

**EXPLANATORY MEMORANDUM TO THE
FEEDING STUFFS (SAFETY REQUIREMENTS FOR FEED FOR FOOD-
PRODUCING ANIMALS) REGULATIONS 2004**

2004 No. 3254

1. This Explanatory Memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 This instrument provides for the enforcement of the feed-related aspects of EC Regulation 178/2002, which lays down the general principles and requirements of food law, establishes the European Food Safety Authority, and lays down procedures in matters of food safety. The Regulation came into force on 21 February 2002, although certain provisions do not apply until 1 January 2005.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Background**

4.1 EC Regulations are directly applicable in all Member States, and cannot be repeated in national legislation. Consequently it is necessary to amend domestic legislation where there is duplication, and to introduce new enforcement powers and penalties in relation to the requirements regarding feed safety and presentation contained in the EC Regulation. The Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations 2004 therefore provide for a range of offences and penalties for breaches of the relevant Articles of the EC Regulation and lay down the powers of inspectors to detain and order the disposal of non-compliant consignments of feed.

5. **Extent**

5.1 This instrument extends to Great Britain. Separate but parallel legislation is expected for Northern Ireland.

6. **European Convention on Human Rights**

6.1 The Parliamentary Under Secretary of State (Melanie Johnson) has made the following statement regarding Human Rights:

In my view the provisions of the Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations 2004 are compatible with the Convention rights.

7. Policy Background

7.1 The EC Regulation was one of a number of measures foreshadowed in the Commission's January 2000 White Paper on Food Safety, which was produced following a number of food and feed contamination incidents.

7.2 There is already a wide range of specific EC rules that apply to the composition and marketing of animal feeds. This includes a list of authorised feed additives, controls on contaminants and approval or registration of certain feed businesses making or using feed additives (e.g. vitamins and trace elements).

7.3 Compared to the specific EC rules, the provisions of Regulation 178/2002 on feed are in general more wide-ranging, as follows:

- Article 15 prohibits the placing on the market, or the feeding to food-producing animals, of unsafe feed;
- Article 16 prohibits the presentation of feed in such a way as to mislead purchasers;
- Article 18 requires feed business operators to have traceability systems in place; and
- Article 20 lays down the responsibilities and obligations of feed business operators in matters of feed safety.

7.4 The Food Standards Agency consulted two hundred and forty stakeholder organisations on the draft of these Regulations. The consultation included consumer organisations and small businesses. Ten replies were received. Only two made substantive comments on the draft Regulations, which have been amended where appropriate.

7.5 The consultation also included feed businesses and enforcement authorities. These bodies were also consulted during negotiations of the draft Regulation 178/2002. They did not contest the proposition made in those consultations that compliance costs would not be significantly more than those already incurred in meeting the requirements of existing legislation.

7.6 Separate legislation (The General Food Regulations 2004) is being made in relation to food safety and presentation provisions of EC Regulation 178/2002.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no significant impact on business, charities or voluntary bodies.

9. Contact

Joseph Nicholas or Gail Jones at the Food Standards Agency
telephone: 020-7276-8462 or 020-7276-8469,
e-mail: joseph.nicholas@foodstandards.gsi.gov.uk or
gail.jones@foodstandards.gsi.gov.uk
are available to answer any queries regarding the instrument.