

# **FSA Memorandum of Understanding for Earned Recognition**

**Between:**

**The Food Standards Agency**

**Food Standards Scotland**

**The Veterinary Medicines Directorate**

**and**

**The Agricultural Industries Confederation**

**Agreement start: April 2024**

**Review due: April 2025**

**Version: 2.0**



## Table of contents

1. Purpose .....	3
2. Scope.....	3
3. Background to Earned Recognition .....	3
4. Overview of the Parties Concerned .....	5
5. General Principles of Collaboration between the FSA, FSS, VMD and AIC.....	7
6. Governance.....	8
7. Roles and Responsibilities – The Food Standards Agency, Food Standards Scotland and the Veterinary Medicines Directorate .....	9
8. Roles and Responsibilities – Agricultural Industries Confederation .....	11
9. Application of this MoU.....	13
Annex A - Assurances schemes recognised under this MoU as qualifying for Earned Recognition .....	15
Annex B - Legislation Coverage .....	16
Annex C - Criteria for Earned Recognition .....	19
Annex D - FSA Governance of Earned Recognition .....	25
Annex E - Data management .....	28
Annex F – Contact Details.....	30
Glossary of Terms and Abbreviations .....	31

**This Memorandum of Understanding (MoU) is an agreement between the following organisations:**

- a) The Food Standards Agency (FSA) of Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PR.
- b) Food Standards Scotland (FSS), Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL.
- c) The Veterinary Medicines Directorate, (VMD) of Woodham Lane, New Haw, Surrey, KT15 3LS.
- d) The Agricultural Industries Confederation (AIC), First Floor, Unit 4, The Forum, Minerva Business Park, Lynch Wood, Peterborough, PE2 6FT

## **1. Purpose**

This MoU seeks to set-out the general principles of collaboration, cooperation, roles and responsibilities that support the approach to Earned Recognition (ER) between the FSA, FSS, VMD and the AIC.

## **2. Scope**

The scope of Earned Recognition applies to the following:

- Animal Feed

The AIC schemes approved to qualify for Earned Recognition are detailed in Annex A.

## **3. Background to Earned Recognition**

Feed businesses are responsible for ensuring that the production and use of feed satisfies the requirements of the law detailed in Annex B.

Regulation 2017/625 lays down the rules for the performance of official controls and official control activities in respect of food, feed and animal health and welfare. Article 9 (1) (d) of Regulation 2017/625 refers to the reliability and results of own controls that have been performed by the operators, or by a third party at their request, including, where appropriate, private quality assurance schemes, for the purpose of ascertaining compliance with the rules.

There are flexibilities that allow a reduced inspection frequency (Earned Recognition) for compliant businesses who are members of FSA approved assurance schemes. By recognising their track record of compliance, Earned Recognition aims to reduce the burden of official controls on compliant businesses that meet specific standards and criteria. This has an additional benefit of freeing up resources within enforcing authorities to concentrate on higher risk and less compliant businesses. Those who qualify for Earned Recognition through FSA approved assurance are able to benefit by receiving less frequent inspections from their enforcement authority.

When an assurance scheme is approved for Earned Recognition, compliant members of that scheme are able to benefit from a reduced frequency of official controls on the basis that they are taking positive action to reduce risks and comply with legislative requirements, verified through a third-party certification process.

For businesses operating in the animal feed sector, the Feed Law Code of Practice and the Feed Law Enforcement Guidance Document (Northern Ireland) enable enforcement authorities to reduce inspection frequencies providing the business has a satisfactory level of current compliance and is a member of an approved assurance scheme.

Earned Recognition through FSA Approved Assurance status, FSS and VMD, can be awarded by the demonstration of the assurance scheme's compliance with the 'Criteria for Earned Recognition', as set out in Annex C. This process examines the governance of the scheme, checks that the scheme standards

reflect legislative requirements for the sector under consideration, and that the certification process is robust and impartial.

#### **4. Overview of the Parties Concerned**

##### **Food Standards Agency**

The FSA is a non-Ministerial government department responsible for food and feed safety and other interests of consumers in relation to food and feed. The FSA is the Competent Authority responsible for ensuring the delivery of official feed and food law controls in England, Wales and Northern Ireland.

Official controls are delivered by a range of enforcement authorities in the UK. In England and Wales, these include FSA operations and local authorities. In Northern Ireland, official controls are delivered by district councils and Department of Agriculture, Environment and Rural Affairs (DAERA) on behalf of the FSA.

##### **Veterinary Medicines Directorate**

The VMD is an executive agency of the Department for Environment, Food and Rural Affairs (Defra), and is the Competent Authority for the regulation of veterinary medicines in the UK.

The vision of the VMD is the responsible, safe and effective use of veterinary medicinal products. It aims to protect public health, animal health and the environment, and promote animal welfare by assuring the safety, quality and efficacy of veterinary medicines.

The VMD authorises veterinary medicines in the UK and inspects premises on which veterinary medicines are manufactured, stored and supplied. In Great Britain, the VMD is the enforcing authority for approving and inspecting FeBOs (Feed Business Operators), including commercial feed mills and farms, manufacturing products regulated under Schedule 5 of the Veterinary Medicines Regulations 2013, that is:

- specified feed additives (SFAs - being coccidiostats and histomonostats), and premixtures, complementary feeding stuffs and final feeding stuffs containing SFAs; and
- premixtures and final feeding stuffs containing veterinary medicinal products.

### **Food Standards Scotland**

FSS is a non-ministerial body of the Scottish Administration, part of Scottish Government, responsible for food and feed safety and standards and nutrition in Scotland. FSS Has a unique role, working independently of Ministers and industry, to provide advice which is impartial and based on robust science and data. FSS remit covers all aspects of the food chain which can impact on public health – aiming to protect consumers from food safety risks and promote healthy eating.

As the Competent Authority, FSS is responsible for ensuring delivery of official feed and food controls in Scotland. On 1 April 2021 under the Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020, FSS became the competent authority for feed in Scotland.

### **Agricultural Industries Confederation (AIC)**

The AIC is an independent, not for profit organisation that works on behalf of its members in the agricultural supply sector. While AIC represents several sectors within the feed industry and manage a number of assurance schemes, this MoU relates to the following schemes:

- Universal Feed Assurance Scheme (UFAS)
- Feed Materials Assurance Scheme (FEMAS)
- Trade Assurance Scheme for Combinable Crops (TASCC). TASCC testing is a standard within the scheme but is not accredited and therefore is not covered under the scope of this MoU.

UFAS was launched in 1998 and accounts for well in excess of 95% of the commercially produced compound feed in the UK and Ireland. The scheme has been amended to include a Merchants' Standard.

FEMAS covers all feed ingredients intended for direct feeding to animals or for inclusion in compound feeds and blends. FEMAS participants are an extremely diverse group of businesses ranging from specialist additive manufacturers to food processors and brewers.

TASCC covers the trading of combinable crops, storage and transportation of feed materials and ingredients.

Schemes are based on HACCP principles. Each scheme is audited and certified by a single independent certification body, in accordance with the internationally recognised standard ISO17065. This means that the certification body is itself independently assessed every year to ensure that the standard is implemented and administered consistently and fairly.

AIC require businesses to be audited before certification is granted and participants are subject to an annual audit.

## **5. General Principles of Collaboration between the FSA, FSS, VMD and AIC**

The FSA, FSS, VMD and AIC agree to adopt the following principles when implementing this MoU to ensure food is safe and is what it says it is:

- Maintain high standards for food and feed safety in accordance with the law
- Share information to develop effective working practices.
- Work collaboratively to eliminate duplication of effort, mitigate risk and reduce cost.
- Act in a timely manner.
- Coordinate communications in relation to Earned Recognition and ensure the details in Annex F are kept up to date.

- Ensure resources and systems are put in place to fulfil the responsibilities set out in this MoU, and;
- Support the purpose and effective implementation of the objectives of the MoU.

## **6. Governance**

This MoU is not legally binding. The MoU does not confer any legally enforceable rights on the parties, nor does it subject the parties to any legally enforceable obligations.

This MoU does not create any legal partnership between the parties, nor constitute the parties as agents of each other for any purpose. No party has authority to bind the other to take or refrain from taking any action, and each party hereby undertakes with the other not to hold itself out to any third party as having the authority to so bind the other.

The FSA, FSS, VMD and AIC are jointly responsible for the development and support of governance systems as detailed in Annex C, D, E and F.

If there is any dispute arising out of or in connection with this MoU, the concerned parties shall try to settle it amicably in the first instance. In the event resolution is not reached, the dispute shall be referred to:

- FSA – <https://www.food.gov.uk/about-us/our-complaints-policy>
- FSS – <https://www.foodstandards.gov.scot/about-us/how-we-work>
- VMD – <https://www.gov.uk/government/organisations/veterinary-medicines-directorate/about/complaints-procedure>
- AIC – <https://www.agindustries.org.uk/sectors/trade-assurance-schemes/tell-aic.html>



The MoU is a voluntary arrangement. However, if AIC fails to meet the Earned Recognition criteria, in the first instance the FSA, FSS and VMD will work with them on an action plan to return to compliance. Should this fail to return the scheme to compliance, however, the FSA may withdraw Approved Assurance status and therefore the policy of Earned Recognition would no longer apply. Should the FSA remove 'Approved Assurance' status, it will liaise with AIC and the relevant bodies representing enforcement authorities.

This MoU shall commence on the date it is agreed and, unless terminated, shall continue, subject to annual review.

## **7. Roles and Responsibilities – The Food Standards Agency, Food Standards Scotland and the Veterinary Medicines Directorate**

The FSA, FSS and VMD are jointly responsible for assessing and approving the Universal Feed Assurance Scheme (UFAS) for ER by all parties to this MoU, against the 'Criteria for Earned Recognition' (see Annex C) and will jointly work together to verify compliance.

The FSA and FSS are jointly responsible for assessing and approving the Feed Materials Assurance Scheme (FEMAS) and the Trade Assurance Scheme for Combinable Crops (TASCC) for Earned recognition under this MoU, against the 'Criteria for Earned Recognition' (see Annex C) and will jointly work together to verify compliance.

The FSA, FSS, VMD will work with AIC to document compliance with FSA, FSS, VMD requirements and together drive forward continuous improvements if required. The four key areas of assessment focus on:

- governance,
- scheme standards
- the certification process
- monitoring / review processes

When the FSA, FSS and VMD are satisfied that the scheme meets the approval criteria for ER, it will be approved and recognised as an FSA Approved Assurance scheme. Enforcement authorities will be informed of the arrangements.

The FSA, FSS and VMD will be responsible for verifying ongoing compliance with the 'Criteria for Earned Recognition'.

The primary responsibilities of the FSA, FSS and VMD in relation to Earned Recognition are to:

- administer the MoU with the parties concerned to formally agree approved status, roles and responsibilities.
- evaluate evidence supplied by AIC to determine whether it continues to meet the 'Criteria for Earned Recognition'.
- comply with applicable laws and standards, including relevant procurement rules.
- organise meetings and exchange of management data with the assurance scheme in line with Annexes D and E. Review this data and discuss the performance of the scheme.
- process and exchange information with AIC in a timely manner, adhering to the requirements of the Data Protection Act 2018 (DPA), UK General Data Protection Regulation (UK GDPR), Freedom of Information Act 2000 (FOI), the Environmental Information Regulations 2004 (EIRs), Environmental Information (Scotland) Regulations 2004 (EIRs), Freedom of Information Scotland Act 2002 (FOISA) and the FSAs appropriate exercise of its powers pursuant to section 19 of the Food Standards Act 1999.
- ensure AIC information is held under appropriate security safeguards, and where no other obligations or duties apply.

- ensure that data is shared in accordance with the accompanying 'Data Sharing Agreement' and data sharing restrictions are observed where applicable.
- notify the AIC of any changes to legislation or guidance relevant to the assurance schemes covered by this MOU.
- adhere to all statutory requirements and best practice (including any relevant Governmental protocols such as the Ministerial and Civil Service Codes and the Security Policy Framework Government Security Classifications - GOV.UK (www.gov.uk);  
<http://www.cabinetoffice.gov.uk/resource-library/security-policy-framework>);
- notify the AIC, if FSA, FSS and VMD become aware of enforcement action relating to scheme members which results in prosecution.
- work with AIC to continually improve the ER process and where necessary, subject to legislative restrictions, share information that supports this.
- work with other government departments to promote, where possible, a joint approach to ER.
- work with enforcement authorities to ensure:
  - the consistent application of the Earned Recognition process
  - a proportion of businesses with Earned Recognition are inspected (taking account of any frequencies set out in the Food and/or Feed Code of Practice)
  - that when earned recognition is removed from a business, enforcement authorities report their findings to the FSA, FSS and VMD.
  - that where authorities report removal of earned recognition to FSA, that information is forwarded to AIC.

## **8. Roles and Responsibilities – Agricultural Industries Confederation**

The primary responsibilities of the AIC in relation to ER are to:

- ensure contracted Certification Bodies (CBs) provide a sufficient number of suitably qualified and experienced assessors so that assessments can be performed efficiently and effectively.
- ensure approved schemes remain compliant with the 'Criteria for Earned Recognition' as set out in Annex C.
- notify the FSA of any proposed changes to the operation and management of the approved scheme that impacts on any of the criteria detailed in Annex C prior to implementation.
- ensure documents containing the mapping of the scheme standards against legislative requirements are kept up to date, with revised copies sent to the FSA.
- ensure the FSA are aware of any proposed changes to scheme standards before commencing a stakeholder consultation and that any final changes to the scheme have been mapped to relevant legislation and validated by the FSA in advance of the new version of the scheme standard being published.
- provide and update the FSA with contact details relating to the certification bodies contracted to carry out scheme assessments.
- work with the FSA to continually improve the Earned Recognition process.
- ensure management data is provided to support the Earned Recognition process, as specified in Annexes D and E
- support the process of meetings with the FSA, as detailed in Annex D
- subject to the requirements of the DPA, UK GDPR, FOI, FOISA and the EIRs, ensure information supplied by FSA, FSS and VMD is stored securely, access is restricted and is not processed outside of the Data Sharing Agreement.
- ensure that members are supplied with a privacy notice compliant with the UK GDPR, which includes notification that information will be shared with the FSA for the purposes of this MoU.

- notify the FSA and appropriate enforcement authorities of matters in relation to their remit immediately, when a certification body becomes aware of a serious threat to public health or animal health, any situation where there is an immediate and significant risk of unacceptable animal welfare practices, food fraud, food/feed contamination or environmental pollution, or any unlawful or fraudulent practices. AIC is to provide the FSA and the relevant enforcement authority with the specific details of such non-compliance including name, address and assessment report to facilitate any remedial action and enforcement.
- follow up exception reports in a timely manner. Conduct an immediate risk assessment of the reported non-compliances, before providing an interim response and rationale for proposed action to the FSA. Outcomes of subsequent investigations and follow up visits should be provided to the FSA within 7 working days.
- inform the FSA immediately if a Certification Body loses their UKAS accreditation.
- keep abreast of any changes to legislation or guidance relevant to the assurance schemes covered by this MoU.
- ensure the details in Annex F are kept up to date.

## 9. Application of this MoU

The enforcement of legislation identified in Annex B of this MoU extends to England, Wales, Northern Ireland and Scotland.

**Memorandum of Understanding between the Food Standards Agency, Food Standards Scotland, the Veterinary Medicines Directorate and the Agricultural Industries Confederation in relation to Earned Recognition for feed.**

The <b>Food Standards Agency</b> agrees and accepts the roles and responsibilities and principles as	On behalf of FSA Rebecca Kirk
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<p>detailed in this MoU in relation to the approved assurance schemes listed in Annex A.</p>	<p>Head of Regulatory Compliance Division Signature <i>Rebecca Kirk</i> Date 15/04/2024</p>
<p><b>Food Standards Scotland</b> agrees and accepts the roles and responsibilities and principles as detailed in this MoU in relation to the approved assurance schemes listed in Annex A.</p>	<p>On behalf of FSS Hamid Gazem Lead Feed Officer Signature <i>Hamid Gazem</i> Date <i>19 / 04 / 2024</i></p>
<p>The <b>Veterinary Medicines Directorate</b> agrees and accepts the roles and responsibilities and principles as detailed in this MoU in relation to the approved assurance schemes listed in Annex A.</p>	<p>On behalf of VMD Iwan Rees Regional Managing Inspector (South) &amp; Inspector Central England Signature <i>Iwan Rees</i> Date 16/04/24</p>
<p>The <b>Agricultural Industries Confederation</b> agrees and accepts the roles and responsibilities and principles as detailed in this MoU in relation to working with the FSA, the VMD and FSS in relation to attaining approved status for its schemes listed in Annex A.</p>	<p>On behalf of AIC John Kelley Chief Operating Officer Signature Date</p>

## **Annex A - Assurances schemes recognised under this MoU as qualifying for Earned Recognition**

This MoU recognises the following Agricultural Industries Confederation schemes for Earned Recognition within FSA’s remit as detailed below:

- Universal Feed Assurance Scheme (UFAS)
- Feed Materials Assurance Scheme (FEMAS)
- Trade Assurance Scheme for Combinable Crops (TASCC)

	<b>England</b>	<b>Northern Ireland</b>	<b>Scotland</b>	<b>Wales</b>
UFAS	FSA/VMD	FSA	FSS/VMD	FSA/VMD
TASCC	FSA	FSA	FSS	FSA
FEMAS	FSA	FSA	FSS	FSA

## **Annex B - Legislation Coverage**

The following legislation is covered by the MoU and any relevant amendments to them. Unless stated otherwise regulatory references for England, Wales & Scotland below refer to assimilated law.

### **England, Wales & Scotland:**

- Regulation (EC) No 625/2017 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, etc.
- Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
- Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene.
- Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed.
- Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed.
- Regulation (EC) No 1830/2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms.
- Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition.
- Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed.
- Regulation (EU) No 225/2012 amending Annex II to Regulation (EC) No 183/2005 of the European Parliament and of the Council as regards the approval of establishments placing on the market, for feed use, products derived from vegetable oils and blended fats and as regards the specific



requirements for production, storage, transport and dioxin testing of oils, fats and products derived thereof.

- The Animal Feed (Composition, Marketing & Use) (England) Regulations 2015
- The Animal Feed (Composition, Marketing & Use) (Wales) Regulations 2016
- The Animal Feed (Scotland) Regulations 2010
- The Veterinary Medicines Regulations 2013

### **Northern Ireland:**

- Regulation (EU) 625/2017 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.
- Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
- Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene.
- Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed.
- Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed.
- Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms.
- Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition.
- Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed.

- Regulation (EU) No 225/2012 amending Annex II to Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the approval of establishments placing on the market, for feed use, products derived from vegetable oils and blended fats and as regards the specific requirements for production, storage, transport and dioxin testing of oils, fats and products derived thereof.

## Annex C - Criteria for Earned Recognition

### Criteria for Earned Recognition

#### 1.0 Standard Setting

1.1 The industry scheme and its standards should cover applicable legislative requirements for the sector it covers, and include the following aspects of governance surrounding the establishment and setting of standards:

- a) **Governance:** The role and governance of the standard setting body should be clearly defined within the scheme and include representatives of all relevant stakeholders.
- b) **Standards:** There should be clearly defined processes for developing and reviewing scheme standards, with access to expertise and experience in relation to the sector to which the standards relate.
- c) **Legislation:** Processes should be in place to ensure standards are developed, mapped to the relevant requirements of legislation listed above in Annex B and where relevant, are reviewed in line with legislative changes; subject to point d below. The FSA must approve the legislative mapping prior to the publication of AIC standards.
- d) **Risk based:** A risk-based approach to standard setting should be used, drawing upon HACCP or an equivalent risk assessment process that identifies safety hazards and controls. However, requirements of relevant legislation must be met as a minimum.

## 2.0 Compliance and Certification

2.1 The industry schemes should clearly describe compliance as well as processes for assessment and review, in particular:

- a) **Compliance:** The scheme should provide guidance on interpretation and assessment of compliance and how non-conformities with standards are dealt with.
- b) **Monitoring:** Systems should be in place to monitor scheme requirements (the standards and process for assessment), to ensure they achieve acceptable levels of compliance; and
- c) **Review:** The scheme should have appropriate mechanisms for the development and review of scheme requirements (the standards and process for assessment), with the ability of relevant stakeholders, including competent authorities to contribute to this process.

2.2 The industry scheme must have the following processes/criteria in place for its certification bodies:

- a) UKAS accreditation (or equivalent) having ISO/IEC 17065 accreditation.
- b) A quality management system, including clearly defined management structure, processes for monitoring assessments and the objective collection and recording of evidence as part of the certification process.

- c) A certification process that is reviewed at least annually to ensure it is operating effectively and in accordance with the requirements of the assurance scheme.
- d) A process to ensure non-conformances are tracked, closed off or otherwise addressed subject to the scheme's requirements.
- e) A process to monitor the competence / performance of assessors.
- f) A process to ensure those responsible for certification are kept up to date with developments in standards and guidance for interpretation of standards; and
- g) A certification decision-making process that is clear, transparent, proportional, consistent and documented.

### **3.0 Assessment Process**

3.1 The industry scheme will need to demonstrate the following:

- a) The assessment process must be underpinned with guidance that deals with the assessment of standards and how nonconformities are dealt with in relation to the risk posed by non-compliance. Guidance should include procedures for dealing with repeat nonconformities, failure to rectify nonconformities and situations when certification should be withheld or suspended and circumstances in which it might be re-instated. In addition, the guidance must include verification of corrective action.

- b) The assessment must be carried out by assessors who are impartial, suitably qualified and experienced and maintain relevant sector knowledge.
- c) Frequency of assessments must be no less than the minimum set by legislation or code of practice for the sector covered by the assurance scheme. Assessments must be risked based and take into account previous history.
- d) An assessment must review all the standards set by the scheme applicable to the business which, as a minimum must include an onsite assessment, observation of operations and examination of records. The use of remote assessment may replace the onsite assessment of some of the minimum assessment requirements subject to prior agreement with the FSA's Regulatory Compliance Division.
- e) Comprehensive records of assessment findings should be maintained (date, name of assessor, scope of assessment, non-conformities, timescales for rectification etc), and;
- f) Assessments/audits should be unannounced as far as possible. There may be circumstances where short notice may be considered appropriate. Short notice means 24 hours where possible, but no more than 48 hours, examples of where notice may be considered appropriate are:
- when the purpose of an assessment is to see a particular process in operation; or
  - to examine records which can only be made available when the relevant personnel are present.

**4.0 Assessor Authorisation/Competence**

4.1 The industry scheme should have defined the following and have systems in place to ensure the certification body has:

- a) Criteria for appointing and authorising assessors including reference to professional qualifications, auditing skills, relevant experience and arrangements for ensuring on-going competency; and
- b) Induction and continued learning to enable assessors to demonstrate a clear understanding of scheme requirements, procedures and guidance for interpretation of standards and how nonconformities are handled.

**5.0 Standard Mapping**

5.1 Scheme standards will need to encompass relevant legislation applicable to the sector the scheme identifies with. The FSA, FSS and VMD will work with the scheme to ensure applicable legislation is identified.

5.2 If the FSA, FSS or VMD identifies that the scheme fails to cover any of the relevant legislative measures, the assurance scheme will be notified and required to amend the scheme by an agreed timeline in order to ensure ongoing FSA Approved Assurance status.

**6.0 Data Sharing and Communications**

6.1 The industry scheme must ensure that:

- a) Information is made available to the FSA, FSS, VMD and enforcement authorities to determine membership of the scheme (i.e., new members / members who choose to leave and members withdrawn from the scheme). Such data is kept up to date.
- b) Processes are in place to ensure that the FSA and enforcement authorities are informed immediately of any serious threat to public health, animal health or when there is an immediate and significant risk of unacceptable animal welfare practices, food fraud, food/feed contamination or environmental pollution, or any unlawful or fraudulent practices.
- c) Processes are in place to ensure the FSA, FSS, VMD and the enforcement authority are informed of members withdrawn due to non-conformance, within 7 working days, and;
- d) Processes are in place to ensure that when the scheme operator receives concerning information about a scheme member, the information is assessed and followed up with appropriate risk-based action; the outcomes of which must be shared with the FSA, FSS and VMD (as appropriate), as soon as reasonably practicable but no later than 7 working days after becoming aware of the concerning information.

6.2 The industry scheme must have systems and/or procedures in place to:

- a) Provide agreed data and information to the FSA, FSS and VMD.
- b) Communicate effectively with the FSA, FSS, VMD and enforcement authorities.
- c) Notify the FSA, FSS and VMD of changes to the scheme, particularly any changes to scheme standards that impact legislative requirements, prior to implementation and external publication.
- d) Participate in regular meetings with the FSA, FSS and VMD to discuss the operation of the scheme.
- e) Adhere to the terms of the data sharing agreement.



## Annex D - FSA Governance of Earned Recognition

Frequency	Activities	Inputs	Outputs	Responsibility
<b>Annual</b>	<ul style="list-style-type: none"> <li>Review of approved scheme against the FSA Criteria for Earned Recognition and requirements of the MoU.</li> </ul>	<ul style="list-style-type: none"> <li>Evidence to show compliance with the FSA Criteria for Earned Recognition.</li> <li>Review of management data as set out in Annexes D and E.</li> <li>Review any changes to legislation to ensure that those changes have been incorporated into (or will be incorporated into) the scheme's standards.</li> </ul>	<ul style="list-style-type: none"> <li>Documented desktop assessment comprising of evidence to support continued justification of Earned Recognition</li> <li>Site visit to observe the process undertaken to establish whether it was in keeping with scheme requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Review lead taken by the FSA, with input from FSS and VMD.</li> <li>Nominated resource from AIC</li> </ul>

Frequency	Activities	Inputs	Outputs	Responsibility
<b>Annual</b>	<ul style="list-style-type: none"> <li>FSA officials to review the evidence to justify continued support for Earned Recognition.</li> </ul>	<ul style="list-style-type: none"> <li>FSA review of governance and performance information e.g. evidence of compliance with key requirements, results of monitoring, data management as set out in Annexes C, D and E</li> </ul>	<ul style="list-style-type: none"> <li>Decision concerning the continuing justification for approved scheme status.</li> <li>Confirmation of outcome to AIC.</li> </ul>	<ul style="list-style-type: none"> <li>Review lead taken by FSA.</li> </ul>
<b>Quarterly</b>	<ul style="list-style-type: none"> <li>Meeting between FSA, FSS, VMD and AIC.</li> </ul>	<ul style="list-style-type: none"> <li>Management data as set out in Annexes D and E</li> <li>Review of exception reports and follow up action plans.</li> </ul>	<ul style="list-style-type: none"> <li>Notes of meetings</li> </ul>	<ul style="list-style-type: none"> <li>Lead taken by the FSA.</li> <li>Nominated resource from AIC.</li> </ul>

Frequency	Activities	Inputs	Outputs	Responsibility
<b>Ad-hoc</b>	<ul style="list-style-type: none"> <li>Meetings between FSA, FSS, VMD and AIC to discuss issues that may arise between the scheduled quarterly meetings.</li> </ul>	<ul style="list-style-type: none"> <li>Any data or relevant information</li> </ul>	<ul style="list-style-type: none"> <li>Notes of meetings</li> </ul>	<ul style="list-style-type: none"> <li>Lead taken by the FSA</li> <li>Nominated resource from AIC</li> </ul>

## Annex E - Data management

Data requirement	Frequency of data provision	Responsibility
<b>Membership of schemes</b>		
The identification of members/participants of the scheme indicating when the member was audited/assessed.	To be continuously available	AIC
The identification of members/participants that join the scheme.	Monthly	AIC
The identification of members/participants that are withdrawn due to non-compliance.	Within 7 days	AIC
The identification of members/participants that are withdrawn for other reasons (e.g. non-payment).	Monthly	AIC
Total number of scheme members	Annually	AIC
<b>Management of the assessment programme/process</b>		
Number of completed assessments/audits and the number of overdue assessments/audits for the reporting period.	Quarterly	AIC
The number of full assessments/audits: <ul style="list-style-type: none"> <li>• completed unannounced</li> <li>• completed at short notice</li> </ul>	Quarterly	AIC

Data requirement	Frequency of data provision	Responsibility
<ul style="list-style-type: none"> <li>completed remotely.</li> </ul>		
If relevant, the number of spot checks/partial assessments completed unannounced or short notice.	Quarterly	AIC
Update on any auditor/assessor training planned or completed, if required.	Quarterly	AIC
Number of witness assessments of auditors/assessors carried out by the certification body and/or the scheme and the outcome.	Quarterly	AIC
<b>Performance of scheme members</b>		
For each approved scheme - levels of conformance against specific clauses identified by the FSA, including those categorised as key to public health: <ul style="list-style-type: none"> <li>the number of non-conformances; and</li> <li>the percentage of non-conformances against the total number of assessments/ audits completed.</li> </ul>	Quarterly	AIC
Aggregated compliance information from regulators to be shared with the scheme.	As a minimum annually.	FSA

## **Annex F – Contact Details**

### **FSA**

#### **England:**

Head of Regulatory Standards & Industry Assurance

Email: earnedrecognitionssupport@food.gov.uk

#### **Wales:**

Head of Local Authority Delivery

Email: lasupportwales@food.gov.uk

#### **Northern Ireland:**

Head of Operational Policy and Delivery

Email: nioperationalpolicy@food.gov.uk

### **FSS**

Senior Feed Officer

Email : feed@fss.scot

### **VMD**

Regional Managing Inspector (South) & Inspector Central England

Email : i.rees@vmd.gov.uk

### **AIC**

Technical Manager

Email – enquiries@agindustries.org.uk

## **Glossary of Terms and Abbreviations**

- **AIC** – Agricultural Industries Confederation
- **AIC Audit** - Where an independent assessor contracted by the Certification Body checks for evidence of compliance against the AIC standards by visiting the businesses in the animal feed sector.
- **Competent Authority** - Has the meaning as defined in Article 3(3) of Regulation (EU) /625/2017 to mean the Competent Authority responsible for the performance of official controls and of other official activities, in accordance with that Regulation and the rules referred to in Article 1(2).
- **DAERA** – Department of Agriculture, Environment and Rural Affairs of Northern Ireland
- **Earned Recognition (ER)** – Food and feed business organisations who demonstrably maintain high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by the Competent Authority when determining the frequency of their official controls and therefore earn recognition.
- **Enforcement authority** - Has the meaning as defined by Regulation 2(1) of The Food Safety and Hygiene (England) Regulations 2013 to mean the authority which, is responsible for executing and enforcing the Hygiene Regulations. In Wales, EA has its meaning defined by Regulation 2(1) of the Food Hygiene (Wales) Regulations 2006 to mean the authority which, by virtue of Regulation 5, is responsible for enforcing and executing the Hygiene Regulations. In Scotland FSS is the enforcement authority. The Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020.
- **Establishment** - Has the meaning as defined by Article 3(d) of Regulation (EC) No 183/2005 to mean any unit of a feed business. It does not simply mean “premises” but is directly linked to the business occupying the establishment (establishment denotes both premises and manner in which those premises are being used by the FeBO).
- **Feed Business** - Has the meaning as defined by Article 3(5) of Regulation (EC) No 178/2002 to mean any undertaking whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage, transport, or distribution of feed including any producer

producing, processing, or storing feed for feeding to animals on his own holding.

- **Feed Business Operator (FeBO)** - Has the meaning as defined by Article 3(6) of Regulation (EC) No 178/2002 to mean the natural or legal persons responsible for ensuring that the requirements of the relevant legislation are met within the feed business under their control.
- **Feed Law** - Has the meaning as defined by Article 3 (2)) of Regulation 625/2017 to mean the laws, regulations and administrative provisions governing feed in general and feed safety in particular, at any stage of production, processing and distribution or use of feed.
- **Food Standards Agency (FSA)** - The Competent Authority for England, Wales, and Northern Ireland.
- **FSS** - Food Standards Scotland
- **Local Authority (LA)** - Has the meaning set out in Section 1 of the Local Government Act 1972. 24
- **MoU** - Memorandum of Understanding
- **Non-compliance** - Failure to comply with one or more of the requirements of feed law.
- **Official Control** - Has the meaning as defined by 2 (1) of EC (no) 625/2017 to mean activities performed by the competent authorities, or by the delegated bodies or the natural persons to which certain official control tasks have been delegated in accordance with this Regulation, in order to verify:
  - (a) compliance by the operators with this Regulation and with the rules referred to in Article 1(2); and
  - (b) that animals or goods meet the requirements laid down in the rules referred to in Article 1(2), including for the issuance of an official certificate or official attestation.
- **VMD** – Veterinary Medicines Directorate