

**QUESTION ON POTENTIAL OF MATERIALS DESTINED FOR BIOFUELS
BEING DIVERTED FOR ANIMAL FEED USE**

1. At the March 2008, the Committee considered the draft biofuels position paper. During discussions it was noted that materials destined for biofuel production could potentially be diverted for animal feed use. It was suggested that the Animal Feed Law Enforcement Liaison Group (AFLELG) should be asked to consider whether there are any gaps in the controls on materials from the biofuel chain.
2. This issue was discussed at the Animal Feed Law Enforcement Liaison Group (AFLELG) meeting held on 16 September. Below is a summary prepared by the AFLELG Secretariat of the discussions which took place.
3. AFLELG members representing various feed law enforcement agencies agreed that there was adequate legislation in place to control the use of biofuels and their co-products should they be diverted into the feed chain. Existing legislation contains sufficient powers to allow enforcement officers to deal with any situation where feed law requirements had not been complied with.
4. It was acknowledged that the use of biofuels was relatively new in the UK and that some businesses might try to place biofuel products not intended as animal feed into the feed chain; though this practice was not dissimilar to situations where other products had been diverted from their original intended use.
5. It was noted that import controls tended to focus on products originating from countries outside the EU and that enforcement agencies, when undertaking their official controls, need to consider the possibility that products from EC Member States, not intended as animal feed, might be put into the feed chain. However, it was also noted that UK enforcement agencies had recently identified, and successfully dealt with an incident where products destined for biofuel production originating from another Member State had been diverted into the feed chain.
6. However, the Group thought that it was important that biofuel companies should be reminded of the legislation that applies to biofuel products when they are marketed for feed use, and biofuel companies' responsibilities as feed business operators. The Group agreed that the Food Standards Agency should write to organisations representing the biofuels industry, explaining the requirements of animal feed legislation. A copy of the letter would be sent to local authorities, and the Department of Agriculture and Rural Development, Northern Ireland, who are responsible for the enforcement of feed legislation, to remind them of the need to include biofuel companies, as appropriate, in their control programmes.

7. It was agreed that if enforcement agencies became aware that current legislative controls on animal feed were not adequate for dealing with the diversion of biofuels or their co-products they would bring this to the attention of the Food Standards Agency.

**Animal Feed Law Enforcement Liaison Group (AFLELG) Secretariat
Food Standards Agency, Animal Feed Unit
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