

2002 No. 263

AGRICULTURE

**Feeding Stuffs (Amendment) Regulations
(Northern Ireland) 2002**

Made - - - - - *5th August 2002*

Coming into operation *16th September 2002*

The Department of Health, Social Services and Public Safety acting in exercise of the powers conferred by sections 66(1), 68(1) and (1A), 69(1), 74A, 75(1), 76(1), 77(4), 78(6), 79(1) and 84 of the Agriculture Act 1970(a) (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000(b)) and of all other powers enabling it in that behalf, after consultation as required by section 84(1) of that Act with such persons or organisations as appear to it to represent the interests concerned(c), and being a Department designated(d) for the purposes of section 2(2) of the European Communities Act 1972(e) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) (in so far as these Regulations cannot be made under the powers in the Agriculture Act 1970 specified above), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 16th September 2002.

(2) The Interpretation Act (Northern Ireland) 1954(f) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Feeding Stuffs Regulations (Northern Ireland) 2001

2. The Feeding Stuffs Regulations (Northern Ireland) 2001(g) shall be amended in accordance with regulations 3 to 10.

3. In regulation 2 (interpretation), for paragraph (8) there shall be substituted the following paragraph –

“(8) Any reference in these Regulations to a European Community Directive, Regulation or Decision shall be construed as a reference to that Directive or, as the case

(a) 1970 c. 40; sections 68(1A) and 74A were inserted by the Agriculture Act 1970 Amendment Regulations 1982 (S.I. 1982/980) and the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6 respectively

(b) S.R. 2000 No. 78

(c) The requirement to consult must now be read in conjunction with Article 9 of Regulation (EC) No. 178/2002 (O.J. No. L31, 1.2.2002, p. 1)

(d) S.I. 2000/2812

(e) 1972 c. 68. The enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51)

(f) 1954 c. 33 (N.I.)

(g) S.R. 2001 No. 47, as amended by S.R. 2001 Nos. 209 and 428

may be, Regulation or Decision, as amended on the date the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2002 are made.”.

4. In paragraph (2) of regulation 17, for “Schedule 10” there shall be substituted “Schedule 9”.

5. In paragraph (2) of regulation 23, for the words from “regulations” to the end there shall be substituted the following provisions –

“regulation 4 (except in so far as it relates to Part II of Schedule 5), 9(1) (in so far as it regulates putting into circulation), (2) and (3), 10(1) to (4), (6), (6A) and (7), 11(2) (in so far as it falls to be read with paragraph (3)(a), (c) or (d) of that regulation), (4), (6) and (7), 12(3), (4), (6), (7) and (9), 13(1), 15, 16(1) and 17(1).”.

6. Regulation 25(a) and (b) shall be revoked.

7. In Schedule 3 (permitted additives and provisions relating to their use), for the provisions in Part IX of the Table (European Community Regulations by which additives are controlled) there shall be substituted the provisions set out in Schedule 1.

8. In Schedule 7 (prescribed limits for undesirable substances) –

- (a) for the entry for Dioxin (sum of PCDD and PCDF) in column 1 of Chapter A of Part I of the Table and the corresponding entries in columns 2 and 3 of that Chapter; and
- (b) for the entry for Dioxin (sum of PCDD and PCDF) in column 1 of Chapter A of Part II of the Table and the corresponding entries in columns 2 and 3 respectively of that Chapter;

there shall be substituted the entries set out in Schedule 2.

9. In Schedule 8 (control of certain protein sources) –

- (a) the entry in column 6 (“All animal species”) corresponding with the entry in column 1 relating to “3. Amino acids and their salts” shall be deleted; and
- (b) in column 6 at the place corresponding with the entry in column 2 relating to “3.1.1.DL-methionine, technically pure” there shall be inserted “All animal species”.

10. In Schedule 9 (permitted feeding stuffs intended for particular nutritional purposes and provisions relating to their use) for the entries in columns 2 to 6 of Chapter A relating to the support of liver function in case of chronic liver insufficiency in dogs or cats there shall be substituted the entries set out in Schedule 3.

Amendment of the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999

11. The Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999(a) shall be amended as follows –

- (a) in Part II of Schedule 1 (manner of taking, preparing, marking, sealing and fastening of samples), for paragraph 5(1) there shall be substituted the following provision –

“(1) An inspector who intends to take a sample in accordance with section 76(7) of the Act as that section is modified by regulation 10 of the Feeding Stuffs (Enforcement) Regulations 1999(b) shall satisfy himself that the conditions in which the material concerned is stored are not such as might have caused undue deterioration of it, and that it appears not to have been contaminated by any other material.”;

- (b) in Part I of Schedule 2 (methods of analysis), at the end of paragraph 3(e)(ii), for “Schedule 5 to the Feeding Stuffs Regulations (Northern Ireland) 1995” there shall be substituted “Schedule 7 to the Feeding Stuffs Regulations (Northern Ireland) 2001”; and

(a) S.R. 1999 No. 296, to which there are amendments not relevant to these Regulations

(b) S.I. 1999/2325; the relevant amending instruments are S.I. 2001/541, S.I. 2001/3389 and S.R. 2001 No. 209

(c) in Part II of Schedule 3 (form of certificate of analysis), for note 10(a) there shall be substituted the following note –

“(a) whether or not the material was named in accordance with the requirements of the Feeding Stuffs Regulations (Northern Ireland) 2001, and, if it was not named in accordance with those requirements, in what respect it was not;”.

Amendment of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999

12.—(1) The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(a) shall be amended as specified in paragraph (2).

(2) In the provisions of those Regulations specified in paragraph (3), for “as modified by the Feeding Stuffs Regulations (Northern Ireland) 2001 and amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations (Northern Ireland) 2001” there shall be substituted “as amended by the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2002”.

(3) The provisions are regulations 98(8) and (9), 99 and 106(1).

Amendment of the Feeding Stuffs (Enforcement) Regulations 1999

13. The Feeding Stuffs (Enforcement) Regulations 1999 shall be amended as follows –

(a) in paragraph (1) of regulation 2, for the definition of “third country” there shall be substituted the following definition –

“ “third country” means a country other than a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(b) as adjusted by the Protocol signed at Brussels on 17th March 1993(c);” and

(b) in regulation 8, for “as modified by the Feeding Stuffs Regulations (Northern Ireland) 2001 and amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations (Northern Ireland) 2001” there shall be substituted “as amended by the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2002”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 5th August 2002.

(L.S.)

Denis McMahon

A Senior Officer of the Department of Health, Social Services and Public Safety

(a) S.I.1999/1872; the relevant amending Regulations are S.R. 2001 No. 209

(b) O.J. No. L1, 3.1.94, p. 1

(c) O.J. No. L1, 3.1.94, p. 571

PROVISIONS SUBSTITUTED FOR PART IX OF THE TABLE TO SCHEDULE 3 TO THE
FEEDING STUFFS REGULATIONS (NORTHERN IRELAND) 2001

“PART IX

EUROPEAN COMMUNITY REGULATIONS BY WHICH ADDITIVES ARE CONTROLLED⁽¹⁾

Commission Regulation (EC) No. 2316/98 concerning authorisation of new additives and amending the conditions for authorisation of a number of additives already authorised in feedingstuffs⁽²⁾.

Commission Regulation (EC) No. 1594/1999 amending the conditions for the authorisation of an additive in feedingstuffs⁽³⁾.

Commission Regulation (EC) No. 2439/1999 on the conditions for authorisation of additives belonging to the group “binders, anti-caking agents and coagulants” in feedingstuffs⁽⁴⁾.

Commission Regulation (EC) No. 1353/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives, new additive uses and new preparations in feedingstuffs⁽⁵⁾.

Commission Regulation (EC) No. 2437/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs⁽⁶⁾.

Commission Regulation (EC) No. 2013/2001 concerning the provisional authorisation of a new additive use and the permanent authorisation of an additive in feedingstuffs⁽⁷⁾.

Commission Regulation (EC) No. 2200/2001 concerning provisional authorisation of additives in feedingstuffs⁽⁸⁾.

Commission Regulation (EC) No. 256/2002 concerning the provisional authorisation of new additives, the prolongation of provisional authorisation of an additive and the permanent authorisation of an additive in feedingstuffs⁽⁹⁾.

(1) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table)

(2) O.J. No. L289, 28.10.98, p. 4

(3) O.J. No. L188, 21.7.1999, p. 35

(4) O.J. No. L297, 18.11.1999, p. 8. The Annex to this Regulation is now replaced by the Annex to Regulation (EC) No. 739/2000 (O.J. No. L87, 8.4.2000, p. 14)

(5) O.J. No. L155, 28.6.2000, p. 15

(6) O.J. No. L280, 4.11.2000, p. 28

(7) O.J. No. L272, 13.10.2001, p. 24

(8) O.J. No. L299, 15.11.2001, p. 1

(9) O.J. No. L41, 13.2.2002, p. 6.”

SCHEDULE 2

Regulation 8

PROVISIONS SUBSTITUTED IN PARTS I AND II OF SCHEDULE 7 TO THE FEEDING STUFFS REGULATIONS (NORTHERN IRELAND) 2001

(1)	(2)	(3)
Dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs (toxic equivalency factors, 1997)) PCDD/F	All feed materials of plant origin including vegetable oils and by-products	0.75 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Minerals	1.0 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Animal fat, including milk fat and egg fat	2.0 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Other land animal products including milk and milk products and eggs and egg products	0.75 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Fish oil	6 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Fish, other aquatic animals, their products and by-products with the exception of fish oil ⁽²⁾	1.25 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Compound feedingstuffs, with the exception of feedingstuffs for fur animals, pet foods and feedingstuffs for fish	0.75 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Feedingstuffs for fish Pet foods	2.25 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾

Notes:

- (1) Upper-bound concentrations; upper-bound concentrations are calculated assuming that all values of the different congeners less than the limit of determination are equal to the limit of determination.
- (2) Fresh fish directly delivered and used without intermediate processing for the production of feedingstuffs for fur animals is exempted from the maximum limit. The products, processed animal proteins produced from these fur animals cannot enter the food chain and the feeding thereof is prohibited to farmed animals which are kept, fattened or bred for the production of food.

PROVISIONS SUBSTITUTED IN SCHEDULE 9 TO THE FEEDING STUFFS REGULATIONS
(NORTHERN IRELAND) 2001

2	3	4	5	6
High quality protein, moderate level of protein, high level of essential fatty acids and high level of highly digestive carbohydrates	Dogs	<ul style="list-style-type: none"> - Protein source(s) - Content of essential fatty acids - Highly digestible carbohydrates including their treatment if appropriate - Sodium - Total copper 	Initially up to 6 months	<p>Indicate on the package, container or label: "It is recommended that a veterinarian's opinion should be sought before use or before extending the period of use"</p> <p>Indicate in the instructions for use: "Water should be available at all times"</p>
High quality protein, moderate level of protein and high level of essential fatty acids	Cats	<ul style="list-style-type: none"> - Protein source(s) - Content of essential fatty acids - Sodium - Total copper 	Initially up to 6 months	<p>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"</p> <p>Indicate in the instructions for use "Water should be available at all times"</p>

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Feeding Stuffs Regulations (Northern Ireland) 2001 (“the principal Regulations”).

These Regulations implement –

- (a) Commission Directive 2001/79/EC amending Council Directive 87/153/EEC fixing guidelines for the assessment of additives in animal nutrition (O.J. No. L267, 6.10.2001, p. 1);
- (b) Council Directive 2001/102/EC amending Directive 1999/29/EC on the undesirable substances and products in animal nutrition (O.J. No. L6, 10.1.2002, p. 45); and
- (c) Commission Directive 2002/1/EC amending Directive 94/39/EC as regards animal feedingstuffs for the support of liver function in case of chronic liver insufficiency.

These Regulations also provide for the enforcement of the following Commission Regulations –

- (a) Commission Regulation (EC) No. 2013/2001 concerning the provisional authorisation of a new additive use and the permanent authorisation of an additive in feedingstuffs (O.J. No. L272, 13.10.2001, p. 24);
- (b) Commission Regulation (EC) No. 2200/2001 concerning provisional authorisation of additives in feedingstuffs (O.J. No. L299, 15.11.2001, p. 1); and
- (c) Commission Regulation (EC) No. 256/2002 concerning the provisional authorisation of an additive and the permanent authorisation of an additive in feedingstuffs (O.J. No. L41, 13.2.2002, p. 6).

These Regulations –

- (a) modify the provisions of the principal Regulations which provide for the enforcement of the provisions of those Regulations which are made under the European Communities Act 1972 (regulation 5);
- (b) add three new Commission Regulations to the list of Commission Regulations under which authorisation for the marketing of feed additives has been granted which is contained in Schedule 3 to the principal Regulations (regulation 7 and Schedule 1);
- (c) modify the controls in the principal Regulations regulating the presence of undesirable substances in animal feed by specifying new maximum levels for Dioxin in feed (regulation 8 and Schedule 2);
- (d) modify the provisions of the principal Regulations regulating dietetic feeds as regards the required nutritional characteristics and labelling of feeds intended for the support of liver function in case of chronic liver insufficiency in dogs or cats (regulation 10 and Schedule 3);
- (e) make amendments to the principal Regulations to correct minor errors in them (regulations 4 and 9); and
- (f) make consequential amendments to those Regulations and to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999, the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999, and the Feeding Stuffs (Enforcement) Regulations 1999 (S.I. 1999/2325) (regulations 6 and 11 to 13).

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