

2004 No. 443

AGRICULTURE

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) Regulations (Northern Ireland) 2004

Made - - - - - *15th October 2004*

Coming into operation *21st November 2004*

The Department of Health, Social Services and Public Safety(a), in exercise of the powers conferred on it by sections 66(1), 74A and 84 of the Agriculture Act 1970(b) (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000(c) and of all other powers enabling it in that behalf, 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), after consultation as required by section 84(1) of the Agriculture Act 1970 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(f), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) Regulations (Northern Ireland) 2004, and shall come into operation on 21st November 2004.

Amendments 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 regulation 12 (control of feeding stuffs and feed materials containing undesirable substances) immediately after paragraph (6) there shall be inserted the following –

(a) Formerly the Department of Health and Social Services; see S.I.1999/283 (N.I. 1), Article 3
(b) 1970 c. 40; Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6
(c) S.R. 2000 No. 78
(d) S.I. 2003/2901
(e) 1972 c. 68
(f) O.J. No. L31, 1.2.2002, p. 1, as amended by Regulation (EC) No. 1642/2003 (O.J. No. L245, 29.9.2003, p. 4). Under Article 3 of the EC Regulation “food law” extends to feed produced for, or fed to, food producing animals
(g) S.R. 2001 No. 47, amended by S.R. 2001 Nos. 209 and 428, S.R. 2002 No. 263, S.R. 2003 Nos. 219, 287, 306 and 475 and S.R. 2004 No. 215

“(7) Paragraphs (8) and (9) shall apply to any person who has in his possession or control for the purposes of a trade or business any of the following products intended for animal feed –

- (a) palm kernel expeller;
- (b) feeding stuffs obtained from the processing of fish or other marine animals;
- (c) seaweed meal and feed materials derived from seaweed; or
- (d) complete feeding stuffs for fish or for fur producing animals.

(8) Any person referred to in paragraph (7) shall, if requested by an inspector, procure and produce to the inspector an analysis in order to demonstrate that the content of inorganic arsenic in a product intended for animal feed listed in paragraph (7) is within the limit specified in the relevant entry in column 3 of Part I of Schedule 7.

(9) Any person who without reasonable excuse fails to comply with a request made under paragraph (8) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(3) For regulation 13 (control of compound feeding stuffs containing prohibited materials) there shall be substituted the following –

“Control of feeding stuffs containing prohibited materials

13.—(1) A person shall not put into circulation for use as a feeding stuff, or use as a feeding stuff, any material which contains –

- (a) faeces, urine or separated digestive tract contents resulting from the emptying or removal of the digestive tract, irrespective of any form of treatment or admixture;
- (b) hide treated with tanning substances, including its waste;
- (c) seeds or other plant propagating materials which, after harvest, have undergone specific treatment with plant protection products for their intended use in propagation, or derived by-products;
- (d) wood, including sawdust or other materials derived from wood, which has been treated with wood preservatives as defined in Annex V of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market^(a);
- (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 waste water treatment), whatever the origin of the waste water concerned^(b);
- (f) solid urban waste, such as household waste, but excluding catering waste as defined by Regulation (EC) 1774/2002 laying down health rules concerning animal by-products not intended for human consumption^(c);
- (g) packaging and parts of packaging from products used in agriculture or the food industry.

(2) For the purposes of paragraph (1) “waste” shall have the meaning given in Article 1 of Council Directive 74/442/EEC^(d).

(3) For the purposes of paragraph (1)(e), the term “waste water” shall be construed in accordance with the footnote to point 5 of the Annex to Commission Decision 2004/217/EC adopting a list of materials whose circulation or use for animal nutrition purposes is prohibited^(e).”.

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

(a) after the reference to Commission Regulation (EC) No. 490/2004 insert the following –

(a) O.J. No. L123, 24.4.98, p. 1
(b) O.J. No. L135, 30.5.91, p. 40, as amended by Commission Directive 98/15/EC, O.J. No. L67, 7.3.98, p. 29
(c) O.J. No. L273, 10.10.2002, p. 1
(d) O.J. No. L194, 25.7.75, p. 39, as last amended by Regulation (EC) 1882/2003, O.J. No. L284, 31.10.2003, p. 1
(e) O.J. No. L67, 5.3.2004, p. 31

“Commission Regulation (EC) No. 879/2004 concerning the provisional authorisation of a new use of an additive already authorised in feeding stuffs (*Saccharomyces cerevisiae*) (27).

Commission Regulation (EC) No. 880/2004 authorising without time limit the use of beta-carotene and canthaxanthin as additives in feeding stuffs belonging to the group of colouring matters including pigments (28).

Commission Regulation (EC) No. 1259/2004 concerning the permanent authorisation of certain additives already authorised in feeding stuffs (29).

Commission Regulation (EC) No. 1288/2004 concerning the permanent authorisation of certain additives and the provisional authorisation of a new use of an additive already authorised in feeding stuffs (30).

Commission Regulation (EC) No. 1332/2004 concerning the permanent authorisation of certain additives in feeding stuffs (31).

Commission Regulation 1333/2004 concerning the permanent authorisation of a certain additive in feeding stuffs (32).

Commission Regulation (EC) No. 1453/2004 concerning the permanent authorisation of certain additives in feeding stuffs (33).

Commission Regulation (EC) No. 1465/2004 concerning the permanent authorisation of an additive in feeding stuffs (34).”.

(b) at the end add the following –

“(27) O.J. No. L162, 30.4.2004, p. 65.

(28) O.J. No. L162, 30.4.2004, p. 68.

(29) O.J. No. L239, 9.7.2004, p. 8.

(30) O.J. No. L243, 15.7.2004, p. 10.

(31) O.J. No. L247, 21.7.2004, p. 8.

(32) O.J. No. L247, 21.7.2004, p. 11.

(33) O.J. No. L269, 17.8.2004, p. 3.

(34) O.J. No. L270, 18.8.2004, p. 11.”.

(5) For the entries relating to arsenic, fluorine, lead, aflatoxin B1, free gossypol and endosulphan which are set out in columns 1 to 3 of Part I (feeding stuffs) of Schedule 7 (prescribed limits for undesirable substances) substitute the entries set out in columns 1 to 3 respectively of the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 15th October 2004.

(L.S.)

Noel McCann

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

SCHEDULE

Regulation 2(5)

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>
Arsenic	Feed materials except:	2
	— meal made from grass, from dried lucerne and from dried clover and dried sugar beet pulp and dried molasses sugar beet pulp	4
	— palm kernel expeller	4 (of which the content of inorganic arsenic must be less than 2)
	— phosphates and calcareous marine algae	10
	— calcium carbonate	15
	— magnesium oxide	20
	— feedingstuffs obtained from the processing of fish or other marine animals	15 (of which the content of inorganic arsenic must be less than 2)
	— seaweed meal and feed materials derived from seaweed	40 (of which the content of inorganic arsenic must be less than 2)
	Complete feeding stuffs except:	2
	— complete feeding stuffs for fish and fur-producing animals	6 (of which the content of inorganic arsenic must be less than 2)
	Complementary feeding stuffs except:	4
	— mineral feeding stuffs	12
		Note in respect of all entries in column 3 The maximum levels refer to total arsenic
Fluorine	Feed materials except:	150
	— feedingstuffs of animal origin with the exception of marine crustaceans such as marine krill	500
	— phosphates and marine crustaceans such as marine krill	2000
	— calcium carbonate	350
	— magnesium oxide	600
	— calcareous marine algae	1000
	Complete feeding stuffs except:	150
	— complete feeding stuffs for cattle, sheep and goats	
	— in milk	30
	— other	50
— complete feeding stuffs for pigs	100	

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	— complete feeding stuffs for poultry	350
	— complete feeding stuffs for chicks	250
	Mineral mixtures for cattle, sheep and goats	2000
	Other complementary feeding stuffs	125
		(fluorine content per percentage point in the feeding stuff)
Lead	Feed materials except:	10
	— grass meal, lucerne meal or clover meal	40
	— calcium carbonate	20
	— phosphates and calcareous marine algae	15
	— yeast	5
	Complete feeding stuffs	5
	Complementary feeding stuffs except:	10
	— mineral feeding stuffs	15
Aflatoxin B ₁	All feed materials	0.02
	Complete feeding stuffs for cattle, sheep and goats except:	
	— dairy animals	0.005
	— calves and lambs	0.01
	Complete feeding stuffs for pigs and poultry (except piglets and chicks)	0.02
	Other complete feeding stuffs	0.01
	Complementary feeding stuffs for cattle, sheep and goats (except complementary feeding stuffs for dairy animals, calves and lambs)	0.02
	Complementary feeding stuffs for pigs and poultry (except piglets and chicks)	0.02
	Other complementary feeding stuffs 0.02	0.005
Free Gossypol	Feed materials except:	20
	— cotton–seed	5000
	— cotton–seed cakes and cotton–seed meal	1200
	Complete feeding stuffs except:	20
	— complete feeding stuffs for cattle, sheep and goats	500
	— complete feeding stuffs for poultry (except laying hens) and calves	100
	— complete feeding stuffs for rabbits and pigs (except piglets) 20	60

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Endosulphan (sum of alpha- and beta- isomers and of endosulphan sulphate, expressed as endosulphan)	All feeding stuffs	0.1
	except:	
	— maize and products derived from the processing thereof	0.2
	— oilseeds and products derived from the processing thereof	0.5
	— complete feeding stuffs for fish	0.005

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Feeding Stuffs Regulations (Northern Ireland) 2001 (S.R. 2001 No. 47, as already amended), “the 2001 Regulations”.

These Regulations implement Commission Directive 2003/100/EC (O.J. No. L285, 01.11.2003, p. 33) amending Directive 2002/32/EC of the European Parliament and of the Council (O.J. No. L140, 30.05.2002, p. 15) on undesirable substances in animal feed, and also implement Commission Decision 2004/217/EC (O.J. No. L067, 05.03.2004, p. 31) adopting a list of materials whose circulation or use for animal nutrition purposes is prohibited.

Regulation 2 of these Regulations amends the 2001 Regulations by-

- (a) requiring that analysis indicating the level of inorganic arsenic in certain feeding stuffs or feed materials must be provided on request to the competent authority, (paragraph (2));
- (b) making detailed amendments to the list of prohibited materials set out in regulation 13 of the 2001 Regulations, and extending to the circulation or use as feed materials the existing prohibition on the circulation or use in connection with compound feeding stuffs (paragraph (3));
- (c) adding to Part IX of Schedule 3 eight new European Commission Regulations authorising new additives or new uses of certain additives in feeding stuffs, or as the case may be making permanent the existing provisional authorisation of an additive (paragraph (4)).
- (d) amending the prescribed limits for undesirable substances set out in Schedule 7 of the 2001 Regulations in respect of arsenic, fluorine, lead, aflatoxin B1, free gossypol and endosulphan (paragraph (5));

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