

ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

57th Meeting of ACAF on 7 March 2012

Information Paper

**FINAL REPORT OF THE FOOD AND VETERINARY
OFFICE (FVO) AUDIT TO GREAT BRITAIN 15-25
NOVEMBER 2011 ON FEED LAW ENFORCEMENT**

Members are asked to note the final report and recommendations made by the FVO. Further details can be found at:

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2826

February 2012



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Directorate F - Food and Veterinary Office

Ares(2012)190332

DG(SANCO) 2011-8955 - MR FINAL

FINAL REPORT OF AN AUDIT
CARRIED OUT IN
THE UNITED KINGDOM
FROM 15 TO 25 NOVEMBER 2011
IN ORDER TO EVALUATE THE IMPLEMENTATION OF MEASURES CONCERNING
OFFICIAL CONTROLS ON FEED LEGISLATION

In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.

Executive Summary

The report describes the outcome of an audit carried out by the Food and Veterinary Office in the United Kingdom from 15 to 25 November 2011. The overall objective of the audit was to evaluate the implementation of requirements concerning feed, as laid down by Regulation (EC) No 1831/2003, and other feed legislation, in particular Regulation (EC) No 1831/2003 and Directive 2002/32/EC, as well as to carry out official controls on the said feed legislation, as laid down by Regulation (EC) No 882/2004.

Overall the report concludes that the central competent authority has recently started to take actions in order to address the key recommendations of the previous Food and Veterinary Office audit which was carried out in June 2009. Due to their recent implementation, these actions have only partially addressed the recommendations but they have resulted in a significant improvement in the organisation of official controls on feed. In particular, a better allocation of resources to local authorities is now in place and this guarantees that important (in terms of size and activities) feed establishments are not left outside the scope of official controls, as this was observed in the previous audit. Actions have also been initiated by the central competent authority so that, on a short/medium term basis, official controls on imported feed take into account the requirements of Regulation (EC) No 882/2004.

Official controls remain focused on structural and basic hygiene requirements but they are superficial in terms of verification of HACCP-based procedures and arrangements in place to minimise cross-contamination of non-target feed with coccidiostats. A significant number of feed establishments visited had important flaws in the above-mentioned procedures and arrangements and these were overlooked during inspections. Some improvement is noted in terms of official sampling for undesirable substances, but such sampling remains poorly targeted in many of the local authorities visited.

The report makes a number of recommendations addressed to the competent authorities of the United Kingdom, aimed at rectifying the identified shortcomings and/or further enhancing the implementing and control measures in place.

Table of Contents

1	<u>INTRODUCTION</u>	1
2	<u>OBJECTIVES</u>	1
3	<u>LEGAL BASIS</u>	2
4	<u>BACKGROUND</u>	2
5	<u>FINDINGS AND CONCLUSIONS</u>	2
5.1	<u>INFORMATION ON THE FEED SECTOR</u>	2
5.2	<u>COMPETENT AUTHORITIES</u>	3
5.2.1	<u>ORGANISATION AND RESPONSIBILITIES</u>	3
5.2.2	<u>COOPERATION AND COORDINATION</u>	4
5.2.3	<u>RESOURCES AND TRAINING</u>	5
5.2.4	<u>INTERNAL SUPERVISION</u>	7
5.3	<u>OFFICIAL CONTROLS ON FEED</u>	9
5.4	<u>LABORATORIES CARRYING OUT OFFICIAL ANALYSIS</u>	12
5.5	<u>REQUIREMENTS FOR FEED HYGIENE</u>	13
5.5.1	<u>REGISTRATION AND APPROVAL</u>	13
5.5.2	<u>OBLIGATIONS OF PRIMARY PRODUCERS</u>	16
5.5.3	<u>OBLIGATIONS OF FEED BUSINESS OPERATORS</u>	17
5.6	<u>IMPORTS AND EXPORTS</u>	20
5.7	<u>OTHER REQUIREMENTS ALONG THE FEED CHAIN</u>	23
5.7.1	<u>ANTIBIOTICS, COCCIDIOSTATS AND HISTOMONOSTATS AS FEED ADDITIVES</u>	23
5.7.2	<u>RULES ON UNDESIRABLE SUBSTANCES</u>	24
5.7.3	<u>PROHIBITED MATERIALS</u>	26
5.8	<u>ACTIONS TAKEN IN CASE OF NON-COMPLIANCE</u>	28
6	<u>OVERALL CONCLUSIONS</u>	28
7	<u>CLOSING MEETING</u>	29
8	<u>RECOMMENDATIONS</u>	29
	<u>ANNEX 1 - LEGAL REFERENCES</u>	31

ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
Action plan	Actions announced/undertaken as submitted to the Commission services by the competent authorities of the United Kingdom in response to the recommendations made on feed safety in report 2009-8092
Banned additives	Chemical substances whose use as feed additives is not authorised in the EU
Cross-contamination	Contamination of feed with other products
EU	European Union
FSA	Food Standards Agency
FVO	Food and Veterinary Office
HACCP	Hazard analysis and critical control points
RASFF	Rapid Alert System for Food and Feed
Report 2009-8092	Report of an audit carried out in the United Kingdom from 16 to 29 June 2009 in order to evaluate the implementation of measures concerning official controls on feed legislation
SGRPID	Scottish Government Rural Payments and Inspections Directorate
VMD	Veterinary Medicines Directorate

1 INTRODUCTION

This audit formed part of the planned audit programme of the Food and Veterinary Office (FVO) and took place in the United Kingdom in the territory of Great Britain from 15 to 25 November 2011. The audit team comprised two sub-teams and a total of four auditors from FVO and one national expert. Representatives from the Food Standards Agency (FSA) accompanied the audit team for the duration of the audit.

An opening meeting was held on 15 November 2011 with representatives from the competent authorities. At this meeting, the objectives of, and itinerary for, this audit were confirmed and additional information required for the satisfactory completion of the audit was requested. In addition, the standard reporting and follow-up procedures for the audit were confirmed.

2 OBJECTIVES

The overall objective of this audit was to evaluate the implementation of requirements:

- concerning feed, as laid down by:
 - Regulation (EC) No 1831/2003 of the European Parliament and of the Council laying down requirements for feed hygiene;
 - other feed legislation, including implementing measures, in particular Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition and Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed.
- concerning official controls on the above legislation, as laid down by Regulation (EC) No 853/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

The audit covered all stages of the feed chain from primary production to the use of feed for farmed animals, including traceability.

Within this context, and where relevant, the audit followed-up on the outcome of a previous audit concerning feed safety and the recommendations made in this respect.

In pursuit of the above objectives, the following establishments were visited/meetings were held with:

MEETINGS/VISITS			COMMENTS
Competent authority	Central	4	Opening, closing (de-briefing) and two additional meetings for the purpose of discussing enforcement priorities and examining documentation held by FSA
	Local	16	Meeting with five local authorities in England, one local authority in Scotland and three local authorities in Wales. Other local authorities were also met during visits to feed establishments and entry points
	Entry point	3	Sea ports through which feed is imported
SITES			
Premixture manufacturers		1	Approved establishment using coccidiostats
Feed mills		5	Two approved establishment using coccidiostats and three registered establishments
Mobile mixer		1	Approved establishment manufacturing medicated feedingstuffs
Manufacturers of feed materials		2	One quarry and one brewery supplying feed materials
Recycler of products from the food industry into feed		2	Registered establishments collecting products from the food industry for the production of feed
Wholesalers/retailers of feed		2	Approved establishments
Farms		2	Farms mixing feed only for the needs of their animals

3 LEGAL BASIS

The audit was carried out under the general provisions of European Union (EU) legislation and in particular Article 45 of Regulation (EC) No 882/2004.

A full list of the legal instruments referred to in this report is provided in the Annex and refers, where applicable, to the last amended version.

4 BACKGROUND

The previous audit concerning feed safety in the United Kingdom was carried out from 16 to 29 June 2009, the results of which are described in report DG(SANCO) 2009-8092 MR Final (hereafter: report 2009-8092). This report is accessible at:

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335

The report made a number of recommendations to the competent authorities of the United Kingdom who subsequently informed the Commission of actions that had been/would be taken, aimed at addressing the recommendations made (hereafter: action plan). Where appropriate, both the relevant recommendations and the action plan are outlined under Section 5.

5 FINDINGS AND CONCLUSIONS

5.1 INFORMATION ON THE FEED SECTOR

A description of the feed sector can be found in report 2009-8092.

5.2 COMPETENT AUTHORITIES

5.2.1 Organisation and responsibilities

Legal requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for official controls.

Findings

The overall organisation and distribution of responsibilities between competent authorities remain as described in report 2009-8092. A complete description of the organisation in place in the United Kingdom can be accessed in the latest update of the Single Integrated National Control Plan which is available on the FSA website at the following address:

<http://www.food.gov.uk/foodindustry/regulation/europeleg/feedandfood/ncpuk>

FSA is the central competent authority in the United Kingdom for feed related legislation other than that for which the Veterinary Medicines Directorate (VMD) and the Department of Agriculture and Rural Affairs (Northern Ireland) take the lead. Within FSA:

- The Animal Feed and Animal By-Products Branch is in charge of drafting legislation, providing scientific support and issuing guidance to facilitate the implementation of feed legislation.
- The Standards Branch, which comprises a Feed Enforcement Team, bears responsibility for issuing enforcement priorities, liaising with local authorities, monitoring enforcement data returned from local authorities and organising training courses on feed. Similar arrangements exist within the teams based in FSA's offices in Scotland and Wales.

In Great Britain, delivery of official controls at feed establishments is the responsibility of local authorities. At local authorities' level, feed inspectors are usually employed by Trading Standards Departments. In Scotland, since October 2009, the Scottish Government Rural Payments and Inspections Directorate (SGRPID) has carried out feed and food hygiene inspections at primary production whilst undertaking cross-compliance inspections. In Wales and England, these inspections are carried out by local authorities (see 5.5.2).

VMD is the central competent authority for veterinary medicines and specified feed additives (such additives include coccidiostats, histomonostats and non-antibiotic growth promoters). The delivery of official controls on establishments trading or using these products in the manufacture of feed is the responsibility of the Inspections & Investigations Team. This team took over the tasks of the Animal Medicines Inspectorate, with effect from 5 September 2011.

The Animal Health and Veterinary Laboratories Agency carries out a programme of inspections (known as the National Feed Audit) which covers feed businesses throughout the animal feed chain including at import, production, haulage, storage and at end-user premises. This programme focuses on verification of compliance with feed ban rules.

Observations:

- The competent authorities in charge of official controls on feed have been defined. All officials met had a clear understanding of the system in place for official controls on feed.

Conclusions

The requirements for organisation and responsibilities of competent authorities laid down by Article 4(1) of Regulation (EC) No 882/2004 are satisfactorily complied with.

5.2.2 Cooperation and coordination

Legal requirements

Article 4 (3 and 5) of Regulation (EC) No 882/2004 contains provisions for coordination and cooperation between competent authorities.

Findings

The relevant recommendation of report 2009-8092 concerned coordination between competent authorities involved in official controls on feed. In response to this recommendation, the competent authorities undertook to improve cooperation arrangements.

Cooperation arrangements between competent authorities remain largely as described in report 2009-8092:

- A number of memoranda of understanding between competent authorities are in place in the area of feed law enforcement. A separate memorandum of understanding between FSA Scotland and SGRPID was agreed in June 2010.
- Several liaison groups between competent authorities are in place in order to achieve better coordination. Some of these groups operate at national level while others are organised on a regional basis. Minutes of the Animal Feed Law Enforcement Liaison Group and the National Animal Feed Ports Panel can be accessed at the following address:

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

Observations:

- The memoranda of understanding specify in detail the enforcement activities to be carried out by each competent authority, focusing on those activities located at the interface between competent authorities, in order to avoid duplication or gaps. However, in most of the local authorities visited, the audit team noted that some of the provisions of the memorandum of understanding with VMD were not complied with. As a result, official controls on arrangements in place for minimisation of cross-contamination of non-target feed with coccidiostats at feed establishments were not performed (see 5.7.1).
- Evidence of coordinated actions between competent authorities was noted by the audit team. Inspectors from VMD had liaised with feed inspectors in the local authorities visited. Exchange of information between inspectors from the Animal Health and Veterinary Laboratories Agency and local authorities had taken place, resulting in the identification of a few feed establishments which were not known to either competent authority. In some of the local authorities visited, the audit team noted that this exchange of information had only taken place a few days before this audit was carried out. At the entry points visited, the audit team noted that a good level of cooperation was in place between port health authorities and local authorities (see 5.6).

Conclusions

Although there are arrangements in place between competent authorities laid down in this regard, the requirements for coordination and cooperation required by Article 4(3 and 5) can not be considered as being fully met as a lack of cooperation between competent authorities results in important feed hygiene requirements not being checked during official controls (see 5.7.1). Therefore, the relevant recommendation of the previous report has not been fully addressed.

5.2.3 Resources and training

Legal requirements

Article 4(2) of Regulation (EC) No 882/2004 requires the competent authorities to ensure that they have access to a sufficient number of suitably qualified and experienced staff, and that they have appropriate and properly maintained facilities and equipment.

Article 6 of the said Regulation requires the competent authorities to ensure that staff receives appropriate training, and are kept up-to-date in their competencies.

Findings

The relevant recommendation of report 2009-8092 concerned the allocation of resources to feed law enforcement by some local authorities. In response to this recommendation, the competent authorities undertook to initiate a number of actions towards the local authorities concerned.

The principles regarding funding for local authorities in Great Britain remain substantially as described in report 2009-8092. The majority of funding stems from the Revenue Support Grant mechanism, which is allocated to local authorities based on a formula determined by individual national governments. However, two important changes to these arrangements have occurred since 2009:

- In England, in 2011-12, the FSA has made available £700,000 of direct funding to local authorities responsible for feed controls. This money has been provided in two tranches, the first to support targeted inspections of feed establishments undertaking higher-risk activities (see 5.3). The second was to improve the information available and the controls on imported feed coming into the United Kingdom (see 5.6). According to FSA, around 60 local authorities and nine entry points have benefited from this direct funding.
- In Scotland, the FSA has provided direct funds (£240,000) to local authorities and to SGRPID to undertake a programme of inspections at primary production on farm.

FSA also provides funding to local authorities in Great Britain for the sampling and analysis of imported feed for various undesirable substances. This financial support amounted to £76,000 in 2009-10 and £110,000 in 2010-11 (see 5.7.2 for an explanation of the situation in 2011-2012). The position on funding of VMD remains the same as in 2009.

From 2009 to 2011, FSA has been providing a range of training courses to local authorities. These training courses concentrated on feed safety management systems at feed mills, Hazard analysis and critical control points (HACCP) and import controls at points of entry. A separate training course on the sampling of feed was also delivered. In addition to these courses, SGRPID officers have been provided with a one-day enforcement training course to enable them to carry out primary production food and feed hygiene inspections.

Observations:

- In all local authorities visited, the audit team noted that feed inspectors had participated in training courses organised by FSA. For those who had not yet participated, there were plans to ensure that they would be trained.
- The audit team noted that in 2011-12 funds were being distributed through direct grants to local authorities in England to support their enforcement of Regulation (EC) No 183/2005. £700,000 had already been allocated through direct funding and further allocations were in progress for different feed enforcement related purposes.
- Almost all local authorities visited in England had benefited from the above-mentioned direct funding which aimed at supporting inspections to higher-risk establishments. In contrast to the situation observed in the previous FVO audit, in the local authorities visited in England, the audit team noted that this new system for allocation of financial resources had ensured that no important feed establishments (in terms of size or activities) are left outside the scope of official controls. According to FSA, all local authorities in which higher-risk establishments had been identified were offered direct funding. However, the audit team noted that only some of the higher-risk establishments have been covered by the direct funding put in place in 2011. According to FSA, the remaining establishments will be included in the programme for 2012. In Wales, where such a system is not in place, the audit team noted that in one local authority visited in 2009 and revisited in 2011, the unit in charge of feed law enforcement, was still not attributed the funding allocated through the Revenue Support Grant Mechanism for the implementation of Regulation (EC) No 183/2005. In this local authority, due to limited resources, feed inspections were only carried out at feed mills and five high risk farms. Representatives of the other local authorities met in Wales stated that they had sufficient financial resources to implement their programme of inspections and sampling.
- In most local authorities visited, the audit team noted that the amount of full-time equivalent staff dedicated to inspections to feed establishments (other than farms) had remained stable in a context where most local authorities have had to cut down on their expenditure. The situation was different in relation to inspections to farms (which include checks on feed hygiene), where representatives of the local authorities met in England and Wales reported important reductions in the funding allocated by the Department of Environment, Food and Rural Affairs. This has led to reductions in the number of inspections to farms (see 5.3). This was not the case in Scotland where inspections at primary production take place using direct funding by FSA.
- Additional resources were made available on a temporary basis to the Feed Enforcement Team of the Standard Branch of FSA in order to carry out additional work relating to the scrutiny of local authorities' enforcement data returns (see 5.2.4). The audit team noted that a number of additional tasks linked to the FSA grant-funded work have also arisen. According to FSA, some additional work is also expected in relation to the examination of the information that will be fed back from local authorities on inspections to higher-risk establishments and the projects carried out at entry points.

Conclusions

In England, important changes have recently occurred in the way some of the financial resources concerning feed law enforcement are allocated by FSA to local authorities. In contrast to the situation observed in the previous audit, the implementation of direct funding targeted at local authorities where higher-risk feed establishments are in activity has ensured that these are subject to

official controls. Therefore, it can be considered that the relevant recommendation of the previous report is satisfactorily addressed and that the requirements of Article 4(2) of Regulation (EC) No 882/2004 are met.

The training arrangements in place are sufficient to ensure that the requirements of Article 6 of Regulation (EC) No 882/2004 are met.

5.2.4 Internal supervision

Legal requirements

Article 8(3) of Regulation (EC) No 882/2004 requires that competent authorities have procedures in place to verify the effectiveness of official controls, to ensure that corrective action is taken when needed and that documentation is updated as appropriate.

Findings

The relevant recommendation of report 2009-8092 concerned arrangements in place for the verification of effectiveness of official controls carried out by local authorities. In response to this recommendation, the competent authorities undertook to improve these arrangements.

The Framework Agreement sets out the standard of delivery that must be met by local authorities and it provides FSA with a mechanism for overseeing their enforcement activity on feed. FSA has statutory rights which enable it to assess to what extent local authorities achieve the set standard.

According to FSA, there are two tools which can be used for monitoring feed law enforcement activities: audits and review of enforcement data.

As regards enforcement data, on an annual basis, local authorities are required to return to FSA some information on the number of feed establishments, the number of inspections carried out and their outcome, the number of samples taken and the analytical results obtained. Specifically on sampling activities, the United Kingdom Food Surveillance system is a national database in which can be recorded results of feed samples, submitted for analysis and/or examination by official control laboratories on behalf of local authorities and port health authorities. This system can provide information on the type of feed sampled and the analytical results obtained.

As regards audits, a section of the Framework Agreement sets out the main features of the FSA audit scheme of local authorities. This scheme foresees that local authorities are assessed against the standard of delivery detailed in the Agreement, as well as any associated guidance. Official controls on feed of non-animal origin have been the subject of three FSA audit programmes since 2009:

- A series of audits primarily assessed imported food controls at 15 English ports from July to December 2010. An additional audit of a port in Wales was also included as part of this programme. This series included audits of feed controls carried out at four of these ports, and assessments of feed arrangements were made as appropriate at the remaining 11. According to FSA, an additional 26 low throughput ports were also surveyed in England and similar checks were carried out in Wales and Scotland.
- A focused audit programme assessing imported feed controls at 14 ports and inland local authorities was carried out in Great Britain from January to March 2011.
- A focused audit programme assessing inland feed controls in 10 English and two Welsh local authorities was carried out from August to October 2011.

According to FSA, an audit programme comparable to the above is scheduled in Scotland in early 2012. An audit of the enforcement activity of SGRPID is planned before the end of 2013. Finally, an audit of VMD is due in 2013.

The Framework Agreement also requires local authorities to set up and implement an internal monitoring system in order to verify if they comply with all applicable standards, code of practice and centrally issued guidance.

Observations:

- In contrast to the situation observed in the previous FVO audit, the audit team noted that enforcement data from local authorities has been scrutinised by FSA. In England, on the basis of the information submitted and following its examination by FSA, 20 local authorities were identified as poorly performing and flagged for audits. Due to the recent nature of this work (which was carried out in the first semester of 2011), only 10 of these local authorities have been audited. In Wales, similar work has been undertaken and a number of weaknesses were identified in the way feed law enforcement is carried out by local authorities. Audits were also carried out in four of these local authorities. In Scotland, the examination of enforcement data of local authorities was still on-going and a round of audits is foreseen to take place in 2012¹.
- Only preliminary findings of the round of audits carried out in local authorities identified as poorly performing in England and Wales were available at the time this audit took place. These findings showed variable but generally poor standards in terms of feed law enforcement. Two of these local authorities were visited by the audit team which identified similar weaknesses to those reported in the FSA draft audit reports. Due to their recent implementation, the follow-up of these audits was still at a very early stage. Nevertheless, according to FSA, serious concerns with some local authorities have already resulted in special follow-up measures. At the time the audit took place, FSA was conducting a review of the delivery of official feed and food controls in the United Kingdom.
- The round of audits on imported feed controls showed that most of the local authorities audited operate poor controls and have difficulty identifying consignments of potential feed materials and additives. The audit team noted that, in order to address these weaknesses, FSA has been awarding grants to local authorities in charge of the main points of entry in 2011. Additional grants specifically intended for smaller entry points are expected to be put in place in 2012². The work commissioned by FSA aims at identifying importers and consignments of imported feed as well as helping local authorities to liaise with port health authorities and develop a system of official controls on these products (see 5.6). According to one local authority visited in charge of official controls at a large entry point for feed, the FSA audit and its follow-up had a decisive impact in the improvement of the situation as regards imports control; it not only highlighted existing gaps and difficulties but also as a result enabled the issue to be discussed in terms of priorities and targeting of resources in this local authority.
- A number of quality and consistency checks were also carried out on registers of feed establishments maintained by local authorities (see 5.5.1.2) and data enforcement returns. Following these checks, FSA contacted some of the local authorities from which incomplete

1 In their response to the draft report, the competent authorities noted that an audit of a Scottish local authority has been arranged to take place in February 2012.

2 In their response to the draft report, the competent authorities noted that guidance was being developed for small entry points on the control on both feed and food. The competent authorities also indicated that a review of the work undertaken using grants would inform further funding in the area of imported feed and that this might not necessarily result in grants to authorities responsible for small entry points.

or inconsistent data had been returned. The audit team noted that these follow-up actions had taken place shortly before this audit, and they were still on-going in some cases.

- In several local authorities visited, the audit team noted that sampling prioritisation was departing significantly from the national enforcement priorities, resulting in poorly targeted sampling for undesirable substances (see 5.7.2). The United Kingdom Food Surveillance system, a tool which could enable routine monitoring by FSA of local authorities' sampling activities, was used by a minority of those visited. Based on the information made available by FSA, only 10% of all feed samples collected in 2010-2011 were reported through the United Kingdom Food Surveillance system. Other tools, such as audits or verification that samples planned by local authorities under the national coordinated feed and food sampling programme meet national enforcement priorities, allow for some verification but these tools only cover a limited number of local authorities and samples³.
- One local authority visited in England had comprehensive arrangements in place for internal supervision in the area of feed law enforcement. In all other local authorities visited, the audit team noted some arrangements were in place but in most of them, they were not documented. In most cases, these arrangements did not include verification that official controls carried out at feed establishments were covering all relevant aspects of applicable feed legislation (which in fact was not the case in the majority of local authorities visited – see 5.5.3.2). The very limited information contained in inspection reports (with the exception of those which were filled out on the basis of the FSA check-lists – see 5.3) rendered very difficult any qualitative monitoring of the way inspections were carried out. These weaknesses were observed in some local authorities in England and in all of those visited and met in Wales and Scotland.

Conclusions

Central competent authorities have arrangements in place to monitor the enforcement activities carried out by local authorities. Although these arrangements remain limited as regards sampling activities, they have proved effective at identifying poorly performing local authorities. However, due to their recent implementation, a number of local authorities identified as poorly performing are still to be assessed and follow-up activities on those which have been audited are still at an early stage of implementation. At the level of local authorities, internal supervision arrangements are not sufficiently developed to ensure that official controls satisfactorily cover all applicable feed hygiene requirements. Therefore, the relevant recommendation of the previous report is only partially addressed and the requirements of Article 8(3) of Regulation (EC) No 882/2004 are not fully met.

5.3 OFFICIAL CONTROLS ON FEED

Legal requirements

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. Controls shall be carried out at any of the stages of the production and processing chain and, in general, are to be carried out without prior warning.

³ In their response to the draft report, the competent authorities noted that the use of the United Kingdom Food Surveillance system was being encouraged and that a feed user group had been created following the FVO audit. The competent authorities also noted that the United Kingdom Food Surveillance system was currently used by 20% of local authorities in Great Britain.

Article 8(1) of Regulation (EC) No 882/2004 requires that the competent authorities carry out official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Article 9 of the said Regulation requires that the competent authority draws up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the feed business operator concerned.

Findings

The relevant recommendations of report 2009-8092 concerned prior notification of official controls, risk-based prioritisation of inspections and corrective actions. In response to these recommendations, the competent authorities undertook to revise their risk-rating systems and to perform some unannounced visits.

The description of the system in place for the organisation of official controls on feed can be found in report 2009-8092. For local authorities, the different risk-rating systems which can be used remain as described in the above-mentioned report. After the previous FVO audit, VMD reviewed the system used for determining the frequency of inspection at feed establishments. Depending on the nature and the number of shortcomings observed the frequency of inspection may vary from 12 to 48 months.

Annual enforcement priorities are circulated by FSA. These set out a number of activities and requirements which are to be taken into account by local authorities when deciding their inspection and sampling priorities. In addition, in 2011, FSA provided direct funding to local authorities to perform inspections at a number of feed establishments considered as higher risk establishments. These establishments are those which carry out the following activities: approved establishments (all activities), establishments placing on the market or manufacturing feed additives and feed premixtures, feed mills, farms mixing feed with additives or premixtures, fatty acids producers, surplus food recyclers and third country representatives. When performing these inspections, local authorities were asked to make use of a set of guidance and check-lists developed by FSA.

Observations:

- In the majority of local authorities visited, the audit team noted that all inspections to feed establishments were announced and, most of them were announced between one to two weeks in advance. Sampling visits were usually unannounced, except in one local authority visited where feed operators were notified in advance of the type of feed to be sampled as well as the analytical determinations to be carried out on these samples. Some VMD inspections to feed mills were unannounced but all inspections to farms were announced at variable notice (a day to a week's notice). According to VMD, following the previous FVO audit, a six-month trial of unannounced visits to farms was carried out. On arriving at the premises, the inspectors were able to carry out only 60% of inspections. Therefore, VMD took the decision that inspections to farms should generally be pre-announced due to resourcing issues.
- In England and Scotland, the audit team noted that reports were drafted following official controls carried out by local authorities and VMD. However, in one of the four local authorities visited in Wales, inspection reports were not always drafted following inspections. In all establishments visited, the audit team noted that copies of reports were left with the operators who had been subject to inspections.
- VMD inspection reports examined by the audit team included corrective actions and deadlines for compliance. Inspection reports drafted by most of the local authorities visited did not include the corrective actions to be taken by the operators nor the deadlines to be complied with.

- The guidance and check-lists circulated by FSA were known and used by the feed inspectors met in England. In Wales, such guidance and check-lists were not used and, on the basis of the information available, it was not possible to verify if all relevant requirements of Regulation (EC) No 1831/2003 were checked during feed inspections. This particularly concerned the implementation of HACCP-based procedures and traceability arrangements. A similar situation was observed in one local authority visited in England which did not participate in the FSA grant-funded work for inspections to higher-risk feed establishments and in one local authority visited in Scotland.
- The audit team noted that a risk categorisation of feed establishments had been carried out by the local authorities visited. However, in practice, in the majority of these local authorities, the prioritisation of inspections was only based on the activities carried out by the establishments and, to some extent, their previous history of compliance. This type of prioritisation which focused mainly on activities was further accentuated by the FSA grant funded work which targeted inspections on some specific activities which are considered as bearing higher risks. The reliability of operators' own-checks is a parameter which was not fully taken into account by most of the local authorities visited where the audit team noted that the level of assessment they carried out on this matter was very limited (see 5.5.3.2). Similarly, some requirements applicable to feed establishments were superficially assessed and this resulted in non-compliance being overlooked. This affected the ability of most of the local authorities visited to establish a reliable history of compliance of feed establishments.
- Inspections carried out by VMD followed a risk-based approach which takes into account the activities of the establishments, their compliance (including history of compliance) and the reliability of their own-checks. The audit team noted that the planned frequency of inspections was usually complied with.
- The audit team noted that all local authorities visited had devised inspection programmes and they could explain the frequencies followed for inspections to feed establishments. In the majority of these local authorities, with the exception of the frequency of inspections to establishments categorised as high-risk, inspections to medium and low-risk establishments followed frequencies which were significantly lower than those prescribed in the risk rating systems accepted by FSA. In two local authorities in Wales, the audit team noted that inspections focused only on manufacturers of feed and no targets were set for inspections to other types of feed establishments (one of these local authorities had planned to start visiting some in 2011-2012).
- The audit team noted that frequency of inspections to farms varied significantly between the local authorities visited. In all cases, except in one local authority in Wales and one in England, they were well below the frequency prescribed by the FSA or the animal health risk-rating systems. Farms categorised as high-risk were visited on an annual basis while no targets were set for other risk categories of farms (medium and low risk) which usually account for more than 80% of all farms. According to most local authorities met, inspections to medium and low risk farms are based on intelligence.
- In some local authorities visited, the audit team noted that inspections covering compliance with feed hygiene requirements at food establishments supplying products from the food industry to the feed chain had not yet started. These local authorities were still in the process of identifying this type of establishments.

Conclusions

Almost all inspections aiming at assessing compliance with feed hygiene requirements are announced between one to two weeks in advance. This is not in line with the provisions of Article 3(2) of Regulation (EC) No 882/2004 which foresees the possibility of giving prior notice in certain cases only. Therefore, the relevant recommendation of the previous report has not been satisfactorily addressed.

The documented procedures referred to in Article 8(1) of Regulation (EC) No 882/2004 are in place and, with the exception of one local authority visited, reports on official controls are always drafted. However, when shortcomings have been identified, reports from local authorities do not explicitly specify the corrective actions to be taken by feed operators and, in most cases, no deadline is set for addressing the non-compliance identified. In addition, especially in local authorities which are not using the check-lists circulated by FSA, reports contain limited information on the requirements which are verified. Overall, this does not ensure that the requirements of Article 9 of Regulation (EC) No 882/2004 are complied with.

Frequency of inspections carried out by the local authorities visited, at establishments other than high-risk establishments, are usually lower than the frequencies prescribed in the recognised risk rating schemes. In some of these local authorities, inspections only focus on feed mills and high-risk farms while other types of feed establishments are excluded from the scope of routine inspections. In most cases, the risk prioritisation is based on the activities of feed establishments only and other criteria, in particular the reliability of operators' own-checks is partially taken into account due to a superficial assessment during official controls. This does not ensure that the requirements of Article 3(1) of Regulation (EC) No 882/2004 are met and, therefore, the relevant recommendation of the previous report has not been satisfactorily addressed.

5.4 LABORATORIES CARRYING OUT OFFICIAL ANALYSIS

Legal requirements

Article 4(2) of Regulation (EC) No 882/2004 requires the competent authorities to ensure that they have access to an adequate laboratory capacity for testing. Article 12 of the said Regulation lays down that the competent authorities shall designate laboratories that may carry out analysis of samples taken during official controls, and sets out accreditation criteria for laboratories so designated.

Article 33 of Regulation (EC) No 882/2004 requires competent authorities to designate national reference laboratories and it further specifies the responsibilities of these laboratories.

Findings

The relevant recommendation of report 2009-8092 concerned the organisation of comparative tests by National Reference Laboratories. In response to this recommendation, the competent authorities undertook to organise such tests.

Observations:

- The audit team noted that National Reference Laboratories and official control laboratories for feed have been designated. An draft agreement between the United Kingdom Accreditation Service and FSA sets out the applicable arrangements in terms of accreditation and audits of these laboratories⁴. On the basis of the information provided by FSA, all

⁴ In their response to the draft report, the competent authorities stated that this agreement would be finalised by the end of June 2012. The competent authorities also noted that there are arrangements in place to enable official laboratories which do not have a particular accredited method to refer samples to laboratories suitably accredited.

official laboratories have accredited analytical methods for determination of undesirable substances such as aflatoxin B1, heavy metals, dioxins and polychlorinated biphenyls. The official laboratory designated by the Veterinary Medicines Directorate is accredited for analysis of a range of coccidiostats.

- The audit team noted that National Reference Laboratories for mycotoxins, heavy metals, dioxins and polychlorinated biphenyls have participated in comparative tests organised by Community Reference Laboratories or other countries' National Reference Laboratories. Some official control laboratories participated in comparative tests organised by the Community Reference Laboratory for mycotoxins. According to FSA, comparative tests for vitamins and heavy metals will be organised by National Reference Laboratories in 2012. FSA also stated that the National Reference Laboratory for dioxins and polychlorinated biphenyls does not operate comparative tests; instead, it is currently undertaking a series of workshops to improve knowledge and experience of these analyses within official control laboratories. During meetings held with representatives of two official control laboratories, the audit team obtained evidence of regular participation in privately organised comparative tests. Most of the results obtained in the last three years were satisfactory, and, when this was not the case, corrective actions had been undertaken.
- The audit team noted that all local authorities visited had access to adequate laboratory capacity for testing feed samples. Service level agreements between local authorities and laboratories were usually in place and they specified maximum turnaround times. The turnaround times observed by the audit team were usually within one to two months, with the exception of Wales where excessive turnaround times were noted. The local authorities concerned were aware of this situation and they were in the process of selecting another laboratory.

Conclusions

National Reference Laboratories and official laboratories have been designated as required by Articles 12 and 33 of Regulation (EC) No 882/2004. Some National Reference Laboratories have organised comparative tests and the others are in the process of organising them. Therefore, the relevant recommendation of the previous report has been satisfactorily addressed.

The local authorities visited have access to the adequate analytical capacity referred to in Article 4(2) of Regulation (EC) No 882/2004.

5.5 REQUIREMENTS FOR FEED HYGIENE

5.5.1 Registration and approval

5.5.1.1 Implementation of the requirements

Legal requirements

Article 9 and Article 10 of Regulation (EC) No 1831/2003 lay down the requirements for registration and approval of feed establishments.

Findings

The relevant recommendation of report 2009-8092 concerned the registration of feed establishments. In response to this recommendation, the competent authorities undertook to monitor the registration process carried out by local authorities.

The Feed Law Enforcement Code of Practice details the responsibilities of local authorities as regards approval and registration of feed establishments. In the case of applications linked to the use of specified additives, the memorandum of understanding between local authorities and VMD, sets out the specific procedures to be followed. VMD internal instructions further detail the approval procedure. In all other cases, local authorities bear entire responsibility for approval and registration.

During the transitional period foreseen by Regulation (EC) No 183/2005, food operators supplying products (e.g. food co-products or surplus food) to the feed chain, which were already registered under Regulation (EC) No 852/2004 of the European Parliament and of the Council, were not obliged to submit an application for registration. Similar exemption applied to livestock farms not mixing feed or mixing feed without additives and arable land farms growing crops for feed which were already registered under an official food/feed safety assurance scheme.

Since 2009, additional guidance was circulated by FSA on the registration of retail food establishments (such as supermarkets) supplying products from the food industry to the feed chain.

In 2011, FSA provided direct funding to a number of local authorities which had reported a significant number of farms registered as mixing feed with additives. These local authorities were identified on the basis of the registers of feed establishments they returned to FSA (see 5.5.1.2). In addition, some of the feed safety assurance schemes communicated to FSA a list of food operators known as supplying products from the food industry to the feed chain. This information was used to identify incomplete local authorities' registers in relation to these establishments.

Observations:

- Several guidance documents which include sections on approval and registration requirements were circulated and published on the FSA and VMD websites. In all local authorities visited, the audit team noted that there was a good understanding of which activities were subject to approval.
- Approval of feed establishments had been completed in all local authorities visited and the registration process of other establishments was well advanced. The audit team noted that, contrary to the situation observed in the previous audit, most feed establishments supplying products from the food industry to the feed chain were known and they were registered for this activity. Good progress was also noted in relation to the registration of farms mixing feed with additives and premixtures as most of the local authorities visited, with the exception of one visited in Wales, were in the process of verifying their actual activities. In most cases, it could be confirmed that they were not using additives and premixtures.
- The identification of farms using additives or premixtures (other than specified additives) relies only on feed inspections carried out at primary producers. Other means of identification of these farms, such as checks on the supply of additives or premixtures to farms from feed mills and premixtures manufacturers are not included in the scope of official controls. In one feed mill visited, the audit team noted that nutritional additives (e.g. urea) had been supplied to farms and this had been overlooked during official controls. In addition, checks carried out at farms during visits to primary producers are not thorough enough and they can overlook the use of some feed additives (such as propionic acid) as was observed by the audit team in one farm visited.

Conclusions

The registration and approval of feed establishments required by Articles 9 and 10 of Regulation (EC) No 183/2005 is well advanced with the exception of farms using additives and premixtures

other than specified additives. The identification and registration process of these farms is affected by the limited use which is made of the available tools that could facilitate their identification, and by inspections to farms which might overlook the use of feed additives. This does not ensure that all farms using additives and premixtures are registered in line with the requirements of Article 9 of Regulation (EC) No 1831/2003 for all the activities they perform. Therefore, the relevant recommendation of the previous report has not been fully addressed.

5.5.1.2 Lists of registered and approved establishments

Legal requirements

Article 19 of Regulation (EC) No 1831/2003 requires that the competent authority maintains up-to-date national lists of establishments approved or registered according to the said Regulation and to make these lists available to the public.

Findings

The relevant recommendations of report 2009-8092 concerned the national lists of feed establishments and the updating of the lists maintained by local authorities. In response to this recommendation, the competent authorities undertook to set up such lists and to ensure that they are kept up to date.

In 2010 and 2011, FSA requested local authorities to communicate their lists of registered feed establishments. These requests aimed at compiling a centrally held national list.

Observations:

- A list of approved establishments manufacturing, distributing or using veterinary medicines and specified feed additives is published on the VMD website. In addition, a list of establishments that have been approved by local authorities for reasons other than the use or distribution of specified feed additives is published on the FSA website. These two lists specify the activities carried out by the establishments.
- Lists of registered feed establishments have been communicated by local authorities to FSA in 2010 and 2011. The audit team noted that FSA carried out a number of consistency and quality checks on these lists. Following these checks, a number of inconsistencies were identified and corrected. However, at the time the audit took place, the following issues were still outstanding in England: incorrect formatting (14 local authorities), anomalies regarding farms (14 local authorities), incorrect activity codes (15 local authorities), anomalies regarding food establishments supplying feed (20 local authorities), difference between enforcement data returns and register (10 local authorities) and register returned empty (4 local authorities).
- Lists of registered feed establishments were kept by the local authorities visited. A majority of them were in the process of verifying that the activities for which these feed establishments had been registered were correct. In a number of local authorities visited, the audit team confirmed that there were discrepancies between registered and actual activities for some feed establishments.
- The audit team noted that any information on the registration status of feed establishments present on the lists held by FSA or local authorities could be obtained on request.

Conclusions

A national list of feed establishments is held at central level and it is made up of all the registers of feed establishments which are maintained by local authorities. This meets the requirements of Article 19 of Regulation (EC) No 882/2004 as regards national lists and therefore the relevant recommendation of the previous report has been satisfactorily addressed.

The registers held by the local authorities visited are in the process of being updated and they do not always reflect the correct activities of feed establishments. As a consequence, the requirements of Article 19 of Regulation (EC) No 183/2005 relating to the updating of lists of feed establishments are only partially met and the relevant recommendation of the previous report has not been addressed.

5.5.2 Obligations of primary producers

Legal requirements

Article 5(1) of Regulation (EC) No 183/2005 establishes that for operations at the level of primary production and other associated operations, feed business operators shall comply with the provisions in Annex I to the said Regulation.

Findings

Since 2009, additional guidance was produced by FSA for record keeping at farms. FSA Scotland has also produced guidance on the enforcement of feed and food law at primary production.

Observations:

- In the farms visited, the audit team noted that storage and handling of feed were performed in line with applicable hygiene requirements. Commercial documents of the feed purchased were available and records were kept for the quantity of feed produced.
- Verification of compliance with feed law at livestock farms was usually performed by local authorities (and in Scotland also by SGRPID) as part of inspections covering animal health, animal welfare and other food hygiene related aspects. In general, official controls at farms verified compliance with all relevant requirements contained in Annex I to Regulation (EC) No 183/2005. However, in one of the local authorities visited in Wales, the audit team noted that on-farm mixing activities were not included in the scope of official controls and in the other one these activities were in the process of being included. Both local authorities had a significant livestock farms population (2,000 to 2,500 farms each).

Conclusions

A good level of compliance was observed at primary production of feed. However, in some local authorities visited, the verification of compliance with Annex I of Regulation (EC) No 183/2005 is only partially performed.

5.5.3 Obligations of feed business operators

5.5.3.1 Facilities and equipment

Legal requirements

Article 5(2) of Regulation (EC) No 183/2005 establishes that for operations other than those referred to in paragraph 1 of the said Article (operations at the level of primary production and other associated operations), feed business operators shall comply with the provisions in Annex II to the said Regulation (EC) No 183/2005; Annex II lays down the requirements for the feed businesses concerned, as regards, among others, facilities and equipment.

Findings

Observations:

- Facilities of the feed establishments visited by the audit team were largely in line with applicable requirements.
- The audit team noted that inspections to feed establishments comprised an assessment of the level of compliance of their facilities and equipment. In all establishments visited, it was confirmed that official controls had covered the verification of infrastructure requirements.

Conclusions

The requirements on facilities and equipment laid down by Article 5(2) of and Annex II to Regulation (EC) No 183/2005 are satisfactorily complied with.

5.5.3.2 Quality control and HACCP

Legal requirements

Article 5(2) of Regulation (EC) No 183/2005 establishes that for operations other than those referred to in paragraph 1 of the said Article (operations at the level of primary production and other associated operations), feed business operators shall comply with the provisions in Annex II to the said Regulation (EC) No 183/2005; Annex II lays down the requirements for the feed businesses concerned as regards, among others, production and quality control. In addition, Articles 6 and 7 of the same Regulation lay down requirements on HACCP for the concerned feed business operators.

Findings

The relevant recommendation of report 2009-8092 concerned implementation of HACCP-based procedures in feed establishments. In response to this recommendation, FSA undertook to provide additional training and to instruct feed inspectors to pay particular attention to these procedures. According to FSA, all proposed actions have been completed.

Observations:

- All feed establishments visited had devised and were implementing sets of procedures based on HACCP principles. In one premixtures manufacturer visited, the audit team noted that the hazard identification carried out on incoming products was of a generic nature and it had been performed on groups of ingredients (not on each ingredient). The operator stated that the establishment was in the process of further refining the study on the basis of known risks and guarantees provided by suppliers. The audit team noted that for some feed additives, such as clays, there was no information available on the supplier's own-checks or on the

production process. In one feed mill visited, the hazard identification was only covering part of the ingredients used. The sampling programme established for monitoring undesirable substances could not be justified on the basis of the hazards identified and it had not been amended in the last six years to reflect changes in the products or the suppliers used. In another feed mill visited, the steps considered in the HACCP study did not include some of the key steps contemplated in the process flow diagram of this establishment.

- In the feed establishments visited, the audit team confirmed that preventive measures such as selection procedures for suppliers and sampling programmes were in place in order to reduce the risks posed by undesirable substances. However, in one of the feed mill visited, the sampling schedule for heavy metals was not complied with as none of the planned samples on compound feedingstuffs had been taken. The operator stated that buying his ingredients from suppliers participating in feed safety assurance schemes was a guarantee in itself and no further guarantees were requested from the suppliers. In another feed mill visited, own-checks carried out on palm kernel had resulted in maximum permitted levels for aflatoxins B1 being exceeded. Following this result, the feed operator considered that the contamination would be diluted by other ingredients used in the compound feed and he did not inform the supplier, the competent authority nor subsequently increased the frequency of own-checks on such feed materials. In a significant number of feed mills and premixtures manufacturers visited, the audit team noted that the hazard analysis and risk assessment supporting the monitoring arrangements for undesirable substances was incomplete.
- The manufacturers of feed and premixtures visited which were using coccidiostats or medicated premixtures had arrangements in place to minimise cross-contamination of non-target feed with coccidiostats. However, in two establishments visited, the audit team noted that the analytical method used for measuring the level of cross-contamination achieved was not sensitive enough to ensure that it was below the maximum permitted levels set by Directive 2002/32/EC. In one of them, the audit team confirmed that feed for non-target species exceeding maximum permitted levels of cross-contamination for decoquinat was regularly placed on the market. The operator of this establishment was not aware of the applicable legislation and therefore did not take any corrective actions. In the other establishment, cross-contamination was measured just after the mixer and therefore did not take account of the additional contamination occurring in the remaining part of the production process.
- The feed mills visited had adequate arrangements in place for ensuring and measuring the homogeneity of the feed produced. However, in one feed mill visited, coefficients of variation (a parameter used to measure homogeneity of feed) ranging from 27 to 50 were measured over a period of nine months in 2011. This issue had been identified by the operator and the feed inspectors but no actions were taken in order to address it.
- All the above-mentioned shortcomings (with the exception of those pertaining to homogeneity) had been overlooked during inspections by VMD and local authorities.

Conclusions

While HACCP-based procedures are in place at the feed establishments visited, in a number of them, the identification of hazards associated with process steps and feed ingredients was incomplete or not up-to-date. This does not ensure that all relevant risks are adequately controlled. Similarly, arrangements in place for minimisation of cross-contamination are not sufficient to ensure compliance with Directive 2002/32/EC and weaknesses are also present in the monitoring of other undesirable substances. Consequently, the relevant recommendation of report 2009-8092 has

not been addressed and important requirements of Annex II to Regulation (EC) No 183/2005 are still not met⁵.

5.5.3.3 Record-keeping, traceability and product recall

Legal requirements

Article 5(2) of Regulation (EC) No 183/2005 establishes that for operations other than those referred to in paragraph 1 of the said Article (operations at the level of primary production and other associated operations), feed business operators shall comply with the provisions in Annex II to the said Regulation (EC) No 183/2005; Annex II lays down the requirements for the feed businesses concerned, as regards, among others, record-keeping, traceability, complaints and product recall.

Article 5(6) of Regulation (EC) No 183/2005 establishes that feed business operators and farmers shall only source and use feed from establishments which are approved or registered in accordance with this Regulation.

Findings

Observations:

- In the feed establishments visited information was available on details of purchase, production and sales from receipt to delivery. In some of them, the traceability system in place was tested by the audit team and found to be working effectively.
- In one feed mill visited, several shortcomings affecting the ability of the operator to ensure traceability of the feed produced were observed by the audit team. They concerned the presence of bags of finished products without labels or indication of their content, as well as limited information on the manufacturing history of feed, in particular as regards batch numbers of some ingredients. In addition, samples were not kept for all ingredients used in the production of feed.
- The feed establishments visited did not check that their suppliers of feed are registered under Regulation (EC) No 183/2005 as they rely on their certification under feed safety assurance schemes. In most establishments visited, the audit team did not identify suppliers which were not registered. The only exception was observed in one premixture manufacturer visited where the audit team noted that a supplier which was certified under feed safety assurance schemes was not registered under Regulation (EC) No 183/2005.

Conclusions

In the feed establishments visited, with the exception of one feed mill, the requirements of Article 5(2) of Regulation (EC) No 183/2005 and Annex II to the said Regulation pertaining to record-keeping, traceability, complaints and product recall are largely complied with.

All feed establishments visited relied on the registration of their suppliers under feed safety assurance schemes to ensure compliance with the requirements of Article 5(6) of the said Regulation. In most cases, this was sufficient to met the requirements of the said Article.

⁵ In their response to the draft report, the competent authorities indicated that they would continue to raise the importance of feed safety management systems with both industry and competent authorities responsible for official controls.

5.6 IMPORTS AND EXPORTS

Legal requirements

Article 24 of Regulation (EC) No 183/2005 provides that, as an interim measure, imports of feed shall continue to be authorised under the conditions laid down in Article 6 of Commission Directive 98/51/EC.

Article 16 of Regulation (EC) No 882/2004 stipulates that official controls on imports of feed of non-animal origin shall include at least a systematic documentary check, a random identity check and as appropriate, a physical check; physical checks shall be carried out at a frequency depending on a number of risk related factors. For the organisation of these official controls, Article 24 of the said Regulation lays down that the competent authorities and the Customs services shall cooperate closely.

Article 12 of Regulation (EC) No 178/2002 of the European Parliament and of the Council lays down the conditions for the export of feed from the EU.

Findings

The relevant recommendation of report 2009-8092 concerned the organisation of official controls on imported feed. In response to this recommendation, the competent authorities undertook to provide guidance, training and financial support to local authorities which carry out such controls.

In Great Britain, primary responsibility for official controls on imported feed rests with the local authorities in which points of entry for feed are located. These local authorities develop their own sampling programmes based on local knowledge and the national enforcement priorities issued each year by FSA. In addition, FSA supports local authorities to enable them to sample feed primarily originating from outside the EU and have it tested for a range of undesirable substances. Guidance on checks of imported feed was issued by FSA in 2011 as part of the update to existing guidance on imported food controls. Training courses covering import controls of feed of non-animal origin were also organised by FSA in 2010 and 2011.

Exports of feed containing banned feed additives take place from a limited number of feed establishments. According to VMD, traceability of these substances which enter the United Kingdom before being exported relies on intra-EU notifications from other Member States.

Observations:

- A list of third country establishments' representatives has been drawn up and is published on FSA website. In order to ensure that these representatives are visited, FSA has included them amongst the target establishments covered by the FSA grant funded work for local authorities (see 5.3)⁶.
- The three entry points for feed visited were among the largest in the United Kingdom. In all of them, the audit team noted that manifests of incoming ships were scrutinized by port health authorities for the presence of imported feed. These checks were carried out using key words which included feed but also chemicals and minerals which could potentially be used in feed. These checks covered incoming containerised products and, in some of the entry points visited, bulk products (in other entry points visited, information on imported bulk products was communicated directly by the importers to the local authorities concerned). In two of the entry points visited, this work, which concentrated on products falling outside the scope of Commission Regulation (EC) No 669/2009 (for which other

⁶ In their response to the draft report, the competent authorities noted that third country establishments' representatives were targeted primarily to ensure that the information held about them was up to date and to obtain more information about the trade in imported feed to facilitate import controls.

arrangements were in place), had started recently. It was carried out as part of the grant received from FSA to support official controls on imported feed in 2011. In the third one, imports of feed had been monitored for several years.

- In the three entry points for feed visited, the audit team noted that information was routinely exchanged between port health authorities and the feed inspectors in charge of implementing official controls on imported feed. In all of them, consignments of feed had been identified and the information passed on by port health authorities to feed inspectors for further action. In two of these entry points, such information had been used to identify importers of feed; when necessary, this information was passed on to the local authorities where the importers or the establishments of first destination are based. In the third entry point visited, the identification of importers had only been partially carried out.
- Documentary, identity and physical checks on imported feed were routinely carried out at one of the entry points visited. In the other two, the audit team noted that these checks were at a very early stage of implementation and they were performed on an ad hoc basis rather than in an organised and risk-based manner. In these two entry points, the nature and content of the checks to be carried out had not yet been established as the local authorities in charge were still in the process of reflecting on their organisation. In one entry point visited, the local authorities were in the process of drafting procedures and assigning premises for the purpose of official controls.
- In some of the local authorities visited, entry points for feed were in operation. On the basis of the information provided by these authorities, such entry points were usually receiving limited amounts of bulk feed. In most cases, such feed was originating from the EU or was transshipped from other entry points located in the EU. Manifests of incoming ships were routinely forwarded by port authorities to the local authorities concerned.
- As part of the imported food and feed sampling programme funded by FSA in 2010, 233 samples were analysed for the presence of undesirable substances and undeclared genetically modified material. Guidance to help local authorities to better target the feed to be sampled on the basis of risks was included in this programme. The feed sampled included a limited number of feed additives (5%) and it mainly focused on soya products, cereals products and groundnuts (60%). On the basis of the information made available by FSA, the types of analytical determinations carried out generally took into account the potential risks linked to the feed sampled. However, 96% of the feed materials sampled for heavy metals were of vegetable origin although important quantities of feed materials of mineral origin are imported into the United Kingdom as noted by the audit team in one large entry point and in all manufacturers of feed visited. The range of analyses carried out on these samples is restricted to mycotoxins, heavy metals, dioxins and melamine. These analyses do not include some of the substances for which there are known risks which have been reported in the Rapid Alert System for Food and Feed (RASFF) - such as prohibited antimicrobials - or substances which are known to be used in some third countries from which imports of feed take place - such as some of the pesticides referred to in Directive 2002/32/EC.
- The local authorities visited were aware of the establishments making use of imported feed which are located in their territory. In most of them, sampling of imported feed had been carried out at these establishments. However, in one local authority in England, no sampling was performed on imported additives at the establishments visited by the audit team although these establishments were making use of or were trading these products. One of these establishments was supplying trace elements to all major feed manufacturers in the United Kingdom and, on two occasions, these trace elements had been subject to RASFF notifications.

- A number of banned additives were used in a premixture manufacturer visited. These substances were incorporated into premixtures destined for export to third countries. For some of the third countries of destination, neither the operator nor the competent authorities could provide any agreement from these third countries to receive such products or any information confirming that the use of these substances in the concerned third countries was allowed.
- VMD did not consider the possibility of notifying Member States that feed containing banned additives was dispatched from the United Kingdom to their territories with a view to being exported⁷. In one premixture manufacturer visited, the audit team confirmed that such trade was occurring and the operator met had requested an agreement from the Member State concerned.

Conclusions

The interim measures foreseen by Article 24 of Regulation (EC) No 183/2005 are complied with as third country representatives have been identified and the list referred to in Article 6 of Directive 98/51/EC is maintained.

Significant progress has been made in relation to the arrangements in place at entry points for the identification of imported feed. At some of these entry points and importers of feed, official controls operated by local authorities meet the requirements of Article 16 of Regulation (EC) No 882/2004 but this is still not the case at some major entry points or importers where local authorities have not yet started carrying out risk-based official controls. Although some progress is noted in the risk-based approach supporting physical checks, some weaknesses are still observed. In addition, the range of analyses carried out on imported feed is limited and it does not take account of all identified risks. Therefore, the relevant recommendation of the previous report is only partially addressed.

The provisions of Art. 12 of Regulation (EC) No 178/2002 can not be considered as being complied with, given that although there are exports of feed containing banned additives, neither the exporting establishments nor the competent authorities are in a position to provide evidence that the use of such feed is allowed in some of the third countries of destination.

There is no system in place to ensure that information is passed to other Member States' competent authorities when banned feed additives are dispatched to feed establishments in their territory. Without this information, other Member States might not be in a position to apply effective official controls to guarantee that these substances are only used for the export market and not diverted into the feed chain in the EU. This is not in line with the provisions of Article 34 of Regulation (EC) No 882/2004.

⁷ In their response to the draft report, the competent authorities noted that VMD only carries out inspections on those premises manufacturing authorised specified additives or medicated feed. Those using only unauthorised substances are not required to be approved under legislation, therefore they will not be inspected and VMD may not be aware of all transactions.

5.7 OTHER REQUIREMENTS ALONG THE FEED CHAIN

5.7.1 *Antibiotics, coccidiostats and histomonostats as feed additives*

Legal requirements

Article 3 of Regulation (EC) No 1831/2003 lays down that no person shall place on the market, process or use a feed additive unless it meets the conditions set out in the said Regulation. In particular, Article 11 of the said Regulation establishes that, as of 1 January 2006, the use as feed additives of antibiotics other than coccidiostats and histomonostats has been prohibited.

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency, in particular, taking account of identified risks associated with feed or any process, material, substance, or operation that may influence feed safety.

Directive 2002/32/EC lays down the rules on undesirable substances in animal feeding, including the maximum permitted levels of residues of coccidiostats in non-target feed.

Findings

The relevant recommendation of report 2009-8092 concerned official controls on banned additives. In response to this recommendation, the competent authorities undertook to develop rapid screening techniques that could be used during official controls.

Observations:

- At the time this audit took place, VMD was about to finalise the validation of a low cost assay applicable for screening of multiple antimicrobial growth promoters in feed. This method is already capable of detecting a range of nine active substances (bacitracin, carbadox, monensin, olaquinox, salinomycin, spiramycin, tylosin, virginiamycin and avilamycin). According to VMD, the detection of flavophospholipol is still in development but it will be available shortly. The audit team noted that VMD foresees starting to use this assay for routine sampling of feed in the near future. In the meantime, inspections and intelligence remain the main tools used by VMD to identify the presence of unauthorised products.
- Banned additives were used in a premixtures manufacturer visited (these banned antimicrobial growth promoters included zinc bacitracin and amprolium and they were incorporated into premixtures destined to be exported outside of the EU). The audit team noted that there were general arrangements in place to minimise cross-contamination with coccidiostats in general but the level of cross-contamination achieved with these banned additives was unknown. No official samples had been taken by VMD or local authorities to verify the absence of residues of these substances in feed placed on the EU market.
- In 2010-2011, in Great Britain, on the basis of the information provided by FSA and VMD, only one official sample had been taken in order to monitor that maximum permitted levels of coccidiostats are not exceeded in feed for non-target species. Similarly, shortcomings concerning the arrangements in place at feed establishments in order to minimise cross-contamination were overlooked during inspections (see 5.5.3.2). The audit team noted this was due to a misunderstanding between local authorities and VMD about who was responsible for taking these samples and verifying the measures implemented by feed operators to minimise cross-contamination with coccidiostats (see 5.2.2).
- Official samples are taken by VMD in order to verify that coccidiostats are used to the required concentrations. These samples covered most commonly used coccidiostats with the

exception of diclazuril. According to VMD, this is due to the absence of adequate analytical capacity in the official laboratory used.

Conclusions

Significant progress has been made in the development of an analytical method to test feed for the presence of banned antimicrobial promoters. However, official controls for ensuring that these products are not used, as required by Article 11 of Regulation (EC) No 1831/2003, are of limited effectiveness because: (a) this analytical method is still under development and it is not yet used for routine testing of feed and, (b) these controls do not include sampling at premixture manufacturers which are involved in the use of these banned additives. Therefore the relevant recommendation of report 2009-8092 has not been satisfactorily addressed.

Official controls for ensuring that the maximum permitted levels of coccidiostats referred to in Directive 2002/32/EC are not exceeded in feed for non-target species are at a very early stage of implementation, due to a misunderstanding between competent authorities. Consequently, these controls are of very limited effectiveness and they do not meet the requirements of Article 3 of Regulation (EC) No 1831/2003 as regards identified risks associated with feed.

5.7.2 Rules on undesirable substances

Legal requirements

Directive 2002/32/EC lays down the rules on undesirable substances in animal feed.

Article 3 of Regulation (EC) No 853/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency, in particular, taking account of identified risks associated with feed or any process, material, substance, or operation that may influence feed safety.

Findings

The relevant recommendation of report 2009-8092 concerned official controls on undesirable substances. In response to this recommendation, the competent authorities undertook to provide guidance and verify through audits that sampling programmes of local authorities are appropriately risk-based.

Up until 2011, FSA funding to support local authorities' sampling activities on undesirable substances was focused on imported feed. In 2011-2012, while the main focus of the national coordinated risk-based food and feed sampling programme remains on imports, sampling of feed produced in the United Kingdom can be considered where potential risk are identified. This broadening of the scope of the programme was accompanied by an increase in the budget available to local authorities from £110,000 to £400,000. In addition, some of local authorities also have a budget on which additional sampling can be performed.

Observations:

- The enforcement priorities circulated by FSA to local authorities contain detailed provisions for the monitoring of undesirable substances. The audit team noted that these priorities take account of relevant risks, in particular those which were notified through RASFF (with the exception of some concerning imported feed as mentioned in section 5.6).
- In 2009-2010, on the basis of the information provided by FSA, 8,988 analytical determinations were performed for undesirable substances in feed. Around 49% of these determinations were undertaken on feed materials, while 47% concerned compound

feedingstuffs, 0.5% were carried out on feed additives and 1% on premixtures. In 2010-2011, the distribution of analyses on undesirable substances showed an increase in the percentage of feed additives and premixtures analysed, which accounted respectively for 3% and 2% of the total feed sampled.

- In one local authority visited in Scotland and two in Wales, sampling for undesirable substances was poorly targeted. In these local authorities, the audit team noted testing of cereals grown in the United Kingdom for aflatoxins B1, testing of cereals for heavy metals without any specific reason or testing of the same sample of feed for a range of undesirable substances, some of which are not known risks for the feed in question. Some of the feed inspectors met in Wales and Scotland could not explain why they had sampled a particular feed or why they had requested it be tested for the presence of undesirable substances. In England, three of the local authorities visited had devised sampling programmes which were taking account of the national enforcement priorities. In a fourth one visited in England, the sampling programme was focused on moisture content and residues of coccidiostats, while other undesirable substances were not considered. In this local authority, the audit team visited a feed establishment which was supplying imported trace elements to all major feed manufacturers in the United Kingdom. On two occasions, contamination of these trace elements with heavy metals had been reported through RASFF. However, no official samples of such additives or the other ones supplied by this establishment had been taken by the feed inspector.
- The audit team noted that risk assessments had been carried out following feed incidents involving presence of undesirable substances above maximum permitted levels. When required, the corresponding RASFF notifications had been issued. However, in one entry point visited, the audit team noted that imported complementary feed had been tested positive for cadmium, at almost twice the maximum permitted concentration. This specific incident had not been communicated to FSA by the local authority concerned. No risk assessment had been carried out and no RASFF notification issued. According to FSA, the only action taken on this product was to re-label it as a premixture as the maximum permitted level for cadmium in premixtures is 30 times higher than in complementary feed⁸.

Conclusions

Sampling of feed for undesirable substances ensures a better coverage of feed additives and premixtures than in 2009, when the previous FVO audit took place. However, there has been moderate improvement in the risk-based approach followed for official sampling as many of the local authorities visited operate a sampling programme which is not supported by any risk assessment and they do not follow the national enforcement priorities issued by FSA which contain such an assessment. As a consequence, the requirements of Article 3 of Regulation (EC) No 882/2004 concerning the risks associated with feed, in particular undesirable substances, are not met and the recommendation of the previous report has only been partially addressed.

⁸ In their response to the draft report, the competent authorities noted that this was an isolated incident and that the importer of the product had legitimately re-designated it as a premixture.

5.7.3 *Prohibited materials*

Legal requirements

Article 6 of Regulation (EC) No 767/2009 of the European Parliament and of the Council sets up a list of materials whose circulation or use for animal nutrition purposes is prohibited; this list is contained in Annex III to the said Regulation.

Article 5(2) of Regulation (EC) No 183/2005 establishes that for operations other than those referred to in paragraph 1 of the said Article, feed business operators shall comply with the provisions in Annex II to the said Regulation; Annex II lays down the requirements for the concerned feed businesses. In particular, the said Annex requires that appropriate control strategies should be put in place to minimise the risk linked to the presence of prohibited feed materials.

Findings

The relevant recommendation of report 2009-8092 concerned residues of packaging materials in feed. In response to this recommendation, FSA undertook to meet with stakeholders and to initiate a programme of inspections by local authorities.

On the basis of the information provided by FSA, it is estimated that the 15 surplus food recyclers which are members of the Feed Materials Assurance Scheme (a feed safety assurance scheme) represent 80% of the industry's output. A total of 28 food surplus recyclers have been identified and the amount of material processed by these companies is about 650,000 – 700,000 tonnes per annum.

Since 2009, FSA has held a number of meetings with feed and food industry organisations and individual businesses that recycle surplus food for use as feed, to help them comply with the legislation. The problem posed by residues of packaging material in feed has also been considered by the expert independent Advisory Committee on Animal Feedingstuffs. In 2010, this Committee concluded that it was very difficult for processors of surplus food to comply with a zero tolerance. The United Kingdom has written to the Commission on two occasions reflecting the Committee's views.

FSA has also carried out a number of visits to various businesses which process former foodstuffs for use in feed, to gain an understanding of their procedures, the types of food with which they deal and the packaging which has to be removed. According to FSA, the visits have also included discussions with the business operators of the steps they have taken to improve or amend their operations since the previous FVO audit. In addition, as part of the FSA grant-funded work, all local authorities where food surplus recyclers are in operation have been provided with specific funding to perform inspections and sampling at these establishments. To assist with these inspections, FSA has prepared check-lists and guidance to be used by feed inspectors.

The Food and Drink Federation (an organisation that represents food manufacturers) has drawn up a guidance document for its members who provides surplus material to food recyclers for use in animal feeds. The purpose of this guidance is to help ensure that feed manufacturers are aware of their responsibilities when supplying material into the feed chain. The Feed Materials Assurance Scheme has also issued a guidance documents for the surplus food sector. This document foresees that control of packaging residues must be achieved by removal and not by reducing particle size. In this note, the presence of any obvious residual packaging in the finished product is considered unacceptable.

The United Kingdom has not set any tolerance levels for the presence of packaging material in feed.

Observations:

- The feed mills visited had arrangements in place for monitoring the presence of prohibited substances in incoming feed materials. These arrangements comprised visual checks and verification of the three previous loads of hauliers delivering bulk feed. Most of the hauliers seen by the audit team followed the Trade Assurance Scheme for Combinable Crops, a food/feed safety scheme which includes provisions on the type of products which can be transported by hauliers of feed.
- The two food surplus recyclers visited had arrangements in place to minimise packaging materials in finished products. In one of them (90,000 tonnes supplied to the feed chain on an annual basis) incoming products, together with packaging material, were shredded, sieved and the remaining packaging particles were aspirated. This establishment, which was visited during the previous FVO audit, has since then reduced by more than 50% the mesh size of its sieves and improved the aspirating equipment in order to mitigate the presence of packaging material in the finished product. However, in contrast with the finished product derived from confectionery and biscuits, the audit team noted that fragments of plastic (above 25cm²) and wood were clearly visible in the finished product derived from bread. In another food surplus recycler supplying the feed chain (7,000 tonnes annually) the incoming product was crushed and the packaging was removed manually prior to sieving and aspiration. In this establishment the presence of packaging material in the final product was substantially smaller than in the other establishment visited.
- One of the establishments visited had a tolerance of 0.05% by weight for residues of packaging materials while the other had a zero tolerance assessed by visual inspection. However, in both of them, the audit team noted that when the product was above tolerance it was placed on the market without being reworked and corrective measures were only applied to the process.
- One of the feed mills visited was making use of products derived from recycled surplus food. The audit team noted that small visible fragments of paper and plastic were present in this product. This was not seen as a problem by the operator of this feed mill who stated that all these residues are shredded during the process and therefore they become unnoticeable in compound feed.
- The project funded by FSA for inspections and sampling of food surplus recyclers by local authorities started being implemented in the second half of 2011. The audit team noted that around 10 recyclers (out of an expected number of 15) had already been visited and the inspection reports sent to FSA together with samples of the finished products. On the basis of these inspection reports, it was noted that these establishments had established tolerances for residues of packaging materials. These tolerances ranged from 0.05% up to 0.1% by weight but for some of these establishments, no precise quantitative limits were in place, the operator relying only on visual inspection to determine acceptability. In the inspection reports examined, no comments were made by the local authorities on these tolerances. According to FSA, this was because this round of inspections aimed at gathering information rather than enforcing the applicable EU legislation. The samples collected during these inspections have not yet been analysed as FSA is in the process of identifying a laboratory which could perform their analysis.
- Official controls at the food surplus recyclers visited included checks on the records for monitoring of packaging residues in finished products. However, no action was required from the operators when such residues were present or when their presence was above the tolerances set by these operators.

Conclusions

Actions taken by FSA to increase awareness of the industry have resulted in an improvement of the situation in terms of presence of residues of packaging materials in feed from food surplus recyclers. However, these operators have tolerances in place for the presence of such residues and this is not in line with the requirements of Article 6 of Regulation (EC) No 767/2009. In addition, these operators do not always take action on the products in which tolerances are exceeded. Official controls on these aspects are at a very early stage of implementation and they do not enforce the applicable EU requirements which do not foresee any tolerance for the presence of packaging materials in feed. Therefore, the relevant recommendation of the previous report has not been satisfactorily addressed.

5.8 ACTIONS TAKEN IN CASE OF NON-COMPLIANCE

Legal requirements

Article 54 of Regulation (EC) No 882/2004 requires a competent authority which identifies non-compliance to take appropriate action to ensure that the operator remedies the situation.

Findings

The relevant recommendation of report 2009-8092 concerned corrective actions taken following detection of non-compliance. In response to this recommendation, the competent authorities undertook to review their procedures.

The types of actions which can be taken and sanctions which can be imposed by competent authorities are described in report 2009-8092. The procedures to be followed are further explained in the Feed Law Enforcement Code of Practice and in VMD internal procedures.

Observations:

- In 2010 and 2011, on the basis of the information submitted by FSA and VMD, actions taken and sanctions imposed following official controls included written warning, improvement notices, prohibition orders, prosecution and seizure of feed.
- In contrast with the situation observed during the last FVO audit, the audit team noted that when corrective actions had been prescribed by local authorities or VMD, they had been followed up until the non-compliance identified was resolved.

Conclusions

The requirements concerning actions to be taken following identification of non-compliance laid down by Article 54 of Regulation (EC) No 882/2004 are satisfactorily complied with; in particular, the relevant recommendation of the previous report has been satisfactorily addressed.

6 OVERALL CONCLUSIONS

The central competent authority has recently started to take actions in order to address the key recommendations of the previous FVO audit which was carried out in June 2009. Due to their recent implementation, these actions have only partially addressed the recommendations but they have resulted in a significant improvement in the organisation of official controls on feed. In particular, a better allocation of resources to local authorities is now in place and this guarantees

that important (in terms of size and activities) feed establishments are not left outside the scope of official controls, as this was observed in the previous audit. Actions have also been initiated by the central competent authority so that, on a short/medium term basis, official controls on imported feed take into account the requirements of Regulation (EC) No 882/2004.

Official controls remain focused on structural and basic hygiene requirements but they are superficial in terms of verification of HACCP-based procedures and arrangements in place to minimise cross-contamination of non-target feed with coccidiostats. A significant number of feed establishments visited had important flaws in the above-mentioned procedures and arrangements and these were overlooked during inspections. Some improvement is noted in terms of official sampling for undesirable substances, but such sampling remains poorly targeted in many of the local authorities visited.

7 CLOSING MEETING

A closing meeting was held on 25 November 2011 with the representatives of the competent authorities. At this meeting, main findings and preliminary conclusions were presented by the audit team. The central competent authority did not indicate any major disagreement with these and some additional information requested by the audit team was provided by the competent authorities.

8 RECOMMENDATIONS

The competent authorities of the United Kingdom are invited to provide details of the actions taken and planned, including deadlines for their completion within 25 working days after receipt of the report.

Nº.	Recommendation
1.	To further develop the existing arrangements in place at the level of local authorities to ensure that the verification of effectiveness of official controls on feed is performed as required by Article 8(3) of Regulation (EC) No 882/2004.
2.	To ensure, as required by Article 3(2) of Regulation (EC) No 882/2004, that official controls on feed are generally carried out without prior notification.
3.	To ensure, as required by Article 9 of Regulation (EC) No 882/2004, that reports drafted on official controls on feed contain a description of the control methods applied and, where appropriate, the actions that the business operator concerned is to take
4.	To carry out regular official controls in all feed establishments, taking into account the risk criteria referred to in Article 3(1) of Regulation (EC) No 882/2004.
5.	To complete, as required by Article 9 of Regulation (EC) No 183/2005, the registration of feed establishments for the activities they carry out, so that the lists referred to in Article 19 of the said Regulation reflect their correct activities, in particular in the case

N°.	Recommendation
	of farms mixing feed with additives or premixtures other than specified additives.
6.	To ensure, where appropriate, that feed establishments comply with the requirements of Annex II to Regulation (EC) No 1831/2003, in particular with respect to HACCP-based procedures, minimisation of cross-contamination and monitoring of undesirable substances.
7.	To further develop the implementation of official controls on imported feed in order to meet the requirements of Article 16 of Regulation (EC) No 853/2004.
8.	To comply with the provisions of Art. 12 of Regulation (EC) No 1831/2003 when exporting feed containing banned additives, in particular as regards evidence that the use of such feed is allowed in the third countries of destination.
9.	To provide other Member States with administrative assistance such as information about dispatched feedingstuffs only allowed for export, as laid down in Article 34 of Regulation (EC) No 853/2004.
10.	To reinforce the official controls which aim at verifying compliance with Article 11 of Regulation (EC) No 1831/2003 (banned antimicrobial growth promoters) so that they take account of the risks referred to in Article 3 of Regulation (EC) No 853/2004, in particular those associated with feed.
11.	To reinforce the organisation of official controls which aim at verifying compliance with Directive 2002/32/EC (including on maximum permitted levels of coccidiostats in non-target feed) so that they take account of the risks referred to in Article 3 of Regulation (EC) No 853/2004, in particular those associated with feed.
12.	To ensure the absence of food packaging material in feed, as required by Article 6 of Regulation (EC) No 1831/2003.

The competent authority's response to the recommendations can be found at:

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2011-8955

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 178/2002	OJ L 31, 1.2.2002, p. 1-24	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 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
Reg. 1831/2003	OJ L 268, 18.10.2003, p. 29-43	Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Reg. 852/2004	OJ L 139, 30.4.2004, p. 1, Corrected and re-published in OJ L 226, 25.6.2004, p. 3	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs
Reg. 183/2005	OJ L 35, 8.2.2005, p. 1-22	Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene
Reg. 767/2009	OJ L 229, 1.9.2009, p. 1-28	Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC
Dir. 2002/32/EC	OJ L 140, 30.5.2002, p. 10-22	Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed - Council statement

Legal Reference	Official Journal	Title
Dir. 98/51/EC	OJ L 208, 24.7.1998, p. 43-48	Commission Directive 98/51/EC of 9 July 1998 laying down certain measures for implementing Council Directive 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector