

2004 No. 208

AGRICULTURE

The Feeding Stuffs (Scotland) Amendment Regulations 2004

<i>Made</i> - - - -	<i>4th May 2004</i>
<i>Laid before the Scottish Parliament</i>	<i>5th May 2004</i>
<i>Coming into force</i> - -	<i>26th May 2004</i>

The Scottish Ministers, in exercise of the powers conferred by sections 66(1), 74A and 84 of the Agriculture Act 1970(a), after consultation as required by section 84(1) of that Act with such persons or organisations appearing to represent the interests concerned, and in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(b) (in so far as these Regulations cannot be made under the powers of the Agriculture Act 1970 specified above) 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 2004 and come into force on 26th May 2004.

(2) These Regulations extend to Scotland only.

Amendments to the Feeding Stuffs (Scotland) Regulations 2000

2. The Feeding Stuffs (Scotland) Regulations 2000(c) are amended in accordance with regulations 3 to 5.

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

- (a) in Part V of the Table (trace elements) omit the entries for E1 Iron-Fe, E3 Cobalt-Co, E4 Copper-Cu, Manganese-Mn and E6 Zinc-Zn; and
- (b) for the provisions specified in Part IX of the Table (European Community Regulations by which additives are controlled), substitute the provisions set out in Schedule 1 to these Regulations.

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

(a) 1970 c. 40; section 66(1) was amended by S.I. 1982/980, 1995/1412, 1996/1342 and 1999/1663. Section 74A was inserted by the European Communities Act 1972, (c.68), Schedule 4, paragraph 6. Section 66(1) contains definitions of “the Ministers”, “prescribed” and “regulations”. The functions of the Secretary of State in so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

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

(c) S.S.I. 2000/453 as amended by S.S.I. 2001/334, 2002/285, 2003/101, 312 and 474.

respectively substitute the entries set out in columns 1 to 3 respectively of Schedule 2 to these Regulations.

5. In Schedule 8 (control of certain protein sources), for the entries relating to analogues of methionine set out in columns 1 to 7 respectively substitute the entries set out in columns 1 to 7 respectively of Schedule 3 to these Regulations.

St Andrew's House,
Edinburgh
4th May 2004

TOM McCABE
Authorised to sign by the Scottish Ministers

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. 1353/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives, new additive uses and new preparations in feedingstuffs(d).

Commission Regulation (EC) No. 2347/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs(e).

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

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

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(h).

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

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

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

(a) Certain of the above Regulations relate to additive categories which include additives controlled by the Additives Directive (as defined in article 2 of S.S.I. 2000/453), and which are listed in the relevant Part(s) of Parts I to VIII of the Table to Schedule 3 (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).

(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 155, 28.6.00, p.15.

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

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

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

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

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

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

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

Commission Regulation (EC) No. 261/2003 concerning the provisional authorisation of new uses of additives in feedingstuffs(a).

Commission Regulation (EC) No. 316/2003 concerning the permanent authorisation of an additive in feedingstuffs and the provisional authorisation of an additive already authorised in feedingstuffs(b).

Commission Regulation (EC) No. 666/2003 provisionally authorising the use of certain micro-organisms in feedingstuffs(c).

Commission Regulation (EC) No. 668/2003 concerning the permanent authorisation of an additive in feedingstuffs(d).

Commission Regulation (EC) No. 871/2003 concerning the permanent authorisation of a new additive in feedingstuffs(e).

Commission Regulation (EC) No. 877/2003 concerning the provisional authorisation of a new additive in feedingstuffs(f).

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(g) as amended by Commission Regulation (EC) No. 2112/2003(h).

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

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(j).

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(k).

Commission Regulation (EC) No. 2154/2003 provisionally authorising certain micro-organisms in feedingstuffs (Enterococcus faecium and Lactobacillus acidophilus)(l).

Commission Regulations (EC) No. 277/2004 concerning the authorisation without a time limit of an additive in feedingstuffs(m).

Commission Regulation (EC) No. 278/2004 concerning provisional authorisation of a new use of an additive already authorised in feedingstuffs(n).

Commission Regulation (EC) No. 490/2004 concerning the provisional authorisation of a new use of an additive already authorised in feedingstuffs (Saccharomyces cerevisiae)(o).”.

(a) O.J. No. L 37, 13.2.03, p.12.

(b) O.J. No. L 46, 20.2.03, p.15.

(c) O.J. No. L 96, 12.4.03, p.11.

(d) O.J. No. L 96, 12.4.03, p.14.

(e) O.J. No. L 125, 21.5.03, p.3.

(f) O.J. No. L 126, 22.5.03, p.24.

(g) O.J. No. L 187, 26.7.03, p.11.

(h) O.J. No. L 317, 2.12.03, p.22.

(i) O.J. No. L 264, 15.10.03, p.16.

(j) O.J. No. L 269, 21.10.03, p.3.

(k) O.J. No. L 317, 2.12.03, p.22.

(l) O.J. No. L 324, 11.12.03, p.11.

(m) O.J. No. L 047, 18.2.04, p.20.

(n) O.J. No. L 047, 18.2.04, p.22.

(o) O.J. No. L 079, 17.3.04, p.23.

SCHEDULE 2

Regulation 4

PROVISIONS TO BE SUBSTITUTED IN PART I OF SCHEDULE 7 TO THE FEEDING STUFFS (SCOTLAND) REGULATIONS 2000

<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>	All feed materials of plant origin including vegetable oils and by-products	0.75 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Minerals as described in section 11 (Minerals) of Part II of Schedule 2	1.0 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	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(a)	0.75 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Animal fat, including milk fat and egg fat	2.0 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Other land animal products including milk and milk products and eggs and egg products	0.75 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Fish oil	6 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	Fish, other aquatic animals, their products and by-products with the exception of fish oil and fish protein hydrolysates containing more than 20% fat ⁽²⁾	1.25 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾

(a) O.J. No. L 270, 14.12.70, p.1.

Compound feedingstuffs, with the exception of feedingstuffs for fur animals, pet foods and feedingstuffs for fish	0.75 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
Feedingstuffs for fish Pet Foods	2.25 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
Fish protein hydrolysates containing more than 20% fat	2.25 ng WHO-PCDD/F-TEQ/kg ⁽¹⁾
	<p>NOTES</p> <p>(1) 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> <p>(2) Fresh fish directly delivered and used without intermediate processing for the production 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 3

Regulation 5

ENTRIES TO BE SUBSTITUTED IN SCHEDULE 8 TO THE FEEDING STUFFS (SCOTLAND) REGULATIONS 2000

<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>
"4.1 Analogues of methionine	4.1.1. Hydroxy analogue of methionine	$\text{CH}_3\text{S}(\text{CH}_2)_2\text{-CH}(\text{OH})\text{-COOH}$	—	Total of acids: minimum 85% Monomer acid: minimum 65%	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;
	4.1.2. Calcium salt of hydroxy analogue of methionine	$[\text{CH}_3\text{-S-(CH}_2)_2\text{-CH(OH)-COO}]_2\text{Ca}$	—	Monomer acid: minimum 83% Calcium: minimum 12%		Declarations to be made on the label or packaging of compound feeding stuffs: — if appropriate, the name (column 2);

<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>
						<p>— 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.</p> <p>— amount of the product contained in the feeding stuff.</p>
	4.1.3. Isopropyl ester of the hydroxylated analogue of methionine	$\begin{array}{l} \text{CH}_3\text{-S-(CH}_2\text{)}_2\text{-} \\ \text{CH(OH)-COO-} \\ \text{CH-(CH}_3\text{)}_2 \end{array}$	—	<p>— Monomer esters: 90% minimum</p> <p>— Humidity: maximum 1%</p>	Dairy cows	<p>Declarations to be made on the label or packaging of the product:</p> <p>— Isopropyl ester of 2-hydroxy-4-methylthiobutanoic acid</p> <p>Declarations to be made on the label or packaging of compound feeding stuffs:</p> <p>— analogue of methionine: Isopropyl ester of 2-hydroxy-4-methylthiobutanoic acid</p> <p>— percentage of incorporation of analogue of methionine in the feed.”.</p>

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, further amend the Feeding Stuffs (Scotland) Regulations 2000 (S.S.I. 2000/453, as already amended) (“the 2000 Regulations”).

These Regulations provide for the enforcement of the following Community Regulations:–

- (a) 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. L 187, 26.7.03, p.11) as amended by Commission Regulation (EC) No. 2112/2003 (O.J. No. L 317, 2.12.03, p.22);
- (b) Commission Regulation (EC) No. 1801/2003 provisionally authorising the new use of a certain micro-organism in feedingstuffs (O.J. No. L 264, 15.10.03, p.16);
- (c) 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. L 269, 21.10.03, p.3);
- (d) 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. L 317, 2.12.2003, p.22).
- (e) Commission Regulation (EC) No. 2154/2003 provisionally authorising certain micro-organisms in feedingstuffs (*Enterococcus faecium* and *Lactobacillus acidophilus*) (O.J. No. L 324, 11.12.2003, p.11).
- (f) Commission Regulation (EC) No. 277/2004 concerning the authorisation without a time limit of an additive in feedingstuffs (O.J. No. L 047, 18.2.2004, p.20).
- (g) Commission Regulation (EC) No. 278/2004 concerning provisional authorisation of a new use of an additive already authorised in feedingstuffs (O.J. No. L 047, 18.2.2004, p.22).
- (h) Commission Regulation (EC) No. 490/2004 provisionally authorising the new use of an additive already authorised in feedingstuffs (*Saccharomyces cerevisiae*) (O.J. No. L 079, 17.3.2004, p.23); (regulation 3 and Schedule 1).

These Regulations also implement Commission Directive 2003/57/EC amending Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed (O.J. No. L 151, 19.6.03, p.38). They modify the controls in the 2000 Regulations regulating the presence of undesirable substances in animal feed by specifying new maximum levels for Dioxin in feed (regulation 4 and Schedule 2).

These Regulations also implement Commission Directive 2003/104/EC authorising isopropyl ester of the hydroxylated analogue of methionine (O.J. No. L 295, 13.11.03, p.83) by amending Schedule 8 to the 2000 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 5 and Schedule 3).

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

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