

2004 No. 1036

AGRICULTURE

**The Feedingstuffs (Zootechnical Products) and Medicated
Feedingstuffs (Amendment) (England, Scotland and Wales)
Regulations 2004**

Made - - - - - 31st March 2004
Laid before Parliament 1st April 2004
Coming into force - - 22nd April 2004

The Secretary of State for Environment, Food and Rural Affairs, being designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the Common Agricultural Policy of the European Community(b), in exercise of the powers conferred upon her by the said section 2(2), and having carried out any consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c), hereby makes the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Feedingstuffs (Zootechnical Products) and Medicated Feedingstuffs (Amendment) (England, Scotland and Wales) Regulations 2004, shall extend to England, Scotland and Wales and shall come into force on 22nd April 2004.

Amendment of the Feedingstuffs (Zootechnical Products) Regulations 1999

2.—(1) The Feedingstuffs (Zootechnical Products) Regulations 1999(d) shall be amended in accordance with this regulation.

(2) In regulation 2(1), in the definition of “the MF Regulations”, for “and the Medicated Feedingstuffs (Amendment) (Scotland, England and Wales) Regulations 2003(e)” substitute “, the Medicated Feedingstuffs (Amendment) (Scotland, England and Wales) Regulations 2003 and the Feedingstuffs (Zootechnical Products) and Medicated Feedingstuffs (Amendment) (England, Scotland and Wales) Regulations 2004”.

(3) In Schedule 3, for Parts II and III, substitute Parts II and III as set out in Schedule 1 to these Regulations.

(a) 1972 c. 68.
(b) S.I. 1972/1811.
(c) OJ No. L31, 1.2.2002, p. 1.
(d) S.I. 1999/1871; relevant amending instruments are S.I. 2000/1686, 2002/696 and 2003/545.
(e) S.I. 2003/545.

Amendment of the Medicated Feedingstuffs Regulations 1998

3.—(1) The Medicated Feedingstuffs Regulations 1998^(a) shall be amended in accordance with this regulation.

(2) In regulation 35(12), delete the final “and” and insert at the end “and the Feedingstuffs (Zootechnical Products) and Medicated Feedingstuffs (Amendment) (England, Scotland and Wales) Regulations 2004”.

(3) For Schedule 1, substitute that Schedule as set out in Schedule 2 to these Regulations.

31st March 2004

Ben Bradshaw
Parliamentary Under Secretary of State,
Department for Environment, Food and Rural Affairs

(a) S.I. 1998/1046; relevant amending instruments are S.I. 2000/1686, 2002/697 and 2003/752.

SCHEDULE 1

Regulation 2

Substitution of Parts II and III of Schedule 3 to the Feedingstuffs
(Zootechnical Products) Regulations 1999

“PART II

Fees payable in relation to the approval and official checks of establishments

| <i>Application</i> | <i>Fee (£)</i> | <i>Previous fee (£)</i> |
|--|----------------|-------------------------|
| Application under regulation 10(1)(a) or 12 for the approval of an establishment to manufacture a zootechnical additive with a view to putting it into circulation, or the annual fee covering official checks payable in respect of that establishment under regulation 75 | 840 | 720 |
| Application under regulation 10(1)(b) or 12 for the approval of an establishment to manufacture a zootechnical premixture with a view to putting it into circulation, or the annual fee covering official checks payable in respect of that establishment under regulation 75 | 840 | 720 |
| Application under regulation 10(1)(c) or 12 for the approval of an establishment to manufacture a zootechnical compound feedingstuff with a view to putting it into circulation, or the annual fee covering official checks payable in respect of that establishment under regulation 75 | 182 | 157 |
| Application under regulation 10(1)(d) or 12 for the approval of an establishment to manufacture a zootechnical compound feedingstuff for the exclusive use of the applicant’s holding, or the annual fee covering official checks payable in respect of that establishment under regulation 75 | 112 | 100 |
| Application under regulation 10(1)(e) or 12 for the approval of an establishment to manufacture a zootechnical compound feedingstuff, using a minimum proportion of 0.05% by weight of a premixture, or the annual fee covering official checks payable in respect of that establishment under regulation 75 | 530 | 484 |

Notes

1. If an application for an approval under regulation 10(1)(a) is made at the same time as an application relating to those premises for a manufacturer’s licence to manufacture a medicated premix under the Medicines Act 1968, no fee is payable under these Regulations.
2. If premises used for manufacturing zootechnical compound feedingstuffs are inspected for an official check at the same time as they are inspected for the renewal of an approval under the MF Regulations, no fee is payable in relation to the zootechnical compound feedingstuffs.
3. Where more than one of the manufacturing activities tabulated above is carried on at one premises, only one fee is payable, which shall be the higher (or, as the case may be, the highest).

PART III

Fees payable in relation to the approval and official checks of intermediaries

| <i>Application</i> | <i>Fee (£)</i> | <i>Previous fee (£)</i> |
|--|----------------|-------------------------|
| Application for approval under regulation 18 or 20 to exercise an intermediary activity, or the annual fee covering official checks payable in respect of that establishment under regulation 75 | 124 | 112 |

”

SCHEDULE 2
Substitution of Schedule 1 to the Medicated Feedingstuffs Regulations 1998

Regulation 3

“SCHEDULE 1

Regulation 35

PART I

Fees payable in relation to the grant or renewal of approvals of premises

| <i>Application</i> | <i>Fee (£)</i> | <i>Previous fee (£)</i> |
|---|----------------|-------------------------|
| Grant or renewal of an approval of premises to manufacture an authorised intermediate product | 530 | 484 |
| Grant or renewal of an approval of premises to manufacture medicated feedingstuffs incorporating medicated pre-mixes at any concentration | 530 | 484 |
| Grant or renewal of an approval of premises to manufacture medicated feedingstuffs incorporating medicated pre-mixes at a concentration of 2kg per tonne or more only | 354 | 296 |
| Grant or renewal of an approval of premises to manufacture medicated feedingstuffs incorporating medicated pre-mixes at a concentration of 2kg per tonne or more for the manufacturer's own use | 131 | 115 |

Notes

Where more than one of the manufacturing activities tabulated above is carried on at one premises, only one fee is payable, which shall be the higher (or, as the case may be, the highest).

PART II

Fees payable in relation to the grant or renewal of approvals of distributors

| <i>Application</i> | <i>Fee (£)</i> | <i>Previous fee (£)</i> |
|---|----------------|-------------------------|
| Grant or renewal of an approval of distributors | 124 | 112 |

”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Feedingstuffs (Zootechnical Products) Regulations 1999 (S.I. 1999/1871) and the Medicated Feedingstuffs Regulations 1998 (S.I. 1998/1046) in relation to England, Scotland and Wales.

The Feedingstuffs (Zootechnical Products) Regulations 1999 implement in relation to zootechnical feedingstuffs and their contents a number of Community instruments including, in particular, Council Directive 95/69/EC (OJ No. L 332, 30.12.95, p. 15) laying down the conditions and arrangements for the approval and registration of establishments and intermediaries operating in the animal feed sector.

The effect of the amendments made by these Regulations (regulation 2 and Schedule 1) is to raise the level of fees charged under the Feedingstuffs (Zootechnical Products) Regulations 1999 for applications and subsequent official checks in respect of establishments for which approvals are sought and held for various activities involving the manufacture and production of types of zootechnical feedingstuffs and their constituents and for intermediary activities.

The Medicated Feedingstuffs Regulations 1998 implement Council Directive 90/167/EEC (OJ No. L 92, 7.4.90, p. 42) laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community.

The effect of the amendments made by these Regulations (regulation 3 and Schedule 2) is to raise the level of fees charged under the Medicated Feedingstuffs Regulations 1998 for applications for approvals and renewals of approvals in respect of premises where activities involving the manufacture of types of medicated feedingstuffs and constituents of medicated feedingstuffs are carried out or proposed to be carried out and for applications for approvals and renewals of approvals of persons as distributors of medicated feedingstuffs.

A Regulatory Impact Assessment has been carried out in respect of the measures effected by these Regulations and copies have been placed in the library of each House of Parliament. Copies may be obtained from the Veterinary Medicines Directorate, Woodham Lane, New Haw, Addlestone, Surrey, KT15 3LS.

STATUTORY INSTRUMENTS

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£3.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0517 6/2004 140517 19585

ISBN 0-11-049397-4



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