

To: Business Committee

From: Minister for Health and Social Services

EXPLANATORY MEMORANDUM

THE FEEDING STUFFS (AMENDMENT) REGULATIONS 2003

The proposed legislation will introduce harmonised EU measures, including a rapid alert system, for dealing with consignments of contaminated animal feeds.

Summary

1. This memorandum is submitted to the Assembly's Business Committee in relation to the Feeding Stuffs (Amendment) Regulations 2003, in accordance with Standing Order 22.5.
2. A copy of the Instrument is submitted with this memorandum.
3. The power enabling this Instrument to be made is contained in section 2(2) of the European Communities Act 1972.

Effect

4. The intended effect of this Instrument is to improve public health protection. It amends the Feeding Stuffs (Enforcement) Regulations 1999. The Instrument will:
 - Impose on those responsible for establishments producing products for animal nutrition an obligation to notify the Food Standards Agency and the relevant local authority, and to supply them with specified information, if they have evidence that feed materials which they have imported or put into circulation contain certain undesirable substances at levels above the maximum ones prescribed.
 - Introduce new powers for enforcement authorities to put under control products which it appears may pose a serious risk to human or animal health or the environment.
5. These Regulations contain certain provisions that relate to areas not devolved to the National Assembly and therefore have to be brought into effect by way of a Westminster Statutory Instrument. However, to avoid the drafting of some very complicated and artificial provisions, that would make the already difficult 1999 Regulations more complex still, the Westminster SI also contains some provisions relating to areas that have been devolved. The ability to do this is provided for under Standing Order 23.

6. The provisions in the Regulations relate to measures to be taken in respect of zootechnical and non-zootechnical products. Zootechnical products are defined in EC legislation as "feedingstuffs with zootechnical additives including antibiotics, coccidiostats and other medicinal substances and growth promoters". Under the European Communities (Designation) (No.3) Order 1999, the National Assembly is empowered to take "measures relating to the common agricultural policy of the European Community, *except measures concerning feedingstuffs containing medicinal products...or medicinal products when destined for use in feeding stuffs*".
7. Regulations 7 to 12 and 14 extend to the whole of the United Kingdom. Regulations 2 to 6, 13 and 15 are being brought into effect in Wales by means of a parallel Wales only Statutory Instrument.

Financial Implications

8. There are no additional financial implications for the National Assembly, the industry or others arising from the making of this Instrument. Financial Planning Division has been consulted.

Regulatory Impact Assessment

9. A Regulatory Impact Assessment has been carried out in relation to this Instrument and is attached at doc.3.

Consultation

10. With Stakeholders

The regulations have been subject to consultation with stakeholders including local authorities, consumer groups and representative bodies in the food standards industry. The main concerns raised were in relation to routine testing of animal feed and compensation where the Agency confirmed that routine testing was not required by the Regulations and that compensation would have to be addressed on a case-by-case basis.

11. With Subject Committee

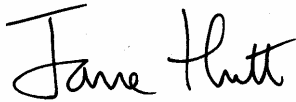
No requirement. The Regulations have however been included in the list of instruments put to Committee on 26 March 2003. They have not been identified for further scrutiny.

Recommended Procedure

12. I recommend that this instrument proceeds to Plenary without debate.
13. As far as is applicable, the proposed legislation

- Will have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 Section 120)
- Will be compatible with the Assembly's scheme for sustainable development (Section 121)
- Will be compatible with Community law (Section 106)
- Will be compatible with the Assembly's human rights legislation
- Will be compatible with any international obligations binding the UK Government and the Assembly (Section 108)

14. Policy contact: Leigh Donovan (Food Standards Agency) 029 2067 8952.

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a large initial 'J'.

03/03/03

Jane Hutt AM
Minister for Health and Social Services

March 2003