SL(6)366 – The Feed Additives (Form of Provisional Authorisations) (Cobalt(II) Compounds) (Wales) Regulations 2023

Background and Purpose

The Feed Additives (Form of Provisional Authorisations) (Cobalt(II) Compounds) (Wales) Regulations 2023 ("the Regulations") provisionally authorise four Cobalt(II) compounds for use as additives in animal nutrition, subject to the conditions set out in the Schedules.

The Regulations are made in exercise of the power to grant urgent authorisation in Article 15 of Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition. The Welsh Ministers may exercise this power in specific cases where urgent authorisation is needed to ensure the protection of animal welfare.

A provisional authorisation may last for a maximum period of five years. The provisional authorisation period for each of the four Cobalt(II) compounds authorised by the Regulations runs from 15 July 2023 to the end of 14 July 2028.

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 point is 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.**

It is noted that the Explanatory Memorandum provides the following explanation for the use of the urgent authorisation power:

18. These cobalt compounds have been on the market since 1970 and the FSA has no evidence that they are unsafe.

19. Feed additives authorisations are granted for 10-year periods but can be renewed by application. An application for renewal must be made one year prior to the expiration of the existing authorisation.

20. The existing authorisations for these four cobalt compounds will expire in GB on 15 July 2023. Due to industry oversight, no application for renewal was made by the statutory deadline of 14 July 2022. A new application for authorisation of all four cobalt compounds was submitted in November 2022 . There is insufficient time to progress this application through the full regulated products assessment process and for legislation to come into force prior to the expiry of the existing authorisations.

21. Without action to undertake urgent provisional authorisation under the relevant available powers, the four cobalt compounds in question would no longer be lawfully available on the market in GB from 15 July 2023.

22. Following extensive engagement and consultation with stakeholders and industry, there is compelling evidence to conclude there is a serious risk that animal welfare will be negatively and severely impacted (almost immediately) if these cobalt compounds were to become unavailable in animal feed. There are currently no alternatives to these water- soluble compounds that could meet nutritional requirements.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers
Legislation, Justice and Constitution Committee
4 July 2023