

ANNEX

FVO assessment of the Action Plan submitted by the Competent Authorities of Germany on 05 February in response to Report ref. DG(SANCO)/2012-6484-MR of an audit carried out from 19 to 29 June 2012 in order to evaluate measures in place for the identification of hazards and management of risks along the feed chain

<i>N°.</i>	<i>Recommendation</i>	<i>Action Proposed by the Competent Authority</i>	<i>Ergänzende Maßnahmen</i>
1	To ensure that establishments active in any of the stages of the feed chain are registered by the competent authorities, as required by Article 9 of Regulation (EC) No 183/2005, in particular food establishments placing their products or co-products in the feed chain.	<p>The Federal Ministry of Food, Agriculture and Consumer Protection will, in connection with its annual exchange of information with associations representing the feed industry, draw attention to the registration obligation of feed business operators under Article 9(2)(a) of Regulation (EC) No 183/2005 and ask them to inform their members accordingly.</p> <p>The Federal Ministry of Food, Agriculture and Consumer Protection is of the opinion that a registration obligation under Article 9(2)(a) of Regulation (EC) No 183/2005 applies to business operators if the product supplied is considered to be a feedingstuff as defined in Article 3 No 4 of Regulation (EC) No 178/2002.</p> <p>The Länder are basing their enforcement activities on the above.</p>	<p>Stellungnahme vom 22.04.2013: Der zweite Teil der Antwort ist nicht dahingehend zu verstehen, dass es sich bei Erzeugnissen, die von Lebensmittelbetrieben (z.B. Konditoreien) an Futtermittelbetriebe geliefert werden, immer um Lebensmittel handelt.</p> <p>BMELV vertritt weiterhin die Auffassung, dass es für die Frage, ob ein Unternehmen der Registrierungspflicht nach Artikel 9 Absatz 2 Buchstabe a der Verordnung (EG) Nr. 183/2005 unterliegt, darauf ankommt, ob ein Unternehmen Futtermittel abgibt. Hierbei wird die Begriffsbestimmung für Futtermittel gemäß Artikel 3 Nr. 4 der Verordnung (EG) Nr. 178/2002 herangezogen.</p>
2	To ensure that the national list of approved/registered establishments are timely updated, as laid down by Article 19 of Regulation (EC) No 183/2005.	The competent authority enters the establishments it has registered pursuant to Article 9 of Regulation (EC) No 183/2005 in the relevant Land's register as and when they are registered. This register forms part of the	<p>Stellungnahme vom 22.04.2013: Die Veröffentlichung der Verzeichnisse der in Artikel 19 Absatz 1 der Verordnung (EG) Nr. 183/2005 genannten Betriebe im elektronischen Bundesanzeiger nennt,</p>

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		<p>national list. A list of the establishments referred to in Article 19(1) of Regulation (EC) No 183/2005 is published officially on the Internet once a year, in order to comply with Article 19(7) of the Regulation. The only option for this in Germany is the electronic version of the Federal Gazette (Bundesanzeiger), which is the only electronic publication to offer safe protection against manipulation of and unauthorised changes to the list. This protection must be guaranteed by the authorities, as Article 5(6) of Regulation (EC) No 183/2005 obliges feed business operators and farmers to source and use feed only from establishments which are registered and/or approved in accordance with the Regulation.</p>	<p>bezogen auf das jeweilige Land (Spalte 6), alle zuständigen Behörden (Spalte 7). In die Bekanntmachung wird der Hinweis aufgenommen, dass die Unternehmen sich bei Bedarf an die zuständigen Behörden wenden müssen, um aktualisierte Informationen über die Registrierung von Futtermittelbetrieben zu erhalten.</p>
3	<p>To ensure that feed operators only source feed materials originating in other Member States from registered establishments, as laid down by Article 5 of Regulation (EC)</p>	<p>The Länder will be reminded of this requirement through this action plan, via the inspector training provided under the Feed Inspectors Ordinance, and at the next annual</p>	<p>Stellungnahme vom 22.04.2013: Im Merkblatt für die Zulassung und Registrierung von Futtermittelunternehmen - (Einzelfuttermittel) - 3. Januar 2013" heißt es</p>

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	No 183/2005.	meeting of the feed monitoring authorities (16 – 18 April 2013 in Magdeburg). Otherwise, aids to interpretation are provided in the ‘Merkblatt für die Zulassung und Registrierung von Futtermittelunternehmen (Einzelfuttermittel) (Stand 03.01.2013)’ (Guide to the approval and registration of feed business operators – Feed materials - 3 January 2013). The Federal Ministry of Food, Agriculture and Consumer Protection will draw attention to this matter and the responsibility of business operators in the course of the upcoming discussions with the industry.	unter Punkt 4.7: „Der Futtermittelunternehmer muss durch angemessene organisatorische und technologische Maßnahmen gewährleisten, dass die Einzelfuttermittel zurückverfolgt werden können.“ Die einschlägigen Unterlagen (Leitfäden bzw. Merkblätter) werden ergänzt um den Hinweis, dass aus Mitgliedstaaten eingeführte Einzelfuttermittel gemäß Artikel 5 der Verordnung (EG) Nr. 183/2005 nur von registrierten Betrieben zu beziehen sind. Im Rahmen der Jahrestagung der Futtermittelüberwachungsbehörden wurden die Teilnehmer/innen am 18.04.2013 über diesen Sachverhalt informiert.
4	To ensure that feed materials in liquid form originating in other Member States are used only if they are labelled as such, as laid down by Article 15 of Regulation (EC) No 767/2009.	A ‘Leitfaden zur Kennzeichnung von Einzelfuttermitteln und Mischfuttermitteln’ (Guideline on the labelling of feed materials and compound feed, 2nd edition, 24 April 2012) has been produced by the federal and	Stellungnahme vom 22.04.2013: Im Rahmen der Jahrestagung der Futtermittelüberwachungsbehörden wurden die Teilnehmer/innen am 18.04.2013 über diesen Sachverhalt informiert.

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		<p>Länder authorities, in which the provisions of Regulation (EC) No 767/2009 are covered in detail. This guideline is available to the competent authorities in the Länder.</p> <p>The Länder will be reminded of this through the present action plan, via the inspector training provided under the Feed Inspectors Ordinance, and at the next annual meeting of the feed monitoring authorities (16 – 18 April 2013 in Magdeburg).</p> <p>The Federal Ministry of Food, Agriculture and Consumer Protection will draw attention to this matter and the responsibility of business operators in the course of the upcoming discussions with the industry.</p>	
5	To ensure that operators are timely requested to demonstrate compliance with the requirements for homogeneity laid down by Article 5(2) of Regulation (EC) No 183/2005 and set out in its Annex II.	<p>The competent authority fixes the intervals at which operators must demonstrate compliance with homogeneity requirements taking account of the starting material used and the complexity of the end mix.</p> <p>The Länder will be reminded of this requirement through this action plan, via the inspector training provided under the Feed</p>	<p>Stellungnahme vom 22.04.2013: Im Rahmen einer Bund-Länder-Besprechung am 16.04.2013 in Magdeburg hat BMELV die Länder auf die Bedeutung der Überwachung von Homogenitätsanforderungen bei Mischfuttermitteln hingewiesen und die Verpflichtung der Unternehmer, die Wirksamkeit der</p>

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		<p>Inspectors Ordinance, and at the next annual meeting of the feed monitoring authorities (16 – 18 April 2013 in Magdeburg). The Federal Ministry of Food, Agriculture and Consumer Protection will draw attention to this matter and the responsibility of business operators in the course of the upcoming discussions with the industry.</p>	<p>Mischanlagen in Bezug auf die Homogenität nachzuweisen, angesprochen. Die AG "Futtermittelhygiene" wird in der nächsten Besprechung über die Festlegung von Mindestanforderungen beraten. Im Rahmen der Jahrestagung der Futtermittelüberwachungsbehörden wurden die Teilnehmer/innen am 18.04.2013 über diesen Sachverhalt informiert.</p>
6	<p>To ensure that feed business operators make further progress concerning the design and implementation of the HACCP-based procedures required by Articles 6 and 7 of Regulation (EC) No 1831/2003, so that all relevant risks are adequately managed.</p>	<p>The measures proposed as a result of FVO audit DG(SANCO)/2009-8322 have already had an impact in this respect. A new module on the subject of HACCP was integrated into the training of future feed inspectors for the first time in 2011/2012. This module will be modified for the first time in 2012/2013 by a further strengthening in respect of inspection practice (on-site examination of an HACCP system at an establishment) to complement theoretical training. The 'Leitfaden zur Kontrolle der Anwendung des HACCP-Konzeptes' (guideline on checking</p>	<p>Stellungnahme vom 22.04.2013: Im Rahmen der Jahrestagung der Futtermittelüberwachungsbehörden wurden die Teilnehmer/innen am 18.04.2013 über diesen Sachverhalt informiert.</p>

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		<p>the application of the HACCP concept) was revised in 2012 and further improved (3rd edition, 3 March 2013). A presentation took place at the 2012 annual meeting of the feed monitoring authorities in the Saarland.</p> <p>The Länder will be provided with further information on this through the present action plan and at the next annual meeting of the feed monitoring authorities (16 – 18 April 2013 in Magdeburg).</p> <p>In its upcoming discussions with the industry, the Federal Ministry of Food, Agriculture and Consumer Protection will draw attention to this matter and the responsibility of manufacturers as regards the preparation and maintenance of an HACCP system tailored to their establishment.</p>	

Hinweis: Alle hier zitierten Leitfäden und Merkblätter, die in enger Zusammenarbeit zwischen Bund und Ländern erarbeitet wurden, sind auf der Homepage des BMELV veröffentlicht. Sie stehen damit sowohl der Wirtschaft als auch den zuständigen Behörden zur Verfügung.