

Feed Manual of Official Controls

For Third Parties, Operating Under Delegation

(31 March 2021)



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1. Introduction, Purpose and Scope

1.1 Purpose

The Feed Manual is a guide for officers carrying out official controls of feed law (and food hygiene at some primary production establishments) in Scotland.

FSS is the competent authority for the delivery of official controls of feed at all stages in the feed chain (from primary production to distribution of final product and feeding to animals) in Scotland. FSS has powers to delegate this function to qualifying third parties and delivery of official control functions is carried out by a blend of FSS and third parties. This manual applies to authorised feed officers employed by third parties, and is referred to as the delivery function.

This guidance document provides advice to authorised feed officers which will contribute to ensuring consistent, effective, risk-based and intelligence-led official controls at all stages of production, distribution, use, storage, transport, import and export of feed, and food hygiene at primary production, as required by [Retained EU Regulation 2017/625](#). It also describes the approach to be taken in coordinating delivery of official controls with other government agencies, including the Veterinary Medicines Directorate (VMD) and the Animal Plant and Health Agency (APHA), where the Department of Food and Rural Affairs (Defra) has designated, for Great Britain:

- VMD as the Competent Authority responsible for enforcement of feed legislation relating to feeds which contain veterinary medicines or specified feed additives; and
- APHA as the Competent Authority regulating the use of specified risk materials in animal feed which includes the ban on feeding animal proteins to ruminants and processed animal proteins to farmed animals, as implemented by the Regulations. APHA is also responsible for enforcing the Animal By-Products (ABP) Regulations, together with local authorities.

The outcomes of official control delivery contribute to:

- safeguarding public and animal health, food and feed safety;
- maintaining a level playing field for honest and diligent feed business operators (FeBOs) and food business operators (FBOs), which is in the interests of industry as a whole; and
- reducing unnecessary burdens on business by focusing feed and food control activities on priorities identified through intelligence gathering and threat assessment information.

1.2 Scope – Feed

All Feed Business Operators and relevant legislation are within scope of this Feed Manual. The relevant legislation covered by this arrangement is as follows:

- [Part IV of the Agriculture Act 1970](#), in so far as it relates to animal feeding stuffs;
- [The Animal Feed \(Basic Safety Standards\) \(Scotland\) Regulations 2018](#);
- [The Animal Feed \(Scotland\) Regulations 2010](#);
- [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) (also referred to as the “*hygiene regulation*”);
- [The Official Feed and Food Controls \(Scotland\) Regulations 2009](#);
- [Genetically Modified Animal Feed \(Scotland\) Regulations 2004](#)
- [Genetically Modified Organisms \(Traceability and Labelling\) \(Scotland\) Regulations 2004](#)
- [Feed \(Sampling and Analysis and Specified Undesirable Substances\) \(Scotland\) Regulations 2010](#)
- [The Official Feed and Food Controls \(Miscellaneous Amendment\) \(Scotland\) Regulations 2019](#)
- [The Feed \(Transfer of Functions\) \(Miscellaneous Amendments\) Scotland Regulations 2020](#)
- [Retained EU Regulation 178/2002](#);
- [Retained EU Regulation 1831/2003](#);
- [Retained EU Regulation 183/2005](#);
- [Retained EU Regulation 767/2009](#);
- [Retained EU Regulation 2017/625](#);
- [Retained EU Regulation 2019/1793](#)

References to legislation must be considered a reference to that legislation in its current form (unless otherwise indicated).

The following activities are exempt from feed hygiene requirements:

- private domestic production of feed for:
 - food-producing animals kept for private domestic consumption;
 - animals not kept for food production;
- feeding of food producing animals kept for private domestic consumption;
- feeding of animals not kept for food production;
- direct supply of small quantities of primary production of feed at local level by the producer to local farmers for use on those farms;
- retailing of pet food.

1.3 Scope – Food

There have been different arrangements in place for the delivery of food primary production in Scotland. By introducing the new feed delivery model, FSS aims to prevent increasing the number of official control visits for primary production.

(i) In those cases where LAs have historically carried out official controls of feed and food primary production at the same time, this arrangement may continue. The LA Agent will deliver both functions on behalf of FSS, as described in this Manual.

(ii) In those cases where LAs have historically carried out official controls of feed and food primary production separately, this arrangement may continue. The LA EH team may continue to deliver food primary production official controls and the Agent will deliver feed official controls only.

When undertaking food primary production official controls, the following activities are within scope:

	Feed Manual (or remain with LA EH depending on local arrangements)	Food Law Code of Practice (EH ¹)
Livestock farms (for meat) – feed and food	✓	
Fish farms	✓	
Arable farms² – feed and food	✓	
Vegetable production if only for animal feed	✓	
Fruit and vegetable production for human consumption (including “pick your own”)		✓
Dairy farms (including goat and sheep’s milk)		✓
Farm shops		✓
Sprouted Seeds		✓
Honey production		✓
Game Larders		✓
Egg production holdings	RPID on behalf of FSS	
Shellfish	FSS	

¹ Environmental Health

² Arable crops are crops that must be further processed. They include grains e.g. barley, oats, wheat and oilseed crops, as well as sugar beet.

References to legislation must be considered a reference to that legislation in its current form (unless otherwise indicated).

The following activities are exempt from food hygiene requirements:

- primary production for private domestic use;
- the domestic preparation, handling or storage of food for private domestic consumption;
- the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer.

Throughout the Feed Manual, references to primary food production relate only to the primary production activities within scope, as listed above.

2. General Arrangements

2.1 Introduction

FSS is the competent authority for the delivery of official controls and enforcement of feed at all stages in the feed chain. Competence for food hygiene at primary production may be either the local authority or FSS.

2.2 Roles and Responsibilities – overview

The following table lays out roles and responsibilities of the FSS central coordination function (Feed Delivery Branch (FDB)) and delivery by third parties (referred hereafter as “Agent”)

FSS (FDB)	Delivery Agent (third parties)
1. Administration and management	
Development and delivery of administrative systems for the feed delivery service including development of guidance, monitoring and audit systems; Service planning including annual report against service plan; Develop management reports including monitoring of FMIS, SFSD, outcomes of meetings with FSS/3rd party officers	Audit – cooperation during audit; Providing management information to FSS as required Participate in review of performance against the Delegated Service Level Agreement (DSLA) for each third party – quarterly; Handling of service complaint from FSS Invoicing
2. Official Control Planning	
Development of inspection and sampling plan (8 weeks before each year, provide plan. Plan to have a fixed list with a small amount of flexibility (e.g. primary production))	Agreement of OC plan 4 weeks prior to start of year
3. Horizon Scanning	
Processing of intelligence, horizon scanning to inform risk analysis and prioritisation for intervention planning; Feed into the horizon scanning process from FMIS and any other means (identify trends for horizon scanning every quarter)	Officers to gather official control information through FMIS as usual Suspicion of feed crime to be reported to FDB

4. Official control delivery	
<p>Interrogation and reports (FMIS);</p> <p>Interrogation and reports (SFSD);</p> <p>Save FeBO inspection reports and analysis certificates to the FSS Sharepoint site (Electronic Information Storage System);</p> <p>Decision making – enforcement action;</p> <p>Engagement with analyst to coordinate analysis activity - What to expect and when?</p> <p>Annual plan and ad hoc updates</p>	<p>Delivering a programme of risk based animal feed interventions, as agreed with FSS, and having full regard to and compliance with FSS guidance and advice, working with businesses to achieve compliance, using informal enforcement action;</p> <p>Refer matters for possible formal enforcement action to FDB</p>
5. Enforcement	
<p>Carry out formal enforcement action, with input from the officer responsible for the official control, as necessary;</p> <p>With input from the officer responsible for the official control, referrals to Court and preparation of reports to the Procurator Fiscal;</p> <p>Handling of appeals to enforcement action;</p> <p>Arrangements for seizure, detention and destruction;</p> <p>Save FeBO enforcement notices and post-enforcement records to Sharepoint</p>	<p>Carry out enforcement action only in exceptional circumstances and on agreement with FSS (see chapter 7)</p> <p>Input as necessary e.g. witness statement, sampling certificate</p>
6. Registration	
<p>Feed business registration;</p> <p>Update premises lists;</p> <p>Advise 3rd party and FeBOs</p>	<p>Pass on information re unregistered businesses to FDB. Refer business to the FSS Online Registration Platform</p>
7. Approvals	
<p>Approval of establishments - determination and paperwork</p>	<p>Pass on information re unapproved businesses to FDB. Refer business to FSS Online Registration Platform.</p> <p>In exceptional circumstances and with written agreement from FSS, carry out pre-approval work and approval inspection</p>

8. Incidents and Feed Complaints	
<p>All incidents/ feed complaints are referred to FSS (FDB and Scottish Food Crime and Incident Unit (SFCIU));</p> <p>Investigation of incidents and feed complaints and discussion with FeBOs as necessary;</p> <p>Referral to FSS officers for investigations and feed complaints and discussion with FeBOs at establishment if necessary;</p> <p>Referral procedure to other parts of FSS or OGD.</p>	<p>Referral of intelligence to FSS</p> <p>In exceptional circumstances and with written agreement from FSS, carry out investigations and feed complaints and discussion with FeBOs at establishment;</p>
9. Imports	
<p>Strategic management of imports;</p> <p>Point of entry registered with FSS</p>	<p>Inspection on FSS's behalf (either on interventions plan or ad hoc)</p> <p>Inland imports checks (as part of routine inspection)</p>
10. Equipment	
<p>For FSS delivery, FSS equipment ordering, maintenance and calibration</p>	<p>Officers to ensure equipment is available, maintained and calibrated</p>
11. Advice	
<p>Develop and provide officers with up to date technical advice, policy developments and any other guidance which will enable officers to carry their duties effectively;</p> <p>Arrange regular meetings (every quarter), ad hoc online meetings, as necessary, including liaison with other bodies involved in feed e.g. SGRPID, VMD, industry, using the SFELC Feed SC as a mechanism for this;</p> <p>Feed manual – update every 3 months, or as necessary;</p> <p>Any other action required by FSS to deliver an improvement in compliance with relevant feed/food law;</p> <p>Where appropriate, promote the feed delivery service and the importance of safe animal feed</p>	<p>Read and understand new advice/guidance</p> <p>Attend FSS/SFELC meetings in accordance with Schedule of meetings</p>

12. Training	
Provide training to authorised officers based on feedback from regular meetings with FSS officers/ 3 rd parties	<p>Attendance at FSS courses, maintain minimum 10 hours CPPD per year, need to provide evidence of competence; Authorisation;</p> <p>Providing sufficient and appropriately qualified, competent, experienced staff and resources for implementing the feed delivery service within the agreed area of delivery (in accordance with the DSLA and the feed manual)</p>

2.3 Schedule of Meetings and Reviews

When	Subject	How
Quarter 1 July	<p>Review performance against DSLA for each third party e.g. are inspections being carried out according to plan and other conditions of the DSLA.</p> <p>Include any outcomes of review of inspection and sampling plan</p>	Remotely (1 to 1)
	<p>Liaison meetings with other bodies involved in feed e.g. SGRPID, VMD, industry, using the SFELC Feed SC as a mechanism for this;</p> <p>To include technical meetings</p> <p>Where practical to do so, arrange training at the same location in the preceding or subsequent days</p>	Meeting at agreed location ^[1] (collective)
Quarter 2 October	<p>Review performance against DSLA for each third party e.g. are inspections being carried out according to plan and other conditions of the DSLA.</p> <p>Include any outcomes of review of inspection and sampling plan</p> <p>Agent to discuss officer development needs with FSS</p>	Remotely (1 to 1)
Quarter 3	Review performance against DSLA for each third party e.g. are inspections being carried out	Remotely (1 to 1)

^[1] Subject to Covid-19 restrictions being lifted. Otherwise, these meetings will take place remotely.

January	<p>according to plan and other conditions of the DSLA.</p> <p>Include any outcomes of review of inspection and sampling plan</p>	
	<p>Liaison meetings with other bodies involved in feed e.g. SGRPID, VMD, industry, using the SFELC Feed SC as a mechanism for this;</p> <p>To include technical meetings</p> <p>Discuss full review of DSLA to ensure still fit for purpose</p> <p>Where practical to do so, arrange training at the same location in the preceding or subsequent days</p>	Meeting at agreed location (collective)
Quarter 4 April	<p>Review performance against DSLA for each third party e.g. are inspections being carried out according to plan and other conditions of the DSLA.</p> <p>Include any outcomes of review of inspection and sampling plan</p> <p>Agent to discuss officer development needs with FSS</p>	Remotely (1 to 1)

2.4 General Requirements

A sufficient number of authorised officers is required to deliver feed law functions in Scotland. This may involve employing temporary staff or contractors, who are also required to meet the qualification and competency requirements for the specific functions the officer is required to undertake.

The DSLA lays out the area of scope for feed law functions.

The third party must ensure that there is a sufficient number of competent/qualified officers to undertake official controls at the full range of feed businesses within the area of scope agreed in the DSLA.

The FDB and the Agent will review the performance against the DSLA to ensure that the specified requirements are met.

Authorised feed officers must have regard to this manual when discharging their duties and any appropriate guidance issued by, or supported by, the FSS FDB. If the authorised officers consider that public and animal health, food or feed safety is likely to be compromised by complying with this manual, they should discuss the matter with the FDB

at the earliest opportunity and before any decision is taken. Authorised officers should fulfil enforcement duties in accordance with the FSS Feed Enforcement Policy³.

The FDB will periodically issue communication to authorised officers, and to the management of those third parties, on new and/or revised policies and procedures, information on feed safety matters and other issues connected with the effective delivery of official controls and enforcement of feed law.

Third parties must have arrangements to ensure that the information is shared with the authorised officers and determine what action is appropriate and or necessary on receipt of such communications.

2.5 Interventions with Feed Businesses

The core function of authorised officers is the delivery of official control interventions at Feed Business Establishments (FeBEs). Interventions are defined as regulatory actions taken by a government and include official controls and other interventions such as education, advice and coaching, information and intelligence gathering. Official controls are any form of control that the competent authority or performs for the verification of compliance with feed law which includes, amongst other things, inspections and sampling visits.

An inspection is an examination of any aspect of feed in order to verify that such aspect(s) comply with the legal requirements of feed law. This includes partial or full inspections:

- a 'full inspection', is a check on compliance with legal requirements and will consider all aspects of a FeBE's operations; or
- a 'partial inspection', which is an inspection that covers only certain elements of a FeBE's operations. A partial inspection may take place as a result of a feed complaint investigation, for example.

In Scotland, the official control interventions carried out shall be inspections and sampling. Intervention types will be reviewed after five years by FSS.

2.6 Liaison between Competent Authorities

The FDB shall facilitate liaison between, and engage in discussion with the authorised officers (of third parties and FSS), Agricultural Analyst(s), VMD and APHA. The purpose of the liaison is to help maintain effective and efficient delivery of official controls, registration and approval, co-operation and consistency of enforcement. It shall provide an opportunity to share intelligence and avoid duplication of enforcement by different competent authorities and discuss legal interpretation and consistency. Meetings shall take place on a 6 monthly basis.

³ LINK TO BE PROVIDED

A Memorandum of Understanding (MoU) is in development between FSS, VMD, APHA and the National Agriculture Panel (NAP). It shall provide details about the respective roles of all those listed parties and encourages cooperation in the delivery of official controls and information sharing.

2.7 Equipment

With the exception of the mobile device, the third party shall be responsible for providing equipment listed in Annex 2 to enable them to carry out interventions at Feed Business Establishments (FeBEs), in accordance with this manual.

Authorised officers shall ensure that equipment is in good working order and, where necessary, calibrated.

3. Qualifications and Competencies

3.1 Introduction

This Chapter:

- outlines the qualification and competency requirements for officers who are eligible to be authorised to carry out official controls to verify compliance with feed law⁴;
- does not apply to those who have only indirect managerial responsibility for the delivery of feed official controls and feed law enforcement or to those employed in a support role such as administrative and legal staff. This Chapter provides advice on the qualifications and experience required for officers undertaking official feed controls.

Although the default position is that FSS shall carry out formal enforcement action, approvals of businesses and investigations of incidents and feed complaints (service requests), officers from third parties may be authorised to undertake this work to deal with such matters in exceptional circumstances and with written agreement from FSS. In such cases, the authorised officers must meet the appropriate qualifications and competencies contained within this chapter.

3.2 Authorisation of Officers

The scope of the authorisation is defined in the DSLA. FSS delegation of feed law functions to third parties, as laid out in the DSLA, enables the third party to authorise its own officers.

In addition, FSS requires that officers are authorised across Scotland in the event of their participation in a major incident where required by FSS.

Authorisation must only be undertaken subject to evidence of qualifications or competency to undertake the intended specific official control duties. Agents are required to provide the FDB with a copy of the evidence of officer qualification and/or competency to undertake the specific official control duties.

Authorisations shall be tailored to the role of an individual officer. An officer's authorisation may be extended as the officer gains the necessary competency and qualifications where these are required, and on submission of evidence. Paragraph 3.7 provides examples of how evidence can be demonstrated.

Authorisation shall be reviewed as part of the officer Performance Review.

⁴ Article 29 of [Retained EU Regulation 2017/625](#)

3.3 Primary Production

Where official controls of food and feed hygiene primary production are to be carried out at the same time, they may be carried out by an officer competent in accordance with this Chapter.

3.4 General Qualification and Competency Requirements

Officers shall be authorised to undertake a specific type of official feed control duty or role only if the officer has demonstrated, and can evidence, that they meet the necessary competency and qualifications requirements.

A mixed competence/qualification pool of officers may be used, provided the official controls at each type of establishment are undertaken by officers with the relevant requirements.

The Competency Framework (Annex 3.1) provides competency requirements for different activities. Competency in this context is a combination of technical and professional skills, knowledge and experience, and may include qualifications, that enable an officer to be appropriately authorised to deliver official controls. The Competency Framework will allow those delivering official controls to demonstrate their competency.

Type of establishment	Activity	Qualification	Competency within Framework (Annex 3.1)	Minimum Officer level
Farms	Official controls (excluding sampling)	Competency approach only	Competency 1	Level 1
All except farms and points of entry	Official controls (excluding sampling)	As detailed in 3.6	Competency 2	Level 2
Points of Entry	Official controls (excluding sampling)	Competency approach only	Competency 3	Level 1
All	Sampling	Competency approach only	Competency 4	Level 1
All	Enforcement	See note below	Competency 5	See note below

Note: Anyone undertaking enforcement action must meet Competency 5. In addition,

- for enforcement of establishments that are farms, they must meet competency 1
- for enforcement of establishments that are not farms or points of entry, they must meet competency 2 (as well as qualification requirements)
- for enforcement of establishments that are points of entry, they must meet competency 3
- for enforcement related to sampling, at any type of feed establishment, they must meet competency 4

3.4.1 Transition Period

A period of two years (until 31 March 2023) shall be available for officers to develop the competencies provided in the competency framework, and qualifications if necessary, for the activities they are carrying out.

During that two year period, they may undertake these functions provided there is oversight and supervision by an officer who meets the required competencies and, where required, qualifications for that activity.

3.5 Level 1 Officers: Qualifications

As above, there are no specific qualification requirements for level 1 officers, although they are required to meet the relevant competency framework requirements (see above). However paragraph 3.7, which provides examples of how competency requirements may be met, includes qualifications that may be used to demonstrate competency in a particular area.

3.6 Level 2 Officers: Qualifications

A range of qualifications are available:

(a) [CTSI Professional Competency Framework \(CPCF\)](#)

Trading Standards Practitioner Diploma - must include the Feed unit within Stage 2.

For the purposes of the CPCF, having completed the feed unit of Stage 2, officers will be able to act as level 2 officers, however they will be expected to continue to study and undertake all required units of Stage 2.

(b) Trading Standards Qualification Framework (TSQF)

- (i) Diploma (DCATS) or Higher Diploma (HDCATS) in Consumer Affairs and Trading Standards – must include the Feed Module
- (ii) Certificate of Competence - Feed
- (iii) Module Certificate in Consumer Affairs and Trading Standards - Feed

(c) Older Qualifications

- (i) Diploma in Trading Standards (DTS) or its antecedents
- (ii) Diploma in Consumer Affairs (DCA) which includes the Food and Agriculture Paper, or its antecedents
- (iii) Diploma in Consumer Affairs (DCA) Certificate of Competence in relation to Food and Agriculture, or its antecedents

Correlation with the new CPCF is available on the CTSI website:

[TSQF to CPCF Corellation Quick Guide \(tradingstandards.uk\)](https://tradingstandards.uk)

(d) Qualification Equivalence

Existing or prospective officers may also have a range of qualifications, additional training and experience that together indicate their competence to undertake specific official control or enforcement activities but who do not hold qualifications listed above. Equivalent qualifications should be considered. FSS has developed qualification equivalence criteria and this is provided in Annex 3.2. Please note that training may still be required in order to meet the competencies provided in Competency Framework (Annex 3.1). Agents must make enquiries with the FDB if there are any doubts about a prospective officer's qualifications.

In addition authorised officers must be able to demonstrate, having undertaken appropriate qualification/training and supervised experience, competence in:

- The inspection of hazard analysis and critical control point (HACCP) based safety management systems; and
- Basic components of quality control systems and auditing techniques to ensure effectiveness and operations of the simple systems.

These qualifications will give the underpinning knowledge required to undertake official controls as well as providing a foundation on which to develop competencies.

3.7 Competency

Column 4 of the Competency Framework (Annex 3.1) provides examples of what competence might look like but there is no requirement to demonstrate competence with all of these examples.

Agents must satisfy themselves that an officer can provide demonstrable evidence that he/she meets the competency (knowledge and skills) requirements relevant to the role the officer is required to undertake.

The Competency Framework recognises that an officer's authorisation may be broadened as the person gains experience and develops new competencies.

The following are ways in which an officer would be able to demonstrate they meet the competency requirements provided in the Competency Framework:

- qualifications – both academic & professional;
- post qualification courses that lead to an additional relevant qualification;
- successful completion of training courses, including short courses and e-learning, e.g. on matters related to official controls, HACCP;
- employment history detailing functions undertaken, responsibility exercised and experience gained;
- official controls carried out under supervision by an appropriately authorised officer;
- assessed practical training that requires application of academic and professional knowledge;
- completion of a specific piece of work, e.g. drafting of notices, production of witness statements, gathering evidence, building elements of a prosecution file, carrying out sampling in the prescribed manner etc.

Officers are required to maintain a record of evidence containing details of qualifications, training, and details of specific feed law experience which helps to demonstrate that they have met the relevant competencies laid down in this manual.

If an officer does not have the necessary competencies, there should be consideration about how the development needs can be addressed. Until such gaps have been filled, the officer's authorisation to deliver official controls should be appropriately restricted.

A number of assessment tools are available to assist individual officers to assess their own competence and for managers to assess the competency of those officers as part of normal appraisal process. These may include an assessment process developed specifically by the FDB or by the Agent, or the use of the RDNA (Regulators Development Needs Analysis) process for regulatory skills. Further information on the RDNA process can be found at this link: <http://www.rdna-tool.bis.gov.uk>.

In addition, the Guidance for Regulators Information Point (GRIP) may be consulted. This can be accessed via the following link: <http://www.regulatorsdevelopment.info/grip/> and is endorsed by CTSL.

3.8 Training and on-going Continuing Personal and Professional Development (CPPD)

CPPD can involve any relevant learning activity, whether formal and structured or informal and self-directed, to develop the personal qualities and practical experience to undertake their feed law role.

Training needs and development requirements must be assessed formally for each officer on, at least, a six monthly basis. This information shall be used to inform an officer's personal development plan and their CPPD priorities. This information shall be shared with the FDB every six months to allow ongoing development of the FSS feed training plan.

FSS is responsible for providing appropriate training each year to authorised officers and, where identified in the officer training plan or otherwise required to meet regulatory standards, officers must make themselves available to attend this training. If the officer has already met the relevant competencies that the training is intended to provide, there is no need for the officer to attend the training. In addition, Agents shall ensure that any other essential training not specifically feed related, necessary for officers to adequately fulfil their duties, e.g. Information Technology, data protection, Health and Safety, is provided.

In order to maintain competence, officers are also required to keep up to date with relevant information and technical developments to enable them to carry out their duties competently and to enable consistent interpretation and application of feed law. Updated information shall be provided to authorised officers and Agents when available and as required by FSS, and may include:

- relevant legislation;
- FSS guidance;
- Guidance documents from other countries (e.g. advice for export requirements);
- UK Guides to Good Practice where appropriate;
- Guidance and relevant correspondence issued by, jointly with, or on behalf the FSS or FSA;
- Relevant industry codes of practice; and
- Appropriate technical literature.

Agents must ensure that authorised officers are provided with the up-to-date information necessary for them to carry out their duties effectively.

3.9 CPPD Requirements

Fundamental to a CPPD scheme is the need for individuals to take ownership of their career progression.

Chapter I, Annex II of [Retained EU Regulation 2017/625](#) outlines the subject matters for the training of staff performing official controls. Examples may include but are not limited to:

- different control techniques, such as auditing, sampling and inspection;
- control procedures;
- feed and food law, where relevant to feed controls;
- different stages of production, processing and distribution and the possible risks associated with feed law
- assessment of non-compliance;
- hazards in animal, feed and food production, where relevant to feed controls;
- the evaluation of the application of HACCP procedures;
- management systems such as quality assurance programmes that feed and food business operate and their assessment insofar as these are relevant for feed or food law requirements;
- official certification systems;
- contingency arrangements for emergencies, including communication between the UK and third countries;
- legal proceedings and the implication of official controls;
- examination of written, documentary material and other records, including those related to proficiency testing, accreditation and risk assessment, which may be relevant to the assessment of compliance with feed or food law; this may include financial and commercial aspects;
- Control procedures and requirements for entry into Scotland of animals and goods arriving from third countries; and
- any other area, including animal health and animal welfare, necessary to ensure that official controls are carried out in accordance with [Retained EU Regulation 2017/625](#).

Professional bodies such as the CTSI operate their own CPPD requirements for their respective membership, which includes providing CPPD evidence as part of membership or Chartered Status. Officers who are not members of professional bodies should still maintain a record of their CPPD, which should be countersigned by their manager.

Officers must ensure that they receive a minimum of 10 hours CPPD per year, relevant to feed and to their level of authorisation and the type and frequency with which they undertake official controls. Officers must maintain a record of their CPPD which should be used as part of their six monthly review of training and CPPD needs. The CPPD should be developed in accordance with the level of current officer authorisation and used as proof of continued competency in those areas.

3.10 Ways of Attaining CPPD

FSS shall deliver a programme of annual training for authorised officers. In addition, there are a number of ways in which officers can undertake and attain CPPD. Please see below a non-exhaustive list of ways to achieve CPPD in the area of animal feed. These include:

- relevant training courses including distance learning or e-learning activities;
- coaching from other experienced authorised officers;
- review of case studies and literature;
- conferences or meetings which involve an element of new knowledge and learning;
- reading to understand the legal, regulatory framework for professional work;
- maintaining or developing specialist skills;
- shadowing of an authorised officer who meets the competency requirements.
- attending training courses / conferences not linked to official controls but supporting professional development;
- taking part in a third country/EU audit or fact-finding mission;
- shadowing experienced (internal or external) colleagues to develop knowledge of a feed establishment e.g. manufacturer of additives etc.;
- participation in scenario-based case studies (e.g. notice drafting, risk-rating, etc.);
- writing relevant articles for peer-reviewed journals / papers;
- writing guidance on feed law or other legislative requirements;
- undertaking relevant distance learning or e-learning activities;
- making presentations to colleagues or businesses on legislative requirements, particularly new changes to legislation; and
- discussions with colleagues and / or FeBOs on legal requirements / enforcement action which involve an element of learning.

3.11 Recording CPPD and Evidence of CPPD attainment

Individual officers shall maintain a record of their CPPD, which should include the following information as a minimum:

- dates of activity;
- type of activity;
- hours spent on activity ('core' or 'other professional matters'); and

- copy of certification or countersignature from a manager or colleague that the stated activity took place.

Most CPPD is likely to be evidenced by the established practice of certification from a training provider. It could also include, for example, publication in a peer-reviewed journal.

If shadowing, experience or participation in scenario-based case studies includes reflective practice that should be documented by the officer, and countersigned by the manager. This may count as core CPPD.

A Competency and Qualification Review Record for officers is provided at Annex 3.3 as an example of a record for the officer's personal development plan and CPPD priorities.

3.12 Performance Review and Training Plans

Every 6 months, officers shall undergo a review of completed CPPD (in order to identify and assess benefits or otherwise) and development needs identified which can be used to inform an officer's personal development plan and their CPPD priorities. Future development needs shall be collated and shared with the FDB at the 6 monthly meetings. This information will be used to develop the annual FSS training plan.

3.13 Newly Appointed Officers

Newly appointed officers must receive an appropriate period of structured training and supervision by an experienced officer, until they are satisfied that the officer meets the necessary competency requirements, relevant to their authorisation.

The extent of training and supervision may vary according to the officer's previous experience and, where appropriate, qualifications.

The officer and their manager should work together to identify any gaps in knowledge and consider how this can be addressed (see above for examples). A structured training and development programme should be produced to assist the officer to build up experience and develop the necessary competencies.

This may include elements such as shadow visits, accompanied inspections, notice and letter drafting, feed incident or feed complaints investigation, sampling etc. Specialist training also provides key elements of the officer's professional development. Ongoing assessment of developing competence allows the Agent to monitor progress and determine suitability for authorisation.

A newly qualified level 2 officer would need to gain sufficient experience and be able to demonstrate understanding and competency before they are authorised to inspect complex processes (e.g. approved premises). It is the Agent's responsibility (using an experienced and competent officer) to determine when this is appropriate on a case by case basis.

4. Data and Process Management

4.1 Introduction

In all instances FSS is considered the Data Controller for data collected under the new model.

Agents are considered Data Processors when collecting, transferring or otherwise using data collected under the terms of the DSLA from 1 April 2021.

Agents must refer to and follow the conditions at clause 8 within the DSLA in relation to security and data protection issues.

4.2 The Feed Management Information System

FSS uses a Feed Management Information System (FMIS) for holding all feed establishment records. The information collected is used on an annual basis to develop the risk based intervention programme (see 4.5).

Use of FMIS reduces pre and post inspection administrative workload and captures information in a centralised system to allow FSS to accumulate a national picture of feed activity and compliance.

The FMIS is a Geographical Information System (GIS) based representation of the feed establishment register, combined with electronic versions of the standard feed inspection forms published by the National Agriculture Panel. The FMIS is built on Arc GIS solutions provided by ESRI (<https://www.esri.com/en-us/home>).

Following approval and registration to the system authorised officers can access the platform via FSS supplied mobile devices, or any other capable and approved device.

The FMIS allows direct uploading of inspection information or, where no internet connectivity is available, will store the information locally until upload is possible.

Agents will be provided training on the use of the device and FMIS solution. Training will be available online through videoconferencing or through in person meetings. Training materials and user guides will be made available online

Support for user queries will be available from [FSS staff](#).

Guidance on the use of the FMIS is provided [here](#).

Should further assistance in the access to and use of the FMIS be required, the Agent should contact the FMIS Administrator in the first instance. Where assistance is required relating to the performance of the software the Agent may be directed to ArcGIS support.

4.3 List of Feed Establishments

As competent authority, FSS is responsible for the maintenance of the lists of registered and approved feed business establishments. The lists will be maintained on the databases supporting the FMIS and shall be updated in accordance with information received from FeBOs and authorised officers. Further information on registration of businesses may be found in Chapter 5. The list is maintained by the FDB, taking inputs from SGRPID and Agents.

An online registration and approvals platform is under development to streamline the process of collecting and confirming registration and approvals. The system will allow unregistered businesses to submit requests for review by FSS.

4.4 Official Control Records

FSS is responsible for maintaining feed business records relating to official controls and enforcement carried out in connection with feed business establishments across Scotland.

Official control reports shall be generated from the information gathered by officers in the conduct of their duties and saved on the FMIS.

Information must be gathered and processed in a manner consistent with GDPR and the provisions at paragraph 4.8. All forms include a privacy statement and officers should make the data subject aware of this provision.

Reports and other records relating to the business, for example, registration and approval forms and approval documentation (see Paragraph 5.3.8 of this manual), shall be stored in the FMIS, Sharepoint or ERDM systems managed by FSS. This is accessible to authorised officers of FSS and the Agents. Information collected out with the FMIS system should be managed in line with GDPR and the provisions at paragraph 4.8.

FSS shall ensure that records are maintained and processed, in line with the General Data Protection Regulations (GDPR) requirements or as required in any successor legislation. Registration and approval forms shall be kept for the duration of the existence of the feed business, and for 6 years after the closure of the business.

4.5 Risk Rating

The risk rating scheme, used to determine the risk of feed hygiene and standards within an establishments, and which informs the frequency of inspection, is found in Annex 4.1. The “ACTSO guidance on applying compliance score for the purpose of risk rating feed businesses” can be found on the Knowledge Hub (National Agriculture Community) and although it refers to different risk rating schemes, the examples given for the different compliance levels (poor, varying, satisfactory and broad) apply equally to the FSS risk rating scheme.

4.6 Records of Inspections

The authorised officers of Agents are provided with the Feed Management Information System (FMIS), preloaded onto mobile devices, on which to download feed business information and upload intervention and suggested enforcement outcomes, for consideration by FSS.

The mobile devices have been pre-loaded with the template inspection forms provided in Annex 6. The system further provides the facility to take notes, capture photographic images and amend premises location detail.

The officer may either complete the form directly onto the mobile device whilst on site or record on a paper copy, completing the form on the mobile device within 2 working days of inspection. Further information on the recording of interventions is detailed in Chapter 5.

Information must be gathered and processed in a manner consistent with GDPR and the provisions at paragraph 4.8. All forms include a privacy statement and officers should make the data subject aware of this provision.

Documentation collected during, and as a result of, interventions shall be attached to the relevant premises file within the FMIS. Paper based information may be transcribed or scanned for inclusion within the FMIS system in accordance with the [Scottish Government's Transcription Framework Agreement](#) or the use of BS10008 compliant scanning devices and subject to the provisions at paragraph 4.8.

Training and guidance on the use of the FMIS and devices is provided as described in 4.2⁵

4.7 Records of Sampling

Agents shall use the Scottish Food Sampling Database (SFSD) for the recording of samples. When a sample is taken during an inspection, the officer **must enter the SFSD sample reference number into the FMIS**. Guidance on this process is provided in the materials described at 4.2.

4.8 Other Information

FSS and Agents shall agree a Data Sharing Agreement (DSA) for the management of data under the new model. The DSA shall be accompanied by a Data Privacy Impact Assessment (DPIA).

⁵ To be developed

In all instances FSS shall be considered the Data Controller for data collected, held or processed under this agreement. Agents shall be Data Controllers for pre-existing data and data transferred to FSS during transition. Where data is collected in the course of delivering Feed Official Controls under the new model, Agents shall act as Data Processors.

Provision will be identified for data use by DSAs where data collected as part of the feed official control functions has additional or secondary functions for regulatory purposes conducted by the agent out with feed.

The Agent will identify any additional information generated or collected in the pursuance of official controls and enforcement, not specified in the DPIA, and adhere to the procedures and guidelines within the DSLA (clause 8) to ensure the electronic and physical security of all data held.

4.9 Transparency and Freedom of Information

Agents shall refer to and follow the conditions at clause within the DSLA in relation to Transparency and Freedom of Information provision.

5. Registration and Approval

5.1 Introduction

This Chapter concerns the registration and approval of Feed Business Establishments, in so far as Agents have a responsibility.

The FDB is responsible for duties relating to the handling of applications for registration and approval and maintenance of the Feed Establishment Register. Although the default position is that FSS shall carry out approval of businesses, officers from third parties may be authorised to undertake this work to deal in exceptional circumstances and with written agreement from FSS. The necessary requirements are laid out in this Chapter, should they be required.

5.2 Responsibilities of the Third Party

5.2.1 Unregistered or Unapproved Feed Business Establishments

If an authorised officer becomes aware of an unregistered feed business establishment they shall notify FDB by [email](#), providing the name and address of the FeBO, and advise the business to complete the form on the FSS Online Registration Platform (also provided as Annex 5.1 and 5.2 in this Manual).

If an authorised officer becomes aware of a feed business establishment that should be approved but is not, they shall notify FDB by [emailing](#) Annex 5.9, and advise the business to complete the form on the FSS Online Registration Platform (also provided as Annex 5.1 and 5.2 in this Manual). FSS shall consider appropriate enforcement action if necessary.

5.2.2 Approved Feed Businesses

Although FSS is primarily responsible for the approval of feed businesses (1) pre-inspection work (advisory visits and collection of documentation) and inspections and (2) administrative processes, it is anticipated that Agents may be asked to step into to carry out the pre-inspection and inspection work in exceptional circumstances or as a contingency.

5.3 Approval of Establishments

All feed businesses are required to register, unless they require to be approved by the competent authority. Businesses that require to be approved fall into the following category (and detailed in Article 10(1)(a) of [Retained EU Regulation 183/2005](#):

“manufacturing and/or placing on the market of feed additives covered by [Retained EU Regulation 1831/2003](#) or products covered by Directive 82/471/EEC and referred to in Chapter 1 of Annex IV to [Retained EU Regulation 183/2005](#)”

5.3.1 Division of Responsibilities for Approved Establishments

Some of the formalities for approval are set out in the [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) and information concerning the handling applications for approval are set out below.

The FDB is responsible for the administration of approvals at establishments where the relevant activities listed in Article 10(1) of [Retained EU Regulation 183/2005](#) are undertaken.

Should an authorised officer be asked about approval by a FeBO, they should refer the FeBO to the application form on the FSS Online Registration Platform (also provided as Annex 5.1 and 5.2 in this Manual). If the officer receives a completed approval form from a FeBO, this must be passed to the FDB for processing. The form should be scanned and emailed to feed@fss.scot.

The FDB shall enter the details of the FeBO/ FeBE on the Feed MIS and the system will generate an inspection date for an on-site approval verification visit. The FDB will allocate this work to an authorised officer who should assist FeBOs in ensuring they are aware of the approval requirements.

The authorised officer is responsible for making recommendations to the FDB for the granting of approval, or otherwise, following the inspection.

The FDB shall manage the timescales for conditional approval (if applicable), revisits and full approval, as required, and assign establishments for approval to an officer's FMIS inbox, notifying the officer of the update.

The FDB is responsible for notifying the FeBO in relation to the outcome of the approval visit, using the appropriate approval forms (Annex 5).

Responsibility for approval at an establishment relating to the activity of the manufacture of a premixture and feeding stuffs containing a medicinal substance or a specified feed additive e.g. coccidiostats, histomonostats and growth promoters as listed in Article 10(1) (b) and (c) falls to the Veterinary Medicines Directorate (VMD) in Great Britain. This is regardless of whether vitamin A or D, or the trace elements, copper or selenium have been incorporated in the feed or other activities are carried out at the establishment where FSS has responsibility for approval or official controls.

5.3.2 Applications for Approval: Handling

Applications for approval received from a FeBO are dealt with by the FDB. Applications for approval of establishments shall only be accepted from FeBOs that intend to engage in activities for which approval is required, in accordance with [Retained EU Regulation 183/2005](#). Approval shall not be considered for an establishment which is not required to be approved by [Retained EU Regulation 183/2005](#).

FSS requires the FeBO to supply all relevant information before an application for approval is determined. Once all the relevant information has been received, the FDB shall pass this information to the authorised officer in order that they can undertake the inspection process. If the FeBO has not been able to provide all the necessary documentation, the FDB shall consider whether the inspection is to go ahead. If the inspection does go ahead, the authorised officer is to be asked to collect all outstanding documentation at this time. This shall then be passed to the FDB for saving on to Sharepoint.

5.3.3 Advisory Visits

In consultation with the authorised officer, the FDB will determine whether it is appropriate to undertake advisory visits to those establishments that have applied for approval, prior to an approval visit. The aim of the advisory visit is to help FeBOs identify any problems in the areas of structure and maintenance and feed safety management, so as to avoid any potential difficulties when the establishment is formally assessed for approval. The authorised officer will contact the FeBO to arrange the visit and will make the FeBO aware of the differences between an advisory and an approval visit. This shall be re-iterated by the officer at the time of the inspection.

5.3.4 Determination of Applications for Approval

Before reaching a decision on an application for approval, the FDB will require the authorised officer to carry out an on-site visit made in accordance with Article 13 of [Retained EU Regulation 183/2005](#), unless the exemption from an on-site visit, in accordance with Article 17 of [Retained EU Regulation 183/2005](#), applies (see 5.3.5). The on-site visit should take the form of an inspection of the establishment. The inspection should be conducted in accordance with, and cover, all aspects of the relevant inspection form for the business concerned (Annex 6) and consider all issues required by [Retained EU Regulation 183/2005](#).

Clear concise records must be kept of the inspection. The completed inspection form is available on to the Feed MIS.

The authorised officer can share their intended recommendation with the FeBO but must not provide them with a guarantee that approval shall be granted. The decision to grant

approval is the responsibility of the FDB and shall be determined once all evidence has been considered.

5.3.5 Exemption from On-Site Visit prior to Approval

An exemption from an on-site approval visit applies to feed businesses that trade feed products but never hold the product on their premises (including modes of transport such as lorries or ships). To qualify for this exemption, feed businesses must make a declaration to the FDB to that effect and in accordance with Article 17 of [Retained EU Regulation 183/2005](#). A model declaration form is provided in Annex 5.3, and is replicated on the FSS Online Registration Platform.

5.3.6 Conditional Approval

Article 13(2) of [Retained EU Regulation 183/2005](#) permits the granting of conditional approval following an on-site visit to an establishment which does not fully comply with the requirements of feed law, but only if the establishment meets all the infrastructure and equipment requirements.

The authorised officer will make a recommendation to the FDB as to whether conditional approval may be granted to an establishment where they do not fully comply with the requirements. However, conditional approval should not be recommended if the non-compliance could lead to feed adversely affecting the health of animals, or to humans through the consumption of animal products. If conditional approval is granted by the FDB, a further visit must be carried out within three months of the conditional approval being granted in accordance with Article 13(2) of [Retained EU Regulation 183/2005](#).

In appropriate circumstances as set out in Article 13(2) of [Retained EU Regulation 183/2005](#), conditional approval may be extended, but this is restricted to a maximum of six months from the date of the initial granting of conditional approval. The FDB, in discussion with the authorised officer, shall determine whether it would be appropriate to extend conditional approval.

Full approval should not be recommended unless all relevant requirements of the legislation have been met and the FeBO demonstrates that the operational controls are in place and they are fully compliant. For a new establishment, in all circumstances, conditional approval should be recommended prior to full approval being granted. This is because it will be impossible for the FeBO to demonstrate that the feed safety management system is valid and to verify its effectiveness until it is operational.

5.3.7 Records of Approval Inspections

The inspection form (Annex 6.1), available in FMIS, shall be used for all manufacturers visits including routine inspection of approved establishments in accordance with the risk rating. The form provides a “next inspection date” based on the outcome of the inspection.

A slightly different version of this form is available in FMIS which is to be used in connection with the approval status determination, regardless of whether it is related to the granting of approval, suspension, revocation or change to scope.

5.3.8 Approval Documentation

The FDB shall maintain a properly structured file, held electronically on Sharepoint, containing all the relevant information submitted and produced for establishments which require formal approval. It provides a history of the establishment concerned and how it has developed and provides continuity for new officers.

The following information shall be available and if not, it shall be requested at the time of inspection:

- the application form;
- declaration for exemption from on-site visit;
- a plan or plans of the establishment indicating:
 - the layout of the establishment;
 - the location of equipment;
 - work flows for each product line; and
 - pest control - baiting and/or trapping points within the establishment and external areas.
- a synopsis of the establishment which briefly describes what type of establishment it is, products produced, volume of product, type of trade, number of employees, and, if already approved, approval number and what it is approved for. This synopsis should be no more than one side of an A4 sheet;
- pre-approval inspection report;
- planned programme of works to achieve approval;
- approval notification document specifying:
 - details of activities to which the approval relates;
 - approval number;
 - any special direction(s) or conditions specified by FSS; and
 - labels and commercial documents bearing the identification mark.
- intervention reports on premises in chronological order;
- correspondence with establishment in chronological order;

- copies of notices or other formal action taken in chronological order;
- copy of company's emergency withdrawal plan and traceability system including names, telephone numbers, etc., of key personnel within the company;
- results of all samples taken by the authorised officer;
- location of any off-site facilities;
- copy of any other documents that have been provided by, or copied at, the approved premises, including:
 - HACCP documentation;
 - product list;
 - raw material, product sampling plans and test results;
 - process records;
 - management and key contact names and contact details;
 - photographs and digital images; and
 - product recall procedures.

5.3.9 Outcomes of Approvals Decisions

Subject to the outcome of the approval inspection and review of the approval documentation, the authorised officer shall make a recommendation for approval or otherwise to FDB. The FDB shall notify the FeBO with the outcome of the approval process, along with confirmation of the approval number, if appropriate. In addition, the FDB shall notify the authorised officer of this information. The approval number shall be constructed in accordance with Article 19(5) of [Retained EU Regulation 183/2005](#).

5.3.9.1 Granting of Approval

If the outcome of the inspection and review of documentation are satisfactory, the FDB shall notify the FeBO that approval has been granted using Annex 5.4.

5.3.9.2 Refusal of Approval and Appeals

An approval can be refused at any time in the approval assessment process.

Approval can be refused if there are structural or equipment deficiencies at the initial approval visit or if the prospective FeBO has no proposed HACCP based feed safety

management system, or it is deemed inappropriate to protect public and/or animal health, food or feed safety.

Full approval subsequent to conditional approval can be refused if:

- within the three months of conditional approval, insufficient progress has been made to meet the legal requirements in full and, in the judgement of the officer, there is insufficient evidence to demonstrate that the necessary work will be completed if a further period of conditional approval is granted; and
- at the end of the six month period there is insufficient compliance with structural, equipment and/or operational requirements and/or other relevant requirements of feed law, including the implementation of an effective feed safety management system based on HACCP principles.

Approval will be discontinued if, following conditional approval and before consideration can be given to recommend full approval or prolong conditional approval, the establishment ceases operations or a visit cannot be undertaken as a result of the relevant activities not being in operation. In such cases, conditional approval will cease to have effect and the FDB shall notify the FeBO accordingly.

If the authorised officer considers that any activities undertaken in an establishment, pending the result of an appeal, may present a risk to public and/or animal health, food or feed safety, it should consider the use or recommendation of use of relevant enforcement powers, appropriate to the circumstances involved. The recommendation to use enforcement action must be referred to FSS by [email](#), providing information of the FeBO, circumstances, recommended enforcement action and reasons for this course of action, taking the FSS Enforcement Policy into consideration. The email should have the following text in the subject line: ***“Third party referral - enforcement action to FSS”***.

Alternatively, the FDB may be phoned (0330 912 0377) in urgent circumstances (see Chapter 7). FSS is responsible for, and has the powers to, suspend or revoke approval (5.3.15).

The appropriate form (Annex 5.5 or 5.6) shall be used to confirm refusal of approval.

5.3.10 Change of Details of Activities

Article 16 of [Retained EU Regulation 183/2005](#) requires the Competent Authority to amend details of the approval of an establishment, where the business has demonstrated its capacity to develop activities which are additional to those for which it was first approved, or which replace them.

If a FeBO of an approved establishment wishes to undertake additional activities subject to approval, they must apply to FSS for approval before commencing the operation of that additional activity. The FeBE's ability to undertake additional activities should be assessed following the same procedures as a new establishment. The FDB shall consider whether an inspection should be made to inspect the alterations and whether an amended HACCP based feed safety management system is required. This will depend on the extent of the changes.

If an inspection is required, professional judgement should be used by the authorised officer, in the case of approving additional activities, to determine whether to recommend full approval in the first instance. This is only appropriate when the officer is satisfied with infrastructure, equipment and FeBO controls. The FDB shall issue a revised confirmation of approval document (Annex 5.4) to the FeBO to reflect the changes in the approval.

5.3.11 Change in Feed Business Operator

Article 9(b) of [Retained EU Regulation 183/2005](#) requires FeBOs to provide the Competent Authority with up-to-date information on any establishments under their control, including changes in ownership.

An approved establishment cannot change ownership and retain the existing approval. If premises used for an approved establishment changes ownership, an inspection and re-approval is required. The FDB will instruct the authorised officer to do so as appropriate.

What would be regarded as a change of FeBO may vary in different business arrangements. For example, when a member of a partnership leaves, it does not necessarily trigger a new approval if the remaining members of the partnership continue the business. However, if the partners sold the business to a sole trader who was not in the partnership, then this would constitute a change of FeBO.

If, during the course of an inspection or revisit, the authorised officer becomes aware of a change to an approved FeBO, they must advise the FDB by using the Notification of Changes to FeBO Details form (Approved Premises) at Annex 5.9. The FDB shall then contact the FeBO in order to request a new feed business approval form.

When the FDB or the authorised officer becomes aware of a change of FeBO for a FeBE that continues placing feed on the market without seeking a new approval after the change of operator, FDB shall initiate action to withdraw/recall feed if it is risk based and proportionate (see Chapter 7). However, feed not yet placed on the market should be detained until the new FeBO has been able to gain approval.

Where an establishment has been re-assessed for approval, due to a change of ownership and approval is granted, generally a new approval number will be allocated by FSS. However, having regard to issues of risk, cost and proportionality, a business may be able to retain its approval number where, other than for the change of FeBO, the business is to continue to operate from the same premises and in essentially the same way i.e. the type of feed production by the business and the feed safety control arrangements of the business remain essentially the same.

5.3.12 Change of Trading Name

Unlike a change of ownership, which would warrant a re-assessment for approval, a change of name for either the establishment or the FeBO, the approval document needs to reflect this. The change of name alone does not affect any existing matters arising in

relation to the establishment. If the authorised officer becomes aware of one or both of these changes, they must advise the FDB using Annex 5.9.

5.3.13 Closure of an Approved Establishment

Where an approved establishment has a break in operation or closure, the FeBO is obliged to keep FSS informed. Such breaks in operation can be categorised as follows:

Type of Closure	Action Required
Seasonal closure	An establishment may operate to a seasonal pattern with routine breaks in operation. Notification of this pattern must be provided by the FeBO as part of the application process by identifying the months when the FeBO intends to operate the establishment. The FeBO is then required to keep the FDB informed on any significant changes to those details including any establishment moving to or from a seasonal pattern. When a FeBO intends to re-commence operation, the FDB needs to be notified at least two weeks before operations are intended to re-commence.
Temporary closure	When a FeBO needs to temporarily halt operations due to renovation / development work at an establishment or due to a temporary downturn in trade, the FeBO is required to keep FSS informed about these significant changes to the operational pattern. In these cases, the FeBO must notify the FDB at least two weeks before operations re-commence.
Long-term closure	When a FeBO stops operations with no immediate intention to recommence for at least 6 months, the closure is classed as long-term. The FeBO is required to keep FSS informed about this significant change to the operational pattern and must notify the FDB at least two weeks before operations re-commence. Long-term closures should not be confused with seasonal closures. Seasonal closures are pre-notified routine breaks in operation to a seasonal pattern.

If the authorised officer becomes aware of the closure (seasonal, temporary or long-term) of an approved establishment, they must advise the FDB using Annex 5.9.

Following a period of closure of more than 4 months, the FeBO must not start operations until the FDB has been notified. The authorised officer may be asked to carry out a pre-opening visit. The purpose of the visit is to assess that the establishment meets all structural and equipment requirements and other relevant requirements of feed law, including the existence of a feed safety management system based on HACCP principles.

The FeBO's feed safety management system must be available at the pre-opening visit but as the establishment will not be operational, it will not be possible to assess how

effectively this works in practice. The effectiveness of the FeBOs feed safety management system will be assessed at the first scheduled visit after opening.

The process of pre-opening assessments is described below:

- where the pre-opening assessment results in the authorised officer being confident that the requirements of relevant feed law are met, the FeBO will be notified by the FDB that operations at the establishment can re-commence;
- where the pre-opening assessment identifies serious deficiencies in meeting the requirements of relevant feed law, the FeBO is required to provide the FDB with reassurance on how the deficiencies will be resolved on a permanent basis and within a reasonable time;
- where the FeBO provides adequate guarantees that the deficiencies will be resolved on a permanent basis and within a reasonable time, the approval will remain; and
- where the FeBO does not provide adequate guarantees or the timescale suggested for the deficiencies to be resolved is not reasonable, the establishment cannot re-commence operations. The approval will be reviewed by the FDB, in collaboration with the authorised officer. The FeBO will be notified of the deficiencies by FSS who will take appropriate enforcement action until the deficiencies are resolved on a permanent basis or a formal review of approval has been undertaken.

Following the pre-opening assessment visit, and when the FDB and the authorised officer are content that the establishment meets all of the relevant requirements of feed law, the FeBO will be notified that operations can re-commence by FSS.

FeBOs should be reminded by the authorised officer of the requirement to notify FSS of any changes that could affect the scope of approval during all programmed inspections.

5.3.14 Moving Premises – Retaining Approval Number

An approval number is not generally transferrable. However, if a FeBO of an approved establishment moves from their existing premises to a new one, FSS may allow the FeBO to retain the same approval number which was provided to them for the establishment which they are vacating. Reallocation of an approval number would only be permissible when the establishment moves to a new location, where the FeBO of the business remains the same, and the activities remain substantially the same.

In order to ensure that the approval numbers remain unique to a single establishment, the approval must first be surrendered by the FeBO to FSS and operations at the existing premises must cease. The same number may then be re-issued by FSS to the FeBO at the new premises, if approval at the new premises is deemed to be appropriate.

The operation at the new premises will be subject to new approval, including an application for approval, a site visit and an assessment of compliance with the requirements of the legislation. The FeBO must be granted approval prior to operations commencing in the new location.

5.3.15 Enforcement Options in Establishments Subject to Registration or Approval under Retained EU Regulation 183/2005

5.3.15.1 Introduction

FSS is responsible for enforcement action and generally will take enforcement action based on advice and recommendations from authorised officers from third parties. However, there may be occasions when it is necessary and/or appropriate for enforcement action to be taken by third parties and in such cases, this shall be agreed in writing (by email) between FSS and the third party.

Powers to revoke or suspend the registration or approval of an establishment subject to registration/approval requirements (Articles 9 and 10 respectively) under [Retained EU Regulation 183/2005](#). Decisions to revoke or suspend approval will be based on recommendations by the authorised officer to the FDB as a result of outcomes of official controls and enforcement activity. The recommendation to use enforcement action must be referred to FSS by [email](#), providing information of the FeBO, circumstances, recommended enforcement action and reasons for this course of action, taking the FSS Enforcement Policy into consideration. The email should have the following text in the subject line: ***“Third party referral - enforcement action to FSS”***.

The immediate effect of the suspension or withdrawal of an establishment’s approval is such that the establishment may not be used for any activities which would render it subject to approval/registration under [Retained EU Regulation 183/2005](#). On discovery of non-compliance in establishments subject to registration or approval/ conditional approval under [Retained EU Regulation 183/2005](#), the authorised officer should, before recommending to the FDB, a suspension or revocation, explore other enforcement options to control the feed hazards presented by the establishment (see Chapter 7).

Non-compliance should not necessarily be considered sufficient to justify the immediate suspension or withdrawal of an establishment’s approval or conditional approval, and a reasonable opportunity to achieve compliance should be allowed, where this is appropriate.

5.3.15.2 Suspension of Registration or Approval

Suspension of an establishment’s registration or approval should only be recommended by the authorised officer if other enforcement options have been considered and circumstances exist in accordance with Article 14 of [Retained EU Regulation 183/2005](#). The FDB shall notify the FeBO of suspension using Annex 5.7.

5.3.15.3 Revocation of Registration or Approval

The FDB will only initiate procedures to revoke an establishment’s registration or approval

if other enforcement options have been considered and discussed with the authorised officer, including suspension of the registration or approval, and if circumstances exist, in accordance with Article 15 (a) or (b) of [Retained EU Regulation 183/2005](#):

- it is shown that the establishment has not fulfilled the conditions applicable to its activities, for a period of one year; or
- it identifies ‘serious deficiencies’ or has had to stop production at an establishment repeatedly and the feed business operator is still not able to provide adequate assurance regarding future production.

The FeBO must provide the FDB with written assurance that it will resolve the deficiencies within a reasonable time (“reasonable” would be relative to the nature and magnitude of the deficiencies present although FSS considers ‘a reasonable time’ as being within 14 calendar days from the date of issue of notification of revocation (Annex 5.8) to the FeBO). The process for consideration of assurance is described below:

- where FSS, in consultation with the authorised officer, accepts that the FeBO’s assurance that serious deficiencies will be permanently resolved immediately and that there will be no foreseeable future stoppages of production, approval will continue;
- where FSS accepts assurance that the serious deficiencies will be permanently resolved within a reasonable time and the situation will be such that, once the serious deficiencies have been resolved, there will be no foreseeable future deficiencies serious enough to warrant stoppages of production, the approval will be suspended. Where this is not the case, approval will be revoked;
- where the FeBO’s assurance regarding future production is not accepted, the approval will be withdrawn; and
- where the FeBO does not provide assurance, approval will be revoked.

5.3.15.4 Appeals against Suspension or Revocation of Approval/Registration

Regulation 13(5) of the [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) stipulates that following an appeal against a decision of a Competent Authority (FSS) to suspend or revoke an approval/registration, the feed business operator who, immediately before such suspension or revocation, had been using the establishment concerned, may continue to use it, pending the results of the appeal, subject to any conditions imposed by the Competent Authority for the protection of public health.

If the authorised officer considers that any activities undertaken in an establishment pending the result of an appeal may present a risk to animal or public health, it should notify the FDB which shall consider the use of other relevant enforcement powers appropriate to the circumstances involved (see Chapter 7).

6. Organisation and Delivery of Official Controls

6.1 Introduction

This Chapter deals with:

- General obligations with regards to organisation of official controls; and
- Delivery of official control activities, methods and techniques, including implementation of earned recognition, where businesses may benefit from a reduced inspection frequency as a result of membership of a FSS approved assurance scheme.

6.2 Powers to Carry out Official Controls

FSS is provided with powers to carry out official controls under The Feed (Transfer of Functions) (Miscellaneous Amendments) Scotland Regulations 2020. These Regulations make provision for Food Standards Scotland to delegate the execution and enforcement of all or part of feed law to qualifying third parties.

Under these Regulations, FSS delegates those powers to Agents to enable them to authorise officers for delivering feed functions in the area detailed within the Delegated Service Level Agreement.

The Feed (Transfer of Functions) (Miscellaneous Amendments) Scotland Regulations 2020 provide delegation powers to:

- Agriculture Act 1970
- Genetically Modified Animal Feed (Scotland) Regulations 2004
- Genetically Modified Organisms (Traceability and Labelling) (Scotland) Regulations 2004
- Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
- Official Feed and Food Controls (Scotland) Regulations 2009
- Animal Feed (Scotland) Regulations 2010

6.2.1 The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, as amended

Regulation 24 of the [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) permits an authorised officer to enter premises for “executing and enforcing specified feed

law” and take with them such other persons as they consider necessary. This would include, for example, an assistant or expert. Specified feed law includes:

- [Part IV of the Agriculture Act 1970](#), in so far as it relates to animal feeding stuffs;
- [The Animal Feed \(Basic Safety Standards\) \(Scotland\) Regulations 2018](#);
- [The Animal Feed \(Scotland\) Regulations 2010](#);
- [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#);
- [The Official Feed and Food Controls \(Scotland\) Regulations 2009](#);
- [Retained EU Regulation 178/2002](#);
- [Retained EU Regulation 1831/2003](#);
- [Retained EU Regulation 183/2005](#);
- [Retained EU Regulation 767/2009](#);
- [Retained EU Regulation 2017/625](#);
- [Retained EU Regulation 2019/1793](#)

The [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) also provides the powers to inspect:

- any material appearing to the officer to be feed;
- any article appearing to the officer to be a container or package used or intended to be used to store, wrap or package any feed, or to be a label or advertisement used or intended to be used in connection with feed; and
- any vehicle, plant or equipment appearing to the officer to be used, or intended to be used, in connection with the manufacture, production, storage, transport or use of feed, and any process of manufacture, production, storage, transport or use of feed.

Further powers relating to the seizure of feed and the prohibition of certain activities are also contained in the [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#), as amended.

6.2.2 Official Feed and Food Control (Scotland) Regulations 2009

Regulation 18 of the [Official Feed and Food Control \(Scotland\) Regulations 2009](#) contains further powers of entry which are applicable to the official control of feed. Regulation 31 permits appropriately authorised officers of Competent Authorities to use the powers set out in Articles 65 to 67, 72 and 46 of [Retained EU Regulation 2017/625](#) on the official controls performed to ensure the verification of compliance with feed law including detention, destruction, special treatment, re-dispatch and other appropriate measures and costs.

Powers of entry to examine feed, equipment, documentation and computerised systems are available in the Official Feed and Food Control (Scotland) Regulations 2009, as amended.

6.3 Service Delivery Plan

FSS shall produce an annual service delivery plan which shall be published on the FSS website, and shared with Agents.

6.4 Planning of Interventions

Unless otherwise instructed, interventions undertaken under the delegated feed model, as laid out in the DSLA and this Feed Manual, will be inspections and sampling visits only, in order to develop a history of compliance data. Interventions types will be reviewed after five years.

FSS is responsible for the development of the annual inspection plan and sampling plan.

6.4.1 Development of Inspection Programme

FSS has collected historical data on feed business establishments from local authorities and has enhanced the premises data with information from assurance schemes, Scottish Government and VMD.

Where historical information from LAs contains confidence in management/level of compliance data, this has been mapped from the various LA risk rating schemes to the new FSS scheme as shown in the table below. Where separate compliance information was unavailable, but the premises had been assigned an overall risk rating, this risk rating was assigned a notional compliance score to enable an initial inspection frequency to be assigned; this ensures higher risk rated premises with incomplete information will be visited early in the inspection cycle, which will enable accurate information to be obtained.

LACORS scheme Local confidence in management scores	Revised TSS scheme Likelihood of Compliance (LOC) scores	FSS Confidence in Management/ Control Systems	FSS Level of Current Compliance	New Compliance Score
No confidence 30	Very low 80	Poor 30	General failure 40 (poor)	Poor 100
Little confidence 20	Low 60	Varying 20		Varying 70

Some confidence 10	Medium 40	Satisfactory 10	Some minor non-compliances 10 (average)	Satisfactory 42
Medium confidence 5	High 20	Broad 5	High standard 0 (good)	Broad or better 21
High confidence 0	Very high 0	Broad good/excellent 0/-10		Satisfactory <u>and</u> assurance scheme 0
	Not yet assessed 40			Not yet assessed 100

Where information is unavailable about previous inspections, a number of assumptions were made:

- Non-farm business presents the greatest risk, and a compliance score of 100 has been assigned to those premises which have no known inspection date. These premises will be assigned to the inspection plan according to their potential risk score to enable the development of a sustainable plan which delivers a relatively consistent number of inspections in each year over a five year cycle.
- Farms are assumed to be low risk (2%), unless information is available to indicate a history of poor compliance, in which case they are allocated a 25% risk rating.

FSS develops the inspection programme based on the risk rating of businesses. The risk rating (Annex 4.1) determines frequency of interventions⁶. The draft programme shall be shared with the Agent eight weeks in advance of the start of the year. The Agent and FSS shall agree the inspection programme 4 weeks before the start of the financial year.

The draft plan, developed by FSS for each LA area, has two elements. For those businesses that have an existing risk rating and therefore a due date for inspection, these details shall be specified. It is essential that planning does not compromise the 28 day window on either side of its due date to deliver the inspection. For those businesses that have not been previously inspected nor have received an inspection in a number of years, there will be some flexibility for the Agent to schedule each inspection. The Agent should aim to programme inspections in order to minimise excessive travel. Where possible, they should schedule inspections together that are in close geographical proximity to each other.

On an ongoing basis, FSS shall make use of the following information to determine each annual inspection plan and make any adjustments to the plan during the course of the year, when required according to risk:

- risk rating scores applied by the authorised officer, subsequent to the inspection;
- intelligence gathered which impacts on risk and compliance;
- known feed safety issues;

⁶ The risk rating will be reviewed five years after implementation of the centralised feed model.

- ongoing membership of an approved FSS assurance scheme (“earned recognition”); and/or
- notification that an approved FSS assurance scheme has lost its approval (“earned recognition”)

6.4.2 Amendment of the Inspection Plan

The Inspection Plan shall be reviewed by both FSS and the Agents on a quarterly basis.

Circumstances might arise where it is necessary to defer or bring forward programmed inspections, for example in response to an emerging incident, new legislation etc.

FSS will, before determining that it is necessary to defer or bring forward an official control, consider whether urgent action is necessary to safeguard public or animal health, food or feed safety, or the legitimate interests of consumers or businesses.

Should the inspection programme require to change during the year, the number of inspections shall be adjusted accordingly with lower risk businesses dropped from the inspection programme to accommodate these changes where necessary.

During the course of the year, circumstances beyond the control of the FSS or Agents may arise that prevent the planned programme being delivered (e.g. incident, animal health issue). In this case, FSS shall aim to divert authorised officers to other feed related work.

6.5 Delivery of Inspections

The inspection process includes

- notification, where appropriate;
- preparation;
- inspection at feed business;
- discussion with Feed Business Operator (FeBO);
- report writing;
- use the risk matrix to determine risk following each official control intervention;
- follow up action where required.

6.5.1 Issues relating to Particular Types of Businesses

6.5.1.1 Establishments undertaking activities R1-R9, R10, R11 or R12

The FDB will, on notification of a new registration, request that the authorised officer carries out an inspection within a timeframe appropriate to the information provided in the registration form, the output of which will be a risk-rating for the establishment, determined in accordance with Annex 4.1.

If necessary, the inspection programme may be amended, dropping lower risk businesses from the programme to accommodate higher risk businesses and newly registered businesses as necessary.

6.5.1.2 Establishments undertaking activities R13 and R14

Based on a significant body of evidence collected across the UK over a number of years⁷, a FeBE, which solely undertakes one of the activities R13 and R14 or a combination of these, does not need to be inspected to determine their level of current compliance. They are automatically regarded as having been inspected and achieving satisfactory levels of current compliance⁸. The frequency of inspection will be deemed to be 2% (see Annex 4.1), unless there is knowledge of non-compliance, in which case it will be 25%.

6.5.1.3 Primary Production (R10, R11, R13 and R14)

When a farm is a feed business, it is also considered to be a food business:

	Feed	Food
Livestock	Feeding of animals	Rearing animals to enter the food chain as meat or another animal products
Arable	Arable farms may supply both the feed and food markets depending on market demands	

Inspections of food hygiene primary production may be carried out at the same time as inspections of feed hygiene at primary production, in accordance with the feed law risk rating and frequency.

Regulation 14 of the [Food Hygiene \(Scotland\) Regulations 2006](#) provides powers of entry to premises by an authorised officer to ascertain if there have been any contravention of

⁷ Primary Production pilot: 2008 - 2013

⁸ Definitions for Levels of Compliance are found in Annex 4.1

the provisions of the Food Hygiene Regulations; any evidence of any such contravention; and to perform any duties under the Food Hygiene Regulations.

Where it is necessary to take any formal enforcement action under food law, this can only be taken by an officer meeting the qualification and experience requirements detailed in the Food Law Code of Practice. Therefore, if enforcement action is necessary, the authorised officer must inform the FDB as soon as possible, by email, so that the matter may be referred to the appropriate local authority.

6.5.1.4 Member of FSS Approved Assurance Scheme

If the FeBO is a member of a FSS approved assurance scheme, Paragraph 6.6 (“Earned Recognition”) applies.

6.5.1.5 Scottish Government Inspections

An arrangement exists between FSS and the Scottish Government Directorate for Agriculture and Rural Economy (ARE), Rural Payments and Inspections Division (RPID) where RPID officers carry out food and feed hygiene inspections on farm, on behalf of FSS, when they are already present on farm to undertake cross compliance and egg marketing inspections. The authorisation of RPID officers extends only to primary production. However during their primary production inspections, they may identify non-primary production activities.

If, in the course of RPID’s inspections, the RPID officer identifies that a business is undertaking non-primary production feed activities to the FDB, this shall be recorded on the inspection form, a copy of which is sent to the FDB. The FDB shall amend the feed business establishment’s details on the Feed MIS which will generate an inspection date.

6.5.1.6 Establishments undertaking more than one activity

Feed Businesses many carry out more than one activity (see Annex 5.2.) Generally, the risk rating is based on the activity that poses the greater risk (potential risk score). In the case of farms which may also be carrying out non-primary production activities, the risk rating should reflect that of the higher risk activities, however, the primary production activities need not be inspected every time.

6.5.1.7 Food Businesses Producing Feed

Food businesses may also be registered as feed businesses and are subject to the same controls as other feed business establishments. Examples include

- Food manufacturers and branches of supermarkets involved in the transfer of surplus foodstuffs (e.g. out-of-date bakery products) into the feed chain.
- Brewers, distillers, biofuel manufacturers, dairies and food manufacturers selling co-products (e.g. brewers and distillers grain, whey powder etc.) into the feed chain.

6.5.1.8 Non-Feed Functions

FSS is not the competent authority for the functions listed below and powers to deal with them sit with local authorities. In the event that an issue is identified relating to one of these functions or any other outside the authorisation of the officers, whilst undertaking an intervention under feed law, this must be reported to the FDB as soon as possible by [email](#) to enable FSS to engage the appropriate competent authority as early as possible. Information relating to the issue must be as clear, accurate and detailed.

- [Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2013](#);
- [The Pesticides \(Maximum Residue Levels\) \(Scotland\) Regulations 2008](#);
- [The Trade in Animal and Related Products \(Scotland\) Regulations 2012](#); and
- [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010](#) (TSE Regulations).

6.5.2 Planning and Notifications of Inspections

“Official controls shall be performed without prior notice, except where such notice is necessary and duly justified for the official control to be carried out”⁹. The following circumstances are examples of justification for the authorised officer provide prior notification of official controls, although the notification should be as short as practicably possible:

- where it is advantageous to give advance notice and the overriding aim is ensuring compliance with feed legislation e.g. presence of key members of staff;
- making efficient use of resources (avoiding unnecessary journeys);
- when the purpose of an inspection is to see a particular process in operation; or
- examine records which are only available if the proprietor of the feed business is present.

⁹ Article 9 of [Retained EU Regulation 2017/625](#)

6.5.3 Preparation

In advance of each inspection, the officer shall familiarise themselves with the history of intervention, enforcement action and any other pertinent issues that may inform compliance where they exist, for example, feed crime issues, warning markers against a business such as threatening behaviour. Such information may be available from the FSS Intelligence Management system and colleagues in the FSS SFCIU. The FDB will facilitate authorised officers employed by Agents in obtaining this information.

6.5.4 Intervention types

As previously, unless otherwise stated, interventions required under this arrangement are inspections and sampling visits.

Revisits must be undertaken to follow up on action required as a result of the initial inspection.

6.5.4.1 Inspections

Generally, a full inspection is required for each planned inspection. However, certain circumstances may warrant a partial inspection, and these include (but are not limited to):

- partial inspection of a large/complex establishment, where the inspection would look in detail at a particular process or operational area within the business; and
- partial inspection as part of a focused feed hygiene or feed standards campaign.

Feed businesses that fail to comply with significant statutory requirements must be subject to appropriate enforcement action (Chapter 7). Failure to comply with significant statutory requirements may include:

- a single requirement that compromises feed safety, compromises public or animal health, or prejudices the purchaser or user of the feed;
- a number of requirements that, taken together, indicate ineffective management; and
- the requirements of a statutory Notice or Order.

Revisit inspection(s) are generally carried out on any feed business assessed as having less than 'satisfactory compliance', when compliance cannot be assessed by other means. Revisit inspections must be based on the relevant inspection form for the business concerned. The revisit must focus on the statutory requirement contraventions that were found at the previous inspection.

6.5.4.1.1 Overview

Officers must:

- base inspections on the relevant model form for the activity carried out by the business concerned (Annexes 6.1 – 6.3). The form is intended to assist officers and businesses by introducing a structured approach to the inspection process consistent with quality assurance practice;
- establish the scope of the business's activities and the relevant feed law that applies to the operations taking place, including any relevant changes since the last official control;
- discuss with the FeBO or representative the purpose and scope of the inspection, and what the officer intends to do;
- identify all of the feed related activities undertaken by the business, the areas of the establishment used for the preparation, production and storage of feedstuffs, any processes used and the staff involved. Officers may question staff of feed businesses who have been given specific responsibilities for ensuring compliance with relevant legal requirements in order to verify that they understand their duties and are carrying them out effectively;
- thoroughly and systematically gather and record information from the observation of practices, procedures and processes, including procedures based on Hazard Analysis and Critical Control Points (HACCP) principles, and discussion with FeBOs, feed industry contractors and their employees;
- record sufficient information of the officer's findings to indicate what was examined/inspected, how compliance with a feed requirement is achieved at the FeBE, and any deficiencies identified. Officers must thoroughly and systematically gather and record information from the observation of practices, procedures and processes, including procedures based on HACCP principles, and discussion with FeBOs and managers;
- make an assessment of whether to take samples, and if so what to sample (e.g. raw materials, ingredients, additives, intermediates, finished products). This consideration must be an integral part of every full inspection, but particularly in feed manufacturing businesses and on-farm mixers. Samples are to be input to the SFSD and sample reference numbers recorded on inspection form (also see 6.10);
- identify possible sources of contamination with undesirable substances and where analysis reveals maximum permitted levels or action thresholds have been exceeded;
- identify any actual or potential breaches of feed law and, if appropriate, gather and preserve evidence;
- check existing registration and approval details at the time of the inspection.

6.5.4.1.2 Feed Composition

An authorised officer carrying out an inspection must, as appropriate, pay particular attention to relevant key control points, mixing stages when ingredients are added, monitoring and verification procedures, corrective actions and documentation.

In particular, an officer conducting a feed composition inspection must:

- consider the existence and effectiveness of management systems designed to ensure that feed compositional requirements are met and, where they exist, test their effectiveness;
- assess compliance with composition, presentation and labelling requirements by examining labels, descriptions, formulae, sampling and other records;
- checks for the presence of non-permitted additives or excessive levels of additives, and for undesirable substances (particularly those subject to a maximum permitted level), prohibited materials or other contaminants;
- consider taking samples to verify feed compositional requirements;
- assess compliance with the traceability requirements of Article 18 of [Retained EU Regulation 178/2002](#);
- assess the risk of the enterprise failing to meet legal requirements relating to composition, labelling, presentation and advertising of the feed; and
- recommend good practice in accordance with relevant industry codes and other relevant technical standards.

6.5.4.1.3 Feed Hygiene

[Retained EU Regulation 183/2005](#) on Feed Hygiene defines 'Feed Hygiene' as 'the measures and conditions necessary to control hazards and to ensure fitness for animal consumption of a feed, taking into account its intended use'.

Feed Hygiene inspections must include checks that the feed business is meeting the provisions of requirements of [Retained EU Regulation 183/2005](#) relating to the safety for consumption of animal feed, in particular that safety requirements in relation to animal health, human health through the consumption of animal products, and to the environment are being met.

The approach to inspection will depend on the legal requirements that apply to a particular feed business as outlined in Annexes I, II and III of [Retained EU Regulation 183/2005](#) and the extent to which the business has to apply the principles of a HACCP based feed safety management system.

Hazard Analysis and Critical Control Point (HACCP) is an internationally recognized system for reducing the risk of safety hazards in feed. A HACCP system requires that potential hazards are identified and controlled at specific points in the process. This includes biological, chemical or physical hazards. Any business involved in the

manufacturing, processing or handling of feed products can use HACCP to minimise or eliminate feed safety hazards in their product.

In general, an officer conducting a feed hygiene inspection must:

- assess the risk to the business of failing to meet hygiene standards as laid down (e.g. Annex I, II and III or HACCP as applicable);
- assess the risk of the enterprise failing to meet feed hygiene requirements;
- assess the hazards posed by the activities of the business, the feed business operator's understanding of those hazards, and the application of appropriate controls; having regard to the nature and size of the business;
- assess and verify appropriate procedures based on HACCP principles appropriate to the nature and size of the business, confirming that controls are in place and operating effectively and that appropriate corrective action is taken when necessary;
- examination of records required to be kept by feed businesses in Annex I and II of [Retained EU Regulation 183/2005](#) and that this requirement is being observed;
- establish whether feed is being handled and produced hygienically, is safe, and that relevant storage conditions are being observed; and
- recommend good feed hygiene practice in accordance with EU and UK Industry Guides, relevant sector specific codes, and other relevant technical standards, and promote continued improvements in hygiene standards through the adoption of good practice.

In addition to the general requirements detailed above, a feed hygiene inspection must include, if appropriate:

- a discussion with any staff responsible for monitoring and corrective action at critical control points to confirm that control is effective;
- a physical inspection to determine whether critical control points have been identified and whether the controls are in place and to assess compliance with relevant feed law;
- assess the hazards posed by the activities of the business, the understanding of those hazards and the application of appropriate controls, having regard to the nature and size of the business;
- physically inspect to determine whether critical controls have been identified and whether the controls are in place and operational;
- assess and verify that the feed safety management procedures based on HACCP principles are appropriate and proportionate to the nature and size of the business. The assessment must confirm that controls are in place and operating effectively and that appropriate corrective actions are taken where necessary;
- taking samples to verify controls are in place;
- recommend good hygiene practice in accordance with appropriate codes of practice, in particular [Community Guides](#) developed under Article 20 of the

[Retained EU Regulation 183/2005](#), and promote continued improvements in hygiene standards through the adoption of good practice;

- discuss with the FeBO any hazards identified that have not been covered by the business, or though identified are not covered by effective controls;
- inspect records of business purchases to establish that all feeds or additives have been sourced from feed businesses that are either approved or registered to supply such material in accordance with the [Retained EU Regulation 183/2005](#); and
- an assessment of compliance with the traceability requirements of Article 18 of [Retained EU Regulation 178/2002](#).

In relation to primary production, the FSA produced an officer guide: [Guide to Primary Production Food and Feed Hygiene Inspections in Scotland](#).

Published UK and EU Guides to Good Practice may be particularly relevant to certain establishments subject to feed law, as will other published recommended industry codes of practice. Officers may draw these to the attention of FeBOs in appropriate circumstances:

- Community [guides](#) to good practice were developed in accordance with Article 22 of [Retained EU Regulation 183/2005](#) laying down requirements for feed hygiene;
- [Codex Alimentarius Standards](#) relevant to feed;
- [PAS 222:2011](#) Prerequisite programmes for food safety in the manufacture of food and feed for animals;
- Guidance on [mixing additives and premixtures directly in feeds and mixing compound feed with additives](#) and [HACCP-related requirements of the Feed Hygiene Regulation for farmers](#);
- Guidance on [the requirements for food and drink businesses that supply material for animal feed use](#);
- Defra [Code of Practice](#) for the control of salmonella during the production, storage and transport of compound feeds, premixtures, feed materials and feed additives;
- European Feed Manufacturers (EMFC) [guide published by the European Feed Manufacturers' Federation \(FEFAC\)](#) on good practices for the industrial manufacturing of compound feed and premixtures for food producing animals;
- EU community [guide](#) to good practice for feed additive and premixture operators;
- EU [guide](#) to good practice for the industrial manufacture of safe feed materials;
- EU [guide](#) to good hygiene practices for the collection, storage, trading and transport of cereals, oilseeds, protein crops, other plant products and products derived thereof;
- Advisory Committee on Animal Feedingstuffs ([ACAF](#)) review of on-farm feeding practices - updated [recommendations](#) on identifying hazards and minimising risks;
- Industry [Code](#) of Practice for on-farm feeding, which applies to farmers and covers all aspects of on-farm feeding, including on-farm mixing; and

- [Guide](#) for the feed industry – implementing the Codex Alimentarius Code of Practice on good animal feeding

6.5.4.1.4 Requirement for feed safety management procedures based on HACCP principles

Feed businesses in the UK must comply with both the European and national feed hygiene legislation. [Retained EU Regulation 183/2005](#) on feed hygiene contains the general hygiene requirements for all FeBOs.

Article 7 of the [Retained EU Regulation 183/2005](#) requires all FeBOs (except primary producers) to put in place and to maintain a permanent procedure, or procedure(s), based on the principles of HACCP, including the keeping of relevant records. The procedures can be applied flexibly and proportionately according to the size and nature of the feed business.

Whilst larger, more complex businesses and businesses that have a high level of understanding of feed safety management may choose to demonstrate compliance with the legislation by putting in place a traditional HACCP system, others may do so with simpler approaches that take account of this flexibility.

In practice, compliance means:

- obtaining assurance that the person responsible for feed safety understands significant hazards and has them under control by questioning, for example;
- seeing that there are written procedures that demonstrate how the business controls these hazards at all times; and
- seeing evidence that these procedures are followed, and that they are reviewed and kept up to date.

See [guidance](#) produced by the FSA on HACCP flexibilities for on-farm mixers subject to Annex II requirements of Retained EU Regulation 183/2005.

In order to support small food manufacturing businesses, FSA has developed MyHACCP, www.food.gov.uk/myhaccp, a free interactive web tool, which guides food businesses through the process of identifying food safety hazards and controls and the production of a documented food safety management system based on HACCP principles. Officers may find this tool relevant for smaller FeBOs. Further advice is available on the Commission website at: https://ec.europa.eu/food/safety/biosafety/food_hygiene/guidance_en

6.5.4.2 Sampling

It is anticipated that the majority of samples shall be informal and taken when on site to carry out an inspection. There may be occasions, however, when it is necessary to undertake a specific sampling visit.

A visit to an establishment for the purpose of obtaining a sample may be considered an inspection only when the sampling activity forms a component part of a wider-reaching official control that provides sufficient information to allow the officer to determine the level of compliance. For example, sampling may be used to validate the FeBO's HACCP, in relation to cross contamination or hygiene controls. Such a visit shall be considered an inspection and not a sampling visit.

Further information on sampling is found in Paragraph 6.10.

6.5.4.3 Approval Visits

As described in 5.3, an authorised officer may be asked to carry out pre-inspection approval work and inspections at feed businesses subject to approval for one of the following purposes, subject to agreement by FSS:

- advisory visit
- determination for application for approval, including conditional approval
- change to feed business details: change of details or activity, change of FeBO, change of trading name, re-opening after seasonal closure, change of address
- follow up following suspension or closure

In addition, approval feed business establishments will be subject to routine inspections and these will be included in the inspection plan for the Agent.

6.5.5 Remote Assessments

In the event that official control inspections cannot take place or require to be reduced (for example, continuing Covid restrictions or force majeure), remote assessments may be considered as an alternative. These can include documentary audits, followed up by a physical inspections (if it can be carried out safely), if public health concerns are identified. Should such a situation arise, further guidance will be made available by FSS.

6.5.6 Recording of Official Controls and Reports

The authorised officer must use the model forms at Annex 6 of this Manual to enable the recording of inspections i.e. what was examined, whether or not it complies with legislative requirements and remedial actions which are required to rectify non-compliances. These should be completed on line using FMIS. FMIS will generate a "next inspection date" based on the outcome of the inspection, with the exception of approval status determination visits.

Officers shall ensure that sufficient information is captured and recorded accurately during official controls using agreed inspection templates to demonstrate that a thorough

assessment of compliance has been carried out. SFSD shall be used for the recording of samples. The officer must provide the SFSD sample reference number on the Annex 6 form within the FMIS. Any related documentation collected during the intervention shall be scanned and saved into the FSS information storage system.

The mobile devices have been pre-loaded with the template inspection forms which the officer must populate whilst on site. The FMIS will automatically update on full and partial completion of the forms.

This will only occur when there is adequate connectivity and the officer must aim to ensure that internet access is available within 2 working days to enable automatic upload. If this is not possible, FSS should be notified by phone (0330 912 0377).

Officers must offer advice where it is appropriate or is requested, and must encourage FeBOs through an educative approach to adopt best/good practice to ensure statutory compliance.

The outcomes must always be reported in writing to the FeBO. The system will generate a template letter. Regardless of the outcome of the inspection, the letter shall be emailed or posted to the FeBO within 1 working day of completion of the inspection form.

At the conclusion of every inspection, the officer must discuss any contravention of feed law discovered, any corrective action necessary, the timescale for corrective action, any further action the officer intends to take and any recommendations of best/good practice that the officer considers appropriate. In the closing discussion, and in subsequent reports or correspondence, officers must clearly differentiate between action required to comply with legal requirements and recommendations of good practice.

On request, the authorised officer must advise and discuss with the FeBO the inspection frequency or risk rating applied to the business.

If the officer considers that formal enforcement action (statutory notice) is necessary, they should consult FSS in accordance with Chapter 7.

6.5.7 Risk Rating

After every inspection the officer must risk rate the establishment, even if there is follow up work to do.

Officers shall use the full range of current levels of compliance scores available (Annex 4.1), to prevent the risk-rating system being frustrated by cautious marking or by a reluctance to recognise effective management/control systems. Where businesses fall into more than one scoring category for a scoring factor, they must be allocated the highest score of those that are applicable.

The “ACTSO guidance on applying compliance score for the purpose of risk rating feed businesses” can be found on the Knowledge Hub (National Agriculture Community) and although it refers to different risk rating schemes, the examples given for the different compliance levels (poor, varying, satisfactory and broad) apply equally to the FSS risk rating scheme.

Revisits can take place until compliance is achieved. If officers consider that formal enforcement action is the most appropriate route to compliance, they should consult FSS as described in Chapter 7. The Feed Enforcement Policy must be considered in these circumstances.

The officer may, depending on the outcome of the revisit, re-risk rate, but in order to do so, must carry out an inspection which provides them with sufficient evidence to risk rate appropriately.

6.6 Earned Recognition - Introduction

6.6.1 Overview

FeBOs, who demonstrably maintain high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by FSS when determining the frequency of their official controls and therefore earn recognition.

Article 9 of [Retained EU Regulation 2017/625](#) on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules states:

“1. Member States shall ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency, so as to achieve the objectives of this Regulation taking account of:

(a) identified risks associated with animals, feed or food, feed or food businesses, the use of feed or food or any process, material, substance, activity or operation that may influence feed or food safety, animal health or animal welfare;

(b) feed or food business operators' past record as regards compliance with feed or food law or with animal health and animal welfare rules;

(c) the reliability of any own checks that have already been carried out; and

(d) any information that might indicate non-compliance.”

Earned Recognition is an element of the [FSS's Regulatory Strategy](#) approach to rewarding responsible businesses and encouraging industry to promote the positive role of regulatory standards. It aims to reduce the burden on compliant businesses whilst concentrating enforcement activity at those businesses which are less compliant.

A feed business may qualify for Earned Recognition if it a member of a FSS approved assurance scheme and demonstrates at least a 'satisfactory' level of current compliance¹⁰ with feed law.

The Feed Law Risk-Rating System and general approach to Earned Recognition has been designed to better recognise FeBOs 'own checks'. Whilst there is no definition of 'own checks' in [Retained EU Regulation 2017/625](#), FSS, in consultation with FSA, other Government Agencies and the European Commission, is of the opinion that a FeBO that

¹⁰ Levels of compliance are found in Annex 4.1

is a compliant member of an assurance scheme, where the standards require compliance with feed law and include independent third party audit of members' establishments to verify compliance, can be used as the basis for certain feed establishments to qualify for Earned Recognition. These assurance schemes are referred to as being 'approved' in this manual.

The **Agricultural Industries Confederation schemes** currently have FSS approved status:

- Universal Feed Assurance Scheme (UFAS);
- Feed Materials Assurance Scheme (FEMAS); and
- Trade Assurance Scheme for Combinable Crops (TASCC)

This arrangements are detailed in the [Memorandum of Understanding](#), which details:

- the relevant scheme standard for which Earned Recognition has been awarded;
- any limitations to the scope of Earned Recognition awarded;
- arrangements which permit FSS to regularly review the approved status of the scheme;
- the expected frequency of inspection for members of the scheme;
- roles and responsibilities of the parties involved; and
- general principles of collaboration.

Note: Feed establishments that are subject to on-going formal enforcement or are known not to have satisfactory levels of compliance cannot qualify for earned recognition.

6.6.2 The Role of FSS

It is the FSS's role as Competent Authority, to assess individual assurance schemes which have applied for 'approved' status. This is done in collaboration with FSA.

FSS will review and verify the approved status of assurance schemes on a regular basis using both information provided by the assurance schemes and authorised officers together with other relevant intelligence. FSS will agree actions to be taken by an assurance scheme where the general standards of compliance by its members are causing concern. This does not affect the role of authorised officers and FSS in ensuring that individual establishments take corrective action to deal with non-compliances or their role in removing Earned Recognition from an establishment if it fails to attain a minimum level of satisfactory compliance.

FSS will update the list of approved assurance schemes and share relevant summary data on assurance scheme audit findings with Agents on a regular basis.

6.6.3 The Role of the Authorised Officer

It is the officer's role to assess compliance of FeBOs with feed law. In doing this, the officer will be able to:

- assess whether individual feed businesses which have Earned Recognition, as a member of an approved assured scheme, is satisfactory or broadly compliant and can retain its reduced level of inspection; and
- ensure that any non-compliance is rectified in a timely way (subject to agreement with FSS on the approach to any formal enforcement action).

6.6.4 Criteria of the Approval of Assurances for Earned Recognition

To be approved, an industry scheme must meet FSS key requirements and criteria which may be found in the "[Memorandum of Understanding for Earned Recognition](#) (Feed Hygiene and Medicated Feed) Between: The Food Standards Agency, The Veterinary Medicines Directorate, Food Standards Scotland and The Agricultural Industries Confederation (November 2017)".

6.6.5 Continued Monitoring of Approved Assurance Schemes

Once FSS has approved an assurance scheme, steps will be taken to ensure continuing confidence in the scheme through verification. The verification process will enable FSS to be assured that the scheme continues to deliver high standards, good governance and impartiality that lead to approved status. The inspections of feed business establishments which are members of these approved assurance schemes will form an essential element in this process, and enforcement data and other intelligence from official controls carried out will be key sources of information.

Verification will also allow FSS to intervene should the scheme fail to meet the criteria laid out in Memorandum of Understanding for Earned Recognition. FSS will work with the assurance scheme to ensure FSS criteria for approval are met. FSS can remove approved status. Should FSS take this step, it will adjust the risk rating / visit frequency for those businesses concerned and adjust the inspection programme accordingly.

6.6.6 Information from the FSS Approved Assurance Scheme

FSS receives regular notifications from assurance schemes detailing participants whose certification has been withdrawn, the reason why and details of any new certifications. FSS shall update the feed establishment register accordingly.

6.7 Applying Earned Recognition

The table below details the action required by FSS in applying Earned Recognition to:

- new FeBEs that come to the attention of FSS for the first time;
- FeBEs which are registered but have never been inspected;
- change of FeBO for the FeBE to which Earned Recognition applies; or
- previously inspected FeBEs who are, or become, a member of an FSS approved assurance scheme.

6.7.1 For Establishments undertaking activities A1 – A11 and R1 – R12

Inspection Status of the FeBE	Action required	Action necessary on database (FSS)
<p>New FeBEs that come to the attention FSS for the first time;</p> <p>FeBEs which are registered but have never been inspected; or</p> <p>The FeBO changes at the FeBE to which Earned Recognition applies.</p>	<p>The FDB will request that the authorised officer carries out an inspection within a timeframe appropriate to the information provided in the registration form. The inspection will determine their current level of compliance before Earned Recognition (ER) is applied following which the risk-rating for the FeBE must be determined in accordance with the feed law risk-rating system at Annex 4.1.</p>	<ul style="list-style-type: none"> • Register FeBO and update FeBO details, if appropriate • Update database to show scheme member; • Record inspection on database; • FeBO entitled to be awarded ER when found to have at least satisfactory current levels of compliance which will decrease the frequency of inspection as per Annex 4.1; • Withhold ER until satisfactory levels of current compliance are being achieved by the FeBO and FSS to notify FeBO of decision to withhold ER
<p>Previously inspected FeBEs who are, or become, a member of a FSS approved assurance scheme and are achieving at least satisfactory levels of current compliance.</p>	<p>FSS must automatically apply ER to these FeBEs by making the adjustments, only if their current level of compliance is satisfactory, to the frequency of inspection, appropriate to the FeBE in accordance with Annex 4.1.</p> <p>Arrange for inspection as Retained EU Regulation 183/2005, Annex II applies to the FeBE within 3 months.</p>	<ul style="list-style-type: none"> • Update database to show scheme member • Record inspection on database; • FeBE entitled to be awarded ER when found to have at least satisfactory current levels of compliance which will decrease the frequency of inspection as per Annex 4.1; • Withhold ER until satisfactory levels of current compliance are being achieved by the FeBE and FSS should notify FeBO of decision to withhold ER

6.7.2 For Establishments undertaking activities R13 and R14

Unless there is information available that indicates the establishment has poor or varying levels of compliance, it will be assigned a 2% inspection frequency. If the compliance levels are known to be poor or varying, then the establishment will be assigned an inspection frequency of 25%. No initial inspection is required.

6.8 Removal of Earned Recognition by FSS

For businesses that are subject to earned recognition, the frequency and type of inspection will apply, as set out in Annex 4.1, until such time as:

- the FeBO, subsequent to an inspection, is assessed as having less than a 'satisfactory' level of current compliance with relevant feed law;
- the FeBO is no longer a member of a FSS approved assurance scheme; or
- the assurance scheme is no longer approved by FSS.

6.8.1 Removal of Earned Recognition on Feedback from Assurance Scheme

6.8.1.1 Notification of a FeBE 'Withdrawn for non-compliance with scheme standards'

Examples include:-

- major non-conformances are identified against 'key' standards;
- an excessive number of non-conformances are found during an assessment;
- the same non-conformance being found on successive assessment visits;
- the FeBO fails to rectify the non-conformances within the specified timescales;
- receipt of reliable evidence from a third party, demonstrating the FeBO is not maintaining the standards to a material extent;
- circumstances prevented the assessor from completing the assessment to establish compliance; or
- unreasonable delay in allowing or refusal of routine assessments by the FeBO, revisits or spot checks.

FSS will arrange for the authorised officer to inspect the FeBE as soon as practicable and re-risk rate, having regard to the planning and notification of inspections.

6.8.1.2 Notification of a FeBE 'Left scheme for another Reason'

Where a FeBO has left the scheme for any reason other than non-compliance of scheme standards, FSS will take a risk-based approach to assessing the FeBE level of current compliance as an alternative to re-inspecting the business.

FSS must contact the FeBO to:

- Confirm the reason for leaving the assurance scheme and the activities currently taking place;
- Request a copy of the last assurance scheme audit report, if necessary;
- Risk-assess accordingly based on discussions, information received, non-conformances identified and/or other assessment process.

Examples of other reasons for leaving a scheme include

- non-payment of membership;
- no longer trading;
- companies closing certain sites;
- switching to a more appropriate feed assurance;
- scheme which is not a FSS approved scheme; or
- choosing to leave a FSS approved assurance scheme as participation no longer benefits the feed business.

Based on the outcome of these enquiries, FSS may, as appropriate, request that the authorised officer carries out an inspection where there are concerns.

FSS does not act on notifications of 'suspension' from a FSS approved assurance scheme. The status of suspended members will depend on decisions by the Assurance Scheme and will either return to membership or will be withdrawn from membership, in which case actions described above will apply.

6.8.2 Removal of Earned Recognition following an Official Control Inspection

Where the authorised officer determines, as a result of an official control, that a FeBE is not achieving at least a satisfactory level of current compliance, they must contact FSS to advise that Earned Recognition is removed.

This must be notified to FSS as soon as possible using the Earned Recognition Exception Report Form (Annex 6.4) and send to feed@fss.scot. This form is shared with the assurance schemes and provides an opportunity for their comments and action.

Officers should complete the exception report as comprehensively as possible and clearly

stating the specific breaches of feed law. Photographic and/or video images to support removal should be submitted with the exception report form where possible. These details will be shared with the assurance scheme who will be asked to provide feedback to FSS.

From time to time, officers may find minor non-compliances when inspecting a feed business that qualifies for Earned Recognition. Providing the matter is not subject to formal enforcement sanctions, and it can be rectified immediately or within a reasonable timescale of being identified and the level of compliance is not less than satisfactory, Earned Recognition should not be removed. The authorised officer will need to check that the matter has been resolved. Examples of minor non-compliance could include:

- failure to complete records in full on occasion;
- minor hygiene breaches such as unclean hopper, water trough, etc. but evident that it is cleaned from time to time;
- minor pest control matters (in view of the environment, e.g. birds in shed), but there is a pest control system in place and action has been taken to minimise or eliminate contamination; and
- chemicals stored in feed areas (but in sealed/closed containers).

Examples of a serious non-compliance, which would lead to an increase in the establishment's risk-rating score and therefore a loss of satisfactory compliance and Earned Recognition include:

- non-compliances requiring the use of formal enforcement powers e.g. improvement notice;
- an imminent risk to public health through the consumption of food from animals which have received contaminated feed;
- the welfare of food producing animals is threatened through the use of contaminated feed;
- serious infestation of pests (one which affects the welfare of animals or the safety of feed/food stocks) with no pest control system in place;
- serious breaches of hygiene such as unclean equipment which indicates no cleaning for some considerable time;
- controls to prevent cross contamination (e.g. segregation of medicated and non-medicated feed) are inadequate;
- lack of feed traceability; and
- a significant change of activity, e.g. which is outside of the scope of the assurance scheme standard or involves a farmer who begins manufacture of compound feed for supply to other feed business operators.

6.9 Imports: Introduction

FSS is responsible for the strategic oversight of imported feed, communication with port operators and organisation of interventions at points of entry.

Feed may fall into one of these categories as a result of the nature of the feed and its inherent risk, and/or its country of origin.

- a) Products not of Animal Origin
- b) Products of animal origin (POAO) e.g. fish meal
- c) High Risk Feed Not of Animal Origin (HRFNAO)

Feed that is subject to enhanced controls must come into the UK through specifically designated points of entry known as Border Control Posts (BCPs). Animals and goods subject to official controls at BCPs include:

- Animals
- Products of animal origin (POAO)
- High risk products of non-animal origin subject to increased level of official controls due to a known or an emerging risk to public health
- Germinal products, animal-by-products
- Plants and plant products

[Retained EU Regulation 2017/625](#) defines a BCP as a place, and the facilities belonging to it, for the performance of the official controls on certain categories of animals and goods entering the Union, including animals, products of animal origin, plants and plant products, goods that the Commission has determined require a temporary increase of official controls at entry due to emerging risk or evidence of widespread serious non-compliance or animals and goods subject to an emergency measure.

Full details of animal and goods subject to official controls at BCPs are laid down in Article 47 of the [Retained EU Regulation 2017/625](#).

All previous Border Inspection Posts (BIPs), Designated Points of Import (DPI's), Designated Points of Entry (DPEs) and First Points of Introduction (FPIs) are now re-designated as Border Control Posts (BCPs).

The current list of BCPs in the UK is available [here](#) and this list will be updated as new BCPs are added to the list, or removed.

Abbreviations and specifications applicable to the categories of animals and goods for which BCPs are designated can be found at Annex II of [Retained Commission Implementing Regulation \(EU\) 2019/1014](#).

Further information on imports can be found at:

<http://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/imports-exports>

6.9.1 Types of Feed

6.9.1.1 Products not of animal origin (Non-POAO)

Feed intended for animal consumption, that does not contain any ingredients derived from animals or animal products.

Unless the non-POAO is subject to enhanced controls (see below), it is not subject to official controls at BCPs and may enter through any port, subject to the necessary facilities being in place to handle the products. In general terms, official controls on such products will be carried out regularly, on a risk assessed basis and when carried out will include documentary check as well as identity and physical checks, as appropriate (see 6.9.2.1).

6.9.1.2. Products of animal origin (POAO)

Products of animal origin (POAO) present a high level of risk as they can transmit serious animal diseases. Veterinary border controls assure that consignments of products of animal origin can only enter into GB, if they have satisfactorily undergone specific checks.

A range of controls exist for imported POAO to protect both public and animal health. Examples of animal products imported for animal feed that must be checked include:

- insects and
- fishmeal used in animal feed.

A full list of POAO can be found at [Retained EU Decision 2007/275/EC](#).

Each batch or 'consignment' of POAO products must:

- come from a country approved to export that type of product to the European Union (EU), with same list adopted for GB after 1 January 2021;
- come from GB-approved premises;
- be accompanied by appropriate certification;
- enter the GB through a BCP. All consignments must be pre-notified to the BCP using the [Import of Products, Animals, Food and Feed System \(IPAFFS\)](#) prior to arrival.

Imported POAO must be presented at a designated BCP for veterinary checks to be carried out. The Animal and Plant Health Agency (APHA), an executive agency of the Department for Environment, Food and Rural Affairs (Defra), is responsible for imports of products of animal origin. More information can be found on APHA pages on Animal and Plant Health Agency (APHA). Alternatively, you can email imports@apha.gsi.gov.uk, or telephone [03000 200 301](tel:03000200301).

6.9.1.3. High Risk Feed Not of Animal Origin (HRFNAO)

Imports of some specific feed of non-animal origin, from certain countries, which are legally designated to be high-risk can only enter GB through BCPs where additional specified official controls will be carried out.

A high-risk product is feed that is either a known, or an emerging risk to public health. This may be due to the presence of pathogens, contaminants and toxins including aflatoxins.

[Retained EU Regulation 2019/1793](#) imposes temporary increase of official controls, special measures and emergency measures governing the entry into the European Union of certain products of non-animal origin from certain third countries implementing [Retained EU Regulation 2017/625](#) and [Retained EU Regulation 178/2002](#).

This regulation also lists the products, their country of origin and the frequency of checks that must be carried out.

Non-EU HRFNAO transiting through EU into GB must pre-notified on IPAFFS, enter GB via BCP (with appropriate designation) and be subject to import checks.

Non-EU HRFNAO direct imports into GB also require pre-notification on IPAFFS.

EU HRFNAO consignments will be subject to import checks at the frequencies specified in [Retained EU Regulation 2019/1793](#)

6.9.1.4 Imports Controls and Bans

There are a number of current import restrictions of food and feed. Details may be found [here](#). This list is updated on a regular basis and as necessary.

6.9.1.5 Emergency Control Measures

In Scotland, emergency control measures on imported feed are implemented as follows:

(i) Product of Animal Origin: Declaration under Regulation 25 of The Trade in Animals and Related Products (Scotland) Regulations 2012 (SSI 2012/177). Where Scottish Ministers or Food Standards Scotland have reasonable grounds to suspect that any food or feed that has been or may be introduced into Scotland is likely to constitute a serious risk to animal or public health, they each have the power to issue a written declaration suspending or imposing conditions on the introduction into Scotland of that product.

(ii) Product not of Animal Origin: Regulation 20A of the General Food Law (Amendment etc.) (EU Exit) Regulations 2019, as amended, provide for the appropriate authority may make regulations, when it is evident that food or feed originating in the UK or imported into GB is likely to constitute a serious risk to human health, animal health or the environment. In Scotland, that power will be exercised by Scottish Ministers and measures adopted in regulations will be subject to scrutiny by Parliament in the normal way. In circumstances

where urgency necessitates, there may be a need to breach the usual laying conventions which would also be dealt with in the usual way.

The European Commission regularly adopts Implementing Decisions in relation to emergency control measures where it is evident that food or feed imported from a non-EU country is likely to constitute a serious risk to human health, animal health or the environment. A list of declarations in force, made prior to the UK's exit from the EU, can be found [here](#).

6.9.2. Imported Feed Intervention Programme

Until all the BCPs for feed have been established in Scotland, it is not yet clear what nature and level of imported feed controls are required. This section (6.9.2 to 6.9.11) shall be updated when this information is known.

Authorised officers shall carry out interventions at the points of entry and importers' establishments and checks of the imported feed as requested by FSS. Imported feed at inland destinations shall be monitored by authorised officers as part of the routine inspection of other types of feed businesses. Imported feed is included in Annex 6.1 inspection form and includes:

- facilities and conditions at importers and points of entry;
- monitoring of consignments of materials entering Scotland intended for use in animal feed; and
- checking of imported feed at routine inland inspections.

The intervention programme includes points of entry into Scotland which may be a seaport or an airport.

FSS shall liaise with port operators to ensure there is sufficient advance notice of incoming consignments, in order to plan interventions, although, it is possible that such interventions could take place at short notice. FSS shall share relevant imports information with authorised officers when issues become known: data, information, intelligence and findings on imported feed and sampling results.

6.9.2.1 Imported Feed Checks

Documentary Checks

- All HRFNAO are subjected to a documentary check
- This includes an assessment of the CHED, health certificate (where required) and accompanying commercial documentation, verifying that the documentation matches up and is in accordance with requirements

- Commercial documentation may include a bill of lading, invoice, packing list and analytical report

A single standard document, the Common Health Entry Document (CHED), must be used by operators for the prior notification of consignments. The CHED replaces the Common Veterinary Entry Document (CVED) and the Common Entry Document (CED).

There are different categories of CHED which can be used, depending on the nature of the consignment being imported. However, a CHED-D must be used for consignments of high-risk food and feed of non-animal origin. The purpose of the CHED serves several purposes including:

- Providing prior notification to the competent authorities responsible for undertaking official controls at the BCP of arrival of those consignments
- Allowing the competent authorities at the BCP to record the outcome of official controls performed
- Allowing actions the competent authorities take, including any follow-up measures taken regarding the consignment after a decision has been taken, to be recorded.

The CHED is transmitted to the BCP through [IPAFFS](#), which is the IT system used for notifying imports of above products from outside the EU.

Identity checks

- Documentary checks (as **above**) and **verification of the product**
- This ensures the labelling and packaging conforms to the health certificate and EU legislation, and with the contents of the consignment
- Requires opening the container and inspecting the goods

Physical checks

- A physical check is required in addition to documentary and identity checks
- A percentage of consignments (selected at random) must be physically checked to see that they are fit for their intended purpose
- The physical check includes a check on the feed, including for example, the means of transport, packaging, labelling, and temperature checks
- Required for products subject to specific import controls i.e. those requiring **enhanced** checks. Physical check frequencies are specified [Retained EU Regulation 2019/1793](#)
- Additional checks may be carried out on suspicion of non-compliance
- Usually requires a sample to be taken for analysis with results to be received before the consignment can be placed on the market.

6.9.3 Effective information sharing and communication

Effective information sharing is necessary to ensure the integrity of the consignments and that the necessary checks are carried out. This information sharing shall be facilitated by FSS. This would include situations where inland supervision of consignments is required and where checks at the point of entry reveal feed safety concerns that are most appropriately dealt with inland. Similarly, whenever inland checks of imported feed reveal problems and where the point of entry for the goods can be ascertained and similar problems are likely to be found in other imported consignments, the officer should highlight this to FDB in order to ensure that the information is shared by [email](#) in order that all authorised officers can be alerted to issues which can be investigated.

Examples, but not limited to, include where:

- a consignment of FNAO, which is subject to emergency controls or other restrictions, has been illegally imported e.g. without being presented to the Competent Authority at the point of entry for the required checks to be carried out;
- the officer at the point of entry is aware that illegal imports of POAO might have been distributed;
- checks on imported feed reveal labelling issues which cannot be enforced at time of import
- examination under the [Official Feed and Food Controls \(Scotland\) Regulations 2009](#) (as amended) has been deferred;
- unsatisfactory test results are received for samples taken for routine surveillance but meanwhile the consignment has been released from the port; or
- analysis indicates, for example, that nuts are not suitable for human consumption but are referred for feed use.

6.9.4 Powers of Entry

Officers are authorised to enforce import controls on feed of non-animal origin in accordance with Regulation 23 of the [Official Feed and Food Controls \(Scotland\) Regulations 2009](#). They also have powers under Regulation 29 to require the person responsible for introducing feed into the UK to facilitate checks on products pursuant to Article 45 and 49 of [Retained EU Regulation 2017/625](#) i.e. a systematic documentary check, a random identity check and, as appropriate, a physical check.

Schedule 5 of the Official Feed and Food Control (Miscellaneous Amendments) (Scotland) Regulations 2019 specifies the competent authority for Article 15 of the [Retained EU Regulation 2017/625](#):

“To the extent that this is necessary for the performance of official controls or of other official activities, operators shall, where required by the competent authorities, give staff of the competent authorities access to:

- (a) the equipment, means of transport, premises and other places under their control and their surroundings;
- (b) their computerised information management systems
- (c) the animals and goods under their control
- (d) their documents and any other relevant information

Where a port operator is in control of premises where feed is being kept/stored or there is “reasonable cause to believe that feed has been, or is being manufactured or produced, or is being kept for the purpose of being placed on the market, incorporated in another product or used”, Regulation 24 of the [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#), as amended, gives enforcement authorities power to access the premises of port operators to examine records relating to consignments of feed.

Whilst the person introducing consignments of feed into the UK is usually not the port operator, experience to date would suggest that port operators are keen to facilitate this process on behalf of their customers, importers of animal feed.

6.9.5 Imported Feed Premises and Ports

The authorised officer is required to undertake interventions at importer businesses but may also be required to undertake interventions at ports in order to carry out identity, documentary and physical checks of consignments.

Officers may identify issues at the point of entry which require a referral for inland checks outwith the area for which they are authorised. Officers must report their concerns to FSS by [email](#) who will arrange referral.

Officers who receive a referral for investigation at an inland destination must respond to FSS concerning the original referral to confirm action taken by [email](#).

[Retained EU Regulation 2017/625](#) outlines the requirements for documentary checks, random identity checks and, where appropriate, physical checks. The checks that are conducted will vary depending on whether these take place at the point of entry or whether these are inland.

A systematic documentary check does not require 100% checking of documents although documents required to accompany any consignment by food or feed law, such as under [Emergency Control measures](#), shall require 100% checking. At the point of entry, the documentation to be checked, include for example, health certification and laboratory reports and analysis. However, inland documentary checks may involve, for example, checking Common Health Entry Document (CHEDs) and clarifying that the consignment was imported by the correct means.

An identity check involves checking that the consignment corresponds with the documentation that is provided. At the point of entry, the checks include ensuring that the product tallies up with all of the documentation provided, for example, checking batch codes for the products. An identity check conducted inland is closely linked with the

documentary check, but may include verifying the batch codes and ensuring that the identity of the product can be confirmed. This may also assist with identifying and verifying whether the product has been legally imported.

Physical checks might include checks on the feed itself, the means of transport, packaging, temperature controls, organoleptic testing, and chemical or microbiological examination, or any other check necessary to verify compliance with EU feed safety requirements. Such checks may also take into account any guarantees that the competent authority of the third country has given and which have been assessed by the European Commission or UK authorities.

For physical checks conducted at both points of entry and inland, these should be carried out under appropriate hygiene conditions and at a place with access to appropriate control facilities allowing investigations to be conducted properly. The [Official Feed and Food Controls \(Scotland\) Regulations 2009](#) (as amended) allow an officer to require that physical checks and identity checks take place at a specified place, where necessary, for proper examination. Where an officer reasonably requires facilities and assistance to carry out checks on a product, the importer may be asked to provide these.

An example template is Annex 6.5 is available to record imported feed checks.

Checks should be informed by:

- statutory requirements for documentary checks and associated sampling laid down in relevant Emergency Control Decisions and Emergency Control Regulations;
- the risk associated with different types of feed safety issues;
- knowledge of the product e.g. new or unusual;
- any requirements following a Feed Alert or INFOSAN¹¹ notification;
- the history of compliance for the product, country of origin and exporter/importer;
- the controls that the FeBO importing the feed has carried out;
- any guarantees that the competent authority of the third country of origin has given under the third country pre-export checks provisions in [Retained EU Regulation 2017/625](#) (to the EU or UK);
- any existing co-ordinated sampling programmes;
- adequacy or sufficiency of documentation e.g. discrepancies which need further investigation;
- suspicion of non-compliance; and/or
- by information received from inland checks regarding non-compliant feed or from the port operator who may have concerns about a consignment.

¹¹ International Food Safety Authorities Network

Inspection of consignments at points of entry must also be reported to the FeBO responsible for the consignment unless the check is of a monitoring nature designed to decide if further controls are required e.g. manifest checks.

In relation to Emergency Control Decisions and Emergency Control Regulations, FSS shall specific sampling requirements in the sampling plan (updated as necessary). See Paragraph 6.10.

6.9.6 Deferred Examinations

Deferred examinations may be considered at the point of entry where there may be a valid reason why an examination needs to be deferred, but it is anticipated this is likely to be in exceptional circumstances only. The officer at the point of entry or the importer can request deferred examination, but the final decision to defer examination rests with FSS. The officer must contact FSS. In coming to any decision, consideration must be given to whether the appropriate checks can take place on deferral.

Where products are subject to Emergency Control Decisions or Emergency Control Regulation, deferred examination is unlikely to be appropriate but there might be exceptional circumstances where there are overriding health and safety considerations. In all cases, where feed is of a known or emerging risk, it should be subject to relevant documentary and identity checks before being deferred for physical checks.

When any examination is deferred, the [Official Feed and Food Controls \(Scotland\) Regulations 2009](#) (as amended) require that the importer provide a written undertaking that the consignment has been sealed and will not be opened until it reaches its specified destination and opening the container has been authorised by the officer carrying out the inland check. The importer must request deferral by contacting [FSS](#) and requesting that arrangements are put in place to ensure the integrity of the consignment. FSS shall ensure that the receiving officer (at the inland destination) is advised that the feed has not been examined and shall forward to the receiving officer a copy of any written undertaking given by the importer.

6.9.7 Onward Transportation

Products that are controlled at Border Control Posts may be permitted to move inland pending the results of laboratory tests. However, FSS may put in arrangements to ensure that the consignment remains under the continuous control of FSS and cannot be tampered with in any manner pending the results of the laboratory checks.

Until the results of the laboratory checks are known, the consignment must be stored at a Customs-controlled warehouse or a [UK External Temporary Storage Facility \(ETSF\)](#).

6.9.8 Effective monitoring of consignments of feed at points of entry

Imported feed makes up 65% of feed used in the UK annually. To support a consistent and risk-based approach to monitoring imports, FSS shall ensure:

- monitoring is prioritised
- consignments of animal feed are monitored and have regard to:
 - import controls at smaller sea port and airports;
 - imported feed checks undertaken at inland destinations.

The following guidance is useful:

- NTSB guidance on prioritisation and consistency relating to feed imports (Knowledge Hub (National Agriculture Community))
- [smaller sea port and airports](#)

6.9.9 Enforcement Action

Details of enforcement action in relation to imported feed materials is found in Paragraph 7.23.

The importer is liable for any costs incurred.

Feed labelling is enforced at the point of sale, not at the point of entry.

6.9.10 Records

The Agent must maintain accurate records in retrievable form, on all relevant checks on imported feed.

Records of interventions must be kept and in relation to imported feed, the Agent must:

- ensure records of sampling checks, results and action taken are kept. Samples are to be recorded on SFSD with a record kept on the Feed MIS;
- retain the CHED (after completion and stamping) and scan and save into the FSS information storage system.
- retain the original of each health certificate or any document required to accompany a consignment and, subject to checking e.g. results of analysis, scan and [email](#) to FSS and
- ensure the information on checks includes:
 - the number and type of feed consignments;

- the checks made to determine compliance with legal requirements;
- any identifying reference for the consignment examined; and
- country of origin.

The model form in Annex 6.5 should be used for this purpose.

In the case of Emergency Control Decisions and Emergency Control Regulations, it is necessary to keep records relating to checks carried out and action taken. FSS shall develop template records where necessary for relevant Emergency Control Measures. Completed forms shall be scanned and saved into the FSS Sharepoint system.

6.9.11 Third Country Representatives

Under retained European Union law, feed businesses from outside the UK which export feed products to GB must have a representative established in GB. This includes EU Member States as well as non-EU countries ('third countries'). GB feed businesses exporting feed to EU Member States, or moving feed from GB to NI are required to have a representative based in an EU Member State or NI.

Further clarification is sought from the EU. Further information can be found on the FSS website:

<http://www.foodstandards.gov.scot/business-and-industry/industry-specific-advice/farming-and-primary-production/animal-feed/registration-and-approval>

Third country representatives in Scotland are required to apply to the Food Standards Scotland. If the Agent receives any queries relating to third country representation, these shall be directed to the [FDB](#).

6.10 Sampling

The main objectives of feed sampling are:

- Protecting Health
- Detecting Fraudulent Activities
- Compliance with Labelling Requirements
- Providing advice to Feed Business Operators
- Promoting fair trade and deterring bad practice

6.10.1 Sampling Programme

The Sampling Programme is developed by FSS at the start of each year. The programme has two elements:

- verification samples during routine and approval inspections
- sample surveillance plan to gather information

FSA and FSS develop annual [National Enforcement Priorities](#) for the UK and these shall feed into the Scottish sampling programme. The programme will also take into account local concerns as well as wider issues, which may occur during the course of the year, and this shall be considered at the quarterly FDB-officer meetings. In the event that it is necessary to make urgent changes to the plan, the Agent will be provided with as much notice as possible, and if appropriate, the existing plan shall be adjusted to accommodate the changes.

6.10.1.1 Verification Samples during Inspections

Officers shall take samples during the course of their inspections where they consider it necessary depending on what the officer finds at the intervention. Sampling shall be prioritised according to the risk associated with the type of FeBOs, the risk rating of the establishment and consideration of higher risk products which may be found at otherwise lower risk premises e.g. feed additives used in animal feed at stores or distribution facilities.

Sampling may be used to validate that controls are in place in accordance with the Feed Safety Management Plan e.g. to confirm contamination of feed with veterinary medicines is controlled, unauthorised additives are not present etc. The officer must use professional judgment in determining at what point in the chain the feed should be sampled.

As imported feed makes up 40% of the feed used in the UK, sampling of imported feed becomes a key mechanism to ensure the safety and quality of feed entering the UK. Feed sampling should be considered during inspections at feed importers or points of entry and during imported feed checks to assess its compliance with EU safety requirements.

6.10.1.2 Sample Surveillance Plan

FSS will develop a sample surveillance plan annually but will review and, where necessary, update the programme on a quarterly basis as a result of any new information received on emerging risks and compliance issues that arise during the course of the year.

6.10.2 Where to Sample

Choosing where to sample is closely linked with the risk associated with a feed business and the product. In general, feeding stuffs must be sampled as far back along the supply chain as possible. FSS will provide advice in developing the sampling plan:

- In the case of feed materials and feed additives, this will enable an assessment to take place of manufacture/origin;
- Normally, a compound feed must be sampled at premises where it was manufactured, unless there is reason to do otherwise e.g. the feed is the subject of a feed complaint or incident investigation;
- Most imported feed will be sampled inland, particularly loose, bulk materials due to difficulties with sampling them at points of entry. Consideration must be given to including checks of imported feed materials and additives at inland feed businesses, especially those which store such products and/or use them as part of a manufacturing process.

6.10.3 Informal and Formal Sampling

Samples taken should be “informal” unless otherwise advised or required for enforcement purposes. Informal samples are generally taken for the purposes of surveillance, monitoring and providing advice to FeBOs.

Formal samples are those taken in full compliance with the relevant legislation, submitted to an accredited laboratory and witnessed. The [Hygiene Regulation](#) contains various provisions for the administration of [Retained EU Regulation No 152/2009](#) on laying down methods of sampling and analysis for the official control of feed. [EU guidance](#) is available on the implementation of [Retained EU Regulation No 691/2013](#) of 19 July 2013 amending Regulation (EC) No 152/2009 as regards methods of sampling and analysis. Formal sampling is carried out specifically with a view to pursuing legal action if the results show an offence has been committed. They must be handled and labelled in such a way as to guarantee both legal and analytical validity.

When a formal sample is taken, officers should give the owner, importer or importer’s agent a receipt for, or a record of, all samples taken and a copy of the results in the case of non-compliance. A model receipt is provided in Annex 6.6.

6.10.4 Sample Processing

All samples must be packed and sealed to preserve the chain of evidence.

FSS uses the SFSD for the logging of samples and recording of sample results. Prior to sending samples to the laboratory, details of the samples must be entered into the SFSD

database. The officer must enter the SFSD sample reference number in the Feed MIS. Information about SFSD can be found in Annex 3.4 and at:

<http://www.foodstandards.gov.scot/business-and-industry/scientists-and-researchers/food-surveillance-system>.

After entering sample details on to SFSD, samples must be dispatched to the laboratory within 2 working days, ensuring that the temperature chain, if necessary, and sample and packaging integrity is maintained. As the samples are considered official control samples, they must be dealt with in accordance with Article 37 of [Retained EU Regulation 2017/625](#) on the official control of feed and food.

6.10.5 Sample Equipment

The officers must ensure they have access to the equipment necessary to take samples of different types of material likely to be present at FeBEs in the area in which they carry out feed law functions and to sample materials which may be the subject of a feed complaint or incident investigation (on request from FSS).

6.11 Feed Trials

On request by FSS, officers may be asked to attend a feed business carrying out a feed additive trial to collect information on the trial and ensure that the feed additives, subject to the trial, do not enter the feed chain outside of the trial parameters, that products of animal origin (from the animals subject to the feed trial) do not reach the food chain and ensuring that the conditions of the feed trial agreement are met.

7. Enforcement

7.1 Introduction and Responsibilities

This chapter includes two approaches to enforcement:

- **Informal enforcement action** – advice and letters to FeBOs following interventions and investigations that may be carried out by the authorised officer.
- **Formal enforcement action** – statutory notices and reports to the Procurator Fiscal. Generally, formal enforcement action shall be carried out by FSS. However, authorised officers from third parties may be asked to undertake this work, in exceptional circumstances and with written agreement from FSS. The necessary requirements are laid out in this Chapter, should they be required. At all times, FSS is fully responsible and accountable for all decisions made.

If the officer considers that formal enforcement action is necessary, they should email the [FDB](#) with relevant details (FeBO, circumstances, recommended enforcement action and reasons for this course of action). The email should have the following text in the subject line: ***“Third party referral - enforcement action to FSS”***.

The FDB will advise in writing whether FSS officers shall do this work or request that the third party officer take this action. In the event that action is urgent, then the officer should phone the FDB (0330 912 0377).

Reports to the Procurator Fiscal shall only be prepared by FSS.

This Chapter deals with how authorised officers must use the powers available to them to ensure non-compliances are rectified in an efficient and timely manner.

7.2 Proportionality and Consistency

The authorised officer and FDB will agree the necessary and appropriate enforcement action which must:

- Be reasonable, proportionate, risk-based and consistent with good practice and in accordance with the FSS Feed Enforcement Policy;
- Be consistent with good practice and the principles of better regulation set out within the [Scottish Regulators' Strategic Code of Practice](#);

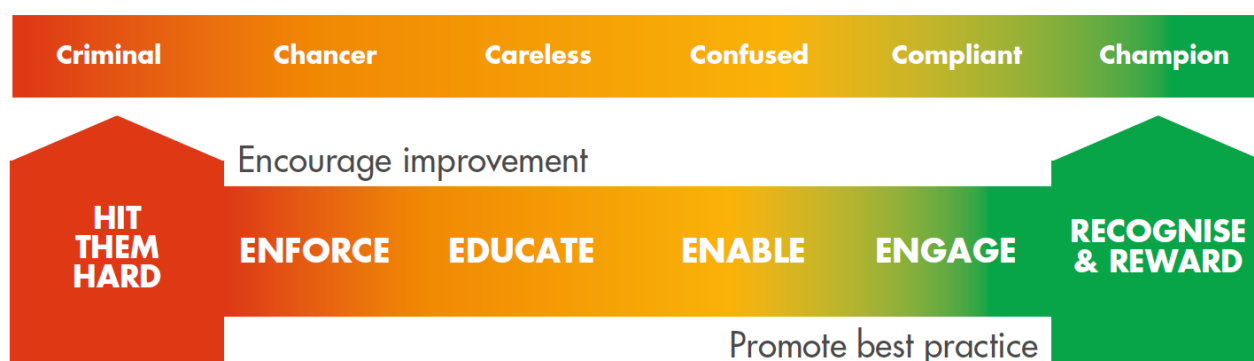
Officers should be aware, that if formal enforcement action is used, the Officer must be able to justify his/her actions. The Feed Enforcement Policy is to be used and there must be sufficiency of evidence.

7.2.1 Compliance Spectrum

The national food and feed compliance spectrum is a high level framework designed to support the effective targeting of food and feed law enforcement across Scotland.

It is a key element of the [FSS Regulatory Strategy](#), and aims to support alignment of national and local enforcement policies by encouraging a consistent set of enforcement standards and risk rating approaches through integration with existing enforcement guidelines, including the [Scottish Regulators' Strategic Code of Practice](#).

Officers should ensure they are familiar with the compliance spectrum approach detailed within the Regulatory Strategy, and the extent of any deliberate or wilful non-compliance, before considering the need for recommending to FSS formal enforcement action or whether a more educative and enabling approach to securing business compliance may be more appropriate.



7.3 Powers to take Enforcement Action

Competence for feed law functions, including enforcement, is provided to FSS by The Feed (Transfer of Functions) (Miscellaneous Amendments) Scotland Regulations 2020. These Regulations provide FSS with powers to delegate this function to qualifying third parties and the scope of the delegation is provided in the Delegated Service Level Agreement.

7.3.1 Enforcement of Food Primary Production & other Non-Feed Functions

This Chapter does not apply to enforcement of food hygiene primary production. Any enforcement action required, as a result of inspections carried out in accordance with this arrangement, or any enforcement issues relating to a function which is outside the authorisation of the officers of the Agent, identified whilst undertaking an inspection under feed law, must be reported to FSS. The Agent shall provide this information on an [email](#) as soon as possible to enable FSS to engage the appropriate local authority. Information relating to the issue must be as clear, accurate and detailed as possible.

7.3.2 The Feed (Hygiene and Enforcement) (Scotland) Regs 2005, as amended

Regulation 24 of the Hygiene Regulations permits an authorised officer to enter premises for “executing and enforcing specified feed law” and take with them such other persons as they consider necessary. This would include, for example, an assistant or expert. Specified feed law includes:

- [Part IV of the Agriculture Act 1970](#), in so far as it relates to animal feeding stuffs;
- [The Animal Feed \(Basic Safety Standards\) \(Scotland\) Regulations 2018](#);
- [The Animal Feed \(Scotland\) Regulations 2010](#);
- [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#);
- [The Official Feed and Food Controls \(Scotland\) Regulations 2009](#);
- [Retained EU Regulation 178/2002](#) in so far as it relates to feed for food producing animals;
- [Retained EU Regulation 1831/2003](#);
- [Retained EU Regulation 183/2005](#);
- [Retained EU Regulation 767/2009](#);
- [Retained EU Regulation 2017/625](#);
- [Retained EU Regulation 2019/1793](#)

The [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) permits the right to inspect:

- (a) any material appearing to the officer to be feed;
- (b) any article appearing to the officer to be a container or package used or intended to be used to store, wrap or package any feed, or to be a label or advertisement used or intended to be used in connection with feed; or
- (c) any vehicle, plant or equipment appearing to the officer to be used, or intended to be used, in connection with the manufacture, production, storage, transport or use of feed, and any process of manufacture, production, storage, transport or use of feed.

Further powers relating to the seizure of feed and the prohibition of certain activities are also contained in the [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#), as amended.

7.3.3 Official Feed and Food Control (Scotland) Regulations 2009

Regulation 18 of these Regulations contains further powers of entry which are applicable to the official control of feed. These powers are separate and in addition to those given above. Regulation 31 permits appropriately authorised officers of Competent Authorities to use the powers set out in 65 to 67, 72 and 46 of [Retained EU Regulation 2017/625](#) on the official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (detention, destruction, special treatment, re-dispatch and other appropriate measures and costs).

7.4 Investigating Offences: Powers of Entry, Search and Seizure

The right to privacy and respect for personal property are key principles of the Human Rights Act 1998. Powers of entry, search and seizure must be fully and clearly justified before use because they may significantly interfere with the occupier's privacy. Officers must consider if the necessary objectives can be met by less intrusive means.

Regulation 24(4) of the [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) permits an Authorised Officer to take with them such other persons as they consider necessary. This would include, for example, any suitably qualified or skilled person or an expert in a particular field whose presence is needed to help accurately identify the material sought or to advise where certain evidence is most likely to be found and how it should be dealt with. These provisions do not confer on the accompanying person any of the powers of an authorised officer, but they do give that person the right to be on the premises during the authorised officer's search, without the occupier's permission.

Regulation 30(12) states that an officer has the right to 'seize and detain any record which the officer has reasonable cause to believe to be a record which may be required as evidence in proceedings under specified feed law'.

In all cases authorised officers must:

- exercise their powers courteously and with respect for persons and property; and
- in circumstances where a warrant has been obtained and is appropriate, only use reasonable force when this is considered necessary and proportionate to the circumstances.

7.5 Hierarchy of Enforcement

The authorised officer must:

- take account of the full range of enforcement options available to them;
- operate a graduated and educative approach in accordance with Feed Enforcement Policy, starting with advice and informal action moving to more formal

action, where the informal action does not achieve the desired effect, except where circumstances indicate a significant or imminent risk to public and/or animal health, food or feed safety; and

- ensure the approach taken results in the timely remedy of non-compliance with feed law.

The approach to the hierarchy of enforcement and level at which enforcement action commences will be dependent upon:

- the urgency / severity of the situation
- the most appropriate course of action that will control the risk
- the enforcement tools available under the relevant legislation
- the history of the FeBO and their willingness to comply
- Feed Enforcement Policy

The term "Enforcement" includes both informal and formal action. Informal action includes verbal advice, written advisory letter to assist the FeBO to achieve compliance. Formal enforcement action includes official detention of food, the service of formal notices, cautions and referrals for investigation and prosecutions.

7.6 Enforcement Records

The FMIS is the central database on which feed data is held. It will hold all premises data. Intervention records, enforcement records and any other relevant information relating to the FeBE shall be saved on to Sharepoint.

7.7 Dealing with non-compliance

7.7.1 Introduction

The authorised officer must:

- have up-to-date feed information readily available to enable them to carry out their duties effectively, competently and consistently;
- in collaboration with the FDB, ensure that where feed businesses fail to comply with significant statutory requirements, they are subject to appropriate enforcement action and revisit(s) where compliance cannot be assessed by other means;
- ensure revisits focus on the contraventions identified at the last planned programmed inspection and ensure they have been remedied before deciding that

no further action is required. The revisit inspection form will be standard inspection form for that particular type of business. The officer should cross reference to the original inspection report. More than one revisit may take place as necessary; and

- in all cases of non-compliance, explain to the FeBO what action is needed to secure compliance and record in writing.

In doing so, authorised officers must take account of the Feed Enforcement Policy, relevant legislation, UK and EU Guides and Codes of Good Practice in respect of feed and relevant FSS guidance.

7.7.2 The enforcement approach

The primary objective of any enforcement action must be to achieve compliance in the most effective way and the approach should be in line with the “hierarchy of enforcement” (7.5).

The practice of giving advice, and communicating by letter about enforcement issues, are well-established approaches to enforcement that are understood by feed businesses. Following each intervention, letters are to be automatically generated from the FMIS, which may be emailed or posted to the FeBO, even if the outcome is satisfactory, within 1 working day of completion of the inspection form.

When determining the appropriate enforcement action, consideration should be given to:

- the level of risks to consumer safety resulting from the non-compliance;
- particular consumer sensitivities around an issue, leading to loss of consumer confidence or economic loss to industry;
- the potential for non-compliant feeds being distributed widely with large numbers of animals affected; and
- previous history of compliance.

7.7.3 Revisits

Generally, any feed business assessed as having less than ‘satisfactory compliance’ with feed hygiene legislation or poses a risk to animal or human health will be subject to a revisit(s), and where necessary enforcement action, with the aim of achieving compliance. A revisit should, where practicable, be undertaken by the officer that undertook the original or inspection.

Revisits must focus on the contraventions identified at the last planned programmed inspection and ensure that they have been remedied before deciding that no further action is required.

The timing of the revisit will be determined by the action taken as a result of the earlier inspection and will depend on the nature of the feed safety concern and the works required. Timing to follow up on enforcement notices will be dictated by the notice

requirements. Consideration should be given to the Feed Enforcement Policy to determine appropriate timing of revisit.

Revisits may be remote assessments (see 6.5.5)

Inspection ratings should not be re-assessed at visits other than inspections. A revisit would not constitute an inspection.

Officers carrying out revisits should be clear about the reason for the revisit and ensure that they have the appropriate documentation with them. For enforcement revisits, this should include the inspection report/schedule of works/notices produced as a result of the initial inspection. The outcome of the enforcement revisit should be communicated to the FeBO. If the revisit is to check compliance with a statutory notice then the officer should write to the feed business operator confirming whether or not compliance has been achieved and whether any further action may be taken such as a further revisit or enforcement action. A record of the revisit and subsequent actions should be made on the relevant model inspection form and uploaded to the Feed MIS.

7.8 Feed Business Improvement Notices (Regulation 17 of the Hygiene Regulations)

7.8.1 Issuing Notices and Proportionate Enforcement

Feed Business Improvement Notices (FBINs) should be used in line with the Feed Enforcement Policy and must be considered as part of the escalation of enforcement action in line with the hierarchy of enforcement. If the authorised officer has reason to believe that an informal approach will not result in a successful outcome then a more formal approach should be considered.

Since a breach of a FBIN is a criminal offence, officers should carefully consider whether they are appropriate in the circumstances and in line with the Feed Enforcement Policy. A FBIN, once served, may be appealed if the business does not agree with the conditions of the FBIN. Care should be taken to make sure that evidence of the non-compliance is obtained, its continuity maintained and that the relevant procedures have been followed when issuing a FBIN.

7.8.2 When to use Feed Business Improvement Notices

FBINs may be appropriate in any of the following circumstances or a combination thereof:

- where formal action is proportionate to the risk to animal or human health;
- where there is a record of non-compliance with breaches of specified feed law listed in the Hygiene Regulations;
- where the authorised officer has reason to believe that an informal approach will not be successful.

The Feed Business Improvement Notice can be found at Annex 7.1.

7.8.3 When Feed Business Improvement Notices are not appropriate

FBINs would not be appropriate in the following circumstances:

- in transient situations, and where it is considered that swift enforcement action is needed. A Feed Business Emergency Prohibition Notice (FBEPN) would be the only formal remedy which would have immediate effect;
- where there is a breach of good hygiene practice but no failure to comply with an appropriate regulation.

Generally, FBIN should not be used to require withdrawal of product in circumstances where the FeBO would have no obligation to do so under Article 20 of [Retained EU Regulation 178/2002](#).

7.8.4 Drafting of Feed Business Improvement Notices

It should be clear from the FBIN, the grounds for failure to comply with a relevant provision of specified feed law, the matters which constitute the failure to comply, and the measures (or equivalent measures) the recipient is required to take to address. Notices should be clear and easy to understand. To avoid confused drafting, ensure the notice is understandable to the FeBO and any time frames for compliance fit with the escalation of each issue.

It may be possible to cite more than one non-compliance in a notice provided:

- the issues are of the same theme;
- the action required of the FeBO are capable of rectifying all the failures cited on the notice; and
- the timeframes for compliance are all the same. Note: as failure to comply with the requirements of a FBIN within the specified period is an offence, an officer should consider whether a single notice with a single time limit is appropriate.

Using multiple notices, each with a different time limit, may be more appropriate where multiple contraventions are concerned. Separate notices with separate time limits may also be easier to handle if there is an appeal. An appeal against a single notice concerning multiple contraventions would result in the suspension of the whole notice until the appeal had been dealt with.

In respect of a FBIN requiring structural work to be carried out, ideally the officer will discuss the detail of any such work with the FeBO, or with a person acting on the FeBO's behalf who is in a position to authorise the work, before a notice is issued, and reach agreement with them on what should be done, and timing. However, the issue of a notice should not be unduly delayed if agreement cannot be reached or a responsible person cannot be contacted.

It is the FeBO's responsibility to obtain any necessary planning permission required in order to undertake any building works to improve the structure of the establishment.

7.8.5 Feed Business Improvement Notices – Works of equivalent effect

FBINs should make it clear that Regulation 17(1)(d) of the [Hygiene Regulations](#) allows a FeBO to carry out measures of at least equivalent effect to those specified in a FBIN. Although it is for the FeBO to decide how they will comply with the objectives of the legislation, it is recommended that alternative measures are discussed with the officer who served the notice before starting work to avoid unnecessary expenditure or inappropriate work.

The officer should respond in writing to any request from a FeBO to vary the work, and any agreed alternative measures should be confirmed in writing.

Disputes between the officer and FeBO should be referred to FDB, as necessary. If the officer has any concerns about enforcement action they are to take, they should discuss with the FDB.

7.8.6 Feed Business Improvement Notices –Time limits

A FBIN should clearly state the time limit by which the measures required by the notice must be completed. The Hygiene Regulations specify a minimum period of 14 days. An appeal may be lodged against the time limit, so it must be realistic, justifiable and have regard to the extent and complexity of the measures required.

Where circumstances allow, it is good practice to discuss and agree the time limit with the FeBO or a person acting on the FeBO's behalf, who is in a position to agree a time limit before a notice is issued. The officer may, however, set a reasonable time limit without such agreement, if agreement cannot be reached or a responsible person cannot be contacted.

The following factors should be taken into consideration in setting a time limit:

- the risk to public and/or animal health;
- the nature of the problem; and
- the availability of solutions.

Although FBINs are to be complied with by the stipulated time limit, authorised officers should give due regard to any genuine difficulties that may occur in achieving compliance by that deadline. There is no specific provision in the Regulations to extend the time limit for compliance with a notice, but it may be unreasonable not to allow an extension if the FeBO has a genuine reason for needing more time. If the FeBO requests an extension to the time limit specified in the Notice, the request should be made in writing and received by the authorised officer or FDB prior to the expiry of the Notice.

Before issuing a new Notice, the officer must consider again whether the conditions prevailing at the premises still warrant the issuing of another notice. If the officer is satisfied that there is a genuine reason for such an extension, the existing notice should be withdrawn and a new notice issued reflecting the new time limit by which compliance must be achieved. The Officer should make a note of the reasons for their decision on the withdrawn notice.

However, the officer should never issue such a notice automatically. When deliberating a request for an extension of the time limit, the officer should always consider whether the facts at that time justify such an extension, taking account of:

- the reason for the request;
- the remedy involved;
- the risk to public health associated with the fault if an extension was granted;
- past record of co-operation of the operator / proprietor;
- any temporary action which the operator / proprietor proposes to take to rectify the non-compliance; and
- demonstrable evidence of steps taken to address the requirements contained in the Notice.

7.9 Prohibition Notices and Orders (Regulation 21 and 22 of the [Hygiene Regulations](#))

This section deals first with the use of:

- Feed Business *Emergency* Prohibition Procedures and Notices under Regulation 22 of the [Hygiene Regulation](#);
- Feed Business Prohibition Orders under Regulation 21.

7.9.1 Use of Feed Business Emergency Prohibition Orders and Notices

Unless voluntary procedures, as described in this document in Paragraph 7.10, are more appropriate in the circumstances, Feed Business Emergency Prohibition procedures (under Regulation 22 of the [Hygiene Regulation](#)) should be used if an authorised officer has evidence that the 'health risk condition' is fulfilled and that this risk is imminent. If the appropriate evidence is found, a Feed Business Emergency Prohibition Notice (FBEPN) may be served on the feed business operator, followed by an application to a Sheriff for a Feed Business Emergency Prohibition Order (FBEPO).

The Feed Business Emergency Prohibition Notice can be found at Annex 7.2.

The effect of the notice is to immediately close the premises, or prevent the use of equipment or a process.

The authorised officer must apply to a Sheriff for a FBEPO within three days of a FBEPN being served, the day of service of the Notice being Day 1. The authorised officer must serve notice on the FeBO at least one complete day (24 hours) before the day upon which the authorised officer intends to make the application to the court.

Although there is no legal requirement for the application to be heard within the three days, the Court should be asked to list the application for hearing at the earliest opportunity.

Once made, a FBEPO supersedes a FBEPN.

7.9.2 Health Risk Conditions where use of Feed Business Prohibition Orders and Feed Business Emergency Prohibition Orders and Notices may be appropriate

The following paragraphs provide examples of circumstances that may show that the health risk condition is fulfilled as defined by Regulation 21(2)/ Regulation 22(4) of the [Hygiene Regulation](#) i.e. there is a risk / imminent risk of injury to health, and those in which an authorised officer may therefore consider the use of such prohibition powers. These examples are in no way prescriptive or exhaustive and are for illustrative purposes only. Prohibition Orders can only be made by the courts.

There must always be an imminent risk of injury to health before a FBEPN can be served. The injury itself may occur sometime in the future, but it is essential to show that it could occur for the action to succeed. Not every animal exposed to the risk of injury to health would need to suffer the injury for there to be considered an imminent risk. It is the exposure to the risk of injury that enables action to be taken.

The application is made by the authorised officer and hence it bears the burden of proof. An authorised officer should use professional judgement and discuss with the FDB, to determine whether premises, process, treatment or piece of equipment or its use involves an imminent risk of injury to health.

The following paragraphs provide examples of circumstances that may show that the health risk condition exists as defined by regulation 21(2) of the [Hygiene Regulation](#) i.e. there is an imminent risk of injury to health, and where an authorised officer may therefore consider the use of such prohibition powers. These examples are in no way prescriptive or exhaustive and are for illustrative purposes only.

7.9.2.1 Health Risk Conditions where Prohibition on use of premises may be appropriate

Examples include:

- infestation by rats, mice, cockroaches or other vermin, serious enough to result in the actual contamination of feed or a significant risk of contamination;

- very poor structural condition and poor equipment and/or poor maintenance or routine cleaning and/or serious accumulations of refuse, filth or other extraneous matter resulting in the actual contamination of feed or a significant risk of feed contamination;
- drainage defects or flooding of the establishment, serious enough to result in the actual contamination of feed or a significant risk of feed contamination;
- inadequate storage conditions or poor cleaning procedures which create a significant risk of contamination or cross contamination of the feed posing an actual risk to the health of animals, or through the products of such animals, to human health; or
- any combination of the above, or the cumulative effect of contraventions which, taken together, represent the fulfilment of the health risk condition.

7.9.2.2 Health Risk Conditions where the Prohibition on use of equipment may be appropriate

Examples include:

- use of defective equipment, e.g. a mixer which is incapable of achieving the required blend of ration; or
- use of equipment for the processing of high-risk feeds that has been inadequately cleaned or disinfected or which is grossly contaminated and can no longer be properly cleaned

7.9.2.3 Health Risk Conditions where Prohibition on use of a process may be appropriate

Examples include:

- serious risk of cross contamination with undesirable substances; or
- the use of a process for a product for which it is inappropriate.

7.10 Voluntary Procedures

Voluntary procedures to remove a health risk condition may be used, at the instigation of the proprietor or a manager of the business, when the feed business operator agrees that a health risk condition exists. An officer may suggest this option to the feed business operator but only when they are able to use emergency prohibition powers in the [Hygiene Regulation](#). If in doubt, the FeBO should be advised to take legal advice.

Any voluntary closure agreement should be confirmed in writing by the feed business operator and the authorised officer, with an undertaking by the feed business operator or manager not to re-open without the officer's (and FDBs) prior approval.

If the manager of a feed business offers to close the business voluntarily, the authorised officer should obtain written confirmation from the manager that he or she has the authority to agree to such action. The officer should ensure that frequent checks are made on the establishment to ensure that it is not re-opened.

If the feed business operator offers to close voluntarily, the authorised officer must:

- consider whether there is a risk of the establishment being re-opened without the officer's or FDB's knowledge and/or agreement;
- recognise that there is no legal sanction against a feed business operator who re-opens for business after offering to close, although enforcement action for the actual breaches e.g. unsafe feed, similar processing as before, etc. remains available; and
- explain to the feed business operator that, by making the offer to close, any compensation if a court subsequently declines to make a feed business emergency prohibition order may be less likely to be awarded.

7.11 Prohibition Order Procedures

It should be noted that Prohibition Order Procedures under the [Hygiene Regulation](#) are rarely used.

A Sheriff can make a Feed Business Prohibition Order (FBPO) under Regulation 21 of the [Hygiene Regulation](#) after a FeBO has been convicted of an offence under specified feed law to:

- close feed premises;
- prohibit premises from being used for particular kinds of feed business;
- prevent the use of equipment for any feed business, or a particular feed business;
- prohibit a particular process; or
- prohibit the proprietor from managing any feed business.

The Court can also make a FBPO prohibiting a proprietor or manager from managing a feed business. In Scotland, it is essential for authorised officers to attend court to advise the Procurator Fiscal and to provide any further evidence or opinion the court may require.

7.11.1 Action when a Feed Business Prohibition Order has been made against a person

A FBPO, served under Regulation 21(4) of the [Hygiene Regulation](#) can only be fully effective if other Competent Authorities are notified, as the individual concerned may try to start a feed business in another area. FSS shall notify FSA as soon as possible after an Order is made against a person prohibiting them from running a feed business, provided the order is not the subject of an appeal and the period allowed for appeal has expired.

7.12 Service of Notice and Orders

7.12.1 Service of Feed Business Improvement Notices served on FeBO outside of Scotland or outside the area for which the officer is authorised

A FBIN can be served on a FeBO outside of Scotland or outside the area for which the officer is authorised, provided there is contravention inside the area covered by the officer. Such circumstances shall be discussed with FSS.

Depending on the circumstances, feed businesses may choose to take action with their competent authority (if outside of Scotland), the authorised officer or FSS, in order to avoid reputational damage associated with non-compliant feed.

7.12.2 Methods of serving a notice

Every effort should be made to serve FBIN, FBEPN, FBPO or a FBEPO by delivering it by hand to the FeBO, or each of the operators/proprietors in the case of a partnership etc. If a notice or order cannot be handed to the FeBO in person, a copy of the document should be handed to a responsible person at the feed business establishment e.g. the manager.

The service of the notice or order on a number of partners can present difficulties, particularly where a partner is not in the United Kingdom at the time. As soon as the notice or order is properly served on any one of the partners, it takes effect.

If it is not possible to serve the document by hand then the officer should serve the document by a postal or courier service that includes proof of posting or despatch and, ideally, proof of delivery. The document can be emailed to the operator / proprietor for information in advance of its formal service, but a hard copy must follow for it to be properly served. It is useful to record the time of service, even when the postal service is used.

Notices and orders need not necessarily be served by the authorised officer who initiated the action. It should, however, be served by an authorised officer who is competent to explain the purpose of the notice, the necessary steps to be taken by the FeBO and be able to deal with obstruction. The authorised officer should ensure that the FeBO is aware of the matters that constitute an imminent risk. Although the model FBEPN requires these details, the FeBO may not understand what steps need to be taken to remove the imminent risk and further explanation may be necessary.

In the case of a FBEPO or FBPO, the authorised officer can, if necessary, consult with the Sheriff's Clerk to request the service of the Order before the operator/proprietor leaves the Court, where they are present.

Immediately after the document has been legally served by one of the methods mentioned in Regulation 26 of the [Hygiene Regulation](#), the prohibition on the use of the premises, or equipment for the purposes of any feed business, or a particular type of feed business, or prohibition on a process or treatment, becomes effective under the Order and the FBEPN ceases to have effect.

7.12.3 Affixing the notice or order on the premises

Regulation 21(5) of the [Hygiene Regulation](#) directs, as soon as practicable after the making of an order or the service of a notice, a copy of the order or notice should be affixed in a conspicuous position on the premises by the officer.

The purpose of this is to inform the public, which includes anyone who may use the premises or equipment, that the premises have been closed or a process or piece of equipment prohibited from being used. An officer, who is competent to explain the meaning and importance of the notice, should take the action to affix a copy of the order or notice on the premises. The authorised officer who initiated the action need not necessarily be involved.

The authorised officer must firmly affix the document inside the premises, but in a position where it can clearly be seen and read from the outside, and which is preferably on the inside of the glass of a front display window. If such a position is unavailable, the officer should use professional judgement as to the best place available and if necessary affix a second copy of the document to the outside of the premises, making sure, as far as possible, that it is protected from the weather and possible vandalism. The authorised officer should arrange for periodic checks to be made on the document to establish that it is still there.

7.12.4 Unauthorised removal or defacement of notices or orders

The [Hygiene Regulation](#) does not make any reference to defacing or removing a prohibition order or a FBEPN. Such action should be considered as obstruction under Regulation 27 of the [Hygiene Regulation](#), as removing or defacing a notice or order can be considered an act that "wilfully obstructs an authorised officer in the exercise of the officer's powers under these Regulations...".

The defacement of the notice or order is an offence under Section 52 of the Criminal Law (Consolidation) (Scotland) Act 1995.

7.13 Appeals

It should be clear to the recipient of a notice that there is a right of appeal against a notice. The notice templates (Annex 7) include details of the right of appeal. Court proceedings against a FeBO, including appeals, are brought in the sheriffdom in which the FeBO is resident. Therefore the authorised officer shall provide the appropriate contact information for the [Sheriff](#) local to the business.

The FeBO should also be asked to notify the FDB if an appeal is lodged. The authorised officer should be prepared to discuss the:

- notice and its requirements informally with the FeBO if they wish to do so; and
- requirements of any letter or other enforcement action.

In the event of an appeal, the authorised officer is required to discuss with the FDB who will arrange legal representation through FSS Legal for the appeal hearing.

7.14 Breach of a notice or order

Where a notice or order is breached, the following offences may apply:

- A person who fails to comply with a FBIN is guilty of an offence under Regulation 17(2) of the [Hygiene Regulation](#);
- A person who knowingly contravenes a prohibition order is guilty of an offence under Regulation 21(5) of the [Hygiene Regulation](#); or
- A person who knowingly contravenes a FBEPN or FBEPO is guilty of an offence under Regulation 22(5) and 22(6) of the [Hygiene Regulation](#), respectively.

Where a Notice is breached, the offences relate to the breach of the Regulations and the breach of the notice requiring the non-compliance to be addressed. The officer should submit details of any contravention to FDB in order that FDB can prepare a report to the Procurator Fiscal.

If the authorised officer believes that there is sufficient evidence to show that the proprietor is unlikely to respond to a summons, application should be made for a warrant rather than a summons. The Court will decide if the circumstances justify this action and may ask the authorised officer for their view as to whether to endorse the warrant with bail. The authorised officer should use their professional judgement, discuss with the FDB and take into account all relevant circumstances in their decision.

FSS has contingency arrangements in place with Scottish Government lawyers so that in the event of the breach of a notice or order, there is no delay in making a report to the Procurator Fiscal.

7.15 Lifting Notices and orders

7.15.1 Health Risk Condition No Longer Exists: Lifting of feed business prohibition notice of orders

In respect of prohibition orders, FBEPN and FBEPO, by virtue of Regulations 21(7) and 22(9) of the [Hygiene Regulation](#) respectively, the authorised officer must issue a certificate to the feed business operator within three days of being satisfied that the health risk condition no longer exists (Annex 7.6). If the feed business operator applies for such a certificate, the authorised officer must determine the position as soon as is reasonably practicable and in any event within a period of no longer than fourteen days.

Where a delay occurs between the inspection / service of the FBEPN and the hearing of the FBEPO application by the Sheriff, a further inspection should take place prior to the hearing to ensure evidence of any current risk to public health is available. Failure to gather such evidence may prevent the Sheriff in making an informed decision on whether the health risk condition still exists.

If an officer conducts a further inspection before the Sheriff hearing and they are satisfied that the health risk condition no longer exists, under Regulation 21(7) of the [Hygiene Regulation](#), they must issue a certificate within three days to this effect. The authorised officer may still wish to continue with the application to request the FBEPO – the officer should make clear the distinction between making of the application for the FBEPO and the hearing to request the FBEPO, the latter of which may lessen the possibilities of a claim for compensation by the FeBO.

7.15.2 Lifting of feed business prohibition order against a person

A FBPO against a person imposed under regulation 21(4) of the [Hygiene Regulation](#) will only cease to have effect if, on an application by the feed business operator,:

- the court gives a direction to that effect; or
- the authorised officer has lifted a FBPO, as a result of evidence that the health risk condition has been removed, at a re-inspection of premises.

The authorised officer should discuss with FSS at the earliest opportunity after they learn that a FBPO against a person in their area ceases to have effect. FSS shall notify FSA.

The FeBO is required to apply in writing to the competent authority for a certificate lifting a FBPO, a FBEPN or FBEPO. This shall be sent to the officer that issued the notice. On receiving such a request, the officer should re-inspect the premises as soon as possible and determine as soon as is reasonably practicable, or in any event within 14 days, whether the notice or order can be lifted.

The decision on whether to issue the certificate or not should be made by the officer who initiated the action if this is possible or, if it is not, by another authorised officer with

the relevant qualifications and experience.

If the authorised officer is of the opinion that the health risk condition has been removed, arrangements should be made for the certificate under Regulation 21(6) of the [Hygiene Regulation](#) to be issued as quickly as possible, and within 3 days. The certificate can be sent by email, although the proprietor may also be informed of the decision verbally, thus allowing the premises to re-open immediately.

If the officer is of the opinion that the health risk condition has not been removed, arrangements should be made under Regulation 21(7) of the [Hygiene Regulation](#) for the authorised officer to issue a notification of continuing risk to health as quickly as possible. The authorised officer must give reasons why it is not satisfied that the health risk condition has been removed.

Although a certificate lifting a FBEPN can be issued before the application for a FBEPO can be heard, the operator / proprietor can still be prosecuted for offence(s) against the Hygiene Regulation.

The FDB will ensure that the court is informed in this situation.

A FBPO on the FeBO / feed business proprietor can only be lifted on application by the operator / proprietor to the Court that made the order.

7.16 Detention and Seizure

When an officer has inspected or sampled any feed material and where it appears from such inspection or analysis of the sample taken that the material fails to comply with the requirements of a specified feed, the officer may detain or seize the feed under Regulation 25 of the [Hygiene Regulation](#).

7.16.1 Detention of Feed

Unless the circumstances require immediate action, a decision to detain feed should only normally be taken if it has been discussed with the owner or person in charge of the feed and, if appropriate, with the manufacturer. When the officer determines it is appropriate to serve a detention of feed notice, professional judgement shall be used to determine whether feed should be detained where it is, or moved elsewhere. If the officer has any doubts about the security or physical care of the feed, the detention of feed notice should specify a place to which the feed is to be moved. The FDB must be notified of the intention to move detained feed to a separate location. FDB will make arrangements for its uplift and transport to this location.

In all cases, but especially with highly perishable feed, the officer should act expeditiously at every stage and provide full information to the Analyst to carry out analysis or examination of samples of the feed.

If feed is to be detained where it is found, the officer should be satisfied that adequate arrangements can be made to ensure its security and prevent tampering. If necessary,

the authorised officer shall make arrangements with the FDB to store the feed in a secure storage facility. The FDB will organise periodic monitoring of the feed throughout the period of detention. In liaison with FSS and before making such arrangements, regard should be had to the nature of the feed, the quantity, any health hazard that it represents and the ownership of the establishment where it is located. The officer should avoid leaving it in the charge of, or in an establishment owned by, any person who may be prosecuted for an offence under feed law.

The decision to detain a whole batch, lot, or consignment needs careful consideration before a notice is served (see Paragraph 7.19).

A Detention of Feed Notice (DFN) must be signed by the officer who takes the decision to detain the feed. A model notice can be found at Annex 7.3.

7.16.2 Seizure of Feed

When considering whether to seize feed, authorised officers should consider whether the feed in question can be treated or processed before consumption and if so, whether the feed, after treatment or processing, would satisfy feed safety requirements. It should be noted that blending down of feed to reduce high levels of undesirable substances is not permitted by Article 5 of [Retained EU Directive 2002/32](#) (as amended).

[Retained EU Directive 2002/32](#) (as amended) has been implemented in national law by the [Hygiene Regulation](#). Arrangements for the treatment or processing of feed in these circumstances should be agreed by the officer and the owner or the person in control of the feed and are subject to a signed, written undertaking.

FDB shall put in place arrangements that involve feed being moved elsewhere. They shall notify FSA in the case of the intention to move it to another part of the UK for treatment or processing. This arrangement should be accepted by FSA before the arrangement is concluded.

If within Scotland, FSS shall ensure that steps are taken to ensure the processing or treatment is carried out appropriately, including the service of a detention of feed notice, where necessary. If out with Scotland, arrangements should be made for FSA and /or the LA (England or Wales) or DAERA in Northern Ireland to ensure the processing or treatment is carried out appropriately, including the service of a detention of feed notice, where necessary. If the receiving LA/DAERA or FSA is unable to accept responsibility for ensuring that the feed is properly processed or treated, the arrangement should not proceed unless there is no other way of rectifying the problem with the feed product.

Unless the preceding paragraphs of this section apply, or the use of voluntary procedures is more appropriate, feed should be seized if an authorised officer has evidence that the material fails to comply with the requirements of specified feed law. If evidence or information indicates that feed has already been detained or seized, the officer should serve a feed condemnation notification, warning of the intention to take the feed before the Sheriff and apply for its condemnation.

Feed that has been seized should be dealt with by the Sheriff as soon as is reasonably practicable and within the statutory 21 days permitted. Highly perishable feed should be dealt with at the earliest opportunity.

The person responsible for the feed must be informed of the intention to apply for a condemnation order, although action should not be delayed if the owner cannot be traced or contacted. The [Hygiene Regulation](#) requires that anyone who may be liable to prosecution is entitled to attend before the Sheriff by whom the material falls to be dealt with, be entitled to be heard and to call witnesses. Service of notice of the hearing should be documented and retained to show the Court that was the case.

The authorised officer should ensure continuity of evidence whether or not there may be a subsequent prosecution and should make every attempt not to leave the feed, which has been seized, unattended.

7.16.3 Notices of Detention/Seizure

A Detention of Feed Notice (Annex 7.3) should be signed by the authorised officer who takes the decision to detain the feed. When feed is seized (Annex 7.5), written notification of the seizure should be issued as soon as is reasonably practicable. This notification should include details of the type and quantity of the feed seized, including any distinguishing marks, codes, dates etc. A feed condemnation notification should be given to the person in charge of the feed when the officer intends to have the feed dealt with by the Sheriff.

7.16.4 Withdrawal of Detention of Feed Notice

The authorised officer should act as quickly as possible when evidence or information indicates that detained feed can be released, and in any case within 21 days. A Withdrawal of Detention of Feed Notice (WDFN) should be served (Annex 7.4). The decision to issue a WDFN should be taken either by the officer who originally issued the notice or initiated the action or by another officer with the relevant experience. A WDFN should be served as soon as possible to prevent possible deterioration of the feed and to minimise exposure to compensation claims under regulation 25(6) of the [Hygiene Regulation](#). The notice need not be served by the officer who made the decision, but may be served by any authorised officer.

7.17 Voluntary Procedures for the Disposal of Feed

Voluntary procedures for the disposal of feed, that is not suitable for consumption by animals intended to enter the food chain, may be used either at the instigation of the owner of the feed or at the suggestion of the officer when the owner of the feed agrees the feed is not suitable. A receipt should be issued for feed that is voluntarily surrendered to the authorised officer for destruction. The receipt should indicate that the feed has been voluntarily surrendered to the officer for destruction and be signed by the officer and counter-signed by the person surrendering the feed.

FSS shall arrange for uplift and destruction of the feed. The receipt shall be [emailed](#) to FSS who will complete the time, place and method of destruction of the feed.

The authorised officer must secure, as part of the voluntary surrender, an agreement by the owner to pay the reasonable expenses of destruction or disposal.

7.18 Destruction or Disposal Feed

FSS is responsible for ensuring the destruction of feed that has been seized or voluntarily surrendered, and arrangements should be made for the feed to be supervised by the authorised officer until it can be uplifted and dealt with by FSS. If possible and if there is likely to be some delay before destruction, the feed should be disfigured so as to prevent any possibility of it being returned to the feed chain or being diverted for human consumption. Disfiguration may take the form of the addition of dye to prevent use.

FSS shall appoint a waste disposal company to ensure the total destruction of the feed by incineration or some other appropriate method having regard to the requirements of relevant waste disposal legislation.

7.19 Dealing with Batches, Lots or Consignments of Feed

Article 15(3) of [Retained EU Regulation 178/2002](#) stipulates that where a feed, which has been identified as not satisfying the feed safety requirement, is part of a batch, lot or consignment of feed of the same class or description, it shall be presumed that all of the feed in that batch, lot or consignment is so affected, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment fails to satisfy the feed safety requirement.

If a quantity of feed of different types or batches is being detained, the officer should issue a separate detention of feed notice in respect of each type or batch.

When considering whether to seize or detain a batch, lot or consignment the officer should take into account the following:

- the evidence available;
- the nature of the contamination;
- the nature and condition of any container holding the feed;
- the risk to health; and
- the quantity of feed involved in relation to any sampling which has been undertaken.

The officer should use professional judgement to decide whether to detain or seize the whole of the batch, lot or consignment.

If a whole batch, lot or consignment is detained and it subsequently becomes clear that only part of the detained feed is affected and needs to be seized, the remainder of the

batch etc. may be released. The FeBO may therefore be liable to compensation under Regulation 25(6) of the [Hygiene Regulation](#).

7.20 Reporting to the Procurator Fiscal

Reports to the Procurator Fiscal shall only be prepared by FSS, although input from the relevant authorised officer will be required. The decision to submit a report to the Procurator Fiscal (PF) should be taken at the earliest opportunity.

Before deciding whether a report should be made to the PF, the FSS will consider a number of factors:

- The hierarchy of enforcement structure indicates that a report to the PF is appropriate as opposed to use of, for example, informal action or an enforcement notice.
- The likely cogency of any important witness, and their willingness to co-operate;
- The alleged person or persons responsible have been identified;
- Any explanation offered by the suspect;
- The likelihood of the suspect being able to establish a defence - in particular a due diligence defence;
- The public interest test has been satisfied.

Examples of factors impacting on a decision to submit a report to the PF:

- Seriousness of the offence
- Suspects previous convictions
- Contravention relates to a deliberate act to mislead or defraud consumers or other FeBOs

Examples of factors against a decision to submit a report to the PF:

- The offence was committed as a result of a genuine mistake or misunderstanding (this must be balanced against the seriousness of the offence)
- Whether any other enforcement action would be more appropriate

7.20.1 Court Proceedings – Evidence Required

FSS and the authorised officer should collect sufficient evidence to produce to the Court in order to substantiate any proceedings. In Scotland, any evidence intended to be placed before a court requires to be corroborated therefore a witness will be necessary.

It is important that contemporaneous notes, including sketches and photographs, are

taken during an inspection, as they may need to be used in evidence to a Court. The notes must be accurate and factual, so that they may be used in Court.

Analysis results of feed and samples of any form of contaminants may also be useful.

7.21 Compensation

7.21.1 Feed Business Improvement Notices

There is no provision for compensation in the [Hygiene Regulation](#) in respect of FBINs. If a FBIN is served in error and, as a result, a feed business suffers financial loss due to being unable to sell the feed due to its perishable nature, they may pursue compensation through a civil negligence claim against the Competent Authority, FSS.

7.21.2 Feed business emergency prohibition notices and orders

Regulation 22(10) of the [Hygiene Regulation](#) provides for the Competent Authority (FSS) to compensate the FeBO in respect of any loss which is directly attributable to the wrongful service of the notice. Any disputed question as to the right to or the amount of any compensation payable is to be determined by arbitration.

7.22 Enforcement Options in establishments subject to Registration / Approval under Retained EU Regulation 183/2005

Enforcement options in establishments subject to registration and approval are provided in Paragraph 5.3.15.

7.23 Enforcement Options with regard to Imported Feed Materials

7.23.1 Feed consignments which are injurious to human or animal health or are unsafe

Article 15 of [Retained EU Regulation 178/2002](#) states:

‘Feed shall be deemed to be unsafe for its intended use if it is considered to:

- have an adverse effect on human or animal health;

- make the food derived from food-producing animals unsafe for human consumption.'

Officers have powers available to them under the [Official Feed and Food Control \(Scotland\) Regulations 2009](#), as amended, to ensure that imported feed that does not comply with feed law does not enter into circulation.

Article 66(3) and (6) of [Retained EU Regulation 2017/625](#) requires that feed which is injurious to human or animal health or is unsafe is detained pending destruction or any other appropriate measure to protect human or animal health. Where a decision is taken to reject a consignment, the authorised officer should email the [FSS Incident team](#) and the [Feed Delivery Branch](#) or phone the incidents team (01224 288379), using the Incident Form (Annex 8.2) for this purpose.

A Detention Notice, under Regulation 32 of The Official Feed and Food Controls (Scotland) Regulations 2009 (as amended), is currently under development [*please [email](#) the Feed Delivery Branch or telephone (0330 912 0377) if it is considered that this notice is necessary*].

7.23.2 Feed consignments which do not comply with feed law but are not injurious to human or animal health or unsafe

Such consignments of feed must be detained and then either:

- ordered to be destroyed;
- subject to special treatments detailed in Article 71 of [Retained EU Regulation 2017/625](#); or
- re-dispatched.

Arrangements for detention are provided in Paragraph 7.16, with the appropriate form for imported feed under development (see above). Arrangements for destruction are provided in Paragraph 7.18 are described above. FSS, in collaboration with the authorised officer, if necessary, shall agree and implement appropriate action.

7.23.2.1 Special Treatments detailed in Article 71 of Retained EU Regulation 2017/625

Special treatments can consist of:

- treatment or processing including decontamination, where appropriate, but excluding dilution, so that the consignment complies with the requirements of EU rules or with the requirements of a third country of re-dispatch; or
- processing in any other suitable manner for purposes other than animal or human consumption.

The treatment is to be effective in eliminating any risk to human, animal health, animal

welfare or, as regards GMOs and plant protection products, also to the environment and be documented and carried out under the control of the FSS.

7.23.2.2 Re-dispatch of consignments

FSS can organise re-dispatch only if:

- the destination of re-dispatch has been agreed by the FeBO responsible for the consignment;
- the feed business operator has informed the Competent Authority, in writing, in the country of origin or the country of destination (if different);
- the country of destination has been advised of the reasons and circumstances for the refusal of the entry into GB; and
- where the country of destination is not the country of origin, the Competent Authority of country of destination has notified FSS of its willingness to accept the consignment.

Article 69 requires that re-dispatch generally takes place no more than 60 days after FSS determines the destination of the consignment, unless legal action has been undertaken or the delay is justified. Otherwise the consignment will be destroyed.

7.23.3 Appeals against action taken under Articles 66 and 67 Retained EU Regulation 2017/625

The importer must be given FSS's decision by way of a notice in writing from FSS. The decision must relate to the most effective way of dealing with the product and should not be used as a punitive measure. There is a right of appeal against this decision provided by Regulation 32 of the [Official Feed and Food Control \(Scotland\) Regulations 2009](#). Appeals against the notice must be made within one month of the notice being issued.

8. Feed Incidents and Crime

8.1 Managing Incidents and Alerts – Introduction and Responsibilities

This section deals with how feed incidents and feed alerts / information notices are managed.

Authorised officers are responsible for reporting incidents to FSS (8.2.2).

Incident investigation and handling, and any consequential enforcement action, shall generally be carried out by FSS.

However, authorised officers from Agents may be asked to undertake this work, in exceptional circumstances and with written agreement from FSS. The necessary requirements for incident investigation and handling are laid out in this Chapter (from 8.3) should they be required. If Agents carry out incident investigation work that result in enforcement work, they shall also carry out the enforcement work. Chapter 7 provides details of enforcement action.

FSS Incidents Team is responsible for managing and analysing incident information in order to assess and manage risk, risk communication and providing advice to the authorised officers on the management of the risk.

FSS is also responsible for handling any media relations in connection with a feed incident.

A schematic representation of the process that authorised officers should follow when dealing with a feed incident or hazard can be found in Annex 8.1.

8.2. Feed Incidents

Feed incident: A “feed incident” is defined as any event where, based on the information available, there are concerns about actual or suspected threats to the safety, quality or integrity of animal feed that could require intervention to protect the interests of consumers and animals. Quality should be considered to include feed standards, authenticity and composition.

Feed Incidents are considered in the following three separate categories, which may overlap:

- a. Hazardous - an incident with the potential to cause an adverse effect to the health or safety of animals and/or consumers, involving (or suspected to involve) a biological, chemical and or physical agent in, or condition of, feed These include outbreaks of disease directly related to the feed and/or infectious intestinal disease.
- b. Non-Hazardous – an incident which does not have the potential to cause an adverse effect to the health or safety of animals or consumers but which may involve issues

detrimental to farmers/ consumers' interests such as standards, integrity, authenticity, composition and labelling.

c. Feed Fraud and Feed Crime – is serious dishonesty that impacts detrimentally on either the safety or the authenticity of food. Further information on Feed Fraud and Feed Crime can be found in section 8.10.

8.3. Incident Reporting

All feed incidents shall be notified to FSS using the incident form. When emailing the form, it should be sent both to the [Incidents team](#) and the [Feed Delivery Branch](#). In the case of hazardous incidents, authorised officers shall also contact FSS by telephone at the earliest opportunity, usually within 2 hours: Incidents team: 01224 288379. The incident report form can be found at Annex 8.2 and is also available online at: <https://www.foodstandards.gov.scot/publications-and-research/publications/foodincident-report-form>

FSS may be notified of an incident as a result of analysis by the Agricultural Analyst.

8.4. Deliberate contamination and malicious tampering

Incidents may be a result of deliberately contaminated feed and or malicious tampering. “Malicious tampering” goes beyond the act of a person/persons intending to cause limited disruption and includes the tampering of feed by terrorist activity, political disruption or with a view to blackmail or extortion.

Arrangements for dealing with malicious tampering incidents have been established between the FSA and FSS, and Police Scotland will lead the investigation.

Authorised officers must co-operate fully with police investigations into incidents of malicious tampering and respect police requests for confidentiality whenever possible.

8.5 Investigation

Once a hazardous incident has been identified, the authorised officer must immediately carry out an assessment to determine the likely scale, extent and severity of the risk to public health or safety of the hazard, involving other agencies as appropriate. These other agencies might include Government agencies and Agricultural Analysts. Authorised officers should continue to assess the incident throughout, in particular, where new information comes to light.

The assessment should include the following:

- the nature of the hazard;

- the toxicity of the contaminant,
- the type of injury which might be caused by a physical contaminant;
- the population (human and animal) likely to be affected and its vulnerability;
- the geographical spread of the hazard i.e. the likely quantity and distribution of the feed in the feed chain up to the point of consumption;
- the ability and willingness of the producer or distributor to implement an effective withdrawal of the product;
- the ability to identify accurately the affected batch(s) or lot(s);
- the accuracy and extent of records held by the producer or distributor;
- the likely effectiveness of any trade withdrawal at all stages of the feed chain;
- the stage(s) at which the fault is likely to have occurred (for example in processing, packaging, handling, storage or distribution) and its likely significance to the problem;
- whether other products produced in the same establishment may have been affected;
- whether the feed has been imported;
- whether any of the feed has been exported;
- whether there are wider implications for others in the same industry or for establishments using similar processes in other feed industries;
- the possibility that the incident has been caused by a malicious act (see section 8.4); and
- whether the root cause of the incident or hazard is known, and corrective action taken to avoid recurrence.

The outcome of this investigation must be shared with FSS ([Incidents team](#) and [Feed Delivery Branch](#)) to enable them to take any necessary action required.

Authorised officers must implement urgent control measures whenever they are required:

- When an authorised officer becomes aware of a hazardous incident, they must take action to protect public health and safety and animal health at the earliest opportunity, including, if necessary, detaining or seizing the feed concerned (see Chapter 7).
- Authorised officers must also consider the use of other powers under the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, relevant to the circumstances involved.

Where an authorised officer becomes aware that a FeBO has withdrawn or recalled feed from the market in accordance with Article 20 of [Retained EU Regulation 178/2002](#), due to non-compliance with the feed safety requirements of that Regulation, the authorised officer should confirm that FSS is aware.

8.6 Incidents Team Meeting

Where a multiagency response is invoked by FSS Incidents team, as part of FSS Incident Management Process, the unit will oversee the response and coordinate activities if a multiagency situation arises. SFCIU are solely responsible for forming FSS Operational Incident Delivery Team and/or Strategic Incident Team Meetings as per the Incident Management Process. If an Agent is involved in the investigation of a incident, SFCIU may request that a representative of the Agent attends such team meetings either in person or remote conference facilities.

8.7. Out of Hours Service

Where any specific incident-related action is required to be taken outside normal working hours, a telephone call will be made to the nominated contact point of the Agent to confirm correspondence distributed by emails.

The FSS Incidents team can be contacted on :

- Email: incidents@fss.scot
- Out of Hours: 07881 516867

Where necessary, the Incident team will contact the FDB out of hours.

8.8. Food Alerts / Information Notices

8.8.1 Communications

FSS utilises the following communications to raise awareness of food incidents:

- Feed Alert For Action (FAFA) – is a communication from FSS Incident team to FSS Feed Support Unit (or if an Agent is doing so after agreement, on behalf of FSS) concerning a feed incident, where a response is required by the FDB.
- Product Recall Information Notice (PRIN) – advises of recall of feed, where no specific action is required to be undertaken by the FDB. Recall relates to recall of feed from the consumer/user.

There may be occasion where FSS needs to update the information contained within an Alert/Information Notice and these will be issued as updates.

8.8.2. Responding to Feed Alerts for Action (FAFA)

Agents must ensure that any action specified in a FAFA is undertaken promptly. If Agents propose to take alternative actions, they must agree these with FSS before implementing them. Where an Agent anticipates difficulties in complying with a request for action given in a FAFA, they must contact FSS [Incidents Team](#) immediately.

8.9. Media Relations

There may be occasions when there is a need to alert consumers/users of feed to the existence of a feed hazard or incident. FSS is responsible for media relations.

8.10 Crime and Fraud relating to feed

8.10.1 Definition

For the purpose of the Feed Manual, activity that is classed as Fraud and / or Crime can be described as serious fraud and related criminality within the feed supply chain.

This is a dishonest act, omission or regulatory non-compliance, relating to the sale or preparation of feed, which is intended for personal gain or to cause loss to another party.

The following factors should be taken into account when assessing whether the crime offence is serious:

- the seriousness and types of offences or crimes,
- those involved in the criminality,
- substantial financial loss to customers or businesses,
- serious risk to public health,
- cross border or international reach,
- political or economic considerations
- the complexity of the investigation.

Due to the serious nature of the criminality involved, crime, relating to animal feed, shall be investigated by FSS, with input where necessary from the Agent.

8.10.2 Scottish Food Crime and Incident Unit (SFCIU)

The Scottish Food Crime and Incidents Unit (SFCIU) was established for the purposes of the prevention, investigation and detection of fraud and deliberate non-compliance within the food and animal feed chain.

The FSS Board agreed the remit of the SFCIU Food Crime capability should be to tackle:

- serious and/or complex fraudulent conduct; and
- serious and/or regulatory non-compliance involving dishonesty

Conduct is considered serious in this context where it is likely to result in:

- significant risks to public safety;
- substantial gain to the offender or loss to consumer;
- pan-regional or trans-national offending; or
- significant public concern

8.10.3 Emerging Issues, Intelligence and Suspicion of Crime

Intelligence can be described as information that has been subject to a defined evaluation and risk assessment process, in order to assist decision making.

The gathering, submission and analysis of intelligence is vital for any investigation. It will be used to support investigations relating to crime, product safety and to protect from those who pose a risk to colleagues and others.

FSS and the Agent have a role to play in providing intelligence regarding fraud and crime in all areas of the animal feed sectors. During the course of day-to-day business, authorised officers may become aware of relevant information by witnessing criminality, they may be approached by third parties who wish to 'whistleblow' on wrongdoing at their places of work, or they may be physically or verbally threatened or abused by members of staff at a feed business.

FSS and Agents with access should record all intelligence relating to feed crime on the agreed shared intelligence database. In addition, the Agent should contact FSS at the earliest opportunity to discuss any suspicions they may have regarding criminality, relating to animal feed. They should contact [Food Crime Unit](#) and [Feed Delivery Branch](#).

Examples of crime include:

- Falsifying records
- Deliberate mis-labelling
- Adulteration of feed
- Fraudulent use of 'organic' label

- Fraudulent use of quality marks or accreditation
- Misrepresentation of durability date

9. Internal Monitoring

9.1 Introduction

Paragraph 2.3 lays out a schedule for meetings and reviews between FSS and Agents. Every quarter, a review of the third party's performance against the DSLA shall take place. Monitoring records shall be sufficiently detailed and are to be forwarded to FSS every quarter, prior to the DSLA review between FSS and the Agent. This will allow FSS to identify trends and monitor issues that require to be addressed, such as guidance and training.

FSS will carry out ongoing monitoring by analysis of the data held within FMIS. Data utilised for monitoring purposes will be identified to the Agent and made available on a dashboard within FMIS.

In order to feed into the quarterly review, Agents are required to carry out structured, proportionate and routine qualitative internal monitoring to ensure that interventions and other feed law activities, carried out under the terms of the DSLA, are done so appropriately. Outputs from the internal monitoring process shall be used to verify compliance with terms of the Feed Delivery DSLA.

The Agent should use internal monitoring to ensure effectiveness of delivery methods, identify good practices, areas for improvement and satisfactorily address areas for improvement, as appropriate.

9.2 Purpose of Monitoring

The purpose of monitoring is for the Agent to be satisfied that :

- the Agent is in compliance with the Feed Service Delivery DSLA, FSS guidance and other relevant guidance;
- the planned programme of interventions is being maintained and are being carried out competently and consistently;
- the feed law risk rating scoring system, is applied in an appropriate and consistent manner including where changes are made to an establishments risk rating score;
- appropriate use is made of inspection templates
- any action taken by officers during and following an official control is appropriate and consistent with FSS guidance, the Feed Enforcement Policy and other relevant guidance including guidance issued by the National Agricultural Panel; and
- officers have access and due regard to UK or EU Guides to Good Practice, national and industry codes of practice relevant to the businesses within their area.

9.3 Forms of Monitoring

9.3.1 Monitor of performance against the DSLA

Agents should aim to carry out a monitoring exercise to establish compliance against the DSLA every quarter. A template for the recording of monitoring is provided in Annex 9.1. The following list provides examples of areas that may be monitored in order to verify that the service is delivering in accordance with the DSLA. Priority should be given to areas that are known to cause concern.

- Adequate arrangements for delivery using sufficient, competent, qualified staff with suitable workload planning:
 - Officers are familiar with the legislation they enforce and the relevant guidance;
 - Officers are competent and appropriately authorised for the businesses they inspect and the legislation they enforce;
 - Officers authorised to undertake feed hygiene and safety controls of feed business establishments have detailed, relevant and up to date knowledge of the nature and types of businesses in their area and the technology utilised by the businesses;
- Ensure each officer has an appropriate programme of training based on the principles of continuing professional development.

9.3.2 Monitor of performance of officers in the execution of their agreed duties

An Internal Monitoring Record (Annex 9.1) should be used for recording internal monitoring of an officers work. In addition, an officer may carry out a self-audit or if there is more than one officer engaged in feed work, a peer review (in both cases, using the checklist in Annex 9.2).

Although not routine activities for Agents, where FSS has agreed that formal enforcement notices, approval and incident investigation shall take place in exceptional circumstances, these records and notices shall also be subject to monitoring.

Agents should aim to carry out a monitoring exercise for each officer (or self-audit/peer review) once per month.

Tools used for monitoring include:

- accompanied inspections;
- consistency exercises, e.g. a range of business scenarios to enable a comparison of officer assessments. These might include:

- Risk scores;
- Enforcement decisions;
- FeBO intervention reports;
- Checking of records e.g. official control reports, letters, sample failure investigations, and where appropriate, formal enforcement notices, approval and incident investigation:
 - demonstrate that an assessment has been carried out;
 - demonstrate the level of feed businesses compliance with the appropriate legislation;
 - ensure subsequent official controls are informed by individual business compliance histories;
 - inform each step of a graduated enforcement approach.
- Feed business operators receive timely notification of intervention findings and know what actions need to be taken with legal requirements distinguished clearly from recommendations;
- Recording of actions relating to follow up visits;
- Identify and document that instances of non-compliance are followed through, and all instances of significant non-compliance addressed which require notification to FSS are done so in a timely and effective manner, taking account of the FSS Feed Enforcement Policy.

Glossary

AA: Agricultural analyst	Defined in Section 66(1) of the Agriculture Act 1970 to mean an agricultural analyst appointed under Section 67 of this Act and, unless the context otherwise requires, includes a deputy agricultural analyst so appointed for the same area.
Animal Feed	Defined in Article 3(4) of Retained EU Regulation 178/2002 to mean any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals.
Animal Plant Health Agency (APHA)	APHA is an executive agency of Defra operating across Great Britain and is responsible for the protection of animal health and welfare. APHA's feed enforcement activities are focused on the ban on feeding animal protein to ruminants, under the Animal By-Products (Enforcement) (Scotland) Regulations 2013 and approval or registration of premises handling animal by-products (TSE) Regulations, the National Feed Audit required by the European Commission, controls relating to catering waste and swilling feed under the TSE Regulations.
Agent	Third party to which the delivery of official control function has been delegated
Approved establishments	A FeBE that has been approved pursuant to Article 10 of Retained EU Regulation 183/2005.
ARE	Scottish Government Directorate for Agriculture and Rural Environment
Authorised Officers	Means a person who is authorised by the Competent Authority, either generally or specifically, to act in relation to matters arising under the Hygiene Regulations.
BTSF course	"Better Food For Safer Food" training courses delivered by the EU
Co-Product Producers	Food and non-food businesses producing co-products e.g. residues of soya bean from the extraction of oils, and vegetable trimmings (e.g. carrot tops and potato skins), brewers and distillers' grains, and yeast or glycerine from biofuels.
Competent Authority	Defined by Regulation 2(1) of the Official Feed and Food Controls (Scotland) Regulations 2009
Compliant	Conforming with the requirements of the law.
Compound Feeds	A mixture of at least two feed materials, whether or not containing feed additives for oral animal feeding in the form of a complete or complementary feed
Conditional Approval	Approval granted by a Competent Authority pursuant to Article 13 of Retained EU Regulation 183/2005 if it appears to a Competent Authority that an establishment meets all the infrastructure and equipment requirements. Conditional approval shall not exceed a total of six months.
Consignment	A quantity of food or feed of the same type, class or description covered by the same document(s), conveyed by the same means of transport and coming from the same country or EU.

CPPD	Continuing Personal and Professional Development: the means by which members of a profession maintain, improve or broaden their knowledge and skills and develop the qualities required in their professional lives.
Defra	The Department of Food and Rural Affairs
Delegated Body	Has the meaning as defined by Article 3(5) of Retained EU Regulation 2017/625 to mean separate legal person to which the competent authorities have delegated certain official control tasks or certain tasks related to other official activities.
Documentary Check	Defined by Article 3(41) of Retained EU Regulation 2017/625 as the examination of the official certificates, official attestations and other documents including documents of a commercial nature, which are required to accompany the consignment as provided for by the rules referred to in Article 1(2), by Article 56(1) or by implementing acts adopted in accordance with Articles 77 (3), 126(3), 128(1) and 129(1);.
DPIA	Data Privacy Impact Assessment
DSA	Data Sharing Agreement
DSLAs	Delegated Service Level Agreement: applies to third parties, laying out the requirements for delivery of the feed law function on behalf of FSS.
Earned Recognition	FeBOs who demonstrably maintain high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by the Competent Authority when determining the frequency of their official controls and therefore earn recognition.
Establishment	Has the meaning as defined by Article 3(d) of Retained EU Regulation 183/2005 to mean any unit of a feed business. It does not simply mean “premises”, but is directly linked to the business occupying the establishment (establishment denotes both premises and the manner in which those premises are being used by the FeBO).
Export	The action of sending or transporting a commodity outside the EU.
Feed Additives	Defined in Article 2(2)(a) of Retained EU Regulation 1831/2003 to mean substances, micro-organisms or preparations, other than feed material and premixtures, which are intentionally added to feed or water in order to perform, in particular, one or more of the functions mentioned in Article 5 (3) of Retained EU Regulation 1831/2003.
Feed Alert	The method by which FSS informs the authorised officer and/or other Competent Authorities about feed hazards and advises of specific action to be taken.
Feed Business	Defined by Article 3(5) of Retained EU Regulation 178/2002 to mean 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.
Feed Business Establishment (FeBE)	Defined by Article 3(d) of Retained EU Regulation 183/2005 to mean any ‘unit of a feed business’. It does not simply mean “premises”, but is directly linked to the business occupying the establishment

	(establishment denotes both premises and the manner in which those premises are being used by the FeBO).
Feed Business Operator (FeBO)	Defined by Article 3(6) of Retained EU Regulation 178/2002 to mean the natural or legal persons responsible for ensuring that the requirements of the relevant legislation are met within the feed business under their control.
Feed Business Emergency Prohibition Notice (FBEPN)	Sanction provided in the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
Feed Business Emergency Prohibition Order (FBEPO)	Sanction provided in the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
Feed Complaint	A feed consumer complaint is a complaint received about feed or a feed business from a consumer or member of the public. It may, or may not, result in a feed incident
Feed Hazard	A biological, chemical or physical agent in feed capable of causing adverse effect to public health.
Feed Incident	Any event where, based on the information available, there are concerns about actual or suspected threats to the safety, quality or integrity of feed that could require intervention to protect consumers' interests
Feed Law	Has the meaning as defined by Article 3(2) of Retained EU Regulation 2017/625 to mean the laws, regulations and administrative provisions governing feed in general and feed safety in particular, whether at Union or national level at any stage of production, processing and distribution or use of feed.
Feed Material	Any products of vegetable or animal origin, in their natural state, fresh or preserved; any products derived from the industrial processing of such products or organic or inorganic substances which are intended for oral animal feeding, either directly or in a compound feed. Feed materials are primarily used to meet animals' nutritional needs for example energy, dietary fibres, nutrients and minerals.
Food Business Operator (FBO)	Defined by Article 3(3) of Retained EU Regulation 178/2002 to mean the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.
Feed Delivery Branch (FDB)	Branch that sits within FSS which oversees the feed delivery function and provides coordination and administration support to authorised officers
Formal Enforcement Action	Means the taking of action against a FeBO as set out in the legislation, for example, the service of a statutory notice to remedy non-compliance with legal requirements.
Food Standards Agency (FSA)	Central Competent Authority for food and feed in England, Wales and Northern Ireland.

Food Standards Scotland (FSS)	Central Competent Authority for food in Scotland. FSS is the competent authority for feed in Scotland
GMO	Genetically Modified Organism
GDPR	EU General Data Protection Regulations 2016 – to protect individuals from privacy and data breaches
Hazard Analysis Critical Control Points (HACCP)	Hazard analysis and critical control points or HACCP is a systematic preventive approach to food safety from biological, chemical, and physical hazards in production processes that can cause the finished product to be unsafe, and designs measurements to reduce these risks to a safe level.
Hygiene Regulation	The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.
Identity Check	Defined by Article 3(42) of Retained EU Regulation 2017/625 to mean a visual inspection to verify that the content and the labelling of a consignment, including the marks on animals, seals and means of transport, correspond to the information provided in the official certificates, official attestations and other documents accompanying it
Import	The action of bringing in goods and/or services from another country outside of the EU.
FMIS	Feed Management Information System – for feed premises data
Informal Enforcement Action	Bringing to the attention of a FeBO and giving advice on non-compliances with feed law in order that any non-compliance can be quickly remedied by, for example, a letter
INFOSAN	International Food Safety Authorities Network (World Health Organisation network) is a tool for information exchange, allowing for the implementation of risk management measures to prevent foodborne illness. It facilitates the rapid exchange of information across borders and between members.
Inspection	The examination of any aspect of feed, food, animal health and animal welfare in order to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and welfare rules. This includes partial or full inspections: <ul style="list-style-type: none"> • a ‘full inspection’, is a check on compliance with legal requirements and will consider all aspects of a FeBE’s operations; or • a ‘partial inspection’, which is an inspection that covers only certain elements of a FeBE’s operations.
Intervention	Regulatory actions taken by a government in order to affect or interfere with decisions made by individuals, groups, or organisations regarding social and economic matters. Interventions include official controls and other interventions such as education, advice and coaching, information and intelligence gathering (including sampling where the analysis is not to be carried out by an Official Control Laboratory).
Investigation	The action taken by the Competent Authority to gather evidence where it believes an offence has been committed.

IPAFFS	Imports of Products, Animals, Food and Feed System – UK system for the notification of imports (replacement for TRACES)
Known feed establishment	A FeBE that is known to the Competent Authority but has not been formerly registered and/or approved in accordance with The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.
Local Authority (LA)	Has the meaning set out in Section 1 of the Local Government Act 1972.
Malicious tampering	For the purposes of this Feed Manual, the deliberate contamination of food or feed by terrorist activity, or with a view to blackmail or extortion.
Monitoring	The conduct of a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with feed law.
MoU	Memorandum of Understanding.
National Agriculture Panel (NAP)	The NAP is an expert panel with significant knowledge and experience in animal feed enforcement. NAP membership consists of feed leads from each of the nine English regions, FSA (England, Wales and Northern Ireland), Food Standards Scotland, Public/Agricultural Analysts, VMD, APHA and the Chartered Trading Standards Institute.
Official Control	Any form of control that the competent authority performs for the verification of compliance with feed and food law, animal health and animal welfare rules
Risk rating	A method used to determine the risk of feed hygiene and standards within an establishment that informs the frequency of intervention.
SFCIU	The Scottish Food Crime and Incidents Unit includes the investigations and intelligence gathering arms of Food Standards Scotland (FSS) which focuses on tackling food crime and maintaining consumer protection. Their remit includes food, drink and animal feed.
National Trading Standards	NTS delivers national and regional consumer protection enforcement in England and Wales. Its Board is made up of senior and experienced heads of local government trading standards, from around England and Wales, with an independent Chair. Its purpose is to protect consumers and safeguard legitimate businesses by tackling serious national consumer protection issues, organised criminality and protecting food supplies by ensuring that the animal feed chain is safe.
Non-compliance	Failure to comply with one or more of the requirements of feed law.
Official Controls	Any form of control that the Competent Authority or the Community performs for the verification of compliance with feed and food law, animal health and animal welfare rules, whether planned or otherwise, partial or full. These include inspections, monitoring, surveillance, verification, auditing, sampling for analysis, physical, documentary and identity checks.
Physical Check	Has the meaning as defined by Article 3(43) of Retained EU Regulation 2017/625 to mean a check on animals or goods and, as appropriate, checks on packaging, the means of transport, labelling and temperature, the sampling for analysis, testing or diagnosis and any

	other check necessary to verify compliance with the rules referred to in Article 1(2).
Premises	Includes any establishments as well as fixed locations, this includes vehicles, ships, aircraft and other movable structures.
RPID	Scottish Government Rural Payment and Inspections Division
Primary Producers of Feed	Defined by Article 3(f) of Retained EU Regulation 183/2005 and including the associated operations detailed in Article 5(1) (a) to (c) of Retained EU Regulation 183/2005 to mean the production of agricultural products, including in particular growing, harvesting, milking, rearing of animals (prior to their slaughter) or fishing resulting exclusively in products which do not undergo any other operation following their harvest, collection or capture, apart from simple, physical treatment, as defined in Article 3(f) of Retained EU Regulation 183/2005 and includes the associated operations detailed in Article 5(1)(a) to (c) of Retained EU Regulation 183/2005.
Sampling	An example of an official control. Taking feed or any other substance (including from the environment) relevant to the production, processing and distribution of feed or to the health of animals, in order to verify through analysis compliance with feed or animal health rules.
SFCIU	Scottish Food Crime and Incident Unit (unit within FSS)
SFSD	Scottish Food Sampling Database
Specified feed additives (SFA)	Substances routinely added to animal feeding stuffs without prescription for the prevention of coccidiosis or histomoniasis or to favourably affect the growth of animals.
Specific feed law	The instruments specified in Schedule 1 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.
Specified risk material	Has the meaning as defined in part by Article 3(1)(g) of Retained EU Regulation No 999/2001 to mean the tissues specified in Annex V of Retained EU Regulation No 999/2001, if the tissues come from animals whose origin is in a Member State or third country or of one of their region with a controlled or undetermined BSE risk; unless otherwise indicated, it does not include products containing or derived from those tissues.
Standards	Rules and principles defined in feed law that are used as the basis for judgement against.
Surplus foods	This includes out of date products, products that do not meet the required specification, or are otherwise surplus to the requirements of food and drink businesses, including retailers. This may include bakery, confectionary, dairy or oil products.
Surveillance	A careful observation of one or more feed businesses, or FeBOs or their activities. Not an official control.
Third Country	A territory or country which is not a European Economic Area (EEA) State.
Verification	Has the meaning as defined, in part, by Article 3(6) of Retained EU Regulation 2017/625 to mean the arrangements put in place and actions performed by the competent authorities for the purpose of

ensuring that official controls and other official activities are consistent and effective the checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled.

Veterinary Medicines Directorate (VMD)

The VMD is an executive agency of Defra. It aims to protect the safety, quality and efficacy of all aspects of veterinary medicines in the UK. The VMD is responsible for issuing all national marketing authorisations for veterinary medicines and for controls on the manufacture and distribution of veterinary medicinal products, SFAs and premixtures and feeding stuffs containing such products.

Annex 1

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Annex 2 Feed Delivery – Equipment List

List of FSS provided equipment
Mobile device (with built in camera) and case

The Agent is required to provide their own equipment, from the list below, for the feed law function

Mobile phone
Flat-bottomed shovel – vertical sides, stainless steel or non-ferrous mechanical apparatus which, must be capable of taking samples right across the flow of the product.
Sampling spear – stainless steel (large and small)
Apparatus designed to divide the sample into approximately equal parts for taking incremental samples, and for the preparation of reduced and final samples (ruler/baton)
Corer
Meter
Hand held gain moisture Meter
Sample bags – clear and black
White Plastic Sample Jars with lids
Sample jars (brown) – varying sizes (different types including sterile for Salmonella and leak-proof for liquid feeds)
Labels
Marker pens
Numbered seals for samples
Large plastic box for sampling equipment
Cool box and ice packs
Heavy duty car boot liners
Rubber mat
Large sheets of brown paper
Stainless steel trowel
Soft brush
Hand brush and dustpan
Weighing machine

Knife and scissors
White boiler suit OR Dark coverall/boiler suits, barrier to dust and liquids, breathable, elasticated hood, waist, wrist and ankle. Sizes S-XL
Dark Disposable - Boiler Suits Dark Disposable coverall/boiler suits, barrier to dust and liquids, breathable, elasticated hood, waist, wrist and ankle. Sizes S-XL
Non-slip steel toe cap black shoes
Non-slip steel toe cap black ankle boots
Safety boot socks
Gloves
Face masks Disposable Half Face Mask Protection against dusts, water based mists and aerosols, lightweight, nose clip to provide good fit
Protective glasses/goggles
Overshoes
Wash bucket for disinfecting boots
Boot brush for disinfecting boots
Detergent/disinfectant, bucket, brush, low pressure sprays for spraying car wheels
Outdoor fleece (FSS)
Waterproof jacket black
Body warmer
Waterproof over trousers (reusable)
Winter woolly hat
Winter water proof gloves
Protective hard helmet Approved protective hard helmet - white
LED Torch
High visibility coat- Padded coat
Sponges for footbath
Hand Sanitiser
Anti-septic hand gel

Hand Wipes
Ear defenders/Ear Plugs
Car First Aid Kit
Disposable Gloves
Long Nitrile gloves (non disposable)
Wellington boots (and bag)
Blue hand paper towels
Footbath
Kit bag

Annex 3.1 Competency Framework

Competency 1: Officer undertaking official controls, excluding sampling for analysis of feed, and enforcement action at Feed Business Operators (FeBEs) required to comply with feed law which undertake solely, one of the on-farm activities R10, R11, R13 and R14 or, a combination of these activities. Officers may also undertake food primary production hygiene inspections on farm.

No	Sub task	Statement of Competence	What this might look like in practice (examples only)	Evidence provided by officer (last 12 months)
I	Recitals and general requirements of Retained EU Regulation 183/2005 on Feed Hygiene Annex I & III	<ul style="list-style-type: none"> Can demonstrate an understanding of the purpose of feed hygiene requirements and the ability to apply them to different types and sizes of FeBOs. Understands and can effectively apply the hygiene requirement at feed businesses producing primary products, storing and using feed on farm, including the mixing of feed with complementary feeds. 	<ul style="list-style-type: none"> Able to explain the requirements of establishments that could fall under Retained EU Regulation 183/2005. Able to describe experience of assessing business compliance in a range of business types. Able to describe their experience in delivering relevant interventions in a range of premises types where hazards have been identified and risks assessed, providing examples. 	<ul style="list-style-type: none">
II	Recitals and general requirements of Retained EU Regulation 852/2004 on Food Hygiene, Annex I.	<ul style="list-style-type: none"> Can demonstrate an understanding of the purpose of food hygiene requirements and the ability to apply them to different types and sizes of primary producer FBO (food business operators). Understands and can effectively apply the hygiene requirement at businesses producing primary 	<ul style="list-style-type: none"> Able to explain the requirements of establishments that could fall under Retained EU Regulation 852/2004, in so far as they relate to primary production only. Able to describe experience of assessing business compliance in primary food production businesses. 	<ul style="list-style-type: none">

	(where relevant)	food products (livestock rearing and arable crop production), storing, transport and handling of food on farm, provided it does not substantially alter the nature of the food.	<ul style="list-style-type: none"> • Able to describe their experience in delivering relevant interventions in a range of premises types where hazards have been identified and risks assessed, providing examples. 	
III	Registration and Approval.	<ul style="list-style-type: none"> • Understands the application of registration and approval of feed/food establishments, including the application of approval by the Veterinary Medicines Directorate (VMD) 	<ul style="list-style-type: none"> • Able to identify when a FeBE may require approval by VMD or the Animal and Plant Health Agency (APHA). 	<ul style="list-style-type: none"> •
IV	Retained EU Regulation 1831/2003 on Feed Hygiene Annex II – Requirements for feed businesses.	<ul style="list-style-type: none"> • Understands the circumstances in which primary producers become subject to hygiene requirements applicable to FeBEs, requiring them to have in place feed safety management systems (FSMS) based on the principles of HACCP, including the role of other agencies in enforcing these requirements at feed establishments. • Understands the proportionate and flexible application of FSMS based on the principles of HACCP taking into account the activity and the size of the business. • Understands the circumstances where the activity is sufficiently complex to require the involvement of an officer authorised to inspect FeBEs 	<ul style="list-style-type: none"> • Able to describe their experience of assessing, influencing the development of, and/or developing flexible HACCP based systems, providing examples. Note: this may include suitable specific HACCP qualifications/training. • Able to describe experience of delivering official controls and/or intervention in a range of business types. • Able to describe experience in determining the most appropriate course of action in a range of premises types, including examples of when the action was taken to achieve a suitable outcome. 	<ul style="list-style-type: none"> •

		<p>which are required to have a FSMS.</p> <ul style="list-style-type: none"> • Can demonstrate inspection/audit skills which test compliance with feed law requirements. • Understands how, and can demonstrate their ability, to assess compliance with the requirements of EU and national legislation 		
V	Earned Recognition.	<ul style="list-style-type: none"> • Can demonstrate an understanding of the role of assurance schemes across the feed industry with particular focus on those which operate at FeBEs for which an officer is responsible. 		
VI	<p>Other relevant legislation which all feed and primary food production produced, distributed or used in the EU must comply and centrally issued guidance. (Food – only</p>	<ul style="list-style-type: none"> • Understands and can demonstrate the ability to apply EU legislation relevant to: <ul style="list-style-type: none"> ○ The safety, traceability and composition of feeding stuffs, and food, in so far as it relates to food primary production. ○ Labelling, marketing and use of feed – particularly those provisions relating to banned substances in feed; ○ Controls and restrictions on the presence of undesirable substances in feed and in food primary production; and 	<ul style="list-style-type: none"> • Able to explain the requirements of EU and National feed hygiene and/or standards legislation. • Able to explain the requirements of EU and National food hygiene and/or standards legislation, in so far as it relates to food primary production 	<ul style="list-style-type: none"> •

	where relevant)	<ul style="list-style-type: none">○ The application of animal by-products legislation and other legal requirements prohibiting certain products being used in animal feed and the role of other enforcement agencies in enforcing the requirements.		
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Competency 2: Officer undertaking official controls, excluding sampling for analysis of feed, at FeBEs required to comply with feed law which undertake one of the activities A1-A11, R1-R9, or R12

No	Sub Task	Statement of Competence	What this might look like in practice (examples only)	Evidence provided by officer (last 12 months)
I	Recitals and general requirements of Retained EU Regulation 183/2005 on feed hygiene.	<ul style="list-style-type: none"> Can demonstrate an understanding of the purpose of feed hygiene requirements and the ability to apply to different types and sizes of FeBOs. 	<ul style="list-style-type: none"> Able to explain the requirements of establishments that could fall under Retained EU Regulation 183/2005. Able to describe experience of assessing business compliance in a range of business types. 	<ul style="list-style-type: none">
II	Guidance and Guides to Good Practice.	<ul style="list-style-type: none"> An appreciation and knowledge of the EU guides which are available and how they have been incorporated into assurance scheme standards, where appropriate. 	<ul style="list-style-type: none"> Able to locate and access such Guides to Good Practice. Can demonstrate appropriate use of the Guides during interventions 	<ul style="list-style-type: none">
III	Registration and Approval.	<ul style="list-style-type: none"> Application of approval and registration of all types of FeBEs, including the differences between approvals carried out by the VMD and those by Food Standards Scotland. 	<ul style="list-style-type: none"> Able to identify when a FeBE may require approval by VMD or the Animal and Plant Health Agency (APHA). 	<ul style="list-style-type: none">
IV	Annex II – Requirements for feed businesses.	<ul style="list-style-type: none"> Has knowledge and understanding of the nature and type of a range of feed business Can identify hazards that can occur, applying an understanding of hazard identification techniques where relevant 	<ul style="list-style-type: none"> Able to describe their experience of assessing, influencing the development of, and/or developing HACCP based systems, providing examples. This may include suitable specific HACCP qualifications/ training and supervised experience. 	<ul style="list-style-type: none">

		<ul style="list-style-type: none"> • Can explain, and apply the principles of effective risk management to relevant FeBEs • Understands the following requirements, appropriate to the type of establishments: <ul style="list-style-type: none"> ○ The principles of HACCP as applied to the feed industry; ○ An understanding of Annex II of Retained EU Regulation 183/2005; ○ An understanding of the proportionate application of the Annex II requirements taking into account activity and size 	<ul style="list-style-type: none"> • Able to describe their experience of inspection of hazard analysis and critical control point (HACCP) based safety management systems • Able to describe experience of delivering interventions in a range of business types. 	
IV	Annex II – Requirements for feed businesses (Continued).	<ul style="list-style-type: none"> • Ability to assess the effectiveness of feed safety management systems, to ensure that risks associated with all aspects of the business’ processes, connected to the production or handling of feed, have been considered and effective measures taken to monitor and control critical control points; • Inspection skills which test compliance with feed law requirements; • Can demonstrate inspection/audit skills which test compliance with feed law requirements; 	<ul style="list-style-type: none"> • Able to describe experience in determining the most appropriate course of action in a range of premises types, including examples of when the action was taken to achieve a suitable outcome. • Able to describe the types of businesses and the potential risks they pose, and can apply appropriate control measures. • Note: The officer may have experience in delivering interventions in a variety of premises, and/or have attended training, for example, in HACCP 	<ul style="list-style-type: none"> •

		<ul style="list-style-type: none"> • Understands basic components of quality control systems and auditing techniques to ensure effectiveness and operations of the simple systems; • Understands how, and can demonstrate their ability, to assess compliance with the requirements of EU and national legislation with further reference guidance, including the appropriate application of the animal feed law risk-rating system. 	and/or involvement in specialist groups/forums	
V	Earned Recognition.	<ul style="list-style-type: none"> • Can demonstrate an understanding of the role of assurance schemes across the feed industry with particular focus on those which operate at FeBEs for which an officer is responsible. 	•	•
VI	Other relevant legislation which all feed produced, distributed or used in the EU must comply and centrally issued guidance.	<ul style="list-style-type: none"> • Understands and can demonstrate the ability to apply EU legislation relevant to: <ul style="list-style-type: none"> ○ The safety, traceability and composition of feeding stuffs; ○ Labelling of feed, marketing and use of feed - particularly those provisions relating to banned substances in feed; ○ Controls and restrictions on the presence of undesirable substances in feed and the contaminants common to 	<ul style="list-style-type: none"> • Able to interpret and explain the requirements of EU and National feed hygiene and/or standards legislation and how the legislation is applied in different types of feed business • Can explain what EU and National feed hygiene and/or standards legislation is in place in Scotland 	•

		<p>various types of feed material and feed additives originating from outside of the EU;</p> <ul style="list-style-type: none"> ○ Requirements for the authorisation, use and labelling of additives in feed, including the authorisation procedure, categories and functional groups of additives, and labelling and packaging requirements; ○ Requirements in respect of the import of certain products from 3rd countries under Article 24 of Retained EU Regulation 183/2005, including knowledge of safeguard measures applicable to feed imported from outside the EU; ● Knowledge of additives in use outside the EU which are not authorised for use within the EU and the circumstances under which they can be exported; ● Legislative requirements on the use of fats and oils in feed; ● Legislative requirements on the use and labelling of genetically modified feed materials, including compound feeds which incorporate these types of feed materials; and 	<ul style="list-style-type: none"> ● Able to explain how they will keep up to date ● 	
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		<ul style="list-style-type: none">• Understands the importance of effective liaison with other agencies responsible for the enforcement of feed and food law, as appropriate, including application of animal by-products legislation and other legal requirements prohibiting certain products being used in animal feed and the role of other agencies in enforcing the requirements.		
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Competency 3: Officer undertaking Official Controls, excluding sampling for analysis of feed, at points of entry

No	Sub Task	Statement of Competence	What this might look like in practice (examples only)	
I	Relevant EU legislation	<ul style="list-style-type: none"> • All officers will be required to understand: <ul style="list-style-type: none"> ○ Trade between the UK and third countries, including with the EU and the European Economic Association (EEA); ○ The general framework of EU law on feed, in particular Retained EU Regulation 178/2002 laying down the general principles of food law; ○ Requirements in respect of the import of certain products from 3rd countries under Article 24 of Retained EU Regulation 183/2005; ○ Retained EU Regulation 2017/625 Chapter V Official Controls on the Introduction of feed and food from third countries; ○ Specific feed controls on imported feed originating from outside the EU (safeguard measures) currently in effect; ○ Commission Implementing Retained EU Regulation 2019/1793 on the temporary increase of official controls and 	<ul style="list-style-type: none"> • Able to describe the legal framework regarding Imported/Exported feed. • Able to describe how to access the current list of restricted feed items, country-specific requirements, and border control requirements. • Able to explain how to assess compliance with the Imported/Exported feed legal framework in the context of the area in which the officer is working. 	<ul style="list-style-type: none"> •

		<p>emergency measures governing the entry into the Union of certain goods from certain third countries on higher-risk material; and</p> <ul style="list-style-type: none"> ○ Emergency import controls on feed and food which may be affected by a Declaration issued by FSS. 		
II	<p>Relevant EU legislation which all feed produced, distributed or used in the EU must comply with and centrally issued guidance.</p>	<ul style="list-style-type: none"> • Understands, can interpret and apply appropriately, the requirements of the Feed Manual, any supplementary guidance and the National Enforcement Priorities, as part of official controls at points of entry. • Understands and can demonstrate the ability to apply EU legislation relevant to: <ul style="list-style-type: none"> ○ The safety, traceability and composition of feeding stuffs; ○ Labelling of feed, marketing and use of feed - particularly those provisions relating to banned substances in feed; ○ Controls and restrictions on the presence of undesirable substances in feed and the contaminants common to various types of feed material and feed additives originating from outside of the EU; ○ Requirements on the authorisation, use and 	<ul style="list-style-type: none"> • Able to describe the range of enforcement sanctions relevant to Imported/Exported feed. • Able to explain how they would determine the most appropriate course of action, for example in some typical scenarios. 	

		<p>labelling of additives in feed, including the authorisation procedure, categories and functional groups of additives, and labelling and packaging requirements; and</p> <ul style="list-style-type: none"> ○ Knowledge of additives in use outside the EU which are not authorised for use within the EU and the circumstances under which they can be exported. 		
III	Operating an effective import control system at a point of entry.	<ul style="list-style-type: none"> ● Understands the typical information available which enables them to identify consignments of feed entering the port of entry, the enforcement powers available to access this information and deal with consignments which are found to be non-compliant with EU requirements. This includes: <ul style="list-style-type: none"> ○ Knowledge of the Port Operator responsible for point of entry for which authorisation is required; ○ Knowledge of the Importers and Shipping Agents using the point of entry and the type of feed materials being imported and the countries of origin from which they are dispatched; 	<ul style="list-style-type: none"> ● Able to describe the controls in place at points of entry. Able to describe how systematic documentary checks are carried out. ● Able to describe how random identify checks are carried out. ● Able to explain when sampling for analysis may be appropriate, providing examples. 	

		<ul style="list-style-type: none"> ○ The effective use of manifest/shipping information available to identify relevant consignments of feed, including database information; ○ The origin and nature of the feed and other relevant imports; ○ Sources of information and intelligence which would inform checks at the point of entry; ○ The Sampling Programme, if applicable; ○ Facilities and mechanisms available at the port for the safe inspection of consignments; ○ The Competent Authorities, Port Operator and other relevant FeBOs policies and procedures relating to health and safety; and ○ The work of other Agencies at the port, including APHA etc. 		
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Competency 4: Officer undertaking sampling for analysis of feed

No	Sub Task	Statement of Competence	What this might look like in practice (examples only)	
I	Retained EU Regulation (EC) No 152/2009 on the sampling and analysis for the official control of animal feed.	<ul style="list-style-type: none"> • An officer must understand: <ul style="list-style-type: none"> ○ Any advice or direction given on sampling priorities whether locally or centrally; ○ The procedures for sampling animal feeding stuffs of different types and as set out in the Regulation; ○ The types of equipment required to carry out sampling and their appropriate use; ○ The most appropriate methods of sampling for the type and quantity of various feeding stuffs; ○ The nature of constituents and undesirable substances to be tested for, their distribution within feed and the different approaches to sampling required; ○ Safe working practices and the authority's own health and safety requirements; ○ Methods and practices operated at local FeBEs; 	<ul style="list-style-type: none"> • Able to describe how informal and formal sampling should be completed. • Able to explain the role of the Agricultural Analyst; • Able to describe national and local sampling priorities. • Able to describe how to use the Scottish Food Sampling Database (if appropriate). • Able to describe examples of feed sampling and taking appropriate risk-based follow up action. 	<ul style="list-style-type: none"> •

		<ul style="list-style-type: none"> ○ Procedures and have practical experience of preparing samples, including submission to an Agricultural Analyst, complying with requirements to provide FeBOs with portions of the sample and the retention of a reference sample; ○ The most appropriate methods for storing samples; ○ How to interpret sampling results and make a judgement on appropriate action, based on risk; ○ The role of the Agricultural Analyst underpinning scientific assessment of feed safety, standards, labelling and in optimising the use of analytical testing; and ○ The Government Chemist and its role in disputes. 		
II	Other relevant legislation which all feed produced, distributed or used in the EU must comply and	<ul style="list-style-type: none"> ● Understands, can interpret and apply, appropriately, the requirements of the Feed Manual and the National Enforcement Priorities in respect of sampling activities. ● Understands the following EU requirements as they apply to the products they are required to 	<ul style="list-style-type: none"> ● Able to explain the requirements of EU and National feed hygiene and / or standards legislation. 	<ul style="list-style-type: none"> ●

	centrally issued guidance.	<p>sample and the analyses to be undertaken:</p> <ul style="list-style-type: none"> ○ Labelling, marketing and use of feed – particularly those provisions relating to banned substances in feed so far as they affect an officer’s ability to sample feed effectively; ○ EU legislation laying down the methods of sampling and analysis for the official control of feed with regards to the presence of genetically modified material for which an authorisation procedure is pending or the authorisation of which has expired; and ○ EU legislation establishing harmonised methods of sampling for the official control of pesticide residues in and on products of plant and animal origin. 		
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Competency 5: Officers using enforcement powers and carrying out reactive investigations

No	Sub Task	Statement of Competence	What this might look like in practice (examples only)	
I	Understanding the use of enforcement to achieve compliance and the powers available.	<ul style="list-style-type: none"> • All officers must understand and demonstrate appropriate and proportionate use of the following, commensurate to the type of activity they are authorised to enforce and the powers they are authorised to use, including any limitations on such powers conferred; • Limits of their own authorisation including differences between their authorisation and other officers; • Powers to enter premises to inspect feed, processes and records under all relevant EU and National legislation on animal feed and the procedures involved; • Proportionate and progressive use of enforcement powers to achieve compliance with feed law in a timely manner; • Appropriate use of informal methods of enforcement e.g. warning letters; • Use of powers to issue improvement notices and the procedures involved; 	<ul style="list-style-type: none"> • Able to describe examples of legal requirements and recommendations relevant to a range of businesses. • Able to explain how they would provide advice to FeBOs, including advice given to those starting new feed businesses. • Demonstrates understanding of a graduated approach to enforcing feed law during accompanied inspections / audits and other interventions. • Satisfactory intervention paperwork when assessed/monitored by the Competent Authority. • Officers should only be authorised to serve FBEPN/FBINS if they have demonstrated the ability to make sound judgements with regards to these actions. • Able to describe experience of conducting investigations, providing examples. • Able to describe understanding/experience of evidence gathering, statement 	<ul style="list-style-type: none"> •

		<ul style="list-style-type: none"> • Use of emergency prohibition notices and orders and the procedures involved; • Use of powers to inspect, detain and seize feed and the procedures involved; • Use of suspension and revocation of feed registration and approval and the procedures involved; • Understands the legal framework regarding the use of enforcement powers; • Powers to sample, seize, detain and remove imported feed not complying with EU law from the feed chain; • National legislation applicable to the use of formal enforcement powers, including those relating to the use of investigatory powers and interview of suspected defendants; • Understands how to investigate and gather evidence in accordance with Enforcement Guidelines- Reports to the Procurator Fiscal) and the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA), where appropriate. Is then able to analyse information 	<p>taking, case preparation and involvement in interviews under Scots law.</p> <ul style="list-style-type: none"> • Accompanied investigations and / or satisfactory monitoring as part of internal performance appraisal/monitoring procedure. • Able to describe understanding/experience in determining the most appropriate course of action in a range of premises types and scenarios. • Able to explain any limitations on their authorisation. • Able to describe what an enforcement policy is and how they can access the Competent Authority's policy. • Able to explain procedures for appeal, for example in respect of improvement notices (as appropriate). • Able to explain the various enforcement powers available to use and when it is appropriate to use each. 	
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		<p>and determine an appropriate course of action;</p> <ul style="list-style-type: none"> • Understands the appropriate use consistency and targeted action required by the Legislative and Regulatory Reform Act 2006 and takes account of the Scottish Regulators' Strategic Code of Practice and the Regulators' Code; • Understands the appropriate and proportionate use of powers of search and seizure under Feed Enforcement law and Human Rights Act 1998; and • Can identify when it is appropriate to engage with other agencies and stakeholders in particular when investigating feed incidents. 		
II	Other relevant EU legislation and skills of EU feed law requirements.	<ul style="list-style-type: none"> • All officers are required to understand: <ul style="list-style-type: none"> ○ The general framework of EU law on feed, in particular Retained EU Regulation 178/2002 laying down the general principles of food law as it applies to the duties on FeBOs to produce feed compliant with EU requirements and the actions required of them in certain circumstances; 	<ul style="list-style-type: none"> • Able to explain when it is appropriate to work with other agencies on feed incidents. For example, liaising with the APHA, the VMD; FSS approved assurance schemes, other Competent Authorities, including the FSA. 	<ul style="list-style-type: none"> •

		<ul style="list-style-type: none">○ Retained EU Regulation 625/2017 on the official control of feed and food as it applies to the delivery by officers of official controls;○ The system of feed alerts and reporting of feed hazards operated by FSS; and○ Sufficient skills for the investigation and reporting of offences.		
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Annex 3.2 Qualification Equivalence Criteria

The candidate must have:

1. Minimum of level 8 (Scotland) or Level 5 (England, Wales, Northern Ireland) qualification in feed, food or agriculture.

The level 8 (Scotland) /Level 5 (England, Wales, Northern Ireland) qualification¹² includes a diploma of higher education (DipHE) and higher national diploma (HND)

AND

2. Minimum of 5 years' experience in one, or a combination of one or more, of the feed, food or agriculture sectors

AND

3. Auditing training or a minimum of 2 years auditing experience

Examples of audit training include, but are not limited to:

- Lead auditor training
- ISO 9001 auditor training
- ISO 22000/ FSSC 22000 auditor training
- Assessment of HACCP systems course (delivered to LA officers in 2008 and 2009), which contains an element of "Principles of Auditing"

If there is any uncertainty about meeting the audit training requirements, the FDB should be contacted (feed@fss.scot)

¹² Scottish Credit and Qualifications Framework: <https://scqf.org.uk/interactive-framework/>

Annex 3.3 Competency and Qualification Review Record

Part 1:

Name of Officer:	
Local Authority:	
Position:	
Current Qualifications:	
Level of experience:	
Current or planned qualifications and competency development activity	

Part 2: Competency Assessment: Complete an assessment against the relevant competencies for the activities carried out, completing the final column of the competency framework document (Annex 3.1)

Annex 4.1 Part A: The Animal Feed Law Risk Rating System

Part 1: The Potential Risk	Factor Description
A. Risk to animal/human health and/or other businesses	This factor considers the potential adverse effect on animals/human health, and the consequences for other businesses, should the establishment not comply with feed legislation. Consequences for other businesses include the economic effects of unfair trading and the potential harm to animals and human health.
B. Extent to which the activities of the business affect any hazard	This factor considers the type of activities that the feed business undertakes, the need for any of those activities to be closely monitored and controlled, and the FeBOs potential effectiveness in maintaining compliance with animal feed law. Consider whether the business produces, labels, or advertises products to which animal feed law applies. If the business produces its own products, consider the monitoring and control of recipes and ingredients.
C. Ease of compliance	This factor considers the volume and complexity of animal feed law that applies to the business and with which it has a responsibility to ensure compliance. Consider the range and complexity of products, processes and services including the supply of raw materials. Consider the level of difficulty of the task for the FeBO including how easy it is to recognise a hazard.
D. Animals and people at risk	This factor considers the number of animals/people likely to be at risk if the business fails to comply with animal feed legislation.

Part 2: Level of Current Compliance Score (LOCC): This factor considers the level of compliance with animal feed law observed during an inspection, adherence to relevant UK or EU Industry Guides to Good Practice and standards produced by assurance should be considered.		
LOC Score	Level	Description
100	Poor Compliance	No evidence of feed safety management/documented procedures. Significant hazards not understood and no effective controls in place. Staff not suitably supervised, instructed and/or trained and no appreciation of feed hazards or controls. Poor track record.
70	Varying Compliance	Feed safety management/documented procedures inappropriate or inadequate. Significant hazards not fully understood and not all controls in place. Significant improvements in feed safety procedures/implementation of controls required. Some staff not suitably supervised, instructed and/or trained. Varying track record.
42	Satisfactory Compliance	Generally satisfactory feed safety controls in place. All significant hazards understood and controls in place. Feed safety management records appropriate and are generally maintained but some deficiencies/gaps identified. Staff generally suitably supervised, instructed and/or trained but there may be some minor issues. Satisfactory track record.
21	Broad Compliance or Better	Feed safety management/procedures in place. Hazards understood, properly controlled, managed and reviewed. Feed safety management records appropriate and are generally maintained. Staff suitably supervised, instructed and/or trained with good staff knowledge and new staff receiving induction training. Good track record.

0	A minimum of Satisfactory Compliance and a member of an Approved Assurance Scheme	Business qualifies for earned recognition through being a compliant member of an approved industry feed assurance scheme.
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Inspection Frequencies		
Category	Total Risk Score Range (The total Risk Score is the sum of the potential risk and LOC scores)	Minimum Intervention Frequency
A	147 to 200	at least every 12 months
B	122 to 146	at least every 24 months, except where earned recognition applies
C	106 to 121	at least every 36 months, except where earned recognition applies
D	85 to 105	at least every 48 months, except where earned recognition applies
E	0 to 84	at least every 60 months, except where earned recognition applies

Annex 4.1 Part B: Inspection Types and Frequencies

Approval/Registration Codes Applicable to the Business ¹³	Potential Risk					Level of Current Compliance				
	A. Risk to animal/human health and/or Other businesses	B. Extent to which the activities of the business affect any hazard	C. Ease of compliance	D. Animals and people at risk	Total Potential Risk Score	Poor Compliance	Varying Compliance	Satisfactory Compliance	Broad Compliance or Better	minimum of Satisfactory Compliance and member of an Approved Assurance Scheme
						Minimum inspection frequency in years or % check				
						Inspection	Inspection	Inspection	Inspection	Inspection
Manufacturers of feed - All Approved Codes plus R1, R2, R3, R4 and R6, R7 (manufacturer of feed materials)	30	30	20	20	100	1	1	2	3	4
Importers	30	30	0	20	80	1	1	2	4	5
R4 - Mobile Mixers	20	30	20	10	80	1	1	2	4	5
R12 - Co-Product Producers	20	30	10	20	80	1	1	2	4	5
R9 – Stores	5	10	5	10	40	2	4	5	5	5
Distributors of feed - All approved codes plus R1, R2, R3, R5, R7 (feed materials other than surplus food) ¹⁴	10	5	5	5	25	2	4	5	5	5
R7 – Placing Surplus Food on the market	10	10	5	5	30	2	4	5	5	5
R8 - Transporters	5	10	10	10	35	2	4	5	5	5
R10/R11 - On-Farm Mixers	10	10	5	5	30	2	4	5	5	5
R13 - Livestock Farms	10	10	0	0	20	25%	25%	2%	2%	2%
R14 - Arable Farms	10	5	0	0	15	25%	25%	2%	2%	2%

¹³ See the Annex 5.2 for registration and approval activity code descriptions

¹⁴ Distributors who are 'placing feed on the market' as defined in Article 3 point 8 of Retained EU Regulation 178/2002 laying down the general principles and requirements of food law

Annex 5.1 Registration/Approval Form

Application for registration or approval under Retained EU Feed Regulation (183/2005)

To: Food Standards Scotland

Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL, feed@fss.scot

I am applying for the following premises to be **registered / approved** (delete as appropriate) under the above legislation. The information required is set out below.

1. Name or business name of the feed business to which this application relates

Name	
Business Name	

2. Address and associated details of the premises where the activity requiring registration or approval is undertaken or to be undertaken

Address			
Phone		Fax	
Email		Website	

3. Activity or activities carried out on the premises (please use the code and activity descriptions shown in Annex 5.2)

Code(s):		Activity(ies):	
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4. Details of any Food Business activities at the Establishment (tick all that apply)

Food manufacturer
Supermarket
Brewer
Distiller
On farm food producer
Farm shop
Catering
Importer
Other (please specify):

5. Details of Seasonal activity – is the business only open at certain times of the year? If so, please provide details.

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6. Applicant details

Name:	
Address (if different from above):	

Signature of Applicant		Date:	
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Feed business operators must also inform FSS of any changes to the name, business name, address, activity or ownership of a feed business establishment under its control, or its closure. In the event of temporary closure the Feed Business Operator is required to provide FSS with 2 weeks' notice of re-opening.

Approval Fees

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 require that a business pay the relevant fee to Food Standards Scotland. The fees payable are:

Manufacture only, or manufacture and placing on the market, of feed additives referred to in Article 10(1)(a) of Regulation 183/2005 other than excluded additives or premixtures consisting solely of a combination of excluded additives - £451

Placing on the market of feed additives referred to in Article 10(1)(a) of Regulation 183/2005 other than excluded additives or premixtures consisting solely of a combination of excluded additives - £226

In addition, the business must reimburse the Food Standards Scotland on demand the cost of any laboratory analysis incurred by it in connection with the application.

Food Standards Scotland will issue an invoice for the above fees to the business upon submission of this application.

Supporting Documentation for Approval Application

If not provided with the application, this information will be required at the time of the approval inspection.

Information to be considered for upload includes:

A plan or plans of the establishment indicating:

- the layout of the establishment;
- the location of equipment;
- work flows for each product line; and
- pest control - baiting and/or trapping points within the establishment and external areas.

A synopsis of the establishment which briefly describes what type of establishment it is, products produced, volume of product, type of trade, number of employees, and, if already approved, approval number and what it is approved for. This synopsis should be no more than one side of an A4 sheet.

Intervention reports on premises in chronological order.

Copies of notices or other formal action taken in chronological order.

Copy of company's emergency withdrawal plan and traceability system including names, telephone numbers etc., of key personnel within the company.

Location of any off-site facilities.

Copy of any other documents that have been provided by, or copied at, the approved premises, including:

- HACCP documentation;

- product list;
- raw material, product sampling plans and test results;
- process records;
- management and key contact names and contact details;
- photographs and digital images; and
- product recall procedures

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Feed Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 5.2: Approval and Registration activities

References to “manufacture and/or placing on the market” refer to activities that take place at (a) premises that both manufacture and place such products on the market (sell) and (b) premises that do not manufacture but buy and sell products. A full list of authorised feed additives and their authorising Regulations can be found on the EU Register of feed additives, which is available at http://ec.europa.eu/food/food/animalnutrition/feedadditives/index_en.htm

It should be noted that the list of examples given for each code in the fourth column of the table below is not exhaustive.

Code	Activity description	Notes	Examples of FeBEs likely to carry out the activity
A1	Manufacture and/or placing on the market of nutritional additives.	This includes vitamins, pro-vitamins and chemically defined substances having a similar effect; compounds of trace elements; amino acids, their salts and analogues; and urea and its derivatives, as authorised under Retained EU Regulation 1831/2003.	Feed additive manufacturers producing nutritional additives. Businesses selling (but not manufacturing) such additives.
A2	Manufacture and/or placing on the market of zootechnical additives: digestibility enhancers, gut flora stabilisers and substances which favourably affect the environment.	This includes enzymes and micro-organisms.	Feed additive manufacturers producing zootechnical additives, as indicated in the activity description column. Businesses selling (but not manufacturing) such additives.
A3	Manufacture and/or placing on the market of antioxidant additives with a maximum content in feeds specified in Retained EU Regulation 1831/2003.	At the time of writing, this may include propyl gallate, octyl gallate, dodecyl gallate, butylated hydroxyanisole (BHA), butylated hydroxytoluene (BHT), ethoxyquin, as authorised under Retained EU Regulation 1831/2003.	Feed additive manufacturers producing antioxidant additives with maximum permitted levels. Businesses selling (but not manufacturing) such additives.
A4	Manufacture and/or placing on the market of colorant additives: carotenoids and xanthophylls.	These products are subject to maximum inclusion rates set under Retained EU Regulation 1831/2003.	Feed additive manufacturers producing carotenoids or xanthophylls (such as

			canthaxanthin). Businesses selling (but not manufacturing) such additives.
A5	Manufacture and/or placing on the market of proteins obtained from micro- organisms belonging to groups of bacteria, yeast, algae and lower fungi.	These substances were previously covered by Directive 82/471/EEC on Certain Products (Bioproteins) which has been revoked. They are now classified as feed materials, but establishments manufacturing or selling such products continue to require approval.	
A6	Manufacture and/or placing on the market of co-products of the manufacture of amino acids by fermentation.	These substances were previously covered by Directive 82/471/EEC on Certain Products (Bioproteins) which has been revoked. They are now classified as feed materials, but establishments manufacturing or selling such products continue to require approval.	
A7	Manufacture and/or placing on the market of premixtures containing vitamins A and D.	These substances are subject to maximum inclusion rates set under Retained EU Regulation 1831/2003.	Manufacturers producing premixtures containing vitamins A or D. Businesses selling (but not manufacturing) premixtures containing vitamins A or D.
A8	Manufacture and/or placing on the market of premixtures containing copper and selenium.	These products are subject to maximum inclusion rates set under Retained EU Regulation 1831/2003.	Feed additive manufacturers producing copper or selenium additives. Businesses selling (but not manufacturing) premixtures containing copper or selenium additives.
A11	Manufacturing and placing on the market, for feed use, products derived from vegetable oils and blended fats	Feed business establishments carrying out any of the activities referred to in point 10 of the Section headed "Facilities and Equipment" in Annex II to Retained EU Regulation 183/2005 (as amended)	Businesses carrying out any of the following: <ul style="list-style-type: none"> • processing of crude vegetable oil except those under the scope of Retained EU Regulation 852/2004 (food hygiene); • oleochemical manufacture of fatty acids • manufacture of oils/fats from biodiesel • fat blending

Please note: Activity codes A9 and A10 are used by Veterinary Medicines Directorate, and are therefore omitted from this table.

Code	Activity description	Notes	Examples of FeBEs likely to carry out the activity
R1	Manufacture and/or placing on the market of feed additives (other than those subject to approval).	This includes preservatives, emulsifiers, stabilisers, thickeners, gelling agents, binders, anticaking agents, acidity regulators, antioxidants (not subject to a maximum permitted level), silage agents, denaturants, substances to control radionuclide contamination, colourants (except carotenoids and xanthophylls).	Feed additive manufacturers producing technological or sensory additives. Businesses selling (but not manufacturing) technological or sensory feed additives.
R2	Manufacture and/or placing on the market of premixtures (other than those subject to approval).	This includes premixtures containing any feed additive excluding vitamins A and D and copper and selenium.	Feed businesses producing or selling premixtures, other than those containing vitamins A and D, copper and selenium. Businesses selling (but not manufacturing) such premixtures.
R3	Manufacture and/or placing on the market of bioproteins not subject to approval.	This includes ammonium salts and certain killed yeasts cultivated on substrates of animal/ vegetable origin.	Businesses which both manufacture and sell such products; and businesses which do not manufacture but buy and sell such products.
R4	Manufacture of compound feedingstuffs (other than those subject to approval).	This includes the manufacture of complete and complementary feeds, with or without additives.	Businesses manufacturing complete and complementary feeds with or without additives.
R5	Placing on the market of compound feeds.	Establishments engaged in the buying and selling of compound feeds but not manufacturing such feeds. This includes businesses which do not physically hold any feeds (e.g. importers).	Placing on the market of compound feeds.

R6	Manufacture of pet foods.	Includes the manufacture of complete and complementary feeds with or without additives.	Pet food manufacturing businesses which manufacture complete and complementary feeds with or without additives.
R7	Manufacture and/or placing on the market of feed materials.	Feed materials are products which can be fed singly to animals or used as ingredients of compound feeds.	Businesses which produce or manufacture single ingredient materials (e.g. cereal or cereal based products, oils and fats) for animal feed use. Food manufacturers and branches of supermarkets involved in the transfer of surplus foodstuffs (e.g. out-of-date bakery products) into the feed chain. NB: this category does not include brewers, distillers and food manufacturers selling co-products into the feed chain -- see activity code R12.
R8	Transport of feed and feed products.	Transport of feed and feed products by manufacturers own vehicles are covered by the approval/registration of the manufacturer's premises.	Premises of businesses that transport feed materials, compound feed, feed additives and premixtures.
R9	Storage of feed and feed products.	Only covers premises not covered by another approval/registration activity relating to the manufacture or placing on the market of the products in question. It excludes storage facilities at a manufacturer's or transporter's premises.	Feed storage premises.
R10 (Farms)	Mixing feed on-farm, with additives and premixtures.	This activity was subject to registration under previous legislation (EC Directive 95/69 as implemented by the Feeding Stuffs (Establishment and Intermediaries) Regulations 1999).	Farmers who buy in additives and premixture products (i.e. not contained in a compound feed) and mix them with feeds (forage, silage, haylage, cereals etc.). Additives and premixtures may include vitamins, trace elements (e.g.

			copper, zinc) and preservatives (e.g. propionic acid).
R11 (Farms)	Mixing feed on-farm, with compound feedingstuffs which contain additives.	This activity was subject to registration under previous legislation (EC Directive 95/69 as implemented by the Feedingstuffs (Establishment and Intermediaries) Regulations 1999).	Farmers who mix their own feeds on-farm using bought-in compound feeds that contain additives such as vitamins, trace elements, etc.
R12	Food businesses selling co-products of the food industry which are destined as feed materials.	This includes the selling of feed materials generated as co-products of the manufacture of food products (e.g. wheat bran, brewers' grains, residues of soya bean and rapeseed from the extraction of oils, carrot tops and potato skins).	Brewers, distillers, biofuel manufacturers, dairies and food manufacturers. NB: this category does not include food manufacturers and supermarkets which sell surplus foodstuffs (e.g. out-of-date bakery products) into the feed chain -- see activity code R7.
R13 (Farms)	Livestock farms (including fish farms) which do not mix feeds or mix feeds without additives.		Livestock farmers. This may include farms making silage or haylage (without using additives). Fish farms may also be included under this activity.
R14 (Farms)	Arable farms growing or selling crops for feed.		Arable farmers such as those growing cereals, wheat, barley or food crops, e.g. potatoes, for use as feed. Arable farms using grain driers must also register as R14 but this particular activity is not considered primary production.

Annex 5.3 Declaration for Approval without Prior On-Site Inspection

ARTICLE 17 OF Retained EU Feed Regulation 183/2005

1	Name of Feed business:			
2	Business name(s) if different:			
3	Registered Office address :			
4	Trading address of establishment if different:			
5	Contact name:			
6	Contact telephone number:		Fax number	
7	E-mail address:			
8	Description of products being traded:			

I hereby declare, as a person authorised to make such declarations on behalf of the feed business in (1) above, that all the products the business trades on the market from the establishment are never held on premises under the control of this business and the establishment is, therefore, one to which Article 17(1) of Retained EU Feed Regulation 183/2005 applies. I further declare that the products are sourced, stored and transported by feed businesses that are approved or registered in accordance with Retained EU Regulation 183/2005.

Signed:	
Designation:	
On behalf of:	
Date:	

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Feed Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 5.4 Notification of Grant of Full Approval / Conditional Approval

Notification of Grant of Full Approval / Conditional Approval* (delete as appropriate) of a Feed Business Establishment Subject to Approval under Retained EU Regulation No. 183/2005

To be completed by FSS and sent to the FeBO

PART 1 – Name and Address of FeBO

To:	<p>IMPORTANT</p> <p>You must notify any change to the details on this form, including any changes in the operations carried out and products handled in the establishment, in writing to Food Standards Scotland at the address shown.</p>
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PART 2 – Introduction

Further to your application dated for approval of your establishment in accordance with Retained EU Regulation No. 183/2005, approval/conditional approval* (delete as appropriate) is GRANTED in respect of the establishment shown in Part 3, and the scope of operations, activities and other matters set out in the relevant Parts of this document. The approval code that has been allocated to this establishment is shown at the end of this document. It must be used in the format stipulated by, and when required by Retained EU Regulation No. 183/2005.

In accordance with Regulation 13 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, any person who is aggrieved by a decision of a Competent Authority not to grant a full approval may appeal against that decision to the Sheriff. The time limit for lodging an appeal is one month from the date on which this notice was served on you. You may wish to consult a legal adviser about the implications of this notice and your right of appeal against FSS's decision on your application. Where approval is refused or withdrawn and an appeal is lodged, from the date on which the notice of the decision is served on the relevant person the establishment cannot continue operating whilst the appeal is being determined. The name and address of the Sheriff to whom you should lodge your appeal is

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PART 3 – Trading Name and Address

Trading name of Establishment

Full postal address

The establishment has been APPROVED in accordance with Article 13(1) of Retained EU Regulation No. 183/2005.

The establishment has been CONDITIONALLY APPROVED in accordance with Article 13(2) of Retained EU Regulation No. 183/2005.

PART 3(1) – Conditional Approval (To be completed when conditional approval has been granted)

The requirements of the Regulations with which you have failed to comply are:

Regulation / Article	Requirement

The reasons you have failed to comply with the requirements of the Regulations are:

Regulation / Article	Details of non-compliance

The measures you need to take in order to comply with the requirements of the Regulations are:

Regulation / Article	Measures needed to secure compliance

In accordance with Article 13(2) of Retained EU Regulation No. 183/2005, officers, authorised on behalf of FSS will visit your establishment within three months of this conditional approval being granted in order to make an assessment of progress in complying with the above requirements.

PART 4 – Feed Business Operator

Name and full address
of Feed Business
Operator

Postcode:

PART 5 – Scope of approval/ conditional approval* (delete as appropriate)

This approval/conditional approval* authorises the establishment to undertake to operate as the following type of establishment:

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Full Details of Activities and Specific Products Handled:

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Approval Code	
Date approval/ conditional approval granted	
Signed	
Name	
Designation	
Date	

Name and address of Food Standards Scotland: Pilgrim House Old Ford Road Aberdeen AB11 5RL	Contact Name:	IMPORTANT You must notify any change to the details on this form, including any changes in the operations carried out and products handled in the establishment, in writing to FSS at the address shown.
	Phone:	
	Email:	

Changes to Details

Feed business operators must also inform FSS of any changes to the name, business name, address, activity or ownership of a feed business establishment under its control, or its closure.

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Feed Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 5.5 Notice of Decision to Refuse to Grant Approval

Notice of Decision to REFUSE to Grant Approval to a Feed Business Establishment Subject to Approval under Retained EU Regulation 183/2005

To be completed by FSS and sent to the FeBO

PART 1 – Name and Address of FeBO

To:	<p>IMPORTANT</p> <p>You must not use the establishment detailed in PART 3 for ANY purpose which would render the establishment subject to approval under Retained EU Regulation 183/2005 unless Food Standards Scotland has granted approval or conditional approval.</p>
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PART 2 – Notification of Decision

Further to your application dated for approval of your establishment in accordance with Retained EU Regulation 183/2005, approval is REFUSED in respect of the establishment shown in Part 3, and the scope of operations, activities and other matters set out in the relevant Parts of this document. The decision to refuse your application was made for the reason(s) set out in Part 4 of this document.

The establishment must therefore not be used for any purpose which would render the establishment subject to approval under Retained EU Regulation 183/2005 unless Food Standards Scotland grants approval or conditional approval.

In accordance with Regulation 13 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, any person who is aggrieved by a decision of a Competent Authority not to grant a full approval may appeal against that decision to the Sheriff. The time limit for lodging an appeal is one month from the date on which this notice was served on you. You may wish to consult a legal adviser about the implications of this notice and your right of appeal against FSSs decision on your application. Where approval is refused or withdrawn and an appeal is lodged, from the date on which the notice of the decision is served on the relevant person the establishment cannot continue operating whilst the appeal is being determined. The name and address of the Sheriff to whom you should lodge your appeal is

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PART 3 – Trading name and address of the establishment

Trading name of establishment

Full postal address
Postcode:

PART 4 – Reasons for refusal

Your application for approval has been refused because you have failed to comply with the requirements of the Regulations as indicated below.

The requirements of the Regulations that you have failed to comply with are:

Regulation/ Article No.	Requirement

The reasons you have failed to comply with the requirements of the Regulation are:

Regulation/ Article No.	Details of non-compliance

Signed	
Name	
Designation	
Date	

Name and address of Food Standards Scotland: Pilgrim House Old Ford Road Aberdeen AB11 5RL	Contact Name: Phone: Email:	IMPORTANT You must not use the establishment detailed in PART 3 for ANY purpose which would render the establishment subject to approval under Retained EU Feed Regulation 183/2005 unless Food Standards Scotland has granted approval or conditional approval
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Changes to Details

Feed business operators must also inform FSS of any changes to the name, business name, address, activity or ownership of a feed business establishment under its control, or its closure .

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Feed Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 5.6 Notice of Decision to Refuse to Grant Full Approval to an Establishment which was conditionally approved

Notice of Decision to REFUSE to Grant Full Approval to an Establishment subject to Approval under Retained EU Regulation 183/2005, which was Conditionally Approved under Retained EU Regulation 183/2005.

To be completed by FSS and sent to the FeBO

PART 1 – Name and address of feed business operator

To:	<p>IMPORTANT</p> <p>With immediate effect, you must not use the establishment detailed in PART 3 for ANY purpose which would render the establishment subject to approval under Retained EU Regulation 183/2005 or use the associated approval code on any product unless Food Standards Scotland has granted approval or conditional approval.</p>
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PART 2 – Notification of Decision

Your establishment, as detailed in Part 3, which is subject to approval under Retained EU Regulation 183/2005 and was conditionally approved in accordance with Article 13(2) of Retained EU Regulation 183/2005 has been **REFUSED** full approval. The decision to refuse to grant full approval was made for the reason(s) set out in Part 5 of this document.

With immediate effect you must cease the use of the establishment detailed in Part 3 for ANY purpose which would render the establishment subject to approval under Retained EU Regulation 183/2005, or use the associated approval codeon any product, **UNLESS FOOD STANDARDS SCOTLAND GRANTS APPROVAL OR CONDITIONAL APPROVAL.**

In accordance with Regulation 13 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, any person who is aggrieved by a decision of a Competent Authority not to grant a full approval may appeal against that decision to the Sheriff. The time limit for lodging an appeal is one month from the date on which this notice was served on you. You may wish to consult a legal adviser about the implications of this notice and your right of appeal against this Competent Authority’s decision on your application. Where approval is refused or withdrawn and an appeal is lodged, from the date on which the notice of the decision is served on the relevant person the establishment cannot continue operating whilst the appeal is being determined. The name and address of the Sheriff with whom you should lodge your appeal is

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PART 3 – Trading name and address of the establishment

Trading name of establishment

Full postal address and Postcode:

PART 4 – Reasons for refusal

Full approval has been refused because you have failed to comply with the requirements of the Regulations as indicated below.

The requirements of the Regulations that you have failed to comply with are:

Regulation/ Article No.	Requirement

The reasons you have failed to comply with the requirements of the Regulations are:

Regulation/ Article No.	Details of non-compliance

Signed	
Name	
Designation	
Date	

Name and address of Food Standards Scotland: Pilgrim House Old Ford Road Aberdeen AB11 5RL	Contact Name: Phone: Email:	<p style="text-align: center;">IMPORTANT</p> With immediate effect, you must not use the establishment detailed in PART 3 for ANY purpose which would render the establishment subject to approval under Retained EU Regulation 183/2005 or use the associated approval code on any product unless Food Standards Scotland has granted approval or conditional approval
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Changes to Details

Feed business operators must also inform FSS of any changes to the name, business name, address, activity or ownership of a feed business establishment under its control, or its closure.

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 5.7 Notice of Suspension of Registration/Approval

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 – Regulation 9

Notice of Intention to Suspend Registration/Approval*

1. To: (Feed Business Operator)
 At:
 (Address of Feed Business Operator)
- Name of feed business:
- Address of feed business:
-

Food Standards Scotland gives notice that on the [*enter date suspension is to take effect from*], the [*enter the full name of the enforcement authority*], proposes pursuant to regulation 9 mentioned above and Article 14 of Retained EU Regulation 183/2005 to suspend your approval/registration to [*enter the activity(ies) for which the approval/registration is held*] at [*enter the address of the establishment(s) to which the suspension applies*] because Food Standards Scotland is not satisfied that the relevant/essential conditions/duties stated in column one of the table in the attached schedule, required by the Regulations, are being complied with.

2. In order for the suspension to be lifted, you must take the remedial action listed in column two of the attached schedule, to the satisfaction of Food Standards Scotland. If the required remedial action has not been carried out to the satisfaction of Food Standards Scotland within twelve months of the operative date mentioned in paragraph 2 the approval/registration will be revoked without further notice.

Served on you on(date)

Signed:(Authorised Officer)

Name in capitals:

Address:.....

Tel:

Email:

[* Officer to delete as appropriate]

Annex 5.7 Notice of Suspension of Registration/ Approval (Reverse)

Right of Appeal.

Take notice that under Regulation 13 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, you have a right to appeal to the Sheriff against the decision of Food Standards Scotland to suspend your registration/approval at [*enter the address of the establishment(s) to which the suspension applies*]. You must make your appeal within **one month** of the date on which this notice was served on you. **If you are considering making an appeal you are strongly advised to seek prompt legal advice.**

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 5.7 Notice of Suspension of Registration/ Approval (schedule)

Column 1 Relevant/essential conditions/duties not being complied with	Column 2 Action required to ensure compliance
<i>[Enter appropriate reference - refer to the Retained EU Regulation 183/2005 - Feed Regulations]</i>	<i>[Enter appropriate detail]</i>

Annex 5.8 Notice of Revocation of Registration/Approval

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 - Regulation 11

Notice of Revocation of Registration/Approval*

1. To: (Feed Business Operator)
 At:
 (Address of Feed Business Operator)
 Name of feed business:
 Address of feed business:

2. You are hereby given notice that with effect from the [*enter date revocation to be effective from*], your approval/ registration is revoked in relation to [*here enter the activity (ies) for which the approval/registration is held*] at [*enter the address of the establishment(s) to which the revocation applies*] because Food Standards Scotland is satisfied [*insert one of the following three reasons here*]:
 - (1) *the activity has ceased at the establishment,*
 - (2) *the establishment has not complied with the relevant requirements for the activity being undertaken stated in column one of the table below, required by the Regulations,*
 - (3) *that serious deficiencies have been identified and/or production has had to be repeatedly stopped and furthermore that you are unable to give to the authority guarantees that future production will comply with European Community rules.]*

In order to regain your approval/registration you must take remedial action, to the satisfaction of Food Standards Scotland, which is listed in column two of the attached schedule and reapply to Food Standards Scotland for approval/registration as appropriate.

Served on you on(date)

Signed:(Authorised Officer)

Name in capitals:

Address:.....

Tel:

Email:

[* Officer to delete as appropriate]

Annex 5.8 Notice of Revocation of Registration/Approval (Reverse)

Right of Appeal

Take notice that under Regulation 13 of the Food (Hygiene and Enforcement) (Scotland) Regulations 2005, you have a right to appeal to the Sheriff against the decision of Food Standards Scotland to revoke your registration/approval at (*here enter the address of the establishment(s) to which the revocation applies*). You must make your appeal within **one month** of the date on which this notice was served on you. **If you are considering making an appeal you are strongly advised to seek prompt legal advice.**

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 5.8 Notice of Revocation of Registration/Approval (Schedule)

Column 1 Relevant/ essential conditions/duties not being complied with	Column 2 Action required to ensure compliance
<i>[Enter appropriate reference to the Retained EU Regulation 183/2005 - Feed Hygiene]</i>	<i>[Enter appropriate detail]</i>

Carrying out these activities without the appropriate approval/registration is an offence under the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 and could result in prosecution.

Annex 5.9 Approved Establishments: Notification of Changes to FeBO/FeBE Details or Activities (Authorised officer referral to FDB)

Details	Original	New
Name of business		
Address		
Registration/approval number		
Contact name and address		
Principle Activity Code and description of activity		
Additional Activity Code(s) and description of activity		
Additional information		

Information submitted by

Date of submission

Please email completed forms to: feed@fss.scot

Annex 6.1 Feed Business Establishment Non-Farm Inspection Form (Approved, R1-9, R12 activities)

Animal Feed (Scotland) Regulations 2010 & the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005

Registration and Activities			
Registration Number		Date of Registration	
Registration Comments			
Premises Open Y/N		If closed, date of closure	
Primary Business Activity		Other Business Activities	

Business Information	
Name or Business Name	
Address	
Postcode	
Local Authority	
Associated or Previous Address	

Associated or Previous Postcode	
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Location
Note any directions for locating the premises

Contact Information	
Phone (work)	
Phone (other)	
Phone (mobile)	
Business email	
Business website	

AIC Assurance Schemes	
Scheme Membership	
Subscheme	
Scheme Number	
Status	

Other Assurance Schemes	
Scheme Membership	

Activity	
Scheme Number	
Date of last assurance scheme visit	
Other assurance scheme information, including recent nonconformities	
Inspection Information	
Intervention type	
Planned Inspection Date	
Actual Inspection Date	
Inspection schedule status	
Advance notification date	
Inspecting officer	
Other accompanying officer(s)	

General Information	
Brief summary of business activities Types of feed produced, tonnes per year, main customers, storage capacity	
Products produced and approximate quantities If the business used former foodstuffs/co-products, list the name and address of the suppliers and products below.	

Feed materials produced/stored/transported	
Storage in use	
Storage capacity (tonnes)	
Areas inspected	
Any other relevant information	
Hazard Control Systems	
1. To what extent has the Feed Business Operator (FeBO) implemented and maintained permanent written procedures based on HACCP principles?	
<i>Retained EC 183/2005 Article 6(1)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments For food businesses this must contain the feed element. List the main documents; does HACCP include: Process flow chart, Hazard analysis matrix, CCP lists and controls/monitoring, Prerequisite programs? How has the business decided on their approach to documenting the feed safety management system? Is it appropriate for the size and complexity of the FeBO? Is there a nominated person responsible for feed production and the HACCP system?	
Photograph(s)	
Corrective action	
Corrective action due date	

2. What chemical, physical and biological hazards have been identified and are acceptable control points in place to eliminate the hazard or minimise it to an acceptable level that will ensure feed safety? Are the controls sufficient to prevent cross contamination?

Retained EC 183/2005 Article 6(2a)

Compliant/Non-compliant (please circle as appropriate)

<p>Comments</p> <p>List the chemical, physical and biological hazards and comment on any gaps. Attach a copy/photograph of FeBO Hazard Analysis or complete the questions 2a - 2e. How has the business identified the risks/hazards from a feed perspective?</p>	
<p>Photograph(s)</p>	
<p>Corrective action</p>	
<p>Corrective action due date</p>	
<p>2a. What CCP's have been identified?</p> <p>List and comment on whether the CCP's are appropriate.</p>	
<p>2b. List critical limits for each CCP</p>	
<p>2c. What monitoring procedures are used to identify if each CCP is under control?</p>	
<p>2d. What is the procedure(s) for corrective actions?</p>	
<p>2e. How often are these items verified?</p>	

3. What changes, if any, have occurred to the product range being manufactured/transported/stored etc since the last review which should have prompted a review of the feed safety management systems?

Retained EC 183/2005 Article 6(1)

Compliant/Non-compliant (please circle as appropriate)

<p>Comments</p> <p>Date of review, reason and brief detail of any changes made e.g. new equipment, new product lines, new suppliers, new trading</p>	
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area, sample or process failures leading to recall or significant loss of production? How is a review initiated and how widely are staff aware of this to provide input? Is a review initiated if ingredients, products or processes change?	
Photograph(s)	
Corrective action	
Corrective action due date	
4. Are management records kept and proportionate with the nature and size of the feed business to demonstrate the effective application of the measures set out above? <i>Retained EC 183/2005 Article 6(1)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments List records examined e.g. sampling matrix and results, cleaning, audit records, complaint records, or highlight non-compliances	
Photograph(s)	
Corrective action	
Corrective action due date	
5. Are foods or food ingredients containing animal proteins, meat or meat products made or kept on the same site? <i>Retained E 183/2005 Annex II Production (4)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Fishmeal in pig/poultry feed at ruminant mills, APHA registration? Detail what controls are in place and are these adequate to prevent contamination of ruminant feed? How are the risks managed/separation	

maintained? How well are staff aware of this risk?	
Photograph(s)	
Corrective action	
Corrective action due date	
Hazard Control Systems non-compliance total	

Personnel	
6. Is an organisation chart listing qualifications and responsibilities of all supervisory staff available?	
<i>Retained EC 183/2005 Annex II Personnel</i>	
Compliant/Non-compliant (please circle as appropriate)	
<p>Comments</p> <p>How does the business identify and record the experience, qualifications and professional experience of supervisory staff, to ensure that safe, compliant feed is made? Are staff aware of involvement in the feed chain and associated risks/controls? Do they know where to find feed related documentation? Is there a good cross section of staff on site at any one time who are aware of feed specific hazards, associated controls and checks that are being made?</p>	
Photographs	
Corrective action	
Corrective action due date	

7. Are all staff clearly informed in writing of their duties, responsibilities and powers regarding the production of feed?

Retained EC 183/2005 Annex I

Compliant/Non-compliant (please circle as appropriate)

Comments

Personnel Work instructions, equipment setup instructions, mixer/weigher instructions etc. List any problems with compliance.

Photographs

Corrective action

Corrective action due date

Personnel non-compliance total

Production

8. Identify the designated person responsible for production - are they suitably qualified? Identify the designated person responsible for quality control - are they suitably qualified/experienced?

Retained EC 183/2005 Annex II Production (1); Annex II Quality Control (1)

Compliant/Non-compliant (please circle as appropriate)

Comments

Indicate who the designated people are for production and quality control and what their appropriate qualifications and experience are in relation to feed. If new staff, how will the business ensure they have the necessary qualifications/experience?

Photographs

Corrective action

Corrective action due date	
9. Are all stages of production carried out to pre-established written procedures?	
<i>Retained EC 183/2005 Annex II Production (2)</i>	
Compliant/Non-compliant (please circle as appropriate)	
<p>Comments</p> <p>Are there any gaps in the written controls and policies, particularly in relation to critical areas of production? If CCP's have been identified, do the written procedures adequately cover these? How has the business identified, minimised, controlled and communicated what is expected in relation to the quality of the product? What checks are in place to ensure quality of the products and to prevent contamination? Are documents available to evidence checks being made, concerns identified and steps to address issues?</p>	
Photographs	
Corrective action	
Corrective action due date	
10. Are scales and metering devices appropriate for the range of weights or volumes to be measured and tested for accuracy regularly?	
<i>Retained EC 183/2005 Annex II Facilities and Equipment 3(a)</i>	
Compliant/Non-compliant (please circle as appropriate)	
<p>Comments</p> <p>May include weighbridges, in-line process equipment, medicines scales etc. What checks are carried out between calibration intervals to ensure equipment remains accurate?</p>	
Photographs	

Corrective action	
Corrective action due date	
11. Are technical or organisational measures taken to avoid/minimise cross contamination, carry over and ensure homogeneity during manufacturing and what checks are carried out to ensure arrangements work during manufacturing? <i>Retained EC 183/2005 Annex II Production (3)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments How is carryover controlled where veterinary medicines are used? How is dispersion (mixer efficiency) tested, do results meet industry guidelines? What analyte is used for testing this, how often is this tested for, what action is taken where high readings are found?	
Photographs	
Corrective action	
Corrective action due date	
12. Are procedures in place to isolate, identify and safely dispose of waste? <i>Retained EC 183/2005 Annex II Production (5)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Are materials not suitable as feed identified and isolated e.g. high level of veterinary medicines, contaminated or spoiled feed? How are these disposed of to ensure they are not reused for feed purposes?	
Photographs	
Corrective action	
Corrective action due date	
13. What steps are taken to ensure the feed chain is not contaminated by food packaging material?	

Retained EC 183/2005 Annex II Production (3)

Compliant/Non-compliant (please circle as appropriate)

Comments

If surplus food is processed, how is this carried out to ensure packaging is removed? Does a visual inspection confirm this? Does the business have regard to FSA guidelines on minimising packaging?

Photographs

Corrective action

Corrective action due date

Production non-compliance total

Traceability, Complaints and Recall

14. What system of tracing products and materials used in them is employed?

Retained EC 183/2005 Annex II Production (6)

Compliant/Non-compliant (please circle as appropriate)

Comments

Describe the system(s) of traceability of all products, including ingredients and finished products, and complete the traceability exercise for at least one ingredient - preferably a raw material such as a trace element or additive

Photographs

Corrective action

Corrective action due date

Traceability exercise

<p>1. Manufacturer: Description of a raw material chosen for the traceability exercise including: batch number, durability date, and the total quantity of one identifiable consignment. Should be a trace element or additive. Where manufacturing is not taking place, name of product and the total quantity in one identifiable consignment (e.g. batch number, date of production, durability date)</p>	
<p>2. Name and address of supplier and are they registered or approved?</p>	
<p>3. Where the product is an additive or bio-protein, the date of manufacture</p>	
<p>4. Date of delivery to the FeBO</p>	
<p>5. Is a sample of the consignment available and properly labelled?</p> <p>Annex II Quality Control (4) Not required if not manufactured by FeBO e.g. supply only</p>	
<p>6. Batch number allocated by FeBO if different to above</p>	
<p>7. Date(s) of use (approx.)</p>	
<p>8. For manufacturers - to which products has this material been incorporated?</p>	
<p>9. For manufacturers - name and production number of an identifiable batch of product chosen for the traceability exercise to which the raw material has been incorporated</p> <p>May be added to more than one product; this could be a trace element or pre-mixture that goes into a number of batches</p>	
<p>10. Give detail of how production records show use</p>	

of the raw material in the product chosen	
11. Repeat question 8 if the batch of product undergoes separate mixing/blending with other ingredients before the final product is produced.	
12. How is the final product identified as being supplied to a specific customer? Does this match the traceability and recall documents?	
13. Name and address of a customer to which the batch of final product has been supplied (if more than one, give the total number of customers receiving product of the same batch) Do the numbers add up for this e.g. for 2 tonnes product supplied, can the business trace all of this? For additives etc. does the incorporation rate and the amount supplied to all customers match the original amount?	
14. Dates of delivery to the customer	
15. For how long are traceability records kept?	
15. Does the FeBE have a written complaints procedure?	
<i>Retained EC 183/2005 Annex II Comp recall (1)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Detail system and records checked	
Photographs	
Corrective action	

Corrective action due date	
16. Does the FeBE have a system of recall in place which is documented?	
<i>Retained EC 183/2005 Annex II Comp recall (2)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Detail system and records checked	
Photographs	
Corrective action	
Corrective action due date	
Traceability, Complaints and Recall non-compliance total	

Quality Control	
17. Does the FeBO have access to a laboratory and is the business following a sampling plan to control hazards?	
<i>Retained EC 183/2005 Annex II Quality Control (2&3)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments What lab or labs are used by the business? Review sampling plan, does this cover all hazards relevant to the business and likely to occur within ingredients and finished feed; how is the sampling plan produced, what risks are taken into account?	
Photographs	
Corrective action	

Corrective action due date	
18. Are final samples kept of ingredients and each batch of product produced, adequately labelled and properly stored?	
<i>Retained EC 183/2005 Annex II Quality Control (4)</i>	
Compliant/Non-compliant (please circle as appropriate)	
<p>Comments</p> <p>Are both ingredients and finished product samples kept (pet food - samples of finished product only)? Are these kept available for an appropriate period (shelf life of product)? Are samples retained in an appropriate manner where relevant? Does the business contact their customers if there is any change to the product, in either content or quality?</p>	
Photographs	
Corrective action	
Corrective action due date	
Quality Control non-compliance total	

Facilities and Equipment

20. Does design and construction of the facilities and equipment permit adequate cleaning and minimise the risk of cross contamination of products?

Retained EC 183/2005 Annex II Facilities and Equipment (2)

Compliant/Non-compliant (please circle as appropriate)

Comments

Give examples of the facilities and equipment checked and list any deficiencies. Is there a build-up of waste feed, risk of high risk, contaminated or spoilt feed affecting

production, or attracting pests?	
Photographs	
Corrective action	
Corrective action due date	
21. Where applicable, are ceilings and overhead fixtures designed to prevent accumulation of dirt, condensation and growth of moulds and shedding of particles that could affect feed safety. <i>Retained EC 183/2005 Annex II Facilities and Equipment (9)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Are there open containers, conveyors or mixers that could be contaminated by the poor design of ceilings etc, if so what steps are taken to prevent this? Inspect and comment on production, storage, mixing and outside areas as applicable.	
Photographs	
Corrective action	
Corrective action due date	
22. Are feed processing storage facilities, equipment, containers, crates, vehicles and their immediate surroundings kept clean? <i>Retained EC 183/2005 Annex II Facilities and Equipment (1)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments List areas of the site/equipment checked and indicate which require further cleaning. What cleaning/sanitising programmes are in place for silos, bulk bins, tote bags, transport vehicles etc? Is there	

a risk of contamination from the environment etc?	
Photographs	
Corrective action	
Corrective action due date	
23. Do facilities have adequate lighting (natural/artificial)?	
<i>Retained EC 852/2004 Annex II Facilities and Equipment (4)</i>	
Compliant/Non-compliant (please circle as appropriate)	
<p>Comments</p> <p>List the areas of the site and equipment checked. Where critical operations are carried out is there sufficient light to identify correct additives, veterinary medicines etc?</p>	
Photographs	
Corrective action	
Corrective action due date	
Good Feeding Practice non-compliance total	
24. Is water used for manufacture suitable for animals and are conduits inert in nature?	
<i>Retained EC 852/2004 Annex II Facilities and Equipment (6)</i>	
Compliant/Non-compliant (please circle as appropriate)	
<p>Comments</p> <p>How does the FeBO ensure that water is safe for feed use? Is water or steam used as part of the production process, and is this suitable? What is the water source (mains, borehole, etc, is water treated before use?); what testing is carried out, what pipework is used (lead, copper, etc)?</p>	

Photographs	
Corrective action	
Corrective action due date	
25. Are drainage facilities adequate to avoid contamination of feed? Do arrangements for the removal of sewage, waste and rainwater ensure that safety and quality of feed is not affected? Is spoilage and dust controlled to prevent pest invasion? <i>Retained EC 852/2004 Annex II Facilities and Equipment (5), (7)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments List the areas of the facilities/equipment checked. Does on-site drainage risk contaminating feed materials, bag stores, equipment etc?	
Photographs	
Corrective action	
Corrective action due date	
26. Is there an effective pest control system in place? Is there evidence of uncontrolled pest activity on site? Are windows and openings proofed against pests? <i>Retained EC 852/2004 Annex II Facilities and Equipment (1), (8)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments List records seen. Who carries out pest control, are records complete, bait map checked? Do records show persistent or increasing levels of pest activity? Have structural failings been identified that could allow pests to feed?	
Photographs	
Corrective action	

Corrective action due date	
Facilities and Equipment non-compliance total	

Storage and Transport

27. Is processed feed kept separate from ingredients and additives, foods and waste? *Retained EC 183/2005 Annex II Storage and Transport (1)*

Compliant/Non-compliant (please circle as appropriate)

<p>Comments</p> <p>Detail items checked in each case and any non-conformance for each question. Is there a risk from open packs of high risk ingredients contaminating finished feed? Where tote or bulk containers of finished feed are used, are these stored away from ingredients and additives? Are these correctly identified to prevent inadvertent contamination? How is this being done in practice? Are all staff aware? Is there adequate labelling/signposting?</p>	
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Photographs

Corrective action

Corrective action due date

28. Are additives (including trace elements and vitamins) within their expiry dates and approved for use in feed? *Retained EC 183/2005 Annex II Storage and Transport (1)*

Compliant/Non-compliant (please circle as appropriate)

<p>Comments</p> <p>Detail items checked in each case and any non-conformance for each</p>	
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question - note any products which are not authorised for use in feed. Are additives correctly labelled and within date, and are they marked "feed use"? How does the business ensure that additives are used for the correct age and species of animals? Are there additives on site that are not approved for all species the business makes feed for, how is hits controlled?	
Photographs	
Corrective action	
Corrective action due date	
29. Is feed kept and transported in suitable containers? Are the storage conditions suitable, and where appropriate are temperatures kept low to avoid spoilage and condensation? Are unauthorised persons able to access feed or storage areas? <i>Retained EC 183/2005 Annex II Storage and Transport (2),(6)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Detail storage/transport items checked and in each case the arrangements in place to limit access. How is finished feed stored and transported? Are the areas suitable, dry, correct temperature, no risk of contamination? Is feed accessible by non-authorised persons?	
Photographs	
Corrective action	
Corrective action due date	
30. Is feed easily identified in store and when transported to avoid cross contamination and deterioration?	

Retained EC 852/2004 Annex II Storage and Transport (3)

Compliant/Non-compliant (please circle as appropriate)

Comments

List items checked, method of identification and detail any deficiencies. How is feed identified, particularly if not in final packaging or in tote/bulk bags? How is stock controlled to ensure feed and particularly additives do not deteriorate and are within durability dates?

Photographs

Corrective action

Corrective action due date

Storage and Transport non-compliance total

Labelling

31. From a visual examination, does the labelling of products appear to comply?

Retained EC 767/2009

Compliant/Non-compliant (please circle as appropriate)

Comments

Labelling Detail labels examined and any issues found, attach photo as appropriate. Was the labelling examined before the inspection compliant, if not, what other labelling checks have been carried out and what deficiencies have been identified? How does the business ensure labels remain correct where legislation changes? Are labels checked routinely for compliance as part of sampling plans? Request sight of labels being used on site, check how and

when they are applied and ask to view products in situ. Are any other manufacturing ingredients and products, particularly those relating to food, clearly labelled/separated to prevent confusion? What processes are in place to ensure the right documentation/labels are accompanying the right materials?	
Photographs	
Corrective action	
Corrective action due date	

Fats, Oils, Imports and Exports	
Fats and Oils	
32. Does the FeBO process fats and oils, or manufacture with fats and oils?	
<i>Retained EC 225/2012</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Give details of test/analysis carried out by, or relied upon by, the FeBO; ask for certificates.	
Photographs	
Corrective action	
Corrective action due date	
Third Country Imports	

33. If the FeBO imports, places on the market or incorporates into feed, products from 3rd countries, have they been legally imported?

Annexes I and II of [Retained EU Regulation 2019/1793](#)

Compliant/Non-compliant (please circle as appropriate)

Comments

Detail the activities of the FeBO and confirm any relevant products subject to *Annexes I and II of [Retained EU Regulation 2019/1793](#)* have been legally imported; record findings, as appropriate.

Photographs

Corrective action

Corrective action due date

34. Does the FeBO import products that require a 3rd country representative in the EU?

Article 24; Article 6 of retained 98/51/EC and relevant requirements of retained EC Directive 95/69.

Compliant/Non-compliant (please circle as appropriate)

Comments

Give details of the products subject to the need for 3rd country representation and detail name/address of representative and registration/approval number.

Photographs

Corrective action

Corrective action due date

35. Confirm how the FeBO is fulfilling their on-going obligations as a representative of a 3rd country under Article 6 of 98/51/EC in respect of: a) Ensuring the 3rd country establishment which they represent complies with requirements at least equivalent to those laid down in EC Directive 95/60 and b) Keeps an up to date register of all relevant products that the third country establishment they represent has put into circulation within the EU.

Compliant/Non-compliant (please circle as appropriate)

Comments

Detail how the FeBO ensures equivalency of compliance, any records of the last assessment undertaken and findings, to evidence this. Include any examination of the existence and adequacy of the register of products put into circulation.

Photographs

Corrective action

Corrective action due date

Export of unauthorised additives to 3rd Countries or via the EU

39. Does the business export additives or feed containing additives that have not been authorised in accordance with EC retained regulation 1831/2003 to third countries?

Retained EC 178/2002 Article 12

Compliant/Non-compliant (please circle as appropriate)

Comments

List the products and detail how the FeBO is meeting their legal obligations

Photographs

Corrective action

Corrective action due date

Fats, Oils, Imports and Exports non-compliance total	
------------------------------------------------------	--

Imports and Exports	
If third country imported feed used, provide country of origin.	
Border Control Post used	
Country of destination of any exported feed	
Sampling	
SFSD Sample Reference (1)	
SFSD Sample Reference (2)	
SFSD Sample Reference (3)	
SFSD Sample Reference (4)	
SFSD Sample Reference (5)	
SFSD Sample Reference (6)	
Outcome	
Compliance Score (select one)	
Poor Compliance No evidence of feed safety management/documented procedures. Significant hazards not understood and no effective controls in place. Staff not suitable supervised, instructed and/or trained and no appreciation of feed hazards or controls. Poor track record.	
Varying Compliance Feed safety management/documented procedures inappropriate or inadequate. Significant hazards not fully understood and not all controls in place. Significant improvements in feed safety procedures/implementation of controls required. Some staff not suitably supervised, instructed and/or trained. Varying track record.	
Satisfactory Compliance Generally satisfactory feed safety controls in place. All significant hazards understood and controls in place. Feed safety management records appropriate and are generally maintained but some deficiencies/gaps identified. Staff generally suitable supervised, instructed and/or trained but there may be some minor issues. Satisfactory track record.	
Broad Compliance or Better Feed safety management/procedures in place. Hazards understood, properly controlled, managed and reviewed. Feed safety management records are appropriate and are	

generally maintained. Staff suitably supervised, instructed and/or trained with good staff knowledge and new staff receiving induction training. Good track record.	
Inspection Outcome (select all that apply)	
Informal action – advice/report to follow	
Formal action – statutory notice to follow	
Revisit	
No action taken	
Inspection Summary	
Overall Comments	
Total number of non-compliances/corrective actions	
Inspection frequency	
Date of next inspection	
Officer	
Signed (Officer)	
Feed Business Representative	
Signed (Feed Business Representative)	
Accompanying Officer	
Signed (Accompanying Officer)	

Annex 6.2 Livestock Producers Inspection Form (R10, R11 & R13 activities)

Animal Feed (Scotland) Regulations 2010 & the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005

Registration and Activities			
Registration Number		Date of Registration	
Registration Comments			
Premises Open Y/N		If closed, date of closure	
Primary Business Activity		Other Business Activities	

Business Information	
Name or Business Name	
Address	
Postcode	
Local Authority	
CPH Number	
Associated or Previous Address	

Associated or Previous Postcode	

Location
Note any directions for locating the premises

Contact Information	
Phone (work)	
Phone (other)	
Phone (mobile)	
Business email	
Business website	

AIC Assurance Schemes	
Scheme Membership	
Sub-scheme	
Scheme Number	
Status	

Other Assurance Schemes

Scheme Membership	
Activity	
Scheme Number	
Date of last assurance scheme visit	
Other assurance scheme information, including recent nonconformities	
Inspection Information	
Intervention type	
Planned Inspection Date	
Actual Inspection Date	
Inspection schedule status	
Advance notification date	
Inspecting officer	
Other accompanying officer(s)	

General Information	
Farmed species	
Type of crop grown	
Feed materials used	
Origin of surplus food used for feed	
Surplus food supplier	
Supplier registered for feed?	
Drying process	

Storage in use	
Storage capacity (tonnes)	
Areas inspected	
Any other relevant information	

Storage, Facilities and Equipment

1. Are areas used to store feed materials including buildings, containers, crates, vehicles and their surroundings kept clean and dry?

Retained EC 183/2005 Annex I-I (4a)

Compliant/Non-compliant (please circle as appropriate)

Comments

List areas of the site checked, steps taken to ensure cleanliness and note any areas which are not clean. Do all areas permit adequate cleaning? What cleaning plan/schedules are in place and what checks are made?

Photograph(s)

Corrective action

Corrective action due date

2. Are buildings and drainage sound to prevent access by rain?*Retained EC 183/2005 Annex I-I(1)*

Compliant/Non-compliant (please circle as appropriate)

Comments

List areas of the site checked and note any issues

Photograph(s)**Corrective action**

Corrective action due date

3a. Are steps taken to prevent pests and pets gaining access to feed materials and finished feed?*Retained EC 183/2005 Annex I-I(4d)*

Compliant/Non-compliant (please circle as appropriate)

Comments

Determine steps taken to minimise pest activity, for example building integrity, bait maps and traps.

Photograph(s)**Corrective action**

Corrective action due date

3b. Are occurrences of pests that may affect the quality of the feed recorded?*Retained EC 183/2005 Annex I-II(2c)*

Compliant/Non-compliant (please circle as appropriate)

Comments

Is pest activity routinely checked for? Are pest control contractor records available, if used? Are staff aware of the signs of pest activity? What action is undertaken if pest activity is detected? Are all

staff aware of this? Are records maintained of confirmed pest activity and action taken? Are staff generally aware of risks from pests?	
Photograph(s)	
Corrective action	
Corrective action due date	
4. Is feed stored separately from waste and hazardous substances to prevent contamination?	
<i>Retained E 183/2005 Annex I-I(4e and f)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments e.g. fuel, pesticides, fertiliser, veterinary medicines, waste plastic. How is this being done in practice? Are all staff aware? What labelling/signposting/separation is in place? List areas checked and any contraventions seen.	
Photograph(s)	
Corrective action	
Corrective action due date	
5. Is all equipment used for handling/producing feed kept clean?	
<i>Retained E 183/2005 Annex I-I(4a)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Indicate any equipment in need of cleaning.	
Photograph(s)	

Corrective action	
Corrective action due date	
6. Is water used suitable to prevent hazardous contamination?	
<i>Retained E 183/2005 Annex I-I(4c)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments How does the farmer know the water is suitable?	
Photograph(s)	
Corrective action	
Corrective action due date	
Storage, facilities and equipment non-compliance total	

Mixing Operations (R10 and R11)	
7. Do staff understand how to undertake mixing to achieve safe feed? Have staff involved in mixing received appropriate training and is it recorded?	
<i>Retained EC 183/2005 Annex I-I(1); Annex II Personnel</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Which staff are involved in mixing and what training/instruction have they received? Training may be by experienced staff or supplier of equipment. Do staff have access to a recipe guide/reminder for mixing?	
Photographs	

Corrective action	
Corrective action due date	
8. Is the equipment used for measuring ingredients appropriate to ensure they are incorporated at the correct rate?	
<i>Retained EC 183/2005 Annex I-I(1)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Particularly when using compound feeds, additives and premixtures; identify equipment used and is it appropriate?	
Photographs	
Corrective action	
Corrective action due date	
9. Is the equipment used in the mixing of feed appropriate and capable of producing a homogenous safe mix?	
<i>Retained EC 183/2005 Annex I-I(1)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Particularly when incorporating compound feeds, additives and premixtures. Identify mixer used, and is it appropriate?	
Photographs	
Corrective action	
Corrective action due date	
10. Is homogeneity of the mix ensured?	
<i>Retained EC 183/2005 Annex I-I(1)</i>	

Compliant/Non-compliant (please circle as appropriate)	
<p>Comments</p> <p>How does the business check that the mixture is consistent/homogenous, particularly when using compound feeds, additives and premixtures? Note any test to ensure consistent/homogenous mix.</p>	
Photographs	
Corrective action	
Corrective action due date	
11. Is mixing equipment cleaned thoroughly when formulations change?	
<i>Retained EC 183/2005 Annex I-I(1)</i>	
Compliant/Non-compliant (please circle as appropriate)	
<p>Comments</p> <p>e.g. flush through, particularly when using compound feeds, additives and premixtures when required. Detail any procedures used.</p>	
Photographs	
Corrective action	
Corrective action due date	
Mixing Operations non-compliance total	

Additional Requirements for R10 – retained EC 183/2005 Annex II operations only

12. Are instructions on cleaning and maintenance of equipment documented and records kept of measures in place, and are they documented?

Retained EC 183/2005 Annex II, para 3

Compliant/Non-compliant (please circle as appropriate)

Comments

Identify documented procedures - maybe manufacturer's instructions. Identify measures and frequency. Records of equipment cleaning/manufacture - may simply be a case of retaining a copy of service company's checks.

Photographs

Corrective action

Corrective action due date

13. Is there a documented procedure or instructions for mixing operations and are they being observed?

Retained EC 183/2005 Annex II Production 2

Compliant/Non-compliant (please circle as appropriate)

Comments

Instructions for mixing operations may incorporate equipment manufacturer's instructions

Photographs

Corrective action

Corrective action due date

14. Is a record of feed formulations kept, including date of production?

Retained EC 183/2005 Annex II Quality control (4)

Compliant/Non-compliant (please circle as appropriate)	
Comments Indicate records kept and if they are adequate. Raw materials used should be traceable, documents on their supply should be kept. Where products made for own use, regular samples of rations should be kept e.g. at each ration change.	
Photographs	
Corrective action	
Corrective action due date	
15. Are records of batch numbers of additives/premixtures kept? <i>Retained EC 183/2005 Annex II Record keeping 2b</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Detail how this is achieved and any deficiencies e.g. invoices kept in order. Name and address of supplier; quantities of each product purchased, batch numbers.	
Photographs	
Corrective action	
Corrective action due date	
Annex II Operations non-compliance total	

Records	
16. Is the use of plant protection products and biocides recorded? <i>Retained EC 183/2005 Annex I-II 2a</i>	
Compliant/Non-compliant (please circle as appropriate)	

Comments List available records.	
Photographs	
Corrective action	
Corrective action due date	
17. Are records relating to purchase of feed kept?	
<i>Retained EC 183/2005 Annex I-II 2a</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Name and address of supplier; quantities of each product; batch numbers. Detail how this is complied with.	
Photographs	
Corrective action	
Corrective action due date	
18. Are veterinary medicine records kept up to date?	
<i>Retained EC 183/2005 Annex I 3a</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Source, date of purchase, product, batch number, quantity, disposal, date and method of treatment, ID of animals, product used, date treatment finished, withdrawal date, person administering, quantity used.	
Photographs	
Corrective action	

Corrective action due date	
Records non-compliance total	

Good Feeding Practice

19. Is grazing pasture managed to prevent animals having access to land treated with manure or chemicals until it is safe?

Retained EC 183/2005 Annex III

Compliant/Non-compliant (please circle as appropriate)

Comments

How is pasture grazing managed?

Photographs

Corrective action

Corrective action due date

20. Are feeding troughs and other feeding equipment clean?

Retained EC 183/2005 Annex III

Compliant/Non-compliant (please circle as appropriate)

Comments

Stable and feeding equipment. Is the animal production unit and feeding equipment cleaned thoroughly and regularly to prevent any build up of hazards? Are chemicals for cleaning and sanitising used according to instructions and stored away from feed and feeding areas? Are systems in place to regularly remove manure, waste material and other possible sources of contamination of feed? Is feed and bedding material used in the animal production unit changed frequently and not

allowed to become mouldy? Detail how this is done	
Photographs	
Corrective action	
Corrective action due date	
21. Does the business ensure that the right feed is fed to the right type of animal and there is no risk of cross contamination?	
<i>Retained EC 183/2005 Annex III</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Feeding 2. Does the on-farm feed distribution system ensure that the right feed is sent to the right destination? During distribution and feeding, is feed handled in such a way as to ensure that contamination does not occur from contaminated storage areas and equipment? Are non-medicated feeds handled separately from medicated feeds to prevent contamination? Are on-farm feed transport vehicles and feeding equipment cleaned periodically, in particular when used to deliver and distribute medicated feed?	
Photographs	
Corrective action	
Corrective action due date	
22. Are animals clean?	
<i>Retained EC 852/2004 Annex I 4c</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments	

Regard must be had to further measures to clean animals and environmental contamination. Detail issues identified and risks.	
Photographs	
Corrective action	
Corrective action due date	
Good Feeding Practice non-compliance total	

Imports	
If third country imported feed used, provide country of origin.	
Border Control Post used	

Sampling	
SFSD Sample Reference (1)	
SFSD Sample Reference (2)	
SFSD Sample Reference (3)	
SFSD Sample Reference (4)	
SFSD Sample Reference (5)	
SFSD Sample Reference (6)	

Outcome	
Compliance Score (select one)	
Poor Compliance No evidence of feed safety management/documented procedures. Significant hazards not understood and no effective controls in place. Staff not suitable supervised, instructed and/or trained and no appreciation of feed hazards or controls. Poor track record.	
Varying Compliance Feed safety management/documented procedures inappropriate or inadequate. Significant hazards not fully understood and not all controls in place. Significant improvements in feed safety procedures/implementation of controls required. Some staff not suitably supervised, instructed and/or trained. Varying track record.	
Satisfactory Compliance Generally satisfactory feed safety controls in place. All significant hazards understood and controls in place. Feed safety management records appropriate and are generally maintained but some deficiencies/gaps identified. Staff generally suitable supervised, instructed and/or trained but there may be some minor issues. Satisfactory track record.	
Broad Compliance or Better Feed safety management/procedures in place. Hazards understood, properly controlled, managed and reviewed. Feed safety management records are appropriate and are generally maintained. Staff suitably supervised, instructed and/or trained with good staff knowledge and new staff receiving induction training. Good track record.	
Inspection Outcome (select all that apply)	
Informal action – advice/report to follow	
Formal action – statutory notice to follow	
Revisit	
No action taken	
Inspection Summary	
Overall Comments	
Total number of non-compliances/corrective actions	
Inspection frequency	
Date of next inspection	

Officer	
Signed (Officer)	
Feed Business Representative	
Signed (Feed Business Representative)	
Accompanying Officer	
Signed (Accompanying Officer)	

Annex 6.3 Feed / Food Primary Producers where crops are grown for sale for food or feed Inspection form (R14 activities)

Animal Feed (Scotland) Regulations 2010 & the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005

Registration and Activities			
Registration Number		Date of Registration	
Registration Comments			
Premises Open Y/N		If closed, date of closure	
Primary Business Activity		Other Business Activities	

Business Information	
Name or Business Name	
Address	
Postcode	
Local Authority	
CPH Number	
Associated or Previous Address	

Associated or Previous Postcode	

Location
Note any directions for locating the premises

Contact Information	
Phone (work)	
Phone (other)	
Phone (mobile)	
Business email	
Business website	

AIC Assurance Schemes	
Scheme Membership	
Subscheme	
Scheme Number	
Status	

Other Assurance Schemes

Scheme Membership	
Activity	
Scheme Number	
Date of last assurance scheme visit	
Other assurance scheme information, including recent nonconformities	
Inspection Information	
Intervention type	
Planned Inspection Date	
Actual Inspection Date	
Inspection schedule status	
Advance notification date	
Inspecting officer	
Other accompanying officer(s)	

General Information	
Type of crop grown	
If direct drying using fossil fuel, Annex II applies; specify type of fuel.	
Are grain treatments used, such as the use of preservatives e.g. Propionic Acid? If yes, Annex II applies and registration should be R10.	
Is any food processing carried out on site other than simple processing as defined in 852/2004 Article 2 (m) (n) (e.g. cleaning, bagging etc.)	

If yes Environmental Health should be informed.	
Any other relevant information	

Storage, Facilities and Equipment

1. Are areas used to store crops including buildings, containers, crates, vehicles and their surroundings kept clean and dry?

Retained EC 183/2005 Annex I-I (4a); 852/2004 Annex I – II (4a)

Compliant/Non-compliant (please circle as appropriate)

Comments

List areas of the site checked, steps taken to ensure cleanliness and note any areas which are not clean. Do all areas permit adequate cleaning? What cleaning plan/schedules are in place and what checks are made?

Photograph(s)

Corrective action

Corrective action due date

2. Are buildings and drainage sound to prevent access by rain?

Retained EC 183/2005 Annex I-I(1); 852/2004 Annex I – II (2)

Compliant/Non-compliant (please circle as appropriate)

Comments

List areas of the site checked and note any issues

Photograph(s)	
Corrective action	
Corrective action due date	
3a. Are steps taken to prevent pests and pets gaining access to feed materials and finished feed? <i>Retained EC 183/2005 Annex I-I(4d); 852/2014 Annex I – II (5e)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Determine steps taken to minimise pest activity, for example building integrity, bait maps and traps.	
Photograph(s)	
Corrective action	
Corrective action due date	
3b. Are occurrences of pests that may affect the quality of the feed recorded? <i>Retained EC 183/2005 Annex I-II(2c); 852/2014 Annex I – III (9b)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Is pest activity routinely checked for? Are pest control contractor records available, if used? Are staff aware of the signs of pest activity? What action is undertaken if pest activity is detected? Are all staff aware of this? Are records maintained of confirmed pest activity and action taken? Are staff generally aware of risks from pests?	
Photograph(s)	
Corrective action	

Corrective action due date	
4. Are crops stored separately from waste and hazardous substances to prevent contamination?	
<i>Retained EC 183/2005 Annex I-I(4e and f); 852/2014 Annex I – II (5f)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments e.g. fuel, pesticides, fertiliser, veterinary medicines, waste plastic. How is this being done in practice? Are all staff aware? What labelling/signposting/separation is in place? List areas checked and any contraventions seen.	
Photograph(s)	
Corrective action	
Corrective action due date	
5. Is all equipment used for harvesting, handling and producing crops kept clean?	
<i>Retained EC 183/2005 Annex I-I(4a); 852/2014 Annex I – II (5a)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Indicate any equipment in need of cleaning	
Photograph(s)	
Corrective action	
Corrective action due date	
6. Is water used during the growing and processing of crops suitable to prevent hazardous contamination?	
<i>Retained EC 183/2005 Annex I-I(4c); 852/2014 Annex I – II (5c)</i>	
Compliant/Non-compliant (please circle as appropriate)	

Comments How does the farmer know the water is suitable?	
Photograph(s)	
Corrective action	
Corrective action due date	
7. Are light bulbs, tubes and windows etc protected to avoid broken glass contamination? <i>Retained EC 852/2004 Annex I – II (2)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments <i>Note the way primary products are protected against "contamination"</i>	
Photograph(s)	
Corrective action	
Corrective action due date	
8. Does the farm have a crop storage policy including temperature and moisture content of grain? <i>Retained EC 852/2004 Annex I – II (2)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments <i>Note the way primary products are protected against "contamination"</i>	
Photograph(s)	
Corrective action	
Corrective action due date	

Storage, facilities and equipment non-compliance total	
--------------------------------------------------------	--

Direct Drying and Treatment of Feed Annex II Retained EC 183/2005

9. Have staff involved in treating or drying feed received appropriate training and is it recorded?
Retained EC 183/2005 Annex II Personnel

Compliant/Non-compliant (please circle as appropriate)

Comments Which staff are involved in mixing and what training/instruction have they received? Training may be by experienced staff or supplier of equipment. Records should be kept for at least 1 year.	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Photographs

Corrective action

Corrective action due date

10. Are instructions on cleaning and maintenance of equipment documented and records kept of measures in place, and are they documented?
Retained EC 183/2005 Annex II, para 3

Compliant/Non-compliant (please circle as appropriate)

Comments Identify documented procedures - maybe manufacturer's instructions. Identify measures and frequency. Records of equipment cleaning/manufacture - may simply be a case of retaining a copy of service company's checks.	
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Photographs

Corrective action

Corrective action due date	
11. Is there a documented procedure or instructions for treating and direct drying using fossil fuels and are they being observed?	
<i>Retained EC 183/2005 Annex II Production 2</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Instructions for mixing operations may incorporate equipment manufacturer's instructions	
Photographs	
Corrective action	
Corrective action due date	
12. Is a record of production kept including date of treatment?	
<i>Retained EU 183/2005 Annex II Production 6</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Indicate records kept and if they are adequate..	
Photographs	
Corrective action	
Corrective action due date	
13. Are records relating to purchase of additives including preservatives kept?	
<i>Retained EC 183/2005 Annex II Record keeping 2b</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments Including: Name and Address of supplier	

Quantities of each product purchased Batch Numbers Detail how this is achieved and any deficiencies e.g. invoices kept in order.	
Photographs	
Corrective action	
Corrective action due date	
Direct drying and treatment non-compliance total	

Records

14. Is the use of plant protection products and biocides recorded?

Retained EC 183/2005 Annex I-II 2a; 852/2014 Annex I – III (9a)

Compliant/Non-compliant (please circle as appropriate)

Comments

List available records.

Photographs

Corrective action

Corrective action due date

15. Are records relating to pest and disease that may affect the safety of the product kept?

Retained EU 183/2005 Annex I – II (2c); 852/2014 Annex I – III (9b)

Compliant/Non-compliant (please circle as appropriate)

Comments

Name and address of supplier; quantities of each product; batch numbers. Detail how this is complied with.

Photographs

Corrective action

Corrective action due date	
16. Does the farm have a control policy for use of fertilisers, including organic fertiliser and soil improvers, which includes appropriate use and storage records?	
<i>Retained EU 852/2004 Annex I – II(3a)</i>	
Compliant/Non-compliant (please circle as appropriate)	
Comments <i>Source, date of purchase, Identify records used to demonstrate the safe application to prevent pollution/contamination.</i>	
Photographs	
Corrective action	
Corrective action due date	
Records non-compliance total	

Transport	
17. Does the farm employ adequate measures to prevent contamination of crops during transport?	
Compliant/Non-compliant (please circle as appropriate)	
Comments <i>List control measures. E.g. trailer cleaning records.</i>	
Photographs	
Corrective action	
Corrective action due date	

Primary Production Food Hygiene

18. Does the farm take adequate measures to ensure staff handling food stuffs are in good health and trained on health risks?

Retained EU 852/2004 Annex I – II (5d)

Compliant/Non-compliant (please circle as appropriate)

Comments

List measures taken and training records seen.

Photographs

Corrective action

Corrective action due date

19. Are there adequate hygiene facilities for staff?

Retained EU 852/2004 Annex I – II (2)

Compliant/Non-compliant (please circle as appropriate)

Comments

List facilities seen. The facilities should be sufficient to allow for seasonal staff increases.

Photographs

Corrective action

Corrective action due date

Primary Production Food Hygiene non-compliance total

Sampling

SFSD Sample Reference (1)

SFSD Sample Reference (2)

SFSD Sample Reference (3)

SFSD Sample Reference (4)

SFSD Sample Reference (5)

SFSD Sample Reference (6)	
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Outcome	
Compliance Score (select one)	
Poor Compliance No evidence of feed safety management/documented procedures. Significant hazards not understood and no effective controls in place. Staff not suitable supervised, instructed and/or trained and no appreciation of feed hazards or controls. Poor track record.	
Varying Compliance Feed safety management/documented procedures inappropriate or inadequate. Significant hazards not fully understood and not all controls in place. Significant improvements in feed safety procedures/implementation of controls required. Some staff not suitably supervised, instructed and/or trained. Varying track record.	
Satisfactory Compliance Generally satisfactory feed safety controls in place. All significant hazards understood and controls in place. Feed safety management records appropriate and are generally maintained but some deficiencies/gaps identified. Staff generally suitable supervised, instructed and/or trained but there may be some minor issues. Satisfactory track record.	
Broad Compliance or Better Feed safety management/procedures in place. Hazards understood, properly controlled, managed and reviewed. Feed safety management records are appropriate and are generally maintained. Staff suitably supervised, instructed and/or trained with good staff knowledge and new staff receiving induction training. Good track record.	
Inspection Outcome (select all that apply)	
Informal action – advice/report to follow	
Formal action – statutory notice to follow	
Revisit	
No action taken	
Inspection Summary	
Overall Comments	
Total number of non-compliances/corrective actions	

Inspection frequency	
Date of next inspection	
Officer	
Signed (Officer)	
Feed Business Representative	
Signed (Feed Business Representative)	
Accompanying Officer	
Signed (Accompanying Officer)	

Annex 6.4 Feed Earned Recognition Exception Report

Name of Reporting Officer	
Contact telephone number/email	
Date of inspection	
Reference number	
Date report submitted to FSS	
FeBE address	
Assurance scheme to which the business is affiliated	
Summary of the contraventions found (including legislative reference as appropriate) and what action has been taken or will be taken against the business	
<i>Note: This box expands as you type</i>	
Confirm that earned recognition has been removed from the business, assigned a new risk rating and the business informed about the loss of earned recognition Y / N (Add any further comments below)	
<i>Note: This box expands as you type</i>	
Assurance Scheme update	
<i>Note: This box expands as you type</i>	
Date:	

Reporting officer update
<i>Note: This box expands as you type</i>
Date:
Assurance Scheme update
<i>Note: This box expands as you type</i>
Date:

Please email completed forms to: feed@fss.scot

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 6.5 Example template to record checks

Imported feed checks carried out at (insert port name and address)

Date	Airway bill/Bill of lading number	Origin	Product	Document/Manifest check		Identity check		Physical Check		Further Action	Outcome	Comment
				Yes/No	Yes/No	Yes/No	Yes/No	Yes/No				
	1256593	USA	Fresh Onions	Yes	Officer SMc	No	Officer	No	Officer	Not required	n/a	
	1257689	USA	Fresh red table grapes	Yes	Officer SMc	Yes	Officer AR	Yes	Officer	Sampled and released (routine surveillance)	Results received Date Sat/Unsat	

Annex 6.6 Notification that formal sample has been taken (Receipt)

Dear

Agriculture Act 1970

I am writing to advise you that the following formal sample(s) have been taken and submitted for analysis.

Date	
Sample Number(s)	
Product	
Sampling point	

I will write to you when the results of analysis/examination are available.

Officer Signature	
Officer name	

Annex 7.1 Feed Business Improvement Notice

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 Regulation 17

Reference Number:		
To		<i>(Feed Business Operator)</i>
At		<i>(Address of Feed Business Operator)</i>

I have reasonable grounds for believing that you are failing to comply with specified feed law because
<i>(Officer to insert grounds for believing that requirements of specified feed law as defined in the Feed Hygiene Regulations are being breached)</i>
In connection with your feed business
<i>(Name of Feed Business)</i>
At
<i>(Address of Feed Business)</i>
The matters which constitute your failure to comply are
<i>(Officer to insert provision(s) of specified feed law as defined in the Feed Hygiene Regulations are being breached and how)</i>
In my opinion, the following measure(s) are needed for you to comply with the legal

requirements specified above:
The measure(s) that will achieve the same effect must be taken by
<i>(Date)</i>

It is an offence not to comply with this feed business improvement notice by the date stated.

Signed (authorised officer)	
Name in Capitals	
Date	
Address	
Telephone	
Email	

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

Annex 7.1 Improvement Notice (Reverse)

NOTES

1. In the opinion of the authorised officer you are not complying with specified feed law as that term is defined in the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 as detailed in paragraph 2 of the notice. The work needed in the officer's opinion to put matters right is described and it must be finished by the date set.
2. You are responsible for ensuring that the work is carried out within the period specified, which must be at least 14 days.
3. You have a right to carry out work that will achieve the same effect as that described in the notice. If you think that there is another equally effective way of complying with the law, you should first discuss it with the officer.

YOUR RIGHT OF APPEAL

4. In accordance with regulation 18 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, if you disagree with all or part of this notice, you can appeal to the Sheriff. You must appeal within one month of the date of the notice or the period ending with the date stated in paragraph 4 of the notice, whichever ends earlier.
5. If you decide to appeal, the time set out in the notice is suspended and you do not have to carry out the work described until the appeal is heard. However, if you are not complying with the legal requirements mentioned in the notice, you may still be prosecuted for failure to comply with those requirements.
6. When the appeal is heard, the Sheriff may confirm, cancel or vary the notice.

WARNING FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE

Offenders are liable to be fined and/or imprisoned for up to 2 years.

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 7.2 Feed Business Emergency Prohibition Notice

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 Regulation 22

Reference Number:		
To		<i>(Feed Business Operator)</i>
At		<i>(Address of Feed Business Operator)</i>

I am satisfied that the health risk condition is fulfilled with respect to:		
To		<i>(Name of Feed Business)</i>
At		<i>(Address of Feed Business)</i>

Because		
<i>(Officer to list the premises, process, treatment or equipment which is subject to this notice and why it fails to satisfy the health risk condition)</i>		
<i>(* See Note 1 overleaf)</i>		

YOU MUST NOT USE IT FOR THE PURPOSES OF [THIS] [ANY] [THIS OR ANY SIMILAR]† FEED BUSINESS. [† Officer to delete as appropriate]

Signed (authorised officer)	
Name in Capitals	
Date	
Address	
Telephone	
Email	

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

Annex 7.2 Feed Business Emergency Prohibition Notice (Reverse) NOTES

1. When you receive this notice you must IMMEDIATELY stop using the premises, process, treatment or equipment described by the officer in paragraph 2 of the notice and located at the address stated.
2. Within 3 days of service of this notice, the authority must apply to Sheriff for an order confirming the prohibition. You will be told the date of the hearing which you are entitled to attend and at which you may call witnesses if you wish.
3. If you believe that you have acted to remove the health risk condition, you should apply in writing to the authority for a certificate, which would allow you to use the premises, process, treatment or equipment again. You can do this even if the court hearing has not taken place.
4. You are not allowed to use the premises, process, treatment or equipment for the purpose specified in paragraph 2 of the notice (see regulation 21(3) of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 until (a) a court decides you may do so; (b) the authority issues you with a certificate as in paragraph 3 above; (c) 3 days have passed since the service of the notice and the authority has not applied to the court as in paragraph 2 above; or (d) the authority abandons the application.
5. A copy of this notice must, by law, be fixed on the premises or equipment which is not to be used. It is an offence under Section 52 of the Criminal Law (Consolidation) (Scotland) Act 1995 to deface it.
6. COMPENSATION: If the authority does not apply to the Sheriff, for an order confirming its action within 3 days of the date of service of this notice, you will be entitled to compensation for any losses you have suffered because you could not use the premises, process, treatment or equipment because you were complying with this notice. You will also be entitled to such compensation if the Sheriff decides at the hearing that the health risk condition was not fulfilled with respect to the feed business at the time when the notice was served.

WARNING

ANYONE WHO KNOWINGLY CONTRAVENES THIS NOTICE IS GUILTY OF AN OFFENCE

Offenders are liable to be fined and/or imprisoned for up to 2 years.

Privacy Statement

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Annex 7.3 Detention Notice

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 Regulation 25

Reference Number:		
To		<i>(Feed Business Operator)</i>
At		<i>(Address of Feed Business Operator)</i>
		<i>(Name of Feed Business)</i>
		<i>(Address of Feed Business)</i>

The enforcement authority is satisfied that Requirements under the Hygiene Regulations are being breached, as outlined below:

--

For the purpose of examination, the following feed is being detained:

--

Signed (authorised officer)	
Name in Capitals	
Date	
Address	
Telephone	
Email	

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

Annex 7.3 Detention Notice (Hygiene Regulations) (Reverse)

NOTES

1. When the authorised officer is satisfied that the legal requirements specified in paragraph 2 of the Detention Notice are being met, and receives evidence that the feed need no longer need be detained, a withdrawal notice shall be issued to you. An authorised officer has 21 days following receipt of such evidence to come to a decision.
2. You are entitled to appeal against this notice. If you want to do so, you should apply to the Sheriff, within one calendar month of the date on which this notice is served on you.

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 7.4 Certificate of Withdrawal of Detention Notice

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 Regulation 25

Reference Number:		
To		<i>(Feed Business Operator)</i>
At		<i>(Address of Feed Business Operator)</i>
		<i>(Name of Feed Business)</i>
		<i>(Address of Feed Business)</i>

The enforcement authority certifies that it is satisfied that you have taken sufficient measures i.e.

Therefore the specified feed need no longer be detained.

The Detention Notice Reference Number, served on you on(date) is hereby withdrawn.

Signed (authorised officer)	
Name in Capitals	
Date	
Address	
Telephone	
Email	

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

Annex 7.4 Certificate of Withdrawal of a Detention Notice (Reverse)

NOTES

1. The feed that has been released may be returned to the feed chain.
2. In appropriate circumstances you may have a right to claim compensation under the terms of regulation 25 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.

Privacy Statement

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Annex 7.5 Seizure Notice

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 Regulation 25

Reference Number:		
To		<i>(Feed Business Operator)</i>
At		<i>(Address of Feed Business Operator)</i>
		<i>(Name of Feed Business)</i>
		<i>(Address of Feed Business)</i>

The enforcement authority is satisfied that Requirements under the Hygiene Regulations are being breached, as outlined below:
The following is being seized

Signed (authorised officer)	
Name in Capitals	
Date	
Address	
Telephone	
Email	

If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 7.6 Certification that Health Risk Condition No Longer Exists

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 Regulations 21 & 22

Reference Number:		
To		<i>(Feed Business Operator)</i>
At		<i>(Address of Feed Business Operator)</i>
		<i>(Name of Feed Business)</i>
		<i>(Address of Feed Business)</i>

The enforcement authority certifies that it is satisfied that you have taken sufficient measures to secure the removal of the imminent* risk of injury to health described in the:

Feed Business Prohibition Order*

Feed Business Emergency Prohibition Notice*

Feed Business Emergency Prohibition Order*

[* Officer to delete as appropriate]

Reference numberserved on you on(date).

Signed (authorised officer)	
Name in Capitals	
Date	
Address	
Telephone	
Email	

THIS CERTIFICATE MEANS THAT YOU MAY NOW USE THE PREMISES, PROCESS, TREATMENT OR EQUIPMENT AGAIN.

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

Annex 7.6 Certification that Health Risk Condition No Longer Exists (Reverse)

NOTES

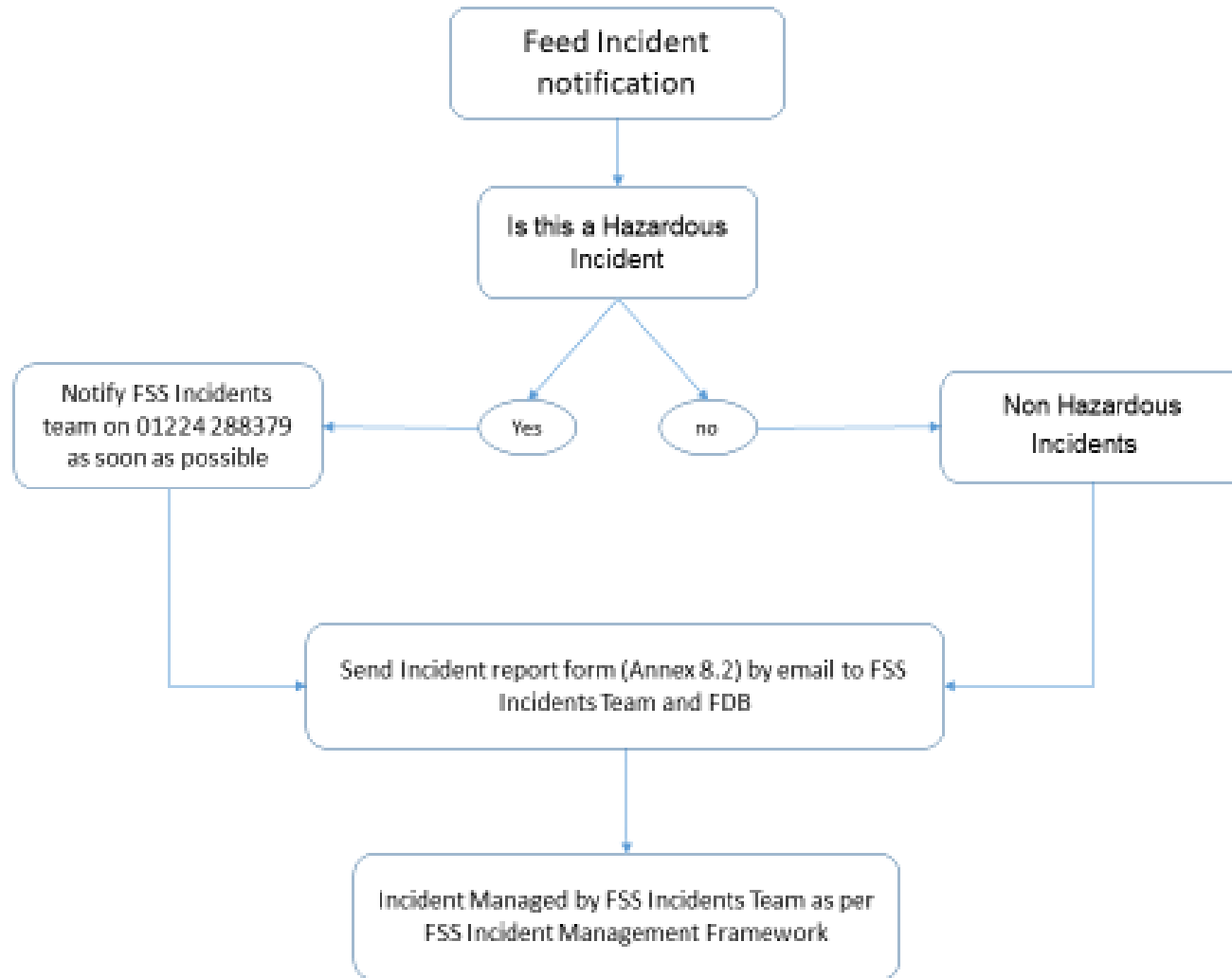
1. The authority is now satisfied that the health risk condition no longer exists in respect of the circumstances that caused the authority to issue you with an Emergency Prohibition Notice or the court to impose a Prohibition Order or Hygiene Emergency Prohibition Order*.

2. The relevant notice or order is now lifted and you may use the premises, process, treatment or equipment again. [* Officer to delete as appropriate]

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Annex 8.1 Feed Incidents Schematic Diagram



Annex 8.2 Food/Feed Incident Report Form

TO BE COMPLETED AND EMAILED TO FOOD STANDARDS SCOTLAND ON
incidents@fss.scot
(Tel: 01224 288 379 during business hours and 07881 516 867 out of hours)

1. Name and Address of Reporting officer (including address, telephone & e-mail details):
2. Date & Time of Initial notification:
3. Initial Information Received from (eg. Local Food Authority, FSS (Feed), PHS, Business etc - include name, address, contact details):
4. Method Information Received (eg. telephone / email / letter / other):
5. Brief Description of Incident:
6. Contamination Type (e.g. microbiological / chemical / physical – if physical please advise type of injury this may cause):

7. Breach in Legislation? (Include legislation, maximum permitted levels etc)
8. What Stage has the Incident likely to have occurred (eg processing / packaging / handling / storage / distribution etc):
9. Product Description:
a. Type of Product:
b. Product Name:
c. Product Brand Name:
d. Batch Code/s:
e. Description of Packaging:
f. Pack Size:
g. Durability Date/s or Code/s:
h. Country of Origin:

i. UK Importer / Distributor (including contact details):

j. Product Manufacturer (including contact details):

k. Could Other Products Produced in the Establishment been contaminated or affected:

l. Packer (including contact details):

10. Details of Distribution (including when product / batch was placed on market, quantities involved, areas, export to EU & third countries):

11. Has Clinical Illness Occurred, or animal health and welfare compromised? Please provide details (eg. symptoms, type of illness, number of consumers affected, samples submitted, etc & who has been contacted – HPS / CPHM etc):

12. How is the company (manufacturer / retailer / supplier) dealing with the incident and what steps / next steps are to be taken:

13. Assessment of Hazard (please tick as many as appropriate):			
Local	<input type="checkbox"/>	Manufacture	<input type="checkbox"/>
Regional	<input type="checkbox"/>	Retail	<input type="checkbox"/>
National	<input type="checkbox"/>	Catering	<input type="checkbox"/>
International	<input type="checkbox"/>	Import / Export	<input type="checkbox"/>
15. Enforcement Action, if applicable (eg what samples have been taken / what notices have been served / has food/feed been seized / etc – all lab reports / notices etc are to be sent FSS Incidents as soon as possible):			
16. Is Malicious or Fraudulent Activity Suspected:			
17. Has there been Media Interest? (please tick as appropriate):			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>If there has been a press release please send to FSS with this form</i>			
18. Additional Information (please attach additional pages if required):			
Signed by:			
Date:			
Job Title:			

Annex 9.1 Internal Monitoring Record

Manager	
Officer	
Date of Review	
<p>Detail of review:</p> <p><i>Type of monitoring and outcomes</i></p> <p><i>Record details of records checked, as appropriate</i></p>	

Action required by Agent	Action required by FSS

Annex 9.2 Self Audit Checklist

Manager	
Officer	
Date of Review	
Checked by: Name/date	

Record (name/date)			
Check			
Sufficiently detailed, accurate and retrievable records or documentation for key business operations and activities			
Records collected on feed safety management systems, where appropriate			
Timely notification of findings to FeBO			
Non-compliances recorded and reasons			
Distinction between legal requirements and recommendations			
Recording of actions relating to follow up visits			
Enforcement is in line with the Feed Enforcement Policy			
WHERE NECESSARY: Formal notices are followed up in a timely manner			

<p>Actions required by officer:</p> <p>Actions checked by manager:</p>



**For safe food and
healthy eating**

Contact details

Food Standards Scotland
Pilgrim House,
Old Ford Road,
Aberdeen,
AB11 5RL.

T: 0330 912 0377

E. Feed@fss.scot

www.foodstandards.gov.scot

