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WELSH STATUTORY INSTRUMENTS

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**2003 No. 989 (W.138)**

**AGRICULTURE, WALES**

**The Feeding Stuffs (Amendment) (Wales) Regulations 2003**

Made - - - - 2nd April 2003

Coming into force - - 1st May 2003

The National Assembly for Wales, being designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Union, in exercise of the powers conferred on him by that section, after consultation as required by 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<sup>(3)</sup>, makes the following Regulations:

**Title, commencement and extent**

1.—(1) These Regulations may be cited as the Feeding Stuffs (Amendment) (Wales) Regulations 2003 and shall come into force on 1st May 2003.

(2) These Regulations shall apply to Wales only.

**Commencement Information**

II Reg. 1 in force at 1.5.2003, see [reg. 1\(1\)](#)

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

2. The Feeding Stuffs (Wales) Regulations 2001<sup>(4)</sup> shall be amended in accordance with regulations 3 to 6.

3. In regulation 2 (interpretation), after the definition of “energy value” in paragraph (1) there shall be inserted the following definition —

““the Enforcement Directive” (“y Gyfarwyddeb Gorfodi”) means Council Directive [95/53/EC](#) fixing the principles governing the organisation of official inspections in the field of

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(1) S.I. [1999/2788](#).

(2) [1972 c. 68](#).

(3) OJ No. L31, 1.2.2002, p.1. Under Article 3 of Regulation (EC) No. [178/2002](#) (OJ No. L31, 1.2.2002, p.1) “food law” extends to feed produced for, or fed to, food producing animals.

(4) S.I. [2001/343 \(W. 15\)](#), amended by S.I. [2002/1797 \(W. 172\)](#).

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animal nutrition<sup>(5)</sup> as amended by Council Directive 1999/20/EC<sup>(6)</sup>, Directive 2000/77/EC of the European Parliament and of the Council<sup>(7)</sup> and Directive 2001/46/EC of the European Parliament and of the Council<sup>(8)</sup>”.

4. In each of regulations 7(1) and 24(1), for the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002” there shall be substituted the expression “, the Feeding Stuffs (Amendment) (Wales) Regulations 2002 and the Feeding Stuffs (Amendment) (Wales) Regulations 2003.”.

5. In regulation 12 (control of feeding stuffs and feed materials containing undesirable substances), for paragraph (9) there shall be substituted the following paragraph —

“(9) Where a person to whom the first paragraph of Article 16a of the Enforcement Directive applies has evidence that any feed material specified in column 2 of Chapter A of Part II of Schedule 7, which he has brought into Wales from a third country or put into circulation and which he holds or owns, contains any substance specified in column 1 of that Chapter in excess of the level specified in relation to it in column 3 of that Chapter, he shall —

- (a) notify the Food Standards Agency and the authority which, by virtue of section 67(1A), has the duty to enforce Part IV of the Act in relation to the feed material concerned; and
- (b) supply them with the information specified in the second paragraph of Article 16a of the Enforcement Directive.”.

6. In Schedule 3 (permitted additives and provisions relating to their use) —

(a) for the footnote to Part VII of the Table (permitted preservatives) there shall be substituted the following footnote —

“(1) Note also that (as referred to in Part IX of this Table) one preservative is permitted by virtue of Commission Regulation (EC) No. 1594/1999<sup>(9)</sup> and one by Commission Regulation (EC) No. 1252/2002<sup>(10)</sup>.”; and

(b) 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 the Schedule to these Regulations.

#### Commencement Information

- I2** Reg. 2 in force at 1.5.2003, see [reg. 1\(1\)](#)
- I3** Reg. 3 in force at 1.5.2003, see [reg. 1\(1\)](#)
- I4** Reg. 4 in force at 1.5.2003, see [reg. 1\(1\)](#)
- I5** Reg. 5 in force at 1.5.2003, see [reg. 1\(1\)](#)
- I6** Reg. 6 in force at 1.5.2003, see [reg. 1\(1\)](#)

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

7.—(1) Insofar as they apply to Wales, the Feeding Stuffs (Enforcement) Regulations 1999<sup>(11)</sup> shall be amended in accordance with paragraphs 2 and 3 of this regulation.

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<sup>(5)</sup> OJ No. L265, 8.11.95, p.17.

<sup>(6)</sup> OJ No. L80, 25.3.99, p.20.

<sup>(7)</sup> OJ No. L333, 29.12.2000, p.81.

<sup>(8)</sup> OJ No. L234, 1.9.2001, p.55.

<sup>(9)</sup> OJ No. L188, 21.7.1999, p.35.

<sup>(10)</sup> OJ No. L183, 12.7.2002, p.10.

<sup>(11)</sup> S.I. 1999/2325.

(2) In each of the provisions specified in paragraph 3, for the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002” there shall be inserted the expression “, the Feeding Stuffs (Amendment) (Wales) Regulations 2002 and the Feeding Stuffs (Amendment) (Wales) Regulations 2003”.

(3) The provisions are regulations 7(2) and (4), the text of subsection (8) of section 67 of the Agriculture Act 1970<sup>(12)</sup> shown as modified by regulation 9 and the text of subsection (17) of section 76 of that Act shown as modified by regulation 10.

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**Commencement Information**

**17** Reg. 7 in force at 1.5.2003, see [reg. 1\(1\)](#)

**Amendment of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999**

**8.**—(1) Insofar as they apply to Wales, the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999<sup>(13)</sup> shall be amended in accordance with paragraph 2 of this regulation.

(2) In paragraph (2) of regulation 2 (definition of “feedingstuff” and related definitions and general interpretation), at the end of the definition of “Directive 95/53” there shall be added the words “, Directive [2000/77/EC](#) of the European Parliament and of the Council and Directive [2001/46/EC](#) of the European Parliament and of the Council”.

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**Commencement Information**

**18** Reg. 8 in force at 1.5.2003, see [reg. 1\(1\)](#)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(14)</sup>

2nd April 2003

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

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<sup>(12)</sup> 1970 c. 40.

<sup>(13)</sup> S.I. 1999/1872, amended by S.I. 2001/2253 (W. 163) and S.I. 2002/1797 (W. 172).

<sup>(14)</sup> 1998 c. 38.

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## SCHEDULE

Regulation 6(b)

**PROVISIONS SUBSTITUTED FOR PART IX OF THE TABLE TO  
SCHEDULE 3 TO THE FEEDING STUFFS (WALES) REGULATIONS 2001**

**Commencement Information**

**19** Sch. in force at 1.5.2003, see [reg. 1\(1\)](#)

**“PART IX**

**EUROPEAN COMMUNITY REGULATIONS  
BY WHICH ADDITIVES ARE CONTROLLED()**

Commission Regulation (EC) No. 2316/98 concerning authorisation of new additives and amending the conditions for authorisation of a number of additives already authorised in feedingstuffs<sup>2</sup>.

Commission Regulation (EC) No. 1594/1999 amending the conditions for the authorisation of an additive in feedingstuffs<sup>3</sup>.

Commission Regulation (EC) No. 2439/1999 on the conditions for authorisation of additives belonging to the group “binders, anti-caking agents and coagulants” in feedingstuffs<sup>4</sup>.

Commission Regulation (EC) No. 1353/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives, new additive uses and new preparations in feedingstuffs<sup>5</sup>.

Commission Regulation (EC) No. 2437/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs<sup>6</sup>.

**1** Certain of the above Regulations relate to additive categories which include additives controlled by the Additives Directive, and which are listed in the relevant Part(s) of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999, but certain other preservatives are covered by Part VII of the Table).

**2** OJ No. L289, 28.10.98, p.4.

**3** OJ No. L188, 21.7.1999, p.35.

**4** OJ No. L297, 18.11.1999, p.8. The Annex to this Regulation is now replaced by the Annex to Regulation (EC) No. 739/2000 (OJ No. L87, 8.4.2000, p.14).

**5** OJ No. L155, 28.6.2000, p.15.

**6** OJ No. L280, 4.11.2000, p.28.

**7** OJ No. L272, 13.10.2001, p.24.

**8** OJ No. L299, 15.11.2001, p.1.

**9** OJ No. L41, 13.2.2002, p.6.

**10** OJ No. L183, 12.7.2002, p.10.

**11** OJ No. L284, 22.10.2002, p.7.

**12** OJ No. L333, 10.12.2002, p.5.

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Commission Regulation (EC) No. 2013/2001 concerning the provisional authorisation of a new additive use and the permanent authorisation of an additive in feedingstuffs<sup>7</sup>.

Commission Regulation (EC) No. 2200/2001 concerning provisional authorisation of additives in feedingstuffs<sup>8</sup>.

Commission Regulation (EC) No. 256/2002 concerning the provisional authorisation of new additives, the prolongation of provisional authorisation of an additive and the permanent authorisation of an additive in feedingstuffs<sup>9</sup>.

Commission Regulation (EC) No. 1252/2002 concerning the provisional authorisation of a new additive in feedingstuffs<sup>10</sup>.

Commission Regulation (EC) No. 1876/2002 concerning the provisional authorisation of a new use of an additive in feedingstuffs<sup>11</sup>.

Commission Regulation (EC) No. 2188/2002 concerning the provisional authorisation of new uses of additives in feedingstuffs<sup>12</sup>.”

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- 1 Certain of the above Regulations relate to additive categories which include additives controlled by the Additives Directive, and which are listed in the relevant Part(s) of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999, but certain other preservatives are covered by Part VII of the Table).
- 2 OJ No. L289, 28.10.98, p.4.
- 3 OJ No. L188, 21.7.1999, p.35.
- 4 OJ No. L297, 18.11.1999, p.8. The Annex to this Regulation is now replaced by the Annex to Regulation (EC) No. 739/2000 (OJ No. L87, 8.4.2000, p.14).
- 5 OJ No. L155, 28.6.2000, p.15.
- 6 OJ No. L280, 4.11.2000, p.28.
- 7 OJ No. L272, 13.10.2001, p.24.
- 8 OJ No. L299, 15.11.2001, p.1.
- 9 OJ No. L41, 13.2.2002, p.6.
- 10 OJ No. L183, 12.7.2002, p.10.
- 11 OJ No. L284, 22.10.2002, p.7.
- 12 OJ No. L333, 10.12.2002, p.5.
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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend the Feeding Stuffs Regulations 2000 (S.I.2000/2481, as already amended) which in so far as they relate to Wales, the Feeding Stuffs (Enforcement) Regulations 1999 (S.I. 1999/2325, as already amended) in so far as they relate to Wales, and the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 (S.I. 1999/1872, as already amended) in so far as they relate to Wales.

2. These Regulations implement —

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- (a) the second sub-paragraph of Article 8.2 of Council Directive [95/53/EC](#) fixing the principles governing the organisation of official inspections in the field of animal nutrition (OJ No. L265, 8.11.95, p.17); and
  - (b) Directive [2001/46/EC](#) of the European Parliament and of the Council amending Council Directive [95/53/EC](#) fixing the principles governing the organisation of official inspections in the field of animal nutrition and Directives [70/524/EC](#), [96/25/EC](#) and [1999/29/EC](#) on animal nutrition (OJ No. L234, 1.9.2001, p.55).
3. These Regulations also provide for the enforcement of the following Community Regulations —
- (a) Commission Regulation [\(EC\) No. 1252/2002](#) concerning the provisional authorisation of a new additive in feedingstuffs (OJ No. L183, 12.7.2002, p.10);
  - (b) Commission Regulation [\(EC\) No. 1876/2002](#) concerning the provisional authorisation of a new use of an additive in feedingstuffs (OJ No. L284, 22.10.2002, p.7); and
  - (c) Commission Regulation [\(EC\) No. 2188/2002](#) concerning the provisional authorisation of new uses of additives in feedingstuffs (OJ No. L333, 10.12.2002, p.5).
4. These Regulations —
- (a) amend the Feeding Stuffs (Wales) Regulations 2001 by —
    - (i) inserting into regulation 2 a definition of the term “the Enforcement Directive” (*regulation 3*),
    - (ii) making consequential amendments to regulations 7(1) and 24(1) (*regulation 4*),
    - (iii) imposing on those responsible for establishments producing products for animal nutrition an obligation to notify the Food Standards Agency and the relevant local authority, and supply them with specified information, if they have evidence that feed materials which they have imported or put into circulation contain certain undesirable substances at levels above the maximum ones prescribed (*regulation 5*), and
    - (iv) adding three new Commission Regulations to the list of Commission Regulations under which authorisation for the marketing of feed additives has been granted, which is contained in Part IX of the Table to Schedule 3, and making a consequential amendment to the footnote to Part VII of that Table (*regulation 6 and the Schedule*); and
  - (b) amend the Feeding Stuffs (Enforcement) Regulations 1999 by making consequential amendments to specified provisions (*regulation 7*), and
  - (c) make consequential amendments to the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 (*regulation 8*).
5. A regulatory impact assessment has been prepared for these Regulations and has been placed in the library of the National Assembly for Wales. Copies may be obtained from the Animal Feed Unit of the Food Standards Agency, 1st Floor, Southgate House, Cardiff, CF10 1EN.

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**Changes and effects yet to be applied to :**

- Regulations revoked in part by [S.I. 2006/116 Sch. 9](#)