



*European Economic and Social Committee*

**NAT/189**  
**Feed Hygiene**

Brussels, 30 October 2003

## **OPINION**

of the European Economic and Social Committee

on the

**Proposal for a regulation of the European Parliament and of the Council laying down  
requirements for feed hygiene**

COM(2003) 180 final - 2003/0071 (COD)

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On 30 April 2003 the Council decided to consult the European Economic and Social Committee, under Articles 37 and 152 of the Treaty establishing the European Community, on the

*Proposal for a regulation of the European Parliament and the Council laying down requirements for feed hygiene*

COM(2003) 180 final – 2003/0071 (COD).

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 14 October 2003. The rapporteur was **Mr Donnelly**.

At its 403<sup>rd</sup> plenary session (meeting of 30 October 2003) the European Economic and Social Committee adopted the following opinion by 84 votes to two with five abstentions.

## 1. Introduction

1.1 Feed crises over recent years have demonstrated that serious failures at any stage in the feed chain can have enormous economic consequences. In the past this cost has been largely met from public funds. While contaminated feed material has been largely responsible for these crises, European farmers and consumers have experienced the severe economic impacts resulting from them.

1.2 Directive 95/69<sup>1</sup> laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector, while constituting a sound basis for feed safety is limited to products covered by Directives 70/524/EEC<sup>2</sup> and 82/471 EEC<sup>3</sup>.

1.3 Recent experience has shown that it is necessary to conduct a general review of feed hygiene rules and to take account of the need to ensure a higher level of protection of animal and human health and of the environment.

1.4 Experience has also demonstrated the need for an integrated approach to feed safety to include primary production and transport up to and including the placing on the market or export of feed.

1.5 Traceability facilitates the withdrawal of feed and food. Successive feed crises have demonstrated difficulties in this area. This has been addressed as a general requirement under Article 9 of Regulation (EC) No. 178/2002<sup>4</sup>.

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<sup>1</sup> OJ L 332, 30.12.1995

<sup>2</sup> OJ L 270, 14.12.1970

<sup>3</sup> OJ L 213, 21.7.1982

<sup>4</sup> OJ L 031, 1.2.2002 p. 1-4

1.6 Whereas under general food law and more recently Regulation (EC) No. 178/2002<sup>5</sup> the primary responsibility for the production of safe food rests with food businesses, this principle has not applied to the feed chain.

## 2. **Gist of proposal**

2.1 The proposal seeks to ensure the safety of all kinds of feed, to ensure that all businesses operate in accordance with harmonised hygiene requirements and finally seeks to improve traceability.

2.2 The proposal reinforces the principle that the primary responsibility for feed safety rests with the feed business operator. The requirement for feed business operators to provide a financial guarantee is linked with this responsibility.

2.3 The proposal promotes an integrated approach to ensure feed safety throughout the food chain starting with primary production of feed up to and including the feeding of food producing animals. Feed businesses would only operate if registered or approved under these regulations.

2.4 Through the general implementation of procedures based on Hazard Analysis and Critical Control Point (HACCP) and the application of good hygiene practice the proposal reinforces the responsibility of feed and business operators. However flexibility is proposed for small businesses.

2.5 The Commission proposes the introduction of national and community guides to good practice to help feed business operators at all levels of the feed chain to comply with feed hygiene rules with the application of HACCP principles.

2.6 The introduction of the principle of the establishment of microbiological criteria is proposed and would be based on scientific risk criteria.

2.7 In relation to the import of feed from third countries the proposal reinforces the principles laid out in the proposal for a regulation on the official feed and food controls<sup>6</sup> i.e. that imported feed attains at least the equivalent standard as feed produced in the Community.

2.8 It is proposed to repeal Council Directive 95/69/EC<sup>7</sup> and Directive 98/51/EC<sup>8</sup> laying down certain measures for implementing Council Directive 95/69/EC and laying down conditions and

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<sup>5</sup> idem 3

<sup>6</sup> COM(2002) 377 final – CESE 281/2003 OJ C 95, 23.4.2003

<sup>7</sup> idem 1

<sup>8</sup> OJ L 208, 24.7.1998

arrangements for approving and registering certain establishments and intermediaries operating in the feed sector.

### **3. General comments**

3.1 The EESC believes that the rules on feed hygiene needed to be revised and extended to include the entire feed chain.

3.2 The EESC welcomes the fact that the proposal takes into account the principles of food safety that are spelt out in the Commission's White Paper on food safety<sup>9</sup>, in particular that:

- a) the farm to table policy is systematically implemented;
- b) feed safety policy is based on a comprehensive and integrated approach;
- c) processors of feed materials take primary responsibility for feed and food safety controls; and
- d) feed safety policy must be risk based.

3.3 The EESC understands and welcomes the fact that the proposal also takes into account some of the provisions laid down in Regulation (EC) No. 178/2002<sup>10</sup>, inter alia:

- a) to ensure effective functioning of the internal market in safe feed and providing a high level of animal and human health and a safe environment;
- b) to ensure feed traceability;
- c) to make feed business operators primarily responsible for safe feed and responsible where their products or activities could have an adverse impact on feed safety;
- d) to make Member States responsible for the enforcement of feed and food law; and
- e) to ensure that only safe feed is placed on the market.

3.4 The EESC welcomes the proposal in the form of a regulation, which ensures uniform application throughout the single market and enables updating without delay when taking account of technical and scientific developments.

### **4. Specific comments**

4.1 The EESC welcomes the requirements for Good Animal Feeding Practice contained in Annex III to the proposal, it believes that consistent application in all Member States can only be guaranteed through the use of Community Guides.

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<sup>9</sup> COM(1999) 719 final – CESE 585/2000 OJ C 204, 18.7.2000

<sup>10</sup> idem 3

4.2 The EESC agrees with the Commission that a system of registration and approval by the competent authority of the Member State of all feed business is appropriate to ensure traceability from manufacturer to final user.

4.3 The EESC recommends that the requirement for "frequent changes" in bedding required in Annex III should be replaced with "frequent changes depending on circumstances". This would reduce the risk of inflexible enforcement of the regulation.

4.4 The Committee welcomes the principle of flexibility. However, in order to avoid inconsistencies in interpretation, clearer definitions should be agreed between the Commission and the Member States within the Standing Committee.

4.5 The Committee accepts that failure at any stage in the feed and food chain can have major financial consequences. These failures should be protected against through the provision of financial guarantees. However, the Committee feels that the exact nature of what this financial guarantee is, and what form it should take, has not been adequately specified or made clear enough in the Commission's proposal. Given the fundamental importance of this issue, any requirement for establishing a financial guarantee should be monitored carefully by the Commission, especially with regard to the financial impact on primary producers and the feed business.

4.6 The Committee strongly recommends that the Commission consults with all relevant interested parties to ascertain which forms of risk can be covered by the proposed financial guarantee and what form this financial guarantee should take, in order that it be designed in both a cost-efficient and practically applicable fashion so that adequate cover can be provided for total costs resulting from any hygiene failures in the feed and food chain.

4.7 The Committee would like to reiterate its view<sup>11</sup> that because import controls from third countries are also crucial to ensuring feed safety in Europe, the issue of ensuring a financial guarantee for the safety of imports of feed into the European Union needs to be considered thoroughly.

4.7.1 The Committee believes that the proposal, in its present form, may place an unfair burden on the importers of feed into the EU, which could result in an increase in costs. The Commission must therefore seek to ensure that exporters of feed into the EU also fulfil their responsibilities in ensuring the safety of their products.

4.7.2 The Committee therefore underlines the need to ensure the maximum possible accountability of feed exporters to the EU, under the relevant articles contained in the Sanitary and Phytosanitary Measures (SPS Code) adopted in the framework of the WTO, and believes that in order to assist exporters from developing countries, support structures are needed to check the required conformity at the point of origin.

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<sup>11</sup> CES 925/2003 adopted on 16.7.2003

4.7.3 All efforts should be made to ensure that export-import agreements drawn up under the auspices of the Grain and Feed Trade Association (GAFTA) should be transparent, fair and respect the principle of equal treatment.

4.8 The Committee notes that the rules on the therapeutic medication of feeds are not addressed in this proposal.

## 5. Summary

5.1 The EESC supports the proposal for a regulation that ensures feed safety from and including primary production up to and including the placing on the market or export of feed.

5.2 The EESC advocates the use of Community Guides in order to ensure a consistent application of the regulation.

5.3 The EESC reiterates the importance of ensuring that exporters of feed ingredients into the EU are held accountable for the quality of their products by the relevant EU authorities, using existing mechanisms of international cooperation such as Codex Alimentarius and the WTO/SPS Code.

5.4 The Committee recommends that the Commission examine the impact of the financial guarantee requirement for all animal feed businesses.

Brussels, 30 October 2003.

The President  
of the  
European Economic and Social Committee

The Secretary-General  
of the  
European Economic and Social Committee

**Roger Briesch**

**Patrick Venturini**

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**N.B.:** Appendix overleaf

## **APPENDIX**

### **To the opinion of the European Economic and Social Committee**

The following amendment was defeated but received at least a quarter of the votes cast:

#### **Point 4.1**

#### **Replace by the following:**

*"The Committee calls on the Commission to provide a positive list for animal feed in the regulation".*

#### **Reason**

A positive list establishes exactly what may be used as animal feed. With such a list in place, many uncertainties in the food chain – right up to the final consumption stage – would not arise in the first place.

#### **Result of the vote**

For:	29
Against:	57
Abstentions:	7

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