Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 4

AGRICULTURE

The Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016

Made - - - -	*11th January 2016*
Coming into operation	*14th February 2016*

The Department of Health, Social Services and Public Safety [F1] makes the following Regulations in exercise of the powers conferred on it by sections 66(1), 68(1), 74A(1) and 84 of the Agriculture Act 1970 [F2], as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000 [F3].

In so far as these Regulations cannot be made under the 1970 Act, the Department of Health, Social Services and Public Safety has been designated for the purposes of section 2(2) of the European Communities Act 1972 [F4] in relation to the common agricultural policy of the European Union [F5], the control and regulation of genetically modified organisms [F6], measures in the veterinary and phytosanitary fields for the protection of public health [F7] and measures relating to feed produced for or fed to food-producing animals [F8], as read with paragraph 1A of Schedule 2 to that Act.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, Social Services and Public Safety that it is expedient for references to the Annexes to the EU instruments mentioned in regulation 2(3) to be construed as references to those Annexes as they may be amended from time to time.

There has been open and transparent public consultation during the preparation of these Regulations in accordance with the requirements of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of 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 [F9] or, in the case of provisions relating to feed for non food-producing animals, of section 84(1) of the Agriculture Act 1970.

F1 Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)

F2 1970 c.40; sections 66(1) and 84 are modified in their application to Northern Ireland by section 86 of the Act and were amended by S.R. 2004 No. 506; section 66(1) was also amended by S.R. 2010 No.323; section 74A was inserted by paragraph 6 of Schedule 4 to the European Communities Act 1972 (c. 68)

F3 S.R. 2000 No.78

F4 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (2008 c.7)
F5 S.I. 2000/2812
F6 S.I. 1991/755
F7 S.I. 1999/2027
F8 S.I. 2003/2901
F9 OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EU) No. 652/2014 of the European Parliament and of the Council (OJ No. L189, 27.6.2014, p.1)

PART 1

Introductory and general

Citation and commencement

1. These Regulations may be cited as the Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016 and come into operation on 14th February 2016.

Interpretation

2.—(1) In these Regulations —

"DARD" means the Department of Agriculture and Rural Development;

[[F10]"Directive 82/475" means, subject to regulation 2(3), Commission Directive 82/475/EEC laying down the categories of feed materials which may be used for the purposes of labelling compound feeding stuffs for pet animals as last amended by Commission Directive 98/67/EEC;

"Directive 2002/32" means, subject to regulation 2(3), Directive 2002/32 of the European Parliament of the Council on undesirable substances in animal feed as last amended by Commission Regulation (EU) 2017/2229;

"Regulation 178/2002" means Regulation (EC) No. 178/2002 of the European Parliament and of 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, as last amended by Regulation (EU) 2017/745 of the European Parliament and of the Council;

"Regulation 1829/2003" means Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed as last amended by Regulation (EC) No. 298/2008;

"Regulation 1831/2003" means, subject to regulation 3(1), Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition as last amended by Commission Regulation (EU) No. 2015/2294;

"Directive 2008/38" means, subject to regulation 2(3), Commission Directive 2008/38/EC establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes as last amended by Commission Regulation (EU) No 1123/2014;

"Regulation 767/2009" means, subject to regulation 2(3), Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC as last amended by Commission Regulation (EU) 2017/2279;**]**

"the Agency" means the Food Standards Agency.

(2) Any expression used in these Regulations and in Regulation 178/2002, Regulation 1831/2003 or Regulation 767/2009 has the meaning in these Regulations that it bears in the EU Regulation concerned.

(3) Any reference to an Annex to Directive 82/475, Directive 2002/32, Directive 2008/38, Regulation 1831/2003 or Regulation 767/2009 is a reference to that Annex as it may be amended from time to time.

(4) These Regulations do not apply to any feed additive in category (d) or (e) of Article 6(1) of Regulation 1831/2003, with the exception of those in the functional groups listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation [F11].

(5) The Interpretation Act (Northern Ireland) 1954 [F12] shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

F10 Words in reg. 2(1) substituted (11.2.2019) by The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019 (S.R. 2019/5), regs. 1(1), **35(2)**

F11 Categories (d) and (e) of Article 6(1) comprise respectively zootechnical additives, and coccidiostats and histomonostats. Functional groups listed in paragraphs 4(a), (b) and (c) of Annex I comprise digestibility enhancers, gut flora stabilisers and substances which favourably affect the environment

F12 1954 c.33 (N.I.)

PART 2

Enforcement of Regulation 178/2002

Interpretation of this Part

3. In this Part any reference to a numbered Article is a reference to the Article so numbered in Regulation 178/2002.

Offence of failing to comply with any specified provision of Regulation 178/2002

4.—(1) Any person who fails to comply with any provision specified in paragraph (2) commits an offence.

(2) The specified provisions are —

(a) Article 12, in so far as it relates to feed (conditions on export or re-export to third countries);

(b) Article 15(1) (prohibition on the placing on the market or feeding to any animal of unsafe feed);

(c) Article 16, in so far as it relates to feed (prohibition on misleading labelling, advertising or presentation);

(d) Article 18(2) and (3) (requirements that operators must have traceability information and make such information available to competent authorities) in so far as they relate to feed business operators; and

(e) Article 20 (responsibilities of feed business operators regarding feed that does not satisfy feed safety requirements).

Competent authorities for the purposes of Regulation 178/2002

5. The competent authority —

(a) for the purposes of Articles 15 and 18 is DARD; and

(b) for the purposes of Article 20 is DARD or the Agency.

PART 3

Enforcement of Regulation 1829/2003

Interpretation of this Part

6. In this Part any reference to a numbered Article is a reference to the Article so numbered in Regulation 1829/2003.

Offence of failing to comply with any specified provision of Regulation 1829/2003

7.—(1) Any person who fails to comply with any provision specified in paragraph (2) commits an offence.

(2) The specified provisions are —

(a) Article 16(2) (prohibition on placing on the market, using or processing a product referred to in Article 15(1) [F13] unless it is covered by an authorisation and satisfies relevant conditions), as read with Article 20(6) (requirement that products in relation to which the Commission has adopted a measure under this Article must be withdrawn from the market);

(b) Article 21(1) (requirement that the authorisation holder and the parties concerned must comply with conditions imposed in an authorisation for that product, and that the authorisation holder must comply with post-market monitoring requirements);

(c) Article 21(3) (requirement that an authorisation holder inform the Commission of any new scientific or technical information about a product which might affect the evaluation of the safety of its use in feed, or of any prohibition or restriction on the feed in a third country); and

(d) Article 25 (requirement for certain labelling indications).

F13 The products referred to in Article 15(1) are genetically modified organisms (GMOs) for feed use, feed containing or consisting of GMOs and feed produced from GMOs

Competent authority for the purposes of Regulation 1829/2003

8. The national competent authority for the purposes of Chapter III of Regulation 1829/2003 is the Agency.

PART 4

Enforcement of Regulation 1831/2003

Interpretation of this Part

9. In this Part any reference to a numbered Article is a reference to the Article so numbered in Regulation 1831/2003.

Offence of failing to comply with any specified provision of Regulation 1831/2003

10.—(1) Any person who fails to comply with any provision specified in paragraph (2) commits an offence.

(2) The specified provisions are —

(a) Article 3(1) (prohibition on placing on the market, processing or using a feed additive unless it is covered by an authorisation and satisfies relevant conditions), as read with paragraph (2) (national authorisation for scientific experimental purposes), paragraph (4) (conditions on mixing of additives) and Article 10 (status of existing products);

(b) Article 3(3) (restriction on the persons who may first place on the market certain additives);

(c) Article 12(1) (requirement that any person using or placing on the market an additive, or a feed into which it has been incorporated, or any other interested party, must ensure that any conditions which have been imposed are respected);

(d) Article 12(2) (requirement on the holder of an authorisation to observe monitoring obligations where they have been imposed, to inform the Commission of any new information about a product which might affect the evaluation of the safety of its use in feed, or of any prohibition or restriction on the feed imposed by the competent authority in a third country);

(e) Article 16(1), (3) and (4) (prohibition on the placing on the market of feed additives or premixtures unless labelled in the specified manner and with prescribed information), as read with paragraph (2) (derogation for certain flavouring compounds); and

(f) Article 16(5) (requirement that additives and premixtures must be marketed only in closed packages or containers which must be closed in such a way that the fastener is damaged on opening and cannot be re-used).

PART 5

Enforcement of Regulation 767/2009

Interpretation of this Part and Schedule 1

11. In this Part and in Schedule 1 any reference to a numbered Article or Annex is a reference to the Article or Annex so numbered in Regulation 767/2009.

Offence of failing to comply with any specified provision of Regulation 767/2009

12.—(1) **[**[F14]A**]** ny person who —

(a) fails to comply with the provisions of Regulation 767/2009 specified in Schedule 1; or

(b) places on the market or uses any feed that fails to comply with Article 6(1) or 8,

commits an offence.