

To: Interested Parties on the attached list

Date: **20th October 2008**

Reference: **NIP 713**

Dear Stakeholder

PUBLIC WRITTEN CONSULTATION

The closing date for comments on this consultation is 28th Nov 2008

The Draft Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2009

Executive Summary

1. This letter seeks your comments on draft Regulations to transpose into law in Northern Ireland two EC measures relating to animal feedingstuffs.
 - Commission Directive 2008/82 of 30 July 2008 amends an existing Annex entry for Directive 2008/38/EC which concerns dietetic feedingstuffs for the support of renal function in case of chronic renal insufficiency for “cats and dogs”.
 - Commission Directive 2008/76/EC of 25 July amends existing maximum permitted levels for certain undesirable substances (fluorine, weed seeds and DDT) in animal feed as set out in Annex I to Directive 2002/32.
2. Member States are required to bring the first of these measures into force no later than 20 February 2009, and the second by 1 April 2009.

10a-c Clarendon Road, Belfast BT1 3BG
Tel: 028 90 417761 Fax: 028 90 417726
E-mail: Anthony.Higgins@foodstandards.gsi.gov.uk



Therefore, we have asked for responses to this consultation within six weeks. This also means that businesses can take advantage of the revised provisions as soon as possible.

3. **Responses are required by 28th November 2008.** When responding, please state whether you are commenting as a private individual or on behalf of an organisation or company.

All comments and views should be sent to:

Anthony Higgins
Primary Production, Feeding Stuffs and Science
Food Standards Agency Northern Ireland
10a-c Clarendon Road, Belfast
BT1 3BG

Telephone: 020 9041 7761

Fax: 020 9041 7726

Or by email to: [<Anthony.Higgins@foodstandards.gsi.gov.uk>](mailto:Anthony.Higgins@foodstandards.gsi.gov.uk)

If you have received this consultation as a paper copy and would prefer to receive consultations on this subject by e-mail in future, please include a request to that effect in your response, otherwise you will continue to receive paper copies of consultations on this subject. If you no longer wish to receive information on this subject please contact the person named above.

Detail of Consultation

EC Directive 2008/82

4. Feedingstuffs for particular nutritional purposes (or dietetic feeds) are non-medicinal feeds intended to meet the nutritional requirements of farmed livestock, pet animals and horses whose metabolism may be permanently or temporarily impaired. Examples of particular nutritional purposes include reduction of the risk of milk fever in dairy cows and compensation for malabsorption of nutrients in poultry.
5. Under the terms of EC Directive 93/74, the composition of dietetic feeds must be capable of achieving the particular nutritional purpose for which they are intended and must have one or more of the 'Essential nutritional characteristics' listed in the Annex to the Directive. Conditions of use for such feeds and labelling requirements are also specified in the Annex, now published in consolidated form as Directive 2008/38 of 5 March 2008.
6. This measure amends the existing entry in Part B of the Annex to Directive 2008/38/EC, which already includes feed with a low level of phosphorus for the particular nutritional purpose 'the support of renal function in case of chronic renal insufficiency' for cats and dogs. Chronic renal insufficiency is a condition seen usually in older cats and dogs. This results from

deterioration of the kidneys resulting in a partial loss of the ability to remove waste products from the blood stream. The amendment concerns the inclusion of a new essential nutritional characteristic, which has been made following advice from the European Food Safety Authority. This permits certain compound feeds containing the specific authorised feed additive Lanthanum carbonate octahydrate to claim a use in the support of renal function in the case of renal insufficiency.

7. This amendment will be of benefit to pet food manufacturers, which will be able to market an increased range of products making appropriate claims for the management of renal insufficiency, and purchasers of pet foods, particularly pet owners who will have access to new products containing an authorised feed additive. It will also have animal health benefits, particularly for adult cats. Pet owners may also benefit because they may not have to use more expensive veterinary products and/or veterinary procedures for the management of renal insufficiency.

EC Directive 2008/76

8. An important safeguard in the protection of animal and human health is the setting of statutory limits for undesirable substances, as defined in regulation 2 of the Feeding Stuffs Regulations (Northern Ireland) 2005. For the most part these are naturally occurring environmental contaminants which may be introduced into the feed either during or as a consequence of its treatment, manufacture and storage. The list of undesirable substances covered by the Regulations also includes a range of organochlorine compounds, chiefly pesticides such as camphechlor, endosulfan, aldrin and dieldrin.
9. EC Directive 2008/76 introduces amendments which are being made following an Opinion from the relevant scientific panel of the European Food Safety Authority to existing maximum permitted levels for certain undesirable substances as laid down in Annex I to Directive 2002/32. This measure will:
 - a) add a new level of 350mg per kg for fluorine in feed for fish. This is because of the increasing use of marine crustaceans such as marine krill in fish feed;
 - b) delete the entries relating to apricots, bitter almond and Camelina;
 - c) delete the entries for two named plant species (*Lolium temulentum* L and *Lolium remotum* Schrank) on the grounds that they are rarely found in Europe or are already controlled by other more general entries or have an alternative use in oilseed production; and
 - d) clarify the existing entry for DDT (sum of DDT, TDE and DDE isomers, expressed as DDT) by substituting “DDT (sum of DDT-, DDD- (or TDE-) and DDE-isomers, expressed as DDT)” and changing the entry for “fats” to “fats and oils”.
10. The amendments described above will be of benefit to: (a) the manufacturers of fish feed, who will be assured that their products meet the new, scientifically verified limits; and (b) those growing arable crops for feed use and feed manufacturers, who will no longer be required to

undertake testing for the possible presence of the named species of weeds. These amendments should also benefit the purchasers and users of feed, who will be assured that the products they use are formulated in line with current scientific knowledge.

11. The Food Standards Agency Northern Ireland (FSANI) considers that neither of these measures will impose any new or additional costs to business or to those responsible for the enforcement of feed legislation (local authority trading standards departments in Great Britain and the Department of Agriculture and Rural Development in Northern Ireland). For these reasons, an Impact Assessment has not been drawn up for the purposes of this public consultation.

Questions

12. It would be helpful to have your views on the proposed implementation of both the above mentioned EC Directives in Regulations in Northern Ireland. There will be separate but parallel consultations on draft Regulations for England, Scotland, and Wales. Your views are sought on the following questions:
 - do you have any comments on the provisions or the wording of the draft Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2009? and;
 - do you have any views on the potential impact of the measures (e.g. are there likely to be any additional costs to industry arising from the implementation of both these new measures)?

We would be grateful if you could quantify any benefits or costs in statistical or financial form.

Queries

13. Enquiries relating to the contents of this letter should be addressed to Anthony Higgins (contact details provided in paragraph 3 above).

Publication of personal data and confidentiality of responses

14. In accordance with the FSA's principle of openness, our Information Centre at Aviation House will hold a copy of the completed consultation documentation. Responses will be open to public access upon request. The Agency will also publish a summary of responses, which may include personal data, such as your full name and contact address details. If you do **not** want this information to be released, please complete and return the Publication of Personal Data Form (Annex B). Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.
15. In accordance with the provisions of Freedom of Information Act 2000 and the Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result

from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will take into account your views when making this decision.

16. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Further information

17. Commission Directive 2008/82/EC of 30 July 2008 was published in the L series of the Official Journal of the European Union on 31 July 2008, page 48. Commission Directive 2008/76/EC of 25 July was published in the L series of the Official Journal of the European Union on 26 July 2008, page 37. An index to the Official Journal can be found on the Commission's website at:

<http://eur-lex.europa.eu/JOIndex.do?ihmlang=en>

18. Attached at Annex A is a list of interested parties to whom this letter is being sent. Please feel free to pass this document to any other parties with an interest in the subject matter, or send us their full contact details, and we will arrange for a copy to be sent to them direct.
19. A copy of this letter and the other documents which make up the consultation package is available on our website at <http://www.food.gov.uk/consultations/> where a summary of the responses received will be published within three months of the consultation's closing date.
20. This consultation has been prepared in accordance with the Cabinet Office's Code of Practice on Consultation, available at: <http://bre.berr.gov.uk/regulation/consultation/code/index.asp> The Consultation Criteria have been reproduced within Annex C.
21. For details about the consultation process (**not** about the content of the consultation) please contact: Food Standards Agency Consultation Co-ordinator, Room 215c Aviation House, 125 Kingsway, London, WC2B 6NH. Tel: 0207 276 8630.
22. This consultation is not being held for the full 12 weeks because of the need to transpose the legislation into national legislation by 20 February 2009 as specified in Directive 2008/82/EC.

Comments on the consultation process itself

23. We are interested in what stakeholders think of this consultation and would therefore welcome your general feedback on both this consultation package and overall consultation process. If you would like to assist us to improve the quality of future consultations, please feel free to share your thoughts with us by using the **Consultation Feedback Questionnaire** which is attached in Annex D.

24. If you would like to be included in future Agency consultations on other topics, please advise us of those subject areas that you might be specifically interested in by using the Feedback Questionnaire.
25. If any of the mailing information used to send you this letter has changed, please advise us direct using the Feedback Questionnaire.
26. Thank you on behalf of the Food Standards Agency Northern Ireland for participating in this public consultation.

Yours faithfully

A handwritten signature in black ink that reads "Kirsten M. Dunbar". The signature is written in a cursive style with a long horizontal flourish underneath.

Kirsten Dunbar
Head of Primary Production, Feeding Stuffs and Science

Enclosures:

The draft Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2009

Annex A: List of interested parties

Annex B: Publication of Personal Data Form

Annex C: Consultation Code of Practice

Annex D: Consultation Feedback Questionnaire

List of Interested Parties

Northern Ireland Food Advisory Committee Members
Agriculture & Environmental Science Division – Feed Analysts
Food Technology Services, Loughry
Eurofins Ltd
General Consumer Council for NI
United Dairy Farmers Ltd
DARD, QAB, Animal Feed
AA Feeds
AB Northern Ireland Ltd
Fane Valley Co-operative
GE McLarnon & Sons Ltd
John Thomspson and Sons Ltd
Moores Animal Feeds
Pedro Pet Foods Ltd
Provita Eurotech Ltd
Roche Products
Scott's Feeds Ltd
Thomas Hutchinson & Sons Ltd
Trouw Nutrition
United Feeds
United Molasses
W&R Barnett Ltd
DARD, Chief Veterinary Officer
AFBI, Chief Executive
Food Safety Authority of Ireland
Food Safety Promotion Board
AGMS Ltd – trading as UNIPET
Contact Marketing NI Ltd
Dandy Dog Foods
Favour Pet Foods
Feedwell Animal Foods Ltd
Mackle Pet Foods
Vet NI
Lisburn Proteins
Livestock and Meat Commission
NI Agricultural Producers' Association
NI Grain Trade Association
NI Meat Exporter's Association
Ulster Farmers Union
Barnett – Hall



[Privacy Statement](#)

The **FOOD STANDARDS AGENCY** is totally committed to complying with the 1998 Data Protection Act principles that protect facts and opinions about the individual. Any personal information that you provide will only be used for a specific purpose. We will not pass on personal information to others outside of our organisation unless the Data Protection Act allows us to do so. *If you have concerns about your personal data please contact the Food Standards Agency Data Protection Officer at Data.Protection@foodstandards.gsi.gov.uk*



Publication of Personal Data

Please note that the Food Standards Agency Northern Ireland may publish details that you supply in legitimate pursuit of the functions of the organisation.

As the publication of responses in full may include personal data (such as your full name and contact address details), would you please let us know if you object to us using this information.

Please tick the box below, complete the relevant details and return this form (together with your response) to indicate your objection.

I **do not** agree to the publication of my personal details.

*** If no objection is received we will assume that you consent to full disclosure of your personal details and these may be published.**

Full Name

Full postal address

To comply with the *Data Protection Act 1998*, it is essential that we keep our records up to date. Would you therefore please inform us if your personal details change in any way.

This form has been issued by:

INSERT FULL CONTACT DETAILS FOR THE POLICY OFFICER HERE

If you have any queries, please contact:

The FSA Data Protection Officer, Ground Floor Aviation House, 125 Kingsway, London WC2B 6NH
Email: Data.Protection@foodstandards.gsi.gov.uk **Tel:** 020 7276 8013

**BETTER REGULATION EXECUTIVE CODE OF PRACTICE ON
CONSULTATION**

THE SIX CONSULTATION CRITERIA

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The Draft Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2009

Consultation Feedback Questionnaire

We would be interested in what you thought of this consultation package. We would be grateful if you could spend a few minutes to complete the following questionnaire and return it even if you do not intend to respond to the consultation itself. Please return the questionnaire no later than **28th November 2008** to:

Anthony Higgins
Primary Production Feeding Stuffs and Science
10a-c Clarendon Road, Belfast
BT1 3BG
Tel: 028 9041 7761
Fax: 028 9041 7726

Or by email to: Anthony.Higgins@foodstandards.gsi.gov.uk

1. How did you become aware of this consultation exercise?

Our consultation list included your/your organisation's name	[]
Via the Food Standards Agency website (www.food.gov.uk)	[]
Via the UK Online website (www.ukonline.gov.uk)	[]
Through a Food Standards Agency publication (please specify title)_____	[]
Other publication (please specify title)_____	[]
Other means (please specify)_____	[]

2. If you / your organisation are not responding to the consultation, is it because:

You are not working on this subject area	[]
The consultation topic is not relevant to you	[]
You do not have the time / resources to reply	[]
Other reason (please specify)	[]

3. Do you feel you were given enough time to respond to the issues / proposals in the consultation?

	YES []
	NO []

4. Were the issues / proposals clearly set out and easy to understand?

	YES []
	NO []

5. Do you have any suggestions on how the consultation package could have been improved?
6. Do you have any other comments about this consultation exercise? (Please continue overleaf if required)
7. If you received this consultation direct, were the contact and address details correct? If not please kindly provide the correct contact details for us to use in the future.
8. Do you still wish to remain on our consultation list?
- YES []
- NO []
9. Are there any other Food Standard Agency subject areas on which you would be interested in receiving future consultations?

<p>Name:.....</p> <p>Organisation:.....</p> <p>.....</p> <p>.....</p> <p>Date:.....</p>
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**THANK YOU FOR TAKING THE TIME TO COMPLETE AND RETURN
THIS FEEDBACK QUESTIONNAIRE**