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WELSH STATUTORY INSTRUMENTS

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**2001 No. 3461**

**The Feeding Stuffs and the Feeding Stuffs  
(Enforcement) (Amendment) (Wales) Regulations 2001**

**Title, application and commencement**

1. These Regulations may be cited as the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, shall apply to Wales only and shall come into force on 3rd November 2001.

**Amendment of the Feeding Stuffs (Wales) Regulations 2001**

2. The Feeding Stuffs (Wales) Regulations 2001(1) shall be amended in accordance with regulations 3 to 16 below.

3. In regulation 2 (interpretation) —

(a) in paragraph (1) —

(i) after the definition of “European Economic Area Agreement” there shall be inserted the following definitions—

“European Economic Area approved Article 2.2(d) establishment” (“*sefydliad a gymeradwywyd gan Ardal Economaidd Ewrop ar gyfer Erthygl 2.2(d)*”) means an establishment listed on a register of approved establishments, maintained by a competent authority in a European Economic Area state which is neither the United Kingdom nor a member State, in implementation of Article 5 of the Establishments Directive, as an establishment on which a compound feeding stuff, of any kind the manufacture of which is regulated by Article 2.2(d) of that Directive, may be manufactured with a view to putting it into circulation;

“European Economic Area approved Article 2.2(f) establishment” (“*sefydliad a gymeradwywyd gan Ardal Economaidd Ewrop ar gyfer Erthygl 2.2(f)*”) means an establishment listed on a register of approved establishments, maintained by a competent authority in a European Economic Area state which is neither the United Kingdom nor a member State, in implementation of Article 5 of the Establishments Directive, as an establishment on which a compound feeding stuff, of any kind the production of which is regulated by Article 2.2(f) of that Directive, may be produced for the exclusive requirements of the producer’s holding;

“European Economic Area permitted Article 2.2(d) establishment” (“*sefydliad a ganiateir gan Ardal Economaidd Ewrop ar gyfer Erthygl 2.2(d)*”) means an establishment located in a European Economic Area state which is neither the United Kingdom nor a member State (other than an European Economic Area approved Article 2.2(d) establishment or an establishment which a competent

authority in that European Economic Area state has declined to approve as such an establishment) —

- (a) on which a compound feeding stuff, of any kind the manufacture of which is regulated by Article 2.2(d) of the Establishments Directive, was being manufactured, with a view to putting it into circulation, on 10th March 2000, and
- (b) in respect of which, before 10th August 2000, an application (which is pending) was made to a competent authority in the European Economic Area state concerned, in accordance with any requirements in that State for the making of such applications, to approve the establishment, pursuant to the Establishments Directive, as an establishment on which a compound feeding stuff of any such kind may be manufactured with a view to putting it into circulation;

“European Economic Area permitted Article 2.2(f) establishment” (“*sefydliad a ganiateir gan Ardal Economaidd Ewrop ar gyfer Erthygl 2.2(f)*”) means an establishment located in a European Economic Area state which is neither the United Kingdom nor a member State (other than a European Economic Area approved Article 2.2(f) establishment or an establishment which a competent authority in that European Economic Area state has declined to approve as such an establishment) —

- (a) on which a compound feeding stuff, of any kind the production of which is regulated by Article 2.2(f) of the Establishments Directive, was being produced, for the exclusive requirements of the producer’s holding, on 10th March 2000, and
- (b) in respect of which before 10th August 2000, an application (which is pending) was made to a competent authority in the European Economic Area state concerned, in accordance with any requirements in that State for the making of such applications, to approve the establishment, pursuant to the Establishments Directive, as an establishment on which a compound feeding stuff of any such kind may be produced for the exclusive requirements of the producer’s holding;”;

- (ii) for the definition of “put into circulation”, there shall be substituted the following definition —

““put into circulation” (“*rhoi mewn cylchrediad*”) means sell or otherwise transfer, have in possession with a view to selling or otherwise transferring, or offer for sale, to a third party, but, in regulation 14(3), (4) and (7), also means import into Wales from a country which is neither an European Economic Area state nor part of an European Economic Area state;”;

- (iii) for the definition of “third country” there shall be substituted the following definition —

““third country” (“*trydedd wlad*”) means a country other than an European Economic Area state;”;

- (b) paragraph (2) shall be omitted; and
- (c) in paragraph (8), for the words “these Regulations are made” there shall be substituted the words “the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001 are made”.

4.—(1) In each of the provisions specified in paragraph (2) below, after the words “the Feeding Stuffs (Wales) Regulations 2001” there shall be added the words “as amended by the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001”.

(2) The provisions referred to in paragraph (1) above are regulations 7(1), 24(1) and 25(b).

5. In regulation 7 (limits of variation), for paragraph (3)(a) and (b) there shall be substituted the following paragraphs —

- “(a) the material was first sold, or otherwise put into circulation, in a member State or in a European Economic Area state (other than the United Kingdom) which is not a member State,
- (b) the mis-statement did not, at the time of putting into circulation, exceed any limits of variation prescribed in relation thereto in the State concerned, and”.

6. In regulation 9 (manner of packaging and sealing compound feeding stuffs, additives and premixtures) —

- (a) in paragraph (1), for the words “no person shall sell a compound feeding stuff, or any additive or premixture” there shall be substituted the words “no person shall put into circulation a compound feeding stuff, or sell any additive or premixture”;
- (b) in each of paragraphs (2) and (3), for the word “sold” there shall be substituted the words “put into circulation”; and
- (c) in paragraph 2(a), for the words “or sellers of compound feeding stuffs” there shall be substituted the words “of compound feeding stuffs or those putting them into circulation”.

7.—(1) In each of the provisions specified in paragraph (2) below, for the words “sell, or have in possession with a view to sale” there shall be substituted the words “put into circulation”.

(2) The provisions referred to in paragraph (1) above are regulations 10(3)(b) and (4), 13(1), 15, 16(1) and 17(1).

8. In regulation 10 (control of feed materials) for paragraph (6) there shall be substituted the following paragraphs —

“(6) Without prejudice to sections 73 and 73A, no person shall import into Wales from any country which is neither a member State, nor an European Economic Area state which is not a member State, nor another part of the United Kingdom, supply (otherwise than on sale) or have in possession with a view to so supplying, any feed material, or use any feed material, which is deleterious or dangerous to farmed creatures, to pet animals or, through consumption of the products of any animal fed with the feed material, to human beings.

(6A) No person shall import into Wales from any country which is neither a member State, nor an European Economic Area state which is not a member State, nor another part of the United Kingdom, sell or have in possession with a view to sale, supply (otherwise than on sale) or have in possession with a view to so supplying, any feed material, or use any feed material, which is deleterious to the environment.”(2).

9. In regulation 12 (control of feeding stuffs and feed materials containing undesirable substances) —

- (a) in paragraph (4) —
  - (i) in subparagraph (a)(iii) the word “or” shall be omitted; and
  - (ii) after subparagraph (a)(iv) there shall be added the following provisions —
    - “(v) a European Economic Area approved or permitted Article 2.2(d) establishment or;

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(2) Sections 73 and 73A of the Agriculture Act 1970 were modified, in relation to Wales, by S.I. [2001/343](#).

- (vi) a European Economic Area approved or permitted Article 2.2(f) establishment;” and
- (b) in paragraph (5) —
- (i) for the words “no UK or EC establishment” there shall be substituted the words “no UK, EC or European Economic Area establishment”; and
- (ii) for subparagraph (b) there shall be substituted the following subparagraph —
- “(b) in the case of an EC or a European Economic Area establishment, it is included in the most recently published list (if any) equivalent to the national list in the member State concerned or, as the case may be, in the European Economic Area state concerned.”
- 10.** In regulation 13 (control of compound feeding stuffs containing prohibited materials) —
- (a) in paragraph (1), for subparagraph (e) there shall be substituted the following subparagraph —
- “(e) subject to paragraph (3) below, waste (whether or not subjected, or to be subjected, to further processing) obtained from the treatment of “urban waste water”, “domestic waste water” or “industrial waste water” (as those terms are defined in Article 2 of Council Directive [91/271/EEC](#) concerning urban waste water treatment), whatever the origin of the waste water concerned;”(3) and
- (b) after paragraph (2) there shall be added the following paragraph —
- “(3) For the purposes of paragraph 1(e) above, the term “waste water” shall be construed in accordance with the second paragraph of point 5 of the Annex to Commission Decision [91/516/EEC](#) establishing a list of ingredients whose use is prohibited in compound feeding stuffs.”(4)
- 11.** In regulation 16(2) (control of ash insoluble in hydrochloric acid in compound feeding stuffs) —
- (a) for the word “sale” there shall be substituted the words “putting into circulation”, and
- (b) in subparagraph (a) there shall be added at the end the following words “or in Commission Regulation (EC) No. [2697/2000](#) concerning the provisional authorisations of additives in feedingstuffs”.(5)
- 12.** In regulation 24(2), for the word “regulations” to the end there shall be substituted the following provisions—
- “regulations 9(1)(a) (in relation to putting into circulation), (2) and (3), 10(1) to (4), (6), (6A) and (7), 13(3)(a), (c) and (d), (4), (6) and (7), 14(3), (4), (6), (7) and (9), 15(1), 17, 18(1) and 19(1).”
- 13.** Regulation 27(a), (c) and (d)(ii) shall be revoked.
- 14.** In Schedule 3 (permitted additives and provisions relating to their use) —
- (a) for paragraph 3 there shall be substituted the following paragraph —
- “3.—(1) Subject to subparagraph (2) below, no material shall contain any added colourant named or described in columns 2 and 3 of Part II unless —

(3) OJ No.L135, 30.5.1991, p.40.

(4) OJ No. L281, 9.10.91, p.23. Last amended by Commission Decision [2000/285/EC](#) amending Decision [91/516/EEC](#) establishing a list of ingredients whose use is prohibited in compound feeding stuffs (OJ No. L94, 14.4.2000, p.43).

(5) OJ No. L319, 16.12.2000, p. 1.

- (a) the material is intended for a species or category of animal listed opposite the colourant in question in column 4 of that Part,
- (b) taking into account any such colourant as is naturally present, the maximum content (if any) specified in relation thereto in column 5 of that Part is not exceeded; and
- (c) the material complies with the conditions (if any) specified in relation thereto in column 6 of that Part.

(2) Subparagraph (1) above shall not apply to any added colourant which is intended for use in accordance with Commission Regulation (EC) No. 2697/2000 concerning the provisional authorisations of additives in feedingstuffs.”;

- (b) for the footnote to Part II of the Table (permitted colourants) there shall be substituted the following footnote —

“(2) Note also that certain colourants are permitted by virtue of Commission Regulation (EC) No. 2697/2000 as referred to in Part IX of this Table.”;

- (c) for the entries in columns 1 to 7 of Part V of the Table (trace elements) relating to the element “Copper-Cu”, there shall be substituted the provisions set out in Schedule 1 to these Regulations, and
- (d) for the provisions in Part IX of the Table (European Community Regulations by which additives are controlled) there shall be substituted the provisions set out in Schedule 2 to these Regulations.

**15.** In Schedule 4 (contents of the statutory statement or other declaration (except for additives and premixtures not contained in feeding stuffs)) —

- (a) for paragraph 1 there shall be substituted the following paragraph —

“**1.** The expression “in the case of any compound feeding stuff”, wherever it appears in this Schedule, shall be construed as referring to any compound feeding stuff which is sold or otherwise put into circulation.”;

- (b) in paragraph 2, in subparagraph (a)(iii)(bb), for the words “(or by an appropriate extract from)” to the end there shall be substituted the words “the words “EC additives””;
- (c) in paragraph 7, for subparagraph (c)(ix) there shall be substituted the following provisions —

“(ix) the name or business name, and the address or registered business address, of the person within the European Economic Area responsible for the particulars specified in this subparagraph, if the establishment referred to in paragraph (x) below is not responsible for them;

- (x) where the establishment producing the feed material must be approved in accordance with Council Directive 90/667/EEC laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin, and amending Directive 90/425/EC; the name or business name, and the address or registered business address, of the establishment, the approval number, the batch reference number or any other particulars which ensure that the material can be traced.”; (6)

- (d) in paragraph 9, for subparagraph (1)(a) there shall be substituted the following paragraph —

“(a) originated in a third country, and”;

- (e) in paragraph 14 —
- (i) for subparagraph (1)(c) there shall be substituted the following provision —
- “(c) the approval or registration number allocated, in accordance with Article 5 or, as the case may be, 10, of the Establishments Directive, to the establishment which manufactured the compound feeding stuff; and”;
- (ii) after subparagraph (1)(c) there shall be added the following provision —
- “(d) the name or trade name and address or registered office of the person responsible for the accuracy of the particulars which, in accordance with this Schedule, are required in the case of compound feeding stuffs to be contained in the statutory statement or otherwise declared.”;
- (f) in paragraph 16(2), after the words “whole grain mix” there shall be added the words “which is sold or otherwise put into circulation”;
- (g) in paragraph 17(2), after the words “subparagraph (1) above,” there shall be added the words “which is sold or otherwise put into circulation,”;
- (h) in paragraph 22 there shall be added at the end the following subparagraphs —
- “(d) the identification mark or trade mark of the person responsible for the particulars which, in accordance with this Schedule, are required or permitted in the case of compound feeding stuffs to be contained in the statutory statement or otherwise declared;
- (e) the description or trade name of the feeding stuff;
- (f) the price of the feeding stuff; and
- (g) the country of origin or manufacture of the feeding stuff.”;
- (i) in paragraph 23(1), after the words “complementary feeding stuff which” there shall be added the words “is sold or otherwise put into circulation, and”;
- (j) in paragraph 25(1), after the words “other than pet animals,” there shall be added the words “which is sold or otherwise put into circulation,”; and
- (k) in each of paragraphs 26(1) and 27(1), after the words “feeding stuff intended for a particular nutritional purpose,” there shall be added the words “which is sold or otherwise put into circulation.”.

**16.—(1)** In Schedule 5, in each of the provisions specified in paragraph (2) below, for the word “Community” there shall be substituted the words “Economic Area”.

(2) The provisions referred to in paragraph (1) above are subparagraph 1(a)(iii), (e)(iv) and (f)(v) in Part I of Schedule 5 and subparagraph 2(a)(iv) in Part II of that Schedule.

### **Amendment of the Feeding Stuffs (Enforcement) Regulations 1999**

**17.** The Feeding Stuffs (Enforcement) Regulations 1999(7) shall be amended as follows in relation to Wales —

- (a) in regulation 7(2) and (4), for the references to “the Feeding Stuffs Regulations 1995” there shall be substituted references to “the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs and Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001”;
- (b) for regulation 9, there shall be substituted the following provisions:

**“Modification of section 67(8) of the Agriculture Act 1970**

9. In relation to Wales, section 67(8) of the Act shall (as specified in regulation 7) have effect as if, for the provisions of that subsection, there were substituted the following provisions:

“(8) If the National Assembly for Wales is of the opinion that, in any area covered by an enforcement authority, the Feeding Stuffs (Wales) Regulations 2001, (as amended by the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001), or section 73 or 73A of this Act, have been —

- (a) insufficiently enforced or administered by the authority concerned, or
- (b) enforced or administered by it without sufficient regard to the requirements of Council Directive [95/53/EC](#) fixing the principles governing the organisation of official inspections in the field of animal nutrition, as amended by Council Directive [1999/20/EC](#),

it may appoint one or more inspectors to exercise the powers exercisable by inspectors appointed by the authority in question, and any expenses certified by it as having been incurred by it under this subsection shall be repaid to it on demand by that authority.”(8); and

- (c) in regulation 10, in subsection (17) of section 76 of the Agriculture Act 1970 as modified by that regulation, for the references to “the Feeding Stuffs Regulations 1995” there shall be substituted references to “the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001”.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(9)

16th October 2001

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(8) The reference for Council Directive [95/53/EC](#) is OJ No. L265, 8.11.95, p.17. The reference for Council Directive [1999/20/EC](#) is OJ No. L80, 25.3.99, p.20.

(9) [1998 c. 38](#).