



ANIMAL FEED (HYGIENE, SAMPLING ETC. AND ENFORCEMENT) ORDER 2019

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Statutory Document No. 2019/0348



Animal Health Act 1996

ANIMAL FEED (HYGIENE, SAMPLING ETC. AND ENFORCEMENT) ORDER 2019¹

Laid before Tynwald: 8 October 2019

Coming into Operation: in accordance with article 2

The Department of Environment, Food and Agriculture makes the following Order under sections 1, 8(1)(c) and 29 of, and paragraph 7 of Schedule 2 to, the Animal Health Act 1996.

1 Title

This Order is the Animal Feed (Hygiene, Sampling etc. and Enforcement) Order 2019.

2 Commencement

This Order comes into operation on 27 September 2019.²

3 Interpretation

(1) In this Order —

“**the Act**” means the Animal Health Act 1996;

“**analyst**” means an analyst appointed in accordance with article 14 of this Order;

“**feed business prohibition order**” means an order imposed under Article 24(1);

“**feed business emergency prohibition notice**” means a notice served under article 25(1) of this Order;

“**feed business emergency prohibition order**” means an order imposed under article 25(2) of this Order;

“**prescribed manner**” means the manner prescribed by Regulation 152/2009;

“**Regulation 882/2004**” [Revoked]³

“**Regulation 183/2005**” means Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene¹;

“**Regulation 152/2009**” means Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed²;

“**Regulation 767/2009**” means Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC³;

“**Regulation 2017/625**” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC⁴;

“**Regulation 2020/354**” means Commission Regulation (EU) 2020/354 establishing a list of intended uses of feed intended for particular nutritional purposes and repealing Directive 2008/38/EC⁵;

“**Regulation 2019/1793**” means Commission Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No. 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No. 669/2009, (EU) No. 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660⁶;

“**specified feed law**” means the instruments specified in Schedule 1.

¹ OJ L 35, 8.2.2005, p. 1.

² OJ L 54, 26.2.2009, p. 1.

³ OJ L 229, 1.9.2009, p. 1.

⁴ OJ L 095, 7.4.2017, p. 1

⁵ OJ L 067, 5.3.2020, p. 1.

⁶ OJ L 277, 29.10.2019, p. 89.

- (2) Subject to paragraph (3), any other expression used in this Order and in Regulation 183/2005, Regulation 152/2009 or Regulation 2017/625 has the same meaning in this Order as it does in the EU Regulation.⁷
- (3) In this Order “feed” or “feeding stuff” does not include any of the following feed additives or premixtures consisting solely of such additives —
 - (a) coccidiostats;
 - (b) histomonostats; and
 - (c) all other zootechnical additives except —
 - (i) digestibility enhancers,
 - (ii) gut flora stabilisers, and
 - (iii) substances incorporated into feed with the intention of favourably affecting the environment.
- (4) Any reference in this Order to an EU instrument defined in paragraph (1) is a reference to that EU instrument as it may be amended from time to time.⁸

PART 2

REQUIREMENTS FOR FEED HYGIENE, REGISTRATION AND APPROVAL

4 Competent authority

The Department is the competent authority for the purposes of Regulation 183/2005 insofar as it relates to feed.

5 Scope and interpretation of Part 2

- (1) This Part —
 - (a) applies in relation to the activities described in Article 2(1) of Regulation 183/2005; and
 - (b) does not apply to the activities described in Article 2(2) of Regulation 183/2005.
- (2) Except where stated otherwise any reference in this Part to a numbered Article or Annex is a reference to the Article or Annex so numbered in Regulation 183/2005.

6 Enforcement of specified provisions of Regulation 183/2005

A person who contravenes any of the provisions of Regulations 183/2005 specified in the first column of Table 1 or Table 2 of Schedule 2 commits an offence against the Act.

7 Form of notification with a view to registration

A person who is required under Article 9 (official controls, notification and registration) to notify the Department of the information mentioned in paragraph (2)(a) or (b) of that Article must ensure that any such notification —

- (a) is in writing and signed by that person or on their behalf;
- (b) contains the person's name and, if different, business name;
- (c) contains the person's address and, if different, the address of any establishment to which the notification relates; and
- (d) identifies the feed business activities in such form as may be required by the Department.

8 Form of application for approval

Where approval of a feed business establishment is required pursuant to Article 10, an application to the Department must be made which —

- (a) is in writing and signed by or on behalf of the applicant;
- (b) contains the name or business name and the address of the applicant and, if different, the address of the establishment;
- (c) identifies which of the feed business activities specified in Article 10(1) or as may be specified pursuant to Article 10(3) the applicant is exercising or intends to exercise and for which approval is sought;
- (d) in the case of a person to whom Article 17(2) (exemption from on-site visits) applies, includes a statement to the effect that the establishment is one to which Article 17(1) applies and a declaration of compliance as required by paragraph (2) of that Article.

9 Procedure for suspension of registration or approval

- (1) Where the Department proposes to take action pursuant to Article 14 (temporary suspension of registration or approval) it must serve on the feed business operator a notice in accordance with paragraph (2).
- (2) The notice served by the Department must —
 - (a) specify the operative date of the notice (“the operative date”);
 - (b) state that on the operative date the Department intends to suspend the registration or approval of the establishment pursuant to Article 14 and this Order;
 - (c) specify the feed business activity or activities to which the notice relates;
 - (d) identify the remedial action required;
 - (e) state that unless remedial action has been carried out to the satisfaction of the Department within one year of the operative

date, the registration or approval will be revoked without further notice on the first anniversary of the operative date; and

- (f) provide information on the time limit for appealing under article 13 of this Order.

10 Procedure for lifting of suspension

Where the Department that has served notice on a feed business operator under article 9 of this Order is satisfied that –

- (a) the remedial action required under paragraph (2)(e) of that article has been carried out; and
- (b) the period for action specified in that sub-paragraph has not expired, it must immediately lift the suspension and notify the feed business operator to that effect.

11 Procedure for revocation of registration or approval

- (1) Where the Department proposes to take action in the circumstances set out in Article 15 (revocation of registration or approval) it must serve on the feed business operator a notice in accordance with paragraph (2).
- (2) A notice served under paragraph (1) must –
 - (a) specify the operative date of the notice;
 - (b) state that the registration or approval as the case may be has been revoked;
 - (c) specify the feed business activity or activities to which the revocation relates;
 - (d) identify which of the conditions of revocation set out in Article 15 is applicable;
 - (e) provide information on the time limits for appealing under article 13 of this Order.
- (3) Where the Department has revoked a registration or approval under this article it must –
 - (a) make the appropriate amendments to its own register of feed business establishments; and
 - (b) promptly ensure compliance with Article 19(3) (updating of national lists).

12 Form of application for amendments to registration or approval

Where a feed business operator wishes to apply for amendments to registration or approval pursuant to Article 16 (amendments to registration or approval of an establishment), an application to the Department must be made which –

- (a) is signed by or on behalf of the applicant;
- (b) contains the name or business name and the address of the applicant and, if different, the address of the establishment; and
- (c) identifies the activities to which the application for amendments relates;

13 Rights of appeal in connection with registration or approval

- (1) Any person who is aggrieved by the decision of the Department taken in respect of –
 - (a) the approval of an establishment under Article 13;
 - (b) suspension of the registration or approval of an establishment under Article 14;
 - (c) revocation of the registration or approval of an establishment under Article 15; or
 - (d) amendment of the approval of an establishment under Article 16,may appeal to the High Bailiff.
- (2) The procedure on appeal to the High Bailiff under paragraph (1) shall be by way of complaint, and the Summary Jurisdiction Act 1989 applies to the proceedings.
- (3) The period within which an appeal under paragraph (1) may be brought is one month from which notice of the decision was served on the person wishing to appeal and the making of a complaint is deemed for the purposes of this paragraph to be the bringing of the appeal.
- (4) Where on an appeal under paragraph (1) the High Bailiff determines that the decision of the Department is incorrect, the Department must give effect to the determination of the High Bailiff.
- (5) Where a registration or an approval is suspended or revoked, the feed business operator who, immediately before such suspension or revocation, had been operating the establishment concerned may continue to operate it, subject to any conditions imposed by the Department for the protection of public health, unless –
 - (a) the time limit for appealing against the decision to suspend or revoke registration or approval has expired without an appeal having been brought; or
 - (b) where an appeal against that decision has been brought, the appeal has been finally disposed of or abandoned.
- (6) Nothing in paragraph (5) permits the operation of a feed business establishment if a feed business prohibition order, a feed business emergency prohibition notice or a feed business emergency prohibition order has been imposed in relation to that establishment.

PART 3

SAMPLING AND ANALYSIS

14 Appointment and qualifications of analysts

- (1) Subject to paragraph (2), the Department must appoint one or more analysts in connection with its duty to enforce Regulation 183/2005.
- (2) An analyst already appointed by the Department is deemed to be appointed for the purposes of paragraph (1).
- (3) An analyst appointed under paragraph (1) must have the qualifications and attested experience specified in paragraph (4).
- (4) The prescribed qualifications for an analyst and the required qualifications for a person analysing feed for the purposes of this Order are that —
 - (a) the analyst must —
 - (i) be a Chartered Chemist or possess a Mastership in Chemical Analysis awarded by the Royal Society of Chemistry, and
 - (ii) be a Fellow or Member of the Royal Society of Chemistry; and
 - (b) the analyst's practical experience of the examination of feed must be attested by another analyst lawfully appointed under this Order.

15 Procedure relating to samples for analysis

- (1) Where an authorised officer obtains a sample and decides to have it analysed for the purpose of ascertaining whether there is or has been any contravention of specified feed law, the officer must divide the sample into three parts of as near as may be equal size and —
 - (a) cause each part to be marked sealed and fastened in the prescribed manner;
 - (b) send one part for analysis to the analyst;
 - (c) send another part to —
 - (i) the person on whose premises the material was sampled or to that person's agent; or
 - (ii) the person who offered the material for sale by means of distance communication if the material was ordered from such a person or to that person's agent; and⁹
 - (d) retain and preserve the remaining part as an officially sealed reference sample.
- (2) If the person who manufactured any material sampled under this Order is not a person to whom part of the sample should be sent under

paragraph (1), that paragraph has effect as if for the reference to three parts there were substituted a reference to four parts, and the authorised officer must within fourteen days of the date of sampling send the fourth part to the manufacturer, unless the officer does not know and is unable to ascertain after making reasonable enquiries the identity or the address in the Isle of Man or the United Kingdom of the manufacturer.

- (3) The part of the sample sent to the analyst must be accompanied by a statement signed by the authorised officer confirming that the sample was taken in the prescribed manner.
- (4) The analyst must analyse the part of the sample sent under paragraph (1)(b), and send a certificate of analysis to the authorised officer, who must send a copy to –
 - (a) the person on whose premises the material was sampled or that person’s agent;¹⁰
 - (b) the person who offered the material for sale by means of distance communication if the material was ordered from such a person or to that person’s agent; and¹¹
 - (c) if part of the sample was sent under paragraph (2), to the person to whom that part was sent.¹²
- (5) Any analysis required to be made under paragraph (4) may be performed by any person acting under the direction of the analyst.
- (6) If the analyst to whom the sample was sent under paragraph (1)(b) determines that an effective analysis of the sample cannot be performed by him or her or under his or her direction, that analyst must send it to the analyst for another area, together with any documents received with the sample, and paragraph (4) shall then apply as if the sample had originally been sent to that other analyst.

16 Secondary analysis by a designated United Kingdom laboratory

- (1) Where a part of a sample sent under article 15(1)(b) of this Order has been analysed and –
 - (a) proceedings are intended to be or have been commenced against a person for an offence under specified feed law; and
 - (b) the prosecution intends to adduce evidence of the result of that part of the sample, paragraphs (2) to (6) apply.
- (2) The authorised officer –
 - (a) may, of that officer’s own volition;
 - (b) must, if requested by the prosecutor (if a person other than the authorised officer); or
 - (c) must (subject to paragraph (6)), if requested by the defendant,

send the retained part of the sample to be analysed by a laboratory in the United Kingdom designated by the Department for the purposes of this article.

- (3) The designated laboratory must analyse in the prescribed manner the part of the sample sent under paragraph (2) and send to the authorised officer a certificate of the analysis which must be signed by a person authorised by the designated laboratory to sign.
- (4) The authorised officer must immediately on receipt supply the prosecutor (if a person other than the authorised officer) and the defendant with a copy of the designated laboratory's certificate of analysis.

17 Methods of sending a final sample

A final sample required to be sent to a person pursuant to —

- (a) paragraph 8 of Annex I to Regulation 152/2009;
- (b) article 15(1), (2) or (6) or 16(2) of this Order; or

may be sent by any appropriate method that maintains the integrity of the sample prior to analysis, or delivered by hand.

18 Form and status of certificate of analysis

- (1) The certificate of analysis of any feed to be sent pursuant to article 15(4) or 16(3) of this Order, must be in such form as the Department may publish from time to time with paragraphs 4 and 5 of Part C of Annex II to Regulation 152/2009.
- (2) A certificate of analysis by an analyst is to be received, in any legal proceedings, as evidence of the facts stated in the certificate if the party against whom it is to be given in evidence —
 - (a) has been served with a copy of it not less than twenty-one days before the hearing; and
 - (b) has not, before the seventh day preceding the hearing, served on the other party a notice requiring the attendance of the person who made the analysis.
- (3) Any document purporting to be a certificate of analysis for the purposes of paragraph (2) is to be deemed to be such a certificate unless the contrary is proved.

19 Offence of tampering with a sample

A person who —

- (a) tampers with any material so as to procure that any sample of it taken or submitted for analysis under this Order does not correctly represent the material; or

- (b) tampers or interferes with any sample taken or submitted for analysis under this Order,
commits an offence against the Act.

PART 4

ENFORCEMENT POWERS AND RELATED PROVISIONS

20 Feed business improvement notices

- (1) If an authorised officer has reasonable grounds for believing that a feed business operator is failing to comply with specified feed law, the officer may by a notice served on that person (in this Order referred to as a “feed business improvement notice”) —
- (a) state the officer’s grounds for believing that the feed business operator is failing to comply with specified feed law;
 - (b) specify the matters which constitute the feed business operator’s failure to comply;
 - (c) specify the measures which, in the officer’s opinion, the feed business operator must take in order to secure compliance; and
 - (d) require the feed business operator to take those measures, or measures which are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.
- (2) A feed business improvement notice must state the right to appeal under article 21 of this Order and the appropriate time limit for bringing any such appeal.
- (3) A person who fails to comply with a feed business improvement notice commits an offence against the Act.

21 Right of appeal against feed business improvement notices

- (1) A person who is aggrieved by a decision of an authorised officer to serve a feed business improvement notice may appeal to the High Bailiff.
- (2) The procedure on an appeal to the High Bailiff under paragraph (1) shall be by way of complaint, and the Summary Jurisdiction Act 1989 applies to the proceedings.
- (3) The period within which an appeal under paragraph (1) may be brought is —
- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
 - (b) if it is shorter, the period specified in the notice pursuant to article 20(1)(d) of this Order,

and the making of a complaint for an order is to be deemed for the purposes of this paragraph to be the bringing of the appeal.

22 Appeals to the High Court

A person who is aggrieved by —

- (a) the decision of the High Bailiff to dismiss an appeal under article 13(1) or 21(1) of this Order; or
- (b) any decision of the High Bailiff to make a feed business prohibition order or a feed business emergency prohibition order,

may appeal to the Appeal Division of the High Court.

23 Further provisions relating to appeals

- (1) On an appeal against a feed business improvement notice the High Bailiff may cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the High Bailiff may in the circumstances think fit.
- (2) Where any period specified in a feed business improvement notice pursuant to article 20(1)(d) of this Order would otherwise include any day on which an appeal against that notice is pending, that day is to be excluded from that period.
- (3) An appeal is to be regarded as pending for the purposes of paragraph (2) until it is finally disposed of, is withdrawn or is struck out for want of prosecution.

24 Feed business prohibition orders

- (1) If —
 - (a) a feed business operator is convicted of an offence under specified feed law; and
 - (b) the High Bailiff is satisfied that the health risk condition is fulfilled with respect to the feed business concerned,the High Bailiff must by an order impose the appropriate prohibition.
- (2) The health risk condition is fulfilled with respect to a feed business if any of the following involves risk of injury to health (including any impairment, whether permanent or temporary), namely —
 - (a) the use for the purposes of the business of any process or treatment;
 - (b) the construction of any premises used for the purposes of the business, or the use for those purposes of any equipment; or
 - (c) the state or condition of any premises or equipment used for the purposes of the business, and health means the health of an animal

or, through the consumption of the products of such animal, human health.

- (3) The appropriate prohibition is —
- (a) in a case falling within sub-paragraph (a) of paragraph (2), a prohibition on the use of the process or treatment for the purposes of the business;
 - (b) in a case falling within sub-paragraph (b) of that paragraph, a prohibition on the use of the premises or equipment for the purposes of the business or any other feed business of the same class or description; and
 - (c) in a case falling within sub-paragraph (c) of that paragraph, a prohibition on the use of the premises or equipment for the purposes of any feed business.

- (4) If —
- (a) a feed business operator is convicted of an offence under specified feed law; and
 - (b) the High Bailiff thinks it proper to do so in all the circumstances of the case,

the High Bailiff may, by an order, impose a prohibition on the feed business operator participating in the management of any feed business, or any feed business of a class or description specified in the order.

- (5) As soon as practicable after the making of an order under paragraph (1) or (4) (in this Order referred to as a “feed business prohibition order”), the Department must —
- (a) serve a copy of the order on the relevant feed business operator; and
 - (b) in the case of an order made under paragraph (1), affix a copy of the order in a conspicuous position on such premises used for the purposes of the feed business as the authority considers appropriate,

and any person who knowingly contravenes such an order commits an offence against the Act.

- (6) A feed business prohibition order ceases to have effect —
- (a) in the case of an order made under paragraph (1), on the issue by the Department of a certificate to the effect that it is satisfied that the feed business operator has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the feed business; and
 - (b) in the case of an order made under paragraph (4), on the giving by the High Bailiff of a direction to that effect.

- (7) The Department must issue a certificate under sub-paragraph (a) of paragraph (6) within three days of its being satisfied as mentioned in that sub-paragraph; and on an application by the feed business operator for such a certificate, the authority must —
 - (a) determine, as soon as is reasonably practicable and in any event within 14 days, whether or not it is so satisfied; and
 - (b) if it determines that it is not so satisfied, give notice to the feed business operator of the reasons for that determination.
- (8) The High Bailiff must give a direction under sub-paragraph (b) of paragraph (6) if, on an application by the feed business operator, the High Bailiff thinks it proper to do so having regard to all the circumstances of the case, including in particular the conduct of the feed business operator since the making of the order; but no such application shall be entertained if it is made —
 - (a) within six months of the making of the feed business prohibition order; or
 - (b) within three months of the making by the feed business operator of a previous application for such a direction.
- (9) Where the High Bailiff makes an order under article 25(2) of this Order with respect to any feed business, paragraph (1) shall apply as if the feed business operator had been convicted by the High Bailiff of an offence under specified feed law.

25 Feed business emergency prohibition notices and orders

- (1) If an authorised officer of the Department is satisfied that the health risk condition is fulfilled with respect to a feed business the officer may, by a notice served on the relevant feed business operator (in this Order referred to as a “feed business emergency prohibition notice”), impose the appropriate prohibition.
- (2) If the High Bailiff is satisfied, on the application of such an officer, that the health risk condition is fulfilled with respect to a feed business, the High Bailiff must, by an order (in this Order referred to as a “feed business emergency prohibition order”), impose the appropriate prohibition.
- (3) Such an officer may not apply for a feed business emergency prohibition order unless, at least one day before the date of the application, the officer has served notice on the relevant feed business operator of the intention to apply for the order.
- (4) Paragraphs (2) and (3) of article 24 of this Order apply for the purposes of this article as they apply for the purposes of that article, but as if the reference in paragraph (2) to risk of injury to health were a reference to imminent risk of such injury.

- (5) As soon as practicable after the service of a feed business emergency prohibition notice, an authorised officer of the Department must affix a copy of the notice in a conspicuous position on such premises used for the purposes of the feed business as the officer considers appropriate; and a person who knowingly contravenes such a notice commits an offence against the Act.
- (6) As soon as practicable after the making of a feed business emergency prohibition order, an authorised officer of the Department must —
 - (a) serve a copy of the order on the relevant feed business operator; and
 - (b) affix a copy of the order in a conspicuous position on such premises used for the purposes of the feed business as the officer considers appropriate,and a person who knowingly contravenes such an order commits an offence against the Act.
- (7) A feed business emergency prohibition notice ceases to have effect —
 - (a) if no application for a feed business emergency prohibition order is made within the period of three days beginning with the service of the notice, at the end of that period; or
 - (b) if such an application is so made, on the determination or abandonment of the application.
- (8) A feed business emergency prohibition notice or a feed business emergency prohibition order ceases to have effect on the issue by the Department of a certificate to the effect that it is satisfied that the feed business operator has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the feed business.
- (9) The Department must issue a certificate under paragraph (8) within three days of being satisfied as mentioned in that paragraph; and on an application by the feed business operator for such a certificate, the authority must —
 - (a) determine as soon as is reasonably practicable and in any event within 14 days whether or not it is so satisfied; and
 - (b) if it determines that it is not so satisfied, give notice to the feed business operator of the reasons for that determination.

MADE 23 SEPTEMBER 2019

SCHEDULE 1

SPECIFIED FEED LAW

Animal Health Act 1996, in so far as it relates to animal feeding stuffs
Official Feed and Food Controls Order 2019, in so far as it relates to feed
Animal Feed (Composition, Marketing and Use) Order 2019 ⁷
Animal Feed (Hygiene, Sampling etc. and Enforcement) Order 2019 ⁸
Animal Feed (Basic Safety Standards) Order 2019 ⁹
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, in so far as it relates to feed
Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed, in so far as it relates to feed.
Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition Regulation 882/2004, in so far as it relates to feed.
Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene.
[Revoked] ¹³
Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC
Regulation 2017/625, in so far as it relates to feed ¹⁴
Regulation 2019/1793, in so far as it relates to feed ¹⁵
Regulation 2020/354 ¹⁶

⁷ SD [TBC]

⁸ SD [TBC]

⁹ SD [TBC]

SCHEDULE 2

SPECIFIED PROVISIONS OF REGULATION 182/2005

Table 1	
Article 9(2)	Requirement on feed business operators to register any establishment under their control with the competent authority and to supply and keep up to date relevant information.
Article 23(1), as read with Article 24 (interim measures)	Requirement that feed business operators importing feed from third countries observe certain conditions as to the origins of the feed and the safety of the feed itself.
Article 25	Requirement that feed produced for export to third countries, including feed for non-food-producing animals, must satisfy the provisions of Article 12 of Regulation 178/2002.
Article 11	Prohibition on a feed business operator operating without registration or, if required, approval.

Table 2	
Article 5(1), as read with Annex I	Requirement that feed business operators engaged in primary production and specified associated activities must comply with the relevant provisions in Annex I).
Article 5(2), as read with Annex II	Requirement that feed business operators other than those engaged in primary production and specified associated activities must comply with the relevant provisions in Annex II.
Article 5(3)	Requirement on feed business operators to comply with specified microbiological criteria and meet specific targets.
Article 5(5), as read with Annex III	Requirement that farmers must comply with the provisions in Annex III when feeding food-producing animals.
Article 5(6)	Requirement that feed business operators and farmers must only source and use feed from registered or approved establishments.
Article 6(1), as read with 6(2)	Requirement that feed business operators other than those engaged in primary production and associated operations must put in place and maintain written procedures based on HACCP.
Article 6(3)	Requirement that feed business operators must review and make any necessary adaptations to HACCP procedures when any stage of their operation is modified.
Article 7(1)	Requirement that feed business operators must provide competent authorities with evidence of compliance with Article 6 and keep documentation up-to-date)
Article 17(2)	Requirement that feed business operators who act only as traders without holding products on their premises must provide a declaration of compliance to the competent authority).

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Art 2 substituted by SD2019/0382.

³ Definition of “Regulation 882/2004” revoked by SD2023/0284.

⁴ Definition of “Regulation 2017/625” inserted by SD2023/0284.

⁵ Definition of “Regulation 2020/354” inserted by SD2023/0284.

⁶ Definition of “Regulation 2019/1793” inserted by SD2023/0284.

⁷ Para (2) amended by SD2023/0284.

⁸ Para (4) substituted by SD2023/0284.

⁹ Subpara (c) substituted by SD2019/0497.

¹⁰ Subpara (a) substituted by SD2019/0497.

¹¹ Subpara (b) substituted by SD2019/0497.

¹² Subpara (c) inserted by SD2019/0497.

¹³ Entry revoked by SD2023/0284.

¹⁴ Entry inserted by SD2023/0284.

¹⁵ Entry inserted by SD2023/0284.

¹⁶ Entry inserted by SD2023/0284.