

S.I. No. 363 of 2002

**European Communities (Feedingstuffs)
(Tolerances of Undesirable Substances and Products)
(Amendment) Regulations, 2002**

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), for the purpose of giving effect to Directive 2001/46/EC of the European Parliament and of the Council¹ and Council Directive 2001/102/EC of 27 November, 2001², and for the purposes of giving further effect to Council Directive 1999/29/EC of 22 April 1999³, as amended, hereby make the following Regulations.

1. (1) These Regulations may be cited as the European Communities (Feedingstuffs) (Tolerances of Undesirable Substances and Products) (Amendment) Regulations, 2002.
- (2) The European Communities (Feedingstuffs) (Tolerances of Undesirable Substances and Products) Regulations, 1998 to 2000 and these Regulations may be cited collectively as the European Communities (Feedingstuffs) (Tolerances of Undesirable Substances and Products) Regulations, 1998 to 2002.
2. In these Regulations “the Regulations of 1998” means the European Communities (Feedingstuffs) (Tolerances of Undesirable Substances and Products) Regulations, 1998
3. Regulation 2 of the Regulations of 1998 is hereby amended by the substitution, for the definition of “the Directive”, of the definition set out in the First Schedule to these Regulations.
4. The First Schedule to the Regulations of 1998 is hereby amended by the substitution, for Item 11 “Dioxin”, of the provisions set out in the Second Schedule to these Regulations.
5. Part I of the Second Schedule to the Regulations of 1998 is hereby amended by the substitution, for Item 4 “Dioxin”, of the provisions set out in the Third Schedule to these Regulations.

¹ O.J. L 234, 1. 9. 2001, p. 55

² O.J. No. L 6, 10 . 1. 2002, p. 45

³ O.J. No. L115 4. 5. 1999, p. 32

FIRST SCHEDULE

“the Directive” means Council Directive No. 74/63/EEC of 17 December 1973⁴, as amended by:-

Commission Directive No. 76/14/EEC of 15 December 1975⁵,

Commission Directive No. 76/934/EEC of 1 December 1976⁶,

Council Directive No. 80/502/EEC of 6 May 1980⁷,

Commission Directive No. 83/381/EEC of 28 July 1983⁸,

Commission Directive No. 86/299/EEC of 3 June 1986⁹,

Council Directive No. 86/354/EEC of 21 July 1986¹⁰,

Commission Directive No. 87/238/EEC of 1 April 1987¹¹,

Commission Directive No. 91/126/EEC of 13 February, 1991¹²

Commission Directive No. 92/63/EEC of 10 July, 1992¹³

Council Directive No. 92/88/EEC of 26 October, 1992¹⁴

Commission Directive No. 94/16/EEC of 22 April, 1994¹⁵

Council Directive No. 95/69/EC of 22 December, 1995¹⁶

Commission Directive No. 96/6/EEC of 16 February, 1996¹⁷,

Commission Directive No. 96/25/EC of 29 April, 1996¹⁸,

Commission Directive No. 97/8/EC of 7 February, 1997¹⁹,

Commission Directive No. 98/60/EC of 25 July, 1998²⁰,

Council Directive 99/29/EC of 22 April, 1999²¹,

Directive 2001/46/EC of the European Parliament and of the Council²², and

Council Directive No. 2001/102/EC of 27 November, 2001²³.

⁴ O.J. No. L 38, 11. 2. 1974, p. 31

⁵ O.J. No. L 4, 9. 1. 1976, p.24

⁶ O.J. No. L 364, 31. 12. 1976, p. 20

⁷ O.J. No. L 124, 20. 5. 1980, p 17

⁸ O.J. No. L 222, 13. 8. 1983, p. 31

⁹ O.J. No. L 189, 11. 7. 1986, p.40

¹⁰ O.J. No. L 212, 2. 8. 1986, p. 27

¹¹ O.J. No L 110, 25. 4. 1987, p. 25

¹² O.J. No. L 60, 7. 3. 1991, p. 16

¹³ O.J. No. L 221, 6. 8. 1992, p. 49

¹⁴ O.J. No. L 321, 6. 11. 1992, p. 24

¹⁵ O.J. No. L 104, 23. 4. 1994, p. 32

¹⁶ O.J. No. L 332, 30. 12. 1995, p. 15

¹⁷ O.J. No. L 49, 28. 2. 1996, p. 29

¹⁸ O.J. No. L 125, 23. 5. 1996, p. 35

¹⁹ O.J. No. L 48, 19. 2. 1997, p. 22

²⁰ O.J. No. L 209, 25.7.1998, p.50

²¹ O.J. No. L 155, 4. 5. 1999, p. 32

²² O.J. L 234, 1. 9. 2001, p. 55

²³ O.J. No. L 6, 10. 1. 2002, p. 45

SECOND SCHEDULE

Substances, products	Feeding stuffs	Maximum content in mg/kg (ppm) relative to a feeding stuff with a moisture content of 12%
1	2	3
11. Dioxin (sum of polychlorinated dibenzo-pa-dioxins (PCDDs) and polychlorinated dibenzo-furans (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 plant products	0.75 ng WHO-PCDD/F-TEQ/kg ⁵ ₆
	Minerals	1.0 ng WHO-PCDD/F-TEQ/kg
	Animal fat, including milk fat and egg fat	2.0 ng WHO-PCDD/F-TEQ/kg
	Other land animal products including milk and milk products and eggs and egg products	0.75 ng WHO-PCDD/F-TEQ/kg
	Fish oil	6.0 ng WHO-PCDD/F-TEQ/kg
	Fish, other aquatic animals, their products and by-products with the exception of fish oil ⁷	1.25 ng WHO-PCDD/F-TEQ/kg
	Compound feedingstuffs, with the exception of feedingstuffs for fur animals, pet foods and feedingstuffs for fish	0.75 ng WHO-PCDD/F-TEQ/kg
	Feedingstuffs for fish Pet foods	2.25 ng WHO-PCDD/F-TEQ/kg

5 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.

6

7 These maximum limits shall be reviewed for the first time before 31 December 2004 in the light of new data on the presence of dioxins and dioxin-like PCBs, in particular with a view to the inclusion of dioxin-like PCBs in the levels to be set and will be further reviewed before 31 December 2006 with the aim of significantly reducing of the maximum levels.

8

9 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 feeding thereof is prohibited to farmed animals which are kept, fattened or bred for the production of food.

THIRD SCHEDULE

Substances, products	Feeding stuffs	Maximum content in mg/kg (ppm) relative to a feeding stuff with a moisture content of 12%
1	2	3
4. Dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzo-furans (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 plant products	0.75 ng WHO-PCDD/F-TEQ/kg ⁵ ₆
	Minerals	1.0 ng WHO-PCDD/F-TEQ/kg
	Animal fat, including milk fat and egg fat	2.0 ng WHO-PCDD/F-TEQ/kg
	Other land animal products including milk and milk products and eggs and egg products	0.75 ng WHO-PCDD/F-TEQ/kg
	Fish oil	6.0 ng WHO-PCDD/F-TEQ/kg
	Fish, other aquatic animals, their products and by-products with the exception of fish oil ⁷	1.25 ng WHO-PCDD/F-TEQ/kg
	Compound feedingstuffs, with the exception of feedingstuffs for fur animals, pet foods and feedingstuffs for fish	0.75 ng WHO-PCDD/F-TEQ/kg
	Feedingstuffs for fish Pet foods	2.25 ng WHO-PCDD/F-TEQ/kg

10 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.

11

12 These maximum limits shall be reviewed for the first time before 31 December 2004 in the light of new data on the presence of dioxins and dioxin-like PCBs, in particular with a view to the inclusion of dioxin-like PCBs in the levels to be set and will be further reviewed before 31 December 2006 with the aim of significantly reducing of the maximum levels.

13

14 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 feeding thereof is prohibited to farmed animals which are kept, fattened or bred for the production of food.

Given under my Official Seal, this 28th day of June, 2002.

L.S.

JOE WALSH,
Minister for Agriculture and Food

Explanatory Note

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations amend the European Communities (Feedingstuffs) (Tolerances of Undesirable Substances and Products) Regulations, 1998, in order to give effect to Council Directive 2001/102/EC which lays down maximum permitted levels for dioxins in feedingstuffs.

Pn.11898

Published by the Stationery Office, Dublin