
EXPLANATORY NOTE

(This note does not form part of the Regulations)

1. These Regulations, which apply to Wales and come into force on 1st March 2001, revoke (regulation 26) and re-enact, with amendments, provisions previously contained in the Feeding Stuffs Regulations 1995. The Regulations implement the European Community Directives and Decision specified below, and provide where necessary for the enforcement of the European Community Regulations listed below.

2. The Regulations apply to farmed animals and pet animals.

3. For the purposes of sections 68(1) and 69(1) of the Agriculture Act 1970 (“the Act”) feeding stuffs, feed materials, additives and premixtures of additives are prescribed in regulation 3. Sellers of these are required to give to purchasers “statutory statements” covering their composition, and containing information or instructions as to their storage, handling and use, and to mark them with that information.

4. The contents of statutory statements and other declarations are prescribed by regulation 4 and Schedules 4 and 5 and their form by regulation 5.

5. Further provisions relevant to statutory statements are contained in regulations 6 and 8.

6. Permitted limits of variation in relation to mis-statements in statutory statements are prescribed (regulation 7 and Schedule 6).

7. The Regulations also —

- (a) provide for meanings to be attributed to names of certain materials for the purposes of section 70 of the Act (which creates an implied warranty that material described by a name to which a meaning has been assigned pursuant to that section accords with the meaning) (regulation 8);
- (b) prescribe the manner in which compound feeding stuffs, additives and premixtures are to be packaged and sealed (regulation 9);
- (c) regulate the putting into circulation of feed materials (regulation 10 and Schedule 2);
- (d) regulate the putting into circulation and use of feeding stuffs containing additives and additives intended to be incorporated in feeding stuffs, and their incorporation therein (regulation 11 and Schedule 3);
- (e) restrict the marketing and use of feeding stuffs containing certain undesirable products and the putting into circulation and mixing of ingredients containing such substances (regulation 12 and Schedule 7);
- (f) prohibit the sale and use of compound feeding stuffs containing certain materials (regulation 13);
- (g) restrict the marketing and use of certain protein sources and non-protein nitrogenous compounds in feeding stuffs (regulation 14 and Schedule 8);
- (h) prohibit the marketing of milk replacement feeds in which the amount of iron falls below specified levels (regulation 15);
- (i) prohibit the marketing of compound feeding stuffs in which the amount of ash insoluble in hydrochloric acid exceeds specified levels (regulation 16);

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- (j) control the marketing of feeding stuffs intended for particular nutritional purposes (dietetic feeds) (regulation 17);
 - (k) modify section 66(1) of the Act to provide new definitions (with consequential provisions) of “feeding stuff” and “premixture”, and section 66(2) (which prescribes the circumstances in which material is to be treated for the purposes of the Act as imported or sold for use as a feeding stuff or used as a feeding stuff) (regulation 18);
 - (l) modify section 69 of the Act in its application to imported feeding stuffs (regulation 19);
 - (m) provide for exemptions from certain requirements of the Regulations (regulations 20 and 21);
 - (n) provide for the enforcement of provisions the legal basis of which is the European Communities Act 1972 (regulation 22) (provisions relating to offences and penalties in relation to contraventions of these Regulations are found in Part IV of the Agriculture Act 1970);
 - (o) modify section 74A of the Act to provide for offences and penalties in relation to matters covered by these Regulations which would not otherwise attract that section (regulation 24);
 - (p) make consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999, the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 and the Feeding Stuffs (Enforcement) Regulations 1999 (regulations 25 to 27); and
 - (q) in implementation of Directive [1999/79/EC](#), amend the Feeding Stuffs (Sampling and Analysis) Regulations 1999 by substituting a revised method of analysis for starch (polarimetric method) (also regulation 25).
- 8.** The Regulations make minor and drafting changes to the superseded Regulations. The following are the main changes to those Regulations —
- (a) the concept of animals “prescribed” for the purposes of the definition of “feeding stuff” in section 66(1) of the Act is removed and replaced in that definition by the concept of “farmed creatures” (regulation 18);
 - (b) the provision in the superseded Regulations whereby statutory statements relating to bulk deliveries of straight feeding stuffs could be given later than at the time of sale is removed;
 - (c) in implementation of Directive [96/24/EC](#) and [96/25/EC](#) and [98/67/EC](#), the concept of “straight feeding stuffs” is removed, as are all the controls previously applying to such feeding stuffs. The replacement concept is that of “feed materials” and the Regulations contain detailed new rules relating to the use, labelling and putting into circulation of such materials, both alone and when incorporated in compound feeding stuffs. Schedule 2 contains an exhaustive list of feed materials (see also regulation 10 and paragraphs 7 to 13 of Part I of Schedule 4);
 - (d) the provisions in the superseded Regulations under which certain enzymes and micro-organisms covered by Directive [93/113/EEC](#) could be marketed lawfully in Wales are removed;
 - (e) new provisions are included which regulate the mixing of non-zootechnical additives, the mixing of micro-organisms with zootechnical additives and the incorporation of additives in feed materials. The requirements as to putting into circulation of additives are disapplied in the case of those intended for export to a third country (regulation 11);
 - (f) certain requirements as to marketing of protein sources in feeding stuffs are disapplied where export to a third country is intended (regulation 14);
 - (g) new labelling requirements relating to micro-organisms are introduced, including micro-organisms in feeding stuffs and premixtures (Schedules 4 and 5);

- (h) provisions are incorporated reflecting the approval in a number of European Community Regulations of various new additives, or new or changed additive uses. In some cases these provisions replace provisions previously contained in the Table to Schedule 4 of the superseded Regulations (regulation 11 and Part IX of Schedule 3).

9. The European Community legislation implemented or supplemented by these Regulations comprises —

- (a) Council Directive [70/524/EEC](#) (OJ No. L270, 14.12.70, p.1. (OJ/SE Vol. 18, p.4), concerning additives in feeding stuffs (subject to exceptions), as amended or supplemented by the following—

- Commission Directive [91/248/EEC](#) (OJ No. L124, 18.5.91, p.1).
- Commission Directive [91/249/EEC](#) (OJ No. L124, 18.5.91, p.43).
- Commission Directive [91/336/EEC](#) (OJ No. L185, 11.7.91, p.31).
- Commission Directive [91/508/EEC](#) (OJ No. L271, 27.9.91, p.67).
- Commission Directive [92/64/EEC](#) (OJ No. L221, 6.8.92, p.51).
- Commission Directive [92/113/EEC](#) (OJ No. L16, 25.1.93, p.2).
- Commission Directive [93/27/EEC](#) (OJ No. L179, 22.7.93, p.5).
- Commission Directive [93/55/EEC](#) (OJ No. L206, 18.8.93, p.11).
- Council Directive [93/114/EC](#) (OJ No. L334, 31.12.93, p.24).
- Commission Directive [94/17/EC](#) (OJ No. L105, 26.9.94, p.19).
- Commission Directive [94/41/EC](#) (OJ No. L209, 12.8.94, p.18).
- Council Directive [95/69/EC](#) (OJ No. L332, 30.12.95, p.15).
- Commission Directive [96/7/EC](#) (OJ No. L51, 1.3.96, p.45).
- Council Directive [96/25/EC](#) (OJ No. L125, 23.5.96, p.35).
- Council Directive [96/51/EC](#) (OJ No. L235, 17.9.96, p.39).
- Commission Directive [97/72/EC](#) (OJ No. L351, 23.12.97, p.55).
- Commission Regulation (EC) No. [2316/98](#) (OJ No. L289, 28.10.98, p.4).
- Commission Regulation (EC) No. [2785/98](#) (OJ No. L347, 23.12.98, p.21).
- Council Directive [1999/20/EC](#) (OJ No. L80, 25.3.1999, p.20).
- Commission Regulation (EC) No. [1594/1999](#) (OJ No. L188, 21.7.1999, p.35).
- Commission Regulation (EC) No. [2293/1999](#) (OJ No. L284, 6.11.1999, p.1).
- Commission Regulation (EC) No. [2439/1999](#) (OJ No. L297, 18.11.1999, p.8).
- Commission Regulation (EC) No. [2690/1999](#) (OJ No. L326, 18.12.1999, p.33).
- Commission Regulation (EC) No. [654/2000](#) (OJ No. L79, 30.3.2000, p.26).
- Commission Regulation (EC) No. [739/2000](#) (OJ No. L87, 8.4.2000, p.14).
- Commission Regulation (EC) No. [1353/2000](#) (OJ No. L155, 28.6.2000, p.15).

The exceptions are provisions relating to non-feed uses in Article 9k.1, and provisions relating to additives classified as antibiotics, coccidiostats and other medicinal substances and growth promoters (in respect of which implementation is covered by the Feedingstuffs (Zootechnical Products) Regulations 1999 (S.I. 1999/1871));

- (b) Council Directive [79/373/EEC](#) (OJ No. L86, 6.4.79, p.30) on the marketing of compound feeding stuffs, as amended or supplemented by the following—

- Commission Directive [80/509/EEC](#) (OJ No. L126, 21.5.80, p.9).

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- Commission Directive [80/511/EEC](#) (OJ No. L126, 21.5.80, p.14).
Commission Directive [80/695/EEC](#) (OJ No. L188, 22.7.80, p.23).
Commission Directive [82/475/EEC](#) (OJ No. L213, 21.7.82, p.27).
Commission Directive [82/957/EEC](#) (OJ No. L386, 31.12.82, p.42).
Council Regulation [85/3768/EEC](#) (OJ No. L362, 31.12.85, p.8).
Commission Directive [86/174/EEC](#) (OJ No. L130, 16.5.86, p.53).
Council Directive [86/354/EEC](#) (OJ No. L212, 2.8.86, p.27).
Commission Directive [87/235/EEC](#) (OJ No. L102, 14.4.87, p.34).
Council Directive [90/44/EEC](#) (OJ No. L27, 31.1.90, p.35).
Commission Directive [91/334/EEC](#) (OJ No. L184, 10.7.91, p.27).
Commission Directive [91/357/EEC](#) (OJ No. L193, 17.7.91, p.34).
Commission Decision [91/516/EEC](#) (OJ No. L281, 9.10.91, p.23).
Commission Directive [92/87/EEC](#) (OJ No. L319, 4.11.92, p.19).
Commission Decision [92/508/EEC](#) (OJ No. L312, 29.10.92, p.36).
Council Directive [93/74/EEC](#) (OJ No. L237, 22.9.93, p.23).
Commission Directive [94/39/EC](#) (OJ No. L207, 10.8.94, p.20).
Commission Directive [95/9/EC](#) (OJ No. L91, 22.4.95, p.35).
Commission Directive [95/10/EC](#) (OJ No. L91, 22.4.95, p.39).
Council Directive [95/69/EC](#) (OJ No. L332, 30.12.95, p.15).
Commission Decision [95/274/EC](#) (OJ No. L167, 18.7.95 p.24).
Council Directive [96/24/EC](#) (OJ No. L125, 23.5.96, p.33).
Council Directive [96/25/EC](#) (OJ No. L125, 23.5.96, p.35).
Commission Directive [97/47/EC](#) (OJ No. L211, 5.8.97, p.45).
Commission Directive [98/67/EC](#) (OJ No. L261, 24.9.98, p.10).
Commission Directive [98/87/EC](#) (OJ No. L318, 27.11.98, p.43).
Commission Directive [1999/78/EC](#) (OJ No. L209, 7.8.1999, p.22);
- (c) Council Directive [82/471/EEC](#) (OJ No. L213, 21.7.82, p.8) concerning certain products used in animal nutrition as amended by —
- Commission Directive [85/509/EEC](#) (OJ No. L314, 23.11.85, p.25).
Council Regulation [85/3768/EEC](#) (OJ No. L362, 31.12.85, p.8).
Commission Directive [85/530/EEC](#) (OJ No. L312, 7.11.86, p.39).
Commission Directive [88/485/EEC](#) (OJ No. L239, 30.8.88, p.36).
Commission Directive [89/520/EEC](#) (OJ No. L270, 19.9.89, p.13).
Commission Directive [90/439/EEC](#) (OJ No. L227, 21.8.90, p.33).
Commission Directive [93/26/EEC](#) (OJ No. L179, 22.7.93, p.2).
Commission Directive [93/56/EEC](#) (OJ No. L206, 18.8.93, p.13).
Commission Directive [95/33/EC](#) (OJ No. L167, 18.7.95, p.17).
Council Directive [95/69/EC](#) (OJ No. L332, 30.12.95, p.15).
Council Directive [96/25/EC](#) (OJ No. L125, 23.5.96, p.35).
Commission Directive [98/67/EEC](#) (OJ No. L261, 24.9.98, p.10).

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Council Directive [99/20/EC](#) (OJ No. L80, 25.3.99, p.20);

- (d) Council Directive [96/25/EC](#) (OJ No. L125, 23.5.96, p.35) on the circulation of feed materials, amending Directives [70/524/EEC](#), [74/63/EEC](#), [82/471/EEC](#) and repealing Directive [77/101/EEC](#), as amended by Commission Directive [98/67/EC](#) (OJ No. L261, 24.4.98, p.10);
- (e) Council Directive [99/29/EC](#) (OJ No. L115, 4.5.99, p.32) on the undesirable substances and products in animal nutrition; and
- (f) Commission Directive [99/79/EC](#) (OJ No. L209, 7.8.1999, p.23) amending the third Commission Directive [72/199/EEC](#) of 27th April 1972 establishing Community methods of analysis for the official control of feeding stuffs.

10. A regulatory appraisal has been prepared in respect of these Regulations and a copy placed in the library of the National Assembly for Wales. Further copies can be obtained on request from the Food Standards Agency-Wales, 1st Floor, Southgate House, Wood Street, Cardiff CF10 1EW.

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