

DRAFT

Feed Law

Code of Practice (England)

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Chapter 1 – Introduction

The Code of Practice (the Code), which relates to England only:

- is issued under regulation 6(1) of the [Official Feed and Food Controls \(England\) Regulations 2009](#); and
- is directed at Local Authorities (Competent Authorities) responsible for the delivery of official feed controls specified in [The Animal Feed \(Hygiene, Sampling etc. and Enforcement\) \(England\) Regulations 2015](#), known in this Code as the Hygiene Regulations, and where relevant to feed law¹ including:
 - [The Animal By-Products \(Enforcement\) \(England\) Regulations 2013](#) (ABP Regulations);
 - [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015](#);
 - [The Food Safety and Hygiene \(England\) Regulations 2013](#);
 - [The Genetically Modified Organisms \(Traceability and Labelling\) \(England\) Regulations 2004](#);
 - [The Organic Products Regulations 2009](#);
 - [The Pesticides \(Maximum Residue Levels\) \(England and Wales\) Regulations 2008](#);
 - [The Trade in Animal and Related Products Regulations 2011](#); and
 - [The Transmissible Spongiform Encephalopathies \(England\) Regulations 2010](#) (TSE Regulations).

The Code:

- explains how the requirements of [Regulation \(EC\) No 882/2004](#)² apply to Competent Authorities to ensure consistent effective, risk-based and intelligence led official controls at all stages of production, distribution, use, storage, transport, import and export of feed; and
- the approach to be taken in co-ordinating delivery of official controls with other government agencies, including the Veterinary Medicines Directorate (VMD) and the Animal Plant and Health Agency (APHA).

The outcomes of which contribute to:

- safeguarding public and animal health, food and feed safety;
- maintaining a level playing field for honest and diligent feed business operators (FeBOs), which is in the interests of industry as a whole; and
- reducing unnecessary burdens on business by focusing feed control activities on the Food Standards Agency's (FSA's) National Enforcement Priorities (NEPs) for animal feed and food hygiene at the level of Primary Producers of Feed.

References to Chapters, Sections and Annexes are to the relevant parts of this Code unless stated otherwise or the Feed Law Practice Guidance (Practice Guidance). References to legislation must be considered a reference to that legislation in its current form (unless otherwise indicated).

The FSA, the Central Competent Authority can, after consulting with the Secretary of State, give a Competent Authority a direction requiring them to take any specified steps in order to comply with this Code.

¹ Article 2 of Regulation (EC) No 882/2004

² Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules

Chapter 2 – Administration, Liaison, Co-ordination and Communication

2.1. Introduction

Chapter 2 deals with:

- the administrative arrangements, including designation of Competent authorities and delegation of official controls, registration and approval of feed business establishments (FeBEs);
- the effective and efficient co-ordination of official controls between Competent Authorities, Control Bodies, other government departments responsible for feed controls;
- avoidance of conflicts of interests; and
- liaison and monitoring requirements in order to ensure risk-based, proportionate, consistent and effective official controls are being undertaken by Competent Authorities.

2.2 General Requirements

Competent Authorities must:

- have regard to this Code and Practice Guidance when discharging their duties;
- have regard to any appropriate guidance issued by the European Union (EU);
- apply equally the requirements of this Code to temporary employees, contractor staff engaged in official feed controls and those employed by a Competent Authority;
- if they consider that public and animal health, food or feed safety, is likely to be compromised by complying with this Code, discuss the matter with the FSA at the earliest opportunity and before any decision is taken; and
- have regard to the Framework Agreement on Official Feed and Food Controls by local authorities (the Framework Agreement) which reflects the requirements of this Code and is consistent with the principles of the Regulators' Code.

2.3 Designation of Competent Authorities for feed³

The FSA in England has designated local authorities and the London Port Authority as Competent Authorities to deliver official controls for feed on those matters which are not the remit of the VMD or the APHA.

The Department of Food and Rural Affairs (Defra) has designated:

- VMD as the Competent Authority responsible for enforcement of feed legislation relating to feeds which contain veterinary medicines or specified feed additives; and
- APHA as the Competent Authority regulating the use of specified risk materials in animal feed which includes the ban on feeding animal proteins to ruminants and processed animal proteins to farmed animals, as implemented by the Regulations. APHA is also responsible for enforcing the ABP Regulations, together with local authorities.

2.4 Delegation of Official Controls to a Control Body

A Competent Authority may only delegate specific tasks to a Control Body if the requirements of Article 5 of Regulation (EC) No 882/2004 are met in full. As defined in Article 2(5) of Regulation (EC) No 882/2004,

³ Article 4.1 of Regulation (EC) No 882/2004

Articles 5.1 and 54 of Regulation (EC) No 882/2004 delegation cannot include action where non-compliance is identified which must remain the responsibility of the Competent Authority.

Where a Competent Authority has delegated official control tasks to a Control Body it must:

- obtain proof that the Control Body is impartial and free from any conflict of interest regarding the tasks delegated to it;
- carry out audits⁴, as necessary, and if these audits show agreed tasks are not carried out effectively and efficiently; or remedial action is not taken in a timely manner then, if appropriate, withdraw delegation; and
- notify the FSA, as soon as practicable, of any decision, to delegate specific tasks and provide by email at feeddelivery@foodstandards.gsi.gov.uk the FSA with details of:
 - the Control Body;
 - the specific tasks delegated to it; and
 - any subsequent withdrawal or change in the tasks delegated.

2.5 Local, Regional and National Liaison⁵

Competent Authorities must be represented at an appropriate level of experience, normally by the relevant Lead Feed Officer(s), at relevant liaison groups to help maintain effective and efficient delivery of controls, co-operation and consistency of enforcement.

Competent Authority Liaison groups must, as appropriate, relevant and as the need arises:

- request representation from a Competent Authority's Agricultural Analyst and other control bodies;
- request representation from the VMD and APHA to share intelligence and avoid duplication of enforcement;
- discuss legal interpretation and consistency; and
- consider attendance by other agencies, experts and/or specialists.

2.6 Primary Authority⁶

The FSA endorses the Primary Authority scheme to deliver consistency between Competent Authorities and avoid unnecessary duplication of regulatory effort.

Competent Authorities must:

- have regard to the Primary Authority scheme in their delivery and planning of official controls;
- where they have concerns about the compliance of a business that has a Primary Authority partnership, notify and discuss the issue with the Primary Authority at an early stage if enforcement is envisaged;
- ensure where a feed business has a Primary Authority, notification of any proposed enforcement action is made to the Primary Authority before action is taken against the business⁷, except where immediate action is required in order to prevent harm, or other specified circumstances, the

⁴ Article 5.2 (e) and 5.3 of Regulation (EC) No 882/2004

⁵ Chapter 2, Paragraphs 18.1 and 18.2 of the Framework Agreement

⁶ Chapter 2, Paragraph 9 of the Framework Agreement

⁷ Regulatory Enforcement and Sanctions Act 2008 (as amended) section 25C

requirement to notify proposed enforcement action does not apply, and the enforcement action must be notified retrospectively; and

- ensure where a Primary Authority inspection plan or national inspection strategy is in place for a feed business, inspections are carried out in accordance with the plan or strategy, unless the Primary Authority has consented (in advance) to an alternative method of inspection.

Where actions of a business are potentially subject to enforcement action by a Competent Authority, the Primary Authority will advise on whether relevant assured advice has been given and whether the proposed action is consistent with that advice. Where the proposed action would be inconsistent with advice that has been given, the Primary Authority will advise against the action being taken.

A Primary Authority may make visits in another Competent Authority area at the request of the business. These visits may be carried out as part of an information gathering exercise without the use of any powers. Should the Primary Authority carry out a visit using powers to obtain evidence of contraventions, the relevant Competent Authority must be notified in advance where possible, or as soon as practicable.

2.7 Avoidance of conflicts of interest⁸

Competent Authorities must ensure:

- their officers are aware of the potential conflicts of interest that can sometimes arise in an enforcement situation through the promotion of the Competent Authority's services;
- authorised officers do not provide their own private services, to businesses, in their own time, within the area of the Competent Authority that employs them;
- that potential or actual conflicts of interest do not arise as a result of Primary Authority responsibilities and contracting-out services for enforcement purposes;
- their officers avoid the exclusive promotion of the Competent Authority's services, if other providers of those services exist in the area, or the services are offered by an organisation from outside the area; and
- where services such as advice or training are provided, there must be a clear and transparent separation between the provision of those services and the Competent Authority's regulatory function.

2.8 Appointment of an Agriculture Analyst⁹

Competent Authorities must:

- appoint one or more Agriculture Analysts who meet the minimum qualifications set out in regulation 14 of the Hygiene Regulations; and
- ensure the appointed analysts have the capacity for testing the range of samples and analytes required by the Competent Authority, or have in place arrangements to have such testing carried out under their supervision as permitted by regulation 15 of the Hygiene Regulations.

⁸ Articles 4.2 (b) and 4.4 Regulation (EC) No 882/2004

⁹ Article 4.2 (c) of Regulation (EC) No 882/2004 and Chapter 2, Paragraph 12.8 of the Framework Agreement

2.9 Facilities and Equipment

2.9.1 Information Technology and Record Management Systems

Competent Authorities must:

- set-up and maintain an appropriately configured database or other record management system which is accurate, reliable and capable of:
 - implementing the animal feed law risk-rating system at Annex 1;
 - implementing earned recognition;
 - recording the full range of interventions, including official control activities, enforcement actions and controls at points of entry¹⁰;
 - recording and retrieving the details of approved or conditionally approved and registered FeBEs¹¹, for all activities undertaken; and
 - providing any information reasonably requested by the FSA¹²
- maintain a computer system capable of receiving feed alerts;¹³
- set-up, maintain and implement appropriate back-up systems for:
 - any electronic databases and systems; and
 - documented procedure(s)
- ensure that reasonable security measures are in place to prevent access and amendment by unauthorised persons of such systems¹⁴.

2.9.2 Equipment

Competent Authorities must:

- have appropriate equipment to undertake the full range of feed controls in their area, including sampling, and which is properly maintained and calibrated as appropriate¹⁵; and
- provide officers undertaking official controls with appropriate personal protective equipment consistent with good industry practice.

2.10 Enforcement e-mail addresses

Competent Authorities must:

- notify the FSA by email at fsacorrespondence@foodstandards.gsi.gov.uk of:
 - their electronic mail address to which communications can be sent; and
 - of any changes to these details, as soon as practicable.

¹⁰ Chapter 2, Paragraph 16.1 of the Framework Agreement

¹¹ Article 9 and 31 of Regulation (EC) No 882/2004 and Chapter 2, Paragraph 11.1 of the Framework Agreement

¹² Chapter 2, Paragraph 6.3 of the Framework Agreement

¹³ Chapter 2, Paragraph 14.2 of the Framework Agreement

¹⁴ Chapter 2, Paragraph 6.4 of the Framework Agreement

¹⁵ Article 4.2 (d) of Regulation (EC) No 882/2004 and Chapter 2, Paragraphs 6.2 of the Framework Agreement

2.11 Registration and Approval of Feed Business Establishments

2.11.1 Registration and Approval Requirements

Competent Authorities must:

- set-up, maintain and implement a procedure(s) for FeBOs to follow when applying for the registration and/or approval of their establishments;¹⁶
- approve and register FeBEs in their area in accordance with the relevant legislation, this Code, the Practice Guidance, centrally issued guidance and the Competent Authority's own policies and procedures; and
- set-up, maintain and implement a documented procedure(s) to ensure that their registers of FeBEs is complete, accurate, reliable and up-to-date¹⁷.

2.11.2 Liaison on Registration and Approval

Competent Authorities must:

- liaise with those Competent Authorities not responsible for official feed controls but which are responsible for keeping registers of food business establishments under Article 6(2) of Regulation (EC) No 852/2004;
- pass on information they receive, at the earliest opportunity, which indicates a change in the operations and or ownership of a FeBE, and information on any withdrawal, suspension or reinstatement of an establishment's approval, to other relevant Competent Authorities and agencies, as appropriate;
- proactively promote regular liaison and exchange of information in accordance with the Memorandum of Understanding (MoU) between the National Agriculture Panel (NAP), VMD and APHA; and
- ensure requests for information on FeBEs are handled with due regard to Freedom of Information and Data Protection legislation.

2.11.3 Feed Establishment Lists

To fulfil the FSA's duty to keep national lists¹⁸ of approved and registered FeBEs Competent Authorities must by email at feeddelivery@foodstandards.gsi.gov.uk:

- supply the FSA, when requested, with a complete copy of:
 - their register of FeBEs; and
 - list of approved FeBEs;
- proactively notify the FSA, when an establishment subject to approval:
 - has been approved or conditionally approved;
 - ceases activities that are the subject of the approval or conditional approval; or
 - where an approval or conditional approval has been suspended, or revoked.

¹⁶ Articles 31(1)(a) and 31(2)(a) of Regulation (EC) No 882/2004 and Chapter 2, Paragraph 7.2 of the Framework Agreement

¹⁷ Chapter 2, Paragraph 11.2 of the Framework Agreement

¹⁸ Articles 19(1) and 19(2) of Regulation (EC) No 183/2005 laying down the requirements for feed hygiene

2.12 Retention of Records

Competent Authorities must ensure records relating to FeBEs and interventions undertaken, are retained for at least six years unless:

- required for longer retention because of litigation or a review by the Local Government Ombudsman;
- required for longer retention by the document management policy of the Competent Authority;
- following an instruction by the FSA; or
- the establishment's next intervention is due beyond the minimum 6-year retention period, in which case records must continue to be retained and include at least:
 - the information necessary for the FSA to fulfil its duty to keep national lists (section 2.11.3);
 - details on the type of feed activities undertaken by the business, including any special equipment, processes or features, where relevant; and
 - details of any significant issues, including details of any non-compliance to be reviewed at future interventions.

2.13 Monitoring of Interventions undertaken by the Competent Authority

Competent Authorities must:

- set-up, maintain and implement a documented internal monitoring procedure(s)¹⁹ to ensure that official controls and other interventions are carried out to a consistently high standard; and
- make a record of all internal monitoring and keep for at least 2 years²⁰.

The internal monitoring procedure(s) must include measures to ensure:

- the planned programme of interventions is being maintained and are being carried out competently;
- the internal monitoring system includes the steps to be taken to address any performance which does not meet expected standards;
- compliance with this Code, the Practice Guidance and other relevant FSA guidance;
- appropriate and consistent application of the animal feed law risk rating scoring system, including where changes are made to an establishments risk rating score;
- appropriate use of relevant inspection and audit forms;
- compliance with internal procedure(s) and policies, as required by this Code;
- any action taken by officers during and following an official control, including at points of entry, is appropriate and consistent with the Competent Authority's procedure(s) and policies and also with FSA, Local Government Association (LGA) or other relevant guidance; and
- that officers have access and due regard to UK or EU Guides to Good Practice, national and industry codes of practice relevant to the businesses within the area of the Competent Authority.

¹⁹ Article 8 of Regulation (EC) No 882/2004 and Chapter 2, Paragraph 19 of the Framework Agreement

²⁰ Chapter 2, Paragraph 19.3 of the Framework Agreement

Chapter 3 – Feed Incidents and Alerts

3.1 Introduction

Chapter 3 deals with:

- feed incidents and alerts that are first identified by Competent Authorities;
- how Competent Authorities are expected to respond and liaise, as appropriate, with other Competent Authorities, government departments, control bodies, FeBOs, the FSA, other relevant agencies, member states and third countries.

A “feed incident” is defined as any event where, based on the information available there are concerns about actual or suspected threats to the safety or quality of feed / or food that could require intervention to protect consumers’ interests. Quality should be considered to include feed standards, authenticity and composition of feed.

3.2 Contingency Plan²¹

Competent Authorities must:

- set-up, maintain and implement a documented procedure(s) for initiating and responding to feed safety incidents; including in an emergency²²;
- ensure the documented procedure(s) is developed in consultation with their Agricultural Analyst and relevant officers of the Competent Authority, e.g. Emergency Planning Officer; and
- ensure the documented procedure(s) is reviewed, as appropriate, particularly in the light of changes in the organisation of the Competent Authority and experience gained from simulation exercises.

The documented procedure(s) must include:

- contact details (telephone number and email address), of the Lead Feed Officer(s) for such matters to ensure they can be contacted in the case of emergency;
- how Competent Authorities are expected to respond and liaise with other Competent Authorities, government departments, control bodies, FeBOs, the FSA and other relevant agencies;
- arrangements for the reception of and response to Alerts, both within and outside normal office hours and provide adequate equipment, including access out of hours, to allow an effective response to be made; and
- details on how appropriate agencies are called together at short notice, to implement urgent control measures whenever they are required and to identify a lead authority if necessary.

3.3 Managing Feed Incidents and Alerts²³

Competent Authorities must:

- establish arrangements to ensure that feed alerts and updates are brought to the attention of an officer with authority to initiate appropriate action without undue delay;
- establish arrangements to provide adequate staff resources to allow effective response to alerts;

²¹ Article 4.2 (f) Regulation (EC) No 882/2004

²² Chapter 2 Paragraph 14.1 of the Framework Agreement

²³ Article 13.2 (c) Regulation (EC) No 882/2004

- where a Competent Authority becomes aware of a feed hazard it must appropriately categorise the feed hazard(s) as a localised, serious localised or non-localised feed hazard²⁴;
- notify the FSA Incidents Team²⁵, and other relevant agencies, by the quickest available means²⁶ of withdrawal or recall of feed by a FeBO in accordance with Article 20 of Regulation (EC) No 178/2002 (due to non-compliance with a feed safety requirement (Article 15 of Regulation (EC) No 178/2002); and
- seek the advice of the FSA Incidents Team if it is in doubt as to whether a feed incident amounts to a feed hazard carrying out an assessment to determine:
 - the likely scale, extent and severity of the risk to public or animal health; or
 - safety of the hazard, involving other agencies as appropriate.

The assessment should include the following:

- the nature of the hazard;
- the toxicity of the contaminant, the allergenicity of an undeclared ingredient/constituent, or the virulence and pathogenicity of the organism;
- the type of injury which might be caused by a physical contaminant;
- the population likely to be affected and its vulnerability;
- the likely quantity and distribution of the feed in the food chain up to the point of consumption;
- the ability and willingness of the producer or distributor to implement an effective withdrawal of the product;
- the ability to identify accurately the affected batch(es) or lot(s);
- the accuracy and extent of records held by the producer or distributor;
- the likely effectiveness of any trade withdrawal at all stages of the feed and food chain;
- the stage(s) at which the fault is likely to have occurred (for example in processing, packaging, handling, storage or distribution) and its likely significance to the problem;
- whether other products produced in the same FeBE may have been affected;
- whether the feed has been imported;
- whether any of the feed has been exported;
- whether there are wider implications for others in the same industry or for FeBEs using similar processes in other feed industries; the possibility that the complaint or problem has been caused by a malicious act; and
- whether the root cause of the incident is known and corrective action taken to avoid re-occurrence.

Competent Authorities must:

- take action to safeguard public or animal health, food or feed safety at the earliest opportunity by considering the use of other powers under relevant feed law and circumstances involved, as appropriate; and consider, in the event of a localised feed hazard, issuing a local press statement to alert the public to the hazard. In doing so the following must occur:
 - the relevant FeBOs must be consulted before the identity of a business or branded feed is discussed with, or released to, the media;
 - such media releases must be sent to the FSA Incidents Team without delay; and
 - the Competent Authority must notify the FSA Incidents Team immediately if the FeBO raises

²⁴ See glossary for definitions of localised, serious localised or non-localised feed hazard

²⁵ foodincidents@foodstandards.gsi.gov.uk or tel: 020 7276 8448

²⁶ Chapter 2 Paragraph 14.5 of the Framework Agreement

objections to the release of such information.

Localised feed hazards should be dealt with locally by the Competent Authority, in conjunction with other relevant agencies and need not be reported to the FSA Incidents Team. However if the Competent Authority is in any doubt as to whether a feed incident amounts to a feed hazard they should contact the FSA Incidents Team and seek advice.

3.4 Deliberate Contamination due to Malicious Tampering

Feed may be contaminated deliberately. If such an incident occurs Competent Authorities should follow the arrangements in this chapter, except where the deliberate contamination is thought to be due to malicious tampering. For the purpose of this Code “malicious tampering” means the deliberate contamination of feed or food by terrorist activity, or with a view to blackmail or extortion.

Arrangements for dealing with malicious tampering incidents have been established between the FSA, Food Standards Scotland (FSS) and the police forces throughout the UK and, if necessary, the National Crime Agency will be involved in the investigation.

When ‘malicious tampering’ is suspected, Competent Authorities must:

- contact the FSA Incidents Team at the earliest opportunity;
- hand over responsibility for dealing with such incidents to the police, if requested by the FSA to do so;
- co-operate fully with police investigations;
- respect police requests for confidentiality, whenever possible; and
- if the occasion arises when the need to alert consumers to the existence of a feed hazard outweighs the need to maintain confidentiality, notify the FSA Incidents Team before undertaking such action.

3.5 Access to Information

In the event of an incident or investigation Competent Authorities must:

- provide details of relevant FeBE records if requested by VMD or APHA, the FSA or other similar enforcement or surveillance bodies to facilitate the investigation of a feed hazard or other food and/or feed-related emergency or criminal investigation; and
- ensure such requests are handled with due regard to Freedom of Information and Data Protection legislation.

3.6 Action by Competent Authorities on Receiving Feed Alerts

Competent Authorities must ensure:

- that any action specified by the FSA in a feed alert is undertaken promptly and in accordance with any risk assessment carried out by the FSA;
- if they propose to take alternative actions, they agree these with the FSA before implementing them;
- where a Competent Authority anticipates difficulties in complying with a request for action given in an alert, they must contact the FSA Incident Team immediately; and

- document its response to and the outcome of each feed alert²⁷.

3.7 Media relations - Feed Alerts

Competent Authorities wishing to enhance local publicity can, where permitted by the FSA, use a press release/media statement issued by the FSA as a basis for a local press release. In such cases, the Competent Authority must ensure that the local statement is accurate, relevant and consistent with the FSA statement.

If Competent Authorities wish to display Feed Alerts on their websites they must ensure:

- that any material from FSA Feed Alerts or press/media releases is edited so as to specify what local action has been taken in response to the Alert; and
- the website includes local contact information.

3.8 Liaison with other Member States and Third Countries

3.8.1 Notification of trans-border matters

The FSA is the designated liaison body for the purposes of Article 35 of Regulation (EC) No 882/2004 and, as such, is responsible for assisting and co-ordinating communication between Competent Authorities and the transmission and reception of requests for administrative assistance²⁸, in order to ensure that cross-border instances of food and feed law non-compliance(s) are effectively pursued.

The European Commission has the obligation to coordinate the action undertaken by Member States where instances of non-compliance are widespread or recurrent, or where Member States fail to agree on how to address non-compliance. The Administrative Assistance and Cooperation system (AAC) is an IT system which was created to enable the competent authorities designated in each Member State and the European Economic Area (EEA) to fulfil this obligation. The system works in a similar way to RASFF but is for non-safety related non-compliance.

Trans-border matters that may have policy implications, relating to outbreaks of food-borne illness and/or are connected with feed hazards are dealt with by the FSA.

Competent Authorities must notify the FSA's Incidents Team of all such matters, at the earliest opportunity.

3.8.2 Enquiries to other Member States

Competent Authorities must:

- direct enquiries about feed law enforcement issues in other Member States to the appropriate liaison body or authority in the Member State concerned via the FSA. The FSA can identify the liaison body or authority in the relevant Member State; and
- for non-compliance related issues notify the FSA's Incidents Team For food and/or feed fraud related issues notify the FSA's National Food Crime Unit (NFCU)²⁹.

²⁷ Chapter 2 Paragraph 14.1 of the Framework Agreement

²⁸ Detailed provisions on administrative assistance and co-operation with other Member States are set out in Articles 34 to 40 of Regulation (EC) No 882/2004

²⁹ foodcrime@foodstandards.gsi.gov.uk or tel. 0207 276 8787

3.8.3 Enquiries from other Member States

Competent Authorities must comply with any reasonable request for information or administrative assistance from another Competent Authority, or feed Control Body in another Member State (or the FSA). In doing so they must take the following action:

- acknowledge receipt of the request and advise the originating party that it is being dealt with;
- investigate, if necessary;
- take appropriate enforcement action, if necessary;
- inform the originating party of the results of any enquiries, inspections, or other enforcement action, either directly or through the FSA;
- ensure that responses to requests are open, helpful and provided without undue delay;
- keep the originating party updated on progress when action is ongoing and the outcome will not be known for some time; and
- refer any request for information regarding a matter which, after investigation, liaison or enquiry, appears to be of a serious nature to the FSA Incidents team.

3.8.4 Enquiries from Third Countries

Enquiries on feed law enforcement issues from Third countries should be directed through the European Commission and/or the Imports and Exports team at FSA. Any communication should be sent via their dedicated mailboxes. For imports by email at imported.food@foodstandards.gsi.gov.uk and for exports by email at thirdcountryexports@foodstandards.gsi.gov.uk.

3.8.5 Disclosure of Information to Member States

Competent Authorities must ensure that any release of information is compatible with national legislation including that relating to Freedom of Information and Data Protection legislation.

3.9 Notification of feed hazards or incidents regarding imported feed

RASFF is a network managed by the European Commission to facilitate communications between members of the network in responding rapidly to serious direct or indirect risks to human health relating to food and feed. Members consist of clearly identified contact points in the Commission, EFSA, EFTA surveillance authority (Norway, Liechtenstein, Iceland and Switzerland) and the 28 EU Member States (MS). The legal basis for the network is laid down in Regulation (EC) No 178/2002 and Regulation (EU) No 16/2011. The FSA is the national contact point (NCP) for the RASFF in the UK and undertakes all the specified responsibilities, including out of office hours. For RASFF alert notifications, where there is a risk identified that requires rapid actions in another member country, members of the network shall send alert notifications to the European Commission contact point without undue delay and in any event within 48 hours from the moment the risk was reported to them.

Competent Authorities with Port Health Authorities (PHA) and/or Designated Points of Entry must:

- send details of any imports rejected, at the point of entry, where there is a serious direct or indirect risk to public or animal health, food or feed safety, to the FSA Incident Team using the RASFF; and
- must also notify local customs of the rejection decision and the final destination of the consignment if it is to be re-exported, as soon as practicable.

All inland Competent Authorities must:

- send details of any imports rejected to the FSA Incidents Team using the FSA's Incident Report Form.

3.10 Out of Hours contact details in case of Emergency

Competent Authorities must:

- put in place procedures to ensure that responsible officers can be contacted in the case of emergency;
- advise the FSA of emergency telephone number(s) to enable contact to be made outside the Competent Authority's normal office hours;
- ensure information on out-of-hours contacts (name(s), telephone number(s) and email address(es)) is provided in the manner and at the frequency required by the FSA; and
- proactively notify the FSA of any changes to these details as soon as practicable by email at fsacorrespondence@foodstandards.gsi.gov.uk.

3.11 The National Food Crime Unit

The FSA's NFCU:

- works with partners to protect consumers from serious criminal activity that impacts on the safety or authenticity of food, drink or animal feed; and
- maintains an intelligence database which is used to store and interrogate all of the information shared with the NFCU in relation to food and feed criminality.

Competent Authorities:

- must share with, and report to, the NFCU all of the intelligence they become aware of in relation to known or suspected cases of food and/or feed fraud, including historic cases; and
- can submit requests for database searches, to obtain potential relevant information. In addition, any reporting received by the NFCU which is relevant to a Competent Authority will be shared where appropriate to do so.

3.12 Communication with Food Standards Scotland

A new food body in Scotland, FSS was established on 1st April 2015 and a Memorandum of Understanding is in place to ensure liaison arrangements continue to deliver a co-ordinated incident handling response for feed and food across Scotland, England, Northern Ireland and Wales.

Chapter 4 – Authorisation, Qualifications and Competency of Officers

4.1 Introduction

This chapter:

- outlines the qualification and competency requirements for officers who are authorised to carry out official controls to verify compliance with feed law³⁰;
- outlines the circumstances under which an officer may be authorised to operate outside of the Competent Authority's area; and
- does not apply to those who have only indirect managerial responsibility for the Competent Authority's feed law enforcement service such as Chief Executives, Directors, or Chief Officers, or to those employed in a support role such as administrative and legal staff.

Competent Authorities must:

- appoint a sufficient number of authorised officers as part of their statutory obligations³¹; and
- ensure if it needs to engage expertise in an area listed in Chapter I of Annex II to Regulation (EC) No 882/2004 that any expert it engages has appropriate competency and experience in the area for which the expertise is required.

4.2 Authorisation of Officers

4.2.1 Lead Feed Officer

Competent Authorities must:

- appoint and authorise a suitably qualified, competent and experienced Lead Feed Officer(s), to take responsibility for operational management of feed law matters³²; and
- proactively notify the FSA by email at feeddelivery@foodstandards.gsi.gov.uk of:
 - the name and contact details (telephone number and email address) of their appointed Lead Feed Officer (s); and
 - any changes to these details as soon as practicable.

A Competent Authority's Lead Feed Officer(s) may also be an officer or officers employed by another authority or authorities.

4.2.2 Authorised Officers

Competent Authorities must:

- set-up, maintain and implement a documented authorisation procedure(s)³³ to ensure authorised officers (including the Lead Feed Officer(s)) engaged in official controls hold an appropriate qualification, are competent and experienced in accordance with sections 4.3, 4.4 and 4.5, where relevant to their level of authorisation and the range of tasks performed;

³⁰ Article 6 of Regulation (EC) No 882/2004

³¹ Article 4 2(c) of Regulation (EC) No 882/2004 and Chapter 2, Paragraph 5.3 of the Framework Agreement

³² Chapter 2, Paragraph 5.2 of the Framework Agreement

³³ Chapter 2, Paragraph 5.1 of the Framework Agreement

- ensure authorisation of officers is in writing;
- ensure officers performing duties with regard to specific feed law regulations made under the European Communities Act 1972, where appropriate, are specially authorised for each of those Regulations;
- ensure authorisations clearly indicate any restrictions placed upon an officer, where appropriate;
- not authorise new officers, or extend the duties of currently employed officers, unless they are qualified and competent in accordance with the relevant provisions of this chapter; and
- ensure the decision to determine; prior to authorisation that an officer meets the relevant qualification and/or competency requirements is made by the Lead Feed Officer(s).

The authorisation procedure(s) must cover:

- how competency will be assessed and recorded to complete the authorisation process;
- the roles and responsibilities of staff in the authorisation process;
- who is authorised to approve legal proceedings;
- the arrangements in place for ensuring officers receive training and on-going continuing professional development (CPD), appropriate to their level of authorisation;
- the process in place for reviewing CPD and training needs;
- how records of qualifications, training and on-going CPD are maintained;
- the process for authorising new appointments, newly qualified officers and those returning to feed law enforcement; and
- how the Competent Authority ensures its Lead Feed Officer(s) are authorised in compliance with section 4.2.1.

4.2.3 Operating in another Competent Authority's area

Officers may be authorised to enforce feed law requirements by more than one Competent Authority.

A Competent Authority may with the consent of another Competent Authority operate outside its area of jurisdiction if it wishes to undertake enforcement action.

In such circumstances the Competent Authority must ensure its authorised officers:

- when exercising agreed powers in another area, liaise with the relevant Competent Authority for the area they are visiting, in advance wherever possible. This applies whether or not the business being visited is a feed business. If it is not possible to give prior notice to the Competent Authority in which the business is located, for example in an emergency or out of hours, the Competent Authority must be notified as soon as practicable;
- do not give advice or recommend changes to a FeBOs systems or procedures outside their own area unless this is part of their authorisation or agreement with the Competent Authority in whose area the business is based, except when a Primary Authority relationship exists with the business; and
- as appropriate, inform the Competent Authority of the outcome of any visit, to its area.

4.3 Qualification Requirements

Competent Authorities must:

- ensure officers, involved in the assessment of compliance with feed law, hold an appropriate qualification³⁴, unless the officer only undertakes one or more of the following activities (including the use of any associated enforcement powers in respect of (a) to (c) below):
 - a) sampling for analysis of feed;
 - b) official controls, excluding sampling for analysis of feed, at FeBEs which undertake solely, one of the activities R10, R11, R13 and R14 or, a combination of these activities³⁵; or
 - c) official controls at points of entry; and
- keep records, which may be computer based, of the relevant qualifications held.

4.4 Equivalency of Qualifications

Nationals from other countries in the European Economic Area have a right under EU law to have the recognition of qualifications and experience gained outside the UK. This situation may arise if an individual seeks employment in the UK as an Agricultural Analyst or feed law enforcement officer, having acquired relevant qualifications and work experience in their home country. The equivalence of non-UK qualifications can be determined by the United Kingdom National Academic Recognition Information Centre for the purposes of Directive 2005/36/EC on the recognition of professional qualifications.

Competent Authorities must:

- accept suitable non-UK qualifications and experience in order to give effect to these EU rights; and
- make enquiries with the FSA if they have any doubts in this area before confirming an appointment.

4.5 Competency Requirements

4.5.1 Lead Feed Officer

Competent Authorities must:

- be able to demonstrate and evidence that the appointed Lead Feed Officer(s) comply with the competency requirements for Lead Feed Officers detailed in Chapter 4 of the Practice Guidance; and
- comply with the competency requirements for an authorised officer in section 4.5.2, relevant to the FeBE and/or type of official control activity they will be authorised to undertake.

4.5.2 Authorised Officers

Competent Authorities must:

- be able to demonstrate and evidence their authorised officer's meet the competency requirements, as detailed in Chapter 4 of the Practice Guidance, relevant to the FeBE and/or type of official control activity they will be authorised to undertake.

³⁴ See the Practice Guidance for a list of appropriate qualifications

³⁵ See the Practice Guidance Glossary for activity code descriptions

4.5.3 Officers undertaking activities other than Official Controls

Such officers will not be required to meet the qualification or competency requirements set out in this Code provided their work is overseen by the Lead Feed Officer(s) (or an officer who meets the relevant qualification and competency requirements in respect of the FeBE and/or type of official control activity they will be overseeing).

4.6 Training and on-going Continuing Professional Development (CPD)³⁶

Training and CPD is how authorised officers maintain, improve and broaden their knowledge and skills, and develop the personal qualities and competencies required to undertake their feed law enforcement role.

Competent Authorities must ensure:

- authorised officers remain competent by receiving a minimum of 10 hours CPD hours per year, relevant to:
 - their level of authorisation; and
 - the type and frequency with which they undertake official controls
- they review the training and CPD needs of their officers on an annual basis;
- training and development programmes are informed by and address any areas identified where an authorised officer's competence falls short of that required to perform their current role or to extend it to new areas of activity; and
- keep records, which may be computer based, of training and CPD undertaken by their authorised officers³⁷.

4.7 Newly Qualified Officers

Competent Authorities must ensure newly qualified officers are subject to a period of structured training, supervised by a Lead Feed Officer(s) or another experienced feed law enforcement officer, until they are satisfied that the officer has addressed any identified deficiencies against the competency requirements, relevant to the officer's authorisation.

4.8 Officers Returning to Feed Law Enforcement

Competent Authorities must ensure officers returning to feed law enforcement after an absence of more than three years:

- are subject to a period of structured training including supervised inspections/audits until the Competent Authority is satisfied that the officer has addressed any identified deficiencies against the competence requirements relevant to the officer's authorisation;
- such necessary training is supervised by a Lead Feed Officer(s) or another experienced feed law enforcement officer. The extent of the revision training will vary according to the previous experience of the officer and the period that the officer has not been undertaking feed law enforcement duties; and;
- necessary revision training addresses any deficiencies highlighted where the officer fails to meet the competences set out in the competence requirements applicable to their authorisation.

³⁶ Chapter 2, Paragraph 5.4 of the Framework Agreement

³⁷ Chapter 2, Paragraph 5.5 of the Framework Agreement

4.9 Officers moving one Competent Authority to another

Competent Authorities must ensure:

- officers have a formal induction and familiarise themselves with the Competent Authority's policies and procedures required by this Code;
- they carry out a competency assessment to determine the officer's level of authorisation; and
- verify in writing or by electronic means, from the previous employer evidence of relevant:
 - qualifications and experience;
 - training and CPD; and
 - maintain a record.

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Chapter 5 – Organisation and Delivery of Official Controls

5.1 Introduction

Chapter 5 deals with:

- Competent Authorities general obligations with regard to organisation of official controls; and
- delivery of official control activities, methods and techniques, including import controls and sampling.

5.2 Organisation of Official Controls

5.2.1 Service Delivery Plan

Competent Authorities must:

- have an up-to-date, documented service delivery plan which is implemented, covers all stages of the feed chain and sectors of the feed industry, including, manufacturers, distributors, importers and primary producers;
- have regard when drafting the Plan, to any advice on the structure and contents of such plans as issued by the FSA³⁸;
- carry out, qualitative and quantitative, performance reviews of delivery against the Plan, at least once per year, which must be documented³⁹; and
- submit the Plan for approval to either the relevant member forum or suitably delegated to senior officer level.

The Plan must:

- detail the demands placed on the Competent Authority to deliver the planned intervention programme;
- detail how its programme of interventions is to be delivered and resourced (including any shortfall) within its area;
- detail any variances in meeting service plan delivery from previous years and how this is proposed to be addressed⁴⁰;
- include details of how the quality of the Competent Authority's Service is assessed and monitored;
- detail how the Competent Authority will have regard to the NEPs in the delivery of its annual intervention programme, as appropriate;
- make reference to the Competent Authority's approach to identification of new FeBOs;
- include a statement in relation to the Competent Authority's sampling policy including the basis of the sampling programme;
- reflect the requirements detailed in paragraph six of the Regulators' Code;
- make reference to the Competent Authority's approach to enforcement as set out in Chapter 7; and
- clearly state the period of time during which the Plan has effect.

³⁸ Chapter 1 of the Framework Agreement - Service Planning Guidance

³⁹ Chapter 2, Paragraph 3.2 of the Framework Agreement

⁴⁰ Chapter 2, Paragraph 3.3 of the Framework Agreement

5.2.2 Official Control Procedure(s)

Competent Authorities must:

- set-up, maintain and implement a documented procedure(s) for the range of official controls it carries out, including at point of entry⁴¹; and
- ensure, where applicable, the procedures cover any referral arrangements to inland Competent Authorities and/or authorities with responsibility for imported feed controls at the UK point of entry⁴².

5.3 Delivery of Official Feed Controls

5.3.1 Planning of Interventions

Competent Authorities must:

- develop and deliver a consistent and effective⁴³, risk-based programme of interventions⁴⁴ in line with this Code which covers controls on manufacturers, importers, points of entry, distributors, transporters and exporters of feed, those businesses placing surplus food or co-products into the feed chain and primary producers, where applicable;
- apply official controls, to exports outside the Community with the same care as to the placing on the market within the Community;
- have regard to the Farm Regulators' Charter, where applicable, when planning their intervention programme;
- ensure they make use of information supplied to them by FeBOs in connection with the registration or application for approval of their FeBEs, in order to determine when to carry out interventions; and
- ensure their intervention programme is planned so that previously risk-rated FeBEs receive an appropriate intervention, as soon as practicable after the next intervention due date determined by the animal feed law risk-rating system at Annex 1, except in circumstances:
 - outside the control of the Competent Authority;
 - which present a conflict for resources to compete with other higher priority activities. In such instances prioritisation of official controls within the Competent Authority's annual intervention programme must be undertaken in a risk-based manner;
 - where the FSA's National Targeted Monitoring Strategy (NTMS) applies to a FeBE; or
 - on direction by the FSA (section 5.3.8).

5.3.2 Notification of Official Controls

Competent Authorities must carry out official controls, without prior warning, except in the case of audits, where prior notification is necessary and at least 48 hours' notice must be given to the occupier⁴⁵.

⁴¹ Article 8 of Regulation (EC) No 882/2004 and Chapter 2, Paragraph 7.4 of the Framework Agreement

⁴² Chapter 2, Paragraph 8.1 of the Framework Agreement

⁴³ Article 4.2 (a) Regulation (EC) No 882/2004

⁴⁴ Article 3.1 Regulation (EC) No 882/2004

⁴⁵ Regulation 30(2)(b) of the Animal Feed (Hygiene, Sampling etc. and Enforcement (England) Regulations 2015

5.3.3 Approval of Feed Business Establishments⁴⁶

For FeBEs requiring approval (A1-A11)^{*} Competent Authorities must:

- ensure these establishments receive a prior on-site visit, as soon as practicable, unless the requirements of Article 17 of Regulation (EC) No 183/2005 apply; and
- carry out a re-approval where there is a change of FeBO.

5.3.3 Initial Inspection or Audit of New or 'known' FeBEs, or change of FeBO

5.3.3.1 Introduction

This section applies to:

- a FeBE undertaking an activity requiring registration who are not members of a FSA approved assurance scheme;
- new FeBEs who come to the attention of the Competent Authority for the first time;
- FeBEs who is 'known', to the Competent Authority, but have never been inspected/audited; or
- where there is a change in FeBO.

For FeBOs who are a member of a FSA approved assurance scheme the requirements of section 6.2.2 apply and not those of this section.

5.3.3.2 Establishments undertaking activities R1-R9, R10, R11 or R12^{*}

Where any of the circumstances in section 5.3.3.1 apply to a FeBE who undertakes any of the activities R1-R9, R10, R11 or R12 the Competent Authority must:

- ensure the FeBE receives an inspection or audit, as soon as practicable, following which the risk-rating for the establishment must be determined in accordance with Annex 1; and
- have regard to the relevant requirements of sections 5.3.1 and 5.3.2.

5.3.3.3 Establishments undertaking activities R13 and R14^{*}

Where any of the circumstances in section 5.3.3.1 apply to a FeBE, who solely undertakes one of the activities R13 and R14 or, a combination of these they do not need to be inspected or audited to determine their level of current compliance. They are automatically regarded as having been inspected or audited and achieving satisfactory levels of current compliance. The type and frequency of intervention will be as determined by the NTMS.

5.3.4 National Targeted Monitoring Strategy

This section applies to FeBEs, including those who are members of a FSA approved assurance scheme, which:

⁴⁶ Article 10 Regulation (EC) No 183/2005

^{*} See the Practice Guidance Glossary for registration and approval activity code descriptions

- solely undertake one of the activities R13, R14 or, a combination of these and are achieving at least a satisfactory level of current compliance with relevant feed law; and
- are registered with the Competent Authority;
- are 'known' to the Competent Authority but have never been inspected or audited; or
- are new and have come to the attention of the Competent Authority for the first time.

The type, number and frequency of interventions to be undertaken nationally will be determined by the FSA.

The NTMS:

- is implemented through the NEPs;
- makes use of data, information, intelligence and the UK National Feed Threat Assessment to inform the NTMS approach;
- supports improvements in business compliance;
- will detail how NTMS activities are to be evaluated to determine they appropriately validate compliance, with feed law or support improvements in business compliance, when the planned activities are not official controls; and
- has regard to:
 - whether a FeBE benefits from Type 1 or Type 2 Earned Recognition;
 - the Farm Regulators' Charter; and
 - available Competent Authority resources.

If information or intelligence is received, about a FeBE which would ordinarily be part of the NTMS that indicates a change in current level of compliance, the Competent Authority must carry out an inspection or audit as soon as practicable and re-risk rate, having regard to the relevant requirements of sections 5.3.1 and 5.3.2.

5.3.5 Animal Feed Law Risk-Rating System

Competent Authorities must ensure:

- they use the animal feed law risk-rating system at Annex 1⁴⁷, unless directed otherwise by the FSA;
- interventions are carried out, regularly, on a risk basis, and with appropriate frequency as set out in Annex 1⁴⁸ or as required by the NTMS;
- the risk-rating of FeBEs is determined at the conclusion of every official control and NTMS activity (when appropriate), except when the Competent Authority updates a FeBE's risk rating when the FSA notifies them that a FSA approved assurance scheme has lost its approval (section 6.2.1 (c));
- their officers use the full range of current levels of compliance scores available, to prevent the risk-rating system being frustrated by cautious marking or by a reluctance to recognise effective management/control systems; and
- that where businesses fall into more than one scoring category for a scoring factor they must be allocated the highest score of those that are applicable.

⁴⁷ Competent Authorities may continue to base the animal feed law risk-rating assessment on the Trading Standards Risk Assessment Scheme but only while it continues to reflect the same frequencies of inspection as those stated in Figure 1 of Annex 1 of this Code

⁴⁸ Chapter 2, Paragraph 7.1 of the Framework Agreement

5.3.6 Inspections and Audits

It is at the discretion of the inspecting/auditing officer how much of the activities at a FeBE are examined during an inspection or audit. However it is also their duty to assure themselves and the FSA that the requirements of feed law are being complied with.

Competent Authorities, as relevant and appropriate to the type of establishment, must:

- base inspections and audits on the relevant model form for the activity carried out by the business concerned;
- establish the scope of the business's activities and the relevant feed law that applies to the operations taking place, including any relevant changes since the last official control;
- thoroughly and systematically gather and record information from the observation of practices, procedures and processes, including procedures based on Hazard Analysis and Critical Control Points principles, and discussion with FeBOs, feed contractors and their employees;
- record sufficient information of the officer's findings to indicate what was examined/inspected, how compliance with a feed requirement is achieved at the FeBE, and any deficiencies identified;
- make an assessment of whether to take samples, and details of samples taken;
- identify any actual or potential breaches of feed law and, if appropriate, gather and preserve evidence; and
- determine relevant enforcement action and communicate to the FeBO and Primary Authority, where there is one, any intention to carry out such action.

5.3.7 Reports following Official Controls

Competent Authorities must ensure:

- the outcome of inspections, audits and results of analysis are always reported in writing, which includes being sent by electronic means, to the FeBO either at the conclusion of the official control or as soon as practicable thereafter, even if the outcome was satisfactory⁴⁹;
- the outcome of other official controls are reported to the FeBO; as appropriate;
- documents that are left with on-site personnel and those that are sent by electronic means, are copied to the relevant head office or other address, as appropriate; and
- communications between Competent Authorities and multi-site feed businesses must be in accordance with the Primary Authority Principle.

5.3.8 Deferring or bringing forward official controls

Circumstances might arise where the FSA requires Competent Authorities to defer or bring forward their programmed interventions in order to require the Competent Authority to take urgent action over a period of time or in response to an emerging incident.

Discussions will normally take place with the LGA before Competent Authorities are asked to defer their official controls. In all cases, the FSA will, before taking action under this section, consider whether urgent action by Competent Authorities is necessary to safeguard public or animal health, food or feed safety, or the legitimate interests of consumers or businesses.

⁴⁹ Article 9 Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules

Where such a situation arises Competent Authorities must:

- have regard to and act on, any such communication;
- provide information to the FSA, as requested, about the action taken; and
- contact the FSA at feeddelivery@foodstandards.gsi.gov.uk if such a direction presents a significant disruption to their ability to deliver a risk-based intervention programme.

5.4 Points of Entry

5.4.1 Nominated officer for imported feed

Competent Authorities with a point of entry must:

- nominate an officer or officers for imported feed matters and proactively notify the FSA by email at feeddelivery@foodstandards.gsi.gov.uk:
 - of the name and contact details (telephone number and email address) of the nominated officer(s); and
 - any changes to these details as soon as practicable.

5.4.2 Monitoring of consignments

Competent Authorities responsible for feed at points of entry must:

- monitor consignments of all materials entering England which originate from outside of the EU and are intended for use in animal feed in accordance with documented procedure(s) (section 5.2.2). This includes consignments that are required to enter the EU via a designated point of entry or designated point of import; and
- maintain accurate records in retrievable form, which may be computer based, on all relevant checks on imported feed, in accordance with this Code, Practice Guidance and centrally issued guidance⁵⁰.

Official controls must be proportionate and risk-based. Where no specific frequency of checking is specified in the legislation, priority must be given to identifying all consignments of feed entering a point of entry and its country of origin. The frequency of other types of official controls must be informed by:

- history of compliance by a given importer and/or exporter;
- any identified risks or history of compliance associated with a given material;
- the quantity of consignments entering the port (particularly if material has not been seen before or only infrequently);
- any issues regarding the reliability of any checks that may have already been carried out; and
- the NEPs.

5.4.3 Communications at Points of Entry and with Inland Competent Authorities

Competent Authorities with a point of entry must:

- establish routine local liaison and communication with relevant organisations for the purpose of:
 - general exchange of information on feed imports; and

⁵⁰ Chapter 2, Paragraph 16.1 of the Framework Agreement

- the effective handling of incidents which is a key element to a robust system of official controls.

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

5.5 Sampling Policy, Programme and Procedure⁵¹

Competent Authorities must:

- set-up, maintain and implement a documented Sampling Policy, Programme and Procedure(s) for taking samples;
- ensure the Sampling Policy and Programme are prepared in consultation with the Competent Authority's Agricultural Analyst; and
- take a regional approach to developing a sampling programme co-ordinated through the Regional Feed Lead.

The Sampling Policy must:

- set out the Competent Authority's general approach to feed sampling and its approach in specific situations such as process monitoring, imported feed monitoring, Primary Authority, inspections, complaints, special investigations and national, regional and locally co-ordinated programmes, as appropriate;
- cover all samples taken including those not taken in accordance with this Code;
- detail the factors that will be taken into account in formulating the Sampling Programme, including any national or local issues that will influence the level of sampling to be undertaken;
- commit the Competent Authority to providing the resources necessary to carry out its feed Sampling Programme;
- detail the factors that will be considered in formulating the Sampling Programme, and include national or local issues that will influence the level of sampling to be undertaken; and
- be published.

The Sampling Programme must:

- detail the intended feed sampling priorities having regard to the NEPs which are issued annually;
- take account of the number, type and risk-ratings of the feed businesses, and the type of feed produced in the area and the need to ensure that the provisions of feed law are enforced;
- take into account Primary Authority inspection plans or national inspection strategies which seek to co-ordinate sampling for partnership businesses⁵²; and
- not be published.

⁵¹ Chapter 2, Paragraphs 12.4, 12.5 and 12.6 of the Framework Agreement

⁵² Regulatory Enforcement and Sanctions Act 2008 (as amended) section 26A

Chapter 6 – Earned Recognition

6.1 Introduction

FeBOs, who demonstrably maintain high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by the Competent Authority when determining the frequency of their official controls and therefore earn recognition.

This Code describes two approaches as to how a feed business may qualify for Earned Recognition⁵³:

- Type 1: a business which is a member of a FSA approved assurance scheme and demonstrates at least a 'satisfactory' level of current compliance with feed law; or
- Type 2: a business which is not a member of a FSA approved assurance scheme and demonstrates a 'broad' level of current compliance with feed law.

6.2 Type 1 Earned Recognition

6.2.1 Application of Type 1 Earned Recognition

The frequency and type of intervention will apply, as set out in Annex 1, until such time as:

- a) the FeBO, subsequent to an inspection, audit or NTMS activity, is assessed as having less than a 'satisfactory' level of current compliance with relevant feed law;
- b) the FeBO is no longer a member of a FSA approved assurance scheme; or
- c) the assurance scheme is no longer approved by the FSA.

6.2.2 Action required on application of Type 1 Earned Recognition

Table 1 details the action required by Competent Authorities in applying Type 1 Earned Recognition to:

- new FeBEs that come to the attention of the Competent Authority for the first time;
- FeBEs which are 'known' to the Competent Authority but have never been inspected;
- change of FeBO for the FeBE to which Earned Recognition applies; or
- previously inspected FeBEs who are, or become, a member of an FSA approved assurance scheme.

⁵³ Article 3.1 (c) Regulation (EC) No 882/2004

Table 1 Action required by the Competent Authority

Inspection status of the establishment	Establishment Type	Action required by the Competent Authority
<p>New FeBEs that come to the attention of the Competent Authority for the first time; FeBEs which are ‘known’ to the Competent Authority but have never been inspected; or The FeBO changes at the FeBE to which Earned Recognition applies</p> <p><i>Note: Feed establishments that are subject to on-going enforcement or are known not to have satisfactory levels of compliance must not qualify for earned recognition</i></p>	<p>FeBEs who undertake activities A1-A11, R1-R9, R10, R11 or R12</p>	<p>The Competent Authority must inspect or audit these FeBEs to determine their level of current compliance before Earned Recognition can be applied, having regard to the relevant requirements of sections 5.3.1, 5.3.2 and 5.3.3. Following which the risk-rating for the FeBE must be determined in accordance with the animal feed law risk-rating system at Annex 1.</p>
	<p>FeBEs who solely undertake one of the activities R13 and R14 or, a combination of these</p>	<p>The Competent Authority must automatically apply Earned Recognition. These FeBEs do not need to be inspected or audited, to determine their current level of compliance. They are automatically regarded as having been inspected or audited and achieving a satisfactory level of current compliance. The type and frequency of intervention will be as determined by the FSA’s NTMS.</p>
<p>Previously inspected FeBEs who are, or become, a member of an FSA approved assurance scheme and are achieving at least satisfactory levels of current compliance.</p> <p><i>Note: Feed establishments that are subject to on-going enforcement or are known not to have satisfactory levels of compliance must not qualify for earned recognition</i></p>	<p>FeBEs who undertake activities A1-A11, R1-R9, R10, R11 or R12</p>	<p>The Competent Authority must automatically apply Earned Recognition to these FeBEs by making the adjustments, based on their level of current compliance, to the type and frequency of intervention, appropriate to the FeBE in accordance with Annex 1.</p>
	<p>FeBEs who solely undertake one of the activities R13 and R14 or, a combination of these</p>	

6.2.3 Removal of Type 1 Earned Recognition by the Competent Authority

The circumstances dictate what ‘action’ the Competent Authority must take to effect the appropriate removal of Type 1 Earned Recognition, as shown in Table 2. Competent Authorities do not need to act on notifications of ‘suspension’ from a FSA approved assurance scheme.

Competent Authorities must on loss of Type 1 Earned Recognition by the FeBE:

- notify the FSA as soon as practicable, by email at feeddelivery@foodstandards.gsi.gov.uk; and
- inform the FeBO.

Table 2 Types of notification to the Competent Authority

Type of Notification	Definition	Action required by the Competent Authority
Withdrawn certification for non-compliance with scheme standards	<ul style="list-style-type: none"> – major non-conformances are identified against ‘key’ standards; – an excessive number of non-conformances are found during an assessment; – the same non-conformance being found on successive assessment visits; – the FeBO fails to rectify the non-conformances within the specified timescales; – receipt of reliable evidence from a third party, demonstrating the FeBO is not maintaining the standards to a material extent; – circumstances prevented the assessor from completing the assessment to establish compliance; or – unreasonable delay in allowing or refusal of routine assessments by the FeBO, revisits or spot checks. 	The Competent Authority must aim to inspect or audit the FeBE as soon as practicable and re-risk rate, having regard to the requirements of sections 5.3.1 and 5.3.2.
Left scheme for another reason	<ul style="list-style-type: none"> – non-payment of membership; – no longer trading; – companies closing certain sites; – switching to a more appropriate feed assurance; scheme which is not a FSA approved scheme; or – choosing to leave a FSA approved assurance scheme as participation no longer benefits the feed business. 	The Competent Authority may take a risk-based approach to assessing the FeBE level of current compliance as an alternative to re-inspecting or auditing the business.

6.3 Type 2 Earned Recognition

6.3.1 Application of Type 2 Earned Recognition

The frequency and type of intervention will apply, as set out in Annex 1 until such time as:

- a) the FeBE is assessed subsequent to an inspection, audit or NTMS activity as having less than a ‘broad’ level of current compliance with relevant feed law;
- b) a significant change of activity at the operator’s feed business establishment takes place; or
- c) the FeBO changes at the FeBE to which Earned Recognition applies.

6.3.2 Removal of Type 2 Earned Recognition

Where it is necessary for the Competent Authority to remove Earned Recognition they must inform the FeBO. There is no requirement to notify the FSA.

Chapter 7 – Enforcement

7.1 Introduction

This chapter deals with how Competent Authorities must use the powers available to them to ensure non-compliances are rectified in an efficient and timely manner.

7.2 Proportionality and Consistency

Competent Authorities must:

- ensure that enforcement action taken by their authorised officers is reasonable, proportionate, risk-based and consistent with good practice; and
- in considering whether to initiate enforcement action, take account of the following:
 - Code for Crown Prosecutors;
 - Enforcement Concordat;
 - Competent Authority's Enforcement Policy; and
 - Regulators Code, where applicable.

7.3 Hierarchy of Enforcement

Competent Authorities must ensure their authorised officers:

- take account of the full range of enforcement options available to them;
- operate a graduated and educative approach (the hierarchy of enforcement) starting with advice (which Competent Authorities may charge for) and informal action moving to more formal action, where the informal action does not achieve the desired effect, except where circumstances indicate a significant or imminent risk to public and/or animal health, food or feed safety; and
- ensure the approach taken results in the timely remedy of non-compliance with feed law.

7.4 Enforcement Policy and Procedure(s)

7.4.1 Enforcement Policy⁵⁴

Competent Authorities must:

- set-up, maintain and implement an up-to-date documented Enforcement Policy, that applies to feed law, which is readily available to FeBOs and consumers;
- have regard to any advice issued by the FSA when drafting their Enforcement Policy;
- take steps to ensure enforcement decisions are free from any conflict of interest; and
- ensure departures from the Policy are exceptional and the reasons for any departure must be recorded.

The Policy must:

- cover all relevant areas of feed law that the Competent Authority has a duty to enforce;

⁵⁴ Chapter 2, Paragraph 15.1 of the Framework Agreement

- detail the approach to enforcement, when and in what circumstances enforcement action is likely to be taken by the Competent Authority, in respect of the range of enforcement actions that are available;
- detail the approach to revisits, except where this is already documented in another policy or procedure required under this Code; and
- arrangements for ensuring compliance with feed law in establishments where the Competent Authority is itself the FeBO. Where any serious breach of feed law is detected in such an establishment this must be brought to the attention of the Competent Authority's Chief Executive without delay.

7.4.2 Enforcement Procedure(s)⁵⁵

The Competent Authority must set-up, maintain and implement a documented procedure(s) for follow up and enforcement actions in respect, of non-compliance with feed law.

7.5 Feed Establishment Complaints Policy and Procedure(s)⁵⁶

Competent Authorities must:

- set-up, maintain and implement a documented policy and procedure(s) in relation to complaints about feed that originate within the UK, and feed originating from other EU member states, or from third countries and in relation to complaints against feed and FeBEs;
- ensure the procedures cover adequately any referral arrangements to inland Competent Authorities and/or authorities with responsibility for imported feed controls at the UK point of entry; and
- investigate complaints received in accordance with the Code, centrally issued guidance, the Authority's policies and procedures; and take appropriate action on complaints received in accordance with the Competent Authority's enforcement policy.

7.6 Dealing with non-compliance

Competent Authorities must:

- ensure that authorised officers have up-to-date information readily available to enable them to carry out their duties competently and consistently;
- ensure where feed businesses fail to comply with significant statutory requirements they are subject to appropriate enforcement action and revisit(s) where compliance cannot be assessed by other means;
- ensure revisits focus on the contraventions identified at the last planned programmed inspection or audit and ensure they have been remedied before deciding that no further action is required; and
- in all cases of non-compliance, explain to the FeBO what action is needed to secure compliance and this must be recorded in writing.

Where a feed business has a Primary Authority, notification of the proposed enforcement action must be made to the Primary Authority in accordance with section 2.6.

⁵⁵ Chapter 2, Paragraph 15.2 of the Framework Agreement

⁵⁶ Chapter 2, Paragraph 8.1, 8.2 and 8.3 of the Framework Agreement

GLOSSARY OF TERMS AND ABBREVIATIONS

Agricultural analyst	Has the meaning as defined in section 66(1) of the Agriculture Act 1970 to mean an agricultural analyst appointed under section 67 of this Act and, unless the context otherwise requires, includes a deputy agricultural analyst so appointed for the same area.
Animal Feed	Has the meaning as defined in Article 3(4) of Regulation (EC) No 178/2002 to mean any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals.
Animal Plant Health Agency (APHA)	APHA is an executive agency of Defra operating across Great Britain and is responsible for the protection of animal health and welfare. APHA's feed enforcement activities are focused on the ban on feeding animal protein to ruminants, under the Animal By-Products (Enforcement) (England) Regulations 2013 and approval or registration of premises handling animal by-products (TSE) Regulations, the National Feed Audit required by the European Commission, controls relating to catering waste and swilling feed under the TSE Regulations.
Approved establishments	A FeBE that has been approved pursuant to Article 10 of Regulation (EC) No 183/2005.
Audit	<p>Has the meaning as defined by Article 2(6) of Regulation (EC) No 882/2004 to mean a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively, by the FeBO, and are suitable to achieve objectives. This includes planned partial or full audits:</p> <ul style="list-style-type: none">• a 'full audit', is an examination of planned arrangements and whether they are implemented effectively and will consider all aspects of a FeBE's operations; or• a 'partial audit', is an audit that covers only certain elements of a FeBE's operation.
Authorised Officers	Means a person who is authorised by the Competent Authority, either generally or specifically, to act in relation to matters arising under the Hygiene Regulations.
Central Competent Authority	Has the meaning as defined in part, by Article 2(4) of Regulation (EC) No 882/2004 to mean the central authority of a Member State competent for the organisation of official controls and in the UK is the Food Standards Agency.
Co-Product Producers	Food and non-food businesses producing co-products e.g. residues of soya bean from the extraction of oils, and vegetable trimmings (e.g. carrot tops and potato skins), brewers and distillers' grains, and yeast or glycerine from biofuels.
Competent person	Means meeting the requirements of the competency framework set out in Chapter 4 of the Code Practice Guidance, commensurate with the level of work undertaken.

Competent Authority	Has the meaning as defined by Regulation 2(1) of the Official Feed and Food Controls (England) Regulations 2009.
Compliant	Conforming with the requirements of the law.
Compound Feeds	A mixture of at least two feed materials, whether or not containing feed additives for oral animal feeding in the form of a complete or complementary feed.
Conditional Approval	Approval granted by a Competent Authority pursuant to Article 31(2)(d) of Regulation (EC) No 882/2004 if it appears to a Competent Authority that an establishment meets all the infrastructure and equipment requirements. Conditional approval shall not exceed a total of six months.
Consignment	A quantity of food or feed of the same type, class or description covered by the same document(s), conveyed by the same means of transport and coming from the same third country.
Control Body	Has the meaning as defined by Article 2(5) of Regulation (EC) No 882/2004 to mean an independent third party to which the competent authority has delegated certain control tasks.
CPD	Means Continuing Professional Development. The means by which members of a profession maintain, improve or broaden their knowledge and skills and develop the qualities required in their professional lives.
Defra	The Department of Food and Rural Affairs.
Documentary Check	Has the meaning as defined by Article 2(17) of Regulation (EC) No 882/2004 to mean the examination of commercial documents and, where appropriate, of documents required under feed or food law that are accompanying the consignment.
Earned Recognition	FeBOs who demonstrably maintain high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by the Competent Authority when determining the frequency of their official controls and therefore earn recognition.
Establishment	Has the meaning as defined by Article 3(d) of Regulation (EC) No 1831/2003 to mean any unit of a feed business. It does not simply mean “premises”, but is directly linked to the business occupying the establishment (establishment denotes both premises and the manner in which those premises are being used by the FeBO).
Export	The action of sending or transporting a commodity outside the UK.
Feed Additives	Has the meaning as defined in Article 2(2)(a) of Regulation (EC) No 1831/2003 to mean substances, micro-organisms or preparations, other than feed material and premixtures, which are intentionally added to feed or water in order to perform, in particular, one or more of the functions mentioned in Article 5 (3) of Regulation (EC) No 1831/2003.

Feed Alert	The method by which the FSA informs Competent Authorities about feed hazards and advises of specific action to be taken.
Feed Business	Has the meaning as defined by Article 3(5) of Regulation (EC) No 178/2002 to mean any undertaking whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage, transport or distribution of feed including any producer producing, processing or storing feed for feeding to animals on his own holding.
Feed Business Operator (FeBO)	Has the meaning as defined by Article 3(6) of Regulation (EC) No 178/2002 to mean the natural or legal persons responsible for ensuring that the requirements of the relevant legislation are met within the feed business under their control.
Feed Hazard	A biological, chemical or physical agent in feed capable of causing adverse effect to public health.
Feed Hazard Categories	<p>Localised feed hazard – one in which feed is not distributed beyond the boundaries of the Competent Authority and is not deemed to be a serious localised feed hazard.</p> <p>Serious localised feed hazard – one in which feed is not distributed beyond the boundaries of the Competent Authority but which involves injury or sickness of animals or which the Competent Authority considers significant because of, for example, the vulnerability of the population likely to be affected, the numbers involved or any deaths associated with the incident.</p> <p>Non-localised feed hazard – one in which feed is distributed beyond the boundaries of the Competent Authority.</p>
Feed Law	Has the meaning as defined by Article 2(3) of Regulation (EC) No 882/2004 to mean the laws, regulations and administrative provisions governing feed in general and feed safety in particular, whether at Community or national level; it covers all stages of production, processing and distribution of feed and the use of feed.
Feed Material	Any products of vegetable or animal origin, in their natural state, fresh or preserved; any products derived from the industrial processing of such products or organic or inorganic substances which are intended for oral animal feeding, either directly or in a compound feed. Feed materials are primarily used to meet animals' nutritional needs for example energy, dietary fibres, nutrients and minerals.
Formal Action	Means the taking of action against a FeBO as set out in the legislation for example the service of a statutory notice to remedy non-compliance with legal requirements, the issuing of a Simple Caution or the institution of legal proceedings for breaches of legal requirements.
Food Standards Agency (FSA)	Is the Central Competent Authority in England, Wales and Northern Ireland.

Hazard Analysis Critical Control Points (HACCP)	Hazard analysis and critical control points or HACCP is a systematic preventive approach to food safety from biological, chemical, and physical hazards in production processes that can cause the finished product to be unsafe, and designs measurements to reduce these risks to a safe level.
Hygiene Regulation	The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015.
Identity Check	Has the meaning as defined by Article 2(18) of Regulation (EC) No 882/2004 to mean a visual inspection to ensure that certificates or other documents accompanying the consignment tally with the labelling and the content of the consignment.
Import	The action of bringing in goods and/or services from another country outside of the EU.
Informal Action	Bringing to the attention of a FeBO and giving advice on non-compliances with feed law in order that any non-compliance can be quickly remedied.
Inspection	<p>Has the meaning as defined by Article 2(7) of Regulation (EC) No 882/2004 to mean the examination of any aspect of feed, food, animal health and animal welfare in order to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and welfare rules. This includes partial or full inspections:</p> <ul style="list-style-type: none"> • a 'full inspection', is a check on compliance with legal requirements and will consider all aspects of a FeBE's operations; or • a 'partial inspection', which is an inspection that covers only certain elements of a FeBE's operations.
Intervention	Regulatory actions taken by a government in order to affect or interfere with decisions made by individuals, groups, or organisations regarding social and economic matters. Interventions include official controls and other interventions such as education, advice and coaching, information and intelligence gathering (including sampling where the analysis is not to be carried out by an Official Control Laboratory).
Investigation	The action taken by the Competent Authority to gather evidence where it believes an offence has been committed.
Known feed establishment	A FeBE that is known to the Competent Authority but has not been formerly registered and/or approved in accordance with The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015.
Lead Feed Officer (LFO)	The Authorised Lead Feed Officer(s), appointed by the Competent Authority in relation to feed, who demonstrates the requirements, set out in the competency framework set out in Chapter 4 of the Practice Guidance.

Local Authority	Has the meaning set out in Section 1 of the Local Government Act 1972.
Local Government Association (LGA)	LGA are the national voice of local government, working with councils to support, promote and improve local government services.
Malicious tampering	For the purposes of this Code, means the deliberate contamination of food or feed by terrorist activity, or with a view to blackmail or extortion.
Monitoring	Has the meaning as defined, in part, by Article 2(8) of Regulation (EC) No 882/2004 to mean conducting a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with feed law.
MoU	Memorandum of Understanding.
National Agriculture Panel (NAP)	The NAP is an expert panel with significant knowledge and experience in animal feed enforcement. NAP membership consists of feed leads from each of the nine English regions, FSA (England, Wales and Northern Ireland), Food Standards Scotland, Public/Agricultural Analysts, VMD, APHA and the Chartered Trading Standards Institute.
National Animal Feed at Ports Panel (NAFPP)	The NAFPP is an expert panel with significant knowledge and experience in animal feed enforcement at points of entry. NAFPP membership consists of Competent Authority officers who have responsibility for points of entry, FSA (England, Wales and Northern Ireland), Food Standards Scotland, Public/Agricultural Analysts VMD and APHA.
NFCU	National Food Crime Unit.
National Targeted Monitoring Strategy (NTMS)	The NTMS is a mechanism to allocate appropriate resources to monitor compliance at low risk farm establishments (R13 and R 14) achieving at least satisfactory levels of compliance.
Non-compliance	Failure to comply with one or more of the requirements of feed law.
Official Controls	Any form of control that the Competent Authority or the Community performs for the verification of compliance with feed and food law, animal health and animal welfare rules, whether planned or otherwise, partial or full. These include inspections, monitoring, surveillance, verification, auditing, sampling for analysis, physical, documentary and identity checks.
Physical Check	Has the meaning as defined by Article 2(19) of Regulation (EC) No 882/2004 to mean a check on the feed or food itself which may include checks on the means of transport, on the packaging, labelling and temperature, the sampling for analysis and laboratory testing and any other check necessary to verify compliance with feed or food law.

Port Health Authority (PHA)	Has the meaning set out in Section 2 of the Public Health (Control of Disease) Act 1984.
Premises	Includes any establishments as well as fixed locations, this includes vehicles, ships, aircraft and other movable structures.
Primary Authority	Has the meaning set out in Section 23A of the Regulatory Enforcement and Sanctions Act 2008 as amended.
Rapid Alert System for Food and Feed (RASFF)	RASFF is a quick and effective tool for the exchange of information between competent authorities when risks to human health are detected in the food and feed chain and measures - such as withholding, recalling, seizure or rejection of the products concerned - are taken. This quick exchange of information allows all members of the network to verify immediately whether they are also affected by the problem. Whenever the product is already on the market and should not be consumed, the authorities are then in a position to take all urgent measures, including giving direct information to the public, if necessary.
Regional co-ordinator	The regional co-ordinator supports the Regional Feed Lead and LFO within their region. Their role is to support professional networks, assist in the development of regional working, ensuring effective communication throughout the network and promotion of consistency and good practice amongst LAs, regulatory service providers and other professionals. Each of the nine English regions has a nominated regional co-ordinator.
Regional Feed Lead (RFL)	The RFL is an operational feed expert whose role is to ensure that the principles of delivery of the feed programme, and the reasons behind them, are understood by the constituent authorities and that all Competent Authorities are effectively engaged within their region. Regional co-ordinators support the role of the RFL and LFO, assisting in the development of regional working and initiatives, ensuring effective communication throughout the network and promotion of consistency and good practice amongst Competent Authorities. Each of the nine English regions has a nominated regional feed lead.
Registration Authority	The Competent Authority in whose area the FeBE is located.
Sampling	Has the meaning as defined in Article 2 (11) of Regulation (EC) No 882/2004 to mean taking feed or food or any other substance (including from the environment) relevant to the production, processing and distribution of feed or food or to the health of animals, in order to verify through analysis compliance with feed or food law or animal health rules.
Specified feed additives (SFA)	Substances routinely added to animal feeding stuffs without prescription for the prevention of coccidiosis or histomoniasis or to favourably affect the growth of animals.
Specific feed law	The instruments specified in Schedule 1 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015.

Specified risk material	Has the meaning as defined in part by Article 3(1)(g) of Regulation (EC) No 999/2001 to mean the tissues specified in Annex V of Regulation (EC) No 999/2001, if the tissues come from animals whose origin is in a Member State or third country or of one of their region with a controlled or undetermined BSE risk; unless otherwise indicated, it does not include products containing or derived from those tissues.
Standards	Rules and principles defined in feed law that are used as the basis for judgement against.
Surplus foods	This includes out of date products, products that do not meet the required specification, or are otherwise surplus to the requirements of food and drink businesses, including retailers. This may include bakery, confectionary, dairy or oil products.
Surveillance	Has the meaning as defined, in part, by Article 2(9) of Regulation (EC) No 882/2004 to mean a careful observation of one or more feed businesses, or FeBOs or their activities.
Third Country	A territory or country which is not a European Economic Area (EEA) State.
Trans border issues	Trans-border matters fall into three broad categories: <ul style="list-style-type: none"> 1) trans-border matters that need to be referred directly to the FSA; 2) trans-border matters reported to the FSA after liaison has taken place; and 3) routine liaison between Competent Authorities and feed control authorities in other Member States.
Verification	Has the meaning as defined, in part, by Article 2(2) of Regulation (EC) No 882/2004 to mean the checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled.
Veterinary Medicines Directorate (VMD)	The VMD is an executive agency of Defra. It aims to protect the safety, quality and efficacy of all aspects of veterinary medicines in the UK. The VMD is responsible for issuing all national marketing authorisations for veterinary medicines and for controls on the manufacture and distribution of veterinary medicinal products, SFAs and premixtures and feeding stuffs containing such products.

ANNEX 1: The Animal Feed Law Risk-Rating System

Part 1: The Potential Risk		Factor Description
A. Risk to animal/human health and/or other businesses		This factor considers the potential adverse effect on animals/human health, and the consequences for other businesses, should the establishment not comply with feed legislation. Consequences for other businesses include the economic effects of unfair trading and the potential harm to animals and human health.
B. Extent to which the activities of the business affect any hazard		This factor considers the type of activities that the feed business undertakes, the need for any of those activities to be closely monitored and controlled, and the FeBOs potential effectiveness in maintaining compliance with animal feed law. Consider whether the business produces, labels, or advertises products to which animal feed law applies. If the business produces its own products, consider the monitoring and control of recipes and ingredients.
C. Ease of compliance		This factor considers the volume and complexity of animal feed law that applies to the business and with which it has a responsibility to ensure compliance. Consider the range and complexity of products, processes and services including the supply of raw materials. Consider the level of difficulty of the task for the FeBO including how easy it is to recognise a hazard.
D. Animals and people at risk		This factor considers the number of animals/people likely to be at risk if the business fails to comply with animal feed legislation.
Part 2: Level of (Current) Compliance Score (LOCC): This factor considers the level of compliance with animal feed law observed during an inspection or audit, adherence to relevant UK or EU Industry Guides to Good Practice and standards produced by assurance should be considered.		
LOC Score	Level	Description
100	Poor Compliance	No evidence of feed safety management/documentated procedures. Significant hazards not understood and no effective controls in place. Staff not suitably supervised, instructed and/or trained and no appreciation of feed hazards or controls. Poor track record.
70	Varying Compliance	Feed safety management/documentated procedures inappropriate or inadequate. Significant hazards not fully understood and not all controls in place. Significant improvements in feed safety procedures/implementation of controls required. Some staff not suitably supervised, instructed and/or trained. Varying track record.
42	Satisfactory Compliance	Generally satisfactory feed safety controls in place. All significant hazards understood and controls in place. Feed safety management records appropriate and are generally maintained but some deficiencies/gaps identified. Staff generally suitably supervised, instructed and/or trained but there may be some minor issues. Satisfactory track record.
21	Broad Compliance or Better	Feed safety management/procedures in place. Hazards understood, properly controlled, managed and reviewed. Feed safety management records appropriate and are generally maintained. Staff suitably supervised, instructed and/or trained with good staff knowledge and new staff receiving induction training. Good track record.
0	A minimum of Satisfactory Compliance and a member of a FSA Approved Assurance Scheme	Business qualifies for earned recognition through being a compliant member of a FSA approved industry feed assurance scheme.
Inspection Frequencies		
Category	Total Risk Score Range (The total Risk Score is the sum of the potential risk and LOC scores)	Minimum Intervention Frequency
A	147 to 200	at least every 12 months
B	122 to 146	at least every 24 months, except where Type 1 earned recognition applies
C	106 to 121	at least every 36 months, except where Type 1 earned recognition applies
D	85 to 105	at least every 48 months, except where Type 1 earned recognition applies
E	0 to 84	at least every 60 months, except where Type 1 earned recognition or NTMS applies

Figure 1 Intervention Types and Frequencies

Approval/Registration Codes Applicable to the Business ⁵⁷	Potential Risk					Level of Current Compliance				
	A. Risk to animal/human health and/or Other businesses	B. Extent to which the activities of the business affect any hazard	C. Ease of compliance	D. Animals and people at risk	Total Potential Risk Score	Poor Compliance	Varying Compliance	Satisfactory Compliance	Broad Compliance or Better	A minimum of Satisfactory Compliance and a member of a FSA Approved Assurance Scheme
						Type of intervention, minimum intervention frequency in years, % check or NTMS applies				
						Inspection or Audit	Inspection or Audit	Inspection or Audit	Any official control	Any official control
Manufacturers of feed - All Approved Codes plus R1, R2, R3, R4 and R6, R7 (manufacturer of feed materials)	30	30	20	20	100	1	1	2	3	4
Importers	30	30	0	20	80	1	1	2	4	5
R4 - Mobile Mixers	20	30	20	10	80	1	1	2	4	5
R12 - Co-Product Producers	20	30	10	20	80	1	1	2	4	5
R9 – Stores	5	10	5	10	30	2	3	5	10	1%
Distributors of feed - All approved codes plus R1, R2, R3, R5, R7 (feed materials other than surplus food) ⁵⁸	10	5	5	5	25	2	4	5	10	1%
R7 – Placing Surplus Food on the market	10	10	5	5	30	2	4	5	10	1%
R8 - Transporters	5	10	10	10	35	2	4	5	10	1%
R10/R11 - On-Farm Mixers	10	10	5	5	30	2	4	5	10	1%
R13 - Livestock Farms	10	10	0	0	20	3	4	NTMS	NTMS	NTMS
R14 - Arable Farms	10	5	0	0	15	3	4	NTMS	NTMS	NTMS

⁵⁷ See the Practice Guidance Glossary for registration and approval activity code descriptions

⁵⁸ Distributors who are 'placing feed on the market' as defined in Article 3 point 8 of Regulation (EC) No 178/2002 laying down the general principles and requirements of food law

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