

## **EUROPEAN COMMUNITIES (MARKETING OF FEEDINGSTUFFS) (AMENDMENT) REGULATIONS 1992**

I, JOE WALSH, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purposes of giving effect to Commission Directive 86/174/EEC of 9 April, 1986(1), Council Directive 90/44/EEC of 22 January, 1990(2), Commission Directive 91/334/EEC of 6 June, 1991(3), Commission Directive 91/357/EEC of 13 June, 1991(4), Commission Decision 91/516/EEC of 9 September 1991(5), and Council Directive 91/681/EEC of 19 December 1991(6), and for the purposes of giving further effect to Council Directive 79/373/EEC of 2 April, 1979(7), as amended, hereby make the following Regulations.

(1)O.J. No. L 130, 16.5.1986, p. 53.

(2)O.J. No. L. 27, 31.1.1990, p. 35.

(3)O.J. No. L. 184, 10.7.1991, p. 27.

(4)O.J. No. L. 193, 17.7.1991, p. 34.

(5)O.J. No. L. 281, 9.10.1991, p. 23.

(6)O.J. No. L. 376, 31.12.1991, p. 20.

(7)O.J. No. L. 86, 6.4.1979, p. 30.

### REG 1

1. (1) These Regulations may be cited as the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations, 1992.

(2) These Regulations and the Regulations of 1984 may be cited collectively as the European Communities (Marketing of Feedingstuffs) Regulations, 1984 to 1992.

### REG 2

2. (1) In these Regulations:

"the Regulations of 1984" means the European Communities (Marketing of Feedingstuffs) Regulations, 1984 (S.I. No. 200 of 1984), as amended by the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations, 1986 (S.I. No. 262 of 1986); and the

Regulations 1988 (S.I. No. 249 of 1988);

(2) Regulation 2 (1) of the Regulations of 1984 is hereby amended by the substitution of the following definition for the "Directive of 1979".

"the Directive of 1979" means Council Directive No. 79/373/EEC of 2 April, 1979(1) as amended by Commission Directive 80/511/EEC of 2 May, 1980(2), Commission Directive 82/475/EEC of 23 June, 1983(3), Commission Directive 86/174/EEC of 9 April, 1986(4), Council Directive 86/354/EEC of 21 July, 1986(5), Council Directive 90/44/EEC of 22 January, 1990(6), Commission Directive 91/334/EEC of 6 June, 1991(7), Commission Directive 91/357/EEC of 13 June, 1991(8), Commission Decision 91/516/EEC of 9 September, 1991(9), and Council Directive 91/681/EEC of 19 December, 1991(10).

(1)O.J. No. L 86, 6.4.1979, p. 30.

(2)O.J. No. L 126, 21.5.1980, p. 14.

(3)O.J. No. L 213, 21.7.1982, p. 27.

(4)O.J. No. L 130, 16.5.1986, p. 53.

(5)O.J. No. L 212, 2.8.1986, p. 27.

(6)O.J. No. L 27, 31.1.1990, p. 35.

(7)O.J. No. L 184, 10.7.1991, p. 27.

(8)O.J. No. L 193, 17.7.1991, p. 34.

(9)O.J. No. L 281, 9.10.1991, p. 23.

(10)O.J. No. L 376, 31.12.1991 p. 20.

(3) Regulation 6 of the Regulations of 1984 is hereby amended by the substitution of the following Regulation for Regulation 6:

"6. (1) A person shall not market a compound feedingstuff unless—

( a ) it is in a sealed package or container,

( b ) such package or container is sealed in such a way that, when the package or container is opened, the seal is damaged and cannot be reused, and

( c ) each of the requirements specified in paragraph (2) of this Regulation, or where appropriate, each of such requirements as apply to it, is complied with.

(2) The following are the requirements referred to in paragraph (1) of this Regulation—

( a ) the requirements of Regulation 4 of these Regulations shall be complied with in relation to the feedingstuff concerned,

( b ) such feedingstuff shall comply with the general provisions laid down in Part I of the Fifth Schedule to these Regulations,

( c ) Such feedingstuff shall not contain, as an ingredient, any substance specified in Part II of the First Schedule of these Regulations,

( d ) where appropriate, the requirements of Article 11 of the Directive of 1979 are complied with in relation to it."

#### REG 4

4. Regulation 7 of the Regulations of 1984 is hereby amended by the substitution of the following Regulation:

"7. (1) Notwithstanding Regulation 6 of these Regulations, but subject to Regulation 8A (2) of these Regulations, compound feedingstuffs may be marketed in bulk or in unsealed packages or containers in the case of—

( a ) deliveries between producers of compound feedingstuffs,

( b ) deliveries from producers of compound feedingstuffs to packaging firms,

( c ) compound feedingstuffs obtained by mixing grain or whole fruit,

( d ) blocks or licks, or

( e ) quantities of compound feedingstuffs not exceeding 50 kilograms in weight which are intended for the final user and are taken directly from a package or container which before being opened complied with the said Regulation 6.

(2) Notwithstanding Regulation 6 of these Regulations, but subject to Regulation 8A (2) of these Regulations, compound feedingstuffs may be marketed in bulk or in unsealed containers, but not in unsealed packages, in the case of—

( a ) compound feedingstuffs delivered directly from the producer to the final user,

( b ) molassed feedingstuffs consisting of not more than three

ingredients, or  
( c ) pelleted compound feedingstuffs".

## REG 5

5. The Regulations of 1984 are hereby amended by the insertion of the following Regulation after Regulation 8:

"8A. (1) Subject to paragraph (2) of this Regulation, compound feedingstuffs shall be marketed only if the following particulars, which shall be clearly visible, legible and indelible, are shown in a space provided for that purpose, on the packaging, or the container or on a label attached thereto showing:

- ( a ) (i) where, subject to paragraphs (4) and (5) of this Regulation, the feedingstuff is a complete feedingstuff, the description "complete feedingstuff",
- (ii) where, subject to paragraphs (4) and (5) of this Regulation, the feedingstuff is a complementary feedingstuff, the description "complementary feedingstuff",
- ( b ) where the feedingstuff is a mineral feedingstuff, the description "mineral feedingstuff",
- ( c ) where the feedingstuff is a molassed feedingstuff the description "molassed feedingstuff",
- ( d ) where the feedingstuff is a milk replacer feed, the description "complete milk replacer feed" or the description "complementary milk replacer feed" as appropriate,
- ( e ) the species or category of animal for which the compound feedingstuff is intended,
- ( f ) directions for the proper use of the feedingstuff indicating the purpose for which the feedingstuff is intended,
- ( g ) for all compound feedingstuffs with the exception of those intended for pets other than dogs and cats: the ingredients to be declared in accordance with Regulation 9A of these Regulations,
- ( h ) where appropriate, the declarations of the analytical constituents in the cases provided for in Part I of the Fifth Schedule to these Regulations,
- ( i ) as relevant to the case, the declarations provided for in Column 3 of Part II of the Fifth Schedule to these Regulations,
- ( j ) the name or business name and the address or registered place of business of the person responsible for the particulars referred to in this paragraph,
- ( k ) the net quantity expressed in units of mass in the case of solid products, and in units of mass or volume in the case of liquid products,
- ( l ) the minimum storage life to be indicated in accordance with paragraph 7 of this Regulation,
- ( m ) the batch number, if the date of manufacture is not given, provided that:
  - (i) in the case of small quantities of compound feedingstuffs intended for the final user, in lieu of complying with the requirements of paragraph (1), the particulars specified in that paragraph may be brought to the purchasers' attention by means of an appropriate notice; and
  - (ii) in case the feedingstuff is constituted from no more than three ingredients, the particulars referred to in subparagraph (e)

- and (f) of this Regulation shall not be required if the ingredients used in the feedingstuff appear clearly in a description of the feedingstuff contained in the aforesaid particulars,
- ( n ) the licence number of the manufacturer issued in accordance with Regulation 13 of the Fertilisers, Feedingstuffs and Mineral Mixtures Regulations, 1957 (S.I. No. 264 of 1957) or, in case the manufacturer is not licensed under those Regulations, an official code issued by the Minister, where the manufacturer is not responsible for labelling particulars.
- (2) In relation to compound feedingstuffs duly marketed in tankers or similar vehicles or otherwise in bulk, paragraph (1) of this Regulation shall be construed as requiring the particulars to be set out in an accompanying document.
- (3) The minimum storage life, the net quantity and the batch reference number may be moved outside the space reserved for the labelling particulars required by paragraph (1) of this Regulation if a sufficient indication is given in the space as to where the information can be found.
- (4) The description "complete feedingstuff ", or "complementary feedingstuff" in respect of feedingstuffs intended for pets other than dogs or cats, may be replaced by the description "compound feedingstuff" and in this case, the declarations required or allowed shall be those laid down for complete feedingstuffs.
- (5) In the case of compound feedingstuffs for pets, the descriptions "compound feedingstuff", "complementary feedingstuff" and "complete feedingstuff" may be replaced by the descriptions "compound pet food", "complementary pet food" or "complete pet food" respectively.
- (6) In the case of whole grain mixes, the declarations referred to in subparagraph (h) and (i) of paragraph (1) of this Regulation shall not be required but they may be provided.
- (7) The minimum storage life of a compound feedingstuff shall be given by the following indications:
- ( a ) "use before . . . ." followed by the date (day, month and year) in the case of microbiologically highly perishable feedingstuffs; or
- ( b ) "best before" followed by the date (month and year) in the case of other feedingstuffs.
- (8) Where other Community provisions concerning compound feedingstuffs require the indication of a minimum storage life, only the earliest date shall be indicated".

## REG 6

6. The Regulations of 1984 are hereby amended by the substitution of the following paragraphs for paragraphs 2 and (3) of Regulation 9:

"(2) A person who markets a compound feedingstuff shall not put on the package, container, label or accompanying document thereof, in the space provided for the particulars set out in compliance with the requirements of Regulation 8A of these Regulations, additional particulars other than:

( a ) the identification mark or trade mark or trade name of the person responsible for the labelling particulars,

( b ) the name or the business name and the address or registered

place of business of the manufacturer, if this is not the person responsible for the labelling particulars,  
( c ) where appropriate, the batch number,  
( d ) the country of production or manufacture,  
( e ) the price of the product,  
( f ) the description or trade name of the product,  
( g ) for compound feedingstuffs intended for pets other than dogs and cats; the ingredients to be declared in accordance with Regulation 9A of these Regulations,  
( h ) where it is appropriate, an indication that the compound feedingstuff conforms to a standard or standards regarding analytical characteristics which for the time being stand recommended by the Minister in relation to a particular category of compound feedingstuffs,  
( i ) an indication of the physical condition of the feedingstuff or the specific processing it has undergone,  
( j ) the analytical declarations permitted under items 2 and 3 of Part I of the Fifth Schedule to these Regulations,  
( k ) the declarations listed in column (4) of Part II of the Fifth Schedule to these Regulations, and  
( l ) the date of manufacture, to be indicated in accordance with paragraph (3) of this Regulation."

(3) ( a ) Subject to sub-paragraph (b) of this paragraph, the date of manufacture of a compound feedingstuff shall be expressed as follows:  
'manufactured . . . (days, months, or year(s)) before the minimum storage life expiry date indicated'.  
( b ) where the minimum storage life is given outside the space reserved for labelling particulars in accordance with Regulation 8A (3) of these Regulations, the above-mentioned entry shall be followed by an indication of where that storage life is indicated."

## REG 7

7. The Regulations of 1984 are hereby amended by the insertion of the following Regulation after Regulation 9:

"9A. (1) Subject to paragraphs (2) and (3) of this Regulation, where a declaration of the ingredients in a compound feedingstuff is given in accordance with Regulations 8A (1) (g) and 9 (2) (g) of these Regulations, all the ingredients of such feedingstuffs shall be shown on the label.

(2) Where the feedingstuff is a compound feedingstuff intended for animals other than pets, the ingredients shall be listed in descending order of their respective weights.

(3) Subject to paragraph 4 of this Regulation, where the feedingstuff is a compound feedingstuff intended for pets, the ingredients shall be listed either by—  
( a ) listing the ingredients and specifying their weight, or  
( b ) listing the ingredients in descending order of their respective weights.

(4) The labelling of compound feedingstuffs for pets in accordance with paragraph 3 of this Regulation may also draw particular attention to the presence or low content of one or more ingredients which are essential aspects of the characteristics of the

feedingstuff. In such a case, the minimum or maximum content, expressed in terms of percentage by weight of the ingredients incorporated, must be clearly indicated either opposite the declaration drawing special attention to the ingredients or in the list of ingredients or by mentioning the ingredients and the percentages by weight concerned opposite the corresponding category of ingredients.

(5) Subject to paragraph (6) of this Regulation, the ingredients shall be described either by their specific names or, where an ingredient complies with the definition of a category specified in the Sixth Schedule to these Regulations, by the name of that category.

(6) Only one or other form of description may be used to fulfil the requirements of paragraph (5) of this Regulation. However, if one of the ingredients in a compound feedingstuff does not comply with any of the definitions of the categories specified in the Sixth Schedule to these Regulations, that ingredient shall be listed by its specific name, in the space reserved for the labelling particulars, in order of its proportion by weight in relation to the said listed categories."

## REG 8

8. The Regulations of 1984 are hereby amended by the substitution of the following paragraph for paragraph (b) of Regulation 10—

"(b) The person responsible for the labelling particulars of a compound feedingstuff may provide information in addition to that required under these Regulations, provided such information shall:

(i) not be designed to indicate the presence or content of analytical constituents other than those the declaration of which is provided for in the Fifth Schedule to these Regulations,

(ii) not mislead the user, in particular by attributing to the feedingstuff effects or properties that it does not possess or by suggesting that it possesses special characteristics when in fact all similar feedingstuffs possess such characteristics,

(iii) not claim that the feedingstuff will prevent, treat or cure a disease,

(iv) relate to objective or quantifiable factors which can be substantiated,

(v) be clearly separated from all the particulars specified in Regulations 8A and 9A of these Regulations,".

## REG 9

9. Regulation 11 of the Regulations of 1984 is hereby amended by the substitution for paragraph (3) of the following paragraph:

"(3) Where an application is made under this Regulation, an authorised person shall, subject to paragraph (4) of this Regulation—  
( a ) take and deal with a sample of the relevant feedingstuff according to the methods described in the Annex to Commission Directive No. 76/371/EEC of 1 March, 1976,(1)

(1)O.J. No. L. 102, 15.4.1976, p. 1.

and

( b ) give or cause to be given, or sent by registered post or by such other method as for the time being stands approved of for the purposes of this paragraph by the Minister, to the State Chemist and to the person whose name or trade name has been given pursuant to paragraph (f) of Article 7 (1) of the Directive of 1976, or, as may be appropriate, paragraph (g) of Article 5 (1) of the Directive of 1979 (as amended by Council Directive 90/44/EEC), one of the final samples prepared pursuant to the requirements of subparagraph (a) of this paragraph."

## REG 10

10. Regulation 13 of the Regulations of 1984 is hereby amended by the substitution of the following regulation:

"(13). Where an authorised person is satisfied that a feedingstuff which is placed on the market, or which he believes will be placed on the market, does not comply with any one or more of the requirements of these Regulations, he may require either or both of the following persons, namely, the person who appears to him to have for the time being possession or control of the feedingstuff and the person whose name or trade name has been given pursuant to paragraph (f) of article 7 (1) of the Directive of 1976, or, as may be appropriate, paragraph (g) of Article 5 (1) of the Directive of 1979 (as amended by Council Directive 90/44/EEC), to take such steps as are necessary to ensure that it does not continue to be placed on the market, or, as may be appropriate, is not placed on the market until such authorised person is satisfied that the requirement is complied with."

## REG 11

11. The Regulations of 1984 are hereby amended by the substitution therefor of the following Regulation for Regulation 18:

"18. (1) Any person who—

( a ) contravenes Regulation 5 or 6 of these Regulations, or

( b ) in marketing a feedingstuff—

(i) contravenes Regulation 9 of these Regulations,

(ii) fails to comply with a requirement of Regulation 8, 8A, 9A or 10 of these Regulations, or of the said Regulation 8, as applied by Regulation 9 (3) of these Regulations, other than a requirement

as regards the disclosed composition of a feedingstuff, or  
( c ) contravenes any of the provisions of Regulation 12 of these Regulations,  
( d ) fails to comply with a requirement made of him under Regulation 13 of these Regulations, or  
( e ) obstructs or interferes with an authorised person in the course of exercising a power conferred on him under Regulation 14 of these Regulations,  
shall be guilty of an offence.

(2) Any person who by marketing a feedingstuff fails to comply with a requirement of Regulation 5, 6, 8, 8A, 9 or 9A of these Regulations or complies in a manner which is false or misleading as regards the disclosed composition of a feedingstuff shall, subject to the limits of error specified in the Fourth Schedule to these Regulations, be guilty of an offence.

(3) If any person fraudulently—  
( a ) tampers with any thing so as to procure that any sample taken pursuant to Regulation 11 or 14 of these Regulations does not correctly represent the substance sampled, or  
( b ) tampers or interferes with any sample taken under these Regulations,  
he shall be guilty of an offence.

(4) Any person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding six months.

(5) An offence under these Regulations may be prosecuted by the Minister."

## REG 12

12. Part II of the First Schedule of the Regulations of 1984 is hereby amended by the substitution of the following Part therefor.

### “FIRST SCHEDULE”

#### PART II

##### List of prohibited ingredients

1. Faeces, urine as well as separated digestive tract content resulting from the emptying or removal of the digestive tract, irrespective of any form of treatment or admixture.
2. Leather and leather waste.
3. Seeds and other plant propagating materials which, after harvest, have undergone specific treatment with plant protection products for their intended use (propagation), and any derived by-products.
4. Wood, sawdust and other materials derived from wood treated with wood protection products.
5. Sludge from sewage plants treating waste waters".



REG 13

13. The Second Schedule to the Regulations of 1984 substituted by Regulation 8 of the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations, 1988 (S.I. No. 249 of 1988) is hereby amended by the substitution of the following Schedule therefor.

"SECOND SCHEDULE

Fees Referred to in Regulation 11 (2) (b)

IR£Moisture

Crude Protein

Soluble protein

Volatile nitrogenous bases

10

20

20IR £Amino acids<sup>35</sup>for one amino acid, plus IR£5 for each additional

amino acid.Crude oils and fats<sup>10</sup>Acid index<sup>14</sup>Matter insoluble in light

petroleum<sup>14</sup>Crude fibre<sup>10</sup>Starch<sup>14</sup>Total sugars<sup>14</sup>Reducing

sugars<sup>14</sup>Lactose<sup>14</sup>Glucose<sup>14</sup>Total solids<sup>7</sup>Crude ash<sup>5</sup>Ash insoluble in

HCl<sup>7</sup>Calcium carbonate<sup>14</sup>Chlorides expressed as

NaCl<sup>7</sup>Calcium<sup>14</sup>Phosphorus<sup>14</sup>Sodium<sup>14</sup>Potassium<sup>14</sup>Magnesium<sup>14</sup>Bushel

Weight<sup>17</sup>Vitamin A<sup>25</sup>

",

REG 14

14. The Fourth Schedule to the Regulations of 1984 (substituted by Regulation 2 of the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations, 1991 (S.I. No. 11 of 1991)) is hereby amended by the substitution of the following Schedule therefor.

"FOURTH SCHEDULE

Limits of Error Referred to in Regulation 18 (2)

1. Where, on official inspection the composition of a straight feedingstuff is found to depart from the declared composition in a manner such as to reduce its value, the following tolerances are permitted:—

( a ) for crude protein:

—2 units for declared contents of 20 per cent or more,

—10 per cent of the declared content for declared contents of less than 20 per cent but not less than 10 per cent,

—1 unit for declared contents of less than 10 per cent;

( b ) for total sugars, reducing sugars, sucrose, lactose, glucose (dextrose) and total solids:

—2 units for declared contents of 20 per cent or more,

—10 per cent of the declared content for declared contents of less than 20 per cent but not less than 5 per cent;

—0.5 unit for declared contents of less than 5 per cent;

( c ) for starch and inulin:

—3 units for declared contents of 30 per cent or more,

—10 per cent of declared content for declared contents of less than 30 per cent but not less than 10 per cent,

—1 unit for declared contents of less than 10 per cent;

( d ) for crude oils and fats:

- 1.8 units for declared contents of 15 per cent or more,
  - 12 per cent of the declared content for declared contents of less than 15 per cent but not less than 5 per cent,
  - 0.6 unit for declared contents of less than 5 per cent;
  - ( e ) for moisture:
    - 1 unit for declared contents of 10 per cent or more,
    - 10 per cent of the declared content for declared contents of less than 10 per cent but not less than 5 per cent,
    - 0.5 unit for declared contents of less than 5 per cent;
  - ( f ) for total phosphorus, sodium, calcium carbonate, calcium, magnesium, acid index and matter insoluble in light petroleum:
    - 1.5 units for declared contents (values) of 15 per cent (15) or more, as appropriate,
    - 10 per cent of the declared content (value) for declared contents (values) of less than 15 per cent (15) but not less than 2 per cent (2), as appropriate,
    - 0.2 unit for declared contents (values) of less than 2 per cent (2) as appropriate;
  - ( g ) for ash insoluble in hydrochloric acid and chlorides expressed as NaCl:
    - 10 per cent of the declared content for declared contents of 3 per cent or more,
    - 0.3 unit for declared contents of less than 3 per cent;
  - ( h ) for carotene, vitamin A and xanthophyll:
    - 30 per cent of the declared content;
  - ( i ) for methionine, cystine, lysine and volatile nitrogenous bases:
    - 20 per cent of the declared content;
  - ( j ) for crude fibre:
    - 2.1 units for declared contents of 14 per cent or more,
    - 15 per cent of the declared content for declared contents of less than 14 per cent but not less than 6 per cent,
    - 0.9 units for declared contents of less than 6 per cent;
  - ( k ) for crude ash:
    - 1 unit for declared content of 10 per cent or more,
    - 10 per cent of the declared content for declared contents of less than 10 per cent but not less than 5 per cent,
    - 0.5 unit for declared contents of less than 5 per cent;
  - ( l ) for Hectolitre Weight:
    - 1.5 units.
  - ( m ) for Nitrogen:
    - 0.4 unit.
2. Where, on official inspection the composition of a compound feedingstuff other than for pets is found to depart from the declared composition, the following tolerances are permitted, subject to Regulation 4:—
- (i) where the content recorded is less than the declared content:
    - ( a ) Crude protein:
      - 2 units for declared contents of 20 per cent or more,
      - 10 per cent of the declared content for declared contents of less than 20 per cent but not less than 10 per cent,
      - 1 unit for declared contents of less than 10 per cent;
    - ( b ) total sugar:
      - 2 units for declared contents of 20 per cent or more,
      - 10 per cent of the declared content for declared contents of less

than 20 per cent but not less than 10 per cent,  
—1 unit for declared content of less than 10 per cent;

( c ) Starch and total sugar plus starch:  
—2.5 units for declared contents of 25 per cent or more,  
—10 per cent of the declared content for declared contents of less than 25 per cent but not less than 10 per cent,  
—1 unit for declared contents of less than 10 per cent;

( d ) Crude oils and fats:  
—1.5 units for declared contents of 15 per cent or more,  
—10 per cent of the declared content for declared contents of less than 15 per cent but not less than 8 per cent,  
—0.8 unit for declared contents of less than 8 per cent;

( e ) Sodium, potassium and magnesium:  
—1.5 units for declared contents of 15 per cent or more,  
—10 per cent of the declared content for declared contents of less than 15 per cent but not less than 7.5 per cent,  
—0.75 unit for declared contents of less than 7.5 per cent but not less than 5 per cent,  
—15 per cent of the declared content for declared contents of less than 5 per cent but not less than 0.7 per cent,  
—0.1 unit for declared contents of less than 0.7 per cent;

( f ) Total phosphorus and calcium:  
—1.2 units for declared contents of 16 per cent or more,  
—7.5 per cent of the declared content for declared contents of less than 16 per cent but not less than 12 per cent,  
—0.9 unit for declared contents of less than 12 per cent but not less than 6 per cent,  
—15 per cent of the declared content for declared contents of less than 6 per cent but not less than 1 per cent,  
—0.15 unit for declared contents of less than 1 per cent;

( g ) Methionine, lysine and threonine:  
—15 per cent of the declared content;

( h ) Cystine and tryptophan:  
—20 per cent of the declared content.

( i ) Metabolizable energy in poultry feed:  
—0.4 units of the declared content.

(ii) Where the content recorded is more than the declared content:

( a ) Moisture:  
—1 unit for declared contents of 10 per cent or more,  
—10 per cent of the declared content for declared contents of less than 10 per cent but not less than 5 per cent,  
—0.5 unit for declared contents of less than 5 per cent;

( b ) Crude ash:  
—1 unit for declared contents of 10 per cent or more,  
—10 per cent of the declared content for declared contents of less than 10 per cent but not less than 5 per cent,  
—0.5 unit for declared contents of less than 5 per cent;

( c ) Crude fibre:  
—1.8 units for declared contents of 12 per cent or more,  
—15 per cent of the declared content for declared contents of less than 12 per cent but not less than 6 per cent,  
—0.9 units for declared contents of less than 6 per cent;

( d ) Ash insoluble in hydrochloric acid:  
—1 unit for declared contents of 10 per cent or more,  
—10 per cent of the declared content for declared contents of less

than 10 per cent but not less than 4 per cent,  
—0.4 unit for declared contents of less than 4 per cent;  
( e ) Metabolisable energy in poultry feed:  
—0.4 units of the declared content;  
(iii) Where the variation noted is in the opposite direction to those referred to respectively in paragraphs 2 (1) and 2 (ii):  
( a ) crude protein, crude oils and fats, total sugar, starch:  
tolerance twice that permitted for these substances in paragraphs 2 (i);  
( b ) total phosphorus, calcium, potassium, magnesium, sodium-, crude ash, crude fibre; tolerance three times that permitted for these substances in paragraph 2 (1) and 2 (ii).

3. Where, on official inspection the composition of a compound feedingstuff for pets is found to depart from the declared composition, the following tolerances are permitted, subject to Regulation 4:

(i) Where the content recorded is less than the declared content:  
( a ) Crude protein:  
—3.2 units for declared contents of 20 per cent or more;  
—16 per cent of the declared content for declared contents of less than 20 per cent but not less than 12.5 per cent;  
—2 units for declared contents of less than 12.5 per cent.  
( b ) Crude oils and fats:  
—2.5 units of the declared content.

(ii) Where the content recorded is more than the declared content:  
( a ) Moisture:  
—3.0 units for declared contents of 40 per cent or more,  
—7.5 per cent of the declared content for declared contents of less than 40 per cent but not less than 20 per cent,  
—1.5 units for declared contents of less than 20 per cent.  
( b ) Crude ash:  
—1.5 units of the declared content.  
( c ) Crude Fibre:  
—1.0 unit of the declared content.

(iii) Where the variation noted is in the opposite direction to those referred to respectively in paragraphs 3 (i) and 3 (ii):  
( a ) Crude protein:  
—tolerance twice that permitted for that substance in paragraph 3 (i) (a),  
( b ) Crude oils and fats:  
—identical tolerance to that permitted for that substance in paragraph 3 (i) (b),  
( c ) Crude ash, crude fibre:  
—tolerance three times that permitted for those substances in paragraphs 3 (ii) (b) and 3 (ii) (c)".

## REG 15

15. The Regulations of 1984 are hereby amended by the insertion of the following Schedules.

### "FIFTH SCHEDULE

#### PART I

##### General provisions

1. The levels indicated or to be declared relate to the weight of

the compound feedingstuff as such, unless otherwise stated.

2. The moisture content of the feedingstuff must be stated if it exceeds:

—7 per cent in the case of milk replacer feeds and other compound feedingstuffs with a milk product content exceeding 40 per cent,

—5 per cent in the case of mineral feedingstuffs containing no organic substances,

—10 per cent in the case of mineral feedingstuffs containing organic substances,

—14 per cent in the case of other compound feedingstuffs.

In the case of compound feedingstuffs with a moisture content not exceeding the limits stated in the paragraphs above, that content may also be declared.

3. The level of ash insoluble in hydrochloric acid shall not exceed 3.3 per cent of the dry matter in the case of compound feedingstuffs composed mainly of rice by-products and 2.2 per cent of the dry matter in other cases.

However, the 2.2 per cent level may be exceeded in the case of:

—compound feedingstuffs containing authorised mineral binding agents,

—mineral compound feedingstuffs,

—compound feedingstuffs containing more than 50 per cent of sugar beet chips or sugar beet pulp,

—compound feedingstuffs intended for farmed fish with a fish meal content of over 15 per cent,

provided that the level is declared as a percentage of the feedingstuff as such.

In the case of compound feedingstuffs with a level of ash insoluble in hydrochloric acid not exceeding the limits stated in the paragraphs above, that level may also be declared.

4. The iron level in milk replacer feeds for calves of a live weight less than or equal to 70 kilograms must be at least 30 milligrams per kilogram of the complete feedingstuff at a moisture content of 12 per cent.

## PART II

### Declaration of analytical constituents

Feedingstuffs Analytical constituents and levels Species or category of animal Compulsory declarations according to Regulation 8A (1)

(i) Optional declarations according to Regulation 9 (2)

(k)(1)(2)(3)(4) Complete Feedingstuffs.—Crude protein. Animals except pets other than dogs or cats. Pets other than dogs or cats.—Crude oils

and fats.—Crude fibre.—Crude ash.—Lysine. Pigs. Animals other than pigs.—Methionine. Poultry. Animals other than poultry.—Cystine.— All

animals.—Threonine.—Tryptophan.—Energy value.—Poultry (declaration in accordance with the method set out in Part III of this

Schedule).—Starch.— All animals.—Total sugar (as sucrose).—Total sugar plus

starch.—Calcium.—Sodium.—Phosphorus.—Magnesium.—Potassium.—

Feedingstuffs Analytical constituents and levels Species or category of animal Compulsory declarations according to Regulation 8A (1)

(i) Optional declarations according to Regulation 9 (2)

(k)(1)(2)(3)(4)—Crude protein.—Crude fibre.—Crude ash.—Crude oils and

fats.—Lysine.—All animals.—Methionine.—Cystine.—Complementary feedingstuffs —Threonine.—Mineral.—Tryptophan.—Calcium. All

animals.—Phosphorous.—Sodium.—Magnesium.RuminantsAnimals other than ruminants.—Potassium.All animals.—Crude protein.All animals.—Crude fibre.Complementary feedingstuffs—total sugar (as sucrose).—Molassed.—Crude ash.—Crude oils and fats.—All animals.—Calcium——Phosphorous——Sodium.——Potassium.——Magnesium <sup>3</sup> 0.5%Ruminants.Animals other than ruminants. < 0.5%—All animals. FeedingstuffsAnalytical constituents and levelsSpecies or category of animalCompulsory declarations according to Regulation 8A (1) (i)Optional declarations according to Regulation 9 (2) (k)(1)(2)(3)(4)Complementary feedingstuffs ——Crude protein.Animals except pets other than dogs or cats.Pets other than dogs or cats.Other.—Crude oils and fats.—Crude fibre.—Crude ash.—Calcium <sup>3</sup> 5%Animals other than pets.Pets. < 5%—All animals.—Phosphorous <sup>3</sup> 2%Animals other than pets.Pets. < 2%—All animals.—Magnesium <sup>3</sup> 0.5%Ruminants.Animals other than ruminants. < 0.5%—All animals.—Sodium.—All animals.—Potassium.——Energy value.—Poultry (declaration in accordance with the method set out in Part II of this Schedule).—Lysine.Pigs.Animals other than pigs.—Methionine.Poultry.Animals other than poultry.—Cystine.—All animals.—Threonine.——Tryptophan.——Starch.——Total sugar (as sucrose).——Total sugar plus starch.—

### PART III

Method of calculating the energy value of compound feedingstuffs for poultry.

#### 1. Method of calculation and expression of energy value.

The energy value of compound feedingstuffs for poultry must be calculated in accordance with the formula set out below on the basis of the percentages of certain analytical components of the feed. This value is to be expressed in megajoules (MJ) of metabolizable energy (ME), corrected to zero nitrogen retention, per kilogram of compound feedingstuff:

$$\text{ME (MJ/kg)} = 0.551 \times \% \text{ crude protein} + 0.3431 \times \% \text{ crude oils and fats} + 0.1669 \times \% \text{ starch} + 0.1301 \times \text{total sugar (expressed as sucrose)}.$$

#### 2. Expression of result

After application of the above formula, the result obtained must be given to one decimal place

#### 3. Sampling and analysis methods.

Sampling of the compound feedingstuff and determination of the content of analytical components indicated in the method of calculation must be performed in accordance with the following Community sampling methods and analysis methods for the official control of feedingstuffs respectively:—

—Sampling: the Annex to Commission Directive 76/371/EEC of 1 March, 1976,

—Determination of crude protein: the method set out under point 5.1 of Part I of the Third Schedule to these Regulations

—Determination of crude oils and fats: Method B, set out under point 4.1 of Part I of the Third Schedule to these Regulations,

—Determination of starch: the polarimetric method set out under point 3.2.1 of Part I of the Third Schedule to these Regulations,

—Determination of total sugar (expressed as sucrose): the method set

out under point 3.3 of Part I of the Third Schedule to these Regulations.

## SIXTH SCHEDULE

### PART I

Categories of ingredients which may be indicated in place of individual ingredients when labelling compound feeds intended for pet animals.

Description of the category Definition

1. Meat and animal derivatives. All the fleshy parts of slaughtered warm-blooded land animals, fresh or preserved by appropriate treatment, and, all products and derivatives of the processing of the carcase or parts of the carcase of warm-blooded land animals.
2. Milk and milk derivatives. All milk products, fresh or preserved by appropriate treatment, and derivatives from the processing thereof.
3. Eggs and egg derivatives. All egg products, fresh or preserved by appropriate treatment, and derivatives from the processing thereof.
4. Oils and fats. All animal and vegetable oils and fats.
5. Yeasts. All yeasts, the cells of which have been killed and dried.
6. Fish and fish derivatives. Fish or parts of fish, fresh or preserved by appropriate treatment, and derivatives from the processing thereof.
7. Cereals. All types of cereal, regardless of their presentation, or products made from the starchy endosperm.
8. Vegetables. All types of vegetables and legumes, fresh or preserved by appropriate treatment.
9. Derivatives of vegetable origin. Derivatives resulting from the treatment of vegetable products, in particular cereals, vegetables, legumes and oil seeds.
10. Vegetable protein extracts. All products of vegetable origin in which the proteins have been concentrated by an adequate process to contain at least 50 per cent crude protein, as related to the dry matter, and which may be restructured (textured).
11. Minerals. All inorganic substances suitable for animal feed.
12. Various sugars. All types of sugar.
13. Fruit. All types of fruit, fresh or preserved by appropriate treatment.
14. Nuts. All kernels from shells.
15. Seeds. All types of seeds, as such or roughly crushed.
16. Algae. Algae, fresh or preserved by appropriate treatment.
17. Molluscs and crustaceans. All types of molluscs, crustaceans, shellfish, fresh or preserved by appropriate treatment, and their processing derivatives.
18. Insects. All types of insects and their stages of development.
19. Bakery products. All bread, cakes, biscuits and pasta products.

### PART II

Categories of ingredients which may be indicated in place of individual ingredients when labelling compound feeds intended for animals other than pets.

Category Definition

1. Cereal grains. The whole of the grain from all cereal types (including buckwheat) regardless of their presentation, but from which no fraction other than hulls has been removed.
2. Cereal grain products and by-products. Fractional products and by-products of cereal grains other than oils included in category 15. These products and by-products shall contain not more than 25 per cent crude fibre in the dry matter.
3. Oil seeds. The whole of the seed or fruit from all types of oil seeds and oilfruits regardless of their presentation, but from which no fractions other than hulls or shells have been removed.
4. Oil seed products and by-products. Fractional products and by-products of oil seeds and

oilfruits other than oils and fats included in category 15. These products and by-products shall contain not more than 25 per cent crude fibre in the dry matter, unless they contain more than 5 per cent crude oils and fats in the dry matter, or more than 15 per cent crude protein in the dry matter.

5. Products and by-products of legume seeds. Whole and fractional products and by-products of legume seeds other than leguminous oil seeds included in categories 3 and 4. These products and by-products shall contain not more than 25 per cent crude fibre in the dry matter.

6. Products and by-products of tubers and roots. Products and by-products derived from tubers and roots other than sugar beet included in category 7. These products and by-products shall contain not more than 25 per cent crude fibre in the dry matter.

7. Products and by-products of sugar production. Products and by-products of sugar-beet and sugar-cane. These products and by-products shall contain not more than 25 per cent crude fibre in the dry matter.

8. Products and by-products of fruit processing. Products and by-products of fruit processing. These products and by-products shall contain not more than 25 per cent crude fibre in the dry matter, unless they contain more than 5 per cent crude oils and fats in the dry matter, or more than 15 per cent crude protein in the dry matter.

9. Dried forages. Aerial parts of forage plants, cut while green, artificially or naturally dried. These products shall contain not more than 25 per cent crude fibre in the dry matter, unless they contain more than 15 per cent crude protein in the dry matter.

10. High fibre materials. Feed ingredients containing more than 25 per cent crude fibre in the dry matter, such as straw, hulls and chaff, other than products included in categories 4, 8 and 9.

11. Milk products. Products derived from the processing of milk, other than separated milk fats included in category 15.

12. Land animal products. Products from the processing of warm blooded land animal waste as defined in article 2 of council Directive 90/667/EEC, excluding fat included in category 15, and which are substantially free of hooves, horn, bristle, unhydrolyzed hair and feathers, as well as mammalian digestive tract content. Also excluding products containing more than 50 per cent ash in the dry matter included in category 14.

13. Fish products. Whole or part of fish and other cold blooded marine animals, including products from fish processing other than fish oil and its derivatives included in category 15. Also excluding products containing more than 50 per cent ash in the dry matter included in category 14.

14. Minerals. Inorganic or organic materials containing more than 50 per cent ash in the dry matter, other than materials containing more than 5 per cent of ash insoluble in hydrochloric acid in the dry matter.

15. Oils and fats. Oils and fats from animal and vegetable sources, and their derivatives.

16. Products from the bakery and pasta industries. Waste and surplus materials from the bakery and pasta industries.

## REG 16

16. The following Regulations are hereby revoked, namely, Regulation 8 (1) (b), 8 (2) (b) and 8 (3) and Part III of the first Schedule of the European Communities (Marketing of feedingstuffs) Regulations, 1984, (S.I. No. 200 of 1984); Regulation 3 and 4 of



the Regulations, 1986, (S.I. No. 262 of 1986); Regulation 4, 5 and 6 of the Regulations, 1988 (S.I. No. 249 of 1988); and the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations, 1991, (S.I. No. 11 of 1991).

## REG 17

17. (1) In this Regulation "the Regulations of 1984" means the Regulations of 1984 excluding the amendments affected by these Regulations.

(2) Where any compound feedingstuffs were manufactured before the 22nd January 1992, in accordance with the Regulations of 1984, such compound feedingstuffs may be marketed in the State up to the 31st December, 1992 provided they comply with the Regulations of 1984. GIVEN under my Official Seal, this 9th day of June, 1992.

JOE WALSH,

Minister for Agriculture and Food.

### EXPLANATORY NOTE.

These Regulations amend the European Communities (Marketing of Feedingstuffs) Regulations, 1984, so as to give effect to;

(1) Commission Directive 86/174/EEC which lays down the method for calculating the energy content of poultry compounds,

(2) Council Directive 90/44/EEC which further harmonises Council Directive 79/373/EEC on the marketing of compound feeds, in particular with regard to the provisions governing labelling requirements and the manner in which ingredients must be declared,

(3) Commission Directive 91/334/EEC concerning categories of ingredients which may be used for the purposes of labelling compound feeds for pets,

(4) Commission Directive 91/357/EEC concerning categories of ingredients which may be used for the purposes of labelling compound feeds for farm animals,

(5) Commission Decision 91/516/EEC establishing a list of ingredients whose use is prohibited in compound feedingstuffs, and

(6) Council Directive 91/681/EEC concerning the marketing of compound feedingstuffs manufactured and labelled in accordance with the old rules.