

SL(6)420 – The Feed Additives (Authorisations) (Wales) Regulations 2023

Background and Purpose

These Regulations authorise, in relation to Wales, the placing on the market of thirteen feed additives.

The authorisations are for:

- Nutritional additives, the function of which is to provide essential micro-nutrients to animal diets such as amino acids;
- Technological additives, such as silage additives (substances including enzymes or micro-organisms intended to be incorporated into feed to improve the production of silage);
- Zootechnical additives, such as digestibility enhancers (substances which, when fed to animals, increase the digestibility of diets through action on target feed materials) and substances which favourably affect the environment.

They also provide transitional arrangements due to an ID code change for one previously authorised feed additive to allow existing stocks to be depleted, and revoke spent authorisations.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 2(3), "*Regulation 1831/2003*" is defined for the purposes of regulation 2 only, as regulation 2(3) begins with the words, "*In this regulation*". However, "*Regulation 1831/2003*" is also used in regulation 3(2) and, for the purpose of that regulation, is currently undefined.

2. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements



In both Schedules 3 and 4 to these Regulations, in table note (2), reference is made to a British Standards Institution publication which aids the reader in understanding the analytical methods referenced in those Schedules in relation to each specified additive.

In the English text, the publication is referred to as, “*Animal feeding stuffs: Methods of sampling and analysis. Detection and enumeration of Pediococcus spp. used as feed additive*” (emphasis added). However, in the Welsh text, “*Bacillus spp.*” is used, rather than “*Pediococcus spp.*”

An explanation is required as to this inconsistency between the English and Welsh texts as they appear to reference separately titled publications.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

A full regulatory impact assessment has not been produced. The Explanatory Memorandum explains as follows:

“The FSA [Food Standards Agency] has assessed the impacts that would result from the authorisation of these feed additives. The impacts considered included those most frequently identified as potential impacts when introducing or amending food and feed law (i.e., local authority delivery, health, environment, growth, innovation, trade, competition, consumer interests and small and micro businesses). The FSA did not identify any significant impacts therefore, a full regulatory impact assessment has not been produced. This is in line with the policy set out in the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation.

The FSA did identify that the authorisation of these products should generally result in the greater market competition supporting growth and innovation in the sector.”

Welsh Government response

Technical Scrutiny point 1:

The Government considers that it is clear the reference in regulation 3(2) to “Article 14(4) (renewal of authorisation) of Regulation 1831/2003” refers to Article 14 of Regulation (EC) No 1831/2003. The full title of the Regulation is given in the preamble. Footnote (1) to the preamble references the application of Article 14 of that Regulation in relation to renewals. That Regulation is also referenced as “Regulation 1831/2003” in, and is defined for the purposes of, regulation 2. Further, the Explanatory Note explains the effect of regulation 3(2) by reference to the full title of Regulation (EC) No 1831/2003.



The Government acknowledges the point but on analysis considers that no amendment to the instrument is required.

Technical Scrutiny point 2:

The Government acknowledges there is an error in the table footnotes (2) in Schedules 3 and 4 of the Welsh text of the instrument.

The table footnotes reference the details of the British Standard BS EN 15786:2021. The error appears within the quoted English-language title of the standard. The Government considers the error is minor and is clear to the reader, and there is no risk of confusion as to the publication being referenced. Schedules 3 and 4 are clear that they concern feed additives consisting of a strain of bacteria of the genus *Pediococcus*. The BS EN number and the ISBN number are correct; a search for either will lead the reader to the correct publication.

For the reasons set out above, the Government has made the decision to leave the instrument in its existing form.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 8 January 2024 and reports to the Senedd in line with the reporting points above.

