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# EFFECTIVE FEED-BAN

## (Guidance note for third countries)

**The content of this guidance note reflects the views of the European Commission only, and is without prejudice to any interpretation of Community law which may be given by the Court of Justice or the Court of First Instance of the European Communities.**

### Introduction

- 1.** Regulation (EC) 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs) applied from 1 July 2001. Its provisions require imports of bovine animals, fresh meat and products of animal origin, from countries or regions placed in categories 2 to 5 to be accompanied by an international animal health certificate attesting, *inter alia*, that the feeding of ruminant animals with protein derived from mammals has been banned, and that the ban has been “effective”. The effectiveness of a feed-ban is also an important criterion for BSE categorisation of countries. However, the meaning of an “effective feed-ban” is not yet clarified in Community legislation.
- 2.** Therefore, this note attempts to explain the indicators that the European Commission might look for as proof of an effective feed ban, for the purpose of BSE country classification.
- 3.** It must be noted that at present there is a total suspension across the European Community on the feeding of processed animal protein<sup>1</sup> to farmed animals which are kept, fattened or bred for the production of food<sup>2</sup>.

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<sup>1</sup> Processed animal protein means meat-and-bone meal, meat meal, bone meal, blood meal, dried plasma and other blood products, hydrolysed proteins, hoof meal, horn meal, poultry offal meal, feather meal, dry greaves, fishmeal, dicalcium phosphate, gelatine and any other similar products including mixtures, feedingstuffs, feed additives and pre-mixtures, containing these products.

<sup>2</sup> The only derogation from this total suspension is for the feeding of certain processed animal protein (fishmeal, dicalcium phosphate, hydrolysed proteins from hides and skins and feathers, gelatine of non-ruminants for coating additives, milk and milk products) to animals other than ruminants, in circumstances where the competent authority of a Member State is satisfied that strict and adequate measures are in place to prevent cross-contamination throughout the feed chain (covering collection, transport, processing, packaging and use at farm level).

## What is an effective feed-ban?

**4.** An effective feed-ban can be understood as a series of measures introduced by a country, that are effective in preventing the feeding of protein derived from mammals (including swill<sup>3</sup>) to ruminant animals (including calves, kids, lambs), and capable of averting incidents and propagation of transmissible spongiform encephalopathies (TSEs), in particular bovine spongiform encephalopathy (BSE) risks over time. The presence of the following four main indicators can be used as a measure of the level of effectiveness for such a ban:

reliable national rules;

credible structures of manufacturing, distribution and use chain;

convincing surveillance, monitoring and inspection systems; and

persuasive knowledge and awareness of Community rules on animal feed and TSEs.

## National rules

**5.** A reliable, national, well-structured feed-ban management framework is crucial. This entails existence of precise and detailed national rules (statutory, guidance notes, etc) providing safeguards equivalent to those offered in the Community in relation to the ban on the feeding of protein derived from mammals to ruminant animals. It also entails existence of good administrative and control resources to ensure that rules are implemented, enforced and complied with, at all levels of the feed chain (covering import, production, distribution and use). A well-documented evidence of adequate checks by official services is a vital indicator of a correct implementation, the efficiency of which can be verified in particular *via* the results of compliance data.

**6.** However, in assessing the reliability of national rules, other documented factors may be taken into account, including the structure of ruminant herds and/or the economics of the husbandry situation, and/or the absence of a domestic processing industry combined with zero imports.

**7.** For information, a copy of current key Community rules offering safeguards in relation to feed-ban is attached, covering:

feeding and control to avoid cross-contamination, exclusion of material unfit for human consumption (e.g. specified risk material (SRM), fallen stock, dead pets);

approval of feed establishments and processing standards; and

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<sup>3</sup> Feed, generally intended for pigs, produced from waste food originating in restaurants, catering waste facilities, central and household kitchens, including whey and food products whose date of consumption has expired.

labelling, marketing, microscopic identification and estimation of constituents of animal origin.

### **Structures of the feed manufacturing, distribution and use chain**

**8.** A credible structure, based on dedicated feed processing and handling plants, authorised and supervised by the competent authority for the production and handling of feeds for specific animal species, is vital to avoid risks of cross-contamination and the likelihood of feeding banned feed to ruminants. In the absence of such dedicated plants, and where banned and permitted materials are processed and handled in the same premises, there must be complete separation of lines and facilities throughout the feed chain (also covering transport, storage and packaging) to guarantee prevention of the possibilities of cross-contamination. Good cleansing and disinfection procedures are also necessary.

**9.** In the light of paragraph 4, the most important indicators of an effective feed-ban would, therefore, include practices that enable the immediate reduction of BSE risks, and of their propagation over time. These include good practices and standards of feeding, feed processing, SRM removal and labelling of feeds. Hence, an effective feed-ban can be found where adequate control and auditing measures are in place, demonstrating that, over a period of time relevant to the type of risk and situation in the country assessed:

it is highly unlikely that any ruminant animals were fed protein from mammals (either voluntarily or *via* cross-contamination).

**10.** However, where it can not be fully demonstrated that it is highly unlikely that ruminant animals were fed protein from mammals, then it would be an additional benefit if it could be proved that:

all plants processing high-risk material (SRM, fallen stock and other material unfit for human consumption) reliably operated at high standards of temperature, time and pressure (e.g. at least equivalent to 133 °C/20 minutes/3 bars/50 millimetres particle size) capable to reduce BSE infectivity;

all tissues (SRM) and entire animals (fallen stock) likely to have high BSE infectivity were excluded from raw material (imported or sourced locally) intended for the preparation of feeds; and

labelling, laboratory identification and estimation of constituents of animal origin were adequately done to prevent users of feeds containing protein derived from mammals from feeding it to ruminants through ignorance of current feedingstuffs and veterinary rules.

**11.** Full, consistent and documented evidence must show that, for the relevant period of time, prohibited feeds or feeds potentially contaminated with prohibited protein, especially when sourced from high BSE status countries during critical period of highest risk, was not used in feeds. Where BSE incidents or risks are identified, appropriate measures must have been taken, over a relevant period of time, to manage the incidents or risks and their propagation. Such measures would include, in addition to those referred to at paragraphs 9 and 10 above, active surveillance, monitoring, appropriate culling etc. to prevent cases of BSE from re-entering into the feed chain and re-exposing ruminant animals to BSE agent *via* contaminated feeds.

### **Surveillance, monitoring and inspection systems**

**12.** Convincing policing procedures are essential to enable identification of deficiencies (operational, hygienic, quality and composition of feeds, etc.) and corrective measures to be taken. In particular, the followings must be verifiable:

power of competent authority and full statutory access to all data from any operator trading in, using or producing animal feeds, for the purpose of ensuring compliance with the requirements in law, regulation and administrative provisions;

consistent and complete records showing figures of, for instance, cross-contamination, movement and reconciliation of purchase (import and other sources) and sales (use and other outlets), rendering parameters, etc.;

documentary checks and testing of each batch<sup>4</sup> for the quality and composition of feed materials and compound feedingstuffs throughout the feed chain, confirming traceability and showing ruminant feeds to be free of protein derived from mammals;

accurate and meaningful labelling of compound feedingstuffs containing protein derived from mammals, including required cautionary words (e.g. “This feedingstuff contains protein derived from mammalian tissue – NOT to be used in or as feed for ruminants”);

use of laboratories and adequate methodologies (e.g. internationally recognised methods such as microscopy or other validated methods of analysis ) for detecting protein of mammalian origin in feeds; and

in the case of observed non-compliance, records of the course of actions taken (e.g. recall of feeds due to cross-contamination where meat and bone meal intended for other animal species is being stored and/or used on farms where ruminants are kept).

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<sup>4</sup> A batch means each unit of production produced in a single plant using uniform production parameters – or a number of such units, when stored together – and that can be identified for the purpose of recall and re-treatment or disposal should tests show that to be necessary.

## **Knowledge and awareness of national rules on animal feed and TSEs**

**13.** A persuasive evidence on training of, and dissemination of information to farmers, feed manufacturers and other handlers, food operators, veterinarians, supervisory bodies and authorities, in relation to rules on animal feed and TSEs, is necessary. This requires existence of a good feedback mechanism, awareness campaigns (e.g. instruction, guidelines) on SRM removal, identification (staining), movement, destruction and reconciliation, safe sources of raw material for use in feeds, pressure-cooking standards, etc. as appropriate.

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## **Key Community legislation relating to Community ban on the feeding of protein derived from mammals to ruminant animals**

- 14.** Feeding and control to avoid cross-contamination, exclusion of material unfit for human consumption (e.g. SRM, fallen stock):

Regulation (EC) No 999/2001 of the European Parliament and of the Council (*OJ L 147* , 31/05/2001 P. 0001 – 0040), as amended by Commission Regulation (EC) No 1326/2001 (*OJ L 177*, 30/6/2001 P. 0060 – 0067)

Commission Decision 97/735/EC (*OJ L 294* , 28/10/1997 P. 0007 - 0016), as amended by Council Decision 1999/534/EC (*OJ L 204* , 04/08/1999 P. 0037 - 0042)

Council Decision 2000/766/EC (*OJ L 306* , 07/12/2000 P. 0032 - 0033), as implemented by Commission Decision 2001/9/EC (*OJ L 002* , 05/01/2001 P. 0032 - 0040) as amended by Decision 2001/165/EC (*OJ L 058* , 28/02/2001 P. 0043 - 0044)

Commission Decision 2001/25/EC (*OJ L 006* , 11/01/2001 P. 0016 - 0017)

- 15.** Approval of feed establishments, processing standards:

Council Directive 90/667/EEC (*OJ L 363* , 27/12/1990 P. 0051 - 0060)

Commission Decision 92/562/EEC (*OJ L 359* , 09/12/1992 P. 0023 - 0033)

Council Directive 95/69/EC (*OJ L 332* , 30/12/1995 P. 0015 - 0032)

- 16.** Labelling, marketing, microscopic identification and estimation of constituent of animal origin, ingredients whose use is banned in compound feedingstuffs:

Commission Directive 79/373/EC (*OJ L 086* , 06/04/1979 P. 0030 - 0037), as last amended by Directive 2000/16/EC (*OJ L 105* , 03/05/2000 P. 0036 – 0038)

Commission Decision 91/516/EEC (*OJ L 281* , 09/10/1991 P. 0023 - 0024), as amended by Decision 95/274/EC (*OJ L 167* , 18/07/1995 P. 0024 - 0025) and Decision 97/582/EC (*OJ L 237* , 28/08/1997 P. 0039 - 0040)

Commission Directive 98/88/EC (*OJ L 318* , 27/11/1998 p. 0045 - 0050)