this order are to be borne by the operator, except in the event of annulment by the administrative judge. The Registration, Domains and VAT Administration is responsible for collecting the aforementioned fees that are communicated to it by the Director of ALVA. The recovery process is carried out in the same way as in the case of registration. '

#### *Amendment 13*

Article 9 (formerly 12) of the draft law is amended and reads as follows:

#### **'Art. 9. Administrative measures**

(1) In the event of non-compliance with the provisions of this law, the Minister may:

1. set the operator a deadline within which they must comply with the conditions set forth in the authorisation, a deadline which may not exceed six months;
2. in the event of non-compliance with the compliance deadline, suspend or withdraw the registration or authorisation, after formal notice, or close the business, operation, establishment, facility, online interface, premises or site, in whole or in part, and affix seals.

(2) The measures provided for in Paragraph 1 are subject to appeal before the administrative court. This appeal must be lodged, under penalty of forfeiture, within three months of notification of the decision.

(3) As soon as it has been established that the non-conformities that were the subject of the measures provided for in Paragraph 1 have been remedied, these measures shall be lifted. '

#### *Amendment 14*

A new Article 10 is added to the draft law and takes the following form:

#### **'Art. 10. Administrative fines**

(1) The Minister may impose an administrative fine on the operator:

- 1° acting in breach of Article 7 of this law;
- 2° acting in breach of the following Articles of Regulation (EC) No 178/2002:
  - a. Article 16;
  - b. Article 18(4);
  - c. Article 20(2).
- 3° acting in breach of the following Articles of Regulation (EC) No 1829/2003 :
  - a) Article 21(1)
  - b) Article 25.
- 4° acting in breach of the following Articles of Regulation (EC) No 1830/2003:
  - a) Article 4;
  - b) Article 5.
- 5° acting in breach of Article 16(1) to (5) of Regulation (EC) No 1831/2003;
- 6° acting in breach of the following Articles of Regulation (EC) No 183/2005:
  - a) Article 6(1) to (3);
  - b) Article 7(1)
  - c) Article 9(1) and (2);
  - d) Article 10;
  - e) Article 11.
- 7° acting in breach of the following Articles of Regulation (EC) No 767/2009:
  - a) Article 4(2), point (b), and (3);
  - b) Article 8;
  - c) Article 9;
  - d) Article 11;
  - e) Article 12;
  - f) Article 13(1), (2) and (3);
  - g) Article 14(1) and (2);
  - h) Article 15;
  - i) Article 16;
  - j) Article 17(1) and (2);
  - k) Article 18;
  - l) Article 19;
  - m) Article 20(1);
  - n) Article 22(1)
  - o) Article 23.
- 8° acting in breach of the following Articles of Regulation (EU) No 2019/4:
  - a. Article 4;
  - b. Article 5;
  - c. Article 6(1);
  - d. Article 7(1);
  - e. Article 8;
  - f. Article 9;
  - g. Article 10;
  - h. Article 11;

- i. Article 12;
  - j. Article 13.
- 9° acting in breach of Article 15(1), (3), (5) and (6) of Regulation (EU) 2017/625;
- 10° acting in breach of delegated or implementing regulations adopted by the European Commission, on the basis of the provisions mentioned above.

(2) The amount of the administrative fine is set between EUR 250 and 10,000.

(3) When determining the amount of the administrative fine, the Minister takes into account all relevant circumstances, and where appropriate:

- 1° seriousness and duration of the breach;
- 2° degree of responsibility of the operator;
- 3° past breaches committed by the operator.

(4) Administrative fines are collected by the Registration, Estates and VAT Administration in the same manner as for registration matters. Administrative fines must be paid within thirty days of the date of notification of the decision. After this period, a reminder is sent by registered mail.

(5) An appeal against decisions taken under this Article may be lodged with the Administrative Court. This appeal must be lodged, under penalty of forfeiture, within three months of notification of the decision. '

#### *Amendment 15*

Article 11 (formerly 13) of the draft law is amended and takes the following form:

#### **'Art. 11. Investigation and recording of offences**

(1) In addition to members of the Grand Ducal Police, having the status of judicial police officer or agent, officials of the Customs and Excise Administration from the rank of principal brigadier, directors and officials of the A1, A2 and B1 pay grades of ALVA, may be charged with investigating offences against this law and the regulations taken in its execution.

(2) In the performance of their duties, the officials and agents referred to in Paragraph 1 have the status of judicial police officers. They may perform these duties throughout the territory of the Grand Duchy of Luxembourg. They record offences by means of official reports that are considered valid until proven otherwise.

(3) The officials and agents referred to in Paragraph 1 must have completed a special eight-hour training course on the theoretical and practical elements necessary for the execution of their duties. This training includes modules on the Penal Code and the Code of Criminal Procedure which include elements on the role of the public prosecutor's office, the classification of offences, as well as on the judicial organisation and the specific skills of authorised officials and agents, including the detection and recording of offences under this law.

The candidate must validate their training by a knowledge assessment covering the general elements of criminal law and criminal procedure, and the relevant elements of this law. If the

candidate receives a score of at least thirty out of sixty points, the candidate is considered to have successfully completed the training.

In case of failure, the candidate can register for a future knowledge assessment. They are free to participate in the training again. However, in the event of a second failure, they must repeat the training before retaking the knowledge assessment.

The curriculum and the methods of knowledge assessment are determined by Grand-Ducal regulation.

Officials and agents hired for a fixed term and those who are in a period of training or initiation cannot be sworn in as judicial police officers.

Officials and agents already in office and sworn in as judicial police officers at the time of entry into force of this Article are exempt from the training requirements and knowledge assessment of this Paragraph.

(4) Before taking up their duties, the officials and agents referred to in Paragraph 1 shall take the following oath before the District Court of their place of residence, sitting in civil matters: "I swear to perform my duties with integrity, accuracy, and impartiality."

(5) Article 458 of the Criminal Code applies to them. '

#### *Amendment 16*

Article 12 (formerly 14) of the draft law is amended and reads as follows:

#### **'Art. 12. Powers and prerogatives for the investigation and recording of offences**

(1) Members of the Grand Ducal Police within the police force and the officials and agents referred to in Article 11(1) may access, day and night, the facilities, premises, sites of operators and means of transport used, subject to this law and the regulations adopted for its implementation, in the event of indications suggesting an offence against this law and its implementing regulations.

They shall report their presence to the operator. If this is not possible, it shall be noted in the official report.

The operator shall have the right to accompany the members of the Grand Ducal Police and the officials and agents referred to in Article 11(1) during the visit.

(2) The provisions of Paragraph 1 do not apply to premises used for residential purposes. However, and without prejudice to Article 33(1), of the Code of Criminal Procedure, in cases of serious indications suggesting that the origin of the offence lies in the residential premises, a home visit may be conducted between 6:30 a.m. and 8:00 p.m. by a judicial police officer, a

member of the Grand Ducal Police within the police force, or an official and agent referred to in Article 11(1), acting under a warrant issued by the investigating judge.

(3) In exercising the powers provided for in Paragraphs 1 and 2, members of the Grand Ducal Police within the police force and the officials and agents referred to in Article 11(1), are authorised to:

- 1° have free access to the premises, facilities, equipment, and sites of operators, including means of transport;
- 2° take or obtain copies of information, data, or documents, regardless of their storage medium, including online interfaces;
- 3° request access to all registers, records, and documents relating to animal feed covered by this law, make copies thereof, and obtain a translation into one of the three administrative languages;
- 4° access the data of operators' computer systems within the framework of the official controls provided for by this law;
- 5° photograph any non-conformities observed;
- 6° carry out, or have carried out, technical and scientific measurements and examinations of the facilities, premises, sites, and means of transport used and subject to this law;
- 7° take samples of animal feed for examination or analysis. The samples shall be taken against issuance of an acknowledgement of receipt. A portion of the sample, sealed or tamper-evident, is given to the operator, unless the operator expressly waives this right or technical reasons prevent it. The owner or holder of the samples taken is compensated at the current market value of these samples;
- 8° in the event of an offence, to seize and, if necessary, impound the animal feed and the items used to commit the offence or intended to be used to commit the offence, as well as any related registers, records, and documents;
- 9° interview the operator concerned and their personnel.

The seizure provided for in point 8 may only be maintained if it is validated within eight days, excluding Saturdays, Sundays, and public holidays, by order of the investigating judge.

The release of seized property ordered by the investigating judge may be requested at any stage of the proceedings, namely:

- 1° from the chamber of the district court during the investigation;
- 2° from the police judge, in the case of a minor offence;
- 3° from the criminal chamber of the district court when it is seized by the committal order or by direct summons;
- 4° from the criminal chamber of the Court of Appeal if an appeal has been lodged or if an application for review has been filed.

The application is filed with the clerk of the court called upon to rule. A decision is rendered there as a matter of urgency and at the latest within eight days of filing, after the public prosecutor and the accused or their counsel have been heard in their oral submissions or duly summoned.

(4) Any operator subject to the measures provided for in Paragraph 3 is required, upon request by members of the Grand Ducal Police within the police force and by the officials and agents referred to in Article 11, Paragraph 1, to facilitate the operations carried out by these same pursuant to this law.

(5) A report of the findings and operations shall be drawn up. A copy of the report shall be issued to the operator.

(6) The costs incurred by the measures taken pursuant to this article shall be included in the court costs and shall follow their allocation. '

#### *Amendment 17*

Article 13 (formerly 15) of the draft law is amended and reads as follows:

#### **'Art. 13. Criminal Penalties**

(1) The operator shall be punished by imprisonment for a term of eight days to three years and a fine of EUR 251 to EUR 250,000, or one of these penalties only, if they are found to be:

- 1° acting in breach of Article 7(1) to (3), first subparagraph, of Regulation (EC) No 999/2001;
- 2° acting in breach of the Articles of the amended Grand-Ducal Regulation of 19 December 2003 concerning undesirable substances in animal feed:
  - a) Article 3;
  - b) Article 4;
  - c) Article 5;
  - d) Article 6;
  - e) Article 8;
  - f) Article 10.
- 3° acting in breach of the following Articles of Regulation (EC) No 178/2002:
  - a) Article 15(1) and (2);
  - b) Article 17(1);
  - c) Article 18(1) to (3);
  - d) Article 20(1), (3) and (4).
- 4° acting in breach of the following Articles of Regulation (EC) No 1829/2003:
  - a) Article 16;
  - b) Article 21(3).
- 5° acting in breach of Article 3(1) to (4) of Regulation (EC) No 1831/2003;
- 6° acting in breach of the following Articles of Regulation (EC) No 183/2005:
  - a) Article 4;
  - b) Article 5(1) to (3), points (a) and (b), first subparagraph, and (5) and (6);

- c) Article 23(1).
- 7° acting in breach of the following Articles of Regulation (EC) No 396/2005:
  - a) Article 18(1)
  - b) Article 19;
  - c) Article 20.
- 8° acting in breach of the following Articles of Regulation (EC) No 767/2009:
  - a) Article 4(1) and (2), point (a);
  - b) Article 5(1) and (2);
  - c) Article 6(1) .
- 9° acting in breach of Article 69(1) of Regulation (EU) 2017/625;
- 10° acting in breach of Article 16(1), (2), (3), (4), (5), second to fourth subparagraphs, (6), (7), (8), (9), (10) and (17) of Regulation (EU) 2019/4;
- 11° acting in breach of Article 106(1), (2), (5) and (6) of Regulation (EU) 2019/6;
- 12° acting in breach of the emergency and administrative measures taken under Chapter 6 of this law;
- 13° acting in breach of delegated or implementing regulations adopted by the European Commission, on the basis of the provisions mentioned above.

(2) The judge shall order, where appropriate, the confiscation of animal feed, feed additives and intermediate products, equipment, machinery and instruments used or intended to be used to commit the offence, as well as vehicles used to commit the offence.

(3) The judge may issue a ban on marketing animal feed, feed additives or intermediate products, for a period of three months to fifteen years. This prohibition takes effect from the day the judgement imposing it becomes final.

In the event of a repeat offence within two years or fraud, the penalties may be doubled. '

#### *Amendment 18*

Article 16 of the draft law is deleted.

#### *Amendment 19*

Chapter 8 of the draft law is renamed 'Final Provision'.

#### *Amendment 20*

The former Article 17 is renumbered '14'.