

**Explanatory Memorandum to The Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) (Amendment) Regulations 2025**

This Explanatory Memorandum has been prepared by the Food Standards Agency and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) (Amendment) Regulations 2025.

**Sarah Murphy MS**  
**Minister for Mental Health and Wellbeing**

26 March 2025

## **1. Description**

- 1.1 The Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) (Amendment) Regulations 2025 (“the 2025 Regulations”) correct drafting errors which were identified in the Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 2024 (“the 2024 Regulations”).
- 1.2 The purpose of 2024 Regulations was to:
  - 1.2.1 Give legal effect to the Welsh Ministers’ determination, in relation to Wales, of twenty-five feed additive applications and one amendment to the list of uses of feed intended for particular nutritional purposes (PARNUT) for use in animal feed in Wales.
  - 1.2.2 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 the 2024 Regulations.

## **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

- 2.1 The 2025 Regulations address errors identified in the Legislation, Justice and Constitution Committee’s report ([SL\(6\)554](#)) on the 2024 Regulations.
- 2.2 In accordance with section 11A (4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the 2025 Regulations will come into force less than 21 days after the instrument has been laid.
- 2.3 This legislation is necessary to correct the 2024 Regulations before 1 April 2025 when 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, see <https://senedd.wales/media/gvvhkkep/gen-ld16953-e.pdf>) is due come into force. The Reform SI (see regulation 3(6)) will revoke the enabling powers required to make the 2024 Regulations. 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 by the Reform SI (see Schedule 2, sub-paragraph (i)). The revocations are subject to the savings provision in regulation 23 of the 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.

## **3. Legislative background**

- 3.1 Regulated products are food and feed products which require authorisation before being placed on the market <sup>1</sup>.
- 3.2 As of 01 January 2021, Great Britain (GB) has been responsible for the risk assessment and authorisation of regulated food and feed products.
- 3.3 In Wales, the Food Standards Agency (FSA) is responsible for risk assessing regulated food and feed products. As the 'appropriate authority', the Welsh Ministers make decisions on authorisations in relation to Wales.
- 3.4 Feed additives are substances, micro-organisms or preparations (other than feed materials and pre-mixtures) which are intentionally added to feed or water to perform, in particular, one or more specific functions.
- 3.5 The legislative framework for authorisation of feed additives is contained within Regulation (EC) No 1831/2003 on additives for use in animal nutrition (EUR 2003/1831).

#### **4. Purpose and intended effect of the legislation**

- 4.1 The Legislation, Justice and Constitution Committee, in its report (SL(6)554) raised 10 technical reporting points in relation to the 2024 Regulations. In its [response](#) to the report the Welsh Government accepted that 7 of the points identified errors would be corrected. The 2025 Regulations make the necessary corrections to the 2024 Regulations.

#### **5. Consultation**

- 5.1 On 03 April 2024 the FSA launched an eight-week [consultation](#) in England and Wales on the other legitimate factors relevant to twenty-four feed additive applications and one PARNUT application. An additional [consultation](#) on one feed additive application was launched on 5 August 2024 for a period of four weeks. Parallel consultations were launched by FSS during this time.
- 5.2 Stakeholder responses have been thoroughly considered and addressed by the FSA/FSS. In line with the provisional Food and Feed Safety and Hygiene Common Framework, discussions regarding consultation responses were held on a four-nation basis (FSA in Wales, England, Northern Ireland and FSS). No stakeholder responses altered the FSA's recommendation to the Welsh Ministers.
- 5.3 The FSA published the consultation responses on the [FSA website](#).

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<sup>1</sup> Regulated products include: extraction solvents, feed additives, feed for particular nutritional purposes (PARNUTS), feed detoxification processes, flavourings, food contact materials, food additives, food enzymes, genetically modified food and feed, novel foods and smoke flavourings.

5.4 Responses to the FSS consultation can be found on the [FSS website](#).

5.5 The 2025 Regulations makes corrections to the 2024 to ensure they deliver the intended effect. On the basis that there has already been consultation on the substance of the 2024 Regulations, no further specific consultation on the amendments made by the 2025 Regulations was necessary.

## **6. Regulatory Impact Assessment (RIA)**

6.1 An RIA has not been prepared for this instrument as it does not alter the policy (or its impact) in any significant way. This is line with the policy set out in the Welsh Minister's code of practice for carrying out regulatory impact assessments for subordinate legislation.

## **7. Impact on businesses, charities and voluntary bodies**

7.1 These Regulations have no impact on any business, charity or voluntary body.