GENERAL REPORT ON THE OUTCOME OF A SERIES OF MISSIONS CARRIED OUT DURING 2001 TO EVALUATE THE CONTROLS IN PLACE OVER WASTE FOOD FROM PROHIBITED SOURCES AND THE FEEDING OF SWILL TO FARM ANIMALS
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<td>BIP</td>
<td>Border Inspection Post</td>
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<td>CA</td>
<td>Competent Authority</td>
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<tr>
<td>CSF</td>
<td>Classical Swine Fever</td>
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<tr>
<td>CVO</td>
<td>Chief Veterinary Officer</td>
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<tr>
<td>DEFRA</td>
<td>Department for Environment, Food and Rural Affairs (United Kingdom)</td>
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<td>DSV</td>
<td>Direction des Services Vétérinaires (France)</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>FMD</td>
<td>Foot and Mouth Disease</td>
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<tr>
<td>GB</td>
<td>Great Britain</td>
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<tr>
<td>Länder</td>
<td>Administrative divisions or states within the Federal Republic of Germany</td>
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<tr>
<td>MARPOL</td>
<td>MARPOL 73/78 (the international Convention for the Prevention of Pollution from Ships) is the international treaty regulating disposal of wastes generated by normal operation of vessels.</td>
</tr>
<tr>
<td>UK</td>
<td>United Kingdom (GB and Northern Ireland)</td>
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Main EU legislation reviewed during these missions

– Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries¹


– Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁴


¹ O.J. L 302, 31/12/1972, pp. 28 - 54
² O.J. L 47, 21/2/1980, pp. 11 - 23
³ O.J. L 268, 24/9/1991, pp. 56 - 68
⁴ O.J. L 24, 30/1/1998, pp. 9 - 30
⁵ O.J. L 38, 12/02/1998, pp. 10 - 13
1. EXECUTIVE SUMMARY

These missions were undertaken in five Member States following the end of the FMD crisis, in order to evaluate controls applied to the feeding of swill to farm animals, and the operation of controls over waste food disposal at points of entry into the EU.

No major deficiencies were identified in the operation of the relevant control systems. However, in response to the FMD crisis, some of the Member States visited, where swill feeding was not already banned, had introduced additional controls including, in most cases, a temporary or permanent ban on the practice. These bans were not always immediately effective, and controls over their enforcement needed to be strengthened in some cases. Concerns were expressed about the effectiveness of the controls in place before the bans were introduced. In Member States where swill feeding was still permitted, certain controls could have been further improved.

Controls over waste food disposal at points of entry needed reinforcement in some of the Member States visited. The powers available to veterinary and customs services, and their manner of implementation, also attracted some comment.

A number of recommendations are made to both the Member States and the Commission services as to further action required to address the problems identified during these missions.
2. INTRODUCTION

During 2001, the Food and Veterinary Office (FVO) of the Health and Consumer Protection Directorate General completed a series of missions to five Member States (Germany, France, United Kingdom, Republic of Ireland and Denmark), to evaluate the controls over the disposal of waste food\(^6\) from prohibited sources, over the feeding of swill\(^7\) to animals and over the extent to which EU legislation in this sector has been implemented. These Member States were chosen as swill feeding either was, or had, until recently, been authorised. Details of the missions are given in Annex 1.

Particular concerns have been expressed about the role that might have been played by the illegal feeding of swill to animals in the recent outbreaks of Foot and Mouth Disease and Classical Swine Fever within the European Union. Checks on the handling and disposal of catering waste from international means of transport are also undertaken by the FVO during inspections of border inspection posts in Member States.

Reports on the individual missions undertaken are available at the Directorate General's website:

http://europa.eu.int/comm/food/fs/inspections/index_en.html

3. OBJECTIVES OF THE SERIES OF MISSIONS

To review and evaluate the controls in place over waste food from prohibited sources, and the feeding of swill to farm animals\(^8\), and in particular:

(a) To review the control systems put in place by the competent authorities.

(b) To examine the transposition, implementation and operation of the applicable Community and national legislation.

(c) To evaluate the controls in place over the feeding of swill to livestock.

(d) To evaluate the controls in place over the handling, storage and disposal of waste food from prohibited sources.

(e) To review controls over the disposal of animal bedding at point of import.

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6 edible waste from galleys, kitchens, restaurants and similar sources, or from industries using meat

7 waste food following heat-treatment (intended to destroy classical swine fever virus) and which is intended for feeding to animals (see Council Directive 80/217/EEC, Articles 2(m) and 15)

8 In the context of this series of missions, "farm animals" is taken to refer only to farmed biungulate mammals
4. MAIN FINDINGS

4.1. National legislation

4.1.1. Definition of swill

The definitions provided by Denmark, Great Britain and France satisfied the requirements of Community legislation. The definition provided in Ireland exceeded that given in Council Directive 80/217/EC, and included any carcass, offal or waste product derived from the slaughter or processing of animals (including poultry). More recent legislation prohibited the use of such animal waste, and took precedence as it was brought into force at a later date. In Germany there was no specific definition, however, the practice of requiring swill suppliers to be approved effectively excluded material such as slaughterhouse waste.

4.1.2. Authorised swill feeding

In France, Ireland and Great Britain bans on the feeding of swill were established in direct response to the FMD outbreaks (see Section 3.3). Denmark and Germany both permitted swill feeding to pigs, though processing was only allowed at specialist processing plants.

4.1.3. Swill from prohibited sources

The use of swill from sources prohibited in EU legislation, eg. international transport, slaughterhouse waste, seized foodstuffs, laboratories etc, was banned in national legislation in all the Member States visited. In Germany, certain animal products (excluding fish) from international transport had to be “rendered harmless”. In practice this meant destruction by incineration and no exemption was made for fish. On the basis of the Commission Decisions establishing protection measures with regard to FMD outbreaks during 2001, the Member States visited had imposed a ban on the importation of products derived from susceptible species from the UK.

4.1.4. Disposal of imported animal bedding

There was no consistent approach by the Member States visited to the disposal of imported animal bedding. Following the outbreaks of FMD in Great Britain, however, Ireland prohibited the introduction of hay or straw from any other country unless accompanied by a licence.

4.2. Competent authority control systems

4.2.1. Structure of the official services

There had been changes to the structure of the official services in Denmark (new Ministry created in 1996 and current local control system started in January 2000), France (1999), Germany (January 2001) and Great Britain (May 2001). All Member States visited had official services with specific
responsibility for the operation of waste food controls, although this was divided between different services at central and local levels. Typically these services included veterinary staff (supervision at BIPs, farms and processing premises), customs services (international ports, airports and postal sorting centres), an environment agency/department (waste disposal at landfill sites and incineration plants), port authorities (maritime police/coastguard, harbour masters) and public health staff (supervision in catering establishments).

In Denmark, there was no centralised system to check the effectiveness of the controls implemented in the regions. In Germany, management decisions were taken primarily by the Länder, and only limited summary data was held by the federal administration.

4.2.2. Independence of the official services

The independence of the staff involved in waste food controls was found to be satisfactory in all the Member States visited. In some Member States, use was made of private veterinarians for certain duties (e.g. supervision in slaughterhouses), although no evidence of any conflict of interest was found.

4.2.3. Resources

In GB and Ireland, staff numbers had been increased in response to FMD outbreaks and further resources had been allocated to waste food controls. In Denmark, Germany and France recruitment is ongoing. However, in some Länder there had been difficulties attracting suitably experienced staff. In France, there had been an increase in recruitment, although staff numbers were still not commensurate with the increasing workload.

4.2.4. Legal and enforcement powers

All the Member States generally had sufficient powers to enforce compliance with the relevant legislation.

There was only limited evidence that enforcement action was pursued with respect to waste food controls. However, the tightening of legislation in Germany in April 2000 resulted in the closure of many establishments.

4.2.5. Prioritisation of controls

In Great Britain management priorities were defined in a business plan for 2000/2001. In this plan, notifiable disease was given “top” priority and it was anticipated that routine work would be disrupted. Due to the possible link between FMD and feeding of swill to pigs, there was an increase in controls over swill feeding in Great Britain and Ireland. In France, national priorities were set by the Minister of Agriculture and communicated by Préfects at département level. The DSV was free to develop inspection and control strategies based on local risk analysis, resources available and operational requirements communicated by the central authorities. In Germany and Denmark there was less evidence of formal prioritisation.
4.2.6. Documentation of controls

In all Member States visited, records of most supervisory checks were maintained. However, in Denmark and France, few guidelines were available as to the frequency of these checks, nor the type of documentation to be kept. In Germany, the official controls (implemented by the Länder) were not documented at Federal level.

4.3. Ban on swill feeding (Ireland, GB and France)

Prior to the ban on swill feeding in Ireland, GB and France only a small percentage (c.5%) of catering waste was reported to have been fed to pigs.

In Ireland a ban was introduced on 28 March 2001 with no transitional arrangements, following FMD outbreaks in some Member States. The ban was initially in force until 31 December 2001, but has been extended. The CA required the veterinary services to carry out random checks to ensure compliance with the ban and, as a result, their frequency varied between Districts.

In Great Britain a notice was sent to all swill feeders and processors in order to revoke swill licences on or before 24 May 2001. DEFRA had increased supervision on these farms prior to the ban and subsequently carried out a specific programme of visits to check compliance with the ban. With a few exceptions, the ban was implemented swiftly.

In France, the legal basis for the swill ban was established by legislation adopted in November 2000. It was not until June 2001, however, when the DSVs were instructed by Préfets to withdraw approval that swill feeding actually stopped. There were no follow-up visits by the veterinary services. However, establishments supplying waste food for swill production were also under DSV supervision.

4.4. Swill feeding controls

4.4.1. Waste food suppliers (Denmark, Germany)

In Denmark, food businesses producing more than 100kg/week must send material for recycling. Waste food (of national origin) was collected from an airport catering premises, which was also responsible for the removal of waste from international flights. These operations took place in the same building. There was no authorisation procedure for swill suppliers, and catering establishment checks were limited to public health issues. Collection records were maintained purely as a basis for invoicing.

In Germany in some Länder all waste food had to go to an approved swill processor although this was not a universal practice. It was a pre-requisite for licensing by the Länder as a food outlet that waste was either collected correctly by an approved disposal company or that it had been authorised to supply food for use in swill feed manufacture.
In **Germany** and **Denmark**, waste food was obtained from sources other than catering establishments (supermarkets, fruit & vegetable processors etc).

### 4.4.2. Waste food collectors and transporters (Denmark, Germany)

In **Germany** and **Denmark** there was no specific authorisation procedure for swill transporters or the delivery vehicles. Waste food was normally collected by the swill processor in vehicles that had to meet the conditions for approval. The national authority in **Denmark** was unaware of the activities of one independent swill collection/storage operator.

### 4.4.3. Specialist swill processors

In **Denmark** the production of swill and its feeding to animals on the same site has been banned. In fact there was only one rendering plant and one specialist processing plant producing swill. In **Germany** since the introduction of revised animal transport order in April 2000, swill-processing plants must be located at a suitable distance from animals and operate to strict standards set out in their approval documents. In both **Denmark** and **Germany** the premises were generally constructed to a high standard, and processing was monitored by thermograph records and proper cooking (though in **Denmark**, not always according to criteria established in the approval document) ensured by fail safe mechanisms. Official veterinarians visited at a prescribed frequency and in **Germany** there was an inspection (annually in the Länder visited) by a technical expert to check the cooking apparatus and recording devises. In **GB** and **France**, the standards observed in the swill processing plants (and proximity to animals) would have given cause for concern if a ban had not been introduced following the FMD outbreaks in 2001.

### 4.4.4. Swill processors/feeders (Denmark, Germany)

In **Denmark** and **Germany**, no co-located swill processors/feeders were identified. In **Germany** farms receiving swill had to be authorised and the delivery point had to be outside the farm. In **Denmark** there was no control over the delivery and use of swill provided by specialised treatment establishments. The farms had accurate reception records.

### 4.4.5. Controls over movements of swill fed animals

In **Germany**, **Denmark** and **France** there were no specific movement restrictions for swill fed pigs. However, in **Germany**, restrictions on the movement of swill fed animals followed indirectly from the implementation of the annual CSF eradication plan. In **Great Britain** and **Ireland**, the remaining swill fed pigs were subject to movement restrictions. In **Ireland** there was a movement restriction for 2 months unless pigs go direct for slaughter, although not all premises maintained movement records. In **Great Britain** pigs (whether fed on swill, a home mix or commercial ration) had not to be moved within 20 days of a previous movement. Swill fed pigs, if
moved, had to go direct for slaughter or between premises in the same occupation.
4.5. Controls over waste food from prohibited sources

4.5.1. Operation of official control systems and treatment/disposal of prohibited waste food

Airports

The competent authorities in all the Member States visited randomly checked the disposal of waste food from international flights. In Ireland, however, since the FMD outbreaks, collection and disposal of waste was supervised from the moment the skip was loaded and movement required a permit.

In all Member States visited, food from international and domestic flights was routinely mixed, removed by approved operators, and taken for landfill or incineration. In response to the FMD outbreaks in the EU, at Copenhagen airport (Denmark), waste from planes originating in the UK, Ireland, France and the Netherlands has been stored and handled separately. In Denmark and Germany all waste (whether from sea or air transport) was destroyed by incineration. In France and GB both incineration and landfill was used. In Ireland, in the absence of incineration facilities, additional precautions were used at landfill sites, such as the deep burial of material.

Ports

The disposal of waste food from ships was mainly governed by the international MARPOL Convention. In Germany the maritime police had been specifically empowered to implement its provisions. Ships approaching the port of Hamburg were obliged to contact cleaning services and obtain a waste transfer certificate for any waste discharged, although the supervision was not well documented. In France, GB and Denmark there were designated sites in the port for waste disposal. However, these were subject to irregular supervision in most cases. In France, the disposal of waste arriving on ships from the UK was more closely supervised, although not directly by the CA. Prior to 1 March 2001, the DSV had no involvement in supervision at the ports visited, and little account had been taken of the disposal of waste food from ships arriving from third countries. In Ireland, since the FMD crisis, there had been regular checks on the disposal of galley waste into designated skips. The disposal of each skip was subject to a permit issued by the LA responsible for the landfill site of destination and this process was well documented.

In all Member States there was limited supervision over small commercial vessels or boats in private ownership. However, guidance was given in Ireland and the UK to the local authorities responsible for supervision at harbours in response to the FMD crisis.
Railway stations

Ireland, GB and France had not identified direct rail links with third countries. In Denmark there was no effective control over rail travel, while Germany stated that controls were as for aircraft (though this could not be checked on-the-spot).

Customs

All Member States visited had systems in place to seize and dispose of goods either imported as personal luggage or through a BIP. In no Member State, however, did veterinary inspection staff have powers to “stop and search”, and the custom services did not have the authority routinely to check passengers travelling within the EU for prohibited foodstuffs. Postal sorting centres were under customs surveillance and packages were subject to random checks.

In France and GB material seized by the customs or surrendered voluntarily, was subject to supervised incineration. In Ireland it was treated as galley waste, and in Germany seized material was dealt with as for other airport waste, although the description/volume of the seizure was not recorded, prior to collection and incineration by the State refuse services. In Denmark there were neither guidelines nor instructions issued by the competent authorities on the destruction of seized food, however, such material was placed in a container at the BIP and collected by a company which transported it to an incineration facility.

Border Inspection Post controls

Material seized at BIPs was under close veterinary and customs control and subject to disposal at landfill sites (Ireland), incineration (France, Germany), landfill or incineration (Great Britain and Denmark) or re-export. Disposal should have been either supervised by the veterinary services, or under the control of waste disposal services run by a local authority. However, in Denmark, there was no evidence of official checks over its disposal.

Armed forces and embassies

In all Member States, the armed forces were subject to the same import restrictions, although Great Britain acknowledged that there was limited control over foodstuffs imported by non-UK armed forces. Waste was subject to normal national controls once it left army or embassy premises.

Exhibitions, laboratory samples

Material destined for laboratories, pharmaceutical companies or international shows were typically accompanied by a veterinary certificate or import permit, and residual material was to be destroyed under official supervision.

Animals exhibited at international shows were moved according to normal certification requirements.
4.5.2. Disposal of animal bedding at points of entry into the EU

Animal bedding was not systematically collected at the point of entry and the disposal was not documented. For example, in Germany there was an obligation to clean all transport within 24 hours of use, whereas in Denmark, animal bedding arriving from a third country was collected from animal transport containers and sent for incineration. In Ireland, animal bedding was treated as galley waste and buried at landfill sites. The disposal system could not be verified on-the-spot for all Member States visited.

5. CONCLUSIONS

All Member States visited had sufficient powers to enforce compliance with their national legislation on swill feeding. Great Britain and France, however, have not fully transposed or implemented elements of Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever

This non-compliance, when taken with the concerns over the apparent condition of some of the swill processing premises visited, could have had implications for the effectiveness of disease control prior to the swill feed ban.

The bans on feeding swill, introduced in Great Britain (May 2001), France (June 2001) and Ireland (March 2001), decreased the risk of spread of FMD and CSF. A system of checks was introduced by Great Britain to enforce the ban, while France relied on compliance by the farmer and the involvement of the veterinary services in catering establishments. In Ireland, it was considered that the measures to prevent the illegal feeding of swill could be further reinforced.

In Denmark, the swill feeding controls are almost entirely focused on the correct heat treatment of waste food, and the official services perform few controls in other parts of the sector (e.g. feeding of swill to livestock). In Germany, supervision was more comprehensive, although documentation could be improved and legislation clarified. In both Member States the standard of the processing premises was broadly satisfactory. However, it is not possible with certainty to state that the same situation applies throughout Germany, since the inspection team was not able to visit all Länder during its mission.

In Great Britain, France and Denmark, controls in place over waste food from certain prohibited sources (particularly international shipping) need to be strengthened. In all Member States, the veterinary services and customs authorities have little real control over the movement of non-conforming products in personal luggage within the EU. The fact that animal bedding is not systematically collected and destroyed at the point of entry within the MS may pose a risk of accidental introduction of disease agents.

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9 O.J. L 47, 21/2/1980, pp. 11 - 23
6. RECOMMENDATIONS

6.1. To Member State authorities

In light of the findings and conclusions of the individual Member State reports, and of this general report, Member States should:

1) Ensure that the provisions of existing Community legislation in this sector are fully transposed, implemented and enforced.

2) Identify the key control points in the waste food handling and processing chain, and take action to ensure that these are properly supervised. These actions should be fully documented, and the steps taken in the event of non-compliance by operators should be recorded.

3) Review the controls in place in respect of waste food from prohibited sources to ensure that these are effective in preventing any risk of the introduction of animal disease.

4) Establish official monitoring programmes over swill processing and feeding operations to confirm that the required standards are being met. These should also be implemented in Member States where an official ban on swill feeding has been recently introduced, to ensure that it is being respected.

5) Review the controls over the disposal of animal bedding and feedstuffs used for imported animals.

6) Where swill feeding is permitted, ensure that processing premises and farms are maintained and operated to a standard which effectively precludes the introduction of animal disease.
6.2. **To the Commission Services**

1) To take account of the findings, conclusions and recommendations of this report during the review of FMD controls within the European Union.

2) Closely to monitor the implementation of the new legislation for the control of Classical Swine Fever, which is due to come into force on 1 November 2002, and which will ban the use of catering waste as a source of animal feed.
7. **ANNEX I DETAILED OF MISSIONS UNDERTAKEN**

<table>
<thead>
<tr>
<th>Mission reference number</th>
<th>Member State</th>
<th>Dates of mission</th>
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<tbody>
<tr>
<td>3358/2001</td>
<td>Germany</td>
<td>3 - 7 September 2001</td>
</tr>
<tr>
<td>3356/2001</td>
<td>Denmark</td>
<td>3 - 7 September 2001</td>
</tr>
<tr>
<td>3359/2001</td>
<td>Ireland</td>
<td>3 – 7 September 2001</td>
</tr>
<tr>
<td>3367/2001</td>
<td>GB</td>
<td>1 - 5 October 2001</td>
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<tr>
<td>3368/2001</td>
<td>France</td>
<td>22 - 26 October 2001</td>
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