

National Enforcement Priorities for England and Wales

2017-2018

Animal feed law enforcement (at all stages of production, processing, storage, transportation and distribution, including import and the primary production of feed)

Food hygiene law enforcement at the level of primary production

Executive Summary

This document sets out the Food Standards Agency's¹ (FSA) National Enforcement Priorities (NEPs) for England and Wales in respect of:

- Animal feed law enforcement (at all stages of production, processing, storage, transportation and distribution, including import and the primary production of feed); and
- Food hygiene law enforcement at the level of primary production.

They have been developed in consultation with:

- Local authority (LA) representatives;
- National Trading Standards (NTS);
- Regional Feed Leads; and
- National Agriculture Panel ([NAP](#)) and National Animal Feed at Ports Panel ([NAFPP](#)) members.

The NEPs take into account the following sources of information:

- Information on feed incidents notified via the European Commission's [Rapid Alert System for Food and Feed](#) (RASFF), as well as other feed incidents notified to the FSA;
- Enforcement and feed sampling monitoring data submitted to the FSA by LAs;
- UK on-farm incidents as [reported](#) by the Animal and Plant Health Agency ([APHA](#));
- Non-compliance trends submitted to the FSA by LAs and [FSA approved assurance schemes](#);
- European Food Safety Authority (EFSA) [scientific opinions](#) on the risks posed by food and feed not of animal origin; and
- Recommendations from [audits](#) of official controls on feed law by [DG Health and Food Safety](#) – Audits and Analysis (formerly known as the Food and Veterinary Office (FVO) and FSA [audits](#) of LAs.

However, LAs are encouraged to consider the use of their own sources of intelligence, based on local knowledge, to direct official control programmes particularly those designed to detect/prevent potential threats to feed safety for food producing animals and human health.

The priorities will be reviewed on a six monthly basis, in light of emerging issues in-year or as a result of other intelligence received by the FSA in respect of risks to human, animal health and welfare or the environment.

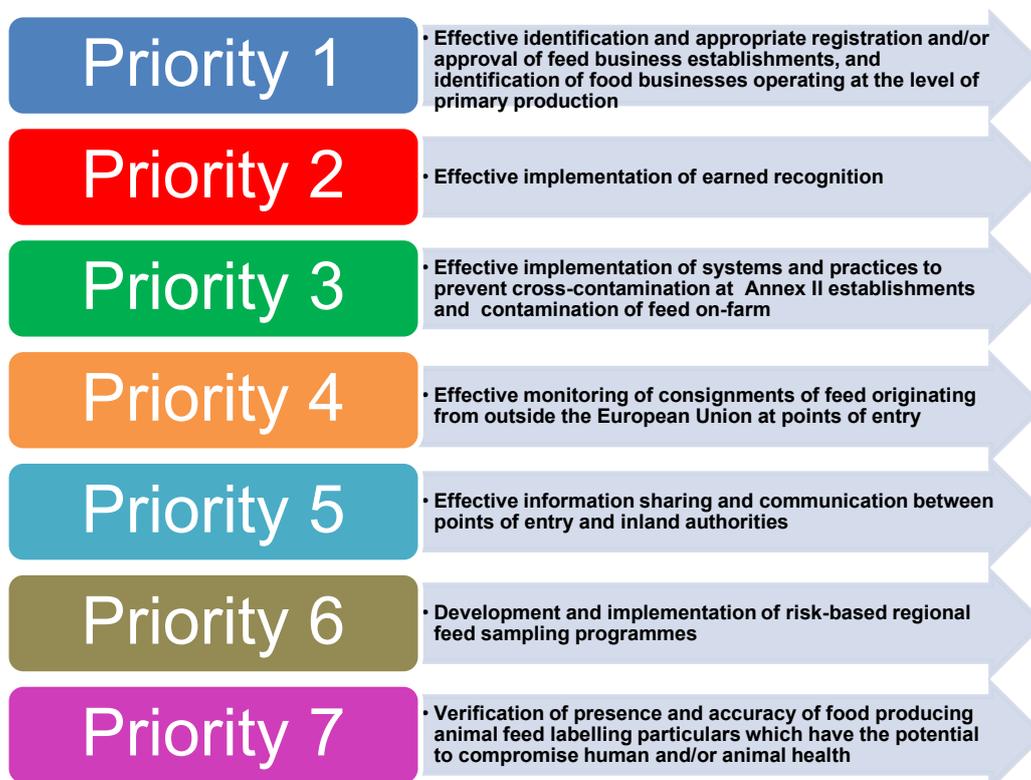
¹ <http://www.food.gov.uk/>

Incorporating the NEPs into a programme of official controls helps:



The NEPs for 2017/18

Note: The priorities are not listed in any particular order.



²[Feed Law Code of Practice](#)
³[Feed Law Practice Guidance](#)
⁴[Framework Agreement](#)
⁵[Food is Safe](#)

Priority 1: Effective identification and appropriate registration and/or approval of feed business establishments, and identification of food businesses operating at the level of primary production

Feed business establishments

- 1.1 LAs are responsible for maintaining a register of feed business establishments that have been registered and/or approved with them under [Regulation \(EC\) No 183/2005 on feed hygiene](#). They are also responsible for official food controls at the level of primary production on-farm.
- 1.2 It is important that FeBOs are registered and/or approved for the correct [activity](#) as this may affect the risk rating of the business and hence the required visit frequency. Correct approval and/or registration of FeBOs enables LAs to service plan effectively, allocating resources to the highest risk activities, resulting in an accurate national list of [approved](#) and registered feed establishments. It also helps ensure that businesses can be effectively advised on their obligations under Regulation (EC) No 183/2005, which may vary depending on the type of activity taking place.
- 1.3 Responsible exchange of data between LAs, Veterinary Medicines Directorate ([VMD](#)) and the APHA about new FeBOs and changes to registered and/or approved businesses supports an intelligence led, risk-based approach to enforcement, prevents duplication of work and aids effective use of resources.
- 1.4 LAs are therefore expected to give priority to:
 - a) The identification and appropriate registration and/or approval of feed business establishments in their area in consideration of the [FSA](#) and the Association of Chief Trading Standards Officers (ACTSO) [guidance](#)⁶ on registration, amendment and revocation of FeBOs registrations' under Regulation (EC) No 183/2005;
 - b) The implementation of the feed hygiene [memorandum of understanding](#) between the VMD⁷ and the APHA in England and Wales; and
 - c) Ensuring that LA databases accurately reflect 'all' activities undertaken by FeBOs and that the potential risk score ([Feed Law Code of Practice Risk Rating Scheme](#)) or hazard score ([ACTSO National Trading Standards Risk Assessment Scheme](#))⁸ are consistent with the type of activity being undertaken.

Food businesses operating at the level of primary production

- 1.5 One of the recommendations of a European Commission [audit](#) of the UK which evaluated the system of official controls relating to microbial safety of primary products of non-animal origin (FNAO) was that controls must adequately take into account identified risks to food safety, in light of [EFSA opinions](#) on the microbiological hazards presented in ready to eat foods.

⁶ Access will be required to the [Knowledge Hub](#) National Agriculture Community forum to view ACTSO guidance referred to throughout the NEPs. LA feed officers are expected to engage with the [Knowledge Hub](#) - National Agriculture Community.

⁷ <http://www.vmd.defra.gov.uk/register/approved-premises.aspx>

⁸ [ACTSO Animal Feed FeBO Risk Rating Scores Version 18.03.15](#)

- 1.6 The identification of primary production food businesses will assist in the future delivery of a more targeted, prioritised food hygiene inspection programme to achieve greater efficiencies and public health protection while limiting inspection burdens on businesses. A pilot inspection programme for volunteer LAs is planned for 2017/2018.
- 1.7 LAs are expected to give priority to:
- a) The identification and correct classification of activity of 'all' food business establishments operating at the level of primary production in their area in consideration of [FSA guidance](#)⁹; and
 - b) Ensuring that LA databases accurately reflect the activity undertaken by FBOs.

Priority 2: Effective implementation of earned recognition

- 2.1 Earned recognition is at the heart of the FSA approach to rewarding responsible businesses and encouraging industry to promote the positive role of regulatory standards. The FSA recognises the standards and audits put in place by approved assurance schemes, along with the need to focus resources on the highest risks.
- 2.2 The [Feed Law Code of Practice](#) and [Feed Law Practice Guidance](#) contains the concept of 'earned recognition' and describes two types, these are:
- **Type 1:** A business which is a member of a [FSA approved assurance scheme](#) and demonstrates satisfactory or broad compliance; and
 - **Type 2:** A business which is not a member of a FSA approved assurance scheme but demonstrates broad compliance.
- 2.4 LAs are expected to implement earned recognition in consideration of the following guidance:
- a) [FSA guidance](#)⁹ on the application of earned recognition and its removal;
 - b) NAP [Red Tractor Assurance Scheme](#) (RTA) and [Agricultural Industries Confederation](#) (AIC) information sheets and [RTA](#) and [AIC](#) industry checker guides, outlining how information to determine membership is made available to LAs;
 - c) ACTSO guidance on the [application of compliance scores](#) for the purposes of risk rating.
 - d) ACTSO [guidance](#) on how alternative enforcement strategies should be applied at those FeBOs that have achieved Type 2 earned recognition which is further supported by '[A good practice guide for AES](#)', produced by the Southwest Regional Trading Standards Partnership (SWERCOTS) and developed with the NAP; and
 - e) ACTSO [guidance](#) on compliance trends feedback and FSA approved feed assurance schemes.

⁹ FSA Guidance will be made available to LAs by 1st April 2017

Priority 3: Assessment of the effectiveness of systems and practices to prevent cross-contamination at Annex II establishments and contamination of feed on-farm

- 3.1 Contamination of feed often occurs through carry-over, inappropriate storage, mixing or preparation of animal rations, inadequate cleaning of equipment or ineffective implementation of HACCP by the FeBO.
- 3.2 LAs are expected to:
- a) Ensure that FeBOs understand legal requirements, are implementing and maintaining their feed safety management systems in accordance with HACCP principles, having regard to the nature, size and scale of business and in consideration of the following guidance:
- Community [guides](#) to good practice were developed in accordance with Article 22 of [Regulation \(EC\) No 1831/2003](#) laying down requirements for feed hygiene;
 - [Codex Alimentarius Standards](#) relevant to feed;
 - [PAS 222:2011](#) Prerequisite programmes for food safety in the manufacture of food and feed for animals;
 - FSA guidance on [mixing additives and premixtures directly in feeds and mixing compound feed with additives](#) and [HACCP-related requirements of the Feed Hygiene Regulation](#) for farmers;
 - FSA [guidance](#) on the requirements for food and drink businesses that supply material for animal feed use;
 - Defra [Code of Practice](#) for the control of *salmonella* during the production, storage and transport of compound feeds, premixtures, feed materials and feed additives;
 - European Feed Manufacturers (EMFC) [guide](#) published by the European Feed Manufacturers' Federation (FEFAC) on good practices for the industrial manufacturing of compound feed and premixtures for food producing animals;
 - EU community [guide](#) to good practice for feed additive and premixture operators;
 - EU [guide](#) to good practice for the industrial manufacture of safe feed materials;
 - EU [guide](#) to good hygiene practices for the collection, storage, trading and transport of cereals, oilseeds, protein crops, other plant products and products derived thereof; and
 - AIC [guidance](#) on the application of HACCP principles - a practical guide for the agri-food supply chain.
- b) Give priority to ensuring appropriate systems are in place to minimise cross-contamination between batches of feed (particularly in respect of those containing coccidiostats, veterinary medicines or [additives](#) with maximum permitted levels for particular target species), in accordance with the FSA sampling [protocol](#) and [guidance](#);
- c) Pay particular attention to the systems and practices farmers have in place to prevent contamination of feed in consideration of the following guidance:
- Food Standards Scotland [guide](#) on primary production food and feed hygiene inspections;

- Advisory Committee on Animal Feedingstuffs (ACAF) review of on-farm feeding practices - updated [recommendations](#) on identifying hazards and minimising risks;
- RTA industry [Code of Practice](#) for on-farm feeding, which applies to farmers and covers all aspects of on-farm feeding, including on-farm mixing; and
- [Guide](#) for the feed industry – implementing the Codex Alimentarius [Code of Practice on good animal feeding](#).

Priority 4: Effective monitoring of consignments of feed originating from outside the European Union at points of entry

- 4.1 Imported feed makes up 40% of feed used in the UK annually. To support a consistent and risk-based approach to monitoring 3rd country imports LAs are expected:
- a) To prioritise monitoring in consideration of the ACTSO [guidance](#) on consistency and prioritisation of the delivery of official feed controls at points of entry;
 - b) To monitor consignments of animal feed to ensure:
 - Products, in [Annex I of Regulation \(EC\) No 669/2009](#), on the list of high-risk products of non-animal origin, enter the UK having first passed through an appropriate designated point of entry (DPE), in consideration of FSA [guidance](#);
 - Products, in [Annex I of Regulation \(EU\) No 884/2014](#), subject to safeguard controls due to aflatoxin contamination, enter the UK having first passed through an appropriate designated point of import (DPI), in consideration of EU [guidance](#); and
 - c) Where they are responsible for a small point of entry to consider liaising with the LA responsible for the nearest large point of entry for feed, or other appropriate point of contact, to use their expertise and co-operation to assist in implementing a proportionate system of official controls having regard to FSA guidance on:
 - Import controls at [smaller sea port and airports](#);
 - Imported feed checks undertaken by [inland authorities](#).

A list of [DPEs](#), [DPIs](#) and '[safeguard measures](#)' applicable to imports of animal feed can be found on the FSA website.

Priority 5: Effective information sharing and communication between points of entry and inland authorities

- 5.1 Exchange of intelligence and findings between points of entry and inland LAs on sampling results and FeBOs importing feed is a key element to a robust system of official controls. LAs responsible for points of entry are expected to liaise with inland authorities in accordance with ACTSO [guidance on inland referrals](#). This will allow checks to be carried out by inland authorities to ensure establishments:

- a) Are on the LA feed establishment register;
- b) Are included in their inspection programme to enable follow-up action to be taken as appropriate; and
- c) Have a [3rd country representative](#) within the EU, as appropriate.

If requested LAs are expected to acknowledge and respond to the originating authority, in respect of inland referrals, to confirm the action taken.

- 5.2 FSA [guidance](#) details the role of 3rd country representatives, including which feed products trigger the requirement for representation.

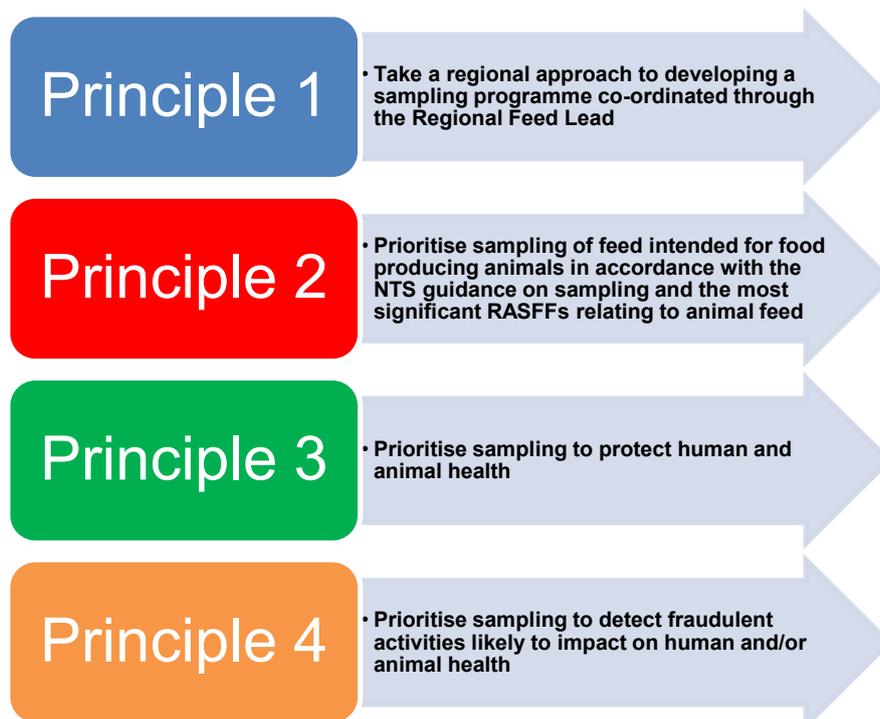
Priority 6: Development and implementation of risk-based regional feed sampling programmes

Targeted use of available funds in England and Wales for sampling

- 6.1 The FSA believes that sampling and analysis forms an important part of UK official feed controls. The main objectives of feed sampling are to:

- a) Protect animal and human health;
- b) Promote fair trade and deter bad practices;
- c) Detect fraudulent activities; and
- d) Provide advice and support to businesses.

- 6.2 To ensure that available funds for the analysis of feed are used effectively, LAs are expected to embrace the following four principles.



LAs should also consider ACTSO [guidance](#) on how to plan and take samples, the most significant [RASFFs](#) relating to animal feed and have regard to the restrictions in paragraph 6.3.

- 6.3 To ensure that available funds for the analysis of feed are used effectively, LAs should ensure that:
- a) All sampling takes account of previous results of analysis carried out at feed businesses;
 - b) Feed materials rather than compound feed are prioritised for testing for the presence of [undesirable substances](#), unless there is good reason to believe systems in place to prevent contamination during the production of the feed are not effective;
 - c) Products which appear in Annex 1 of Regulation (EC) No 669/2009 on high-risk feed should already have undergone increased levels of official controls at points of entry and therefore should not require further prioritisation as part of a regional inland sampling programme;
 - d) Unless sampling is to validate the safety of a product, a misleading claim as part of NEP 7 or to detect fraudulent activity, testing to ascertain levels of nutrients and analytical constituents are not priorities during 2017/18; and
 - e) Resources for sampling of feed are concentrated at establishments other than primary producers.

IMPORTANT NOTE: Should a LA or Region on the basis of intelligence, with a view to validation of a potential threat to feed safety, human and/or animal health and welfare and/or significant economic impact, determine the need to carry out sampling contrary to 6.3 (a) to (e) then they should do so.

Sampling Priorities at Points of Entry

- 6.4 Sampling imported feed is a key mechanism to ensure the safety and quality of feed and food entering the UK from countries outside of the EU. All LAs with responsibility for points of entry should include provision in their regional programmes to sample products at points of entry on a risk basis. In addition, LAs should give priority to the sampling and analysis of products, particularly additives and feed materials originating from outside the EU to assess compliance with feed safety requirements.
- 6.5 LAs should have regard to the ACTSO [guidance](#) on consistency and prioritisation of the delivery of official feed controls at points of entry in respect of prioritising sampling at points of entry. Priority should be given to sampling consignments which have not been sampled recently or have not been seen before at the point of entry or where there is reason to believe they might fail to comply with EU requirements.
- 6.6 These sampling priorities are in addition and separate to any sampling which might be required as part of specific '[safeguard measures](#)' on animal feed.

Priority 7: Verification of presence and accuracy of food producing animal feed labelling particulars, which have the potential to compromise human and/or animal health

- 7.1 Information on feed labels is essential to enable FeBOs throughout the feed chain to make appropriate/best use of material they use either to manufacture feed or use as feed. The presence and accuracy of labelling information is critical in ensuring feed is provided to the correct species, age of animal and in quantities which does not affect the health of the animal, have adverse implications for human health or traceability. The presence of batch codes aids prompt recall and withdrawal of affected products in the event of a feed safety incident.
- 7.2 LAs are expected to concentrate on labelling of feed for food producing animals and prioritise the following aspects of labelling compliance in consideration of the EU Codes of Practice on the labelling of [food producing animal feed](#) and [feed additives and premixtures](#) and [FSA guidance](#):
- The verification of accuracy of claims as set out in Article 13 of [Regulation \(EC\) No 767/2009 on the placing on the market and use of feed](#);
 - Ensuring labelling and presentation of feed does not mislead the user such that it could be fed to the wrong target species; or category of animal for which it is intended;
 - Identification of FeBOs offering feed for sale by means of distance communication, ensuring they are appropriately registered/approved and providing mandatory labelling particulars as required by Article 11(3) of Regulation (EC) No 767/2009;
 - Ensuring information supporting traceability, in the event of a feed safety incident, is present and accurate; and
 - Verification that additives present in feed are [authorised](#)¹⁰ in line with [Regulation \(EC\) No 1831/2003 on additives for use in animal nutrition](#). Any irregularities identified with the labelling of feed containing specified additives i.e. coccidiostats, histomonostats and non-antibiotic growth promoters should be referred to VMD.

8 Other Useful Resources

- 8.1 A range of [guidance](#) has been published by NAP and the NAFPP through ACTSO to support the delivery of feed hygiene controls by LAs under the NTS Feed Delivery Programme in England. This guidance is equally applicable in Wales, Scotland and Northern Ireland.
- 8.2 The FSA funds a programme of feed law [training](#) for LA officers with the aim of providing quality update training for enforcement officers which supports implementation of the NEPs and CPD requirements set out in the Code. There are also two interactive e-learning courses for feed that have been developed by SWERCOTS with funding from the FSA; '[Feed Hygiene for Primary Production](#)' and '[Feed Controls at Point of Entry](#)'.
- 8.3 [Guidance](#) for LAs and industry on [reporting](#) food and/or feed safety incidents is available on the [FSA website](#). The FSA also has a designated NEPs [webpage](#) providing further guidance to support the implementation of the NEPs by LAs.

¹⁰ http://ec.europa.eu/food/safety/animal-feed/feed-additives/authorisation-types-withdrawal_en