

## **ARTICLE 18 (3) OF THE EC FEED HYGIENE REGULATION (183/2005) COMPLIANCE STATEMENTS**

1. Article 18(3) requires certain feed businesses operators to make a statement by **1 January 2008** that establishments under their control comply with the various conditions of the Feed Hygiene Regulation. This provision applies in all Member States in the EU.
2. The Food Standards Agency (FSA) has previously provided information to the feed industry about the requirements of the Regulation. This note explains how to make a statement of compliance.

### **What feed business establishments should make a compliance statement?**

3. It applies to those feed business establishments, including farms that were not subject to the previous legislation (EC Directive 95/69). This covers a wide range of feed businesses establishments<sup>1</sup>, including for example:
  - feed importers;
  - merchants;
  - hauliers;
  - businesses that store feed;
  - food businesses that provide co-products to the feed industry;
  - livestock farms, including fish farms (other than on-farm mixers which were subject to Directive 95/69/EC);
  - Arable farms growing or selling crops for feed use.

#### *Transitional Requirements*

4. Operators of the above establishments were required to make an application by 1 January 2006 to their local authority for the registration of their establishment. However, some feed business operators could take advantage of certain transitional requirements. This provided that if a feed business establishment appeared on an existing official list, a separate application for registration under the EC Feed Hygiene Regulation (183/2005) was not required. This mainly applied to farms which were part of existing official registration schemes and food businesses selling products for animal feed use already registered under the EC Food Hygiene Regulations (852/2004). However, businesses that took advantage of these transitional requirements will still need to make a compliance statement.
5. Please note that where an establishment or intermediary was previously approved or registered under EC Directive 95/69, the responsible feed business operator does not have to make a statement of compliance in respect of these entities. These are mainly businesses that manufacture, market or use additives or premixtures of additives. Such businesses have

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<sup>1</sup> The legal definition of a feed business means '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' and 'establishment' means any unit of a feed business.

already fulfilled this requirement under the terms of EC Directive 95/69, which contained similar requirements to those under Regulation 183/2005.

### *Pet Foods*

6. The requirements of the Regulation apply to businesses that manufacture, import, store or market pet foods. Many pet food manufacturers were previously registered under EC Directive 95/69 so will not be required to make a compliance statement. Also, businesses engaged in the retailing of pet foods are outside the scope of the Regulation.

### **What are the conditions that feed businesses have to comply with?**

7. Regulation 183/2005 contains various conditions which feed businesses will have to comply with, as appropriate. Some of these are set out in the Annexes to the Regulation (see below).

**Annex I** – this applies to primary producers (i.e. farms). It requires farmers to put in place procedures to avoid hazards and carry out record-keeping.

**Annex II** - this applies to businesses operating other than at the level of primary production. It includes requirements relating to facilities and equipment, personnel, production, quality control, storage and transport and record-keeping.

In addition, feed businesses (except most farms) are required to apply the principles of a Hazard Analysis and Critical Control Points (HACCP) System.

**Annex III** of the Regulation is a code of Good Animal Feeding Practice which is applicable to livestock farmers.

For more detailed information on the Annexes referred to above and, the principles of HACCP (Article 6 of the Regulation 183/2005), please view the web address given below (in the where to find further information section).

Feed businesses that were previously approved or registered under EC Directive 95/69 were required to comply with the requirements by 1 January 2006. Other businesses have to comply by 1 January 2008.

### **How should a statement of compliance be made?**

8. A statement of compliance template is attached – if this is completed it fulfils the legal requirement for feed businesses to make a compliance statement. There is also a separate list attached at Annex A which provides the approval and registration activities covered by the scope of the Regulation. Trading Standards Departments of Local authorities in Scotland are responsible for the enforcement of Regulation 183/2005.

The completed form should be sent to the local authority in the area where a feed business is situated. Details of relevant authorities can be found at the following link:

<http://www.direct.gov.uk/en/DI1/Directorries/Localcouncils/index.htm>

There is no fee for making a statement of compliance.

### **What are the requirements for farms?**

9. The requirements of the Feed Hygiene Regulation apply to most livestock farms and arable farms growing or marketing crops for feed use. In the Regulation, farms are sometimes referred to as primary producers. Separate guidance notes explaining the requirements for farms are attached to this guidance.

### **Where to find further information**

- Feed businesses can contact their local authority for further information about making a statement of compliance.
- Further background on Regulation 183/2005 can be found on the Agency's website at:

<http://www.food.gov.uk/scotland/regsscotland/regsguidscot/>

- The FSAS contact for issues relating to the Feed Hygiene Regulation is:

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**Food Standards Agency Scotland**