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Feed Law

Enforcement Practice Guidance (England)

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Chapter 1 – Introduction

This Practice Guidance, which relates to England only, is:

- issued by the Food Standards Agency (FSA);
- 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 Practice Guidance as the Hygiene Regulations, and where relevant to feed law¹;
- aimed at assisting Competent Authorities with the discharge of their statutory duty to enforce relevant feed law; and
- aimed at supporting consistent application of official feed controls across the nine English regions.

It is non-statutory, complements the statutory Feed Law Code of Practice (the Code), and provides general advice on approach to enforcement of the law where its intention might be unclear.

The guidance contained in this document:

- is given in good faith, and accords with the FSA's understanding of relevant legal requirements and any examples given are illustrative and not comprehensive;
- takes account of recommendations made by the Commissions Directorate Health and Food Safety – Audit and Analysis (DGF) (formerly the FVO) following their inspections of the UK's feed control services; and
- provides links to a range of [guidance](#) published by the Association of Chief Trading Standards Officers (ACTSO) and produced by National Trading Standards (NTS), the National Agriculture Panel (NAP) and the National Animal Feed at Ports Panel (NAFPP), to support the delivery of feed hygiene controls by Competent Authorities in England under the NTS Feed Delivery Programme which is available on the Knowledge hub².

This guidance updates all previous guidance issued with the Code. References to chapters, paragraphs and sections are to the relevant parts of this document unless stated otherwise. The chapters also cross references the Code where applicable. Further [guidance](#) on feed law requirements placed on feed business operators is also available on the FSA's website.

Competent Authorities are strongly advised to consult their own legal departments when considering formal enforcement action.

A glossary can be found at the end of the document with definitions of terms and abbreviations used throughout this document.

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

² <https://khub.net/>

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

2.1. Introduction

Chapter 2 deals with:

- administrative arrangements, 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; and
- the monitoring requirements in order to ensure risk-based, proportionate, consistent and effective official controls are being undertaken by Competent Authorities.

2.2 Primary Authority

Where enforcement action is being considered in relation to a business which has a Primary Authority partnership, the Competent Authority needs to make a statutory notification to the Primary Authority via the Primary Authority Register.

<https://primaryauthorityregister.info/par/index.php/publicregister>.

In most circumstances, this notification must be made at the stage at which the enforcement action is being considered, allowing the Primary Authority to consider whether relevant Primary Authority Advice has been given to the business. However, in certain limited circumstances, the notification may be made retrospectively. The conditions of the notification are set out in the Primary Authority Handbook which is available on the Regulatory Delivery website.

<https://www.gov.uk/government/organisations/better-regulation-delivery-office>

Primary Authority Advice provided to a business may be published on the Primary Authority Register by the Primary Authority, although this is not always the case. However, Competent Authorities are encouraged to communicate with the relevant Primary Authority during the early stages of an investigation to determine whether Primary Authority Advice has been given, and whether the business has followed it.

2.3 Facilities and Equipment

Competent Authorities should provide their officers with the equipment and facilities necessary to enable them to carry out their inspections competently and in accordance with feed law and the requirements of the Code.

Feed authorities must provide officers who carry out inspections with:

- clean protective clothing, including headgear consistent with good industry practice; and
- require officers to wear protective clothing, give any relevant information on their health status when requested and adhere to any reasonable precautions that are required by the business being inspected.

Facilities and equipment may be shared with other Competent Authorities provided they will be readily available for use so as not to impede the effective delivery of official controls.

2.4 Registration of Feed Business Establishments

2.4.1 Requirement to register a feed establishment under Article 9(3) of Regulation (EC) No 1831/2003 on Feed hygiene

Specific [guidance](#) has been published by ACTSO through the NAP with regard to the registration/approval of FeBEs.

Under Article 9(3) of Regulation (EC) No 1831/2003, Competent Authorities shall maintain a register of establishments except for those which fall outside the scope of the Regulation.

Responsibility rests with Competent Authorities for recording and maintaining up-to-date accurate details of all FeBEs which have been registered and/or approved with them under Regulation (EC) No 1831/2003.

Those activities currently outside the scope of Regulation (EC) No 1831/2003 which do not require establishments to be registered include:

- private domestic feed production for the feeding of (i) animals kept for private domestic consumption or (ii) animals not kept for food production;
- feeding of food-producing animals kept for private domestic consumption or for the activities mentioned in Article 1(2)(c) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (i.e. the direct supply, by the producer of small quantities of primary products to the final consumer or to local retail establishments directly supplying to the final consumer;
- feeding of animals not kept for food production;
- direct supply of primary production products in small quantities to local farms for their own use; and
- retailing of pet food. This does not, however, include the manufacturing at retail premises of pet food for sale i.e. the mixing of products arriving at a new formulation. This activity will require registration.

2.4.2 Identifying and recording feed importers

All Competent Authorities should ensure that feed premises and traders in their district which import feed are identified and recorded in premises/trader databases and included in inspection programmes as appropriate. Completed feed premises registration forms can be used to assist identification of feed premises as being used for imports.

For the purposes of identifying and recording feed businesses and systems falling under the official controls, Competent Authorities / Port Health Authorities (PHA's) should refer to the scope of Regulation (EC) No 853/2004 as detailed in Articles 14 and 15.

To help identify feed importers, Competent Authorities may conduct desktop exercises using such information sources as local knowledge, telephone directories or internet searches. Information from PHAs might also assist this process. Records can be refined further after visits to feed premises and/or communications with FeBOs and other local government departments as part of outline programmed activities.

2.4.3 Registration Forms

The FeBO is responsible for ensuring the registration application form has been properly completed. Where incomplete forms are received, the Competent Authority should assess the information so as to determine whether or not there is a need to contact the FeBO for more information. Where the Competent Authority believes that the details submitted are incorrect they should take all reasonable steps to verify the information before proceeding to register them. A model application form can be found at: <http://www.food.gov.uk/business-industry/guidancenotes/hygguid/approvregfeedguidance>.

2.4.4 Multiple premises constituting a single feed establishment

There are circumstances where a single registration, under the same FeBO, is permissible of a feed business operating at multiple sites e.g. a farm with multiple holdings. Competent Authorities must adopt the approach detailed below when registering multi-site establishments operating under the same FeBO in order to ensure consistency across all nine English regions.

The following principles should be observed:

- a) the operation is under a single 'controlling mind', i.e. there is one person who is responsible for the implementation of HACCP-based procedures, where applicable;
- b) all the activities undertaken at the various units within the 'wider' establishment are within close enough proximity that it can be reasonably expected that the single controlling mind can effectively manage the feed safety management controls at all units; and
- c) one set of 'HACCP-based procedures', where applicable, covers all stages and units of the operation within the wider establishment which are proportionate to the activities being undertaken at the different units, but they should form part of an overall system that is under the operational direction of the single "controlling mind".

Due to the practicalities of an officer maintaining the necessary ongoing oversight and assessment of such set-ups operating as a single establishment, it is recommended that the relevant Competent Authorities consider together whether it is practical to put in place a procedure that allows this flexibility in those circumstances. This is particularly pertinent in situations where it could result in a reduction in the regulatory burden to the business such as where approval would otherwise apply.

This flexibility is mainly to remove the need for the multiple registrations of farms with multiple holdings but there is a strong association between units and a single 'controlling mind' overseeing the activities.

The FSA accepts that with some businesses the "controlling mind" may be more than one person. However, the FSA does not consider that this could extend to operations where, although being one enterprise, different individuals manage different units as separate legal entities in their own right.

It must be made clear to the FeBO that non-compliance in one unit, may result in the increase of the overall animal feed law risk score of the entire operation.

Below are examples of how this might work in practice.

Example 1

Question: In the case of farms, where multiple feed businesses are run from a single geographically dispersed unit i.e. a large estate with sub premises how should they be registered?

Answer: Where these feed businesses are operated by different FeBOs they should each be registered separately as individual establishments. However, if they are owned and run by the same FeBO and the sub premises are linked by virtue of the activities undertaken e.g. storage of grain and other feed and feed materials is in one place, grazing, growing of crops and mixing of feed even though they take place at geographically dispersed locations they relate to the same feed business operation this would be classed as one establishment and require a single feed registration covering multiple activities. The main residence of the farmer would be the most appropriate establishment to register.

Example 2

Question: How should farms with multiple County Parish Holding (CPH) numbers be registered?

Answer: As the CPH number applies to land and not to the FeBO or activities being undertaken on farm it is important that Competent Authority's register the main establishment where the activity (ies) is being undertaken and not register each holding number separately.

Example 3

Question: A farmer keeps sheep and dairy cattle and has three CPH numbers for the land where he grazes his sheep and dairy herd and grows arable crops for feed. The farmer makes silage or haylage without using additives (other than silage additives), mixes it with air dried grain grown on the farm, e.g. wheat, barley, fodder beet and a complementary feed containing additives for the exclusive feeding to his livestock. How should the farmer register his establishments?

Answer: In this example the farm should be feed registered once and issued a single registration number for multiple activities i.e. R11 and R14, as the farmer is mixing feed on-farm, with compound feeding stuffs which contain additives (R11) and growing grain (which is air dried) and fodder beet (R14) and therefore subject to the requirements of Annex I and III of Regulation (EC) No 183/2005 on feed hygiene.

2.5 Approval of Establishments

2.5.1 Division of Enforcement Responsibilities for Approved Establishments

Competent Authorities are responsible for approvals at establishments where activities listed in Article 10(1) (a) of Regulation (EC) No 183/2005 are undertaken. Responsibility for approval at an establishment relating to the activity of the manufacture of a premixture and feeding stuffs containing a medicinal substance or a specified feed additive e.g. coccidiostats, histomonostats and growth promoters as listed in Article 10(1) (b) and (c) falls to the Veterinary Medicines Directorate (VMD) in Great Britain. This is regardless of whether vitamin A or D, or the trace elements, copper or selenium have been incorporated in the feed or other activities are carried out at the establishment where Competent Authorities have responsibility for approval or official controls.

Further information on the approval of FeBEs and the respective roles of Competent Authorities, VMD and the Animal Plant Health Agency (APHA) can be found in the [Memorandum of Understanding](#) (MoU) between the National Agricultural Panel (NAP), VMD and APHA.

2.5.2 Applications for Approval: Procedures / Forms

Article 31(2)(a) of Regulation (EC) No 882/2004 obliges Competent Authorities to establish procedures for FeBOs to follow when applying for the approval of their establishments. Again some of the formalities are set out in the Hygiene Regulation and procedures for handling applications for approval are set out below. Competent Authorities should ensure that they, and FeBOs, follow these procedures as appropriate. Any deviations from these procedures should be recorded and retained by the Competent Authority.

2.5.3 Applications for Approval: Handling

Any application for approval received from a FeBO should be dealt with promptly. In order to ensure consistency, Competent Authorities should ask FeBOs to submit applications for approval in the appropriate format. A model application form can be found at: <http://www.food.gov.uk/business-industry/guidancenotes/hygguid/approvregfeedguidance>.

Applications for approval of establishments should only be accepted from FeBOs that intend to engage in activities for which approval would be required in accordance with Regulation (EC) No 183/2005. This might include FeBOs who wish to include an additional activity or activities which they will only carry out part of the time, but nevertheless part of their operations will be subject to Regulation (EC) No 183/2005 and approval should be granted before the activities commence. Under no circumstances should approval be granted to an establishment which is not required to be approved by Regulation (EC) No 183/2005.

Competent Authorities should ensure that the FeBO supplies relevant information before an application for approval is determined. This information may be obtained from the FeBO in documentation supplied with the application or during the subsequent on-site visit to the establishment (e.g. HACCP records) as required by Article 31(2) (b) of Regulation (EC) No 882/2004. It is a matter for the Competent Authority to decide at which stage of the application this information should be provided.

Competent Authorities must ensure that the FeBO supplies all relevant information before an application for approval is determined. The information may be obtained from the FeBO in documentation supplied with the application or during the subsequent on-site visit, as appropriate, to the establishment. It is the matter for the Competent Authority to decide at which stage of the application this information should be provided.

At Annex 1 is a flow diagram of the approvals process for a new establishment.

2.5.4 Advisory Visits

Competent Authorities may wish to offer advisory visits to those establishments that have applied for approval prior to an approval visit. The aim of the advisory visit will be to help FeBOs identify any problems in the areas of structure and maintenance and feed safety management, so as to avoid any potential difficulties when the establishment is formally assessed for approval. Competent

Authorities need to make the FeBO aware of the differences between an advisory and an approval visit.

2.5.5 Determination of Applications for Approval

Before reaching a decision on an application for approval the Competent Authority should ensure that an on-site visit is made in accordance with Article 13 of Regulation (EC) No 183/2005 unless the exemption from an on-site visit before approval in Article 17 of Regulation (EC) No 183/2005 applies. The on-site visit should take the form of an inspection or audit of the establishment. The inspection should be conducted in accordance with, and cover, all aspects of the relevant inspection form for the business concerned and consider all issues identified by Regulation (EC) No 183/2005. As per Article 31(2) of Regulation (EC) No 882/2004 all the requirements of feed law relevant to that business must be met.

2.5.6 Exemption from On-Site Visit prior to Approval

This exemption relates to feed businesses that trade feed products but never hold the product on their premises (including modes of transport such as lorries or ships). To qualify for this exemption, feed businesses must make a declaration to the appropriate Competent Authority that the feeds they are placing on the market comply with the relevant requirements of Regulation (EC) No 183/2005. A model declaration form can be found at:

<https://www.food.gov.uk/sites/default/files/multimedia/worddocs/decforapp.doc>.

2.5.7 Conditional Approval

Article 13(2) of Regulation (EC) No 183/2005 permits the granting of conditional approval following an on-site visit to an establishment which does not fully comply with the requirements of feed law, but only if the establishment meets all the infrastructure and equipment requirements.

It is for Competent Authorities to decide whether or not to grant conditional approval to an establishment which does not fully comply. Professional judgement should be used in deciding whether it would be appropriate to grant conditional approval on a case-by-case basis. However, this discretion to give conditional approval should not be exercised if the non-compliance could lead to feeds adversely affecting the health of animals or humans through the consumption of animal products. If conditional approval is granted, a further visit should be carried out within three months of the conditional approval being granted in accordance with Article 13(2) of Regulation (EC) No 183/2005.

In appropriate circumstances as set out in Article 13(2) of Regulation (EC) No 183/2005, conditional approval may be extended, but this is restricted to a maximum of six months from the date of the initial granting of conditional approval. Professional judgement should be used in deciding whether it would be appropriate to extend conditional approval, on a case by case basis.

Full approval should not be given unless/until all relevant requirements of the legislation have been met and the FeBO demonstrates that the operational controls are in place and they are fully compliant. For a new establishment, in all circumstances conditional approval should be granted prior to full approval being granted. This is because it will be impossible for the FeBO to demonstrate that the feed safety management system is valid and to verify its effectiveness.

Granting 'full' approval for a new start up establishment at the first visit is not applicable. A new establishment has not had the opportunity to demonstrate their HACCP based feed safety management procedures as they could not operate until approval is granted. However there might occasions when a Competent Authority may consider granting full approval without the need for conditional approval, for example where there is a change of ownership, but the controlling mind, staff, operations and equipment are sufficiently the same that the Competent Authority has seen the HACCP-based approach in operation already.

2.5.8 Approval Documentation

Template forms which can be used by Competent Authorities in connection with the approval of FeBEs can be found at Annex 2. The content of these documents is regarded as the minimum required. Competent Authorities may adapt them as necessary to meet local requirements.

The following guidance will support Competent Authorities in order to ensure consistency in the content and structure of files produced for establishments which require formal approval.

A properly structured file, in hard copy or held electronically, containing all the relevant information is important to the Competent Authority. It provides a history of the establishment concerned and how it has developed; it provides continuity for new officers; and it facilitates monitoring exercises which will assist in demonstrating its competence.

An example of what an approval file may contain, as relevant and appropriate for the establishment:

- the application form;
- a plan or plans of the establishment indicating:
 - the layout of the establishment;
 - the location of equipment;
 - work flows for each product line;
 - pest control - baiting and/or trapping points within the establishment and external areas.
- a synopsis of the establishment which briefly describes what type of establishment it is, products produced, volume of product, type of trade, number of employees, approval number and what it is approved for. This synopsis should be no more than one side of an A4 sheet;
- pre-approval inspection report;
- planned programme of works to achieve approval;
- approval notification document specifying:
 - details of activities to which the approval relates;
 - approval number;
 - any special direction(s) or conditions specified by the Competent Authority;
 - labels and commercial documents bearing the identification mark;
- intervention reports on premises in chronological order;
- correspondence with establishment in chronological order;
- copies of notices or other formal action taken in chronological order;
- copy of company's emergency withdrawal plan and traceability system including names, telephone numbers, etc., of key personnel within the company;

- results of all samples taken by the Competent Authority;
- location of any off-site facilities;
- copy of any other documents that have been provided by, or copied at, the approved premises, including:
 - HACCP documentation;
 - supplier information;
 - product list;
 - raw material, product sampling plans and test results;
 - process records;
 - management and key contact names and contact details;
 - photographs and digital images;
 - product recall procedures.

2.5.9 Approval Number / Identification Mark

A Competent Authority must give an approval number to each FeBE it approves or conditionally approves in accordance with Article 19(5) of Regulation (EC) No 1831/2003.

- the first digit is the alpha sign, 'α'
- the next digits are the ISO code of the Member State: this is "GB" for the UK; and
- the remaining digits are the national reference number, but for Competent Authorities they should begin with the authority's three digit official control directive number (also known as the FSA reference number) followed by a sequential number of 1 to 9999.

Where an establishment has been re-assessed for approval due to a change of ownership and approval is granted, generally a new approval number should be given. However, to have regard to issues of risk, cost and proportionality, a business may be able to retain its approval number where, other than for the change of FeBO, the business is to continue to operate from the same premises and in essentially the same way, i.e. the type of feed production by the business and the feed safety control arrangements of the business will remain essentially the same.

2.5.10 Moving premises within the same authority area – Retaining approval numbers

An approval number is not generally transferable. However, if a FeBO of an approved establishment moves from their existing premises to a new one, Competent Authorities may allow the FeBO to retain the same approval number which was provided to them for the establishment which they are vacating.

The operation at the new premises will be subject to a new approval including application for approval, a site visit and assessment of compliance with the requirements of the legislation. The FeBO must have been granted approval prior to operations commencing in the new location.

Where this move is within the same Competent Authority boundary, the Competent Authority may allow the FeBO to retain its existing approval number. In order to ensure that the approval numbers remain unique to a single establishment, the approval must first be surrendered by the FeBO and operations at the existing premises must cease. The same number can then be re-issued to the FeBO at the new premises, if approval is deemed to be appropriate.

In addition to the above, re-allocation of an approval number would only be permissible where the FeBO of the business remains the same, and the activities remain substantially the same, when the establishment moves to a new location. If a FeBO of a Competent Authority approved establishment moves to another Competent Authority area, the approval number cannot be retained.

2.5.11 Refusal of Approval and Appeals

An approval can be refused at any time in the approval assessment process.

Approval can be refused if there are structural or equipment deficiencies at the initial approval visit or if the prospective FeBO has no proposed HACCP-based feed safety management system or it is deemed inappropriate to protect public and/or animal health, food or feed safety.

Full approval subsequent to conditional approval can be refused if:

- within the three months of conditional approval, insufficient progress has been made to meet the legal requirements in full and, in the judgement of the Authorised Officer there is insufficient evidence to demonstrate that the necessary work will be completed if a further period of conditional approval is granted, conditional approval can be refused by the Competent Authority; and
- at the end of the six month period there is insufficient compliance with structural, equipment and/or operational requirements and/or other relevant requirements of feed law, including the implementation of an effective feed safety management system based on HACCP principles.

Approval will be discontinued if, following conditional approval and before consideration can be given to recommend full approval or prolong conditional approval the establishment ceases operations or a visit cannot be undertaken caused by the relevant activities not being in operation. In such cases conditional approval will cease to have effect and the Competent Authority should notify the FeBO.

When a Competent Authority has decided to refuse an application for approval it should notify the applicant in writing of the decision at the earliest opportunity. The Competent Authority should:

- give the reasons for refusal;
- outline the matters necessary to satisfy the requirements of the Regulation; and
- make clear that activities requiring approval may not be undertaken unless approval or conditional approval is granted.

Such notification should also make the FeBO aware of their right of appeal against the decision and provide the address of the Magistrates' Court where such an appeal may be made are provided for in regulation 12 of the Hygiene Regulation.

If the Competent Authority considers that any activities undertaken in an establishment pending the result of an appeal may present a risk to public and/or animal health, food or feed safety it should consider the use of other relevant enforcement powers, appropriate to the circumstances involved.

2.5.12 Notification of Approval to the Feed Business Operator

Once approval, or conditional approval, has been granted, the Competent Authority should notify the applicant, in writing, of the nature and scope of the approval and any conditions or limitations that apply and the approval number.

When full approval is granted following conditional approval, the Competent Authority should notify the FeBO in writing. Such a notification should also include details of the nature and scope of the approval, any conditions or limitations that apply and confirmation that the approval number allocated to the establishment may continue to be used.

The Competent Authority should retain a copy of the above notifications on the relevant establishment file and ensure that the FSA is notified of the approval.

2.5.13 Notification to the FSA regarding Approval Status

Competent Authorities must notify the FSA when an establishment that is 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.

These details required are based on the specification set out by the European Commission on the layout of the list of approved feed establishments (see Annex V Chapter I of Regulation (EC) No 183/2005).

The details required are:

- the approval (identifying) number;
- name or business name of the feed business;
- address of the feed business;
- all approved activities; and
- any appropriate remarks.

Notifications including refusal and revocations must be sent as soon as practicable by email to: feeddelivery@foodstandards.gsi.gov.uk.

2.5.14 Change of Details or Activities

Article 16 of Regulation (EC) No 183/2005 requires Competent Authorities to amend details of the approval of an establishment, where it has demonstrated its capacity to develop activities which are additional to those for which it was first approved, or which replace them.

In other circumstances such as proposed additional activities or changes to activities Authorised Officers need to consider whether a visit should be made to inspect the alterations and whether an amended HACCP based feed safety management system is required. This will depend on the extent of the changes. More information on the approval of FeBEs following the change of activities can be found at: <http://www.food.gov.uk/enforcement/sectorrules/opchange/>.

If a FeBO, of an approved establishment wishes to undertake additional approvable activities they must apply to the relevant Competent Authority for approval before commencing the operation of that additional activity. The FeBEs ability to undertake additional activities should be assessed following the same procedures as a new establishment.

Professional judgement should be used, in the case of approving additional activities, to decide to grant full approval in the first instance. This is only appropriate when the Authorised Officer reaches

a point where they are satisfied with infrastructure, equipment and the FeBO controls. A revised confirmation of approval document will still need to be issued to reflect changes in the approval. FeBOs should be reminded of this during all programmed interventions. Competent Authorities may also wish to consider including this in approval documentation and/or correspondence with FeBOs so that the FeBOs' obligations are clear.

2.5.15 Change in Feed Business Operator

Article 9(b) of Regulation (EC) No 1831/2003 requires FeBOs to provide the Competent Authority with up-to-date information on any establishments under their control this includes changes in ownership.

What would be regarded as a change of FeBO may vary in different business set-ups. The key issue is whether there has been a change in the "controlling mind" of the business. For example, when a member of a partnership leaves, it does not necessarily trigger a new approval if the remaining members of the partnership continue the business. However, if the partners sold the business to a sole trader who was not in the partnership, then this would constitute a change of FeBO.

An approved establishment cannot change ownership and retain the existing approval. If premises used for an approved establishment changes ownership, the Competent Authority must carry out an inspection and undertake re-approval.

2.5.16 Change of Trading Name

The approval document includes the details for the establishment and the identity of the FeBO. Where there is a change of name in either of these areas, the approval document needs to reflect this. Note – This is not to be confused with a change of ownership, which would warrant a re-assessment for approval. The change of name does not affect any existing matters arising in relation to the establishment, which may be the subject of separate inspection or enforcement activity.

2.5.17 Closure of an Approved Establishment

Where an establishment has a break in operation or closure the FeBO is obliged to keep the Competent Authority informed. Competent Authorities may wish to follow the FSA's procedure, as detailed below or use alternative approaches in line with their enforcement policy. Such breaks in operation can be categorised as follows:

Type of Closure	Action Required
Seasonal closure	An establishment may operate to a seasonal pattern with routine breaks in operation. Notification of this pattern must be provided by the FeBO as part of the application process by identifying the months when the FeBO intends to operate the establishment. The FeBO is then obliged to keep the Competent Authority informed about any significant changes to those details including any establishment moving to or from a seasonal pattern. When a FeBO intends to re-commence operation the Competent Authority needs to be notified at least two weeks before operations are intended to re-commence.

Type of Closure	Action Required
Temporary closure	When a FeBO needs to temporarily halt operations due to renovation / development work at an establishment or due to a temporary downturn in trade the FeBO is obliged to keep the Competent Authority informed about these significant changes to the operational pattern. In these cases the FeBO must notify the Competent Authority at least two weeks before operations re-commence.
Long-term closure	<p>When a FeBO stops operations with no immediate intention to recommence for at least 6 months or longer the closure is classed as long-term. The FeBO is obliged to keep the Competent Authority informed about this significant change to the operational pattern and must notify the Competent Authority at least two weeks before operations re-commence.</p> <p>Long-term closures should not be confused with seasonal closures. Seasonal closures are pre-notified routine breaks in operation to a seasonal pattern.</p>

Following a period of closures the FeBO must not start operations until the Competent Authority has been notified and undertaken a pre-opening visit. This visit is to assess that the establishment meets all structural and equipment requirements and other relevant requirements of feed law, including the existence of a feed safety management system based on HACCP principles.

The FeBOs feed safety management system must be available at the visit but as the establishment will not be operational, it will not be possible to assess how effectively this works in practice. The effectiveness of the FeBOs feed safety management system will therefore be assessed at the first scheduled visit undertaken by the Competent Authority.

A suggested process of pre-opening assessments is described below:

- where the pre-opening assessment results in the Competent Authority being confident that the requirements of relevant feed law are met the FeBO will be notified that operations at the establishment can re-commence;
- where the pre-opening assessment identifies serious deficiencies in meeting the requirements of relevant feed law the FeBO may provide the Competent Authority with guarantees on how the deficiencies will be resolved on a permanent basis and within a reasonable time;
- where the FeBO provides adequate guarantees that the deficiencies will be resolved on a permanent basis and within a reasonable time the approval will remain but operations cannot re-commence until the deficiencies have been resolved; and
- where the FeBO does not provide adequate guarantees or the timescale suggested for the deficiencies to be resolved is not reasonable the establishment cannot re-commence operations and the approval will be referred for formal review.

Following the pre-opening assessment visit and when the Competent Authority is content that the establishment meets all of the relevant requirements of feed law, the FeBO will be notified that operations can re-commence.

In the event that the Competent Authority is not content for operations to recommence, the FeBO will be notified of the deficiencies and appropriate enforcement action will be taken until the deficiencies are resolved on a permanent basis or a formal review of approval has been undertaken.

Where the Competent Authority becomes aware of a change of FeBO that continues placing feed on the market without seeking a new approval after the change of operator, the Competent Authority action regarding withdraw/recall of such feed should be risk based and proportionate. However, feed not yet placed on the market should be detained until the new FeBO has been able to gain approval.

2.5.18 Fees

In accordance with regulation 13 of the Hygiene Regulation, Competent Authorities must charge a statutory fee as specified in the schedules to the Regulations for approvals or amendments to approvals. A Competent Authority should not charge a fee for entering a feed business onto their list of approved establishments where approval has already been granted by another Competent Authority including the VMD and the appropriate fee paid. Competent Authorities may also seek reimbursement of any laboratory analysis costs incurred in connection with assessment of the establishment prior to approval.

2.5.19 Non-approved establishments thought to be engaged in activities requiring Approval

Where a Competent Authority becomes aware of businesses engaged in activities that require approval, but that are not approved, they should inform the FeBO, in writing, of the need for approval and consider appropriate enforcement action.

2.6 Lists of Registered/Approved Feed Business Establishments

Article 19 of Regulation (EC) No183/2005 requires the appropriate Competent Authority to draw up lists of feed establishments that have been registered or approved.

Competent Authorities should ensure that a separate, up-to-date, list of feed establishments registered with them is available for inspection by the general public at all reasonable times. The list should contain the following information about each feed business and should be consistent with the information held on the authority's database:

- 1) name of the feed business;
- 2) address of the FeBE; and
- 3) activity(ies).

Competent Authorities must also keep an updated list of feed establishments which they have approved available for inspection by the general public at all reasonable times. This list must contain the following information about each feed business and should be consistent with the information held in the authority's database:

- 1) identity (approval) number;

- 2) activity(ies)³;
- 3) name or business name of the feed business;
- 4) address of the FeBE; and
- 5) relevant remarks.

These Competent Authorities may give or send a copy of their list or any entry on it to any person who makes a request for such information. Requests for information on FeBEs should be handled with due regard to Freedom of Information and Data Protection legislation.

On receipt of a notification of a change of activities, Competent Authorities should update the list of registered/approved FeBEs as appropriate, and place or record the details on the file relating to that FeBE.

Competent Authorities should supply when requested the FSA with a complete copy of their registers and lists.

These lists also allow the FSA to fulfil its obligation to make a national list of registered and approved premises publicly available and to supply to the Commission a complete list of approved establishments in the United Kingdom.

The list of approved FeBEs in the UK can be found at:

<http://www.food.gov.uk/enforcement/sectorrules/feedapprove/feedpremisesregister>

The list of feed establishments which have been approved by the VMD can also be accessed via the above link.

2.7 Freedom of Information and Data Protection

This section contains information about the Data Protection Act 1998 and the Freedom of Information Act 2000 as they relate to feed business records.

Competent Authorities should ensure that their data protection registration encompasses all their reasons for holding data, including its supply to other agencies for the purposes of ensuring public health and the effective enforcement of feed law.

If Competent Authorities have any doubts about the release of data or information they should seek legal advice and/or contact the Information Commissioner's Office whose website can be found at www.informationcommissioner.gov.uk

The Competent Authority's FeBE record files, which may be computer based, should be updated after each intervention and include:

- information on the size and scale of the business and its customer base;
- information on the type of feed activities undertaken by the business, including any special equipment, processes or features;

³ Codes describing activities for registration and approval can be found at: <http://www.food.gov.uk/business-industry/guidancenotes/hygguid/approvregfeedguidance>

- copies of any correspondence with the business, including documentation associated with approvals or registration;
- copies of feed sample analysis results; and in respect of establishments inspected for feed hygiene purposes;
- an assessment of the business progress in meeting compliance with procedures based on HACCP principles;
- information on training undertaken and qualifications held by employees involved in the manufacture of feeding stuffs;
- for establishments that are subject to approval requirements,
- details of approved products handled; details of enforcement action;
- the existence and assessment of any documented quality system; and
- details of other businesses that produce or import for the business.

2.8 Monitoring of Official Controls undertaken by the Competent Authority

2.8.1 Monitoring Service Delivery

Competent Authorities must carry out internal monitoring checks to verify their conformance with legal duties, official guidance and their own policies and procedures across the full range of service activities. There are also benefits from participating in any relevant and robust peer review and/or inter-authority audit (IAA) schemes for enforcement consistency purposes, to identify good practice that can be adopted and to identify any areas for improvement. Guidance is available to assist Competent Authorities at: <https://www.food.gov.uk/enforcement/auditandmonitoring/iaaudittoolkit>

Competent Authorities must ensure:

- all relevant service activities are subject to proportionate and routine quantitative and qualitative monitoring so that the Service is able to demonstrate its conformance with legislation, codes of practice, the Standard and official guidance;
- appropriate and proportionate records are maintained to verify management oversight of key service activities and actions, and measures are taken to address any identified problems; and
- flexible and proportionate monitoring, varied, targeted and tailored according to personnel or premises risks illuminating unnecessary demands on managers to meet 'blanket levels' e.g. 5% of all inspections undertaken prescribed in local procedures.

Competent Authorities may wish to consider:

- consistency exercises within and across Competent Authorities e.g. a range of business scenarios to enable a comparison of officer assessments. These might include:
 - risk scores;
 - enforcement decisions;
- focusing on internal qualitative monitoring and improvements (rather than just quantitative checks on the numbers of activities carried out) e.g. monitoring trends in business risk profiles and the quality of officer interventions;
- a 'risk based' approach to internal qualitative monitoring e.g. greater emphasis on known problem areas (any issues with particular staff and a greater proportion of higher risk businesses) rather than an inflexible percentage check of all files approach;

- run reports listing the recent risk ratings so managers can quickly identify and investigate the reasons for any businesses remaining high risk over a series of inspections;
- delegation of some routine monitoring activities encourages all staff to participate in self-monitoring and peer checking of each other's work e.g. letters, notices, file updating; and
- monitoring activities that may work well for some Competent Authorities include:
 - periodic accompanied inspections;
 - reviews of post-inspection paperwork;
 - post-inspection visits to establishments by managers;
 - manager reviews of all enforcement activities, including checks against the relevant guidance and enforcement policy;
 - routine caseload meetings.

2.8.2 Database Management Monitoring

Complete, up to date, accurate and reliable databases of local feed businesses are essential to enable managers to know of all the relevant businesses located in their area and to provide the basis for comprehensive risk-based inspection and intervention programmes. The databases need to be monitored and maintained to ensure that changes of business use and ownership, closures and new businesses can be tracked.

[Guidance](#) has been produced by ACTSO to provide practical support to assist Competent Authorities with the setting up, management and validation of their databases in order that they are able to provide accurate returns and better plan and maximise resources is available on the Khub.

The guide includes tips on how to:

- set up an appropriate database coding structure;
- apply risk scores, the recording of assurance scheme membership and Earned Recognition;
- export and validate information and records; and
- the recording and reporting of interventions and enforcement actions.

It is recommended that Competent Authorities:

- databases are subject to database management procedures and processes to monitor routinely both the accuracy of the premises database, and the action/information entries inputted and maintained for each business; and
- occasional checks carried out to identify any inconsistencies between file records and database entries of intervention details, enforcement activities and actions.

Issues might include:

- businesses duplicated on the electronic database;
- database records of inspections/interventions inconsistent with data held on hardcopy files (e.g. dates of actions, risk ratings);
- no routine monitoring of data entries and/or anomalies and inaccuracies not picked up; and
- illegible handwritten inspection reports scanned onto the system at 'paperless offices'.

Solutions might include:

- use of the database software manager reporting facility, or a simple spreadsheet, to monitor for consistency issues and to routinely check for anomalies and inaccuracies in electronic inspection records; and
- routine cross-referencing checks of businesses held on the premises database against other listings of local businesses for example:
 - Red Tractor (RT) website;
 - Agricultural Industry Confederation (AIC) website;
 - other Assurance schemes operated by industry;
 - other internal Competent Authorities databases e.g. Planning, Business Rates and Building Control;
 - other agencies e.g. VMD and APHA; and
 - Competent Authorities covering the same administrative areas e.g. District authorities.

2.8.3 Internal Monitoring of Interventions

Intervention programmes must be risk-based; central to this are the assessments of businesses feed safety management and control arrangements.

Sufficiently detailed, accurate and retrievable documentation for key business operations and activities, inspection and assessment records, particularly in relation to feed safety management systems, and any enforcement actions, are essential to:

- demonstrate that feed businesses comply with relevant feed law;
- ensure that subsequent inspecting officers are aware of individual business compliance histories;
- to inform each step of a graduated enforcement approach;
- to provide the evidence base for formal enforcement, and
- to permit effective internal qualitative monitoring.

Competent Authorities must ensure:

- all intervention programmes consider all relevant businesses in the Competent Authority area;
- intervention frequencies prioritised by risk;
- intervention procedures and aides-memoires provide sufficient prompts to help ensure that interventions are effective;
- sufficiently detailed records of key business, inspection and compliance data – particularly in relation to businesses documented feed safety management systems;
- officers are familiar with the legislation they enforce, the Code and relevant guidance and that officers are competent and appropriately authorised for the businesses they inspect and the legislation they enforce; and
- FeBOs receive timely notification of inspection findings and know what actions need to be taken (with legal requirements distinguished clearly from recommendations).

Checks could include making sure:

- lower risk businesses are not inspected ahead of known high risk, and/or at the expense of following up and addressing persistent problems with higher risk businesses;
- repeated or lengthy non-compliance is being tackled effectively and adequate monitoring by line managers;
- intervention records (electronic or hard copy) are sufficient to inform subsequent interventions and actions, especially where these fall to a different officer;
- the legibility of handwritten inspection/intervention reports, and legal requirements are clearly distinguished from advice;
- intervention reports/letters specify the follow-up action and/or time allowed for remedial works; and
- appropriate action has been taken in relation to imported feed by inland authorities including liaison between authorities.

2.8.4 Internal monitoring of Follow-up Action and Enforcement

Competent Authorities should have the capacity to use the full range of enforcement actions available, from support and advice through to legal action. Formal enforcement should be instigated where support or informal advice are either not appropriate (due to the seriousness and/or persistence of the failings) or when advice has not achieved a satisfactory response over a reasonable period of time. Serious and/or persistent non-compliance needs to be addressed effectively to protect humans and animal health and enable businesses to compete fairly.

Competent Authorities need to ensure as part of effective internal monitoring;

- instances of non-compliance are acted upon;
- all significant non-compliance is addressed in a timely and effective manner;
- an enforcement approach is taken, in accordance with local enforcement policies and national guidance, and appropriate to the severity and persistence of the offences;
- any decisions to deviate from the approach prescribed in the enforcement policy are duly considered and the reasons documented. Proposed officer action, or inaction, that does not conform with an Competent Authority's enforcement policy should normally be referred for higher level agreement;
- the respective due legal process for each of the range of formal enforcement options is strictly observed;
- formal notices are followed up in a timely manner (i.e. immediately following the date of expiry), with a presumption that enforcement will ensue in the event of continuing non-compliance;
- identify instances of serious non-compliance and repeated poor risk ratings are addressed;
- identify failure to take a graduated approach to enforcement and/or utilise the full range of enforcement tools; Identify any lack of timely follow-up actions that would permit enforcement of the notices requirements e.g. checks at the time formal notices expire; and
- treat symptoms of non-compliance (short term fix) rather than addressing the root cause, resulting in repeated and continuing problems.

Competent Authorities may wish to consider the following:

- regular (e.g. monthly) case conferences between managers and staff. For example, to discuss the compliance progress of all high risk businesses in each officer's area;

- include an 'enforcement review' section on inspection forms/files for officers to provide brief reasons for any action taken/not taken, to inform subsequent inspecting officers and to facilitate manager checks of consistency against the local enforcement policy;
- consult with legal services early in formal enforcement actions to ensure that cases can meet all evidential and procedural criteria, and to avoid unnecessary technical challenge to well-founded cases;
- develop formal enforcement checklists to ensure due process is checked prior to each step of formal actions (e.g. adapt the relevant Agency audit checklists to include local Enforcement Policy criteria, and use before a notice is served);
- officers schedule and diarise follow-up visits/compliance checks against notices/formal actions to ensure they are carried out on time (and where appropriate, that these dates are notified to the business in the relevant inspection report or notice covering letter); and
- ensure each Authorised officer has an appropriate programme of continuing professional development.

2.9 Feed Enforcement Activity Data and Feed Registers

The Competent Authority's database must also record the details of establishments, the risk-rating score, inspections/audits, sampling and enforcement actions. This data will inform official controls undertaken by Authorised Officers, support Competent Authorities monitoring of its delivery of official controls and provide the data which is required by the FSA on an annual basis to enable it to report enforcement and sampling activity in the UK. Guidance on completion of the annual animal feed enforcement return and updates of feed registers is available at:

<https://www.food.gov.uk/sites/default/files/enf-e-17-056-annex1.pdf>.

2.10 Escalating Technical Queries to the FSA or another Government Agency

Competent Authorities before escalating a query to the Food Standards Agency should consider and follow the local government [framework](#) for resolving enquiries on feeding stuffs, feed hygiene, feed labelling, feed composition, etc. which is endorsed by the NAP and NAFPP.

Chapter 3 – Feed Incidents and Alerts

3.1 Introduction

Chapter 3 deals with:

- feed incidents and alerts that are first identified by Competent Authorities; and
- 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.

3.2 Feed Incidents

3.2.1 Reporting a Feed Incident

A schematic representation of the process that feed authorities should follow when dealing with a feed incident or hazard is included at Annex 3.

Where possible feed incidents should be reported on line [here](#) or alternatively email an incident report form to: foodincidents@foodstandards.gsi.gov.uk, tel: 020 7276 8448.

[Guidance](#) is available to Competent Authorities on incident reporting.

3.2.2 The European Commission's Rapid Alert System for Food and Feed (RASFF)

The RASFF allows authorities to exchange information about measures taken when responding to serious risks detected in relation to food or feed. This exchange of information helps European Member States to act more rapidly and in a coordinated way in response to a health threat caused by food or feed.

Border Inspection Posts and Port Health Authorities should use the online interactive iRASFF tool to complete either an original notification form or a follow-up notification form – used to transmit information on measures taken and outcome of investigations. When a decision has been made for a consignment to be returned to its country of origin, this information should in either be notified in the original or follow up notification depending on the information available at the time.

Those officers who do not have access to iRASFF should use the appropriate RASFF detailed below:

- a) [RASFF form: An original notification](#) - For Border Inspection Posts and other port health authorities to report hazards to the Commission;
- b) [RASFF form: Follow-up notification](#) - Used to transmit follow-up notifications on measures taken and outcome of investigations; and
- c) [RASFF form: Follow-up notification for consignment re-dispatch information](#) - Used when a decision has been made for consignment to be returned to its country of origin.

3.3 Liaison with other member states and Third Countries

Competent Authorities should provide information about trans-border feed issues to the FSA under the Administrative Assistance Co-operation (AAC) system using the form below (Exchange of Information: Routine Matters). The role of the AAC is to:

- assist and coordinate communication between member states on feed issues;
- forward complaints and requests for information to Member States;
- receive incoming requests for assistance and direct these to the appropriate originating Competent or Port Health Authority; and
- resolve difficulties in communication and liaison.

Competent Authorities must use the following link to provide information about trans-border feed issues to the FSA <https://www.food.gov.uk/enforcement/enforcework/report>

3.3.1 Trans-border issues

Trans border matters fall into three broad categories:

- 1) matters that need to be referred directly to the FSA;
- 2) 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.

3.3.1.1 Trans-border matters to be referred directly to the FSA

- the identification of feeds which appear to pose a risk to animal health or safety;
- enquiries about a particular product which has been examined and the microbiological condition of which gives cause for concern;
- the identification of feeds which relate to previously identified feed warnings, frauds or hazards;
- cases where malicious tampering with feed is suspected;
- circumstances in which feed products have been removed from the UK market with or without the agreement of the retailer or supplier;
- cases in which the authorised officer suspects that other significant national or EU policy matters are at issue; and
- where repeated non-compliance has been identified in connection with different batches, lots or consignments from the same source.

3.3.1.2 Trans-border matters reported to the FSA after liaison has taken place

- any issue when, after investigation, liaison or inquiry, it appears that circumstances set out in the above paragraph apply;
- cases involving Competent Authorities in other EU Member States where there is undue delay, equivocation or a refusal to undertake action which appears to be warranted;
- circumstances in which it appears that elements of the national feed law of one Member State conflict with that of another; and
- any issue listed for information which, after investigation, liaison or enquiry, appears to have such implications or is of such a serious nature that the FSA should be informed of it.

3.3.1.3 Routine liaison between Local Feed Control Authorities and other EU Member States

Competent Authorities should only deal directly with 'For Information' matters. Other issues requiring action should be referred without delay to the FSA. Competent Authorities should seek advice from the FSA if there is doubt as to the appropriate procedure for dealing with a particular trans-border matter. Matters of routine liaison between local feed control authorities of Member States under Category 3 would include:

- enquiries about a particular product which has been analysed and found to have no feed safety implications;
- enquiries about a product label or description which appears to be in breach of requirements;
- enquiries about sampling records, company history or control systems likely to support legal action;
- enquiries about relevant case law, regulation, compositional requirements and other feed standards applicable in a particular Member State;
- enquiries to establish the integrity of documents, problem source and to avoid duplicating sampling or inspections;
- enquiries into the particular circumstances surrounding the rejection of, or cause for enforcement action relating to, a specific UK feed product; and
- notification of other faults and infringements unlikely to require UK action, but which are for note or action by the authority in another Member State.

3.3.2 Enquiries from Member States

Requests for information or administrative assistance received by the FSA will be passed to the appropriate Competent Authority for action. The subsequent response may be made either via the FSA or direct to the Enforcing Authority in the Member State concerned, if appropriate.

Competent Authorities must ensure that documents are forwarded without undue delay. Article 36(2) Regulation (EC) No 882/2004 permits documents to be transmitted in their original form, or for copies to be provided.

3.3.3 Disclosure of information

Disclosure of information to Member States There will be circumstances in dealing with communications when confidentiality, data protection and human rights issues arise. In such circumstances, the Competent Authority should take account of the contents of its own publication scheme under the Freedom of Information Act. They must apply the law and general principles set out in relevant legislation and case law to the specific facts with which they are dealing. This is best done at a local level, and local administrators should consult their own legal department.

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

3.3.4 Use of Overseas Evidence in Criminal Proceedings

Overseas evidence can only be used in criminal proceedings with the prior consent of the sending Member State. Where a Member State is party to an international agreement or convention on

mutual assistance, the procedures laid down in such instruments must be followed. EU Member States are parties to the European Convention on Mutual Assistance in Criminal Matters. This Convention requires that requests for information to be used as evidence in criminal proceedings be transmitted through the relevant authority. The relevant authority in the UK is the 'United Kingdom Central Authority', which is part of the International Criminality Unit of the Home Office. The Central Authority liaises with the judicial authorities in Scotland. All requests via the Central Authority must be notified to the FSA so that it can fulfil its role as the UK single liaison body. The UK Central Authority address is:

UK Central Authority International Criminality Unit Home Office

3rd Floor, Seacole Building, 2 Marsham Street, London, SW1P 4DF

Tel: 0207 035 4040, Fax: 0 207 035 6985

Competent Authorities should ensure that any overseas evidence known, at the time of the request, to be required for use in criminal proceedings is obtained from the Member State by means of a letter of request under Section 3 of the Criminal Justice (International Cooperation) Act 1990. Competent Authorities are not 'designated' prosecuting authorities for the purposes of the above-mentioned Act and letters of request must therefore be sought from a Justice of the Peace or a Judge.

Where Competent Authorities wish to use information that has already been supplied by another Member State, a letter of request should similarly be sought from a Justice of the Peace or a Judge. The request must formally seek the consent of the Primary Authority (or equivalent) in the Member State concerned to use the information in the proceedings.

3.3.5 Non-compliance with legislation

When, during the exchange of information, it is apparent that a trader has not complied with EU or national legislation, the Member State where the alleged non-compliance has taken place is required to report to the other Member State on action taken and steps to prevent a recurrence. Either Member State can then decide whether the report should also be copied to the European Commission. Competent Authorities should copy all reports to the FSA. The FSA will decide whether the Commission should be notified.

Chapter 4 – Authorisation, Qualifications and Competency of Officers

4.1 Introduction

This Chapter provides advice on the qualifications and experience required for officers undertaking official feed controls, including advice on assessing an officer's competency for delivering official controls.

Competent Authorities need to satisfy themselves through appraisal and assessment procedures that an officer can provide demonstrable evidence that they meet the competency (knowledge and skills) requirements set out in Annex 4 of this Practice Guidance relevant to the role the officer will be authorised to undertake.

The competencies recognise that an officer's authorisation can be broadened as the person gains experience and develops new competencies.

The Code requires Competent Authorities to appoint a sufficient number of authorised officers to carry out the work in their Service Plan as part of their statutory obligations⁴.

This may involve:

- considering establishing regional or cross-regional arrangements whereby official controls are undertaken by a neighbouring or other Competent Authority(s); or
- employing temporary staff or contractors.

The advantage of establishing regional or cross-regional arrangements is it supports resilience and sustainability in respect of knowledge transfer between and within Competent Authorities and regions.

4.2 Authorisation

As is set out in Paragraph 4.2 of the Code, Competent Authorities must have a documented authorisation procedure that sets out the process to be followed in assessing the competence of the officer to undertake a specific official control duty prior to their authorisation.

All Competent Authorities should ensure that at least one officer is properly authorised to undertake imported feed control work and related enforcement action. One of the key issues to be considered in any review of authorisations is the identification of the specific legislation where enforcement powers originate. This will affect the content and wording of authorisation documentation.

Authorisations can be tailored to the enforcement role of an individual officer. Officers do not require to be given authorisations which enable them to undertake all feed enforcement roles unless this is how the authority wishes to organise its service. In this case such officers would need to meet all of the competency requirements in this Practice Guidance and hold an appropriate qualification as listed in paragraph 4.3 below.

⁴ Article 4 2(c) of Regulation (EC) No 882/2004 and See Chapter 2, Paragraph 5.3 of the Framework Agreement on Official Feed and Food Control by Local Authorities

An officer's authorisation is able to be extended as the officer gains the necessary competency and qualifications where these are required. Officers should be authorised to enforce relevant feed law Regulations issued under the European Communities Act 1972. However, the European Communities Act does not contain the specific enforcement powers, as its primary function is to provide a mechanism by which Regulations can be enacted. Powers of enforcement for Regulations made under the Act are usually contained in the Regulations themselves. Therefore, the FSA's view is that all Regulations relevant to imported feed controls should be specifically referred to in authorisation documents, including officers' credentials along with the following Regulations:

- The Official Controls (Animals, Feed and Food) (England) Regulations 2006
- The Official Feed and Food Control (England) Regulations 2009;
- The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015⁵;
- Trade in Animal and Related Products Regulations 2011⁶;
- The Transmissible Spongiform Encephalopathies (England) Regulations 2010⁷; and
- The Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004⁸

The FSA's view is that officers do not need to be specifically authorised to enforce declarations made under Regulation 35 of the Official Feed and Food Controls (England) Regulations 2009 (as amended) if already authorised under these Regulations.

Ultimately Competent Authorities will need to satisfy themselves and have documented evidence that officers meet the qualification and competency requirements set out in the Code for those duties for which an officer is to be authorised. Competent Authorities might also wish to consult their own legal advisors on this matter.

4.3 Qualification Requirement

The 'appropriate qualification' referred to in section 4.3 of the Code is met if an officer has successfully completed the agriculture written, oral and practical papers as part of one of the following qualifications in the Trading Standards Qualification Framework (TSQF):

- Diploma in Consumer Affairs and Trading Standards (DCATS);
- Higher Diploma in Consumer Affairs and Trading Standards (HDCATS);
- Certificate of Competence;
- Core Skills in Consumer Affairs and Trading standards; or
- Module Certificate in Consumer Affairs and Trading Standards.

The following qualifications are also 'appropriate' qualifications:

- Diploma in Trading Standards (DTS) or its antecedents;
- Diploma in Consumer Affairs (DCA) which includes the Food and Agriculture Paper, or its antecedents; and
- Diploma in Consumer Affairs (DCA) Certificate of Competence in relation to Food and Agriculture issued by the CTSI, or its antecedents.

⁵ [The Animal Feed \(Hygiene, Sampling etc. and Enforcement\) \(England\) Regulations 2015](#)

⁶ [Trade in Animal and Related Products Regulations 2011](#)

⁷ [Transmissible Spongiform Encephalopathies \(England\) Regulations 2010](#)

⁸ [Genetically Modified Organisms \(Traceability and Labelling\) \(England\) Regulations 2004](#)

As the FSA identifies other qualifications which adequately assess officers knowledge of feed law and following consultation with interested parties it will update the above list accordingly.

4.4 Equivalency

Existing or prospective Competent Authority officers may also have a range of qualifications, additional training and experience that together indicate their competence to undertake specific enforcement activities identified in the Code but who do not hold the appropriate qualification. In such cases a Competent Authority may approach the FSA, who will consider on a case to case basis, any request to utilise officers to undertake official feed controls who hold the baseline, or equivalent qualification to undertake official hygiene controls referred to in section 4.4 of the Food Law Code of Practice (England). Any Competent Authority wishing to consider this as an option should email: feeddelivery@foodstandards.gsi.gov.uk.

4.5 Competency Requirements

4.5.1 Introduction

This Practice Guidance sets out a Competency Framework which details the minimum competency requirements necessary in order for an officer to demonstrate they can effectively undertake the controls for which they are seeking authorisation in accordance with the Code.

The following, are ways in which an officer would be able to demonstrate they met the competence and officers should consider creating a portfolio of evidence of qualifications and training:

- academic and professional qualifications;
- post qualifications courses that lead to an additional relevant qualification;
- training courses;
- details of employment history detailing functions undertaken, responsibility exercised and experience gained; and
- details of official controls carried out under supervision by an appropriately authorised officer.

The Competency Framework is designed to assist Competent Authorities in determining the competency of their officers, including lead officers. Competency in this context is a combination of qualifications, technical and professional skills, knowledge and experience that enable an officer to be appropriately authorised to deliver official controls. The Competency Framework will allow those delivering official controls to demonstrate their competency to current and future employers, and the CPD requirements will ensure continued professional development.

Competent Authorities are best placed to determine the competency of their officers delivering official controls. Many Competent Authorities have existing competency assessment tools that may meet the requirements laid down in the Code. These may continue to be used provided they meet the objectives of the competency framework in this Chapter.

The key points are:

- appropriate qualifications, in conjunction with on-the-job experience and training, to develop and achieve competency and display proficiency; and
- competency may be demonstrated in other ways, so long as the desired outcome is achieved.

The Competency Framework outlines competencies for:

- 1) Lead Feed Officers (LFO);
- 2) Officers undertaking official controls, excluding feed sampling for analysis, at FeBEs required to comply with feed law which undertake solely, one of the activities R10, R11, R13 and R14 or, a combination of these activities;
- 3) Officers undertaking official controls, excluding feed sampling for analysis, at FeBEs required to comply with feed law which undertake one of the activities A1-A11, R1-R9, or R12;
- 4) Officers carrying out Official Controls, excluding sampling for analysis of feed, at Points of Entry;
- 5) Officers sampling for analysis feed; and
- 6) Officers using enforcement powers and undertaking reactive investigations.

At Annex 4 are the details of each of the six competencies.

Competency should be reviewed on an ongoing basis, i.e. as part of a Competent Authority's appraisal process. Each of the specified competencies has the following components:

- statement of competence;
- a description of what this might look like in practice; and

Please note that the description of 'how this might look like in practice' is not an exhaustive list. All suggestions can be easily evidence through:

- satisfactory performance during accompanied official controls as part of internal performance appraisal/monitoring procedures;
- satisfactory intervention paperwork when assessed/monitored by the authorised officer's line manager;
- technical advice given to FeBOs on feed law requirements; and
- doing any of the things suggested in section 4.6.2 on practical ways of attaining CPD.

The Competency Assessment Process		
Step 1	Step 2	Step 3
<p>Ensure that the officer has the 'appropriate qualification' (or equivalent)</p> <p>These qualifications will give the underpinning knowledge required to undertake official controls as well as providing a start on the development of competencies.</p>	<p>Determine the relevant competencies for the role and consider whether the officer can satisfy the Competent Authority that he/she meets those competencies.</p> <p>If an officer does not have the necessary competencies, there should be a discussion with the LFO about how the development needs can be addressed. Until such gaps have been filled, the officer's authorisation to deliver official controls should be appropriately restricted.</p> <p>An officer would be able to demonstrate the relevant competencies by various means, alone or in combination, but not exclusively restricted to the following:</p> <ul style="list-style-type: none"> • Holding appropriate qualifications – both academic and professional • Having undertaken assessed practical training that requires application of academic and professional knowledge; • Successful completion of training courses, including short courses and e-learning, e.g. on matters related to official controls, HACCP, enforcement sanctions • Having carried out accompanied inspections/visits under the supervision of an appropriately authorised (competent) officer; and • Having carried out a specific piece of work, e.g. drafting of notices, production of witness statements, gathering evidence, building elements of a prosecution file, carrying out sampling in the prescribed manner etc. <p>Officers are encouraged to maintain a record of evidence containing details of qualifications, training, and details of specific feed safety experience which helps to demonstrate that they have met the relevant competencies laid down in the Code. Where necessary, appropriate redaction should be carried out to ensure confidentiality and compliance with data protection requirements.</p>	<p>Officers should be able to provide evidence that they have met the CPD requirements detailed in the Code. Following the assessment, the LFO, in consultation with the individual officer, should be able to identify development needs which can be used to inform an officer's personal development plan and their CPD priorities.</p> <p>To assist officers in determining the most appropriate way to address development needs and undertake appropriate CPD, the Guidance for Regulators Information Point (GRIP) may be consulted. This can be accessed via the following link: http://www.regulatorsdevelopment.info/grip/.</p> <p>Officers should also consider appropriate training courses, for example those provided by the FSA, Better Training for Safer Food (BTSF) and professional bodies and organisations including CIEH and CTSI.</p>

The following case studies have been provided as examples but are not intended to be prescriptive or exhaustive.

<p>Case Study 1 - Assessing and authorising a newly qualified officer who holds an appropriate qualification or equivalent</p>
<p>A copy of the officer's qualification is endorsed by the LFO and placed in the officer's file. In order to properly develop relevant experience post-qualification, a structured training programme is developed. This includes elements such as shadow visits, accompanied inspections, notice and letter drafting, feed incident or complaints investigation, sampling etc. Specialist training, e.g. provided by BTSF courses, also provides key elements of the officer's professional development. Ongoing assessment of developing competence allows the LFO to monitor progress and determine suitability for authorisation. A newly qualified officer would need to gain sufficient experience and be able to demonstrate understanding and competency before they are authorised to inspect complex processes (e.g. approved premises) or take certain enforcement action. It is the LFOs responsibility to determine when this is appropriate on a case by case basis.</p>
<p>Case study 2 – Assessing and authorising an experienced qualified officer who holds the baseline qualification</p>
<p>A copy of the qualification is endorsed by the LFO and placed in the officer's file. The officer provides evidence of their CPD record and meets CPD requirements. Previous assessments will have been carried out to determine specific authorisations. An experienced officer will be asked to assess themselves against the relevant competencies in Annex 4. The officer will be expected to indicate which competencies they meet and provide a brief description of how they have been met. The officer will need to consider how this might be evidenced. The LFO then discusses this self-assessment with the officer and seeks evidence to confirm that the competencies have been met. The record of competency assessment is documented and the LFO appropriately authorises the officer, who is then subject to the Competent Authority's monitoring and verification processes. If an experienced officer is assessed and does not meet the competencies, the LFO and the officer should work together to identify any gaps in knowledge, experience etc., and how this can be addressed, e.g. through formal courses, online resources, gaining practical experience. The officer's authorisation would need to be appropriately restricted until competency is demonstrated.</p>
<p>Case study 3 – An officer returning to feed work after an extended break</p>
<p>An officer returning to feed work must have the baseline qualification or equivalent. A copy of this qualification is endorsed by the Lead Feed Officer and placed in the officer's file. The LFO will ask the officer to assess themselves against the competencies in the Code framework. The returning Officers assessment indicates that they do not meet all of the competencies as they have been out of feed related work for some time. The LFO and the returning officer work together to identify any gaps in knowledge and how this can be addressed e.g. through formal courses, online resources etc. Reference is made to Regulators Development Needs Analysis (RDNA) and Guidance and Regulators Information Point (GRIP) https://www.food.gov.uk/enforcement/enforcetrainfund/rdna-grip. A structured training and development programme is produced to assist the returning officer build up experience and develop the necessary competencies. The returning officer would need to gain sufficient experience and be able to demonstrate that they have developed the required competencies before they can be fully authorised to carry out official controls and carry out certain enforcement actions. It is the LFOs responsibility to determine when this is appropriate on a case by case basis.</p>

4.5.2 Lead Feed Officer Competency Requirements

An appropriate line manager (such as a service manager or Assistant Director with responsibility for the Competent Authority's feed service) should work with the lead feed officer to assess their competency. This is expected to:

- involve the LFO carrying out a self-assessment against the competency framework;
- provide evidence of how they meet or can meet the competencies; and
- provide opportunity to discuss any development needs with their line manager.

There is likely to be a difference in how competencies are demonstrated between an existing lead feed officer and a recently promoted/appointed LFO. This is because there is an expectation within the Code that a LFO will have full knowledge of the area, and will have carried out the relevant management tasks previously.

However, newly appointed or promoted LFOs should be able to describe and explain how they are capable of satisfying the competencies. It is expected that this will have been tested at the recruitment and/or job interview stage.

As a newly promoted/appointed LFO develops, they should be able to provide examples of how competencies have been demonstrated. Competent Authorities might choose to carry out in-year assessments to satisfy themselves that the relevant competencies have been developed.

LFO moving from other Competent Authorities should be able to provide real life examples of how they have demonstrated the necessary competencies in their previous employment.

To provide further assurances, Lead Feed Officers are encouraged to participate in inter-authority audit and peer review of Lead Feed Officer competencies. This will help with the development of consistent approaches to competency assessment.

The Code recognises that the LFO role may be performed by more than one person. Competencies relevant to an individual's role should be taken into account when carrying out assessments. LFO competencies could be demonstrated between the officers fulfilling the LFO role.

LFOs will need to ensure that Authorised Officers achieve the necessary training and experience to enable them to achieve the relevant competencies and that their authorisation is appropriate for their level of competency. The LFO competency framework is made up of 6 areas of competency. However, LFOs should hold the appropriate or equivalent qualification and also be able to demonstrate the relevant competencies for authorised officers as a matter of course.

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

4.6.1 On-going Continuing Professional Development (CPD) Requirements

CPD is the means by which professionals maintain, improve and broaden their knowledge and skills, and develop the personal qualities and competencies required. Many professions define CPD as a structured approach to learning to help ensure competence to practice, taking in knowledge, skills,

and practical experience. CPD can involve any relevant learning activity, whether formal and structured or informal and self-directed.

Fundamental to a CPD scheme is the need for individuals to take ownership of their career progression.

Professional bodies such as the CIEH and the CTSI operate their own CPD requirements for their respective membership, which includes providing CPD evidence as part of membership or Chartered Status. The professional bodies should be contacted directly if there are any questions on their respective CPD requirements.

Officers who are not members of professional bodies should still maintain a record of their CPD, which should be countersigned by a LFO.

Officers should maintain a record of their CPD which should be used as part of their annual review of training and CPD needs as required by the Code and used as proof of continued competency in those areas of current authorisation. Such reviews might be combined with annual staff appraisals where appropriate.

Other than where unavoidable as a result of an extended absence officers carrying out official controls should undertake a minimum of 10 hours each year. While the Code sets a minimum level extra hours may be required depending on the experience of individual officers and their area(s) of authorisation, any specific training needs or deficiency in competency identified at their annual reviews.

Annex II of Regulation (EC) No 882/2004 outlines the subject matters for the training of staff performing official controls. All CPD must relate either directly to official feed controls (including generic skills like investigation). Examples may include but are not limited to:

- different control techniques, such as auditing, sampling and inspection;
- control procedures;
- feed and food law, where relevant to feed controls;
- different stages of production, processing and distribution and the possible risks from human health, and where appropriate for the health of animals and plants and for the environment;
- assessment of non-compliance;
- hazards in animal, feed and food production, where relevant to feed controls;
- the evaluation of the application of HACCP procedures;
- management systems such as quality assurance programmes that feed and food business operate and their assessment insofar as these are relevant for feed or food law requirements;
- official certification systems;
- contingency arrangements for emergencies, including communication between Member States and the Commission;
- legal proceedings and the implication of official controls;
- examination of written, documentary material and other records, including those related to proficiency testing, accreditation and risk assessment, which may be relevant to the assessment of compliance with feed or food law; this may include financial and commercial aspects; and
- any other area, including animal health and animal welfare, necessary to ensure that official controls are carried out in accordance with this Regulation.

4.6.2 Ways of Attaining CPD

Set out below are a number of examples of ways in which officers can undertake and attain CPD. This is not an exhaustive list of ways to achieve CPD in the area of animal feed.

- relevant training courses including distance learning or e-learning activities;
- coaching from other experienced authorised officers;
- review of case studies and literature;
- conferences or scientific meetings which involve an element of learning;
- reading to understand the legal, regulatory framework for professional work;
- maintaining or developing specialist skills; and
- shadowing of an authorised officer who meets the competency requirements.

Examples of 'other professional matters' for CPD may include but are not limited to:

- attending training courses/conferences not linked to official controls but supporting professional development;
- taking part in a DGF audit or fact finding mission;
- shadowing experienced (internal or external) colleagues to develop knowledge of a particular type of feed establishment e.g. manufacturer of additives etc.;
- participation in scenario-based case studies (e.g. notice drafting, risk rating, etc.);
- writing relevant articles for peer-reviewed journals/papers;
- writing guidance on feed law;
- undertaking relevant distance learning or e-learning activities; and
- making presentations to colleagues on relevant food or feed law, particularly new/changes to legislation or feed-related developments.

A number of assessment tools are available to assist individual officers to assess their own competence and for lead officers to assess the competency of those officers as part of the Competent Authority's normal appraisal process. These could include an assessment process developed specifically for that authority or the use of the RDNA (Regulators Development Needs Analysis) process for regulatory skills. Further information on the RDNA process can be found at this link: <http://www.rdna-tool.bis.gov.uk>.

The FSA has made use of the Core Regulatory and Leadership skills from RDNA where these were appropriate, in drawing up the competency requirements for each of the subtasks set out in Annex 1 of the Code.

Following on from the assessment, the LFO in consultation with the individual officer will be able to identify development needs which can be used to inform an officer's personal development plan and their CPD priorities. In order to assist officers in determining the most beneficial way to undertake the appropriate CPD they might wish to look at the Guidance for Regulators- Information Point (GRIP) which can be accessed via the following link: <http://www.lbro.org.uk/grip/index.html>

4.6.3 Evidence of CPD attainment

Most CPD is likely to be evidenced by the established practice of certification from a training provider. 'Other professional matters' may be demonstrated by another means of supportive evidence, e.g. publication in a peer-reviewed journal.

If shadowing experience or participation in scenario-based case studies includes reflective practice that is documented by the officer, and countersigned by the LFO, this may count as core CPD. The LFO will need to assess this on a case by case basis.

4.6.4 Recording CPD

Officers should maintain a record of their CPD, which can be electronic. The record should include the following information as a minimum:

- date/s of activity;
- type of activity;
- hours spent on activity ('core' or 'other professional matters'); and
- copy of certification or counter signature from a manager or colleague that the stated activity took place.

Competency should be reviewed on an ongoing basis, i.e. as part of an Authority's appraisal process.

4.6.5 Training

Competent Authorities must ensure that authorised officers receive relevant on-going training. The training programme in respect of any authorised officer should be informed by and address any areas identified where the officer's competence falls short of that required to perform their current role or to extend it to new areas of activity.

The FSA recognises the need for all officers to update or refresh their knowledge and competency to adapt to the changing circumstances they work in and for officers who are starting out in feed law enforcement for the first time or officers returning to feed law enforcement after a break who need to develop their knowledge and competency. Competent Authorities should ensure that authorised officers receive relevant structured on-going training based on the principles of continuing professional development.

The FSA is working to provide a targeted programme of feed training for officers to help support the competency requirements in the Code. FSA Cascade Materials for dissemination can be found at: <https://www.food.gov.uk/enforcement/enforcetrainfund/cascade-training>

4.6.6 Better Training for Safer Food

BTSF is a European Commission training initiative covering food and feed law, animal health and welfare and plant health rules. It trains European Union Member State and candidate country national authority staff involved in official controls in these areas.

<https://www.food.gov.uk/enforcement/enforcetrainfund/btsf>

4.6.7 FSA e-learning

There are also two interactive e-learning courses for feed that have been developed by the South West Regional Co-ordinating partnership for Trading Standards (SWERCOTS) with funding from the FSA '[Feed Hygiene for Primary Production](#)' and '[Feed Controls at Point of Entry](#)'.

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 Requirement for a documented Service Plan and Management Review

The Framework Agreement⁹ sets out the planning and delivery requirements of official controls. These provisions must be reflected in Competent Authorities' Service Plans. The Framework Agreement includes service planning guidance requiring Competent Authorities to set out the scope of the responsibilities and service provided and to describe any external factors that may impact on their service.

Service plans are seen as an important part of the process to ensure that the FSAs NEPs and standards are addressed and delivered locally. Service plans also help Competent Authorities to:

- follow the principles of good regulation;
- focus on key delivery issues and outcomes;
- provide an essential link with corporate and financial planning;
- set objectives for the future, and identify major issues that cross service boundaries;
- provide a means of managing performance and making performance comparisons; and
- provide information on an authority's service delivery to stakeholders, including businesses and consumers.

Where relevant, Competent Authorities must include in these sections, imported feed responsibilities and the control arrangements in place, including where relevant details of resources allocated for imported feed control work in their service plans.

Competent Authorities are required to develop and implement a programme of feed controls. The link below provides useful information in relation to service planning and the management of a feed service <http://food.gov.uk/enforcement/enforcework/inspection-tips>.

The Code requires submission of the Plan for approval to either the relevant member forum or suitably delegated to senior officer level. Competent Authorities may wish to tailor the Plan to suit their audience e.g. a summary report for members. This is acceptable providing a Plan exists that meets the requirements of the Framework Agreement.

Competent Authorities may wish to consider the following when producing their Service Plans:

⁹ <https://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

- do Service Plans take account of all feed law enforcement issues and consider resource demands and availability including out of hours considerations in accordance with Service Planning Guidance?
- does the Plan include details of resources allocated for imported feed control work?
- does the Plan make it clear what period the Plan covers?
- does the Plan detail what arrangements have been put in place for the regular review and updating of the Plan?
- is there an approved Service Plan that details how it will deliver official feed controls within its area and is adequately resourced for feed official controls?
- does the Service Plan adequately take account of the FSAs National Enforcement Priorities (NEPS)? This should include information on any specific activities that specifically implement the NEPS. This may be a simple bullet point list of planned activities.
- what local and/or regional intelligence sources have the Competent Authority considered when planning their official feed controls?
- are sampling programmes and enforcement activities developed and implemented with due consideration of the NEPS?
- has the Service developed and implemented effective, risk-based qualitative and quantitative internal monitoring of feed law enforcement activities including identification of database inaccuracies, review annual targets, identify issues with consistency and competency, and generally encourage continuous improvement?
- does the Service have in place appropriate liaison arrangements with key central and local bodies involved with feed law enforcement activities and feed businesses?
- has the Service made use of any available grant money available from the FSA?

5.3 Interventions

When selecting the type of intervention to use at an establishment, the authorised officer must have regard to the limitations as laid down in the Code and the Competent Authority's own enforcement policy. The officer, when selecting from the available intervention types, must choose the intervention that will be most effective in maintaining or improving business compliance with feed law.

5.3.1 Intervention types

Annex 1 of the Code sets out the type of intervention that must be undertaken to meet the minimum intervention frequencies required by Section 5.3.5 of the Code, except where the National Targeted Monitoring Strategy (NTMS) applies. The flexibility to allow Competent Authorities the ability to undertake any type of official control at certain establishments enables the Competent Authority to adopt an approach which results in the most effective use of resources in order to achieve compliance.

Examples of official and non-official control intervention types are detailed in the table 2 below.

Table 2: Types of Interventions

Official control intervention types	Non official control intervention types
<ul style="list-style-type: none">• Inspections• Audits• Sampling for analysis• Monitoring• Surveillance visit• Verification• Documentary check• Physical check• Identity check	<ul style="list-style-type: none">• Education• Advice• Coaching• Information and intelligence gathering

5.3.2 Inspections, partial inspections and audit

When carrying out inspections or audits, Competent Authorities have discretion based on their professional judgement and history, to cover only certain parts of the establishment's operations. Circumstances that may warrant a partial inspection or audit, but are not limited to include:

- partial inspection or audit of a large/complex establishment, where the inspection would look in detail at a particular process or operational area within the business; and
- partial inspection or audit as part of a focused feed hygiene or feed standards campaign.

Feed businesses that fail to comply with significant statutory requirements must be subject to appropriate enforcement action and revisit inspection(s).

Failure to comply with significant statutory requirements includes failure to comply with:

- a single requirement that compromises feed safety, compromises public or animal health, or prejudices the purchaser or user of the feed;
- a number of requirements that, taken together, indicate ineffective management; and
- the requirements of a statutory Notice or Order.

5.3.3 Verification

The circumstances below are examples, but not limited to, when an intervention must be recorded as a verification visit:

- visit to verify compliance with specific issue(s) identified at an earlier intervention, investigation of a complaint and/or serving of notices;
- verification visits to confirm that the procedures for HACCP have been implemented; and
- one-to-one follow-up visit to verify compliance after participation of feed business in a training seminar or completion of a business survey.

5.3.4 Monitoring and Surveillance

The circumstances below are examples, but not limited to, when an intervention should be recorded as monitoring or surveillance visit:

- information gathering visit if they include verification of information collected on site by an appropriately qualified officer; and
- visit to check the information supplied as part of an alternative enforcement strategy.

5.3.5 Sampling for Analysis

A visit to an establishment for the purpose of obtaining a sample does not constitute a planned intervention unless the sampling activity forms a component part of a wider reaching official control that overall provides sufficient information to allow the officer to determine the level of compliance. The circumstances below are examples of when an intervention, but not limited to, should be recorded as a sampling for analysis visit.

- a visit solely to take formal sample/samples to be analysed/examined at an official laboratory. NB: if samples are taken during another sort of intervention for instance, an inspection, then the visit must be recorded as an inspection not a sampling visit; and
- visits to take samples as part of a national, regional or local sampling programme can be included in this category, as long as the samples are analysed / examined by an official laboratory.

5.3.6 Education and advisory work

Providing education, advice and training delivered at the business establishment can be a key part of a Competent Authority's strategy to change behaviour and increase compliance in feed businesses and must be encouraged whenever resources allow.

The circumstances below are examples, but not limited to, when an intervention should be recorded as advice and educational visit:

- premises to give advice and/or provide training; and
- give advice on planning applications/building control applications.

Educational and advisory work can also be delivered away from the feed establishments, for instance, through a business forum or seminar. It can be targeted at specific types of feed businesses or around specific feed safety topics.

5.3.7 Information and intelligence gathering visits

These are visits to confirm key information relating to the feed establishment. They might be carried out under a scheme of information sharing between different regulatory agencies. The information or intelligence gathered must be reviewed by a competent authorised officer (See Chapter 4) who will assess whether further action is appropriate.

The circumstances below are examples of when the intervention must be recorded as information and intelligence gathering for that visit to the feed establishment. These include:

- visits to take sample/samples that will not be analysed/examined at an official laboratory but that do provide information on some aspect of the feed business; and
- visits by a regulator other than the Competent Authority to gather intelligence/information on a feed establishment.

5.3.8 Revisits

Revisit inspections must be based on the relevant inspection form, where one has been developed, for the business concerned, although the inspection may focus on the significant statutory requirements that were found to be contravened at the previous intervention.

5.4 Delivery of Official Feed Controls

5.4.1 Planning of Interventions

Competent Authorities must establish an annual programme of interventions. The programme of interventions will be based on the risk posed by the activities of individual feed businesses. For further information on risk ratings for feed businesses and the frequency of inspections, audits and National Targeted Monitoring Strategy activities including the application of Earned Recognition, see Chapter 5 of the Code.

Inspections and audits must be carried out at all stages of production, processing and distribution to establish whether the requirements of relevant feed law are being met, in line with the general obligations as set out in Article 3 of Regulation (EC) No 882/2004.

Competent Authorities must either use the model forms at Annex 5 of this Practice Guidance or develop within their Regional Group a set of forms which will enable recording of interventions i.e. what was examined and whether or not it complies with legislative requirements. The forms can also be used to report findings of intervention to FeBOs, including remedial actions which are required to rectify non-compliances.

5.4.2 Notification of Official Controls

Prior notification should be the exception, except in the case of audits, where prior notification is necessary and at least 48 hours' notice must be given to the occupier.

Examples, but not limited to, where notification may be appropriate are:

- where it is advantageous to give advance notice and the overriding aim is ensuring compliance with feed legislation;
- or making efficient use of resources;
- when the purpose of an intervention is to see a particular process in operation; or
- examine records which are only available if the proprietor of the feed business is present.

Authorised officers must exercise discretion in this area guided by the overriding aim of ensuring compliance with feed legislation.

5.4.3 Timing of interventions to new or 'known' FeBEs, or a change of FeBO

While there is not a requirement for the audit or inspection to take place within a set time frame from receipt of a registration form, the Competent Authority must ensure their official control programme is planned, so that establishments receive an inspection or audit 'as soon as practicable', having regard to available Competent Authority resources and /or information /intelligence with regard to non-compliance.

This reflects the importance of ensuring new feed establishments are complying with feed law. Prioritisation of inspections and audits within the authority's intervention programme must be risk based.

5.4.4 Inspections and Audits

When undertaking inspections and audits, officers must consider the following:

- inspections or audits must be based on the relevant form for the business concerned, or on a documented inspection/audit form that has been developed locally by the Competent Authority or its regional group. The form is intended to assist officers and businesses by introducing a structured approach to the inspection process consistent with quality assurance practice;
- it is not necessary to inspect every aspect of a feed business at every inspection. The process must begin with a review of the information held on record by the Competent Authority in relation to the feed business to be inspected;
- at an appropriate point at the beginning of the inspection, the officer must discuss with the FeBO or representative the purpose and scope of the inspection, whether there have been any changes in activities since the Competent Authority's visit, and what the officer intends to do;
- an inspection or audit must include the identification of all the feed related activities undertaken by the business, the areas of the establishment used for the preparation, production and storage of feedstuffs, any processes used and the staff involved;
- staff of feed businesses who have been given specific responsibilities for ensuring compliance with relevant legal requirements may be questioned in order to verify that they understand their duties and are carrying them out effectively;
- an assessment of whether to take samples, and if so what to sample, must be an integral part of every full inspection, but particularly in feed manufacturing businesses and on-farm mixers;
- officers must offer advice where it is appropriate or is requested, and must encourage FeBOs through an educative approach to adopt best/good practice to ensure statutory compliance;
- at the conclusion of every inspection, the officer must discuss any contravention of feed law discovered, any corrective action necessary, the timescale for corrective action, any further action the officer intends to take and any recommendations of best/good practice that the officer considers appropriate; and
- in this closing discussion, and in subsequent reports or correspondence, officers must clearly differentiate between action required to comply with legal requirements and recommendations of good practice.

The officer must, on request, advise and discuss with the FeBO the inspection frequency or rating applied to the business. An officer carrying out an inspection or audit must, as appropriate:

- establish the scope of the business and the relevant feed law that applies to the operations taking place;

- thoroughly and systematically gather and record information from the observation of practices, procedures and processes, including procedures based on HACCP principles, and discussion with FeBOs and managers;
- determine whether it is necessary to collect samples of raw materials, ingredients, additives, intermediates, finished products, for analysis;
- identify any actual or potential breaches of feed law and, if appropriate, gather and preserve evidence; and
- identify possible sources of contamination with undesirable substances and where these exceed maximum permitted levels or exceed action thresholds carry out appropriate investigations.

5.4.4.1 Feed composition

Inspections or audits on feed composition may include, as appropriate:

- checks that the feed business is meeting the legal requirements relating to composition, labelling, presentation and advertising of the feed;
- checks for the presence of non-permitted additives or excessive levels of additives, and for undesirable substances (particularly those subject to a maximum permitted level), prohibited materials or other contaminants; and
- paying particular attention to relevant key control points, stages where ingredients and additives are mixed, monitoring and verification procedures, corrective actions and documentation.

An officer carrying out an inspection or audit must, as appropriate pay particular attention to relevant key control points, mixing stages when ingredients are added, monitoring and verification procedures, corrective actions and documentation.

In particular, an officer conducting a feed composition inspection or audit must:

- assess the risk of the enterprise failing to meet feed compositional requirements;
- consider the existence and effectiveness of management systems designed to ensure that feed compositional requirements are met and, where they exist, test their effectiveness;
- assess compliance with composition, presentation and labelling requirements by examining labels, descriptions, formulae and other records;
- assess compliance with the traceability requirements of Article 18 of Regulation (EC) No 178/2002;
- recommend good practice in accordance with relevant industry codes and other relevant technical standards;
- assess the risk of the business failing to meet requirements;
- consider the existence and effectiveness of management systems designed to ensure compositional requirements are met;
- assess compliance with composition and labelling requirements by examining formula, internal monitoring results, labelling and sampling where appropriate; and
- recommend best/good practice in accordance with relevant codes of practice and technical standards.

5.4.4.2 Feed Hygiene

Regulation (EC) No 1831/2003 on Feed Hygiene defines 'Feed Hygiene' as 'the measures and conditions necessary to control hazards and to ensure fitness for animal consumption of a feed, taking into account its intended use'.

Feed Hygiene Inspections must include checks that the feed business is meeting the provisions of requirements of Regulation (EC) No 1831/2003 relating to the safety for consumption of animal feed, in particular that safety requirements in relation to animal health, human health through the consumption of animal products, and to the environment are being met.

The approach to inspection will depend on the legal requirements that apply to a particular feed business as outlined in Annexes I, II and III of Regulation (EC) No 1831/2003 and the extent to which the business has to apply the principles of a HACCP based feed safety management system.

In general, an officer conducting a feed hygiene inspection or audit must:

- assess the risk to the business of failing to meet hygiene standards as laid down (e.g. Annex I, II and III or HACCP as applicable);
- assess the risk of the enterprise failing to meet feed hygiene requirements;
- assess the hazards posed by the activities of the business, the feed business operator's understanding of those hazards, and the application of appropriate controls; having regard to the nature and size of the business;
- assess and verify appropriate procedures based on HACCP principles appropriate to the nature and size of the business, confirming that controls are in place and operating effectively and that appropriate corrective action is taken when necessary;
- examination of records required to be kept by feed businesses in Annex I and II of Regulation (EC) No 1831/2003 and that this requirement is being observed;
- establish whether feed is being handled and produced hygienically, is safe, and that relevant storage conditions are being observed; and
- recommend good feed hygiene practice in accordance with EU and UK Industry Guides, relevant sector specific codes, and other relevant technical standards, and promote continued improvements in hygiene standards through the adoption of good practice.

In addition to the general requirements detailed above, a feed hygiene inspection or audit must include if appropriate:

- a discussion with any staff responsible for monitoring and corrective action at critical control points to confirm that control is effective;
- a physical inspection to determine whether critical controls have been identified and whether the controls are in place and to assess compliance with relevant feed law;
- assess the hazards posed by the activities of the business, the understanding of those hazards and the application of appropriate controls, having regard to the nature and size of the business;
- physically inspect to determine whether critical controls have been identified and whether the controls are in place and operational;
- assess and verify that the feed safety management procedures based on HACCP principles are appropriate and proportionate to the nature and size of the business. The assessment must confirm that controls are in place and operating effectively and that appropriate corrective actions are taken where necessary;

- recommend good hygiene practice in accordance with appropriate codes of practice, in particular [Community Guides](#) developed under Article 20 of the Regulation (EC) No 1831/2003, and promote continued improvements in hygiene standards through the adoption of good practice;
- discuss with the FeBO any hazards identified by the officer that have not been covered by the business, or though identified are not covered by effective controls;
- inspect records of business purchases to establish that all feeds or additives have been sourced from feed businesses that are either approved or registered to supply such material in accordance with the Regulation (EC) No 1831/2003.
- an assessment of compliance with the traceability requirements of Article 18 of Regulation (EC) No 1781/2002;
- a discussion regarding any hazards that have been identified by the officer that have not been covered by the business's systems; and
- a discussion regarding any failure to implement or monitor any critical controls that have been identified by the business.

Published UK and [EU Guides](#) to Good Practice may be particularly relevant to certain establishments subject to feed law as will other published recommended industry codes of practice. Officers may draw these to the attention of FeBOs in appropriate circumstances.

- Community [guides](#) to good practice were developed in accordance with Article 22 of [Regulation \(EC\) No 1831/2003](#) laying down requirements for feed hygiene;
- [Codex Alimentarius Standards](#) relevant to feed;
- [PAS 222:2011](#) Prerequisite programmes for food safety in the manufacture of food and feed for animals;
- FSA guidance on [mixing additives and premixtures directly in feeds and mixing compound feed with additives](#) and [HACCP-related requirements of the Feed Hygiene Regulation](#) for farmers;
- FSA [guidance](#) on the requirements for food and drink businesses that supply material for animal feed use;
- Defra [Code of Practice](#) for the control of salmonella during the production, storage and transport of compound feeds, premixtures, feed materials and feed additives;
- European Feed Manufacturers (EMFC) [guide](#) published by the European Feed Manufacturers' Federation (FEFAC) on good practices for the industrial manufacturing of compound feed and premixtures for food producing animals;
- EU community [guide](#) to good practice for feed additive and premixture operators;
- EU [guide](#) to good practice for the industrial manufacture of safe feed materials;
- EU [guide](#) to good hygiene practices for the collection, storage, trading and transport of cereals, oilseeds, protein crops, other plant products and products derived thereof;
- Advisory Committee on Animal Feedingstuffs (ACAF) review of on-farm feeding practices - updated [recommendations](#) on identifying hazards and minimising risks;
- RTA industry [Code of Practice](#) for on-farm feeding, which applies to farmers and covers all aspects of on-farm feeding, including on-farm mixing; and
- [Guide](#) for the *feed* industry – implementing the Codex Alimentarius [Code of Practice on good animal feeding](#).

5.5.4.3 Requirement for feed safety management procedures based on HACCP principles

Feed businesses in the UK must comply with both the European and national feed hygiene legislation. Regulation (EC) No 1831/2003 on feed hygiene contains the general hygiene requirements for all FeBOs.

Article 7 of the Regulation requires all FeBOs (except primary producers) to put in place and to maintain a permanent procedure, or procedure(s), based on the principles of HACCP, including the keeping of relevant records. The procedures can be applied flexibly and proportionately according to the size and nature of the feed business.

Hazard Analysis and Critical Control Point (HACCP) is an internationally recognized system for reducing the risk of safety hazards in feed.

A HACCP System requires that potential hazards are identified and controlled at specific points in the process. This includes biological, chemical or physical hazards. Any business involved in the manufacturing, processing or handling of feed products can use HACCP to minimize or eliminate feed safety hazards in their product.

5.4.4.4 HACCP Flexibility

Article 7 of Regulation (EC) No 1831/2003 is flexible, and requires feed businesses to establish procedures in the business that control feed safety hazards, and integrate these procedures with documentation and record keeping appropriate to the size and nature of the business.

Whilst larger, more complex businesses and businesses that have a high level of understanding of feed safety management may choose to demonstrate compliance with the legislation by putting in place a traditional HACCP system, others may do so with simpler approaches that take account of this flexibility. This section describes this flexibility for such businesses.

Whilst some businesses will wish to follow the traditional 7-principle HACCP framework this may not be easily understood or implemented by others. There is no requirement to use this 7-principle approach as long as the same outcome is achieved – safe feed being produced.

For enforcement, in practice, compliance means:

- obtaining assurance that the person responsible for feed safety understands significant hazards and has them under control e.g. by questioning;
- seeing that there are written procedures that demonstrate how the business controls these hazards at all times; and
- seeing evidence that these procedures are followed, and that they are reviewed and kept up to date.

In accordance with the legislation, businesses are required to implement appropriate feed safety management procedures. Different support models are appropriate for different types of business. Larger businesses and manufacturers may continue to develop and use traditional HACCP systems.

See [guidance](#) produced by the FSA on HACCP flexibilities for on-farm mixers subject to Annex II requirements of Regulation (EC) No 1831/2003.

In order to support small food manufacturing businesses, the FSA has developed MyHACCP, www.food.gov.uk/myhaccp a free interactive web tool, which guides food businesses through the process of identifying food safety hazards and controls and the production of a documented food safety management system based on HACCP principles. Officers may find this tool relevant for smaller FeBOs. Further advice is available on the Commission website at: https://ec.europa.eu/food/safety/biosafety/food_hygiene/guidance_en.

Guidance for authorised officers on MyHACCP can be accessed at: <https://myhaccp.food.gov.uk/help/guidance>.

5.4.4.5 Animal Feed Law Risk Rating System

See Annex 5 for details of how the Animal Feed Law Risk-Rating System potential risk scores were arrived at.

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 the Code.

Officers must determine whether there is a Primary Authority inspection plan in place for the business before using the inspection risk-rating scheme. If there is, officers must have regard to the plan where it informs the risk-rating process unless they obtain prior consent from the Primary Authority.

For example, a primary authority's work to assess management processes and procedures could inform the confidence in management score as part of the risk rating process. The Primary Authority inspection plan or National Inspection strategy should not require a Competent Authority to perform any additional planned inspections.

[Guidance](#) produced by NTS and the NAP through ACTSO on compliance scores is available on the Khub aimed at ensuring an accurate, consistent assessment and use by Competent Authorities of:

- the Level of Current Compliance (LOCC) score in Annex 1 of the Code; and
- the Likelihood of Compliance (LOC) score in the Trading Standards Risk Assessment Scheme.

5.5 National Targeted Monitoring Strategy (NTMS)

The NTMS will allow the FSA, based on intelligence and risk, the flexibility to set intervention activity type and frequency, as well as the ability to vary, up or down, the percentage or number of businesses to be inspected as part of a Competent Authority's official control programme.

This will enable better targeting of available Competent Authority resources through greater use of information and intelligence, allowing more time to undertake robust official controls in higher risk and non-compliant FeBEs.

The NTMS:

- will be reviewed and agreed annually by the National Enforcement Priorities Sub Group (NEPSG) whose membership consists of representatives from the FSA, National Trading Standards, Competent Authorities (selected from the NAP and NAFPP Panel members) and Agricultural Analysts (the FSA is fully accountable for decisions made by the NEPSG); and
- co-ordinated and delivered through the Feed Delivery Programme in England.

The period over which the NTMS applies will be totally flexible based on up to date information and intelligence and will not necessarily change year on year.

Examples, but not limited to, of NTMS activities may include any of the following or a combination of:

- project based approaches across all nine English Regions or only some regions, delivered as part of the NEPs and based on information and intelligence;
- regional or nationally targeted sampling project(s);
- a percentage or number of businesses receiving an official control or other intervention, regionally or nationally, to establish levels of compliance, either generally or in respect of specific legal requirement(s); and
- a targeted educational campaign delivered through the NEPs, informed by information and intelligence from the National Feed Threat Assessment regarding key areas of non-compliance.

5.6 Reports following Official Controls

The outcome of an inspection or audit must always be reported in writing to the FeBO either at the conclusion of the inspection or as soon as practicable thereafter, even if the outcome was satisfactory. These may be provided electronically.

The model forms at Annex 6 may be used as the report of an official control, provided to a FeBO.

Inspection of consignments at points of entry must also be reported to the FeBO responsible for the consignment unless the check was of a monitoring nature designed to decide if further controls were required. e.g. manifest checks.

Post-inspection reports may include other legislation covered during inspections of feed businesses, e.g. animal health, weights and measures etc., although matters relating to feed law must be clearly differentiated from other law.

5.7 Deferring Official Controls

5.7.1 Early Inspection

Circumstances may arise that make it appropriate to bring forward the timing of a planned inspection. Such circumstances may include when the Competent Authority:

- receives a new registration/approval application;
- receives a request to change registration/approval details;
- receives a complaint of a serious nature;
- becomes aware of any change in the ownership, management, layout or nature of operation of a feed establishment;
- receives a referral under the Primary Authority Principle; and
- receives a request or other information from the FSA, APHA or VMD.

5.7.2 Need to Re-schedule Planned Inspections

Circumstances may arise that require Competent Authorities to re-schedule their planned inspections in order to take urgent action over a period of time. Such situations may include those where there is evidence that:

- an unsafe practice is occurring or has occurred which represents a significant hazard to animal or public health;
- a particular feed handling or feed preparation practice is found to entail a previously unsuspected hazard to animal or public health;
- a feed previously thought to be safe is found to be hazardous to animal or public health;
- a feed with widespread distribution is found to be contaminated and thereby presents a significant hazard to animal or public health; or
- a feed with widespread distribution is the subject of misrepresentation in labelling or presentation.

Where such a situation arises the FSA may require Competent Authorities to take specific action. Competent Authorities are therefore required to have regard to and to act on, any such communication. In all cases, the FSA will, before taking action under this paragraph, consider whether urgent action by Competent Authorities is necessary to protect animal or public health.

Competent Authorities may be asked to provide information to the FSA about the action that they have taken. They must document the action taken in response to requests under this paragraph.

5.8 Import Controls

5.8.1 Feed of Non-Animal Origin (FNAO)

This section applies to Competent Authorities with a point of entry, checks undertaken at international rail terminals, and deferred examinations under the Official Feed and Food Controls (England) Regulations 2009 (as amended).

The advice in this section also applies to composite products which contain a small amount of product of animal origin and which are outside the Veterinary Checks regime covered by Directive 97/78/EC.

Specific [guidance](#) published by NTS and the NAFPP through the ACTSO with regard to consistency of checks at points of entry is available on the Khub.

Regulation (EC) No 882/2004 on official controls: guidance in Q&A format for enforcement authorities on the feed and food elements at:

<https://www.food.gov.uk/sites/default/files/multimedia/pdfs/offcgaguidancenotes.pdf>

Guidance for Enforcement Officers on increased levels of official controls on imports of certain Feed and Food of Non-Animal Origin of Known or Emerging Risk at:

<https://www.food.gov.uk/sites/default/files/multimedia/pdfs/ec6692009enforcerguide.pdf>

5.8.2 Requirement for Documented Official Control Procedure(s) at Point of Entry

All Competent Authorities, where relevant, must ensure that their written policies and procedures cover imported food having regard to the work that might reasonably be anticipated within the administrative district and jurisdiction of the authority.

Procedures relating to examination of imported feed including deferred examinations under the Official Feed and Food Controls (England) Regulations 2009 (as amended) must cover both feed safety and feed standards issues, where applicable.

Such procedures might be audited by the FSA or the DG Health and Food Safety of the European Commission and must be suitable and sufficient for these purposes.

5.8.3 Identification of imported Feed

It is important that Competent Authorities with a point of entry are aware of the volume and nature of feed entering the port. Competent Authorities overseeing seaports where enquiries with the port operator indicate that feed is imported should check ships' manifests (a document/computer file describing all cargo carried on a ship, cargo train or aircraft) for imported feed. Checks should continue until enquiries with the port operator reveal no feed imports for a continuous period of three months, and further feed imports are not reasonably foreseeable. Thereafter contact should be made with the port operator at least once every three months to check the status of feed imports.

Competent Authorities overseeing airports and international rail terminals must set up, implement and maintain documented procedures on the arrangements in place to identify imported feed. Where possible, airline manifest documents should be checked.

This might include:

- liaison with HMRC regarding food imported directly from third countries or via other Member States or ports under T1 arrangements (a transit declaration made to HM Revenue and Customs. T1 signifies those goods that are not in free circulation i.e. still subject to Customs control);
- liaison with transit shed operators to obtain copies of cargo manifests; and
- informal notification systems in co-operation with importers, their agents or airlines and ITSF operators.

5.8.4 Examination

Imported feed should be subjected to risk based checks. Regulation (EC) No 882/2004 outlines the requirements for documentary checks, random identity checks and where appropriate physical checks. The checks that are conducted will vary slightly depending on whether these take place at the point of entry or whether these are inland.

Checks on imported feed should take into account any guidance issued by the FSA. Such guidance might cover feed for which specific documentary checking regimes have been laid down or feed with restricted points of entry and/or testing regimes laid down in Commission Decisions or Regulations. Competent Authorities with points of entry which are not designated to handle certain FNAO products subject to Emergency Control Decisions and Regulations must ensure relevant port operators, local HMRC, or

agents/importers are aware of any restrictions. Arrangements must also be in place to deal with any such consignments which arrive at the point of entry.

A systematic documentary check does not imply 100% checking of documents but there must be risk based planned arrangements in place. However, documents required to accompany any consignment by food or feed law, such as under Emergency Control measures, are likely to require 100% checking. At the point of entry the documentation that would be checked, would consist of for example, health certification and laboratory reports and analysis. However, inland, documentary checks may involve, for example, checking Common Entry Document (CEDs) / Common Veterinary Entry Documents (CVEDs) and clarifying that the consignment was imported by the correct means.

An identity check involves checking that the consignment corresponds with the documentation that is provided. At the point of entry the checks would be to ensure the product tallies up with all of the documentation provided, for example, checking batch codes for the products. An identity check conducted inland would be closely linked with the documentary check, but may include verifying the batch codes and ensuring that the identity of the product can be confirmed. This may also assist with identifying and verifying whether the product has been legally imported.

Physical checks might include: checks on the feed itself, checks on the means of transport, checks on the packaging, checks on the temperature controls, organoleptic testing, and chemical or microbiological examination, or any other check necessary to verify compliance with EU food and feed safety requirements. Such checks may also take into account any guarantees that the competent authority of the third country has given and which have been assessed by the European Commission. The arrangements and follow up actions should be set out in relevant service policies and procedures.

For physical checks conducted at both points of entry and inland, these should be carried out under appropriate conditions inclusive of standards of hygiene and at a place with access to appropriate control facilities allowing investigations to be conducted properly. Samples should be handled in such a way as to guarantee both their legal and analytical validity.

Where an authorised officer reasonably requires facilities and assistance to carry out checks on a product, the importer may be asked to provide these. The Official Feed and Food Controls (England) Regulations 2009 (as amended) also allow an authorised officer to require that physical checks and identity checks take place at a specified place, where necessary for proper examination.

Checks should be informed by:

- statutory requirements for documentary checks and associated sampling laid down in relevant Emergency Control Decisions and Emergency Control Regulations;
- the risk associated with different types of food and feed safety issues;
- knowledge of the product e.g. new or unusual;
- any requirements following a Feed Alert or RASFF notification;
- the history of compliance for the product, country of origin and exporter/importer;
- the controls that the FeBO importing the feed has carried out;
- any guarantees that the competent authority of the third country of origin has given under the third country pre-export checks provisions in Regulation (EC) No 882/2004;
- any existing co-ordinated sampling programmes;
- adequacy or sufficiency of documentation e.g. discrepancies which need further investigation; or
- suspicion of non-compliance.

Checks might also be influenced by information received from inland Competent Authorities regarding non-compliant feed or from other control authorities or the port operator who may have concerns about a consignment.

As well as the reference sample required by Regulation (EC) No 152/2009 laying down the methods of sampling and analysis for the official control of feed, as amended, officers should give the owner, importer or importer's agent a receipt for, or a record of, all samples taken and a copy of the results in the case of non-compliance.

5.8.5 Deferred examinations of FNAO

Deferred examinations may be considered where the Competent Authority at the point of entry has a valid reason why an examination needs to be deferred, but it is anticipated this is likely to be in exceptional circumstances only.

Either the Competent Authority covering the point of entry or the importer can request deferred examination. However, the final decision on whether to defer examination rests with the Competent Authority covering the point of entry. In coming to any decision, liaison with the receiving Competent Authority should be carried out to ensure that appropriate checks will take place and deferral should therefore be based on full co-operation and agreement between the two Competent Authorities.

Where products are subject to Emergency Control Decisions or Emergency Control Regulation measures which require designated points of entry, deferred examination is unlikely to be appropriate but there might be exceptional circumstances where there are overriding health and safety considerations. In such cases the FSA should be informed. In all cases where feed is of a known or emerging risk it should be subject to relevant documentary and identity checks before being deferred for physical checks.

When any examination is deferred, the Official Feed and Food Controls (England) Regulations 2009 (as amended) require that the importer must provide a written undertaking that the consignment has been sealed and will not be opened until it reaches its specified destination and opening the container has been authorised by the receiving Competent Authority. The Competent Authority at the point of entry should notify the receiving Competent Authority forthwith and in writing that the feed has not been examined and forward to the Competent Authority a copy of any written undertaking given by the importer.

Deferred examinations under the Official Feed and Food Controls (England) Regulations 2009 (as amended) should be carried out in accordance with Regulation 27 of the Regulations - only an outline has been provided in this Practice Guidance. These arrangements are not common practice.

5.8.6 Onward Transportation

Article 8 of Regulation (EC) No 669/2009 (as amended) permits the authorisation by the competent authority at a designated point of entry (DPE) for onward transportation of a consignment(s) of feed of non-animal origin that may have been sampled at the DPE pending results of tests/analysis. The competent authority at the DPE may authorise these arrangements; however where authorisation is given, the competent authority at the point of destination must be consulted. Appropriate arrangements shall be put in place to ensure that the consignment remains under the continuous control of these competent authorities (so it may not be tampered with in any manner pending the results of the tests/analysis).

Please note: the onward transportation arrangement can apply for consignments of products of non-animal origin, moving inland within the UK (i.e. from a DPE to an inland authorities remit) but may also apply to consignments of products of non-animal origin transporting between EU Member States.

5.8.7 Effective monitoring of consignments of feed originating from outside the European Union at points of entry

Imported feed makes up 40% of feed used in the UK annually. To support a consistent and risk-based approach to monitoring Third country imports Competent Authorities are expected:

- to prioritise monitoring in consideration of the ACTSO [guidance](#) on consistency and prioritisation of the delivery of official feed controls at points of entry;
- to monitor consignments of animal feed to ensure:
 - products, in Annex I of Regulation (EC) No 669/2009, on the list of high-risk products of non-animal origin, enter the UK having first passed through an appropriate designated point of entry (DPE), in consideration of FSA [guidance](#);
 - products, in Annex I of Regulation (EU) No 884/2014, subject to safeguard controls due to aflatoxin contamination, enter the UK having first passed through an appropriate designated point of import (DPI), in consideration of EU [guidance](#); and
- where they are responsible for a small point of entry to consider liaising with the Competent Authority responsible for the nearest large point of entry for feed, or other appropriate point of contact, to use their expertise and co-operation to assist in implementing a proportionate system of official controls having regard to FSA guidance on:
 - import controls at [smaller sea port and airports](#);
 - imported feed checks undertaken by [inland](#) Competent Authorities.

For further information about imported feed controls and the types of feed imports and countries of origin where there are prohibitions and restrictions see: <https://www.food.gov.uk/sites/default/files/foodstuffs-with-current-EU-restrictions.pdf>.

A list of [DPEs](#), [DPIs](#) and ‘[safeguard measures](#)’ applicable to imports of animal feed can be found on the FSA website. Competent Authorities with a point of entry must establish routine local liaison and communication with relevant organisations for the purpose of exchange of information:

These contacts may include, where appropriate:

- Port Health Authorities;
- neighbouring competent authorities, particularly of ports, which fall under the jurisdiction of more than one competent authority;
- other Competent Authorities;
- the United Kingdom Border Agency (UKBA);
- her majesty’s revenue and customs (HMRC);
- APHA;
- VMD;
- port operators and import agents; maritime and coastguard agency (MCA); or
- the relevant Primary Authority.

5.8.8 Effective information sharing and communication between points of entry and inland Competent Authorities

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

- are on the Competent Authority 's feed establishment register; and
- are included in their inspection programme to enable follow-up action to be taken as appropriate;

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

If requested Competent Authorities are expected to acknowledge and respond to the originating authority, in respect of inland referrals, to confirm the action taken. This would include situations where inland supervision of consignments is required and where checks at the point of entry reveal feed safety concerns that are most appropriately dealt with by the inland Competent Authority.

Examples, but not limited to, include where:

- a consignment of FNAO, which is subject to emergency controls or other restrictions, has been illegally imported e.g. without being presented to the Competent Authority at the point of entry for the required checks to be carried out;
- the Competent Authority at the point of entry is aware that illegal imports of POAO might have been distributed;
- checks on imported feed reveal labelling issues which cannot be enforced at time of import
- examination under the Official Feed and Food Controls (England) Regulations 2009 (as amended) has been deferred;
- unsatisfactory test results are received for samples taken for routine surveillance but meanwhile the consignment has been released from the port; or
- analysis indicates, for example, that nuts are not suitable for human consumption but are referred for feed use.

Whenever inland Competent Authorities come across problems with imported feed, where the point of entry for the goods can be ascertained and similar problems are likely to be found in other imported consignments, the Competent Authority at the point of entry should be informed as soon as practicable.

5.8.9 Charges

Regulation (EC) No 669/2009 provides that mandatory fees for FNAO imports of a 'known or emerging risk' are collected in accordance with the criteria laid down in Annex VI of Regulation 882/2004.

Commission Emergency measures normally provide for mandatory charges.

5.8.10 Records relating to Import Controls

Competent Authorities with a point of entry must:

- maintain accurate records in retrievable form, on all relevant checks on imported feed, in accordance with this Practice Guidance, the Code and centrally issued guidance;
- ensure records of sampling checks, the result and action taken;
- ensure records relating to emergency controls must be held for three years
- must retain the CED or CVED (after completion and stamping) for a period of three years;
- retain the original of each third country health certificate or any document required to accompany a consignment and subject to checking e.g. results of analysis, for a period of three years; and
- keep a record of the results of all samples sent for analysis, for a period of one year.
- ensure the information on checks includes:
 - the number and type of feed consignments;
 - the checks made to determine compliance with legal requirements;
 - any identifying reference for the consignment examined; and
 - country of origin.

5.9 Sampling Policy, Programme and Procedure

5.9.1 Sampling Policy

Competent Authorities must:

- prepare and publish a Feed Sampling Policy and make it available to businesses and consumers; and
- the Policy must set out the Competent Authority's general approach to feed sampling and its approach in specific situations such as process monitoring, Primary Authority - including inspection plans and National Inspection Strategies, inspections, complaints, special investigations and national, regional and local co-ordinated programmes. The Sampling Policy must commit the Competent Authority to providing the resources necessary to carry out its feed Sampling Programme.

5.9.2 Sampling programme

- Competent Authorities must also prepare a Sampling Programme which details their intended feed sampling priorities;
- the Programme must take account of the number, type and risk-ratings of the feed businesses, and the type of feed produced in the area, the Competent Authority's Primary Authority responsibilities and the need to ensure that the provisions of feed law are enforced;
- the Programme must not be published;
- the Programme must take into account Primary Authority inspection plans which seek to coordinate sampling for partnership businesses;
- the Sampling Policy and Programme must be prepared in consultation with the Competent Authority's Agricultural Analyst, which may take place on a local or regional basis. It must also take account of the FSA national feed priorities that are issued annually.

All samples which are sent to an Official Laboratory constitute official control samples. All such samples must be dealt with in accordance with Article 11 of Regulation (EC) No 882/2004 on the official control of feed and food.

The Hygiene Regulation contains various provisions for the administration of Regulation (EC) No 152/2009 on laying down methods of sampling and analysis for the official control of feed. The Agricultural Act 1970 and the Hygiene Regulation also contain the powers to take samples.

EU [guidance](#) is available on the implementation of Commission Regulation (EU) No 691/2013 of 19 July 2013 amending Regulation (EC) No 152/2009 as regards methods of sampling and analysis.

5.9.3 Objectives of feed sampling

The main objectives of feed sampling must be borne in mind when setting up sampling programmes, and these objectives below may help to formulate priorities for sampling activity. ACTSO [guidance](#) is available on ‘understanding the objectives of Competent Authority inspections at feed businesses and how they are supported by a regional sampling plan’.

5.9.3.1 Protecting Health

The most important objective of feed sampling is to protect animal and public health. A significant proportion of sampling activity undertaken will, in some way, have a bearing on this wide-reaching objective. Specifically, sampling to detect naturally occurring toxins, contaminants, use of unsuitable ingredients, excessive addition of additives or additives not approved for the use intended or banned from use in animal feed.

5.9.3.2 Detecting Fraudulent Activities

In terms of animal feed such activity is likely to cause potential health concerns when it is linked to the diversion of product not intended for use as animal feed e.g. the use of ‘technical grade’ calcium carbonate containing high levels of heavy metals. Another example is the use addition of melamine to feed for animals to alter the apparent protein content of feed. This can lead to the death of animals with potential consequences for public health.

5.9.3.3 Compliance with Labelling Requirements

Information on feed labels is essential to enable FeBOs throughout the feed chain to make appropriate/best use of the material they use, either to manufacture feed or use as feed. This information is also often critical in ensuring that the feed is provided to the correct species/age of animal and provided in quantities which does not affect the health of the animal or animal products, or have adverse implications for human health/traceability.

5.9.3.4 Providing advice to Feed Business Operators

Notifying FeBOs of sampling results can highlight issues that they were not aware of, thus allowing them to take prompt action. Similarly, enforcement sampling alerts industry that products are being monitored for the purpose of consumer protection and legal compliance.

5.9.3.5 Promoting fair trade and deterring bad practice

Legitimate businesses need assurance they will not be undermined by competitors who cut corners or commit fraud. It is, therefore, important that feed law is effective and is enforced efficiently and consistently. Fair and effective enforcement helps honest and diligent feed businesses and is supported by industry as a whole.

5.9.4 A planned approach to feed sampling

Competent Authorities must have in place a programme for the majority of sampling that it intends to carry out during the year. This planned sampling must take into account local concerns as well as wider issues and can generally be set some time in advance. A sampling programme must be risk based and the planned inspection programme for the year must be considered together to ensure, where appropriate, that sampling and inspection programmes can be effectively integrated. Sampling will want to take place more frequently at premises of high-risk FeBOs than at others, but as well as the risk associated with the premises, consideration of higher risk products which may be found at otherwise lower risk premises e.g. feed additives used in animal feed at stores or distribution facilities.

5.9.5 What to Sample

The link below provides information on the national enforcement priorities for animal feed (NEPs) published annually at: <https://www.food.gov.uk/enforcement/enforcework/food-law/guidance-enforcement-0/national-enforcement-priorities>

Feed liaison groups and Agricultural Analysts can also be a useful source of information, as can information passed on from other enforcement bodies e.g. Competent Authorities at points of entry and agencies such as the VMD and APHA. Sampling programmes must be planned to avoid feeds that are already being looked at on a wider basis.

Imported feed makes up 40% of the feed used in the UK. Sampling imported feed then becomes a key mechanism to ensure the safety and quality of feed and food entering the UK from countries outside of the EU. All Competent Authorities with responsibility for points of entry must include provision in their programmes to sample products at points of entry on a risk basis. In addition, all Competent Authorities must give priority to the sampling and analysis of product, particularly additives and feed materials originating from outside the EU to assess its compliance with EU safety requirements.

5.9.6 When to Sample

The frequency of visits and subsequently any samples taken will mainly be determined by the risk assessment given for individual premises and the products used. Routine sampling must be considered by Competent Authorities as part of the inspection process. For instance, if the Competent Authority is the primary authority or originating authority for any feed premises which deals in unusual products, that may act as wide distribution centres either within the UK or internationally, the Competent Authority will probably want to sample products from these premises more frequently than others.

There may be seasonal factors associated with some businesses, such as seasonal variations in the imports they receive. Some businesses will not work to normal office hours and may require sampling visits outside of normal working hours e.g. importers.

5.9.7 Where to Sample

Choosing where to sample is closely linked with the risk associated with a feed business and the product. In general, feeding stuffs must be sampled as far back along the supply chain as possible. In the case of feed materials and feed additives this will enable an assessment to take place of compliance before dilution of possible undesirable substances (contaminants) can come into effect. It must also be remembered that many feed materials are fed directly to livestock. Normally, a compound feed must be sampled at premises

where it was manufactured, unless there is reason to do otherwise e.g. the feed is the subject of a complaint.

Only a small amount of imported animal feed can normally be sampled at points of entry. This is particularly true of loose bulk materials which are difficult to sample effectively at many points of entry. Authorities inland have an important part to play in the monitoring of feed materials and additives originating from outside the EU. Consideration must be given to including checks of feed materials and additives at feed businesses, especially those which store such products and/or use them as part of a manufacturing process. Results of analyses must be shared with Competent Authorities at relevant points of entry.

5.9.8 Local issues

Competent Authorities will want to deal with known or emerging local concerns and the Agricultural Analyst will be able to advise on these. In addition, sampling will be determined by the profile of FeBOs in the Competent Authorities area which may include such diverse businesses as additive manufacturers, mineral extractors, surplus food processors, importers and feed stores.

5.9.9 Planning for unexpected events

Whilst it is possible to prepare a plan for the majority of the samples a Competent Authority proposes to take, not all sampling can be planned in advance.

There will need to be contingency plans in the sampling programme to deal with sudden changes in priorities which may arise in response to:

- complaints;
- feed hazard warning and feed suspected of contamination;
- Rapid Alert System Food and Feed (RASFF);
- additional national surveillance programmes;
- new businesses;
- new products or manufacturing practices in existing businesses; and
- observations during inspections.

5.9.10 Risk Based Sampling

Article 3 of Regulation (EC) 882/2004 on the official feed and food, requires all official control activities, including sampling, to be risk based. For the purposes of this document, 'risk' means the likelihood of feed being detrimental to the health of animals or humans, and the extent/severity of such harm. For a sampling programme to be effective, programmes must consider the risks presented by different types of feeding stuffs and associated materials.

An effective sampling programme must take into account the types of feed businesses present, the nature of the feed handled, the size of the business and the procedures adopted by the feed business to ensure compliance with legislation. Consideration must be given to the following:

- whether the Competent Authority is the Primary Authority or originating authority for any feed premises that deal in unusual feed?
- are there feed manufacturers in the area?
- are there any distribution centres which deliver feed to a wide area?

- what type of feed materials/feed additives do FeBOs (e.g. feed manufacturers, and importers) use in the area?
- what is the compliance history related to individual feed business operators?
- do FeBOs use materials which have been subject of RASFF notifications or other incidents?
- do national sampling programmes highlight any feed types which relate to specific premises in the area?

In addition, consideration must be given to the following risk-related issues for all samples taken:

- the severity of the effect of any given fault with the feed;
- the likelihood of the occurrence of the fault;
- the consumption pattern applicable to the feed;
- the degree and distribution;
- the degree of control and monitoring exercised by the manufacturer for all potential faults;
- the stage in the production and distribution chain at which the problem can occur or could be more easily detected;
- the compliance history of a feed business;
- emerging national, European and wider international concerns; and
- local consumer and business concerns.

5.9.11 Level of Sampling

Sampling activity is monitored and assessed as part of the FSA's monitoring and audit arrangements under the Framework Agreement and to meet EU legislative requirements. When the FSA audits a Competent Authority, checks are likely to be undertaken on the level of sampling carried out and whether this is risk based.

The FSA provides information annually on enforcement priorities for Competent which are published on the FSA website. These indicate the products and analytes which must be included within local authority sampling programmes where appropriate FeBOs using, storing or importing these products exist. Sampling programmes must take account of these national priorities in addition to locally identified priorities together with the profile of FeBEs and quantities of feeding stuffs to determine an appropriate level and range of sampling for a given area.

5.9.12 Sampling Equipment

Competent Authorities must ensure they have access to the equipment necessary to take samples of different types of material likely to be present at FeBEs in their area and to sample materials which may be the subject of complaint.

Sampling apparatus must comprise of materials which cannot contaminate the feeding stuff that is to be sampled. Unless there is a good reason to the contrary, the sampling apparatus for solid feeding stuffs should be taken from among the following items:

- a) A flat-bottomed shovel with vertical sides, usually stainless steel or non-ferrous metal.

No further specifications are made by the regulations but the edges of the shovel should prevent spillage and retain a fair representation of the feeding stuff being sampled.

- b) A sampling spear with dimensions appropriate to the characteristics of the sampled portion in all respects, including dimensions of the container and particle size of the feeding stuff;

No further specifications are made by the regulations. However, an ad hoc Working Group set up by the then Ministry of Agriculture Fisheries and Food in 1981 to investigate the difficulties associated with bulk sampling made recommendations concerning the suitable dimensions of spears.

Sampling spears should not be used if the material is in a package or container containing less than 50 kg and, prior to taking the sample, the manufacturer objects to the use of such a device on the ground that the material is unsuitable.

- c) Mechanical apparatus which, if used for the purpose of sampling a feeding stuff being physically moved at the time the sample is taken (e.g. loading or unloading), must be capable of taking samples right across the flow of the product;

The device therefore must be capable of taking a sweep through a complete cross-section of the material, or must be wide enough to accept the entire cross-section.

- d) Apparatus designed to divide the sample into approximately equal parts for taking incremental samples, and for the preparation of reduced and final samples;

The regulations do not specify the particular type of apparatus that must be employed but the riffle and rotary sample divider would be suitable, as well as a sample divider that sub-divides in itself to give one sample at the end.

5.9.13 Sampling of Imported Feed

Routine imported feed sampling considerations, for Competent Authority surveillance and enforcement purposes, should take account of:

- any statutory requirements for sampling laid down in European Commission Decisions or Emergency Control Regulations (usually this will occur at a point of entry) any agreed FSA sampling programmes;
- any sampling required following a Feed Alert or RASFF notification;
- information from any EU, regional liaison group, local or other sampling survey; and
- any imported feed where there is no history or information on the product.

Commodities sampled under EU Emergency measures should be detained until the enforcing Competent Authority receives the results unless otherwise stated in the implementing rules. This type of sampling occurs at the point of entry, (BIP) as the products will not usually be permitted clearance for free circulation until satisfactory laboratory analysis is confirmed. Competent Authorities should also take into account local priorities, including consumer complaints relating to imported feed, and their local business profile when considering sampling, and include these in their sampling programmes. Sampling policies and programmes should be reviewed from time to time to assess the need to include national or regional imported feed priorities/surveys and the UK's National Control Plan.

Competent Authorities should take into account any specific central guidance on sampling or other matters set out by the FSA.

Chapter 6 – Earned Recognition

6.1 Introduction

Earned Recognition:

- is at the heart of the FSA approach to rewarding responsible businesses and encouraging industry to promote the positive role of regulatory standards;
- aims to reduce the burden on compliant businesses whilst concentrating enforcement activity at those businesses which are less compliant.

The frequency of delivering official controls is not prescribed by regulation, however, under EU Regulation (EC) No 882/2004, Article 3, Member States must consider a number of parameters when determining the frequency of delivery to ensure controls are carried out on a risk basis and with appropriate frequency. These parameters take into account risk associated with feed and business activity; record of compliance; the reliability of any own checks and any information that might indicate non-compliance.

The Animal Feed Law Risk-Rating System (Annex I of the Code) and general approach to Earned Recognition in Chapter 6 of the Code has been designed with these requirements in mind and to better recognise FeBOs 'own checks'. Whilst there is no definition of 'own checks' in EU Regulation (EC) No 882/2004, the FSA (in consultation with other Government Agencies and the European Commission) is of the opinion that a FeBO who is a compliant member of an assurance scheme whose standards require compliance with feed law and include independent third party audit of members establishments to verify compliance, can be used as the basis for certain feed establishments to qualify for Earned Recognition. These assurance schemes are referred to as being 'approved' in both the Code and this Practice Guidance.

At Annex 6 of this document is a list of all those assurance schemes which currently have approved status, together with a link to the relevant MOU.

The Code describes two types of Earned Recognition:

- Type 1: A business which is a member of an approved assurance scheme and demonstrates satisfactory or broad compliance; or
- Type 2: A business which is not a member of an assurance scheme but demonstrates broad compliance.

The process and criteria by which an assurance scheme obtains 'approval' from the FSA can be found on the FSAs website.

6.2 The Role of the Central Competent Authority and the Competent Authority

6.2.1 The Role of the FSA

It is the FSAs role as the Central Competent Authority, to assess individual assurance schemes which have applied for 'approved' status. When the FSA is confident that an assurance scheme meets the criteria a Memorandum of Understanding (MOU) will be agreed by the FSA with the assurance scheme, which details: the relevant scheme standard for which Earned Recognition has been awarded:

- any limitations to the scope of Earned Recognition awarded;
- arrangements which permit the FSA to regularly review the approved status of the scheme;
- the expected frequency of inspection for members of the scheme;
- how Competent Authorities can access the membership details of the assurance scheme;
- roles and responsibilities of the parties involved; and
- general principles of collaboration.

The FSA will review and verify the approved status of assurance schemes on a regular basis using both, information provided by the assurance schemes and competent authorities together with other relevant intelligence e.g. RASSF notifications. The FSA will agree actions to be taken by an assurance scheme where the general standards of compliance by its members are causing concern. This does not affect the role of a Competent Authority in ensuring that individual establishments take corrective action to deal with non-compliance or their role in removing Earned Recognition from an establishment if it fails to attain a minimum level of satisfactory compliance.

The FSA will share with Competent Authorities through appropriate national forums the outcome of reviews of approved assurance schemes, including sharing relevant summary data on assurance scheme audit findings.

6.2.2 The Role of the Competent Authorities

It is the Competent Authorities role to assess compliance of all FeBOs with feed law. In doing this Competent Authorities will be able to:

- assess whether feed businesses which are not members of an approved assurance scheme can be awarded Earned Recognition or have it removed if they are found not to be broadly compliant; and
- assess whether individual feed businesses which have Earned Recognition as a member of an approved assured scheme is satisfactory or broadly complaint and can retain its reduced level of inspection; and ensure that any non-compliance is rectified in a timely way.

6.3 Criteria for the Approval of Assurances for Earned Recognition

To be approved an industry scheme must meet FSA key requirements and criteria in the following areas six areas.

6.3.1 Standard Setting

The industry scheme and its standards should cover applicable legislative requirements for the sector it covers, and include the following aspects of governance surrounding the establishment and setting of standards:

- **Governance:** The role and governance of the standard setting body should be clearly defined within the scheme and include representatives of all relevant stakeholders;
- **Standards:** There should be clearly defined processes for developing standards, with access to expertise and experience in relation to the sector to which the standards relate; and
- **Legislation:** Processes should be in place to ensure standards are reviewed and developed in line with legislative changes; and,
- **Risk based:** A risk based approach to standard setting should be used, drawing upon HACCP or an equivalent risk assessment process that identifies safety hazards and controls.

6.3.2 Compliance and Certification

The industry schemes should clearly describe compliance as well as processes for assessment and review, in particularly:

- **Compliance:** The scheme should provide guidance on interpretation and assessment of compliance and how non conformities with standards are dealt with;
- **Review:** Systems should be in place to monitor and adjust scheme requirements to ensure they achieve acceptable standards of compliance; and
- **Assessment:** The scheme should have appropriate mechanism for the development and review of inspection criteria, with the ability of relevant stakeholders, including central competent authorities, to contribute to this process.

The industry scheme must have the following processes / criteria in place for its certification bodies:

- ISO/BS EN 17065: 2012 Conformity Assessment – Requirements for bodies certifying products, processes and services accreditation;
- a quality management system, including clearly defined management structure, processes for monitoring audits and the objective collection and recording of evidence as part of the certification process;
- a certification process that is reviewed at least annually to ensure it is operating effectively and in accordance with the requirements of the assurance scheme;
- a process to ensure non-conformances are tracked, closed off or otherwise addressed subject to the scheme's requirements;
- a process to monitor the competence / performance of assessors;
- a process to ensure those responsible for certification are kept up to date with developments in standards and guidance for interpretation of standards; and
- a certification decision-making process that is clear, transparent, proportional, consistent and documented.

6.3.3 Assessment Process

The industry scheme will need to demonstrate the following:

- the assessment process must be underpinned with guidance that deals with the assessment of standards and how non conformities are dealt with in relation to the risk posed by non-compliance. Guidance should include procedures for dealing with repeat non conformities, failure to rectify non conformities and situations when certification should be withheld or suspended and circumstances in which it might be re-instated. In addition the guidance must include verification of corrective action;
- the assessment must be carried out by assessors who are impartial, competent and maintain relevant sector knowledge;
- frequency of assessments must be no less than the minimum set by regulation or code of practice for the sector covered by the assurance scheme, risk based and take into account previous history;
- assessment must review all the standards set by the scheme applicable to the business and as a minimum must include a visual inspection of the site, observation of operations and examination of records;

- comprehensive records of assessment findings should be maintained. (date, name of assessor, scope of assessment, non-conformities, timescales for rectification etc); and
- where possible assessments should be unannounced or at short notice.

6.3.4 Assessor Authorisation / Competence

The industry scheme should have defined the following and have systems in place to ensure the certification body has:

- criteria for appointing and authorising assessors including reference to professional qualifications, auditing skills, relevant experience and arrangements for ensuring on-going competency; and
- induction and continued learning to enable assessors to demonstrate a clear understanding of scheme requirements, procedures and guidance for interpretation of standards and how non conformities are handled.

6.3.5 Standard Mapping

Scheme standards will need to encompass legislation applicable to the sector the scheme identifies with. The FSA will work with the scheme to ensure applicable feed legislation is identified. If the FSA identifies that the scheme fails to cover any of the relevant legislative measures, the assurance scheme will be notified and invited to amend the scheme.

- Directive 2002/32 on Undesirable Substances in Animal Feed;
- Regulation (EC) No. 178/2002 on the Principles of Feed and Food Law.
- Regulation (EC) No. 1829/2003 on Genetically Modified Food and Feed;
- Regulation (EC) No.1831/2003 on Feed Additives;
- Regulation (EC) No.767/2009 on the Marketing and Use of Feed; and
- Regulation (EC) No.1831/2003 on Feed Hygiene (as amended by Commission Regulation 225/2012 on feed oils and fats).

6.3.6 Data Sharing and Communications

The assurance scheme must ensure that:

- information is made available to the FSA and Competent Authorities to determine membership of the scheme (ie new members / members that leave or are suspended from the scheme) and such data is kept up to date;
- processes are in place to ensure the FSA and the enforcement authority are informed by the assurance scheme about members that are suspended from the scheme or where assessors have doubts that a member can manage or control risks as a result of repeat non conformities; and
- processes are in place to ensure that the FSA and enforcement authority are informed immediately if an immediate threat to public health, animal health (including welfare) or the environment is identified.

The industry scheme must be in a position to agree the following processes with the FSA:

- the review of planned and actual assessments;
- the review of high level non-conformity / compliance data and rectification timescales

- the establishment of effective communications, between the assurance scheme, FSA and enforcement authorities;
- how the FSA is notified of changes to the scheme with particular reference to standards that reflect legislative requirements;
- the review of criteria that lead to earned recognition being approved for the scheme;
- key contact details; and
- regular meetings with the FSA to discuss the operation of the scheme.

6.4 Continued Monitoring of Approved Assurance Schemes

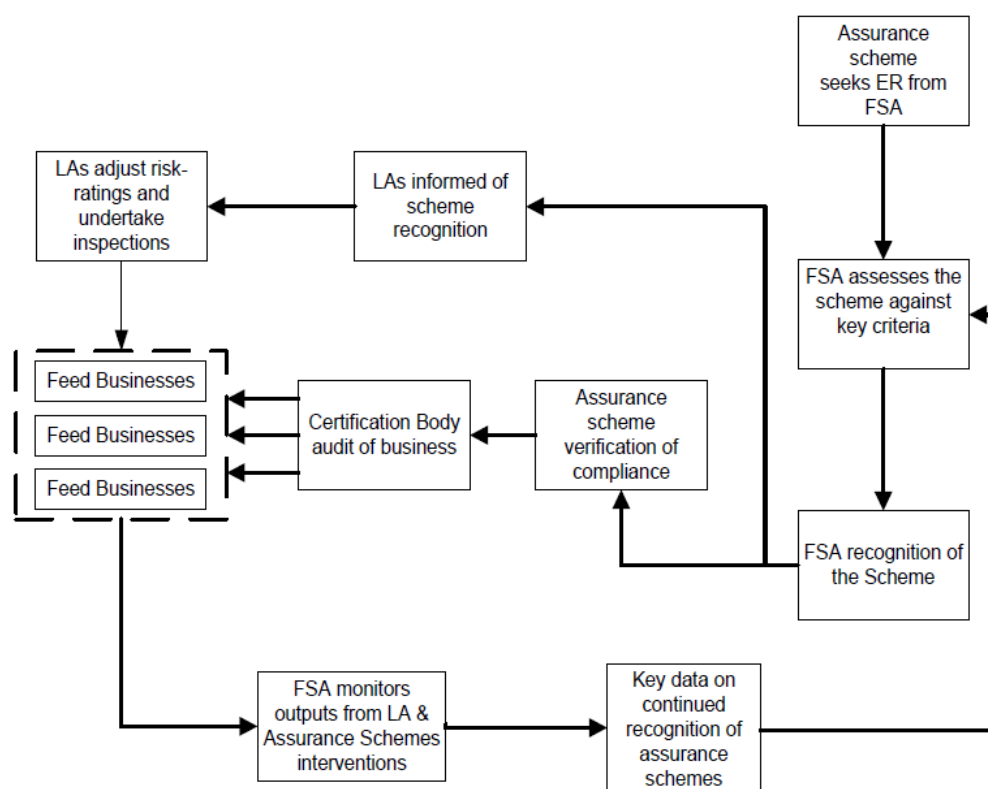
Once the FSA has approved an assurance scheme, steps will be taken to ensure continuing confidence in the scheme through verification. The verification process will enable the FSA to be assured that the scheme continues to deliver high standards, good governance and impartiality that lead to approved status. The inspections and audits of feed business establishments which are approved will form an essential element in this process and enforcement data provided to the Agency and other intelligence from official controls carried out by the Competent Authorities will be key sources of information.

This on-going positive verification will enable the FSA and Competent Authorities to have continued confidence in the approved assurance scheme. Verification will also allow the FSA to intervene should the scheme fail to meet criteria that lead to approved status. The FSA will work with the assurance scheme to ensure FSA criteria for approval is met, but ultimately the FSA can remove approved status. Should the FSA take this step it will liaise with bodies representing Competent Authorities and issue advice as to what adjustments will be made to the risk rating / visit frequency for those businesses concerned.

The FSA on a regular basis will review the following:

- the assurance scheme against the earned recognition requirements, criteria referred to in 6.3 and the MOU;
- agreed and up to date data is exchanged between the FSA, Competent Authorities and the assurance scheme;
- levels of compliance, non-conformities and rectification timescales;
- contact details are maintained for the FSA, Competent Authorities and the assurance scheme;
- membership information is made available to Competent Authorities, including businesses that have left or joined the scheme;
- the assurance scheme and certification body maintain a plan of work to ensure assessments are delivered in line with schemes requirements;
- work with the assurance scheme to understand the type and frequency of non-conformities found to inform the support that both the FSA , Competent Authorities and assurance scheme can provide;
- assess compliance through Competent Authority inspections;
- verify audit performance through the assurance scheme;
- check the quality of audits through direct assessment with the assurance scheme and through Competent Authorities undertaking relevant sample checks of qualifying businesses; and
- the criteria that lead to approved status being awarded, to ensure assurance schemes continue to meet such criteria.

Figure 1 The process for gaining earned recognition and the verification process



6.5 On-going Internal Governance Arrangements

To support the implementation of feed earned recognition the internal governance arrangements will ensure:

- a continuing connection between operational implementation and strategic development of earned recognition within the Agency;
- the decision making process for approval, continuing approval or termination of approval is fair, consistent, robust and evidence based;
- a system of accountability exists to define responsibilities for approval and monitoring of earned recognition; and
- earned recognition continues to support the FSA's Strategic Plan and the system continues to support the delivery of official feed controls.

6.6 Type 1 Earned Recognition

6.6.1 Application of Type 1 Earned Recognition and updating of the Competent Authority's database

The tables to follow detail the action required by the Competent Authority with regard to application of Type 1 Earned Recognition and updating their database.

Inspection status of the establishment	Establishment Type	Action required by the Competent Authority	Action necessary on Competent Authority's database
<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 current level of 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 of the Code. Following which the risk-rating for the FeBE must be determined in accordance with the animal feed law risk-rating system at Annex 1 of the Code.</p>	<ul style="list-style-type: none"> • Update Competent Authority database to show scheme member; • Inspection required as Regulation (EC) No 183/2005 Annex II applies to the FeBE; • Record inspection or audit on Competent Authority database; • FeBE entitled to be awarded Type 1 Earned Recognition when found to have at least satisfactory current levels of compliance which will decrease the frequency of intervention as per Annex 1 of the Code; or • Withhold Type 1 Earned Recognition until satisfactory levels of current compliance are being achieved by the FeBE • Competent Authority should notify FeBO of decision to withhold Type 1 Earned Recognition.
	<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 satisfactory levels of current compliance. The type and frequency of intervention will be as determined by the FSA's NTMS.</p>	<ul style="list-style-type: none"> • Register FeBO, if appropriate; • Update FeBO details, if appropriate; • No initial inspection or audit is required, the FeBE is automatically entitled to the benefit of Earned Recognition; • Update Competent Authority database to show scheme membership; • FeBO entitled to be awarded Type 1 Earned Recognition. The type and frequency of intervention will be as determined by the FSAs NTMS.

Inspection status of the establishment	Establishment Type	Action required by the Competent Authority	Action necessary on Competent Authority's database
<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 current level of compliance, to the type and frequency of intervention, appropriate to the FeBE in accordance with Annex 1 of the Code.</p>	<ul style="list-style-type: none"> • Update Competent Authority database to show scheme member; • Inspection required as Regulation (EC) No 1831/2003 Annex II applies to the FeBE • Record inspection or audit on Competent Authority database; • FeBE entitled to be awarded Type 1 Earned Recognition when found to have at least satisfactory current levels of compliance which will decrease the frequency of intervention as per Annex 1 of the Code; or • Withhold Type 1 Earned Recognition until satisfactory levels of current compliance are being achieved by the FeBE; • Competent Authority should notify FeBO of decision to withhold Type 1 Earned Recognition.
	<p>FeBEs who solely undertake one of the activities R13 and R14 or, a combination of these.</p>		<ul style="list-style-type: none"> • Update Competent Authority database to show scheme member; and • Withhold Earned Recognition until at least satisfactory levels of current compliance are achieved by the establishment Competent Authority should notify FeBO of decision to withhold Type 1 Earned Recognition.

6.6.2 Removal of Type 1 Earned Recognition by the Competent Authority

Where a Competent Authority determines, subsequent to an official control that a FeBE is not achieving at least a satisfactory level of current compliance they must remove Earned Recognition.

From time to time Competent Authorities may find minor non compliances when auditing a feed business that qualifies for Earned Recognition. Providing the matter is not subject to enforcement sanctions, can be rectified immediately or within a reasonable timescale of being identified and the level of compliance is not less than satisfactory, Earned Recognition should not be removed. The Competent Authority will need to check that the matter has been resolved. Examples of minor non-compliance could include:

- failure to complete records in full on occasion;
- minor hygiene breaches such as unclean hopper, water trough, etc. but evident that it is cleaned from time to time;
- minor pest control matters (in view of the environment, e.g. birds in shed), but there is a pest control system in place and action has been taken to minimise or eliminate contamination; and
- chemicals stored in feed areas (but in sealed/closed containers).

Examples, of a serious non-compliance which would lead to an increase in the establishment's risk-rating score leading to loss of Earned Recognition include:

- non-compliances requiring the use of formal enforcement powers e.g. improvement notice;
- an imminent risk to public health through the consumption of food from animals which have received contaminated feed;
- the welfare of food producing animals is threatened through the use of contaminated feed;
- serious infestation of pests (one which affects the welfare of animals or the safety of feed/food stocks) with no pest control system in place;
- serious breaches of hygiene such as unclean equipment which indicates no cleaning for some considerable time;
- controls to prevent cross contamination (e.g. segregation of medicated and non-medicated feed) are inadequate;
- lack of feed traceability; and
- a significant change of activity, e.g. which is outside of the scope of the assurance scheme standard or involves a farmer who begins manufacture of compound feed for supply to other feed business operators.

When a Competent Authority becomes aware that a feed business will lose Type 1 Earned Recognition and is a member of an approved assurance scheme, this must be notified to the FSA as soon as possible using the Earned Recognition exception report form that can be found at: <http://food.gov.uk/multimedia/spreadsheets/reporting-ea.xls> and send to feeddelivery@foodstandards.gsi.gov.uk. This information is important in helping the FSA carry out its verification role of approved assurance schemes.

Officers should complete the exception report as comprehensively as possible and clearly stating the specific breaches of feed law. Photographic and/or video images to support removal should be submitted with the exception report form where possible. These details will be shared with the assurance scheme who will be asked to provide feedback which the FSA will communicate to the Competent Authority.

6.6.3 Notification by an approved assurance scheme of a FeBE 'Withdrawn for non-compliance with scheme standards'

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 of the Code.

6.6.4 Notification by an approved assurance scheme of a FeBE 'Left scheme for another Reason'

Where a FeBO has left the scheme for any reason, other than non-compliance of scheme standards, Competent Authorities may take a risk-based approach to assessing the FeBE level of current compliance as an alternative to re-inspecting or auditing the business.

The Competent Authority must contact the FeBO to:

- Confirm the reason for leaving the FSA AAS and the activities currently taking place;
- Request a copy of the last assurance scheme audit report, if felt necessary;
- Risk-assess accordingly based on discussions, information received, non-conformances identified and/or other Competent Authority assessment process; and
- Competent Authority may wish to develop other strategies which are perfectly acceptable providing they achieve the same affect.

Based on the outcome of these enquiries the Competent Authority must, as appropriate:

- Carry out an inspection where the officer has concerns in respect of compliance or where the audit report clearly indicates less than satisfactory compliance; or
- The Competent Authority risk rating will remain the same but they must remove scheme membership from their database and increase the intervention frequency in line with Annex 1 of the Code.

6.6.5 What information will Competent Authorities receive from the FSA or a FSA Approved Assurance Scheme

6.6.5.1 Red Tractor Notifications

Competent Authorities receive monthly notifications from the FSA in respect of Red Tractor members whose certification has been 'withdrawn' for 'non-compliance with scheme standards'. This information is compiled from the 'withdrawn' lists on the [RTA Industry Checker](#) that all Competent Authorities can access at any time.

Competent Authorities will in addition continue to receive monthly email alerts via the [AFS/LACORS portal](#) which provides information on:

- a) new certifications of FeBOs;
- b) FeBOs who have had their certificate changed to 'Withdrawn' during the reported period and appear on the 'withdrawn' lists on the RTA Industry Checker (these appear as left the scheme on the monthly lists); or
- c) FeBOs who have 'left' the scheme for some other reason e.g. non-payment, no longer trading; companies closing certain sites; switching to a more appropriate feed assurance

scheme which is not an Agency approved scheme; or choosing to leave an assurance scheme as participation no longer benefits them.

The National Agriculture (NAP) assurance scheme [information sheet](#) and RTA Industry Checker [guide](#) outline how information to determine membership of assurance schemes is made available to Competent Authorities.

6.6.5.2 Agricultural Industries Confederations Notifications

Competent Authorities receive monthly notifications from the FSA detailing AIC participants whose certification has been withdrawn, the reason why and details of any new certifications. Where a business has been withdrawn for 'non-compliance with scheme standards' this is clearly stated in the notification. In all other cases there is narrative provided as to the reason why.

Where Competent Authority officers have registered with AIC to receive participant certification updates they will continue to receive alerts by email in real-time from AIC. The NAP AIC assurance scheme [information sheet](#) and industry [guide](#) outline how information to determine membership of assurance schemes is made available to Competent Authorities.

6.7 Type 2 Earned Recognition

6.7.1 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 use the powers available to them to ensure non-compliances are rectified in an efficient and timely manner.

7.2 Powers to Carry out Official Controls

7.2.1 The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015

Regulation 30 of the Hygiene Regulations permits an authorised officer to enter premises to undertake official controls and take with them such other persons as they consider necessary. This would include, for example, an assistant or expert.

The same regulation permits:

- inspection of material which appears to be feed;
- inspection of packaging and labelling;
- inspection of plant and equipment, including vehicles;
- sampling of materials which appear to be feed; and
- inspection of records including those held electronically.

Further powers relating to the seizure of feed, the prohibition of certain activities and the suspension and revocation of registered and approved establishments are also contained in the Hygiene Regulations.

7.2.2 Official Feed and Food Control (England) Regulations 2009

Regulation 18 of these Regulations contains further powers of entry which are applicable to the official control of feed. These powers are separate and in addition to those given above and mainly concern the monitoring of official control bodies and should be read in conjunction with Regulation 17(1).

Regulation 31 permits appropriately authorised officers of Competent Authorities to use the powers set out in Articles 18 to 21 and 24(3) of the Regulation (EC) No 882/2004 on the official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

7.3 Feed Complaints

7.3.1 General Requirements

As a general rule anybody who may be prosecuted as a result of a complaint should be notified that the complaint has been made as soon as reasonably practicable.

The Competent Authority should notify anybody who has an interest as soon as preliminary investigations indicate that a complaint may be well founded. Other potential defendants should be notified as they emerge.

Notification may be by any means, but should be confirmed in writing as soon as reasonably practicable. The written notification should include the date and nature of the complaint.

There might be exceptional circumstances in which notification might impede an investigation. In such circumstances notification should take place once it would no longer prejudice further investigation(s).

7.3.2 Involvement of other competent authorities

If an investigation of a complaint brings to light a problem or potential problem outside the area of the enforcing Competent Authority, other Competent Authorities affected should be informed as soon as possible and, if appropriate, in accordance with the Primary Authority Scheme.

7.3.3 Scientific investigation of feed complaint samples

The authorised officer will need to consider whether feed that is the subject of a complaint needs to undergo any scientific investigation. If the authorised officer is in any doubt, advice should be sought from the Agricultural Analyst who will be able to advise on the form of scientific investigation which may be appropriate, particularly where a combination of analysis and examination is required.

If the authorised officer considers that a feed complaint sample requires analysis, it should be sent to the Agricultural Analyst. If any other investigation is necessary, the feed should be sent to a suitably qualified expert who is able to give evidence in the event of a prosecution.

The subject of a complaint or other interested party might ask for a feed complaint sample to be made available to help with an internal investigation. The Competent Authority should try to comply with any reasonable request provided that it does not compromise the proper storage, analysis, examination or evidential value of the sample.

7.4 Dealing with non-compliance

7.4.1 Introduction

This Section gives additional information to the material in the Code on the application of enforcement sanctions and penalties, and other measures that can be taken by authorities to secure compliance

- requires each Competent Authority to document its Enforcement Policy and keep it up-to-date; and
- lists reference materials which Competent Authorities should take account of.

Competent Authorities must ensure that authorised officers have up-to-date information readily available to enable them to carry out their duties competently.

This includes relevant legislation, the Code and this Practice Guidance, and UK and EU Guides and Codes of Good Practice in respect of feed, where appropriate; guidance issued by the FSA, relevant industry codes of practice and appropriate technical literature.

7.4.2 The enforcement approach

The primary objective of any enforcement action must be to achieve compliance in the most effective way and the approach should be in line with the “hierarchy of enforcement”.

The practice of giving advice, and communicating by letter about enforcement issues, are well-established approaches to enforcement that are understood by feed businesses. Such procedures are therefore encouraged whenever they are likely to secure compliance with the requirements of feed law within a time that is reasonable in the circumstances.

When determining the appropriate enforcement action, consideration should be given to;

- the level of risks to consumer safety resulting from the non-compliance;
- particular consumer sensitivities around an issue, leading to loss of consumer confidence or economic loss to industry;
- the potential for non-compliant feeds being distributed widely with large numbers of animals affected;
- previous history of compliance; and
- collaboration with the Primary Authority.

7.4.3 Enforcement Information

In order to ensure consistent interpretation and application of feed law Competent Authorities should ensure that authorised officers have up-to-date information readily available to enable them to carry out their duties competently.

For example:

- relevant legislation;
- the Code of Practice;
- EU Guidance documents;
- UK Guides to Good Practice where appropriate;
- Guidance/ relevant correspondence issued by, jointly with, or on behalf the FSA; and Local Government Association (LGA);
- FSA feed alerts e.g. Feed Alerts For Action (FAFA);
- relevant industry codes of practice; and
- appropriate technical literature.

7.4.4 Guidance issued to Competent Authorities

The FSA periodically issues communication to Competent Authorities on new and/or revised enforcement policies, information on feed safety matters and other issues connected with the effective enforcement of feed law.

Competent Authorities should have arrangements to determine what action is appropriate on receipt of such communications, and to bring them to the attention of their authorised officers as necessary.

7.5 Revisits

A revisit should, where practicable, be undertaken by the officer that undertook the original audit or inspection.

Revisits must focus on the contraventions identified at the last planned programmed inspection and ensure that they have been remedied before deciding that no further action is required.

The timing of the revisit will be determined by the severity of the non-compliances identified.

7.6 Investigating Offences

7.6.1 Powers of Search and Seizure under Police and Criminal Evidence Act 1984 (PACE) and Human Rights Act 1998

The right to privacy and respect for personal property are key principles of the Human Rights Act 1998¹⁰.

Powers of entry, search and seizure must be fully and clearly justified before use because they may significantly interfere with the occupier's privacy. Officers must consider if the necessary objectives can be met by less intrusive means.

Regulation 30(6) of the Hygiene Regulation permit an authorised officer to be accompanied by such other persons as may appear necessary to the officer. This would include, for example, any officer assisting the authorised officer, or suitably qualified or skilled person, or an expert in a particular field whose presence is needed to help accurately identify the material sought or to advise where certain evidence is most likely to be found and how it must be dealt with. These provisions do not confer on the accompanying person any of the powers of an authorised officer, but they do give that person the right to be on the premises during the authorised officer's search without the occupier's permission.

However, Regulation 30(14) says an officer has the right to 'seize and detain any record which the officer has reasonable cause to believe to be a record which may be required as evidence in proceedings under specified feed law'.

In all cases authorised officers must:

¹⁰ <http://www.legislation.gov.uk/ukpga/1998/42/contents>

- exercise their powers courteously and with respect for persons and property; and
- in circumstances where a warrant has been obtained and is appropriate, only use reasonable force when this is considered necessary and proportionate to the circumstances.

7.6.2 Use of PACE Code B Notices and Notices under the Protection of Freedoms Act 2012

There is no obligation on authorised officers to routinely issue a PACE code B notice when undertaking their statutory duties in feed establishments to verify compliance with feed law.

A PACE Code B notice should be used in those circumstances where officers are carrying out a directed search. A directed search can be defined as looking for something predetermined as relevant to a suspected or alleged offence.

It may be appropriate as part of an ongoing investigation for example in response to a complaint where evidence of suspected offences may already exist. Ultimately, a decision to serve a PACE Code B notice will depend on the individual circumstance of the matter under investigation. Officers should seek further guidance from their Competent Authority's own legal counsel if further clarification is needed.

Protection of Freedom notices which are required to be issued by Trading Standards Officers in relation to issues such as fair trading and consumer safety, do not apply to feed law.

PACE Codes of Practice including PACE Code of Practice B can be found on the Home Office Police website at the following address: <http://www.homeoffice.gov.uk/police/powers/pace-codes/>

7.7 Feed Business Improvement and Emergency Prohibition Notices

7.7.1 Introduction

This section deals with the use of feed business improvement notices (FBIN) under regulation 24 of the Hygiene Regulation.

7.7.2 Issuing Notices and carrying out enforcement in a proportionate manner

FBIN should be used in line with the Competent Authority's enforcement policy and must be considered as part of the escalation of enforcement action in line with the hierarchy of enforcement.

If the authorised officer has reason to believe that an informal approach will not result in a successful outcome then a more formal approach should be considered.

Since breach of a FBIN is a criminal offence, Competent Authorities should carefully consider whether they are appropriate in the circumstances and in line with the hierarchy of enforcement and their own enforcement policy. A FBIN once served may be appealed, if the business doesn't agree with the conditions of the FBIN. Care should be taken to make sure that evidence of the non-compliance is obtained and its continuity maintained and the relevant procedures have been followed when issuing a FBIN.

7.7.3 Feed Business Improvement Notices – When to use feed business improvement notices

Feed business improvement notices may be appropriate in any of the following circumstances or a combination thereof: where formal action is proportionate to the risk to animal or human health; where there is a record of non-compliance with breaches of specified feed law listed in the Hygiene Regulations; where the authorised officer has reason to believe that an informal approach will not be successful. A model Feed business improvement notice can be found at Annex 9.

7.7.4 When feed business improvement notices are not appropriate

Feed business improvement notices procedure would not be appropriate in the following circumstances:

- in transient situations, and it is considered that swift enforcement action is needed. A feed business Emergency Prohibition Notice (FBEPN) would be the only formal remedy which would have immediate effect;
- where there is a breach of good hygiene practice but no failure to comply with an appropriate regulation; and
- generally, an improvement notice should not be used to require withdrawal of product in circumstances where the feed business operator would have no obligation to do so under Article 20 of Regulation (EC) No 178/2002.

7.7.5 Drafting of feed business improvement notices

It should be clear from the FBIN, the grounds for failure to comply with a relevant provision of specified feed law, the matters which constitute the failure to comply, and the measures (or equivalent measures) the recipient is required to take. Notices should be clear and easy to understand.

As failure to comply with the requirements of a FBIN within the specified period is an offence, an officer who has decided to serve a notice should consider whether a single notice with a single time limit is appropriate.

It may be possible to cite more than one non-compliance in a notice:

- provided the issues are of the same theme;
- the action required of the FeBO are capable of rectifying all the failures cited on the notice; and
- the time frames for compliance are all the same.

However, simplicity is often better; to avoid confused drafting, ensure the notice is understandable to the FeBO and any time frames for compliance fit with the escalation of each issue.

Using multiple notices, each with a different time limit, may be more appropriate where multiple contraventions are concerned. Separate notices with separate time limits may also be easier to handle if there is an appeal. An appeal against a single notice concerning multiple contraventions would result in the suspension of the whole notice until the appeal had been dealt with.

In respect of an FBIN requiring structural work to be carried out, ideally the officer will discuss the detail of any such work with the FeBO, or with a person acting on the FeBO's behalf who is in a position to authorise the work, before a notice is issued, and reach agreement with them on what should be done. However, the issue of a notice should not be unduly delayed if agreement cannot be reached or a responsible person cannot be contacted.

It is the FeBO's responsibility to obtain any necessary planning permission, if they need or choose to undertake any building works to improve the structure of the establishment.

7.7.6 Feed business improvement notices - Works of equivalent effect

FBIN should make clear that Regulation 24(1)(d) of the Hygiene Regulation allow a FeBO to carry out measures of at least equivalent effect to those specified in a FBIN and recommend that alternative measures are discussed with the officer who served the notice before starting work to avoid unnecessary expenditure or inappropriate work. Ultimately, it is for the FeBO to decide how they will comply with the objectives of the legislation.

The Competent Authority should respond in writing to any request from a FeBO to vary the work, and any agreed alternative measures should be confirmed in writing.

Disputes should be considered by the Competent Authority's lead officer for feed safety, or by the head of service or another senior manager.

Competent Authorities should ensure that they have procedures in place to consider such matters, so that it is clear to the FeBO that there is a proper review.

7.7.7 Feed business improvement notices - Time limits

A FBIN should clearly state the time limit by which the measures required by the notice must be completed. The Hygiene Regulations specify a minimum period of 14 days.

An appeal can be lodged against the time limit, so it must be realistic, justifiable and have regard to the extent and complexity of the measures required.

Where circumstances allow, it is good practice to discuss and agree the time limit with the FeBO or a person acting on the FeBO's behalf, who is in a position to agree a time limit before a notice is issued. The officer may however set a time limit without such agreement, if agreement cannot be reached or a responsible person cannot be contacted.

The following factors should be taken into consideration in setting a time limit:

- the risk to public and/or animal health;
- the nature of the problem; and
- the availability of solutions.

7.7.8 Feed business improvement notices - Extension of time limits

Although FBIN are to be complied with by the stipulated time limit, Competent Authorities should give due regard to any genuine difficulties that may occur in achieving compliance by that deadline.

There is no specific provision in the regulations to extend the time limit for compliance with a notice, but it may be unreasonable not to allow an extension if the FeBO has a genuine reason for needing more time. If the FeBO requests an extension to the time limit specified in the Notice this should be made in writing and received by the competent authority prior to the expiry of the Notice.

Before issuing a new Notice the authorised officer must consider again whether the conditions prevailing at the premises still warrant the issuing of another notice. If the authorised officer is satisfied that there is a genuine reason for such an extension, they should make a note of the reasons for their decision on the relevant establishment file. The existing notice should then be withdrawn and a new notice issued reflecting the new time limit by which compliance must be achieved.

However, the officer should never issue such a notice automatically. When deliberating a request for an extension of the time limit, the officer should always consider whether the facts at that time justify such an extension, taking account of:

- the reason for the request;
- the remedy involved;
- the risk to public health associated with the fault if an extension was granted;
- past record of co-operation of the operator / proprietor;
- any temporary action which the operator / proprietor proposes to take to rectify the non-compliance; and
- demonstrable evidence of steps taken to address the requirements contained in the Notice.

7.8 Prohibition Orders

7.8.1 Introduction

This section deals first with the use of:

- feed business emergency prohibition procedures under Regulation 29 of the Hygiene Regulation;
- feed business emergency prohibition notices under Regulation 29; and
- feed business prohibition orders under Regulation 28.

7.8.2 Use of Feed Business Emergency Prohibition Orders and Notices

Unless voluntary procedures, as described in this guidance document are more appropriate in the circumstances, feed business emergency prohibition procedures should be used by virtue of Regulation 29 of the Hygiene Regulation if an authorised officer has evidence that the 'health risk condition' is fulfilled and that this risk is imminent. If the appropriate evidence is found, a Feed Business Emergency Prohibition Notice (FBEPN) may be served on the feed business operator, followed by an application to a Magistrates' for a feed business emergency prohibition order (FBEPO).

The effect of the notice is to immediately close the premises, or prevent the use of equipment or a process.

The authorised officer must apply to a magistrates' court for a FBEPO within three days of an FBEPN being served, the day of service of the notice being Day 1.

Although there is no legal requirement for the application to be heard within the three days, the Court should be asked to list the application for hearing at the earliest opportunity.

The authorised officer must serve notice on the FeBO at least one complete day (24 hours) before the day upon which the authorised officer intends to make the application to the court.

Once made, a FBEPO supersedes a FBEPN.

7.8.3 Health Risk Conditions where use of Feed Business Prohibition Orders and Feed Business Emergency Prohibition Orders and Notices may be appropriate

The following paragraphs provide examples of circumstances that may show that the health risk condition is fulfilled as defined by Regulation 28(2)/Regulation 29(4) of the Hygiene Regulation i.e. there is a risk / imminent risk of injury to health, and those in which an authorised officer may therefore consider the use of such prohibition powers. These examples are in no way prescriptive or exhaustive and are for illustrative purposes only. Prohibition Orders can only be made by the courts.

There must always be an imminent risk of injury to health before a FBEPN can be served. The injury itself may occur sometime in the future, but it is essential to show that it could occur for the action to succeed. Not every animal exposed to the risk of injury to health would need to suffer the injury for there to be considered an imminent risk. It is the exposure to the risk of injury that enables action to be taken. A model feed business emergency prohibition notice can be found at Annex 9.

The application is made by the Competent Authority and hence it bears the burden of proof. An authorised officer should use professional judgement to decide whether premises, process, treatment or piece of equipment or its use involves an imminent risk of injury to health.

The following paragraphs provide examples of circumstances that may show that the health risk condition exists as defined by regulation 28(2) of the Hygiene Regulation i.e. there is an imminent risk of injury to health, and where an authorised officer may therefore consider the use of such prohibition powers. These examples are in no way prescriptive or exhaustive and are for illustrative purposes only.

Health Risk Conditions where Prohibition on use of premises may be appropriate

- infestation by rats, mice, cockroaches or other vermin, serious enough to result in the actual contamination of feed or a significant risk of contamination;
- very poor structural condition and poor equipment and/or poor maintenance or routine cleaning and/or serious accumulations of refuse, filth or other extraneous matter resulting in the actual contamination of feed or a significant risk of feed contamination;
- drainage defects or flooding of the establishment, serious enough to result in the actual contamination of feed or a significant risk of feed contamination;
- inadequate storage conditions or poor cleaning procedures which create a significant risk of contamination or cross contamination of the feed posing an actual risk to the health of animals, or through the products of such animals, to human health; or
- any combination of the above, or the cumulative effect of contraventions which, taken together, represent the fulfilment of the health risk condition.

Health Risk Conditions where the Prohibition on use of equipment may be appropriate

- use of defective equipment, e.g. a mixer which is incapable of achieving the required blend of ration; or
- use of equipment for the processing of high-risk feeds that has been inadequately cleaned or disinfected or which is grossly contaminated and can no longer be properly cleaned.

Health Risk Conditions where Prohibition on use of a process may be appropriate

- serious risk of cross contamination with undesirable substances; or
- the use of a process for a product for which it is inappropriate.

7.8.4 Voluntary Procedures

Voluntary procedures to remove a health risk condition may be used, at the instigation of the proprietor or a manager of the business, when the feed business operator agrees that a health risk condition exists. An officer may suggest this option to the feed business operator but only when they are able to use emergency prohibition powers in the Hygiene Regulation. If in doubt, the FeBO should be advised to take legal advice.

Any voluntary closure agreement should be confirmed in writing by the feed business operator and the authorised officer, with an undertaking by the feed business operator or manager not to re-open without the officer's prior approval.

If the manager of a feed business offers to close their business voluntarily, the officer should obtain written confirmation from the manager that he or she has the authority to agree to such action. The officer should ensure that frequent checks are made on the establishment to ensure that it has not re-opened.

If the feed business operator offers to close voluntarily, the officer must:

- consider whether there is a risk of the establishment being re-opened without the officer's knowledge and/or agreement (if this were to cause a feed incident, the Competent Authority could be criticised for not having used statutory powers);
- recognise that there is no legal sanction against a feed business operator who re-opens for business after offering to close, although enforcement action for the actual breaches e.g. unsafe feed, similar processing as before, etc. remains available; and
- explain to the feed business operator that, by making the offer to close, any compensation if a court subsequently declines to make a feed business emergency prohibition order may be less likely to be awarded.

7.8.5 Prohibition Order Procedures

It should be noted that prohibition procedures under the Hygiene Regulation are rarely used.

A magistrates' court can make a feed business prohibition order (FBPO) under Regulation 28 of the Hygiene Regulation after a FeBO has been convicted of an offence under specified feed law to:

- close feed premises;
- prohibit premises from being used for particular kinds of feed business;
- prevent the use of a piece of equipment for any feed business, or a particular feed business;
- prohibit a particular process; and
- prohibit the proprietor from managing any feed business.

The Competent Authority must first successfully prosecute the proprietor of the business for a breach of specified feed law.

The Court can also make a FBPO prohibiting a proprietor or manager from managing a feed business.

7.8.6 Action when a Feed Business Prohibition Order has been made against a person

A feed business prohibition order (Regulation 28(4)) served under Regulation 28(4) of the Hygiene Regulation can only be fully effective if other Competent Authorities are notified, as the individual concerned may try to start a feed business in another area. The Competent Authority should notify the FSA as soon as possible after an order is made against a person prohibiting them from running a feed business, provided the order is not the subject of an appeal and the period allowed for appeal has expired, supplying the following information:

- case number;
- court details;
- date of prohibition order;
- date(s) of offence;
- nature of offence(s);
- regulation/section number under which offence was committed;
- penalties;
- name of convicted person;
- name of the business;
- feed business establishment address including post code;
- business type/main activity (e.g. catering, retail, etc.); and
- details of assumed names.

Where there is an appeal and the Order is confirmed, the information should be supplied at that point.

7.9 Court Proceedings

7.9.1 Evidence required

The authorised officer should collect sufficient evidence to produce to the Court to substantiate any proceedings.

It is important that contemporaneous notes, including sketches and photographs, are taken during an inspection as they may be used in evidence to a Court. Samples of droppings, dirt or other contaminants may also be useful.

Although authorised officers need not be accompanied by a witness, there may be occasions when visual reports are of particular relevance and there would be benefits in matters being witnessed. An authorised officer's notes made during or at the end of a visit to an establishment should be accurate and factual, so that they may rely on it in Court.

7.9.2 Application to the Court

Some Competent Authorities have authorised officers under Section 223 of the Local Government Act 1972 to represent the Competent Authority in proceedings before the magistrates' court as prosecutors.

Where such an arrangement does not exist, the Competent Authority should try to agree procedures. The Competent Authority should discuss a detailed programme of formal action with its litigation solicitor and with the clerk of the local magistrates' court and should clarify details of local Court practice to try and resolve potential difficulties of obtaining Court time at short notice. This can be initiated by informal contact with the Magistrates' Clerk's Office to ensure that, if at all possible, applications for FBEPO are expedited.

The FeBO must be notified that the authorised officer intends to apply for an FBEPO. A notice of application for the FBEPO must be served on the FeBO at the latest on the day before the date of the application, giving details of the Court appearance.

7.9.3 Action to be taken prior to the hearing

The authorised officer should organise monitoring of the premises between the service of the notice and the Court hearing. The officer who served the notice need not necessarily carry out the monitoring but should fully brief the relevant colleague of the risks and evidence gathered, that gave rise to the service of the notice.

The premises should be re-inspected shortly before the hearing (preferably the day before or on the day of the hearing itself) by the officer who served the notice.

If this is not possible, an authorised officer with relevant experience should carry out the re-inspection. This should also be the case if any contravention was found during the monitoring.

The purpose of the re-inspection is to gather evidence as to the current condition of the premises or equipment for the Court hearing. The authorised officer must note any changes that have taken place since the notice was served. For example, the circumstances which led to the service of the notice might have worsened, or other circumstances not present originally might now also pose a risk to health.

It is important that the authorised officers brief their legal advisers fully on the public health aspect of the case in hand, including the public health basis for the legal requirements which have been breached, so that they can, in turn, impress upon the Court the seriousness of the charges.

7.9.4 Information to be given to the Court

Information that the Court may require includes:

- the state of the premises or equipment, both at the time of the offence and at the time the premises were re-inspected prior to the hearing; and
- any evidence that the FeBO had been involved in the commission of offences elsewhere, which tended to show weaknesses in management (the authorised officer may have to investigate to ascertain whether the operator / proprietor has been convicted of offences at previous feed premises and what these convictions were for)

It is usual practice for those prosecuting to ascertain whether there have been any previous convictions or cautions and to obtain details for presentation to the Court in the event of the prosecution being successful. They may also be used in evidence if the requirements of Section 101 of the Criminal Justice Act 2003 are met.

7.10 Service of notices and orders

7.10.1 Service of Feed Business Improvement Notices served on a FeBO outside of the Competent Authority area

A FBIN can be served on a FeBO outside of the Competent Authority area provided there is contravention inside the Competent Authority area.

Depending on the circumstance, feed businesses may choose to take action with their suppliers direct in order to avoid reputational damage associated with non-compliant feed.

7.10.2 Methods of serving a notice or order

Every effort should be made to serve FBIN, FBEPN, FBPO or a FBEPO by delivering it by hand to the FeBO, or each of the operators/proprietors in the case of a partnership etc.

Notices and orders need not necessarily be served by the authorised officer who initiated the action. It should, however, be served by an authorised officer who is competent to explain the purpose of the notice, the necessary steps to be taken by the FeBO and be able to deal with obstruction. The FeBO may not understand what steps need to be taken to remove the imminent risk and further explanation may be necessary.

If a notice or order cannot be handed to the FeBO in person, a copy of the document should be handed to a responsible person at the feed business establishment e.g. the manager.

The authorised officer should ensure that the FeBO is aware of the matters that constitute an imminent risk. Although this is included in the model FBEPN in this Practice Guidance, the FeBO may not understand what steps need to be taken to remove the imminent risk and further explanation may be necessary.

The authorised officer can, if necessary, consult with the Justices' Clerk to see if it would be possible to serve an order before the operator/proprietor leaves the Court, where the operator/proprietor is present.

The service of the notice or order on a number of partners can present difficulties, particularly where a partner is not in the United Kingdom at the time. As soon as the notice or order is properly served on any one of the partners it takes effect.

If it is not possible to serve the document by hand then the authorised officer should serve the document by a postal or courier service that includes proof of posting or despatch and, ideally, proof of delivery.

The document can be faxed and/or emailed to the operator / proprietor for information in advance of its formal service, but a hard copy must follow for it to be properly served. It is useful to record the time of service, even when the postal service is used.

Immediately after the document has been legally served by one of the methods mentioned in Regulation 38 of the Hygiene Regulation, the prohibition on the use of the premises, or equipment for the purposes of any feed business, or a particular type of feed business, or prohibition on a process or treatment, becomes effective under the order and the FBEPN ceases to have effect.

7.10.3 Affixing the notice or order on the premises

Regulation 28(5) of the Hygiene Regulation directs as soon as practicable after the making of an order or the service of a notice, a copy of the order or notice should be affixed in a conspicuous position on the premises by the Competent Authority.

The purpose of this is to inform the public, which includes anyone who may use the premises or equipment, that the premises have been closed or a process or piece of equipment prohibited from being used.

An authorised officer, who is competent to explain the meaning and importance of the notice, should take this action. A witness need only accompany the officer if required by the Competent Authority. The authorised officer who initiated the action need not necessarily be involved.

The authorised officer must firmly affix the document inside the premises, but in a position where it can clearly be seen and read from the outside, and which is preferably on the inside of the glass of a front display window.

If such a position is unavailable the officer should use professional judgement as to the best place available and if necessary affix a second copy of the document to the outside of the premises, making sure, as far as possible, that it is protected from the weather and possible vandalism. The Competent Authority should arrange for periodic checks to be made on the document to establish that it is still there.

7.10.4 Unauthorised removal or defacement of notices or orders

The Hygiene Regulations do not make any reference to defacing or removing a prohibition order or a FBEPN. Such action should be considered as obstruction under Regulation 32 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations, as removing or defacing a notice or order can be considered an act that "wilfully obstructs an authorised officer in the exercise of the officer's powers under these Regulations..."

7.11 Breach of a notice or order

Where a notice or order is breached, the following offences may apply:

- A person who fails to comply with a FBIN is guilty of an offence under Regulation 24(3) of the Hygiene Regulation;
- A person who knowingly contravenes a prohibition order is guilty of an offence under Regulation 28(5) of the Hygiene Regulation; or
- A person who knowingly contravenes a FBEPN or FBEPO is guilty of an offence under Regulation 29(5) and 29(6) of Hygiene Regulation, respectively.

Where a Notice is breached, there are several offences, the breach of the Regulations and the breach of the notice requiring the non-compliance to be addressed. Both are offences and should be referred for prosecution.

The authorised officer should start proceedings for the offence under the appropriate legislation by laying a draft summons before the Magistrates' Court which is subsequently served on the Defendant requiring them to attend a first hearing to enter a plea.

If the authorised officer believes that there is sufficient evidence to show that the proprietor is unlikely to respond to a summons, application should be made for a warrant rather than a summons. The Court will decide if the circumstances justify this action and can ask the authorised officer for their view as to whether to endorse the warrant with bail. The authorised officer should use their professional judgement and take into account all relevant circumstances in their decision.

The Competent Authority should make contingency arrangements with its legal department, so that in the event of the breach of a notice or order, there is no delay in making an application before the Court. Competent Authorities should refer to their internal enforcement policy when deciding what action to take regarding the breach of regulations and or notices.

7.12 Lifting Notices and orders

7.12.1 Health Risk Condition No Longer Exists: Lifting of feed business prohibition notices or orders

In respect of prohibition orders, FBEPN and FBEPO by virtue of Regulations 28(7) and 29(9) of the Hygiene Regulation the Competent Authority should issue a certificate to the feed business operator within three days of being satisfied that the health risk condition no longer exists. If the feed business operator applies for such a certificate, the Competent Authority must determine the position as soon as is reasonably practicable and in any event within a period of no longer than fourteen days.

Where a delay occurs between the inspection / service of the FBEPN and the hearing of the FBEPO application by the Court, a further inspection should take place prior to the hearing to ensure evidence of any current risk to public health is available. Failure to gather such evidence may prevent the Court in making an informed decision on whether the health risk condition still exists.

If an officer conducts a further inspection before the Court hearing and they are satisfied that the health risk condition no longer exists, under Regulation 28(7) of the Hygiene Regulation they must issue a certificate within three days to this effect. The authorised officer may still wish to continue with the application to request the FBEPO – the officer should make clear the distinction between making of the application for the FBEPO and the hearing to request the FBEPO, the latter of which

may lessen the possibilities of a claim for compensation by the FeBO. A model notice can be found at Annex 9.

7.12.2 Lifting of a Feed Business Prohibition Order against a Person

A FBPO against a person imposed under regulation 28(4) of the Hygiene Regulation will only cease to have effect if, an application by the feed business operator:

- the court gives a direction to that effect; or
- a Competent Authority has lifted a FBPO, if following a re-inspection or audit of premises the health risk condition has been removed.

The Competent Authority should notify the FSA at the earliest opportunity after they learn that a FBPO against a person in their area ceases to have effect.

The FeBO must apply in writing to the Competent Authority for a certificate lifting a FBPO, a FBEPN or FBEPO. On receiving such a request, the authorised officer should re-inspect the premises as soon as possible and determine as soon as is reasonably practicable, or in any event within 14 days, whether the notice or order can be lifted.

The decision on whether to issue the certificate or not should be made by the officer who initiated the action if this is possible or, if it is not, by another authorised officer with the relevant qualifications and experience.

If the Competent Authority is of the opinion that the health risk condition has been removed, arrangements should be made for the certificate under Regulation 28(6) of the Hygiene Regulation to be issued as quickly as possible, and in any case within 3 days. The certificate can be sent by fax, although the proprietor can also be informed of the decision verbally, thus allowing the premises to re-open immediately.

If the authorised officer is of the opinion that the health risk condition has not been removed, arrangements should be made under Regulation 28(7) of the Hygiene Regulation for the Competent Authority to issue a notification of continuing risk to health as quickly as possible. The Competent Authority must give reasons why it is not satisfied that the health risk condition has been removed.

Although a certificate lifting a FBEPN can be issued before the application for a FBEPO can be heard, the operator / proprietor can still be prosecuted for offence(s) against the Hygiene Regulation.

The Competent Authority should ensure that the court is informed in this situation.

A FBPO on the FeBO / feed business proprietor can only be lifted on application by the operator / proprietor to the Court that made the order.

7.13 Appeals

It should be clear to the recipient of a FBIN that there is a right of appeal against the notice.

The notice should therefore include details of the right of appeal and the recipient provided with the name and address of the relevant local Court.

The FeBO should also be asked to notify the officer if an appeal is lodged. The Competent Authority should be prepared to discuss the:

- notice and its requirements informally with the FeBO if they wish to do so; and
- requirements of any letter or other enforcement action.

If a FeBO indicates that the requirements of a notice are inconsistent with the interpretation or practice of other Competent Authorities, the Competent Authority should have regard to the views of the Primary Authority for the business, where one exists as defined by Regulatory Delivery (RD)/ LGA.

Competent Authorities should have internal arrangements to consider such requests for further discussion and consider how they make these arrangements known to FeBOs.

Any disputes that arise should be referred to the lead officer for feed safety, or an appropriate senior manager nominated by the lead feed officer to come to a decision.

7.14 Compensation

There is no provision for compensation in the Hygiene Regulation in respect of FBINs. If a FBIN is served in error and as a result a feed business suffers financial loss due to being unable to sell the feed due to its perishable nature, they may pursue compensation through a civil negligence claim against the serving Competent Authority.

Regulation 29(10) of the Hygiene Regulation provides for the Competent Authority to compensate the FeBO in respect of any loss which is directly attributable to the wrongful service of the notice. Any disputed question as to the right to or the amount of any compensation payable is to be determined by arbitration.

The Competent Authority can assess the amount of compensation due taking into account the following aspects where applicable:

- the length of time the process or treatment was halted, or the use of premises or equipment was prohibited and for what purpose;
- loss of trade;
- value of spoilt feed;
- loss of goodwill;
- loss of wages;
- how much of the damage to trade is repairable; and
- obligation of the operator / proprietor to mitigate their own loss or, if the operator / proprietor of the business is agreeable, a loss adjuster can be called in.

7.15 Detention and Seizure

7.15.1 Introduction

When an authorised officer has inspected or sampled any feed material and where it appears from such inspection or analysis of the sample taken that the material fails to comply with the requirements of a specified feed, the officer may detain or seize the feed under Regulation 31 of the Hygiene Regulation.

7.15.2 Detention of Feed

Unless the circumstances require immediate action, a decision to detain feed should only normally be taken if it has been discussed with the owner or person in charge of the feed and, if appropriate, with the manufacturer. Where the authorised officer has served a detention of feed notice, professional judgement should be used to determine whether feed should be detained where it is, or moved elsewhere. If the officer has any doubts about the security or physical care of the feed, the detention of feed notice should specify a place to which the feed is to be moved.

If feed is to be removed to another Competent Authority's area the officer should notify that Competent Authority and make any necessary arrangements for the feed to be checked while it is being detained.

In all cases, but especially with highly perishable feed, the officer should act expeditiously at every stage and provide full information to those required to carry out analysis or examination of samples of the feed.

If feed is to be detained where it is found, the authorised officer should be satisfied that adequate arrangements can be made to ensure its security and prevent tampering. The officer should organise periodic monitoring of the feed throughout the period of detention. Before making such arrangements regard should be had to the nature of the feed, the quantity, any health hazard that it represents and the ownership of the establishment where it is located. The officer should generally avoid leaving it in the charge of, or in an establishment owned by, any person who may be prosecuted for an offence under feed law.

The decision to detain a whole batch, lot, or consignment needs careful consideration before a notice is served.

7.15.3 Seizure of Feed

When considering whether to seize feed, authorised officers should consider whether the feed in question can be treated or processed before consumption and if so, whether the feed, after treatment or processing, would satisfy feed safety requirements. It should be noted that blending down of feed to reduce high levels of undesirable substances is not permitted by Article 5 of Directive 2002/32/EC (as amended).

Directive 2002/32/EC (as amended) has been implemented in national law by the Hygiene Regulation. Arrangements for the treatment or processing of feed in these circumstances should be agreed by the authorised officer and the owner or the person in control of the feed and are subject to a signed, written undertaking.

Any arrangement that involves feed being moved to the area of another Competent Authority for treatment or processing should be accepted by the receiving Competent Authority before the arrangement is concluded.

Arrangements should be made for that Competent Authority to take steps to ensure the processing or treatment is carried out, including the service of a detention of feed notice if appropriate. If the receiving Competent Authority is unable to accept responsibility for ensuring that the feed is properly processed or treated, the arrangement should not proceed unless there is no other way of rectifying the problem with the feed product.

Unless the preceding paragraphs of this section apply, or the use of voluntary procedures is more appropriate, feed should be seized if an authorised officer has evidence that the material fails to comply with the requirements of specified feed law. If evidence or information indicates that feed has already been detained or seized, the officer should serve a feed condemnation notification, warning of the intention to take the feed before a Justice of the Peace and apply for its condemnation.

Feed that has been seized should be dealt with by a Justice of the Peace as soon as is reasonably practicable and within the statutory 21 days permitted. Highly perishable feed should be dealt with at the earliest opportunity.

The person in charge of the feed must be informed of the intention to apply for a condemnation order, although action should not be delayed if the owner cannot be traced or contacted. The Hygiene Regulations require that anyone who may be liable to prosecution is entitled to attend the hearing, and good service of notice of the hearing should be documented and retained to show the Court that was the case.

The authorised officer should ensure continuity of evidence whether or not there may be a subsequent prosecution and should make every attempt not to leave the feed which has been seized unattended.

7.15.4 Notices of Detention / Seizure

A detention of feed Notice should be signed by the officer who takes the decision to detain the feed. When feed is seized, written notification of the seizure should be issued as soon as is reasonably practicable. This notification should include details of the type and quantity of the feed seized, including any distinguishing marks, codes, dates etc. A feed condemnation notification should be given to the person in charge of the feed when the officer intends to have the feed dealt with by a Justice of the Peace. . Model notices can be found at Annex 9.

7.15.5 Withdrawal of Detention of Feed Notice

The authorised officer should act as quickly as possible when evidence or information indicates that detained feed can be released, and in any case within 21 days. A withdrawal of detention of feed notice (WDFN) should be served. The decision to issue a WDFN should be taken either by the officer who originally issued the notice or initiated the action or by another officer with the relevant experience. A WDFN should be served as soon as possible to prevent possible deterioration of the feed and to minimise the Competent Authority's exposure to compensation under regulation 31(6) of the Hygiene Regulation. The notice need not be served by the officer who made the decision, but may be served by any authorised officer. A model notice can be found at Annex 9.

7.15.6 Voluntary Procedures for the disposal of feed

Voluntary procedures for the disposal of feed that is not suitable for consumption by animals intended to enter the food chain may be used, either at the instigation of the owner of the feed or at the suggestion of the authorised officer when the owner of the feed agrees the feed is not suitable for consumption by animals. A receipt should be issued for feed that is voluntarily surrendered to the Competent Authority for destruction. The receipt should indicate that the feed has been voluntarily surrendered to the Competent Authority for destruction and be signed and counter-signed by the authorised officer and the person surrendering the feed respectively. The receipt should include

space for recording the time, place and method of destruction of the feed, and these details should be recorded on the office copy by the authorised officer in due course and retained by the Competent Authority.

If the Competent Authority does not secure, as part of the voluntary surrender, an agreement by the owner to pay the reasonable expenses of destruction or disposal, then it may have to bear the expenses itself.

7.15.7 Destruction or Disposal of Feed

The Competent Authority is responsible for ensuring the destruction of feed that has been seized or voluntarily surrendered, and arrangements should be made for the feed to be supervised until it can be dealt with in the appropriate manner. If possible and if there is likely to be some delay before destruction, the feed should be disfigured so as to prevent any possibility of it being returned to the feed chain or being diverted for human consumption.

The Competent Authority should ensure the total destruction of the feed by incineration or some other appropriate method having regard to the requirements of relevant waste disposal legislation. When disposing of feed, authorities will need to bear in mind that pet foods, or similar feeds, containing animal by-products, may need to be disposed of through licensed renderers.

A copy of the waste transfer note must be obtained and kept on file for any feed that has been disposed of by a licensed waste disposal contractor under these arrangements.

7.15.8 Dealing with Batches, Lots or Consignments of Feed

Article 15(3) of Regulation (EC) No 178/2002 stipulates that where a feed which has been identified as not satisfying the feed safety requirement is part of a batch, lot or consignment of feed of the same class or description, it shall be presumed that all of the feed in that batch, lot or consignment is so affected, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment fails to satisfy the feed safety requirement.

If a quantity of feed of different types or batches is being detained, the authorised officer should issue a separate detention of feed notice in respect of each type or batch.

When considering whether to seize or detain a batch, lot or consignment the authorised officer should take into account the following:

- the evidence available;
- the nature of the contamination;
- the nature and condition of any container holding the feed;
- the risk to health; and
- the quantity of feed involved in relation to any sampling which has been undertaken.

The authorised officer should use professional judgement to decide whether to detain or seize the whole of the batch, lot or consignment. Appropriate expert advice should be sought if necessary.

If a whole batch, lot or consignment is detained and it subsequently becomes clear that only part of the detained feed is affected and needs to be seized, the remainder of the batch etc. may be

released. The compensation provisions under Regulation 31(6) of the Hygiene Regulation should always be borne in mind if this course of action is taken.

7.16 Enforcement Options with regard to Feed Materials Imported from Third Countries

7.16.1 Feed consignments which are injurious to human or animal health or are unsafe

Authorised officers have further powers available to them under the Official Feed and Food Control (England) Regulations 2009 to ensure that feed from third countries which does not comply with feed law does not enter into circulation in the EU.

Article 19(2)(a) of Regulation (EC) No 882/2004 requires that feed which is injurious to human or animal health or is unsafe is detained pending destruction or any other appropriate measure to protect human or animal health. Where a decision is taken to reject any feed consignment on the basis that it will give rise to a risk to animal or human health, the enforcement body should inform the FSA's Incidents Branch. It should use the rapid alert system form for this purpose.

7.16.2 Feed consignments which do not comply with feed law but are not injurious to human or animal health or unsafe

Such consignments of feed must be detained and then either:

- ordered to be destroyed; or
- subject to special treatments detailed in Article 20 of Regulation (EC) No. 882/2004; or
- re-dispatched outside the EU.

7.16.3 Special treatments detailed in Article 20

Special treatments can consist of:

- treatment or processing to bring the feed into line with the requirements of EU law or the third country of dispatch, including decontamination, where appropriate, but not dilution; or
- processing in any other suitable manner for purposes other than animal or human consumption.

7.16.4 Re-dispatch of consignments

Competent Authorities can agree to re-dispatch only if:

- the destination has been agreed with the feed business operator responsible for the consignment;
- the feed business operator has informed the Competent Authority in the third country of origin or the third country of destination;
- different reasons and circumstances preventing the placing of the feed on the market for feed in the EU; and

- when the Competent Authority of the third country of destination, if not the third country of origin, has notified the relevant UK Competent Authority of its willingness to accept the consignment.

Article 21(2) requires that re-dispatch generally takes place with no more than 60 days after the Competent Authority decided on the destination of the consignment unless legal action has been undertaken or the delay is justified. Otherwise the consignment will be destroyed.

Where a product is to be re-dispatched notifications identifying the product and its final destination must be given to the FSA in order it can inform HMRC, the Commission and other Member States.

7.16.5 Appeals against action taken under Article 19 to 21 of Regulation (EC) No 882/2004

The importer must be given the Competent Authority's decision by way of a notice in writing. The decision must relate to the most effective way of dealing with the product and should not be used as a punitive measure. There is a right of appeal against the Competent Authority's decision provided by Official Feed and Food Controls (England) Regulations 2009. Appeals against the notice must be made within one month of the notice being issued.

7.17 Enforcement Options in establishments subject to registration /approval under Regulation (EC) No 183/2005

7.17.1 Introduction

In addition to the enforcement powers detailed above, authorised officers have other powers available to them under the Hygiene Regulations in respect of establishments subject to registration/approval under Regulation (EC) No 183/2005.

Powers to revoke, or suspend, the registration or approval of an establishment subject to registration/approval under Regulation (EC) No 183/2005 are provided by regulations 8 and 10 respectively of the Hygiene Regulations.

Competent Authorities should bear in mind that the immediate effect of the suspension or withdrawal of an establishment's approval is such that the establishment may not be used for any activities which would render it subject to approval/registration under Regulation (EC) No 183/2005.

On the discovery of non-compliance in establishments subject to registration or approval/conditional approval under Regulation (EC) No 183/2005, the Competent Authority should, before considering suspension or revocation, explore other enforcement options to control the feed hazards presented by the establishment.

Non-compliance should not necessarily be considered sufficient to justify the *immediate* suspension or withdrawal of an establishment's approval or conditional approval, and a reasonable opportunity to achieve compliance should be allowed where this is appropriate.

At Annex 7 is a flow chart to assist Competent Authorities in considering whether suspension or withdrawal is the most appropriate action in a particular case.

7.17.2 Suspension of Registration or Approval

Competent Authorities should only initiate procedures to suspend an establishment's registration or approval if other enforcement options have been considered and circumstances exist in accordance with Article 14 of Regulation (EC) No 1831/2005.

Suspension of approval must be lifted in writing by the Competent Authority, once the business fulfils the conditions applicable to those activities to which the suspension relates.

Competent Authorities may request a guarantee in writing regarding future production made by a feed business operator in accordance with this Article is made in writing, although Competent Authorities should be aware that they cannot insist on this as no requirement exists in law to provide such guarantees in writing.

7.17.3 Revocation of Registration or Approval

Competent Authorities should only initiate procedures to revoke an establishment's registration or approval if other enforcement options have been considered, including suspension of the approval, and if circumstances exist in accordance with Article 15 (a) or (b) of Regulation (EC) No 1831/2005:

- a) it is shown that the establishment has not fulfilled the conditions applicable to its activities, for a period of one year; or
- b) it identifies 'serious deficiencies' or has had to stop production at an establishment repeatedly and the feed business operator is still not able to provide adequate guarantees regarding future production.

An establishment's approval/registration should only be revoked in circumstances where the feed business operator is unable to satisfy the Competent Authority to the extent that it has a reasonable expectation that the identified deficiencies will be rectified and acceptable standards will be maintained in the future. The provisional decision to revoke the approval must be communicated in writing to the FeBO.

The FeBO must provide the Competent Authority with any guarantees that it will resolve the deficiencies within a reasonable time (the "Reasonable" would be relative to the nature and magnitude of the deficiencies present). The FSA recommends 'a reasonable time' as being within 14 calendar days from the date of issue of the letter to the FeBO). The process for consideration of guarantees is described below:

- where the FeBO's guarantees regarding future production are not accepted the approval will be withdrawn. Where the Competent Authority does accept that the FeBO's guarantees mean that serious deficiencies will be permanently resolved immediately and that there will be no foreseeable future stoppages of production approval will continue;
- where the Competent Authority accepts that the guarantees mean that the serious deficiencies will be permanently resolved within a reasonable time and the situation will be such that, once the serious deficiencies have been resolved, there will be no foreseeable future deficiencies serious enough to warrant stoppages of production, the approval will be suspended. Where this is not the case approval will be revoked; and
- where the FeBO does not provide guarantees approval will be revoked.

7.17.4 Notifications of Suspension/Revocation of Registration or Approval

Notice of suspension or revocation must be given in accordance with regulations 8 and 10 of the Hygiene Regulations respectively. Model forms of notification can be found at Annex 9. Such notifications should also make the feed business operator aware of their right of appeal against the decision and provide the address of the Magistrates' Court where such an appeal may be made. Rights of appeal are provided by regulation 12 of the Hygiene Regulations.

Copies of notifications should be retained on the Competent Authority's files. The Competent Authority should also notify the FSA when an establishment's registration or approval has been suspended or withdrawn (see section 2.5.13 of this Practice Guidance).

7.17.5 Appeals against Suspension or Revocation of Approval/ Registration

Competent Authorities should bear in mind that Regulation 13(5) of the Hygiene Regulation stipulates that following an appeal against a decision of a Competent Authority to suspend or revoke an approval/registration, the feed business operator who, immediately before such suspension or revocation, had been using the establishment concerned, may continue to use it, pending the results of the appeal, subject to any conditions imposed by the Competent Authority for the protection of public health.

If the Competent Authority considers that any activities undertaken in an establishment pending the result of an appeal may present a risk to animal or public health, it should consider the use of other relevant enforcement powers appropriate to the circumstances involved.

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 TSE Regulations, the National Feed Audit required by the European Commission, controls relating to catering waste and swilling feed under The Animal By-Products (Enforcement) (England) Regulations 2013 and approval or registration of premises handling animal by-products.
Approved establishments	A FeBE that has been approved pursuant to Article 10 of Regulation (EC) No 183/2005.
Association of Chief Trading Standards Officers (ACTSO)	A single membership organisation representing Senior Managers from Councils across England and Wales. ACTSO is focused on providing effective leadership at the national level while supporting members to lead their services both locally and regionally.
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 FeBEs operations; or• a 'partial audit', is an audit that covers only certain elements of a FeBEs 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 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.
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.
Department for Environment, Food and Rural Affairs (DEFRA)	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. Defra has designated 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.
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.
Export	The action of sending or transporting a commodity outside the UK.

Feed Additives	Has the meaning as defined in Article 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 Establishment (FeBE)	Has the meaning as defined by Article 3(d) of Regulation (EC) No 183/2005 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).
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 Materials	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)	The Central Competent Authority for England, Wales and Northern Ireland.
Hazard Analysis Critical Control Points (HACCP)	HACCP is a systematic preventive approach to food and feed safety from biological, chemical, and physical hazards in production processes, that can cause the finished product to be unsafe, and designs measurement 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.
Inspection	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: <ul style="list-style-type: none"> • a 'full inspection', is a check on compliance with legal requirements and will consider all aspects of a FeBEs operations; or • a 'partial inspection', which is an inspection that covers only certain elements of a FeBEs 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.

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)	The LGA are the national voice of local government, working with councils to support, promote and improve local government services.
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
National Targeted Monitoring Strategy (NTMS)	The NTMS is a mechanism to allocate appropriate resources to monitor compliance at low risk farm establishments (R13 and R14) achieving at least satisfactory levels of compliance.
National Trading Standards (NTS)	NTS delivers national and regional consumer protection enforcement. Its Board is made up of senior and experienced heads of local government trading standards, from around England and Wales, with an independent Chair. Its purpose is to protect consumers and safeguard legitimate businesses by tackling serious national consumer protection issues, organised criminality and protecting food supplies by ensuring that the animal feed chain is safe.
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 and 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

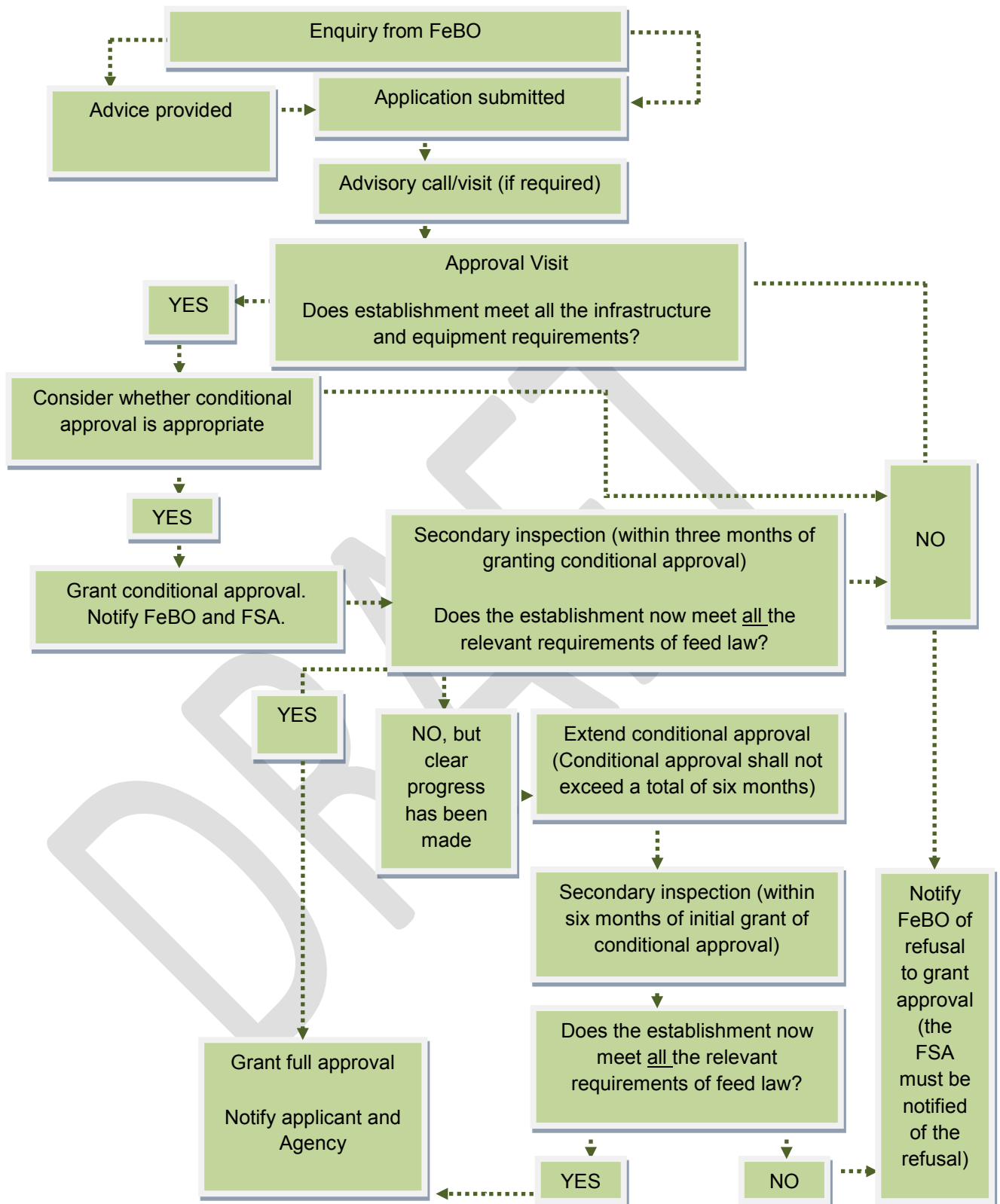
analysis and laboratory testing and any other check necessary to verify compliance with feed or food law.

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 25 of the Regulatory Enforcement and Sanctions Act 2008 as amended.
Primary Producers of feed	Has the meaning as defined by Article 3(f) of Commission Regulation (EC) No 1831/2005 and including the associated operations detailed in Article 5(1) (a) to (c) of Regulation (EC) No 1831/2005 to mean the production of agricultural products, including in particular growing, harvesting, milking, rearing of animals (prior to their slaughter) or fishing resulting exclusively in products which do not undergo any other operation following their harvest, collection or capture, apart from simple, physical treatment, as defined in Article 3(f) of Regulation (EC) No 1831/2005 and includes the associated operations detailed in Article 5(1)(a) to (c) of Regulation (EC) No 1831/2005.
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 Competent Authorities, 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.
Sampling	Has the meaning as defined in Article 2 (11) of Regulation (EC) No 853/2004 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 materials	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.
South West Regional Co-ordinating Trading Standards Partnership (SWERCOTS)	SWERCOTS is a partnership of 15 local authority trading standards services, who work together to maximise the benefits of regional collaboration and to enable each partner to be more effective in the delivery of locally responsive services. Their common purpose is to promote a fair and safe trading environment to protect the interests of consumers and reputable businesses in South West England.
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	Means 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.
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: Approval process flow chart for a new establishment



Annex 2: Model Approval forms

Location	Documentation
A2.1	Notification of Grant of Full Approval / Conditional Approval
A2.2	Notice of Decision not to Grant Approval
A2.3	Notification of Refusal to Grant Full Approval to an Establishment which is Conditionally Approved

DRAFT

A2.1 Notification of Grant of Full Approval / Conditional Approval

Notification of Grant of Full Approval / Conditional Approval* of a Feed Business Establishment Subject to Approval under Regulation (EC) No. 183/2005

To be completed by the Competent Authority and sent to the feed business operator

PART 1 – Name and address of feed business operator

<p>TO:</p>	<p>IMPORTANT</p> <p>You must notify any change to the details on this form, including any changes in the operations carried out and products handled in the establishment, in writing to the approving Competent Authority at the address shown.</p>	<p>[Competent Authority Logo]</p>
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PART 2 – Introduction

Further to your application dated _____ for approval of your establishment in accordance with Regulation (EC) No. 183/2005, approval / conditional approval* is GRANTED in respect of the establishment shown in Part 3, and the scope of operations, activities and other matters set out in the relevant Parts of this document.

The approval code that has been allocated to this establishment is shown at the end of this document. It must be used in the format stipulated by, and when required by, Regulation (EC) No.183/2005.

In accordance with Regulation 12 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 (as amended), any person who is aggrieved by a decision of a Competent Authority not to grant a full approval may appeal against that decision to a Magistrates Court. The time limit for lodging an appeal is one month from the date on which this notice was served on you. You may wish to consult a legal adviser about the implications of this notice and your right of appeal against this Competent Authority's decision on your application. Where approval is refused or withdrawn and an appeal is lodged, from the date on which the notice of the decision is served on the relevant person the establishment cannot continue operating whilst the appeal is being determined. The name and address of the Magistrates Court at which you should lodge your appeal is

PART 3 – Trading name and address

Trading name of
establishment

Full postal address

Postcode:☐

The establishment has been APPROVED in accordance with Article 13(1) of Regulation (EC) No. 183/2005.

☐

The establishment has been CONDITIONALLY APPROVED in accordance with Article 13(2) of Regulation (EC) No. 183/2005.

PART 3(1) – Conditional Approval (To be completed when conditional approval has been granted)

The requirements of the Regulations with which you have failed to comply are:

Regulation / Article No.	Requirement

The reasons you have failed to comply with the requirements of the Regulations are:

Regulation / Article No.	Details of non-compliance

The measures you need to take in order to comply with the requirements of the Regulations are:

Regulation / Article No.	Measures needed to secure compliance

In accordance with Article 13(2) of Regulation (EC) No. 183/2005, this Competent Authority will visit your establishment within three months of this conditional approval being granted in order to make an assessment of progress in complying with the above requirements.

PART 4 –Feed Business Operator

Name and full
address
of Feed Business
Operator

Postcode:

PART 5 – Scope of approval / conditional approval*

This approval/conditional approval* authorises the establishment to undertake to operate as the following type of establishment:

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Full Details of Activities and Specific Products Handled:

--

Approval Code:

--

**Date Approval / Conditional
Approval* Granted:**

--

Signed:

--

Name:

--

Designation:

--

Date:

--

Name and address of
Competent Authority:

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Contact Name:

Telephone:

Fax:

E-mail:

IMPORTANT

**You must notify any
change to the details on
this form, including any
changes in the operations
carried out and products
handled in the
establishment, in writing
to the approving
Competent Authority at the
address shown.**

* Competent Authority to delete as appropriate

A2.2 Notice of Decision to Refuse to Grant Approval

Notice of Decision to REFUSE to Grant Approval to a Feed Business Establishment Subject to Approval under Regulation (EC) No. 183/2005

To be completed by the Competent Authority and sent to the feed business operator

PART 1 – Name and address of feed business operator

TO:	IMPORTANT You must not use the establishment detailed in Part 3 for ANY purpose which would render the establishment subject to approval under Regulation (EC) No. 183/2005 unless this Competent Authority has granted approval or conditional approval.	[Competent Authority Logo]
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PART 2 – Notification of decision

Further to your application dated _____ for approval of your establishment in accordance with Regulation (EC) No. 183/2005, approval is REFUSED in respect of the establishment shown in Part 3, and the scope of operations, activities and other matters set out in the relevant Parts of this document.

The decision to refuse your application was made for the reason(s) set out in Part 4 of this document.

The establishment must therefore not be used for any purpose which would render the establishment subject to approval under Regulation (EC) No. 183/2005 UNLESS THIS COMPETENT AUTHORITY GRANTS APPROVAL OR CONDITIONAL APPROVAL.

In accordance with Regulation 12 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 (as amended), any person who is aggrieved by a decision of a Competent Authority to refuse to grant an approval may appeal against that decision to a Magistrates Court. The time limit for lodging an appeal is one month from the date on which this notice was served on you. You may wish to consult a legal adviser about the implications of this notice and your right of appeal against this Competent Authority's decision on your application. Where approval is refused or withdrawn and an appeal is lodged, from the date on which the notice of the decision is served on the relevant person the establishment cannot continue operating whilst the appeal is being determined. The name and address of the Magistrates Court at which you should lodge your appeal is _____.

PART 3 – Trading name and address of the establishment

Trading name of establishment

Full postal address

Postcode:

PART 4 – Reasons for refusal

Your application for approval has been refused because you have failed to comply with the requirements of the Regulations as indicated below.

The requirements of the Regulations that you have failed to comply with are:

Regulation / Article No.	Requirement

The reasons you have failed to comply with the requirements of the Regulation are:

Regulation / Article No.	Details of non-compliance

Signed:**Name:****Designation:****Date:**

Name and address of Competent Authority:

Contact Name:

Telephone:

Fax:

E-mail:

IMPORTANT

You must not use the establishment detailed in Part 3 for ANY purpose which would render the establishment subject to approval under Regulation (EC) No. 183/2005 unless this Competent Authority has granted approval or conditional approval.

A2.3 Notice of Decision to Refuse to Grant Full Approval to an Establishment which was conditionally approved

Notice of Decision to REFUSE to Grant Full Approval to an Establishment subject to Approval under Regulation (EC) No. 183/2005, which was Conditionally Approved under Regulation (EC) No. 183/2005

To be completed by the Competent Authority and sent to the feed business operator

PART 1 – Name and address of feed business operator

TO:	IMPORTANT With immediate effect, you must not use the establishment detailed in Part 3 for any purpose which would render the establishment subject to approval under Regulation (EC) No. 183/2005 or use the associated approval code on any product unless this Competent Authority has granted approval or conditional approval.	[Competent Authority Logo]
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PART 2 – Notification of decision

Your establishment, as detailed in Part 3, which is subject to approval under Regulation (EC) No. 183/2005 and was conditionally approved in accordance with Article 13(2) of Regulation (EC) No. 183/2005 has been **REFUSED** full approval.

The decision to refuse to grant full approval was made for the reason(s) set out in Part 5 of this document.

With immediate effect you must cease the use of the establishment detailed in Part 3 for ANY purpose which would render the establishment subject to approval under Regulation (EC) No. 183/2005, or use the associated approval code on any product, **UNLESS THIS COMPETENT AUTHORITY GRANTS APPROVAL OR CONDITIONAL APPROVAL.**

In accordance with Regulation 12 the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 (as amended), any person who is aggrieved by a decision of a Competent Authority to refuse to grant an approval may appeal against that decision to a Magistrates Court. The time limit for lodging an appeal is one month from the date on which this notice was served on you. You may wish to consult a legal adviser about the implications of this notice and your right of appeal against this Competent Authority's decision on your application. Where approval is refused or withdrawn and an appeal is lodged, from the date on which the notice of the decision is served on the relevant person the establishment cannot continue operating whilst the appeal is being determined. The name and address of the Magistrates Court at which you should lodge your appeal is.

PART 3 – Trading name and address of the establishment

Trading name of
establishment

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Full postal address

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Postcode:

PART 4 – Reasons for refusal

Full approval has been refused because you have failed to comply with the requirements of the Regulations as indicated below.

The requirements of the Regulations that you have failed to comply with are:

Regulation / Article No.	Requirement

The reasons you have failed to comply with the requirements of the Regulations are:

Regulation / Article No.	Details of non-compliance

Signed:

Name:

Designation:

Date:

Name and address of
Competent Authority:

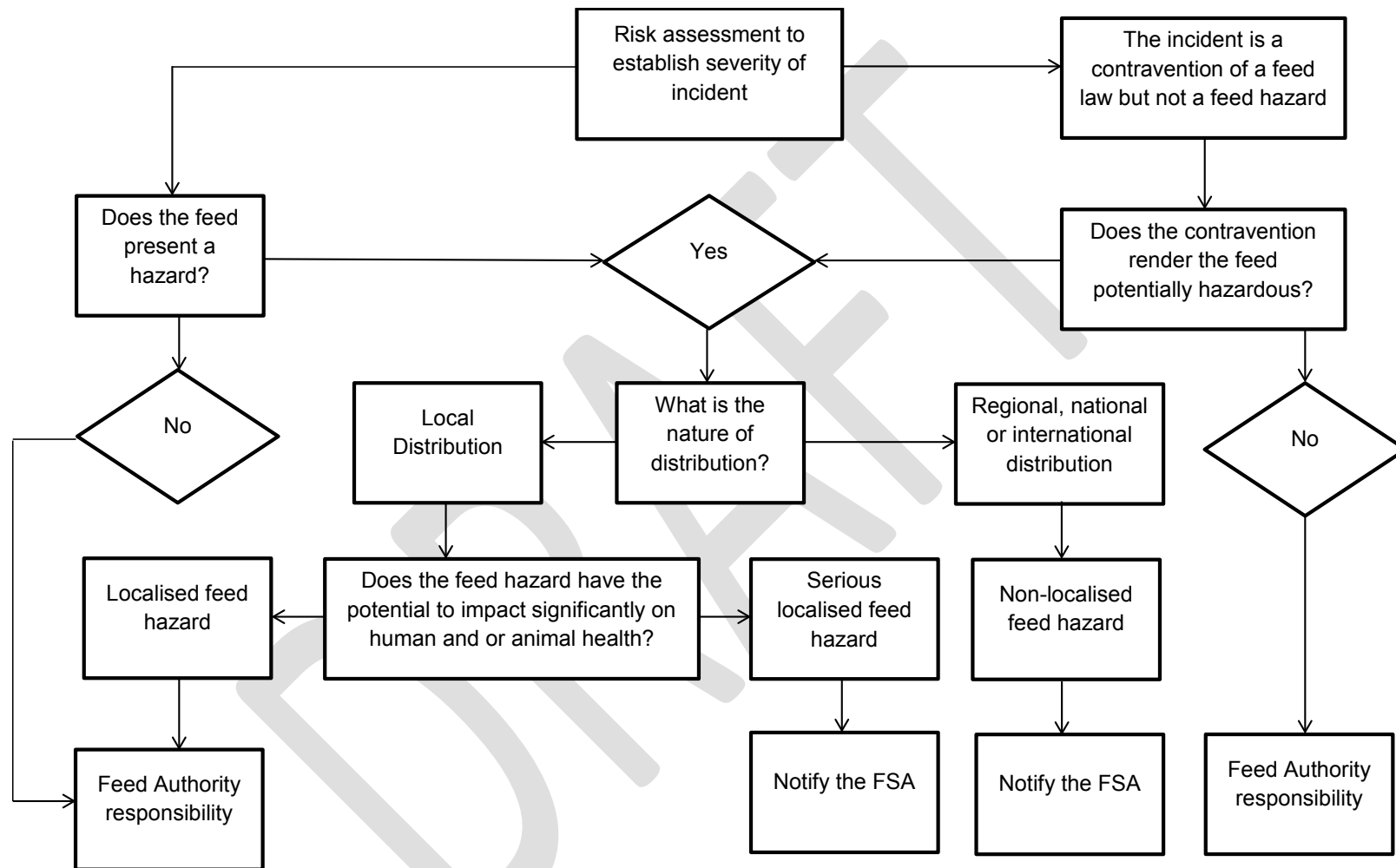
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Contact Name:

IMPORTANT

With immediate effect, you must not use the establishment detailed in Part 3 for any purpose which would render the establishment subject to approval under Regulation (EC) No. 183/2005 or use the associated approval code on any product unless this Competent Authority has granted approval or conditional approval.

Annex 3: Incidents flow chart



Annex 4: Lead Officer and Authorised Officer Competencies

Competency 1: Lead Feed Officer

No	Sub task	Statement of Competence	What might this look like in practice
I	Local and Specialist Knowledge.	<ul style="list-style-type: none"> •Has knowledge and understanding of the nature and type of businesses that operate in the Competent Authority's area. •Understands the common hazards and risks associated with the feed processes and technologies in operation at establishments within the Competent Authority's area and can apply appropriate control measures. •Can identify hazards that can occur, applying an understanding of hazard identification techniques where relevant. •Can explain, and apply, the principles of effective risk management to relevant FeBEs. •Understands proportionate application of feed law requirements to establishments taking account the nature and size of their operation. 	<ul style="list-style-type: none"> •Able to describe the area for which he/she is acting in terms of the type of feed businesses, specific risks, demographic/ profile, business churn, etc. •Able to explain how they keep abreast of local changes, maintaining databases, links to other departments etc. •Able to describe the types of businesses and the potential risks they pose. •Able to explain how to implement a risk-based approach to inspections and interventions in accordance with the Code. •Able to explain inherent hazards and appropriate controls within specialist processes which are relevant to premises in that Authority. •Able to explain how to respond to feed incidents, recalls, RASFF etc. <p>Note: The officer may have experience in delivering official controls in the types of premises that occur in the authority's area, and/or have attended training for example in HACCP and/or involvement in specialist groups/forums.</p>
II	Legislation and centrally issued Guidance.	<ul style="list-style-type: none"> •Understands relevant EU and National legislation on feed and can advise appropriately on their application, as required, to other staff responsible for the delivery of official controls and FeBOs. •Can understand, interpret and appropriately apply the requirements of the Framework Agreement, the Code, Practice Guidance and relevant centrally issued guidance. 	<ul style="list-style-type: none"> •Can explain what EU and National feed hygiene and/or standards legislation is in place in England. •Can supply specific examples of when they have advised on the application of EU and national feed legislation. •Able to describe how the legislation is applied in different types of feed businesses, for example, premises where Regulation (EC) No 1831/2003 is applicable. •Able to explain how they will keep up to date with changes in legislation and guidance, for example, attending update training, reading FSA communications, attending relevant regional meetings etc. •Able to describe how update information will be cascaded to team members, for example, via CPD sessions within the Competent Authority. •Able to explain what the Framework Agreement on Feed Law Enforcement, the Code and associated Practice Guidance are. •Can interpret how the Framework Agreement on Feed Law Enforcement, the Code and associated Practice Guidance should be applied in their Competent Authority.

No	Sub task	Statement of Competence	What might this look like in practice
II	Legislation and centrally issued Guidance (Continued).		<ul style="list-style-type: none"> •Able to describe how to implement appropriate procedures that will support effective decisions on enforcement, intervention ratings etc. •Able to explain an appropriate system of checking that procedures are complied with, for example internal monitoring.
III	Partnership and Cooperation.	<ul style="list-style-type: none"> •Understands the importance of effective liaison with other Competent Authorities, the Regional Feed Lead, NAP and NAFPP and other agencies responsible for the enforcement of feed and food law, as appropriate. •Understands the liaison arrangements put in place by the central Competent Authorities with feed assurance schemes and ensures they can be used by officers in planning and co-ordinating the delivery of official controls. 	<ul style="list-style-type: none"> •Able to explain how consistency will be monitored in the authority between officers, for example, overseeing a programme of accompanied official controls as part of internal performance appraisal/monitoring procedure. •Able to describe ways in which delivery of official controls is consistent with other authorities. <p>Note: This may include consistency training, participation in Inter Authority Audit, or participation in sector or countywide meetings/forums etc.</p>
IV	Planning, monitoring and consistency of delivery of an Intervention Programme.	<ul style="list-style-type: none"> •Can appropriately apply national and local priorities to the profile of FeBEs and points of entry in the authority's area, including the FSA's NEPs, ensuring these are effectively incorporated into the planning and delivery of a programme of feed control interventions by the Competent Authority, as applicable and appropriate. •Can appropriately apply the internal monitoring requirements outlined in the Code and Practice Guidance, in order to ensure the planned intervention programme are undertaken in a proportionate and consistent manner by competent officers. •Understands the role of Primary Authority in co-ordinating the delivery of official controls and ensures it is applied by the Competent Authority. 	<ul style="list-style-type: none"> •Able to explain how to develop a risk based service plan for delivering the Authority's feed safety functions. •Able to explain what is meant by Primary Authority partnerships. •Able to describe the procedures in place for dealing with businesses that are part of a Primary Authority partnership. •Able to explain how monitoring will ensure that the Competent Authority complied with the requirements of the Regulatory Enforcement and Sanctions Act. <p>Note: This may include attendance at RD training.</p>
V	Training.	<ul style="list-style-type: none"> •Can identify skill or knowledge gaps in officers delivering official feed controls. •Can identify appropriate training and opportunities for CPD. 	<ul style="list-style-type: none"> •Can explain how they (will) assess officers who are responsible for delivering official controls using the competency framework. •Can explain how they draw up personal development plans and monitor progress. •Can explain how they link assessed competencies to officer authorisations. <p>Note: This may involve use of RDNA, 1-1s, appraisals, and/or an in-house system that the Competent Authority has developed</p>

No	Sub task	Statement of Competence	What might this look like in practice
VI	Contingency Planning.	<ul style="list-style-type: none"> • Understands the process of raising and managing feed incidents as set out in the Code. • Understands how local contingency arrangements apply to the management of serious feed related incidents. 	<ul style="list-style-type: none"> • Able to explain necessary notification for different types of incident. • Able to explain when it would be appropriate to generate a RASFF notification, liaison with necessary parties, including the FSA etc.

Competency 2: Officer undertaking official controls, excluding sampling for analysis of feed, at FeBEs required to comply with feed law which undertake solely, one of the activities R10, R11, R13 and R14 or, a combination of these activities

No	Sub task	Statement of Competence	What this might look like in practice
I	Recitals and general requirements of Regulation (EC) No 183/2005 on Feed Hygiene.	<ul style="list-style-type: none"> •Can demonstrate an understanding of the purpose of feed hygiene requirements and the ability to apply them to different types and sizes of FeBOs. 	<ul style="list-style-type: none"> •Able to explain the requirements of establishments that could fall under Regulation (EC) No 183/2005. •Able to describe experience of assessing business compliance in a range of business types. <p>Note: Inspections for the purposes of the approval of establishments that are subject to approval under Regulation (EC) No 183/2005 should only be undertaken by officers who have a detailed knowledge of enforcement and experience in regulating approved establishments.</p>
II	Guides to Good Practice.	<ul style="list-style-type: none"> •An appreciation and knowledge of: <ul style="list-style-type: none"> – The different routes by which EU guides can be introduced – The EU guides which are available, relevant to individual officers' area of authorisation; and – How they have been incorporated into assurance scheme standards, where appropriate. 	<ul style="list-style-type: none"> •Able to locate and access such Guides to good Practice; and •Can demonstrate appropriate use of the Guides during interventions particularly at assured businesses and where advising FeBOs.
III	Registration and Approval.	<ul style="list-style-type: none"> •Understands the application of registration and approval of feed establishments, including the application of approval by the VMD. 	<ul style="list-style-type: none"> •Able to explain when it is appropriate to liaise with APHA and VMD with regard to registration and approval and is familiar with the Memorandum of Understanding (MoU) between the National Agricultural Panel (NAP), VMD and APHA. •Able to identify when a FeBE may require approval by VMD or APHA.
IV	Regulation (EC) No 183/2005 on Feed Hygiene Annex I and III.	<ul style="list-style-type: none"> •Understands and can effectively apply the hygiene requirement at feed businesses producing primary products, storing and using feed on farm, including the mixing of feed with complementary feeds. 	<ul style="list-style-type: none"> •Able to describe their experience in delivering relevant interventions in a range of premises types where hazards have been identified and risks assessed, providing examples. •Able to describe the common types of feed present in establishments in the authority's area, and the hazards associated with their use.

No	Sub task	Statement of Competence	What this might look like in practice
V	Regulation (EC) No 1831/2003 on Feed Hygiene Annex II – Requirements for feed businesses.	<ul style="list-style-type: none"> • Understands the circumstances in which primary producers become subject to hygiene requirements applicable to FeBEs, requiring them to have in place feed safety management systems (FSMS) based on the principles of HACCP, including the role of other agencies in enforcing these requirements at feed establishments. • Understands the proportionate and flexible application of FSMS based on the principles of HACCP taking into account the activity and the size of the business. • Understands the circumstances where the activity is sufficiently complex to require the involvement of an officer authorised to inspect FeBEs which are required to have a FSMS. • Can demonstrate inspection/audit skills which test compliance with feed law requirements. • Understands how, and can demonstrate their ability, to assess compliance with the requirements of EU and national legislation with further reference to the Code and Practice Guidance, including the appropriate use and application of the animal feed law risk-rating system. 	<ul style="list-style-type: none"> • Able to describe their experience of assessing, influencing the development of, and/or developing flexible HACCP based systems, providing examples. Note: this may include suitable specific HACCP qualifications/training. • Able to describe experience of delivering official controls and intervention ratings in a range of business types. • Able to describe experience in determining the most appropriate course of action in a range of premises types, including examples of when the action was taken to achieve a suitable outcome.
VI	Earned Recognition.	<ul style="list-style-type: none"> • Can demonstrate an understanding of the role of assurance schemes across the feed industry with particular focus on those which operate at FeBEs for which an officer is responsible. • Can apply the principles of Earned Recognition in the Code and Practice Guidance. 	<ul style="list-style-type: none"> • Can apply the principles of Earned Recognition particularly with regard to the appropriate action to be taken: <ul style="list-style-type: none"> – when notified that a member has their certification withdrawn for 'non-compliance with scheme standards' or have 'left the scheme for another reason'; and – when a Competent Authority removes Earned Recognition. • Is familiar with how to identify whether a FeBE is a member of an FSA approved assurance scheme and how to check membership status of a FeBO.

No	Sub task	Statement of Competence	What this might look like in practice
VII	Other relevant legislation which all feed produced, distributed or used in the EU must comply and centrally issued guidance.	<ul style="list-style-type: none"> • Understands, can interpret and apply appropriately, the requirements of the Code and Practice Guidance, centrally issued guidance and the FSA's NEPs, as part of official controls. • Understands and can demonstrate the ability to apply EU legislation relevant to: <ul style="list-style-type: none"> – The safety, traceability and composition of feeding stuffs. – Labelling, marketing and use of feed – particularly those provisions relating to banned substances in feed; – Controls and restrictions on the presence of undesirable substances in feed; and – The application of animal by-products legislation and other legal requirements prohibiting certain products being used in animal feed and the role of other enforcement agencies in enforcing the requirements. 	<ul style="list-style-type: none"> • Able to explain the requirements of EU and National feed hygiene and/or standards legislation.

Competency 3: Officer undertaking official controls, excluding sampling for analysis of feed, at FeBEs required to comply with feed law which undertake one of the activities A1-A11, R1-R9, or R12

No	Sub Task	Statement of Competence	What this might look like in practice
I	Recitals and general requirements of Regulation (EC) No 183/2005 on feed hygiene.	<ul style="list-style-type: none"> •Can demonstrate an understanding of the purpose of feed hygiene requirements and the ability to apply to different types and sizes of FeBOs. 	<ul style="list-style-type: none"> •Able to explain the requirements of establishments that could fall under Regulation (EC) No 183/2005. •Able to describe experience of assessing business compliance in a range of business types. <p>Note: Inspections for the purposes of the approval of establishments that are subject to approval under Regulation (EC) No 183/2005 should only be undertaken by officers who have a detailed knowledge of enforcement and experience in regulating approved establishments.</p>
II	Guidance and Guides to Good Practice.	<ul style="list-style-type: none"> •An appreciation and knowledge of: <ul style="list-style-type: none"> – The different routes by which EU guides can be introduced – The EU guides which are available, relevant to individual officers' area of authorisation; and – How they have been incorporated into assurance scheme standards, where appropriate. 	<ul style="list-style-type: none"> •Able to locate and access such Guides to good Practice. •Can demonstrate appropriate use of the Guides during interventions particularly at assured businesses and where advising FeBOs.
III	Registration and Approval.	<ul style="list-style-type: none"> •Application of approval and registration of all types of FeBEs, including the differences between approvals carried out by the VMD and those by the Competent Authority. 	<ul style="list-style-type: none"> •Able to explain when it is appropriate to liaise with APHA and VMD with regard to registration and approval and is familiar with the Memorandum of Understanding (MoU) between the National Agricultural Panel (NAP), VMD and APHA. •Able to identify when a FeBE may require approval by VMD or APHA.
IV	Annex II – Requirements for feed businesses.	<ul style="list-style-type: none"> •Understands the following requirements, appropriate to the type of establishments in which authorised officers are responsible for undertaking official controls: <ul style="list-style-type: none"> – The principles of HACCP as applied to the animal feed industry. – A detailed understanding of Annex II of Regulation (EC) No 183/2005; – An understanding of the proportionate application of the Annex II requirements taking into account the activity and the size of the business; 	<ul style="list-style-type: none"> •Able to describe their experience of assessing, influencing the development of, and/or developing HACCP based systems, providing examples. Note: this may include suitable specific HACCP qualifications/training. •Able to describe experience of delivering official controls and intervention ratings in a range of business types.

No	Sub Task	Statement of Competence	What this might look like in practice
IV	Annex II – Requirements for feed businesses (Continued).	<ul style="list-style-type: none"> •Ability to assess the effectiveness of feed safety management systems, to ensure that risks associated with all aspects of the business' processes, connected to the production or handling of feed, have been considered and effective measures taken to monitor and control critical control points; and •Inspection skills which test compliance with feed law requirements. •Can demonstrate inspection/audit skills which test compliance with feed law requirements. •Understands how, and can demonstrate their ability, to assess compliance with the requirements of EU and national legislation with further reference to the Code and Practice Guidance, including the appropriate use and application of the animal feed law risk-rating system. <p>Where applicable to an officer's duties the following sector specific knowledge will be required to carry out controls at the following types of establishment:</p> <p><u>Food producers placing co-products into the feed chain</u></p> <ul style="list-style-type: none"> – Types of co-product and food businesses involved in their production; – Typical methods of production of co-products; – Typical hazards associated with the production of co-products; – Ways in which the design of facilities and equipment help prevent cross contamination and facilitate cleaning; and – Products prohibited from use in animal feed which are commonly used as ingredients or processing aids in food production. <p><u>Food producers and retailers placing surplus food into the feed chain</u></p> <ul style="list-style-type: none"> – Types of food which are typically added to the feed chain; – The role of surplus food processors entering the feed chain; and – Typical systems used to avoid contamination of surplus food intended for feed. <p><u>Manufacturers of feed materials, compound feed, feed additives and premixtures, including mobile mixers</u></p> <ul style="list-style-type: none"> – Types of product produced for various species of animal as relevant to the officer's area of responsibility; – Types of feed materials and other additives used for inclusion in compound feed and the manufacture of additives; – Methods of production relevant to the type of feed/feed additive being manufactured; – Hazards associated with the materials used in the manufacture of feed or feed additives; – Hazards associated with potential cross contamination of feed during handling and manufacturing particularly in respect of specified feed additives and veterinary medicines, where applicable; – Typical feed safety management systems and the use of procedures and pre-requisites; and •Testing of feed to ensure mixing achieves homogeneity. 	<ul style="list-style-type: none"> •Able to describe experience in determining the most appropriate course of action in a range of premises types, including examples of when the action was taken to achieve a suitable outcome. •Able to describe experience in determining the most appropriate course of action in a range of premises types, including examples of when the action was taken to achieve a suitable outcome.

No	Sub Task	Statement of Competence	What this might look like in practice
VI	Earned Recognition.	<ul style="list-style-type: none"> •Can demonstrate an understanding of the role of assurance schemes across the feed industry with particular focus on those which operate at FeBEs for which an officer is responsible. •Can apply the principles of Earned Recognition in the Code and Practice Guidance. 	<ul style="list-style-type: none"> •Can apply the principles of Earned Recognition particularly with regard to the appropriate action to be taken: <ul style="list-style-type: none"> – when notified that a member has their certification withdrawn for ‘non-compliance with scheme standards’ or have ‘left the scheme for another reason’; and – when a Competent Authority removes Earned Recognition. •Is familiar with how to identify whether a FeBE is a member of an FSA approved assurance scheme and how to check membership status of a FeBO.
VII	Other relevant legislation which all feed produced, distributed or used in the EU must comply and centrally issued guidance.	<ul style="list-style-type: none"> •Understands, can interpret and apply appropriately, the requirements of the Code and Practice Guidance, and centrally issued guidance and the FSA’s NEPs, as part of official controls. •Understands and can demonstrate the ability to apply EU legislation relevant to: <ul style="list-style-type: none"> – The safety, traceability and composition of feeding stuffs; – Labelling of feed, marketing and use of feed - particularly those provisions relating to banned substances in feed; – Controls and restrictions on the presence of undesirable substances in feed and the contaminants common to various types of feed material and feed additives originating from outside of the EU; – Requirements for the authorisation, use and labelling of additives in feed, including the authorisation procedure, categories and functional groups of additives, and labelling and packaging requirements; – Requirements in respect of the import of certain products from 3rd countries under Article 24 of Regulation (EC) No 1831/2003, including knowledge of safeguard measures applicable to feed imported from outside the EU; – Knowledge of additives in use outside the EU which are not authorised for use within the EU and the circumstances under which they can be exported; 	<ul style="list-style-type: none"> •Able to explain the requirements of EU and National feed hygiene and/or standards legislation.

No	Sub Task	Statement of Competence	What this might look like in practice
VII	Other relevant legislation which all feed produced, distributed or used in the EU must comply and centrally issued guidance (Continued).	<ul style="list-style-type: none"> • Legislative requirements on the use of fats and oils in feed; • Legislative requirements on the use and labelling of genetically modified feed materials, including compound feeds which incorporate these types of feed materials; and • The application of animal by-products legislation and other legal requirements prohibiting certain products being used in animal feed and the role of other agencies in enforcing the requirements. 	As above.

Competency 4: Officer undertaking Official Controls, excluding sampling for analysis of feed, at points of entry

No	Sub Task	Statement of Competence	What this might look like in practice
I	The European Union is an economic and political partnership between countries who have signed up to the treaty which includes the 'single market' that allows goods to trade freely between member states.	<ul style="list-style-type: none"> •All officers will be required to understand the principles of European law and structures in order to effectively apply controls at the border. This includes: <ul style="list-style-type: none"> – The EU legal structure, its membership and that of European Economic Association (EEA) and how the two interact in terms of cross border trade; – The general framework of EU law on feed, in particular Regulation (EC) No 178/2002 laying down the general principles of food law; – Requirements in respect of the import of certain products from 3rd countries under Article 24 of Regulation (EC) No 183/2005; – Regulation (EC) No 882/2004 Chapter V Official Controls on the Introduction of feed and food from third countries; – Specific feed controls on imported feed originating from outside the EU (safeguard measures) currently in effect; – Regulation (EC) 669/2009, as amended' on higher-risk material; – The EU Rapid Alert System for Food and Feed (RASFF) and how it operates, its use in monitoring imported feed and the role of Competent Authorities in updating the system with information on feed found not to meet EU requirements; and – Emergency import controls on feed and food which may be affected by a Declaration issued by the FSA. 	<ul style="list-style-type: none"> •Able to describe the legal framework with regard to Imported/Exported feed. •Able to describe how to access the current list of restricted feed items, country-specific requirements, and border control requirements. •Able to explain how to assess compliance with the Imported/Exported feed legal framework in the context of the Competent Authority where the officer is working.
II	Relevant EU legislation which all feed produced, distributed or used in the EU must comply with and centrally issued guidance.	<ul style="list-style-type: none"> •Understands, can interpret and apply appropriately, the requirements of the Code and Practice Guidance, and centrally issued guidance and the FSA's NEPs, as part of official controls at points of entry. •Understands and can demonstrate the ability to apply EU legislation relevant to: <ul style="list-style-type: none"> – The safety, traceability and composition of feeding stuffs; – Labelling of feed, marketing and use of feed - particularly those provisions relating to banned substances in feed; – Controls and restrictions on the presence of undesirable substances in feed and the contaminants common to various types of feed material and feed additives originating from outside of the EU; – Requirements on the authorisation, use and labelling of additives in feed, including the authorisation procedure, categories and functional groups of additives, and labelling and packaging requirements; and – Knowledge of additives in use outside the EU which are not authorised for use within the EU and the circumstances under which they can be exported. 	<ul style="list-style-type: none"> •Able to describe the range of enforcement sanctions relevant to Imported/Exported feed. •Able to explain how they would determine the most appropriate course action, for example in some typical scenarios relevant to that LA.

No	Sub Task	Statement of Competence	What this might look like in practice
III	Operating an effective import control system at a point of entry.	<ul style="list-style-type: none"> • Understands the typical information available which enables them to identify consignments of feed entering the port of entry, the enforcement powers available to access this information and deal with consignments which are found to be non-compliant with EU requirements. This includes: <ul style="list-style-type: none"> – Knowledge of the Port Operator responsible for point of entry for which authorisation is required; – Knowledge of the Importers and Shipping Agents using the point of entry and the type of feed materials being imported and the countries of origin from which they are dispatched; – The effective use of manifest/shipping information available to identify relevant consignments of feed, including database information; – The origin and nature of the feed and other relevant imports; – Sources of information and intelligence which would inform checks at the point of entry; – The authorities sampling policy and programme; – Facilities and mechanisms available at the port for the safe inspection of consignments; – The Competent Authorities, Port Operator and other relevant FeBOs policies and procedures relating to health and safety; and – The work of other Agencies at the port, including the PHA and APHA etc. 	<ul style="list-style-type: none"> • Able to describe the controls in place at points of entry. Able to describe how systematic documentary checks are carried out. • Able to describe how random identify checks are carried out. • Able to explain when sampling for analysis may be appropriate, providing examples. • Able to explain how to use GRAIL and TRACES, providing examples.

Competency 5: Officer undertaking sampling for analysis of feed

No	Sub Task	Statement of Competence	What this might look like in practice
I	Commission Regulation (EC) No 152/2009, as amended on the sampling and analysis for the official control of animal feed.	<ul style="list-style-type: none"> An officer must understand: <ul style="list-style-type: none"> Any advice or direction given on sampling priorities whether locally or centrally; The procedures for sampling animal feeding stuffs of different types and as set out in the Regulation; The types of equipment required to carry out sampling and their appropriate use; The most appropriate methods of sampling for the type and quantity of various feeding stuffs; The nature of constituents and undesirable substances to be tested for, their distribution within feed and the different approaches to sampling required; Safe working practices and the authority's own health and safety requirements; Methods and practices operated at local FeBEs; Procedures and have practical experience of preparing samples, including submission to an Agricultural Analyst, complying with requirements to provide FeBOs with portions of the sample and the retention of a reference sample; The most appropriate methods for storing samples; How to interpret sampling results and make a judgement on appropriate action, based on risk; The role of the Agricultural Analyst underpinning scientific assessment of feed safety, standards, labelling and in optimising the use of analytical testing; and The Government Chemist and its role in disputes. 	<ul style="list-style-type: none"> Able to describe how informal and formal sampling should be competed. Able to explain the role of the Agricultural Analyst; Able to describe national and local sampling priorities. Able to describe how to use UKFSS (if appropriate). Able to describe examples of feed sampling and taking appropriate risk-based follow up action.
II	Other relevant legislation which all feed produced, distributed or used in the EU must comply and centrally issued guidance.	<ul style="list-style-type: none"> Understands, can interpret and apply, appropriately, the requirements of the Code and Practice Guidance and the FSA's NEPS in respect of sampling activities. Understands the following EU requirements as they apply to the products they are required to sample and the analyses to be undertaken: <ul style="list-style-type: none"> Labelling, marketing and use of feed – particularly those provisions relating to banned substances in feed so far as they affect an officer's ability to sample feed effectively; EU legislation laying down the methods of sampling and analysis for the official control of feed as regards the presence of genetically modified material for which an authorisation procedure is pending or the authorisation of which has expired; and EU legislation establishing harmonised methods of sampling for the official control of pesticide residues in and on products of plant and animal origin. 	<ul style="list-style-type: none"> Able to explain the requirements of EU and National feed hygiene and/or standards legislation.

Competency 6: Officers using enforcement powers and carrying out reactive investigations

No	Sub Task	Statement of Competence	What this might look like in practice
I	Understanding the use of enforcement to achieve compliance and the powers available.	<ul style="list-style-type: none"> •All officers must understand and demonstrate appropriate and proportionate use of the following, commensurate to the type of activity they are authorised to enforce and the powers they are authorised to use, including any limitations on such powers conferred; <ul style="list-style-type: none"> – Limits of their own authorisation including differences between their authorisation and other officers; – Powers to enter premises to inspect feed, processes and records under all relevant EU and National legislation on animal feed and the procedures involved; – Proportionate and progressive use of enforcement powers to achieve compliance with feed law in a timely manner; – Appropriate use of informal methods of enforcement e.g. warning letters; – Use of powers to issue improvement notices and the procedures involved; – Use of emergency prohibition notices and orders and the procedures involved; – Use of powers to inspect, detain and seize feed and the procedures involved; – Use of suspension and revocation of feed registration and approval and the procedures involved; – Understands the legal framework with regard to the use of enforcement powers including the role of Primary Authorities; – Powers to sample, seize, detain and remove imported feed not complying with EU law from the feed chain; – National legislation applicable to the use of formal enforcement powers, including those relating to the use of investigatory powers and interview of suspected defendants; – Understands how to investigate and gather evidence in accordance with the Police and Criminal Evidence Act 1984 (PACE) and the Regulation of Investigatory Powers Act 2000 (RIPA), where appropriate. Is then able to analyse information and determine an appropriate course of action; 	<ul style="list-style-type: none"> •Able to describe examples of legal requirements and recommendations relevant to a range of businesses. •Able to explain how they would provide advice to FeBOs, including advice given to those starting new feed businesses. •Demonstrates understanding of a graduated approach to enforcing feed law during accompanied inspections and visits. •Satisfactory inspection paperwork when assessed/monitored by the Competent Authority. •Officers should only be authorised to serve FBEPN/FBINs if they have demonstrated the ability to make sound judgements with regards to these actions. •Able to describe experience of conducting investigations, providing examples. •Able to describe understanding/experience of evidence gathering, statement taking, case preparation and involvement in interviews under PACE. •Accompanied investigations and/or satisfactory monitoring as part of internal performance appraisal/monitoring procedure. •Able to describe understanding/experience in determining the most appropriate course of action in a range of premises types and scenarios. •Able to explain any limitations on their authorisation. •Able to describe what an enforcement policy is and how they can access the Competent Authority's policy. •Able to explain procedures for appeal, for example in respect of improvement notices (as appropriate). •Able to explain the various enforcement powers available to use and when it is appropriate to use each. •Able to explain Primary Authority principles, including how to access the Primary Authority Register. <p>Note: This may include attendance at RD training.</p>

No	Sub Task	Statement of Competence	What this might look like in practice
I	Understanding the use of enforcement to achieve compliance and the powers available (Continued).	<ul style="list-style-type: none"> – Understands the appropriate use of PACE Code B Notices and Notices under the Protection of Freedoms Act 2012; – Understands the appropriate and proportionate use of powers of search and seizure under PACE and Human Rights Act 1998; and – Can identify when it is appropriate to engage with other agencies and stakeholders in particular when investigating feed incidents. 	As above.
II	Other relevant EU legislation and skills of EU feed law requirements.	<ul style="list-style-type: none"> •All officers are required to understand: <ul style="list-style-type: none"> – The general framework of EU law on feed, in particular Regulation (EC) No 178/2002 laying down the general principles of food law as it applies to the duties on FeBOs to produce feed compliant with EU requirements and the actions required of them in certain circumstances; – Regulation (EC) No 882/2004 on the official control of feed and food as it applies to the delivery by officers of official controls; – The system of feed alerts and reporting of feed hazards operated by the FSA; and – Sufficient skills for the investigation and reporting of offences. 	<ul style="list-style-type: none"> •Able to explain when it is appropriate to work with other agencies on feed incidents. For example, liaising with APHA, VMD; FSA approved assurance schemes, other Competent Authorities, including the FSA.

Annex 5: Model Intervention Forms

Location	Model Form
A4.1	Long Form: Feed business establishment manufacturing / buying / selling / transporting feed or placing surplus food into the feed chain.
A4.2	Short Form: Feed business establishment manufacturing / buying / selling / transporting feed or placing surplus food into the feed chain.
A4.3	Long Form: Feed / Food Primary Producers where livestock are kept and feed maybe mixed with compound feeds, additives or premixtures for feeding only to their own animals.
A4.4	Short Form: Feed / Food Primary Producers where livestock are kept and feed maybe mixed with compound feeds, additives or premixtures for feeding only to their own animals.
A4.5	Long Form: Feed / Food Primary Producers where crops are grown for sale for food or feed.
A4.6	Short Form: Feed / Food Primary Producers where crops are grown for sale for food or feed.

A4.1 Feed business establishment manufacturing / buying / selling / transporting feed or placing surplus food into the feed chain

Feed Business Establishment / Feed Premises Inspection Report
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
Animal Feed (Hygiene, Sampling, etc. and Enforcement (England) Regulations 2015

CPH		Registration No.	
Date of visit	/ /	Officer Name	
Visit number		Start/Finish time	/

Animal Feed (Hygiene, Sampling, etc. and Enforcement (England) Regulations 2015

Current Premise Details		Premise details to be added/amended	
Name:		Name:	
Address:		Address:	
Person seen:			
Telephone:		Telephone:	
Mobile:		Mobile:	
Email:		Email:	

Brief summary of business activities

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Registration /Approval code:			Revised Registration/Approval code:		
Assurance Scheme member	Y/N	Name of Assurance Scheme		Assurance scheme no(s).	
FSA approved scheme	Y/N	Date of last audit		If appropriate apply assurance scheme sticker below	

Brief details of any non-conformities:

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Approved by VMD?	Y/N	For:		Date of last audit	
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Brief details of any non-conformities:

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Products produced and approx. quantities:

(If the business uses surplus food / co-products list the name and address of the suppliers and products below)

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Criteria		Comments	Compliant Y/N
Hazard Control Systems	<p>1. To what extent has the Feed Business Operator (FeBO) implemented and maintained, permanent written procedure(s) based on HACCP principles <i>Article 6(1)</i></p> <p>(for food businesses this must contain the feed element)</p>	<i>(List the main documents)</i>	
	<p>2. What changes, if any, have occurred to the product range being manufactured /transported/stored etc. since the last review, which should have prompted a review of the feed safety management systems? <i>Article 6(1)</i></p>	<i>(Date of review, reason and brief detail of any changes made.)</i>	
	<p>3. What chemical, physical and biological hazards have been identified <i>and are</i> the hazard controls sufficient to ensure feed safety? <i>Article 6(2a)</i></p>	<i>(List the chemical, physical & biological hazards and comment on any gaps. Attach a copy of FEBO Hazard Analysis or complete Hazard analysis form at Annex I)</i>	
	<p>4. Are management records proportionate with the nature and size of the feed businesses to demonstrate the effective application of the measures set out above?</p>	<i>(List records examined)</i>	
Personnel	Criteria	Comments	Compliant Y/N
	<p>5. Is an organisation chart listing qualifications and responsibilities of all supervisory staff available? <i>Annex II Personnel</i></p>	<i>(Detail how this is complied with but note information may be in other documentation)</i>	
	<p>6. Are all staff clearly informed in writing of their duties, responsibilities and powers regarding the production of feed? <i>Annex II Personnel</i></p>	<i>(List any problems with compliance)</i>	

Production	Criteria	Comments	Compliant Y/N
	7. Who is the designated person responsible for production – are they suitably qualified? <i>Annex II Production (1)</i>	<i>(Indicate who is the designated person and what are their appropriate qualifications)</i>	
	8. Are all stages of production carried out to pre-established written procedures? <i>Annex II Production (2)</i>	<i>(Give examples of procedures seen)</i>	
	9. Are technical or organisational measures taken to avoid/minimise cross contamination, carry over and ensure homogeneity during manufacturing and what checks are carried out to ensure arrangements work during manufacturing? <i>Annex II Production (3)</i>	<i>(List any measures employed and detail any deficiencies)</i>	
	10. Are all the scales and metering devices used in the manufacture of feeds appropriate for the range of weights or volumes to be measured and tested for accuracy regularly? <i>Annex II Facilities and Equip.- 3(a)</i>	<i>(List equipment checked and equipment not meeting this requirement)</i>	
	11. Are foods or food ingredients containing animal proteins, meat or meat products, made or kept on the same site? <i>Annex II Production (4)</i>	<i>(Detail what these are and are adequate measures in place to prevent contamination of livestock feed)</i>	
	12. Are procedures in place to isolate, identify and safely dispose of waste? <i>Annex II –Production (5)</i>	<i>(List any measures employed and detail any deficiencies)</i>	
	13. What system of tracing products and materials used in them is employed? <i>Annex II Production (6)</i> If not possible or appropriate to complete Annex specify why	<i>(Describe the system(s) of traceability of <u>all</u> products, including ingredients and finished products, and complete the form at annex II or III as appropriate for at least one ingredient – preferably a raw material such as a trace element or additive)</i>	

	14. Where material placed into the feed chain contains food grade packaging, what steps are in place to ensure the feed chain is not contaminated by food packaging material?	<i>(Detail what steps are in place to remove food packaging including further processing and is this effective)</i>	
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	Criteria	Comments	Compliant Y/N
Complaints and Recall	15. Does the FEBO have a written complaints procedure? <i>Annex II Comp recall (1)</i>	<i>(Detail system and records checked)</i>	
	16. Does the FEBO have a system of recall in place which is documented? <i>Annex II Comp recall (2)</i>	<i>Detail system and records checked</i>	
	Criteria	Comments	Compliant Y/N
Quality Control (Not R8)	17. Who is the designated person responsible for quality control – are they suitably qualified? <i>Annex II Quality Control (1)</i>	<i>(Indicate who is the designated person and what are their appropriate qualifications)</i>	
	18. Does the FEBO have access to a laboratory with adequate staff and equipment and is the business following a sampling plan to control hazards? <i>Annex II Quality Control (2&3)</i>	<i>(Indicate how this requirement is complied with)</i>	
	19. Are final samples kept of each batch of product produced, adequately labelled and properly stored? <i>Annex II Quality Control (4)</i>	<i>(Indicate how this is complied with)</i>	
	20. Are documents relating to ingredients kept for the life of the final product? <i>Annex II Quality control (4)</i>		

Facilities & Equipment	Criteria	Comment	Compliant Y/N
	21. Does design and construction of the facilities and equipment permit: Adequate cleaning and Minimise the risk of cross contamination of products? <i>Annex II Facilities & Equip. (2)</i>	<i>(Give examples of the facilities and equipment checked and list any deficiencies)</i>	
	22. Are ceilings and overhead fixtures designed to prevent accumulation of dirt, condensation and growth of moulds and shedding of particles <i>Annex II Facilities & Equip. (9).</i>	<i>(Give examples of the facilities and equipment checked and list any deficiencies)</i>	
	23. Are feed processing, storage facilities, equipment, containers, crates, vehicles and their immediate surroundings kept clean? <i>Annex II –Facilities & Equip.(1)</i>	<i>(List areas of the site/equipment checked and indicate those which require further cleaning)</i>	
	24. Do facilities have adequate lighting (natural/artificial)? <i>Annex II Facilities & Equip. (4)</i>	<i>(List the areas of the site and equipment checked)</i>	
	25. Are drainage facilities adequate to avoid contamination of feed? <i>Annex II Facilities & Equip. (5).</i>	<i>(List the areas of the facilities/equipment checked and arrangements in place)</i>	
	26. Is water used for manufacture suitable for animals and are conduits inert in nature? <i>Annex II Facilities & Equip. (6)</i>	<i>(Detail how FEBO determines that water is suitable and conduits are inert)</i>	
	27. Do arrangements for the removal of sewage, waste and rainwater ensure that feed is not spoiled and is dust controlled to prevent pests? <i>Annex II Facilities & Equip. (7)</i>	<i>(List the areas of the site and equipment checked and the arrangements in place)</i>	
	28. Are effective pest control programmes implemented? Is there evidence of uncontrolled pest activity on site? <i>Annex II Facilities & Equip. (1)</i>	<i>(List the areas of the site/equipment checked, steps taken to control pests and state if there is evidence of pest activity)</i>	
	29. Are windows and openings proofed against pests? <i>Annex II Facilities & Equip. (8)</i>	<i>(List the areas of the site checked and the arrangements in place)</i>	

	Criteria	Comments	Compliant Y/N
Storage & Transport	30. Is processed feed kept separate from ingredients and additives? <i>Annex II Storage & Transport (1)</i>	<i>(Detail items checked in each case and any non-conformance for each question)</i>	
	31. Are additives (including trace elements and vitamins) within their expiry dates and approved for use in feed? <i>Approved and R1-R6 only</i>	<i>(Detail items checked in each case and any non-conformance for each question – note any products which are not authorised for use in feed)</i>	
	32. Is feed kept and transported in suitable conditions to which only persons authorised by the FEBO have access? <i>Annex II Storage and Transported (2)</i>	<i>(Detail storage/transport items checked and in each case the arrangements in place to limit access)</i>	
	33. Is feed easily identified in store and when transported so as to avoid cross contamination and deterioration? <i>Annex II Storage & Transport (3)</i>	<i>(List items checked, method of identification and detail any deficiencies)</i>	
	34. Where appropriate, are temperatures kept low to avoid condensation /spoilage – particularly in storage areas? <i>Annex II Storage & Transport (6)</i>	<i>(Detail areas checked and any deficiencies found)</i>	
Labelling	35. From a visual examination, does the labelling of products appear to comply? <i>Regulation 767/2009 Labelling</i>	<i>(Detail labels examined and any issues found attach copy as appropriate)</i>	
Fats & Oils	36. Does the FeBO process fats and oils, or manufacture with fats and oils, as governed by <i>Commission regulation 225/2012</i> .	<i>(Give details of test/analysis carried out by, or relied upon by, the FeBO)</i>	

	Criteria	Comments	Compliant Y/N
3 rd Country Imports	<p>36. What products from 3rd countries, if any does the FeBO directly import, place on the market or incorporate into feed and have they been legally imported?</p> <p>Annex I of Regulation (EC) No 669/2009 on the list of high-risk products of non-animal origin Annex I of Regulation (EC) No. 884/2014 subject to safeguard controls due to aflatoxin contamination</p>	<i>(Detail the activities of the FeBO and confirm any relevant products subject to Annex I of Regulations (EC) No's 669/2009 and (EC) No. 884/2014 have been legally imported – record findings, as appropriate)</i>	
	<p>37. Does the FeBO import products that require a 3rd Country Representative in the EU?</p> <p>Article 24</p> <p>Article 6 of 98/51/EC and relevant requirements of EC Directive 95/69</p>	<i>(Give details of the products subject to the need for 3rd Country Representation and detail name/address of representative and registration/ approval number)</i>	
	<p>38. Confirm how the FeBO is fulfilling their on-going obligations as a representative of a 3rd Country under Article 6 of 98/51/EC in respect of:</p> <ul style="list-style-type: none"> a) Ensuring the 3rd country establishment which they represent complies with requirements at least equivalent to those laid down in EC Directive 95/69; and b) Keeps an up-to date register of all relevant products that the third country establishment they represent has put into circulation within the European Union. 	<i>(Detail how the FeBO ensures equivalency of compliance, any records of the last assessment undertaken and findings, to evidence this. Include any examination of the existence and adequacy of the register of products put into circulation)</i>	
Export of unauthorised additives to 3 rd Countries or via other MS	<p>39. Confirm whether the business exports additives or feed containing additives that have not been authorised in accordance with EC Regulation 1831/2003 to third countries.</p> <p>Article 12 of EC Regulation 178/2002</p>	<i>(List the products and detail how the FeBO is meeting their legal obligations) https://www.food.gov.uk/business-industry/farmingfood/animalfeed/animalfeedlegislation/export-unauthorised-feed</i>	

Samples Taken		
Is the test listed in the National Enforcement priorities Y / N	Have samples been uploaded to UKFSS Y / N	
Overall comments/Actions required. (Continue on separate sheet if required)		
Officer:	Signed:	Date:
Person seen:	Signed:	Date:
Lead/Senior Officer:	Signed:	Date:

Annex I Hazard Analysis

What CCPs have been identified? (List and comment on whether the CCPs are appropriate)	List critical limits for each CCP	What monitoring procedures are used to identify if each CCP is under control?	What is the procedure(s) for corrective actions?	How often are these items verified?

ANNEX II Traceability exercise for a manufacturer

1.	Description of a raw material chosen for the traceability exercise including: batch number, durability date, and the total quantity of one identifiable consignment	
2.	Is the supplier a registered or approved FeBO as required by Article 5(6) Regulation (EC) 183/2005?	
3.	Name and address of supplier	
4.	Where the product is an additive or bio protein, the date of manufacture	
5.	Date of delivery to the FeBO	
6.	Is a sample of the consignment available and properly labelled?	
7.	Batch number allocated by FeBO if different to above	
8.	Date(s) of use (approx.)	
9.	To which products has this material been incorporated?	
10.	Name and production number of an identifiable batch of product chosen for the traceability exercise to which the raw material has been incorporated	
11.	Give detail of how production records show use of the raw material in the product chosen	
12.	Repeat question 9 if the batch of product under goes separate mixing/blending with other ingredients before the final product is produced.	
13.	Repeat question 10 if the batch of product under goes separate mixing/blending with other ingredients before the final product is produced.	

14.	How is the final product identified as being supplied to a specific customer?	
15.	Name and address of a customer to which the batch of final product has been supplied (if more than one give the total number of customers receiving product of the same batch) product supplied	
16.	Dates of delivery to the customer	
17.	For how long are traceability records kept?	

ANNEX III Traceability exercise for a FeBO where manufacturing is not taking place

Description of the product chosen for the traceability exercise and the total quantity in one identifiable consignment	
Name and address of supplier	
Is the supplier a registered or approved FeBO as required by Article 5(6) Regulation (EC) 1831/2003?	
Batch number and durability indication of material in the consignment	
Date of delivery to the FeBO, where the FeBO took delivery of the product	
Batch number allocated by FeBO if different to above	
How is the final product identified as being supplied to a specific customer?	
Name and address of customers to which the batch of final product supplied (if more than one give the total number of customers receiving product of the same batch)	
Date of delivery to the customer	
How long are traceability records kept?	

A4.2 Short Form: Feed business establishment manufacturing / buying / selling / transporting feed or placing surplus food into the feed chain

Feed Business Establishment / Feed Premises Inspection Report Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 Animal Feed (Hygiene, Sampling, etc. and Enforcement (England) Regulations 2015

CPH		Registration No.	
Date of visit	/ /	Officer Name	
Visit number		Start/Finish time	/

Animal Feed (Hygiene, Sampling, etc. and Enforcement (England) Regulations 2015

Current Premise Details		Premise details to be added/amended	
Name:		Name:	
Address:		Address:	
Person seen:			
Telephone:		Telephone:	
Mobile:		Mobile:	
Email:		Email:	

Brief summary of business activities

Registration /Approval code:		Revised Registration/Approval code:	
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Assurance Scheme member	Y/N	Name of Assurance Scheme		Assurance scheme no(s).	
FSA approved scheme	Y/N	Date of last audit		If appropriate apply assurance scheme sticker below	

Brief details of any non-conformities:

Approved by VMD?	Y/N	For:		Date of last audit	
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Brief details of any non-conformities:

Products produced and approx. quantities:

(If the business uses surplus food / co-products list the name and address of the suppliers and products below)

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Area of Compliance	Compliant		Area of Compliance	Compliant	
	Y	N		Y	N
Hazard Control Systems			Personnel		
Production			Complaints and Recall		
Quality Control (Not R8)			Facilities & Equipment		
Storage & Transport			Labelling		
3 rd Country Imports			Export of unauthorised additives to 3 rd Countries or via other MS		

Samples Taken		
Is the test listed in the National Enforcement priorities Y / N		Have samples been uploaded to UKFSS Y / N
<div></div>		
Overall comments/Actions required (Continue on separate sheet if required)		
<div></div>		
Officer:	Signed:	Date:
Person seen:	Signed:	Date:
Lead/Senior Officer:	Signed:	Date:

Annex I Hazard Analysis

What CCPs have been identified? (List and comment on whether the CCPs are appropriate)	List critical limits for each CCP	What monitoring procedures are used to identify if each CCP is under control?	What is the procedure(s) for corrective actions?	How often are these items verified?

ANNEX II Traceability exercise for a manufacturer

1.	Description of a raw material chosen for the traceability exercise including: batch number, durability date, and the total quantity of one identifiable consignment	
2.	Is the supplier a registered or approved FeBO as required by Article 5(6) Regulation (EC) 183/2005?	
3.	Name and address of supplier	
4.	Where the product is an additive or bio protein, the date of manufacture	
5.	Date of delivery to the FeBO	
6.	Is a sample of the consignment available and properly labelled?	
7.	Batch number allocated by FeBO if different to above	
8.	Date(s) of use (approx.)	
9.	To which products has this material been incorporated?	
10.	Name and production number of an identifiable batch of product chosen for the traceability exercise to which the raw material has been incorporated	
11.	Give detail of how production records show use of the raw material in the product chosen	
12.	Repeat question 9 if the batch of product under goes separate mixing/blending with other ingredients before the final product is produced.	
13.	Repeat question 10 if the batch of product under goes separate mixing/blending with other ingredients before the final product is produced.	

14.	How is the final product identified as being supplied to a specific customer?	
15.	Name and address of a customer to which the batch of final product has been supplied (if more than one give the total number of customers receiving product of the same batch) product supplied	
16.	Dates of delivery to the customer	
17.	For how long are traceability records kept?	

ANNEX III Traceability exercise for a FeBO where manufacturing is not taking place

Description of the product chosen for the traceability exercise and the total quantity in one identifiable consignment	
Name and address of supplier	
Is the supplier a registered or approved FeBO as required by Article 5(6) Regulation (EC) 183/2005?	
Batch number and durability indication of material in the consignment	
Date of delivery to the FeBO, where the FeBO took delivery of the product	
Batch number allocated by FeBO if different to above	
How is the final product identified as being supplied to a specific customer?	
Name and address of customers to which the batch of final product supplied (if more than one give the total number of customers receiving product of the same batch)	
Date of delivery to the customer	
How long are traceability records kept?	

A4.3 Long Form: Feed / Food Primary Producers where livestock are kept and feed maybe mixed with compound feeds, additives or premixtures for feeding only to their own animals

Feed Business Establishment / Feed Premises Inspection Report
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
Animal Feed (Hygiene, Sampling, etc. and Enforcement (England) Regulations 2015
Food Safety and Hygiene (England) Regulations 2013

CPH		Registration No.	
Date of visit	/ /	Officer Name	
Visit number		Start/Finish time	/

Current Premise Details		Premise details to be added/amended	
Name:		Name:	
Address:		Address:	
Person seen:			
Telephone:		Telephone:	
Mobile:		Mobile:	
Email:		Other:	

Brief summary of business activities (if R10 indicate why)

Registration /Approval code:		Revised Registration/Approval code:	
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Assurance Scheme member	Y/N	Name of Assurance Scheme		Assurance scheme no.	
FSA approved scheme	Y/N	Date of last audit		If appropriate apply assurance scheme sticker below	

Brief details of any non-conformities:

Approved by VMD?	Y/N	For:		Date of last audit	
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Brief details of any non-conformities:

Feed used, species and approx. quantities.

Additives or premixtures used? (Annex II applies)

Direct drying using fossil fuel (Annex II applies) – Specify Fuel

Y / N

Does the Feed Business use Surplus food / Co-products Y / N (If yes, list suppliers and products below)

Criteria		Comments	Compliant Y/N
Storage, Facilities and equipment	<p>1. Are areas used to store feed materials including buildings, containers, crates, vehicles and their surroundings kept clean, dry?</p> <p>(EU 183/2005 Annex I – I (4b))</p>	<i>List areas of the site checked, steps taken to ensure cleanliness and note any areas which are not clean.</i>	
	<p>2. Are buildings and drainage sound to prevent access by rain?</p> <p>(EU 183/2005 Annex I – I(1))</p>	<i>List areas of the site checked and note any issues.</i>	
	<p>3. Are steps taken, as far as possible, to prevent pests and pets gaining access to feed materials and finished feed?</p> <p>(EU 183/2005 Annex I – I (4d)) And are occurrences of pests or diseases that may affect the safety of the feed or animals recorded? (EU 183/2005 Annex I – II (2c))</p>	<i>What control measures are in place and is there evidence of pest activity?</i>	
	<p>4. Is feed stored separately from waste and hazardous substances to prevent contamination? e.g. fuel, pesticides, fertiliser, veterinary medicines, waste plastic.</p> <p>(EU 183/2005 Annex I – I (4e and f))</p>	<i>List areas checked and any contraventions seen.</i>	
	<p>5. Is all equipment used for handling/ producing feed kept clean?</p> <p>(EU 183/2005 Annex I – I (4a))</p>	<i>List areas checked and cleaning procedures. Indicate any areas in need of cleaning.</i>	
	<p>6. Is water used suitable to prevent hazardous contamination?</p> <p>(EU 183/2005 Annex I – I (4c))</p>	<i>How does the farmer know the water is suitable?</i>	

Mixing Operations R10, 11.

Criteria	Comments	Compliant Y/N
<p>7. Do staff understand how to undertake mixing to achieve safe feed?</p> <p>(EU 183/2005 Annex I – I (1))</p>	<p><i>Which staff are involved in mixing feed and what training/instruction have they received?</i></p>	
<p>8. Is the equipment used for measuring ingredients appropriate to ensure they are incorporated at the correct rate?</p> <p>(Particularly when using compound feeds, additives and premixtures.) (EU 183/2005 Annex I – I (1))</p>	<p>Identify equipment used and is it appropriate?</p>	
<p>9. Is the equipment used in the mixing of feed appropriate and capable of producing an homogenous safe mix?</p> <p>(Particularly when incorporating compound feeds, additives and premixtures.) (EU 183/2005 Annex I – I (1))</p>	<p>Identify mixer used and is it appropriate?</p>	
<p>10. Is mixing equipment cleaned thoroughly when formulations change? e.g. flush through</p> <p>(Particularly when using compound feeds, additives and premixtures.) (EU 183/2005 Annex I – I(1))</p>	<p><i>Detail any procedures used.</i></p>	
<p>11. How is homogeneity of the mix ensured? How does the business check that the mix is consistent / homogenous?</p> <p>(Particularly when using compound feeds, additives and premixtures.) (EU 183/2005 Annex I – I (1))</p>	<p><i>Note any test to ensure consistent / homogenous mix.</i></p>	

	Criteria	Comments	Compliant Y/N
Additional requirements for R10 - EU 183/2005 Annex II operations only.	<p>12. Are instructions on cleaning and maintenance of equipment documented and records kept measures in place and are they documented?</p> <p>(EU 183/2005 Annex II, para. 3)</p>	<p><i>Identify documented procedures – maybe manufacturer's instructions. Identify measures and frequency. Records of equipment cleaning/maintenance - may simply be a case of retaining a copy of a service company's checks.</i></p>	
	<p>13. Have staff involved in mixing feed received appropriate training and is it recorded?</p> <p>(EU 183/2005 Annex II Personnel)</p>	<p><i>Training may be by experience staff or supplier of equipment. Records should be kept for at least 1 year.</i></p>	
	<p>14. Is there a documented procedure or instructions for mixing operations and are they being observed?</p> <p>(EU 183/2005 Annex II Production 2)</p>	<p><i>Instructions for mixing operations may incorporate equipment manufacturer's instructions.</i></p>	
	<p>15. Is a record of feed formulations kept including date of production?</p> <p>(EU 183/2005 Annex II Production 6)</p>	<p><i>Indicate records kept and if they are adequate.</i></p>	
	<p>16. Are records relating to purchase of additives / premixtures kept?</p> <p>Name and Address of supplier Quantities of each product purchased Batch Numbers (EU 183/2005 Annex II Record keeping 2b)</p>	<p><i>Detail how this is achieved and any deficiencies e.g. invoices kept in order.</i></p>	

	Criteria	Comments	Compliant Y/N
Records	17. Is the use of plant protection products and biocides recorded? (EU 183/2005 Annex I – II 2a)	<i>What products are used and when and where?</i>	
	18. Are records relating to purchase of feed kept? Name and Address of supplier Quantities of each product purchased Batch Numbers (EU 183/2005 Annex I - II 2e)	<i>Detail how this is complied with.</i>	
EU 183/2005 Annex III Good Feeding Practice	19. Is grazing pasture managed to prevent animals having access to land treated with manure or chemicals until its safe? (EU 183/2005 Annex III – Pasture Grazing)	<i>How is this managed?</i>	
	20. Are feed troughs and other feeding equipment clean? (EU 183/2005 Annex II – Stable and Feeding Equipment)	<i>Detail how this is done.</i>	
	21. How does the business ensure that the right feed ends up is being fed to the right type of animal and there is no risk of cross contamination? (EU 183/2005 Annex III - Feeding 2)	<i>Detail how this is complied with.</i>	
Primary Producer Food Hygiene (not covered elsewhere)	22. Are animals clean? Regard must be had to further measures to clean animals and environmental contamination. (EU 852/2004 Annex I 4c)	<i>Detail issues identified and risks.</i>	
	23. Are Veterinary Medicine records kept and up to date? (EU 852/2004 Annex I 3a)	<i>Source, date of purchase, product, batch no., quantity, disposal, date and method of treatment, ID of animals, product used, date treatment finished, withdrawal date, person administering, quantity used.</i>	

Samples Taken		
Is the test listed in the National Enforcement priorities Y / N	Have samples been uploaded to UKFSS Y / N	
Overall comments/Actions required to address any non-conformities. (Continue on separate sheet if required)		
Officer:	Signed:	Date:
Person seen:	Signed:	Date:
Lead/Senior Officer:	Signed:	Date:

A4.4 Short Form: Feed / Food Primary Producers where livestock are kept and feed maybe mixed with compound feeds, additives or premixtures for feeding only to their own animals

Feed Business Establishment / Feed Premises Inspection Report
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
Animal Feed (Hygiene, Sampling, etc. and Enforcement (England) Regulations 2015
Food Safety and Hygiene (England) Regulations 2013

CPH		Registration No.	
Date of visit	/ /	Officer Name	
Visit number		Start/Finish time	/

Current Premise Details		Premise details to be added/amended	
Name:		Name:	
Address:		Address:	
Person seen:			
Telephone:		Telephone:	
Mobile:		Mobile:	
Email:		Other:	

Brief summary of business activities (if R10 indicate why)

Registration /Approval code:		Revised Registration/Approval code:	
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Assurance Scheme member	Y/N	Name of Assurance Scheme		Assurance scheme no.	
FSA approved scheme	Y/N	Date of last audit		If appropriate apply assurance scheme sticker below	

Brief details of any non-conformities:

Approved by VMD?	Y/N	For:		Date of last audit	
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Brief details of any non-conformities:

Feed used, species and approx. quantities.

Additives or premixtures used? (Annex II applies)					
Direct drying using fossil fuel (Annex II applies) – Specify Fuel					Y / N
Does the Feed Business use Surplus food / Co-products Y / N (If yes, list suppliers and products below)					

Area of Compliance	Compliant		Area of Compliance	Compliant	
	Y	N		Y	N
Storage, Facilities and equipment			Mixing Operations R10, R11.		
Additional requirements for R10 - EU 183/2005 Annex II operations only			Records		
EU 183/2005 Annex III Good Feeding Practice			Food Hygiene		

Samples Taken	
Is the test listed in the National Enforcement priorities Y / N	Have samples been uploaded to UKFSS Y / N

Overall comments/Actions required to address any non-conformities. (Continue on separate sheet if required)

Officer:	Signed:	Date:
Person seen:	Signed:	Date:
Lead/Senior Officer:	Signed:	Date:

A4.5 Long Form: Feed / Food Primary Producers where crops are grown for sale for food or feed

Feed Business Establishment / Feed Premises Inspection Report Animal Feed (Composition, Marketing and Use)(England) Regulations 2015 Animal Feed (Hygiene, Sampling, etc. and Enforcement (England) Regulations 2015 Food Safety and Hygiene (England) Regulations 2013

CPH		Registration No.	
Date of visit	/ /	Officer Name	
Visit number		Start/Finish	/

Current Premise Details		Premise details to be added/amended	
Name:		Name:	
Address:		Address:	
Person seen:			
Telephone:		Telephone:	
Mobile:		Mobile:	
Email		Email:	

Brief summary of business activities

Registration /Approval code:		Revised Registration/Approval code:	
Assurance Scheme member	Y/N	Name of Assurance Scheme	
FSA approved scheme	Y/N	Date of last audit	
		Assurance scheme no.	
		If appropriate apply assurance scheme sticker below	

Brief details of any non-conformities:

Crops grown – including quantities and type for food/feed use

Direct drying using fossil fuel (Annex II applies) – Specify Fuel	Y / N
Are grain treatments used, such as the use of preservatives e.g. Propionic Acid (Annex II applies and registration should be R10)	Y / N
Is any food processing carried out on site other than simple processing as defined in 852/2004 Art 2 (m) (n) (e.g. cleaning, bagging etc.) If yes Environmental Health should be informed.	Y / N

Criteria		Comments	Compliant Y/N
Storage, Facilities and equipment	<p>1. Are areas used to store crops including buildings, containers, crates, vehicles and their surroundings kept clean, dry?</p> <p>EU 183/2005 Annex I – I (4b) EU 852/2004 Annex I – II (4a)</p>	List areas of the site checked, steps taken to ensure cleanliness and note any areas which are not clean.	
	<p>2. Are light bulbs, tubes and windows etc protected to avoid broken glass contamination?</p> <p>EU 852/2004 Annex I – II (2)</p>	Note the way primary products are protected against "contamination"	
	<p>3. Does the farm have a crop storage policy including temperature and moisture content of grain?</p> <p>EU 852/2004 Annex I – II (2)</p>	Note the way primary products are protected against "contamination"	
	<p>4. Are buildings and drainage sound to prevent access by rain?</p> <p>EU 183/2005 Annex I – I (1) EU 852/2004 Annex I – II (2)</p>	List areas of the site checked and note any issues.	
	<p>5. Are steps taken, as far as possible, to prevent pests and pets gaining access to crops in store.</p> <p>EU 183/2005 Annex I – I (4d) EU 852/2014 Annex I – II (5e) And are occurrences of pests or diseases that may affect the safety of the crops or animals recorded? EU 183/2005 Annex I – II (2c) EU 852/2014 Annex I – III (9b)</p>	What control measures are in place and is there evidence of pest activity?	
	<p>6. Are crops stored separately from waste and hazardous substances to prevent contamination? e.g. fuel, pesticides, fertiliser, waste plastic.</p> <p>EU 183/2005 Annex I – I (4e and f) EU 852/2014 Annex I – II (5f)</p>	List areas checked and any contraventions seen.	
	<p>7. Is all equipment used for harvesting, handling, producing crops kept clean?</p> <p>EU 183/2005 Annex I – I (4a) EU 852/2014 Annex I – II (5a)</p>	List equipment checked and cleaning procedures. Indicate any areas in need of cleaning.	
	<p>8. Is water used during the growing and processing of crops suitable to prevent hazardous contamination?</p> <p>EU 183/2005 Annex I – I (4c) EU 852/2014 Annex I – II (5c)</p>	How does the farmer know the water is suitable?	

	Criteria	Comments	Compliant Y/N
Direct Drying & Treatment of Feed Annex II EC 183/2005	<p>9. Are instructions on cleaning and maintenance of equipment documented and records kept measures in place and are they documented</p> <p>(EU 183/2005 Annex II, para. 3)</p>	<p>Identify documented procedures – maybe manufacturer's instructions. Identify measures and frequency. Records of equipment cleaning/maintenance - may simply be a case of retaining a copy of a service company's checks</p>	
	<p>10. Have staff involved in treating or drying feed received appropriate training and is it recorded?</p> <p>(EU 183/2005 Annex II Personnel)</p>	<p>Training may be by experience staff or supplier of equipment. Records should be kept for at least 1 year.</p>	
	<p>11. Is there a documented procedure or instructions for treating and direct drying using fossil fuels and are they being observed?</p> <p>(EU 183/2005 Annex II Production 2)</p>	<p>Instructions for mixing and drying operations may incorporate equipment manufacturer's instructions.</p>	
	<p>12. Is a record of production kept including date of treatment?</p> <p>(EU 183/2005 Annex II Production 6)</p>	<p>Indicate records kept and if they are adequate.</p>	
	<p>13. Are records relating to purchase of additives including preservatives kept?</p> <p>Including: Name and Address of supplier Quantities of each product purchased Batch Numbers (EU 183/2005 Annex II Record keeping 2b)</p>	<p>Detail how this is achieved and any deficiencies e.g. invoices kept in order.</p>	
	Criteria	Comments	Compliant Y/N
Records	<p>14. Is the use of plant protection products and biocides recorded?</p> <p>EU 183/2005 Annex I – II 2a) EU 852/2014 Annex I – III (9a)</p>	<p>What products are used and when and where? Refer to FSA guidance http://multimedia.food.gov.uk/multimedia/pdfs/afrecordkeepingrequirements1.pdf</p>	
	<p>15. Are records relating to pest and disease that may affect the safety of the product kept?</p> <p>EU 183/2005 Annex I – II (2c) EU 852/2014 Annex I – III (9b)</p>	<p>List records seen.</p>	
	<p>16. Does the farm have a control policy for use of fertilisers, including organic fertiliser and soil improvers, which includes appropriate use and storage records?</p> <p>EU 852/2004 Annex I – II(3a)</p>	<p>Identify records used to demonstrate the safe application to prevent pollution/contamination.</p>	

	Criteria	Comments	Compliant Y/N
Transport	17. Does the farm employ adequate measures to prevent contamination of crops during transport.	List control measures. E.g. trailer cleaning records.	
	18. Does the farm take adequate measures to ensure staff handling food stuffs are in good health and trained on health risks. EU 852/2004 Annex I – II (5d)	List measures taken and training records seen.	
Primary Producer Food Hygiene (not covered elsewhere)	19. Are there adequate hygiene facilities for staff? EU 852/2004 Annex I – II(2)	List facilities seen. The facilities should be sufficient to allow for seasonal staff increases..	
Samples Taken			
Is the test listed in the National Enforcement priorities Y / N		Have samples been uploaded to UKFSS Y / N	
Overall comments/Actions required to address any non-conformities. (Continue on separate sheet if required)			
Officer:		Signed:	Date:
Person seen:		Signed:	Date:
Lead/Senior Officer:		Signed:	Date:

A4.6 Short Form: Feed / Food Primary Producers where crops are grown for sale for food or feed.

Feed Business Establishment / Feed Premises Inspection Report
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
Animal Feed (Hygiene, Sampling, etc. and Enforcement (England) Regulations 2015
Food Safety and Hygiene (England) Regulations 2013

CPH		Registration No.	
Date of visit	/ /	Officer Name	
Visit number		Start/Finish	/

Current Premise Details		Premise details to be added/amended	
Name:		Name:	
Address:		Address:	
Person seen:			
Telephone:		Telephone:	
Mobile:		Mobile:	
Email		Email:	

Brief summary of business activities			
Registration /Approval code:		Revised Registration/Approval code:	
Assurance Scheme member	Y/N	Name of Assurance Scheme	Assurance scheme no.
FSA approved scheme	Y/N	Date of last audit	If appropriate apply assurance scheme sticker below

Brief details of any non-conformities:

Crops grown – including quantities and type for food/feed use

Direct drying using fossil fuel (Annex II applies) – Specify Fuel	Y / N
Are grain treatments used, such as the use of preservatives e.g. Propionic Acid (Annex II applies and registration should be R10)	Y / N
Is any food processing carried out on site other than simple processing as defined in 852/2004 Art 2 (m) (n) (e.g. cleaning, bagging etc.) If yes Environmental Health should be informed.	Y / N

Area of Compliance	Compliant		Area of Compliance	Compliant	
	Y	N		Y	N
Storage, Facilities and equipment			Direct Drying & Treatment of Feed Annex II EC 183/2005		
Records			Transport		
Food Hygiene					

Samples Taken		
Is the test listed in the National Enforcement priorities Y / N		Have samples been uploaded to UKFSS Y / N
Overall comments/Actions required to address any non-conformities. (Continue on separate sheet if required)		
Officer:	Signed:	Date:
Person seen:	Signed:	Date:
Lead/Senior Officer:	Signed:	Date:

Annex 6: Animal Feed Law Risk-Rating System - The Potential Risk Score

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.

Score	Guidance on the Scoring System
30	<p>Manufacturers of nutritional additives including vitamins, pro-vitamins, trace elements, amino acids (including their salts and analogues), and urea and derivatives.</p> <p>Manufacturers of additives: enzyme and micro-organisms which act as digestibility enhancers, gut flora stabilisers and substances which favourably affect the environment</p> <p>Manufacturers of antioxidants with maximum permitted limits, colourant additives: carotenoids and xanthophyll's.</p> <p>Manufacturers of proteins obtained from micro-organisms belonging to groups of bacteria, yeast, algae and lower fungi.</p> <p>Manufacturers of premixtures, additives with maximum limits and novel protein products.</p> <p>Manufacturers of other additives used in feeds.</p> <p>Manufacturers of feed materials.</p> <p>Manufacturers or packers of compound feed which include additives.</p> <p>Manufacturers of compound feed which do not contain additives but are manufactured to be placed on the market.</p> <p>Manufacturers for feed use, products derived from vegetable oils and blended fats</p> <p>Importers of all feeding stuffs originating from outside the EU.</p>
20	<p>Mobile Mixers of animal feeds with or without the inclusion of feed additives.</p> <p>Co Product Producers, food and non-food businesses selling a co-product(s) which is destined as a feed material</p>
10	<p>Arable Farms which are producers of primary products intended to be fed to animals</p> <p>On-Farm Mixers producing compound animal feed by the inclusion of additives or premixtures.</p> <p>On Farm Mixers producing compound animal feed by the inclusions of complementary feeds containing additives.</p> <p>Distributors of feed and feed products</p> <p>Supplier of Surplus Food, manufacturer or retailer which places food originally intended for human consumption into the feed chain.</p> <p>Livestock farms who do not mix feed or who mix feed without additives.</p>
5	<p>Transporters of feed and feed products</p> <p>Stores of feed and feed products.</p>

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. The scores below provide examples of feed businesses to which a particular score must apply.

Score	Guidance on the Scoring System
30	<p>Manufacturers of nutritional additives including vitamins, pro-vitamins, trace elements, amino acids (including their salts and analogues), and urea and derivatives.</p> <p>Manufacturers of additives: enzyme and micro-organisms which act as digestibility enhancers, gut flora stabilisers and substances which favourably affect the environment.</p> <p>Manufacturers of antioxidants with maximum permitted limits, colourant additives: carotenoids and xanthophyll's.</p> <p>Manufacturers of proteins obtained from micro-organisms belonging to groups of bacteria, yeast, algae and lower fungi.</p> <p>Manufacturers of premixtures, additives with maximum limits and novel protein products.</p> <p>Manufacturers of other additives used in feeds.</p> <p>Manufacturers of feed materials.</p> <p>Manufacturers of compound feed which do not contain additives but are manufactured to be placed on the market, but not including mobile mixers.</p> <p>Manufacturers or packers of compound feed which include additives, but not including mobile mixers.</p> <p>Manufacturers for feed use, products derived from vegetable oils and blended fats.</p> <p>Importers of all feeding stuffs originating from outside the EU.</p> <p>Mobile Mixers of animal feeds with or without the inclusion of feed additives.</p> <p>Co Product Producers, food and non-food businesses selling a co-product(s) which is destined as a feed material.</p>
10	<p>Livestock farms who do not mix feed or who mix feed without additives.</p> <p>On-Farm Mixers producing compound animal feed by the inclusion of additives or premixtures.</p> <p>On-Farm Mixers producing compound animal feed by the inclusions of complementary feeds containing additives.</p> <p>Suppliers of Surplus Food, manufacturer or retailer which places food originally intended for human consumption into the feed chain.</p> <p>Transporter of feed and feed products.</p> <p>Stores of feed and feed products.</p>
5	<p>Arable Farms which are producers of primary products intended to be fed to animals.</p> <p>Distributors of feed and feed products.</p>

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.

Score	Guidance on the Scoring System
20	<p>Manufacturers of nutritional additives including vitamins, pro-vitamins, trace elements, amino acids (including their salts and analogues), and urea and derivatives.</p> <p>Manufacturers of additives: enzyme and micro-organisms which act as digestibility enhancers, gut flora stabilisers and substances which favourably affect the environment.</p> <p>Manufacturers of antioxidants with maximum permitted limits, colourant additives: carotenoids and xanthophyll's.</p> <p>Manufacturers of proteins obtained from micro-organisms belonging to groups of bacteria, yeast, algae and lower fungi.</p> <p>Manufacturers of premixtures, additives with maximum limits and novel protein products.</p> <p>Manufacturers of other additives used in feeds.</p> <p>Manufacturers of feed materials.</p> <p>Manufacturers of compound feed which do not contain additives but are manufactured to be placed on the market.</p> <p>Manufacturers or packers of compound feed which include additives.</p> <p>Manufacturers for feed use, products derived from vegetable oils and blended fats.</p> <p>Mobile Mixers of animal feeds with or without the inclusion of feed additives.</p>
10	<p>Co Product Producers, food and non-food businesses selling a co-product(s) which is destined as a feed material.</p> <p>Transporters of feed and feed products.</p>
5	<p>On- Farm Mixers producing compound animal feed by the inclusion of additives or premixtures.</p> <p>On- Farm Mixers producing compound animal feed by the inclusions of complementary feeds containing additives.</p> <p>Stores of feed and feed products.</p> <p>Distributors of feed and feed products.</p> <p>Suppliers of Surplus Food, manufacturer or retailer which places food originally intended for human consumption into the feed chain.</p>
0	<p>Arable Farms which are producers of primary products intended to be fed to animals.</p>

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.

Score	Guidance on the Scoring System
20	<p>Manufacturers of nutritional additives including vitamins, pro-vitamins, trace elements, amino acids (including their salts and analogues), and urea and derivatives.</p> <p>Manufacturers of additives: enzyme and micro-organisms which act as digestibility enhancers, gut flora stabilisers and substances which favourably affect the environment.</p> <p>Manufacturers of antioxidants with maximum permitted limits, colourant additives: carotenoids and xanthophyll's.</p> <p>Manufacturers of proteins obtained from micro-organisms belonging to groups of bacteria, yeast, algae and lower fungi.</p> <p>Manufacturers of premixtures, additives with maximum limits and novel protein products.</p> <p>Manufacturers of other additives used in feeds.</p> <p>Manufacturers of feed materials.</p> <p>Manufacturers of compound feed which do not contain additives but are manufactured to be placed on the market, but not including mobile mixers.</p> <p>Manufacturers or packers of compound feed which include additives, but not including mobile mixers.</p> <p>Manufacturers for feed use, products derived from vegetable oils and blended fats.</p> <p>Importers of all feeding stuffs originating from outside the EU.</p> <p>Co Product Producers, food and non-food businesses selling a co-product(s) which is destined as a feed material.</p>
10	<p>Stores of feed and feed products.</p> <p>Transporters of feed and feed products.</p> <p>Mobile Mixers of animal feeds with or without the inclusion of feed additives.</p>
5	<p>Distributors of feed and feed products.</p> <p>On-Farm Mixers producing compound animal feed by the inclusion of additives or premixtures.</p> <p>On Farm Mixers producing compound animal by the inclusions of complementary feeds containing additives.</p> <p>Suppliers of Surplus Food, manufacturer or retailer which places food originally intended for human consumption into the feed chain.</p>
0	<p>Livestock farms who do not mix feed or who mix feed without additives.</p> <p>Arable farms who do not mix feed or who mix feed without additives.</p>

Annex 7: List of FSA Approved Assurance Schemes

The MOU recognises the following **Red Tractor Assurance schemes** as approved schemes for earned recognition:

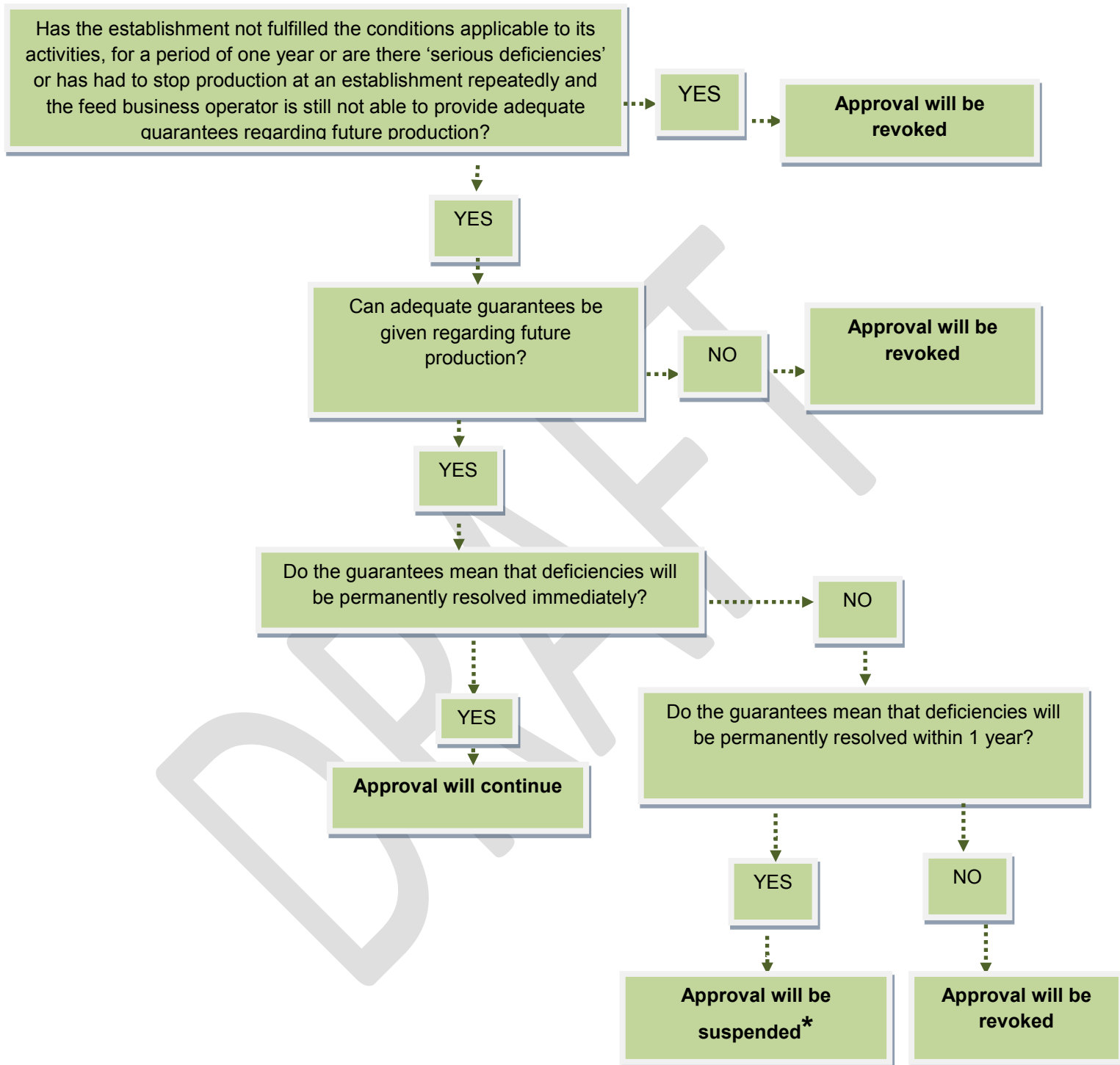
- Beef & Lamb,
- Dairy,
- Crops and Sugar Beet,
- Pigs and Poultry (all schemes)
- Fresh Produce Standards

The MOU recognises the following **Agricultural Industries Confederation schemes** for earned recognition.

- Universal Feed Assurance Scheme (UFAS)
- Feed Materials Assurance Scheme (FEMAS)
- Trade Assurance Scheme for Combinable Crops (TASCC)

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Annex 8: Decision flow chart considering whether suspension or revocation is the most appropriate course of action



* **Note:** suspension can only be invoked where the FeBO can satisfy the Competent Authority that acceptable corrective action will be taken. The FSA's opinion is that a very high standard of proof is needed, including evidence that the remedial work can be adequately financed.

Annex 9: Model Enforcement Forms for use in Connection with the Hygiene Regulations

Model forms which may be used by authorised officers in connection with the Hygiene Regulations are provided below.

Location	Model Form
A8.1	Feed Business Improvement Notice
A8.2	Feed Business Emergency Prohibition Notice
A8.3	Detention Notice
A8.4	Certificate of Withdrawal of Detention Notice
A8.5	Seizure Notice
A8.6	Certification That Health Risk Condition No Longer Exists
A8.7	Notice of Suspension of Registration/Approval
A8.8	Notice of Revocation of Registration/Approval

A8.1: Model Form 1 – Feed Business Improvement Notice

Authority:

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England)
Regulations 2015 Regulation 24
*delete as necessary
FEED BUSINESS IMPROVEMENT NOTICE**

Reference Number:

1. To:.....(Feed Business Operator)
At:.....
.....(Address of Feed Business Operator)

2. I have reasonable grounds for believing that you are failing to comply with the feed law because:

.....

[Officer to insert grounds for believing that requirements of specified feed law as defined in the Feed Hygiene Regulations are being breached]

in connection with your feed business

.....(Name of Feed Business)

at

.....(Address of Feed Business)

The matters which constitute your failure to comply are:

.....

.....

[Officer to insert provision(s) of specified feed law as defined in the Feed Hygiene Regulations are being breached and how]

3. In my opinion, the following measure(s) are needed for you to comply with the legal requirements specified above:

.....

.....

4. The measure or measures that will achieve the same effect must be taken by:.....(date)

5. *It is an offence not to comply with this feed business improvement notice by the date stated.*

Signed:.....(Authorised Officer)

Name in capitals:

Date:

Address:

Tel: Fax:

E-mail:

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

A8.1: Model Form 1 - Improvement Notice (Reverse)

NOTES

1. In the opinion of the authorised officer you are not complying with specified feed law as that term is defined in the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 Regulations as detailed in paragraph 2 of the notice. The work needed in the officer's opinion to put matters right is described and it must be finished by the date set.
2. You are responsible for ensuring that the work is carried out within the period specified, which must be at least 14 days.
3. You have a right to carry out work that will achieve the same effect as that described in the notice. If you think that there is another equally effective way of complying with the law, you should first discuss it with the officer.

YOUR RIGHT OF APPEAL

4. In accordance with regulation 25 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015, if you disagree with all or part of this notice, you can appeal to the magistrates' court. You must appeal within one calendar month of the date of the notice or the period ending with the date stated in paragraph 4 of the notice, whichever ends earlier.
5. If you decide to appeal, the time set out in the notice is suspended and you do not have to carry out the work described until the appeal is heard. However, if you are not complying with the legal requirements mentioned in the notice, you may still be prosecuted for failure to comply with those requirements.
6. When the appeal is heard, the magistrates' court may confirm, cancel or vary the notice.

WARNING

FAILURE TO COMPLY WITH THIS

NOTICE IS AN OFFENCE

Offenders are liable to be fined and/or imprisoned for up to 2 years.

A8.2: Model Form 2 – Feed Business Emergency Prohibition Notice

Authority:

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England)
Regulations 2015 Regulation 29**

FEED BUSINESS EMERGENCY PROHIBITION NOTICE

Reference Number:

1. To:.....(Feed Business Operator)

At:.....

.....(Address of Feed Business Operator)

2.* I am satisfied that the health risk condition is fulfilled with respect to:

.....

.....(Name of Feed Business)

At:.....

.....(Address of Feed Business)

Because:.....

.....

(* See Note 1 overleaf)

YOU MUST NOT USE IT FOR THE PURPOSES OF [THIS] [ANY] [THIS OR ANY SIMILAR]†
FEED BUSINESS.

[† Officer to delete as appropriate]

Signed:(Authorised Officer)

Name in capitals:

Date:

Address:

.....

Tel: Fax:

E-mail:

**Please read the notes overleaf carefully. If you are not sure of your rights
or the implications of this notice, you may want to seek legal advice.**

A8.2: Model Form 2 – Feed Business Emergency Prohibition Notice (Reverse)

NOTES

1. When you receive this notice you must IMMEDIATELY stop using the premises, process, treatment or equipment described by the officer in paragraph 2 of the notice and located at the address stated.
2. Within 3 days of service of this notice, the authority must apply to a magistrates' court for an order confirming the prohibition. You will be told the date of the hearing which you are entitled to attend and at which you may call witnesses if you wish.
3. If you believe that you have acted to remove the health risk condition, you should apply in writing to the authority for a certificate, which would allow you to use the premises, process, treatment or equipment again. You can do this even if the court hearing has not taken place.
4. You are not allowed to use the premises, process, treatment or equipment for the purpose specified in paragraph 2 of the notice (see regulation 28(2) of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 as applied by regulation 29(4)) until (a) a court decides you may do so; (b) the authority issues you with a certificate as in paragraph 3 above; (c) 3 days have passed since the service of the notice and the authority has not applied to the court as in paragraph 2 above; or (d) the authority abandons the application.
5. A copy of this notice must, by law, be fixed on the premises or equipment which is not to be used. It is an offence (under section 1 of the Criminal Damage Act 1971) to deface it.
6. **COMPENSATION:** If the authority does not apply to the magistrates' court, for an order confirming its action within 3 days of the date of service of this notice, you will be entitled to compensation for any losses you have suffered because you could not use the premises, process, treatment or equipment because you were complying with this notice. You will also be entitled to such compensation if the magistrates' court, decide at the hearing that the health risk condition was not fulfilled with respect to the feed business at the time when the notice was served.

WARNING

ANYONE WHO KNOWINGLY CONTRAVENES THIS NOTICE IS GUILTY OF AN OFFENCE

Offenders are liable to be fined and/or imprisoned for up to 2 years.

A8.3: Model Form 3 - Detention Notice

Authority:

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England)
Regulations 2015 – Regulation 31
DETENTION NOTICE**

1. To:..... (Feed Business Operator)

At:.....

..... (Address of Feed Business Operator)

Name of feed business:.....

Address of feed business:.....

.....

2. The enforcement authority is satisfied that Requirements under the Hygiene Regulations are being breached, as outlined below:

.....

.....

.....

.....

3. For the purpose of examination the following feed is being detained:

.....

.....

.....

Signed: (Authorised Officer)

Name in capitals:

Date:

Address:.....

.....

Tel: Fax:

E-mail:

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

A8.3: Model Form 3 - Detention Notice (Reverse)

NOTES

1. When the authorised officer is satisfied that the legal requirements specified in paragraph 2 of the Detention Notice are being met, and receives evidence that the feed need no longer need be detained, a withdrawal notice shall be issued to you. An authorised officer has 21 days following receipt of such evidence to come to a decision.
2. In accordance with Regulation 31 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015, you are entitled to appeal against this notice. If you want to do so, you should apply to the magistrates' court, within one calendar month of the date on which this notice is served on you.

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A8.4: Model Form 4 – Certificate of Withdrawal of Detention Notice

Authority:

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England)
Regulations 2015 - Regulation 31
CERTIFICATE FOR THE WITHDRAWAL OF A DETENTION NOTICE**

1. To: (Feed Business Operator)

At:.....

..... (Address of Feed Business Operator)

Name of feed business

Address of feed business

.....

2. The enforcement authority certifies that it is satisfied that you have taken sufficient measures: i.e.

Therefore the specified feed need no longer be detained.

The Detention Notice served on you on (date) is hereby withdrawn.

Signed: (Authorised Officer)

Name in capitals:

Date:

Address:

.....

Tel: Fax:

E-mail:

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

A8.4: Model Form 4 - Certificate of Withdrawal of a Detention Notice (Reverse)

NOTES

1. The feed that has been released may be returned to the feed chain.
2. In appropriate circumstances you may have a right to claim compensation under the terms of regulation 31(6) of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015.

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A8.5: Model Form 5 – Seizure Notice

Authority:

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England)
Regulations 2015 – Regulation 31
SEIZURE NOTICE**

4. To:..... (Feed Business Operator)

At:.....

..... (Address of Feed Business Operator)

Name of feed business:.....

Address of feed business:.....

.....

5. The enforcement authority is satisfied that Requirements under the Hygiene Regulations are being breached, as outlined below:

.....

.....

.....

.....

Signed: (Authorised Officer)

Name in capitals:

Date:

Address:.....

.....

Tel: Fax:

E-mail:

If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

A8.6: Model Form 6 - Certification that Health Risk Condition No Longer Exists

Authority:

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England)
Regulations 2015 - Regulations 28(6) & 29(8)
CERTIFICATE THAT THE HEALTH RISK CONDITION NO LONGER EXISTS**

1. To: (Feed Business Operator)

At:.....

..... (Address of Feed Business Operator)

Name of feed business

Address of feed business

.....

2. The enforcement authority certifies that it is satisfied that you have taken sufficient measures to secure the removal of the imminent* risk of injury to health described in the:

Feed Business Prohibition Order*

Feed Business Emergency Prohibition Notice*

Feed Business Emergency Prohibition Order*

[* Officer to delete as appropriate]

served on you on (date).

Signed: (Authorised Officer)

Name in capitals:

Date:

Address:

.....

Tel: Fax:

E-mail:

THIS CERTIFICATE MEANS THAT YOU MAY NOW USE THE PREMISES, PROCESS, TREATMENT OR EQUIPMENT AGAIN.

A8.6: Model Form 6 - Certification that Health Risk Condition No Longer Exists (Reverse)

NOTES

1. The authority is now satisfied that the health risk condition no longer exists in respect of the circumstances that caused the authority to issue you with an Emergency Prohibition Notice or the court to impose a Prohibition Order or Hygiene Emergency Prohibition Order*.
2. The relevant notice or order is now lifted and you may use the premises, process, treatment or equipment again.

[* Officer to delete as appropriate]

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A8.7: Model Form 7 - NOTICE OF SUSPENSION OF REGISTRATION/APPROVAL

Authority:

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England)
Regulations 2015 - Regulation 8
Notice of Intention to Suspend Registration/Approval***

1. To: (Feed Business Operator)

At:

..... (Address of Feed Business Operator)

Name of feed business

Address of feed business

.....

2. The enforcement authority gives notice that on the [enter date suspension is to take effect from], the [enter the full name of the enforcement authority], proposes pursuant to regulation 8 mentioned above and Article 14 of Regulation (EC) No 1831/2003 to suspend your approval/registration to [enter the activity(ies) for which the approval/registration is held] at [enter the address of the establishment(s) to which the suspension applies] because the Authority is not satisfied that the relevant/essential conditions/duties stated in column one of the table in the attached schedule, required by the Regulations, are being complied with.

3. In order for the suspension to be lifted, you must take the remedial action listed in column two of the attached schedule, to the satisfaction of the Authority. If the required remedial action has not been carried out to the satisfaction of the Authority within twelve months of the operative date mentioned in paragraph 2 the approval/registration will be revoked without further notice.

[* Officer to delete as appropriate]

served on you on (date).

Signed: (Authorised Officer)

Name in capitals:

Date:

Address:

.....

Tel: Fax:

E-mail:

A8.7: Model Form 7 - NOTICE OF SUSPENSION OF REGISTRATION/APPROVAL (Reverse)

Right of Appeal.

Take notice that under Regulation 12 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 you have a right to appeal to a magistrate's court against the decision of the Authority to suspend your registration/approval at *[enter the address of the establishment(s) to which the suspension applies]*. You must make your appeal within **one month** of the date on which this notice was served on you. **If you are considering making an appeal you are strongly advised to seek prompt legal advice.**

**A8.7: Model Form 7 - NOTICE OF SUSPENSION OF REGISTRATION/APPROVAL
(Schedule)**

Column 1	Column 2
Relevant/essential conditions/duties not being complied with	Action required to ensure compliance
[Enter appropriate reference -refer to the Regulation (EC) No 183/2005 Feed Hygiene Regulations]	[Enter appropriate detail]

DRAFT

A8.8: Model Form 8 - NOTICE OF REVOCATION OF REGISTRATION/APPROVAL

Authority:

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England)
Regulations 2015 - Regulation 10
Notice of Revocation of Registration/Approval***

1. To: (Feed Business Operator)

At:.....

.....(Address of Feed Business Operator)

Name of feed business

Address of feed business

.....

2. You are hereby given notice that with effect from the [enter date revocation to be effective from], your approval/ registration is revoked in relation to [here enter the activity(ies) for which the approval/registration is held] at [enter the address of the establishment(s) to which the revocation applies] because the Authority is satisfied [here insert one of the following three reasons:

- (1) the activity has ceased at the establishment,
- (2) the establishment has not complied with the relevant requirements for the activity being undertaken stated in column one of the table below, required by the Regulations.
- (3) that serious deficiencies have been identified and/or production has had to be repeatedly stopped and furthermore that you are unable to give to the authority guarantees that future production will comply with European Community rules.

In order to regain your approval/registration you must take remedial action, to the satisfaction of the Authority, which is listed in column two of the attached schedule and reapply to the Authority for approval/registration as appropriate.

[* Officer to delete as appropriate]

served on you on (date).

Signed:(Authorised Officer)

Name in capitals:

Date:

Address:.....

.....

Tel: Fax:

E-mail:

A8.8: Model Form 8 - NOTICE OF REVOCATION OF REGISTRATION/APPROVAL (Reverse)

Right of Appeal

Take notice that under regulation 12 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 you have a right to appeal to a magistrate's court against the decision of the Authority to revoke your registration/approval at *(here enter the address of the establishment(s) to which the revocation applies)*. You must make your appeal within **one month** of the date on which this notice was served on you. **If you are considering making an appeal you are strongly advised to seek prompt legal advice.**

A8.8: Model Form 8 - NOTICE OF REVOCATION OF REGISTRATION/APPROVAL (Schedule)

Column 1 Relevant/ essential conditions/duties not being complied with	Column 2 Action required to ensure compliance	
[Enter appropriate reference to the Regulation (EC) No 183/2005 Feed Hygiene Regulation]	[Enter appropriate detail]	

Carrying out these activities without the appropriate approval/registration is an offence under the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 and could result in prosecution.