



**Guidance on the Requirements  
of Article 15 of Regulation  
178/2002 of 28 January 2002  
Laying Down the General  
Principles and Requirements of  
Food Law**

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**Animal Feed and Animal By-Products Branch  
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## Summary

<b>Intended audience:</b>	<ul style="list-style-type: none"> <li>• Farmers and growers</li> <li>• Importers</li> <li>• Manufacturers and processors</li> </ul>
<b>Which UK nations does this cover?</b>	All UK nations.
<b>Purpose:</b>	To provide advice on the provisions of Article 15, which concerns feed safety.
<b>Legal status:</b>	This note provides an interpretation of the provisions of Article 15 but is not itself a guide to compliance with it, as the exact circumstances in which the law is required to be applied will depend on the nature of the feed safety breach.
<b>Key words</b>	<ul style="list-style-type: none"> <li>• Additives and supplements</li> <li>• Animal feed</li> <li>• Arable farming</li> <li>• Contaminants and food contact materials</li> <li>• Dairy products and vegetable oils</li> <li>• Food law, monitoring and controls</li> <li>• Hygiene and food safety</li> <li>• Imports</li> </ul>
<b>Review date</b>	This note is current. It will only need to be reviewed if the legislation to which it relates is itself amended.
<b>Sunset date</b>	The EU legislation in question has no sunset clause.

## REVISION HISTORY

This guidance follows the Government [Code of Practice on Guidance](#). If you believe this guidance breaches the Code for any reason, please let us know by emailing [betterregulation@foodstandards.gsi.gov.uk](mailto:betterregulation@foodstandards.gsi.gov.uk). If you have any comments on the guidance itself, please call us using the contact number on page 2 or complete our ongoing [Guidance survey](#): <https://www.surveymonkey.com/s/55QQDCG>

Revision No.	Revision date	Purpose of revision and paragraph number	Revised by
2	November 2012	Updating of contact details	Joseph Nicholas
3	March 2014	Updating of contact details	Joseph Nicholas

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## **INTRODUCTION**

1. EU Regulation 178/2002 of 28 January 2002 established the European Food Safety Authority, laid down the general principles and requirements of food law, and laid down procedures in matters of food safety. It came into force on 21 February 2002, although certain key provisions did not apply until 1 January 2005. The principal aim of the Regulation is to protect human health and consumer interests in relation to food while at the same time improving the functioning of the EU market for food and feed.

2. For the purposes of the Regulation, food law includes feed produced for or fed to both food-producing and non-food-producing animals (i.e. both farmed livestock and other animals such as pets, game, and zoo, circus and laboratory animals). It therefore applies to all stages of the production, processing and distribution of feed, subject to certain exemptions for primary production for private domestic use.

## **INTENDED AUDIENCE**

3. This note is intended for the use of enforcement authorities and feed business operators -- i.e., primary producers of commodity crops, importers, merchants, feed compounders, food businesses supplying product into the animal feed chain, hauliers transporting feed, on-farm growers and users of feed, and producers of feed for pets and other non-food-producing animals. All feed businesses covered by Regulation 178/2002 must comply with the requirements of Article 15. There are no exceptions for small and medium-sized enterprises.

## **PURPOSE OF GUIDANCE**

4. Guidance on the interpretation and implementation of Articles 11-12 and 16-20 of Regulation 178/2002 was adopted by the Standing Committee on the Food Chain and Animal Health on 20 December 2004. (Article 19 concerns the recall and withdrawal of unsafe food.) This guidance is available on the Commission's website at [http://ec.europa.eu/food/food/foodlaw/guidance/guidance\\_rev\\_7\\_en.pdf](http://ec.europa.eu/food/food/foodlaw/guidance/guidance_rev_7_en.pdf)

5. The Commission's guidance does not cover Article 15, which is the subject of this note. As this guidance is intended to supplement the Commission's and not to substitute for it, it does not address the other feed-related Articles of the Regulation.

## LEGAL STATUS OF GUIDANCE

6. This guidance note has been produced to explain the legal requirements of Article 15 of Regulation 178/2002 on the general principles of food law (which includes feed law). However, it cannot cover every situation and stakeholders may need to consider the legislation itself to see how it applies in their particular circumstances. If this guidance note is followed it will help stakeholders comply with the law. Businesses with specific queries may wish to seek the advice of their local enforcement authority, which in Great Britain will usually be the trading standards department of the local authority and in Northern Ireland is the Department of Agriculture and Rural Development.

## THE GUIDANCE

7. The feed-related Articles of EU Regulation 178/2002 impose a number of responsibilities on feed business operators, as follows:

- feed imported from or exported to a third country must comply with the requirements of EU feed law (Articles 11 and 12);
- feed must not be unsafe, i.e. it must not have an adverse effect on human or animal health, or make animal products (milk, meat and eggs) unsafe for human consumption (Article 15);
- the labelling, advertising and presentation of feed must not mislead consumers (Article 16);
- feed business operators must ensure that all stages of their operations satisfy those requirements of feed law which apply to them (Article 17);
- feed business operators must be able to identify any individuals or businesses from which they have obtained food-producing animals, feed or feed ingredients and the businesses to which they have supplied products, and be able to produce this information on demand (Article 18);
- feed business operators must withdraw unsafe feed from sale, or recall it from purchasers if it has already been sold (Article 20); and
- feed business operators must inform the competent authorities of the action they are taking and collaborate with action taken by the competent authorities (also Article 20).

8. A feed business operator is defined as "the natural or legal person responsible for ensuring that the requirements of food law are met within the feed business under their control". A feed business is defined as "any undertaking, whether for profit or not 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". These requirements therefore apply to a wide range of undertakings, including primary producers of commodity crops, importers, merchants, feed compounders,

food businesses supplying product into the animal feed chain, and producers of feed for pets and other non-food-producing animals.

9. Feed must not be marketed or fed to animals if it is unsafe. In this context, unsafe means that it is considered to have an adverse effect on animal or human health, or that it is considered to make the food derived from food-producing animals unsafe for human consumption. In those cases where a feed identified as unsafe is part of a larger consignment of the same feed product, then all of the consignment will be considered unsafe unless evidence is produced that the rest of it satisfies EC feed safety requirements. These requirements apply equally to one-off sales and to feed supplied free of charge.

10. Feed can be rendered unsafe in several ways -- for example by contamination, by the presence of foreign objects, by deterioration due to age or decomposition. Once a feed business operator has identified an unsafe feed, or a hazard which may potentially have made the feed unsafe, a risk assessment should be carried out. The nature of the risk assessment will depend on a variety of factors, such as the nature and intended use of the feed product, the age and species of the animals which may have consumed it, and the nature of the safety breach. The risk assessment should nevertheless attempt to address two key questions: the harm which might be caused; and the likelihood of that harm. The action to then be taken -- for example to control the hazard, withdraw the feed, monitor its use -- will depend on the outcome of the risk assessment.

11. Feed will be deemed to be safe in so far as it complies with the provisions laid down in EC feed legislation -- for example, it does not contain levels of undesirable substances above those specified, it does not contain any prohibited ingredients, or the specified maximum inclusion rates for permitted additives are not exceeded. However, this will not in itself prevent the enforcement authority from placing restrictions on feed which complies with specific EC-derived feed legislation if they have grounds for believing that it may be unsafe for other reasons -- for example, deterioration due to age or decomposition, or high levels of a particular contaminant which (although there may be no maximum permitted level for it laid down in feed legislation) may potentially have an adverse effect on animal or human health.

12. In the absence of any specific EC provisions on aspects of feed safety, feed will be deemed to be safe if it complies with any national requirements, provided that these requirements have been drawn up in accordance with Articles 28 and 30 of the Treaty establishing the European Community. However, as is the case with EC legislation, the fact that a feed may be deemed to be safe if it complies with national provisions does not prevent enforcement officials taking action if they consider the feed to be unsafe despite complying with specific legislation.

13. Articles 28 and 30 prohibit quantitative restrictions on imports, or measures having an equivalent effect, except where "justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or



plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property". In practice it might be very difficult to produce a justification which would be acceptable to the European Court of Justice, but in any case the UK has no national feed safety requirements over and above those laid down in EU feed law.

## NATIONAL LEGISLATION

14. EU Regulations are directly applicable in all Member States but in order to give them effect in the UK it is necessary to provide for their enforcement by designated authorities. For the feed-related Articles of Regulation 178/2002, this was achieved by regulation 15 of the Feed (Hygiene and Enforcement) Regulations 2005.

15. There is separate but parallel legislation in each of the four countries of the UK. The full titles and numbers of this legislation are as follows:

- The Feed (Hygiene and Enforcement) (England) Regulations 2005 (S.I. 2005 No. 3280)
- The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005 No. 3368) (W 265)
- The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 (S.S.I. 2005 No. 608)
- The Feed (Hygiene and Enforcement) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 546)

16. These Regulations can be found online at:

<http://www.legislation.gov.uk/browse/uk> (enter the year and number of the measure in the search boxes at the top of the page and select the type of legislation from the drop-down box alongside). EU Regulation 178/2002 can be found online at:

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:031:0001:0024:EN:PDF)

OJ:L:2002:031:0001:0024:EN:PDF Details of other animal feed legislation can be found on the Food Standards Agency's website at <http://www.food.gov.uk/business-industry/farmingfood/animalfeed/animalfeedlegislation/>

## CONTACTS

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