

Implementation of Regulations on the Uses of Animal Feed Intended for Particular Nutritional Purposes

Summary of stakeholder responses

16 December 2020

Introduction

This consultation was issued on 2 October 2020 and closed on 13 November 2020.

The consultation sought comments from industry, enforcement authorities, and other interested stakeholders on the proposals to draft regulations which provide for the execution of powers and enforcement of Regulation (EU) 2020/354 in England and repeal provisions that implemented Directive 2008/38EC. The FSA has identified no significant change to the requirements for business, or in the regulatory approach undertaken for the implementation of these regulations. The purpose of the EU Regulation is to enable the list of intended uses to be more easily kept up to date and to add clarity to them.

This consultation focused on the implementation of legislation in England to provide for the execution of powers and enforcement of Regulation (EU) 2020/354, only in relation to feed law and animal health and welfare. Parallel and simultaneous consultations exercises were launched in Northern Ireland and Wales.

The FSA is grateful to those stakeholders who responded and sets out in the table below responses in order of the issues considered.

The key proposals on which the consultation sought views were:

- Our assessment of the impacts associated with the implementation of Regulations establishing a list of intended uses of animal feed intended for particular nutritional purposes (PARNUTS) in England.

- How implementation of these Regulations will affect feed businesses and other stakeholders.

The Food Standards Agency responses to stakeholders' comments are given in the last column of the table. Whilst stakeholders were generally in favour of, or did not disagree with the proposed approach, some concerns were raised in relation to the clarification of the previously very general descriptions of a small number of PARNUTS in the EU Regulation. More specific specifications were introduced to enable authorities to verify that certain products would fulfil their respective particular nutritional purpose and to provide clearer guidelines to businesses wishing to market PARNUTS. These concerns have been mitigated for in the Regulations.

A list of stakeholders who responded can be found at the end of the document.

Summary of substantive comments

Question 1 Do you agree with our assessment of the impacts for this regulation?

Respondent	Comment	Response
Agricultural Industries Confederation (AIC)	AIC is in agreement with the assessment of the impacts of the regulation.	Noted
National Office of Animal Health (NOAH)	<p>Yes, NOAH is supportive of the assessment of the impact of the Regulation and the proposals outlined by the Food Standards Agency.</p> <p>NOAH members believe that implementation and enforcement of Regulation (EU) 2020/354 across the UK is necessary and appropriate.</p> <p>While NOAH members recognise that feed and food safety and standards are devolved matters in the UK, in the interests of animal health and welfare and ensuring product availability, a uniform approach to this matter should be taken across the UK.</p>	Noted
Anonymous	I would like to see products from animals fed GM animal feed labelled. Including various gene-editing techniques.	Comments noted but outside the scope of the consultation

Question 2: How will implementation of these Regulations affect you or other stakeholders?

Respondent	Comment	Response
AIC	<p>AIC agrees that the new Regulation will enable the industry to make applications for new feeds for particular nutritional purposes and to amend existing entries on the list.</p> <p>AIC agrees that the Regulation will help ensure that the list of intended uses can be more easily kept up to date.</p> <p>AIC agrees that the transitional arrangements are proportionate.</p>	Noted
NOAH	<p>Raised concerns that the regulatory changes do not lead to existing products needing to be withdrawn or in any way reassessed particularly when they have been on the market for a number of years. This is a particular concern for smaller NOAH members.</p> <p>A pragmatic approach by the FSA is needed to ensure that well established products are not undermined by the way in which this regulation is applied in the UK.</p>	<p>Commission Regulation (EU) 2020/354 repeals and replaces Directive 2008/38/EC and establishes a clearer list of intended uses of animal feeding stuffs for PARNUTS by providing amendment to the provisions concerning the essential nutritional characteristics and the labelling declarations.</p> <p>It has been necessary to clarify the very general descriptions of a small number of PARNUTS by including more specific specifications to enable authorities to verify that certain products would fulfil their respective particular nutritional purpose and to provide clearer guidelines to businesses wishing to market PARNUTS.</p> <p>A lengthy transition period is provided for in the new legislation and this is intended to minimise the risk of products not compliant with the new regulation having to be removed from sale. Feed intended for particular nutritional purposes which has been labelled before 25 March 2022 in accordance with the rules applicable before 25 March 2020 may continue to be placed on the market and used until the existing stocks are exhausted</p>

Respondent	Comment	Response
<p>Dorwest Herbals Ltd</p>	<p>The feed business commented that whilst the company understood the need for updating this regulation, which has been in force for 12 years, they had concerns that one of their products, which was marketed as an Animal Feed Intended for Particular Nutritional Purposes (PARNUT), no longer fitted the description of a PARNUT. This product has been on the market for nearly 30 years and met the requirements in EU Directive 2008/38/EC for two nutritional purposes.</p> <p>They further commented that the impact of the new regulation and the increased requirements of PARNUTs in the proposals outlined in the consultation document would have a significant impact on their ability to continue to produce and supply one of their products. The company was concerned that no impact assessment was carried out and that the FSA had not identified that there would be any significant change to the requirements for business, or in the regulatory approach undertaken.</p> <p>They asked that when considering the proposed amendments and the approach to be taken, that the effect on existing PARNUTS were seriously taken into account.</p>	<p>Commission Regulation (EU) 2020/354 repeals and replaces Directive 2008/38/EC and establishes a clearer list of intended uses of animal feeding stuffs for PARNUTS by providing amendment to the provisions concerning the essential nutritional characteristics and the labelling declarations</p> <p>It has been necessary to clarify the very general descriptions of a small number of PARNUTS by including more specific specifications to enable authorities to verify that certain products would fulfil their respective particular nutritional purpose and to provide clearer guidelines to businesses wishing to market PARNUTS.</p> <p>A lengthy transition period is provided for in the new legislation and this is intended to minimise the risk of products not compliant with the new regulation having to be removed from sale. Feed intended for particular nutritional purposes which has been labelled before 25 March 2022 in accordance with the rules applicable before 25 March 2020 may continue to be placed on the market and used until the existing stocks are exhausted.</p>

Summary of changes made

No changes to the SI were necessary as a result of the consultation responses.

Implementation

The Statutory Instrument was laid on 3 December 2020 and is expected to come into effect on 25 December 2020.

List of respondents

1. Agricultural Industries Confederation (AIC)
2. National Office of Animal Health (NOAH)
3. Anonymous
4. Dorwest Herbals Ltd