

**MISSION REFERENCE NUMBER: DG(SANCO)/8654/2002
INSPECTION MISSION TO THE UNITED KINGDOM FROM 2-13
SEPTEMBER 2002 IN ORDER TO EVALUATE THE OPERATION OF
CONTROLS OVER THE TRACEABILITY OF BEEF AND BEEF PRODUCTS**

COMMENTS FROM THE UNITED KINGDOM ON THE DRAFT REPORT

PART 1: MATTERS TO DO WITH FACTUAL ACCURACY AND CONTENT

Abbreviations and special terms used in the report (Page 3)

Add "s" after "Payment".

Section 1: Report Summary

Paragraph 2, (page 4)

The UK authorities are of the view that it would be more accurate to say "....The UK authorities have taken a different *interpretation* to that of the Commission in respect of *some detailed requirements* of the EU legislation...".

Paragraph 4 (page 4)

The UK authorities are unable to agree with the following statement "Dealers were not registered/approved as foreseen in Council Directive 64/432."

In GB, owners or a person in charge of bovine animals are required to register any holding on which bovine animals are kept with the Divisional Veterinary Officer under Regulation 4 of The Bovine Animals (Records, Identification and Movements) Order 1995 made under the Animal Health Act 1981. This came into force on 30 January 1995 and remains in force under the Cattle Identification Regulations 1998. The regulation applies to any establishment, construction or, in the case of an open-air farm, place in which bovine animals are kept, held or handled. It does not limit the amount of time which bovine animals spend on the holding. Herd marks are then allocated to cattle keepers by Animal Health Divisional Offices.

The UK considers that this registration of holdings and those in charge of bovine animals meets the requirements of Article 13 of 64/432 for those who deal directly in cattle. It is not obvious from Article 13 how a person could deal "indirectly" in cattle. We are aware that in markets, people buy cattle on behalf of other cattle keepers and then send them to their customers' holdings. However, we would observe that they are not responsible for the identification, health or welfare of the cattle at any point. While the cattle remain on the premises of the market, the market operators are the keepers under 1760/2000 and related legislation, or the "dealers" under Article 13 of 64/432. Once on the holding of destination, whether he has paid his



purchaser-by-proxy or not, the person in charge of bovine animals on that holding is the keeper under 1760/2000 or the dealer under 64/432. The purchaser-by-proxy at the market does not appear to have the responsibilities for the animals envisaged by either 64/432 in animal health areas, or as by 1760/2000 in identification and registration areas

We are also aware that some keepers use agents to order ear tags and undertake other paperwork for them, including notifying movements of cattle to CTS or applying for subsidies. Using an agent in any circumstances to fulfil requirements under 1760/2000 does not, however, negate the keeper's overall responsibility for ensuring that the correct information is notified to CTS. He remains responsible for any errors the agent may make in transmitting information on his behalf. Lists of agents do exist, although they are not maintained by the central authorities, whose legal interest is with those responsible for keeping cattle.

Paragraph 6, line 27 (page 4)

The last sentence would more correctly read "In cutting plants, none of the systems seen were able to meet the *full* requirements of the EU legislation, *in particular in relation to forward traceability*."

Paragraph 7, (page 4)

Insert "*all*" before "the requirements".

Section 6: Mission outcome

Sub-section 6.1 Legislation

Conclusion (page 8)

The UK authorities are of the view that the only difference between British legislation and EU legislation identified in the draft report is the incorrect transposition of Article 10 of Council Directive 64/433/EEC (penultimate paragraph of Sub-section 6.1, page 9). The other issues raised by the mission concern the interpretations which UK authorities have taken in embracing directly applicable EU law. They take the view that the first paragraph would more correctly read:

"The mission team identified one difference between British legislation *and Council Directive 64/433/EEC and some differences between the UK authorities and the Commission in the interpretation of other EU legislation covered by this mission.*"

Findings, 2nd paragraph (page 9)

After "- use of ISO codes for names of Member States and in particular the use of "UK" ", insert "*instead of "The United Kingdom of Great Britain and Northern Ireland"*".



Findings, 2nd paragraph (page 9)

Despite the discussion between the FVO inspectors and the UK officials at the opening meeting, the UK authorities still do not understand the FVO inspectors' point regarding the "creation of carcass batches at slaughterhouses level which are not individually related to the animal".

The UK authorities are clear that carcasses must be traceable to the individual animal through the kill number until they are dismembered. The mission team clearly had a fixed view on this issue but we can find nothing that might offer a clue.

Findings, 3rd paragraph (page 9)

The draft report states that Article 7 of Regulation (EC) 1760/2000 allows a maximum of 7 days for the birth of an animal to be notified to the competent authority. The Regulation is clear that the animal should be identified within 20 days of birth. The UK authorities argue that one of the main purposes of the Regulation is to secure the accurate birth details and identity of the animal. The first operation should therefore be the identification (by tagging within 20 days) followed by birth registration of those details (within a further 7 days). It is not practicable to both identify and register all animals within 7 days of birth. It is for this reason that the UK authorities interpret Council Regulation (EC) 1760/2000 to require birth registration within 7 days of identifying the animal, i.e. within a maximum of 27 days of its birth.

Sub-section 6.2 Competent Authorities' controls

Conclusions, paragraph 4 (page 10)

The only example of this weakness identified by the mission concerned Local Authorities in Wales (see line 5 page 11). The UK authorities take the view that this paragraph would more correctly read, "*In the case of some local authorities training was inadequate....*"

Conclusions, paragraph 6 (page 10)

The FVO inspectors were critical of only certain detailed aspects of the UK procedures for giving approvals under the voluntary labelling system (see 10th para, page 11), all relating to consideration and approval of control systems. We suggest that the words "are not fulfilled" are replaced with "*are not fully met*".

Findings, paragraphs 2, 4, 5 (page 11)

Replace "Meat Hygiene Service" with "*Food Standards Agency*"



Findings, paragraph 10 (page 11)

In lines 1 and 2 amend “were not under full control” to read “*had not been subject to on the spot checks*” and add at end “*The mission recognised that programmes of on the spot checks had been deferred in the UK as a result of the FMD outbreak in 2001 and had yet to be completed.*”

Findings, paragraph 15 (page 11)

The UK authorities accept that they cannot detect every incidence of non-compliance at farm level at all times. We offer full guidance to keepers on the cattle identification and tracing regulations. BCMS has a national help line, charged at local call rate and open extended hours, to answer queries from keepers. Our enforcement authorities are active in correcting non-compliance whenever it is found, and co-operate fully with one another

Findings, paragraph 16 (page 11)

Amend “in Great Britain” to read “*in Scotland*”. As far as we are aware this criticism applied only to SEERAD’s form, not Defra/RPA’s.

Findings, paragraph 17 (page 11)

Amend “In several establishments” to “*one establishment in Scotland*”. As far as we are aware the mission found only the one example of this.

Findings, paragraph 21 (page 12)

The draft report does not make clear in what respect supervision was insufficient. Local authorities throughout GB have a duty under the Animal Health Act and the Cattle Identification Regulations 1998 (as amended) to enforce the legislation in markets.

Sub-section 6.3 Holding registration and animal identification

Findings, paragraph 4 (page 12)

The UK Authorities have kept the Commission informed at every stage of the development of the separate databases in NI and GB. It understood that such separate development came within the requirements of the Council Regulation. The Commission approved the NI database in 1999 and the GB database gained provisional approval in November 2001. The UK has always viewed NI and GB as distinct entities for disease control purposes.

Nevertheless, it is not strictly true to state there is no link between the databases of NI and GB.

Firstly BCMS operators can access the NI APHIS system directly through a sign-on of their own.



Secondly there is the paper link whereby any animal moving into GB from NI is accompanied by a paper passport, which is then added to the BCMS database just as if it were moving within GB. The same applies in reverse in that the paper passports issued by GB are captured on APHIS immediately post importation by DARD.

Thirdly, annual reconciliations of the actual cattle transfers between the two regions and the records on their databases are performed.

Findings, paragraph 5 (page 12)

See comments on Section 1, paragraph 4 above.

Findings, paragraph 6 (page 12)

While only changes of identity have to be recorded in the on-farm herd register (for animals born before 1 January 1998), the purchase of replacement ear tags for animals is always recorded as such on the Ear Tag Allocation System (ETAS).

Sub-section 6.4 Tracing of bovine animal movements

Conclusions, paragraph 1 (page 13)

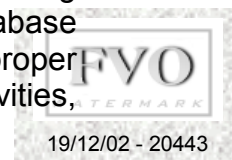
The UK is of the view that this conclusion is unsupported by any evidence in the report and requests the FVO inspectors to remove it from the final report. The identification and tracing system in GB allows all cattle movements to be traced, though not necessarily by using the CTS database alone.

Conclusions, paragraph 2 (page 13)

On the 13 September 2002, there were 199,875 cattle which had an OFF movement registered on CTS, but no subsequent ON movement within the notification of movement deadline. There were on that same date 9,743,586 live cattle registered on CTS.

The conclusion that the GB database does not operate in such a way as to ensure proper implementation of legal requirements or to detect potentially illegal activities, cannot be logically drawn from the fact that notifications are made late, and that only 2% of animals were “floating” on 13 September 2002.

The UK authorities consider that the system for cattle identification and tracing envisaged in Council Regulation 1760/2000 sees the computerised database as only one part of the system. The enforcement system in GB, for the proper implementation of legal requirements and to detect potentially illegal activities, does not rely entirely on the information contained in the CTS database.



Findings, paragraph 3 (page 13)

Keepers can apply for passports for cattle born on their holding via CTS On-line or SIS email, or by using the pre-printed passport application form (PPAF). Calves that have moved from the holding of birth on the temporary calf passport (the PPAF fulfills this purpose) are issued with passports when the PPAF is sent to BCMS. Movements can be reported by using CTS On-line, SIS email or movement card, telephone or letter. Deaths must be reported using the passport, PPAF, the Certificate of CTS Registration or in the case of home-bred animals using CTS On-line.

Findings, paragraph 4, (page 14)

– 2nd indent

The responsibility for the reporting of movements lies with the keeper. The statistics quoted show that 90% of passports are applied for within the 27-day deadline, and that 82% of movements are notified to CTS within the 7-day deadline in the EU legislation.

– 3rd indent

The statistics quoted show that 98% of cattle registered on the database have not “disappeared” by moving off a holding but apparently not moving on to another (even though the UK authorities would accept that there are many cattle which have other kinds of anomalies in their movement histories).

– 6th indent

Only 871 inspection reports had been analysed. The inspection programme this year should cover about 13,000 holdings.

– 7th indent

The anomaly checker program stops at the first anomaly in an animal’s history and flags it as requiring investigation. If that is an OFF movement with no subsequent ON movement, this would be flagged. The FVO point out that the number of animals with this kind of history on the database is 2% of the herd. It would be more accurate to observe that the UK authorities do not give first priority to solving these anomalies, rather than that they cannot.

– 8th indent

The inferred movements program works within strictly delineated parameters and any such movements are identified on CTS. It allows only certain movement patterns to be inferred. Users of CTS On-line can see when the program has been used and can correct the database.



- 9th indent

The responsibility for reporting movements correctly to the database lies with the keeper. He may do this through a third party without reference to BCMS; that does not negate his responsibility. As a further control following Foot and Mouth Disease, SEERAD has arranged with markets and slaughterhouses for them to report the movement off the keeper's holding and the movement on to the next keeper's, as well as the movement through the market.

6.5 Tracing of beef and beef products within the food processing chain

Findings, paragraph 2 (page 15)

UK legislation requires ears to be removed prior to inspection. The MHS ensures that correlated inspection is carried out in accordance with the Fresh Meat Regulations.

Findings, paragraph 3, 4th indent (page 15, line 27)

Replace comma after "insufficient" with full stop.

Findings, paragraph 3, 7th indent (page 15)

Paragraph 3 identifies deficiencies noted by the FVO inspectors. To avoid confusion, it would help if the report specified which legislation prohibits the use of meat from two different countries in the manufacture of minced meat. There is no such prohibition in the Hygiene Directive 94/65 nor in Regulation 1760/2000.

Findings, paragraph 3, 8th indent (page 15)

The meaning of this paragraph is unclear. Does it mean that the FVO was unable to correlate the capacity of the production line with the quantities of mince produced, with consequential doubts about traceability arrangements?

Sub-section 6.6 Tracing of beef and beef products through the retail distribution, storage and sale chain

Findings, paragraph 2 (page 16, line 12)

The UK authorities take the view that the first sentence should more accurately read "The origin could in most cases not be satisfactorily confirmed *with a complete paper trail, in the time available*". We believe that more robust evidence could have been obtained if more time had been available.



Sub-section 6.7 Labelling

Findings, paragraph 2, 1st indent (page 16)

The FVO inspectors claim that labels on minced beef “*never indicated*” the collagen to meat protein ratio or percentage fat content as required under Directive 94/65. It is unclear whether this comment refers solely to minced meat produced to full EC standard, for which there is such a legal requirement (point 4 of Chapter VI of Annex I), or to national market minced meat, which is exempt under Article 4(1)(c)(i). The UK authorities take the view that the FVO can not use the term “*never*” if some of the minced meat they saw was produced in accordance with national market standards and to which these labelling requirements do not apply.

Sub-section 6.8 – Additional findings

Findings, paragraph 5 (page 18)

The UK authorities ask the FVO to remove this finding from the final report because they believe it to be incorrect. The Veterinary Officer who followed the FVO inspectors along the slaughtering line has confirmed that all bolt holes on the heads had been properly positioned and there had been no problem with stunning. Furthermore, a follow up inspection by the Meat Hygiene Service confirmed that the animal had been properly stunned in accordance with EU and national legislative requirements. The movement of the animal was a cross reflex and not due to inadequate stunning.

Although the MHS does not accept the finding of the mission it has fully investigated the protocols and systems for stunning at the slaughterhouse. It has found that these comply fully with legislation. Both the MHS and the plant operator, however, have initiated improvements to calm animals prior to stunning through additional training, improvement to lighting in the race leading to the stunning box and noise suppression.

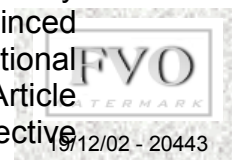
Footnote 20 (page 18)

Replace “Food Safety Authority” with “*Food Standards Agency*”

Sub-sub-Section 6.8.2

Findings (page 19)

Both findings under 6.8.2 do not follow on from the conclusion and are, in any case, either wrong or misleading. On the question of approval for minced meat production, establishments producing minced meat for the national market may be either approved or registered in accordance with Article 4(1)(b) of the Directive. It is therefore entirely acceptable under the Directive



for an approved cutting plant to be registered for national market production of minced meat, and the FVO report should not suggest to the contrary.

The second finding is in two parts. The first indicates that no health marks are used for minced meat to be placed on the national market. This is correct. The Directive strictly prohibits the use of the EC health mark on such product but is silent on the question of a national health mark. The UK regulations make no provision for a national health mark for minced meat and is therefore entirely in line with the Directive. The UK authorities ask the FVO to amend their comment so that it cannot be construed to mean that the UK is in conflict with the Directive, which is clearly not the case.

The second part of this finding suggests the labelling requirements in point 4 of Chapter VI of Annex I are mandatory for national market minced meat. This is not so. As indicated above in the comments on labelling (section 6.7), the Directive exempts minced meat produced for the national market from this requirement. The UK authorities therefore request the FVO to delete this sentence/finding from the draft report.



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PART 2: ACTION TAKEN IN RESPECT OF THE FINDINGS

Section 1: Summary report

Paragraph 5 (page 4)

Irregularities identified by the FVO inspectors are being followed up.

Section 6 Mission outcome, Sub-section 6.1 Legislation

Findings, paragraph 16 (page 11)

The UK authorities can confirm the up to date form is now being used in Scotland.

Section 6 Mission outcome, Sub-section 6.3 Holding registration and animal identification

Findings, paragraph 7 (page 12)

The UK has noted these comments. UK legislation requires the operator to register live animals in the slaughterhouse and check they are eligible for slaughter. As part of our routine reviews of procedures, Defra intends to write to slaughterhouse operators to remind them of their duties generally under the Cattle Identification Regulations 1998 (including ante-mortem identity checks).

The GB authorities' agreement with the FSA (MHS) does not require the OVS to undertake identification checks at ante mortem inspection. A reminder will also be sent by the FSA to OVSs in cattle slaughterhouses to check that the operator is carrying out their pre-slaughter duties and to take enforcement action if they are not doing so.

Findings, paragraph 8 (page 13)

BCMS issued an information leaflet in GB reminding keepers of their duties under the regulations to all keepers in April 2002, and have recently drawn up the attached "Easy Reference Sheet". This will issue to keepers with bovine subsidy guidance during the autumn of this year, and will be sent to new keepers and in response to queries from farmers.



Section 6 Mission outcome: Sub-section 6.4 Tracing of bovine movements

Findings, paragraph 4 (page 14)

– *1st indent*

The FVO inspectors' comments are noted. The holdings' cattle identification procedures had not been recently inspected; the discrepancies would have been picked up under the NAWARAD inspection procedures. Action has been taken by NAWARAD and BCMS in these cases.

Section 6 Mission outcome: Sub-section 6.5 Tracing of beef and beef products within the food processing chain

Conclusions, paragraph 2 (page 15)

Findings, paragraph 1 (page 15)

Slaughterhouse operatives have a duty to check the identities of cattle coming on to the slaughterhouse. The UK authorities plan to write to slaughterhouses before the end of the year reminding them of their general duties under the regulations. The GB Authorities' agreement with the FSA (MHS) does not require the OVS to undertake identification checks at ante mortem inspection.

Findings, paragraph 3, 1st indent (page 15)

Instructions to MHS staff on reconciliation of incoming and outgoing meat in cutting premises have been found to be insufficient. Revised instructions will be issued in the MHS Operations Manual.

Findings, paragraph 3, 9th indent (page 16)

Instructions to MHS staff on checking commercial documentation in cutting premises have been found to be insufficient. Revised instructions will be issued in the MHS Operations Manual.

Section 6 Mission outcome: Sub-section 6.7 Labelling

Findings, paragraph 1, 1st indent (page 16)

MHS staff are currently instructed to check that commercial documentation accompanying frozen red meat contains the date of freezing but are not requested to check that this information is contained on labels attached to the meat. The MHS is in discussion with the FSA regarding the issuing of new instructions to enforce the legislation.



Sub-section 6.8 Additional findings

Findings, Paragraph 1 (page 17)

MHS Regional Directors have been requested to check that all cutting plants are correctly supervised. This has been completed. Where supervision has been found to be inadequate this has been corrected and additional staff deployed.

Findings, paragraph 2 (page 18)

The MHS is currently putting in place an internal audit structure designed to both raise hygiene standards in EU approved premises and to improve enforcement of these standards by its staff.

Findings, paragraph 3 (page 18)

Reminder will be sent to all MHS staff, via a fortnightly staff information bulletin, to ensure that health marks comply with both MHS instructions and UK legislation.

Findings, paragraph 4 (page 18)

The MHS are investigating the circumstances at this particular plant and are considering the extent of the problem and what action might be required.

Findings, paragraph 6 (page 18)

As response to Sub-section 6.5, Findings, paragraph 3, 9th indent

