

EXECUTIVE NOTE

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 SSI/2005/608

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 Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 apply to Scotland only. There will be separate but parallel legislation for England, Wales and Northern Ireland.
2. These Regulations provide for the execution and enforcement of Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene.

Legislative Background

3. The Feed Hygiene Regulation was one of a number of animal feed measures proposed in the European Commission's White Paper on Food Safety of January 2000. The UK voted in favour when the Regulation was adopted by the Council of Ministers in December 2004 and it contains a number of provisions aimed at improving feed safety. This includes rules to improve the operational standards of feed businesses and traceability to ensure that in the case of a feed contamination incident, feeds can be easily traced and recalled if necessary.
4. Regulation 183/2005 replaces Council Directive 95/69/EC, which required the approval or registration of feed businesses involved in the manufacture, use and marketing of certain feed additives (e.g. vitamins and trace elements). Regulation 183/2005 extends the approval and registration requirement to nearly all feed businesses (with very few exceptions). This includes, for example importers of feed, feed hauliers and storage businesses, livestock farms and arable farms that grow, use or sell crops for feed. Such businesses will have to comply with various standards relating to facilities and equipment, quality control, storage and record-keeping.
5. In Regulation (EC) No 183/2005, national enforcement powers (e.g. penalties, offences and forms of application for approval and registration) are being introduced and these provisions are reflected in Part 2 of The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.
6. The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 also update and enhance existing feed law enforcement powers, (currently set out in the Feeding Stuffs (Enforcement) Regulations 1999 which will be

revoked), mainly to reflect the requirements of EC Regulation 882/2004. These measures are included in Part 4 of the Regulations.

7. EC Regulation No 882/2004 on Official Controls contains provisions for the enforcement of feed and food law, animal health and animal welfare rules. It sets out the general approach that must be taken, and the principles that must be adopted by the authorities in EU Member States that have responsibilities for monitoring and enforcing food and feed law. In relation to animal feed, the Regulation will replace Council Directive 95/53/EC on official inspections in the field of animal nutrition.

Consultation

8. The Food Standards Agency carried out a public consultation in Scotland between 1 June 2005 and 24 August 2005, to seek views on the draft Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 from a wide range of stakeholders including consumer organisations, non-governmental organisations, the feed industry, and enforcement authorities. One Scottish response was received to the consultation. 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. It is expected that there will be additional costs for local authorities in relation to enforcing the EC Regulation 183/2005. This is related to processing applications from businesses for approval/registration, and, from January 2008, making additional checks on such businesses to ensure compliance with the conditions of the legislation. The co-ordinating body for local authorities trading standards (LACORS) has indicated it will submit a detail costed bid for funds in the near future.

Effect on the Regulations and Impact on Business and Trade

10. The RIA completed in respect of the implementation of the EC Feed Hygiene Regulation (Annex I) concludes that the measure will have a benefit on feed safety, that costs to industry should not be disproportionate and that most businesses will have until 2008 to comply. Many businesses already comply with the conditions required under the Regulation. Some businesses may incur additional costs (e.g. related to record-keeping or setting up safety management systems) but, as mentioned above, the Agency will provide guidance on compliance with these measures.

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