

# COMMISSION

## COMMISSION RECOMMENDATION

of 10 February 2003

on the coordinated inspection programme in the field of animal nutrition for the year 2003 in accordance with Council Directive 95/53/EC

(notified under document number C(2003) 450)

(2003/91/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition <sup>(1)</sup>, as last amended by Directive 2001/46/EC of the European Parliament and of the Council <sup>(2)</sup>, and in particular Article 22(3) thereof,

Whereas:

- (1) Directive 95/53/EC provides for the Commission to submit an overall summary report on the result of inspections carried out at Community level. The overall summary report on inspection activities carried out in the field of animal nutrition based on the information provided by the Member States concerning the implementation of the inspection programmes for the year 2001 does not allow definitive conclusions to be drawn.
- (2) Three priority criteria have been identified as worthy of a coordinated inspection programme to be carried out in the year 2003, namely the monitoring of application of restrictions on the use of products of animal origin in feedingstuffs, the presence of dioxins in by-products used as feed materials for the manufacture of feedingstuffs and the presence of antibiotics banned as growth promoters in feedingstuffs.
- (3) It is important to ensure that the restrictions on the use of products of animal origin in feedingstuffs, as laid down in the relevant Community legislation, are effectively enforced.
- (4) Certain industrial by-products intended to be used as feed materials could potentially become contaminated with dioxins as a result of processing.

- (5) It is important to ensure that banned antibiotics are not used as growth promoters in animal nutrition.
- (6) The measures provided for in this recommendation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HEREBY RECOMMENDS:

1. It is recommended that Member States carry out during the year 2003 a coordinated monitoring programme aiming to check:
  - (a) the implementation of restrictions on the production and use of products of animal origin as set out in Annex I;
  - (b) the contamination of certain industrial by-products with dioxins as a result of processing as set out in Annex II;
  - (c) the presence of banned antibiotics used as growth promoters as set out in Annex III.
2. It is recommended that Member States include the results of the coordinated monitoring programme provided for in paragraph 1, as a separate chapter in the report on the annual control activities to be transmitted by 1 April 2004 in accordance with Article 22 of Directive 95/53/EC.

Done at Brussels, 10 February 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 265, 8.11.1995, p. 17.

<sup>(2)</sup> OJ L 234, 1.9.2001, p. 55.

## ANNEX I

**RESTRICTIONS ON THE PRODUCTION AND USE OF PRODUCTS OF ANIMAL ORIGIN**

Without prejudice to Articles 3 to 13 and 15 of Directive 95/53/EC, Member States should, during 2003, undertake a coordinated inspection programme to determine whether restrictions on the production and use of feed materials of animal origin have been complied with.

In particular, in order to ensure that the ban on feeding processed animal protein to certain animals, as laid down in Council Decision 2000/766/EC <sup>(1)</sup> and Commission Decision 2001/9/EC <sup>(2)</sup>, both last amended by Commission Decision 2002/248/EC <sup>(3)</sup> is effectively applied, Member States should implement a specific control programme based on targeted controls. In accordance with Article 4 of Directive 95/53/EC, that control programme should be based on a risk-based strategy where all stages of production and all types of premises where feed is produced, handled and administered are included. Member States should pay special attention to the definition of criteria that can be related to a risk. The weighting given to each criterion should be proportional to the risk. The inspection frequency and the number of samples analysed in the premises should be in correlation to the sum of weightings allocated to those premises.

The following indicative premises and criteria should be considered when drawing up a control programme:

Premises	Criteria	Weighting
Feed mills	<ul style="list-style-type: none"> <li>— Double stream feed mills producing ruminant compound feed and non-ruminant compound feed containing derogated processed animal proteins</li> <li>— Feed mills with previous history, or suspicion, of non-compliance</li> <li>— Feed mills with a high amount of imported feedingstuffs of high protein content such as fish meal, soybean meal, corn gluten meal and protein concentrates</li> <li>— Feed mills with a high amount of production of compound feed</li> <li>— Risk of cross-contamination resulting from internal operational procedures (such as dedication of silos, control of the effective separation of lines, control of ingredients, internal laboratory, sampling procedures.)</li> </ul>	
Border Inspection Posts and other points of entry into the Community	<ul style="list-style-type: none"> <li>— High/low amount of imports of feedingstuffs</li> <li>— Feedingstuffs with a high protein content</li> </ul>	
Farms	<ul style="list-style-type: none"> <li>— Home mixers using derogated processed animal proteins</li> <li>— Farms keeping ruminants and other species (risk of cross-feeding)</li> <li>— Farms purchasing feedingstuffs in bulk</li> </ul>	
Dealers	<ul style="list-style-type: none"> <li>— Warehouses and intermediate storage of feedingstuffs with a high protein content</li> <li>— High volume of bulk feedingstuffs traded</li> <li>— Dealers in compound feedingstuffs produced abroad</li> </ul>	

<sup>(1)</sup> OJ L 306, 7.12.2000, p. 32.

<sup>(2)</sup> OJ L 2, 5.1.2001, p. 32.

<sup>(3)</sup> OJ L 84, 28.3.2002, p. 71.

Premises	Criteria	Weighting
Mobile mixers	<ul style="list-style-type: none"> <li>— Mixers producing for several species</li> <li>— Mixers with previous history, or suspicion, of non-compliance</li> <li>— Mixers incorporating feedingstuffs with a high protein content</li> <li>— Mixers with a high amount of production of feedingstuffs</li> <li>— Large number of farms served including farms which keep ruminants</li> </ul>	
Means of transportation	<ul style="list-style-type: none"> <li>— Vehicles used for the transportation of processed animal proteins and feedingstuffs</li> <li>— Vehicles with previous history, or suspicion, of non-compliance</li> </ul>	

As an alternative, Member States may forward their own risk assessment to the Commission before 31 March 2003.

Sampling should be targeted on batches or events where cross-contamination with prohibited processed proteins is most likely (e.g. first batch after the transport of feedingstuffs containing animal protein prohibited in this batch, technical problems or changes in production lines, changes in storage bunkers or silos for bulk material).

The minimum number of inspections per year in a Member State should be 10 per 100 000 tonnes of compound feed produced. The minimum number of official samples per year in a Member State should be 20 per 100 000 tonnes of compound feed produced. Pending the approval of alternative methods, the microscopic identification and estimation as laid down in Commission Directive 98/88/EC of 13 November 1998 establishing guidelines for the microscopic identification and estimation of constituents of animal origin for the official control of feedingstuffs<sup>(1)</sup> should be used for the analysis of the samples. Any presence of prohibited constituents of animal origin in feedingstuffs should be considered as a breach of the feed ban.

The results of the inspection programmes should be communicated to the Commission using the following formats.

#### SUMMARY OF CHECKS CONCERNING FEEDING RESTRICTIONS FOR FEED OF ANIMAL ORIGIN (FEEDING OF PROHIBITED PROCESSED ANIMAL PROTEINS)

##### A. Documented inspections

Stage	Number of inspections comprising checks on the presence of processed animal proteins	Number of breaches not based on laboratory testing but, for example, on documentary checks
Import of feed materials		
Storage of feed materials		
Feed mills		
Home mixers/mobile mixers		
Intermediaries of feedingstuffs		
Means of transport		
Farms keeping non-ruminants		
Farms keeping ruminants		
Other: .....		

<sup>(1)</sup> OJ L 318, 27.11.1998, p. 45.

**B. Sampling and testing of feed materials and compound feedingstuffs for processed animal proteins**

Premises	Number of official samples tested for processed animal proteins			Number of samples considered positive for prohibited processed animal proteins		
	Feed materials	Compound feedingstuffs for ruminants	Compound feedingstuffs for non-ruminants	Feed materials	Compound feedingstuffs for ruminants	Compound feedingstuffs for non-ruminants
At import						
Feed mills						
Intermediaries/storage						
Means of transport						
On-farm mixers/mobile mixers						
On farm						
Other: .....						

**C. Summary on prohibited processed animal proteins found in samples of feedingstuffs intended for ruminants**

	Month of sampling	Type and degree of contamination	Sanctions (or other measures) applied
1			
2			
3			
4			
5			
...			

## ANNEX II

**CONTAMINATION OF CERTAIN INDUSTRIAL BY-PRODUCTS WITH DIOXINS AS A RESULT OF DRYING OR OTHER TYPES OF PROCESSING**

Many by-products of food processing are used as feed materials. Special attention should be paid to a possible contamination of these by-products, which may occur at certain steps of their production process namely when chemical substances such as catalysts, solvents, pelleting aids, pH modifiers or filtration agents are introduced.

Furthermore, extraction processes such as oil from oilseeds, palm kernels or coconut products sometimes involve the use of organic solvents. The presence of dioxins as solvent contaminants, but also the possible genesis of these compounds from chemical reactions between the solvent and feed materials may contribute to the contamination of the by-products (oilseed cakes) of the oil industry used as feed materials.

Particular attention should also be paid to the drying process used for the by-products. Drying of these by-products/feed materials such as green forage, sugar beet pulp or citrus pulp may involve atmospheric air flow or hot air generated by a non-polluting source, for example electric heating or heat exchange. Under these circumstances no dioxin contamination can be expected. However, other drying techniques involving direct contact between feed materials and an air flow heated by a direct combustion process and carrying combustion products (gases, smoke) may constitute a considerable pollution source highly dependent on the nature of the fuel used. Whereas natural gas is regarded as a clean energy source, other sources (i.e. oil and derivatives including additives, pit-coal, wood) may generate dioxins during the combustion process, especially if combustion is incomplete. High levels of dioxins on dried green forage have been reported, caused by a direct drying process whereby chemically treated (with paint, with pentachlorophenol) waste wood was used as a burning material.

Increased control of these feed materials 'at risk' is appropriate. In order to be able to identify precisely the source of contamination, an additional investigation is necessary if an increased level is found (see Commission Recommendation 2002/201/EC of 4 March 2002 on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs<sup>(1)</sup>).

**A. Summary on contamination of by-products with dioxins**

Type of feedingstuff <sup>(a)</sup>	Level found (ng WHO-PCDD/F-TEQ/kg) <sup>(b)</sup>	Results of investigation on the source of contamination (if done)

<sup>(a)</sup> Feed material or compound feedingstuff containing industrial by-products.

<sup>(b)</sup> Relative to a feedingstuff with a moisture content of 12 %.

<sup>(1)</sup> OJ L 67, 9.3.2002, p. 69.

## ANNEX III

**PRESENCE OF BANNED ANTIBIOTICS USED AS GROWTH PROMOTERS**

Antibiotics may be legally present in feedingstuffs when prescribed by a veterinarian for disease prevention and treatment. Council Directive 90/167/EEC lays down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community <sup>(1)</sup>.

Antibiotics may also be legally present when authorised under Council Directive 70/524/EEC of 23 November concerning additives in feedingstuffs <sup>(2)</sup>, for coccidiosis prevention or growth promotion purposes. In the latter category only **monensin-sodium**, **salinomycin-sodium**, **flavophospholipol** and **avilamycin** are currently authorised.

Any other use of antibiotics is not authorised in feedingstuffs.

During 2001 some Member States found a significant number of samples of feedingstuffs where the presence of unauthorised antibiotics was detected.

Increased control on feedingstuffs is therefore appropriate. In order to develop appropriate control strategies, additional investigations should be carried out when unauthorised antibiotics are detected in order to identify the cause of their presence in feedingstuffs.

**A. Summary on banned antibiotics used as growth promoters found in samples of feedingstuffs**

Type of feedingstuffs (species and category of animals)	Type of antibiotic	Level found (mg/kg)	Origin of the antibiotic

<sup>(1)</sup> OJ L 92, 7.4.1990, p. 42.

<sup>(2)</sup> OJ L 270, 14.12.1970, p. 1.