

EXECUTIVE NOTE

The Feeding Stuffs (Scotland) Amendment and the Feeding Stuffs (Sampling and Analysis) Amendment (Scotland) Regulations 2006 SSI/2006/16

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.

1 Policy Objectives

- 1.1 This instrument transposes Commission Directives 2005/6/EC and 2005/7/EC on procedures for the sampling and analysis of undesirable substances (i.e. contaminants) in animal feed, and Commission Directive 2005/8/EC, which amends existing and introduces new permitted maximum levels for certain of these undesirable substances.

2 Legislative Background

- 2.1 The Feeding Stuffs (Scotland) Regulations 2005 implement harmonised EC measures on the marketing, labelling and composition of animal feedingstuffs. They include provisions intended to safeguard animal and human health, including maximum permitted levels for certain undesirable substances. These are naturally occurring contaminants such as lead, mercury and fluorine, and process contaminants such as dioxins.
- 2.2 The Feeding Stuffs (Sampling and Analysis) Regulations 1999 (as amended) implement harmonised EC procedures for the sampling and analysis of animal feed, including the precise methods to be used in taking samples and conducting analyses, and the form of reporting on the results of such analyses.
- 2.3 Commission Directives 2005/6/EC and 2005/7/EC introduce measurement uncertainty and correction for recovery in the reporting of analytical results, which is necessary because of inherent uncertainties in analytical procedures. Commission Directive 2005/6/EC therefore introduces general provisions relating to these procedures in the interpretation and reporting of analyses of undesirable substances in general, and Commission Directive 2005/7/EC introduces them to the analysis of dioxins and dioxin-like polychlorinated biphenyls (PCBs) in particular.
- 2.4 The maximum permitted levels (MPLs) for many undesirable substances were established some years ago. In accordance with more recent approaches to risk analysis, a review is being undertaken in the light of current scientific data on actual background levels by the relevant scientific panel of the European Food Safety Authority, which has proposed a number of changes. Commission Directive 2005/8/EC introduces an upper limit for mercury in calcium carbonate, amends the existing entry for fluorine in complementary feedingstuffs, and amends the existing MPL for lead in green fodder by inserting a footnote to clarify what the term encompasses.

3 Consultation

- 3.1 The Food Standards Agency carried out a public consultation in Scotland between 1 September 2005 and 30 November 2005, to seek views on the draft regulations from a wide range of stakeholders including consumer organisations, non-governmental organisations, the feed industry, and enforcement authorities. No Scottish responses were received to the consultation.

4 Manpower and Financial Implications for Central and Local Government

- 4.1 These measures will have some implications for laboratories analysing samples of animal feedingstuffs, which will have to apply the new procedures for measurement uncertainty and correction for recovery. It is estimated that there are 4 public analyst laboratories in Scotland. There are unlikely to be any implications for local authority trading standards departments, which are responsible for the enforcement of feedingstuffs legislation, because the Directives do not specify any new or revised levels of sampling and analysis for dioxins and dioxin-like PCBs.

5 Effect on the Regulations and Impact on Business and Trade

- 5.1 The RIA The Regulatory Impact Assessment at Annex 1 describes the expected effects of the measures. Only one of the three Directives is likely to impact on the feed industry, which will need to ensure that it complies with the new or revised MPLs for mercury in calcium carbonate and fluorine in complementary feedingstuffs.

Food Standards Agency Scotland
January 2006

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