
STATUTORY INSTRUMENTS

1999 No. 1872

**The Feeding Stuffs (Establishments
and Intermediaries) Regulations 1999**

PART III

APPROVAL OF INTERMEDIARIES

Applications for the approval of intermediaries

12.—(1) An eligible person may apply to the competent body to be approved as an intermediary who may exercise one or more of the following activities—

- (a) wrapping, packaging, storing and putting into circulation an additive of any kind referred to in the fourth to the ninth indents of Chapter I.1(a) of the Annex,
 - (b) wrapping, packaging, storing and putting into circulation a Directive 82/471 product of any kind referred to in Chapter I.1(a) of the Annex, or
 - (c) wrapping, packaging, storing and putting into circulation a premixture, containing additives of any kind referred to in the fourth or fifth indent of Chapter I.2(a) of the Annex, but not containing a zootechnical additive.
- (2) An application made under paragraph (1) shall—
- (a) be in writing,
 - (b) be in the English language or, where the facilities in respect of which the application is made are situated wholly or partly in Wales, in either that language or the Welsh language,
 - (c) be signed by or on behalf of the applicant,
 - (d) contain the name (or business name) and address of the applicant,
 - (e) identify the intermediary activity which the applicant is exercising or, as the case may be, intends to exercise, and
 - (f) identify the facilities in respect of which the application is made.

(3) A person making an application under paragraph (1) may lodge with the competent body a declaration of the type specified in the second paragraph of Article 5.1 of Directive 95/69.

Approval of intermediaries

13.—(1) Where an application complying with regulation 12(2) is made under paragraph (1) of that regulation, the competent body shall—

- (a) subject to paragraph (2), check by means of an on the spot verification whether the applicant meets the applicable conditions, 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 Directive 95/69, as the case may be.

(2) Paragraph (1)(a) shall not apply in the case of a person who makes an application under regulation 12(1) if—

- (a) he is a person of the kind referred to in the second paragraph of Article 5.1 of Directive 95/69, and
- (b) at the time he makes his application, he lodges with the competent body a declaration of the kind specified in that paragraph.

(3) Where the competent body is satisfied that the applicant—

- (a) meets the applicable conditions, or
- (b) is a person of the kind referred to in paragraph (2)(a) who satisfies paragraph (2)(b),

it shall—

- (A) approve the applicant as an intermediary who may exercise the intermediary activity concerned, and
- (B) in accordance with Article 5.1 of Directive 95/69, as read with Articles 8 and 9 of, and the Annex to, Directive 98/51, enter the applicant on a register, which the competent body shall maintain, under an individual approval number which identifies the applicant, as an intermediary approved for the exercise of that activity.

Amendment of approvals

14.—(1) An eligible person may apply to the competent body to be approved as a person who may exercise an intermediary activity (“the new intermediary activity”)—

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

(2) An application made under paragraph (1) shall—

- (a) be in writing,
- (b) be in the English language or, where the facilities in respect of which the application is made are situated wholly or partly in Wales, in either that language or the Welsh language,
- (c) be signed by or on behalf of the applicant,
- (d) contain the name (or business name) and address of the applicant,
- (e) identify the new intermediary activity which the applicant is exercising or, as the case may be, intends to exercise,
- (f) identify the facilities in respect of which the application is made, and
- (g) state under which sub-paragraph of paragraph (1) the application is made.

(3) Where an application complying with paragraph (2) is made under paragraph (1)—

- (a) regulations 12(3) and 13(1) and (2) shall apply, as if the application were made under regulation 12(1), and
- (b) if the competent body is satisfied that the applicant—
 - (i) meets the applicable conditions, or
 - (ii) is a person who—
 - (A) is of the kind referred to in the second paragraph of Article 5.1 of Directive 95/96, and
 - (B) at the time he made his application, lodged with the competent body a declaration of the kind specified in that paragraph,

it shall approve the applicant as an intermediary who may exercise the new intermediary activity.

(4) Where, pursuant to paragraph (3), the competent body approves an intermediary, it shall amend the register maintained by it under regulation 13(3)(B), to show all the intermediary activities for the exercise of which that intermediary is approved under regulation 13(3)(A) or under paragraph (3).

Withdrawal of approvals

15.—(1) The competent body shall withdraw an approval for the exercise of an intermediary activity by an approved intermediary if the competent body is satisfied that the intermediary has ceased exercising that activity.

(2) The competent body shall withdraw an approval for the exercise of an intermediary activity by an approved intermediary if, following the procedure in regulation 16, the competent body is not satisfied that, in relation to that activity, the intermediary is complying with regulation 45, 49, 62, 66, 77 or 79, as the case may be.

(3) Where, pursuant to paragraphs (1) or (2), the competent body withdraws an approval, it shall amend the register maintained by it under regulation 13(3)(B), by deleting from it the entry recording approval in respect of the intermediary activity for which approval has been withdrawn.

Procedure relating to the withdrawal of approvals

16.—(1) Where, in the circumstances described in regulation 15(2), the competent body proposes to withdraw an approval relating to the exercise of an intermediary activity by an approved intermediary, the competent body shall not withdraw the approval unless—

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

(2) A notice served by the competent body under paragraph (1) shall—

- (a) state that it proposes to withdraw the approval relating to the intermediary activity concerned, because it is not satisfied that the intermediary is complying, in relation to that activity, with regulation 45, 49, 62, 66, 77 or 79, as the case may be;
- (b) specify—
 - (i) the essential conditions it is satisfied that the intermediary is not complying with; and
 - (ii) the requirements that the intermediary must comply with in order to satisfy it as to compliance with those essential conditions; and
- (c) state that, unless it is satisfied that the intermediary has complied with those requirements, within such reasonable time as is specified in the notice, the approval for the exercise of the intermediary activity concerned will be withdrawn.

National lists of approved intermediaries

17. Every competent body shall provide to 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 of Directive 95/69 in relation to lists of approved intermediaries.

Interpretation of Part III

18. In this Part—

“the applicable conditions” means the conditions laid down or referred to in—

- (a) point 7 of Chapter I.1(b) of the Annex, in the case of an application to approve a person as an intermediary who may exercise the intermediary activity specified in regulation 12(1)(a) or who may exercise that specified in regulation 12(1)(b); and
- (b) point 7 of Chapter I.2(b) of the Annex, in the case of an application to approve a person as an intermediary who may exercise the intermediary activity specified in regulation 12(1)(c).

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

“eligible person” means a person who is entitled to apply to the competent body, in accordance with the provisions of the first paragraph of Article 4.1 of Directive 95/69, or the first paragraph of Article 4.2 thereof, to be approved as an intermediary who may exercise an intermediary activity;

“essential conditions” means the essential conditions laid down or referred to in—

- (a) point 7 of Chapter I.1(b) of the Annex, in the case of the exercise of the intermediary activities specified in regulation 12(1)(a) and (b), and
- (b) point 7 of Chapter I.2(b) of the Annex, in the case of the exercise of the intermediary activity specified in regulation 12(1)(c);

“intermediary activity” means an activity specified in paragraph (a), (b) or (c) of regulation 12(1).