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Advisory Committee on Animal Feedstuffs

REVIEW OF FEED LAW ENFORCEMENT

Contents

	Page
Section I: Summary of Recommendations	1
Section II: Introduction	2
Background	2
Terms of Reference	2
Section III: Consultation Exercise	3
Enforcement in Other Member States	3
Section IV: Food and Veterinary Office Mission	4
Section V: Key Elements in Feed Law Enforcement	5
Effectiveness and Efficiency	5
Imports	6
Assurance Schemes	6
Enforcement Data	6
Responsibility for Feed Law Enforcement	7
Funding	7
Section VI: Risk Points in the Feed Supply-chain	8
Section VII: Enforcement of Feed Law and Standards in the UK	9
Legislative Requirements – other than animal health measures	9
Legislation – animal health related measures	11
Roles and Responsibilities	11
The Food Standards Agency	11
The Department for Environment, Food and Rural Affairs (Defra)	13
The Veterinary Medicines Directorate (VMD)	13
Pesticide Safety Directorate (PSD)	13
Local Authorities	13
The Animal Medicines Inspectorate (AMI)	15
The State Veterinary Service (SVS)	16
The Department of Agriculture and Rural Development (DARD) Northern Ireland	17
Assurance Schemes	17
Feed Trade Assurance Schemes	17
Farm Assurance Schemes	18
Certification/Inspection Bodies	18

Section VIII: Areas of Enforcement	19
EC Requirements	19
Council Directive 95/53/EC – Official Inspections	19
Council Directive 95/69/EC – Approval and Registration of Establishments	20
New Feed Hygiene Regulation	20
Imports	21
Pet Foods	22
Funding in Great Britain	22
Local Authorities	23
Animal Medicines Inspectorate (Royal Pharmaceutical Society of Great Britain)	23
State Veterinary Service	24
Funding in Northern Ireland	24
 Section IX: Options for improving Feed Law Enforcement	 24
A Great Britain-wide feed law enforcement agency	25
A Great Britain-wide agricultural and feed enforcement organisation	25
An Assurance Scheme Approach	26
Current arrangements with significant modifications	27
Enforcement in Northern Ireland	27
 Section X: Conclusions and Recommendations	 27
 Glossary of Terms and Abbreviations used in this Review	 31
 Annexes	
Annex I List of Papers Considered by ACAF in its Review of Feed Law Enforcement	33
Annex II Consultation on Current Feed Law Enforcement Arrangements: List of Consultees	35
Annex III The FVO Mission to the United Kingdom from 7 July to 11 July 2003 concerning the implementation of EC Measures on Animal Nutrition – Main Recommendations and Summary of UK Response	38
Annex IV Principal Legislation on the Composition and Marketing of Animal Feed	40
Annex V Authorities Involved in Feed Law and its Enforcement	43
Annex VI Major Feed and Farm Assurance Schemes	44
Annex VII EC Feed Hygiene Regulation (183/2005)	46

Section I: Summary of Recommendations

The Committee recommends that the current responsibilities for feed law enforcement in the UK should continue with significant modifications made to processes and procedures to ensure the necessary improvements to feed law enforcement (paragraph 117).

The Committee recommends that enforcement authorities adopt a proportionate risk-based approach to the enforcement of feed law (paragraph 118).

The Committee recommends that risk-based schemes for feed law enforcement should be extended or introduced to take into account risks from hazards such as contaminants, unauthorised additives and feeds from unverified sources (paragraph 119).

The Committee recommends that there should be a greater sharing of information and co-operation between official enforcement authorities and assurance scheme auditors (paragraph 120).

The Committee recommends that there should be greater co-ordination between enforcement authorities (paragraph 121).

The Committee recommends that further co-ordination of feed law activities is required and considers that the Food Standards Agency is well placed to take on this role (paragraph 122).

The Committee recommends the compilation of a central database of feed businesses available to all enforcement agencies. The Committee further recommends that all relevant information should be considered for inclusion in a central database to help establish enforcement priorities (paragraph 123).

The Committee recommends that animal feed imports should be part of a risk-based enforcement programme. The Committee further recommends the introduction of a statutory requirement for the prior notification of imports of animal feed (paragraph 124).

The Committee recommends that local authorities should make better use of existing funds by targeting higher risk areas. The Committee further recommends that if funds for new work become available, the Food Standards Agency and other government departments should consider providing such funds direct to the appropriate enforcement agencies (paragraph 125).

The Committee recommends the introduction of codes of practice for all areas of feed law enforcement (paragraph 126).

The Committee recommends that the codes of practice that apply to local authorities should be included within the scope of the Food Standards Agency's Framework Agreement with local authorities (paragraph 126).

The Committee recommends that compliance with the codes of practice should be audited by the Food Standards Agency under the terms of the Framework Agreement (paragraph 126).

Section II: Introduction

1. The Advisory Committee on Animal Feedingstuffs (ACAF) was set up in June 1999. It advises the Food Standards Agency, the Secretary of State for Environment, Food and Rural Affairs, Ministers of the Scottish Executive, the National Assembly for Wales and the Minister for Agriculture and Rural Development Northern Ireland on the safety and use of animal feeds and feeding practices, with particular emphasis on protecting human health and with reference to new technical developments. In carrying out its functions, the Committee liaises with other relevant advisory committees as appropriate.

Background

2. Legislation on safety, composition and labelling of animal feed is designed to protect the safety of consumers eating livestock products, the health of animals and fair trading in the supply of feed. The Committee recognises that full and effective enforcement is essential to ensure the effectiveness of the legislation.

3. The responsibility for enforcing feed legislation rests with a number of bodies. These are local authorities in Great Britain, the Animal Medicines Inspectorate (AMI) of the Royal Pharmaceutical Society of Great Britain (RPSGB), Defra and the other agriculture departments in Great Britain, and the Department of Agriculture and Rural Development in Northern Ireland (DARDNI). However, no review has previously covered the whole system of official feed law inspections. At its meeting on 4 December 2002, the Committee considered that the effectiveness of feed law enforcement was an important area that should be reviewed.

Terms of Reference

4. The agreed terms of reference of the review were:
"to review the whole system of enforcing feed standards in the UK, including official feed law inspections and non-statutory measures, consider any improvements including rationalisation and to make recommendations".

5. It was decided that arrangements for the audit of relevant assurance schemes should be included in the review as well as the arrangements for

checking the controls that applied to pet foods. Representatives of enforcement authorities and assurance scheme auditors gave presentations to the Committee on the background to their organisations and roles in assurance schemes or feed law enforcement. Information was provided on enforcement arrangements in other EU Member States. The Committee received a number of papers on the factual background of feed law and its enforcement. These are available on the ACAF website:

(<http://www.food.gov.uk/science/ouradvisors/animalfeedingstuffs>) and are listed at **Annex I**.

6. The Committee agreed that recommendations for feed law enforcement should be proportionate to the risks that animal feed might pose to the safety of consumers and welfare of animals.

Section III: Consultation Exercise

7. A consultation paper was issued on 12 June 2003 to 130 interested parties which are listed at **Annex II**. The consultation document requested views/information on all aspects of feed law enforcement, but particularly on the level of satisfaction with current feed law enforcement arrangements and identifying areas where parties considered improvements could be made.

8. The majority of respondents thought that the existing system of enforcing feed law standards could be improved by greater rationalisation, and reducing duplication and overlap between inspection bodies giving a more co-ordinated approach. Some respondents wanted to see enforcement of legislation and assurance schemes brought together in one independent body.

9. Other suggestions included the provision of central guidance on feed legislation, more advice for those being inspected, information on the purpose of the inspection, and more feedback on the results of inspections.

Enforcement in Other Member States

10. As background to its review the Committee obtained information on enforcement arrangements in other Member States. This indicated that, in contrast to the system in Great Britain where enforcement for non-zootechnical feed law is carried out by some 200 local authorities, most Member States have a central body responsible for carrying out enforcement checks, often with a regional/local structure.

Section IV: Food and Veterinary Office Mission

11. The Food and Veterinary Office (FVO) of the European Commission is responsible for checking Member States' compliance with EC legislation. In July 2003 the FVO carried out a mission to the UK to evaluate the application of Directives 95/53/EC and 95/69/EC and this formed part of a programme of visits to all Member States. The mission team visited a small and a large feed mill, a UK port of entry, a producer of premixtures of feed additives, an agricultural analyst and an on-farm mixer. The main findings together with the UK response are included at **Annex III**.

12. The FVO team found a number of areas where improvement in enforcement was required. In particular, the mission noted gaps and overlaps between the two main enforcement bodies (local authorities and the AMI) and a lack of a unified enforcement programme covering the number and type of checks that need to be carried out. It considered that there were shortcomings in the way enforcement authorities were funded and a lack of adequate checks on feed imports into the UK. (The complete report can be viewed at:

http://europa.eu.int/comm/food/fs/inspections/vi/reports/united_kingdom/index_en.html).

13. The UK is undertaking a number of initiatives in response to the FVO findings, these include:

- the introduction of a Memorandum of Understanding (MOU) between the AMI and the Local Authority Co-ordinators of Regulatory Services (LACORS) to improve co-ordination of inspections by local authorities and the AMI. The MOU will address such issues as procedures where both organisations have enforcement responsibilities, exchange of intelligence, co-operation and joint visits;
- the production of Codes of Practice for Feed Law Enforcement. The Food Standards Agency is currently considering the introduction of Codes of Practice for Feed Law Enforcement similar to those provided for food law enforcement. Such codes set out instructions and criteria to which authorities should have regard when engaged in the enforcement of food law and are intended to achieve more consistent standards of enforcement. It is envisaged that the feed codes would cover standards and guidance on a number of areas such as dealing with infringements, inspection procedures including risk-based inspection frequencies for types of business, including imports;
- drawing up a national inspection programme based on previous results and risks; and

- the preparation of guidance on imported feed checks.

14. In formulating its recommendations, the Committee took note of the findings of the FVO mission to the UK, which found a number of areas where improvement in enforcement was necessary. The Committee supports the initiatives the Food Standards Agency is carrying out in response to the FVO mission report, in particular those to improve co-ordination of feed enforcement activities, provide guidance to enforcement authorities, to promote a risk-based approach to inspections and the introduction of a national inspection programme. The Committee also supports the proposed arrangements identified by the review that the Veterinary Medicines Directorate has carried out on the enforcement of zootechnical and medicated feed legislation, which we believe will help fulfil some of the recommendations in this section.

Section V: Key Elements in Feed Law Enforcement

15. During its review, the Committee identified a number of key areas which need to be addressed in order to strengthen feed law enforcement systems. A number of these were also identified in the FVO mission report.

16. The UK animal feed industry represents a significant amount of business activity. Compound feed production in 2004 was 11.4 million tonnes while total purchased feed (including feed ingredients and material fed singly to animals) in 2003 was 20.6 million tonnes. The feed chain is complex and comprises a wide range and number of businesses, including compound feed and feed additive manufacturers, importers and merchants, and food manufacturers that sell products for animal feed. Livestock farms (including fish farms) are engaged in various operations related to feed including buying, storing, mixing, and arable farms growing crops for feed use. All such businesses must be registered under feed hygiene legislation and observe the provisions of other feed law.

17. The Committee recognised the challenges that authorities face in enforcing the wide range of legislation and carrying out checks on the many feed businesses.

Effectiveness and Efficiency

18. Enforcement is the responsibility of a large number of authorities in Great Britain, and co-ordination of their activities is necessary in order to ensure consistency. The Food Standards Agency issues guidance on specific legislative measures. However, the Committee noted that local authority enforcement officers have no central guidance or standards. This can lead to differing interpretations of legislation and differences in enforcement procedures. Such standards could include requirements for

training: there is a need for local authority enforcement officers to be trained in the requirements of HACCP to enable them to enforce the requirements of the EC Feed Hygiene Regulation. In Great Britain, the AMI, local authority enforcement officers and staff of the State Veterinary Service all make visits to feed businesses, including farms, and there is a need to co-ordinate these inspections both to reduce burdens on business and to make best use of enforcement officials' time and resources.

Imports

19. The FVO mission drew attention to the lack of checks carried out on imports of feed from non-EU countries. Checks on feeds imported directly from countries outside the EU should be given priority, since after entry into the EU, such feeds may be marketed freely and may not be subject to further checks. This includes feeds from non-EU countries that had been transhipped from other Member State ports. Part of the problem appears to be that local authorities and the AMI do not have a regular presence at ports and find it difficult to obtain intelligence on the arrival of imported feed consignments. Port Health Authorities/Port Local Authorities (in Scotland) that have imported food enforcement responsibilities do not have formal responsibility for enforcement of controls on feed imports. The Committee noted that there is an optional provision in current EC legislation that permits Member States to require advance notice of imports of feed and to designate ports of entry.

Assurance Schemes

20. Many feed manufacturers are members of feed assurance schemes. A smaller proportion of feed merchants are also feed assurance scheme members. Assurance scheme members are subject to checks by scheme inspectors. Some of these checks are the same as those carried out by official enforcement inspectors. This is likely to create a burden on feed businesses and represents an unnecessary duplication of checks. Enforcement authorities resources should be targeted at premises which are not part of assurance schemes and which may represent a higher risk.

Enforcement Data

21. The Committee noted that work was in progress to develop a samples database to provide intelligence on which to base future inspection priorities. The current absence of a database makes it difficult to demonstrate the effectiveness of enforcement checks. On the other hand, the creation of a central database on the results of the sampling and analysis of feeds should make it possible to identify problems and target areas of risk for further checks.

22. The AMI maintains a list of those establishments and intermediaries it approves under the requirements of Directive 95/69/EC. Similarly, local authorities maintain lists of establishments that they approve or register. The requirements of Directive 95/69 do not cover all establishments and intermediaries and there is no single database providing information on animal feed premises (e.g. the number of different types of establishments, including farms, their enforcement history, membership of assurance schemes). This would be a useful source of information on which to base risk assessments.

Responsibility for Feed Law Enforcement

23. The Committee noted that there is no single UK body with overall responsibility for feed law enforcement. The Food Standards Agency has responsibility for negotiations in Brussels and implementation of legislation on the composition and marketing of animal feed. However, other important areas of legislation, such as provisions made under animal health legislation relating to animal diseases (BSE, *Salmonella*), medicated feedingstuffs and pesticides in animal feeds, are the responsibility of Agriculture Departments.

Funding

24. Adequate funding is vital for effective enforcement. The Committee considers that the current system of funding local authorities via the Revenue Support Grant (RSG) in England and Wales, which is based on head of population, does not ensure that sufficient funds are directed to the local authorities (mainly covering rural areas) which are most involved in feed law checks. The Committee noted that additional funds had been provided in 2002/03 and 2003/04 to local authorities by the Food Standards Agency, via the RSG, for registration of establishments and intermediaries, to fulfil the requirements of Directive 95/69/EC. It was difficult to determine whether these funds had been used by these authorities as specified or more generally on animal feed law enforcement. Such ring-fencing is important for ensuring effective enforcement of the new Feed Hygiene Regulation, which will require registration of many more feed businesses. The system in Scotland, which allocates funds to authorities on the basis of numbers of livestock, appears to direct funds for feed enforcement in a more focused way.

25. The Committee noted that the AMI derives its income exclusively from approval fees and this restricts most of its checks to approved premises, and makes it difficult to carry out inspections at unapproved premises to identify infringements of controls on medicated and zootechnical feed products.

Section VI: Risk Points in the Feed Supply-chain

26. A hazard is a substance or an event that could potentially cause an adverse effect. In addition to the causal substance, identification of a hazard should include characterisation of potential adverse effects. A risk is the probability of the hazard resulting in an adverse effect.

27. In relation to feeds, hazards include: substances that should not be present (e.g. salmonellae, prions, unauthorised additives and medicines); contaminants that should not exceed maximum permitted levels (e.g. heavy metals, mycotoxins); substances added to feed which are subject to maximum permitted levels or are restricted for use in certain feeds (medicines, feed additives). Types of operation which may need particular attention include premises dealing in imported feeds; buying feeds from unverified sources (e.g. from suppliers who are not members of assurance schemes); buying feeds from multiple sources; dealing with multiple feed types (e.g. for different species, medicated feeds); and selling to a large number of end users.

28. Enforcement bodies need to be aware of both the hazards and risks associated with the manufacture and use of animal feeds within their area of responsibility, and efforts adopted by various operators in the chain to meet legal standards. When inspecting premises, it is important that checks undertaken by enforcement officers include:

- ensuring traceability;
- correct labelling and other identification of feeds in store;
- separation of feeds (e.g. medicated feeds kept separate from other feeds to prevent cross-contamination);
- ensuring the existence of relevant quality control systems;
- existence of relevant personnel and production procedures; and
- the quarantine and proper disposal of rejected, contaminated or unacceptable feeds.

29. Resources should be directed at those operations that are likely to have the highest risk and have the potential to produce the most unacceptable adverse effects. Minor risks can be dealt with by advice, general good practice, quality assurance schemes and adherence with standards set out in legislation.

30. There is no UK wide risk-based enforcement system. LACORS has developed a risk-based inspection frequency scheme, which uses a matrix of seven premises types and risk factors to rate premises as being a high, medium, low or minimal risk. This scheme determines the inspection

frequencies. The AMI has a similar system. However, neither of these take into account all the hazards associated with the use of animal feeds. The State Veterinary Service (SVS) operates the National Feed Audit which monitors compliance with BSE-related feed controls.

31. The first step in a risk assessment is to identify all potentially hazardous substances or events and to categorise the adverse effects so that minor ones can be given a lower priority, and significant hazards identified. This step can then be used as a basis for developing a comprehensive risk-based matrix. As part of this process, enforcement authorities would be able to take account of whether premises are approved, registered, and/or are members of a certified assurance scheme. For example, businesses registered to handle banned processed animal proteins would automatically register as being in a higher risk category. On the other hand, on-farm mixers who use few feed materials and are members of one or more of the quality assurance schemes may represent a lower risk. The size of operation should not be used as the sole criterion for assessing risk.

Section VII: Enforcement of Feed Law and Standards in the UK

Legislative Requirements – other than animal health measures

32. Details of EC legislation on composition and marketing of animal feeds are in Annex IV. These cover provisions relating to additives (e.g. vitamins and trace elements) which are authorised for use in feeds, controls on undesirable substances (contaminants) and materials prohibited for use in feeds. There are also rules on the labelling and marketing of compound (manufactured) feeds and feed materials (materials used as ingredients in manufactured feeds or fed directly to animals).

33. In addition to controls on products, EC Directive 95/69/EC lays down conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector. These arrangements apply principally to the manufacture, distribution and use of various types of feed additive, including those used in feeds mixed on-farm. Directive 95/53/EC sets out a framework and rules for official inspections on animal feeds (including imports) to ensure compliance with legislation. Directive 70/373/EEC sets out official rules on the sampling and analysis of feeds.

34. EC Regulation 1829/2003 deals with the authorisation procedures and labelling requirements for genetically modified (GM) feed and food and

became law in the EU in April 2004. The Regulation lays down a harmonised procedure for the scientific assessment and authorisation of GM organisms and GM feed and food. It also introduces for the first time, rules for the labelling of GM animal feed and the documentation required to account for and identify GM products throughout the feed chain.

35. Maximum residue levels of pesticides in a wide range of raw materials (including for use in feed) are set by Council Directive 90/642/EEC (for products of plant origin), Council Directive 86/362/EEC (for cereals) and Council Directive 76/895/EEC (for fruit and vegetables).

36. Regulation EC No 178/2002 deals with the general principles of food law. From 1 January 2005, it requires traceability to be established at all stages of food and feed chain. All food and feed businesses – including farmers – within the EU will be required to identify the suppliers of food, feed, food-producing animals and ingredients to their businesses and the businesses to which products have been sold, and the products themselves. This will include businesses importing food or feed from outside the EU which will be required to have systems and procedures in place and keep appropriate records. Such information must be made available to enforcement authorities on demand.

37. Two further major pieces of EC legislation have recently been adopted. The Feed Hygiene Regulation extends the arrangements in Directive 95/69/EC so that all feed businesses manufacturing, distributing or using feeds will have to be approved or registered and comply with a range of conditions. The Official Feed and Food and Animal Health and Animal Welfare Controls Regulation (882/2004/EC), which will replace Directive 95/53/EC, provides a common framework for official controls throughout the feed and food chains and sets down the general principles and approach that the enforcement authorities should adopt.

38. EC measures and a few remaining national provisions are implemented in the UK in domestic legislation. The Agriculture Act 1970 (as amended) is the primary legislation and contains provisions on 'deleterious, unwholesome and dangerous' feed and enforcement officer powers. The Feeding Stuffs Regulations 2000 (as amended) contain provisions on the composition and labelling of feeds. There are separate but parallel Regulations for England, Scotland, Wales and Northern Ireland. The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 implement Directive 95/69/EC and the Feeding Stuffs (Enforcement) Regulations 1999 implement Directive 95/53/EC: both these sets of Regulations are made on a UK basis.

Legislation – animal health related measures

39. In the UK, the original BSE-related feed ban was introduced in 1988, preventing ruminant protein being fed to ruminants, to combat the spread of disease. In addition, it was made illegal to feed ruminants with all forms of mammalian protein (with specific exceptions) from November 1994 and to feed any farmed livestock with mammalian meat and bone meal (mammalian MBM) from April 1996. EU-wide legislation now prohibits the feeding of all processed animal proteins and other animal products, with few exceptions, to farmed animals which are kept, fattened or bred for the production of food. These controls were implemented in the UK from August 2001 and are currently set out in the TSE Regulations 2002. There are separate but parallel regulations for England, Scotland, Wales and Northern Ireland.

40. The EC Animal By-Products Regulation (1774/2002) contains rules on the processing, use, disposal and trade in animal products. This includes the use of such products in animal feeds. It bans the use in feeds of catering waste that contains, or has been in contact with animal products. This includes the use of cooking oils from catering premises.

41. Provisions on zootechnical additives (e.g. antibiotic and other growth promoters) and feeds containing them are set out in the Feedingstuffs (Zootechnical Products) Regulations 1999. The Medicated Feedingstuffs Directive (90/167/EEC) lays down the conditions that govern the preparation, placing on the market and use of medicated feedingstuffs in the EU and it is implemented in the UK by the Medicated Feeding Stuffs Regulations 1998. Manufacturers and distributors of intermediate products and medicated feeds must be approved under these Regulations. Following an EU Review of veterinary medicines legislation, it is the intention to make new Veterinary Medicines Regulations. These will transpose amended EU provisions and revoke or disapply current legislation on veterinary medicines replacing it with a single set of Regulations.

Roles and Responsibilities

42. Annex V shows the responsibilities of the Food Standards Agency and the role of a number of other authorities that have responsibilities for feed law and its enforcement.

The Food Standards Agency

43. The FSA (the Agency) was established by the Food Standards Act 1999 which conferred upon it the necessary functions, powers and duties. Animal feed forms an important part of the food chain and has implications for the safety and quality of food, and the Agency has powers and responsibilities in relation to animal feed. The Agency is responsible for negotiation of EC feed legislation and its implementation in UK law. However,

where feed legislation is directly related to animal disease matters (e.g. bovine spongiform encephalopathy (BSE) and *Salmonella*), Agriculture Departments have lead responsibility. Controls on zootechnical products, medicated feeds and pesticides are the responsibility of the Veterinary Medicines Directorate (VMD) and the Pesticides Safety Directorate (PSD) respectively.

44. The Food Standards Act 1999 gives the Agency a number of statutory powers available to strengthen its influence over food and feed law enforcement activities:

- set standards of performance in relation to enforcement of food and feed law;
- monitor and audit local authorities against those standards;
- require information from local authorities relating to food and feed law enforcement and inspect any records;
- enter local authority premises to inspect records and take samples;
- publish information on the performance of enforcement authorities; and
- make reports to individual authorities, including guidance on improving performance.

45. The mechanism by which the Agency puts these powers into effect is *the Framework Agreement on Local Authority Food Law Enforcement*. This was developed in close liaison with LACORS and the Local Government Association (LGA) and came into effect on 1 April 2001. The Framework Agreement applies to both food and feed enforcement and it provides for:

- publicly available local service plans to increase transparency of local enforcement services;
- agreed enforcement standards for local authorities;
- the provision of monitoring data; and
- an audit scheme of local authorities (carried out by the Agency) aimed at securing improvements and sharing good practice.

46. Although the Agency does not have direct responsibility for legislation related to animal diseases, zootechnical feed products and pesticides, the Food Standards Act 1999 gives it a role and powers in the oversight of these areas. The Agency also has the right to publish its advice to any Minister or Government agency. The Agency must be consulted by VMD or PSD on any food safety issue. The Agency has the right to nominate members of the Advisory Committee on Pesticides and the Veterinary Products Committee and provide officials to support the work of those Committees. It can carry out its own surveillance of feed (and food) if it considers it necessary.

47. The Agency is also responsible for protecting public health from zoonoses (animal diseases communicable to humans, e.g. BSE). This is done by monitoring policies (e.g. implemented by Defra) to keep infectivity out of the feed and food chain, to ensure that controls are effective and properly enforced.

The Department for Environment, Food and Rural Affairs (Defra)

48. Defra was created in 2001 from the previous Ministry of Agriculture, Fisheries and Food, the Environment Group of the former Department of Environment, Transport and the Regions and the Animal Welfare Division of the Home Office.

49. It brings together all aspects of the environment, rural matters, farming and food production. In relation to animal feed, Defra and related Agriculture Departments in devolved administrations are responsible for the negotiation and implementation of legislation on animal feed related to animal disease (BSE, Salmonella). It also has policy responsibility for ensuring enforcement of this legislation. Enforcement action is a matter for local authorities in liaison with the State Veterinary Service.

The Veterinary Medicines Directorate (VMD)

50. The VMD is responsible for negotiation and implementation of legislation on zootechnical products and medicated feedingstuffs as well as oversight of enforcement of this legislation. Whereas the FSA's principal core value is to put consumers first, especially in relation to food safety, the VMD also has responsibility for animal health, and the environment as well as promoting animal welfare. The Directorate seeks to achieve this by ensuring safety, quality and efficacy of all aspects of veterinary medicines in the UK.

Pesticide Safety Directorate (PSD)

51. The PSD regulates the sale, supply and use of all pesticides used in agriculture (including crops sold for feed). All pesticides must be approved for use and these approvals are granted by PSD on behalf of Ministers following an evaluation of their safety and efficacy. Feed and food commodities must comply with statutory pesticide maximum residue levels when marketed and PSD is responsible for setting these levels. PSD and local authorities are responsible for the enforcement of this legislation.

Local Authorities

52. Under provisions of the Agriculture Act 1970, responsibility for enforcement of provisions of the Feeding Stuffs Regulations is delegated to local authorities in England, Wales and Scotland. These authorities also have responsibility for approval and registration of establishments under the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 and

enforce feed controls related to transmissible spongiform encephalopathy, animal by-products and pesticide residues. There are 149 such authorities in England, 32 in Scotland and 22 in Wales. These are made up of 34 county councils, 138 metropolitan and unitary authorities and 33 London boroughs. (Source LACORS).

53. Enforcement is primarily carried out by trading standards departments (TSDs), although in some cases environmental health departments have this responsibility. However, in most unitary authorities, metropolitan authorities and London boroughs the TSDs and environmental health departments are part of one department which may include other services. The duties of TSDs also include such diverse areas as fair trading, product safety, weights and measures, food standards and animal health. Day to day operational control rests with senior authority officers but overall policy, resource allocation strategy and monitoring of service delivery rests with elected members.

54. Local authority TSD's employ about 1650 officers in Great Britain. These may be Trading Standards Officers (TSOs) or Enforcement Officers (EOs). There is no information on the numbers of TSO/EOs involved in feed law enforcement but it is likely to be significantly lower than this total. Estimates for the South East Region indicate that about 20% are involved significantly in feed law enforcement. No formal qualification is currently required to enforce animal feed legislation. TSOs holding the Diploma in Trading Standards qualification and EOs who hold the Diploma in Consumer Affairs, Food and Agriculture have studied and been examined on agriculture matters. These qualifications permit officers to carry out food law enforcement work. Part IV of the Agriculture Act 1970 requires each local authority to appoint an official agricultural analyst to carry out the analysis of samples of animal feed for enforcement purposes (Source LACORS).

55. In order to carry out their enforcement responsibilities, local authorities need to carry out checks on compound feeds, feed materials and feed additives including at points of manufacture, import, sale or use. This involves taking samples for analysis for the presence/levels of undesirable substances and feed additives, and to check labelling provisions. Local authorities must maintain lists of approved and registered establishments and intermediaries, and make visits to such premises to ensure compliance with the requirements of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999. Local authorities also provide advice to businesses on compliance with current and forthcoming legislation.

56. Feed enforcement activities of local authorities are co-ordinated by LACORS. LACORS provides and disseminates comprehensive advice, guidance, details of good practice and other information to local authorities. LACORS also has a Feed and Fertilisers Focus Group comprised of experienced feed enforcement officers and agricultural analysts. The Group provides expert advice and formulates recommendations although these are not binding on individual local authorities.

The Animal Medicines Inspectorate (AMI)

57. AMI is part of the Royal Pharmaceutical Society of Great Britain (RPSGB) which is the registration and professional body for pharmacists. It has a statutory duty to enforce sections 52 and 58 of the Medicines Act 1968 and it is the named enforcement authority for the Feedingstuffs (Zootechanical Products) Regulations 1999 and the Medicated Feedingstuffs Regulations 1998. It also has responsibility for enforcing certain veterinary medicines legislation. Businesses carrying out activities regulated by the aforementioned legislation are required to be approved and regularly inspected by the AMI.

58. On behalf of the VMD, the AMI also carries out investigations into medicinal/zootechanical residues in foodstuffs, which might be caused by the contamination of animal feeds.

59. The AMI consists of a Head of Inspectorate and four regional inspectors. All inspectors hold a formal qualification in agriculture/science and are required to have spent at least three years at management level in the animal feed/animal health industry prior to appointment. All inspectors are qualified ISO 9000:2000 auditors (an international set of quality management principles) and have undertaken a recognised course in HACCP. The Inspectorate works to documented standard operating procedures which set out how inspection activities should be conducted and include protocols on sampling, investigations and dealing with infringements. The AMI maintains lists of premises approved under the Feedingstuffs (Zootechanical Products) Regulations 1999 and the Medicated Feedingstuffs Regulations 1998 and carries out checks on those premises on a regular basis to ensure that standards relating to equipment, personnel, manufacturing, storage and record-keeping are maintained. During the course of a routine inspection informal samples of medicated or zootechanical feeds may be taken for quantitative analysis and formal¹ samples taken to determine if there has been a contravention of legislation. Further details on how the AMI operates is provided in a paper the Committee considered (ref ACAF/03/27) (see Annex I) and is available on the ACAF website.

60. Approved premises include intermediaries selling zootechanical additives or premixtures, and feed manufacturers incorporating such products. In addition, the AMI approves farms mixing their own feeds using complementary feeds containing zootechanical feed additives. The number of approved premises in 2003 (including medicated feed premises) was 3,328. This means that each inspector is responsible for a relatively high number of premises (on average some 600-700). However, these premises are

¹ First Commission Directive of 1 March 1976 establishes Community methods of sampling for the official control of feedingstuffs. This is enacted in the UK through the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (SI 1999 No. 1663). Samples taken in the manner described in Feedingstuffs Regulations are regarded as formal samples. Formal samples only are used for *taking prosecutions*.

inspected at a frequency of between 6 and 18 months and as the AMI is a specialised inspectorate it achieved 86% of its targeted inspections in 2003. For various reasons, including the decline in the number of on-farm mixers and the withdrawal of authorisation of certain zootechnical feed additives, the number of premises approved by the AMI for the use or sale of zootechnical products and medicated products has fallen over recent years. In 2002, the number of approved premises was 3,636 while in 1999 there were 4,856 premises. Because of this reduction, its implications on fees and funding, and the gaps identified by the FVO, the VMD recently conducted a fundamental review of future arrangements for the enforcement of legislation relating to medicated feedingstuffs and zootechnical feed additives. The review concluded that consideration should be given to transferring the responsibility for the work currently carried out by the AMI to the State Veterinary Service (SVS). As part of this transfer it proposed that there should be a risk-based approach to inspection programmes, recognition of those businesses who belong to assurance schemes, a more satisfactory funding system and arrangements in place to close gaps identified by the FVO in the current inspection regime (*Source AMI/VMD*).

The State Veterinary Service (SVS)

61. The SVS is a GB-wide organisation dealing with animal health, public health, animal welfare and international trade. Its headquarters are in London and it operates through a network of veterinary, technical and administrative staff in 5 regions. Within each region there are number of Animal Health Divisional Offices.

62. Under the TSE Regulation the SVS is responsible for ensuring compliance with the prohibition on the use of animal protein in animal feed. Meat and bonemeal (MBM) and most all other materials of animal origin are prohibited from use in farm livestock feeds as part of a range of measures to guard against transmissible spongiform encephalopathies. The SVS takes samples of feed materials and manufactured feeds for analysis for MBM from feed mills, farms mixing their own feed and other premises where feed or ingredients for feed are produced or stored. Tests are also performed for the presence of fishmeal in ruminant feeds (fishmeal is currently prohibited in ruminant feeds). Transport handling prohibited animal proteins must be registered.

63. Prosecutions, are the responsibility of local authorities, although there is provision in the legislation for Agriculture Departments to take on prosecutions in particular cases. However, in the event of an infringement, SVS will usually advise and assist local authorities and may serve notices to prevent the movement of suspected feed (*Source Defra*).

The Department of Agriculture and Rural Development (DARD) Northern Ireland

64. In Northern Ireland the Food Standards Agency is responsible for policy matters relating to composition and marketing of feeds (The Feeding Stuffs Regulations (Northern Ireland) 2001). DARD is responsible for enforcement, and for policy and enforcement of all other feed legislation, e.g. the Medicated Feedingstuffs Regulations. A team of seven staff of the Quality Assurance Branch (QAB) is responsible for this work. Staff involved are trained to degree, diploma or certificate level in Agriculture or Food Science and receive specific training in HACCP auditing and enforcement.

65. The QAB approves and registers premises (including farms) and checks their compliance with the requirements of Directive 95/69/EC and medicated feed legislation. A database of premises enables inspection and sampling plans to be drawn up. Feeds produced by all manufacturers are subject to sampling and analysis determined on a risk basis taking into account levels of production, previous history, etc. The majority of samples of feed are analysed by the DARD Science Service.

Assurance Schemes

66. There are a number of feed trade assurance schemes and farm assurance schemes in place. These schemes are voluntary and scheme auditors have no statutory enforcement powers (see Annex VI).

Feed Trade Assurance Schemes

67. The Agricultural Industries Confederation (AIC) represents most of the animal feed manufacturers and feed merchants in the UK. It has established feed assurance schemes targeted at key links in the feed supply chain. There are three main AIC assurance schemes. The Universal Feed Assurance Scheme (UFAS) covers the production and delivery of compound feeds and supply of feed materials to the farm. The Feed Material Assurance Scheme (FEMAS) has been developed to provide assurance to purchasers of feed materials that such materials are safe and meet specified quality criteria. The Trade Assurance Scheme for Combinable Crops (TASCC) covers standards for grains oilseeds and pulses after they have left the farm. There are also schemes which apply to shippers and importers (eg. the COCERAL Code of Good Trading Practice). These schemes require members to adopt HACCP.

68. The UK based Feed Assurance Schemes, such as UFAS, FEMAS and TASCC recognise other schemes in Europe under mutual recognition agreements. In order to achieve mutual recognition, each scheme must work to equivalent standards, which are certified by an independent accreditation body that is approved by the schemes which work under mutual recognition.

This means that a company may be operating in the UK under a mutually recognised scheme from another European state. At the time of writing, the largest scheme in Europe is the GMP+ scheme of Productschap Diervoeder in Holland (PDV or Product Board Animal Feed).

Farm Assurance Schemes

69. There are a number of farm assurance schemes which, to varying extent, deal with storage, handling and use of feeds on farm. Farm assurance schemes generally, although not always, require compliance with feed assurance schemes.

Certification/Inspection Bodies

70. Participation in schemes is approved by product certification bodies that are accredited to standard operating procedures (EN45011) by the United Kingdom Accreditation Service (UKAS). UKAS is the sole authority recognised by the UK government to undertake the accreditation of certification bodies in the UK. These certification bodies verify that approved participants are fully compliant with the respective product standard of each scheme.

71. Organisations with scope for certification of feed and farm assurance schemes are the European Food Safety Inspection Service (EFSA), Product Authentication International (PAI), Checkmate International (CMI), Scottish Food Quality Certification Ltd (SFQC), Welsh Food Certification Ltd (QWFC), Northern Ireland Food Chain Certification Ltd (NIFCC).

72. Objective records of inspections are submitted in a report to the certification organisation, identifying where there might be non-compliance under the scheme. The report is assessed against the requirements of the product standard and the certification body specifies the timetable for any remedial action that is required.

73. Assured Food Standards (AFS) is an independent organisation which is the umbrella body for UK Farm Assurance Schemes. It owns and sets, in partnership with industry, the British Farm Standard (Red Tractor Standard). It administers the farm assurance schemes in most major commodity sectors and contracts certification bodies for them, which themselves arrange independent inspections of the production process, including animal feed on farm.

Section VIII: Areas of Enforcement

EC requirements

Council Directive 95/53/EC – Official Inspections

74. Council Directive 95/53/EC is intended to provide a framework for enforcement of EC animal feed legislation. It requires checks to be carried out at regular intervals at all points of the feed chain, including agricultural holdings and Member States are required to draw up annual programmes setting out the national measures to be taken to achieve the aim of the Directive. Member States must provide the European Commission with the results of inspections so that an overall picture of compliance with EC legislation can be obtained. The information helps to identify special situations or critical fields of common interest that may require a co-ordinated approach at EC level. On the basis of these results and other intelligence the Commission makes annual recommendations for an EU wide co-ordinated inspection programme which should be included in national inspection programmes.

75. The Official Feed and Food and Animal Health and Animal Welfare Controls Regulation (882/2004/EC) will replace Directive 95/53/EC in January 2006, consolidating and building on existing legislation to create a more comprehensive, consistent and integrated 'farm to table' approach for enforcement systems across the feed, food and veterinary sectors. It contains general rules applicable to controls in respect of all feed and food law and to animal health and animal welfare legislation.

76. The Regulation lays down rules to be followed by enforcement authorities in developing appropriate and efficient systems for verifying compliance with feed and food law. The main elements include: operational criteria; training requirements for enforcement officials; rules for delegating control tasks to independent bodies; requirements for reference and official laboratories; requirements for methods of analysis and sampling; rules for dealing with emergencies; import controls; rules on official certification; administrative assistance and co-operation between Member States and the Commission; and provisions for financing controls.

77. In many cases the Regulation maintains the provisions that currently apply under 95/53/EC. For example, it preserves the need for checks to be made at all stages of the feed chain and the local authority operating standards that are set out in the Agency's Framework Agreement with local authorities. However, there will be a need to integrate national feed inspection plans with those covering food. Although the Regulation provides the basis for Member States to maintain current financing for enforcement activities, there will be scope for enforcement authorities to charge for additional sampling and analyses where extensive non-compliances are

detected (e.g. in the case of a feed safety incident). There is also a provision for designating 'high risk' products of non-animal origin imported from countries outside the EU and subjecting these to mandatory checks financed by fees.

Council Directive 95/69/EC – Approval and Registration of Establishments

78. A major impact on the role of enforcement authorities was the implementation of Directive 95/69/EC which introduced a system for the approval and registration of premises that manufacture, market and use certain feed additives and protein products. The system for non-zootechnical additives (e.g. vitamins and trace elements), is enforced by local authorities, usually their TSDs. The AMI is responsible for zootechnical additives (e.g. antibiotic and other growth promoters). DARD is responsible for both areas in Northern Ireland.

79. Premises subject to approval have to observe more stringent criteria than those requiring registration. The system is intended to ensure that feed additives, premixtures and feeds that contain them are manufactured, handled, stored and used with proper regard to human and animal safety. The approval/registration requirement covers a wide range of premises, mainly manufacturers and sellers of additives and premixtures and feed manufacturers that incorporate the products in feeds. The provisions extend to farms that mix their own feeds using additives and premixtures and compound feeds that contain these products (on-farm mixers).

80. Approval requires inspection of premises before the relevant activity can commence, and applies to establishments involved with the more sensitive additives such as zootechnical additives. For non-zootechnical additives those premises involved at the beginning of the feed chain (e.g. additive manufacturers) are mainly subject to the approval requirement. Registration involves placing establishments on a list with a requirement for follow-up checks.

81. The Directive contains a number of annexes setting out the standards with which the various establishments and intermediaries have to comply. These come under the broad headings of equipment and facilities, quality control, personnel, storage and record keeping.

New Feed Hygiene Regulation (183/2005)

82. The Feed Hygiene Regulation, which was adopted by the Council of Agriculture Ministers in December 2004, will replace Directive 95/69/EC. This is a major piece of legislation which will have a significant impact on the work of local authorities and the Animal Medicines Inspectorate. Its aim is to strengthen safety throughout the feed chain and ensure the traceability of feeds, for example in the case of a feed safety incident. Whilst Directive

95/69/EC was concerned with businesses mainly dealing with feed additives, the Feed Hygiene Regulation will require approval or registration of all feed businesses. This includes importers and suppliers of feed materials and compound feeds, road hauliers who transport feeds and food businesses selling products for feed use. Besides on-farm mixers, the requirements extend to arable farms selling crops for feed and livestock farms buying-in feeds.

83. Feed businesses will have to comply with various standards relating to facilities, record-keeping, quality control, personnel and storage, which are similar to those which currently apply under Directive 95/69/EC. In addition, farms will have to observe standards relating to primary production while farmers feeding livestock will have to follow a code for animal feeding. The Regulation also requires feed businesses (although not all farms) to follow the principles of the Hazard Analysis and Critical Controls Points (HACCP) system. Further details of the provisions of the Feed Hygiene Regulation are given in **Annex VII**.

84. There are a number of major implications for enforcement authorities arising from this legislation. Most businesses will have to comply with the new requirements by January 2008, but enforcement authorities will have to establish arrangements for the approval/registration of premises by January 2006. This will involve identifying many thousands of businesses and explaining to them the requirements of the new Regulation. In due course, these businesses must be visited to ensure that they comply with the requirements of the Regulations.

Imports

85. The legislative rules on the composition and marketing of feeds apply equally to feeds and feed ingredients produced in the UK, in other EU countries and those produced in countries outside the EU and imported into the UK. In practice, most bulk finished feeds sold to GB farmers are manufactured in the UK, but many vitamins and other additives and significant tonnages of materials such as soyabean meal and maize gluten are imported.

86. Directive 95/53/EC (as amended) contains a number of provisions applicable to imports from countries outside the EU, and includes a requirement for a documentary check of each batch and random identity checks. There is also a requirement for physical checks to be carried out (i.e. sampling and analysis of feeds) on a random basis. Similar provisions will be retained in Regulation 882/2004/EC. Customs and Excise are the designated authority for carrying out documentary checks. Local authorities are responsible for carrying out identity and physical checks. Unlike the situation for controls on food for human consumption, Port Health Authorities/Port

Local Authorities do not have powers for the enforcement of controls on the composition and marketing of animal feed.

87. The AMI is responsible for checks on imported zootechnical products. To date, port visits have not been part of the AMI remit as it is not directly financed for this work. However, if in the course of its inspections of approved establishments an illegal import is identified, enforcement action would be taken.

88. In Northern Ireland, Customs and Excise notify DARD of imports of feeds. DARD inspectors make regular visits to ports to sample feed for undesirable substances and animal protein. LACORS has initiated discussions with HM Customs and Excise to strengthen liaison in GB and the aim is to have a Memorandum of Understanding (MOU) between these two parties.

89. Directive 95/53/EC permits Member States to designate particular entry points in their territory for imports of feed, and for them to require prior notification of the arrival of imports at entry points. These two requirements were not taken up by the UK when Directive 95/53/EC was introduced, mainly because of the difficulty of identifying all points of entry and the lower degree of risk compared with products of animal origin (POAO). Under the new Official Feed and Food Control Regulation (882/2004) these requirements will be mandatory for 'high risk' feed of non-animal origin and optional for other feed. Under separate legislation, POAO must enter via designated entry points and be subject to inspection.

Pet Foods

90. Pet food manufacturers are covered by the registration requirements of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999. Feeds for wild birds are within the scope of the legislation as far as the provisions on undesirable substances are concerned. Checks on pet foods may be made to ensure compliance with provisions on labelling, feed additives and undesirable substances. FEDIAF, the European association representing pet food manufacturers has developed a 'Code of Practice for the Manufacture of Safe Pet Foods' which outlines a HACCP system applicable to pet food manufacturers.

Funding in Great Britain

91. The funding of feed law enforcement in the UK is subject to a number of different arrangements.

Local Authorities

92. Local authorities in England and Wales are resourced by both Council taxes and through the Revenue Support Grant (RSG) mechanism. The RSG is the principal method by which central government provides funding to local government and is administered via the Office of the Deputy Prime Minister (ODPM). The RSG is calculated using Standard Spending Assessments (SSAs) for different local authorities. SSAs are based on population data and differences in the costs of the provisions of services between areas. The SSA for each local authority includes funding for services provided under the broad heading of Environmental, Protective and Cultural Services (EPCS) and this includes feed (and food) enforcement. The funding for feed law enforcement, like food law enforcement and many other local authority services, is not ring-fenced or separately identified within the EPCS. The allocation of funds according to activity (e.g. health, education, environmental services, etc.) is a matter for the elected members of councils according to local priorities.

93. As in England and Wales, local authorities in Scotland are resourced by Council taxes and through the RSG. The RSG is the principal method by which the Scottish Parliament provides funding to local authorities. In addition authorities also receive what is known as non-domestic rate income (effectively a tax from business). While the Scottish Executive has been generally increasing the amount of funding which is ring-fenced to meet longer-term priorities for Scotland, funding for feed law enforcement is not ring-fenced. However, the Food Standards Agency has in recent years provided annually a small amount of funding to local authorities to support enforcement activity specifically in this area.

94. The 2001 White Paper 'Strong Local Leadership – Quality Public Services' proposed that while the SSA formulae have limitations, they should remain the primary means to distribute the general grant. The White Paper retains the general principle that government departments should not ring-fence funds provided to local authorities.

Animal Medicines Inspectorate (Royal Pharmaceutical Society of Great Britain)

95. AMI seeks to recover the full costs of its operation through charging fees to those it inspects and approves. The total annual cost of carrying out inspections in each class of premises is calculated taking into account the inspection time for each visit, estimated travel costs, administration time, sampling costs, and overheads. Fees are established by dividing the total annual costs by the number of premises in each class.

96. The fee levels are set out in legislation as amendments to the Feedingstuffs (Zootechnical Products) Regulations 1999 and the Medicated Feedingstuffs Regulations. The fees vary according to activities carried out. In practice, premises may use or distribute both zootechnical feed products and medicated feedingstuffs, in which case, only one fee, the highest, is payable. As the AMI's list of establishments has declined over recent years, each year those on the register have had to bear an increasing share of AMI costs.

State Veterinary Service

97. The SVS is funded centrally by Defra but no data are available on the resources devoted to enforcement of feed controls made under veterinary legislation and this will continue to be the case when the SVS becomes an Agency in 2005.

Funding in Northern Ireland

98. Enforcement work is funded centrally but DARD charges fees for the inspection and approval of establishments and intermediaries dealing with zootechnical products in respect of compliance with the requirements of Directive 95/69/EC. Other enforcement work is funded centrally.

Section IX: Options for improving Feed Law Enforcement

99. In this report various shortcomings in the way legislation on animal feed is enforced have been identified and the Committee makes recommendations on how these might be addressed. The Committee explored in detail the feasibility of alternative models to the existing system of feed law enforcement. The objective was to identify any problems with existing systems and make recommendations which would be proportionate to the potential risk for consumers and the welfare of animals. The main options identified and examined were as follows:

- a Great Britain-wide feed law enforcement agency;
- a Great Britain-wide agricultural and feed enforcement organisation;
- an assurance scheme approach; and
- current arrangements with significant modifications.

A Great Britain-wide feed law enforcement agency

100. This option would bring the current responsibilities of local authorities and the AMI into one organisation.

101. Advantages of this approach are the improved co-ordination and consistency of enforcement without the need to co-ordinate the activities of the many local authorities involved in feed law enforcement and the AMI. There would be one clear management and reporting structure and resources devoted to animal feed enforcement could be clearly set out. Performance against targets and criteria could be measured. All enforcement officers would deal exclusively with feed law control activities, resulting in greater individual expertise.

102. There are significant disadvantages. Considerable additional funding and staff effort would be required at the setting up stage. Any reorganisation of staff involving local authorities and AMI would require primary legislation. It is worth noting that the White Paper: 'The Food Standards Agency: A Force for Change' said that there were enforcement benefits from inspectors' local knowledge and there were good reasons for it to be delivered locally with oversight from the Food Standards Agency. This was widely supported in comments received as part of the UK consultation process.

A Great Britain-wide agricultural and feed enforcement organisation

103. This option would be similar to the feed law enforcement agency option but it would have additional responsibility for a wide range of compliance issues in the agricultural sector, including farming grants/subsidies and animal health/welfare.

104. The benefits of this option are similar to that of the feed law enforcement agency option as regards improved co-ordination and consistency but there would be even greater rationalisation in relation to farms. This option would bring together enforcement of general feed controls (local authorities and the AMI) and animal health related feed controls, which is the responsibility of agriculture departments and local authorities. It minimises the number and nature of visits in the agricultural sector (which is likely to be welcomed by farmers) and would result in greater expertise in on-farm issues by enforcement authorities through specialisation. This would have benefits in the application of the new Feed Hygiene Regulation and EC cross-compliance proposals, whereby grants will be dependent on compliance with several aspects of law.

105. The disadvantages with this option include the same issues that arise in the creation of a feed law enforcement agency mentioned above in terms

of the resources and processes required to make the necessary change. However, the creation of the GB-wide agricultural and feed enforcement organisation would involve greater change as this option covers a wider range of functions, interests and numbers of official/enforcement staff, and would require greater funding and staff effort in drawing the new body together. The organisation would need an HQ structure, regional and local structures with consequent staff changes (local authorities, AMI, Defra including the State Veterinary Service and the Rural Payments Agency).

An Assurance Scheme Approach

106. Under this option reliance would be placed on the assurance schemes and their inspectors to make checks, identify problems and report possible non-compliances posing a threat to animal or human health to enforcement authorities for consideration of formal enforcement action.

107. This option would concentrate statutory enforcement on those establishments where problems of non-compliance with feed law were identified. Routine checks, including visits relating to the approval and registration of establishments and intermediaries, currently being carried out by AMI and local authorities, would be carried out by scheme inspectors. Reliance would be placed on assurance scheme managers and their auditors to check on businesses' compliance with feed law and to identify problems. If problems were unresolved these could be referred to statutory bodies for enforcement.

108. The advantage of this option is that it would release resources for local authorities and the AMI to target higher risk/problem areas. It builds on an existing infrastructure and to some extent would remove the current duplication of checks on establishments through the separate legal and assurance compliance arrangements. It would require no additional funds from central government.

109. There are a number of difficult issues that would make this option non-viable. These schemes are not mandatory and 100% membership cannot be guaranteed. Scheme auditors would not inspect premises outside schemes. The Food and Veterinary Office (FVO) report indicated that checks on the sampling and analysis on imports at points of entry were currently inadequate, but scheme auditors do not currently make such checks in this area as part of assurance schemes. Feed businesses pay a fee for their membership of voluntary feed assurance schemes and for audits carried out. There would be a perception of conflict of interest if scheme auditors also take on a statutory enforcement role. Scheme auditors would require training on the wide range of complex UK feed legislation.

Current arrangements with significant modifications

110. This option would retain the basic structure of the current system and incorporate a number of improvements on methods of funding, co-ordination of checks, guidance and training for enforcement officers, and controls on imported feed.

111. By retaining existing infrastructure and systems it avoids the major organisational and staffing implications of the other options. As the existing enforcement authorities would remain in place there would be no requirement to change primary legislation. It would continue to make use of existing expertise and resources and make use of local knowledge. The integrity of food chain checks would be maintained by keeping the local enforcement of food and feed law together (local authorities are responsible for enforcing controls on both animal feed controls and food standards). Enforcement of food hygiene controls is carried by environmental health officers and is also a function of local authorities.

112. To make this option work a number of modifications would need to be made to the current system. However the achievement of these are not insurmountable tasks. Changes would need to be made to ensure that the activities of the many local authorities involved in feed checks and AMI were co-ordinated. Better use of funds available for feed law enforcement could be made by the introduction of a risk-based system of inspections. Such a system would include checks on imports and farms. The introduction of codes of practice for feed law enforcement would assist in achieving these improvements.

Enforcement in Northern Ireland

113. The Committee received a presentation from DARD officials as it was interested to see what lessons could be learnt from a situation where one centralised body was responsible for checks on medicated feedingstuffs and zootechnical additives and other areas of feed enforcement. This system had the advantage that one body could determine priorities and co-ordinate checks, and worked well in a relatively small geographical area. The limited numbers of ports of entry enables imports of feed to be easily identified and appropriate checks made.

Section X: Conclusions and Recommendations

114. Full and effective enforcement of feed law is necessary to ensure feed and food safety. The existing activities of feed law enforcement authorities have provided a good level of enforcement in certain areas but have been found lacking in others. This has been due in part to the fact that

responsibility for enforcement rests with a number of different authorities that often act independently of each other. In addition, there have been shortcomings in the way in which feed law enforcement has been funded. The UK imports significant quantities of feed materials, but the number of checks on imported feeds is low, increasing the risk to feed/food safety.

115. The Committee concluded that the current situation is unacceptable, and measures need to be introduced to ensure a more consistent and effective programme of feed law enforcement. Resources for enforcement are not unlimited, and the Committee concluded that priorities should be based on an assessment of the risks that animal feeds present to livestock and those consuming animal products. In recent years a number of assurance schemes have been developed and adopted by the feed and farm sector. Most of these reflect statutory requirements and are aimed at improving the quality and safety of animal products. The Committee concluded that information gathered as part of these schemes could make a useful contribution to establishing a risk-based approach to enforcement within the UK.

116. The lack of co-ordination between enforcement authorities in Great Britain leads to inconsistent enforcement. Closer co-operation between different enforcement authorities is essential to improve feed law enforcement across the UK. The Committee concluded that the Food Standards Agency was well placed to take on this co-ordination role.

117. The Committee concluded that the alternatives considered in Section IX which involved the creation of new agencies to deliver feed law enforcement represented major undertakings. To be effective these alternatives would require significant investment of time and resources. **The Committee recommends that the current responsibilities for feed law enforcement in the United Kingdom should continue with significant modifications made to processes and procedures to ensure the necessary improvements to feed law enforcement.**

118. The Committee recognised that any changes to current enforcement systems should be commensurate with the risks which animal feeds present to consumers eating animal products and to animal health. In Section V of this report, the Committee identified a number of priority areas that need to be considered in relation to the strengthening of feed law enforcement. **The Committee recommends that enforcement authorities adopt a proportionate risk-based approach to the enforcement of feed law.**

119. The Committee noted that LACORS have a risk-based scheme largely based on premises type. **The Committee recommends that risk-based schemes for feed law enforcement should be extended or introduced to take into account risks from hazards such as contaminants, unauthorised additives and feeds from unverified sources.**

120. One of the alternative models for feed law enforcement was the possibility of including a role for assurance schemes. The Committee concluded that it would not be appropriate to give assurance scheme inspectors a formal enforcement role. Assurance schemes that reflect provisions of feed law have a significant part to play in the risk assessment of premises. In order to promote a risk-based approach to enforcement there is a need to identify areas where assurance scheme checks meet statutory requirements. **The Committee recommends that there should be a greater sharing of information and co-operation between official enforcement authorities and assurance scheme auditors.**

121. There is a need to ensure that there are no gaps or duplication of checks on premises and to ensure common standards of enforcement are applied. The Committee was informed that to help ensure this objective, LACORS and the AMI were drawing up a Memorandum of Understanding (MoU). **The Committee recommends that there should be greater co-ordination between enforcement authorities.**

122. A number of agencies have responsibilities for making feed legislation and for its enforcement. The Food Standards Agency has responsibility for making legislation on the composition and marketing of animal feed. Although the Agency is not responsible for feed related legislation made by the Agriculture Departments, the Food Standards Act 1999 provides it with certain formal powers it can exercise in this area, e.g. the right to publish its advice to Ministers or other government departments. On a less formal basis, there is a need for the co-ordination of feed law enforcement activities, e.g. to develop a risk-based approach to inspections. **The Committee recommends that further co-ordination of feed law activities is required and considers that the Food Standards Agency is well placed to take on this role.**

123. Lists of premises concerned with feed production and use are variously held by local authorities and, nationally, by competent authorities. Such lists are required under Directive 95/69/EC on the approval and registration of establishments and will be further extended with the introduction of the EC Feed Hygiene Regulation. Compilation of these lists by a single authority would ensure coverage of all feed businesses and, with the addition of further information, could form the basis of a database for use as a common resource available to all enforcement agencies. In addition to records of formal inspections, inclusion of information on involvement in assurance schemes could aid the direction of resources to establishments considered to present the greatest risks. **The Committee recommends the compilation of a central database of feed businesses available to all enforcement agencies. The Committee further recommends that all relevant information should be considered for inclusion in a central database to help establish enforcement priorities.**

124. The Committee noted that many feed materials are imported for use in compound feeds or to be fed straight to animals. It is important that imports should be part of a risk-based programme. At present limited checks are made on such imports at point of entry largely because local authority enforcement officers, who are often not based at ports, lack intelligence on the arrival of imports. It is also difficult to obtain samples using formal sampling procedures. The Food Standards Agency has written to the European Commission asking for the sampling procedures to be reviewed and simplified and the Committee supports this approach. **The Committee recommends that animal feed imports should be part of a risk-based enforcement programme. The Committee further recommends the introduction of a statutory requirement for the prior notification of imports of animal feed.**

125. The Committee notes the shortcomings associated with the current system of funding local authorities in England and Wales for carrying out their feed law enforcement responsibilities. However, it recognises the difficulties in making fundamental changes to a system which is designed to deliver resources for a wide range of local government functions. **The Committee recommends that local authorities should make better use of existing funds by targeting higher risk areas. The Committee further recommends that if funds for new work become available, the Food Standards Agency and other government departments should consider providing such funds direct to the appropriate enforcement agencies.**

126. The Committee notes that the FVO mission recommended that there should be the provision of adequate guidance for the supervision of official controls in order to ensure uniform and comprehensive enforcement. In addition, there is a need for enforcement authorities to receive direction from central government on priorities and we are aware that the Food Standards Agency is drawing up a national inspection programme based on previous results and risks. Such a programme may be formalised by linking it to the proposed Codes of Practice for Feed Enforcement. In its response to the FVO, the UK pointed out that it intended to prepare Codes of Practice for Feed Enforcement by local authorities. **The Committee recommends the introduction of codes of practice for all areas of feed law enforcement. The Committee further recommends that the codes of practice that apply to local authorities should be included within the scope of the Food Standards Agency's Framework Agreement with local authorities. The Committee also recommends that compliance with the codes of practice should be audited by the Food Standards Agency under the terms of the Framework Agreement.**

Glossary of Terms and Abbreviations used in this Review

ACAF	Advisory Committee on Animal Feedingstuffs
AIC	Agricultural Industries Confederation
AMI	Animal Medicines Inspectorate
BSE	Bovine Spongiform Encephalopathy
Complementary compound feed	A compound mixture of feed materials with a high concentration of certain nutrients (e.g. protein) which is sufficient to provide a daily ration only if fed in combination with other feedingstuffs
Complete compound feed	A compound mixture of feed materials which supplies the total dietary needs of an animal (i.e. the daily ration)
Compound feed	A mixture of feed materials, sometimes including additives, intended for feeding either as a complete or complementary feed
DARD NI	Department of Agriculture and Rural Development in Northern Ireland
Defra	Department for Environment Food and Rural Affairs
Documentary check	Verification of the documents accompanying a product or of any other information provided on the product
Enforcement Officer	Authorised officers employed by local authorities to enforce trading standards legislation who do not hold the Diploma in Trading Standards but who may hold other qualifications
EC	European Commission
EFIS	European Food Safety Inspection Service
Feed additive	Substances added to feed mainly to perform nutritional functions (e.g. vitamins and trace elements), technological functions (e.g. preservatives) or to improve animal production (e.g. micro-organisms)
Feed materials	Any products of vegetable or animal origin, in their natural state, fresh or preserved; any products derived from the industrial processing of such products or organic or inorganic substances which are intended for oral animal feeding, either directly or in a compound feed
FEMAS	Feed Material Assurance Scheme
FVO	The Food and Veterinary Office of the European Commission
HACCP	Hazard Analysis and Critical Control Points

Identity check	Verification, by visual inspection only, for consistency between the documents, the labelling and the products
Intermediary	Any person other than the manufacturer or the person producing for the exclusive requirements of its holding, compound feedingstuffs, who holds additives, premixtures prepared from additives or certain other products at an intermediate stage between production and use
LACORS	Local Authority Co-ordinators of Regulatory Services
MAFF	Ministry of Agriculture, Fisheries and Food
Medicated feed	Any mixture of veterinary medicinal product(s) with feed(s) intended for animal feeding without further processing for its curative, preventative or other properties as a medicinal product
MoU	Memorandum of Understanding
ODPM	Office of the Deputy Prime Minister
Official inspection	An inspection by the competent authorities to check compliance with feed law
On-farm mixing	Mixing of ingredients which takes place at the same location as the livestock to which it is being fed. It may or may not include home-produced feeds
PAI	Product Authentication Inspectorate
Physical check	A check of the product itself, including, where appropriate, sampling and laboratory testing
RPSGB	Royal Pharmaceutical Society of Great Britain
Revenue Support Grant (RSG)	Principal method by which central government provides funding to local government and is administered via the Office of the Deputy Prime Minister
SVS	State Veterinary Service
TASCCC	Trade Assurance Scheme for Combinable Crops
TSDs	Trading Standards Departments
TSE	Transmissible Spongiform Encephalopathy
Trading Standards Officers	Authorised officers employed by local authorities to enforce trading standards legislation who hold the Diploma in Trading Standards or its antecedents
UFSA	Universal Feed Assurance Scheme
UKAS	United Kingdom Accreditation Service
VMD	Veterinary Medicines Directorate
Zootechnical feed additives	Quasi-medicinal substances such as certain growth promoters

ANNEX I

List of Papers Considered by ACAF in its Review of Feed Law Enforcement

	Paper	Reference
17th Meeting (4th December 2002)	Initial discussion paper on the scope of the review	ACAF/02/33
19th Meeting (15th April 2003)	Presentations from: <ul style="list-style-type: none"> ● LACORS ● RPSGB ● EFSIS ● PAI 	ACAF/03/17
20th Meeting (25th June 2003)	Feed Law Enforcement in Northern Ireland The Role of the State Veterinary Service Official Controls in Animal Nutrition – Returns to EC Commission The Royal Pharmaceutical Society of Great Britain Animal Medicines Inspectorate The Role of Local Authorities in Feed Law Enforcement The Role of Product Authentication International in Feed Law Enforcement	ACAF/03/19 ACAF/03/20 ACAF/03/29 ACAF/03/27 ACAF/03/28 ACAF/03/30
21st Meeting (23rd September 2003)	Funding of Feed Law Enforcement Checks on Imported Animal Feed Results of ACAF’s Consultation on Feed Law Enforcement Approvals and Registrations The Role of EFSIS in Feed Law Enforcement The Role of the Medicines and Healthcare Products Regulatory Agency in Feed Law Enforcement	ACAF/03/31 ACAF/03/32 ACAF/03/36 ACAF/03/21 ACAF/03/37 ACAF/03/35
22nd Meeting (25th November 2003)	Report of the Food and Veterinary Office on Feed Law Enforcement in the UK Enforcement of Animal Feed Law in other EU Member States The Future Arrangements for the Enforcement of Legislation Relating to Medicated Feedingsuffs and Zootechnical Feed Additives Barriers to Good and Consistent Enforcement ACAF Review of Feed Law Enforcement – Next Steps Official Controls on Animal Nutrition: 2002 Inspections Return to the European Commission	ACAF/03/41 ACAF/03/42 ACAF/03/45 ACAF/03/43 ACAF/03/44 ACAF/03/46

	Paper	Reference
23rd Meeting (10th February)	Results of Preliminary Modelling Exercise Framework Document	ACAF/04/2 ACAF/04/3
24th Meeting (20th April 2004)	Feed Law Enforcement in Other EU Member States (revise) The Role and Responsibilities of the Food Standards Agency in Relation to Animal Feed European Commission Proposal for a Regulation on Official Feed and Food and Animal Health and Animal Welfare Controls Feed Law Enforcement Based on Current Systems and Organisation	ACAF/04/11 ACAF/04/9 ACAF/04/10 ACAF/04/8
25th Meeting (7th July 2004)	Feed Law Enforcement Review – First Draft	ACAF/04/15
26th Meeting (21st September 2004)	Report On Feed Law Enforcement – Second Draft Official controls on Animal Nutrition: 2003 Returns to the Commission The Roles and Responsibilities of the Food Standard Agency and Certain Other Government Departments in Relation to Aspects of Animal Feed Feed Assurance Schemes in Other European Member States	ACAF/04/22 ACAF/04/27 ACAF/04/28 ACAF/04/29
27th Meeting (30th November 2004)	Review of Feed Law Enforcement – Third Draft	ACAF/04/31
28th Meeting (8th February 2005)	Review of Feed Law Enforcement – Fourth Draft	ACAF/05/01

ANNEX II

Consultation on Current Feed Law Enforcement Arrangements: List of Consultees

1. AA Feeds
2. Agivey Pet Foods
3. Agricultural Industries Confederation
4. Agricultural Industries Confederation, Wales
5. Alpharma Animal Health Ltd
6. American Soya Bean Association
7. AMTRA
8. Animal Health Distributors Association
9. Animal Pharm
10. Assured Food Standards
11. BASF UK Ltd
12. Bayer PLC
13. Bernard Matthews plc
14. Boehringer Ingelheim Ltd
15. Brian G Spencer Ltd
16. British Association of Feed Supplement & Additive Manufacturers Ltd
17. British Cattle Veterinary Association
18. British Deer Farmers Association
19. British Egg Industry Council
20. British Equine Trade Association
21. British Equine Veterinary Association
22. British Free Range Egg Producers Association
23. British Goat Society
24. British Horse Society
25. British Institute of Agricultural Consultants
26. British Pig Association
27. British Poultry Council
28. British Poultry Meat Federation
29. British Trout Association
30. Burson-Marseller
31. Chartered Institute of Environmental Health
32. Cheminex (Sales) Ltd
33. Compassion in World Farming
34. Consumers the European Group (UK)
35. Co-operative Group (CWS) Ltd
36. Co-operative Union Limited
37. Country Land and Business Owners Association
38. Dairy Industry Federation
39. Dalgety Agriculture Ltd
40. Dandy Dog Foods
41. Dow Elanco Ltd

42. Eco Animal Health
43. European Molasses Importers and Distributors Association
44. Eurotech Nutrition Ltd
45. Express Dairies
46. Fane Valley Co-operative
47. Farm and Food Society
48. Farm Animal Welfare Network
49. Farmers Union of Wales
50. Farming and Livestock Concern UK
51. Favour Pet Foods
52. Federation of Agricultural Co-operatives
53. Federation of Oil Seeds and Fats Association
54. Feed Fat Association
55. Feedwell Animal Foods Ltd
56. Good News Communications
57. Grain and Feed Trade Association
58. Green Crop Driers Association
59. Greenpeace
60. Hanford Feeds Ltd
61. Harbro Farm Sales
62. Hoechst (UK) Ltd
63. Hoechst Marion Roussel Ltd
64. International Feed Industry Federation
65. Janssen Pharmaceuticals Ltd
66. Jeremy Boxall, LEAF (Linking Environment and Farming)
67. Kaken Pharmaceuticals Co Ltd
68. Lys Mill Ltd
69. Mabel Foye, Society of Feed Technologists
70. Mallinckrodt Veterinary Ltd
71. Marine Harvest McConnell Farms Office
72. Mark Nicholl, Mackle Pet Foods
73. Moneymore Supplies Ltd
74. Moores Animal Feeds
75. N I Agricultural Producers Association
76. N I Grain Trade Association
77. National Association of Agricultural Contractors
78. National Beef Association
79. National Cattle Association (Dairy)
80. National Farmers Union
81. National Farmers Union of Scotland
82. National Farmers Union of Wales
83. National Federation of City Farms
84. National Pig Association
85. National Sheep Association
86. Neville Chandler, National Renderers Association
87. Nor-Feed (UK) Ltd

88. Pet Trade and Industry Association Ltd
89. Peter Hand Animal Health Ltd
90. Pfizer Ltd
91. Potato Processors Association
92. Provision Trade Federation
93. Provita Eurotech Ltd
94. RC Feed Ltd
95. Roche Products Ltd
96. Royal Welsh Agricultural Society
97. Rumenco
98. Scott's Feeds Ltd
99. Scottish Agricultural College
100. Scottish Dairy Association
101. Scottish Salmon Association
102. Seed Crushers and Oil Processors Association
103. Soil Association
104. Solvay Animal Health
105. The Pet Health Council
106. The Royal Association of British Dairy Farmers
107. Thomas Hutchinson & Sons Ltd
108. Tohani, NI
109. UK Egg Producers Association
110. UK Renderers Association
111. UK RVO Processors Association
112. Ulster Agricultural Organisation
113. Ulster Farmers' Union
114. Unipet Petfoods Supplies
115. United Feeds
116. United Kingdom Association of Fish Meal Manufacturers
117. United Molasses
118. Vericore
119. Vetark
120. WCF Ltd
121. Welsh Agricultural Organisation Society
122. Women's Food and Farming Union

Additional organisations not on the original circulation list but requested a copy of the consultation.

123. Richard Smullen, BioMar Ltd
124. Marie Burnett, British Poultry Council
125. Ian Mayers, Cargill Plc.
126. Bob Pass, Diageo
127. Ian Foster, Dodson and Horrell Ltd
128. Howard Blackburn, Dugdale Nutrition
129. Graham Yeo, Premier Nutrition Products Ltd

Annex III

The FVO Mission to the United Kingdom from 7 July to 11 July 2003 concerning the implementation of EC Measures on Animal Nutrition – Main Recommendations and Summary of UK Response

Recommendations addressed to the UK	UK Response
<p>General – Competent Authorities</p> <p>Recommendation 1: To consider the effectiveness of the current division of responsibilities of the different enforcement bodies (i.e. local authorities, and the Animal Medicines Inspectorate (AMI) of the Royal Pharmaceutical Society of Great Britain (RPSGB)). To inform the Commission services of the outcome of the review.</p>	<p>In responding to this recommendation, the UK considered that it should take into account the Veterinary Medicines Directorate's (VMD) review on the effectiveness of existing arrangements for enforcement of legislation relating to medicated feedingstuffs and zootechnical feeds. Also it should take into account the ACAF review of animal feed law enforcement in the UK. In the interim, it envisaged that an MOU between AMI and LACORS would improve effectiveness of enforcement.</p>
<p>Recommendation 2: To ensure that adequate resources are available to all bodies responsible for the implementation and enforcement of animal feed legislation.</p>	<p>The ACAF review will also consider funding arrangements for feed law enforcement bodies in the UK.</p>
<p>Recommendation 3: To provide adequate guidance for the supervision of official controls in order to ensure uniform and full compliance (Directives 95/53/EC and 95/69/EC)</p>	<p>In addition to the <i>ad hoc</i> guidance on implementation of various legislative measures that is provided to enforcement authorities, the UK indicated its intention to provide training for enforcement officers for on-farm inspections. It also proposed to draw up Codes of Practice (COP) on feed law enforcement which would include procedures and guidance that trading standards should have regard to and additional guidance on imported food and feed controls.</p>

<p>Official Inspections</p> <p>Recommendation 4: To develop a national inspection programme(s) covering all elements contained in Directive 95/53/EC, regardless of the implementing Competent Authority (CA). The programme(s) should ensure coverage of all parties involved through unannounced inspections of all feed, including imports and of all relevant analyses. Due account should be taken of risks and experience gained in its/their design.</p>	<p>The proposed COP will reflect the risk assessment ratings developed by AMI and LACORS for inspection of feed establishments. These risk assessments and priorities based on previous analytical results will form the basis of a national inspection scheme. The development of a national samples database will provide intelligence on future priorities. For imports, controls will be improved by the identification of ports which receive feed on a regular basis and improved liaison between authorities at ports and local authorities.</p>
<p>Recommendation 5: To ensure the application of EC procedures in regard to tolerances allowed in relation to the levels of additives in feeds.</p>	<p>The UK is to contact the European Commission regarding the setting of tolerances for zootechnical feed additives. In the interim, the UK will work to tolerances in UK legislation for medicated feed.</p>
<p>Recommendation 6: To review the arrangements for taking informal and formal samples in order to undertake appropriate follow-up of breaches.</p>	<p>The COP will cover sampling arrangements. There are practical difficulties in following the formal sampling procedures (in Directive 76/371/EEC) when sampling large consignments. The UK will take these up with the European Commission.</p>
<p>Recommendation 7: To take measures to ensure compliance with the inspection requirements of Article 13 of directive 95/69/EC within acceptable time-limits, and with Article 6 of that Directive as regards public availability of the national register of establishments and intermediaries.</p>	<p>Risk based inspection frequencies will be set out in the COP.</p> <p>The register of all approved/registered premises is available in the Food Standards Agency library with the register of approved zootechnical premises also available in the British library. The register will be made more accessible through the Agency's web site (www.food.gov.uk).</p>
<p>Recommendation 8: To ensure that checks on approved establishments and intermediaries handling zootechnical additives cover all requirements set out in Directive 95/69/EC.</p>	<p>The AMI's checklist which is used as a basis for the approval and inspection of feed premises is to be formally included in the MOU between VMD and AMI.</p>
<p>Recommendation 9: To clarify the competencies of the different enforcement authorities to avoid overlap and gaps.</p>	<p>The MOU between AMI and LACORS and the COP will address this.</p>
<p>Recommendation 10: To ensure that additives are directly added to feedingstuffs only when Community authorisation of the former provides for this, in order to fully comply with article 13(4) of Directive 96/51/EC.</p>	<p>The UK considers that UK practice is in line with this requirement.</p>

ANNEX IV

Principal Legislation on the Composition and Marketing of Animal Feed

Main EC Measures

1. EC Regulation 1831/2003: authorised additives and their conditions of use. Essentially feed additives can only be used if they have been authorised against the criteria of safety, quality and efficacy.
2. Council Directive 82/471/EEC: authorised protein products such as yeasts and synthetic amino acids and their conditions of use.
3. Council Directive 2002/32/EC: maximum permitted levels and controls relating to undesirable substances (principally contaminants).
4. Council Directive 79/373/EC: marketing of compound (manufactured) feeds and labelling rules.
5. Council Directive 96/25/EC: circulation of feed materials. This contains rules, including labelling provisions, for marketing materials used as ingredients in compound feeds and fed straight by farmers.
6. Council Directive 93/74/EEC: feedingstuffs for particular nutritional purposes (dietetic feeds).
7. Council Directive 95/53/EC: principles governing the organisation of official inspections in the field of animal nutrition. This sets out a framework and rules for enforcement of animal feed legislation.
8. Council Directive 95/69/EC: approval and registration of establishments and intermediaries in the feedingstuffs sector. This sets out arrangements for the approval and registration of feed businesses that make, sell, or use certain feed additives.
9. Council Directive 70/373/EEC: methods of sampling and analysis for the presence of certain additives, undesirable substances and other constituents of animal feeds.
10. EC Regulation 1829/2003: authorisation procedures and labelling requirements for genetically modified feeds and food.
11. Council Directive 90/167/EEC: conditions governing preparation, marketing and use of medicated feedingstuffs in the Community.

12. Council Directives 90/642/EEC, 86/362/EEC and 76/895/EEC: maximum residue levels of pesticides in raw materials, including those for use in feed.

13. EC Regulation 178/2002: the general principles and requirements of food law, establishing the European Food Safety Authority and procedures in matters of food and feed safety.

14. EC Regulation 882/2004: official controls required to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. This Regulation will replace Directive 95/53 in January 2006.

15. EC Regulation 183/2005: laying down requirements for Feed Hygiene, will replace Directive 95/69/EC in January 2006.

National Legislation

1. The Agriculture Act 1970 (as amended)

2. The Feeding Stuffs Regulations 2000 (as amended). These Regulations implement Directives 82/471/EC, 79/373/EC, 96/25/EC and 93/74/EC. There are separate but parallel Regulations for England, Scotland, Wales and Northern Ireland.

3. The Feeding Stuffs (Enforcement) Regulations 1999. These Regulations implement Directive 95/53/EC and are made on a UK basis.

4. The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999. These Regulations implement Directive 95/69/EC and are made on a UK basis.

5. The Feeding Stuffs (Sampling and Analysis) Regulations 1999. These Regulations implement Directive 70/373/EC.

6. The Feedingstuffs (Zootechnical Products) Regulations 1999. These implement the provisions of 95/69/EC and 70/524/EC in the UK as regards zootechnical feed products.

7. The Medicated Feeding Stuffs Regulations 1998. These Regulations implement Council Directive 90/167/EEC in the UK as regards medicated feeds.

8. The Medicines (Exemptions for Merchants in Veterinary Drugs) Order 1998.

9. The TSE Regulations 2002. There are separate but parallel Regulations for England, Scotland, Wales and Northern Ireland.

10. The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (England and Wales) Regulations 1999 (as amended) implement Council Directives 90/642/EEC, 86/362/EEC and 76/895/EEC. Separate but similar legislation applies in Scotland and Northern Ireland.

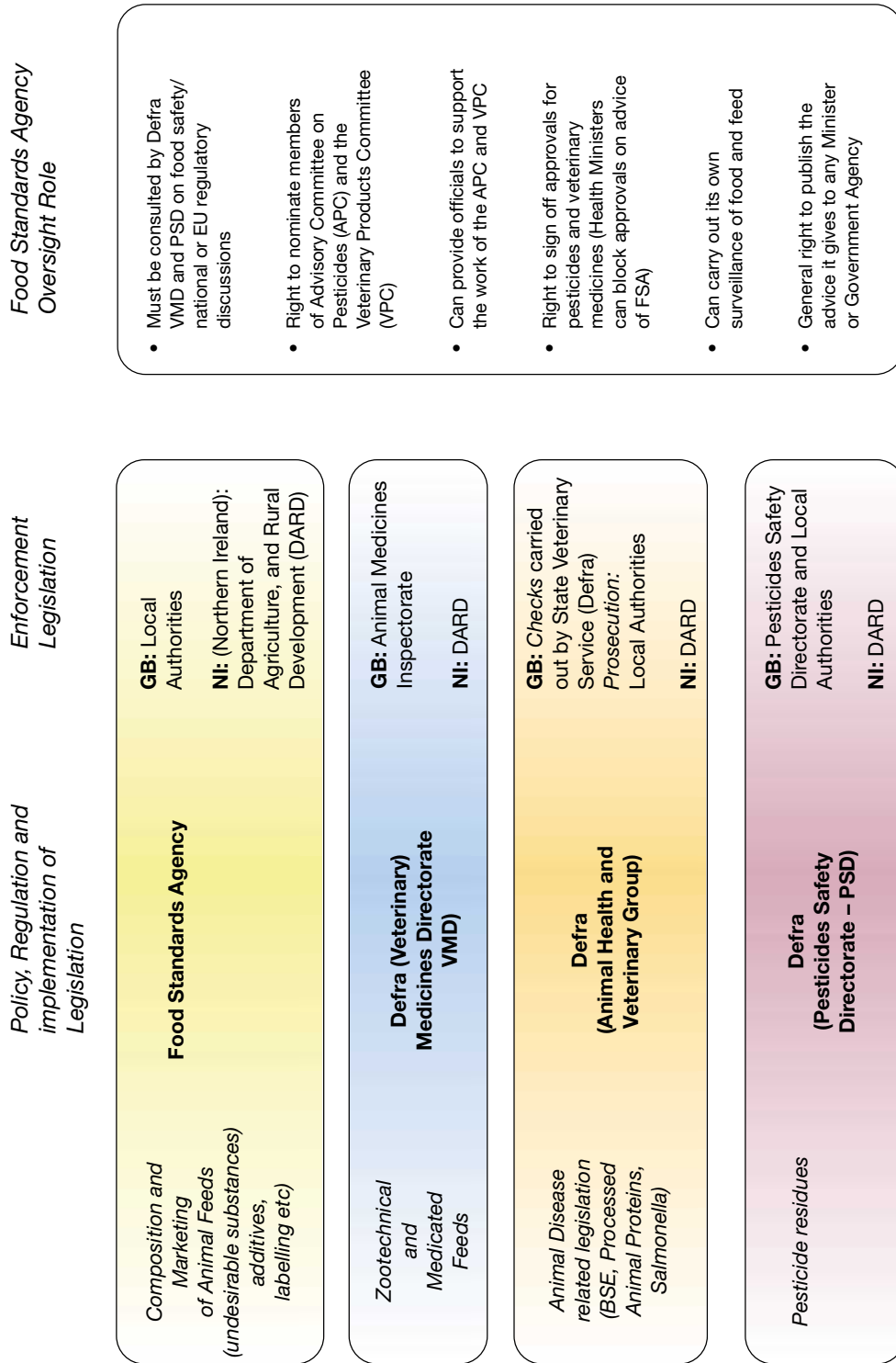
11. The Animal By-Products Regulations 2003.

12. The Genetically Modified Animal Feed (England) Regulations 2004. Separate but similar legislation applies in Scotland, Wales and Northern Ireland.

13. The Feeding Stuffs (Safety Requirements for Feed for Food – Producing Animals) Regulations 2004.

ANNEX V

Authorities Involved in Feed Law and its Enforcement



ANNEX VI

Major Feed and Farm Assurance Schemes

(Source of information in this annex: various assurance scheme organisations)

Major Feed Assurance Schemes

Universal Feed Assurance Scheme (UFAS)

UFAS deals with the production and delivery of compound feeds and the supply of feed materials to the farm.

Feed Materials Assurance Scheme (FEMAS)

FEMAS has been developed to provide assurance to purchasers of feed materials that the feed materials they buy are safe and will meet the quality criteria specified. FEMAS is designed for application in all countries where feed materials are produced and application for certification to FEMAS is open to feed material suppliers in all countries.

Trade Assurance Scheme for Combinable Crops (TASCC)

TASCC was developed to ensure that crops of grain, oilseeds and pulses were treated responsibly once they left the farm. This includes combinable crops destined for both human food and animal feed use. It provides independent verification that the trade is meeting food/feed safety laws.

UFAS, FEMAS and TASCC are owned and managed by the Agricultural Industries Confederation. Full details of the codes of practice, appendices and other information can be obtained from the AIC website: www.agindustries.org.uk

Major Farm Assurance Schemes

The following schemes are operated by Assured Food Standards.

Unless indicated otherwise, the websites for these can be all accessed via the Assured Food Standards website – www.littleredtractor.org.uk

The Assured Combinable Crops Scheme (ACCS)

Assured British Meat (ABM)

Assured Chicken Production (ACP)

Assured British Pigs (ABP) www.assuredpigs.co.uk

National Dairy Farm Assured Scheme (NDFAS)

Assured Produce Scheme

The following schemes have recognised equivalence to AFS:

Quality Meat Scotland (QMS) www.qmscotland.co.uk

Farm Assured Welsh Livestock (FAWL) www.fawl.co.uk

Northern Ireland Beef and Lamb Quality Assurance Scheme (NIBL FQAS) –
www.lmcni.com

Genesis Quality Assurance (GQA) www.genesisqa.com

The following operate independently of AFS

British Egg Industry Council – The Lion Code www.britegg.co.uk

ANNEX VII

EC Feed Hygiene Regulation (183/2005)

Background

The Regulation fulfils a commitment in the Commission's White Paper on Food Safety of January 2000, aimed at assuring that controls on safety throughout the feed chain are strengthened. In particular, following a number of recent feed contamination cases in continental Europe, the Commission wanted to improve the rules so that, in the case of a feed incident, feeds can easily be traced and recalled if appropriate.

Main Provisions

The main provisions of the Regulation that have implications for enforcement authorities are as follows.

Scope. The Regulation places an onus on feed businesses for ensuring feed safety. This is from primary production (e.g. arable farms) up to and including placing feed on the market. It also applies to the feeding of food-producing animals and imports from third countries. Feed businesses include importers, sellers and manufacturers of feed materials, compound feeds, feed additives and premixtures as well as arable farms selling crops for feed and livestock farms, including those mixing their own feeds. A fuller list of the range of businesses covered is included in the table at the end of this annex.

Approval and Registration. Directive 95/69/EC currently requires the approval or registration of certain establishments operating in the feed sector. This is mainly linked to the manufacture, marketing or use of certain feed additives. Approval requires a prior inspection visit by the enforcement authority to ensure that the establishment is working to defined criteria before being allowed to operate (e.g. standards of manufacture, storage, personnel and record-keeping). Registration involves the placing of establishments on a list, with follow-up checks on the defined criteria. The proposed Regulation extends and strengthens these arrangements by requiring virtually all feed businesses not currently covered by the current approval/registration regime to be registered by Member States. Member State authorities are required to draw up and make available a list of approved and registered feed businesses.

Hazard Analysis and Critical Control Points System (HACCP) Feed businesses (excluding those involved only in primary production and farms feeding to food producing animals) will be required to put in place and operate procedures based on the principles of HACCP. HACCP is a system of food safety management based on the prevention of food safety problems.

It provides a documented, structured approach to ensuring food safety and places a requirement on businesses to identify, manage and control hazards inherent in their handling and production process, and is a risk based system. However, it is also envisaged that, to help facilitate the use of HACCP, Member States may develop national guides to good practice. There is also the possibility for the Commission to draw up EC guides on good practice for feed hygiene and the application of HACCP principles.

Standards. The Annexes to the Regulation set out various standards that feed businesses must comply with. These standards cover facilities, personnel, storage, and record-keeping. Annex I covers provisions applicable to feed businesses involved in primary production, while Annex II applies to feed businesses operating other than at the level of primary production. Annex III is a code of good animal feeding practice, which must be followed by those feeding food producing animals.

Imports. Feed businesses will only be permitted to import feed, including single feed materials, from third countries if the third country of despatch and the establishment of despatch appeared on a list. These lists will be drawn up under the provisions of the EC Regulation on Official Feed and Food and Animal Health and Welfare Controls. The intention of this Regulation is that third countries will only appear on the list if their competent authorities provide appropriate guarantees regarding compliance or equivalence with EC feed law. It will be the responsibility of the third country to maintain an up-to-date list of establishments exporting feed to the EC and communicate the approved list to the European Commission.

Feed businesses must be registered by 1 January 2006. Those previously approved or registered under Directive 95/69/EC must comply with the conditions of the Regulation by 1 January 2006. Those businesses subject to approval or registration for the first time have until 1 January 2008 to comply with the conditions.

Businesses covered by the Scope of the EC Feed Hygiene Regulation

Feed businesses are defined in Article 3 of Regulation 178/2002². This covers the following:

Feed additive manufacturers.

Sellers of feed additives – import, wholesale or retail.

² Regulation 178/2002/EC of the European Parliament and 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. This Regulation defines feed business to mean any undertaking whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage, transport or distribution of feed including any producer producing, processing or storing feed for feeding to animals on his own holding.

Additive and premixture manufacturers.

Sellers of premixtures – import, wholesale or retail.

Bioproteins ('certain products') manufacturers.

Sellers of bioproteins – import, wholesale or retail.

Manufacturers of feed materials (*i.e.* feeds fed singly or ingredients of compound feeds).

Sellers of feed materials (whether such materials are manufactured or not) – import, wholesale or retail.

Food businesses (breweries, distillers, dairies *etc.*) selling products which are destined as feed materials (*e.g.* for use on-farm).

Manufacturers of compound feeds.

Sellers of compound feeds – import, wholesale or retail.

Businesses, which store and/or transport additives, premixtures, feed materials or compound feeds.

Farms which buy-in feeds and/or additives to mix on farm.

Arable farms that grow crops for sale as feed materials.

Livestock farms that do not mix their own feeds are covered because they store feed for animals on their holding. This includes fish farms.

The above includes businesses involved in the manufacture, sale, distribution and storage of additives, premixtures, bioproteins, feed materials and compound feeds for pets.

