

Statutory Rule 2001 No. 428

Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2001

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STATUTORY RULES OF NORTHERN IRELAND

2001 No. 428

AGRICULTURE

Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2001

Made

13th December 2001

Coming into operation

1st February 2002

The Department of Health, Social Services and Public Safety acting in exercise of the powers conferred by sections 66(1), 68(1), (1A) and (3), 69(1), (3), (6) and (7), 70(1), 73(3), 74(1), 74A, 77(4), 78(6), 84 and 86 of the Agriculture Act 1970^[1] (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000^[2]) and of all other powers enabling it in that behalf, after consultation with such persons or organisations as appear to it to represent the interests concerned, and being a Department designated^[3] for the purposes of section 2(2) of the European Communities Act 1972^[4] in relation to the common agricultural policy of the European Community and measures in the veterinary and phytosanitary fields for the protection of public health, in exercise of the powers conferred on it by the said section 2(2) ^[5] (in so far as these Regulations cannot be made under the powers in the Agriculture Act 1970 specified above), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1. - (1) These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 1st February 2002.

(2) The Interpretation Act (Northern Ireland) 1954^[6] shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Feeding Stuffs Regulations (Northern Ireland) 2001

2. The Feeding Stuffs Regulations (Northern Ireland) 2001^[7] shall be amended in accordance with regulations 3 to 18.

3. In regulation 2 (interpretation) -

(a) in paragraph (1) -

(i) after the definition of "EEA Agreement" there shall be inserted the following definitions -

"EEA approved Article 2.2(d) establishment" means an establishment listed on a register of approved establishments, maintained by a competent authority in an EEA State which is neither the United Kingdom nor 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;

"EEA approved Article 2.2(f) establishment" means an establishment listed on a register of approved establishments, maintained by a competent authority in an EEA State which is neither the United Kingdom nor 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 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;

"EEA permitted Article 2.2(d) establishment" means an establishment located in an EEA State which is neither the United Kingdom nor a member State (other than an EEA approved Article 2.2(d) establishment or an establishment which a competent authority in that EEA State has declined to approve as such an establishment) -

(a) on which 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, with a view to putting it into circulation, on 10th March 2000, and

(b) in respect of which, before 10th August 2000, an application (which is pending) was made to a competent authority in the EEA State concerned, in accordance with any requirements in that 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;

"EEA permitted Article 2.2(f) establishment" means an establishment located in an EEA State which is neither the United Kingdom nor a member State (other than an EEA approved Article 2.2(f) establishment or an establishment which a competent authority in that EEA State has declined to approve as such an

establishment) -

(a) on which a compound feeding stuff of any kind, the production of which is regulated by Article 2.2(f) of the Establishments Directive, was being produced, for the exclusive requirements of the producer's holding, on 10th March 2000, and

(b) in respect of which, before 10th August 2000, an application (which is pending) was made to a competent authority in the EEA State concerned, in accordance with any requirements in that 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;"

(ii) for the definition of "put into circulation", there shall be substituted the following definition -

" "put into circulation" means sell or otherwise transfer, have in possession with a view to selling or otherwise transferring, or offer for sale, to a third party, but, in regulation 12(3), (4) and (7), also means import into Northern Ireland from a country which is neither an EEA State nor part of an EEA State;"

(iii) for the definition of "third country" there shall be substituted the following definition -

" "third country" means a country other than an EEA State;"

(b) paragraph (2) shall be omitted; and

(c) for paragraph (8) there shall be substituted the following paragraph -

" (8) Any reference in these Regulations to a European Community Directive, Regulation or Decision shall be construed as a reference to that Directive or, as the case may be, Regulation or Decision, as amended as at the date the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2001 are made."

4. In paragraph (1) of regulation 5 (forms of statutory statement), for ", Article 5.2 of the Compound Feeding Stuffs Directive and paragraph (2)" there shall be substituted "and in Article 5.2 of the Compound Feeding Stuffs Directive, (which shall be observed where applicable), and to paragraph (2),".

5. In regulation 7 (limits of variation), for paragraph (3)(a) and (b) there shall be substituted the following paragraphs -

" (a) the material was first sold, or otherwise put into circulation, in a member State or in an EEA State (other than the United Kingdom) which is not a member State,

(b) the mis-statement did not, at the time of putting into circulation, exceed any limits of variation prescribed in relation thereto in the State concerned, and".

6. In regulation 9 (manner of packaging and sealing compound feeding stuffs, additives and premixtures) -

(a) in paragraph (1), for "a person shall not sell a compound feeding stuff, or any additive or premixture" that shall be substituted "a person shall not put into circulation a compound feeding stuff, or sell any additive or premixture";

(b) in each of paragraphs (2) and (3), for "sold" there shall be substituted "put into circulation"; and

(c) in paragraph (2)(a), for "or sellers of compound feeding stuffs" there shall be substituted "of compound feeding stuffs or those putting them into circulation".

7. - (1) In each of the provisions specified in paragraph (2), for "sell, or have in possession with a view to sale" there shall be substituted "put into circulation".

(2) The provisions referred to in paragraph (1) are regulations 10(3)(b) and (4), 13(1), 15, 16(1) and 17(1).

8. In regulation 10 (control of feed materials) for paragraph (6) there shall be substituted the following paragraphs -

" (6) Without prejudice to sections 73 and 73A, a person shall not import into Northern Ireland from any country which is neither a member State nor an EEA state which is not a member State, nor another part of the United Kingdom, supply (otherwise than on sale) or have in possession with a view to so supplying, any feed material, or use any feed material, which is deleterious or dangerous to farmed creatures, to pet animals or, through consumption of the products of any animal fed with the feed material, to human beings.

(6A) A person shall not import into Northern Ireland from any country which is neither a member State, nor an EEA State which is not a member State, nor another part of the United Kingdom, sell or have in possession with a view to sale, supply (otherwise than on sale) or have in possession with a view to so supplying, any feed material, or use any feed material, which is deleterious to the environment^[8]."

9. In regulation 11(5) (control of additives in feeding stuffs) for "added substance" there shall be substituted "additive".

10. In regulation 12 (control of feeding stuffs and feed materials containing undesirable substances) -

(a) in paragraph (4) -

(i) in sub-paragraph (a)(iii), "or", where it appears for the second time, shall be omitted; and

(ii) after sub-paragraph (a)(iv) there shall be added the following provisions -

" (v) an EEA approved or permitted Article 2.2(d) establishment; or

(vi) an EEA approved or permitted Article 2.2(f) establishment;" and

(b) in paragraph (5) -

(i) for "no UK or EC establishment" there shall be substituted "no UK, EC or EEA establishment"; and

(ii) for sub-paragraph (b) there shall be substituted the following sub-paragraph -

" (b) in the case of an EC or an EEA establishment, it is included in the most recently published list (if any) equivalent to the national list in the member State concerned or, as the case may be, in the EEA State concerned."

11. In regulation 13 (control of compound feeding stuffs containing prohibited materials) -

(a) in paragraph (1), for sub-paragraph (e) there shall be substituted the following sub-paragraph -

" (e) subject to paragraph (3), waste (whether or not subjected, or to be subjected, to further processing) obtained from the treatment of "urban waste water", "domestic waste water" or "industrial waste water" (as those terms are defined in Article 2 of Council Directive 91/271/EEC concerning urban waste water treatment), whatever the origin of the waste water concerned^[9]"; and

(b) after paragraph (2) there shall be added the following paragraph -

" (3) For the purposes of paragraphs 1(e) the term "waste water" shall be construed in accordance with the second paragraph of point 5 of the Annex to Commission Decision 91/516/EEC establishing a list of ingredients whose use is prohibited in compound feeding stuffs^[10]".

12. In regulation 16(2) (control of ash insoluble in hydrochloric acid in compound feeding stuffs), for "sale" there shall be substituted "putting into circulation".

13. In regulation 23(2), for the words from "regulations" to the end there shall be substituted the following -

" regulations 9(1) (in relation to putting into circulation), (2) and (3), (10)(1) to (4), (6) (6A) and (7), 11(3)(a), (c) and (d), (4), (6) and (7), 12(3), (4), (6), (7) and (9), 13(1), 15, 16(1) and 17(1)".

14. Regulation 27(a) and (c)(ii) shall be revoked.

15. In Schedule 3 (permitted additives and provisions related to their use), for the provisions in Part IX of the Table (European Community Regulations by which additives are controlled) there shall be substituted the provisions set out in the Schedule.

16. In Schedule 4 (contents of the statutory statement or other declaration (except for additives and premixtures not contained in feeding stuffs)) -

(a) for paragraph 1 there shall be substituted the following paragraph -

" 1. The expression "in the case of any compound feeding stuff", wherever it appears in this Schedule, shall be construed as referring to any compound feeding stuff which is sold or otherwise put into circulation.";

(b) in paragraph 2, in sub-paragraph (a)(iii)(bb), for the words from "(or by an appropriate extract from)" to the end there shall be substituted "EC additives";

(c) in paragraph 7, for sub-paragraph (c)(ix) there shall be substituted the following provisions -

" (ix) the name or business name, and the address or registered business address, of the person within the European Economic Area responsible for the particulars specified in this sub-paragraph, if the establishment referred to in paragraph (x) is not responsible for them;

(x) when the establishment producing the feed material must be approved in accordance with Council Directive 90/667/EEC laying down the veterinary rules for the disposal and processing of animal waste, its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin, and amending Directive 90/425/EC; the name or business name, and the address or registered business address, of the establishment, the approval number, the batch reference number, or any other particulars which ensure that the material can be traced^[11].";

(d) in paragraph 9, for sub-paragraph (1)(a) there shall be substituted the following sub-paragraph -

" (a) originated in a third country, and";

(e) in paragraph 14 -

(i) for sub-paragraph (1)(c) there shall be substituted the following provision -

" (c) the approval or registration number allocated, in accordance with Article 5 or, as the case may be, 10, of the Establishments Directive, to the establishment which manufactured the compound feeding stuff; and";

(ii) after sub-paragraph (1)(c) there shall be added the following provision -

" (d) the name or trade name and address or registered office of the person responsible for the accuracy of the particulars which, in accordance with this Schedule, are required in the case of compound feeding stuffs to be contained in the statutory statement or otherwise declared.",

(f) in paragraph 16(2), after "whole grain mix" there shall be added "which is sold or

otherwise put into circulation";

(g) in paragraph 17(2), after "sub-paragraph (1)," there shall be added "which is sold or otherwise put into circulation,";

(h) in paragraph 22 there shall be added at the end the following sub-paragraphs -

" (d) the identification mark or trade mark of the person responsible for the particulars which, in accordance with this Schedule, are required or permitted in the case of compound feeding stuffs to be contained in the statutory statement or otherwise declared;

(e) the description or trade name of the feeding stuff;

(f) the price of feeding stuff; and

(g) the country of origin or manufacture of the feeding stuff.";

(i) in paragraph 23(1), after "complementary feeding stuff which" there shall be added "is sold or otherwise put into circulation, and",

(j) in paragraph 25(1), after "other than pet animals," there shall be added "which is sold or otherwise put into circulation,"; and

(k) in each of paragraphs 26(1) and (27)(1), after "feeding stuff intended for a particular nutritional purpose," there shall be added "which is sold or otherwise put into circulation.".

17. - (1) In Schedule 5 (contents of the statutory statement (for additives and premixtures not contained in feeding stuffs)), in each of the provisions specified in paragraph (2), for "Community" there shall be substituted "Economic Area".

(2) The provisions referred to in paragraph (1) are paragraph 1(a)(iii), (e)(iv) and (f)(v) in Part I of schedule 5 and paragraph 2(a)(iv) in Part II of that Schedule.

18. In Schedule 6 (limits of variation), in Part B (compound pet foods), in the entry relating to calcium, in the second column, for "1.2% for declarations of 16% or more" there shall be substituted "1.2 for declarations of 16% or more."

Amendment of the Feeding Stuffs (Enforcement) Regulations 1999

19. The Feeding Stuffs (Enforcement) Regulations 1999^[12] shall be amended as follows -

(a) in regulation 7(2), for the reference to "the Feeding Stuffs Regulations (Northern Ireland) 1995" there shall be substituted a reference to "the Feeding Stuffs Regulations (Northern Ireland) 2001"; and

(b) in regulation 10, in subsection (17) of section 76 of the Agriculture Act 1970 as modified by that regulation, for the references to "the Feeding Stuffs Regulations (Northern Ireland) 1995" there shall be substituted references to "the Feeding Stuffs Regulations (Northern Ireland) 2001".

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety
on

13th December 2001.

L.S.

Denis McMahon

A Senior Officer of the Department of Health, Social Services and Public Safety

SCHEDULE

Regulation 15

Provisions substituted for Part IX of the Table to Schedule 3 to the Feeding Stuffs Regulations (Northern Ireland) 2001

"Part IX

European Community Regulations by which additives are controlled^[13]

Commission Regulation (EC) No. 2316/98 concerning authorisation of new additives and amending the conditions for authorisation of a number of additives already authorised in feedingstuffs^[14].

Commission Regulation (EC) No. 1594/1999 amending the conditions for the authorisation of an additive in feedingstuffs^[15].

Commission Regulation (EC) No. 2439/1999 on the conditions for authorisation of additives belonging to the group "binders, anti-caking agents and coagulants" in feedingstuffs^[16].

Commission Regulation (EC) No. 1353/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives, new additive uses and new preparations in feedingstuffs^[17].

Commission Regulation (EC) No. 2437/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs^[18].

Commission Regulation (EC) No. 418/2001 concerning the authorisation of new additives and uses of additives in feedingstuffs^[19].

Commission Regulation (EC) No. 937/2001 concerning the authorisation of new additive uses, new additive preparations, the prolongation of provisional authorisations and the 10 year authorisation of an additive in feedingstuffs^[20].

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Feeding Stuffs Regulations (Northern Ireland) 2001 ("the principal Regulations") and implement -

- (a) Directive 2000/16/EC of the European Parliament and the Council amending Council Directive 79/393/EEC on the marketing of compound feedingstuffs and Council Directive 96/25/EC on the circulation of feed materials (O.J. N0. L105, 3.5.2000, p. 36), and
- (b) Commission Decision 2000/285/EEC amending Decision 91/516/EEC establishing a list of ingredients whose use is prohibited in compound feedingstuffs (O.J. No. L94, 14.4.2000, p. 43).

These Regulations also provide for the enforcement of the following new European Community Regulations -

- (a) Commission Regulation (EC) No. 2437/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs (O.J. No. L280, 4.11.2000, p. 28),
- (b) Commission Regulation (EC) No. 418/2001 concerning the authorisation of new additives and uses of additives in feedingstuffs (O.J. No. L62, 2.3.2001, p. 3), and
- (c) Commission Regulation (EC) No. 937/2001 concerning the authorisation of new additive uses, new additive preparation, the prolongative of provisional authorisation and the 10 year authorisation of an additive in feedingstuffs (O.J. No. L 130, 12.5.2001, p. 25).

The main changes to the principal Regulations are as follows:

- (a) the controls on the sale and possession with a view to sale of compound feeding stuffs are extended to cover their supply other than by sale, and their possession with a view to such supply (regulations 6, 7, 12 and 16(a), (f), (g), (i), (j) and (k));
- (b) prohibitions are added on the importation, supply, possession with a view to such supply and use of feed materials harmful to animals, to humans consuming products of such animals or to the environment. As regards the environment, the prohibition is applied also to sale and possession with a view to sale (regulation 8);
- (c) the prohibition on the sale for use as a compound feeding stuff, or of "sludge from sewage plants treating waste water", is replaced by one on the sale or use of "waste obtained from the treatment of waste water" (regulation 11);
- (d) additional labelling requirements are prescribed for feed material and compound feeding stuffs (regulation 16(c) and (e) respectively);
- (e) the scope of certain provisions, previously applying only in relation to member States of the European Community, is extended to cover all States which are signatories to the Agreement on the European Economic Area (regulations 5, 10 and

17).

In addition, the Regulations make minor and consequential amendments to the principal Regulations and consequential amendments to the Feeding Stuffs (Enforcement) Regulations 1999.

Notes:

[1] 1970 c. 40; as amended by S.I. 1982/980[back](#)

[2] S.R. 2000 No. 78[back](#)

[3] S.I. 1972/1811[back](#)

[4] 1972 c. 68. The enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51)[back](#)

[5] As read with section 2(5) of the European Economic Area Act 1993[back](#)

[6] 1954 c. 33 (N.I.)[back](#)

[7] S.R. 2001 No. 47[back](#)

[8] Sections 73 and 73A of the Agriculture Act 1970 were modified by S.R. 2001/47[back](#)

[9] O.J. No. L135, 30.5.1991, p. 40[back](#)

[10] O.J. No. L281, 9.10.91, p. 23. Last amended by Commission Decision 2000/285/EC amending Decision 91/516/EEC establishing a list of ingredients whose use is prohibited in compound feeding stuffs (O.J. No. L94, 14.4.2000, p. 43).[back](#)

[11] O.J. No. L363, 27.12.90, p. 51. Last amended by the 1994 Act of Accession (O.J. No. C41, 29.8.94 p. 155).[back](#)

[12] S.I. 1999/2325. Modified by S.R. 2000/78 and by S.R. 2001/47[back](#)

[13] Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII to the Table to the Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).[back](#)

[14] O.J. No. L289, 28. 10.98, p. 4.[back](#)

[15] O.J. No. L188, 21.7.1999, p. 35[back](#)

[16] O.J. No. L297, 18.11.1999, p. 8. The Annex to this Regulation is now replaced by the Annex to Regulation (EC) No. 739/2000 (O.J. No. L87, 8.4.200, p. 14)[back](#)

[17] O.J. No. L155, 28.6.2000, p. 15[back](#)

[18] O.J. No. L280, 4.11.2000, p. 28[back](#)

[19] O.J. No. L62, 2.3.2001, p. 3[back](#)

[20] O.J. No. L130, 12.5.2001, p. 25."[back](#)

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