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# GUIDANCE ON FOOD STANDARDS AGENCY APPROVED ASSURANCE SCHEMES IN THE ANIMAL FEED AND FOOD HYGIENE AT THE LEVEL OF PRIMARY PRODUCTION SECTORS

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# 1. Introduction

## 1.1 Earned Recognition:

- is at the heart of the Food Standards Agency (FSA) approach to rewarding responsible businesses and encouraging industry to promote the positive role of regulatory standards; and
- aims to reduce the burden on compliant businesses whilst concentrating enforcement activity at those businesses which are less compliant.

1.2 The frequency of delivering official controls is not prescribed by regulation, however, under EU Regulation (EC) No 882/2004, Article 3, Member States must consider a number of parameters when determining the frequency of delivery to ensure controls are carried out on a risk basis and with appropriate frequency. These parameters take into account risk associated with feed and business activity; record of compliance; the reliability of any own checks and any information that might indicate non-compliance.

1.3 Businesses that demonstrate compliance and qualify for Earned Recognition will benefit from a reduced frequency of intervention by the Competent Authority<sup>1</sup>.

## 1.4 There are two types of Earned Recognition:

- **Type 1:** a business which is a member of a FSA approved assurance scheme and demonstrates at least a satisfactory level of current compliance, with relevant feed law; or
- **Type 2:** a business which is not a member of a FSA approved assurance scheme and demonstrates a broad level of current compliance, with relevant feed law.

1.5 The FSA is reviewing the way that we approach assurance through the [Regulating Our Future](#) (ROF) Programme, looking towards an expanded, formal role for private assurance schemes already operating in food safety and food standards.

# 2. Scope and Purpose of the Guidance

2.1 The scope of this guidance<sup>2</sup> is Earned Recognition in the animal feed sector and food hygiene at the level of primary production. It is intended to inform Competent Authorities in England Wales and Northern Ireland, feed, and food business operators how:

- assurance schemes become FSA approved assurance schemes;
- approved assurance schemes operate post approval by the FSA;
- the FSA manages Earned Recognition through approved assurance schemes; and
- Competent Authorities apply and remove Earned Recognition from a Feed Business Operator (FeBO).

2.2 Assurance schemes are voluntary systems which verify, through regular independent checks, that businesses are meeting certain stated standards. Although voluntary, many

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<sup>1</sup> Competent Authority in England, Wales and Scotland means the local authority. In Northern Ireland means the Department of Agriculture, Environment and Rural Affairs (DAERA)

<sup>2</sup> Food Standards Scotland (FSS) have their own separate [guidance](#) on Earned Recognition

major trade buyers will demand that their suppliers are certified in these schemes so the level of participation is high. The current list of approved assurance schemes is detailed on the FSA [website](#).

### **3. The Role of the FSA**

3.1 Together with Food Standards Scotland (FSS), it is the FSAs role as the Central Competent Authority, in England, Wales and Northern Ireland, to assess individual assurance schemes which have applied for approved status. When the FSA is satisfied that an assurance scheme meets the criteria a MOU will be agreed with the assurance scheme and other parties such as the Veterinary Medicines Directorate (VMD), the MOU details:

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

3.2 The FSA reviews and verifies the approved status of assurance schemes on a regular basis using both, information provided by the assurance schemes and Competent Authorities together with other relevant intelligence e.g. Rapid Alert System for Food and Feed (RASFF) notifications. The FSA 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 a Competent Authority in ensuring that individual establishments take corrective action to deal with non-compliance or their role in removing Earned Recognition from an establishment if it fails to attain a minimum level of satisfactory compliance.

3.3 The FSA shares with Competent Authorities through appropriate national forums the outcome of reviews of approved assurance schemes, including sharing relevant summary data on assurance scheme assessment findings.

### **4. The Role of Competent Authorities**

4.1 It is the Competent Authority role to assess whether individual businesses which have Earned Recognition, as a member of an approved assured scheme, can retain its reduced level of intervention and to ensure that any non-compliance is rectified in a timely way.

## **5. Criteria for the Approval of Assurances for Earned Recognition**

### **5.1 Introduction**

5.1.1 Any assurance scheme can seek to become approved by the FSA so that its members can benefit from Earned Recognition. Each scheme is assessed against a set of six criteria.

1. **Standard setting** – this criterion is concerned with the governance of the scheme, how it is managed and how the scheme standards are developed and reviewed. For

example, there must be processes to ensure that standards are reviewed in line with current legislation.

2. **Compliance and certification** – this criterion outlines that schemes should have guidance to describe compliance and processes for assessment and review. The scheme must also have specific processes or criteria in place for their certification bodies e.g. they must be UKAS accredited or equivalent and have a certification process that is reviewed at least annually.
3. **Assessment process** – this criterion sets out more detail on what the scheme assessment process itself will need to demonstrate. For example, the frequency of scheme assessments should be no less than the minimum set by the official control code of practice and the assessments must include a visual inspection of the site and observation of operations.
4. **Assessor authorisation/competence** – this criterion provides more details on the requirements for the certification bodies for these areas. For example, there should be criteria for appointing and authorising assessors as well as ongoing training and monitoring of the competence and performance of assessors.
5. **Standard mapping** – this criterion outlines that scheme standards should cover the legislative requirements applicable to the sector. As part of this criterion all applicable legislative requirements are mapped against the scheme standards to ensure that all legislative requirements are met.
6. **Data sharing and communication** – this criterion sets out several requirements for these areas. For example, the scheme must provide membership information so Earned Recognition can be applied or removed as necessary and immediate notification of any serious threats to public health found during assessments.

## 5.2 Standard Setting

5.2.1 The assurance scheme and its standards should cover applicable legislative requirements for the sector it covers, and include the following aspects of governance surrounding the establishment and setting of standards:

- **Governance:** The role and governance of the standard setting body should be clearly defined within the scheme and include representatives of all relevant stakeholders;
- **Standards:** There should be clearly defined processes for developing standards, with access to expertise and experience in relation to the sector to which the standards relate;
- **Legislation:** Processes should be in place to ensure standards are reviewed and developed in line with legislative changes; and
- **Risk based:** A risk based approach to standard setting should be used, drawing upon HACCP or an equivalent risk assessment process that identifies safety hazards and controls.

## 5.3 Compliance and Certification

5.3.1 The assurance schemes should clearly describe compliance as well as processes for assessment and review, in particular:

- **Compliance:** The scheme should provide guidance on interpretation and assessment of compliance and how non-conformities with standards are dealt with;

- **Review:** Systems should be in place to monitor and adjust scheme requirements to ensure they achieve acceptable standards of compliance; and
- **Assessment:** The scheme should have appropriate mechanism for the development and review of inspection criteria, with the ability of relevant stakeholders, including the FSA, to contribute to this process.

5.3.2 The assurance scheme must have the following processes / criteria in place for its certification bodies:

- UKAS accreditation or equivalent having ISO/BS EN 17065 accreditation<sup>3</sup>;
- a quality management system, including clearly defined management structure, processes for monitoring assessments and the objective collection and recording of evidence as part of the certification process;
- a certification process that is reviewed at least annually to ensure it is operating effectively and in accordance with the requirements of the assurance scheme;
- a process to ensure non-conformances are tracked, closed off or otherwise addressed subject to the scheme's requirements;
- a process to monitor the competence / performance of assessors;
- a process to ensure those responsible for certification are kept up to date with developments in standards and guidance for interpretation of standards; and
- a certification decision-making process that is clear, transparent, proportional, consistent, and documented.

## 5.4 Assessment Process

5.4.1 The assurance scheme must demonstrate that:

- the assessment process is underpinned with guidance that deals with the assessment of standards and how non-conformities are dealt with in relation to the risk posed by non-compliance. Guidance should include procedures for dealing with repeat non-conformities, failure to rectify non-conformities and situations when certification should be withheld or suspended and circumstances in which it might be re-instated. In addition, the guidance must include verification of corrective action;
- the assessment is carried out by assessors who are impartial, competent and maintain relevant sector knowledge;
- the frequency of assessments is no less than the minimum set by regulation or code of practice for the sector covered by the assurance scheme, risk based and consider previous history;
- the assessment reviews all the standards set by the scheme applicable to the business and as a minimum must include a visual inspection of the site, observation of operations and examination of records;

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<sup>3</sup> ISO/BS EN 17065: 2012 Conformity Assessment – Requirements for bodies certifying products, processes and services

- comprehensive records of assessment findings are maintained including the date, name of assessor, scope of assessment, non-conformities, timescales for rectification etc; and
- where assessments should be unannounced or at short notice<sup>4</sup>. Examples where notice may be considered appropriate are:
  - where it is advantageous to give advance notice and the overriding aim is to ensure compliance with feed law;
  - when the purpose of an assessment is to see a particular process in operation; or
  - to examine records which are only available if the proprietor of the feed business is present.

## **5.5 Assessor Authorisation / Competence**

5.5.1 The assurance scheme should have defined the following and have systems in place to ensure the certification body (CB) has:

- criteria for appointing and authorising assessors including reference to professional qualifications, auditing skills, relevant experience, and arrangements for ensuring on-going competency; and
- induction and continued learning to enable assessors to demonstrate a clear understanding of scheme requirements, procedures, and guidance for interpretation of standards and how non-conformities are handled.

## **5.6 Standard Mapping**

5.6.1 Scheme standards will need to encompass legislation applicable to the sector the scheme identifies with. The FSA will work with the scheme to ensure applicable legislation is identified. If the FSA identifies that the scheme fails to cover any of the relevant legislative measures, the assurance scheme will be notified and invited to amend the scheme.

## **5.7 Data Sharing and Communications**

5.7.1 The assurance scheme must ensure that:

- information is made available to the FSA and Competent Authorities to determine membership of the scheme (i.e. new members / members that are withdrawn or suspended from the scheme) and such data is kept up to date;
- processes are in place to ensure the FSA and the Competent Authority are informed:
  - by the assurance scheme about members that are withdrawn and suspended from the scheme or where assessments raise doubts that a member can manage or control risks because of repeat non-conformities; and
  - immediately if an immediate threat to public health, animal health (including welfare) or the environment is identified.

5.7.2 The industry scheme must be able to agree the following processes with the FSA:

- the review of planned and actual assessments;

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<sup>4</sup> Short notice means 24 hours where possible, but no more than 48 hours

- the review of high level non-conformity / compliance data and rectification timescales
- the establishment of effective communications, between the assurance scheme, FSA, and Competent Authorities;
- how the FSA is notified of changes to the scheme with particular reference to standards that reflect legislative requirements;
- the review of criteria that lead to Earned Recognition being approved for the scheme;
- key contact details; and
- regular meetings with the FSA to discuss the operation of the scheme.

## **6. Continued Monitoring of Approved Assurance Schemes**

- 6.1 Once the FSA has approved an assurance scheme, steps will be taken to ensure continuing confidence in the scheme through verification. The verification process will enable the FSA to be assured that the scheme continues to deliver high standards, good governance and impartiality that lead to approved status. The inspections and audits of feed business establishments which are approved will form an essential element in this process and enforcement data provided to the FSA and other intelligence from official controls carried out by the Competent Authorities will be key sources of information.
- 6.2 This on-going positive verification will enable the FSA and Competent Authorities to have continued confidence in the approved assurance scheme. Verification will also allow the FSA to intervene should the scheme fail to meet criteria that lead to approved status. The FSA will work with the assurance scheme to ensure criteria for approval is met, but ultimately approved status can be removed. Should the FSA take this step it will liaise with bodies representing Competent Authorities and issue advice as to what adjustments will be made to the risk rating / visit frequency for those businesses concerned.
- 6.3 The FSA on a regular basis will review the following:
- the assurance scheme against the Earned Recognition requirements, criteria referred to in 5.1.1 and the MOU;
  - agreed and up-to-date data is exchanged between the FSA, Competent Authorities, and the assurance scheme;
  - levels of compliance, non-conformities, and rectification timescales;
  - contact details are maintained for the FSA, Competent Authorities, and the assurance scheme;
  - membership information is made available to Competent Authorities, including businesses that have left or joined the scheme;
  - the assurance scheme and CB maintain a plan of work to ensure assessments are delivered in line with schemes requirements;
  - work with the assurance scheme to understand the type and frequency of non-conformities found to inform the support that both the FSA, Competent Authorities and assurance scheme can provide;
  - assess compliance through Competent Authorities' inspections or audits;
  - verify audit performance through the assurance scheme;
  - check the quality of audits through direct assessment with the assurance scheme and through Competent Authorities undertaking relevant sample checks of qualifying businesses; and



- Universal Feed Assurance Scheme (UFAS) for merchants and producers of compound feed. The AIC schemes covered by Earned Recognition are Merchants and Compounders;
- Feed Materials Assurance Scheme (FEMAS) for producers of feed ingredients. The AIC scheme covered by Earned Recognition is the core standard; and
- Trade Assurance Scheme for Combinable Crops (TASCC) for those involved in trading of combinable crops and the storage and transportation of feed materials and ingredients. The AIC schemes covered by Earned Recognition are Haulage Merchants and Storage.

8.1.2 The MOU 'Earned Recognition, Feed Hygiene and Medicated Feed' between the FSA, VMD, FSS and AIC is available here.

8.1.3 AIC publish all the scheme manuals and standards on their website which can be viewed here: FEMAS, UFAS and TASCC.

## **8.2 AIC participant process and initial assessments**

8.2.1 FeBOs should only apply to be members of the schemes which are relevant to their activities. This is set out in the scheme manuals.

8.2.2 AICs Certification Bodies (CBs) co-ordinate the initial assessments on behalf of AIC of FeBOs that apply for participation in one of the AIC schemes. A formal, in depth, onsite assessment against all the relevant scheme standards is required as part of the process. If any action points are raised then applicants must close off all action points raised before a certificate of conformity is issued and the business added to the scheme register with a certified status. Certificates are not issued by the actual assessor on the day.

8.2.3 All the schemes require independent verification by the CB that standards of the scheme are being met, which means all scheme participants must have an annual routine assessment. If scheme participants refuse to have their annual routine assessment they are suspended and subsequently withdrawn from the scheme.

## **8.3 AIC certification body and oversight**

8.3.1 The CBs that work for AIC are:

- KIWA Agri-Food who certificate against the FEMAS and TASCC schemes; and
- ACOURA Certification who certificate against the UFAS scheme.

8.3.2 Both CBs are accredited to ISO17065: 2012 Conformity Assessment – Requirements for bodies certifying products, processes and services accreditation and are inspected by UKAS annually; this typically consists of a four-day onsite inspection.

8.3.3 AIC require the CBs to provide information in relation to assessments and non-conformances identified on assessments. All assessments are carried out against scheme standards set by AIC.

8.3.4 The CBs carry out a number of witness assessments each year of their assessors to verify they are operating in the prescribed manner. They also conduct mandatory training days for their assessors. To be an assessor for the CBs there are a number of qualifications and competencies that must be demonstrated; more information on this can be found in the scheme manuals. Assessors must also undergo training and pass an exam for each of the schemes before undertaking assessments.

## 8.4 AIC member checks

8.4.1 As well as co-ordinating the initial assessments of feed businesses, the CBs co-ordinate the annual assessments of scheme participants. They can also audit third parties subcontracted by scheme members to perform work for them that is covered by the standard.

8.4.2 The CBs write full written reports of assessments for its own records, provide non-conformance reports to businesses at the end of the assessment and review corrective actions taken to address any non-conformances. Certificates are issued to members that demonstrate continued compliance only once all non-conformances have been rectified<sup>5</sup>.

8.4.3 There are a number of different assessments that the CBs may undertake of AIC scheme members:

- **Initial** – a formal assessment for new applicants to the scheme;
- **Routine** – a formal full annual assessment for members;
- **Immediate** – assessment carried out by the CB in addition to a routine assessment to investigate potential breaches of scheme standards;
- **Unannounced** – an assessment carried out by the CB as part of a programme of short notice assessments each year. The CBs choose a number of sites for short notice assessments each year. Members are given 1 days' notice; and
- **Extra** – may be required to verify compliance. Carried out at cost of the member. For example, circumstances include signing off action points.

## 8.5 AIC non-conformances

8.5.1 AIC classify non-conformances as minor, major or critical. The non-conformance given depends upon the cause (see Table 1). All non-conformances from an initial assessment must be rectified by the business before a certificate is issued.

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<sup>5</sup> UFAS and FEMAS certificates are valid for 3 years, but require an annual assessment. The certificate will not be renewed at the end of the 3 years if there are outstanding non-conformances. The certificate can be suspended or withdrawn at any time if non-conformances are not rectified. TASC certificates are valid for 1 year, and will not be renewed if there are outstanding non-conformances.

**Table 1: Classification of non-conformances**

<b>Classification</b>	<b>Cause</b>
<b>Minor</b>	A partial failure to implement a requirement of code or poor evidence to demonstrate implementation.
<b>Major</b>	A complete failure to implement a requirement of code or a failure that may result in unsafe feed; or  A recurrence of a minor non-compliance raised at the preceding assessment.
<b>Critical</b>	A gross or deliberate feed safety regulatory violation;  A feed safety failure resulting in unsafe feed;  A loss of traceability such that a recall of unsafe goods would be impossible;  A recurrence of a major non-compliance raised at a preceding assessment; or  A complete unwillingness to cooperate in the assessment.

8.5.2 For members, the classification of the non-conformance impacts on the action taken by the CB. If the non-conformance is critical then the businesses certification is immediately suspended.

8.5.3 If the non-conformance is a major non-conformance then the business must submit a plan for resolving it within 15 days, timescales for corrective actions are agreed with the CB but are typically no more than 60 days from assessment. Failure to resolve non-conformances within agreed timescales results in suspension.

8.5.4 If the non-conformance is a minor non-conformance then the business must submit a plan for resolving it within 30 days, timescales for corrective actions are agreed with the CB but are typically no more than 60 days from assessment. Failure to resolve non-conformances within agreed timescales results in suspension.

8.5.5 When suspended, businesses cannot trade under the assurance scheme logo for which it is suspended. Failure to deal with non-conformances when suspended will lead to having membership of the scheme withdrawn.

## **9. Red Tractor Assurance (RTA) - Food and Feed Sector**

### **9.1 Introduction**

9.1.1 RTA is a whole chain assurance scheme which covers food safety, traceability, animal welfare and environmental protection. The RTA logo can be applied to food products to show that businesses in that supply chain have met RTA standards and that products are fully traceable back to independently assessed farms.

9.1.2 Red Tractor Assurance (RTA) has six schemes that are approved by the FSA for Earned Recognition in feed. They are:

- beef and lamb;
- dairy;
- crops and sugar beet;
- pigs;
- poultry; and
- fresh produce.

9.1.3 The MOU for Earned Recognition' between FSA and RTA is available [here](#).

9.1.4 RTA publishes all their standards on their website. They can be viewed [here](#).

## **9.2 RTA membership process and initial assessments**

9.2.1 Any producer is entitled to apply for membership and can join via any of RTAs CBs. The CB manages the membership and certification on behalf of RTA. Upon application the business receives an initial assessment against all the relevant standards. Every requirement of the relevant standards must be met before a business can be certified. At the end of the initial assessment the assessor provides a non-conformance report (which may report no non-conformances) and the business must sign to acknowledge receipt of the report.

9.2.2 Once all requirements of the relevant standards are met, a certificate of conformity is issued. Certificates cannot be issued by the individual farm assessor but only after a full review of reports by a Certification Manager. The business will be listed on the RTA database which provides the definitive list of certified businesses in real time.

9.2.3 Businesses are invited to renew their membership each year. If they do not renew then their membership is closed and they are no longer certified.

## **9.3 RTA certification bodies and oversight**

9.3.1 All CBs that work with RTA are bound by a formal licence agreement that stipulates Terms and Conditions. One condition is that the CB must maintain UKAS accreditation to ISO BS EN 17065. Accreditation ensures that the CBs are meeting the required levels of competence, reproducibility, and impartiality.

9.3.2 In addition the CBs must follow a detailed CB protocol and meet specified performance measures and KPIs. Every assessor who undertakes assessments for the CBs must complete the RTA online training module(s) relevant to their work and pass the test.

9.3.3 RTA also carries out direct surveillance of individual assessors through their 'Compliance and Integrity' programme. The CBs that RTA work with are listed on their [website](#).

## 9.4 RTA member checks

9.4.1 Assessors will make routine assessments and spot checks to ensure that businesses are continuing to meet the standards. The routine visits are full reassessments of every member against every requirement of the standard at prescribed intervals, they are:

- beef and lamb, dairy - 18 months; and
- pigs, poultry, crops and sugar beet, fresh produce – annually (within a 9 to 14-month window).

9.4.2 CBs must spot check a small percentage of all members every year, some selected at random but most targeted. These are carried out at short notice<sup>6</sup> or with no notice and are normally focussed on certain aspects of the standards rather than a full assessment.

## 9.5 RTA non-conformances

9.5.1 Any non-conformances from initial assessments, routine assessments or spot check assessments are highlighted to the business by the assessor in a non-conformance report. RTA identifies certain requirements as 'Key' standards (marked K in the standards). Any major non-conformance against a 'Key' standard results in the certificate being suspended until it is put right. Businesses cannot sell their product as 'Red Tractor assured' while suspended and this can have significant impact on their access to markets. RTA classifies non-conformance to Key standards as Major / Minor using the following definitions. Table 2 details the different non-compliance classifications.

**Table 2: Classification of non-conformances**

Classification	Cause
<b>Minor (against a key standard)</b>	A 'minor' non-conformance is when the assessor will see that the producer is aware of the requirements of the 'Key' standard and has attempted to comply with it, and has done so for the most part but with some small gaps.
<b>Major (against a key standard)</b>	A 'major' non-conformance will be recorded when there is a significant problem or complete disregard and no attempt has been made to comply with the standard.

9.5.2 If a business has minor non-conformance against Key standards or any non-conformance to the other standards the certificate will not be suspended provided issues are corrected and sufficient evidence supplied to the satisfaction of the CB and within the timescale specified (usually 28 days depending on the non-conformity).

9.5.3 If non-conformances are not corrected within the time stipulated then the certificate will be suspended. If a certificate remains suspended for 3 months without the issues being addressed then it is withdrawn and membership is deemed to have lapsed. The certification status of RTA members will be recorded on the database as full, suspended or withdrawn.

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<sup>6</sup> Short notice means no more than 48 hours

## 10. Removal of Earned Recognition in the Feed Sector

### 10.1 Removal of Type 1 Earned Recognition by the Competent Authority

10.1.1 Where a Competent Authority determines, subsequent to an official control that a FeBO is not achieving at least a satisfactory level of current compliance they must remove Earned Recognition.

10.1.2 From time to time Competent Authorities may find minor non-compliances when auditing a feed business that qualifies for Earned Recognition. Providing the matter is not subject to enforcement sanctions, 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. Competent Authorities 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).

10.1.3 Examples, of a serious non-compliance which would lead to an increase in the establishment's risk-rating score leading to loss of 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.

10.1.4 When a Competent Authority becomes aware that a FeBO will lose Type 1 Earned Recognition, this must be notified to the FSA as soon as possible using the appropriate exception report form. This information is important in helping the FSA carry out its verification role of approved assurance schemes.

- In England the [exception report](#) should be emailed to: [exceptionreports@food.gov.uk](mailto:exceptionreports@food.gov.uk)

- In Wales the [exception report](#) should be emailed to: [lasupportwales@food.gov.uk](mailto:lasupportwales@food.gov.uk)
- In Northern Ireland the exception report in Annex 12 of the [Feed Law Enforcement Guidance](#) Document should be emailed to: [Executive.Support@food.gov.uk](mailto:Executive.Support@food.gov.uk)

10.1.5 The exception report should be completed as comprehensively as possible, stating the specific breaches of feed law. Photographic and / or video images to support removal should be submitted with the exception report form where available. These details will be shared with the assurance scheme who will be asked to provide feedback which the FSA will communicate back to the enforcement authority.

## **11. Information Competent Authorities receive from the FSA or Assurance Schemes (feed sector only)**

### **11.1 RTA data and information sharing**

11.1.1 It is a condition of FSA approval that:

- RTA provides Competent Authorities with information to track certification of the approved schemes. This helps to identify businesses that should be given Earned Recognition and those for which Earned Recognition should be removed; and
- the FSA is informed immediately if an immediate threat to public health, animal health and welfare or the environment is identified by the assurance scheme or a CB.

11.1.2 Competent Authorities receive monthly notifications from the FSA in respect of RTA members whose certification has been 'withdrawn certification for non-compliance with scheme standards'. This information is compiled from the 'withdrawn' lists on the [RTA Industry Checker](#) that can be accessed at any time.

11.1.3 Competent Authorities will in addition continue to receive monthly email alerts via the [AFS/LACORS portal](#) which provides information on:

- a) new certifications of FeBOs;
- b) FeBOs who have had their certificate changed to 'withdrawn' during the reported period and appear on the 'withdrawn' lists on the RTA Industry Checker (these appear as left the scheme on the monthly lists); or
- c) FeBOs who have 'left' the scheme for some other reason e.g. non-payment, no longer trading; companies closing certain sites; switching to a more appropriate feed assurance scheme which is not an FSA approved scheme; or choosing to leave an assurance scheme as participation no longer benefits them.

11.1.4 [Guidance](#) on accessing RTA membership data is available to Competent Authorities on the [Knowledge hub](#).

### **11.2 AIC data and information sharing**

11.2.1 It is a condition of FSA approval that:

- AIC provide Competent Authorities and DAERA with information to track membership of the approved schemes. This helps to identify businesses that should be given Earned Recognition and those for which Earned Recognition should be removed; and
- the FSA is informed immediately if an immediate threat to public health, animal health and welfare or the environment is identified by the assurance scheme or a CB.

11.2.2 AIC membership data can be accessed without a login through the trade assurance website at [www.aictradeassurance.org.uk/home](http://www.aictradeassurance.org.uk/home). Competent Authorities can request a log-in for the website directly from AIC, which enables them to export data, save search criteria and establish a 'favourite company list'. They can also choose to receive 'as and when' email updates about changes to AIC membership.

11.2.3 [Guidance](#) on accessing AIC membership data is available to Competent Authorities on the [Knowledge hub](#).

11.2.4 AIC and their CBs meet quarterly with the FSA to discuss the management of the schemes and performance of scheme members; this includes the assessments completed / scheduled, updates on training and reports from the CBs on non-conformances. Further information on the data communicated quarterly and annually can be found in Annex E of the MoU between FSA, VMD, FSS and AIC.

## **12. Action by Competent Authorities on receipt of notifications by the FSA or Assurance Scheme (feed sector only)**

### **12.1 Notification to a Competent Authority of 'Withdrawn certification for non-compliance with scheme standards'**

12.1.1 On receipt of such notification, the Competent Authority will aim to inspect or audit the feed business establishment (FeBE) as soon as practicable and re-risk rate.

### **12.2 Notification to a Competent Authority of 'Left scheme for another Reason'**

12.2.1 On receipt of notification, that a FeBO has left the scheme for another reason, other than non-compliance with scheme standards, Competent Authorities may take a risk-based approach to assessing the FeBE level of current compliance as an alternative to re-inspecting or auditing the business.

12.2.2 The Competent Authority will contact the FeBO to:

- confirm the reason for leaving the approved assurance scheme and the activities currently taking place;
- request a copy of the last assurance scheme assessment report, if felt necessary;
- risk-assess accordingly based on discussions, information received, non-conformances identified and / or other Competent Authority's assessment process; and
- competent Authorities may wish to develop other strategies which are perfectly acceptable providing they achieve the same affect.

12.2.3 Based on the outcome of these enquiries the Competent Authority will as appropriate:

- carry out an inspection or audit where they have concerns in respect of compliance or where the inspection or audit report indicates less than satisfactory compliance; or
- the risk rating will remain the same but they will remove scheme membership from their database and increase the intervention frequency.

## **13. Further Information**

13.1 For further information and guidance on Earned Recognition email:

- England: [feeddelivery@food.gov.uk](mailto:feeddelivery@food.gov.uk)
- Wales: [lasupportwales@food.gov.uk](mailto:lasupportwales@food.gov.uk)
- Northern Ireland: [Executive.Support@food.gov.uk](mailto:Executive.Support@food.gov.uk)
- Scotland: [animal.feed.enforcement@fss.scot](mailto:animal.feed.enforcement@fss.scot)

## GLOSSARY OF TERMS AND ABBREVIATIONS

Audit	<p>Has the meaning as defined by Article 2(6) of Regulation (EC) No 882/2004 to mean a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively, by the FeBO, and are suitable to achieve objectives. This includes planned partial or full audits:</p> <ul style="list-style-type: none"><li>• a 'full audit', is an examination of planned arrangements and whether they are implemented effectively and will consider all aspects of a FeBEs operations; or</li><li>• a 'partial audit', is an audit that covers only certain aspects of a FeBEs operation.</li></ul>
Central Competent Authority	<p>Has the meaning as defined in part, by Article 2(4) of Regulation (EC) No 882/2004 to mean the central authority of a Member State competent for the organisation of official controls and in the UK, is the Food Standards Agency.</p>
Competent Authority	<p>Has the meaning as defined by Regulation 2(1) of the Official Feed and Food Controls (England) Regulations 2009.</p>
Earned Recognition	<p>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.</p>
Establishment	<p>Has the meaning as defined by Article 3(d) of Regulation (EC) No 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).</p>
Feed Business	<p>Has the meaning as defined by Article 3(5) of Regulation (EC) No 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.</p>
Feed Business Operator (FeBO)	<p>Has the meaning as defined by Article 3(6) of Regulation (EC) No 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.</p>

Feed Law	Has the meaning as defined by Article 2(3) of Regulation (EC) No 882/2004 to mean the laws, regulations and administrative provisions governing feed in general and feed safety, whether at Community or national level; it covers all stages of production, processing and distribution of feed and the use of feed.
Food Standards Agency (FSA)	The Central Competent Authority for England, Wales, and Northern Ireland.
Inspection	<p>Has the meaning as defined by Article 2(7) of Regulation (EC) No 882/2004 to mean 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:</p> <ul style="list-style-type: none"> <li>• a 'full inspection', is a check on compliance with legal requirements and will consider all aspects of a FeBEs operations; or</li> <li>• a 'partial inspection', which is an inspection that covers only certain aspects of a FeBEs operations.</li> </ul>
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).
Left scheme for another reason	<p>Examples include:</p> <ul style="list-style-type: none"> <li>– non-payment of membership;</li> <li>– no longer trading;</li> <li>– companies closing certain sites;</li> <li>– switching to a more appropriate feed assurance scheme which is not a FSA approved scheme; or</li> <li>– choosing to leave a FSA approved assurance scheme as participation no longer benefits the feed business.</li> </ul>
Local Authority (LA)	Has the meaning set out in Section 1 of the Local Government Act 1972.

MoU	Memorandum of Understanding
National Targeted Monitoring Strategy (NTMS)	The NTMS is a mechanism to allocate appropriate resources to monitor compliance at low risk farm establishments (R13 and R14) achieving at least a satisfactory level of current compliance.
Non-compliance	Failure to comply with one or more of the requirements of feed law.
Official Control	Has the meaning as defined by Article 2(1) of Regulation (EC) No 882/2004 to mean 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. Tasks relating to official controls must, in general, be carried out using appropriate control methods and techniques, such as monitoring, surveillance, verification, audit, inspection and sampling for analysis.
Premises	Includes any establishments as well as fixed locations, this includes vehicles, ships, aircraft, and other movable structures.
Withdrawn certification for non-compliance with scheme standards	<p>Examples include:</p> <ul style="list-style-type: none"> <li>– major non-conformances are identified against ‘key’ standards;</li> <li>– an excessive number of non-conformances are found during an assessment;</li> <li>– the same non-conformance being found on successive assessment visits;</li> <li>– the FeBO fails to rectify the non-conformances within the specified timescales;</li> <li>– receipt of reliable evidence from a third party, demonstrating the FeBO is not maintaining the standards to a material extent;</li> <li>– circumstances prevented the assessor from completing the assessment to establish compliance;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>– unreasonable delay in allowing or refusal of routine assessments by the FeBO, revisits or spot checks.</li> </ul>