



FEFANA's reflection on melamine controls of feed, and feed additives in particular

The EC measures on melamine were initially targeting milk and milk products originating from China. They called for re-enforced control measures of all consignments of feed containing milk products, and random checks at the point of import of feed products with a high protein content (Commission Decision 2008/757 and minutes of SCFCAH 23 October 08). We understand that, through a circular letter, the EC has recommended to the Members States to re-enforce controls on all feed products originating from China.

FEFANA has not seen this letter, but notices that, as far as the feed additives are concerned, the Member States that have reacted so far seem to be giving a slightly different interpretation to this recommendation. It seems that in some cases the intention is to apply a 100% consignment testing approach, while in others it would appear to be a more risk-based or random approach. We feel it important that control procedures in Member States are implemented and carried out in a consistent and fully harmonized manner. Any other approach could create diversion of imports and unfair competition.

FEFANA believes that it is important to bear in mind that we are not faced with an issue of contamination of the feed chain, but rather of fraudulent use of non-feed products and product adulteration by a limited number of operators. In our understanding the tool to use in this instance is the Feed Hygiene Regulation, which controls the license to operate on the EU market for all feed business operators. In principle, we would expect that control actions should be focusing on the companies having used and/or placed on the market these fraudulent products and on their sources. Under the Feed Hygiene Regulation, the authorities have the tools at hand to take the necessary actions on the authorization or registration of the concerned feed business operators, up to possible suspension or revocation of the authorizations. This could be done and should be supported by a proper implementation of the requirements of the Feed Hygiene regulation and in particular Article 23 of this regulation, implementing the listing of countries and establishments from which imports would be allowed. The testing program triggered by the Commission could possibly be taken as a one-off initiative in order to help assess the extent of the issue on the EU market.

FEFANA is also concerned that the control program seems to cover in certain countries ALL imports from China. This will indeed trigger delays in deliveries and increased costs in the feed and food chain. We believe it would be more appropriate to focus on the products where contaminations were already, seen as originally planned in the Commission Decision. Furthermore, we would support a more pragmatic approach for feed additives, with a "positive release" of products from the operators themselves,

based on Article 15, 17 and 20 of Regulation No 178/2002, which require that feed business operators verify and ensure that all requirements of the food law are met in order not to place unsafe feed on the market, and put responsibility on the operator. This should be controlled at random by the authorities. Indeed, FEFANA considers it unfair to delay deliveries of all operators, in order to solve an issue due to fraudulent use of an unapproved product by a limited number of operators.

In order to further clarify the regulatory frame in the EU, FEFANA also proposes to amend the list of prohibited substances in feed, by adding melamine to the annex of Commission Decision 2004/217 on prohibited materials for use in animal nutrition. This would legally clarify that melamine should not be used in animal nutrition.

FEFANA believes that this event calls for concerted efforts between EU industry and the Authorities to implement the legislation already in place, in particular the Feed Hygiene Regulation. The lack, for instance, of the list of countries and establishment from which products can be imported, as defined in these Regulations, is creating a gap in the system and might oblige the Authorities to adopt measures that disturb the smooth functioning of the market.