

2004 No. 215

AGRICULTURE

**Feeding Stuffs (Amendment) Regulations
(Northern Ireland) 2004**

Made - - - - - *7th May 2004*

Coming into operation *11th June 2004*

The Department of Health, Social Services and Public Safety in exercise of the powers conferred by sections 66(1), 74A, 84 and 86 of the Agriculture Act 1970(a) (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000(b)) and of all other powers enabling it in that behalf, after consultation as required by section 84(1) of that Act and 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), and being a Department designated(d) for the purposes of section 2(2) of the European Communities Act 1972(e) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on it by that last mentioned section (in so far as these Regulations cannot be made under the powers of the Agriculture Act 1970 specified above), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 11th June 2004.

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

Amendment to the Feeding Stuffs Regulations (Northern Ireland) 2001

2.—(1) The Feeding Stuffs Regulations (Northern Ireland) 2001(g) shall be amended in accordance with paragraphs (2) to (5).

(2) In Part V (trace elements) of Schedule 3 (permitted additives and provisions relating to their use), the entries relating to Iron-Fe, Cobalt-Co, Copper-Cu, Manganese-Mn and Zinc-Zn shall be omitted.

(3) In Part IX (European Community Regulations by which additives are controlled) of Schedule 3 –

(a) 1970 c. 40; section 74A was inserted by the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6
(b) S.R. 2000 No. 78
(c) O.J. No. L31, 1.2.2002, p. 1. Under Article 3 of the EC Regulation “food law” extends to feed produced for, or fed to, food producing animals
(d) S.I. 2000/2812
(e) S.I. 1972 c. 68
(f) 1954 c. 33 (N.I.)
(g) S.R. 2001 No. 47, as amended by S.R. 2001 Nos. 209 and 428, S.R. 2002 No. 263 and S.R. 2003 Nos. 219, 287, 306 and 475

(a) the following text shall be inserted immediately after the reference to Commission Regulation (EC) No. 877/2003 –

“Commission Regulation (EC) No. 1334/2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group of trace elements⁽¹⁹⁾;

Commission Regulation (EC) No. 1801/2003 provisionally authorising the new use of a certain micro-organism in feedingstuffs⁽²⁰⁾;

Commission Regulation (EC) No. 1847/2003 concerning the provisional authorisation of a new use of an additive and the permanent authorisation of an additive already authorised in feedingstuffs⁽²¹⁾.”;

Commission Regulation (EC) No. 2112/2003 correcting Regulation (EC) No. 1334/2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group trace elements⁽²²⁾;

Commission Regulation (EC) No. 2154/2003 provisionally authorising certain micro-organisms in feeding stuffs⁽²³⁾;

Commission Regulation (EC) No. 277/2004 concerning the authorisation without time limit of an additive in feeding stuffs (3-phytase for turkeys for fattening)⁽²⁴⁾;

Commission Regulation (EC) No. 278/2004 provisionally authorising a new use of an additive already authorised in feeding stuffs (preparation of endo-1, 4-beta-xylanase and subtilisin for laying hens)⁽²⁵⁾;

Commission Regulation (EC) No. 490/2004 provisionally authorising the new use of an additive already authorised in feeding stuffs (*saccharomyces cerevisiae*)⁽²⁶⁾”.

(b) the following text shall be inserted at the end –

“(19) O.J. No. L187, 26.7.2003, p. 11.

(20) O.J. No. L264, 15.10.2003, p. 16.

(21) O.J. No. L269, 21.10.2003, p. 3.

(22) O.J. No. L317, 2.12.2003, p. 22.

(23) O.J. No. L324, 11.12.2003, p. 11.

(24) O.J. No. L047, 18.2.2004, p. 20.

(25) O.J. No. L047, 18.2.2004, p. 22.

(26) O.J. No. L079, 17.3.2004, p. 23.”.

(4) For the entries relating to dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs (toxic equivalency factors, 1997)) PCDD/F which are set out in columns 1 to 3 respectively of Part I (feeding stuffs) of Schedule 7 (prescribed limits for undesirable substances) there shall be substituted the entries set out in columns 1 to 3 respectively of Schedule 1.

(5) For the entries relating to analogues of methionine which are set out in columns 1 to 7 respectively of Schedule 8 (control of certain protein sources) there shall be substituted the entries set out in columns 1 to 7 respectively of Schedule 2.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 7th May 2004.

(L.S.)

Noel McCann

A senior officer of the Department of Health, Social Services and Public Safety

SCHEDULE 1

Regulation 2(4)

ENTRIES TO BE SUBSTITUTED IN PART I OF SCHEDULE 7 TO THE FEEDING STUFFS REGULATIONS (NORTHERN IRELAND) 2001

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<p>“Dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs (toxic equivalency factors, 1997))</p>	<p>All feed materials of plant origin including vegetable oils and by-products</p>	<p>0.75 ng WHO-PCDD/F-TEQ/kg</p>
	<p>Minerals as listed in Section 1 of Part II of Schedule 2</p>	<p>1.0 ng WHO-PCDD/F-TEQ/kg</p>
	<p>Kaolinitic clay, calcium sulphate dihydrate, vermiculite, natrolite-phonolite, synthetic calcium aluminates and clinoptilolite of sedimentary origin belonging to the group “binders, anti-caking agents and coagulants” authorised under Council Directive 70/524/EEC concerning additives in feedingstuffs (O.J. No. L270, 14.12.70, p. 1)</p>	<p>0.75 ng WHO-PCDD/F-TEQ/kg</p>
	<p>Animal fat, including milk fat and egg fat</p>	<p>2.0 ng WHO-PCDD/F-TEQ/kg</p>
	<p>Other land animal products including milk and milk products and eggs and egg products</p>	<p>0.75 ng WHO-PCDD/F-TEQ/kg</p>
	<p>Fish oil</p>	<p>6 ng WHO-PCDD/F-TEQ/kg</p>
	<p>Fish, other aquatic animals, their products and by-products with the exception of fish oil and fish protein hydrolysates containing more than 20% fat</p>	<p>1.25 ng WHO-PCDD/F-TEQ/kg</p>
	<p>Compound feedingstuffs, with the exception of feedingstuffs for fur animals, pet foods and feedingstuffs for fish</p>	<p>0.75 ng WHO-PCDD/F-TEQ/kg</p>
	<p>Feedingstuffs for fish Pet foods</p>	<p>2.25 ng WHO-PCDD/F-TEQ/kg</p>
	<p>Fish protein hydrolysates containing more than 20% fat</p>	<p>2.25 ng WHO-PCDD/F-TEQ/kg</p>
	<p>Note in respect of the entry in Column 2 relating to fish, other aquatic animals, their products and by-products with the exception of fish oil and fish protein hydrolysates containing more than 20% fat Fresh fish directly delivered and used without intermediate processing for the production</p>	<p>Note in respect of all the entries in Column 3 Upper-bound concentrations; upper-bound concentrations are calculated assuming that all values of the different congeners less than the limit of quantification are equal to the limit of quantification.”.</p>

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<p>of feedingstuffs for fur animals is exempted from the maximum limit and a maximum level of 4.0 ng WHO-PCDD/F-TEQ/kg product is applicable to fresh fish used for the direct feeding of pet animals, zoo and circus animals. The products, processed animal proteins produced from these animals (fur animals, pet animals, zoo and circus animals) cannot enter the food chain and the feeding thereof is prohibited to farmed animals which are kept, fattened or bred for the production of food</p>	

SCHEDULE 2

Regulation 2(5)

ENTRIES TO BE SUBSTITUTED IN SCHEDULE 8

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
“4.1 Analogues of methionine	4.1.1. Hydroxy analogue of methionine 4.1.2. Calcium salt of hydroxy analogue of methionine	$\text{CH}_3\text{S}(\text{CH}_2)_2\text{-CH}(\text{OH})\text{-COOH}$ $[\text{CH}_3\text{-S}(\text{CH}_2)_2\text{-CH}(\text{OH})\text{-COO}]_2\text{Ca}$	-	Total of acids: minimum 85% Monomer acid: minimum 65% Monomer acid: minimum 83% Calcium: minimum 12%	} All animal species	Declarations to be made on the label or packaging of the product: - if appropriate, the name (column 2); - monomer acid and total acids contents in the case of product 4.1.1 and monomer acid content in the case of product 4.1.2 - moisture content; - animal species; - approval number; Declarations to be made on the label or packaging of compound feeding stuffs; - if appropriate, the name (column 2); - monomer acid and total acids contents in the case of product 4.1.1 and monomer acid content in the case of product 4.1.2 - amount of the product contained in the feeding stuff Declarations to be made on the label or packaging of the product: - Isopropyl ester of 2-hydroxy-4-methylthiobutanoic acid Declarations to be made on the label or packaging of compound feeding stuffs:
	4.1.3 Isopropyl ester of the hydroxylated analogue of methionine	$\text{CH}_3\text{-S}(\text{CH}_2)_2\text{-CH}(\text{OH})\text{-COO-CH}(\text{CH}_3)_2$	-	- Monomer esters: 90% - Humidity: maximum 1%		

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
						<ul style="list-style-type: none"> - analogue of methionine: Isopropyl ester of 2-hydroxy-4-methylthiobutanoic acid - percentage of incorporation of analogue of methionine in the feed.”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which further amend the Feeding Stuffs Regulations (Northern Ireland) 2001 (S.R. 2001 No. 47 – “the principal Regulations”), provide for the enforcement of Commission Regulation (EC) No. 1334/2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group of trace elements (O.J. No. L187, 26.7.2003, p. 11), Commission Regulation (EC) No. 1801/2003 provisionally authorising the new use of a certain micro-organism in feedingstuffs (O.J. No. L264, 15.10.2003, p. 16), and Commission Regulation (EC) No. 1847/2003 concerning the provisional authorisation of a new use of an additive and the permanent authorisation of an additive already authorised in feedingstuffs (O.J. No. L269, 21.10.2003, p. 3) and Commission Regulation (EC) No. 2112/2003 correcting Regulation (EC) No. 1334/2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group trace elements (O.J. No. L317, 2.12.2003, p. 22) (*regulation 2(2) and (3)*).

These Regulations also implement Commission Directive 2003/57/EC amending Directive 2002/32 of the European Parliament and of the Council on undesirable substances in animal feed (O.J. No. L151, 19.6.2003, p. 38) by amending Schedule 7 to the principal Regulations so as to specify new maximum levels for dioxin in feedingstuffs (*regulation 2(4) and Schedule 1*).

These Regulations also implement Commission Directive 2003/104/EC authorising isopropyl ester of the hydroxylated analogue of methionine (O.J. No. L295, 13.11.2003, p. 83) by amending Schedule 8 to the principal Regulations so as to revise the conditions for the sale or possession for sale of analogues of methionine for use as a feeding stuff or as a protein source in a feeding stuff (*regulation 2(5) and Schedule 2*).

© Crown Copyright 2004

£3.00

Published by The Stationery Office Limited

ISBN 0-337-95528-X



9 780337 955280