

Changes to legislation: There are currently no known outstanding effects for the *The Feeding Stuffs (Sampling and Analysis), the Feeding Stuffs (Enforcement) and the Feeding Stuffs (Establishments and Intermediaries) (Amendment) (Wales) Regulations 2003*. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply to Wales only, amend the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (S.I. 1999/1663, as already amended), the Feeding Stuffs (Enforcement) Regulations 1999 (S.I. 1999/2325, as already amended) and the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 (S.I. 1999/1872, as already amended) in so far as these Regulations apply in relation to Wales.

2. These Regulations implement Commission Directive [2002/70/EC](#) establishing requirements for the determination of levels of dioxins and dioxin-like PCBs in feeding stuffs (OJ No. L209, 6.8.2002, p.15).

3. These Regulations —

(a) amend the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (“the 1999 Regulations”) by —

(i) inserting into regulation 1(2) a definition of the term “Directive [2002/70/EC](#)” (*regulation 3*),

(ii) substituting a revised regulation 3, which makes the requirements as regards the prescribed manner of taking and handling samples, which previously applied only to samples of feeding stuffs, applicable also to feed materials to be sampled pursuant to Directive [2002/70/EC](#) and removes the reference to paragraph 10 of Part II of Schedule 1 to the 1999 Regulations (*regulation 4*),

(iii) amending regulation 6 so that it now includes provisions which, when read with provisions added by the Regulations to Schedule 2 to the 1999 Regulations, specify the method of analysis to be used to determine whether dioxins and dioxin-like PCBs are present or active in a sample of a feeding stuff or a feed material to be analysed pursuant to Directive [2002/70/EC](#) (and if it is in what quantity or proportion) and apply to that determination specified provisions in Part I of Schedule 2 to the 1999 Regulations (*regulations 5 and 7*), and

(iv) modifying Part IV of the Agriculture Act 1970 (1970 c. 40, “the 1970 Act”) so as to provide that, in order to determine whether dioxins and dioxin-like PCBs are present or active in a sample of a feeding stuff or a feed material to be analysed pursuant to Directive [2002/70/EC](#) (and if they are in what quantity or proportion), the sample is to be submitted to and analysed by a laboratory which satisfies specified requirements of that Directive; and making consequential modifications to Parts I and II of Schedule 3 to the 1999 Regulations (*regulation 6*);

(b) amend the Feeding Stuffs (Enforcement) Regulations 1999 by —

(i) modifying regulation 7 so as to disapply it in relation to regulations 11 and 11A and ensure that it does not become applicable in relation to the new regulation 11B (*regulation 9*);

(ii) making consequential amendments to those Regulations (*regulations 10 and 11(a) and (b)*);

(iii) providing that samples taken in accordance with section 76 of the 1970 Act (as modified for the purposes of those Regulations) are to be deemed to be taken in the prescribed manner for the purposes of Part IV of that Act (*regulation 11(c)*);

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- (iv) further modifying section 76(9) of the 1970 Act as modified for the purposes of those Regulations by inserting into it a reference to section 76(10) as so modified (*regulation 11(d)*);
 - (v) substituting revised regulations 11 and 11A (which are concerned with analysis for the purposes of sections 77(4) and 78(6) of the 1970 Act), the former being amended to include reference to feed materials to which Annex II to Commission Directive [2002/70/EC](#) applies and the latter being re-enacted with drafting improvements (*regulation 12*), and
 - (vi) inserting a new regulation, 11B, which specifies the circumstances in which, for the purposes of enforcing the Feeding Stuffs (Wales) Regulations 2001, analysis in relation to samples of feed materials to which Annex II to Directive [2002/70/EC](#) applies is to be treated as carried out in the prescribed manner for the purposes of sections 74(4) and 78(6) of the 1970 Act (*regulation 12*); and
- (c) make consequential amendments to the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 (*regulations 14 to 17*).

4. A regulatory appraisal has been prepared for these Regulations and has been placed in the library of the National Assembly for Wales, together with a transposition note setting out how the main elements of Directive [2002/70/EC](#) are transposed into domestic law by these Regulations. Copies may be obtained from the Animal Feed Unit of the Food Standards Agency, 1st Floor, Southgate House, Cardiff, CF10 1EN.

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