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WELSH STATUTORY INSTRUMENTS

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**2002 No. 1797 (W.172)**

**AGRICULTURE, WALES**

**The Feeding Stuffs (Amendment) (Wales) Regulations 2002**

*Made* - - - - - *9th July 2002*

*Coming into force* - - - - - *5th August 2002*

The National Assembly for Wales, acting in exercise of the powers conferred by sections 66(1), 68(1) and (1A), 69(1), 74A, 75(1), 76(1), 77(4), 78(6), 79(1) and 84 of the Agriculture Act 1970<sup>(1)</sup> and now exercisable by it in relation to Wales<sup>(2)</sup>, after consultation as required by section 84(1) of that Act with the persons or organisations appearing to represent the interests concerned<sup>(3)</sup>, and having been designated<sup>(4)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(5)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred by the said section 2(2) (in so far as these Regulations cannot be made under the powers in the Agriculture Act 1970 specified above), makes the following Regulations:

**Title, commencement and extent**

1. These Regulations may be cited as the Feeding Stuffs (Amendment) (Wales) Regulations 2002, shall come into force on 5th August 2002 and shall apply to Wales only.

**Amendment of the Feeding Stuffs (Wales) Regulations 2001**

2. The Feeding Stuffs (Wales) Regulations 2001 (“the principal Regulations”)<sup>(6)</sup> shall be amended in accordance with regulations 3 to 10 below.

3. In each of regulations 7(1) and 24(1), after the expression “the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001” there shall be added the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002”.

4. In paragraph (2) of regulation 17, for the expression “Schedule 10” there shall be substituted the expression “Schedule 9”.

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(1) 1970 c. 40.

(2) By virtue of the National Assembly for Wales (Transfer of Functions) 1999 (S.I. No. 1999/672).

(3) The requirement to consult must now be read in conjunction with Article 9 of Regulation (EC) No. 178/2002 (OJ No. L31, 1.2.2002, p.1).

(4) S.I. 1999/2788.

(5) 1972 c. 68. The enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (1993 c. 51).

(6) S.I. 2001/343 (W.15), amended by S.I. 2001/2253 (W.163) and S.I. 2001/3461 (W.280).

5. In paragraph (2) of regulation 24, for the word “regulations” to the end there shall be substituted the following provisions—

“regulation 4 (except in so far as it relates to Part II of Schedule 5), 9(1) (in so far as it regulates putting into circulation), (2) and (3), 10(1) to (4), (6), (6A) and (7), 11(2) (in so far as it falls to be read with paragraph (3)(a), (c) or (d) of that regulation), (4), (6) and (7), 12(3), (4), (6), (7) and (9), 13(1), 15, 16(1) and 17(1).”.

6. Regulation 25(a) and (b) shall be revoked.

7. In Schedule 3 (permitted additives and provisions relating to their use), for the provisions in Part IX of the Table (European Community Regulations by which additives are controlled) there shall be substituted the provisions set out in Schedule 1 to these Regulations.

8. In Schedule 7 (prescribed limits for undesirable substances)—

- (a) for the entry for Dioxin (sum of PCDD and PCDF) in column 1 of Chapter A of Part I of the Table and the corresponding entries in columns 2 and 3 respectively of that Chapter; and
- (b) for the entry for Dioxin (sum of PCDD and PCDF) in column 1 of Chapter A of Part II of the Table and the corresponding entries in columns 2 and 3 respectively of that Chapter;

there shall be substituted the entries set out in Schedule 2 to these Regulations.

9. In Schedule 8 (control of certain protein sources) for the entry in column 6 (“ruminants from the beginning of rumination”) corresponding with the entry in column 2 relating to “3.1.1 DL-methionine, technically pure” there shall be substituted the entry “All animal species”.

10. In Schedule 9 (permitted feeding stuffs intended for particular nutritional purposes and provisions relating to their use) for the entries in columns 2 to 6 of Chapter A relating to the support of liver function in case of chronic liver insufficiency in dogs or cats there shall be substituted the entries set out in Schedule 3 to these Regulations.

### **Amendment of the Feeding Stuffs (Sampling and Analysis) Regulations 1999**

11. The Feeding Stuffs (Sampling and Analysis) Regulations 1999(7) shall be amended in so far as they apply to Wales as follows—

- (a) in Part II of Schedule 1 (manner of taking, preparing, marking, sealing and fastening of samples), in paragraph 5(1), for the expression “section 76(1)(b) of the Act” there shall be inserted the expression “section 76(7) of the Act as that section is modified by regulation 10 of the Feeding Stuffs (Enforcement) Regulations 1999(8) as amended”;
- (b) in Part I of Schedule 2 (methods of analysis), at the end of paragraph 3(e)(ii), for the expression “Schedule 5 to the Feeding Stuffs Regulations 1995” there shall be substituted the expression “Schedule 7 to the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001(9) and the Feeding Stuffs (Amendment) (Wales) Regulations 2002; and
- (c) in Part II of Schedule 3 (form of certificate of analysis), in note 11(a), for the expression “the Feeding Stuffs Regulations 1995” there shall be substituted the expression “the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001 and the Feeding Stuffs (Amendment) (Wales) Regulations 2002”.

(7) S.I. 1999/1663 (to which there are amendments not relevant to these Regulations).

(8) S.I. 1999/2325. The relevant amending instruments are S.I. 2001/2253 (W.163) and S.I. 2001/3461 (W.280).

(9) S.I. 2001/3461 (W.280).

### **Amendment of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999**

**12.**—(1) The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999<sup>(10)</sup> shall be amended in so far as they apply to Wales as specified in paragraph (2).

(2) In the provisions of those Regulations specified in paragraph (3), for the expression “as amended by the Feedingstuffs (Zootechnical Products) Regulations 1999 and as modified by the Feeding Stuffs (Wales) Regulations 2001 and amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001” there shall be substituted the expression “as amended by the Feedingstuffs (Zootechnical Products) Regulations 1999 and the Feeding Stuffs (Amendment) (Wales) Regulations 2002”.

(3) The provisions are regulations 98(8) and (9), 99 and 106(1).

### **Amendment of the Feeding Stuffs (Enforcement) Regulations 1999**

**13.** The Feeding Stuffs (Enforcement) Regulations 1999 shall be amended in so far as they apply to Wales as follows—

(a) in paragraph (1) of regulation 2, for the definition of “third country” there shall be substituted the following definition—

““third country” means a country other than a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>(11)</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(12)</sup>”;

(b) in each of paragraphs (2) and (4) of regulation 7, after the expression “the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001” there shall be inserted the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002”;

(c) in regulation 8, for the expression “as amended by the Feedingstuffs (Zootechnical Products) Regulations 1999 and as modified by the Feeding Stuffs (Wales) Regulations 2001 and amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001” there shall be substituted the expression “as amended by the Feedingstuffs (Zootechnical Products) Regulations 1999 and the Feeding Stuffs (Amendment) (Wales) Regulations 2002”; and

(d) in regulation 9, in the text of subsection (8) of section 67 of the Agriculture Act 1970 shown as modified by that regulation, after the expression “the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001” there shall be inserted the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002”; and

(e) in regulation 10, in the text of subsection (17) of section 76 of the Agriculture Act 1970 shown as modified by that regulation, after the expression “the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001” there shall be inserted the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002”.

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<sup>(10)</sup> S.I. 1999/1872. The relevant amending instrument is S.I. 2001/2253 (W.163).

<sup>(11)</sup> OJ No. L1, 3.1.94, p.1.

<sup>(12)</sup> OJ No. L1, 3.1.94, p.571.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(13)

9th July 2002

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

## SCHEDULE 1

Regulation 7

### PROVISIONS SUBSTITUTED FOR PART IX OF THE TABLE TO SCHEDULE 3 TO THE PRINCIPAL REGULATIONS

#### “PART IX

#### EUROPEAN COMMUNITY REGULATIONS BY WHICH ADDITIVES ARE CONTROLLED(14)

Commission Regulation (EC) No. 2316/98 concerning authorisation of new additives and amending the conditions for authorisation of a number of additives already authorised in feedingstuffs(14).

Commission Regulation (EC) No. 1594/1999 amending the conditions for the authorisation of an additive in feedingstuffs(14).

Commission Regulation (EC) No. 2439/1999 on the conditions for authorisation of additives belonging to the group “binders, anti-caking agents and coagulants” in feedingstuffs(14).

Commission Regulation (EC) No. 1353/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives, new additive uses and new preparations in feedingstuffs(14).

Commission Regulation (EC) No. 2437/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs(14).

Commission Regulation (EC) No. 2013/2001 concerning the provisional authorisation of a new additive use and the permanent authorisation of an additive in feedingstuffs(14).

Commission Regulation (EC) No. 2200/2001 concerning provisional authorisation of additives in feedingstuffs(14).

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- (14) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).
- (14) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).
- (14) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).
- (14) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).
- (14) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).
- (14) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).
- (14) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).
- (14) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).
- (14) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).

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Commission Regulation (EC) No. 256/2002 concerning the provisional authorisation of new additives, the prolongation of provisional authorisation of an additive and the permanent authorisation of an additive in feedingstuffs(14).”

## SCHEDULE 2

Regulation 8

### PROVISIONS SUBSTITUTED IN PARTS I AND II OF SCHEDULE 7 TO THE PRINCIPAL REGULATIONS

(1)	(2)	(3)
Dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs (toxic equivalency factors, 1997))	All feed materials of plant origin including vegetable oils and by-products	0.75 ng WHO-PCDD/F-TEQ/kg <sup>(1)</sup>
	Minerals	1.0 ng WHO-PCDD/F-TEQ/kg <sup>(1)</sup>
	Animal fat, including milk fat and egg fat	2.0 ng WHO-PCDD/F-TEQ/kg <sup>(1)</sup>
	Other land animal products including milk and milk products and eggs and egg products	0.75 ng WHO-PCDD/F-TEQ/kg <sup>(1)</sup>
		Notes:
		(1) Upper-bound concentrations; upper-bound concentrations are calculated assuming that all values of the different congeners less than the limit of determination are equal to the limit of determination.
		(2) Fresh fish directly delivered and used without intermediate processing for the production of feedingstuffs for fur animals is exempted from the maximum limit. The products, processed animal proteins produced from these fur animals cannot enter the food chain and the feeding thereof is prohibited to farmed animals which are kept, fattened or bred for the production of food.

formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).

- (14) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).

(1)	(2)	(3)
	Fish oil	6 ng WHO-PCDD/F-TEQ/kg <sup>(1)</sup>
	Fish, other aquatic animals, their products and by-products with the exception of fish oil <sup>(2)</sup>	1.25 ng WHO-PCDD/F-TEQ/kg <sup>(1)</sup>
	Compound feedingstuffs, with the exception of feedingstuffs for fur animals, pet foods and feedingstuffs for fish	0.75 ng WHO-PCDD/F-TEQ/kg <sup>(1)</sup>
	Feedingstuffs for fish	2.25 ng WHO-PCDD/F-TEQ/kg <sup>(1)</sup>
	Pet foods	

Notes:

(1) Upper-bound concentrations; upper-bound concentrations are calculated assuming that all values of the different congeners less than the limit of determination are equal to the limit of determination.

(2) Fresh fish directly delivered and used without intermediate processing for the production of feedingstuffs for fur animals is exempted from the maximum limit. The products, processed animal proteins produced from these fur animals cannot enter the food chain and the feeding thereof is prohibited to farmed animals which are kept, fattened or bred for the production of food.

**SCHEDULE 3**

Regulation 10

**PROVISIONS SUBSTITUTED IN SCHEDULE 9 TO THE PRINCIPAL REGULATIONS**

2	3	4	5	6
High quality protein, moderate level of protein, high level of essential fatty acids and high level of highly digestive carbohydrates	Dogs	— Protein source(s) — Content of essential fatty acids — Highly digestible carbohydrates including their treatment if appropriate — Sodium — Total copper	Initially up to 6 months	Indicate on the package, container or label: “It is recommended that a veterinarian’s opinion be sought before use or before extending the period of use”  Indicate in the instructions

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2	3	4	5	6
High quality protein, moderate level of protein and high level of essential fatty acids	Cats	<ul style="list-style-type: none"> <li>— Protein source(s)</li> <li>— Content of essential fatty acids</li> <li>— Sodium</li> <li>— Total copper</li> </ul>	Initially up to 6 months	<p>for use: “Water should be available at all times”</p> <p>Indicate on the package, container or label: “It is recommended that a veterinarian’s opinion be sought before use or before extending the period of use”</p> <p>Indicate in the instructions for use: “Water should be available at all times”</p>

**EXPLANATORY NOTE**

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

1. These Regulations amend for the third time the Feeding Stuffs Regulations (Wales) 2001 (S.I.2001/343 (W.15), “the principal Regulations”).
2. These Regulations apply to Wales only. The Feeding Stuffs (Amendment) Regulations 2002 (S.I. 2002/892, “the England and Wales Regulations”), which implement the same changes in England as are made in respect of Wales by these Regulations, contain two provisions which also apply to Wales and Northern Ireland. Regulation 3 of the England and Wales Regulations applies to England, Wales and Northern Ireland in so far as it relates to regulation 11 (as amended by the England and Wales Regulations) or 12 of the principal Regulations. Regulation 5 of the England and Wales Regulations also applies to England, Wales and Northern Ireland.
3. These Regulations implement—
  - (a) Commission Directive 2001/79/EC amending Council Directive 87/153/EEC fixing guidelines for the assessment of additives in animal nutrition (OJ No. L267, 6.10.2001, p.1);
  - (b) Council Directive 2001/102/EC amending Directive 1999/29/EC on the undesirable substances and products in animal nutrition (OJ No. L6, 10.1.2002, p.45); and



- (c) Commission Directive [2002/1/EC](#) amending Directive [94/39/EC](#) as regards animal feedingstuffs for the support of liver function in case of chronic liver insufficiency.
4. These Regulations also provide for the enforcement of the following Regulations—
- (a) Commission Regulation (EC) No. [2013/2001](#) concerning the provisional authorisation of a new additive use and the permanent authorisation of an additive in feedingstuffs (OJ No. L272, 13.10.2001, p.24);
  - (b) Commission Regulation (EC) No. [2200/2001](#) concerning provisional authorisation of additives in feedingstuffs (OJ No. L299, 15.11.2001, p.1); and
  - (c) Commission Regulation (EC) No. [256/2002](#) concerning the provisional authorisation of an additive and the permanent authorisation of an additive in feedingstuffs (OJ No. L41, 13.2.2002, p.6).
5. These Regulations—
- (a) modify the provisions of the principal Regulations which provide for the enforcement of the provisions of those Regulations which are made under the European Communities Act 1972 (*regulation 5*);
  - (b) add three 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 Schedule 3 to the principal Regulations (*regulation 7 and Schedule 1*);
  - (c) modify the controls in the principal Regulations regulating the presence of undesirable substances in animal feed by specifying new maximum levels for Dioxin in feed (*regulation 8 and Schedule 2*);
  - (d) modify the provisions of the principal Regulations regulating dietetic feeds as regards the required nutritional characteristics and labelling of feeds intended for the support of liver function in case of chronic liver insufficiency in dogs or cats (*regulation 10 and Schedule 3*);
  - (e) make amendments to the principal Regulations to correct minor errors in them (*regulations 4 and 9*); and
  - (f) make consequential amendments to those Regulations and to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (S.I. [1999/1663](#)), the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 (S.I. [1999/1872](#)) and the Feeding Stuffs (Enforcement) Regulations 1999 (S.I. [1999/2325](#)) (*regulations 3, 6 and 11 to 13*).
  - (g) Note also the effect of the England and Wales Regulations referred to in paragraph 2 above, which modify the provisions of the principal Regulations which specify the procedure to be followed in relation to the assessment of feed additives for which marketing authorisation has been sought and as regards applications for such authorisation (*regulations 3 and 5 of the England and Wales Regulations*).
6. A regulatory appraisal has been prepared in respect of these Regulations and a copy placed in the library of the National Assembly for Wales, together with a transposition note setting out how the main elements of the Directives referred to in paragraph 3 above are transposed into domestic law by these Regulations. Copies may be obtained on request from the Food Standards Agency (Wales), 1st Floor, Southgate House, Wood Street, Cardiff CF10 1EW.