
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations provide for the execution in Wales of Commission Regulation (EC) No. 152/2009 laying down the methods of sampling and analysis for the official control of feed (OJ No. 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 Wales) the Feeding Stuff (Sampling and Analysis) Regulations 1999 (S.I. 1999/1663, amended by S.I. 2001/2253 (W.163), S.I. 2002/1797 (W.172), S.I. 2003/1677 (W.180), S.I. 2003/1850 (W.200), S.I. 2004/2734 (W.241), S.I. 2006/116 (W.14) and S.I. 2006/617 (W.69)), which implemented those directives, and re-enact those administrative provisions of the 1999 Regulations which need to be kept in force.

2. These Regulations also, in Part 4, amend the Feeding Stuff (Wales) Regulations 2006 (S.I. 2006/116 (W.14), previous amending instruments are S.I. 2006/617 (W.69), S.I. 2006/2928 (W.263), S.I. 2006/3256 (W.296), S.I. 2007/3171 (W.277), S.I. 2008/1806 (W.174), S.I. 2009/106 (W.20) and S.I. 2009/2881 (W.254)), 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 (Wales) Regulations 2006 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 above (regulation 25 and Schedules 2, 3 and 4).

6. A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations and is available from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.