
WELSH STATUTORY INSTRUMENTS

2016 No. 386

**The Animal Feed (Composition, Marketing
and Use) (Wales) Regulations 2016**

PART 4

Enforcement of Regulation 1831/2003

Interpretation of this Part

9. In this Part any reference to a numbered Article is a reference to the Article so numbered in Regulation 1831/2003.

Offence of failing to comply with a specified provision of Regulation 1831/2003

10.—(1) A person commits an offence if that person contravenes or fails to comply with a provision specified in paragraph (2) as read, in the case of sub-paragraph (a) or (e) with Article 2 (transitional provision) of Commission Regulation (EU) No 2015/327 amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards requirements for the placing on the market and conditions of use of additives consisting of preparations ^{M1}.

(2) The specified provisions are—

- (a) Article 3(1) (prohibition on placing on the market, processing or using a feed additive unless it is covered by an authorisation and satisfies relevant conditions), as read with paragraph (2) (national authorisation for scientific experimental purposes), paragraph (4) (conditions on mixing of additives) and Article 10 (status of existing products);
- (b) Article 3(3) (restriction on the persons who may first place on the market certain additives);
- (c) Article 12(1) (requirement that any person using or placing on the market an additive, or a feed into which it has been incorporated, or any other interested party, must ensure that any conditions which have been imposed are respected);
- (d) Article 12(2) (requirement on the holder of an authorisation to observe monitoring obligations where they have been imposed, to inform the [F¹Food Safety Authority] of any new information about a product which might affect the evaluation of the safety of its use in feed, or of any prohibition or restriction on the feed imposed by the competent authority in a third country);
- (e) Article 16(1), (3) and (4) (prohibition on the placing on the market of feed additives or premixtures unless labelled in the specified manner and with prescribed information), as read with paragraph (2) (derogation for certain flavouring compounds); and
- (f) Article 16(5) (requirement that additives and premixtures must be marketed only in closed packages or containers which must be closed in such a way that the fastener is damaged on opening and cannot be re-used).

Textual Amendments

F1 Words in [reg. 10\(2\)\(d\)](#) substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1046\)](#), regs. 1(3), **9(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M1 OJ No L 58, 3.3.2015, p 46.

[^{F2}Transitional provision: withdrawal from the EU

10A. For the purpose of regulation 10(1), as read with regulation 10(2)(e), a person is not considered to have contravened or failed to comply with Article 16(1)(b) of Regulation 1831/2003 if—

- (a) the alleged contravention would relate to a product that was placed on the market on or after the day on which the Food, Animal Feed and Seeds (Miscellaneous Amendments and Transitional Provisions) (Wales) (EU Exit) Regulations 2021 came into force and before the end of 30 September 2022; and
- (b) the matter constituting the alleged contravention or failure to comply would not have constituted a contravention of, or failure to comply with, that Article as it had effect immediately before IP completion day.]

Textual Amendments

F2 [Reg. 10A](#) inserted (14.4.2021) by [The Food, Animal Feed and Seeds \(Miscellaneous Amendments and Transitional Provisions\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/371\)](#), regs. 1(2), 7

Changes to legislation:

There are currently no known outstanding effects for the The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016, PART 4.