

1994 No. 502

AGRICULTURE

**Feeding Stuffs (Amendment) (No. 2) Regulations
(Northern Ireland) 1994**

Made 29th December 1994

Coming into operation 6th February 1995

The Department of Agriculture, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by that section and sections 66(1), 68(1), (1A) and (3), 69(1), (3), (6) and (7), 70(1), 73(3), 74(1), 74A(c), 84 and 86 of the Agriculture Act 1970(d) and of every other power enabling it in that behalf, after consultation with such persons or organisations as appear to it to represent the interests concerned, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Feeding Stuffs (Amendment) (No. 2) Regulations (Northern Ireland) 1994 and shall come into operation on 6th February 1995.

Amendment of the Feeding Stuffs Regulations (Northern Ireland) 1992

2. The Feeding Stuffs Regulations (Northern Ireland) 1992(e) shall be further amended in accordance with regulations 3 and 4.

3. In regulation 13(*Control of added substances contained in feeding stuffs*)—

(a) for paragraph (1) there shall be substituted the following paragraph:

“(1) A person shall not sell, or have in possession with a view to sale for use as a feeding stuff, or use as a feeding stuff, any material containing any additive, or sell, or have in possession with a view to sale for incorporation in a feeding stuff, any additive, unless—

- (a) where the additive is contained in any material, the material complies with the relevant provisions of Schedule 4;
- (b) where the additive is not so contained, it is referred to in the Table to Schedule 4; or

(a) See S.I. 1972/1811

(b) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253

(c) Inserted by 1972 c. 68 s. 4(1) and Schedule 4, paragraph 6

(d) 1970 c. 40 as amended by S.I. 1982/980

(e) S.R. 1992 No. 270 as amended by S.R. 1993 No. 349 and S.R. 1994 No. 123

- (c) the additive, whether or not contained in any material or in a preparation is—
 - (i) an enzyme (other than of a type referred to in Part X of that Table); or
 - (ii) a micro-organism.”;

(b) after paragraph (1) there shall be inserted the following paragraphs:

“(1A) A person shall not—

- (a) sell, or have in possession with a view to sale for use as a feeding stuff, or use as a feeding stuff, any material containing any additive which is an enzyme (other than of a type referred to in Part X of the Table to Schedule 4) or a micro-organism, whether or not the enzyme or micro-organism is contained in a preparation; or
- (b) sell, or have in possession with a view to sale, for incorporation in a feeding stuff, any such enzyme or micro-organism,

unless, in accordance with Article 3(a) of Council Directive 93/113/EC(a)—

- (i) an identification note in the form contained in Annex II to that Directive, relating to the enzyme, micro-organism or preparation in question, and prepared by the person responsible for selling or otherwise supplying the same, has been received by the Department of Agriculture; and
- (ii) the enzyme or, as the case may be, micro-organism or preparation, is included in the list of authorised products referred to in that Article.

(1B) A person shall not on or after 1st December 1995—

- (a) sell, or have in possession with a view to sale for use as a feeding stuff, or use as a feeding stuff, any material containing any additive which is an enzyme (other than of a type referred to in Part X of the Table to Schedule 4) or a micro-organism, whether or not the enzyme or micro-organism is contained in a preparation; or
- (b) sell, or have in possession with a view to sale for incorporation in a feeding stuff, any such enzyme or micro-organism,

unless, in accordance with Article 3(b) of Council Directive 93/113/EC and before that date, a dossier relating to the enzyme, micro-organism or preparation in question, and prepared by the person who requested its inclusion in the list of authorised products referred to in paragraph (1A)(b)(ii), has been received by the Department of Agriculture.”;

- (c) in paragraph (2) for the words “Paragraph (1)” there shall be substituted the words “Paragraphs (1) to (1B)”.

(a) O.J. No. L334, 31.12.93, p. 17

4.—(1) In Part I of Schedule 1 (“CONTENTS OF THE STATUTORY STATEMENT”)—

(a) in paragraph 2—

(i) after sub-paragraph (1)(d) there shall be inserted the following provisions:

“(e) enzymes of a type referred to in Part X of the Table to Schedule 4—

- (i) the names of the active constituents according to their enzymatic activities specified in column 3 of that Part;
- (ii) the identification number allotted by the International Union of Biochemistry;
- (iii) the activity units (expressed as activity units per kilogram or activity units per litre);
- (iv) an indication of the period during which the activity units will remain present; and
- (v) an indication of any significant characteristics of the enzyme arising during manufacture, specified in column 8 of that Part;

(f) enzymes not of a type referred to in Part X of the Table to Schedule 4, where the material is a compound feeding stuff—

- (i) the names of the active constituents according to their enzymatic activities;
- (ii) the identification number allotted by the International Union of Biochemistry;
- (iii) the activity units (expressed as activity units per kilogram or activity units per litre) if such units can be measured by an official or scientifically valid method; and
- (iv) an indication of the period during which the activity units will remain present;

(g) micro-organisms, where the material is a compound feeding stuff—

- (i) the identification of the strain according to a recognised international code of nomenclature;
- (ii) the deposit number of the strain;
- (iii) the number of colony-forming units (expressed as CFU/kg) if the number is measurable by an official or scientifically valid method;
- (iv) an indication of the period during which the colony-forming units will remain present; and
- (v) an indication of any significant characteristics of the micro-organism arising during manufacture.”;

(ii) for sub-paragraph (2)(c) there shall be substituted the following sub-paragraph:

“(c) any other added substance (other than an enzyme of a type not referred to in Part X of the Table to Schedule 4 or a micro-organism) its EEC number or its trade name.”;

(iii) in sub-paragraph (5), after the word “accompanied” there shall be inserted the words “(other than in the case of an enzyme of a type not referred to in Part X of the Table to Schedule 4 or a micro-organism)”;

(b) in paragraph 7—

(i) after sub-paragraph (1)(b) there shall be added the following—

“Provided that if the feeding stuff is constituted from no more than three ingredients, and clearly described by reference to its ingredients either in the statutory statement or elsewhere on its package, label or container, the particulars specified in head (b) shall not be required.”;

(ii) sub-paragraph (2)(c) shall be deleted.

(2) In Schedule 4 (“PERMITTED ADDITIVES AND PROVISIONS RELATING TO THEIR USE”)—

(a) after paragraph 11 there shall be added the following paragraph—

“12. No material shall contain—

(a) any added enzyme, other than one named or described in column 2 of Part X; or

(b) any added enzyme named or described in column 2 of that Part unless—

(i) the material is for a species or category of animal listed opposite the enzyme in question in column 4 of that Part and the animal concerned is of an age no greater than the maximum age (if any) specified in column 5 of that Part;

(ii) taking into account any such enzyme which is naturally present, the content of the enzyme is not less than the minimum activity (if any) specified in column 6 of that Part, and does not exceed the maximum activity (if any) specified in column 7 of that Part; and

(iii) the material is to be used in accordance with the conditions (if any) laid down in column 8 of that Part.”;

(b) for Part II (“PERMITTED COLOURANTS”), there shall be substituted the Part set out in Schedule 1;

(c) in Part III (“PERMITTED EMULSIFIERS, STABILISERS, THICKENERS AND GELLING AGENTS”), in Chapter B there shall be inserted at the beginning, in columns 1 to 3 and 5, the following provisions;

"E418	Gellan gum (Polytetrasaccharide containing glucose, glucuronic acid and rhamnose (2:1:1) produced by <i>Pseudomonas elodea</i> (ATCC31466))	Dogs, Cats	—	Canned feeding stuffs only"
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(d) in Part IV ("PERMITTED BINDERS, ANTI-CAKING AGENTS AND COAGULANTS"), in Chapter B there shall be added at the end the following provisions:

"2	Natrolite-phonolite (Natural mixture of aluminium silicates, alkalines and alkaline— earth and aluminium hydrosilicates, natrolite (43%-46%) and feldspar)	All species of animals	25000	All feeding stuffs"
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(e) in Part IX ("PERMITTED ACIDITY REGULATORS FOR PET FOODS FOR DOGS AND CATS"), after the provisions relating to Sodium hydroxide there shall be added the following provisions:

"E525 E526	Potassium hydroxide Calcium hydroxide"
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(f) after Part IX there shall be added the Part set out in Schedule 2.

(3) In Part I of Schedule 5 ("FEEDING STUFFS"), in Chapter A for the provisions relating to complete feeding stuffs in columns 2 and 3, opposite the reference in column 1 to the substance Arsenic, there shall be substituted the following provisions:

"Complete feeding stuffs except:	2
— complete feeding stuffs for fish	4"

(4) In Part I of Schedule 8 ("ADDITIVES")—

(a) for paragraph 1(a) there shall be substituted the following sub-paragraph:

- “(a) in the case of any additive referred to in the Table to Schedule 4 (other than an enzyme):
- (i) the name of the additive;
 - (ii) the name or business name and the address or registered business address of the person responsible within the European Economic Community for the particulars referred to in this Part;
 - (iii) the net weight of any non-liquid additive; and
 - (iv) either the net weight or the net volume of any liquid additive.”;
- (b) for paragraph 1(d) there shall be substituted the following sub-paragraph:
- “(d) in the case of any trace element, colourant (including pigment), preservative or other additive referred to in the Table to Schedule 4 not specified above (other than an enzyme), the active substance level;”;
- (c) after paragraph 1(d) there shall be added the following sub-paragraphs:
- “(e) in the case of any enzyme (whether or not contained in a preparation where the enzyme is not of a type referred to in Part X of the Table to Schedule 4):
- (i) the names of the active constituents according to their enzymatic activities (in the case of an enzyme of a type referred to in Part X of the Table to Schedule 4, as specified in column 3 of that Part);
 - (ii) the identification number allotted by the International Union of Biochemistry;
 - (iii) the name or business name and the address or registered business address of the person responsible for the particulars referred to in this sub-paragraph;
 - (iv) the name or business name and the address or registered business address of the manufacturer if he is not responsible for the particulars in the label or mark;
 - (v) the activity units(a) (expressed as activity units per gram or activity units per millilitre);
 - (vi) an indication of the period during which the activity units will remain present;
 - (vii) the batch reference number and the date of manufacture;
 - (viii) directions for use, including any safety recommendation (in the case of an enzyme of a type referred to in Part X of the Table to Schedule 4, as specified in column 3 of that Part);

(a) Units of activity expressed as μ mole of product released per minute per gram of enzymatic preparation

- (ix) the net weight of any non-liquid additive;
 - (x) either the net weight or the net volume of any liquid additive; and
 - (xi) in the case of an enzyme of a type referred to in Part X of the Table to Schedule 4, an indication of any significant characteristics of the enzyme arising during manufacture specified in column 8 of that Part;
- (f) in the case of any micro-organism (whether or not contained in a preparation):
- (i) the identification of the strain according to a recognised international code of nomenclature;
 - (ii) the deposit number of the strain;
 - (iii) the number of colony-forming units (expressed as CFU/g);
 - (iv) the name or business name and the address or registered business address of the person responsible for the particulars referred to in this sub-paragraph;
 - (v) the name or business name and the address or registered business address of the manufacturer if he is not responsible for the particulars in the label or mark;
 - (vi) an indication of the period during which the colony-forming units will remain present;
 - (vii) the batch reference number and the date of manufacture;
 - (viii) directions for use, including any safety recommendation;
 - (ix) the net weight of any non-liquid additive;
 - (x) either the net weight or the net volume of any liquid additive; and
 - (xi) an indication of any significant characteristics of the micro-organism arising during manufacture.”;
- (d) after paragraph 2(c) there shall be added the following sub-paragraph:
- “(d) any other information, provided that it is clearly separated from the particulars referred to in paragraph 1(a) to (d) and in the foregoing provisions of this paragraph, and from the relevant particulars referred to in paragraph 1(e).”;
- (e) after paragraph 2 there shall be added the following paragraph:
- “3. In the case of any enzyme (other than of a type referred to in Part X of the Table to Schedule 4) or micro-organism, whether or not the enzyme or micro-organism is contained in a preparation, the label or mark may give any other information, provided that it is clearly separated from the relevant particulars referred to in paragraph 1(e) and (f).”.
- (5) In Part II of Schedule 8 (“PREMIXTURES”)—
- (a) in paragraph 1(a), there shall be added at the end the following provisions:

- “(v) the net weight of any non-liquid premixture; and
(vi) either the net weight or the net volume of any liquid premixture;”;
- (b) for paragraph 1(e) there shall be substituted the following sub-paragraphs:
- “(e) in the case of any enzyme in a premixture:
- (i) the names of the active constituents according to their enzymatic activities (in the case of an enzyme of a type referred to in Part X of the Table to Schedule 4, as specified in column 3 of that Part);
 - (ii) the identification number allotted by the International Union of Biochemistry;
 - (iii) the activity units (expressed as activity units per gram or activity units per millilitre);
 - (iv) an indication of the period during which the activity units will remain present;
 - (v) the name or business name and the address or registered business address of the manufacturer if he is not responsible for the particulars referred to in the label or mark; and
 - (vi) in the case of an enzyme of a type referred to in Part X of the Table to Schedule 4, an indication of any significant characteristics of the enzyme arising during manufacture, specified in column 8 of that Part;
- (f) in the case of any micro-organism in a premixture:
- (i) the identification of the strain according to a recognised international code of nomenclature;
 - (ii) the deposit number of the strain;
 - (iii) the number of colony-forming units (expressed as CFU/g);
 - (iv) an indication of the period during which the colony-forming units will remain present;
 - (v) the name or business name and the address or registered business address of the manufacturer if he is not responsible for the particulars referred to in the label or mark; and
 - (vi) an indication of any significant characteristics of the micro-organism arising during manufacture;
- (g) in the case of any additive in a premixture—
- (i) which is an additive of a type referred to in the Table to Schedule 4 (other than any additive of a type referred to in sub-paragraphs (b) to (e)) or an additive of a type referred to in that Table and in those sub-paragraphs in respect of which no maximum level is laid down;
 - (ii) which fulfils a function in the feeding stuff as such; and

- (iii) in respect of which the amount which is present in the premixture can be determined by using one of the methods of analysis specified in Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982(a) or by some other valid scientific method—
 - (A) the name of the additive, and
 - (B) the active substance level.”
- (c) for paragraph 2 there shall be substituted the following paragraph:
 - “2. In relation to any additive referred to in the Table to Schedule 4, the label or mark may give—
 - (a) the trade name of the additive; or
 - (b) its EEC number; or
 - (c) both such trade name and the EEC number; and
 - (d) any other information, provided that it is clearly separated from the particulars referred to in paragraph 1(a) to (d) and in the foregoing provisions of this paragraph, and from the relevant particulars referred to in paragraph 1(e).”;
- (d) after paragraph 2 there shall be added the following paragraph:
 - “2A. In relation to any enzyme (other than of a type referred to in Part X of the Table to Schedule 4) or micro-organism, in a premixture, the label or mark may give any other information provided that it is clearly separated from the relevant particulars referred to in paragraphs 1(a), (e) and (f).”.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 29th December 1994.

(L.S.)

L. Sinclair

Assistant Secretary

SCHEDULE 1

Regulation 4(2)(b)

No. 502

“PART II

PERMITTED COLOURANTS

1	2	3	4	5	6
<i>EEC No.</i>	<i>Name or Description</i>	<i>Chemical formula, description</i>	<i>Kind of animal</i>	<i>Maximum content (mg/kg in complete feeding stuffs)</i>	<i>Conditions</i>
E160c E160e E160f	1. Carotenoids and xanthophylls: Capsanthin Beta-apo-8'-carotenal Ethyl ester of beta-apo-8'-carotenoic acid	C ₄₀ H ₅₆ O ₃ C ₃₀ H ₄₀ O C ₃₂ H ₄₄ O ₂	Poultry	80 (alone or with the other carotenoids and xanthophylls)	— — —
E161b E161c E161g	Lutein Cryptoxanthin Canthaxanthin	C ₄₀ H ₅₆ O ₂ C ₄₀ H ₅₆ O C ₄₀ H ₅₂ O ₂	(a) Poultry (b) Salmon, trout	80	— — — Use permitted from the age of 6 months onwards. The mixture of canthaxanthin with astaxanthin is allowed provided that the total concentration of the mixture does not exceed 100 mg/kg in the complete feeding stuff.

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E161h	Zeaxanthin	$C_{40}H_{56}O_2$	(c) Dogs, cats and ornamental fish Poultry	— 80	Use only permitted from the age of 6 months onwards. The mixture of astaxanthin with canthaxanthin is allowed provided that the total concentration of the mixture does not exceed 100 mg/kg in the complete feeding stuff.
E161i	Citranaxanthin	$C_{33}H_{44}O$	Laying hens	} (alone or with the other carotenoids and xanthophylls)	
E161j	Astaxanthin	$C_{40}H_{52}O_4$	(a) Salmon, trout		
	2. Other colourants:		(b) Ornamental fish	—	
E102	Tartrazine	$C_{16}H_9N_4O_9S_2Na_3$	} Ornamental fish	—	
E110	Sunset yellow FCF	$C_{16}H_{10}N_2O_7S_2Na_2$			
E124	Ponceau 4 R	$C_{20}H_{11}N_2O_{10}S_3Na_3$			
E127	Erythrosine	$C_{20}H_6I_4O_5Na_2 \cdot H_2O$			
E131	Patent Blue V	Calcium salt of the disulphonic acid of m-hydroxytetra-ethyl-diamino triphenylcarbinol anhydride	(a) All species or categories of animals with the exception of dogs and cats	—	Permitted in animal feeding stuffs only in products processed from: (i) waste products of foodstuffs,

1	2	3	4	5	6
<i>EEC No.</i>	<i>Name or Description</i>	<i>Chemical formula, description</i>	<i>Kind of animal</i>	<i>Maximum content (mg/kg in complete feeding stuffs)</i>	<i>Conditions</i>
					(ii) denatured cereals or manioc flour, or (iii) other base substances denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture.
E132	Indigotine	$C_{16}H_8N_2O_8S_2Na_2$	(b) Dogs and cats	—	—
E141	Chlorophyll copper complex	—	Ornamental fish	—	—
E142	Acid Brilliant Green BS, (Lissamine Green)	Sodium salt of 4,4'-bis (dimethylamino) diphenylmethylen-2-naphtol-3,6-disulphonic acid	(a) All species or categories of animals with the exception of dogs, cats and ornamental fish	—	Permitted in animal feeding stuffs only in products processed from: (i) waste products of foodstuffs, (ii) denatured cereals or manioc flour, or

<p>E153 E160B E172</p>	<p>Carbon black Bixin Iron oxide, red 3. All colourants (other than Patent Blue V and Acid Brilliant Green BS) at present permitted for use in human food by European Community Directives, as implemented by Regulations made or having effect as if made under the Food Safety (Northern Ireland) Order 1991(a)</p>	<p>C C₂₅H₃₀O₄ Fe₂O₃ —</p>	<p>(b) Dogs, cats and ornamental fish — } Ornamental fish — (a) All species or categories of animals with the exception of dogs and cats —</p>	<p>(iii) other base substances denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture. — — Permitted in animal feeding stuffs only in products processed from: (i) waste products of foodstuffs, or (ii) other base substances, with the exception of cereals and manioc flour, denatured by means of these agents or coloured</p>
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1	2	3	4	5	6
<i>EEC No.</i>	<i>Name or Description</i>	<i>Chemical formula, description</i>	<i>Kind of animal</i>	<i>Maximum content (mg/kg in complete feeding stuffs)</i>	<i>Conditions</i>
			(b) Dogs and cats	—	during technical preparation to ensure the necessary identification during manufacture.”

SCHEDULE 2

Regulation 4(2)(f)

"PART X

PERMITTED ENZYMES

1	2	3	4	5	6	7	8
<i>EC No.</i>	<i>Name or Description</i>	<i>Chemical formula, description</i>	<i>Kind of animal</i>	<i>Maximum age</i>	<i>Minimum activity</i>	<i>Maximum activity</i>	<i>Conditions</i>
					<i>Units of activity per kg of complete feeding stuff</i>		
1	3-phytase (EC 3.1.3.8)	Preparation of 3-phytase produced by <i>Aspergillus niger</i> (CBS 114.94) having a minimum phytase activity of 5000 FTU/g for solid and liquid preparations	Pigs (all categories of animals) Chickens (all categories of animals)"	— —	— —	— —	— —

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Feeding Stuffs Regulations (Northern Ireland) 1992 ("the principal Regulations") and implement as respects Northern Ireland the following Community Directives—

1. Council Directive 93/113/EC (O.J. No. L334, 31.12.93, p. 17) supplementing Council Directive 70/524/EEC (O.J. No. L270, 14.12.70, p. 1 (O.J./S.E. Vol. 18, p. 4)) concerning additives in feeding stuffs;
2. Council Directive 93/114/EC (O.J. No. L334, 31.12.93, p. 24) amending Council Directive 70/524/EEC (O.J. No. L270, 14.12.70, p. 1 (O.J./S.E. Vol. 18, p. 4)) concerning additives in feeding stuffs;
3. Commission Directive 94/16/EC (O.J. No. L104, 23.4.94, p. 32) amending Annex 1 to Council Directive 74/63/EEC (O.J. No. L38, 11.2.74, p. 31) concerning undesirable substances and products in animal nutrition;
4. Commission Directive 94/17/EC (O.J. No. L105, 26.4.94, p. 19) amending the Annexes to Council Directive 70/524/EEC (O.J. No. L270, 14.12.70, p. 1 (O.J./S.E. Vol. 18, p. 4)) concerning additives in feeding stuffs.

The principal changes made by the Regulations are as follows—

- (a) the incorporation as additives of certain enzymes and micro-organisms into material sold or used as a feeding stuff, and their sale for such incorporation are made lawful, subject to compliance with specified conditions, and pending assessment of dossiers which, in accordance with Council Directive 93/113/EC, are to be prepared by the producers and submitted to Member States and the European Commission (regulation 3);
- (b) the provisions of regulation 13(1) of the principal Regulations are extended to provide that additives other than those referred to in paragraph (a) may be sold for the purpose of incorporation in feeding stuffs only if the additives are referred to in Schedule 4 (regulation 3(a));
- (c) the incorporation of certain enzymes in feeding stuffs and their sale for such incorporation are made lawful by including those enzymes referred to in Schedule 4 (regulation 4(2)(a) and (f));
- (d) detailed requirements are laid down for the labelling of the additives referred to in paragraphs (a) and (c), and of their premixtures and the feeding stuffs into which they are incorporated (regulation 4(1)(a)(i) and (iii), (4)(c) to (e) and (5));
- (e) Schedules 4 and 5 to the principal Regulations, which relate respectively to permitted additives in feeding stuffs and to prescribed limits for undesirable substances in feeding stuffs, are amended (regulation 4(2)(b) to (e) and (3)).

These Regulations and the Schedules come into operation on 6th February 1995.