WELSH STATUTORY INSTRUMENTS

2004 No. 1749 (W.186)

AGRICULTURE, WALES

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004

Made - - - -	*6 July 2004*
Coming into force - -	*9 July 2004*

The National Assembly for Wales, in exercise of the powers conferred by sections 66(1), 74A, 77(4) and 84 of the Agriculture Act 1970 [F1], after consultation as required by section 84(1) of that Act and 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 [F2], and being designated [F3] for the purposes of section 2(2) of the European Communities Act 1972 [F4] in relation to measures relating to feed produced for or fed to food-producing animals, in exercise of the powers conferred by that last mentioned section (in so far as these Regulations cannot be made under the powers of the Agriculture Act 1970 specified above), makes the following Regulations:

F1 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 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.

F2 OJ No. L31, 1.2.2002, p.1. Under Article 3 of the EC Regulation "food law" extends to feed produced for, or fed to, food producing animals.

F3 S.I. 2003/2901.

F4 S.I. 1972 c. 68.

Title, application and commencement

1. These Regulations may be cited as the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004, apply in relation to Wales only and come into force on 9 July 2004.

Amendments to the Feeding Stuffs (Wales) Regulations 2001

2.—(1) The Feeding Stuffs (Wales) Regulations 2001 [F5] are amended in accordance with paragraphs (2) to (5).

(2) In Part V (trace elements) of Schedule 3 (permitted additives and provisions relating to their use), the entries relating to Iron-Fe, Cobalt-Co, Copper-Cu, Manganese-Mn and Zinc-Zn are deleted.

(3) In Part IX (European Community Regulations by which additives are controlled) of Schedule 3 —

(a) the following text is inserted immediately after the reference to Commission Regulation (EC) No. 877/2003“ Commission Regulation (EC) No. 1334/2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group of trace elements[(19)]. Commission Regulation (EC) No. 1801/2003 provisionally authorising the new use of a certain micro-organism in feedingstuffs[(20)]. Commission Regulation (EC) No. 1847/2003 concerning the provisional authorisation of a new use of an additive and the permanent authorisation of an additive already authorised in feedingstuffs[(21)]. Commission Regulation (EC) No. 2112/2003 correcting Regulation (EC) No. 1334/2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group trace elements[(22)]. Commission Regulation (EC) No. 2154/2003 provisionally authorising certain micro-organisms in feeding stuffs[(23)]. Commission Regulation (EC) No. 277/2004 concerning the authorisation without time limit of an additive in feeding stuffs (3-phytase for turkeys for fattening)[(24)]. Commission Regulation (EC) No. 278/2004 provisionally authorising a new use of an additive already authorised in feeding stuffs (preparation of endo-1, 4-beta-xylanase and subtilisin for laying hens)[(25)]. Commission Regulation (EC) No. 490/2004 provisionally authorising the new use of an additive already authorised in feeding stuffs (saccharomyces cerevisiae)[(26)]. ” and

(b) the following text is inserted at the end —

“(19) OJ No. L187, 26.7.2003, p.11.

(20) OJ No. L264, 15.10.2003, p.16.

(21) OJ No. L269, 21.10.2003, p.3.

(22) OJ No. L317, 2.12.2003, p.22.

(23) OJ No. L324, 11.12.2003, p.11.

(24) OJ No. L047, 18.2.2004, p.20.

(25) OJ No. L047, 18.2.2004, p.22.

(26) OJ No. L079, 17.3.2004, p.23.”.

(4) For the entries relating to dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs (toxic equivalency factors, 1997)) PCDD/F which are set out in columns 1 to 3 respectively of Part I (feeding stuffs) of Schedule 7 (prescribed limits for undesirable substances) there are substituted the entries set out in columns 1 to 3 respectively of Schedule 1 to these Regulations.

(5) For the entries relating to analogues of methionine which are set out in columns 1 to 7 respectively of Schedule 8 (control of certain protein sources) there are substituted the entries set out in columns 1 to 7 respectively of Schedule 2 to these Regulations.

F5 S.I. 2001/343 (W. 15), amended by S.I. 2001/3461 (W.280), S.I. 2002/1797 (W.172), S.I. 2003/989 (W. 138), S.I. 2003/1677 (W. 180) and S.I. 2003/1850 (W. 200).

Consequential amendments to the Feeding Stuffs (Wales) Regulations 2001

3.—(1) The Feeding Stuffs (Wales) Regulations 2001 are amended in accordance with paragraphs (2) and (3).

(2) For paragraph (1) of regulation 7 (limits of variation) there is substituted the following paragraph —

> "(1) Section 74(2) has effect as if after the words "this Part of this Act" there were inserted the words "or the Feeding Stuffs (Wales) Regulations 2001 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004.".

(3) For paragraph (1) of regulation 24 (modification of section 74A(3) of the Agriculture Act 1970) there is substituted the following paragraph —

> "(1) For the purposes of the enforcement and administration of the provisions specified in paragraph (2) below section 74A(3) has effect as if for the words "regulations under subsection (1) above, or fails to comply with any other provision of the regulations," there were substituted the words "any provision specified in regulation 24(2) of the Feeding Stuffs (Wales) Regulations 2001 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004.".

Consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

F6 4. . . . . . .

F6 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F6 5. . . . . . .

F6 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F6 6. . . . . . .

F6 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

Consequential amendments to the Feeding Stuffs (Enforcement) Regulations 1999

F6 7. . . . . . .

F6 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F6**8.** . . . . . .

F6 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F6**9.** . . . . . .

F6 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F6**10.** . . . . . .

F6 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F6**11.** . . . . . .

F6 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F7 Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

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

F7 1998 c. 38.

SCHEDULE 1 Regulation 2(4)

ENTRIES TO BE SUBSTITUTED IN PART I OF SCHEDULE 7 TO THE FEEDING STUFFS (WALES) REGULATIONS 2001

"Column 1	*Column 2*	*Column 3*
Dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzo-furans (PCDFs) expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs (toxic equivalency factors, 1997))	All feed materials of plant origin including vegetable oils and by-products	0.75 ng WHO-PCDD/F-TEQ/kg
	Minerals as listed in Section 11 of Part II of Schedule 2	1.0 ng WHO-PCDD/F-TEQ/kg
	Kaolinitic clay, calcium sulphate dihydrate, vermiculite, natrolite-phonolite, synthetic calcium aluminates and clinoptilolite of sedimentary origin belonging to the group "binders, anti-caking agents and coagulants" authorised under Council Directive 70/524/EEC concerning additives in feedingstuffs (OJ No. L270, 14.12.70, p.1)	0.75 ng WHO-PCDD/F-TEQ/kg
	Animal fat, including milk fat and egg fat	2.0 ng WHO-PCDD/F-TEQ/kg
	Other land animal products including milk and milk products and eggs and egg products	0.75 ng WHO-PCDD/F-TEQ/kg
	Fish oil	6 ng WHO-PCDD/F-TEQ/kg
	Fish, other aquatic animals, their products and by-products with the exception of fish oil and fish protein hydrolysates containing more than 20% fat	1.25 ng WHO-PCDD/F-TEQ/kg
	Compound feedingstuffs, with the exception of feedingstuffs for fur animals, pet foods and feedingstuffs for fish	0.75 ng WHO-PCDD/F-TEQ/kg