Guidance for actions to be taken as regards withdrawal/recall in case of a finding of non-compliance with the provisions of undesirable substances in feed legislation

This document aims to provide guidance to the competent authorities on the appropriate actions to undertake in case of a finding on non-compliance with the maximum levels established in the legislation on undesirable substances in feed.

General rule

The feed business operators must ensure that all non-compliant feed are taken from the market and that all their customers are given complete and accurate information.

However there might be specific situations in which the efforts and resources needed by the competent authorities to check that the withdrawal/recall of all the non-compliant feed from the market has been effective is not proportionate to the possible risk for human or animal health or the environment.

* withdrawal: products which are not yet at the final use level (i.e. wholesale and retail) have to be taken off the market;

* recall: all available products that have not yet been consumed have to be taken from the market. Where all final users cannot be identified, a recall has to be accompanied by a public warning /targeted warning.
Guidance for specific situations

General considerations

The guidance below is not detrimental to the general rule that when the finding of non-compliance is a likely to be a risk for public health, animal health or the environment, that there are no exemptions and that all concerned non-compliant products have to be withdrawn or recalled from the market.

Each feed contamination incident must be assessed on a case-by-case basis.

Competent authorities must assess the risk caused by the undesirable substance for the three categories of risk (public health, animal health and environment).

If a non-compliance finding can lead to several risks, the most stringent management measures have to be applied.

Specific situations

1) the finding of non-compliance relates to a provision established to protect animal health

* non-compliant level more than e.g. about 2x the maximum level (set by default)
All non-compliant feed has to be recalled from the market.
In case of contaminated feed material, feed additive or premixture, the need to recall of compound feed, containing the contaminated feed material, feed additive or premixture can be determined on the basis of the contamination level and the incorporation rate of the contaminated feed material or feed additive into the compound feed.

* non-compliant level less than e.g. about 2x the maximum level (set by default)
All non-compliant feed at wholesale level to be withdrawn from the market.
In case of contaminated feed material, feed additive or premixture, the need to withdraw compound feed, containing the contaminated feed material, feed additive or premixture, can be determined on the basis of the contamination level and the incorporation rate of the contaminated feed material, feed additive or premixture into the compound feed.

For non-compliant feed at retail stage involving distribution of small quantities over a large number of distribution points there is no need for the competent authority to check that there has been a complete and full withdrawal of that feed from the market (efforts and resources needed to withdraw all non-compliant feed from the market not proportionate given the absence of risk).
2) the finding of non-compliance relates to a provision established to protect public health

* For non-compliant feed intended for food producing animals

All non–compliant feed is to be recalled from the market.
In case of contaminated feed material, feed additive or premixture, the need to recall compound feed, containing the contaminated feed material, feed additive or premixture can be determined on the basis of the contamination level and the incorporation rate of the contaminated feed material, feed additive or premixture into the compound feed.

* For non-compliant feed intended for non-food producing animals

All non-compliant feed at wholesale level is to be withdrawn from the market.
In case of contaminated feed material, feed additive or premixture, the need to withdraw compound feed, containing the contaminated feed material, feed additive or premixture, can be determined on the basis of the contamination level and the incorporation rate of the contaminated feed material, feed additive or premixture into the compound feed.

For non-compliant feed at retail stage there is no need for the competent authority to check that there has been a complete and full withdrawal of that feed from the market (efforts and resources needed to withdraw all non-compliant feed from the market not proportionate given the absence of risk) (unless feed is very highly contaminated and/or there is an effective risk that feed is given to animals for which it is not intended for).

3) The finding of non-compliance relates to a provision established to protect environment

All non-compliant feed at wholesale level is to be withdrawn from the market.
In case of contaminated feed material, feed additive or premixture, the need to withdraw compound feed, containing the contaminated feed material, feed additive or premixture, can be determined on the basis of the contamination level and the incorporation rate of the contaminated feed material, feed additive or premixture into the compound feed.

For non-compliant feed at retail stage there is no need for the competent authority to check that there has been a complete and full withdrawal of that feed from the market in case the quantities available at retail do not constitute a risk for the environment (efforts and resources needed to withdraw all non-compliant feed from the market not proportionate given the absence of risk).

There is a need to withdraw that feed from the market where the quantities available at retail does effectively constitute a risk for the environment.