WELSH STATUTORY INSTRUMENTS

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(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) 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(**3**), 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.

Amendment of the Feeding Stuffs (Wales) Regulations 2001

2. The Feeding Stuffs (Wales) Regulations 2001(**4**) 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 animal nutrition(**5**) as amended by Council Directive 1999/20/EC(**6**), Directive 2000/77/EC of the European Parliament and of the Council(**7**) and Directive 2001/46/EC of the European Parliament and of the Council(**8**);".

(**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).
(**5**) OJ No. L265, 8.11.95, p.17.
(**6**) OJ No. L80, 25.3.99, p.20.
(**7**) OJ No. L333, 29.12.2000, p.81.

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(**9**) and one by Commission Regulation (EC) No. 1252/2002(**10**)."; 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.

Amendment of the Feeding Stuffs (Enforcement) Regulations 1999

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

(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(**12**) shown as modified by regulation 9 and the text of subsection (17) of section 76 of that Act shown as modified by regulation 10.

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(**13**) shall be amended in accordance with paragraph 2 of this regulation.

(**8**) OJ No. L234, 1.9.2001, p.55.
(**9**) OJ No. L188, 21.7.1999, p.35.
(**10**) OJ No. L183, 12.7.2002, p.10.
(**11**) S.I. 1999/2325.
(**12**) 1970 c. 40.
(**13**) S.I. 1999/1872, amended by S.I. 2001/2253 (W. 163) and S.I. 2002/1797 (W. 172).

(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".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**14**)

D. Elis-Thomas
2nd April 2003 The Presiding Officer of the National Assembly

(**14**) 1998 c. 38.