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FINAL REPORT OF A MISSION
CARRIED OUT IN
THE CZECH REPUBLIC
FROM 18 TO 27 NOVEMBER 2009
IN ORDER TO EVALUATE THE IMPLEMENTATION OF MEASURES CONCERNING
OFFICIAL CONTROLS ON FEED LEGISLATION

In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.

Executive Summary

This report describes the outcome of a mission carried out by the Food and Veterinary Office in the Czech Republic, from 18 to 27 November 2009. The overall objective of the mission was to evaluate the measures put in place to give effect to Regulations (EC) No 882/2004 and No 1831/2003, and other feed legislation, in particular Regulation (EC) No 1831/2003, Directive 2002/32/EC and Decision 2004/217/EC. The evaluation focused on the implementation of the requirements of the said legislation, including those that are new in comparison to previous feed legislation now repealed.

Overall, the report concludes that the official control system for feed operates in accordance with the requirements of Regulation (EC) No 882/2004. Registration and approval of feed establishments is complete. Feed establishments visited were generally compliant with the relevant requirements of Regulation (EC) No 1831/2003 apart from the absence of HACCP systems in some small feed businesses. There is a satisfactory national sampling plan in place which foresees analyses to check for the levels of undesirable substances.

The report makes a number of recommendations addressed to the Czech competent authorities, aimed at rectifying the shortcomings identified and further enhancing the implementing and control measures in place.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
CISTA	Central Institute for Supervising and Testing in Agriculture
Carry-over	Presence, due to production, of additives in feedingstuffs for animal species or categories in which the additives are not authorised
CCP	Critical control point
HACCP	Hazard analysis and critical control points
NRL	National reference laboratory
On-farm mixer	Producer mixing feed for the exclusive requirement of his own holding
TC	Third country
MA	Ministry of agriculture
CA	Competent authority
CCA	Central Competent Authority
ISCBVM	Institute for State Control of Veterinary Biologicals and Medicines
SVA	State Veterinary Administration

1 INTRODUCTION

The mission took place in the Czech Republic from 18 to 27 November 2009.

The inspection team, which comprised two inspectors from the Food and Veterinary Office (FVO), was accompanied throughout the mission by representatives from the central competent authority (CCA), the Ministry of Agriculture (MA) and also from the Central Institute for Supervising and Testing in Agriculture (CISTA).

An opening meeting was held on 18 November 2009 with the CCA, during which the mission objectives, itinerary, and the standard reporting and follow-up procedures were confirmed, and additional information required for the satisfactory completion of the mission was requested.

2 OBJECTIVES OF THE MISSION

The overall objective of the mission was to evaluate the measures put in place to give effect to:

- a. Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law;
- b. Regulation (EC) No 1831/2003 of the European Parliament and of the Council laying down requirements for feed hygiene;
- c. Other feed legislation, including implementing measures, in particular Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition, Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed, and Commission Decision 2004/217/EC adopting a list of materials whose circulation or use for animal nutrition purposes is prohibited.

In terms of scope, the mission focused on the implementation of the requirements of the above legislation, including those that are new in comparison with previous feed legislation now repealed. The mission covered all stages of the feed chain from the primary production to the use of feed for farmed animals, including traceability.

The mission itinerary included the following visits:

COMPETENT AUTHORITY VISITS			Comments
Competent authorities	Central	√	Opening and closing (de-briefing) meetings.
	Regional	√	Meetings with the CA in two district offices.
	Local	√	Discussions held with the local CA in the course of visits to premises.
FEED OPERATORS			
Feed mill	3		Two feed mills approved and one feed mill registered for production.
On-farm mixer	2		One registered on-farm mixer and one approved on-farm mixer also drying alfalfa for animal feed.
Food establishment supplying food co-products used as feed	1		A flour mill supplying bran and cereal flour to the feed industry

Importers	1	One importer of a rumen fermentation enhancer and a manufacturer of a high energy feed for dairy cows
Primary producer	1	One farm producing feed materials and also feeding livestock
OTHERS		
Pre-mix manufacturers	2	Producing vitamin, coccidiostat, mineral and antibiotic premixes
Intermediaries	1	Trading in a wide range of additives and premixes
Biofuel producer	1	Extraction of oil from rape seed and supplying glycerol and rape seed cake to the feed industry

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular, Article 45 of Regulation (EC) No 882/2004.

All legal references relevant for this mission are listed in Annex 1. Legal acts quoted refer, where applicable, to the last amended version.

4 BACKGROUND

This mission was the first FVO mission concerning implementation of official controls on feed legislation since the accession of the Czech Republic to the EU. Prior to accession, the FVO carried out missions in the framework of the accession preparations of the Czech Republic, in order to assist and monitor progress with the adoption of the relevant EU requirements.

Following pre-accession missions, a number of recommendations were made and, in response, the competent authorities undertook to take a number of corrective actions. Where appropriate, both the recommendations and the corrective actions are outlined in the relevant parts of Section 5.

The relevant EU legislation concerning feed safety has been modified significantly. Regulation (EC) No 882/2004 has introduced a harmonised framework of general rules for the organisation of official controls on food and feed so as to integrate them at all stages of production and sectors, using the “farm to fork” principle. Regulation (EC) No 1831/2003 recognised the need to ensure feed safety starting with primary production of feed and comprising also the transport, storage and handling of feed; moreover, procedures based on the principles of hazard analysis and critical control points (HACCP) should be in place for feed business operators (except at the level of primary production of feed and certain associated operations), and the compulsory registration of all feed businesses was introduced

5 FINDINGS AND CONCLUSIONS

5.1 INFORMATION ON THE FEED SECTOR

The following table gives an overview of the number of operators and amount of feed produced in 2008. It is estimated that approximately three million tonnes of feed products were produced in feedmills in the Czech Republic in 2008.

Type of operators	Number of operators	Number of operators
	2008	2009
Primary producers of feed	27 986	28 051
Producers of mineral feed	7	4
Producers of additives	13	9
Producers of bioproteins	18	15
Producers of pre-mixtures of additives	25	29
Producers of compound feedingstuffs	389	286
On-farm mixers	403	390
Mobile feed mixers	66	55
Intermediaries (additives and pre-mixtures and products covered by Directive 82/471/EEC)	185	174
Intermediaries (feed materials, compound feedingstuffs)	187	166
Hauliers of feed	647	683

Seven biofuel producers have been identified as supplying co-products as feed material to other feed establishments. In addition, one establishment processes confectionery by-products which are not dried but milled for use in feed.

Several trade associations cover the trade in feed as follows: the Association of Agricultural Supply and Producer's Organisation, the Association of Czech and Moravian Feed Manufacturers, the Association of Czech and Moravian Petfood Manufacturers and the association of Feed operators and Own Mixers. Several guides to good practice have been produced for the feed industry. These include: A guide to good manufacturing practice reducing the risk of salmonella incidence in compound feed intended for poultry, a guide of good practices and HACCP for the production, storage and transport of additives, premixtures and feed for food producing animals, a guide to good manufacturing and distribution practice in the manufacturing and distribution of medicated feedingstuffs, a guide on the principles of good manufacturing practice for the storage of grain crops and oil seeds.

5.2 COMPETENT AUTHORITIES

5.2.1 Organisation and responsibilities

Legal Requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities (CAs) responsible for official controls.

Findings

For a description of the CAs please see the country profile for the Czech Republic: http://ec.europa.eu/food/fvo/country_profiles_en.cfm. In summary, the MA has overall responsibility for policy and legislation in the feed hygiene sector. Act 147/2002 Coll. establishes CISTA to carry out, amongst other functions, official controls on feed at all stages of the production, processing, placing on the market. CISTA is also responsible for controls on the use of feed on livestock farms. CISTA registers and approves feed businesses as required by Regulation (EC) No 183/2005. On-the-spot controls of feed businesses are carried out by staff from the CISTA Division of Agricultural Inspection based in Prague and the six regional departments of CISTA.

The State Veterinary Administration (SVA) carries out official controls on imported feed of animal origin and is also responsible for controls carried out on production of medicated feed. The Institute for State Control of Veterinary Biologicals and Medicines (ISCBVM) reports to the SVA. It licences and performs controls on manufacturers of medicated feedingstuffs.

Conclusion

The CAs responsible for the organisation of official controls on feed have been designated in line with the requirements of Article 4(1) of Regulation (EC) No 882/2004.

5.2.2 Cooperation and coordination

Legal Requirements

Article 4(3) of Regulation (EC) No 882/2004 provides for efficient and effective coordination and cooperation between CAs. Article 4(5) of the said Regulation requires that when, within a CA, more than one unit is competent to carry out official controls, efficient and effective coordination and cooperation shall be ensured between the different units.

Findings

The mission team noted that:

- A written document on sharing of information and cooperation between CISTA and ISCBVM was agreed in November 1998.
- The CA informed the mission team that there is a written agreement between the Customs service and CISTA whereby CISTA is informed on the arrival of feed imports at an entry point and has the opportunity to carry out checks on imported consignments before they are released for free circulation.
- There is no written agreement between CISTA and the SVA relating to controls carried out on animal feed. However, the mission team were informed that there are coordination meetings at least twice per year between CISTA and SVA to discuss controls on feedingstuffs¹.

¹ In their response to the draft report the CCA indicated that there is now a written agreement (dated 22/2/2010) between CISTA and SVA relating to cooperation and exchange of information in respect of controls on animal feed.

- CISTA inspectors met in feed businesses did not carry out checks on possible contamination of feed with medication following production of medicated feed as this is a responsibility of SVA inspectors. There was no exchange of information between CISTA inspectors and SVA inspectors in the feed establishments visited.

Conclusions

The requirement for efficient and effective cooperation between CAs as provided for in Article 4(3) of Regulation (EC) No 882/2004 is not fully in place as there is no regular communication between inspectors from different CAs which carry out inspections in the same feed establishment.

5.2.3 Resources and training

Legal Requirements

Article 4(2) of Regulation (EC) No 882/2004 requires the CAs to ensure that they have access to a sufficient number of suitably qualified and experienced staff, and that they have appropriate and properly maintained facilities and equipment. Article 6 of the said Regulation requires the CA to ensure that staff receive appropriate training, and are kept up-to-date in their competencies.

Findings

In addition to five staff working in the CISTA division of feedingstuff and soil safety in Prague, the CISTA division of agricultural inspection has 35 staff dedicated to carrying out on-the-spot inspections of feed businesses.

The mission team noted that:

- CISTA inspection staff are required to have a relevant third level qualification before they are recruited.
- Feed inspectors were well equipped with sampling equipment in order to take representative samples of feed materials. They demonstrated a satisfactory knowledge of the sampling process.
- At the primary producer/livestock farm visited the CISTA feed inspector demonstrated competence in carrying out inspections of compliance with the requirements of Annex III to Regulation (EC) No 183/2005. However, this inspector did not have responsibility for carrying out checks in relation to primary production covered by Annex I to Regulation (EC) No 183/2005. Checks on whether the requirements of Annex I are implemented are usually carried out by CISTA agricultural inspectors which focus on fertiliser and soil safety issues. In one region visited the practice was for two inspectors to carry out joint inspections covering both Annex I and Annex III requirements during one inspection.
- There is a structured training programme in place for CISTA staff. There is an annual training session policy issues provided by the MA. In addition at CISTA level inspectors receive at least two training sessions each year. The most recent training was to update inspectors on amendments to EU feed legislation. Following training courses inspectors usually have to pass a test to confirm that the training has been effective.

Conclusions

The training arrangements required by Article 6 of Regulation (EC) No 882/2004 are in place and ensure that feed inspectors are aware of the requirements applicable to feed establishments. There is sufficient staff resource and equipment available to implement feed controls in line with the requirements of Article 4(2) of Regulation (EC) No 882/2004.

5.2.4 Internal supervision

Article 8(3) of Regulation (EC) No 882/2004 states that the CAs must have procedures in place to verify the effectiveness of official controls that they carry out, and to ensure that corrective action is taken when needed and that documentation is updated as appropriate.

Findings

The mission team noted that:

- In each of the CISTA regional offices, the Head of Department holds weekly meetings to keep inspectors up-to-date with new information, to review the work that has been carried out and to agree a work programme for the following week.
- Inspection reports from inspection staff are routinely checked by the heads of departments and assessed for quality and consistency. Any corrective action required to be taken following an inspection is discussed. If necessary, advice on how to proceed is sought from CISTA HQ staff based in Prague.
- In feed businesses visited examples were seen where inspectors had been supervised during on-the-spot inspections to ensure that they were working according to instructions.

Conclusions

The verification of the effectiveness of official controls required by Article 8.3(a) of Regulation (EC) No 882/2004 is in place and ensures that the corrective actions required by Article 8.3(b) of the said Regulation are taken when official controls on feed are found not to be effective.

5.3 OFFICIAL CONTROLS ON FEED

Legal Requirements

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. Controls shall be carried out at any of the stages of the production and processing chain and, in general, are to be carried out without prior warning.

Article 8(1) of Regulation (EC) No 882/2004 requires that the CAs carry out official controls in accordance with documented procedures, containing information and instructions for staff performing official controls. Article 9 of the said Regulation requires that the CA draws up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the feed business operator concerned.

Findings

The relevant recommendations made following pre-accession missions referred to the design of the national control programme for feed controls. In their action plan produced in response to previous FVO missions, the CCA undertook to implement a national control plan in line with EU legislation.

CISTA has in place a comprehensive set of instructions for inspection staff to follow when carrying out their work. These instructions are updated regularly and are subject to a strict documentary control system which includes each member of inspection staff having to sign a declaration that they have received the latest instructions. A new instruction setting out a targeted control plan for monitoring of feed is issued in January every year. The plan includes frequency of controls for all types of feed businesses. Controls are focused on the most significant risks to feed safety eg. the presence of mycotoxins in cereals used to produce feed. Controls are allocated on the basis of the type of activity of the feed business, the type of feed produced, the target species and the use of

coccidiostats. The usual frequency of visits is shown in the following table:

Frequency of visits (yearly)	
Producers of feed materials	1 - 2
Producers of compound feed	4 - 6
Producers of feed additives	2 - 4
Producers of pre-mixtures	3 - 4
Mobile mixers	1 - 2
Importers	1 - 3
Intermediaries	1
Primary producers	4.00%

The frequency of controls can also be varied at regional level based on local knowledge and is increased if non-compliances have been detected during previous inspections.

The mission team noted that:

- Inspection staff met had access to the latest versions of staff instructions. During visits to feed establishments the mission team saw documentary evidence to confirm that audits and inspections are carried out according to staff instructions.
- The actual frequency of inspections in the feed businesses visited was in line with the targeted control plan.
- Mobile mixers are required to submit a weekly production schedule detailing where they will be mixing. This allows feed inspectors to carry out unannounced control visits while the mixers are actually operating.
- A comprehensive report is completed following each inspection visit. Reports of inspections can be entered onto laptops, printed on portable printers and can be given to feed business operators immediately on completion of the inspection.

Conclusions

Official controls are carried out regularly, on a risk basis and with appropriate frequency as required by Article 3 of Regulation (EC) No 882/2004.

Official controls follow documented procedures as required by Article 8.1 of Regulation (EC) No 882/2004.

Reports on official controls are drawn up in compliance with the requirements of Article 9 of Regulation (EC) No 882/2004.

5.4 LABORATORIES CARRYING OUT OFFICIAL ANALYSES

Legal Requirements

Article 4(2) of Regulation (EC) No 882/2004 requires the CAs to ensure that they have access to an adequate laboratory capacity for testing. Article 12 of the said Regulation lays down that the CA shall designate laboratories that may carry out analysis of samples taken during official controls, and sets out accreditation criteria for laboratories so designated.

Article 33 of Regulation (EC) No 882/2004 provides for the designation of national reference laboratories and specifies their responsibilities, in particular with regards to official laboratories.

Findings

The official laboratory for control of feedingstuffs and fertilizers is the national reference laboratory (NRL) for all activities concerning additives and undesirable substances in feedingstuffs which is based in Brno. The NRL operates in five regional departments (Praha, Plzen, Lipa, Opava and Brno). All departments are accredited according to CSN EN ISO/IEC 17025 by the Czech Institute for Accreditation.

In addition to the above official laboratories there are two commercial laboratories authorised to carry out analyses on feed samples. Analyses on genetically modified organisms and dioxins are carried out in these laboratories.

Further information on laboratories can be found in the country profile for the Czech Republic.

The mission team noted that:

- The NRL in Brno organises proficiency tests three times yearly. These proficiency tests are open to all interested parties.
- There is a quality department established, based in Brno which carries out audits in all NRL departments. The quality Department can carry out audits in private laboratories which perform analyses for CISTA.
- An internal agreement between the CISTA inspection services and the laboratories defines acceptable time delays for reporting results. Laboratory staff met stated that there is sufficient resource for carrying out analyses in a timely fashion.
- In one case where dioxin was detected in a feed additive the final confirmed laboratory result took approximately six months from the date of the sampling (see section 5.7.2).
- The CISTA laboratories are using accredited methods for the majority of analyses of feed for vitamins, minerals, additives and undesirable substances.

Conclusion

An NRL and official laboratories have been designated for feed and are functioning in accordance with the requirements of Articles 12 and 33 of Regulation (EC) No 882/2004. However, confirmation of non-compliant dioxin results are not always issued in a timely manner.

5.5 COMPLIANCE WITH THE REQUIREMENTS FOR FEED HYGIENE

5.5.1 Scope

Legal requirements

Article 2(2) of Regulation (EC) No 183/2005 lays down a list of activities to which the said Regulation shall not apply.

Findings

According to the CA, there are no national definitions concerning categories of feed businesses that might be excluded from the scope of Regulation (EC) No 183/2005. The text in Article 2.2 of Regulation (EC) No 183/2005 is considered to be sufficient to fulfil national legal requirements.

Conclusions

The CAs have decided not to exclude any activity from the scope of Regulation (EC) No 183/2005.

5.5.2 *Registration and approval of feed business establishments*

5.5.2.1 *Implementation of the requirements*

Legal requirements

Articles 9 and 10 of Regulation (EC) No 183/2005 lay down the requirements for registration and approval of establishments under the control of feed business operators.

Findings

Act No. 91/1996 Coll. on feedingstuffs sets out the conditions for approval and registration of feed businesses. In summary, feed businesses apply to CISTA giving full information about their establishment and their production processes. In the case of feed businesses requiring approval, this is only granted following a satisfactory on-site visit by CISTA Department of Agriculture inspector.

The mission team noted that:

- A comprehensive staff instruction is in place which sets out the procedures to be followed by inspectors when carrying out approval or registration visits to feed businesses. This instruction was updated in January 2009.
- In the feed businesses visited the mission team saw documentation showing that approvals had been carried out in accordance with staff instructions.

Conclusion

The approval and registration system for feed businesses required by Articles 9 and 10 of Regulation (EC) No 183/2005 is in place.

5.5.2.2 *Lists of registered and approved establishments*

Legal requirements

Article 19 of Regulation (EC) No 183/2005 requires that the CA maintains up-to-date lists of establishments approved or registered according to the said Regulation and to make these lists available to the public.

Findings

The mission team noted that:

- Lists of registered and approved feed businesses and primary producers are available on the CISTA website: www.ukzuz.cz.
- Lists are kept updated on a daily basis. At the time of the mission the lists were largely complete with the minor exception of some primary producers and transporters which can be discovered during documentary checks carried out as part of official inspections of feed businesses.

Conclusion

The lists of feed businesses required by Article 19 of Regulation (EC) No 183/2005 are in place.

5.5.3 *Obligations of primary producers*

Legal requirements

Article 5(1) of Regulation (EC) No 183/2005 establishes that for operations at the level of primary production and other associated operations, feed business operators shall comply with the

provisions in Annex I to the said Regulation. Article 5(5) requires that farmers feeding food producing animals comply with the provisions set out in Annex II to the said Regulation.

Findings

The mission team noted that:

- The primary producer visited was aware of the hygiene and record keeping requirements for the production of animal feed. Records on the use of plant protection products, herbicides and biocides were seen by the mission team.
- The primary producer visited had a direct drying system which used light fuel oil to reduce the moisture content of grain if necessary. However, it had not been used during the last three harvesting seasons.
- The primary producer visited was aware of good animal feeding practice. Animal feeds were stored hygienically and fed to livestock in a hygienic manner.

Conclusion

There is a satisfactory system in place to ensure compliance with the requirements of Article 5 of Regulation (EC) No 183/2005.

5.5.4 Obligations of feed business operators

5.5.4.1 Facilities and equipment

Legal requirements

Article 5(2) of Regulation (EC) No 183/2005 establishes that for operations other than those referred to in paragraph 1 of the said article (operations at the level of primary production and other associated operations), feed business operators shall comply with the provisions in Annex II to the said Regulation (EC) No 183/2005; Annex II lays down the requirements for the concerned feed businesses as regards, among others, facilities and equipment.

Findings

The mission team noted that:

- The feed businesses visited had been subject to regular official controls carried out in accordance with staff instructions. Reports of these controls were seen by the mission team confirming that feed businesses were generally operating in line with the requirements of Regulation (EC) No 183/2005.
- Facilities and equipment in the feed businesses visited were clean and appropriate to the production being carried out.
- Pest control programmes were in place in all feed businesses visited.
- In feed businesses visited regular testing for the accuracy of weighing and metering devices was carried out.

Conclusions

In feed businesses visited a satisfactory level of compliance was observed with respect to the facilities and equipment requirements of Annex II to Regulation (EC) No 183/2005.

Official controls carried out on feed businesses included relevant checks to ensure compliance with respect to the facilities and equipment requirements of Annex II to Regulation (EC) No 183/2005.

5.5.4.2 *Quality control and HACCP*

Legal requirements

Article 5(2) of Regulation (EC) No 183/2005 establishes that for operations other than those referred to in paragraph 1 of the said article (operations at the level of primary production and other associated operations), feed business operators shall comply with the provisions in Annex II to the said Regulation (EC) No 183/2005; Annex II lays down the requirements for the concerned feed businesses as regards, among others, production and quality control. In addition, Articles 6 and 7 of the same Regulation lay down requirements on HACCP for the concerned feed business operators.

Findings

The mission team noted that:

- All approved feed businesses had designated personnel responsible for quality control and suitable HACCP plans in place. These HACCP had been assessed during inspections carried out by the CA and were generally fit for purpose with Critical Control Points (CCPs) well described and monitored.
- Feed businesses visited had quality control plans in place or were following guides to good practice. HACCP plans were in place in the feed mills visited. However, HACCP plans were not always present in some of the non-traditional feed businesses eg. in the feed business drying alfalfa and the on-farm mixer visited. The CA considered that there was not an absolute requirement for HACCP to be present in these types of feed businesses.
- Where necessary, homogeneity tests had been carried out at least once per year by feed business operators. Checks on homogeneity are also carried out by the CA at pre-approval visits to feed mills.
- Feed businesses visited had sampling plans in place to check for the presence of prohibited and undesirable substances. Official samples to check for the presence of these substances are also taken at CA inspections.
- Feed businesses using coccidiostats as feed additives generally did not flush production lines following manufacture of a compound feed containing coccidiostats. They relied on sequencing production to minimise carry-over to feeding stuffs in which additives are not authorised. Flushes were only used in cases where the following feeding stuff was one in which the relevant additive was not authorised. In 2008, ISCBVM monitoring of complete and supplementary feeding stuffs for the presence of undeclared coccidiostats showed 19 positive results on 88 samples.
- One feed business visited had been approved to use coccidiostats and medicated feed on the basis of a 2,000 kg flush being used following use of such products to minimise the risk of carry-over. However, the feed business operator informed the mission team that he used a 200 kg flush to minimise carry-over although this had not been validated as being effective.

Conclusions

Not all feed businesses visited were implementing the HACCP based systems required by Article 6 of Regulation (EC) No 183/2005.

Reasonable measures to avoid carry-over of coccidiostats were not always taken as required by Annex II to Regulation (EC) No 183/2005.

5.5.4.3 *Record-keeping, traceability and product recall*

Article 5(2) of Regulation (EC) No 183/2005 establishes that for operations other than those

referred to in paragraph 1 of the said article (operations at the level of primary production and other associated operations), feed business operators shall comply with the provisions in Annex II to the said Regulation (EC) No 183/2005; Annex II lays down the requirements for the concerned feed businesses as regards, among others, record-keeping, traceability, complaints and product recall.

Findings

- In all the feed establishments visited relevant information was available as regards details of purchase, production and sales from receipt to delivery.
- Traceability systems are verified by the CA during inspections of feed businesses.
- Procedures for recall were in place in the feed businesses visited. In one feed mill visited an example of a recent recall of compound feed which contained excess levels of zinc was seen by the mission team.

Conclusions

Systems are in place to ensure records are kept, the effective tracing of feed is possible and recall of feed is possible as required by Annex II to Regulation (EC) No 183/2005.

5.6 IMPORTS AND EXPORTS

Legal requirements

Article 24 of Regulation (EC) No 183/2005 provides that, as an interim measure, imports of feed shall continue to be authorised under the conditions laid down in Article 6 of Commission Directive 98/51/EC;

Article 16 of Regulation (EC) No 882/2004 stipulates that official controls on imports of feed of non-animal origin shall include at least a systematic documentary check, a random identity check and as appropriate, a physical check; physical checks shall be carried out at a frequency depending on a number of risk related factors. For the organisation of these official controls, Article 24 of the said Regulation lays down that the CAs and the customs services shall cooperate closely.

Article 12 of Regulation (EC) No 178/2002 of the European Parliament and of the Council lays down the conditions for the export of feed from the Community.

Findings

There are relatively few consignments of feed imported from third countries into the Czech Republic. Customs authorities notify CISTA of such imports by e-mail and a decision is taken as to what checks, if any, need to be carried out before a consignment is released into free circulation. Consignments containing guar gum originating in India are checked to ensure compliance with Commission Decision 2008/352/EC while imports of milk products from China are checked to ensure compliance with Commission Decision 2008/798/EC.

The mission team noted that:

- The CA informed the mission team that in 2009 approximately 40 imported feed consignments had been notified to CISTA. In 2008 approximately 50 out of 250 registered/approved business operators imported feed into the Czech Republic.
- Importers are expected to act as the representative of the exporting company in third countries and must declare that the imported product and its producer meet the requirements of Regulation (EC) No 183/2005.
- Checks on documents accompanying imports are carried out by CA inspectors during inspection visits to feed businesses.

- Two coccidiostat products manufactured in another member state but not authorised for use in the EU have been allowed to transit the Czech Republic on route to third countries where their use is allowed.

Conclusion

The procedures in place concerning the imports and export of feed materials generally fulfill the relevant requirements set down in Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 183/2005.

5.7 OTHER REQUIREMENTS ALONG THE FEED CHAIN

5.7.1 Antibiotics , coccidiostats and histomonostats as feed additives

Article 3 of Regulation (EC) No 1831/2003 lays down that no person shall place on the market, process or use a feed additive unless it meets the conditions set out in the said Regulation. In particular, Article 7 establishes that, as of 1 January 2006, the use as feed additives of antibiotics other than coccidiostats and histomonostats has been prohibited.

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency, in particular, taking account of identified risks associated with feed or any process, material, substance, or operation that may influence feed safety.

Findings

During 2005 and 2006 the CA organised seminars for inspectors and stakeholders informing them about the phasing out of antibiotics as feed additives. The CA takes samples at feed mills and at the level of primary production to verify that non-authorized antibiotics are not used as feed additives.

The following table shows numbers of samples planned and taken in the period from 2007 to 2009.

Samples planned and taken for analysis of certain antibiotics	2007			2008			2009 (until October)		
	Planned	Taken	Non compliance	Planned	Taken	Non compliance	Planned	Taken	Non compliance
Total	100	100	0	11	11	0	4	4	0

The mission team noted that:

- Few samples have been taken by the CA in 2008 and 2009 to confirm compliance with the ban on use of antibiotics as feed additives.
- Feed business operators met were aware of the ban on the use of certain antibiotics as feed additives.

Conclusion

The ban on use of antibiotics as feed additives is in place in line with Article 7 of Regulation (EC) No 1831/2003. However, the low number of samples taken in recent years provides limited confidence that breeches of the ban would be reliably detected.

5.7.2 Undesirable substances

Legal requirements

Directive 2002/32/EC lays down the rules on undesirable substances in animal feed.

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency, in particular, taking account of identified risks associated with feed or any process, material, substance, or operation that may influence feed safety.

Findings

Directive 2002/32/EC is transposed in the Czech Implementing Decree 356/2008 Coll. The annual feed control plan includes analysis for undesirable substances in various types of feedingstuffs. The following table shows numbers of samples taken for 2007 and 2008.

Samples taken for analysis of undesirable substances	2007							2008						
	POP (1)	Dioxin (2)	Pesticides	Mycotoxins	Gossypol	Nitrites	Heavy metals	POP	Dioxin	Pesticides	Mycotoxins	Vinal (3)	Nitrites	Heavy metals
Total	26	64	5	194	1	n/a	80	45	55	20	151	20	30	200

(1) Persistent organic pollutants

(2) Dioxins, furans and dioxin like PCBs

(3) Vinal thio-oxazolidone

The mission team noted that:

- All results for 2007 and 2008 were compliant with the exception of one sample in each year which showed levels of dioxin slightly above the maximum permitted levels (total PCDD/PCDF/PCB of 2.1 ng TEQ/kg – max level permitted according to Annex I to Directive 2002/32/EC is 1.5 ng TEQ/kg). Final confirmation of the results of the 2008 non-compliant result took six months from the initial sample being taken leading to difficulties in implementing timely enforcement action (see section 5.8 below).
- Most feed businesses that dry feed use light oil or natural gas. One establishment dries feed with a direct drying system using wood chips as a fuel source. Wood used as a fuel must not be treated with any preservatives. In 2009, checks on samples of feed dried in this feed business have shown compliant results in respect of dioxin levels.

Conclusions

The national sampling plan includes analyses to check for levels of undesirable substances as set down in Directive 2002/32/EC.

5.7.3 Rules on prohibited materials

Legal requirements

Decision 2004/217/EC adopts a list of materials whose circulation or use for animal nutrition purposes is prohibited.

Findings

Directive 2004/21/EC is transposed in Czech Implementing Decree 356/2008 Coll.

The mission team noted that:

- Feed establishments visited had measures in place to prevent the inclusion of prohibited substances such as packaging or parts of packaging, wood or solid urban waste. Visual

checks and screening grids at the intakes of bulk feed materials were in place.

- The CA informed the mission team that there is one feed business that recycles co-product from the confectionary industry into animal feed. This company only receives unwrapped co-product and does not dry the co-product before dispatch to the feed industry.

Conclusion

Feed establishments comply with the requirements concerning materials whose circulation or use for animal nutrition purposes is prohibited, as required by Decision 2004/217/EC.

5.8 ACTIONS TAKEN IN CASES OF NON-COMPLIANCE

Article 54 of Regulation (EC) No 882/2004 requires a CA which identifies non-compliance to take appropriate action to ensure that the operator remedies the situation.

Article 55 of the said Regulation states that Member States shall lay down the rules on sanctions applicable to infringements of feed and food law and other Community provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Findings

Act No 91/1996 Coll., provides for the administrative sanctions that can be put in place in the event of non-compliance with the legislation covering feedingstuffs. Minor non-compliances are dealt with locally by inspectors who set deadlines for corrective actions to be taken and then confirm that these corrective actions have been taken at a future inspection. More major non-compliances are dealt with by administrative fines. The inspector consults with his head of division on the offence and a recommendation for an administrative fine is passed to the legal department of CISTA for processing. Legal action through the courts is rarely required.

The mission team noted that:

- There are comprehensive written guidelines issued to inspectors setting out the action to be taken in case of non-compliance with feed legislation.
- From 2007 to September 2009 there were 53 cases where administrative procedures were taken. Administrative fines ranged from 1000 to 50 000 CZ crowns (€40 to €2000).
- In one case a batch of fish meal contaminated with processed animal protein was ordered to be destroyed.
- In one case in 2008 a six month delay in the confirmation of slightly elevated dioxin results in a mineral feed additive (see section 5.7.2 above) did not allow timely enforcement action to be implemented.

Conclusions

Legal provisions required by Articles 54 and 55 of Regulation (EC) No 882/2004 are in place and provide for a range of sanctions which can be effective proportionate and dissuasive. However, timely enforcement was hampered by a delay in reporting of laboratory results in one case where non-compliance was detected.

6 OVERALL CONCLUSIONS

The official control system for feed operates in accordance with the requirements of Regulation (EC) No 882/2004. Registration and approval of feed establishments is complete. Feed establishments visited were generally compliant with the relevant requirements of Regulation (EC) No 183/2005 apart from the absence of HACCP systems in some small feed businesses. There is a satisfactory national sampling plan in place which foresees analyses to check for the levels of undesirable substances.

7 CLOSING MEETING

A closing meeting was held on 27 November 2009 with the representatives of the CCA. At this meeting, main findings and preliminary conclusions of the mission were presented by the inspection team. The CCA did not indicate any major disagreement with these. During the meeting, additional information requested by the mission team was provided by the CCA.

8 RECOMMENDATIONS

The CAs of the Czech Republic are invited to provide details of the actions taken and planned, including deadline for their completion within 25 working days after receipt of the report.

N°.	Recommendation
1.	To improve cooperation between all CAs involved in controls in the feed sector as required by Article 4(3) of Regulation (EC) No 882/2004.
2.	To ensure that feed businesses (other than at the level of primary production) comply with the requirement with regard to implementation of HACCP plans as set out in Article 6 of Regulation (EC) No 183/2005.
3.	To ensure that reasonable measures to minimise carry-over of coccidiostats are in place as required by Annex II to Regulation (EC) No 183/2005.
4.	To ensure that sufficient samples are taken to be confident that the ban on use of antibiotics as feed additives is in place as required by Article 7 of Regulation (EC) No 1831/2003.
5.	To ensure the timely reporting of dioxin results to allow timely enforcement action in line the requirements of Article 55 of Regulation (EC) No 882/2004.

The competent authority's response to the recommendations can be found at:

http://ec.europa.eu/food/fvo/ap/ap_cz_2009-8087.pdf

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 178/2002	OJ L 31, 1.2.2002, p. 1-24	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Reg. 183/2005	OJ L 35, 8.2.2005, p. 1-22	Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene
Dir. 98/51/EC	OJ L 208, 24.7.1998, p. 43-48	Commission Directive 98/51/EC of 9 July 1998 laying down certain measures for implementing Council Directive 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector
Dec. 98/139/EC	OJ L 38, 12.2.1998, p. 10-13	98/139/EC: Commission Decision of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States
Reg. 1831/2003	OJ L 268, 18.10.2003, p. 29-43	Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition
Dir. 2002/32/EC	OJ L 140, 30.5.2002, p. 10-22	Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed - Council statement
Dec. 2004/217/EC	OJ L 67, 5.3.2004, p. 31-33	2004/217/EC: Commission Decision of 1 March 2004 adopting a list of materials whose circulation or use for animal nutrition purposes is prohibited

