

**2013 No. 294**

**FOOD**

**The Feed (Hygiene and Enforcement) and the Animal Feed  
(Amendment) Regulations (Northern Ireland) 2013**

*Made* - - - - *12th December 2013*

*Coming into operation* - *12th January 2014*

The Department of Health, Social Services and Public Safety<sup>(a)</sup> makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972<sup>(b)</sup> as read with paragraph 1A of Schedule 2 to that Act.

The Department of Health, Social Services and Public Safety has been designated for the purposes of section 2(2) of that Act in relation to the common agricultural policy of the European Union<sup>(c)</sup>, measures in the veterinary and phytosanitary fields for the protection of public health<sup>(d)</sup> and measures relating to feed produced for or fed to food-producing animals<sup>(e)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, Social Services and Public Safety that it is expedient for references to the Annexes to the EU instrument mentioned in regulation 2(3) and 3(2)(b) to be construed as references to those Annexes as they may be amended from time to time.

There has been open and transparent public consultation during the preparation of these Regulations in accordance with the requirements of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council 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<sup>(f)</sup>.

**Citation, commencement and interpretation**

**1.—(1)** These Regulations may be cited as the Feed (Hygiene and Enforcement) and the Animal Feed (Amendment) Regulations (Northern Ireland) 2013, and come into operation on 12th January 2014.

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(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)  
(b) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (2008 c.7)  
(c) S.I. 2000/2812  
(d) S.I. 1999/2027  
(e) S.I. 2003/2901  
(f) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p.14)

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

#### **Amendment of the Feed (Hygiene and Enforcement) Regulations (Northern Ireland) 2005**

2.—(1) The Feed (Hygiene and Enforcement) Regulations (Northern Ireland) 2005(b) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation), for the definition of “Regulation 183/2005” substitute —  
““Regulation 183/2005” means Regulation (EC) No. 183/2005 of 12 January 2005 laying down requirements for feed hygiene as amended by Commission Regulation (EU) No. 225/2012;”(c).

(3) After regulation 2(5), add the following paragraph —

“(6) Any reference in these Regulations to an Annex to Regulation 183/2005 is a reference to that Annex as it may be amended from time to time.”.

(4) For regulation 4 (competent authorities) substitute —

“4.—(1) The competent authorities for the purposes of the Articles of Regulation 183/2005 are —

- (a) in respect of Articles 9(1) and (3), 18(3), 20(2), 21(1) and 22(2)(b), the Agency and the enforcement authority;
- (b) in respect of Articles 7, 9(2), 10, 13, 14, 15, 16, 17, 18(1),(2) and (4) and 19(2), the enforcement authority; and
- (c) in respect of Article 19(1), the Agency.

(2) The competent authorities for the purposes of the section headed “Dioxin Monitoring” in Annex II to Regulation 183/2005 are —

- (a) in respect of paragraph 2(e), the enforcement authority; and
- (b) in respect of paragraph 7, the enforcement authority and the Agency.”.

(5) For Schedule 2 (fees payable for approvals) substitute Schedule 1 to these Regulations.

#### **Amendment of the Animal Feed Regulations (Northern Ireland) 2010**

3.—(1) The Animal Feed Regulations (Northern Ireland) 2010(d) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) —

- (a) omit the definition of Regulation 242/2010 in paragraph (1); and
- (b) for paragraph (3) substitute —

“(3) Any reference to an Annex to Directive 82/475, Directive 2002/32, Directive 2008/38 or Regulation 767/2009 is a reference to that Annex as it may be amended from time to time.”.

(3) For regulation 4(1) (enforcement of requirements of Regulation 767/2009), substitute —

“4.—(1) Subject to the transitional provisions contained in Article 32, any person who —

- (a) contravenes or fails to comply with the provisions of Regulation 767/2009 specified in Schedule 1; or

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

(b) S.R. 2005 No. 546, as amended by SR 2006 No. 471, S.R. 2009 No. 427, S.R. 2010 No. 323 and S.R. 2010 No. 355

(c) Commission Regulation (EU) No. 225/2012 amending Annex II to Regulation (EC) No. 183/2005 of the European Parliament and of the Council as regards the approval of establishments placing on the market, for feed use, products derived from vegetable oils and blended fats and as regards the specific requirements for production, storage, transport and dioxin testing of oils, fats and products derived thereof (OJ No. L L77, 16.3.2012, p.1)

(d) S.R. 2010 No. 355

(b) places on the market or uses any feed that fails to comply with Article 6(1) or 8, is guilty of an offence.”

(4) For Schedule 1 (specified provisions of Regulation 767/2009) substitute Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 12th December 2013.



*Linda Devlin*

A senior officer of the Department of Health, Social Services and Public Safety

SCHEDULE 1

Regulation 2(5)

“SCHEDULE 2

Regulation 14

FEEES PAYABLE FOR APPROVALS

<i>Activity requiring approval of establishment</i>	<i>Fee (£)</i>
Manufacture only, or manufacture and placing on the market, of substances referred to in Article 10(1)(a) or (b) of Regulation 183/2005 other than those feed additives specified in regulation 2(3), or of premixtures of such additives	212.00
Placing on the market of substances referred to in Article 10(1)(a) or (b) of Regulation 183/2005 other than those feed additives specified in regulation 2(3), or of premixtures of such additives	106.00
Any of the activities referred to at Point 10 of the Section headed “Facilities and Equipment” in Annex II to Regulation 183/2005	212.00”

## SCHEDULE 3

Regulation 3(4)

### “SCHEDULE 1

Regulation 4(1)

#### Specified Provisions of Regulation 767/2009

<i>Specified provision</i>	<i>Subject matter</i>
Article 4(1)&(2), as read with Article 4(3) and Annex I	General safety and other requirements to be met when feed is placed on the market or used
Article 5(1)	Extension of requirements in relation to feed for food-producing animals in other legislation to apply to feed for non food-producing animals
Article 5(2), as read with Article 12(1),(2)&(3)	Obligation on person responsible for labelling to make information available to competent authority
Article 9	Controls on the marketing of feeds for particular nutritional purposes
Article 11, as read with Article 12(1),(2)&(3), Annexes II & IV and the Catalogue of feed materials	Rules and principles governing the labelling and presentation of feed
Article 12(4)&(5)	Designation of the person responsible for labelling and the obligations and responsibilities of that person
Article 13(1), as read with Article 12(1),(2)&(3)	General conditions on making a claim about the characteristics or functions of a feed on the labelling or presentation of it
Article 13(2)&(3), as read with Article 12(1),(2)&(3)	Special conditions applying to claims concerning optimisation of the nutrition and support or protection of the physiological conditions
Article 14(1)&(2), as read with Article 12(1),(2)&(3)	Requirements for the presentation of the mandatory labelling particulars
Article 15, as read with Article 12(1),(2)&(3), Annex VI and VII and Article 21	General mandatory labelling requirements for feed materials and compound feeds
Article 16, as read with Articles 12(1),(2)&(3) and 21, Annex II and V and the Catalogue of feed materials	Specific labelling requirements for feed materials
Article 17(1)&(2), as read with Articles 12(1),(2)&(3) and 21 and Annex II, VI & VII	Specific labelling requirements for compound feeds
Article 18, as read with Article 12(1),(2)&(3)	Additional labelling requirements for feed for particular nutritional purposes (dietetic feeds)
Article 19, as read with Article 12(1),(2)&(3)	Additional labelling requirements for pet food
Article 20(1), as read with Article 12(1),(2)&(3) and Annex VIII	Additional requirements for labelling of non-compliant feed, such as that containing contaminated materials
Article 23	Requirements relating to the packaging and sealing of feed materials and compound feeds for placing on the market
Article 24(5)	Requirement that if the name of a feed material listed in the Catalogue of feed materials is used, all relevant provisions of the Catalogue must be complied with

Article 24(6)	Obligation on a person who first places on the market a feed material not listed in the Catalogue of feed materials to notify its use
Article 25(4)	Requirement that if use of the Community Codes of good labelling practice is indicated on labelling, all relevant provisions of the codes must be complied with.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for the execution and enforcement of Commission Regulation (EU) No. 225/2012 amending Annex II to Regulation (EC) No. 183/2005 of the European Parliament and of the Council as regards the approval of establishments placing on the market, for feed use, products derived from vegetable oils and blended fats and as regards the specific requirements for production, storage, transport and dioxin testing of oils, fats and products derived thereof (OJ No. L L77, 16.3.2012, p.1) (“Regulation 225/2012”).

These Regulations amend the Feed (Hygiene and Enforcement) Regulations 2005 (S.R. 2005 No. 546) by —

- (a) amending the definition of Regulation (EC) No 183/2005 so that it includes the amendments made by Regulation 225/2012 (*regulation 2(2)*);
- (b) providing that any reference in S.R. 2005 No. 546 to an Annex to Regulation (EC) No 183/2005 is to be construed as a reference to that Annex as it may be amended from time to time (*regulation 2(3)*);
- (c) designating the competent authorities for the purposes of enforcing certain provisions of Regulation 225/2012 (*regulation 2(4)*); and
- (d) providing for the fee to be paid for approval of specified establishments (*regulation 2(5) and Schedule 1*).

These Regulations also amend the Animal Feed Regulations (Northern Ireland) 2010 (S.R. 2010 No. 355) by —

- (e) removing references to an EU instrument which has been repealed (*regulation 3(2)*); and
- (f) clarifying the drafting of enforcement provisions relating to Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed (OJ No. L229, 1.9.2009, p.1) (*regulation 3(3) and (4) and Schedule 2*).

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