

ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

60th Meeting of ACAF on 16 January 2013

Discussion Paper:

POTENTIAL GAPS IN THE FEED CHAIN IMPORTS OF FEED FROM THIRD COUNTRIES

Action: the Committee is asked to:

- a) note the information provided in this paper on the legal and enforcement controls in place;
- b) consider the various issues identified with import controls and the steps put in place or planned to improve controls; and
- c) consider if there are any other gaps in controls and steps that could be taken to address these, and whether any further information is required to enable the Committee to provide a view.

ACAF Secretariat

January 2013

**Potential Gaps in the Feed Chain:
Imports of Feed from Third Countries**

Purpose

1. To provide the Committee with further information on the issues relating to the import of animal feed from third countries (non-EU countries) and seek its comments.

Background

2. At its meeting on 1 June 2011, the Committee discussed a paper (ACAF 11/09) on the possible gaps and weaknesses in UK feed sector controls that may compromise feed and food safety. Issues identified were various incidents related to feed imported from non-EU countries and the lack of controls by enforcement authorities at points of entry. The Committee said that it required further information.

3. This paper provides an overview of the controls in place for imports of feed products of non-animal origin, the main outstanding issues and the steps being taken to address these.

Legal requirements and enforcement controls

4. Feed imported from non-EU countries for use in the EU must comply with the same requirements as feed produced in the EU. These requirements include maximum permitted levels (MPLs) and other controls on undesirable substances (contaminants) such as heavy metals, aflatoxin and dioxins; the EU list of authorised feed additives (e.g. vitamins and trace elements); and labelling declarations.

Regulation (EC) No 882/2004 on official controls

5. This Regulation sets out the requirements for the monitoring and checking of feed which enters the EU from non-EU countries.

6. The rules for checking feed (and food products) of non-animal origin are set out in Articles 15-25 of the Regulation. These require systematic monitoring of consignments and associated documentary checks in addition to random identity checks (sampling and analysis). The frequency of physical checks should take into account the risks associated with the product, the history of its compliance, controls applied by the importer, and any guarantees given by the competent authority of the non-EU country.

7. Regulation 882/2004 also permits extra measures to be taken to control feed of known or emerging risk, which has resulted in the introduction of Regulation 669/2009 (see paragraph 10 below).

Regulation (EC) 178/2002 on the principles of feed and food law

8. Article 53 of Regulation 178/2002 enables the European Commission to take measures to control third country imports where they are likely to constitute a serious risk to human or animal health or the environment. Such measures may include the suspension of imports of feed in question from a third country or the placing of special conditions on imports of feed (e.g. a requirement for consignments to be accompanied by official certificates of analysis indicating they are free of a particular contaminant).

9. Regulation 178/2002, also introduced the Rapid Alert System for Food and Feed (RASFF). This requires Member States to inform the Commission of significant non-compliances of food and feed law including those related to imports from non-EU countries. Such notifications are sent to all Member States in order that they can carry out their own checks as appropriate on consignments from the same source.

Regulation (EC) No 669/2009 on high risk products of non-animal origin and other safeguard measures in force

10. A high-risk product is a feed that presents either a known or an emerging risk to public health. Typically, Regulation 669/2009 is applied to products from non-EU countries where checks by EU Member States have indicated a significant number of non-compliances with feed law (e.g. breaches of MPLs for undesirable substances).

11. High-risk products listed in the Annex to the Regulation are required to be imported via approved designated points of entry (DPEs). Importers must pre-notify DPEs at least one working day before the physical arrival of the product. Products are subject to 100% documentary checks and prescribed levels of identity and physical checks as set out in the Annex to the Regulation. The Annex is reviewed quarterly and products can be delisted or further controls introduced depending on the results of enforcement controls and contamination found.

12. Currently, the Annex lists only a small number of ‘high risk products’ for feed use, these are:

- groundnuts from Ghana , 50% identity and physical checks for aflatoxins;
- groundnuts from India, 20% identity and physical checks for aflatoxins (these will be subject to increased measures in early 2013);
- groundnuts from Brazil, 10% identity and physical checks for aflatoxins; and
- hazelnuts from Azerbaijan, 10% identity and physical checks for aflatoxins.

13. The above mentioned products are also listed as high-risk products when imported for food use. There are a number of other safeguard measures that apply to imports of non-animal origin:

- feed from Japan for radionuclides (specifically caesium-134 and caesium-137) – following the accident at Fukushima Daiichi nuclear power station;
- guar gum from India for the presence of pentachlorophenol and dioxins;
- rice products from China for unauthorised GMOs;
- crude and refined sunflower oil for feed use from Ukraine for the presence of mineral paraffin; and
- feed products containing milk products and soya products, and ammonium bicarbonate for feed use from China due to melamine contamination.

Details of the EU legislation is provided in the document at the following link:

<http://www.food.gov.uk/multimedia/pdfs/foodstuffs-import-restrictions.pdf>

Council Directive 97/78/EC on checks of feed products of animal origin (POAO)

14. This paper focuses on controls of imports of non-animal origin. However, Directive 97/7 requires that checks on POAO (e.g. fishmeal, milk replacers) are carried out at Border Inspection Posts (BIPs), where all consignments are subject to documentary and identity checks and to prescribed levels of physical checks.

15. The Trade in Animals and Related Products Regulations 2011 (TARP Regulations) provide enforcement authorities with the means of enforcing EU legislation regarding controls on imports of POAO. It includes a duty for inland authorities to seize and dispose of illegally imported POAO.

Regulation (EC) No 183/2005 on Feed Hygiene

16. This Regulation deals with the approval and registration of feed business establishments in Member States. Such businesses must comply with requirements relating to facilities and equipment, production, quality control, record-keeping, etc. Establishments (except most farms) must apply HACCP (Hazard analysis and critical control points) system principles.

17. Regulation 183/2005 also requires that non-EU country establishments that export certain feed additives (e.g. vitamins and trace elements), and feed containing such additives, to the EU must have a representative based in the EU. Such third country representatives must make a declaration that the third country establishment that they represent complies with the same or equivalent standards as set out in Regulation 183/2005.

Enforcement Authorities

18. In Great Britain, local authorities (LAs), mainly trading standards departments, are responsible for enforcement of the legislation on imports of feed. This is in contrast to food controls, where Port Health Authorities have responsibility, although LAs (Environmental Health Departments) have responsibility for food imports in Scotland. In Northern Ireland, feed controls are carried out by the Agri-food Inspection Branch (AFIB) of the Department of Agriculture and Rural Development.

Data on Imports of Feed from non-EU countries

19. Annex I provides a list of recent feed incidents linked to imported feed.

20. Data on types and quantities of imported feed from non-EU countries is difficult to obtain because Customs codes do not always readily distinguish such imports. However, Annex II provides some information on main points of entry and types of products imported.

Issues

Food and Veterinary Office (FVO) Audits.

21. The FVO carried out audits of feed law enforcement in the UK in June 2009, in Great Britain in November 2011 and in Northern Ireland in May 2012.

22. The report of the 2011 audit indicated that significant progress had been made since the previous audit in relation to the arrangements in place at entry points for the identification of imported feed. At some of the entry points visited by the FVO official controls carried out by local authorities met the requirements of Regulation 882/2004.

23. However, at some major entry points local authorities had not carried out risk-based controls. In addition, the range of analyses carried out on imported feed was limited. As part of the imported food and feed sampling programme funded by the Food Standards Agency in 2010, feed sampled included a limited number of feed additives but mainly focused on soya products, cereal products and groundnuts. The range of analyses carried out was restricted to mycotoxins, heavy metals, dioxins and melamine. These analyses do not take into account analyses for some substances for which risks were reported via the RASFF system. In addition, the FVO required assurances that controls were carried out at smaller points of entry.

24. These findings were reflected by audits carried out by the Food Standards Agency on controls of feed imports.

25. The report of the 2011 FVO audit concluded that there was a need to further develop controls on imported feeds.

Responsibility for official controls at points of entry

26. In Great Britain, local authorities (mainly trading standards departments) are responsible for the enforcement of feed law relating to imports of feed. However, such authorities do not usually have a permanent presence at ports and must rely on liaison with Port Health Authorities and importers for monitoring of imports of feed from non-EU countries. In Scotland, LAs rely on liaison with port operators.

Measures put in place to strengthen enforcement of imports from non-EU countries

National Enforcement Priorities

27. Each year the Food Standards Agency issues enforcement priorities for feed authorities. This includes a section on imported feeds. The priorities for 2012/13 include the need to carry out risk-based sampling and a list of feeds that authorities should consider prioritising for sampling and analysis. This priority list is based on information received via the RASFF and other information received on feed contamination incidents. A copy of the relevant section of the National Enforcement Priorities is attached at Annex III.

Grants for import enforcement

28. The Food Standards Agency has made various funds available to local authorities to help set up systems for the enforcement of feed controls and for carrying out sampling and analysis of imported feed consignments.

Grants for control systems etc

29. In 2011/12, eleven grants were awarded in England, at a total approximate value of £250,000 for setting up systems of control, identifying relevant importers, liaising with inland authorities and provision of resources for sampling feeds. In 2012/13, eleven authorities have been awarded grants (approximately £240,000 in value) including for work at airports. Similar work is being carried out in Scotland and Wales.

30. An important part of the work is to identify products whose ultimate end use is undesignated at the point of entry, e.g. certain mineral products which when imported may have an end use either for industrial purposes or for animal feed. Systems need to

be put in place to ensure that inland authorities at the point of final destination are informed of such consignments, so that the necessary checks can be carried out if consignments are intended for feed use.

Grants for Analysis of Feeds

31. The Agency's provision of additional money for local authorities to fund the analysis of imported feeds at both inland sites and points of entry is part of the *UK National co-ordinated risk-based food and feed sampling programme*. In 2008/09 and 2009/10, £100k was provided for this work, and in 2010/11, 2011/12 and 2012/13 this was increased to £400k.

32. The most recent published results are included in the report *UK Local Authorities Imported Food and Feed Sampling Report 2010/11* (Section 14) which is available from the following link:

http://www.food.gov.uk/business-industry/imports/enforce_authorities/samplingandsurveillance/

33. In summary, (on a UK basis) a total of 277 samples of animal feed imported from outside the EU were analysed in 2010/2011 for various undesirable substances, including mycotoxins, heavy metals, dioxins, PCBs and unauthorised GM feed. Of the 277 samples analysed 9 (3.2%) did not meet at least one requirement of EU feed legislation. The results for 2011/12 are currently being collated.

National Animal Feed Ports Panel

34. The National Animal Feed Ports Panel (NAFPP) comprises representatives of UK enforcement bodies and government departments with an interest in imported animal feed controls. It discusses official controls on imported animal feed and related matters, to identify common problems and agree a consistent and co-ordinated approach to official controls on imported feeds. More information, including on the membership and the terms of reference of the Panel is available at the following link:

<http://www.food.gov.uk/enforcement/enfcomm/aflelg/naftp/>

Training and guidance

35. Training has been provided to local authority staff by the Food Standards Agency to assist them to carry out their responsibilities for feed law enforcement. Since January 2011, twelve Animal Feed Import Controls courses have been delivered throughout the UK and a further two are planned for the final quarter of 2012/13.

Small ports guidance

36. The Food Standards Agency has developed guidance covering imported food and feed of non-animal origin at small ports. Small ports of entry are those that receive irregular, infrequent, or occasional consignments of imported feed or food.

37. This work has included assistance to local authorities and port health authorities to assess the level and frequency of imported food/feed entering their ports. This will help them to allocate appropriate resources to the work. A manual has been developed and is available at the following link:

http://www.food.gov.uk/business-industry/imports/enforce_authorities/smaller-seaports-and-airports/

Inland Enforcement of Imported Feed and Food Controls Resource Pack

38. The Food Standards Agency has produced a resource pack for inland local authorities, providing them with appropriate information, practical guidance and advice to enable them secure effective controls of imported food and feed. The pack is available at the following link:

http://www.food.gov.uk/business-industry/imports/enforce_authorities/resourcepack

39. The Agency is also supporting the Association of Port Health Authorities in the development of a Port Health network to promote and facilitate the sharing of experience and knowledge amongst enforcement officers working in local authorities/port health authorities with sea and air ports in their areas.

Northern Ireland

40. In Northern Ireland, checks on consignments are carried out at ports of entry or at feed establishments and include surveillance for undesirable substances. AFIB routinely takes advantage of sampling grants to allow it to carry out additional sampling and analysis of imported feed materials. The FVO audit of Northern Ireland feed controls carried out in May 2012 stated “*Evidence of coordination and cooperation between competent authorities was noted by the audit team, in particular as regards feed import controls.*” It also stated “*Improved official controls on imported feed were seen by the audit team, with emphasis on the enhanced cooperation between competent authorities in the identification of feed consignments.*” The requirements of Regulation 882/2004 were considered to be met.

Veterinary Medicines Directorate

Current Position

41. The Veterinary Medicines Directorate (VMD) has a memorandum of understanding (MOU) with the Animal Health and Veterinary Laboratories Agency (AHVLA) and Local Authorities (LAs) which includes an agreement that AHVLA and LAs will look for unauthorised or banned medicinal substances in feeds during inspections of premises, including ports. VMD has specified a list of substances of interest in the MOU.

42. The VMD's inspectors also look for evidence of imported medicated feed, feed containing specified feed additives (SFAs), specifically coccidiostats and histomonostats) and unauthorised substances along the chain of distribution and use. However, there is little evidence that medicated feed manufactured outside the UK is being imported into the UK. Similarly, no evidence has been found that feed containing SFAs is being imported. On the basis of this evidence, and that from AHVLA and LA inspectors, the VMD does not carry out routine inspections to detect illegal medicines in feed ports in the UK.

Steps taken to address gaps

43. The VMD has also worked with the Association of Port Health Authorities to determine a way to confirm this evidence, or to identify and monitor imports of feeds containing veterinary medicines, SFAs or unauthorised substances. As a result, the port health authority at Southampton undertook a detailed survey on the logistics of identifying imported medicated feeds with a view to alerting the VMD. It concluded that it is not possible to identify such feeds.

44. The Southampton Port Health Authority's report provided strong evidence that there would be little point in making inspection visits to ports, since it is unlikely that feed containing veterinary medicines or SFAs would be identified and available to check. VMD has initiated a sampling and analysis programme to detect banned antimicrobial growth promoters in feed. In the future, the VMD may consider extending the sampling and analysis of feed programme to include imported feeds.

45. In the light of the publication of the small ports guidance (see paragraph 36 above), the VMD is in the process of considering whether there are any implications for the above position.

Food Standards Agency Review of the delivery of animal feed official controls

46. The Food Standards Agency has carried out a review of the delivery of official controls for animal feed, including imported feed, sampling arrangements and local authority delivery. The report of this review was presented to the Food Standards Agency Board on 13 November 2012. The report indicated that LA access to information on feed is inconsistent and dependent on relationships with port operators and importers, etc.

47. The Food Standards Agency Board agreed, amongst other things, that the Food Standards Agency would undertake improvements in the targeting and effectiveness of official feed controls, making them more risk based and proportionate, and carry out consultation with local authorities to address the issues identified with the current system of delivery. This will include controls on imported feed. The work to secure improvements in the enforcement of feed law will be aligned to the work to create the New Food Body for Scotland and the wider Welsh Government review of feed and food control arrangements in Wales.

Industry Assurance Schemes

48. In addition to initiatives by central and local government, the UK feed industry has several voluntary assurance schemes: these include FEMAS (covering feed materials), and UFAS (covering compound feeds) and the Grain and Feed Trade Association (GAFTA) Trade Assurance Scheme. These reflect EU feed legislation and their scope includes feed imports from non-EU countries. There are also various EU guides to good practice made under the Feed Hygiene Regulation (183/2005) whose scope covers imports.

Conclusion

49. There is wide-ranging legislation that applies to feed imported from non-EU countries. EU law also sets out rules for the monitoring and enforcement of feed law, including imports.

50. FVO and Food Standards Agency audits of feed law enforcement have detected weaknesses in the UK official controls of imports from non-EU countries. This has been reflected in the Agency's review of the delivery of official controls carried out in 2012.

51. However, the FVO audit of November 2011 acknowledged that the Agency and local authorities had introduced ongoing steps to improve controls. These are outlined in paragraphs 27-47 above. Moreover, the Agency will implement the findings of the on-going review of official feed controls in liaison with key stakeholders and partners, which is aimed at strengthening feed law enforcement, including arrangements for inspections of imported feeds.

52. The Committee is asked to:

- a) note the information provided in this paper on the legal and enforcement controls in place;
- b) consider the various issues identified with import controls and the steps put in place or planned to improve controls; and
- c) consider if there are any other gaps in controls and steps that could be taken to address these, and whether any further information is required to enable the Committee to provide a view.

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ANNEX I**CONTAMINATION INCIDENTS RELATED TO FEED FROM NON-EU COUNTRIES IMPORTED INTO THE UK**

Contaminant	Feed Material	Country of Origin	Date
Aflatoxin B1	Ground nuts (peanuts)	Various	100+ reports in the period January 2008-September 2012 (NB: the vast majority of these were detected by analysis at the point of import, and the material did not therefore enter the feed chain)
Arsenic	Palm kernel expeller (PKE)	Peninsular Malaya	August and October 2011 (i.e., two separate incidents)
Chloramphenicol	Vitamin A	People's Republic of China	January-March 2011
Dioxins and PCBs	Dried marigold flowers	India via Belgium	February-March 2009
Melamine	Soya	People's Republic of China	November-December 2008
Monensin	Dried yeast	Brazil via Belgium	August 2008
PCBs	Copper carbonate	Israel	July 2010

The UK national enforcement priorities for 2012/13 also includes information on incidents relating to feed from Non-EU countries imported into all Member States. See Appendix 2 (Tables 1, 2 and 3) at the following link:

<http://www.food.gov.uk/multimedia/pdfs/enforcement/enfe12008.pdf>

ANNEX II

Points of Entry and Principal Imported feeds

a) Main ports handling imported feed materials

Belfast

Liverpool

Newport

Milford Haven

Avonmouth and Royal Portbury (Bristol)

Southampton

Tilbury (London)

Immingham (Northeast Lincolnshire)

Hull and Goole (Humber)

Teesport

Felixstowe

Leith (Edinburgh)

Glasgow

b) Principal imported feed materials

Wheat and wheat feed

Barley

Oats

Cereal by-products

Maize and maize gluten feed

Soya (soya beans and soya bean meal)

Oilseed rape and rapemeal

Sunflowers (seeds and meal)

Other oilseed products and by-products (e.g. cottonseed cake and palm kernel expeller)

By-products of distilling and brewing

Dried sugar beet pulp

Molasses

Citrus pulp

Legumes (field beans and others)

Minerals

Oils

Significant amounts of feed additives and premixtures are also imported

Industry estimates that about 32% of raw materials used by compounders are imported but that will include material produced in other Member States. It is estimated that broadly 17% of the total raw materials used by compounders are likely to derive from third countries. Additional amounts may go to farms via importers/merchants.

Chapter 1 – Official Controls at Points of Entry

Enforcement Priorities

- 1.1 Feed authorities responsible for points of entry should **monitor consignments** of all materials intended for use in animal feed entering ports, **carrying out systematic documentary checks, random identity checks and sampling for analysis as appropriate** in accordance with Articles 15 and 16 of Regulation (EC) 882/2004 on the official control of feed and food.
- 1.2 Feed authorities should **liaise with Port Health Authorities** to share information, particularly in relation to feed which might be coming through points of entry. It should be remembered that a wide range of materials can be used in animal feed many of which can also be used in food and have other industrial uses. Where the intended use of a consignment is in doubt enquiries should be made with importers, shipping agents, and inland authorities where businesses using the materials are based. This is particularly important in helping to prevent materials not intended for feed use from entering the feed chain. Information on the conditions of authorisation of additives and feed materials which may be used in animal feed can be found in the EU Register of Feed Additives⁶ and EU Catalogue of Feed Materials⁷.
- 1.3 All feed authorities responsible for points of entry should monitor consignments of animal feed to **ensure that those products in Annex 1 of Regulation (EU) 669/2009 (the high-risk list) enter the UK having first passed through an appropriate designated point of entry (DPE)**. The full list of DPEs can be found on the FSA website at:
http://www.food.gov.uk/foodindustry/imports/banned_restricted/highrisknonpoao

Sampling Priorities

- 1.4 In considering which feed products to sample for analysis feed authorities should give priority to **feed materials (in particular trace elements, additives and premixtures) which originate from outside the European Union**. Appendix 1

⁶ The EU Register of Feed Additives pursuant to Regulation (EC) 1831/2003 can be found at:
http://ec.europa.eu/food/food/animalnutrition/feedadditives/comm_register_feed_additives_1831-03.pdf

⁷ The EU Catalogue of Feed Materials pursuant to Regulation (EU) 242/2010 can be found at:
<http://www.feedmaterialsregister.eu/index.php?page=Register>

contains a list of the products on which feed authorities should particularly focus when carrying out their official controls, although this list is meant only as a guide.

- 1.5 Funds are available from the Agency to support the analysis of feed imported from outside the EU as part of the national co-ordinated sampling programme for 2012/13 – see the link at 6 (g) above.
- 1.6 The sampling priorities set out in Appendix 1 below are in addition and separate to any sampling which might be required as part of specific safeguard measures on animal feed e.g. EC Regulation 669/2009 on increased controls for certain feed and food.
- 1.7 Feed authorities with responsibility for points of entry should ensure they have access to the Rapid Alert System for Feed and Food (RASFF) which will enable them to monitor feed alerts and will inform their enforcement activity. Direct access to the system can be gained via the RASFF website at:
http://ec.europa.eu/food/food/rapidalert/rasff_portal_database_en.htm
The most significant RASFFs relating to feed for food producing animals during 2011 are listed in appendix 2.

ANNEX III

APPENDIX 1 – SAMPLING PRIORITIES FOR IMPORTED FEED

	Additives	Substance/Hazard
1.	Copper carbonate	Heavy metals and dioxin-like polychlorobphenyls (PCBs)
2.	Authorised copper chelates	Dioxins and dioxin-like PCBs
3.	Copper oxide	Heavy metals and dioxin-like PCBs
4.	Copper sulphate pentahydrate	Heavy metals and dioxin-like PCBs
5.	Dicalcium phosphate	Heavy metals including arsenic and cadmium
6.	Iron oxide	Heavy metals including lead.
7.	Manganous oxide or manganic oxide	Heavy metals. Dioxins and dioxin-like PCBs
8.	Manganous sulphate monohydrate	Dioxins and dioxin-like PCBs
9.	Monocalcium phosphate	Fluorine and heavy metals
10.	Sepiolite	Lead
11.	Tagetes (Red colouring for feed)	Dioxins and dioxin-like PCBs
12.	Zinc oxide/zinc sulphate	Heavy metals including cadmium. Dioxins and dioxin-like PCBs
13.	Other authorised trace elements belonging to the functional group of compounds of trace elements referred to in Annex I, 3 (b) of Regulation (EC) No 1831/2003	Undesirable substances (heavy metals)
	Other feeding stuffs	Substance/Hazard
14.	Feed premixtures	Dioxins and dioxin-like plus level of declared ingredients
15.	Groundnuts	Aflatoxin B1
16.	Maize and maize products	Unauthorised GM, and mycotoxins
17.	Oils and vegetable fats	Dioxins and dioxin-like PCBs
18.	Palm Kernel Expeller (PKE)	Arsenic
19.	Soya and soya products	Unauthorised GM and mycotoxins