

2002 No. 285

AGRICULTURE

The Feeding Stuffs Amendment (Scotland) Regulations 2002

Made 7th June 2002

Laid before the Scottish Parliament 10th June 2002

Coming into force 1st July 2002

The Scottish Ministers, 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) and after consultation as required by section 84(1) of that Act with the persons or organisations appearing to represent the interests concerned, and in exercise of the powers conferred on them by the section 2(2) of the European Communities Act 1972(b) (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 them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Feeding Stuffs Amendment (Scotland) Regulations 2002 and shall come into force on 1st July 2002.

(2) These Regulations shall extend to Scotland only.

Amendment of the Feeding Stuffs (Scotland) Regulations 2000

2. The Feeding Stuffs (Scotland) Regulations 2000(c) (“the principal Regulations”) shall be amended in accordance with regulations 3 to 13 below.

3. In regulation 2 (interpretation), for paragraph (7)(d) there shall be substituted—

(a) 1970 c.40; section 66(1) was amended by the Agriculture Act Amendment Regulations 1982 (S.I. 1982/980) (“the 1982 Regulations”), the Feeding Stuffs Regulations 1995 (S.I. 1995/1412), the Fertilisers (Sampling and Analysis) Regulations 1996 (S.I. 1996/1342) and the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (S.I. 1999/1663); section 68(1A) was inserted by the 1982 Regulations; section 69(1) was amended by the Feeding Stuffs Regulations 1995 (S.I. 1995/1412) and section 74A was inserted by the European Communities Act 1972 (c.68), Schedule 4, paragraph 6. Section 66(1) contains definitions of the expressions “prescribed” and “regulations”. The functions of the Secretary of State in so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon Ministers of the Crown under section 2(2), in so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(c) S.S.I. 2000/453, amended by S.S.I. 2001/334.

(d) Paragraph (7) was substituted by S.S.I. 2001/334.

“(7) 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 may be, Regulation or Decision, as amended as at the date the Feeding Stuffs Amendment (Scotland) Regulations 2002 were made.”.

4. In regulation 19(2) (control of feeding stuffs intended for particular nutritional purposes, and supplementary provisions relating to statutory statement), for “Schedule 10” there shall be substituted “Schedule 9”.

5. In regulation 25(2) (modification of section 74A(3) of the Agriculture Act 1970) for “regulations” to the end there shall be substituted—

“regulations 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), 13(2) (in so far as it falls to be read with paragraph (3)(a), (c) or (d) of that regulation), (4), (6) and (7), 14(3), (4), (6), (7) and (9), 15(1), 17, 18(1) and 19(1).”.

6. Regulation 27(b) shall be omitted.

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 to these Regulations.

8. In Schedule 4 (contents of the statutory statement or other declaration (except for additives and premixtures not contained in feeding stuffs)), in paragraph 22(g) for “the country or origin or manufacture” there shall be substituted “the country of origin or manufacture.”.

9. 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 of that Chapter,

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

10. In Schedule 8 (control of certain protein sources)—

(a) in relation to the entry in column 1 for “3. Amino acids and their salts” the corresponding entry in column 6 “All animal species” shall be omitted; and

(b) in relation to the entry in column 2 for item 3.1.1. relating to DL-methionine, technically pure, for item 3.1.2. Dihydrated calcium salt of N-hydroxymethyl-DL methionine, technically pure, and for item 3.1.3. methionine-zinc, technically pure, for the corresponding entry in column 6 “Ruminants from the beginning of rumination” there shall be substituted “All animal species”.

11. In Schedule 9 (permitted feeding stuffs intended for particular nutritional purposes and provisions relating to their use) for the entry for the support of liver function in case of chronic liver insufficiency in column 1 of Chapter A and the corresponding entries in columns 2 to 6 of that Chapter there shall be substituted the entries set out in Schedule 3 to these Regulations.

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

12. The Feeding Stuffs (Sampling and Analysis) Regulations 1999(a) shall be amended as follows:—

(a) 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 1995” there shall be substituted “Schedule 7 to the Feeding Stuffs Regulations 2000”; and

(b) in Part II of Schedule 3 (form of certificate of analysis), in note 11(a), for “the Feeding Stuffs Regulations 1995” there shall be substituted “the Feeding Stuffs Regulations 2000”.

(a) S.I. 1999/1663; to which there are amendments not relevant to these Regulations.

Amendment of the Feeding Stuffs (Enforcement) Regulations 1999

- 13.** The Feeding Stuffs (Enforcement) Regulations 1999^(a) shall be amended as follows:–
- (a) in regulation 2(1), for the definition of “third country” there shall be substituted–
““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);”;
 - (b) in regulation 7(2) and (4), references to “the Feeding Stuffs Regulations 1995” shall have effect as if they read “the Feeding Stuffs (Scotland) Regulations 2000”;
 - (c) regulation 10 shall, in so far as it modifies section 76 of the Agriculture Act 1970, be read as if, in that section as so modified, for the references in subsection (17) to the Feeding Stuffs Regulations 1995 there were substituted references to the Feeding Stuffs (Scotland) Regulations 2000.

MARY MULLIGAN

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
7th June 2002

^(a) S.I. 1999/2325. The relevant amending instrument is S.S.I. 2001/334.

^(b) O.J. L 1, 3.1.94, p.1.

^(c) O.J. L 1, 3.1.94, p.571.

SCHEDULE 1

PROVISIONS SUBSTITUTED FOR PART IX OF THE TABLE TO SCHEDULE 3 TO
THE PRINCIPAL REGULATIONS

“PART IX

EUROPEAN COMMUNITY REGULATIONS BY WHICH ADDITIVES ARE CONTROLLED(a)

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(b).

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

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(d).

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(e).

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

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

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

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(i).”

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- (a) 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).
- (b) O.J. No. L 289, 28.10.98, p.4.
- (c) O.J. No. L 188, 21.7.99, p.35.
- (d) O.J. No. L 297, 18.11.99, p.8. The Annex to this Regulation is now replaced by the Annex to Regulation (EC) No. 739/2000 (O.J. No. L 87, 8.4.00, p.14).
- (e) O.J. No. L 155, 28.6.00, p.15.
- (f) O.J. No. L 280, 4.11.00, p.28.
- (g) O.J. No. L 272, 13.10.01, p.24.
- (h) O.J. No. L 299, 15.11.01, p.1.
- (i) O.J. No. L 41, 13.2.02, p.6.

SCHEDULE 2

PROVISIONS SUBSTITUTED IN PARTS I AND II OF SCHEDULE 7 TO THE
PRINCIPAL REGULATIONS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
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⁾ 1.0 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Minerals	2.0 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Animal fat, including milk fat and egg fat	0.75 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Other land animal products including milk and milk products and eggs and egg products	
	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	2.25 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Pet foods	

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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
		⁽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.

SCHEDULE 3

PROVISIONS SUBSTITUTED IN SCHEDULE 9 TO THE PRINCIPAL REGULATIONS

<i>Column 1 Particular nutritional purpose</i>	<i>Column 2 Essential Nutritional Characteristics</i>	<i>Column 3 Species of category of animal</i>	<i>Column 4 Labelling declarations</i>	<i>Column 5 Recommended length of time for use</i>	<i>Column 6 Other provisions</i>
Support of liver function in case of chronic liver insufficiency	High quality protein, moderate level of protein, high level of essential fatty acids and high level of highly digestive carbohydrates	Dogs	Protein source(s) Content of essential fatty acids Highly digestible carbohydrates including their treatment if appropriate Sodium Total copper	Initially up to 6 months	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" Indicate in the instructions for use: "Water should be available at all times"
	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 sought before use or before extending the period of use" Indicate in the instructions for use: "Water should be available at all times"

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations amend the Feeding Stuffs (Scotland) Regulations 2000 (“the principal Regulations”). These Regulations extend to Scotland only.

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. L 267, 6.10.01, 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. L 6, 10.1.02, 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 (O.J. No. L 5, 9.1.02, p.8).

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. L 272, 13.10.01, p.24);
- (b) Commission Regulation (EC) No. 2200/2001 concerning provisional authorisation of additives in feedingstuffs (O.J. No. L 299, 15.11.01, 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. L 41, 13.2.02, p.6).

These Regulations–

- (a) modify regulation 11 of the principal Regulations which specify the requirements for a dossier submitted in relation to the assessment of feed additives for which marketing authorisation has been sought by providing that EC legislation referred to (in this case in the definition of “the Dossiers Directive” in regulation 2(1) of the principal Regulations) is referred to as amended at the date these Regulations are made (regulation 3);
- (b) 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);
- (c) 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);
- (d) 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 9 and Schedule 2);
- (e) 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 11 and Schedule 3);
- (f) make amendments to the principal Regulations to correct minor errors in them (regulations 4, 8 and 10); and
- (g) make consequential amendments to the principal Regulations and to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 and the Feeding Stuffs (Enforcement) Regulations 1999 (regulations 6, 12 and 13).

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect which these Regulations are likely to have on business costs has been prepared for these Regulations and has been placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

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