

2007 No. 492

AGRICULTURE

**The Feed (Specified Undesirable Substances) (Scotland)
Regulations 2007**

<i>Made</i> - - - -	<i>1st November 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>2nd November 2007</i>
<i>Coming into force</i> - -	<i>30th November 2007</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 66(1), 68(1) and (1A), 69(1) and (3), 70(1), 71(1), 74(1), 74A, 79(1), (2) and (9) and 84 of the Agriculture Act 1970(a) and all other powers enabling them to do so.

There has been consultation as required by section 84(1) of the Agriculture Act 1970 with such persons or organisations appearing to represent the interests concerned and as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(b).

Citation and commencement

1. These Regulations may be cited as the Feed (Specified Undesirable Substances) (Scotland) Regulations 2007 and come into force on 30th November 2007.

Amendments to the Feeding Stuffs (Scotland) Regulations 2005

2.—(1) The Feeding Stuffs (Scotland) Regulations 2005(c) are amended in accordance with paragraphs (2) to (4).

(2) In paragraph 11(c)(iv) of Part 1 of Schedule 3 (contents of the statutory statement or other declaration etc.), for “soluble” substitute “insoluble”.

(a) 1970 c.40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations”; and was relevantly amended by S.I. 1982/980, 1995/1412, 1996/1342 and 1999/1663 and S.S.I. 2000/453. Section 74A was inserted by the European Communities Act 1972 (c.68), Schedule 4, paragraph 6. The functions of the Secretary of State insofar as exercisable within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). In so far as not so transferred and in so far as relating to animal feeding stuffs, which are not veterinary medicinal products or specified feed additives as defined in the Veterinary Medicines Regulations 2005, the functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 (S.I. 2006/304).

(b) O.J. No. L 31, 1.2.02, p.1, as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.03, p.4) and Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 7.4.06, p.3).

(c) S.S.I. 2005/605 as amended by 2006/16, 2006/516, 2006/530, and 2006/578.

(3) The table entries and footnotes comprising Chapter D of Schedule 5 (prescribed limits for undesirable substances) are replaced by the entries and footnotes set out in Schedule 1 to these Regulations.

(4) The table entries set out in Schedule 2 to these Regulations are added at the end of the table in Schedule 6 (control of certain protein sources).

St Andrew's House,
Edinburgh
1st November 2007

SHONA ROBISON
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 2(3)

Entries to comprise Chapter D of Schedule 5 to the Feeding Stuffs (Scotland) Regulations 2005

<i>Column 1: Undesirable substances</i>	<i>Column 2: Products intended for animal feed</i>	<i>Column 3: Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
Aldrin ⁽¹⁾ Dieldrin ⁽¹⁾	All feeding stuffs except: - fats and oils - feeding stuffs for fish	0.01 ⁽²⁾ 0.1 ⁽²⁾ 0.02 ⁽²⁾
Campechlor (toxaphene) – sum of indicator congeners CHB 26, 50 and 62 ⁽³⁾	Fish, other aquatic animals, their products and by-products except: - fish oil Feeding stuffs for fish	0.02 0.2 0.05
Chlordane (sum of cis- and trans-isomers and of oxychlordane, expressed as chlordane)	All feeding stuffs except: - fats and oils	0.02 0.05
DDT (sum of DDT-, TDE- and DDE- isomers, expressed as DDT)	All feeding stuffs except: - fats and oils	0.05 0.5
Endosulphan (sum of alpha- and beta-isomers and of endosulphansulphate expressed as endosulphan)	All feeding stuffs except: - maize and maize products derived from the processing thereof - oilseeds and products derived from the processing thereof, with the exception of crude vegetable oil - crude vegetable oil - complete feeding stuffs for fish	0.1 0.2 0.5 1.0 0.005

<i>Column 1: Undesirable substances</i>	<i>Column 2: Products intended for animal feed</i>	<i>Column 3: Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
Endrin (sum of endrin and delta-keto-endrin, expressed as endrin)	All feeding stuffs	0.01
	except: - fats and oils	0.05
Heptachlor (sum of heptachlor and of heptachlorepoide, expressed as heptachlor)	All feeding stuffs	0.01
	except: - fats and oils	0.2
Hexachlorobenzene (HCB)	All feeding stuffs	0.01
	except: - fats and oils	0.2
Hexachlorocyclohexane (HCH) - alpha-isomers - beta-isomers - gamma-isomers	All feeding stuffs	0.02
	except: - fats and oils	0.2
	All feed materials	0.01
	except: - fats and oils	0.1
	All compound feeding stuffs	0.01
	except: - compound feeding stuffs for dairy cattle	0.005
All feeding stuffs	0.2	
except: - fats and oils	2.0	

(1) Singly or combined, expressed as dieldrin.

(2) Maximum level for aldrin and dieldrin, singly or combined, expressed as dieldrin.

(3) Numbering system according to Parlar, prefixed by either "CHB" or "Parlar":

— CHB 26: 2-endo,3-exo,5-endo,6-exo,8,8,10,10-octachlorobornane,

— CHB 50: 2-endo,3-exo,5-endo,6-exo,8,8,9,10,10-nonachlorobornane,

— CHB 62: 2,2,5,5,8,9,9,10,10-nonachlorobornane.

SCHEDULE 2

Regulation 2(4)

Entries to be added to Schedule 6 to the Feeding Stuffs (Scotland) Regulations 2005

<i>Name of Product group</i>	<i>Permitted products</i>	<i>Designation of nutritive principle or identity of micro-organisms</i>	<i>Culture substrate (specifications, if any)</i>	<i>Composition characteristics of product</i>	<i>Animal species</i>	<i>Name of product and specified particulars</i>
2.2 By-products from the production of amino acids by fermentation	2.2.1 Concentrated liquid by-products from the production of L-glutamic acid by fermentation with <i>Corynebacterium melassecola</i>	Ammonium salts and other nitrogenous compounds	Sucrose, molasses, starch products and their hydrolysates	Nitrogen expressed as crude protein: minimum 48% Moisture: maximum 28%	Ruminants from the beginning of rumination	Declarations to be made on the label or packaging of the product: - the name "by-products from the production of L-glutamic acid" in the case of product 2.2.1; "by-products from the production of L-lysine" in the case of product 2.2.2; - nitrogen, expressed as crude protein; - crude ash;

<i>Name of Product group</i>	<i>Permitted products</i>	<i>Designation of nutritive principle or identity of micro-organisms</i>	<i>Culture substrate (specifications, if any)</i>	<i>Composition characteristics of product</i>	<i>Animal species</i>	<i>Name of product and specified particulars</i>
	2.2.2 Concentrated liquid by-products from the production of L-lysine monohydrochloride by fermentation with <i>Brevibacterium lactofermentum</i>	Ammonium salts and other nitrogenous compounds	Sucrose, molasses, starch products and their hydrolysates	Nitrogen expressed as crude protein: minimum 45%		<ul style="list-style-type: none"> - moisture; - animal species or category; - approval number. Declarations to be made on the label or packaging of compound feeding stuffs: <ul style="list-style-type: none"> - percentage of the total crude protein provided by non-protein nitrogen; - indication, in the instructions for use, of the level of total non-protein nitrogen which should not be exceeded in the daily ration of each animal species or category.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the Feeding Stuffs (Scotland) Regulations 2005 (“the Feeding Stuffs Regulations”).

These Regulations provide for the implementation of Commission Directive 2006/77/EC amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards organochlorine compounds in animal feed (O.J. No. L 271, 30.9.2006, p.53).

The Regulations amend Chapter D of Schedule 5 to the Feeding Stuffs Regulations, principally by—

- (a) setting new limits in relation to aldrin and dieldrin;
- (b) setting new limits in relation to endosulphan in crude vegetable oil; and
- (c) replacing the term “fats” by the term “fats and oils” (*regulation 2(3) and Schedule 1*).

The Regulations also correct an omission in Schedule 6 and a typographical error in Schedule 3 of the Feeding Stuffs Regulations (*regulations 2(2) and (4) and Schedule 2*).

A full regulatory impact assessment, which includes a compliance cost assessment of the effect which these Regulations will have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency (Scotland), 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

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