COMMISSION

COMMISSION RECOMMENDATION

of 17 February 2004

on the coordinated inspection programme in the field of animal nutrition for the year 2004 in accordance with Council Directive 95/53/EC

(Text with EEA relevance)

(2004/163/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 [1], 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 results of inspections carried out at Community level. This overall summary report provides data on official controls based on the information reported by the Member States concerning the implementation of the inspection programmes for the year 2002.

(2) In 2003 Member States identified certain issues as worthy of a coordinated inspection programme to be carried out in the year 2004.

(3) Although Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed [2] establishes maximum contents of aflatoxin B_1 in feedingstuffs, there are no Community rules for other mycotoxins, such as ochratoxin A, zearalenone, deoxynivalenol and fumonisins. Gathering information on the presence of those mycotoxins through random sampling could provide useful data for an assessment of the situation with a view to the development of the legislation. Furthermore, certain feed materials such as cereals and oil seeds are particularly exposed to mycotoxin contamination because of harvesting, storage and transport conditions. As mycotoxin concentration varies from year to year, it is appropriate to collect data from consecutive years for all mycotoxins mentioned.

(4) Previous checks for the presence of antibiotics and coccidiostats in certain feedingstuffs where those substances are not authorised indicate that this type of infringement still occurs. The frequency of such findings and the sensitivity of this matter justify the continuation of checks.

(5) It is important to ensure that the restrictions on the use of feed materials of animal origin in feedingstuffs, as laid down in the relevant Community legislation, are effectively enforced.

(6) The case of contamination of the feed and food chain with medroxyprogesterone acetate (MPA) highlighted the value of the selection of supplies in the safety of feedingstuffs. Some ingredients in feedingstuffs are by-products of agri-food industries, or of other industries, or of mineral extraction. The source of feed materials of industrial origin and the processing methods applied to them may be of particular significance in the safety of the products. Therefore the competent authorities should consider this aspect when carrying out their checks.

(7) 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 2004 a coordinated inspection programme aimed to check:

   (a) the concentration of mycotoxins (aflatoxin B_1, ochratoxin A, zearalenone, deoxynivalenol and fumonisins) in feedingstuffs, indicating the methods of analysis; the method of sampling should comprise both random and targeted sampling; in the case of targeted sampling, the samples should be feed materials suspected of containing higher concentrations of mycotoxins, such

[1] OJ L 265, 8.11.1995, p. 17. Directive as last amended by Directive 2001/46/EC of the European Parliament and of the Council (OJ L 234, 1.9.2001, p. 55).

[2] OJ L 140, 30.5.2002, p. 10. Directive as last amended by Commission Directive 2003/100/EC (OJ L 285, 1.11.2003, p. 33).

as cereal grains, oil seeds, oil fruits, their products and by-products, and feed materials stored for a long time or transported by sea over a long distance; the results of the checks should be reported using the model set out in Annex I;

(b) certain medicinal substances, whether or not authorised as feed additives for certain animal species and categories, in non-medicated pre-mixtures and compound feedingstuffs in which these medicinal substances are not authorised; the checks should target those medicinal substances in pre-mixtures and compound feedingstuffs if the competent authority considers that there is a greater probability of finding irregularities; the results should be reported using the model set out in Annex II;

(c) the implementation of restrictions on the production and use of feed materials of animal origin, as set out in Annex III;

(d) the procedures applied by manufacturers of compound feedingstuffs in order to select and assess their supplies of feed materials of industrial origin and to ensure the quality and safety of such ingredients, as set out in Annex IV.

2. It is recommended that Member States include the results of the coordinated inspection programme provided for in paragraph 1 in a separate chapter in the annual report on inspection activities to be transmitted by 1 April 2005 in accordance with Article 22(2) of Directive 95/53/EC and the latest version of the harmonised reporting model.

Done at Brussels, 17 February 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Concentration of certain mycotoxins (aflatoxin B_1, ochratoxin A, zearalenone, deoxynivalenol, fumonisins) in feedingstuffs

Individual results of all tested samples; model for reports as referred to in paragraph 1(a)

Feedingstuffs		Sampling (random or targeted)	Type and concentration of mycotoxins (µg/kg relative to a feedingstuff with a moisture content of 12%)				
Type	Country of origin		Aflatoxin B_1	Ochratoxin A	Zearalenone	Deoxynivalenol	Fumonisins [a]

[a] The concentration of fumonisins comprises the total of fumonisins B_1, B_2 and B_3.

The competent authority should also indicate:

— the action taken when maximum levels for aflatoxin B_1 are exceeded,

— the methods of analysis used,

— the limits of detection.

ANNEX II

Presence of certain medicinal substances not authorised as feed additives

Certain antibiotics, coccidiostats and other medicinal substances may be legally present as additives in pre-mixtures and compound feedingstuffs for certain species and categories of animals, when authorised pursuant to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs [1].

The presence of unauthorised medicinal substances in feedingstuffs constitutes an infringement.

The medicinal substances to be controlled should be chosen from the following:

1. medicinal substances authorised as feed additives for certain animal species or categories only:

   avilamycin,
   decoquinate,
   diclazuril,
   flavophospholipol,
   halofuginone hydrobromide,
   lasalocid A sodium,
   maduramicin ammonium alpha,
   monensin sodium,
   narasin,
   narasin — nicarbazin,
   robenidine hydrochloride,
   salinomycin sodium,
   semduramicin sodium;

2. medicinal substances no longer authorised as feed additives:

   amprolium,
   amprolium/ethopabate,
   arprinocid,
   avoparcin,
   carbadox,
   dimetridazole,
   dinitolmid,
   ipronidazol,
   meticlorpindol,
   meticlorpindol/methylbenzoquate,
   nicarbazin,
   nifursol,
   olaquindox,
   ronidazol,
   spiramycin,
   tetracyclines,
   tylosin phosphate,
   virginiamycin,
   zinc bacitracin,
   other antimicrobial substances;

3. medicinal substances never authorised as feed additives:

   other substances.

Individual results of all non-compliant samples; model for reports as referred to in paragraph 1(b)

Type of feedingstuff (animal species and category)	Substance detected	Level found	Reason for the infringement [a]	Reason for the infringement

[a] Reason leading to the presence of the unauthorised substance in the feedingstuff, as concluded after an investigation carried out by the competent authority.

The competent authority should also indicate:
— the total number of samples tested,
— the names of the substances which have been investigated,
— the methods of analysis used,
— the limits of detection.

[1] OJ L 270, 14.12.1970, p. 1.

ANNEX III

Restrictions on the production and use of feed materials of animal origin

Without prejudice to Articles 3 to 13 and Article 15 of Directive 95/53/EC, Member States should, during 2004, 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 Annex IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies [1], are 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	— Double-stream feed mills producing ruminant compound feed and non-ruminant compound feed containing derogated processed animal proteins — Feed mills with previous history, or suspicion, of non-compliance — Feed mills with a large amount of imported feedingstuffs with high protein content such as fishmeal, soybean meal, corn gluten meal and protein concentrates — Feed mills with a high production of compound feed — Risk of cross-contamination resulting from internal operational procedures (dedication of silos, control of the effective separation of lines, control of ingredients, internal laboratory, sampling procedures, etc.)	
Border inspection posts and other points of entry into the Community	— Large/small amount of imports of feedingstuffs — Feedingstuffs with high protein content	
Farms	— Home mixers using derogated processed animal proteins — Farms keeping ruminants and other species (risk of cross-feeding) — Farms purchasing feedingstuffs in bulk	
Dealers	— Warehouses and intermediate storage of feedingstuffs with high protein content — High volume of bulk feedingstuffs traded — Dealers in compound feedingstuffs produced abroad	

[1] OJ L 147, 31.5.2001, p. 1.

Premises	Criteria	Weighting
Mobile mixers	— Mixers producing for both ruminants and non-ruminants — Mixers with previous history, or suspicion, of non-compliance — Mixers incorporating feedingstuffs with high protein content — Mixers with high production of feedingstuffs — Large number of farms served including farms which keep ruminants	
Means of transportation	— Vehicles used for the transportation of processed animal proteins and feedingstuffs — Vehicles with previous history, or suspicion, of non-compliance	

As an alternative to these indicative premises and criteria, Member States may forward their own risk assessment to the Commission before 31 March 2004, or 31 May 2004 for those Member States which joined on 1 May 2004.

Sampling should be targeted on batches or events where cross-contamination with prohibited processed proteins is most likely (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, microscopic identification and estimation as described 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 [1] should be used for analysing 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:

[1] OJ L 318, 27.11.1998, p. 45.

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 based on documentary checks etc. rather than laboratory testing
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		
Others: ……		

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 non-compliant samples					
				Presence of processed animal protein from terrestrial animals			Presence of processed animal protein from fish		
	Feed materials	Compound feedingstuffs		Feed materials	Compound feedingstuffs		Feed materials	Compound feedingstuffs	
		for ruminants	for non-ruminants		for ruminants	for non-ruminants		for ruminants	for non-ruminants
At import									
Feed mills									
Intermediaries/storage									
Means of transport									
Home mixers/mobile mixers									
On farm									
Others: ……									

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

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

In addition, Member States should analyse fats and vegetable oils intended for feedingstuffs for the presence of traces of bones and include the results of such analyses in the report referred to in paragraph 2 of this Recommendation.

ANNEX IV

Procedures for selection and assessment of supplies of feed materials of industrial origin

The competent authorities should identify and shortly describe the procedures followed by manufacturers of compound feedingstuffs in order to select and assess supplies of feed materials of industrial origin. Some procedures may be related to the prior establishment of characteristics or requirements for the products to be supplied, or for the suppliers. Other procedures may be related to own checks for the verification of compliance with certain parameters, carried out by manufacturers of compound feedingstuffs at the reception of supplies.

For each identified procedure (procedure for selection and assessment of supplies), the competent authorities should indicate the advantages and disadvantages of the application of the procedure in terms of feed safety. Finally they should assess whether, taking into account the potential risks, each procedure is acceptable, insufficient or unacceptable for ensuring the safety of feedingstuffs, stating the reasons leading to that conclusion.

Evaluation of procedures

Procedure (short description, including criteria for acceptance/rejection of feed materials)	Advantages	Disadvantages	Assessment of acceptability of procedures