
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations provide for the execution in England of [Commission Regulation \(EC\) No. 152/2009](#) laying down the methods of sampling and analysis for the official control of feed (OJNo. L54, 26.2.2009, p.1), (“the Commission Regulation”). The Commission Regulation repeals and re-enacts with certain amendments a large number of European directives concerning methods of sampling and analysis of feeding stuffs. The Regulations revoke (in relation to England) the Feeding Stuff (Sampling and Analysis) Regulations 1999 (S.I. 1999/1663, amended by S.I. 2001/541, S.I. 2003/1296, S.I. 2003/1503, S.I. 2003/2912, S.I. 2004/1301, S.I. 2004/2146, S.I. 2004/2688, S.I.2005/3281 and S.I. 2006/113) which implemented those directives and re-enact those administrative provisions of the 1999 Regulations which need to be kept in force.

2. These Regulation also, in Part 4, amend the Feeding Stuff (England) Regulations 2005 (S.I. 2005/3281; previous amending instruments are S.I. 2006/113, S.I. 2006/2808, S.I. 2006/3120, S.I. 2007/3008, S.I. 2008/1523, S.I. 2009/28 and S.I. 2009/2825) in order to implement Commission Directive [2009/141/EC](#) amending Annex 1 to Directive [2002/32/EC](#) of the European Parliament and of the Council as regards maximum levels for arsenic, theobromine, *Datura* sp., *Ricinus communis* L., *Croton tiglium* L. and *Abrus precatorius* L., (OJ No. L308, 24.11.2009, p.20) (“the Commission Directive”).

3. The Regulations put in place administrative and other measures for the execution of the Commission Regulation, in particular by —

- (a) providing for metric equivalents of imperial quantities mentioned in the Agriculture Act 1970 (*regulation 3*);
- (b) prescribing the methods of sending samples for analysis (*regulation 4*);
- (c) prescribing the required qualifications for agricultural analysts (*regulation 5*);
- (d) providing for the methods to be used where an analysis is carried out other than in the context of official controls (*regulation 6*); and
- (e) prescribing the form to be used for a certificate of analysis (*regulation 7 and Schedule 1*).

4. The Regulations in Part 3 make textual amendments to primary and secondary legislation in order to avoid any instances of overlap or inconsistency between the Commission Regulation and domestic legislation (*regulations 8 to 23*) and revoke the 1999 Regulations (*regulation 24*).

5. The Regulations implement the Commission Directive by amending provisions of the Feeding Stuff (England) Regulations 2005 concerning undesirable substances in animal feeds, notably in relation to maximum permitted levels for the substances mentioned in the title to the Commission Directive as set out in paragraph 2 (*regulation 25 and Schedule 2*).

6. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Animal Feed Branch of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

Changes to legislation:

There are currently no known outstanding effects for the The Feed (Sampling and Analysis and Specified Undesirable Substances) (England) Regulations 2010.