
STATUTORY INSTRUMENTS

1999 No. 1872

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

PART XI

ENFORCEMENT

Methods of analysis

106.—(1) Subject to paragraph (2) below for the purpose of determining, by means of analysis of a part of a sample taken in the course of the carrying out of official checks, whether a substance—

- (a) of a class or description listed (in the case of Great Britain) in column 1 of Annex I to Part II of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 or (in the case of Northern Ireland) in column 1 of Annex I to Part II of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999, or
- (b) to which the method of analysis specified (in the case of Great Britain) in Annex II, or in Annex III, to Part II of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 relates, or (in the case of Northern Ireland) to which the method specified in Annex II, or in Annex III, to Part II of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999 relates,

is present or active therein, or what quantity or proportion of such a substance is present or active therein, the provisions specified in Part I of Schedule 2 to the Regulations concerned, under the heading “GENERAL PROVISIONS” shall have effect, in the like manner as they have effect under the Regulations concerned in relation to feeding stuffs, and

- (i) in relation to a substance of a class or description listed (whether by itself or by reference to its activity) in column 1 of Annex I to Part II of Schedule 2 to the Regulations concerned, the relevant method of analysis set out in the Community provision in force specified in the corresponding entry in columns 2 and 3 of that Annex shall be used; and
- (ii) in relation to a substance to which the method specified in Annex II, or the method specified in Annex III, to Part II of Schedule 2 to the Regulations concerned relates, the method of analysis applicable to that substance shall be used,

and where more than one method is set out in columns 2 and 3 of Annex I to Part II of Schedule 2 to the Regulations concerned in relation to the same substance, the notes to that Annex shall have effect to specify which is the relevant method.

(2) After 31st October 1999, paragraph (1) above shall cease to apply to the following substances listed in column 1 of Annex I to Part II of Schedule 2 to the Regulations concerned—

- (a) menadione (vitamin K₃);
- (b) theobromine;
- (c) vitamin A; and
- (d) volatile mustard oil,

and shall cease to apply to starch insofar as it falls to be analysed by the pancreatic method as mentioned in the notes to that Annex.

(3) For the purpose of determining, by means of analysis as aforesaid, whether a substance other than one to which paragraph (1) applies is present or active in the part of a sample concerned, or what quantity or proportion of such a substance is present or active therein—

- (a) if there is an applicable standard of the kind specified in the first indent of Article 18.3 of Directive 95/33, analysis shall be carried out in accordance with that standard, and
- (b) where analysis cannot be so carried out, it shall be carried out in accordance with any scientifically valid method the application of which does not infringe any general principle of the Treaty establishing the European Community.