
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend in relation to England only the Feeding Stuffs Regulations 2000 (S.I. 2000/2481, as already amended), which extend largely to England only, the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (S.I. 1999/1663, as already amended), which extend to the whole of Great Britain and the Feeding Stuffs (Enforcement) Regulations 1999 (S.I. 1999/2325, as already amended), which extend to the whole of the United Kingdom.

2. These Regulations implement —

- (a) Directive [2002/2/EC](#) of the European Parliament and of the Council amending Council Directive [79/373/EEC](#) on the circulation of compound feedingstuffs and repealing Commission Directive [91/357/EEC](#) (OJ No. L63, 6.3.2002, p.23); and
- (b) Directive [2002/32/EC](#) of the European Parliament and of the Council on undesirable substances in animal feed (OJ No. L140, 30.5.2002, p.10).

3. These Regulations also provide for the enforcement of the following Community Regulations —

- (a) Commission Regulation (EC) No. [261/2003](#) concerning the provisional authorisation of new uses of additives in feedingstuffs (OJ No. L37, 13.2.2003, p.12);
- (b) Commission Regulation (EC) No. [316/2003](#) concerning the permanent authorisation of an additive in feedingstuffs and the provisional authorisation of an additive already authorised in feedingstuffs (OJ No. L46, 20.2.2003, p.15);
- (c) Commission Regulation (EC) No. [666/2003](#) provisionally authorising the use of certain micro – organisms in feedingstuffs (OJ No. L96, 12.4.2003, p.11); and
- (d) Commission Regulation (EC) No. [668/2003](#) concerning the permanent authorisation of an additive in feedingstuffs (OJ No. L96, 12.4.2003, p.14).

4. These Regulations —

- (a) amend the Feeding Stuffs Regulations 2000 (“the 2000 Regulations”) by —
 - (i) in regulation 2(1) (interpretation), deleting the definitions of the terms “national list” and “third country” and any definitions commencing with specified expressions, modifying the definitions of the terms “complementary feeding stuff”, “complete feeding stuff”, “feeding stuff”, “feed material” and “put into circulation”, substituting a new definition of the term “compound feeding stuff” and adding new definitions of the terms “product intended for animal feed” and “undesirable substance” (*regulation 3(a)*),
 - (ii) substituting a revised version of regulation 2(8) (which prescribes how references in the 2000 Regulations to Community instruments are to be construed) (*regulation 3(b)*),
 - (iii) making consequential amendments to regulations 7(1), 25(1) and 25(2) (*regulations 4, 7 and 8*),
 - (iv) substituting for regulation 14 (control of feeding stuffs and feed materials containing undesirable substances), a new and re-titled regulation, which —
 - (aa) omits the provisions contained in the previous regulation which regulated the putting into circulation of feed materials containing undesirable

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substances above prescribed levels, required those possessing non-compliant products in the course of a business to notify the Food Standards Agency and the enforcement authorities of that fact and defined feed material for the purposes of regulation 14, and

- (bb) re-enacts the remaining provisions of the previous regulation 14 with modifications, in particular by replacing the references to the terms “feeding stuff” and “feed material” with references to the term “product intended for animal feed” (*regulation 5*);
 - (v) inserting a new regulation, regulation 19A (provision of information in relation to compound feeding stuffs for animals other than pet animals), which requires suppliers of compound feeding stuffs to provide specified information relating to the feeding stuffs if requested to do so by those to whom they are supplied (*regulation 6*),
 - (vi) adding four new Commission Regulations to the list of Commission Regulations under which authorisation for the marketing of feed additives has been granted which is contained in Part IX of the Table to Schedule 3 (*regulation 9 and the Schedule*),
 - (vii) in Schedule 4 (contents of the statutory statement or other declaration (except for additives and premixtures not contained in feeding stuffs)) modifying the matters relating to compound feeding stuffs which are required to be contained in the statutory statement prescribed by regulation 5 or otherwise declared (*regulation 10*),
 - (viii) in Schedule 7 (prescribed limits for undesirable substances), modifying the headings to columns 1 and 2 of Part I (feeding stuffs) and deleting Part II (feed materials) (*regulation 11*), and
 - (ix) deleting Part II of Schedule 10 (containing the names of the categories of feed materials for use in relation to compound feeding stuffs for animals other than pets by which, prior to the coming into force of these Regulations, it was permissible to declare those compound feeding stuffs in the statement prescribed by regulation 5 (*regulation 12*); and
- (b) make consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 and the Feeding Stuffs (Enforcement) Regulations 1999 (*regulations 13 to 20*).

5. A regulatory impact assessment has been prepared for these Regulations and has been placed in the library of each House of Parliament, together with a transposition note setting out how the main elements of Directives [2002/2/EC](#) and [2002/32/EC](#) have been transposed into domestic law by these Regulations. Copies may be obtained from the Animal Feed Unit of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

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