
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend in relation to Wales only the Feeding Stuffs (Wales) Regulations 2001 (S.I. 2001/343, as already amended), the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (S.I. 1999/1663, as already amended) and the Feeding Stuffs (Enforcement) Regulations 1999 (S.I. 1999/2325, as already amended).

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 (OJNo. 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 (Wales) Regulations 2001 (“the 2001 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”, “feed material”, “feeding stuff” and “put into circulation” , substituting a new definition of the term “compound feeding stuff” and adding new definitions for 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 2001 Regulations to Community instruments are to be construed) (*regulation 3(b)*),
- (iii) making consequential amendments to regulations 7(1), 24(1) and 24(2) (*regulations 4, 7 and 8*),
- (iv) substituting for regulation 12 (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

Status: This is the original version (as it was originally made).

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 12, and

- (bb) re-enacts the remaining provisions of the previous regulation 12 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 17A (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 two 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 4 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 4 (*regulation 12*); and
- (b) make consequential amendments to the Feeding Stuff (Sampling and Analysis) Regulations 1999 and the Feeding Stuff (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 the National Assembly for Wales, together with a transposition note setting out how the main elements of Directive [2002/2/EC](#) and [2002/32/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.