

Response of the Competent Authorities of the United Kingdom to the recommendations of Mission report ref. DG(SANCO)/2009-8092- MR carried out from 16 June to 26 June 2009 in order to evaluate the implementation of measures concerning official controls on feed legislation

No.	Recommendation	Action proposed by Competent Authority
1	To further improve the coordination and cooperation between and within CAs involved in official controls on feed, as required by Art. 4.3 and 4.5 of Regulation (EC) No 882/2004.	<p>The Animal Feed Law Enforcement Liaison Group (AFLELG) comprises representatives of the central competent authorities (CCA) and competent authorities responsible for feed law. AFLELG has been meeting on a regular basis since 2005 to discuss coordination issues and has agreed on a number of memoranda of understanding (MoU) to facilitate better co-ordination of enforcement between the various CAs responsible for official controls on animal feed. The members of this group propose to take the following actions to further improve coordination and cooperation between CAs and to promote consistency throughout the UK:</p> <ul style="list-style-type: none"> • AFLELG will conduct a review of how the existing MoUs are being operated by CAs. This will be done using LA regional liaison groups with assistance from other relevant CAs; • where problems with the working of the MoUs are identified these matters will be rectified by discussions between the CCA and the CA; and • coordination and cooperation between CAs will form part of CCAs audits of CAs; and • AFLEG will identify good practice in relation to coordination/cooperation between CAs and share this with local authorities (LAs) and other relevant CAs via LA regional liaison groups. • VMD will continue to make representation and participate in the AFLELG, ACAF and NAFPP meetings and fully co-operate with the FSA initiatives to further improve co-ordination and co-operation between CAs and resend invitations to liaise with the LAs on inspections. <p>Actions to be initiated October 2009 and completed October 2010.</p>

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2	To ensure that LAs allocate to feed law enforcement the sufficient number of suitably qualified and experienced staff required by Art.4 of Regulation (EC) No 882/2004	<p>Additional funding has been provided to LAs in GB for the enforcement of the new feed hygiene requirements. To ensure that LAs allocate sufficient numbers of suitably qualified and experienced staff to undertake official controls of animal feed. The FSA will take the following steps:</p> <ul style="list-style-type: none"> from enforcement activity data verify that acceptable levels of official controls have been carried out during 2008, and in the case of underperforming authorities being identified, take corrective action including identification of reasons for underperformance and requiring plans to be drawn-up and implemented to rectify the position for 2009/10 and beyond; take action to ensure that any LA not allocating sufficient resources do so, e.g. audit and meetings between senior LA officers and the FSA; and <p>Action to commence October 2009 and will be completed by April 2010; monitoring of enforcement activity data will be on-going</p> <p>DARD</p> <ul style="list-style-type: none"> DARD will review staff allocation to feed law enforcement to ensure sufficient number of suitably qualified and experienced staff are in place to meet increasing demands in this area. <p>Action to commence immediately and will be completed by the end of 2010.</p>

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3	To improve the existing arrangements place in to ensure that the verification of effectiveness of official controls on feed is performed as required by Art. 8.3(a) of Regulation (EC) No 882/2004.	<p>The FSA has been developing, implementing and refining a system for measuring the outcomes of official controls by LAs called the Local Authority Enforcement Monitoring System (LAEMS). In 2010 it is expected that LAEMS, together with audits will enable more targeted and effective verification of LA activity on feed law to take place. Specifically, the FSA will:</p> <ul style="list-style-type: none"> • prepare a programme of audits in Great Britain to verify that the level and quality of official controls undertaken by local authorities meets the requirements of the Official Feed and Food Control Regulations 882/2004 and other relevant feed law; • continue to develop and roll out the LAEMS system and use it to examine the performance of individual local authorities including those responsible for the official control of imported feed; and • verify by audit that LAs document their own internal monitoring of their feed control service in accordance with Article 8.3. <p>Actions to commence immediately and to be completed by the end of 2011; verification will be on-going.</p>

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4	<p>To ensure that follow-up activities on corrective actions imposed are always recorded as required by Art. 9 of Regulation (EC) No 882/2004, in particular to demonstrate that such follow-up activities have been effectively carried out.</p>	<p>The CCAs will take the following steps to address this recommendation:</p> <ul style="list-style-type: none">• reinforce existing guidance;• ensure formal follow-up on corrective action is undertaken within a designated period determined by seriousness of the non-compliance;• ensure that follow-up action is suitably documented; and• verify by audit that record keeping and follow-up action are taking place in accordance with centrally issued guidance. <p>Actions to commence immediately and completed by April 2010; verification will be on-going.</p>

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5	To ensure, as required by Art. 3.2 of Regulation (EC) No 882/2004, that official controls on feed are generally carried out without prior warning.	<p>Article 3.2 requires that official controls are generally carried out without prior warning. However, Article 3.2 also includes an exemption from this general provision in certain cases “where prior notification of the feed or food business operator is necessary”. The example quoted as an exception is “audits”. In addition, as worded the need for unannounced visits appears to be predicated on the necessity for having the business operator present. The UK believes that it is necessary for the success of many official control visits (especially at farms) that the business operator must be present, when examination of records which only the proprietor will have access to are required. Consequently, we believe the wording of Article 3.2 suggests that in these cases visits can be pre-announced but accept that the length of warning currently given by competent authorities is too long. However, the following actions will be taken:</p> <ul style="list-style-type: none"> • Implement unannounced visits to feed mills; • prepare and publish guidance on Art. 3.2 as it applies to official controls on feed which will require visits to feed mills and farms to be generally unannounced. When visits have to be announced then the guidance will require prior notification to be kept as short as possible and no more than 48 hours; • VMD will implement alternate announced/unannounced visits to farms on a trial basis to judge the efficiency, effectiveness and additional cost of unannounced visits; • DARD will hold a meeting with industry stakeholders to inform them of developments and that future visits will generally be unannounced; and • verify by audit whether that guidance on Art. 3.2 is being followed. <p>Actions to be completed by April 2010; verification will be on-going.</p>

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6	To ensure that official controls on feed take account of all the relevant risk criteria referred to in Art. 3.1 of Regulation (EC) No 882/2004.	<p>CCAs will take the following actions to further emphasise the need for official controls to be risk based:</p> <ul style="list-style-type: none"> • revise the use of current risk rating systems to ensure they take into account all the criteria in Article 3.1 and harmonise their use across the UK; and • verify by audit that a risk based approach to enforcement is being undertaken in line with Article 3.1. • revise its risk assessment form to include a section on HACCP for FeBOs that manufacture feed containing specified materials; and • future inspection programmes of FeBOs that place feed containing specified materials onto the market will reflect the outcome of risk assessments. <p>Action: Will be completed by end of April 2011 except for verification will be on-going.</p>

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7	To ensure that official controls on feed follow the appropriate frequency required by Art. 3.1 of Regulation (EC) No 882/2004, in particular to avoid that some categories of FeBOs are excluded from controls aimed at assessing their level of compliance with feed hygiene requirements.	<p>The CCAs will ensure that official controls are undertaken at the appropriate frequency and that no FeBOs are excluded from control by:</p> <ul style="list-style-type: none"> • undertaking the actions listed in response to recommendation 3 above; and • reinforcing the need to ensure that all FeBOs are risk rated and appropriate inspection frequencies are set. <p>Actions to start immediately and be completed by the end of 2011; verification will be on-going.</p>
8	To ensure that NRLs for feed organise the comparative tests referred to in Art. 33 of Regulation (EC) No 882/2004.	<p>The CCA will instruct:</p> <ul style="list-style-type: none"> • NRLs to organise trials as set out in Article 33 of Regulation 882/2004. <p>Action: By end of December 2010.</p>

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9	<p>To complete, as required by Art. 9 of Regulation (EC) No 183/2005, the registration of the activities performed by FeBOs, in particular food operators supplying the feed chain and on-farm mixers, in order to ensure that they are known and that official inspections are organised in order to verify their level of compliance with the requirements of the said Regulation.</p>	<p>The FSA will ensure that:</p> <ul style="list-style-type: none"> • require LAs to identify FeBOs not currently registered, including food business operators that supply materials to the feed chain and on-farm mixers; • re-issue guidance to authorities and industry on the requirements that apply to food business operators that supply materials to the feed and on-farm mixers; • include inspections of food business operators that supply materials to the feed chain and on-farm mixers in the FSA guidance on inspection priorities for local authorities in 2010/2011; and • verify by monitoring and audit that lists of registered premises held by LAs are complete, accurate and that all such premises are included in their programme of official controls. <p>Action to commence immediately and to be completed by April 2011; verification will be on-going.</p>
10	<p>To draw up the national list or lists of registered establishments under the control of FeBOs as required by Art. 19 of Regulation (EC) No 183/2005.</p>	<p>In line with the recommendation the CCA will:</p> <ul style="list-style-type: none"> • collate and consolidate local lists in order to compile a centrally held, publicly available national list or lists of registered FeBOs. <p>Actions to commence from October 2009 and be completed by October 2010.</p>

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11	To keep updated the lists of approved and registered establishments placed under the control of FeBOs as required by Art. 19.3 of Regulation (EC) No 183/2005, in particular to ensure that such lists reflect the activities carried out by FeBOs.	<p>The CCA will ensure:</p> <ul style="list-style-type: none">• local authorities are required to update their locally held lists of approved and registered feed businesses in-line with previously issued guidance. Once the central list or lists are in place these will be regularly updated using local information; and• verification by monitoring to ensure that the lists are up to date and accurate. <p>Actions to commence immediately and be completed by October 2010; verification will be on-going.</p>

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12	To ensure that FeBOs put in place and implement HACCP based procedures which follow all the relevant principles referred to in Art. 6 of Regulation (EC) No 183/2005.	<p>The CCAs will take the following actions to promote compliance with the HACCP requirements of EC Regulation 183/2005:</p> <ul style="list-style-type: none"> • continue to provide training on HACCP to LA officers; • require examination of HACCP plans to be an enforcement priority (especially at food manufacturers supplying co-products for the feed industry, surplus food processors, and feed manufacturers) and re-emphasise the requirements of section 4 of the Feed Law Enforcement Code of Practice ; • ensure that all checklists for inspections of Annex II premises include reference to HACCP; • verify by audit that CAs are undertaking appropriate examination of HACCP based systems at those FeBOs where they are required; • VMD will re-issue instructions to inspectors about carry-over testing in mills; and • instruct inspectors to pay particular attention to HACCP plans in FeBOs <p>Actions to commence immediately and be completed by the end of 2011; verification which will be on-going.</p>

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13	To ensure that official controls on imported feed take account of all the requirements of Art.16 of Regulation (EC) No 882/2004, in particular those pertaining to the risks associated with different types of feed.	<p>In January 2008 a sub-group of AFLELG, the National Animal Feed Ports Panel (NAFPP), was created to specifically look at ways to improve the level of controls taking place at ports of entry on feed of non-animal origin. The NAFPP will provide a valuable way in which to address issues of co-ordination and consistency of official controls at points of entry.</p> <p>Since 2008 additional money has been available to LAs for the analysis of feed originating from third countries, including provision for the analysis of feed additives and minerals. The CCAs will:</p> <ul style="list-style-type: none"> • prepare centrally issued guidance on the official control of feed imported from third countries; • provide training for officers involved in undertaking import controls at points of entry; • provide clearer guidance for LAs on the kind of materials they should monitor/check at points of entry; • ensure that monies provided centrally for imported feed sampling is made available, primarily to those authorities with points of entry. This will be part of a programme of sampling consignments entering the UK from countries outside the EU, taking into account all types of feedingstuffs, including minerals and additives; • initiate a programme of inspections to third country representatives by local authorities; • make use of the NAFPP to share information on the entry points for these materials; and • DARD has put in place notification arrangements for imports of additives and premixtures and further control measures will be developed. <p>Actions to commenced in October 2009 and be completed by December 2010.</p>

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14	To organise appropriate official controls in order to ensure that only coccidiostats covered by the authorisation referred to in Art.3 of Regulation (EC) No 1831/2003 are used, and that antibiotics are not used as feed additives as required by Art. 11 of the said Regulation.	<p>In the UK, inspections undertaken by AMI are carried out on a full cost recovery basis. The costs of implementing a sampling programme are important because they are passed on to the farmer. Costs have to be kept proportionate. VMD has set up a research project to develop a farm-side rapid screening technique. The aim being that a feed can be sampled and mixed with water on farm and the techniques used give a rapid indication of the presence of AGPs. The test has been successfully developed for tylosin and our research contractors are confident that, depending on the availability of other antibodies, the technique can be extended at the rate of four substances each year. This will provide an inexpensive method to detect the five compounds for which laboratory screening techniques are available for a fraction of the cost. The project commenced on 1 July 2007.</p> <p>Action: The farm-side technique will be available for the first five compounds by April 2011 when sampling will commence.</p> <ul style="list-style-type: none"> • VMD will explore the possibility of including checks (visual only) as part of LA inspections for the use of banned AGPs at approved FeBOs; • the (visual only) detection of AGPs will be emphasised in the MoUs with Animal Health and local authorities; and <p>Action: Will be completed by 31 March 2010</p> <ul style="list-style-type: none"> • repeating recommendation 5 - implement unannounced visits to feed mills and implement a six month trial of alternate announced/unannounced visits to farms. . <p>Action: Farm trial of unannounced visits will run for six months from 1 January 2010.</p> <ul style="list-style-type: none"> • Continued monitoring of illegal sales of banned AGPs. <p>Action: On-going</p>

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15	To ensure that the sampling programmes of LAs cover all types of feedingstuff and that they are more targeted on potential risks, notably in order to ensure compliance with the rules on undesirable substances laid down in Directive 2002/32/EC.	<p>See comments in respect of proposed actions for recommendation 6. The FSA will:</p> <ul style="list-style-type: none"> • provide guidance on risk based sampling as part of the Agency's review of its food and feed sampling guidance; • continue to provide risk-based, annual guidance on sampling priorities for LAs; • require LA regional groups to consider this issue in respect of the way in which individual LA's have made their sampling programmes risk based; and • verify by audit that sampling programmes are appropriately risk based. <p>Actions to commence immediately and be completed by the end of 2010; verification will be on-going.</p>

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16	To ensure that the requirements of Decision 2004/217/EC applicable to packaging materials in feed are complied with.	<p>The FSA will:</p> <ul style="list-style-type: none"> • meet with stakeholders (already commenced) to establish a common approach to requirements of packaging material in feed and the actions needed to achieve this; • participate fully in the discussions on this issue at DG SANCO's Standing Committee on Animal Nutrition. This work began in July 2009; • issue guidance to CAs via LACORS on this important issue; and • initiate a national programme of inspections by local authorities to examine compliance by relevant feed operators with the requirements on packaging materials in feed. <p>Actions already commenced and will be completed by the end of 2010.</p>

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17	To ensure that timely and appropriate corrective actions are taken whenever non-compliance is detected, as required by Art. 54 of Regulation (EC) No 882/2004.	<p>The CCAs will:</p> <ul style="list-style-type: none"> • contact LAs reminding them of the guidance already provided on the requirements of Art 54; and • verify by audit that appropriate corrective actions have been taken in a timely manner whenever non-compliance is detected, and recorded properly in accordance with centrally issued guidance. <p>Actions to commence immediately and will be on-going.</p> <p>VMD/AMI</p> <p>Since February 2009 (veterinary medicinal products) inspection reports require the FeBO to provide a detailed response to minor (other) non-compliances noted, including the timescale for completion of corrective actions. The replies are reviewed by the inspectors and if satisfied, the report is closed. Where major deficiencies are noted, the report sets out the corrective measures to be taken and a deadline for completion. Evidence that the corrective measures have been taken by the deadline must be provided by the FeBO in order for the report to be closed.</p> <ul style="list-style-type: none"> • The VMD accepts the acknowledgment of the FVO that more rigorous procedures are in place and the AMI will continue to specify corrective actions to be taken, the timescale for those actions to be taken and to request evidence that those actions have been taken. <p>Action: Already in place and ongoing.</p>

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