

## EXECUTIVE NOTE

### The Feeding Stuffs (Scotland) Regulations 2005 SSI/2005/605

The above instrument is made under powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf. The instrument is subject to negative resolution procedure.

#### Policy Objectives

1. The Feeding Stuffs (Scotland) Regulations 2005 will apply to Scotland only. There will be separate but parallel legislation for England, Wales and Northern Ireland.
2. These Regulations implement harmonised EC measures on the marketing, labelling and composition of animal feedingstuffs and include provisions intended to safeguard animal and human health. These provisions cover the authorised additives (vitamins, minerals, colourants, flavourings, binders, etc.) which may be incorporated in animal feed.

#### Legislative Background

3. Feed additive authorisations were subject to the provisions of Directive 70/524/EEC, which was last substantially amended by Directive 96/51/EC. One of the main principles was that only additives on an authorised list could be used in animal feed.
4. EC Regulation 1831/2003, which repealed and replaced Directive 70/524/EEC, strengthens the controls on the authorisation and use of feed additives. It retains the principle that only additives subject to an authorisation based on safety, quality and efficacy may be used in animal feed. Previously, under Directive 70/524/EEC, the competent authority of a Member State presented an application for consideration by the Commission and other Member States prior to authorisation. Under the new regime, new additives and applications for changes to the conditions of authorisation for existing additives will be assessed by the European Food Safety Authority (EFSA). Authorisations will be renewable at ten-year intervals. Existing authorised additives will be re-evaluated using updated criteria.
5. Directive 2004/116/EC adds a new yeast-derived product, *Candida guilliermondii*, to the Annex of Council Directive 82/471/EC which establishes the authorisation and labelling of certain products (bioproteins) in animal feed. This product, which is intended for use in feeds for fattening pigs, extends the existing range of yeast-derived bioproteins authorised for use in animal feed.
6. The Feeding Stuffs (Scotland) Regulations 2000 have been amended seven times since their introduction in September 2000, Food Standards Agency officials and lawyers considered that this was an appropriate

opportunity to consolidate those changes, at the same time as giving effect to the new EC measures.

7. EC Regulation 1831/2003 also applies to certain quasi-medicinal feed additives (principally coccidiostats and histomonostats -- products used to prevent disease in poultry -- and antibiotic growth promoters). Control of these substances is the subject of separate Regulations to be made by the Veterinary Medicines Directorate of the Department for Environment, Food and Rural Affairs (Defra).

### **Consultation**

8. The Food Standards Agency carried out a public consultation in Scotland between 10 March 2005 and 30 June 2005, to seek views on the draft Feeding Stuffs (Scotland) Regulations 2005 from a wide range of stakeholders including consumer organisations, non-governmental organisations, the feed industry, and enforcement authorities. Three Scottish responses were received to the consultation. These responses did not raise any significant issues. This meets the consultation requirements of Article 9 of Regulation (EC) No 178/2002 of the European Parliament and 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.

### **Manpower and Financial Implications for Central and Local Government**

9. The measure may have some implications for central government in that assessment of applications of additive dossiers will no longer be required to be undertaken by Member States' experts. It will principally affect the work of local authority Trading Standards Departments, which are responsible for the enforcement of animal feed legislation. The Local Authorities Co-ordinators of Regulatory Services (LACORS) was invited to comment on costs to local authorities as part of the consultation, but no response on this aspect was received.

### **Effect on the Regulations and Impact on Business and Trade**

10. The Regulatory Impact Assessment at Annex I describes the expected effects of the measure. The main impact is likely to be on feed businesses, where feed additive dossiers are required for the re-evaluation of existing feed additive authorisations, applications for authorisation of silage agents and additional labelling costs. However, these costs have to be balanced against the additional protection of human consumers of livestock products which these measures will confer. The conclusion of the Regulatory Impact Assessment is therefore to recommend that Regulation (EC) 1831/2003 and Directive 2004/116/EC should be implemented in full.

Food Standards Agency Scotland  
November 2005

## **LIST OF CONSULTEES**

A.B.P. Scotland  
Aberdeen University  
Adgens  
AHDA  
Agriculture Industries  
Confederation (AIC)  
AIC Scottish Council  
Allied Distillers  
Alsop Transport Services  
ANM Group Ltd  
Association of Public Analysts  
Assured Chicken Production (ACP)  
Barbour Index  
British Egg Industry Council  
British Egg Products Association  
British Goat Society  
British Hospitality Association  
British Marine Finfish Association  
British Poultry Council  
British Trout Association  
British Veterinary Association  
Caledonian Cheese Company  
Charis Innovative Food Services  
Ltd  
Chilled Food Association Ltd  
Co-operative Group (CWS) Ltd  
Commercial Microbiology Ltd  
CoSLA  
Dairy Herd Health & Productivity  
Service  
Davidson Bros (Shotts) Ltd  
DIAGEO  
Dundas Brothers Ltd  
Dundee College  
Express Dairies Direct Service  
Falkirk Council Development  
Services  
First Milk  
Fisheries Research Services  
Food Certification (Scotland) Ltd  
Food Industry Forum  
Food Training & Consultants  
Company  
FRS Marine Laboratory  
Glasgow Scientific Services  
Glanbia Foods  
Glanbia Milk Ltd  
Glasgow Caledonian University  
Glasgow College of Food  
Technology  
Glasgow University Veterinary  
School  
Glengorm Estate  
Glenside Organics  
Grampian Country Food Group  
Green City Wholefoods  
Greenpeace  
Greggs, Scotland  
Guinness UDV  
Harbro, Scotland  
Independent Farming Group  
Scotland  
James Finlay Ltd  
LACORS  
Landcatch Ltd  
Macaulay Land Research Institute  
Marks & Spencer  
McAusland Cranford  
McIntosh Donald  
Meat & Livestock Commission  
Moray Seafood Ltd  
Moredun Research Institute  
Napier University  
National Beef Association  
Natural Environmental Research  
Council  
NBA Scotland  
NFU Scotland  
North Atlantic Fisheries College  
Organic Food Federation  
Orkney Meat Ltd  
Puremalt Products Ltd  
Quality Meat Scotland  
Quality Trout UK Ltd  
Road Haulage Association Ltd  
Robert Wiseman Dairies  
Roslin Institute  
Rowett Research Institute  
Royal College of Nursing  
Royal Environmental Health  
Institute for Scotland  
S.W.R.I.  
Sandquhar Academy  
Scottish Agriculture College

Scottish Association of Master Bakers  
Scottish Chambers of Commerce  
Scottish Civic Forum  
Scottish Consumer Council  
Scottish Council for Development and Industry  
Scottish Crofting Association  
Scottish Crop Research Institute  
Scottish Dairy Association  
Scottish Egg Producer Retailers Association  
Scottish Environment Protection Agency  
Scottish Environmental Research Centre  
Scottish Federation of Meat Traders  
Scottish Flour Millers Association  
Scottish Food & Drink Federation  
Scottish Food Quality Certification Ltd  
Scottish Local Authorities  
Scottish Quality Salmon  
Scottish Retail Consortium  
Scottish Rural Property and Business Association  
Scottish Salmon Smokers Association  
Scottish Sea Farms Ltd  
Scottish Seed & Nursery Trade Association  
Scottish Water  
SCOTSS  
Sea Fish Industry Authority  
Shetland Salmon Farmers Association  
Shetland Seafood Quality Control  
SIMBOIS  
Small Business Federation Scotland  
Society of CO's Environmental Health in Scotland  
Spitfire Resources  
Strathaird Salmon Ltd  
Tesco Stores Ltd  
The Association of Meat Inspectors  
The Edinburgh Smoked Salmon  
The Halal Food Authority

The Malt Distillers Association of Scotland  
The Robert Gordon University  
The Royal Society of Edinburgh  
The Scotch Whisky Association  
The Scottish Food Safety Officers Association  
Trading Standards Institute  
USDAW  
UK Association of Frozen Food Producers  
UNIQ Prepared Foods  
United Fish Products  
University of Glasgow  
University of Paisley  
Verner Wheelock Associates  
W Forrest & Sons Ltd

2 Members of the Public