businesscompanion
trading standards law explained

Feed hygiene for transporters and hauliers

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Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

This guidance is for Scotland

Assimilated Regulation (EC) No 183/2005 *laying down requirements for feed hygiene* is aimed at ensuring that controls throughout the feed chain are strengthened. In particular, it contains:

- controls in relation to feed businesses' operational standards
- provisions to help ensure that feed is transported and stored in hygienic conditions, and records are kept, allowing full traceability of feed

The Regulation requires feed businesses to be approved or registered with their local authority.

Who is covered?

With few exceptions, the legislation applies to all feed businesses, which are defined in assimilated Regulation (EC) No 178/2002 *laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety* as "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".

A business that transports feed is a 'feed business' for the purposes of assimilated Regulation (EC) No 183/2005.

Feed in this context is defined in assimilated Regulation (EC) No 178/2002 as "any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals". For example, this includes feed materials, compound feeds, feed additives and premixtures.

Assimilated Regulation (EC) No 183/2005 *laying down requirements for feed hygiene* requires feed businesses to be approved or registered with their local authority, as appropriate, and they must not operate without such registration / approval. See the Food Standards Scotland website for how to apply for approval or registration and see below for exemptions. Transporters and hauliers of feed will generally require registration rather than approval.

Exemptions

There are some farm-related activities that fall outside the scope of the legislation. For further information on these activities, please see 'Feed hygiene for farmers and growers'.

In terms of the transport or haulage of feed there are no exemptions, although different provisions of the legislation may apply dependent upon the associated operations; see 'Conditions for transporters and hauliers' below.

It should also be remembered that if a feed business is registered or approved in accordance with assimilated Regulation (EC) No 183/2005 for a particular activity, then that activity may cover the feed business for the transport of feed and feed products. For example, a manufacturer of compound feeding stuffs registered under activity 'R4' would not need to additionally register under 'R8' as a transporter of feed and feed products, as this activity would be covered by the scope of the registration relating to the manufacturer's premises. For further information on approval and registration activities, please refer to the FSA link above.

Conditions for transporters and hauliers

The Annexes to assimilated Regulation (EC) No 183/2005 (see the link in 'Key legislation' below) set out various standards that feed businesses must comply with, including those that are carrying out the activity of transporting feed.

For transport and haulage operations involved at the level of primary production of feed and the following associated operations, the provisions of Annex I apply:

- transport, storage and handling of primary products at the place of production
- transport operations to deliver primary products from the place of production to any other feed business

Primary production in this context, as defined in assimilated Regulation (EC) No 183/2005, means "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".

Feed transporters or hauliers conducting activities not outlined above must comply with the provisions of Annex II.

Annex II covers, for example, facilities and equipment, personnel, transport and storage, and record-keeping. Businesses carrying out operations subject to Annex II also need to put in place, implement and maintain a permanent written procedure or procedures based on the HACCP principles (feed businesses subject to Annex I requirements must have regard to the HACCP principles but do not need to document this procedure).

HACCP ('hazard analysis and critical control points')

HACCP is a system of safety management based on the prevention of feed and food safety problems. It provides a documented, structured approach to ensuring feed and food safety, and places a requirement on businesses to identify, manage and control hazards inherent in the handling and production process.

The Agricultural Industries Confederation (AIC) has produced *The Application of HACCP Principles: A Practical Guide for the Agri-Food Supply Chain*, which is designed for use both by businesses for which HACCP may be a completely new concept and also for those with prior experience of it. Access to the guide is limited to AIC members.

The Food Standards Agency (FSA) website also has information on HACCP.

Businesses must apply an HACCP system appropriate to the feed activities carried out.

Trade assurance schemes and earned recognition

In Great Britain, local authorities, usually the Trading Standards service, are responsible for the verification of compliance with feed law (known as 'official controls') in feed businesses.

Trade assurance schemes exist, alongside official controls, within the feed industry with the aim of providing participant businesses with a level of assurance that meets legal and common industry requirements.

'Earned recognition' is described as a reduction in the frequency at which official controls are delivered and takes account of compliance history, risk and/or individual steps that a business takes to ensure compliance. As such, feed businesses that demonstrably maintain high standards of feed safety by taking appropriate steps to comply with the law may have these standards recognised by the local authorities when determining the frequency of their official controls (that is, the number of inspections) and therefore earn recognition.

One way of achieving earned recognition is to be a member of an approved trade assurance scheme. A list of approved trade assurance schemes can be found in annex 2 to Food Standards Scotland's *Earned Recognition Practice Guidance*.

Earned recognition is also available to feed business operators that are not members of an approved assurance scheme, but are found to be compliant with feed law and have a good history of complying with feed law requirements.

Transporting animal by-products

Transporters and hauliers carrying animal by-products destined for animal feed are required to hold a further registration with the Animal and Plant Health Agency. Guidance on transporting animal by-products can be found on the GOV.UK website.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see 'Trading Standards: powers, enforcement and penalties'.

In this update

No major changes.

Last reviewed / updated: September 2024

Key legislation

- assimilated Regulation (EC) No 178/2002 *laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*
- Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
- assimilated Regulation (EC) No 183/2005 *laying down requirements for feed hygiene*
- assimilated Regulation (EC) No 767/2009 *on the placing on the market and use of feed*
- assimilated Regulation (EC) No 1069/2009 *laying down health rules as regards animal by-products and derived products not intended for human consumption (Animal by-products Regulation)*
- Animal Feed (Scotland) Regulations 2010
- assimilated Regulation (EU) No 142/2011 *implementing Regulation (EC) No 1069/2009 and Directive 97/78/EC*
- Animal By-Products (Enforcement) (Scotland) Regulations 2013

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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