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WELSH STATUTORY INSTRUMENTS

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**2022 No. 1362**

**The Food and Feed (Miscellaneous Amendments)  
(Wales) (EU Exit) Regulations 2022**

**Amendment to the Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016**

4.—(1) The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016<sup>(1)</sup> are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) omit the definitions of “Directive 82/475” and “Directive 2002/32”;

(ii) in the definition of “feed authority”, for “67(1)” substitute “67(1A)”;

(b) in paragraph (2), before “EU” insert “retained”;

(c) in paragraph (3), in both places it occurs, omit “EU”.

(3) In regulation 12(2), for “the Annex to Directive 82/475” substitute “Schedule 1A”.

(4) In regulation 13(2)(b), for “appropriate authority” substitute “Welsh Ministers”.

(5) For the heading of Part 6 substitute—

*“Undesirable substances in products intended for animal feed”*

(6) In regulation 14, omit paragraph (a) and the “and” after it.

(7) In regulation 15—

(a) in paragraph (1)—

(i) in sub-paragraph (a), for “Annex I” substitute “a table in Schedule 1B”;

(ii) in the words after sub-paragraph (b), for “Annex” substitute “table”;

(b) in paragraph (2)—

(i) in sub-paragraph (a), for “Annex I” substitute “a table in Schedule 1B”;

(ii) in sub-paragraph (b), for “Annex” substitute “table”;

(c) in paragraph (3)—

(i) for “Annex I” substitute “a table in Schedule 1B”;

(ii) for “Annex”, in the second place it occurs, substitute “table”;

(d) in paragraph (5)—

(i) for “Annex I” substitute “a table in Schedule 1B”;

(ii) for “Annex”, in the second place it occurs, substitute “table”;

(e) in paragraph (7)—

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(1) [S.I. 2016/386 \(W. 120\)](#), amended by [S.I. 2018/806 \(W. 162\)](#), [2019/1046 \(W. 185\)](#) and [2020/1381 \(W. 307\)](#); there is another amending instrument not relevant to these Regulations.

- (i) after sub-paragraph (c) omit the “and”;
- (ii) after sub-paragraph (d) insert—
  - “(e) peat;
  - (f) leonardite.”;
- (f) after paragraph (8) insert—
  - “(9) In order to reduce or eliminate sources of undesirable substances in products intended for animal feed, feed authorities must carry out investigations to identify the sources of undesirable substances, in cases where the maximum levels are exceeded and in cases where increased levels of such substances are detected, taking into account background levels.
  - (10) In cases of increased levels of undesirable substances listed in Schedule 1C, action thresholds to trigger investigations are set out in that Schedule.
  - (11) Feed authorities must send to the Agency all relevant information and findings of the source and the measures taken to reduce the level of, or eliminate, undesirable substances.”
- (8) After regulation 15 insert—

**“Regulations amending Schedules 1B and 1C**

- 15A.**—(1) Where paragraph (2) applies, the Welsh Ministers may, by regulations, make provision to amend, add, or remove an entry in Schedule 1B or 1C.
- (2) This paragraph applies where—
    - (a) the Welsh Ministers consider that the presence in feed of an undesirable substance not listed in Schedule 1B, or at a level permitted in accordance with Schedule 1B, presents, or would present, a danger to animal or human health or to the environment, or
    - (b) the Welsh Ministers consider it necessary in order to adapt to scientific and technical developments.
  - (3) The Welsh Ministers may, by regulations, define acceptability criteria for detoxification processes through which an undesirable substance listed in Schedule 1B is on purpose removed from feed.
  - (4) A power to make regulations under this regulation—
    - (a) is exercisable by statutory instrument;
    - (b) includes the power to make different provision for different purposes;
    - (c) includes the power to make incidental, supplementary, consequential, transitional, transitory or saving provision (including provision amending, repealing or revoking enactments or retained direct EU legislation).
  - (5) A statutory instrument that contains regulations under this regulation is subject to annulment in pursuance of a resolution of Senedd Cymru.”
  - (9) After Schedule 1 insert the Schedules 1A, 1B and 1C set out in Schedule 3 to these Regulations.