CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 617 (Cy.69)

AMAETHYDDIAETH, CYMRU

Rheoliadau Bwydydd Anifeiliaid a Phorthiant (Samplu a Dadansoddi) (Diwygio) (Cymru) 2006

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn diwygio Rheoliadau Bwydydd Anifeiliaid (Cymru) 2006 ("Rheoliadau 2006") a Rheoliadau Porthiant (Samplu a Dadansoddi) 1999 ("Rheoliadau 1999").

2. Mae'r Rheoliadau'n rhoi ar waith ddeddfwriaeth ganlynol y Gymuned Ewropeaidd-

(a) Cyfarwyddeb y Comisiwn 2005/6/EC (OJ Rhif L24, 27.1.2005, t.33) sy'n diwygio Cyfarwyddeb 71/250/EEC o ran llunio adroddiad ar ganlyniadau dadansoddol a'u dehongli fel sy'n ofynnol o dan Gyfarwyddeb 2002/32/EC;

(b) Cyfarwyddeb y Comisiwn 2002/7/EC (OJ Rhif L27, 29.1.2005, t.41) sy'n diwygio Cyfarwyddeb 2002/70/EC sy'n gosod gofynion ar gyfer penderfynu ar lefelau deuocsinau a PCBs o fath deuocsin mewn bwydydd anifeiliaid; ac

(c) Cyfarwyddeb y Comisiwn 2002/8/EC (OJ Rhif L27, 29.1.2005, t.44) sy'n diwygio Atodiad 1 i Gyfarwyddeb 2002/32/EC Senedd Ewrop a'r Cyngor ar sylweddau annymunol mewn bwyd anifeiliaid.

3. Mae'r Rheoliadau hefyd yn gwneud diwygiadau canlyniadol i Reoliadau 1999 i adlewyrchu'r ffaith bod Erthygl 11 o Reoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a wneir i sicrhau gwirio y cydymffurfir â chyfraith bwyd anifeiliaid a bwyd, ac â rheolau iechyd anifeiliaid a lles

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 617 (W.69)

AGRICULTURE, WALES

The Feeding Stuffs and the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to Wales, amend the Feeding Stuffs (Wales) Regulations 2006 ("the 2006 Regulations") and the Feeding Stuffs (Sampling and Analysis) Regulations 1999 ("the 1999 Regulations").

2. The Regulations implement the following European Community legislation-

(a) Commission Directive 2005/6/EC (OJ No. L24, 27.1.2005, p.33) amending Directive 71/250/EEC as regards reporting and interpretation of analytical results required under Directive 2002/32/EC;

(b) Commission Directive 2002/7/EC (OJ No. L27, 29.1.2005, p.41) amending Directive 2002/70/EC establishing requirements for the determination of levels of dioxins and dioxin-like PCBs in feedingstuffs; and

(c) Commission Directive 2002/8/EC (OJ No. L27, 29.1.2005, p.44) amending Annex 1 to Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed.

3. The Regulations also make consequential amendments to the 1999 Regulations to reflect the fact that as from 1.1.2006 the general obligation on Member States, formerly contained in Council Directive 95/53/EC, to ensure that sampling and analysis carried out in pursuit of official controls follows prescribed Community methods, is now given

anifeiliaid (OJ Rhif L191, 28.5.2004, t.1) yn gwneud yn effeithiol, o 1.1.2006 ymlaen, y rhwymedigaeth gyffredinol sydd ar Aelod-wladwriaethau ac a gafwyd gynt yng Nghyfarwyddeb y Cyngor 95/53/EC, i sicrhau bod gwaith samplu a dadansoddi, sy'n cael ei wneud yn unol â rheolaethau swyddogol, yn dilyn dulliau Cymunedol a ragnodir.

4. Mae rheoliad 2 o'r Rheoliadau hyn yn rhoi ar waith Gyfarwyddeb y Comisiwn 2005/8/EC drwy ddiwygio Atodlen 5 i Reoliadau 2006 mewn perthynas â chofnodion penodol ynghylch plwm, fflworin a mercwri.

5. Yn rheoliad 3 o'r Rheoliadau hyn-

(a) mae paragraffau (2) a (5) yn rhoi ar waith Gyfarwyddeb y Comisiwn 2005/7/EC o ran trosi drwy gyfeirio at y diwygiadau a wnaed gan y Gyfarwyddeb honno i Gyfarwyddeb y Comisiwn 2002/70/EC;

(b) mae paragraff (3) yn gwneud y diwygiadau canlyniadol y cyfeirir atynt ym mharagraff 3 uchod;

(c) mae paragraffau (4) a (6) yn rhoi ar waith Gyfarwyddeb y Comisiwn 2005/6/EC drwy gyflwyno gofynion newydd o ran ansicrwydd ynghylch mesuriad estynedig a chywiro er mwyn adfer pan ddadansoddir bwyd anifeiliaid i ganfod lefelau'r sylweddau annymunol a phan lunnir adroddiad ar y dadansoddiad.

6. Mae arfarniad rheoliadol o'r effaith y bydd yr offeryn hwn yn ei chael ar gostau busnes wedi ei baratoi a'i osod yn Llyfrgell Cynulliad Cenedlaethol Cymru ynghyd â nodyn trosi sy'n nodi sut y trosir darpariaethau gweithredol Cyfarwyddebau'r Comisiwn 2005/6, 2005/7 a 2005/8 yn gyfraith ddomestig gan y Rheoliadau hyn. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Southgate House, Llawr 11, Wood Street, Caerdydd CF11 1EW.

effect by Article 11 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ No. L191, 28.5.2004, p.1).

4. Regulation 2 of these Regulations implements Commission Directive 2005/8/EC by amending Schedule 5 to the 2006 Regulations in respect of certain entries for lead, fluorine and mercury.

5. In regulation 3 of these Regulations-

(a) paragraphs (2) and (5) implement Commission Directive 2005/7/EC in transposing by reference the amendments made by that Directive to Commission Directive 2002/70/EC;

(b) paragraph (3) makes the consequential amendments referred to in paragraph 3 above;

(c) paragraphs (4) and (6) implement Commission Directive 2005/6/EC by introducing new requirements regarding expanded measurement uncertainty and correction for recovery when analysing and reporting on the analysis of animal feed to determine the levels of undesirable substances.

6. A full regulatory appraisal on the effect that this instrument will have on the costs of business has been prepared and placed in the Library of the National Assembly for Wales together with a transposition note setting out how the operative provisions of Commission Directives 2005/6, 2005/7 and 2005/8 are transposed into domestic law by these Regulations. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff CF11 1EW.

OFFERYNNAU STATUDOL

2006 Rhif 617 (Cy.69)

AMAETHYDDIAETH, CYMRU

Rheoliadau Bwydydd Anifeiliaid a Phorthiant (Samplu a Dadansoddi) (Diwygio) (Cymru) 2006

Wedi'u gwneud	*7 Mawrth 2006*
Yn dod i rym	*10 Mawrth 2006*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 66(1), 74A, 77(4), 78(6) ac 84 o Ddeddf Amaeth 1970(**1**) a chan ei fod wedi ei ddynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**2**) o ran polisi amaethyddol cyffredin y Gymuned Ewropeaidd(**3**) a mesurau ym maes milfeddygaeth er diogelu iechyd y cyhoedd(**4**).

Bu ymgynghori yn unol â gofynion adran 84(1) o Ddeddf Amaethyddiaeth 1970 neu fel sy'n briodol yn unol ag Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(**5**).

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Bwydydd Anifeiliaid a Phorthiant (Samplu a Dadansoddi) (Diwygio) (Cymru) 2006, maent yn gymwys o ran Cymru a deuant i rym ar 10 Mawrth 2006.

(**1**) 1970 p.40. Trosglwyddwyd swyddogaethau "yr Ysgrifennydd Gwladol", i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672. Mewnosodwyd adran 74A gan Ddeddf y Cymunedau Ewropeaidd 1972 (1972 p.68), Atodlen 4, paragraff 6

(**2**) 1972 p.68.

(**3**) O.S. 2005/2766.

(**4**) O.S. 2003/1246.

(**5**) OJ Rhif L31, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 1642/2003 Senedd Ewrop a'r Cyngor (OJ Rhif L245, 29.9.2003, t.4).

STATUTORY INSTRUMENTS

2006 No. 617 (W.69)

AGRICULTURE, WALES

The Feeding Stuffs and the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2006

Made	*7 March 2006*
Coming into force	*10 March 2006*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 66(1), 74A, 77(4), 78(6) and 84 of the Agriculture Act 1970(**1**) and by virtue of being designated for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community(**3**) and measures in the veterinary field for the protection of public health(**4**).

There has been consultation in accordance with the requirements of section 84(1) of the Agriculture Act 1970 or as appropriate 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(**5**).

Title, application and commencement

1. The title of these Regulations is the Feeding Stuffs and the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2006, they apply in relation to Wales and come into force on 10 March 2006.

(**1**) 1970 c.40. 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.

(**2**) 1972 c.68.

(**3**) S.I. 2005/2766.

(**4**) S.I. 2003/1246.

(**5**) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

Diwygiadau i Reoliadau Bwydydd Anifeiliaid (Cymru) 2006

2.-(1) Yn Atodlen 5 (terfynau a ragnodwyd ar gyfer sylweddau annymunol) i Reoliadau Bwydydd Anifeiliaid (Cymru) 2006(**1**), diwygir Pennod A yn unol â pharagraffau (2) i (4).

(2) Mewn perthynas â chofnodion ynghylch fflworin-

(a) yn lle'r ymadrodd "Mineral mixtures for cattle, sheep and goats" yng ngholofn 2 rhodder yr ymadrodd "Complementary feeding stuffs containing 4% phosphorous or less" a chyferbyn â'r cofnod hwnnw, yng ngholofn 3 yn lle'r ffigur "2000" rhodder "500";

(b) yn lle'r ymadrodd "Other complementary feeding stuffs" yng ngholofn 2 rhodder yr ymadrodd "Complementary feeding stuffs containing more than 4% phosphorous" a chyferbyn â'r cofnod hwnnw, yng ngholofn 3 yn lle'r ymadrodd "(fluorine content per percentage point phosphorous in the feeding stuff)" rhodder "per 1% phosphorous".

(3) Mewn perthynas â'r cofnodion ynghylch plwm, yn lle'r ymadrodd "grass meal, lucerne meal or clover meal" yng ngholofn 2 rhodder yr ymadrodd "green fodder (including products such as hay, silage, fresh grass, etc)".

(4) Mewn perthynas â'r cofnodion ynghylch mercwri, ar ôl y cofnod "- feed materials produced by the processing of fish or other marine animals" yng ngholofn 2 mewnosoder y cofnod "- calcium carbonate" a chyferbyn â'r cofnod hwnnw, yng ngholofn 3 mewnosoder y ffigur "0.3".

Amendments to the Feeding Stuffs (Wales) Regulations 2006

2.-(1) In Schedule 5 (prescribed limits for undesirable substances) to the Feeding Stuffs (Wales) Regulations 2006(**1**), Chapter A is amended in accordance with paragraphs (2) to (4).

(2) In relation to the entries for fluorine-

(a) for the expression "Mineral mixtures for cattle, sheep and goats" in column 2 substitute the expression "Complementary feeding stuffs containing 4% phosphorous or less" and opposite that entry, in column 3 for the figure "2000" substitute "500";

(b) for the expression "Other complementary feeding stuffs" in column 2 substitute the expression "Complementary feeding stuffs containing more than 4% phosphorous" and opposite that entry, in column 3 for the expression "(fluorine content per percentage point phosphorous in the feeding stuff)" substitute "per 1% phosphorous".

(3) In relation to the entries for lead, for the expression "grass meal, lucerne meal or clover meal" in column 2 substitute the expression "green fodder (including products such as hay, silage, fresh grass, etc)".

(4) In relation to the entries for mercury, after the entry "- feed materials produced by the processing of fish or other marine animals" in column 2 insert the entry "- calcium carbonate" and opposite that entry, in column 3 insert the figure "0.3".

Diwygio Rheoliadau Porthiant (Samplu a Dadansoddi) 1999

3.-(1) Diwygir Rheoliadau Porthiant (Samplu a Dadansoddi) 1999(**2**) o ran Cymru yn unol â pharagraffau (2) i (6).

(2) Yn rheoliad 1 (enwi, cychwyn a dehongli), ar ddiwedd y diffiniad o Gyfarwyddeb 2002/70/EC ychwaneger yr ymadrodd "as amended by Commission Directive 2005/7/EC(**3**)".

(3) Yn rheoliad 6, yn lle paragraff (4) rhodder y canlynol-

Amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

3.-(1) The Feeding Stuffs (Sampling and Analysis) Regulations 1999(**2**) are amended in relation to Wales in accordance with paragraphs (2) to (6).

(2) In regulation 1 (title, commencement and interpretation), at the end of the definition of Directive 2002/70/EC add the expression "as amended by Commission Directive 2005/7/EC(**3**)".

(3) In regulation 6, for paragraph (4) substitute the following-

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(**1**) O.S. 2006/116 (Cy.14).

(**2**) O.S. 1999/1663, fel y'i diwygiwyd eisoes 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), O.S. 2004 /1749 (Cy.186) ac O.S. 2006/116 (Cy.14).

(**3**) OJ Rhif L27, 29.1.2005, t.41.

(**1**) S.I. 2006/116 (W.14).

(**2**) S.I. 1999/1663, as previously 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), S.I. 2004/1749 (W.186) and S.I. 2006/116 (W.14).

(**3**) OJ No. L27, 29.1.2005, p.41.

"(4) Where a sample of a feeding stuff is to be analysed pursuant to-

(a) section 75(1) (sample analysed at the request of the purchaser) of the Act, or

(b) section 78(1) (further analysis by Government chemist) of the Act in so far as that sub-section does not relate to official controls,

and neither paragraph (1) nor (3) applies, the analysis shall be carried out in the like manner as that prescribed by Article 11(1)(a) or as appropriate (b) of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure verification of compliance with feed and food law, animal health and animal welfare rules(**1**).".

(4) Yn Atodlen 2 Rhan I (darpariaethau cyffredinol) ychwaneger y paragraff canlynol-

"**4. Assessment of compliance in analysis for undesirable substances**

(a) Subject to paragraph (c), in the case of analysis to detect the presence of one or more of the undesirable substances listed in Schedule 5 to the Feeding Stuffs (Wales) Regulations 2006 ("the Schedule"), a feeding stuff which has been sampled and analysed in accordance with these Regulations does not comply with the relevant prescribed limit or limits set out in the Schedule if, after taking into account expanded measurement uncertainty and correction for recovery in accordance with paragraph (b), the analytical result indicates the presence of an undesirable substance in excess of the maximum content specified for that substance in column 3 of the Schedule.

(b) In assessing compliance for the purposes of paragraph (a), the analysed concentration must be corrected for recovery and the expanded measurement uncertainty subtracted from the analytical result.

(c) The procedure in paragraphs (a) and (b) is not applicable in the case of microscopic analysis or in any other case where the method of analysis makes it impossible to estimate measurement uncertainty and correction for recovery. ".

(5) Mewn perthynas â'r cofnodion sy'n ymwneud â deuocsinau a PCBs o fath deuocsin yn Atodiad I i Ran II (dulliau dadansoddi) o Atodlen 2-

(**1**) OJ Rhif L191, 28.5.2004, t.1.

"(4) Where a sample of a feeding stuff is to be analysed pursuant to-

(a) section 75(1) (sample analysed at the request of the purchaser) of the Act, or

(b) section 78(1) (further analysis by Government chemist) of the Act in so far as that sub-section does not relate to official controls,

and neither paragraph (1) nor (3) applies, the analysis shall be carried out in the like manner as that prescribed by Article 11(1)(a) or as appropriate (b) of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure verification of compliance with feed and food law, animal health and animal welfare rules(**1**).".

(4) In Schedule 2 Part I (general provisions) add the following paragraph-

"**4. Assessment of compliance in analysis for undesirable substances**

(a) Subject to paragraph (c), in the case of analysis to detect the presence of one or more of the undesirable substances listed in Schedule 5 to the Feeding Stuffs (Wales) Regulations 2006 ("the Schedule"), a feeding stuff which has been sampled and analysed in accordance with these Regulations does not comply with the relevant prescribed limit or limits set out in the Schedule if, after taking into account expanded measurement uncertainty and correction for recovery in accordance with paragraph (b), the analytical result indicates the presence of an undesirable substance in excess of the maximum content specified for that substance in column 3 of the Schedule.

(b) In assessing compliance for the purposes of paragraph (a), the analysed concentration must be corrected for recovery and the expanded measurement uncertainty subtracted from the analytical result.

(c) The procedure in paragraphs (a) and (b) is not applicable in the case of microscopic analysis or in any other case where the method of analysis makes it impossible to estimate measurement uncertainty and correction for recovery. ".

(5) In relation to the entries regarding dioxins and dioxin-like PCBs in Annex I to Part II (methods of analysis) of Schedule 2-

(**1**) OJ No. L191, 28.5.2004, p.1.

(a) yng ngholofn 2 ar ôl yr ymadrodd "Annex II to that Directive" ychwaneger "(in relation to point 2 of Annex I as replaced by, and in relation to point 2 of Annex II as amended by, Directive 2005/7/EC)";

(b) yng ngholofn 3 gyferbyn â'r ymadrodd a ychwanegir gan is-baragraff (a) mewnosoder "OJ No. L27, 29.1.2005, p.41".

(6) Yn Atodlen 3 Rhan II (nodiadau'n ymwneud â llenwi tystysgrif) yn nodyn (8) ychwaneger yr is-baragraff canlynol-

"(d)in cases where paragraph 4 of Part I of Schedule 2 is applicable, the result-

(i) corrected or uncorrected for recovery, the manner of reporting and the level of recovery being indicated;

(ii) as "x ± U", where x is the analytical result and U is the expanded measurement uncertainty, using a coverage factor of 2 to give a level of confidence of approximately 95%.".

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

7 Mawrth 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

(**1**) 1998 p.38.

(a) in column 2 after the expression "Annex II to that Directive" add "(in relation to point 2 of Annex I as replaced by, and in relation to point 2 of Annex II as amended by, Directive 2005/7/EC)";

(b) in column 3 opposite the expression added by sub-paragraph (a) insert "OJ No. L27, 29.1.2005, p.41".

(6) In Schedule 3 Part II (notes for completion of certificate) in note (8) add the following sub-paragraph-

"(d)in cases where paragraph 4 of Part I of Schedule 2 is applicable, the result-

(i) corrected or uncorrected for recovery, the manner of reporting and the level of recovery being indicated;

(ii) as "x ± U", where x is the analytical result and U is the expanded measurement uncertainty, using a coverage factor of 2 to give a level of confidence of approximately 95%.".

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

7 March 2006

The Presiding Officer of the National Assembly

(**1**) 1998 c.38.

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AGRICULTURE, WALES

Rheoliadau Bwydydd Anifeiliaid a Phorthiant (Samplu a Dadansoddi) (Diwygio) (Cymru) 2006

The Feeding Stuffs and the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2006

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Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-091296-9

9 780110 912967

£3.00

W276/03/06 ON