

SL(6)607 – The Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) (Amendment) Regulations 2025

Background and Purpose

These Regulations make minor corrections to the Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 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

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. 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.

We note that these Regulations address errors identified in the Legislation, Justice and Constitution Committee report on the Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 2024.

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.

We note the breach of the 21-day rule (i.e. the convention that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument



comes into force), and the explanation for the breach provided by the Minister for Mental Health and Wellbeing, in a letter to the Llywydd dated 26 March 2025. In particular, we note the following paragraphs from the letter:

The Legislation, Justice and Constitution Committee, in its report to the 2024 Regulations, SL(6)554, raised 10 technical reporting points in relation to the 2024 Regulations and the Welsh Government agreed that minor errors identified in seven of the points should be corrected. The 2025 Regulations make those corrections.

Contravention of the convention is considered necessary and justifiable because it is anticipated that the enabling powers upon which the Welsh Ministers rely on to make the seven corrections will be revoked on 01 April 2025 by operation of the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 ("the Reform SI" - currently laid in draft before the UK Parliament). Further, some of the corrections made by the 2025 Regulations are to the text of authorisations contained within the 2024 Regulations that are being revoked (subject to savings provision) by the RP Reform SI. The corrections to the 2024 Regulations need to be in effect before the provisions are revoked to ensure that the affected authorisations are properly 'saved' as corrected.

We note that the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 came into force on 1 April 2025.

Article 9(1) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition, contained an enabling power relied upon by the Welsh Ministers to make these Regulations and that Article has been amended by regulation 3(6) of the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025.

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 28 April 2025 and reports to the Senedd in line with the reporting points above.

