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## EXPLANATORY NOTE

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

1. These Regulations, which come into force on 8th September 1999, implement Council Directive [95/53/EC](#) fixing the principles governing the organization of official inspections in the field of animal nutrition (OJNo. L265, 8.11.95, p.17) insofar as it is not already implemented in the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (S.I.1999/1663), the [Feeding Stuffs \(Sampling and Analysis\) Regulations \(Northern Ireland\) 1999 \(S.R. 1999 No.296\)](#), the Feeding Stuffs (Zootechnical Products) Regulations 1999 (S.I. 1999/1871) and the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 (S.I. 1999/1872).

2. The Regulations also implement—

- (a) Commission Directive [98/68/EC](#) laying down the standard document referred to in Article 9(1) of Council Directive [95/53/EC](#) and certain rules for checks at the introduction into the Community of feeding stuffs from third countries (OJ No. L261, 24.9.98, p.32); and
- (b) in part, Council Directive [1999/20/EC](#) amending Directive [70/524/EEC](#) concerning additives in feeding stuffs, [82/471/EEC](#) concerning certain products used in animal nutrition, [95/53/EC](#) fixing the principles governing the organisation of official inspections in the field of animal nutrition and [95/69/EC](#) laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector (OJ No. L80, 25.3.1999, p.20).

3. In implementation of Directive [95/53/EC](#), as read with the subordinate Directive [98/68/EC](#), the Regulations lay down detailed new rules applying to the enforcement of the principal EC Directives relating to feed products—namely those listed in Article 2.1(a) of Directive [95/53/EC](#).

4. In particular the Regulations—

- (a) provide for the “competent authority”—i.e. local authorities or (in the case of enforcement of EC rules relating to zootechnical products) the Royal Pharmaceutical Society of Great Britain—to have the duty to enforce specified provisions in the Regulations relating to feed products imported from third countries and to inter-Community trade in such products (regulation 3(1));
- (b) provide for the competent authority and the Commissioners of Customs and Excise to have the duty to enforce other specified provisions relating to feed products imported from third countries (regulation 3(2));
- (c) specify the procedures relating to the checks to be carried out by the competent authority and the Commissioners on feed products imported from third countries, (including measures to be taken where such products are found not to comply with the EC rules specified in Article 2.1(a) of Directive [95/53/EC](#)) and provide for offences and penalties where a person fails to co-operate in the carrying out of the procedures or unlawfully removes products under the Commissioners' control (regulation 4);
- (d) require the competent authority to provide those found to be infringing the rules specified in Article 2.1(a) of Directive [95/53/EC](#) in relation to products intended to be marketed within the Community with a notice complying with Article 20 of that Directive (regulation 5);
- (e) specify the measures to be taken where checks carried out by the competent authority on feed products intended to be marketed within the Community, and in transit in the United

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Kingdom, or in the United Kingdom as the member State of destination, show that the rules specified in Article 2.1(a) of Directive 95/53/EC have not been complied with, and provide for offences and penalties where a person fails to co-operate in the taking of those measures (regulation 6);

- (f) for the purpose of facilitating enforcement in the United Kingdom of the EC rules specified in Article 2.1(a) of Directive 95/53/EC (save insofar as they relate to zootechnical products) as implemented in the legislation referred to in regulation 7(2), apply with modifications certain provisions in Part IV of the Agriculture Act 1970 as regards powers to enter premises to carry out inspections of feed products, manufacturing equipment and records, to take samples of such products and have them analysed, requirements as to confidentiality, and other related matters (regulations 7(1) and (2), 8, 10, 11 and 12);
- (g) for the purpose of ensuring effective enforcement in Great Britain of the provisions referred to in regulation 7(4), as required by Directive 95/53/EC apply with modifications section 67(8) of the Agriculture Act 1970, so as to enable the Minister of Agriculture, Fisheries and Food or the Scottish Ministers to appoint new enforcement officers, if those currently appointed have insufficient regard to the requirements of the Directive (regulations 7(3) and (4) and 9);
- (h) in connection with the purpose specified in (f) above, make a minor consequential adjustment to section 86 of the Agriculture Act 1970 in relation to Northern Ireland (regulation 13);
- (i) impose on the competent authority the duty to provide the Minister of Agriculture, Fisheries and Food and the Scottish Ministers with information to facilitate compliance with obligations on member States in Article 22 of Directive 95/53/EC as regards the establishment pursuant to that Directive of national programmes of inspections (regulation 14); and
- (j) amend the Feeding Stuffs Regulations 1995 and the Feeding Stuffs Regulations (Northern Ireland) 1995 by deleting provisions equivalent to those included in regulation 10 (regulation 15).