
WELSH STATUTORY INSTRUMENTS

2009 No. 106 (W.20)

AGRICULTURE, WALES

The Feeding Stuffs (Wales) (Amendment) Regulations 2009

<i>Made</i>	- - - -	<i>24 January 2009</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>27 January 2009</i>
<i>Coming into force</i>	- -	<i>20 February 2009</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 66(1), 68(1), 69(1), 74A and 84 of the Agriculture Act 1970⁽¹⁾.

There has been consultation during the preparation of these Regulations in accordance with the requirements of section 84(1) of the Agriculture Act 1970 or, as appropriate, of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council⁽²⁾ 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.

Title, commencement and application

1.—(1) The title of these Regulations is The Feeding Stuffs (Wales) (Amendment) Regulations 2009 and they come into force on 20 February 2009.

(2) These Regulations apply in relation to Wales.

Amendment of the Feeding Stuffs (Wales) Regulations 2006

2.—(1) The Feeding Stuffs (Wales) Regulations 2006⁽³⁾ are amended in accordance with paragraphs (2) and (3).

(2) In Schedule 5 (prescribed limits for undesirable substances) —

(a) in Chapter A, in the entries relating to fluorine—

(i) after the last entry in Column 2 add “— complete feeding stuffs for fish”, and

(1) 1970 c. 40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations”. The definition of “the Ministers” was amended by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), Schedule 5, paragraph 1. Functions of “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Section 74A was inserted by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 6.

(2) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 202/2008 (OJ No. L60, 5.3.2008, p.17).

(3) S.I. 2006/116 (W. 14) as amended by S.I. 2006/617 (W.69), S.I. 2006/2928 (W. 263), S.I. 2006/3256 (W. 296), S.I. 2007/3171 (W. 277) and S.I. 2008/1806 (W. 174).

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- (ii) after the last entry in Column 3 add “350”;
- (b) in Chapter C —
- (i) omit the entries relating to *Apricots, Bitter almond and Camelina*;
- (ii) for the entries relating to *Weed seeds etc.* substitute the following —

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Undesirable substances</i>	<i>Products intended for animal feed</i>	<i>Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances, separately or in combination including:	All feeding stuffs	3000
<i>Datura stramonium L.</i>		1000

- (c) in Chapter D, in the entries relating to DDT in column 1, for the expression in parenthesis substitute “(sum of DDT-, DDD- (or TDE-) and DDE-isomers, expressed as DDT)”.
- (3) In Schedule 7 (permitted feeding stuffs intended for particular nutritional purposes and provisions relating to their use), for the entries relating to the support of renal function in the case of chronic renal insufficiency in the first row of the table in Chapter A, substitute the entries set out in the Schedule to these Regulations.

24 January 2009

Gwenda Thomas
Under authority of the Minister for Health and
Social Services, one of the Welsh Ministers

SCHEDULE

Regulation 2(3)

Entries to be substituted for the entries relating to the support of renal function in the case of chronic renal insufficiency in Schedule 7 to the Feeding Stuffs (Wales) Regulations 2006

<i>Particular nutritional purpose</i>	<i>Essential nutritional characteristics</i>	<i>Species or category of animal</i>	<i>Labelling declarations</i>	<i>Recommended length of time for use</i>	<i>Other provisions</i>
Support of renal function in case of chronic renal insufficiency ⁽¹⁾	Low level of phosphorus and restricted level of protein but of high quality	Dogs and cats	— Protein — Calcium — Phosphorus — Potassium — Sodium — Content of essential fatty acids (if added)	Initially up to 6 months ⁽²⁾	Indicate on the package, container or label: “It is recommended that a veterinarian’s opinion be sought before use or before extending the period of use”. Indicate in the instructions for use: “Water should be available at all times”.
	or Reduced phosphorus absorption by means of incorporation of Lanthanum carbonate octahydrate	Adult cats	— Protein — Calcium — Phosphorus — Sodium — Lanthanum carbonate octahydrate — Content of essential fatty acids (if added)	Initially up to 6 months ⁽²⁾	Indicate on the package, container or label: “It is recommended that a veterinarian’s opinion be sought before use or before extending the period of use”. Indicate in the instructions for use: “Water should be available at all times”.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations further amend the Feeding Stuffs (Wales) Regulations 2006 (S.I.2006/116 (W.14) as already amended by S.I. 2006/617 (W.69), S.I. 2006/2928 (W. 263), S.I. 2006/3256 (W.296), S.I. 2007/3171 (W.277) and S.I. 2008/1806 (W.174)) (“the Feeding Stuffs Regulations”).
2. These Regulations provide for the implementation of—
 - (a) Commission Directive 2008/76/EC amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed (OJ No. L198, 26.7.2008, p.37); and
 - (b) Commission Directive 2008/82/EC amending Directive 2008/38/EC as regards feeding stuffs intended for the support of the renal function in case of chronic renal insufficiency (OJ No. L202, 31.7.2008, p.48).
3. In respect of paragraph 2(a), these Regulations amend Schedule 5 (prescribed limits for undesirable substances) to the Feeding Stuffs Regulations. The changes relate to fluorine, certain plant products and DDT.
4. In respect of paragraph 2(b), these Regulations amend the table in Schedule 7 (permitted feeding stuffs intended for particular nutritional purposes and provisions relating to their use) to the Feeding Stuffs Regulations, by replacing the existing entries relating to the support of renal function in cases of chronic renal insufficiency.
5. A full impact assessment has not been prepared for these Regulations as no impact on the voluntary or private sectors is foreseen.