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WELSH STATUTORY INSTRUMENTS

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**2006 No. 2928 (W.263)**

**AGRICULTURE, WALES**

**The Feeding Stuffs (Wales) (Amendment) Regulations 2006**

*Made* - - - - 8 November 2006

*Coming into force* - - 17 November 2006

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 66(1), 68(1), 69(1), 74(1) and 74A of the Agriculture Act 1970(1).

There has been open and transparent consultation during the preparation of these Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(2) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

**Title, application and commencement**

1. The title of these Regulations is the Feeding Stuffs (Wales) (Amendment) Regulations 2006, they apply in relation to Wales and come into force on 17 November 2006.

**Amendments to the Feeding Stuffs (Wales) Regulations 2006**

2.—(1) Part I of Schedule 3 to the Feeding Stuffs (Wales) Regulations 2006(3) is amended in accordance with paragraphs (2) to (4).

(2) After paragraph 18 insert the following paragraph—

“**18A.** In the case of any compound feeding stuff for animals other than pet animals, all the feed materials must be declared in the statutory statement by their specific names and with an indication, in descending order, of the percentage by weight of each feed material in the compound feeding stuff, subject to a limit of variation of  $\pm 15\%$  in relation to each declared percentage.”

(3) In paragraph 23(1), omit the words “and by paragraph 19 of Schedule 4 to the 2001 Regulations”.

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(1) 1970 c. 40. Functions of “the Secretary of State”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672. Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6.  
(2) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).  
(3) S.I. 2006/116 (W.14)

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(4) In paragraph 26, for the expression “under paragraph 25 above or under paragraph 19 of Schedule 4 to the 2001 Regulations” substitute “under paragraphs 18A or 25 above”.

### **Revocations**

**3.** The following provisions are revoked—

- (a) regulation 17A of and paragraph 19 of Schedule 4 to the Feeding Stuffs (Wales) Regulations 2001<sup>(4)</sup>; and
- (b) regulations 6 and 10(c) of the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003<sup>(5)</sup>.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(6)</sup>.

8 November 2006

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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<sup>(4)</sup> S.I. 2001/343 (W.15). The relevant amending instrument is S.I. 2003/1850 (W.200).

<sup>(5)</sup> S.I. 2003/1850 (W.200).

<sup>(6)</sup> 1998 c. 38.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

1. These Regulations amend the Feeding Stuffs (Wales) Regulations 2006 (SI 2006/116 (W.14)) (“the 2006 Regulations”) by inserting into them a provision requiring the percentage of each feed material contained in a compound feed to be declared, within a tolerance of  $\pm 15\%$ , on the label of the compound feed or on an accompanying document, (*regulation 2(2)*). This provision was formerly contained in the Feeding Stuffs (Wales) Regulations 2001 (SI 2001/343 (W.15)) as amended by SI 2003/1850 (W.200) (“the 2001 Regulations”) (*regulation 3*).

2. These Regulations also revoke a provision in the 2001 Regulations requiring the exact percentage of each feed material in a compound feed to be disclosed to customers on request (*regulation 4*).

3. The provisions of the 2001 Regulations referred to in paragraphs 1 and 2 above implemented, in relation to Wales, Article 1.4 and Article 1.1(b) respectively of Directive 2002/2/EC of the European Parliament and of the Council amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs (OJ No. L63, 6.3.2002, p.23).

4. Following implementation, the provisions were suspended by order of the High Court pending the outcome of a referral to the European Court of Justice (ECJ). During the period of suspension, all of the 2001 Regulations other than the suspended provisions were revoked and replaced by the 2006 Regulations.

5. In response to the referral the ECJ has now ruled that Article 1.4 of Directive 2002/2/EC is legally valid, whereas Article 1.1(b) is not.

6. A full regulatory impact assessment that this instrument will have on the costs of business has been prepared and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff CF10 1EW.