

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

Legislative Background.....	3
Q1. How can I get hold of earlier guidance on the approval/registration of feed businesses under Regulation 183/2005?	3
<i>Approval and Registration issues.....</i>	<i>5</i>
Q2. Who do I register with for the mixing of medicated feed or the use of specified feed additives (e.g. coccidiostats, histomonostats and non-antibiotic growth promoters)?	5
Q3. Is it mandatory for a feed establishment to have a registration number? .	5
Q4. Is it necessary for approval/registration numbers to be included on the labels of feedingstuffs?	5
Q5. Can a feed business label its feeds with the approval number allocated by the Animal Medicines Inspectorate (AMI), rather than the approval or registration number issued by a local authority?	6
Q6. Do shipping companies need to be registered? If so, where would registration take place?.....	6
Q7. Do flour mills selling co-products into the animal feed chain need to be registered under Regulation 183/2005?.....	7
Q8. Do the provisions apply to all food producers which provide material for animal feed, despite the fact that the material will undergo some further processing, e.g. pet food use, fishmeal producers?	7
Q9. Is there a published list of approved/registered premises?	7
Q10. How will intermediaries, that act solely as traders without ever holding the product in their facilities, be affected?	8
Q11. Are hauliers subject to the requirements of the Regulation?	8
Q12. What are the conditions that apply to hauliers transporting feeds?	8
<i>Farms.....</i>	<i>9</i>
Q13. What are the requirements that farmers have to follow who mix feed containing additives or premixtures such as Vitamin A and D and trace elements (copper, selenium, zinc etc)?.....	9
Q14. What are the requirements that farmers have to follow who mix feeds with complementary feeds containing additives?	9
Q15. What is required of farmers who store bought-in feed?.....	9

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

Q16. Do these new requirements apply to farms that top dress feeds?.....	10
Q17. What are the requirements for primary producers under the Food Hygiene Regulation (852/2004)?	10
Q18. How will the Food Hygiene Regulation (852/2004) affect farmers and growers, will they need to be registered under the new rules?	10
Q19. With regard to the Food Hygiene Regulation (852/2004), how is progress being made on the new regime and what is expected regarding registration. Also when will inspections start and is guidance available to farmers?.....	10
<i>Pet Food</i>	10
Q20. What is the status of the wholesaling of pet foods?	10
Q21. Does the Regulation cover the manufacture of horse feeds?	11
Q22. How does the Regulation affect establishments keeping horses?	11
Q23. How does the Regulation effect the product dog chews?	11
Q24. What is the position for a company that markets food products for humans, which is then re-branded for pets (e.g. dog treats)?	11
Q25. Does the Regulation cover the retailing of food for ornamental fish? ...	11
<i>Importing feed from non-EU countries (third countries)</i>	12
Q26. How does the Regulation affect imports from non-EU countries?	12
Q27. What is the position with regard to Community guides as referred to in Article 22 of the Regulation?	12
Q28. Where can I find a list of authorised feed additives?	12

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

*This question and answer (Q&A) brief is designed to address the most frequently asked questions on the requirements of the new **EC Feed Hygiene Regulation (183/2005)**, which came into force on **1 January 2006**. It should be borne in mind that the advice contained within this document is only an opinion and only the courts can give an authoritative interpretation of the law.*

Legislative Background

The Feed Hygiene Regulation was one of a number of animal feed measures proposed in the European Commission's White Paper on Food Safety of January 2000. It contains a number of provisions aimed at improving feed safety. This includes rules to improve the operational standards of feed businesses, and traceability measures to ensure that in the case of a feed contamination incident, feeds can be easily traced and recalled if necessary.

EC Regulations are directly applicable in all Member States. However, in order to give them effect in the UK, it is necessary to introduce certain national rules. For Regulation (EC) No 183/2005, national enforcement powers (e.g. penalties, offences) and procedures for application for approval and registration have been introduced in ***the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 (S.S.I. 2005 No 608)***, which came into force on 1 January 2006.

Separate but parallel Regulations were also made in England, Wales and Northern Ireland. These Regulations also came into force on 1 January 2006.

Q1. How can I get hold of earlier guidance on the approval/registration of feed businesses under Regulation 183/2005?

A1. The guidance package (issued in November 2005) and relevant animal feed legislation can be downloaded from the Food Standards Agency's (FSA) website at:

<http://www.food.gov.uk/foodindustry/farmingfood/animalfeed>

Alternatively, you can request that a copy of the guidance package be sent to you by contacting Jacqui Bunyan at:

**Food Standards Agency Scotland
St Magnus House
25 Guild Street
Aberdeen
AB11 6NJ**

Or by e-mail to: jacqui.bunyan@foodstandards.gsi.gov.uk

**FEED HYGIENE REGULATION – ADVICE FROM THE FOOD
STANDARDS AGENCY**

Direct line: 01224 285175

Fax: 01224 285110

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

Approval and Registration issues

Q2. Who do I register with for the mixing of medicated feed or the use of specified feed additives (e.g. coccidiostats, histomonostats and non-antibiotic growth promoters)?

A2. Farmers mixing medicated feedingstuffs must register with, and be approved by, the Animal Medicines Inspectorate (AMI) of the Veterinary Medicines Directorate (VMD).

For details on how to apply for approval and registration contact the AMI at the following address:

Animal Medicines Inspectorate, Stoneleigh Park, Warwickshire, CV8 2LZ
Tel: 024 7684 9260 fax: 024 7684 9261 e-mail:
enquiries@ami.gov.uk

Veterinary Medicines Guidance Note number 22 provides guidelines on the manufacture of medicated feedingstuffs and feedingstuffs incorporating specified feed additives and can be obtained from the VMD at the following address and weblink:

Veterinary Medicines Directorate
Woodham Lane, New Haw, Addlestone, Surrey KT15 3LS
Email: Telephone +44 (0)1932 336911 : Fax +44 (0)1932 336618
http://www.vmd.gov.uk/Publications/VMGNotes/vmg_drafts/VMG%20Note%2022.pdf

Q3. Is it mandatory for a feed establishment to have a registration number?

A3. No. However, there was a registration number system in place under Directive 95/69, which was in the same form as that for approvals under Regulation 183/2005 (Annex V, Chapter II). We have advised local authorities to continue with the same system as feedback from industry has indicated that it would be desirable and may help demonstrate business's registration status.

Q4. Is it necessary for approval/registration numbers to be included on the labels of feedingstuffs?

A4. There are certain EC provisions (see below), which require approval or registration numbers to be included on the labels of certain feedingstuffs, additives or premixtures (including pet foods and additives/premixtures for use in pet foods).

Schedule 3(18)(d) of the Feeding Stuffs (Scotland) Regulations 2005 requires compound feeds to be labelled with the approval or registration number

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

allocated by the relevant enforcement authority of the establishment which **manufactured** the compound feeding stuff. This requirement derives from the Compound Feeds Directive (79/373/EEC).

In the case of additives/premixtures, Article 16 of the EC Regulation (1831/2003) on feed additives sets out the requirements for the labelling and

packaging of these products and requires additives/premixtures to be labelled with the approval or registration number. However, the legislation in respect of registration numbers (Article 16(d)), refers to Directive 95/69/EC which has been revoked and replaced with the EC Feed Hygiene Regulation (1831/2003).

Feed businesses should continue to label compound feeds with approval numbers because there is a requirement under EC feed law for enforcement authorities to issue these to feed businesses and for such numbers to appear on labels of compound feeds.

EC feed legislation requiring the registration number to appear on labelling is not consistent with EC feed hygiene legislation. However, it is advised that where establishment registration numbers have been issued, compound feeds may continue to be labelled with such numbers. This may help to readily identify the registration status of a business manufacturing a compound feed, additive or premixture product.

The issue of the consistency of EC provisions on registration numbers may be resolved when the Commission has carried out its forthcoming review of feed labelling.

Q5. Can a feed business label its feeds with the approval number allocated by the Animal Medicines Inspectorate (AMI), rather than the approval or registration number issued by a local authority?

A5. The requirement to include AMI numbers on labels of feeds predates the EC approval number requirement. Previous advice was that where an establishment has an AMI number and a local authority number, only the AMI number needs to be included on the label, and manufacturers may wish to continue with this practice.

Q6. Do shipping companies need to be registered? If so, where would registration take place?

A6. Whether or not a shipping company requires registration depends on whether the company is a feed business. Feed businesses are defined as *'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.'* (This definition is from the EC Regulation on Feed Law (178/2002)).

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

If a company has several premises at which feed activities are undertaken, then a separate application will need to be made to each local authority in which the premises are located.

Q7. Do flour mills selling co-products into the animal feed chain need to be registered under Regulation 183/2005?

A7. Yes. However, under transitional arrangements (Article 18(4)) the Regulation permits enforcement authorities to use existing official registration schemes for registration under Regulation 183/2005. This means, for example, if a business is registered with its local authority for the purposes of the Food Hygiene Regulation (852/2004), it does not need to make a separate application under Regulation 183/2005. This applies to food businesses selling co-products for use in animal feed.

Producers of co-products, which are already registered under food hygiene requirements with Environmental Health Officers, are encouraged to alert Trading Standards Departments that they are also involved with animal feeds so that Trading Standards Officers can identify and help companies to comply with the conditions set out in the Annexes of Regulation 183/2005 by 1 January 2008.

Q8. Do the provisions apply to all food producers which provide material for animal feed, despite the fact that the material will undergo some further processing, e.g. pet food use, fishmeal producers?

A8. Yes. The provisions of Regulation 183/2005 apply despite the overlap with certain areas of the Animal By-products legislation.

Q9. Is there a published list of approved/registered premises?

A9. Not at present, but Article 19 Regulation 183/2005 sets out the requirements for lists of registered and approved establishments to be made publicly available (although no deadline has been specified for when registered lists should be made available). The Regulation requires that the competent authorities of Member States provide a list of approved establishments to the Commission. The Commission must publish such lists for the first time in November 2007 and thereafter each year by 30 November.

However, the Agency will shortly be carrying out a study of the feasibility of setting up a single national database of approved and registered feed businesses which could be made publicly available. If in the meantime, a person wishes to check on the approval or registration status of a particular business or establishment, they can do so by contacting the relevant local authority.

Feed business activities

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

Q10. How will intermediaries, that act solely as traders without ever holding the product in their facilities, be affected?

A10. They will need to apply for approval or registration. However, there are special conditions that apply to intermediaries that act solely as traders without ever holding the product in their facilities. For example, those applying for approval will not be subject to prior on-site visits (Article 17(1) of the Feed Hygiene Regulation refers). To qualify for this exemption, the intermediary must lodge a declaration that they meet the requirements laid down in Article 17(2) of the Regulation.

Q11. Are hauliers subject to the requirements of the Regulation?

A11. A business which transports feed is a feed business for the purposes of Regulation 183/2005.

Where companies have depots at which feed transport activities take place, those individual depots will have to register with each local authority in which the depots are located.

Some hauliers may also be registered as food premises. In such cases, hauliers do not have to make an application for registration because they are already registered for those premises as a food business establishment (Article 18 permits competent authorities to use existing official lists).

However, it would be helpful for local authorities if hauliers did register now for the Feed Hygiene Regulation so that premises carrying out animal feed activities can be clearly identified and therefore local authorities can help these companies to comply with the conditions by January 2008.

Q12. What are the conditions that apply to hauliers transporting feeds?

A12. The Annexes to the Feed Hygiene Regulation set out various standards that feed businesses must comply with, including those that are carrying out the activity of transporting feed.

If a feed transportation operator is involved at the level of primary production and carries out activities listed in Article 5(1) of the Feed Hygiene Regulation, it will need to follow the relevant provisions in Annex I. Feed transportation operators conducting activities, which are not covered in Article 5(1) but covered in Article 5(2) should comply with the relevant provisions of Annex II.

These standards cover, for example, facilities and equipment, personnel, transport and storage, and record-keeping. Businesses carrying out operations in Article 5(2) (i.e. those following Annex II) also need to put in

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

place, implement and maintain, a permanent written procedure for procedures based on the Hazard Analysis Critical Control Points (HACCP) principles (Article 6 of Regulation 183/2005 refers).

Those businesses subject to approval or registration for the first time have until 1 January 2008 to bring themselves into full compliance with the conditions of the Regulation. The Agency intends to issue more guidance on this area, during the course of 2007.

Farms

Q13. What are the requirements that farmers have to follow who mix feed containing additives or premixtures such as Vitamin A and D and trace elements (copper, selenium, zinc etc)?

A13. This type of activity is considered higher risk compared with some other on-farm activities, therefore farmers must comply with Annex II of Regulation 183/2005 and adopt the principles of HACCP.

Q14. What are the requirements that farmers have to follow who mix feeds with complementary feeds containing additives?

A14. These types of farms must comply with the conditions set out in Annex I and III of Regulation 183/2005. They are not required to adopt the principles of HACCP. However, feed hazards should be identified and adequately controlled, to ensure that the objectives of the Regulation are met. In the UK, the requirements of Directive 95/69 were previously applied to farms, which mix feeds with complementary feeds containing certain additives. For these farms the requirements of Regulation 183/2005 applied from 1 January 2006.

Farms mixing feeds with non-antibiotic growth promoters, coccidiostats and histomonostats (including complementary feeds, containing these additives) are subject to approval by the Animal Medicines Inspectorate (AMI), which is part of the Veterinary Medicines Directorate. This reflects the position that previously applied under Directive 95/69.

The use of antibiotic growth promoters was banned from 1 January 2006.

Q15. What is required of farmers who store bought-in feed?

A15. A farmer who buys manufactured feed and stores (with no mixing) it before feeding it to livestock would be required to comply with Annexes I and III of Regulation 183/2005. The activity carried out is considered to be lower risk as no mixing of additives is involved. This is also the case if the feed is a compound feed containing additives.

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

Q16. Do these new requirements apply to farms that top dress feeds?

A16. Yes. The practice of 'top dressing' (i.e. spreading additives/premixtures or compound feeds containing additives on top of other feeds e.g. forage and cereals), which was not previously subject to registration, is now caught by the provisions of the Feed Hygiene Regulation. This is because the Regulation covers feed businesses that 'carry out any operation of production, manufacture, processing, storage, transport or distribution of feed'.

Q17. What are the requirements for primary producers under the Food Hygiene Regulation (852/2004)?

A17. The Q&A relating to food hygiene for farmers and growers can be found on the following area of the FSA website:

<http://www.food.gov.uk/foodindustry/hygiene/haccpprimary/>

Q18. How will the Food Hygiene Regulation (852/2004) affect farmers and growers, will they need to be registered under the new rules?

A18. As food businesses, primary producers now have to be registered with the relevant enforcement authority. To avoid duplication, the intention is to use existing forms of farm registration (e.g. the records of SEERAD, the State Veterinary Service, and local authorities).

A gradual approach is being taken to registration and further information for farmers and growers will be made available as it is developed.

Q19. With regard to the Food Hygiene Regulation (852/2004), how is progress being made on the new regime and what is expected regarding registration. Also when will inspections start and is guidance available to farmers?

A19. The FSA is developing guidance with a technical group of UK-wide farming and enforcement experts. This will be made available for public consultation in late August and the comments received will be used to finalise the guidance before inspections begin. The target date for the new regime to start operating is December 2006. Farmers should continue to maintain good agricultural practices and comply with other legislation.

Pet Food

Q20. What is the status of the wholesaling of pet foods?

A20. As laid down in Article 2(2)(e) of Regulation 183/2005, the provisions of this Regulation do not apply to the retailing of pet food. However, all other activities relating to the distribution and storage of pet foods fall within the scope of the Regulation, and therefore feed businesses carrying out such activities are subject to registration.

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

Q21. Does the Regulation cover the manufacture of horse feeds?

A21. Yes, the manufacture of feeds for horses is within the scope of Regulation 183/2005; however, there are two exemptions relevant to consideration of activities related to horse feeds. The Regulation does not apply to: a) the feeding of animals not kept for food production (Article 2(2)(c)), and b) the retailing of pet food (Article 2(2)(e)).

Q22. How does the Regulation affect establishments keeping horses?

A22. Whilst the Regulation does not apply to the feeding of animals not kept for food production (Article 2(2)(c)), in some circumstances it may be obvious that horses are being kept for human consumption and therefore fall within the scope of the Regulation. For example, an establishment rearing horses with the intention of selling them for the human food market or where the horse passport, required under the Horse Passports (Scotland) Regulations 2005 had been completed to indicate a horse was available for human consumption. These types of establishments would be subject to approval or registration under the Feed Hygiene Regulation.

Q23. How does the Regulation effect the product dog chews?

A23. Generally establishments making, packing and storing pet foods, etc. would need to apply for registration. However, the position with regard to dog chews is slightly different as follows.

Solid raw hide chews are not sold to contribute to the nutritional needs of a pet and not considered a feedingstuff. By comparison, if the chew consists of chopped or ground hide together with binder then they do have a nutritional value and therefore would be caught by the Feed Hygiene Regulation. This means that businesses making, storing or packing such chews would require registration.

Q24. What is the position for a company that markets food products for humans, which is then re-branded for pets (e.g. dog treats)?

A24. If a company is manufacturing and/or putting pet foods into circulation, it would be subject to registration under Regulation 183/2005. Alternatively, the company could rely on food registration as Article 18(4) of the Regulation permits other registration systems to be used for registration under 183/2005. For example, if a business is registered with its LA for the purposes of the Food Hygiene Regulation (852/2004), it does not need to make a separate application under Regulation 183/2005. However, registration of those pet food manufacturers using additives was a requirement under previous legislation (Directive 95/69/EC).

Q25. Does the Regulation cover the retailing of food for ornamental fish?

FEED HYGIENE REGULATION – ADVICE FROM THE FOOD STANDARDS AGENCY

A25. Where ornamental fish are clearly kept for ornament only and will never enter the human food chain, then the retailing of feed for such fish is outside the Regulation.

Importing feed from non-EU countries (third countries)

Q26. How does the Regulation affect imports from non-EU countries?

A26. Currently it is not a requirement for third country establishments to register or be approved in the EU. However, feed businesses can import feed products only from those third country establishments that have a representative 'established in the European Community'. This is a continuation of the arrangements that applied under previous legislation (Article 6 of Directive 98/51/EC). These representatives are required to submit to the competent authority (in the UK this is the Food Standards Agency and in Northern Ireland, it is the Department of Agriculture and Rural Development), declarations as to the activities carried out on the manufacturing establishment. This is to ensure that imported additives, premixtures and feedingstuffs containing additives comply with the same quality control standards as apply in Member States.

It should be noted that these are only interim arrangements. Regulation 183/2005 envisages that all non-EU countries and establishments exporting feed to the EU are listed by the Commission, but at present we do not have a timetable for when these lists will be drawn up.

For further details relating to the requirements of third country animal feed establishments, please view the links below:

http://www.food.gov.uk/enforcement/applicense/feedestablishmentreps/feedreps_questions/
<http://www.food.gov.uk/enforcement/applicense/feedestablishmentreps/>

Other

Q27. What is the position with regard to Community guides as referred to in Article 22 of the Regulation?

A27. Such guides must be drawn up by, or in consultation with, representatives of the European feed sectors. A number of draft guides from organisations representing the European feed industry have been presented to the Commission for assessment. Work is ongoing in this area.

Q28. Where can I find a list of authorised feed additives?

A28. The list of authorised feed additives can be found by way of the Community Register of Feed Additives, which can be found via the following link:

**FEED HYGIENE REGULATION – ADVICE FROM THE FOOD
STANDARDS AGENCY**

http://ec.europa.eu/comm/food/food/animalnutrition/feedadditives/registeradditives_en.htm

**Animal Feed Unit
July 2006**