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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make further amendments to the Feeding Stuffs (Scotland) Regulations 2005 (S.S.I. 2005/605, as already amended by S.S.I. 2006/16 and S.S.I. 2006/516) (“the Feeding Stuffs Regulations”) and also amend the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 (S.S.I. 2005/608, as already amended by S.S.I. 2005/616) (“the Feed Hygiene Regulations”).

These Regulations provide for the implementation of the following EC Directives—

- (a) Commission Directive 2005/86/EC amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed as regards camphechlor (O.J. No. L 318, 6.12.05, p.16);
- (b) Commission Directive 2005/87/EC amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed as regards lead, fluorine and cadmium (O.J. No. L 318, 6.12.05, p.19); and
- (c) Commission Directive 2006/13/EC amending Annexes I and II to Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed as regards dioxins and dioxin-like PCBs (O.J. No. L 32, 4.2.06, p.44).

The Regulations also implement a provision contained in Council Directive 79/373/EEC on the circulation of compound feedingstuffs (O.J. No. L 86, 6.4.79, p.30), as last amended by Council Regulation (EC) No. 807/2003 (O.J. No. L 122, 16.5.03, p.36). This provision relates to the limits of variation for the declaration of the moisture content of compound pet foods.

The Regulations amend the Feeding Stuffs Regulations—

- (a) in Part B of Schedule 4, by inserting limits of variation for declarations of the moisture content of compound pet foods (regulation 2(2) and Schedule 1);
- (b) in Chapter A of Schedule 5, by amending the existing entries for cadmium, dioxin, fluorine and lead and by adding new entries relating to the sum of dioxins and dioxin-like PCBs (regulation 2(3) and Part I of Schedule 2); and
- (c) in Chapter D of Schedule 5, by amending the existing entries for camphechlor (toxaphene) (regulation 2(4) and Part II of Schedule 2).

The Regulations amend the Feed Hygiene Regulations—

- (a) by inserting a new regulation 24A to give authorised officers of a feed authority powers of entry, sampling, inspection and associated activities in order to carry out the investigative functions required by Directive 2002/32/EC as amended by Commission Directive 2006/13/EC (regulation 3(2)); and
- (b) by amending regulation 27(4) (which deals with disclosure of information related to sampling) so as to extend its application to sampling conducted under regulation 24A (regulation 3(3)).

A full regulatory impact assessment, which includes a compliance cost assessment of the effect that these Regulations will have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency (Scotland), 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.