

2003 No. 219

AGRICULTURE

**Feeding Stuffs (Amendment) Regulations
(Northern Ireland) 2003**

Made - - - - - *8th April 2003*

Coming into operation *27th May 2003*

The Department of Health, Social Services and Public Safety, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures in the veterinary and phytosanitary fields for the protection of public health, in exercise of the powers conferred on it by that section and of all other powers enabling it in that behalf, and after consultation 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(c), hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 27th May 2003.

(2) The Interpretation Act (Northern Ireland) 1954(d) 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(e) shall be amended in accordance with regulations 3 to 5.

3. In regulation 2 (interpretation), after the definition of “energy value” in paragraph (1) there shall be inserted the following definition –

“ “the Enforcement Directive” means Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition(f) as amended by Council Directive 1999/20/EC(g), Directive 2000/77/EC of the European Parliament and of the Council(h) and Directive 2001/46/EC of the European Parliament and of the Council(i);”.

(a) S.I. 2000/2812
(b) 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)
(c) O.J. No. L31, 1.2.2002, p. 1. Under Article 3 of Regulation (EC) No. 178/2002 (O.J. No. L31, 1.2.2002, p. 1) “food law” extends to feed produced for, or fed to, food producing animals
(d) 1954 c. 33 (N.I.)
(e) S.R. 2001 No. 47, as amended by S.R. 2001 Nos. 209 and 428 and S.R. 2002 No. 263
(f) O.J. No. L265, 8.11.95, p. 17
(g) O.J. No. L80, 25.3.99, p. 20
(h) O.J. No. L333, 29.12.2000, p. 81
(i) O.J. No. L234, 1.9.2001, p. 55

4. In regulation 12 (control of feeding stuffs and feed materials containing undesirable substances), for paragraph (9) there shall be substituted the following paragraph –

“(9) Where a person to whom the first paragraph of Article 16a of the Enforcement Directive applies has evidence that any feed material specified in column 2 of Chapter A of Part II of Schedule 7, which he has brought into Northern Ireland from a third country or put into circulation and which he holds or owns, contains any substance specified in column 1 of that Chapter in excess of the level specified in relation to it in column 3 of that Chapter, he shall –

- (a) notify the Agency, and the Department of Agriculture and Rural Development which, by virtue of section 67(1)(a), has the duty to enforce Part IV of the Act, in relation to the feed material concerned; and
- (b) supply them with the information specified in the second paragraph of Article 16a of the Enforcement Directive.”.

5. In regulation 23(1), for “24(2)” there shall be substituted “23(2)”.

6. In Schedule 3 (permitted additives) and provisions relating to their use –

(a) for the footnote to Part VII of the Table (permitted preservatives) there shall be substituted the following footnote –

““(1) Note also that (as referred to in Part IX) one preservative is permitted by virtue of Commission Regulation (EC) No. 1594/1999(b) and one by Commission Regulation (EC) No. 1252/2002(c)”;

(b) 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.

Amendment of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999

7. In paragraph (2) of regulation 2 (definition of “feeding stuff” and related definitions and general interpretation) of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(d), at the end of the definition of “Directive 95/53” there shall be added “, Directive 2000/77/EC of the European Parliament and of the Council and Directive 2001/46/EC of the European Parliament and of the Council”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 8th April 2003.

(L.S.)

Leslie Frew

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

(a) As modified by s. 86(3) in its application to Northern Ireland
(b) O.J. No. 188, 21.7.1999, p. 35
(c) O.J. No. L183, 12.7.2002, p. 10
(d) S.I. 1999/1872, to which there are amendments not relevant to these Regulations

SCHEDULE

Regulation 6(b)

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⁽¹⁾

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⁽²⁾.

Commission Regulation (EC) No. 1594/1999 amending the conditions for the authorisation of an additive in feedingstuffs⁽³⁾.

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⁽⁴⁾.

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⁽⁵⁾.

Commission Regulation (EC) No. 2437/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs⁽⁶⁾.

Commission Regulation (EC) No. 2013/2001 concerning the provisional authorisation of a new additive use and the permanent authorisation of an additive in feedingstuffs⁽⁷⁾.

Commission Regulation (EC) No. 2200/2001 concerning provisional authorisation of additives in feedingstuffs⁽⁸⁾.

Commission Regulation (EC) No. 256/2002 concerning the provisional authorisation of new additives, the prolongation of provisional authorisation of an additive and the permanent authorisation of an additive in feedingstuffs⁽⁹⁾.

Commission Regulation (EC) No. 1252/2002 concerning the provisional authorisation of a new additive in feedingstuffs⁽¹⁰⁾.

Commission Regulation (EC) No. 1876/2002 concerning the provisional authorisation of a new use of an additive in feedingstuffs⁽¹¹⁾.

Commission Regulation (EC) No. 2188/2002 concerning the provisional authorisation of new uses of additives in feedingstuffs⁽¹²⁾.

⁽¹⁾ Certain of the above Regulations relate to additive categories which include additives controlled by the Additives Directive, and which are listed in the relevant Part(s) of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999, but certain other preservatives are covered by Part VII of the Table)

⁽²⁾ O.J. No. L289, 28.10.98, p. 4

⁽³⁾ O.J. No. L188, 21.7.1999, p. 35

⁽⁴⁾ 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, 8.4.2000, p. 14)

⁽⁵⁾ O.J. No. L155, 28.6.2000, p. 15

⁽⁶⁾ O.J. No. L280, 4.11.2000, p. 28

⁽⁷⁾ O.J. No. L272, 13.10.2001, p. 24

⁽⁸⁾ O.J. No. L299, 15.11.2001, p. 1

⁽⁹⁾ O.J. No. L41, 13.2.2002, p. 6

⁽¹⁰⁾ O.J. No. 183, 12.7.2002, p. 10.

⁽¹¹⁾ O.J. No. L284, 22.10.2002, p. 7.

⁽¹²⁾ O.J. No. L333, 10.12.2002, p. 5.”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Feeding Stuffs Regulations (Northern Ireland) 2001 (S.R. 2001 No.47, as already amended) and the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 (S.I. 1999/1872, as already amended).

These Regulations implement Article 4 of Directive 2001/46/EC of the European Parliament and of the Council amending Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition and Directives 70/524/EC, 96/25/EC and 1999/29/EC on animal nutrition (O.J. No. L 234, 1.9.2001, p. 55). Article 4 repeals Article 12(3) and (4) of Council Directive 1999/29/EC on the undesirable substances and products in animal nutrition. Those provisions contained an obligation on a person in possession of feedingstuffs which contained undesirable substances to inform the competent authorities. This obligation is now provided for in Article 16a of Directive 95/53/EC as inserted by Directive 2001/46/EC.

The Regulations also provide for the enforcement of the following Community Regulations –

- (a) Commission Regulation (EC) No. 1252/2002 concerning the provisional authorisation of a new additive in feedingstuffs (O.J. No. L183, 12.7.2002, p. 10);
- (b) Commission Regulation (EC) No. 1876/2002 concerning the provisional authorisation of a new use of an additive in feedingstuffs (O.J. No. L284, 22.10.2002, p. 7); and
- (c) Commission Regulation (EC) No. 2188/2002 concerning the provisional authorisation of new uses of additives in feedingstuffs (O.J. No. L333, 10.12.2002, p. 5).

The Regulations amend the Feeding Stuffs Regulations (Northern Ireland) 2001 by –

- (i) inserting into regulation 2 a definition of the term “the Enforcement Directive” (regulation 3),
- (ii) imposing on those responsible for establishments producing products for animal nutrition an obligation to notify the Food Standards Agency and the Department of Agriculture and Rural Development, and supply them with specified information, if they have evidence that feed materials which they have imported or put into circulation contain certain undesirable substances at levels above the maximum ones prescribed (regulation 4),
- (iii) correcting a typographical error in regulation 23(1) (regulation 5), and
- (iv) adding three new Commission Regulations to the list of Commission Regulations under which authorisation for the marketing of feed additives has been granted, which is contained in Part IX of the Table to Schedule 3, and making a consequential amendment to the footnote to Part VII of that Table (regulation 6 and the Schedule).

The Regulations also make consequential amendments to the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 (regulation 7).

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