

To: Interested Parties on the attached list (Annex D)

Date: 10 October 2005

Reference: ENF/E/05/041

PUBLIC WRITTEN CONSULTATION

A PROPOSED CODE OF PRACTICE ON THE ENFORCEMENT OF ANIMAL FEEDINGSTUFFS LEGISLATION IN THE UK.

Dear Sir/Madam

Executive Summary

1. This letter seeks your comments on a draft Code of Practice (CoP) on the enforcement of animal feedingstuffs legislation in the UK, attached at **Annex A**. The CoP has been drafted in response to a recommendation from the European Commission's Food and Veterinary Office (FVO).

2. The draft CoP contains guidance on:

- enforcement responsibilities including plans and enforcement policy, training and qualifications;
- inspection procedures in respect of assessments of establishments for approval/registration; and
- inspection frequencies, guidance on sampling and exchange of information.

3. **Responses are requested by Tuesday 3 January 2006**. When responding, please state whether you are responding as a private individual or on behalf of an organisation/company.

All comments and views should be sent to:

Allyson Allman
Animal Feed Unit
Food Standards Agency
Room 415B, Aviation House
125 Kingsway, London WC2B 6NH

Telephone: 020 7276 8466

Fax: 020 7276 8478

Or by email to: allyson.allman@foodstandards.gsi.gov.uk

Background

4. In July 2003, the FVO undertook an evaluation of the feed law enforcement controls in the UK, making recommendations where appropriate. Details of that FVO visit report and recommendations are available at http://europa.eu.int/comm/food/fvo/ir_search_en.cfm¹. One of the recommendations focused on the current lack of comprehensive guidance for feed law enforcement officers in the UK. In our response to the FVO we said that we would prepare a code of practice or guidance document to address this recommendation. The Advisory Committee on Animal Feedingstuffs (ACAF) also made a recommendation in their Review of Feed Law Enforcement, published in June 2005, that codes of practice should be introduced for all areas of feed law enforcement. Details of the entire Review is available on the Agency website at: <http://www.food.gov.uk/science/ouradvisors/animalfeedingstuffs/pressreleases/acafeedlawenfpr>

5. The draft CoP contains guidance on enforcement activities currently undertaken or to be undertaken by the local authorities in England, Scotland, Wales and the Department of Agriculture and Rural Development (DARD) in Northern Ireland as a result of emerging and new legislation. It also includes guidance for the Animal Medicines Inspectorate (AMI) of the Royal Pharmaceutical Society of Great Britain for the enforcement of non-zootechnical and specified feed additives products respectively. Amongst other things, the CoP is intended to clarify enforcement responsibilities between enforcement bodies but will also serve as a one-stop guidance document for enforcement activities (to ensure feed safety). Guidance, published by Defra, already exists on TSE-related feed controls and associated animal health

¹ Copies are also available on request from the Food Standards Agency. See contact details above.

issues and can be found on Defra's website at <http://www.defra.gov.uk/animalh/bse/animal-health/paptseguide.pdf> (for BSE) and <http://www.defra.gov.uk/animalh/by-prods/default.htm> (for animal by-products). The draft CoP reflects both existing feed legislation and the changes required as a result of the new EU Feed Hygiene Regulation (EC No 1831/2003), certain parts of which come into force as from 1 January 2006.

6. The Code will be issued under Regulation 6 (or 7 in Scotland) of the Official Feed and Food Controls (OFFC) Regulations. Enforcement authorities and their appointed inspectors/officers responsible for feed law enforcement should have regard to these provisions in their day-to-day enforcement activities. The Agency will also be evaluating performance against the relevant sections of the Code as part of the standards for audit purposes as soon as it becomes available. It will also form part of the Framework Agreement with Local Authorities on Food Law Enforcement.

Detail of Consultation

7. The CoP is divided into seven sections. Each section contains extracts of the law and guidance which will ensure uniformity of the application of animal feed legislation across all UK enforcement bodies. It also sets out the various enforcement powers associated with feed law such as the Veterinary Medicines Regulation and the Feed (Hygiene and Enforcement) Regulations. The aim is to clarify the options available to enforcement officers and provide the required transparency to stakeholders on the way feed law is enforced.

Queries

8. Enquiries relating to the contents of this letter can be addressed to the contact given in paragraph 3 above.

How to respond

9. Stakeholders are invited to comment on all aspects of the draft CoP and also to consider the additional questions which are attached in **Annex B**. We require your help in shaping the eventual CoP in the interests of transparency of feed law enforcement in the UK. Please send your comments and views to Allyson Allman at the address given in paragraph 3 above no later than Tuesday **3 January 2006**.

Comments on the consultation process itself

10. We are interested in what you thought of this consultation and would therefore welcome your general feedback on both the consultation package and overall consultation process. If you would like to assist us to improve the quality of future consultations, please complete the **Consultation Feedback Questionnaire** which is attached at **Annex C**.

11. If any of the mailing information used to send you this letter is incorrect please advise us direct using the Feedback Questionnaire.

12. If you would like to be included in future FSA consultations on other topics, please advise us of those subject areas in the Feedback Questionnaire.

Publication of personal data and confidentiality of responses

13. As the publication of responses may include personal data, such as your full name and contact address details, please advise us if you have any objections to this by completing and returning the Publication of Personal Data Form which can be found on the Agency's website at <http://www.food.gov.uk/multimedia/pdfs/dataprotection.pdf> together with your response to the consultation. Return of this form does not mean that we will treat the content of your response to the consultation as confidential.

14. In accordance with the provisions of freedom of information legislation, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure.

15. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Further information

16. A list of interested parties to whom this letter is being sent is set out in **Annex D**. Please feel free to pass this document to any other parties with an interest in the subject matter herein, or send us their full contact details and we will arrange for a copy to be sent to them direct.

17. A copy of this consultation letter/package will be available on our website at www.food.gov.uk where a summary of the responses received will be published by **3 April 2006**.

18. This consultation has been prepared in accordance with the Cabinet Office's Code of Practice on Consultation (available at: <http://www.cabinet-office.gov.uk/regulation/consultation/code.asp>) of which the Consultation Criteria is attached at **Annex E**.

19. For details about the consultation process (**not** about the content of the consultation) please contact: The FSA Consultation Co-ordinator, Room 315B Aviation House, 125 Kingsway, London, WC2B 6NH. Tel: 0207 276 8630.

20. Criterion 6 of the Cabinet Office Code of Practice states that a consultation must follow better regulation best practice, including carrying out a Regulatory Impact Assessment (RIA). In this instance, however, an RIA has not been prepared as the proposed CoP effectively codifies what local authorities are already doing in practice and sets out best practice. Furthermore, the draft CoP will not impose any additional resource burdens on local authorities and on businesses. Consultation exercises have recently been carried out on the two main Regulations (the Feed Hygiene and OFFC Regulations) in which RIAs were included. An extract from the Feed Hygiene RIA is attached at **Annex F** which should provide you with the necessary information following public consultations with stakeholders

21. Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours faithfully

Bernadette Okeke

Dr Bernadette Okeke

Animal Feed Unit

Primary Production Division

Encl:

Annex A: Draft Code of Practice

Annex B: List of questions

Annex C: Consultation Feedback Questionnaire

Annex D: List of interested parties

Annex E: Cabinet Office Consultation Criteria

Annex F: Extract from the RIA for Feed (Hygiene and Enforcement)(England) Regulations 2005.