EXPLANATORY MEMORANDUM TO

THE FEEDING STUFFS (ENGLAND) (AMENDMENT) REGULATIONS 2006

2006 No. 2808

1. This explanatory memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument transposes Article 1.4 of European Parliament and Council Directive 2002/2/EC on the labelling of compound animal feedingstuffs, which requires the percentage by weight of each ingredient to be declared.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 EC legislation on animal feed includes provisions on the declaration of ingredients on the labelling of compound (manufactured) feeds. Feed manufacturers originally had the option of declaring individual ingredients (e.g. wheat, barley) or categories of ingredients (e.g. cereals). In 2000, the European Commission made a proposal to remove the category option and require the declaration of the percentage inclusion of each ingredient of compound feeds. This proposal was adopted as Directive 2002/2/EC of the European Parliament and of the Council. Percentages declared were subject to a tolerance of +/-15% of the amount stated. An additional provision required manufacturers to disclose exact percentage information to customers on request.

4.2 Directive 2002/2/EC was implemented in UK legislation in 2003 by way of an amendment to the Feeding Stuffs Regulations 2000 (the main national feedingstuffs legislation at that time). Separate but similar Regulations were made in England, Scotland, Wales and Northern Ireland. However, before these Regulations came into force, some UK feed companies applied to the High Court to have the relevant provisions suspended on the basis that they would require the disclosure of commercially sensitive feed formulations. The High Court in England (and the equivalent courts in Scotland, Wales and Northern Ireland) subsequently suspended the relevant provisions and referred Directive 2002/2/EC to the European Court of Justice (ECJ) for a determination of its validity.

4.3 The ECJ ruled in December 2005 that the Directive's requirement for compound feed manufacturers to declare the percentage of each ingredient within a tolerance of +/-15% was proportionate and therefore a valid part of EC law. However, the requirement for manufacturers to disclose exact percentage information to customers on request was rejected by the ECJ as disproportionate and therefore declared invalid.

4.4 Member States are under a legal obligation to implement this ruling by virtue of Article 10 of the Treaty of the European Communities. This Article requires them to take all appropriate measures to fulfill their obligations resulting from action taken by Community institutions (in this case the ECJ).

4.5 The Feeding Stuffs Regulations 2000 and various amendments to it were consolidated as the Feeding Stuffs (England) Regulations 2005, which came into force on 1 January 2006. However, the provisions on percentage ingredient declaration inserted into the Feeding Stuffs Regulations 2000 by amending regulations in 2003 were omitted from the consolidation because they were under suspension by order of the High Court. For the suspension order to continue to exist, the suspended provisions also had to remain in existence. Further amending Regulations are therefore necessary to revoke the provisions that were suspended and to give effect to the judgment of the ECJ by inserting into the Feeding Stuffs (England) Regulations 2005 the requirement for the ingredients of compound feeds to be declared in descending order by weight within a tolerance of +/-15%.

5. Extent

5.1 This instrument applies to England. Separate but parallel legislation will be made for Scotland, Wales and Northern Ireland.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Commission argued that Directive 2002/2/EC introducing percentage ingredient declaration would improve feed safety by improving the traceability of feed ingredients and thus permit the ready identification of potentially contaminated consignments, which would have important benefits for the protection of both human and animal health. This argument was supported by the European Parliament.

7.2 In its ruling, the ECJ agreed with these arguments. However, the ECJ supported only the requirement that percentages be declared within a tolerance of +/-15%. It ruled that the Directive's requirement that exact percentage ingredient information be disclosed to customers on request went beyond what was required to protect public health and would compromise the economic interests of feed manufacturers by undermining their investment in product research and innovation. In balancing protection of the feed industry's intellectual property against public health considerations, it considered that percentage ingredient declaration within a tolerance of +/-15% would assist feed safety and the traceability of ingredients.

8. Impact

8.1 The requirement for percentage declaration of the ingredients of compound feeds was subject to a formal consultation of interested parties when Directive

2002/2/EC was under negotiation in Brussels and when the measure was originally implemented in UK law. In addition, there were several informal consultations with the feed industry on the implications of the legislation.

8.2 More recently, there was a formal public consultation on the draft Regulations to reflect the ECJ's ruling in UK law. The view of some feed companies remains the same as expressed in response to previous consultations, namely that percentage ingredient declarations will make their feed formulations available to competitors and therefore impact on the competitiveness of their businesses. Comments from a number of agricultural organisations reflected this view. These arguments were also presented to the ECJ during the proceedings mentioned above, but were not accepted by it.

8.3 A Regulatory Impact Assessment, which provides more details of the impact of the measure, is attached to this memorandum.

9. Contact

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REGULATORY IMPACT ASSESSMENT

1. TITLE OF THE PROPOSAL

THE FEEDING STUFFS (ENGLAND) (AMENDMENT) REGULATIONS 2006

Implementation of Directive 2002/2/EC of the European Parliament and of the Council of 28 January 2003 amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs and repealing Commission Directive 91/357/EEC.

2. PURPOSE AND INTENDED EFFECT OF THE MEASURE

2.1 These Regulations are intended to provide for the implementation in England of one of the provisions of Council Directive 2002/2/EC, requiring compound animal feeds to be labelled to state the percentage inclusion of each ingredient ("percentage ingredient declaration"). The Regulations implementing Directive 2002/2/EC were to come into force on 6 November 2003, but -- on an application by some UK feed companies -- the provisions of those Regulations which concerned percentage listing were suspended before that date by order of the High Court, pending a reference to the European Court of Justice (ECJ) for a ruling on the validity of the percentage listing provisions of the Directive.

i) The Objective

2.2 The Regulations will re-introduce into law in England an EC measure which requires compound animal feedingstuffs to be labelled with a list of ingredients in descending order by their percentage weight of inclusion, within a tolerance of +/- 15% for each declaration. The Directive containing this measure had originally been brought forward by the Commission as one of a number of pieces of legislation which it was claimed would improve feed safety.

ii) The Background

2.3 Since 1991, the ingredients of compound (i.e. manufactured) animal feeds have had to be declared in descending order by weight, either by category of ingredient or by the specific names of the ingredients. In 2000, the Commission introduced a proposal to delete the category option for feed for farmed livestock and to require ingredients to be declared in descending order by their percentage rate of inclusion. The Commission justified this proposal with a claim that it would improve the traceability of feed materials and transparency for feed purchasers (i.e. livestock farmers).

2.4 Member States, including the UK, supported the deletion of the category option. However, some Member States, again including the UK, argued against the percentage declaration of the ingredients of compound feedingstuffs on the grounds that: it was not required for human food; there had been no calls for it from feed purchasers; and it would add little if anything to the other nutritional and analytical information already required under EC animal feed law. Some feed manufacturers also opposed the proposal on the grounds that by requiring them to declare the

exact formulations of their products it would compromise commercially sensitive research and formulation information.

2.5 The Council and Commission subsequently compromised on declaration in five separate percentage bands, but full percentage declaration was favoured by the European Parliament and the proposal therefore remained deadlocked for over a year. The proposal seemed set for formal reconciliation procedures until another compromise proposal for full percentage listing with a tolerance of +/-15% to allow for variations in declared analyses gained qualified majority support in Council. Feed manufacturers would additionally be obliged to provide customers with exact percentage information on request. This proposal was subsequently accepted by the European Parliament and adopted as Directive 2002/2/EC.

2.6 The UK voted against this compromise proposal, but its obligations as an EU Member State required it to implement the measure in domestic law. The Food Standards Agency therefore consulted on relevant draft Regulations in the first half of 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 (SI 2003/1503) -- which also provided for the implementation of other EC feed measures -- were signed by the then Minister on 8 June 2003. Shortly thereafter, some UK feed companies made an application to the High Court in London to have the provisions of this Statutory Instrument relating to percentage ingredient declaration suspended. They were concerned that revealing commercially sensitive feed formulations in this fashion would jeopardise the intellectual property in which they had invested and make future R&D effort to develop new feed formulations redundant. The feed companies in question further argued that the requirement to declare percentages was not related to the protection of public health and that the Directive therefore had an invalid legal base. The deletion of the option to declare by category for feed for farmed livestock was not contested.

2.7 On 6 October 2003, the High Court in England ruled that the feed companies referred to above had an arguable case, ordering that questions concerning the validity of the relevant parts of Directive 2002/2/EC should be referred to the ECJ for a ruling. The High Court further ordered that the relevant provisions of the implementing Regulations in England should be suspended pending the outcome of the reference. The equivalent courts in Scotland, Wales and Northern Ireland granted similar suspensions of their respective implementing Regulations.

2.8 The ECJ hearing took place on 30 November 2004. The Court's Advocate-General handed down a preliminary opinion on 7 April 2005, partially upholding the provisions of Directive 2002/2/EC. The full judgement was eventually handed down on 6 December 2005 and was as follows:

- the Directive was found to be validly based on the Treaty objective of safeguarding public health (Article 152(4)(b));
- the requirement to label compound feed ingredients within a tolerance of +/-15% was held to be proportionate and therefore valid; and
- the requirement to disclose exact percentage ingredient information to customers on request was found to be disproportionate and therefore invalid.

2.9 The Feeding Stuffs Regulations 2000 (as amended) have since been consolidated as the Feeding Stuffs Regulations 2005, which came into force on 1 January 2006. However, the provisions on percentage ingredient declaration inserted into the Feeding Stuffs Regulations 2000 by the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 were omitted from the consolidation because they were under suspension by order of the High Court. For the suspension order to continue to exist, the suspended provisions also had to remain in existence. Further amending Regulations are therefore necessary to revoke the suspended provisions and insert into the Feeding Stuffs Regulations 2005 a requirement for the ingredients of compound feeds to be declared in descending order by weight within a tolerance of +/-15%.

iii) Rationale for Government Intervention

2.10 Although the UK voted against adoption of percentage ingredient declaration during the negotiation of Directive 2002/2/EC, its obligations as a Member State under Article 10 of the Treaty establishing the European Communities required it to transpose the measure into national legislation. This Article requires Member States to take all appropriate measures to fulfill their obligations resulting from actions taken by Community institutions. For the same reasons, the UK is now under a legal duty to give effect to the ECJ's ruling.

iv) Devolution

2.11 Separate but parallel legislation will be made in Scotland, Wales and Northern Ireland.

3. CONSULTATION

i) Within Government

3.1 Food Standards Agency officials in Scotland, Wales and Northern Ireland have been consulted on the implementation of the ECJ's ruling and are content with the approach being taken. The views of Agriculture Departments (the Scottish Environment and Rural Affairs Department and the Department for Environment, Food and Rural Affairs) and the Small Business Service were sought as part of the consultation exercise. Food Standards Agency officials in Wales and Northern Ireland involved the National Assembly for Wales and the Department of Agriculture and Rural Development in Northern Ireland in their respective consultation exercises. There were no objections to the implementation of this measure.

ii) With the Public

3.2 Previous consultation in 2003 on the implementation of Directive 2002/2/EC revealed opposition from some companies within the feed industry to percentage ingredient declaration, for the reasons given in paragraph 2.6 above. The feed

industry was nevertheless invited to comment further on the issue in the light of the ECJ's ruling upholding part of the Directive.

3.3 There were seven substantive responses to the public consultation in England. In summary, concerns from some feed companies related to the loss of intellectual property, as competitors could copy feed recipes formulated on the basis of the former's research. The respondents maintained that this would risk stifling further innovation in the production of feeds that optimise animal performance and have a financial impact on feed manufacturers through loss of trade.

3.4 Several responses from agricultural organisations also indicated opposition to the measure, although one expressed support for the implementation of the legislation. One organisation representing local authority trading standards departments, which enforce feed legislation, indicated that enforcement will be given a priority proportionate to the relatively low contribution that percentage ingredient declaration makes to feed safety.

4. OPTIONS

4.1 There are in practice only two options open to the UK: non-implementation or full implementation.

i) Non-Implementation

4.2 Percentage ingredient declaration will provide purchasers of manufactured animal feed (chiefly livestock farmers) with information on the amount of each ingredient. However, it is questionable whether a declaration of the ingredients of a compound feed would allow farmers to derive information on its nutrient levels (i.e. the proportions of protein, fibre, oil, etc.).

4.3 Non-implementation of percentage ingredient declaration could also be argued for on the grounds that the Commission is due to embark on a wholesale review and recasting of animal feed labelling, with the aim of replacing four separate Directives (which have all been amended a number of times) with a single all-embracing EC Regulation. Percentage ingredient declaration could be reconsidered as part of this review but a proposed EC Regulation recasting animal feed labelling is not expected to be tabled for discussion until autumn 2007, and subsequent Council and European Parliament co-decision procedures mean that it could be a further two years before an agreement is reached and a new measure adopted.

4.4 However, non-implementation of percentage ingredient declaration would conflict with both the ECJ's ruling which upheld the validity of certain provisions of the Directive and the UK's obligations as a Member State to implement EC law, and would undoubtedly attract infraction proceedings. The costs of such proceedings could include both the costs of a hearing before the ECJ and any penalties imposed by the Court, on application by the Commission, for non-compliance.

ii) Implementation

4.5 The requirement for compound animal feedingstuffs to be labelled to declare the percentage inclusion of each ingredient within a tolerance of +/-15% has been upheld as valid by the ECJ and therefore remains part of Community feed law. Implementation of this requirement in domestic legislation would fulfil the legal duty imposed by the ECJ's ruling and meet the UK's obligations as a Member State under Article 10 of the Treaty establishing the European Communities. This obligation exists independently of any timetable which may be adopted by the Commission for the introduction of a correction to Directive 2002/2/EC to remove the requirement to disclose exact percentages to customers on request.

4.6 The outcome of the Commission's review of feed labelling, mentioned in paragraph 4.3 above, cannot be anticipated. It is possible that a new Council and European Parliament Regulation adopted as a result of that review could maintain the percentage ingredient declaration. Deferment of implementation until the new feed labelling Regulation has been tabled would also breach the UK's obligations as a Member State and significantly increase the likelihood of infraction proceedings against the UK.

5. COSTS AND BENEFITS

i) Sectors and Groups Affected

5.1 The measure will have most effect on feed manufacturers, which will have to revise their labelling and may also have to recalibrate feed production equipment in order to record the percentage inclusion rates of each ingredient. As already indicated, some stakeholders have said that percentage ingredient declaration could also have an impact on some feed manufacturers' future R&D expenditure and on the nutritional expertise and advice currently offered to livestock farmers.

5.2 The measure will also have some impact on the work of local authority trading standards departments, which are responsible for the enforcement of animal feed legislation. This includes checks of feed products to determine the accuracy of labelling declarations. The Local Authorities Co-ordinators of Regulatory Services (LACORS), the co-ordinating body for local authority trading standards departments in England and Wales, was invited to comment on the potential impact of percentage ingredient declaration on local authorities as part of the consultation, but no response was received on this particular issue.

ii) Analysis of Costs and Benefits

5.3 It is difficult to quantify the potential costs and benefits of percentage ingredient declaration for compound feedingstuffs. This is attributable to the absence of information on both the current costs for the labelling of compound feedingstuffs and the potential costs of any new equipment (both machinery and computer software) which may be necessary to label feed in accordance with these new requirements. In addition, some of the potential costs and benefits may be non-monetary in their nature and thus difficult to translate into purely financial terms.

5.4 The costs and benefits could include the following:

Costs

- one-off costs associated with capital expenditure on the acquisition of new plant and equipment;
- continuing costs associated with the need to produce new labels for each production run due to variations in feed formulation;
- a deterrent to investment in new feed formulations because of the need to disclose them on labels;
- negative impact on the international competitiveness of the feed industry due to copying of feed formulations by non-EU rivals, without investment in R&D of their own;
- loss of intellectual property by the feed industry;
- reduced performance from farmed livestock as farmers become less competitive with counterparts in third countries where feed R&D has not been similarly discouraged;
- potential for increased imports from third countries of feed ingredients and animal products produced to both lower costs and lower standards.

Benefits

- enhanced traceability of ingredients, through their listing in full on the label or accompanying document;
- transparency in feed formulations, giving purchasers (chiefly livestock farmers) more informed choice of the quantities which make up their animal rations -- for example, to avoid high levels of particular ingredients or to favour others; and
- increased confidence in the quality of feeds and animal products for human consumption, through the knowledge that feed formulations are open to scrutiny.

5.5 One potential benefit of the EC's ruling, albeit more indirect, is that the rejection of the requirement in Directive 2002/2/EC to provide exact percentage information to customers on request means that feed manufacturers will not now need to invest in the potentially more expensive computer applications which would have been required to maintain precise records of feed mixes.

iii) Summary of Costs and Benefits

5.6 A number of areas of cost and benefit have been identified, but information from stakeholders has not enabled total costings to be estimated. One feed manufacturing company provided some financial information relating to its operations but requested that the Agency treat this as confidential and therefore it has been omitted from this Regulatory Impact Assessment.

6. SMALL FIRMS IMPACT TEST

6.1 Information on the impact on small firms was sought as part of the original consultation in 2003, but data were not provided. Only two small firms responded to that consultation and neither commented specifically on the potential financial impact

on them. Nevertheless, small firm stakeholders were again invited to assess and quantify either the scale of the additional costs they may face or the potential impact of the measure on small firms as a whole. However, no responses were received.

7. COMPETITION ASSESSMENT

7.1 The UK feed industry is highly fragmented, with two large national compounders accounting for nearly 50% of market share. The remainder is divided between smaller compounders that have significant capacity in particular regions or areas of the UK, and co-operative or farmer-controlled compounders that typically have a single mill. The trend, for the past ten years or more, has been towards consolidation, with mergers reducing the number of individual firms and many of the co-operatives converting to limited companies. Reliable statistics on business numbers are difficult to obtain, but the Inter-Departmental Business Register (a database of the Office of National Statistics) for 2004 showed 260 firms with less than ten employees, 105 with less than fifty, 45 with under two hundred and fifty, and 5 with over two hundred and fifty employees. A return from the then HM Customs & Excise for the same year showed that 70 companies had a turnover of over £5million each, while 40 companies had turnovers of less than £50,000.

7.2 However, it is difficult to quantify the potential impact of percentage ingredient declaration on competition within the industry, or the competitive position of the industry vis-a-vis the feed industries of other Member States or non-EC countries in the absence of data on its current financial status -- in particular, on its cost structure, turnover and profit margins. In part this is because these data are not collected, either specifically or in a form which would permit the requisite comparative analysis, and in part because relevant financial data have not been provided in response to consultation exercises.

7.3 One feed manufacturer provided financial and statistical information in support of its argument for the negative impact of percentage ingredient declaration on its business, but -- as stated in paragraph 5.6 above -- requested that the Food Standards Agency treat these data as confidential.

8. ENFORCEMENT, SANCTIONS AND MONITORING

8.1 Enforcement of animal feedingstuffs legislation is the responsibility of local authority trading standards departments in Great Britain and the Department of Agriculture and Rural Development in Northern Ireland (DARDNI). Enforcement includes advice on labelling requirements and the sampling and analysis of feed products to determine the accuracy of labelling declarations for protein, fibre, etc.

8.2 However, there are no officially recognised methods of analysis for many feed ingredients. The accuracy of percentage ingredient declarations would therefore mostly have to be confirmed via examination of manufacturers' records.

8.3 The penalties for non-compliance with feedingstuffs legislation are set out in the Agriculture Act 1970 and in subordinate legislation made under section 2(2) of the European Communities Act 1972, namely the Feed (Hygiene and Enforcement)

(England) Regulations 2005. Non-compliance is to be treated as a criminal offence, and would be subject on conviction to fines and/or imprisonment.

9. IMPLEMENTATION AND DELIVERY PLAN

9.1 The measure will be implemented in England by the Feeding Stuffs (England) (Amendment) Regulations 2006. Separate but parallel legislation will be made in Scotland, Wales and Northern Ireland.

9.2 As stated in paragraph 2.7 above, the relevant provisions of the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 were suspended by order of the High Court on 6 October 2003. It will therefore be necessary to apply to the High Court to lift the suspension order so that these provisions -- currently the only part of the Feeding Stuffs Regulations 2000 (as amended) not to have been revoked and consolidated by the Feeding Stuffs (England) Regulations 2005 -- can be revoked by the amending Regulations and replaced by the provisions necessary to give effect to the ruling of the ECJ as discussed above.

9.3 Draft guidance to the feed industry and enforcement stakeholders on the application of percentage ingredient declaration has been drawn up by the Food Standards Agency which will help businesses to comply with the legislation in a proportionate fashion. This draft guidance is currently subject to public consultation and may be revised in the light of any comments received.

10. POST-IMPLEMENTATION REVIEW

10.1 Within six months of the making of the legislation, the Food Standards Agency will carry out a review of the effects of the measure. This will take the form of a further stakeholder consultation, including the feed and agricultural industries. The results of this review will inform the UK's negotiating position during the Commission's forthcoming review and recasting of feed labelling legislation.

11. SUMMARY AND RECOMMENDATION

11.1 A number of stakeholders who responded to the consultation thought that percentage ingredient declaration of compound feeds was likely to have an impact on the feed manufacturing industry. Respondents also indicated that there may also be some indirect impact on the agriculture industry. The nature of this impact is detailed in the “Consultation” and “Costs and Benefits” sections of this RIA. In summary, the feed industry’s chief concerns are the possible impact on its intellectual property and its future expenditure on research and development of new animal feeds because of the divulgence of commercially sensitive feed formulations.

11.2 This RIA has also outlined the possible benefits of the legislation (in the section on “Costs and Benefits”). It has been difficult to quantity these benefits. However, there are a number of other factors which support the implementation of the measure, as follows:

- the measure will remove the requirement for feed manufacturers to disclose the exact ingredient information to customers, which the ECJ found to be disproportionate;

- the legislation is not new and was adopted in 2002. It was subject to the full co-decision procedure for the adoption of Community legislation with the Council of Agriculture Ministers and the European Parliament. Both the European Parliament and a majority of Member States (14 out of 15) supported it at that time;

- the legislation has been subject to judicial review both in the UK courts and by the European Court of Justice. Although it was argued that percentage ingredient listing is not a significant feed safety measure, the ECJ found that the requirement to label compound feed ingredients within a tolerance of +/-15% was proportionate to its legitimate aims and therefore valid; and

- if the UK did not implement the measure it would be subject to infraction proceedings which would attract a financial penalty. These would be ongoing until such time as the measure was transposed into UK legislation. Any change to EC feed legislation, which might amend the percentage ingredient requirement, could take several years to adopt.

11.3 **For these reasons, it is concluded that the UK must give effect to the ECJ's ruling on the validity of percentage ingredient declaration via the Feeding Stuffs (England) (Amendment) Regulations 2006.**

Option	**Total Costs per annum – Economic, Social, Environmental**	**Total Benefits per annum – Economic, Social, Environmental**
1. Non-implementation	Costs of infraction proceedings (which would be ongoing), plus any financial penalties imposed (the figure would be at the Court's discretion).	Protection of some feed companies' intellectual property and retention of any commercial advantage over third country manufacturers. Maintenance of current level of research into feed formulations and expertise and advice offered to livestock farmers. No additional capital costs from investment in new labelling equipment.

2. Full implementation	Loss of some feed companies' intellectual property and commercial advantage. Possible reduction in research expenditure. Investment in new labelling equipment might be required by some companies. Possible reduction in economic performance of livestock farmers.	Percentage ingredient listing should give enhanced traceability of ingredients, more informed choice to purchasers of animal feeds and increased confidence in the quality of feeds and livestock products through the knowledge that feed formulations are open to scrutiny. Fulfilment of the United Kingdom's EC legal obligations. No infraction proceedings against the UK (with their associated costs and adverse publicity).

12. DECLARATIONS AND PUBLICATIONS

Declaration

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed by the responsible Minister: Caroline Flint_____

Date: 19th October 2006_____

12.1 This Regulatory Impact Assessment, after signature by the responsible Minister, will be published on the website of the Food Standards Agency.

Contact Point

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TRANSPOSITION TABLE

European Parliament and Council Directive 2002/2/EC of 28 January 2002 amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs and repealing Commission Directive 91/357/EEC (*OJ* No L63, 6.3.2002, p. 23)			
Article	**Purpose**	**Implementation**	**Responsibility**
Article 1(4)	To require, for compound feedingstuffs for animals other than pets, the declaration of the feed material ingredients by specific name and in descending order by their percentage weight of inclusion (subject to a tolerance of +/- 15%).	Regulation 2(2) inserting new paragraph 18A in Part I of Schedule 3 to the Feeding Stuffs (England) Regulations 2005.	S of S for Health through implementing Regulations.

Directive 2002/2/EC also makes a number of other amendments to Directive 79/373/EEC which have either been declared invalid by the European Court of Justice (Article 1.1(b)) or have already been transposed into national legislation.