

ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS' RECOMMENDATIONS ON FEED LAW ENFORCEMENT

FOOD STANDARDS AGENCY ACTION PLAN

1. The Food Standards Agency welcomes ACAF's wide-ranging review of feed law enforcement and notes that no review has previously covered the whole system of feed law controls in the UK. This document sets out the Agency's proposed action in response to ACAF's recommendations. The Agency will also co-ordinate and evaluate actions taken by other UK competent authorities and will report progress to ACAF.
2. The European Commission's Food and Veterinary Office (FVO) undertook a mission to the UK in July 2003 to evaluate implementation of the main pieces of EC legislation on animal feedingstuffs¹. The FVO team identified a number of areas where improvement in enforcement was required. The main findings of the FVO, together with the UK response, are set out in Annex III to the ACAF report².
3. Action that the Agency and UK enforcement authorities are taking in response to the FVO's recommendations will address the issues covered by the recommendations made by ACAF.
4. ACAF's recommendations fall into three broad categories, covering:
 - (i) changes to processes and procedures and improved co-ordination of enforcement activity;
 - (ii) adoption of risk-based enforcement; and
 - (iii) the introduction of codes of practice for feed law enforcement.

¹ Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition and 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.

² <http://www.food.gov.uk/science/ouradvisors/animalfeedingstuffs/pressreleases/acaffeedlawenfpr>

(i) Changes to processes and procedures and improved co-ordination of enforcement activity.			
ACAF Recommendation			
1.	The Committee recommends that the current responsibilities for feed law enforcement in the UK should continue with significant modifications made to processes and procedures to ensure the necessary improvements to feed law enforcement.		
	FSA Response	Action owner	Target date
	This general recommendation does not require any action. The Committee's specific recommendations which follow include modifications that can be made to processes and procedures to improve feed law enforcement. Actions that the Agency is taking or facilitating to address these recommendations are set out below.	FSA	See respective targets below
ACAF Recommendation			
2.	The Committee recommends that further co-ordination of feed law activities is required and considers that the Food Standards Agency is well placed to take on this role.		
	FSA Response	Action owner	Target date
	The Agency agrees that there is a need for further co-ordination of feed law activities and that it is well placed to take on this role. Implementing rules of the EC Official Feed and Food Controls Regulation ³ on multi-annual control plans also require co-ordination and co-operation of enforcement activities between enforcement authorities. The Agency will set out how this is achieved in the UK multi-annual control plan. The Agency has widened the remit and membership of the existing Animal Feed Law Enforcement Liaison Group (AFLELG) ⁴ to include all those agencies responsible for feed law enforcement in the UK to meet this recommendation. The Agency's Animal Feed Unit now chairs and provides the secretariat to AFLELG (a function previously performed by LACORS).	FSA	On-going

³ National legislation which provides for the enforcement of 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.

⁴ The Animal Feed Law enforcement Liaison Group formerly the Feed Law Enforcement Liaison Group was established following the FVO inspection recommendation on feed law enforcement in the UK and held its first meeting in May 2005. It is made up of representatives of government departments and authorities involved in feed law enforcement in the UK. It is envisaged that the group will extend invitations to its meetings to all other relevant bodies, such as assurance scheme organisations.

ACAF Recommendation		
3.	The Committee recommends that there should be greater co-ordination between enforcement authorities.	
FSA Response	Action owner	Target date
(a) An expanded AFLELG, created following the FVO recommendations on feed law enforcement in the UK, provides a mechanism through which this recommendation will be achieved. The terms of reference (TOR) of the Group includes greater co-operation between feed law enforcement officers and the sharing of information. The Group's TOR currently includes the drawing up of a Memorandum of Understanding (MoU) specifying the roles and responsibilities of the enforcement authority members. The FSA will consider whether there is additional benefit in stating in the proposed MoU a specific requirement on greater co-operation. The Agency will also consider inviting a member of ACAF with food law enforcement experience to the meetings of the AFLELG as an observer.	FSA	On-going
(b) New legal requirements concerning co-operation and exchange of data for the purposes of enforcement came into force on 1 January 2006. Regulation 4 of the Official Feed and Food Control (England) Regulations 2006 (SI 2006/15) provides for enforcement bodies to share information with each other in connection with their feed law enforcement functions. Similar provisions exist in equivalent Regulations in Scotland, Wales and Northern Ireland.	FSA, UK Agriculture Departments (Defra ⁵ /SVS ⁶ , SEERAD ⁷ , DARDNI, and WAG DEPC ⁸), VMD (AMI ⁹), LACORS ¹⁰ .	Completed
(c) An MoU between the AMI and local authorities was agreed in 2004. This provides for greater co-operation, exchange of information and intelligence to ensure a consistent approach to feed law enforcement. The MoU is available for scrutiny at the LACORS website ¹¹ .	LACORS and VMD (AMI)	Completed

⁵ Defra – Department for Environment, Food and Rural Affairs.

⁶ SVS – State Veterinary Service.

⁷ SEERAD – Scottish Executive Environment and Rural Affairs Department

⁸ Welsh Assembly Government Department of Environment, Planning and Countryside.

⁹ The Animal Medicines Inspectorate (formerly of the Royal Pharmaceutical Society of Great Britain) transferred to the Veterinary Medicines Directorate from January 2006. It enforces those provisions of feed legislation contained in the Veterinary Medicines Regulations 2005.

¹⁰ The Local Authorities Co-ordinators of Regulatory Services (LACORS) was established in 1978 with the primary aim of enhancing the quality of trading standards and food enforcement by local authorities through activities designed to promote co-ordination, consistency and good enforcement practice. LACORS was set up by, and is accountable to, the Local Government Association (England); the Welsh Local Government Association; the Convention of Scottish Local Authorities and the Association of Local Authorities of Northern Ireland. LACORS consists of a Board of Directors and Management Committee (both composed of Association appointed Elected Members) and a Secretariat based in central London. LACORS is principally funded from local government monies, "top sliced" from the Revenue Support Grant.

¹¹ www.LACORS.co.uk

ACAF Recommendation			
4.	The Committee recommends that there should be a greater sharing of information and co-operation between official enforcement authorities and assurance scheme auditors.		
	FSA Response	Action owner	Target date
	(a) An MoU has been agreed between local authorities and Assured Food Standards (AFS) ¹² . AFS is an over-arching body for UK Farm Assurances Schemes (FAS). FAS to a varying extent deal with storage, handling and use of feeds on farm. Generally, an FAS requires its members to purchase compound feed and feed materials from businesses which themselves are members of feed assurance schemes. UK feed assurance schemes owned by the Agricultural Industries Confederation ¹³ (AIC) cover feed ingredients, compound feeds their storage and transportation. The AIC feed assurance schemes, are operated in consultation with the AFS. The MoU between AFS and Local Authorities Coordinating Office on Regulatory Services (LACORS) currently establishes a mechanism through which issues concerning feed law enforcement will be exchanged, including AFS facilitating access by local authorities to certain information in their scheme database for the purposes of official controls. This MoU is available for scrutiny at the LACORS website.	LACORS & AFS	Completed
	(b) Additionally, the Agency initiated a discussion at the September 2006 meeting of AFLELG on the setting-up of MoUs between the Group and scheme operators with a view to increasing co-operation between official enforcement authorities and assurance scheme auditors. The matter is being taken forward by relevant AFLELG members	LACORS and relevant government departments.	On-going
	(c) The Agency will discuss further initiatives between local authorities and assurance scheme owners to address this recommendation at the next meeting of AFLELG with a view to setting up a meeting between relevant interested parties to progress this recommendation.	FSA	March 2007

¹² Assured Food Standards (AFS) is an independent organisation which is the umbrella body for UK Farm Assurance Schemes. It owns and sets, in partnership with industry, the British Farm Standard (Red Tractor Standard). It administers the farm assurance schemes in most major commodity sectors and contracts certification bodies for them, which themselves arrange independent inspections of the production process, including animal feed on farm. The AFS believes that the Red Tractor has a major role to play in the future of British food and farming – by promoting recognition of professionally-produced assured food, and by boosting the reputation of food production in the UK. The AFS is run by an independent Chairman and a Board of Directors (made up of representatives from the food supply chain, independent experts from academia, professionals representing consumers, veterinary science and the environment).

¹³ The Agricultural Industries Confederation is a trade body representing the Agri-supply industry including manufacturers and distributors of animal feeds and grain merchants.

ACAF Recommendation			
5.	The Committee recommends the compilation of a central database of feed businesses available to all enforcement agencies. The Committee further recommends that all relevant information should be considered for inclusion in a central database to help establish enforcement priorities.		
	FSA Response	Action owner	Target date
	(a) Under the terms of the EC Feed Hygiene Regulation ¹⁴ most feed businesses will need to be approved or registered and appear on a list kept by their local authority. Lists of approved and registered premises must be made publicly available. The feasibility of establishing a central database will be considered as part of the Agency's project set up to implement the EC Feed Hygiene Regulation.	FSA, LAs and UK Agriculture departments.	December 2007
	(b) Feed businesses include livestock and arable farms growing and selling crops for feed. The Agency is liaising with Agriculture Departments to establish access to their respective lists of farms. Data protection issues will also need to be properly addressed in respect of other relevant data on a central database.	FSA and UK Agriculture departments.	December 2007
	(c) The Agency will also consider the scope for expansion of the database to include data held by assurance schemes.	FSA	March 2007
	(d) In 2002 the FSA and local authorities, recognising the need for better co-ordination and targeting of sampling for enforcement, set-up a project board to consider how best to make improvements in this area. The project board recommended a pilot to be run in England on a database then being developed by Health Protection Scotland. The system is known as the UK Food Surveillance System (FSS). The UK FSS aims, amongst other things, to provide a means through which local, regional, national and international data could be compared, and trends identified to inform sampling priorities for future enforcement work, surveillance and research. The UK FSS is currently being developed to include information on feed samples taken by local authorities. The rollout of the feed samples capability to local authorities began in early 2006 and will be completed within three years. The UK FSS will provide information on samples of food and feed taken throughout the UK by local authorities and the FSA.	FSA	End 2008 2006-2009
	(e) Consideration will be given to whether the setting up and maintenance of a central database should fall to the expanded Animal Feed Law Enforcement Liaison Group. The Agency will bring this specific recommendation to the attention of the Group who will consider the form and type of database required to properly address the recommendation.		March 2007

¹⁴ Regulation (EC) No 1831/2003 of the European Parliament and of the Council laying down requirements for feed hygiene.

(ii) Adoption of risk-based enforcement			
ACAF Recommendation			
6.	The Committee recommends that enforcement authorities adopt a proportionate risk-based approach to enforcement of feed law.		
	FSA Response	Action owner	Target date
	The proposed initiatives put in place in response to the specific recommendation on adoption of a risk-based approach are set out in this Action Plan (see response to ACAF Recommendation 7).	FSA	October 2006
ACAF Recommendation			
7.	The Committee recommends that risk-based schemes for feed law enforcement should be extended or introduced to take into account risks from hazards such as contaminants, unauthorised additives and feeds from unverified sources.		
	FSA Response	Action owner	Target date
	<p>(a) EC legislation (Council Directive 95/53/EC¹⁵) on the organisation of official inspections on animal nutrition required Member States to draw up and follow annual programmes of inspections - National Inspection Plans (NIPs). This legislation required that inspections should be regular, targeted, cover all stages of feed production and should take into account risks and experience gained from previous inspections. Annual returns to the European Commission required by this legislation included:</p> <p>(i) the criteria considered in formulating the NIP;</p> <p>(ii) results of the inspections carried out including numbers and types of inspections; and</p> <p>(iii) numbers and types of infringements and subsequent follow-up action.</p> <p>The NIP is regarded as centrally issued guidance under the terms of the FSA's Framework Agreement with local authorities on food law enforcement. It requires local authorities to have regard to such guidance when carrying out enforcement activities – see suggested action under recommendations 12 and 13 of this action plan.</p> <p>The UK's National Inspection Plan for animal feed in 2005/2006¹⁶ provided local authorities (and the Department of Agriculture and Rural Development (DARD) in Northern Ireland) with priorities for animal feed enforcement which took into</p>	FSA	Completed

¹⁵ Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition.

¹⁶ <http://www.foodstandards.gov.uk/enforcement/centralref/>

	<p>account data received from local authorities and information concerning feed law enforcement from across the European Community and other EC emergency measures during the course of 2005.</p> <p>The 2005/2006 NIP also incorporated the LACORS risk assessment rating scheme for feed law enforcement. This gives a basic risk assessment for the different types of feed business. The 2006/2007 NIP, issued in December 2005, followed similar lines.</p>		
	<p>(b) As from 1 January 2006, when EC Regulation 882/2004 on Official Feed and Food Controls came into effect, the Agency provides annual guidance to local authorities in GB and to DARD in Northern Ireland. National inspection programmes have been replaced by a requirement for multi-annual national control plans covering an integrated approach to inspections for the food and feed chains and animal health and welfare. Future feed inspection priorities will form part of these plans. Member States must implement the first multi-annual inspection plan starting from 1 January 2007.</p>	FSA	On-going
	<p>(c) The Agency has invited LACORS to review its current risk assessment rating scheme in the light of the requirements of the Feed Hygiene Regulation which came into force on 1 January 2006. It should cover the specific criteria in the Feed Hygiene Regulation requiring:</p> <p>(i) feeds to be sourced only from approved or registered sources; and</p> <p>(ii) most feed businesses to implement and maintain feed safety management systems based on hazard analysis.</p> <p>When finalised the revised risk assessment rating scheme will be incorporated in the Code of Practice on Feed Law Enforcement (see response to recommendation 11).</p>	FSA and LACORS.	January 2007
	<p>(d) The Trading Standards Institute (TSI) is reviewing its training syllabus for qualifications for feed law enforcement officers. The Agency has asked the TSI to include a module on feed safety management systems based on hazard analysis (i.e. based on Codex Alimentarius Hazard Analysis and Critical Control Point(s) principles). The LACORS Feed and Fertiliser Focus Group¹⁷ was notified of the FSA's initiative and will monitor it and ensure that the new training syllabus includes this competence.</p>	FSA, TSI and LACORS	December 2007
	<p>(e) The FSA is running a series of introductory training courses for feed law enforcement officers on feed safety management systems based on hazard analysis and critical control point(s) principles (HACCP). The aim is to ensure enforcement officers are equipped with a basic knowledge and understanding of feed hazards and measures to control such hazards. A series of eleven courses has been held throughout Great Britain and was completed in March 2006. Officials from DARD participated.</p>	FSA	Completed

¹⁷ LACORS have a number of Focus Groups which provide expert advice to local authorities and the industry and formulate recommendations. The LACORS Feed and Fertilisers Focus Group, currently comprising of representatives from local authorities, agricultural analysts and the Department of Agriculture, Rural Development in Northern Ireland, provide advice on feed issues.

ACAF Recommendation			
8.	The Committee recommends that animal feed imports should be part of a risk-based enforcement programme. The Committee further recommends the introduction of a statutory requirement for the prior notification of imports of animal feed.		
	FSA Response	Action owner	Target date
	(a) The National Inspection Plan includes priorities on the enforcement of animal feed imports. The NIP for 2005/06 and the NIP for 2006/07 include recommendations on feed imports and the likely hazards as well as associated potential food safety risks to consumers.	FSA	Completed
	(b) EC Regulation 882/2004 on Official Feed and Food Controls provides a legal base for a provision that will require feed businesses importing 'high risk' animal feed from non EU countries to provide prior notification to the enforcement authorities. Detailed rules at European level that will give effect to this provision are still to be agreed and national implementing measures will also be required. As this is likely to have an impact on a number of feed businesses, the Agency will carry out a consultation of interested parties and undertake a regulatory impact assessment once Commission proposals are issued.	FSA	December 2007 Dependent on proposals from the European Commission, possibly 2007
ACAF Recommendation			
9.	The Committee recommends that local authorities should make better use of existing funds by targeting higher risk areas.		
	FSA Response	Action owner	Target date
	The Agency welcomes this recommendation directed at local authorities with the view to optimising available funds through better targeting. The introduction of a risk based system of inspection together with guidance contained in the national inspection plan (see response to ACAF Recommendation 7) should help target available resources at higher risk areas.	LACORS	Ongoing
ACAF Recommendation			
10.	The Committee further recommends that if funds for new work become available, the Food Standards Agency and other government departments should consider providing such funds direct to the appropriate enforcement agencies.		
	FSA Response	Action owner	Target date
	(a) The Agency is currently considering a request from LACORS for additional resources for the enforcement of the new Feed Hygiene Regulation. If resources become available it will be necessary to liaise with LACORS to ensure that these are used to target checks on higher risk areas.	FSA	On-going

	(b) The Agency will explore with The Department for Communities and Local Government (DCLG) and the Local Government Association (LGA) the scope for funding local authorities directly when it considers the resource implications for local authorities of the EC Feed Hygiene Regulation.	FSA	January 2007
	(iii) The introduction of codes of practice for feed law enforcement.		
ACAF Recommendation			
11.	The Committee recommends the introduction of codes of practice for all areas of feed law enforcement.		
	FSA Response	Action owner	Target date
	(a) Consultation by the Agency on a draft Code of Practice (CoP) for feed law enforcement in the UK is already underway as part of the actions being undertaken in response to the European Commission's FVO recommendations to the UK. The draft CoP covers areas within the remits of local authorities. The CoP is made under powers in the Official Feed and Food Controls Regulations 2006 (SI 2006/15). DARD's Procedural Manual will be amended to align it with the CoP. The VMD and DARD in Northern Ireland will produce separate guidance documents relating to their areas of feed law enforcement responsibility.	FSA, VMD, DARDNI	October 2006
	(b) Guidance, published by Defra, already exists on TSE-related feed controls ¹⁸ and associated animal health issues ¹⁹ . References to these will be made in the CoP.	FSA	October 2006.

¹⁸ <http://www.defra.gov.uk/animalh/bse/animal-health/paptseguide.pdf>

¹⁹ <http://www.defra.gov.uk/animalh/by-prods/default.htm>

ACAF Recommendation			
12.	The Committee recommends that the codes of practice that apply to local authorities should be included within the scope of the Food Standards Agency's Framework Agreement with local authorities.		
	FSA Response	Action owner	Target date
	The Framework Agreement already provides for guidance issued by the Agency to be informally adopted into the Agreement. The Agency envisages cross-referring to the CoP on feed law enforcement in a future amendment to the Framework Agreement.	FSA	March 2007.
ACAF Recommendation			
13.	The Committee recommends that compliance with the codes of practice should be audited by the Food Standards Agency under the terms of the Framework Agreement.		
	FSA Response	Action owner	Target date
	Local authorities are audited against the Standard of the Framework Agreement. Until it is formally included in the Framework Agreement, the CoP will be regarded as centrally issued guidance ²⁰ against which local authorities will be audited. Audit of DARD will be included in the FSA NI audit programme.	FSA	October 2006

²⁰ Guidance provided to enforcement authorities to carry out various responsibilities associated with feed and food law.