
STATUTORY INSTRUMENTS

1999 No. 1872

**The Feeding Stuffs (Establishments
and Intermediaries) Regulations 1999**

PART II

APPROVAL OF ESTABLISHMENTS LOCATED IN THE UNITED KINGDOM

Applications for the approval of establishments

5.—(1) An eligible person may apply to the competent body to approve an establishment as an establishment on which one or more of the following activities may be exercised—

- (a) the manufacture of an additive of any kind referred to in the fourth to the ninth indents of Chapter I.1(a) of the Annex, with a view to putting it into circulation;
- (b) the manufacture of a Directive 82/471 product of any kind referred to in Chapter I.1(a) of the Annex, with a view to putting it into circulation;
- (c) the manufacture of a premixture, containing additives of any kind referred to in the fourth or fifth indent of Chapter I.2(a) of the Annex, but not containing a zootechnical additive, with a view to putting it into circulation;
- (d) the manufacture of a compound feeding stuff, of any kind the manufacture of which is regulated by Article 2.2(d) of Directive 95/69, with a view to putting it into circulation; or
- (e) the production of a compound feeding stuff, of any kind the production of which is regulated by Article 2.2(f) of Directive 95/69, for the exclusive requirements of the applicant's holding.

(2) An application made under paragraph (1) shall—

- (a) be in writing,
- (b) be in the English language or, where the establishment in respect of which the application is made is situated wholly or partly in Wales, in either that language or the Welsh language,
- (c) be signed by or on behalf of the applicant,
- (d) contain the name (or business name) and address of the applicant,
- (e) identify the establishment in respect of which the application is made, and
- (f) identify the establishment activity which the applicant is exercising or, as the case may be, intends to exercise, on that establishment.

Approval of establishments

6.—(1) Where an application complying with regulation 5(2) is made under paragraph (1) of that regulation, the competent body shall—

- (a) check by means of an on the spot verification whether the establishment meets the applicable conditions, and

- (b) process the application in accordance with the requirements of the second paragraph of Article 4.1, or the second paragraph of Article 4.2, of Directive 95/69, as the case may be.
- (2) Where the competent body is satisfied that the establishment meets the applicable conditions, the competent body shall—
 - (a) approve the establishment as an establishment on which the establishment activity concerned may be exercised, and
 - (b) in accordance with Article 5.1 of Directive 95/69, as read with Articles 8 and 9 of, and the Annex to, Directive 98/51, enter the establishment on a register, which the competent body shall maintain, under an individual approval number which identifies the establishment, as an establishment approved for the exercise of that activity.

Amendment of approvals

- 7.—(1) An eligible person may apply to the competent body to approve an approved establishment as an establishment on which an establishment activity (“the new establishment activity”) may be exercised—
- (a) in addition to an establishment activity for the exercise of which the establishment is already approved, or
 - (b) instead of that activity.
- (2) An application made under paragraph (1) shall—
- (a) be in writing,
 - (b) be in the English language or, where the establishment in respect of which the application is made is situated wholly or partly in Wales, in either that language or the Welsh language,
 - (c) be signed by or on behalf of the applicant,
 - (d) contain the name (or business name) and address of the applicant,
 - (e) identify the establishment in respect of which the application is made,
 - (f) identify the new establishment activity which the applicant is exercising or, as the case may be, intends to exercise on that establishment, and
 - (g) state under which sub-paragraph of paragraph (1) the application is made.
- (3) Where an application complying with paragraph (2) is made under paragraph (1)—
- (a) regulation 6(1) shall apply, as if the application was made under regulation 5(1), and
 - (b) if the competent body is satisfied that the establishment meets the applicable conditions, it shall approve the establishment as an establishment on which the new establishment activity may be exercised.
- (4) Where, pursuant to paragraph (3), the competent body approves an establishment, the competent body shall amend the register maintained by it under regulation 6(2)(b), to show all the establishment activities the exercise of which on that establishment is approved under regulation 6(2) (a) or under paragraph (3).

Withdrawal of approvals

- 8.—(1) The competent body shall withdraw an approval for the exercise of an establishment activity on an approved establishment if the competent body is satisfied that the exercise of that activity on the establishment has ceased.
- (2) The competent body shall withdraw an approval for the exercise of an establishment activity on an approved establishment if, following the procedure in regulation 9, the competent body is

not satisfied that the person exercising on the establishment the activity concerned is complying, in relation to that activity, with regulation 41, 58, 75, 83 or 85, as the case may be.

(3) Where, pursuant to paragraph (1) or (2), the competent body withdraws an approval, it shall amend the register maintained by it under regulation 6(2)(b), by deleting from it the entry recording approval in respect of the establishment activity for which approval has been withdrawn.

Procedure relating to the withdrawal of approvals

9.—(1) Where, in the circumstances described in regulation 8(2), the competent body proposes to withdraw an approval relating to the exercise of an establishment activity on an approved establishment, the competent body shall not withdraw the approval unless—

- (a) it serves a written notice complying with the requirements of paragraph (2) on the person exercising the activity concerned on the establishment (“the recipient”), and
 - (b) after the time for compliance with the notice has expired, it is not satisfied that the recipient has complied with the requirements specified in the notice.
- (2) A notice served by the competent body under paragraph (1) shall—
- (a) state that it proposes to withdraw the approval relating to the establishment activity concerned, because it is not satisfied that the recipient is complying, in relation to that activity, with regulation 41, 58, 75, 83 or 85, as the case may be,
 - (b) specify—
 - (i) the essential conditions it is not satisfied that the recipient is complying with; and
 - (ii) the requirements that the recipient of the notice must comply with in order to satisfy it as to compliance with those essential conditions; and
 - (c) state that, unless it is satisfied that the recipient has complied with those requirements, within such reasonable time as is specified in the notice, the approval for the exercise of the establishment activity concerned will be withdrawn.

National lists of approved establishments

10. Every competent body shall provide to the Minister in writing, on demand being made by him, such information as is available to it, and which will assist the Minister to comply with the requirements of Article 6 of Directive 95/69 in relation to lists of approved establishments.

Interpretation of Part II

11. In this Part—

“the applicable conditions” means the conditions laid down or referred to in—

- (a) Chapter I.1(b) of the Annex, in the case of an application to approve an establishment, other than an Article 12 establishment, as an establishment on which the activity specified in regulation 5(1)(a) may be exercised;
- (b) points 4, 5, 6.2 and 7 of Chapter I.1(b) of the Annex, in the case of an application to approve an Article 12 establishment as an establishment on which the activity specified in regulation 5(1)(a) may be exercised;
- (c) Chapter I.1(b) of the Annex, in the case of an application to approve an establishment as an establishment on which the activity specified in regulation 5(1)(b) may be exercised;
- (d) Chapter I.2(b) of the Annex, in the case of an application to approve an establishment as an establishment on which the activity specified in regulation 5(1)(c) may be exercised;

- (e) Chapter I.4 of the Annex, in the case of an application to approve an establishment as an establishment on which the activity specified in regulation 5(1)(d) may be exercised; and
- (f) with the exception of the requirements set out in point 7 thereof, Chapter I.4 of the Annex, in the case of an application to approve an establishment as an establishment on which the activity specified in regulation 5(1)(e) may be exercised;

“approved establishment” means an establishment approved by the competent body as an establishment on which an establishment activity may be exercised;

“eligible person” means a person who is entitled to apply to the competent body, in accordance with the first paragraph of Article 4.1 of Directive 95/69, or the first paragraph of Article 4.2 thereof, for an establishment to be approved as an establishment on which an establishment activity may be exercised;

“essential conditions” means the essential conditions laid down or referred to in—

- (a) Chapter I.1(b) of the Annex, in the case of the exercise of the establishment activities specified in regulation 5(1)(a) and (b);
- (b) Chapter I.2(b) of the Annex, in the case of the exercise of the establishment activity specified in regulation 5(1)(c);
- (c) Chapter I.4 of the Annex, in the case of the exercise of the establishment activity specified in regulation 5(1)(d); and
- (d) with the exception of the requirements set out in point 7, Chapter I.4 of the Annex, in the case of the exercise of the establishment activity specified in regulation 5(1)(e); and

“establishment activity” means an activity specified in paragraph (a), (b), (c), (d) or (e) of regulation 5(1).