

2003 No. 101

AGRICULTURE

The Feeding Stuffs (Scotland) Amendment Regulations 2003

<i>Made</i>	<i>25th February 2003</i>
<i>Laid before the Scottish Parliament</i>	<i>26th February 2003</i>
<i>Coming into force</i>	<i>1st May 2003</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Feeding Stuffs (Scotland) Amendment Regulations 2003 and shall come into force on 1st May 2003.

(2) These Regulations shall extend to Scotland only.

Amendment of the Feeding Stuffs (Scotland) Regulations 2000

2. The Feeding Stuffs (Scotland) Regulations 2000(b) shall be amended in accordance with regulations 3 to 5.

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

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

4. In regulation 14 (control of feeding stuffs and feed materials containing undesirable substances), for paragraph (9) there shall be substituted—

“(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 that person has brought into Scotland from a third country or put into circulation and which that person 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, that person shall—

(a) notify the Agency and the authority which, by virtue of section 67(2), has the duty to enforce Part IV of the Act in relation to the feed material concerned; and

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon Ministers of the Crown, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2000/453, amended by S.S.I. 2001/334 and 2002/285.

(c) O.J. No. L 265, 8.11.95, p.17.

(d) O.J. No. L 80, 25.3.99, p.20.

(e) O.J. No. L 333, 29.12.00, p.81.

(f) O.J. No. L 234, 1.9.01, p.55.

- (b) supply them with the information specified in the second paragraph of Article 16a of the Enforcement Directive.”.
5. 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–
- “(a) Note also that (as referred to in Part IX of this Table) one preservative is permitted by virtue of Commission Regulation (EC) No. 1594/1999(a) and one is permitted by virtue of Commission Regulation (EC) No. 1252/2002(b).”; and
- (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 to these Regulations.

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

6. In regulation 2(2) (definition of “feedingstuff” and related definitions and general interpretation) of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(c), 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”.

MARY MULLIGAN
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
25th February 2003

(a) O.J. No. L 188, 21.7.99, p.35.
(b) O.J. No. L 183, 12.7.02, p.10.
(c) S.I. 1999/1872, amended by S.S.I. 2000/453.

SCHEDULE

PROVISIONS SUBSTITUTED FOR PART IX OF THE TABLE TO SCHEDULE 3 TO
THE FEEDING STUFFS (SCOTLAND) REGULATIONS 2000

“PART IX

EUROPEAN COMMUNITY REGULATIONS BY WHICH ADDITIVES ARE CONTROLLED(a)

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(b).

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

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(d).

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(e).

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

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

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

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(i).

(a) Certain of the listed 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 (eg the preservative formic acid is covered by Regulation (EC) No. 1594/1999, but certain other preservatives are covered by Part VII of the Table).

(b) O.J. No. L 289, 28.10.98, p.4.

(c) O.J. No. L 188, 21.7.99, p.35.

(d) O.J. No. L 297, 18.11.99, p.8. The Annex to this Regulation is now replaced by the Annex to Regulation (EC) No. 739/2000 (O.J. No. L 87, 8.4.00, p.14).

(e) O.J. No. L 155, 28.6.00, p.15.

(f) O.J. No. L 280, 4.11.00, p.28.

(g) O.J. No. L 272, 13.10.01, p.24.

(h) O.J. No. L 299, 15.11.01, p.1.

(i) O.J. No. L 41, 13.2.02, p.6.

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

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

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

(a) O.J. No. L 183, 12.7.02, p.10.

(b) O.J. No. L 284, 22.10.02, p.7.

(c) O.J. No. L 333, 10.12.02, p.5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Feeding Stuffs (Scotland) Regulations 2000 (S.S.I. 2000/453, as already amended).

These Regulations implement part of Article 1(7) and 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 Article 1(7) of Directive 2001/46/EC.

These 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. L 183, 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. L 284, 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. L 333, 10.12.2002, p.5).

These Regulations–

- (a) amend the Feeding Stuffs (Scotland) Regulations 2000 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 relevant local authority, and supply them with specified information as provided for in Article 16a of Council Directive 95/53, 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); and
 - (iii) 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 5 and the Schedule); and
- (b) also make consequential amendments to the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 in order to update the definition of Council Directive 95/53 in those Regulations (regulation 6).

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

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