

SL(6)277 – The Feed Additives (Authorisations) (Wales) Regulations 2022

Background and Purpose

The Feed Additives (Authorisations) (Wales) Regulations 2022 (“the Regulations”) are made by the Welsh Ministers in exercise of the powers conferred by Articles 9(1) and 18A(3) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition (“Regulation 1831/2003”).

A feed additive may not be placed on the market, processed or used unless it is covered by an authorisation granted in accordance with Regulation 1831/2003. Authorisations are valid for ten years.

The Regulations provide for the authorisation of eleven feed additives:

- Schedules 1 to 3, 7 and 9 contain new authorisations.
- Schedules 4 to 6 and 8 contain renewals of prior authorisations.
- Schedules 10 and 11 contain authorisations for a new formulation of, and a modified form of, decoquinate.

The Regulations also amend four retained EU Regulations that authorise the feed *Bacillus subtilis* ATCC PTA-6737 to update the name of the bacterial strain to “*Bacillus velezensis*”. A transitional provision provides that products labelled with the previous name but otherwise produced in accordance with the relevant authorisation may continue to be used.

The Regulations revoke retained EU Regulations containing the prior authorisations for feed additives now authorised in the Schedules. Transitional provisions allow for the continued production and labelling of products under the prior authorisations for a limited time.

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 point is identified for reporting under Standing Order 21.2 in respect of this instrument.



1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

The Schedules to the Regulations contain new authorisations and renewals of existing authorisations, with or without modifications. Regulation 6 modifies an existing authorisation, while regulations 4 to 7 amend existing authorisations. Regulation 8 and Schedule 12 revoke existing authorisations.

Article 13 of Regulation 1831/2003 provides for the modification, suspension or revocation of an authorisation. Article 13(6) provides that the terms of any modification, suspension or revocation must be in a form prescribed by the appropriate authority (and in accordance with Article 2, “prescribed” means “prescribed by regulations”).

The equivalent Scottish Regulations referenced in the Explanatory Memorandum cite Article 13(6) in the preamble, whereas the equivalent English Regulations do not.

The Welsh Government is asked to clarify whether the Welsh Ministers are exercising the power in Article 13(6) of Regulation 1831/2003 in making the Regulations.

Merits Scrutiny

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

2. 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.

There are a number of inconsistencies in how technical terms are treated within the Schedules to the Regulations. For example:

- In Schedule 7, in the heading of the table, the words in quotation marks for the additive category “zootechnical ***additives***” differ from the words used for the additive category in the table (“zootechnical ***feed additive***”).
- In Schedule 1, in the second column for the entry “*Characterisation of the active substance(s)*”, the words “*Manganese-2-aminopentanedioic acid, sodium and*” should be on a new line, rather than immediately after the closing bracket for the previous formula.
- In the tables in Schedules 2, 6, 7 and 8, in the respective entries for “*Analytical Methods*”, the capitalisation and hyphenation of the term “*Pulsed field gel electrophoresis*” varies. In the Welsh text of those Schedules, the capitalisation of the term is also inconsistent.
- In the Schedules, where a technical term is abbreviated, the Welsh text generally uses the English abbreviation. However, in Schedule 5, the first letters of the corresponding Welsh words are used to create a different Welsh abbreviation. Either approach is valid, but the inconsistency could cause confusion.



The Schedules provide the authorisations for the use of the specified feed additives. The Welsh Government is reminded that care should be taken to treat relevant technical terms consistently, to ensure that the terms of authorisation are clear and to avoid any risk of confusion.

Welsh Government response

Technical Scrutiny point

The Welsh Ministers are not exercising any function in Article 13(6) of retained Regulation (EC) No 1831/2003 in making the Feed Additives (Authorisations) (Wales) Regulations 2022. The Government considers that the appropriate powers for all provisions of those Regulations are Articles 9(1) and 18A(3).

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 21 November 2022 and reports to the Senedd in line with the reporting points above.

