
STATUTORY INSTRUMENTS

1998 No. 1047

The Feedingstuffs (Zootechnical Products) Regulations 1998

PART IV

APPROVAL OF INTERMEDIARIES

Applications for the approval of intermediaries

18.—(1) An eligible person may apply to the enforcement authority to be approved as an intermediary who may—

- (a) wrap, package, store or put into circulation any zootechnical additive; or
- (b) wrap, package, store or put into circulation any zootechnical premixture.

(2) An application made under paragraph (1) shall be in writing, in the English language, signed by or on behalf of the applicant, and shall contain the name and address of the applicant, shall specify each activity in relation to which the application is made and (if made by 31st August 1998) whether the activity in question was being exercised by him on 1st April 1998 and shall be accompanied by particulars which demonstrate that the applicant meets the applicable minimum conditions laid down in the Annex to the Establishments Directive.

Approval of intermediaries

19.—(1) Where an application is made under regulation 18 and is accompanied by the relevant fee, the enforcement authority shall (subject to paragraph (2) and regulation 23)—

- (a) check by means of an on the spot verification whether the applicant meets the applicable minimum conditions laid down in the Annex to the Establishments Directive, and
- (b) process the application in accordance with the requirements of the second paragraph of Article 4.1 or the second paragraph of Article 4.2 of the Establishments Directive as applicable.

(2) The obligation imposed on the enforcement authority by paragraph (1)(a) shall not apply if the person who has applied to be approved as an intermediary has lodged a declaration of the type specified in the second paragraph of Article 5.1 of the Establishments Directive with the enforcement authority.

(3) Where the enforcement authority is satisfied that the applicant meets the applicable minimum conditions laid down in the Annex to the Establishments Directive, it shall—

- (a) approve the applicant as an intermediary who may exercise the relevant intermediary activity, and
- (b) register the applicant on the register of approved intermediaries in accordance with Article 5.1 of the Establishments Directive as being an approved intermediary who may exercise that activity.

Amendment of approvals

20.—(1) An eligible person may apply to the enforcement authority to be approved as an approved intermediary who may exercise a further intermediary activity (“the new intermediary activity”)—

- (a) in addition to an intermediary activity which he is already approved to exercise, or
- (b) instead of that activity.

(2) Where an application, complying with regulation 18(2), is made under paragraph (1), the enforcement authority shall (subject to paragraph 23) amend the approval relating to the intermediary, and approve him as an intermediary who may exercise the new intermediary activity, if the enforcement authority is satisfied that, in respect of the new intermediary activity, the applicant meets the applicable minimum conditions laid down in the Annex to the Establishments Directive.

(3) Where, pursuant to paragraph (2), the enforcement authority amends an approval relating to an approved intermediary, it shall update the register of approved intermediaries to show all the intermediary activities that may be exercised by the intermediary.

Withdrawal of approvals

21.—(1) The enforcement authority shall withdraw an approval relating to the exercise of an intermediary activity by an approved intermediary if the enforcement authority is satisfied that the intermediary has ceased exercising that activity.

(2) The enforcement authority shall withdraw an approval relating to the exercise of an intermediary activity by an approved intermediary if, following the procedure in regulation 22, it is not satisfied that the intermediary is complying with the duties imposed on him by regulations 31, 33, 46 or 48 as the case may be.

(3) Where, pursuant to paragraph (1) or (2), the enforcement authority withdraws an approval relating to the exercise of an intermediary activity by an approved intermediary, it shall update the register of approved intermediaries—

- (a) to show any remaining intermediary activity that the intermediary may continue to exercise, or
- (b) by removing the intermediary from the register where, as a result of withdrawing the approval relating to the exercise of the relevant intermediary activity, the intermediary is no longer approved to exercise an intermediary activity of any sort.

Procedure relating to the withdrawal of approvals

22.—(1) Where the enforcement authority proposes to withdraw an approval relating to the exercise of an intermediary activity by an approved intermediary, because it is not satisfied that the intermediary is complying with the duties imposed on him by regulation 31, 33, 46 or 48, as the case may be, the enforcement authority shall not withdraw the approval unless—

- (a) it serves a notice complying with the requirements of paragraph (2) on the intermediary, and
- (b) it is not satisfied, after the time for compliance with that notice has expired, that the intermediary has complied with the requirements specified in the notice.

(2) A notice served by the enforcement authority under paragraph (1) shall—

- (a) state that it proposes to withdraw the approval relating to the intermediary’s exercise of the relevant intermediary activity because it is not satisfied that the intermediary is complying with the duties imposed on him by regulation 31, 33, 46 or 48, as the case may be;
- (b) specify—

- (i) the essential conditions that the enforcement authority is not satisfied that the intermediary is complying with; and
- (ii) the requirements that the intermediary must comply with in order to satisfy the enforcement authority as to compliance with those essential conditions; and
- (c) specify that, unless it is satisfied that the intermediary has complied with the requirements specified in the notice within such reasonable time as is specified in the notice, the intermediary's approval, insofar as it relates to the relevant intermediary activity, will be withdrawn.

Fees

23.—(1) In this regulation, “the relevant fee” in relation to any application means the fee specified opposite the application in question in Part III of Schedule 2, and it shall be payable by a person who applies to the enforcement authority under regulation 18 or 20 to be approved as an intermediary who may exercise an intermediary activity.

(2) Any relevant fee shall be paid at the time the application is submitted to the enforcement authority.

(3) Any unpaid sum due by way of a relevant fee, or any part of such fee, shall be recoverable as a debt.

(4) The enforcement authority need not process any application under regulation 18 or 20, unless the application is accompanied by the relevant fee.

Publication of the national list of approved intermediaries

24. The enforcement authority shall provide the Minister in writing, on demand being made by him, such information as is available to it and which will assist the Minister to comply with the requirements of Article 6.1 of the Establishments Directive relating to the publication of the national list of approved intermediaries.

Interpretation of Part IV

25. In this Part—

“the applicable minimum conditions laid down in the Annex to the Establishments Directive” means the minimum conditions laid down or referred to in—

- (a) point 7 of Chapter I.1(b) of the Annex to the Establishments Directive in the case of an application to approve a person as an intermediary who may exercise the intermediary activity specified in regulation 18(1)(a); and
- (b) point 7 of Chapter I.2(b) of the Annex to the Establishments Directive in the case of an application to approve a person as an intermediary who may exercise the intermediary activity specified in regulation 18(1)(b);

“approved intermediary” means a person approved by the enforcement authority as an intermediary who may exercise an intermediary activity;

“eligible person” means a person who is entitled to apply to the enforcement authority in accordance with the provisions of the first paragraph of Article 4.1 of the Establishments Directive or the first paragraph of Article 4.2 of that Directive to be approved as an intermediary who may exercise an intermediary activity;

“essential conditions” means the essential conditions contained or referred to in—

- (a) point 7 of Chapter I.1(b) of the Annex to the Establishments Directive in the case of the exercise of the intermediary activity specified in regulation 18(1)(a); and

- (b) point 7 of Chapter I.2(b) of the Annex to the Establishments Directive in the case of the exercise of the intermediary activity specified in regulation 18(1)(b); and
“intermediary activity” means an activity specified in paragraph (a) or (b) of regulation 18(1).