

1999 No. 1528

AGRICULTURE

The Feeding Stuffs (Amendment) Regulations 1999

<i>Made - - - -</i>	<i>3rd June 1999</i>
<i>Laid before Parliament</i>	<i>10th June 1999</i>
<i>Coming into force</i>	<i>2nd July 1999</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 66(1), 74A and 84 of the Agriculture Act 1970(a) and of all other powers enabling them in that behalf, after consultation in accordance with section 84(1) of the said Act with such persons or organisations as appear to them to represent the interests concerned, and the Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations 1999, and shall come into force on 2nd July 1999.

Amendment of the Feeding Stuffs Regulations 1995

2. The Feeding Stuffs Regulations 1995(d) shall be further amended in accordance with regulations 3 to 5 below.

3. In regulation 2(1) (interpretation)–

(a) after the definition of “daily ration” there shall be inserted the following definitions–

“ “EC approved Article 2.2(d) establishment” means an establishment listed on a register of approved establishments, maintained by a competent authority in a Member State, in implementation of Article 5 of the Establishments Directive, as an establishment on which a compound feeding stuff, of any kind the manufacture of which is regulated by Article 2.2(d) of that Directive, may be manufactured with a view to putting it into circulation;

“EC approved Article 2.2(f) establishment” means an establishment listed on a register of approved establishments, maintained by a competent authority in a Member State,

(a) 1970 c. 40; section 74A was inserted by the European Communities Act 1972, c. 68, Schedule 4, paragraph 6, and the Act was amended by the Agriculture Act 1970 Amendment Regulations 1982 (S.I. 1982/980). Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “ regulations”; the definition of “the Ministers” was amended by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), Schedule 5, paragraph 1.

(b) S.I. 1972/1811.

(c) 1972 c. 68.

(d) S.I. 1995/1412, amended by S.I. 1996/1260. S.I. 1998/104 and S.I. 1998/2072.

in implementation of Article 5 of the Establishments Directive, as an establishment on which a compound feeding stuff, of any kind the production of which is regulated by Article 2.2(f) of that Directive, may be produced for the exclusive requirements of the producer's holding;

“EC permitted Article 2.2(d) establishment” means an establishment located in a Member State (other than an EC approved Article 2.2(d) establishment or an establishment which a competent authority in the Member State has declined to approve as such an establishment) if–

- (a) a compound feeding stuff, of any kind the manufacture of which is regulated by Article 2.2(d) of the Establishments Directive, was being manufactured on the establishment, with a view to putting it into circulation, on 1st April 1998, and
- (b) before 1st September 1998, an application (which is pending) in respect of the establishment, was made to a competent authority in the Member State, in accordance with any requirements in the Member State for the making of such applications, to approve the establishment, pursuant to the Establishments Directive, as an establishment on which a compound feeding stuff of any such kind may be manufactured with a view to putting it into circulation;

“EC permitted Article 2.2(f) establishment” means an establishment located in a Member State (other than an EC approved Article 2.2(f) establishment or an establishment which a competent authority in the Member State has declined to approve as such an establishment) if–

- (a) a compound feeding stuff, of any kind the manufacture of which is regulated by Article 2.2(f) of the Establishments Directive, was being produced on the establishment, for the exclusive requirements of the producer's holding, on 1st April 1998, and
- (b) before 1st September 1998, an application (which is pending) in respect of the establishment, was made to a competent authority in the Member State, in accordance with any requirements in the Member State for the making of such applications, to approve the establishment, pursuant to the Establishments Directive, as an establishment on which a compound feeding stuff of any such kind may be produced for the exclusive requirements of the producer's holding;”;

- (b) after the definition of “energy value” there shall be inserted the following definitions–

““establishment” has the meaning given by Article 1.3 of the Establishments Directive;

“the Establishments Directive” means Council Directive 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC(a);”;

- (c) after the definition of “feeding stuff intended for a particular nutritional purpose” there shall be inserted the following definition–

““feed material” means a product or substance within the definition of “feed materials” in Article 2(b) of Council Directive 1999/29/EC on undesirable substances and products in animal nutrition;”(b);

- (d) after the definitions of “medicinal product” and “medicinal purpose” there shall be inserted the following definition–

“Member State” means a Member State other than the United Kingdom;”;

- (e) for the definition of “national list” there shall be substituted the following definition–

““national list” means the list of establishments published in London by the Minister of Agriculture, Fisheries and Food, for the purposes of Article 6.1 of the Establishments Directive;”;

(a) OJ No. L332, 30.12.95, p.17.

(b) OJ No. L115, 4.5.1999, p.32.

- (f) after the definition of “protein equivalent of urea, biuret, urea phosphate and diureidoisobutane” there shall be inserted the following definition–

““put into circulation” means sell or otherwise supply, or have in possession with a view to selling or otherwise supplying, but in regulation 15(3), (4) and (6) also means import into Great Britain from a country other than an EEA State;”;

- (g) after the definition of “straight feeding stuff” there shall be added the following definitions–

““third country” means a country other than a Member State or the United Kingdom; subject to regulation 15(4A), “UK approved Article 2.2(d) establishment”, “UK approved Article 2.2(f) establishment”, “UK permitted Article 2.2(d) establishment” and “UK permitted Article 2.2(f) establishment” have the meanings given by regulation 3 of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1998;”(a).

4. In regulation 15 (which deals with undesirable substances)–

- (a) for paragraphs (3) to (6) there shall be substituted the following paragraphs–

“(3) No person shall put into circulation any feed material specified in column 2 of Chapter A of Part II of Schedule 5, which contains any substance specified in column 1 of that Part in excess of the maximum content specified in relation thereto in column 3 thereof.

(4) Subject to paragraph (4A) below, no person shall put into circulation any feed material specified in column 2 of Chapter A of Part II of Schedule 5, or in column 2 of Chapter B of that Part, which contains any substance specified in relation to the material in question in the corresponding entry in column 1 of the Chapter in question, in excess of the maximum content specified in relation to the corresponding feed material in column 3 of Part I of that Schedule, unless the feed material put into circulation–

- (a) is intended for use only on–

- (i) a UK approved or permitted Article 2.2(d) establishment,
- (ii) a UK approved or permitted Article 2.2(f) establishment,
- (iii) an EC approved or permitted Article 2.2(d) establishment, or
- (iv) an EC approved or permitted Article 2.2(f) establishment, and

- (b) is accompanied by a document stating–

- (i) that it is intended for use by such establishments,
- (ii) that it may not be fed unprocessed to livestock, and
- (iii) the amount of the specified substance contained in it,

or is intended for supply by way of export to a third country.

(4A) For the purposes of paragraph (4) above, no UK or EC establishment shall be considered an approved establishment unless–

- (a) in the case of a UK establishment, it is included in the most recently published national list (if any),
- (b) in the case of an EC establishment, it is included in the most recently published list (if any) equivalent in the Member State concerned to the national list.

(5) No person shall mix with any feeding stuff or feed material, any feed material specified in column 2 of Chapter A of Part II of Schedule 5, if the feed material so specified contains any substance specified in the corresponding entry in column 1 of that Part in excess of the maximum content specified in relation thereto in column 3 thereof.

(a) S.I. 1998/1049.

- (6) No person shall put into circulation any feed material unless it is—
- (a) sound and genuine, and
 - (b) of merchantable quality.”.
- (b) in paragraphs (7), (9) and (10), for the expression “ingredient”, wherever it appears, there shall be substituted the expression “feed material”, with any immediately preceding indefinite article changed consequentially;
- (c) paragraph (8) shall be deleted;
- (d) in paragraph (9), for the words from “by virtue of” to the end there shall be substituted the words “by virtue of section 67(1) or (1A) has the duty to enforce Part IV of the Act in relation to the feeding stuff or feed material in question.”.
5. In Schedule 5 (prescribed limits for undesirable substances)—
- (a) in Part I, for the expression “straight feeding stuffs”, wherever it appears, and for the expression “feeding stuffs” where it appears immediately after the expression “except:” in the entries relating to Fluorine and Mercury, and in the third indent of the entry for Arsenic, there shall be substituted the expression “feed materials”; and
 - (b) for Part II there shall be substituted the contents of the Schedule to these Regulations.

28th May 1999

Jeff Rooker
Minister of State,
Ministry of Agriculture, Fisheries and Food

28th May 1999

Sewel
Parliamentary Under Secretary of State,
Scottish Office

Signed by authority of the Secretary of State for Wales

3rd June 1999

Jon Owen Jones
Parliamentary Under Secretary of State,
Welsh Office

SCHEDULE

regulation 5(b)

**PROVISIONS TO BE SUBSTITUTED FOR PART II OF SCHEDULE 5 TO THE
FEEDING STUFFS REGULATIONS 1995**

**PART II
FEED MATERIALS
CHAPTER A**

<i>Column 1 Substances</i>	<i>Column 2 Feed materials</i>	<i>Column 3 Maximum content in mg/kg of feed materials referred to a moisture content of 12%</i>
Aflatoxin B ₁	Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof	0.2
Cadmium	Phosphates	10
Arsenic	Phosphates	20
Dioxin (sum of PCDD and PCDF), expressed in international toxic equivalents	Citrus pulp	500 pg 1-TEQ/kg (upper bound detection limit) Note: Upper bound concentrations are calculated assuming that all values of the different congeners less than the limit of detection are equal to the limit of detection

CHAPTER B

<i>Column 1 Substances</i>	<i>Column 2 Feed materials</i>
Arsenic	All feed materials with the exception of: -phosphates
Lead	All feed materials
Fluorine	All feed materials
Mercury	All feed materials
Nitrites	Fish meal
Cadmium	All feed materials of vegetable origin All feed materials of animal origin with the exception of: -feed materials for pets
Aflatoxin B ₁	All feed materials with the exception of: -groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof
Hydrocyanic acid	All feed materials
Free gossypol	All feed materials
Volatile mustard oil	All feed materials
Rye ergot (<i>Claviceps purpurea</i>)	Unground cereals

<i>Column 1 Substances</i>	<i>Column 2 Feed materials</i>
Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances separately or in combination including (a) <i>Lolium temulentum</i> L., (b) <i>Lolium remotum</i> Schrank., (c) <i>Datura stramonium</i> L.	All feed materials
Castor oil plant – <i>Rizinus communis</i> L.	All feed materials
Crotalaria spp.	All feed materials
Aldrin } singly or combined Dieldrin } expressed as dieldrin	} All feed materials }
Camphechlor (Toxaphene)	All feed materials
Chlordane (sum of cis – and trans-isomers and oxychlordane, expressed as chlordane)	All feed materials
DDT (sum of DDT-, TDE- and DDE-isomers expressed as DDT)	All feed materials
Endosulfan (sum of alpha- and beta-isomers and endosulfan sulphate expressed as endosulfan)	All feed materials
Endrin (sum of endrin and of delta-ketoendrin, expressed as endrin)	All feed materials
Heptachlor (sum of heptachlor and of heptachlor-epoxide, expressed as heptachlor)	All feed materials
Hexachlorobenzene (HCB)	All feed materials
Hexachlorocyclohexane (HCH) alpha-isomer beta-isomer gamma-isomer	All feed materials All feed materials All feed materials
Apricots – <i>Prunus armeniaca</i> L.	All feed materials
Bitter almond – <i>Prunus dulcis</i> (Mill.) D. A. Webb var. <i>amara</i> (DC.) Focke (= <i>Prunus amygdalus</i> Batsch var. <i>amara</i> (DC.) Focke)	All feed materials
Unhusked beech mast – <i>Fagus silvatica</i> (L.)	All feed materials
Camelina – <i>Camelina sativa</i> (L.) Crantz	All feed materials

<i>Column 1 Substances</i>	<i>Column 2 Feed materials</i>
<i>Mowrah, Bassia, Madhuca — Madhuca longifolia (L.) Macbr. (= Bassia longifolia L. = Illipe malabrorum Engl.) Madhuca indica Ginelin (= Bassia latifolia (Roscb.) = Illipe latifolia (Roscb.) F. Mueller)</i>	All feed materials
<i>Purghera – Jatropha curcas L.</i>	All feed materials
<i>Croton – Croton tiglium L.</i>	All feed materials
<i>Indian mustard – Brassica juncea (L.) Czern. and Coss. ssp. integrifolia (West). Thell.</i>	All feed materials
<i>Sareptian mustard – Brassica juncea (L.) Czern. and Coss. ssp. juncea</i>	All feed materials
<i>Chinese mustard – Brassica juncea (L.) Czern. and Coss. ssp. juncea var. lutea Batalin</i>	All feed materials
<i>Black mustard – Brassica nigra (L.) Koch</i>	All feed materials
<i>Ethiopian mustard – Brassica carinata A. Braun</i>	All feed materials

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Feeding Stuffs Regulations 1995 as amended (“the principal Regulations”) and implement—

- (a) in so far as it relates to farmed and pet animals, Article 8(a) of Council Directive 96/25/EC on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC (OJ No. L125, 23.5.96, p.35);
- (b) in so far as it relates to farmed and pet animals, Article 5(2)(a) of Council Directive 1999/29/EC on the undesirable substances and products in animal nutrition (OJ No. L115, 4.5.99, p.32) which provision is substituted for that contained in Article 18 of Council Directive 95/69/EC (OJ No. L332, 30.12.95, p.15); and
- (c) Annexes I and II of Council Directive 1999/29/EC, which are substituted for Annexes I and II of Commission Directive 97/8/EC (OJ No. L48, 19.2.97, p.22).

In addition to making minor and drafting changes, the Regulations amend the principal Regulations by—

- (a) substituting for the references in regulation 15 and Schedule 5 to “straight feeding stuffs” and “ingredients”, references to “feed materials”, so as to replicate the references to “feed materials” in Articles 2(b), 3, 5, 7 and 12(3) of Council Directive 1999/29/EC (regulations 4(a) and (b) and 5);
- (b) adding a new Chapter, designated “Chapter B”, in Part II of Schedule 5, and consequentially placing existing entries in that Part under the heading “Chapter A” (regulation 5(b));
- (c) modifying the provisions in regulation 15(4) relating to sale etc. of ingredients (now re-designated “feed materials”) specified in Part II of Schedule 5, as regards the identities of the feed materials concerned and of those to whom they may be supplied (regulation 4(a)); and
- (d) deleting regulation 15(8), which exempted from regulation 15(1) to (5) certain categories of substance (regulation 4(c)).

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