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COMMISSION DIRECTIVE 2008/38/EC
of 5 March 2008
establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes
(Text with EEA relevance)
(Codified version)

(OJ L 062, 6.3.2008, p.9)

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		Official Journal		
		No	page	date
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►M2	Commission Regulation (EU) No 1070/2010 of 22 November 2010	L 306	42	23.11.2010

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establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes
(Text with EEA relevance)
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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/74/EEC of 13 September 1993 on feedingstuffs intended for particular nutritional purposes ([1](#)), and in particular Article 6(a) thereof,

Whereas:

- (1) Commission Directive 94/39/EC of 25 July 1994 establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes ([2](#)) has been substantially amended several times ([3](#)). In the interests of clarity and rationality the said Directive should be codified.
- (2) Directive 93/74/EEC provides for the establishment of a positive list of the intended uses of animal feedingstuffs for particular nutritional purposes. That list must indicate the precise use, that is to say, the particular nutritional purpose, the essential nutritional characteristics, the labelling declarations and where appropriate the special labelling requirements.
- (3) Certain nutritional purposes cannot be included at present in the list of intended uses due to the absence of Community methods of control for the energy value in pet foods and for dietary fibre in feedingstuffs. This list must be completed as soon as these methods have been adopted.
- (4) The established list may be modified, where appropriate, following developments in scientific and technical knowledge.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health.
- (6) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex II, Part B,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall require that feedingstuffs intended for particular nutritional purposes within the meaning of Directive 93/74/EEC shall be marketed only if their intended uses are included in Part B of Annex I to this Directive and if they fulfil the other provisions laid down in that Part of Annex I.

Furthermore, the Member States shall ensure that the provisions under 'General provisions' of Part A of Annex I are complied with.

Article 2

Directive 94/39/EC, as amended by the Directives listed in Annex II, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex II, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

Article 3

This Directive shall enter into force on 31 July 2008.

Article 4

This Directive is addressed to the Member States.

ANNEX I

PART A

General provisions

1. Where there is more than one group of nutritional characteristics indicated in column 2 of Part B, denoted by 'and/or', for the same nutritional purpose, the manufacturer has the option to use either or both groups of essential characteristics, in order to achieve the nutritional purpose defined in column 1. For each option the corresponding labelling declarations are given opposite in column 4.
2. Where a group of additives is mentioned in column 2 or column 4 of Part B the additive(s) used must be authorised in Regulation (EC) No 1831/2003 of the European Parliament and of the Council ([4](#)) as corresponding to the specified essential characteristic.
3. Where the source(s) of ingredients or of analytical constituents is (are) required in column 4 of Part B, the manufacturer must make a precise declaration (e.g. specific name of the ingredient(s), animal species or part of the animal) allowing the evaluation of conformity of the feedingstuff with the corresponding essential nutritional characteristics.
4. Where the declaration of a substance, also authorised as an additive, is required in column 4 of Part B and is accompanied by the expression 'total' the declared content must refer to, as appropriate, the quantity naturally present where none is added or, by derogation from Council Directive 70/524/EEC ([5](#)), the total quantity of the substance naturally present and the amount added as an additive.
5. The declarations required in column 4 of Part B with the reference 'if added' are compulsory where the ingredient or the additive has been incorporated or increased specifically to enable the achievement of the particular nutritional purpose.
6. The declarations to be given in accordance with column 4 of Part B concerning analytical constituents and additives must be quantitative.

7. The recommended period of use indicated in column 5 of part B indicates a range within which the nutritional purpose should normally be achieved. Manufacturers can refer to more precise periods of use, within the fixed limits.
8. Where a feedingstuff is intended to meet more than one particular nutritional purpose, it must comply with the corresponding entries in Part B.
9. In the case of complementary feedingstuffs intended for particular nutritional purposes guidance on the balance of the daily ration must be provided in the instructions for use contained on the label.

PART B

List of intended uses

Essential nutritional characteristics	Species or category of animals	Labelling declarations	Recommended length of time	Other provisions
(2)	(3)	(4)	(5)	(6)
Low level of phosphorus and restricted level of protein but of high quality	Dogs and cats	<ul style="list-style-type: none"> — Protein source(s) — Calcium — Phosphorus — Potassium — Sodium — Content of essential fatty acids (if added) 	Initially up to 6 months (2)	<p>Indicate on the package, container or label:</p> <p>‘It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.’</p> <p>Indicate in the instructions for use:</p> <p>‘Water should be available at all times.’</p>
or				
Reduced phosphorus absorption by means of incorporation of Lanthanum carbonate octahydrate	Adult cats	<ul style="list-style-type: none"> — Protein source(s) — Calcium — Phosphorus — Potassium — Sodium — Lanthanum carbonate octahydrate — Content of essential fatty acids (if added) 	Initially up to 6 months (2)	<p>Indicate on the package, container or label:</p> <p>‘It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.’</p> <p>Indicate in the instructions for use:</p> <p>‘Water should be available at all times.’</p>

<p>tion of stones (3)</p>	<p>— Urine acidifying properties, low level of magnesium, and restricted level of protein but of high quality</p>	<p>Dogs</p>	<p>— Protein source(s)</p> <p>— Calcium</p> <p>— Phosphorus</p> <p>— Sodium</p> <p>— Magnesium</p> <p>— Potassium</p> <p>— Chlorides</p> <p>— Sulphur</p> <p>— Urine acidifying substances</p>	<p>5 to 12 weeks</p>	<p>Indicate in the instructions for use:</p> <p>‘Water should be available at all times.’</p> <p>Indicate on the package, container or label:</p> <p>‘It is recommended that a veterinarian's opinion before use.’</p>
	<p>— Urine acidifying properties and low level of magnesium</p>	<p>Cats</p>	<p>— Calcium</p> <p>— Phosphorus</p> <p>— Sodium</p> <p>— Magnesium</p> <p>— Potassium</p> <p>— Chlorides</p> <p>— Sulphur</p> <p>— Total taurine</p> <p>— Urine acidifying substances</p>		
<p>on of stone (3)</p>	<p>Urine acidifying properties and moderate level of magnesium</p>	<p>Dogs and cats</p>	<p>— Calcium</p> <p>— Phosphorus</p> <p>— Sodium</p> <p>— Magnesium</p> <p>— Potassium</p> <p>— Chlorides</p> <p>— Sulphur</p>	<p>Up to 6 months</p>	<p>Indicate on the package, container or label:</p> <p>‘It is recommended that a veterinarian's opinion before use.’</p>

			— Urine acidifying substances		
on of urate formation	Low level of purines, low level of protein but of high quality	Dogs and cats	Protein source(s)	Up to 6 months but lifetime use in cases of irreversible disturbance of uric acid metabolism	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be sought before use.’
on of stones	Low level of calcium, low level of vitamin D, and urine alkalisising properties	Dogs and cats	— Phosphorus — Calcium — Sodium — Magnesium — Potassium — Chlorides — Sulphur — Total vitamin D — Hydroxyproline — Urine alkalisising substances	Up to 6 months	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be sought before use.’
on of stones	Low level of protein, moderate level of sulphur amino acids and urine alkalisising properties	Dogs and cats	— Total sulphur amino acids — Sodium — Potassium — Chlorides — Sulphur — Urine alkalisising substances	Initially up to 1 year	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.’
on of and	— Selected protein source(s)	Dogs and cats	— Protein source(s) — Content of essential fatty acids (if added)	3 to 8 weeks: if signs of intolerance disappear this feed can be used indefinitely	
	and/or				
nces (4)	— Selected carbohydrate source(s)		— Carbohydrate source(s) — Content of essential fatty acids (if added)		

on of acute al absorptive rs	Increased level of electrolytes and highly digestible ingredients	Dogs and cats	<ul style="list-style-type: none"> — Highly digestible ingredients including their treatment if appropriate — Sodium — Potassium — Source(s) of mucilaginous substances (if added) 	1 to 2 weeks	<p>Indicate on the package, container or label:</p> <ul style="list-style-type: none"> — ‘During periods of and recovery from acute dia — ‘It is recommended that a veterinarian's opinion use.’
nsation for estion (s)	Highly digestible ingredients and low level of fat	Dogs and cats	Highly digestible ingredients including their treatment if appropriate	3 to 12 weeks, but lifetime in the case of chronic pancreatic insufficiency	<p>Indicate on the package, container or label:</p> <p>‘It is recommended that a veterinarian's opinion before use.’</p>
t of heart n in the case onic cardiac iciency	Low level of sodium and increased K/Na ratio	Dogs and cats	<ul style="list-style-type: none"> — Sodium — Potassium — Magnesium 	Initially up to 6 months	<p>Indicate on the package, container or label:</p> <p>‘It is recommended that a veterinarian's opinion before use or before extending the period of us</p>
ion of supply (es mellitus)	Low level of rapid glucose-releasing carbohydrates	Dogs and cats	<ul style="list-style-type: none"> — Carbohydrate source(s) — Treatment of carbohydrates if appropriate — Starch — Total sugar — Fructose (if added) — Content of essential fatty acids (if added) — Source(s) of short and medium chain fatty acids (if added) 	Initially up to 6 months	<p>Indicate on the package, container or label:</p> <p>‘It is recommended that a veterinarian's opinion before use or before extending the period of us</p>
t of liver n in the case ronic liver iciency	— High quality protein, moderate level of protein, high level of essential fatty acids and high level of highly digestible carbohydrates	Dogs	<ul style="list-style-type: none"> — Protein source(s) — Content of essential fatty acids — Highly digestible carbohydrates including their treatment if appropriate 	Initially up to 6 months	<p>Indicate on the package, container or label:</p> <p>‘It is recommended that a veterinarian's opinion before use or before extending the period of us</p> <p>Indicate in the instructions for use:</p> <p>‘Water should be available at all times.’</p>

			— Sodium — Total copper		
	— High quality protein, moderate level of protein and high level of essential fatty acids	Cats	— Protein source(s) — Content of essential fatty acids — Sodium — Total copper	Initially up to 6 months	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be obtained before use or before extending the period of use.’ Indicate in the instructions for use: ‘Water should be available at all times.’
Condition of lipid metabolism in the blood (hyperlipidaemia)	Low level of fat and high level of essential fatty acids	Dogs and cats	— Content of essential fatty acids — Content of n-3 fatty acids (if added)	Initially up to 2 months	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be obtained before use or before extending the period of use.’
Condition of the liver (hepatic lipidosis)	Low level of copper	Dogs	Total copper	Initially up to 6 months	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be obtained before use or before extending the period of use.’
Condition of the body (obesity)	Low energy density	Dogs and cats	Energy value	Until target body weight is achieved	In the instructions for use an appropriate daily ration is recommended.
Condition, (6)	High energy density, high concentrations of essential nutrients and highly digestible ingredients	Dogs and cats	— Highly digestible ingredients, including their treatment if appropriate — Energy value — Content of n-3 and n-6 fatty acids (if added)	Until restoration is achieved	In the case of feedingstuffs specially presented to be given to animals, indicate on the package, container or label: ‘Administration under veterinary supervision.’
Condition of the skin (dermatitis and alopecia)	High level of essential fatty acids	Dogs and cats	Content of essential fatty acids	Up to 2 months	Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion be obtained before use.’
Condition of the joints (arthritis)	Dogs: Minimum dry matter content of total omega-3 fatty acids 3,3 % and of eicosapentaenoic acid (EPA) 0,38 %. Adequate level	Dogs and cats	Dogs: — Total omega-3 fatty acids — Total EPA — Total vitamin E Cats:	Initially up to 3 months	It is recommended that a veterinary surgeon's opinion be obtained before use or before extending the period of use.

	<p>of vitamin E.</p> <p>Cats:</p> <p>Minimum dry matter content of total omega-3 fatty acids 1,2 % and of docosahexaenoic acid (DHA) 0,28 %.</p> <p>Increased levels of methionine and manganese.</p> <p>Adequate level of vitamin E.</p>		<p>— Total omega-3 fatty acids</p> <p>— Total DHA</p> <p>— Total methionine</p> <p>— Total manganese</p> <p>— Total vitamin E</p>		
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on of the milk fever	— Low level of calcium	Dairy cows	— Calcium	1 to 4 weeks before calving	Indicate in the instructions for use: ‘Stop feeding after calving’
	and/or				
	— Low cations/anions ratio		— Calcium	1 to 4 weeks before calving	Indicate in the instructions for use: ‘Stop feeding after calving’
			— Phosphorus		
			— Sodium		
			— Potassium		
			— Chlorides		
			— Sulphur		
	or				
	— High level of zeolite (synthetic sodium aluminium silicate)		Content of synthetic sodium aluminium silicate	The 2 weeks before calving	Indicate in the instructions for use: — ‘The amount of feed shall be restricted to an intake of 500 g sodium aluminium-silicate per day. — ‘Stop feeding after calving’
	or				
	— High level of calcium in the form of highly available calcium salts		Total calcium content, sources and respective quantity of calcium	Start at first signs of parturition to two days subsequent to	Indicate on the package, container or label: — The instruction of use i.e. the number of days before and after calving.

				parturition	— The text ‘It is recommended that a nutritional e sought before use’
on of the ketosis (7) (8)	Ingredients providing glucogenic energy sources	Dairy cows and ewes	— Ingredients providing glucogenic energy sources — Propan-1,2-diol (if added as a glucose precursor) — Glycerol (if added as a glucose precursor)	3 to 6 weeks after calving (9) Last 6 weeks before and the first 3 weeks after lambing (10)	
on of the of tetany (magnesaemia)	High level of magnesium, easily available carbohydrates, moderate level of protein and low level of potassium	Ruminants	— Starch — Total sugars — Magnesium — Sodium — Potassium	3 to 10 weeks during periods of fast grass growth	In the instructions for use guidance shall be provided on the daily ration, with regard to the inclusion of fibre and energy sources. In the case of feedingstuffs for ovines indicate on the pa or label: ‘Especially for lactating ewes.’
on of the acidosis	Low level of easily fermentable carbohydrates and high buffering capacity	Ruminants	— Starch — Total sugars	Maximum 2 months (11)	In the instructions for use guidance shall be provided on the daily ration, with regard to the inclusion of fibre and fermentable carbohydrate sources. In the case of feedingstuffs for dairy cows indicate on th container or label: ‘Especially for high yielding cows.’ In the case of feedingstuffs for ruminants for fattening i package, container or label: ‘Especially for intensively fed.’ (12)
ation of and yte balance	Predominantly electrolytes and easily absorbable carbohydrates	Calves Piglets Lambs Kids Foals	— Carbohydrate source(s) — Sodium — Potassium — Chlorides	1 to 7 days (1 to 3 days if fed exclusively)	Indicate on the package, container or label: — ‘In case of risk of, during periods of, or recove disturbance (diarrhoea).’ — ‘It is recommended that a veterinarian's opinio use.’
on of the of urinary	Low level of phosphorus, magnesium, and urine acidifying properties	Ruminants	— Calcium — Phosphorus — Sodium — Magnesium	Up to 6 weeks	Indicate on the package, container or label: ‘Especially for intensively fed young animals.’ Indicate in the instructions for use: ‘Water should be available at all times.’

			<ul style="list-style-type: none"> — Potassium — Chlorides — Sulphur — Urine acidifying substances 		
on of stress	<ul style="list-style-type: none"> — High level magnesium and/or — Highly digestible ingredients 	Pigs	<ul style="list-style-type: none"> — Magnesium — Highly digestible ingredients including their treatment if appropriate — Content of n-3 fatty acids (if added) 	1 to 7 days	Guidance shall be provided on the situation in which this is appropriate.
ation of	<ul style="list-style-type: none"> — Low buffering capacity, and highly digestible ingredients 	Piglets	<ul style="list-style-type: none"> — Highly digestible ingredients including their treatment if appropriate — Buffering capacity — Source(s) of astringent substances (if added) — Source(s) of mucilaginous substances (if added) 	2 to 4 weeks	Indicate on the package, container or label: ‘In case of risk of, during periods of, or recovery from digestive disturbance.’
on of the	<ul style="list-style-type: none"> — Highly digestible ingredients 	Pigs	<ul style="list-style-type: none"> — Highly digestible ingredients including their treatment if appropriate — Source(s) of astringent substances (if added) — Source(s) of mucilaginous substances (if added) 		
constipation	Ingredients stimulating intestinal passage	Sows	Ingredients stimulating intestinal passage	10 to 14 days before and 10 to 14 days after farrowing	
on of the fatty liver	Low energy and high proportion of metabolisable energy from lipids with high level of	Laying hens	<ul style="list-style-type: none"> — Energy value (calculated according to EC method) — Percentage of 	Up to 12 weeks	

	polyunsaturated fatty acids		metabolisable energy from lipids — Content of polyunsaturated fatty acids		
nsation for orption	Low level of saturated fatty acids and high level of fat soluble vitamins	Poultry excluding geese and pigeons	— Percentage of saturated fatty acids in relation to total fatty acids — Total vitamin A — Total vitamin D — Total vitamin E — Total vitamin K	During the first 2 weeks after hatching	
nsation for iciency of intestine	Highly precaecally digestible carbohydrates proteins and fats	Equines (13)	— Source(s) of highly digestible carbohydrates, proteins and fats, including their treatment if appropriate	Initially up to six months	Guidance should be provided on the situations in which feed is appropriate and the manner in which it should be many small meals per day. Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion before use or before extending the period of us
nsation for digestive rs of large e	Highly digestible fibre	Equines	— Fibre source(s) — Content of n-3 fatty acids (if added)	Initially up to six months	Guidance should be provided on the situations in which feed is appropriate and the manner in which the feed sh Indicate on the package, container or label: ‘It is recommended that a veterinarian's opinion before use or before extending the period of us
on of stress s	Highly digestible ingredients	Equines	— Magnesium — Highly digestible ingredients including their treatment if appropriate — Content of n-3 fatty acids (if added)	Two to four weeks	Guidance shall be provided on the precise situations in the feed is appropriate.
nsation of yte loss in es of heavy g	Predominantly electrolytes and easily absorbable carbohydrates	Equines	— Calcium — Sodium — Magnesium — Potassium — Chlorides — Glucose	One to three days	Guidance shall be provided on the situations in which th is appropriate. When the feed corresponds to a significant part of the d guidance should be provided to prevent the risk of abru nature of the feed. Indicate on the instructions for use: ‘Water should be available at all times.’

renal insufficiency, chronic	High concentration of essential nutrients and highly digestible ingredients	Equines	<ul style="list-style-type: none"> — Highly digestible ingredients, including their treatment if appropriate — Content of n-3 and n-6 fatty acids (if added) 	Until restoration is achieved	<p>Guidance shall be provided on the situations in which this is appropriate.</p> <p>In the case of feedingstuffs specially presented to be given, indicate on the package, container or label:</p> <p>‘Administration under veterinary supervision.’</p>
chronic liver disease, chronic liver insufficiency	Low level of protein but of high quality and highly digestible carbohydrates	Equines	<ul style="list-style-type: none"> — Protein and fibre sources — Highly digestible carbohydrates including their treatment if appropriate — Methionine — Choline — Content of n-3 fatty acids (if added) 	Initially up to six months	<p>Guidance should be provided on the manner in which this is fed including many small meals per day.</p> <p>Indicate on the package, container or label:</p> <p>‘It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.’</p>
chronic renal insufficiency	Low level of protein but of high quality and low level of phosphorus	Equines	<ul style="list-style-type: none"> — Protein source(s) — Calcium — Phosphorus — Potassium — Magnesium — Sodium 	Initially up to six months	<p>Indicate on the package, container or label:</p> <p>‘It is recommended that a veterinarian's opinion be sought before use or before extending the period of use.’</p> <p>Indicate in the instructions for use:</p> <p>‘Water should be available at all times.’</p>

appropriate the manufacturer may also recommend use for temporary renal insufficiency.

the feedingstuff is recommended for temporary renal insufficiency the recommended period for use shall be two to four weeks.

the case of feedingstuffs for cats, ‘feline lower urinary tract disease’ or ‘feline urological syndrome — FUS’ may complete the particular nutritional purpose.

the case of feedingstuffs for a particular intolerance reference to the specific intolerance can replace ‘ingredient and nutrient’.

the manufacturer may complete the particular nutritional purpose with the reference: ‘exocrine pancreatic insufficiency’.

the case of feedingstuffs for cats, the manufacturer may complete the particular nutritional purpose with a reference to ‘Feline hepatic lipidosis’.

the term ‘ketosis’ may be replaced by ‘acetoaemia’.

the manufacturers may also recommend the use for ketosis recuperation.

the case of feedingstuffs for dairy cows.

the case of feedingstuffs for ewes.

the case of feedingstuffs for dairy cows: 'maximum two months from the start of lactation'.

indicate the category of ruminants concerned.

the case of feedingstuffs specially prepared to meet the specific conditions of very old animals (easily ingestible ingredients) a reference to 'old animals' and the species or category of animals.

ANNEX II

PART A

Repealed Directive with list of its successive amendments

(referred to in Article 2)

Commission Directive 94/39/EC	(OJ L 207, 10.8.1994, p. 20)
Commission Directive 95/9/EC	(OJ L 91, 22.4.1995, p. 35)
Commission Directive 2002/1/EC	(OJ L 5, 9.1.2002, p. 8)
Commission Directive 2008/4/EC	(OJ L 6, 10.1.2008, p. 4)

PART B

List of time-limits for transposition into national law

(referred to in Article 2)

Directive	Time-limit for transposition
94/39/EC	30 June 1995
95/9/EC	30 June 1995
2002/1/EC	20 November 2002
2008/4/EC	30 July 2008

ANNEX III

Correlation table

Directive 94/39/EC	This Directive
Article 1	Article 1
Article 2	—
—	Article 2
Article 3	Article 3
—	Article 4
Annex	Annex I
—	Annex II
—	Annex III

(1) OJ L 237, 22.9.1993, p. 23. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

(2) OJ L 207, 10.8.1994, p. 20. Directive as last amended by Directive 2008/4/EC (OJ L 6, 10.1.2008, p. 4).

(3) See Annex II, part A.

(4) OJ L 268, 18.10.2003, p. 29.

(5) OJ L 270, 14.12.1970, p. 1.