

SL(6)554 – The Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 2024

Background and Purpose

The purpose of the Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 2024 (these Regulations) is to:

- Give legal effect to the Welsh Ministers' determination, in relation to Wales, of twenty-five feed additive applications in favour of authorisation and one amendment to the list of uses of feed intended for particular nutritional purposes for use in animal feed in Wales.
- Provide transitional arrangements to allow existing stocks of certain previously authorised feed additives to be depleted due to labelling changes and/or changes to conditions of authorisation as a result of provision made by these Regulations.

Corresponding legislation has been made in England and Scotland. The legislation will come into force across Great Britain on 20 December 2024.

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 10 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2 (vii) - that that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In regulation 2(1), in the fourth line of the English text, it refers to "Regulation 767/2009", but in the corresponding place in the Welsh text it refers to "Regulation **(EC) No** 767/2009". In addition, it means that in the English text, it states at the beginning of that provision that



expressions used in "Regulation 767/2009" have the same meaning as in "Regulation (EC) No 767/2009" but the Welsh text consistently refers to the same legislation in both places.

2. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In regulation 4(1) of the English text, in the title of Commission Implementing Regulation (EU) 2016/897, it states "and **amending Regulations** (EC) No 1444/2006, (EU) No 333/2010 and (EU) No 184/2011". This is because EUR 2016/897 amends the text of those other listed Regulations. Therefore, in the Welsh text, it should use a phrase such as "**ac sy'n diwygio Rheoliadau** (EC) Rhif 1444/2006, (EU) Rhif 333/2010 ac (EU) Rhif 184/2011". However, the phrase "**a Rheoliadau diwygio**" is used which incorrectly suggests to the reader that those listed Regulations are responsible for amending other legislation rather than being the subject of amendment by EUR 2016/897.

3. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In regulations 13(4), 14(3) and 16(3) of the English text, it states "**immediately** before 20 December 2024", but in the Welsh text of those provisions there is no word or phrase to convey "immediately". In every other place, the phrase "yn union" is used to convey the meaning of "immediately" in the same context in the Welsh text, e.g., regulations 12(1) and (2), and 13(2), (3) and (5). Therefore, it also means that the Welsh text is inconsistent in this regard, suggesting that the meaning differs although the English text is identical on each occasion.

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

In the heading of regulation 15, should there also be a reference to the relevant identification number(s) as found in the headings of the other transitional provisions in these Regulations?

5. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In Schedule 8, in the table, in the second column of the entry for "Other provisions", there is a difference between the English and Welsh text. In the English text, in point 4, in the first bullet point for the words that must be stated "In English", in the final line, it states "level of essential trace elements". But in the Welsh text, in the corresponding bullet point for the words that must be stated "In English", the word "of" is missing so that it states, "level essential trace elements". This is important as these are the prescribed form of words that must be stated on the labelling of the additive and premixture referred to.

6. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.



In Schedule 11, in the words above the table of the English text, it states that the additive category is “technological additives”, but the meaning given by the Welsh text is “technical additives”. In addition, this also means that in the Welsh text the additive category noted above the table is different from that noted in the second column for the entry “Additive category”.

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

In Schedules 12 and 13, in the tables, in the entry for “Other provisions”, in the second column, in point 2, there is an inconsistency in the Welsh text. In the English text, it states “The additive may be used via water” but the meaning of “**may**” has been expressed differently in the Welsh text of both Schedules. In Schedule 12, the Welsh text expresses “may” as meaning “is allowed to do so/ has legal discretion to do so” (“caniateir”) but in Schedule 13 it is expressed as meaning a future possibility “is possible to do so” (“gallu”). The Welsh text should be consistent as the context is the same in both places and there does not appear to be any difference in meaning in the English text of both Schedules.

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

In Schedule 16, in the entry for “Characterisation of the active substance” in the second column of the table, the English text states “with the following components”, and in the Welsh text the word “elfennau” is used to convey the meaning of “components”. Elsewhere in the tables found in the Schedules, the word “cydrannau” has been used to express the meaning of “components”, e.g. Schedules 8, 9 and 17. Therefore, it is inconsistent with the Welsh text of the other tables in the Schedules. In addition, “elfennau” has already been used to express the meaning of “elements” in the scientific term “trace elements” in the Schedules. Therefore, the use of “elfennau” in Schedule 16 may also suggest to the reader of the Welsh text that it is referring to “elements” rather than “components”.

9. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In Schedule 21 of the English text, it notes “Commission Regulation (EU) No 349/2010...” as the fourth entry for revocation, but in the Welsh text the meaning given is “Commission **Implementing** Regulation (EU) No 349/2010...”.

10. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In Schedule 21 of the English text, it notes “Commission Implementing Regulation (EU) No 98/2012” as the eighth entry for revocation. In the title of the Regulation, it refers to “**weaned piglets, pigs for fattening** and sows” but the meaning given by the Welsh text is “**piglets for fattening** and sows”.



Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required to each of the reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

18 December 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee