

Appendix 1

Administrative Arrangements For the Implementation and Conduct Of Official Controls on Food and Feed Imported Through London Heathrow Airport

A Review Conducted On Behalf of the Food Standards Agency

June 2005

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1. Executive Summary

Heathrow Airport is located within the London Borough of Hillingdon. Hillingdon Borough Council is therefore the Local Authority and Food Authority for Heathrow Airport. Immediately to the East, West and South of Heathrow Airport are the administrative areas of the London Borough of Hounslow, Slough Borough Council, Spelthorne Borough Council and Surrey County Council.

Hillingdon, HM Revenue and Customs, Defra Horticultural Marketing Inspectorate, Defra Plant Health and Seeds Inspectorate, and the State Veterinary Service all have enforcement responsibilities for the importation of food and feed at Heathrow Airport.

The division of these enforcement responsibilities creates a complex picture in which there are gaps that could be exploited. These need to be plugged by simple but effective controls to deter and detect illegal imports and facilitate legitimate trade. This applies particularly to high-risk products of non-animal origin that are subject to emergency controls or other special import procedures imposed by the UK Government or the European Commission.

Customs operational procedures enable cargo to be moved off-airport to airline-operated Remote Transit Sheds for Customs entry. This includes Products of Animal Origin, which Customs and Hillingdon permit to be removed to off-airport Remote Transit Sheds and then returned to the on-airport Border Inspection Post for inspection. Remote Transit Sheds are immediately adjacent to Heathrow Airport but outside the administrative area of Hillingdon.

Hillingdon has direct responsibility for enforcing the Imported Food Regulations¹, the Products of Animal Origin (Third Country Imports) Regulations², the Organic Products (Imports from Third Countries) Regulations³, and other legislation that applies to the importation of food and feed. Beyond its administrative boundary, enforcement is confined to investigation of offences.

Customs operational procedures also enable food and feed of non-animal origin to be moved for Customs clearance from Transit Sheds and Remote Transit Sheds to agent-operated Enhanced Remote Transit Sheds, or direct to a trader's premises under Customs Freight Simplified Procedures.

Around 120 Enhanced Remote Transit Sheds within a 10-mile radius of Heathrow Airport are listed by HM Revenue and Customs, the majority of which are in Hounslow, Slough and Spelthorne. Traders operating Customs Freight Simplified Procedures are located throughout the United Kingdom.

Some of these Enhanced Remote Transit Sheds handle imported food and feed of non-animal origin from third countries for Customs clearance that have arrived in the UK at other south-east airports including Gatwick, Stansted and Manston. This is because the operators of Enhanced Remote Transit Sheds transport consignments by whatever means is available at the time and are not necessarily tied to any particular carrier or point of arrival.

¹ The Imported Food Regulations 1997, as amended, SI 1997 No.2537;

² The Products of Animal Origin (Third Country Imports) (England) Regulations 2004, as amended, SI 2004 No.1214;

³ The Organic Products Regulations 2004, as amended, SI 2004 No.1604

The port operator for Heathrow Airport does not have a unified port inventory system to enable Hillingdon to identify and hold consignments of food and feed for official control or to enable consignments to be tracked from pre-arrival to despatch. A port inventory system logs the arrival and departure of consignments and their progress through the port. It is usually set up by the port operator as a computer-based networked system, which is accessible to import control authorities to identify, target and hold consignments for checking.

There is no general legal duty on importers or agents to pre-notify Food or Port Health Authorities of the arrival of food and feed of non-animal origin from third countries, including high-risk commodities that are subject to emergency European Union controls. The only exception to pre-notification for food of non-animal origin is organic produce from third countries, which requires checking and certification at the point of entry into the EU to maintain its organic status.

Regulation (EC) No. 882/2004⁴ comes into effect on 1st January 2006 and will create a harmonised regime for the official control of food and feed of non-animal origin imported into the European Union from third countries. Regulations (EC) No. 852/2004⁵, 853/2004⁶ and 854/2004⁷ also come into effect.

The Food Standards Agency is recommended to use the timing of the implementation of Regulations (EC) No. 882/2004, 852/2004, 853/2004 and 854/2004 as an opportunity to:

- Make a single enforcing authority responsible for enforcing, at Heathrow Airport and at Remote Transit Sheds around the Airport itself, of which there are four at the time of writing this report, all legislation relating to the legal importation of products of animal origin from third countries, and all other food and feed legislation that applies at the place of importation into the European Union or the United Kingdom;
- Require all official controls on high-risk food and feed of non-animal origin imported from third countries to be conducted by the port health or food authority for the port or airport at which the food or feed arrives in the UK, those relating to Heathrow Airport being conducted at Transit Sheds or at Remote Transit Sheds by the single Heathrow Airport enforcing authority;
- Ensure that “non-port local authorities” have appropriate powers to deal effectively with imported food and feed from third countries requiring prior-notification that has not been pre-notified and/or not been subject to appropriate controls at the port or airport at which the food or feed arrived in the UK, in the case of Heathrow Airport this being at a Transit Shed or a Remote Transit Shed;

⁴ Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;

⁵ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs;

⁶ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin;

⁷ Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption;

- Develop a scaleable⁸ web-based prior-notification and import control processing system for food and feed of non-animal origin that is subject to EC emergency controls, to be piloted at Heathrow Airport from 1st January 2006, in partnership with other stakeholders and in furtherance of the principal of a single window⁹ and joined-up working;
- Explore with Defra the possibility of developing and expanding the Procedure for Electronic Application for Certificates (PEACH) system as the single-window for the prior-notification and processing of imported consignments of food and feed of non-animal origin from third countries;
- Establish and fund the employment of an airport food and feed import co-ordinator, to be seconded to (or to work very closely with) the single Heathrow Airport enforcing authority, initially for 2 years, to facilitate the improvement of local authority administrative procedures at Heathrow Airport as set out in the Food Standards Agency's 10 Point Plan.

⁸ Flexibility to expand as necessary without the need for further technical development

⁹ The "Single Window", project-managed by Business.Gov, part of the Small Business Service

2. Terms of Reference

The Food Standards Agency commissioned a review of the current administrative arrangements for official controls on food imported from third countries through Heathrow Airport.

The review consultant was asked to make recommendations necessary to improve public health controls with regard to food safety.

The Agency allocated 10 days for the review and production of a first draft of the review report.

The review terms of reference included:

- Identification of specific aspects of imported food controls where current administrative arrangements across four local authority areas result in potential public health risks, problems for importers at Heathrow Airport and recommendations for improvements.
- Identification of concerns about goods arriving at transit sheds and Enhanced Remote Transit Sheds at Heathrow from other airports, and how this impacts on the administrative arrangements across the four local authorities at Heathrow.
- Reference to the specific legislation associated with imported food, including the Veterinary Checks Regime (1997/78/EEC¹⁰) and the work of Border Inspection Posts, the Imported Food Regulations 1997, the Contaminants in Food Regulations¹¹ and various European Union safeguard provisions.
- Interviews with the local authorities that have enforcement responsibilities in and around LHR, namely London Borough of Hillingdon, London Borough of Hounslow, Slough Borough Council, Spelthorne Borough Council, and Surrey County Council, and with the Corporation of London who operate the LHR Live Animal Reception Centre.
- Consideration of any concerns from Central Government departments including Defra (for products of animal origin imports, plant health, and organic certification) as well as Customs and Excise, Food Standards Agency and Dept of Health.
- Input from the trade, including the British Airport Authority responsible for Heathrow Airport, the British International Freight Association and SITPRO.
- Focusing on specific arrangements at Heathrow which appear to work well from enforcement, government and trade perspectives, and suggestions for further improvements or wider application. The review should consider the merits of a single body for Heathrow, use of the Home Authority principle and an active focus group to resolve local issues.

¹⁰ 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 countries;

¹¹ The Contaminants in Food (England) Regulations 2005, as amended, SI 2005 No.3062;

The review was conducted during January 2005 and the first draft of the report was delivered to the Food Standards Agency on 31st January 2005.

3. Background

Following the outbreak of Foot and Mouth Disease that began early in 2001 the Food Standards Agency Board adopted a 10-point plan to address concerns about the implementation of controls on the importation of food and feed into the UK from third countries. The report included a commitment to “improve local authority administration for Heathrow”.

The Cabinet Office Machinery of Government Secretariat also conducted a wide-ranging review of “The Organisation of the Government’s Controls of Imports of Animals, Fish, Plants and Their Products¹²”.

The review made the following observations that are relevant to the inspection of legitimate trade in animal products and food that are imported through Heathrow Airport:

- There was a lack of consistency in the interpretation of legislation and requirements for the import of animal products and foodstuffs by different Local Authorities at ports. As a consequence business users were given inconsistent advice;
- The management of trade in animal products and food at Heathrow airport is particularly difficult, where five Local Authorities control different parts of the airport and surrounding remote transit sheds (where goods can be stored before Customs clearance). Legitimate trade in meat and most animal products will have been pre-notified, subject to the veterinary checks regime and cleared through a Border Inspection Post inspection facility. A trader can be advised differently on the requirements for the import of products depending on which part of the airport, or particular transit shed, the goods are presented.
- The operation of Border Inspection Posts is implemented differently by Local Authorities at ports. For instance some Authorities allow the port operator to build one inspection facility for Customs and the Local Authority to share. Other Authorities don’t - which means additional costs for some port operators and private companies providing these facilities.
- There is no single port of call for business enquiries on Local Authority responsibilities at ports.
- There is no secured financing of inspection of non-animal origin foodstuff (e.g. nuts and figs for aflatoxins) that fall to the Local Authorities at ports. There is no overall national objective for this work. Although there have been “pilot audits” there is no systematic national monitoring or audit of this function in place.
- The IT resources available to Local Authorities at ports appeared somewhat dated with different systems in place at different ports. This makes it more difficult for the Local Authorities to share data between themselves – and also more difficult for traders and Agencies to provide information to individual authorities.

¹² <http://www.cabinetoffice.gov.uk/publications/reports/pdf/illegal%20imports%20paper.pdf>

- Some Local Authorities at ports have access to the computerised port inventory systems, which presents summarised data on the contents of cargo. The system also allows other Agencies such as Customs to flag up their intent to inspect a consignment – thus allowing a co-ordinated inspection to take place. The systems are limited in that all Agencies were not flagging up their intention to inspect a particular consignment – thus allowing a co-ordinated inspection between all the agencies to be put in place. However even this limited system was not available to all Local Authorities and relied on local agreements between individual Agencies and port operators.

Following the Cabinet Office report:

- In April 2003, responsibility for the enforcement of border controls relating to the illegal importation of products of animal origin into the European Union from third countries via Great Britain was transferred from Port Health Authorities and Food Authorities to HM Revenue and Customs;

In 2004 Heathrow Airport handled 1,325,185 tonnes of cargo of which 11,537 tonnes was food of animal origin, and 137.330 tonnes was food of non-animal origin. More than 90% of the food and feed imported through Heathrow is fresh fruit, vegetables, salad and herbs¹³.

Heathrow Airport is located to the west of London. The airport itself, i.e. the runways, taxiways and other areas used for aircraft movements, lies wholly within the London Borough of Hillingdon.

Heathrow Airport is located at the southern end of Hillingdon's administrative area, surrounded by four other local authority areas. Hillingdon and Hounslow are London Boroughs, Slough is a Unitary Authority, Spelthorne is a District Council, and Surrey is a County Council. Each of these five authorities is a Food Authority for the purposes of the Food Safety Act¹⁴. Hillingdon is the Food Authority for the airport itself.

Space for development at the airport itself is limited, and many airport-related operations therefore take place at facilities located around the airport perimeter, including the handling and Customs clearance of some cargo. This cargo includes food and feed that is imported into the European Union from third countries, including products of animal origin. Some airport-related operations that take place outside the Airport itself take place in the area of a local authority other than Hillingdon, i.e. beyond Hillingdon's jurisdiction as Food Authority for the Airport itself.

¹³ LB Hillingdon Port Health Service

¹⁴ The Food Safety Act 1990.

4. Local Authorities

Local Authorities (and Port Health Authorities in some sea and river ports) have primary responsibility for enforcing legislation relating to the safety, composition and labelling of food and feed, including food and feed that is imported into the UK, and therefore also into the EU, from third countries.

Primary responsibility for conducting official controls on food and feed that arrives in the UK at Heathrow Airport from third countries rests with the local Food Authority, i.e. LB Hillingdon.

Local Food Authorities in the immediate vicinity of the Airport itself have taken on the role of checking imported food and feed that arrives at Enhanced Remote Transit Sheds in their areas from Remote Transit Sheds adjacent to the Airport itself, and from other airports in the South East.

4.1 Hillingdon London Borough Council

As a London Borough Council and Food Authority for the area that includes the airport itself, Hillingdon has responsibility for enforcing the Food Safety Act and Regulations made under it. Hillingdon also has responsibility for enforcing the Imported Food Regulations and the Organic Products (Imports from Third Countries) Regulations in relation to relevant products that are imported through Heathrow Airport.

Hillingdon is responsible for conducting veterinary checks on products of animal origin imported from third countries through Heathrow Airport. These checks are conducted at the Heathrow Airport Border Inspection Post, which comprises three separate facilities provided by British Airways, the Star Alliance group of airlines, and the Corporation of London. These facilities handle products intended for human consumption and products that are not for human consumption, products intended for human consumption only, and live animals respectively. The airlines and the Corporation of London provide the Border Inspection Post facilities on behalf of BAA plc and Heathrow Airport Ltd., the commercial owners and operators of Heathrow Airport.

HM Revenue and Customs operational procedures have been adapted at Heathrow Airport to accommodate the severe space limitations within the Airport itself. These operational procedures enable un-cleared cargo consignments to be removed from the Airport to Remote Transit Sheds, although these remain in the immediate vicinity of the Airport itself and within Customs jurisdiction.

Remote Transit Sheds have a virtual airside/landside boundary instead of an actual boundary as exists in Transit Sheds. Remote Transit Sheds are not within Hillingdon, and Hillingdon's "port health"¹⁵ officers have no legal jurisdiction in them in relation to the enforcement of official controls on food and feed of non-animal origin. This contrasts with the situation in relation to products of animal origin where Hillingdon does have powers to act outside the boundaries of its administrative area.

¹⁵ This term is used by Hillingdon because they are a local authority which discharges port health functions at Heathrow, but they are not a designated Port Health Authority.

Hillingdon has established a “port health” team that operates from offices within the Heathrow Airport cargo centre on the south side of the Airport itself. The team comprises 5 Official Veterinary Surgeons, 9 Environmental Health Officers, 6 Technical Officers, 3 Administrators, 1 Information Officer, 1 Scientific Officer, and 1 Team Manager. The “port health” team covers the 19 Transit Sheds that are located within the Airport itself, and the 16 Enhanced Remote Transit Sheds that are located within Hillingdon.

Hillingdon’s “port health” office is open from 08.00 to 24.00 Monday to Friday, 09.00 to 15.00 Saturday and Sunday, and at other times when prior-notification has been received of the arrival of consignments requiring inspection. Staff are also on call outside these hours giving 24 hour, 7 days per week cover.

Hillingdon’s airport health team resources are focussed primarily on the control of products of animal origin, because of legislative requirements and the prior-notification of consignments. Resources devoted to the control of food and feed of non-animal origin are relatively minor, with only around 3.5% of officer time being allocated to this area of work.

4.2 Hounslow London Borough Council

Hounslow is a London Borough Council and a Food Authority and therefore has similar enforcement responsibilities to Hillingdon for the Food Safety Act and Regulations made under it within its area. The significant difference is that no part of Heathrow Airport itself lies within Hounslow.

More than 100 Enhanced Remote Transit Sheds and two Remote Transit Sheds are located in Hounslow, and Hounslow has developed voluntary procedures for importers and agents to notify consignments of imported food and feed of non-animal origin that are delivered to Remote Transit Sheds and Enhanced Remote Transit Sheds.

Hounslow officers are not involved exclusively in imported food control. It has a system whereby a member of the food team focuses on imported food and feed every day, Monday to Friday, during normal office hours to provide advice and to undertake visits and inspections. Hounslow has not identified a need to operate an out of hours imported food service.

Hounslow has formally authorised Slough officers under the Food Safety Act to operate within Hounslow’s area as part of a joint working initiative to undertake controls on imported food and feed of non-animal origin in Remote Transit Sheds with FSA grants for sampling and surveillance in 2003/04 and 2004/05.

Hounslow has detected illegally imported products of animal origin from third countries in Remote Transit Sheds and Enhanced Remote Transit Sheds. These instances have primarily been in consolidated consignments from West Africa that have been landed at Gatwick and been transported by road to an Enhanced Remote Transit Shed in Hounslow. HM Revenue and Customs dealt with these as illegal imports.

4.3 Slough Borough Council

Slough Borough Council is a Unitary Authority and a Food Authority and therefore has similar enforcement responsibilities to Hillingdon for the Food Safety Act and Regulations made under it within its area. Again, the significant difference is that no part of Heathrow Airport itself lies within Slough.

Slough has a team of 1.75 full time equivalent specialist officers who inspect imported food and conduct targeted enforcement operations at the 29 Enhanced Remote Transit Sheds within Slough. Their office is open during normal office hours, Monday to Friday. An officer is on duty outside these hours to provide 24 hour, 7 days per week cover, mainly to process requests for organic product certification.

Slough has developed an e-mail-based spreadsheet notification system for food and feed of non-animal origin that it has made available to Hillingdon, Hounslow and Spelthorne. The system has been developed primarily for imports where there is statutory requirement for prior-notification but no statutory requirement that any particular notification system be used. Hounslow uses the Slough system but receives very few notifications. Hillingdon and Spelthorne have paper and fax-based notification systems.

The majority of Slough's imported food-related enforcement workload is concentrated on a single Enhanced Remote Transit Shed that handles mainly fresh fruit and vegetables. This includes around 1600 consignments per year of organic produce from third countries for which Slough endorses official certificates of inspection. Slough's involvement with this particular facility would cease if the operator moved out of the borough. 28 other Enhanced Remote Transit Sheds account for Slough's remaining 5% of imported food-related work.

Slough has also detected illegally imported products of animal origin from third countries being moved to Enhanced Remote Transit Sheds that have not been presented for inspection at the Heathrow Airport Border Inspection Post.

4.4 Spelthorne Borough Council

Spelthorne is a relatively small District Council, and it has responsibility for enforcing the Food Safety Act and Regulations relating primarily to hygiene and microbiological safety of food and food premises. A significant part of Heathrow Airport was formerly within Spelthorne, including much of the cargo area, but boundary changes in the 1990's moved the whole of the airport itself into Hillingdon.

The Food Safety Act Code of Practice, Paragraph 1.1.3, indicates that Spelthorne, as a District Council, has responsibility only for certain functions under the Act. Surrey County Council has responsibility for the remaining functions. Spelthorne should therefore have responsibility for enforcing legislation relating to the microbiological quality of food, the contamination of food by micro-organisms and their toxins, and contamination by foreign matter. This appears to include some (but not all) of the emergency controls imposed by the European Commission, although it must be noted that these controls are implemented and enforced under Regulations made under the European Communities Act, not the Food Safety Act.

Spelthorne's area includes 2 large Remote Transit Sheds and 11 Enhanced Remote Transit Sheds. These are subject to programmed risk-based food hygiene inspections, ad hoc spot checks to determine whether food is being handled that requires inspection, and reactive visits on request. During 2004 Spelthorne received

7 requests to inspect imported food from third countries at Remote Transit Sheds and Enhanced Remote Transit Sheds in its area. Of these, 5 related to imports of chilli powder that are subject to EC emergency controls.

Spelthorne has not detected significant quantities of illegal imports of products of animal origin from third countries in Remote Transit Sheds or Enhanced Remote Transit Sheds in its area. One consolidated consignment containing live snails (which had died in transit) was seized and destroyed by HM Revenue and Customs.

4.5 Surrey County Council

The administrative county of Surrey includes the area of Spelthorne Borough Council. Surrey County Council is a Food Authority.

The Food Safety Act Code of Practice, Paragraph 1.1.4, indicates that Surrey should have responsibility for enforcing legislation relating to the adulteration, composition, advertisement, presentation and labelling of food, and the chemical contamination of food other than where the contamination presents an imminent risk to health. This would appear to include some of the emergency controls imposed by the European Commission, including those relating to food that containing illegally added sudan dyes. However, it must be noted that these controls are implemented and enforced under Regulations made under the European Communities Act, not the Food Safety Act.

Surrey is aware that there are 11 Enhanced Remote Transit Sheds in its area and these have been surveyed twice in the last three years to ascertain whether they handle imported food or feed. Only one has been found to handle food or feed regularly, and this, together with the others that handle food or feed have been included in Surrey's planned food standards inspection programme. Surrey have also carried out joint visits with Spelthorne Council to the 2 Remote Transit Sheds in the County.

Surrey has also received FSA grant for 2004-2005 imported food sampling work, and is aware of businesses in its area that handle imported food and feed, most of which enters the UK through sea ports such as Felixstowe and Southampton. Surrey regularly advises and takes samples for analysis from these and other "Home Authority" companies based in the County. Otherwise, Surrey has had little involvement in specific imported food-related enforcement activity, or Heathrow Airport-related activity, and therefore feels that it does not need to have a service to deal with such matters other than during normal office opening hours.

5. Legislative Framework – Pre 1st January 2006

5.1 Background

The current legislative framework relating specifically to the importation into the European Union and the United Kingdom of food and feed from third countries covers products of animal origin, high-risk foods of non-animal origin and other foods of non-animal origin. General food and feed law also applies to imported food and feed, including food hygiene and safety, labelling, additives, and compositional standards.

Alongside legislation relating specifically to food and feed are frameworks relating to organic food, plant and seed health, and marketing standards for fruit, vegetables and nuts. The Department for Environment, Food and Rural affairs (Defra) Plant Health and Seeds Inspectorate and the Horticultural Marketing Inspectorate enforce these respectively.

5.2 Products of Animal Origin – Pre 1st January 2006

The importation of products of animal origin into the European Union from third countries is harmonised under the veterinary checks framework Directive 97/78 EC, which specifies requirements for prior-notification, documentation, presentation for official checks, seizure, detention, re-despatch, destruction, and release into free circulation.

Port Health Authorities for seaports, and Local Authorities for airports and seaports where there is no Port Health Authority, are responsible for enforcing this legislation in relation to products for human consumption within their areas. Hillingdon is the enforcing authority for products of animal origin for human consumption imported into the European Union through Heathrow Airport, and conducts official the controls at two inspection facilities that comprise the Heathrow Airport Border Inspection Post.

Enforcement in relation to imported products of animal origin from third countries that have not been pre-notified, including concealed and smuggled goods and undeclared products of animal origin in consolidated loads, is the responsibility of HM Revenue and Customs at GB ports and airports, and in Customs designated areas such as Enhanced Remote Transit Sheds. Local Authorities are responsible for enforcement of controls on illegal imports in any areas that are not the responsibility of HM Revenue and Customs.

5.3 High-Risk Food of Non-Animal Origin – Pre 1st January 2006

The Contaminants in Food Regulations and Emergency Control Regulations that relate to a range of specified commodities impose conditions on the importation and placing on the market of specified high-risk foods of non-animal origin in the European Union. Specified products may only be imported into the European Union through designated ports and airports that are listed in Commission Decisions. Heathrow Airport is a designated port of entry for some products that are subject to European Union emergency controls.

In relation to specified products that are imported through Heathrow Airport, the Regulations are enforced by Hillingdon at Transit Sheds within the Airport itself and other premises within Hillingdon's area, and by the relevant Food Authority for the area in which the Remote Transit Sheds around the Airport itself and other premises are located.

Although enforcing authorities have a duty to enforce the Regulations, and it is an offence to import and place on the market specified products in contravention of the Regulations, there is no legal duty on importers or agents to pre-notify the arrival of relevant consignments to enforcing authorities.

Emergency Control Regulations are enforced by Port Health and Food Authorities, but are made under the European Communities Act, not the Food Safety Act. Powers of seizure and detention under the Food Safety Act are not amongst the provisions that are applied by the Emergency Control Regulations.

The absence of a unified port inventory system at Heathrow Airport means enforcing authorities are unable to identify relevant food and feed consignments or to evaluate and target checks and controls effectively. Enforcing authorities rely on liaison with importers and other traders, risk and intelligence-based targeting, ad hoc inspections, informal notifications, and targeted enforcement procedures to identify and control relevant consignments.

5.4 Other Food of Non-Animal Origin

The importation of other foods of non-animal origin into the United Kingdom is controlled by the Imported Food Regulations. The Imported Food Regulations are primarily United Kingdom national legislation, based on historic controls that were updated when specific controls on products of animal origin came into effect, that does not apply elsewhere in the European Union.

Port Health Authorities, or Food Authorities where there is no Port Health Authority, enforce the Imported Food Regulations within ports and airports. The Regulations also include provisions for the deferment of inspections to a specified inland Food Authority in certain circumstances.

6. Legislative Framework – From 1st January 2006

Regulation (EC) No. 882/2004 (the Control Regulation) and Regulations 852/2004, 853/2004 and 854/2004 (the Hygiene Regulations) come into effect on 1st January 2006, creating a harmonised regime for the official control of food and feed entering the European Union from third countries.

The Control Regulation will enhance the existing veterinary check regime under framework Directive 97/78 EC. It will require controls to be conducted on food and feed of animal origin to verify compliance with aspects of food and feed law that the veterinary checks regime does not cover, including checks on labelling, additives, contaminants and composition.

The Control Regulation will also require official controls to be conducted on food and feed of non-animal origin imported into the European Union from third countries, including at least a systematic documentary check. The requirements include the designation of points of entry for specified high-risk food and feed on the basis of availability of suitable control facilities to enable proper investigations to be carried out and food and feed handled hygienically. The importation of designated high-risk consignments by food and feed business operators will require prior-notification.

Details of how this will operate in practice have yet to be decided and consultation on the UK implementation Regulations were due to begin at the time this report was written.

7. Other Control Authorities

7.1 Corporation of London

The Corporation of London is designated under Section 50 of the Animal Health Act 1981 as the enforcing authority for illegally imported animals throughout Greater London, and in that capacity operates the animal reception centre for Heathrow Airport.

The animal reception centre is also the live animal Border Inspection Post for Heathrow Airport, which is maintained and operated by the Corporation of London on behalf of BAA plc, Heathrow Airport Ltd., and the State Veterinary Service, which has responsibility for conducting official controls on imported live animals.

The Corporation of London has also been contracted by Hillingdon to enforce Hillingdon's animal health and welfare responsibilities at Heathrow Airport under an agency agreement.

The Corporation of London is the Port Health Authority for the Port of London, which covers the River Thames from Teddington to the Thames Estuary and the lower Medway. The London Port Health Authority is responsible for conducting imported food and feed controls at London City Airport, which is located within the London Borough of Newham.

7.2 Horticultural Marketing Inspectorate

The Horticultural Marketing Inspectorate of Defra is responsible for enforcing EC marketing standards relating to certain specified fresh fruit, vegetables and nuts that are imported into the EU from third countries.

The marketing standards regime requires prior-notification to the Horticultural Marketing Inspectorate of the arrival of relevant consignments that are subject to control. Consignments from certain third countries that have been recognised by the European Commission as having equivalent controls do not require routine inspection. Inspections are conducted on an assessed-risk basis prior to Customs clearance.

HM Revenue and Customs require production of a certificate of conformity issued by the Horticultural Marketing Inspectorate before releasing a consignment. Profiles have been set up on the Customs CHIEF information system to prevent the release of a consignment until the relevant certificate has been produced.

The Horticultural Marketing Inspectorate has developed a web-based notification and information system for prior-notification and subsequent processing of relevant consignments. The system, known as "PEACH", conducts the risk-assessment and determines which consignments are to be inspected, including the random selection of a proportion of consignments that are to be inspected under European Commission rules.

Inspectors are able to download details of physical checks that have been selected by the PEACH system onto their laptop computers and are able to issue certificates of conformity or other relevant documentation once these checks have been

satisfactorily completed. Importers and agents can print their own certificates of conformity for consignments that do not require inspection directly from the PEACH system.

Importers must pre-register in order to be able to use the PEACH system, although its use is not compulsory. However, the web-based nature of the PEACH system means that exporters and agents in countries of origin are able to input consignment details, which is convenient to exporters who frequently do not know how, when or where a particular consignment will be transported until the last minute. This addresses the operational requirements and procedures of air-cargo carriers, where the availability of space on a particular flight determines when and where a consignment actually arrives in the United Kingdom.

7.3 Plant Health and Seeds Inspectorate

The Plant Health and Seeds Inspectorate enforces legislation designed to prevent the introduction of plant pests and diseases into the EU from third countries. The plant health regime is currently undergoing changes that come into effect in the UK on 1st April 2005.

The Plant Health and Seeds Inspectorate's current inspection rate of around 5% of relevant imports is expected initially to increase to between 50% and 60% under the new regime. These levels will decrease, however, as product profiles become established and controls and checks become more risk-based. The new regime creates an opportunity for increased co-operation and joint working between the Plant Health and Seeds Inspectorate and Port Health and Local Authorities at ports and airports.

The new regime will require all relevant material to be controlled at the point of entry into the EU through a combination of documentary, identity and physical checks. EU Member States may apply to the EC for a reduced inspection regime to apply in certain circumstances based on historical intelligence and risk-assessment. Relevant consignments will require prior-notification of arrival to the Plant Health and Seeds Inspectorate.

As with the Horticultural Marketing Inspectorate, Customs clearance is dependent on the production of relevant documentation, and profiles have been established on the Customs CHIEF system to identify relevant consignments.

The Plant Health and Seeds Inspectorate is currently working with the Horticultural Marketing Inspectorate to use the PEACH system for prior-notifications, consignment tracking and risk-assessment.

7.4 HM Revenue and Customs

HM Revenue and Customs is the principal import control authority in the UK, and has ultimate control over the release of imports from third countries into the UK and the EU. In a number of instances, including the importation of products of animal origin, Customs require the production of documentation from the relevant control authority before consignments are released.

Customs have developed import-processing procedures for Heathrow Airport in conjunction with Hillingdon and the other control authorities, that are documented and published in Trader Notices, setting out local procedures for import processing.

Customs use the "CHIEF" information system to process consignments, and are able to tag commodity types to indicate requirements for documentation from other control authorities before release. However, commodity types are not necessarily defined precisely enough to enable tagging in all cases.

Consignments from third countries that are imported into the EU via the UK are subject to HM Revenue and Customs clearance procedures. These procedures are tailored to particular types of trader, types of commodity, and other criteria that determine how a particular consignment is processed for Customs purposes.

In simple terms, imported consignments that are subject to Customs control must be entered into the Customs data system before they can be physically removed from the port or airport environment. This data entry takes place at a Transit Shed, which is a building that has, in the case of an airport, a physical airside / landside boundary, or at a Remote Transit Shed, which is a building that has a virtual airside / landside boundary.

Individual airlines or airline alliances (Star, OneWorld etc.) operate the Transit Sheds and Remote Transit Sheds at Heathrow Airport. There are four Remote Transit Sheds around Heathrow Airport, none of which is within the airport itself. Two of the Remote Transit Sheds are in LB Hounslow and two are in the Borough of Spelthorne and the County of Surrey.

Hillingdon, as Food Authority for the Airport itself, has legal responsibility for enforcing the Imported Food Regulations, and emergency controls on high-risk food and feed of non-animal origin, in relation to food and feed that arrives at Heathrow Airport from third countries. However, it is not possible for Hillingdon to do this in relation to consignments of such products for which Customs entry takes place in Remote Transit Sheds outside Hillingdon's area.

Once details of a consignment have been entered into the Customs data system it may generally be removed from the Transit Shed or Remote Transit Shed to an Enhanced Remote Transit Shed away from the airport for completion of Customs processing and final clearance for release. This does not apply to Products of Animal Origin which must be removed to the Border Inspection Post. Enhanced Remote Transit Sheds are generally operated by import / export agents. There are approximately 120 Enhanced Remote Transit Sheds within a 10-mile radius of the Airport itself.

Most Enhanced Remote Transit Sheds are located within the areas of local authorities in the immediate vicinity of the Airport itself, namely LB Hillingdon, LB Hounslow, Slough BC, Spelthorne BC and Surrey County Council.

7.5 Medicines and Healthcare Regulatory Agency

The Medicines and Healthcare products Regulatory Agency (MHRA) is responsible for enforcing legislation concerning the production, importation and marketing of medicinal products and herbal remedies. The MHRA also has responsibility for determining whether “borderline products¹⁶” are medicinal products.

The MHRA has no enforcement responsibilities in relation to food. However, a product that would otherwise be a food is a medicinal product if it contains a pharmacologically active ingredient, including some products that are marketed as food supplements. The MHRA has enforcement responsibility in such cases.

A product cannot be a food and a medicinal product. The MHRA therefore has an interest in knowing about imports of borderline products, and about imports of unlicensed or smuggled medicinal products that may be found during the course of imported food and feed controls.

The MHRA is not interested in foods for which illegal medicinal claims are made. These should be dealt with by Port Health and Food Authorities under relevant provisions of the Food Labelling Regulations.

¹⁶ A product that is not clearly a medicinal product, but which has a composition and / or intended use of which may bring it within the definition of medicinal product.

8. Inter-Authority Liaison

8.1 Heathrow Airport Liaison Group

In 2001 Slough Borough Council established an Heathrow Airport Liaison Group for local authorities in the immediate vicinity of Heathrow Airport and other interested parties. The Liaison Group includes representatives from Hillingdon, Hounslow, Slough, Spelthorne, HM Revenue and Customs and the Food Standards Agency.

Membership of the group has expanded to include representatives from Surrey County Council, and local authorities covering other airports in the south east including Gatwick and Luton. The Group meets quarterly in Slough.

The Liaison Group works constructively to discuss procedural and other practical issues, although it depends heavily on Slough to organise meetings and provide support, and on members to attend and contribute.

8.2 London Chief Officers Airport Liaison Group

The London Chief Officers have established an Airport Liaison Group. Membership includes the local authorities for Heathrow, Gatwick, London City, Stansted and Luton airports. The Group meets twice per year to ensure consistency of enforcement and procedures (including imported food control) at London airports.

8.3 The Association of Port Health Authorities

The Association of Port Health Authorities is an organisation representing Port Health Authorities and Local Authorities that have ports and airports in their areas. Hillingdon and Slough are members, and Hillingdon representatives sit on the Association's Imported Food, Airport Liaison and Border Inspection Post Liaison Committees.

The Association's web site indicates that the Association's policy is to support the establishment of a single enforcing authority for Heathrow Airport.

9. Information Systems

Large seaports generally have a single unified port inventory control system, run by the port operator, for monitoring the arrival and processing of consignments to their final release and despatch from the port. These systems are generally accessible to Port Health and Local Authorities at ports and can be used to identify consignments for inspection and to prevent their release until controls have been completed.

There is no similar unified port inventory system at Heathrow Airport or, it is believed, at any other UK airport. Hillingdon therefore has to rely on informal notifications, ad hoc and targeted inspections, intelligence from other control authorities, and targeted enforcement operations to detect consignments of food and feed of non-animal origin for official controls.

The absence of a suitable information system that can receive and process the prior-notification of consignments effectively may become a significant obstacle to trade when prior-notification becomes mandatory.

Hillingdon does not have direct access to HM Revenue and Customs CHIEF system at the Airport but does liaise closely with Customs to establish commodity profiles on CHIEF that flag consignments requiring port health documentation prior to release from Customs control. However, Hillingdon's experience is that the configuration of commodity codes in CHIEF does not always facilitate the establishment of such profiles for some types of product, e.g. it does not differentiate between organic and non-organic produce.

10. Trade Issues

Trade concerns about the organisation and implementation of official controls at the border between the UK and third countries, including Heathrow Airport, revolve around the issues of consistency, information and documentation, service availability, and cost. Cost is outside the scope of this review.

10.1 Consistency

Importers and agents expect, local authorities and other official agencies to have consistent and compatible policies, to operate consistent and compatible procedures, and to use standard documentation, to enable them to standardise their own procedures for clearing consignments through official controls.

Procedures relating to products of animal origin are generally perceived to be reasonably consistent between ports and airports, because they are largely defined in legislation, and because they have been operating for many years and have therefore become established in trade and enforcement practice. This is not the case with food and feed of non-animal origin.

Although local authority members of the Heathrow Airport Liaison Group in the immediate vicinity of Heathrow Airport have made progress in developing consistent procedures and documentation for food and feed of non-animal origin, there is scope for further advances in this area.

10.2 Information and Documentation

Information about consignments of imported food and feed from third countries is required by a variety of central and local government agencies to satisfy import control conditions and to enable the release of consignments. Importers are unable to do anything with products they have imported until they have been released by the import control authorities. Importers and agents find the need to provide the same or similar information to different central and local government agencies both time-consuming and frustrating, and is a recurring theme in all sectors. They are therefore enthusiastic supporters of the "Single Window" project, whereby import information would be provided only once, to be shared as necessary between the various official agencies that have an interest.

The requirements of import control authorities on agents and importers to produce original copies of documents is also seen as anachronistic by importers and agents who have become familiar with the use of electronic documents in their own trading environments. Manifests, invoices, and insurance and financial documentation are increasingly issued in electronic format and accepted in that format for commercial purposes. The insistence of import control authorities on seeing or receiving hard copies documents that could be provided in electronic format in a secure environment is seen as costly and inefficient.

10.3 Service Availability

Heathrow Airport is a 24 hours per day, 7 days per week, 365 days per year operation, even when flights are not landing and taking off.

Local authorities in the immediate vicinity of Heathrow Airport operate different opening and working hours that reflect demands on their services. Hillingdon has staff working between 08.00 and midnight Monday to Friday and 09.00 to 15.00 at weekends, Slough has an officer on call, and Hounslow, Surrey and Spelthorne do not have out of hours services.

11. Options Considered

11.1 Status Quo (Do Nothing)

Maintaining the status quo is a realistic option if developments since the publication of the Food Standards Agency's 10-point plan have been sufficient to address the concerns that were highlighted in the Cabinet Office report and elsewhere.

Significant developments have included the Food Standards Agency's Step Change in imported food and feed control. This has resulted in a significant increase in resources centrally, and a significant increase in targeted support to Port Health and Local Authorities, including funding for increased surveillance and sampling, and the provision of information and guidance.

Another significant development since the publication of the Cabinet Office report has been the transfer of responsibility within ports and airports (outside BIPs) for the enforcement of controls relating to, and the detection of, illegally imported products of animal origin from Port Health and Local Authorities to HM Revenue and Customs.

Co-ordination and co-operation between Food Authorities in the immediate vicinity of Heathrow Airport and those covering other South East airports has also increased and improved since the Cabinet Office report was published through the development of the Heathrow Imported Food Liaison Group, facilitated and led by Slough.

However, although these developments are positive, they do not fully address the fundamental problem at Heathrow Airport in relation to the effective implementation of controls on the importation of high risk food and feed of non-animal origin from third countries that are highlighted earlier in this report.

11.2 Food Authority for Greater London

The Corporation of London has been designated as the enforcing authority for the whole of Greater London in relation to illegal imports of live animals, setting a precedent that could be mirrored in relation to food and feed enforcement, including imports.

However, this would not address the need for the effective enforcement of controls on high-risk food and feed of non-animal origin in Remote Transit Sheds located within the Borough of Spelthorne, which is not part of Greater London.

11.3 Port Health Authority for Heathrow Airport

It has been suggested that the area covered by the London Port Health Authority might be extended to include the relevant parts of all the local authorities which have food responsibilities at Heathrow airport. However:

- technically, this would not be feasible without change to primary legislation. (The London Borough of Hillingdon is not a riparian authority so could not be included within the area of an extended London Port Health Authority); and

- more fundamentally, port health authorities are established under legislation concerned with infectious diseases in humans, not under food safety legislation. It is preferable to deal with a food safety issue under food safety legislation.

11.4 Home Authority for Heathrow Airport

The Home Authority Principle is an informal liaison arrangement between local authorities that is primarily designed to promote consistency of interpretation and enforcement. Although the designation of Home Authority for Heathrow Airport might help to address some concerns about current arrangements, it would not address the fundamental essential of ensuring the effective enforcement of emergency controls on high-risk food and feed of non-animal origin.

Emergency controls are effectively quarantine measures, and the intention is that they should be effectively enforced before relevant consignments leave the port or airport environment.

11.5 Food Authority for Heathrow Airport

The fundamental problems at Heathrow Airport in relation to the effective implementation of controls on the importation of high-risk food and feed of non-animal origin from third countries arise primarily from the location of Remote Transit Sheds, currently 4 in number, outside the boundary of LB Hillingdon as Food Authority for the Airport itself.

Hillingdon officers have a specific power under the Products of Animal Origin (Import and Export) Regulations¹⁷ to enter premises outside their area, but these powers do not extend to high-risk food and feed of non-animal origin.

The designation of a single authority as Food Authority for Heathrow Airport, including Remote Transit Sheds in the immediate vicinity of the Airport itself would enable the effective enforcement of emergency controls as quarantine measures. It would also enhance the powers of the authority in relation to products of animal origin.

For these reasons, the designation of a single Food Authority for Heathrow Airport, as described in more detail elsewhere in this report, is the recommended solution.

The recommendation does not identify any authority or authorities that would appear to be most suitable to take on this role. However an authority that is responsible for enforcing the full range of food and feed legislation would appear to be most appropriate, which means a London Authority, a Unitary Authority, or a Port Health Authority.

¹⁷ The Products of Animal Origin (Import and Export) Regulations 1996, as amended SI 1996 No. 3124.

12. Conclusions

12.1 Local Authorities

The Products of Animal Origin (Third Country Imports) Regulations, the Contaminants in Food Regulations, European Commission emergency controls on food and feed of non-animal origin, and the Imported Food Regulations are primarily public and animal health protection measures. As such, they should be enforced effectively as quarantine measures to achieve their primary objective of preventing the importation into the European Union or the United Kingdom of food from third countries that poses a potential threat to public or animal health. Official controls should therefore be conducted at the point or points at which they will be most effective in achieving this objective.

Food that is imported into the European Union and the United Kingdom from third countries through Heathrow Airport includes both food of animal origin and food of non-animal origin. Hillingdon London Borough Council is the Food Authority for the Airport itself and as such has primary responsibility for enforcing public and animal health quarantine measures relating to the importation of food and feed through Heathrow Airport.

In simple terms, HM Revenue and Customs procedures require consignments from third countries to be notified to Customs at the point of importation into the United Kingdom. In relation to Heathrow Airport this notification (or Customs entry) occurs either at a Transit Shed or at a Remote Transit Shed. Transit Sheds are located within LHR and are therefore within Hillingdon's jurisdiction since all of the Airport itself is within Hillingdon's administrative boundary.

The limited availability of developable land at Heathrow Airport has resulted in developments around the periphery of the Airport itself, including the development of Remote Transit Sheds. Remote Transit Sheds are airline warehouses for cargo carried on the airline's aircraft, and cargo from other airlines for which the operator acts as agent. Customs entry for these consignments occurs at the Remote Transit Sheds, which are not within Hillingdon's jurisdiction, because they are within the administrative boundaries of two neighbouring local authorities. 4 Remote Transit Sheds are currently associated with Heathrow Airport although this number could increase.

These two neighbouring authorities are aware that Remote Transit Sheds are located within their areas and have established inspection procedures that appear to be working well to the extent that a service is provided. However, the service that both local authorities are able to provide is limited to Monday to Friday office hours. They do not have the resources to provide a service outside those hours. This creates the potential for consignments of food and feed from third countries to enter the European Union and the United Kingdom without being exposed to appropriate official controls.

This would be addressed by designating a single Food Authority for the Airport itself and for the Remote Transit Sheds around Heathrow Airport, and requiring official controls on food and feed imported into the European Union and the United Kingdom through Heathrow Airport to be conducted in the Transit Sheds at the Airport itself or

the Remote Transit Sheds in the immediate vicinity by the single Heathrow Airport Food Authority.

To close the enforcement loop, “non-port local authorities” would require powers to deal effectively with illegally imported food and feed from third countries requiring prior-notification that has not been pre-notified and not been subject to appropriate controls at a Transit Shed or a Remote Transit Shed. Such powers already exist in relation to products of animal origin.

12.2 Information Systems

The absence of a unified port inventory system at Heathrow Airport makes it difficult for Hillingdon (and for other control authorities, e.g. the Horticultural Marketing Inspectorate and the Plant Health and Seeds Inspectorate) to collect intelligence about consignments in which they have an interest as import control authority. It also makes it less easy for Hillingdon to be able to “hold” consignments for the conduct of official controls such as inspection and sampling.

Hillingdon’s existing paper-based notification system for food and feed of non-animal origin may not be the most efficient or business-focussed method of processing the importation of high-risk food and feed of non-animal origin from third countries when prior-notification requirements come into effect with the implementation of Regulation (EC) No. 882/2004.

A large proportion of food and feed of non-animal origin from third countries that are imported into the European Union and the United Kingdom through Heathrow Airport are fresh fruit, vegetables, salad and herbs. These are likely either to already be handled by the Horticultural Inspectorate’s “PEACH” prior-notification and clearance processing system, or will be when the Plant Health and Seed Inspectorate begins to use the system later this year.

The implementation of Regulation (EC) No. 882/2004 provides an opportunity to develop a web-based system that will handle the prior-notification of high-risk food and feed of non-animal origin. A partnership between the Food Standards Agency and Defra, through joint development and use of the Horticultural Marketing Inspectorate and Plant Health and Seeds Inspectorate “PEACH” system would be a positive move towards “joined-up” service delivery and “single-window” principles.

The absence of a unified port inventory system at Heathrow Airport provides an opportunity for such a system to be piloted at the Airport itself before rollout to other airports and ports.

12.3 Co-ordination and Consistency

The co-ordination of local authority enforcement activity in relation to food and feed imported through Heathrow Airport and other south east airports appears to be working well. The Heathrow Airport Liaison Group convenes regularly in Slough, and Slough has done a lot of work to establish a consistent approach to the conduct of official controls on imported food.

The Food Safety Act Code of Practice (Paragraph 1.1.9) encourages liaison between authorities serving businesses in the same sector, and indicates that LACORS can facilitate the development of such arrangements. The Heathrow Airport Liaison Group is a good example of liaison in practice that could be used as the model for the development of a small network of UK Airport Liaison Groups, with LACORS' assistance.

Local authorities in the immediate vicinity of the Airport itself are generally aware of the Enhanced Remote Transit Sheds that have been established in their areas, and have included them in their planned inspection programmes. Some also conduct proactive inspections of imported food in Enhanced Remote Transit Sheds and sample imported food for examination or analysis. Enhanced Remote Transit Sheds exist in other local authority areas, and imported food and feed from other south east airports is handled at Enhanced Remote Transit Sheds around Heathrow Airport.

The implementation of Regulation (EC) No. 882/2004 will create a demand for increased enforcement co-ordination and the development of a consistent enforcement approach. This is particularly so in relation to the release of imported food and feed of non-animal origin from third countries from airport Transit Sheds and Remote Transit Sheds to Enhanced Remote Transit Sheds, and the enforcement powers of "non-port local authorities" to deal with illegal imports that have by-passed official controls at airports.

The appointment by the Food Standards Agency of an airport food and feed import co-ordinator would address this demand and relieve local authorities around Heathrow Airport of some of the burden of organising this activity. Seconding the co-ordinator to the single Heathrow Airport enforcing authority for 2 years would place the post holder "at the coal face", but within reach of the Food Standard's Agency's headquarters in London.

The co-ordinator's role would include (but not exclusively):

- Working closely with the single Heathrow Airport enforcing authority to develop procedures based on principles set out in the new EC food and feed control and hygiene Regulations;
- Development of appropriate material for an enforcement Code of Practice and/or Practice Guidance, and;
- Facilitation of an airport sector Home Authority Liaison Group in association with other airport Food Authorities and LACORS.

13. Recommendations

1. To ensure consistency of enforcement, a single local authority point of contact for importers and agents, and an integrated imported food and feed control service at Heathrow Airport, the Food Standards Agency is recommended to:

- Make a single enforcing authority responsible for enforcing, at Heathrow Airport and at Remote Transit Sheds around the Airport itself, of which there are four at the time of writing this report, all legislation relating to the legal importation of products of animal origin from third countries, and all other food and feed legislation that applies at the place of importation into the European Union or the United Kingdom;
- Require all official controls on high risk food and feed of non-animal origin imported from third countries to be conducted by the port health or food authority for the port or airport at which the food or feed arrives in the UK, those relating to Heathrow Airport being conducted at Transit Sheds or at Remote Transit Sheds by the single Heathrow Airport enforcing authority;
- Ensure that “non-port local authorities” have appropriate powers to deal effectively with imported food and feed from third countries requiring prior-notification that has not been pre-notified and/or not been subject to appropriate controls at the port or airport at which the food or feed arrived in the UK, in the case of Heathrow Airport this being at a Transit Shed or a Remote Transit Shed;

2. To improve the flow of information between importers and agents and the single Heathrow Airport enforcing authority, and to facilitate the prior-notification of food and feed to the relevant control authority, the Food Standards Agency is recommended to:

- Explore with Defra the possibility of developing and expanding the PEACH system as a single-window for the prior-notification and processing of imported consignments of food and feed of non-animal origin from third countries;
- Develop a scaleable web-based prior-notification and import control processing system for food and feed of non-animal origin that is subject to EC emergency controls, to be piloted at Heathrow Airport from 1st January 2006, in partnership with other stakeholders and in furtherance of the principle of a “single window” and joined-up working.

3. To improve the co-ordination between Port Health and Local Authorities with airports within their areas, and with Local Authorities with Enhanced Remote Transit Sheds and importers operating Customs Freight simplified Procedures, and to progress the development of consistent guidance, procedures, documentation, and information systems, the Food Standards Agency is recommended to:

- Establish and fund the employment of an airport food and feed import co-ordinator, to be seconded to (or to work very closely with) the single Heathrow Airport enforcing authority, initially for 2 years, to facilitate the improvement of local authority administrative procedures at Heathrow Airport as set out in the Food Standards Agency’s 10 Point Plan.

14. Glossary of Terms

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| Border Inspection Post | Legally designated point of entry for the legal importation into the UK, and therefore into the EU, of products of animal origin from third countries. |
| Code of Practice | Official guidance to Food Authorities on the enforcement of food legislation, issued by the Government under Section 40 of the Food Safety Act 1990. |
| County Council | A local authority in England, whose geographical area corresponds to the named county, and whose responsibilities include the enforcement of food standards and feed legislation. |
| District Council | A local authority in England, whose geographic area is a part of the area of a County Council, and whose responsibilities include the enforcement of food hygiene legislation. |
| Environmental Health Officer | Professionally qualified person employed by a local authority to enforce food legislation. |
| Feed | Food for animals, including farm animals and pets. |
| Food Authority | See definition in Section 5 of the Food Safety Act 1990. |
| Food hygiene | Legal requirements relating to the safety and wholesomeness of food, and the environmental conditions in which food is prepared, stored and sold. |
| Food standards | Legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials and articles in contact with food. |
| Home Authority | A local authority where the decision-making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures. |
| Non-Port Local Authorities | Local authorities who do not have any port health functions, but may have responsibilities for Remote and/or Enhanced Remote Transit Sheds which serve airports. |
| Port Health Authority | A local authority within whose boundaries is a sea or river port and where food and/or feed is imported into the UK and therefore into the EU, from third countries. For the purposes of this report the term PHA is not as officially defined in the Public Health (Control of |

Disease) Act 1984.

Unitary Authority

A local authority in which the County and District Council functions are combined. A Unitary Authority's responsibilities therefore include food hygiene, food standards and feed law enforcement.