

Head of Trading Standards, Environmental Health
Departments and Port Health Authorities with
responsibility feed law enforcement

12 December 2008

Reference: ENF/E/08/079/AF

Dear Colleagues,

**COMMISSION DECISION 2008/921/EC – EXTENSION OF COMMISSION
DECISION 2008/798/EC TO SOYA, SOYA PRODUCTS AND AMMONIUM
BICARBONATE ORIGINATING FROM CHINA INTENDED FOR USE AS ANIMAL
FEED**

1. This letter is further to the one I sent to local authorities on 28 November 2008 ENF/E/08/076 (<http://www.food.gov.uk/multimedia/pdfs/enforcement/enfe08076.pdf>) and updates the advice on the official controls carried out on soya and soya products, intended for use as animal feed, at ports of entry.

2. Following a meeting of Member States last week, the European Commission has published a Decision (2008/921/EC) which amends Decision 2008/798/EC. Controls on melamine in milk products and composite milk products for food or feed originating from China have been extended to include soya, soya products and ammonium bicarbonate. Commission Decision 2008/921/EC was published in the Official Journal of the European Union on 10 December and can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:331:0019:0020:EN:PDF>.

The Food Standards Agency implemented the Decision yesterday by written declaration under Regulation 33 of the Official Feed and Food Control Regulations 2007 SI No. 3185.

3. The Food Standards Agency's Animal Feed Unit advised importers of animal feed advising them of the introduction of these new requirements yesterday. The Food Standards Agency has also written separately to those local authorities

responsible for official controls on imported food explaining the implications of Commission Decision 2008/921/EC.

4. Commission Decision 2008/921/EC requires that soya and soya products originating from China, intended for use as animal feed, are checked (including analysis) at the point of entry. Importers of such products are required to give prior notification to the feed authority at the point of entry responsible for carrying out the official controls (Article 3).

5. In line with our earlier advice, and following subsequent discussions, it has been agreed that all points of entry should be designated points of entry for soya and soya products described in Commission Decision 2008/921/EC.

Enforcement Action

6. Checks at all points of entry must be carried out with a view to ascertaining whether melamine exceeds 2.5 mg/kg in soya and soya products originating from China. All consignments of the products in question must be detained at the point of entry pending availability of results of the laboratory analyses (Article 2.2). Any products found to be non-compliant must be destroyed without delay (Article 2.6). All costs incurred by enforcement bodies related to checks, analysis and enforcement action on non-compliant products under Article 2.2 are to be borne by the food business operator responsible for the product. (Article 2.7).

7. Enforcement officers at ports and inland authorities should continue to carry out random checks on feed products with a high protein content originating from China as advised in my letter of the 28 November 2008. These products, because of their high protein content, could have been subject to adulteration practices similar to those applied to the milk and soya products, although there is at present no evidence that this has been the case.

8. It is important that there is close liaison between authorities with responsibilities for feed and food at points of entry to ensure that such products are tested for melamine.

Reporting of results

9. As previously advised, all positive and negative results from the laboratory analyses referred to in Article 2.2 need to be reported to the Food Standards Agency. Positive results should be reported using a food incident form at the following link:
<http://www.food.gov.uk/multimedia/worddocs/lafoodincidentreportform.doc>
Negative results should be e-mailed every two weeks using the table attached in my previous letter of 28 September 2008 to:
melamine.enquiries@foodstandards.gsi.gov.uk .

These are legal requirements placed on all Member States of the EU by Commission Decision 2008/798/EC.

Returns on analyses carried out on feedingstuffs not containing milk products, soya or soya products are required to be made separately to the FSA using the form at Annex I below and not Annex III to the letter dated 28 November ENF/E/08/076 as previously advised. The completed returns should be e-mailed to:
melamine.enquiries@foodstandards.gsi.gov.uk. Should you experience any problems with making this return please contact Mercy Adebisi Tel. No. 020 7276 8470 e-mail: mercy.adebisi@foodstandards.gsi.gov.uk

10. Analysis of samples should be undertaken at a suitably accredited laboratory which has a validated method of analysis for the presence of melamine. Please contact Stephanie Cossom tel. no. 020 7276 8316 or e-mail: stephanie.cossom@foodstandards.gsi.gov.uk if you require any information concerning accredited laboratories.

11. Where there is evidence that a consignment is contaminated with melamine, and related compounds all authorities are requested to seek further advice from the

Agency's Animal Feed (AFU) Unit before taking further action. In such cases please contact Ron Cheesman Tel. No. 020 7276 8396 e-mail: ron.cheesman@foodstandards.gsi.gov.uk.

12. If you need any further information please let us know.

Yours faithfully

Ron Cheesman
Animal Feed Unit

cc: APA
APHA
CIEH
LACORS
Health Protection Agency
Trading Standards Institute

Annex I

Form for reporting results of analyses conducted on animal feed other than composite products containing milk and soya products originating from China

ORIGIN (country)	Product	Expiration date (Best Before Date)	Importer	Size	Batch Number	Date tested	Analytical method used	Melamine level (mg/kg)

