CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 3091 (Cy.265)

AMAETHYDDIAETH, CYMRU

Rheoliadau Porthiant, Porthiant (Samplu a Dadansoddi) a Phorthiant (Gorfodi) (Diwygio) (Cymru) (Rhif 2) 2004

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

1. Mae'r Rheoliadau hyn, sy'n gymwys mewn perthynas â Chymru yn unig, yn diwygio ymhellach Reoliadau Porthiant (Cymru) 2001 (O.S. 2001/343 (Cy.15), fel y'i diwygiwyd eisoes), sef "Rheoliadau 2001", sy'n gymwys mewn perthynas â Chymru'n unig.

2. Mae'r Rheoliadau hyn yn gweithredu Cyfarwyddeb y Comisiwn 2003/100/EC (OJ Rhif L285, 01.11.2003, t.33) sy'n diwygio Cyfarwyddeb 2002/32/EC Senedd Ewrop a'r Cyngor (OJ Rhif L140, 30.05.2002, t.15) ar sylweddau annymunol mewn bwyd anifeiliaid, ac yn gweithredu hefyd Benderfyniad y Comisiwn 2004/217/EC (OJ Rhif L067, 05.03.2004, t.31) sy'n mabwysiadu rhestr o ddeunyddiau y gwaherddir eu cylchredeg neu eu defnyddio at ddibenion maeth anifeiliaid.

3. Mae rheoliad 2 o'r Rheoliadau hyn yn diwygio Rheoliadau 2001-

(a) drwy fynnu ei bod yn rhaid darparu, ar gyfer yr awdurdod cymwys ac os gofynnir amdano, ddadansoddiad sy'n dangos beth yw lefel arsenig anorganig mewn bwydydd anifeiliaid penodol neu ddeunydd bwyd anifeiliaid (paragraff (2));

NATIONAL ASSEMBLY FOR WALES

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AGRICULTURE, WALES

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to Wales only, further amend the Feeding Stuffs (Wales) Regulations 2001 (SI 2001/343 (W.15), as already amended), "the 2001 Regulations", which apply in relation to Wales only.

2. These Regulations implement Commission Directive 2003/100/EC (OJ No. L285, 01.11.2003, p.33) amending Directive 2002/32/EC of the European Parliament and of the Council (OJ No. L140, 30.05.2002, p.15) on undesirable substances in animal feed, and also implement Commission Decision 2004/217/EC (OJ No. L067, 05.03.2004, p.31) adopting a list of materials whose circulation or use for animal nutrition purposes is prohibited.

3. Regulation 2 of these Regulations amends the 2001 Regulations by-

(a) requiring that analysis indicating the level of inorganic arsenic in certain feeding stuffs or feed materials must be provided on request to the competent authority, (paragraph (2));

(b) drwy wneud diwygiadau manwl i'r rhestr o ddeunyddiau gwaharddedig a geir yn rheoliad 13 o Reoliadau 2001, a thrwy ymestyn y gwaharddiad presennol ar eu cylchredeg neu eu defnyddio mewn cysylltiad â bwydydd anifeiliaid cyfansawdd i gynnwys eu cylchredeg neu eu defnyddio fel deunyddiau bwyd anifeiliaid (paragraff (3));

(c) drwy ychwanegu at Ran IX o Atodlen 3 wyth o Reoliadau newydd y Comisiwn Ewropeaidd sy'n awdurdodi ychwanegion newydd neu ffordd newydd o ddefnyddio ychwanegion penodol mewn bwydydd anifeiliaid neu, yn ôl y digwydd, drwy wneud yr awdurdodiad a roddwyd dros dro i ychwanegyn yn awdurdodiad parhaol (paragraff (4));

(ch) drwy ddiwygio'r cyfyngiadau rhagnodedig ar gyfer sylweddau annymunol a geir yn Atodlen 7 i Reoliadau 2001 mewn perthynas ag arsenig, fflworin, plwm, afflatocsin B1, gosipol rhydd ac endoswlffan (paragraff (5)).

4. Mae rheoliadau 3 i 5 hefyd yn gwneud diwygiadau canlyniadol i gyfeiriadau at y Rheoliadau Porthiant fel y maent yn ymddangos mewn amrywiol Reoliadau ac yn Neddf Amaethyddiaeth 1970.

5. Yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 paratowyd arfarniad ar yr effaith a gaiff y Rheoliadau hyn ar gostau busnes ac fe'i gosodwyd yn Llyfrgell Cynulliad Cenedlaethol Cymru, ynghyd â Nodyn Trosi sy'n nodi sut y caiff prif elfennau Cyfarwyddeb y Comisiwn 2003/57/EC a Chyfarwyddeb y Comisiwn 2003/104/EC eu trosi'n gyfraith ddomestig gan y Rheoliadau hyn. Gellir cael copïau gan yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Caerdydd, CF10 1EW.

(b) making detailed amendments to the list of prohibited materials set out in regulation 13 of the 2001 Regulations, and extending to the circulation or use as feed materials the existing prohibition on the circulation or use in connection with compound feeding stuffs (paragraph (3));

(c) adding to Part IX of Schedule 3 eight new European Commission Regulations authorising new additives or new uses of certain additives in feeding stuffs, or as the case may be making permanent the existing provisional authorisation of an additive (paragraph (4));

(d) amending the prescribed limits for undesirable substances set out in Schedule 7 to the 2001 Regulations in respect of arsenic, fluorine, lead, aflatoxin B1, free gossypol and endosulphan (paragraph (5)).

4. Regulations 3 to 5 also make consequential amendments to references to the Feeding Stuffs Regulations as they appear in various Regulations and in the Agriculture Act 1970.

5. A Regulatory Appraisal of the effect these Regulations have on business costs has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the Library of National Assembly for Wales, together with a Transposition Note setting out how the main elements of Commission Directive 2003/57/EC and Commission Directive 2003/104/EC are transposed into domestic law by these Regulations. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff, CF10 1EW.

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2004 Rhif 3091 (Cy.265)

AMAETHYDDIAETH, CYMRU

Rheoliadau Porthiant, Porthiant (Samplu a Dadansoddi) a Phorthiant (Gorfodi) (Diwygio) (Cymru) (Rhif 2) 2004

Wedi'u gwneud	*23 Tachwedd 2004*
Yn dod i rym	*24 Tachwedd 2004*

Drwy arfer y pwerau a roddwyd gan adrannau 66(1), 74A, 77(4), 79(2) a 84 o Ddeddf Amaethyddiaeth 1970(**a**), mae Cynulliad Cenedlaethol Cymru, ac yntau wedi'i ddynodi(**b**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**c**) mewn perthynas â mesurau sy'n berthnasol i fwyd anifeiliaid a gynhyrchir ar gyfer anifeiliaid sy'n cynhyrchu bwyd, neu a roddir yn fwyd iddynt, a thrwy arfer y pwerau a roddir gan yr adran olaf uchod (i'r graddau na ellir gwneud y Rheoliadau hyn o dan bwerau Deddf Amaethyddiaeth 1970 a bennir uchod), ac ar ôl ymgynghori fel sy'n ofynnol gan adran 84(1) o'r Ddeddf honno a chan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd(**ch**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Porthiant, Porthiant (Samplu a Dadansoddi) a Phorthiant (Gorfodi) (Diwygio) (Cymru) (Rhif 2) 2004, maent yn

(a) 1970 p.40. Yn adran 66(1) caiff yr ymadroddion "the Ministers", "prescribed" a "regulations" eu diffinio; cafodd y diffiniad o "the Ministers" ei ddiwygio gan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), Atodlen 5, paragraff 1. Trosglwyddwyd swyddogaethau'r "Ysgrifennydd Gwladol", i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672. Cafodd adran 74 ei mewnosod gan Ddeddf y Cymunedau Ewropeaidd 1972 (1972 p. 68), Atodlen 4, paragraff 6.

(b) O.S. 2003/2901

(c) 1972 p. 68.

(ch) OJ Rhif L31, 1.2.2002, t.1. O dan Erthygl 3 o Reoliad y Comisiwn Ewropeaidd mae "cyfraith bwyd" yn rhychwantu bwyd anifeiliaid a gynhyrchir ar gyfer anifeiliaid sy'n cynhyrchu bwyd neu a roddir yn fwyd iddynt.

STATUTORY INSTRUMENTS

2004 No. 3091 (W.265)

AGRICULTURE, WALES

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2004

Made	*23 November 2004*
Coming into force	*24 November 2004*

The National Assembly for Wales, in exercise of the powers conferred by sections 66(1), 74A, 77(4), 79(2) and 84 of the Agriculture Act 1970(**a**), and being designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to measures relating to feed produced for or fed to food-producing animals, in exercise of the powers conferred by that last mentioned section (in so far as these Regulations cannot be made under the powers of the Agriculture Act 1970 specified above), after consultation as required by section 84(1) of that Act and 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(**d**), makes the following Regulations:

Title, application and commencement

1. These Regulations may be cited as the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment)

(a) 1970 c. 40. Section 66(1) contains definitions of the expressions "the Ministers", "prescribed" and "regulations"; the definition of "the Ministers" was amended by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), Schedule 5, paragraph 1. Functions of "the Secretary of State", so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672. Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6.

(b) S.I. 2003/2901.

(c) 1972 c. 68.

(d) OJ No. L31, 1.2.2002, p.1. Under Article 3 of the EC Regulation "food law" extends to feed produced for, or fed to, food producing animals.

gymwys i Gymru'n unig a deuant i rym ar 24 Tachwedd 2004.

Diwygiadau i Reoliadau Porthiant (Cymru) 2001

2.-(1) Diwygir Rheoliadau Porthiant (Cymru) 2001(**a**) yn unol â pharagraffau (2) i (4).

(2) Yn rheoliad 12 (rheoli cynhyrchion sy'n cynnwys sylweddau annymunol ac y bwriedir eu defnyddio ar gyfer bwydydd anifeiliaid), ar ôl paragraff (6) ychwaneger y canlynol -

"(7) Mae paragraffau (8) a (9) yn gymwys i unrhyw berson y mae ganddo yn ei feddiant neu o dan ei reolaeth at ddibenion masnach neu fusnes unrhyw un o'r cynhyrchion canlynol a fwriedir ar gyfer porthiant -

(a) echdynnydd cnewllyn palmwydd;

(b) porthiant a geir o brosesu pysgod neu anifeiliaid morol eraill;

(c) blawd gwymon a deunyddiau porthiant sy'n deillio o wymon; neu

(ch) porthiant cyflawn ar gyfer pysgod neu ar gyfer anifeiliaid sy'n cynhyrchu ffwr.

(8) Rhaid i unrhyw berson y cyfeirir ato ym mharagraff (7), os bydd arolygydd yn gofyn iddo wneud hynny, gaffael a chyflwyno i'r arolygydd ddadansoddiad er mwyn dangos bod yr arsenic inorganig a gynhwysir mewn cynnyrch a fwriedir ar gyfer porthiant a restrir ym mharagraff (7) yn dod o fewn y terfyn a bennir yn y cofnod perthnasol yng ngholofn 3 o Ran I o Atodlen 7.

(9) Bydd unrhyw berson sy'n methu cydymffurfio â gofyniad a wneir o dan baragraff (8) yn euog o dramgwydd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 3 ar y raddfa safonol.".

(3) Yn lle rheoliad 13 (rheoli porthiant cyfansawdd sy'n cynnwys deunyddiau gwaharddedig) rhodder y canlynol -

"Rheoli porthiant sy'n cynnwys deunyddiau gwaharddedig

13.-(1) Ni chaiff neb roi mewn cylchrediad i'w ddefnyddio fel porthiant, neu ddefnyddio fel porthiant, unrhyw ddeunydd sy'n cynnwys -

(a) ysgarthion, wrin neu gynhwysion y llwybr traul a wahanwyd yn sgil gwacáu neu dynnu'r llwybr traul, ni waeth a gawsant eu trin neu eu cymysgu mewn unrhyw ffordd ai peidio;

(b) croen wedi'i drin â sylweddau barcio, gan gynnwys y gwastraff sy'n dod ohono;

(a) O.S. 2001/343 (Cy.15), a ddiwygiwyd gan O.S. 2001/2253 (Cy.163), O.S. 2001/3461 (Cy.280), O.S. 2002/1797 (Cy.172), O.S. 2003/1677 (Cy.180), O.S. 2003/1850 (Cy.200), O.S. 2003/3119 (Cy.297) ac O.S. 2004/1749 (Cy.186).

(Wales) (No. 2) Regulations 2004, apply in relation to Wales only and come into force on 24 November 2004.

Amendments to the Feeding Stuffs (Wales) Regulations 2001

2.-(1) The Feeding Stuffs (Wales) Regulations 2001(**a**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 12 (control of products intended for animal feed containing undesirable substances) after paragraph (6) add the following -

"(7) Paragraphs (8) and (9) apply to any person who has in his or her possession or control for the purposes of a trade or business any of the following products intended for animal feed -

(a) palm kernel expeller;

(b) feeding stuffs obtained from the processing of fish or other marine animals;

(c) seaweed meal and feed materials derived from seaweed; or

(d) complete feeding stuffs for fish or for fur producing animals.

(8) Any person referred to in paragraph (7) must, if requested by an inspector, procure and produce to the inspector an analysis in order to demonstrate that the content of inorganic arsenic in a product intended for animal feed listed in paragraph (7) is within the limit specified in the relevant entry in column 3 of Part I of Schedule 7.

(9) Any person who fails to comply with a request made under paragraph (8) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.".

(3) For regulation 13 (control of compound feeding stuffs containing prohibited materials) substitute the following -

"Control of feeding stuffs containing prohibited materials

13.-(1) No person shall put into circulation for use as a feeding stuff, or use as a feeding stuff, any material which contains -

(a) faeces, urine or separated digestive tract contents resulting from the emptying or removal of the digestive tract, irrespective of any form of treatment or admixture;

(b) hide treated with tanning substances, including its waste;

(a) S.I. 2001/343 (W.15), amended by S.I. 2001/2253 (W.163), S.I. 2001/3461 (W.280), S.I. 2002/1797 (W.172), S.I. 2003/1677 (W.180), S.I. 2003/1850 (W.200), S.I. 2003/3119 (W.297) and SI 2004/1749 (W.186).

(c) hadau neu ddeunyddiau eraill ar gyfer lluosogi planhigion sydd, ar ôl eu cynaeafu, wedi'u trin yn benodol â chynhyrchion amddiffyn planhigion gyda'r bwriad o'u defnyddio ar gyfer lluosogi planhigion, neu sgil-gynhyrchion sy'n deillio ohonynt;

(ch) pren, gan gynnwys blawd llif neu ddeunyddiau eraill sy'n deillio o bren, a gafodd ei drin â chadwolion pren fel y'u diffinnir yn Atodiad V o Gyfarwyddeb 98/8/EC Senedd Ewrop a'r Cyngor sy'n ymwneud â gosod cynhyrchion bywleiddiadd ar y farchnad(**a**);

(d) yn ddarostyngedig i baragraff (3), gwastraff (pa un a yw wedi'i brosesu neu i'w brosesu ymhellach ai peidio) a geir o drin dwr gwastraff trefol, dwr gwastraff domestig, neu o drin dwr gwastraff diwydiannol (fel y diffinnir y termau "urban waste water", "domestic waste water" ac "industrial waste water" yn Erthygl 2 o Gyfarwyddeb y Cyngor 91/271/EEC ynghylch trin dwr gwastraff), o ba le bynnag y daeth y dwr gwastraff dan sylw yn wreiddiol(**b**);

(dd) gwastraff trefol solet, megis gwastraff cartrefi, ond heb gynnwys gwastraff arlwyo fel y'i diffinnir gan Reoliad (EC) 1774/2002 sy'n gosod rheolau iechyd ynghylch sgil-gynhyrchion anifeiliaid na fwriedir i bobl eu bwyta(**c**);

(e) deunydd pecynnu a rhannau o ddeunydd pecynnu cynhyrchion a ddefnyddir mewn amaethyddiaeth neu yn y diwydiant bwyd.

(2) At ddibenion paragraff (1) ystyr "gwastraff" fydd yr ystyr a roddir i "waste" yn nhestun Saesneg Erthygl 1 o Gyfarwyddeb y Cyngor 75/442/EEC (**ch**).

(3) At ddibenion paragraff (1)(d), caiff y term "dwr gwastraff" ei ddehongli yn unol â'r troednodyn i bwynt 5 o'r Atodiad i Benderfyniad y Comisiwn 2004/217/EC sy'n mabwysiadu rhestr o ddeunyddiau y gwaherddir eu cylchredeg neu eu defnyddio at ddibenion maeth anifeiliaid(**d**). ".

(4) Yn Rhan IX (Rheoliadau'r Gymuned Ewropeaidd sy'n rheoli ychwanegion) o Atodlen 3 -

(a) ar ôl y cyfeiriad at Reoliad y Comisiwn (EC) Rhif 490/2004 mewnosoder y canlynol -

(a) OJ Rhif L123, 24.04.1998, t.1.

(b) OJ Rhif L135, 30.05.1991, t.40, fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn 98/15/EC, OJ Rhif L67, 07.03.1998, t.29.

(c) OJ Rhif L273, 10.10.2002, t.1.

(ch) OJ Rhif L194, 25.07.1975, t.39, fel y'i diwygiwyd ddiwethaf gan Reoliad (EC) 1882/2003, OJ Rhif L284, 31.10.2003, t.1.

(d) OJ Rhif L67, 05.03.2004, t.31.

(c) seeds or other plant propagating materials which, after harvest, have undergone specific treatment with plant protection products for their intended use in propagation, or derived by-products;

(d) wood, including sawdust or other materials derived from wood, which has been treated with wood preservatives as defined in Annex V of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market(**a**);

(e) subject to paragraph (3), waste (whether or not subjected or to be subjected to further processing) obtained from the treatment of "urban waste water", "domestic waste water", or "industrial waste water" (as those terms are defined in Article 2 of Council Directive 91/271/EEC concerning waste water treatment), whatever the origin of the waste water concerned(**b**);

(f) solid urban waste, such as household waste, but excluding catering waste as defined by Regulation (EC) 1774/2002 laying down health rules concerning animal by-products not intended for human consumption (**c**);

(g) packaging and parts of packaging from products used in agriculture or the food industry.

(2) For the purposes of paragraph (1) "waste" has the meaning given in Article 1 of Council Directive 75/442/EEC (**d**).

(3) For the purposes of paragraph (1)(e), the term "waste water" shall be construed in accordance with the footnote to point 5 of the Annex to Commission Decision 2004/217/EC adopting a list of materials whose circulation or use for animal nutrition purposes is prohibited(**e**). ".

(4) In Part IX (European Community Regulations by which additives are controlled) of Schedule 3 -

(a) after the reference to Commission Regulation (EC) No. 490/2004 insert the following -

(a) OJ No. L123, 24.04.1998, p.1.

(b) OJ No. L135, 30.05.1991, p.40, as amended by Commission Directive 98/15/EC, OJ No. L67, 07.03.1998, p.29.

(c) OJ No. L273, 10.10.2002, p.1.

(d) OJ No. L194, 25.07.1975, p.39, as last amended by Regulation (EC) 1882/2003, OJ No. L284, 31.10.2003, p.1.

(e) OJ No. L67, 05.03.2004, p.31.

"Commission Regulation (EC) No. 879/2004 concerning the provisional authorisation of a new use of an additive already authorised in feeding stuffs (Saccharomyces cerevisiae) (27).

Commission Regulation (EC) No. 880/2004 authorising without time limit the use of beta-carotene and canthaxanthin as additives in feeding stuffs belonging to the group of colouring matters including pigments (28).

Commission Regulation (EC) No. 1259/2004 concerning the permanent authorisation of certain additives already authorised in feeding stuffs (29).

Commission Regulation (EC) No. 1288/2004 concerning the permanent authorisation of certain additives and the provisional authorisation of a new use of an additive already authorised in feeding stuffs (30).

Commission Regulation (EC) No. 1332/2004 concerning the permanent authorisation of certain additives in feeding stuffs (31).

Commission Regulation 1333/2004 concerning the permanent authorisation of a certain additive in feeding stuffs (32).

Commission Regulation (EC) No. 1453/2004 concerning the permanent authorisation of certain additives in feeding stuffs (33).

Commission Regulation (EC) No. 1465/2004 concerning the permanent authorisation of an additive in feeding stuffs (34).".

(b) ar y diwedd, ychwaneger y canlynol -

"(27) OJ No. L162, 30.4.2004, p.65.

(28) OJ No. L162, 30.4.2004, p.68.

(29) OJ No. L239, 9.7.2004, p.8.

(30) OJ No. L243, 15.7.2004, p.10.

(31) OJ No. L247, 21.7.2004, p.8.

(32) OJ No. L247, 21.7.2004, p.11.

(33) OJ No. L269, 17.8.2004, p.3.

(34) OJ No. L270, 18.8.2004, p.11.".

(5) Yn lle'r cofnodion sy'n ymwneud ag arsenig, fflworin, plwm, afflatocsin B1, gosipol rhydd ac endoswlffan a geir yng ngholofnau 1 i 3 o Ran 1 (Feeding Stuffs) o Atodlen 7 (prescribed limits for undesirable substances) rhaid rhoi'r cofnodion a geir yng ngholofnau 1 i 3 yn y drefn honno o Atodlen 1 i'r Rheoliadau hyn.

"Commission Regulation (EC) No. 879/2004 concerning the provisional authorisation of a new use of an additive already authorised in feeding stuffs (Saccharomyces cerevisiae) (27).

Commission Regulation (EC) No. 880/2004 authorising without time limit the use of beta-carotene and canthaxanthin as additives in feeding stuffs belonging to the group of colouring matters including pigments (28).

Commission Regulation (EC) No. 1259/2004 concerning the permanent authorisation of certain additives already authorised in feeding stuffs (29).

Commission Regulation (EC) No. 1288/2004 concerning the permanent authorisation of certain additives and the provisional authorisation of a new use of an additive already authorised in feeding stuffs (30).

Commission Regulation (EC) No. 1332/2004 concerning the permanent authorisation of certain additives in feeding stuffs (31).

Commission Regulation 1333/2004 concerning the permanent authorisation of a certain additive in feeding stuffs (32).

Commission Regulation (EC) No. 1453/2004 concerning the permanent authorisation of certain additives in feeding stuffs (33).

Commission Regulation (EC) No. 1465/2004 concerning the permanent authorisation of an additive in feeding stuffs (34).".

(b) at the end add the following -

"(27) OJ No. L162, 30.4.2004, p.65.

(28) OJ No. L162, 30.4.2004, p.68.

(29) OJ No. L239, 9.7.2004, p.8.

(30) OJ No. L243, 15.7.2004, p.10.

(31) OJ No. L247, 21.7.2004, p.8.

(32) OJ No. L247, 21.7.2004, p.11.

(33) OJ No. L269, 17.8.2004, p.3.

(34) OJ No. L270, 18.8.2004, p.11.".

(5) For the entries relating to arsenic, fluorine, lead, aflatoxin B1 free gossypol and endosulphan which are set out in columns 1 to 3 of Part I (feeding stuffs) of Schedule 7 (prescribed limits for undesirable substances) substitute the entries set out in columns 1 to 3 respectively of the Schedule to these Regulations.

Diwygiadau canlyniadol i Reoliadau Porthiant (Cymru) 2001

3.-(1) Diwygir Rheoliadau Porthiant (Cymru) 2001 ymhellach yn unol â pharagraffau (2) a (3).

(2) Ym mharagraff (1) o reoliad 7 (cyfyngiadau ar amrywiadau) ar ôl yr ail "(Wales)" mewnosoder "(No.2)".

(3) Ym mharagraff (1) o reoliad 24 (diwygio adran 74A(3) o Ddeddf Amaethyddiaeth 1970) ar ôl yr ail "(Wales)" mewnosoder "(No.2)".

Diwygiadau canlyniadol i Reoliadau Porthiant (Samplu a Dadansoddi) 1999

4.-(1) Diwygir Rheoliadau Porthiant (Samplu a Dadansoddi) 1999(**a**) i'r graddau y maent yn gymwys i Gymru yn unol â pharagraffau (2) a (3).

(2) Ym mharagraff 3(e)(ii) o Ran I o Atodlen 2 (dulliau dadansoddi) ar ôl yr ail "(Wales)" mewnosoder "(No.2)".

(3) Ym mharagraff (11)(a) o Ran II (nodiadau ar gwblhau'r dystysgrif) o Atodlen 3 (ffurf ar dystysgrif dadansoddi) ar ôl yr ail "(Wales)" mewnosoder "(No. 2)".

Diwygiadau canlyniadol i Reoliadau Porthiant (Gorfodi) 1999

5.-(1) Diwygir Rheoliadau Porthiant (Gorfodi) 1999(**b**)i'r graddau y maent yn gymwys i Gymru yn unol â pharagraffau (2) i (5).

(2) Ym mharagraff (2)(a) ac ym mharagraff (4) o reoliad 7 (diwygio Deddf Amaethyddiaeth 1970 at ddibenion penodol) ar ôl yr ail "(Wales)" yn y ddau baragraff mewnosoder "(No.2)".

(3) Yn y fersiwn ddiwygiedig o is-adran (8) o adran 67 o Ddeddf Amaethyddiaeth 1970 a geir yn rheoliad 9, rhodder y geiriau "(Wales) (No.2) Regulations 2004" yn lle'r geiriau "(Wales) Regulations 2004".

(4) Yn y fersiwn ddiwygiedig o is-adran (17) o adran 76 o Ddeddf Amaethyddiaeth 1970 a geir yn rheoliad 10, rhodder y geiriau "(Wales) (No.2) Regulations 2004" yn lle'r geiriau "(Wales) Regulations 2004" ym mha le bynnag y maent yn ymddangos.

(a) O.S. 1999/1663, a ddiwygiwyd gan O.S. 1999/1871, O.S. 2001/2253 (Cy.163), O.S. 2002/1797 (Cy.172), O.S. 2003/1677 (Cy.180), O.S. 2003/1850 (Cy.200), O.S. 2003/3119 (Cy.297) ac O.S. 2004/1749 (Cy.186).

(b) O.S. 1999/2325, a ddiwygiwyd gan O.S. 2000/656, O.S. 2000/2481, O.S. 2001/2253 (Cy.163), O.S. 2001/3461 (Cy.280), O.S. 2002/1797 (Cy.172), O.S. 2003/989 (Cy.138), O.S. 2003/1677 (Cy.180), O.S. 2003/1850 (Cy.200), O.S. 2003/3119 (Cy.297) ac O.S. 2004/1749 (Cy.186).

Consequential amendments to the Feeding Stuffs (Wales) Regulations 2001

3.-(1) The Feeding Stuffs (Wales) Regulations 2001 are further amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1) of regulation 7 (limits of variation) after the second appearance of "(Wales)" insert "(No. 2)".

(3) In paragraph (1) of regulation 24 (modification of section 74A(3) of the Agriculture Act 1970) after the second appearance of "(Wales)" insert "(No. 2)".

Consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

4.-(1) The Feeding Stuffs (Sampling and Analysis) Regulations 1999(**a**) are amended in so far as they apply in relation to Wales in accordance with paragraphs (2) and (3).

(2) In paragraph 3(e)(ii) of Part I of Schedule 2 (methods of analysis) after the second appearance of "(Wales)" insert "(No. 2)".

(3) In paragraph (11)(a) of Part II (notes for completion of certificate) of Schedule 3 (form of certificate of analysis) after the second appearance of "(Wales)" insert "(No. 2)".

Consequential amendments to the Feeding Stuffs (Enforcement) Regulations 1999

5.-(1) The Feeding Stuffs (Enforcement) Regulations 1999(**b**) are amended in so far as they apply in relation to Wales in accordance with paragraphs (2) to (5).

(2) In paragraph (2)(a) and in paragraph (4) of regulation 7 (modification of the Agriculture Act 1970 for certain purposes) after the second appearance of "(Wales)" in both paragraphs insert "(No. 2)".

(3) In the modified version of subsection (8) of section 67 of the Agriculture Act 1970 which is set out in regulation 9, substitute the words "(Wales) (No. 2) Regulations 2004" for the words "(Wales) Regulations 2004".

(4) In the modified version of subsection (17) of section 76 of the Agriculture Act 1970 which is set out in regulation 10, substitute the words "(Wales) (No. 2) Regulations 2004" for the words "(Wales) Regulations 2004" wherever they appear.

(a) S.I. 1999/1663, amended by S.I. 1999/1871, 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. 2003/3119 (W.297) and S.I. 2004/1749 (W.186).

(b) S.I. 1999/2325, amended by S.I. 2000/656, S.I. 2000/2481, S.I. 2001/2253 (W.163), S.I. 2001/3461 (W.280), S.I. 2002/1797 (W.172), S.I. 2003/989 (W.138), S.I. 2003/1677 (W.180), S.I. 2003/1850 (W.200), S.I. 2003/3119 (W.297) and S.I. 2004/1749 (W.186).

(5) Ym mhob un o reoliadau 11, 11A ac 11B, rhodder y geiriau "(Wales) (No. 2) Regulations 2004" yn lle'r geiriau "(Wales) Regulations 2004".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**)

23 Tachwedd 2004

(5) In each of regulations 11, 11A and 11B, substitute the words "(Wales) (No. 2) Regulations 2004" for the words "(Wales) Regulations 2004".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**)

23 November 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

YR ATODLEN

Rheoliad 2(4)

COFNODION I'W RHOI YN LLE COFNODION YN RHAN 1 O ATODLEN 7 I REOLIADAU PORTHIANT (CYMRU) 2001

SCHEDULE

Regulation 2(4)

ENTRIES TO BE SUBSTITUTED IN PART I OF SCHEDULE 7 TO THE FEEDING STUFFS (WALES) REGULATIONS 2001

Column 1	*Column 2*	*Column 3*
Arsenic	Feed materials except:	2
	- meal made from grass, from dried lucerne and from dried clover and dried sugar beet pulp and dried molasses sugar beet pulp	4
	- palm kernel expeller	4 (of which the content of inorganic arsenic must be less than 2)
	- phosphates and calcareous marine algae	10
	- calcium carbonate	15
	- magnesium oxide	20
	- feedingstuffs obtained from the processing of fish or other marine animals	15 (of which the content of inorganic arsenic must be less than 2)
	- seaweed meal and feed materials derived from seaweed	40 (of which the content of inorganic arsenic must be less than 2)
	Complete feeding stuffs except:	2
	- complete feeding stuffs for fish and fur-producing animals	6 (of which the content of inorganic arsenic must be less than 2)
	Complementary feeding stuffs except:	4
	- mineral feeding stuffs	12
		Note in respect of all entries in column 3 The maximum levels refer to total arsenic
Fluorine	Feed materials except:	150
	- feedingstuffs of animal origin with the exception of marine crustaceans such as marine krill	500
	- phosphates and marine crustaceans such as marine krill	2000
	- calcium carbonate	350
	- magnesium oxide	600
	- calcareous marine algae	1000
	Complete feeding stuffs except:	150
	- complete feeding stuffs for cattle, sheep and goats	
	- in milk	30
	- other	50
	- complete feeding stuffs for pigs	100
	- complete feeding stuffs for poultry	350
	- complete feeding stuffs for chicks	250
	Mineral mixtures for cattle, sheep and goats	2000
	Other complementary feeding stuffs	125 (fluorine content per percentage point phosphorous in the feeding stuff)

Column 1	*Column 2*	*Column 3*
Lead	Feed materials except: - grass meal, lucerne meal or clover meal - calcium carbonate - phosphates and calcareous marine algae - yeast Complete feeding stuffs Complementary feeding stuffs except: - mineral feeding stuffs	10 40 20 15 5 5 10 15
Aflatoxin B_1	All feed materials Complete feeding stuffs for cattle, sheep and goats except: - dairy animals - calves and lambs Complete feeding stuffs for pigs and poultry (except piglets and chicks) Other complete feeding stuffs Complementary feeding stuffs for cattle, sheep and goats (except complementary feeding stuffs for dairy animals, calves and lambs) Complementary feeding stuffs for pigs and poultry (except piglets and chicks) Other complementary feeding stuffs	0.02 0.02 0.005 0.01 0.02 0.01 0.02 0.02 0.005
Free Gossypol	Feed materials except: - cotton-seed - cotton-seed cakes and cotton-seed meal Complete feeding stuffs except: - complete feeding stuffs for cattle, sheep and goats - complete feeding stuffs for poultry (except laying hens) and calves - complete feeding stuffs for rabbits and pigs (except piglets)	20 5000 1200 20 500 100 60
Endosulphan (sum of alpha- and beta-isomers and of endosulphan sulphate, expressed as endosulphan)	All feeding stuffs except: - maize and products derived from the processing thereof - oilseeds and products derived from the processing thereof - complete feeding stuffs for fish	0.1 0.2 0.5 0.005

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AMAETHYDDIAETH, CYMRU	**AGRICULTURE, WALES**
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