

EXECUTIVE NOTE

THE FEEDING STUFFS (SCOTLAND) AMENDMENT REGULATIONS 2008

SSI 2008/215

The above instrument is made under powers conferred by sections 66(1), 68(1), 74A and 84 of the Agriculture Act 1970.

Policy Objectives

1. This instrument transposes Commission Directive 2008/4/EC, which makes two minor amendments to Part B of the Annex to Commission Directive 94/39/EC that sets out certain conditions applicable to “feedingstuffs for particular nutritional purposes”. The amendments concern the addition of two new essential nutritional characteristics for feeds that can be promoted for the reduction of the risk of milk fever.

Legislative Background

2. These Regulations amend Schedule 7 to the Feeding Stuffs (Scotland) Regulations 2005. This is a relatively minor technical amendment concerning feedingstuffs for particular nutritional purposes (also known as dietetic feeds). These are non-medicinal feeds intended to meet the nutritional requirements of farmed livestock, pet animals and horses whose metabolism may be permanently or temporarily impaired. One particular nutritional purpose is the reduction of the risk of milk fever. Milk fever, or hypocalcaemia, is a condition of dairy cows, especially in the first few days of lactation. During this period some dairy cows may find it difficult to adapt to large amounts of calcium being released from the body, resulting in malfunction of the nervous system followed rapidly by death if not treated promptly.
3. Commission Directive 94/39/EC requires that the composition of dietetic feeds must be capable of achieving the particular nutritional purposes for which they are intended and have one or more of the “essential nutritional characteristics” listed in the Annex of the Directive. Commission Directive 2008/4/EC adds two further essential nutritional characteristics to the category of dietetic feeds permitted to be marketed to reduce the risk of milk fever. These characteristics are “high level of zeolite (synthetic sodium aluminium silicate)” and “high level of calcium in the form of highly available salts”.
4. Commission Directive 2008/4/EC was amended by a Corrigendum which corrected the implementation deadline from 24 June to 30 July 2008 (OJ No. L22, 25.1.2008, p.21).

Extent

5. This instrument applies to Scotland. Separate but parallel legislation will be made for England, Wales and Northern Ireland.

Policy background

6. The European Food Safety Authority (EFSA) published Opinions on the reduction of risk of milk fever in cows in relation to zeolite on 8 December 2004 and on feeds containing a high level of calcium on 12 June 2007. EFSA advised that feeds with two additional essential nutritional characteristics, “high level of zeolite (synthetic sodium aluminium silicate)” and “high level of calcium in the form of highly available salts”, would be effective in reducing the risk of milk fever in dairy cows. EFSA also concluded that under the specified conditions of use, these feeds would not represent a significant risk to animal and human health or to the environment. Following a detailed discussion by Member States in the Standing Committee on the Food Chain and Animal Health (SCoFCAH) in September 2007, EFSA’s Opinions were adopted in October 2007 and Commission Directive 2008/4/EC of 9 January 2008 implementing the amendments in EC feed law was subsequently published in the Official Journal (L Series, 10.1.2008, page 4).

Consultation

7. A short public consultation in Scotland took place between 13 March and 24 April 2008. This relatively short deadline for comments was specified so that businesses could take advantage of the revised provisions as soon as possible and in order to meet the EC deadline for transposition of 30 July 2008. The consultation involved a range of stakeholders including from industry, enforcement bodies, consumer groups and others. No responses were received.

Guidance

8. The Food Standards Agency does not consider that guidance on the new measures is necessary as these provisions are self-explanatory and have already been subject to public consultation.

Impact

9. A regulatory impact assessment has not been produced for this instrument. This is because it is considered that the measure is likely to have no additional costs to the feed industry and feed purchasers and will also be beneficial to the agricultural industry (particularly dairy farmers) and to animal health, because it will provide the livestock and feed sectors with additional options to help prevent the onset of milk fever. This point was raised with stakeholders as part of the public consultation on the measure, and none disagreed.

FOOD STANDARDS AGENCY SCOTLAND

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Contact

Stewart Herd,
Food Standards Agency Scotland,
6th Floor, St Magnus House,
25 Guild Street,
Aberdeen,
AB11 6NJ

Tel: 01224 285138

Email: Stewart.Herd@foodstandards.gsi.gov.uk

LIST OF CONSULTEES

ADAS Scotland
AIC Ltd
Alsop Transport Services
Animal Health
Animal Health Distributors Assoc (UK)
Aquascot Ltd
Association of Scottish Shellfish Growers
Biodynamic Agricultural Association
BMA Scotland
British Deer Society
British Egg Industry Council
British Goat Society
British Hospitality Association
British Poultry Council
British Trout Association
British Veterinary Association
British Veterinary Association (Scottish Branch)
Brookside Products Ltd
Brown Brothers Ltd.
Caledonian Cheese Co
Claymore Dairies
Co-operative Group (CWS) Ltd
COSLA
Dairy UK - Scotland
Deer Commission for Scotland
Diageo
Dundonnell Smoked Salmon
Edinburgh Smoked Salmon Company (1992) Ltd.
Farmlay Eggs
Federation of Small Businesses
Fisheries Research Services
Food Additives & Ingredients Association
Food and Drink Federation
Food Certification Scotland Ltd
Food Industry (North) Development Services
Food Innovation Institute (F2i)
Food Safety Authority of Ireland
Framgord Ltd
Glasgow Caledonian University
Glasgow Metropolitan College
Glasgow Scientific Services
Glasgow University Veterinary School
Glenmuick Estate
Grampian Country Pork Halls Ltd
Grampian Oat Products
Hallmark Meat Hygiene Ltd/ AA Duncan & Son
Harbro Group Ltd
Health & Sport Committee
Health Protection Scotland
Highland Drivers Ltd.
Hutchison's Flour
IHS Technical Indexes
Institute of Aquaculture
John Hogarth Ltd.
Lossie Seafoods
MacRae Food Group
Marine Harvest (Scotland) Ltd
McIntosh Donald
Meat and Livestock Commission
Moray Seafood Ltd
Moredun Research Institute
Munlochy GM Vigil
Mylnefield Research Services Ltd.
National Beef Association
National Beef Association Scotland
Neogen Europe Ltd.
Neville Craddock Association
NFU Scotland
NHS Fife
NHS Grampian
Norscot Seafoods Ltd
Pan Fish Scotland Ltd
Peterhead Port Authority
Quality Meat Scotland
Road Haulage Assoc Ltd
Rowett Institute
Royal Environmental Health Institute for Scotland
Royal Highland & Agricultural Society of Scotland
Royal Highland Education Trust
Ruma
Rural Directorate
SAC
Scot Trout Ltd.
Scotch Whisky Association
Scotch Whisky Research Institute
Scottish Association of Meat Wholesalers
Scottish Beef Cattle Association
Scottish Chambers of Commerce

Scottish Consumer Council
Scottish Crofting Foundation
Scottish Crop Research Institute
Scottish Egg Producer Retailer
Association
Scottish Food Quality Certification Ltd
Scottish Fresh Foods
Scottish Government Criminal Justice
Directorate
Scottish Government Rural Directorate
Scottish Organic Producers Association
Scottish Pig Producers Ltd.
Scottish Rural Property and Business
Association
Scottish Salmon Producers Organisation
Scottish Salmonella Reference Laboratory
Scottish Sea Farms Ltd.
Sea Fish Industry Authority
Seafood Scotland
Sheep Veterinary Society
Soil Association Scotland
Strathaird Salmon Ltd
Tan International Scotland
Tayside Scientific Services
TESCO Stores Ltd
The Applecross Trust
The Glenside Group Ltd
The Halal Food Authority
The Malt Distillers Association of
Scotland
The Royal Society of Edinburgh
United Fish Industries
University of Aberdeen
University Of Paisley
Verner Wheelock Associates
Walkers Shortbread Ltd
West Minch Salmon
William Forrest & Son (Paisley) Ltd
Women's Food & Farming Union

123 Consultees + Local Authorities