WELSH STATUTORY INSTRUMENTS

2006 No. 617 (W.69)

AGRICULTURE, WALES

The Feeding Stuffs and the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2006

Made - - - -	*7 March 2006*
Coming into force - -	*10 March 2006*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 66(1), 74A, 77(4), 78(6) and 84 of the Agriculture Act 1970(**1**) and by virtue of being designated for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community(**3**) and measures in the veterinary field for the protection of public health(**4**).

There has been consultation in accordance with the requirements of section 84(1) of the Agriculture Act 1970 or as appropriate 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(**5**).

Title, application and commencement

1. The title of these Regulations is the Feeding Stuffs and the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2006, they apply in relation to Wales and come into force on 10 March 2006.

Amendments to the Feeding Stuffs (Wales) Regulations 2006

2.—(1) In Schedule 5 (prescribed limits for undesirable substances) to the Feeding Stuffs (Wales) Regulations 2006(**6**), Chapter A is amended in accordance with paragraphs (2) to (4).

(2) In relation to the entries for fluorine—

(**1**) 1970 c. 40. Functions of "the Secretary of State", so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672. Section 74A was inserted by the European Communities Act 1972 (1972 c. 68.), Schedule 4, paragraph 6.
(**2**) 1972 c. 68.
(**3**) S.I. 2005/2766.
(**4**) S.I. 2003/1246.
(**5**) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).
(**6**) S.I. 2006/116 (W.14).

(a) for the expression "Mineral mixtures for cattle, sheep and goats" in column 2 substitute the expression "Complementary feeding stuffs containing 4% phosphorous or less" and opposite that entry, in column 3 for the figure "2000" substitute "500";

(b) for the expression "Other complementary feeding stuffs" in column 2 substitute the expression "Complementary feeding stuffs containing more than 4% phosphorous" and opposite that entry, in column 3 for the expression "(fluorine content per percentage point phosphorous in the feeding stuff)" substitute "per 1% phosphorous".

(3) In relation to the entries for lead, for the expression "grass meal, lucerne meal or clover meal" in column 2 substitute the expression "green fodder (including products such as hay, silage, fresh grass, etc)".

(4) In relation to the entries for mercury, after the entry "— feed materials produced by the processing of fish or other marine animals" in column 2 insert the entry "— calcium carbonate" and opposite that entry, in column 3 insert the figure "0.3".

Amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

3.—(1) The Feeding Stuffs (Sampling and Analysis) Regulations 1999(**7**) are amended in relation to Wales in accordance with paragraphs (2) to (6).

(2) In regulation 1 (title, commencement and interpretation), at the end of the definition of Directive 2002/70/EC add the expression "as amended by Commission Directive 2005/7/EC(**8**)".

(3) In regulation 6, for paragraph (4) substitute the following—

"(4) Where a sample of a feeding stuff is to be analysed pursuant to—

(a) section 75(1) (sample analysed at the request of the purchaser) of the Act, or

(b) section 78(1) (further analysis by Government chemist) of the Act in so far as that sub-section does not relate to official controls,

and neither paragraph (1) nor (3) applies, the analysis shall be carried out in the like manner as that prescribed by Article 11(1)(a) or as appropriate (b) of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure verification of compliance with feed and food law, animal health and animal welfare rules(**9**).".

(4) In Schedule 2 Part I (general provisions) add the following paragraph—

"**Assessment of compliance in analysis for undesirable substances**

(a) Subject to paragraph (c), in the case of analysis to detect the presence of one or more of the undesirable substances listed in Schedule 5 to the Feeding Stuffs (Wales) Regulations 2006 ("the Schedule"), a feeding stuff which has been sampled and analysed in accordance with these Regulations does not comply with the relevant prescribed limit or limits set out in the Schedule if, after taking into account expanded measurement uncertainty and correction for recovery in accordance with paragraph (b), the analytical result indicates the presence of an undesirable substance in excess of the maximum content specified for that substance in column 3 of the Schedule.

(b) In assessing compliance for the purposes of paragraph (a), the analysed concentration must be corrected for recovery and the expanded measurement uncertainty subtracted from the analytical result.

(**7**) S.I. 1999/1663, as previously amended by S.I. 1999/1871, S.I. 2001/2253 (W.163), S.I. 2002/1797 (W.172), S.I. 2003/1677 (W.180), S.I. 2003/1850 (W.200), S.I. 2003/3119 (W.297), S.I. 2004/1749 (W.186) and S.I. 2006/116 (W.14).
(**8**) OJ No. L27, 29.1.2005, p.41.
(**9**) OJ No. L191, 28.5.2004, p.1.