

Inland Enforcement of Imported Feed and Food Controls Resource Pack

Wales



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Chapter 1: Overview of Imported Feed and Food Controls



Section 1- Introduction

1.1 Resource Pack Aim

This pack aims to provide enforcement officials within local authorities in Wales with appropriate information, practical guidance and advice to enable them to secure the effective control of food and animal feed imported into the UK. Please note parallel guidance will be available for England, Scotland and Northern Ireland.

1.2 Resource Pack Objective

- To provide an overview of import controls in the EU and UK, including organisational roles and responsibilities.
- To provide up-to-date information for enforcement officials on current legislative controls.
- To describe the border control systems for both food products of animal origin (POAO) and food not of animal origin (FNAO).
- To advise authorities of their responsibilities for the enforcement of import controls and requirements for recording and reporting relevant information.
- To provide enforcement officials with information, practical advice and procedures to assist in the identification and control of illegal imports of food being distributed and offered for sale within the UK.
- To offer routes by which enforcement officials may raise and discuss enforcement and interpretation issues concerning import controls.
- To facilitate better co-ordination of import controls across authorities.
- To provide a list of contact points and supporting information to feed and food authorities relating to POAO and FNAO imports.

Online training – A detailed online training package is available free of charge to enforcement officers working in the UK at: www.importedfood.co.uk. To access this training, officers must firstly register with ABC Food Safety to receive a username and password. This can be achieved by clicking on the “contact us” button on the www.importedfood.co.uk website and providing the name and e-mail address of any member of staff who wishes to use the service.

Please note that this guidance and the model forms (provided in Annex 1) have been produced to explain the legal requirements for imported food control. Every effort has been made to ensure that these guidance notes are as helpful as possible. They cannot cover every situation and you should consider the relevant legislation itself to see how it applies in different situations.

The information in this Pack is regularly updated and takes into account Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, the enforcement of which in Wales is provided for by the Official Feed and Food Controls (Wales) Regulations 2009 (SI 2009/3376 (W.298)) (there is parallel legislation in England, Scotland and Northern Ireland). Please read this guidance in conjunction with “Guidance for Food Authorities on the Import of Food from Third Countries” at Annex 14 of the Practice Guidance which supports the statutory Food Law Code of Practice.

1.3 Background

Imported food makes up an increasingly large part of the UK diet and about 50% of food consumed in the UK is from countries outside the UK. Imported food can be found in virtually every food business beyond the stage of primary production, whether it be poultry from Brazil in the local take-away, strawberries from Egypt in the supermarket or vodka from Russia in the local sports and social club.

Imports fall into two categories: products brought into the UK from other Member States of the EU are imports in the physical sense, but in legal terms are generally not considered to be imported because the EU is a customs union and, as intra-EU trade, products are not normally subject to checks at the point of entry. By contrast, imported products from countries outside the EU (commonly known as “third countries”) are imports in both the physical and legal sense.

The majority of foods that are imported into this country are perfectly legal, wholesome and safe but it is important to have effective imported food controls in place to ensure that the consumer and food businesses are protected from contaminated products, unfair trading practices and fraud. It is the responsibility of the Competent Authorities (CA) to ensure that these controls are properly implemented.

Food enters the UK via seaports, airports and by road and rail through the Channel Tunnel. In Wales, Port Health Authorities (PHAs) have been set up at seaports to undertake various public health duties including checks on certain imported foods and at airports Local Authorities (LAs) have this function. Certain ports, which receive products of animal origin such as meat, fishery products, eggs, shellfish, dairy products and honey, are designated as Border Inspection Posts (BIPs).

Currently the UK imports approximately 40% of all animal feed used by British farmers. Many of the materials used could also be used as food for human consumption e.g. soya and maize or are by-products, often referred to as ‘co-products’ of the food industry e.g. soya hulls (husks). In addition, various compounds of trace elements used in animal feed are also imported into the UK from outside the EU. The source of feed materials is worldwide with product being imported from the far-east (including China and India), South America and Eastern Europe. Most consignments are imported through seaports. Most serious problems with animal feed are connected with materials originating from outside the EU.



Section 2 – Key Messages

This pack should be made available to all enforcement officers. LAs should have regard to the following points to ensure adequate controls are in place:

2.1 Authorisation of Officers

Authorities should ensure that officers are authorised in writing to enforce all relevant legislation. (See Section 1.2.2 of the Food Law Code of Practice June 2008, Annex 14 A.14.6 of the Food Law Practice Guidance and the Feed Law Enforcement Code of Practice (GB) for further details)

2.2 Products of Animal Origin (POAO)

POAO include fresh meat, meat products, meat preparations, dairy products, fishery products, shellfish, egg products, honey, snails, insects and fishmeal used in animal feed.

Imported POAO is likely to be illegal if it was not presented to a BIP for required controls to be carried out, and/or if it does not comply with public or animal health requirements, such as being contaminated with veterinary residues.

It is an offence to introduce POAO into the UK from most non-EU countries except at a Border Inspection Post (BIP), unless the consignment is specifically exempted¹. Such exemptions include:

- Personal imports of certain POAO (excluding Meat or Dairy products) or:
- Trade samples that have received written approval from the Secretary of State.

Further details on personal imports may be found on the Defra website:

<http://www.defra.gov.uk/food-farm/food/personal-imports/>

While the person who introduced illegal POAO into Wales could have committed an offence, the priority for inland food authorities is to identify such illegal products and remove them from the food chain.

2.3 Feed and Foods not of Animal Origin (FNAO)

There are currently no requirements for **most** FNAO to be pre-notified to border enforcement officers and inspections at the ports are based on risk assessment. As such it is important that inland checks are carried out to maintain public health safeguards.

Since 25 January 2010 imports of certain 'higher-risk' FNAO can only enter the UK through specific ports and airports approved as designated points of entry (DPEs), where official controls will be carried out. Similarly certain FNAO subject to safeguard measures can only enter the UK at designated points of import (DPIs). A 'higher-risk' product is feed or food that is either a known, or an emerging, risk to

¹ Regulation 13 - The Trade in Animals and Related Products (Wales) Regulations 2011. S.I. 2011/2379 (W.252)

public health. This may be due to the presence of contaminants and/or undesirable substances such as aflatoxins, Sudan dyes, heavy metals, pathogenic bacteria or pesticides.

Consignments of such products should be subjected to official controls by inland authorities to verify that they have been legally imported. Details of such products can be found at http://www.food.gov.uk/foodindustry/imports/banned_restricted/ or in the “library” section of the online training portal: www.importedfood.co.uk.

2.4 Role of Inland Authorities

All importers should be identified, registered as Feed/Food Business Operators (FBOs) and included in the feed/food intervention programme for the authority.

Establishments that are the first destination after import should be identified. These may include establishments used for storage, processing, and/or handling, buying or selling POAO or FNAO. Where the establishment is receiving POAO directly from a port, Common Veterinary Entry Documents (CVEDs) should be available for each consignment. Where FNAO which are subject to the “Higher Risk” import controls as specified in Regulation (EC) No 669/2009 and Regulation (EC) No 1152/2009 are found at a first destination inland a Common Entry Document (CED) should be present. Examples of CVEDs and CEDs are shown in Annex 1.

Import control legislation should be enforced as appropriate to the circumstances and in accordance with the authority’s enforcement policy.

Procedures relating to import control work should be developed in line with The Framework Agreement on Local Authority Enforcement, Food Law Code of Practice and Practice Guidance and Defra guidance documents.

Key enforcement notices should be readily available to authorised officers in case of need. In particular, copies of the following notices (which can be found in Annex 1) should be ready for use for food controls:

Official Feed and Food Controls (Wales) (OFFC) Regulations 2009

Regulation 32 notice (For both feed and food) – For the detention of suspect FNAO or destruction, special treatment or re-dispatch of FNAO that is illegally imported or is a risk to animal or public health.

Trade in Animals and Related Products (TARP) (Wales) Regulations 2011

Regulation 32 (6) – For the detention of suspect POAO in an enhanced remote transit shed.

Regulation 19 – For the seizure of illegally imported POAO.

Regulation (EC) 882/2004

Letter of “official detention” for use with respect to POAO which is suspected to have been illegally imported from a third country.

Authorities should keep up-to-date with imported product issues. This can be achieved by:

Reference to the FSA Website: <http://www.food.gov.uk/foodindustry/imports/>

Use of information resources, such as GRAIL (Guidance and Regulatory Advice on Import Legislation): <https://grail.foodapps.co.uk/grail/general/home.aspx>

Use of the online training website: www.importedfood.co.uk

Reference to the National Enforcement Priorities for Feed Authorities published annually which can be found on the Agency's website at:

<http://www.food.gov.uk/enforcement/workwithenforcers/centralref/>

Authorities should ensure that all enforcement officers are aware of the system for reporting seizures of illegally imported POAO under Regulation 19 of the TARP Regulations 2011, to Defra, using the IIT1 form. The reporting of seizures by Local and Port Health Authorities requires the completion (preferably electronically) of a common form (IIT 1 (4/08), which is then sent by e-mail for Defra to record the appropriate information. However, the option remains for the form to be completed manually, if that method is preferred, and sent to Defra by fax/post. Details of where to e-mail/fax/post the form are included on the form. A copy of the form can be found in Annex 1. The form is located on the secure parts of the following websites. Please note you will need to obtain password permission in order to access these areas. :

APHA: www.porthhealth.co.uk

CIEH: <http://www.ehcnet4.net/govt/defra/iit/iitrept.php>

Local Government Group:

<http://www.lacors.gov.uk/lacors/CustomLogin.aspx?docID=7866&docType=C>

The information provided in this form is also shared with the Food Standard Agency's Food Fraud team.

LAs responsible for food law enforcement at sea ports, airports and at Enhanced Remote Transit Sheds (ERTS), should ensure that their officers familiarise themselves with the following:

- Local stakeholders.
- Trade type (volume, variety, trade routes, and shipping agents).
- Health and Safety requirements.
- Security requirements.

The police do not have any specific enforcement responsibilities under the legislation referred to in this pack, but their assistance might be sought to aid PHAs/LAs or other inspectorates in their enforcement duties.

Authorised officers should consider imported food that is offered for sale by food businesses as a **routine** component of food hygiene and standards inspections. They should also investigate and take appropriate actions relating to (suspect) illegal imports, imports that pose a risk to public or animal health, and imports that fail to meet food safety requirements.

The United Kingdom Border Agency (UKBA) has a specific procedure for passing information to the FSA on seizures of POAO destined for a commercial establishment. The FSA will verify that passing on the intelligence is in the public interest and then will refer cases to the relevant inland LAs for further investigation. It is important that the results of such cases are fed back to UKBA to help inform and refine risk profiling systems. In the event that such investigations become a significant burden on a LA, or the investigation is complex to the extent that

programmed inspections need to be rescheduled, the LAs should immediately discuss the issue with the FSA to identify what assistance can be given.

2.5 Advice and Guidance

If in doubt at any time authorities should contact the FSA Local Authority Delivery and Support Team (020 2067 8926 or email hannah.evans@foodstandards.gsi.gov.uk) and for POAO-related advice the AHVLA Specialist Service Centre - Chelmsford (01245 4543860 or email ahitchelmsford@ahvla.gsi.gov.uk) should be contacted.

Links to common sources of information are available in the “library” section of the online training website: www.importedfood.co.uk.

Finally, the underlying principle is that if you are in doubt then you should:

- (a) Seek advice from colleagues,
- (b) Seek advice from your own legal services and where appropriate
- (c) Seek advice from the FSA/Defra prior to taking action.

Section 3 – Imported feed and food procedures

For the purpose of import controls, feed and food can be placed into one of two categories: Products of Animal Origin (POAO) and Feed/Food not of Animal Origin (FNAO) and can be imported commercially either from countries within the European Union (EU) or from third countries.

The rules regarding the importation of feed/food are different depending on the nature of the food (POAO or FNAO) and the country of origin:

3.1 Feed/Food from within the EU:

The principle of a single market within the EU was established by the EC Treaty and permits the free movement of foods between Member States; this is known as intra-EU trade. This means that food produced, for example, in Spain may enter the UK without any specific checks being carried out at the point of entry. Similarly, feed/food produced in the UK may be sent to other Member States without being subjected to any specific border controls.

Feed/food that is lawfully imported into a Member State from a third country may subsequently be distributed into other Member States without the need for further checks to be made. This is an important principle and requires that Member States have mutual respect for each other's border controls, the adequacy of which is policed by the European Commission's Food and Veterinary Office (FVO).

There are occasions, however, whereby feed/foods produced by Member States are subjected to specific restrictions or "safeguard measures" mainly due to animal, public or plant health concerns. For example, the UK was subject to such safeguard measures with respect to meat and dairy products during the foot and mouth outbreak in 2001 and relevant products could only be exported to other Member States when certain requirements were met.

Members of the single market or "relevant territories" include:

| | |
|----------------|-----------------|
| Austria | Latvia |
| Belgium | Lithuania |
| Bulgaria | Luxembourg |
| Cyprus | Malta |
| Czech Republic | Netherlands |
| Denmark | Poland |
| Estonia | Portugal |
| Finland | Romania |
| France | Slovak Republic |
| Germany | Slovenia |
| Greece | Spain |
| Hungary | Sweden |
| Ireland | UK |
| Italy | |

Border checks are not required for imports of POAO from certain countries under agreements with the EU: Norway, Iceland (fishery products only), Liechtenstein and Switzerland. Certain named dependencies are also exempt from such controls, such as the Canaries (Spain), and the Azores (Portugal). Please note Svalbard, Faroe Islands and Greenland are subject to import controls.

3.2 Imports from third countries: POAO

In the UK Defra is the Government department designated as the Central Competent Authority (CCA) for products of animal origin (excluding fishery products and bivalve molluscs for which the Agency has responsibility) and live imports in Wales. Agricultural departments in the devolved administrations have competency in these countries.

Products of Animal Origin may only be imported from third countries that have received prior approval by the European Commission for the relevant type of POAO. In addition, the establishments involved in the handling of such food products must also receive prior approval before the food can be lawfully exported to the EU.

The prior approval of third countries for POAO to the EU is undertaken by the Food and Veterinary Office (FVO) which assess the ability of the third country to produce products of an equivalent standard to those situated in the EU and the adequacy of the official controls performed by the third country's CA. POAO, with some exceptions such as honey, produced in approved establishments must be marked with the country of origin and a unique "establishment number". The format of the establishment numbers applied to POAO can vary depending on the nature of the product e.g. dairy, meat or fishery products. A list of approved establishment numbers for POAO from third countries is available on the Commission website at:

http://ec.europa.eu/food/food/biosafety/establishments/third_country/index_en.htm

When exported from third countries, POAO are normally required to be accompanied by a health certificate signed by the CA of the third country to verify that the food meets the requirements of EU Law. The POAO must then enter the EU via an approved port known as a BIP where the food will be subject to veterinary checks by the relevant authorised officer. These veterinary checks will comprise, as appropriate; Documentary Checks; Identity Checks and Physical Checks.

Documentary Checks are carried out on 100% of consignments of POAO from third countries. A documentary check includes verification that the details on the health certificate and commercial documentation are correct.

Identity Checks are carried out on most goods presented at BIPs, with a few exceptions, e.g. New Zealand, which has an equivalency agreement with the EU. Where a product arrives in a sealed container, and where provided for in EU legislation, this may be as simple as verifying that the seals are intact and that they correspond to the documentation. In other cases an identity check will involve examining the consignment to verify that the products presented are the same as those covered by the health certificate and, checking that the stamps and health marks identifying the country and establishment of origin are present and conform to those on the documentation.

Physical Checks may comprise several or all of the following components:

- Sensory (visual, odour, taste).
- Thawing, cooking, temperature.
- Wrapping & labelling.
- Packaging integrity.
- Bacteriological quality

- Analysis for contaminants, bio-accumulative compounds/toxins and prohibited substances (e.g. growth promoters).
- Transport conditions including thermograph records, evidence of damage or alteration, evidence of pest infestation, etc.

Physical checks are not carried out on all consignments; their frequency is dependent on the nature of the feed/food and the country of origin. Council Directive 97/78/EC lays down principles governing the organisation of veterinary checks on products entering the EU from Third Countries (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0078:EN:HTML>).

Veterinary checks are carried out by Official Veterinary Surgeons (OVS) or Official Fish Inspectors (OFI) working at the BIP. Once the veterinary checks have been successfully completed, the OVS or OFI will complete, sign and stamp a CVED to demonstrate that the feed/food has been subjected to the appropriate official controls and has been released for free circulation within the EEA. This CVED must accompany the POAO to its first destination inland where it must be retained for a period of one year.

Should the products fail the veterinary checks, the POAO may be destroyed or re-dispatched to the country of origin under the provisions of the TARP Regulations 2011, depending on the reason for the failure.

There may be occasions whereby the POAO enters the EU via a BIP but its destination is outside of the EU. In these circumstances, special provisions apply. Once cleared by the BIP, food may be sent through to a “Customs Warehouse” or “Enhanced Remote Transit Shed” (ERTS) prior to HM Revenue and Customs (HMRC) checks and subsequent release of the product into free circulation within the single market. A list of ERTS in the UK can be found at:

http://www.food.gov.uk/foodindustry/imports/enforce_authorities/ertslist

3.3 Imports from third countries: FNAO

Most “Feed/food not of animal origin” imported from third countries are not subject to routine checks at the points of import. Whilst there is a requirement that all products meet at least the required standards of European Law, in practice most of the official controls conducted by ports are targeted at FNAO that present a higher risk to public health.

Such products include nuts and dried fruits from certain countries with a history of mycotoxin contamination of feed and foods, chilli and chilli products including curry powder from the Indian sub-continent where contamination with Sudan dyes has previously been an issue as well as, more recently, soya products from China which have been implicated with melamine contamination.

At present there are no arrangements, as is the case with POAO, for the approval of third countries and establishments which supply FNAO to the EU. However import conditions drawn up under Regulation (EC) No 882/2004 provide for “higher risk” FNAO to only be imported via DPEs, to be accompanied by a CED, and to be subjected to verification sampling, where appropriate, at the port to ensure that they comply with European standards.

On 25th January 2010, Regulation (EC) No 669/2009 came into effect and any feed/food listed in Annex 1 (as amended on a quarterly basis) to this Regulation is considered to

be a known or emerging risk and hence subject to enhanced import controls. Once such feed/food has been subjected to the appropriate official controls, a CED is issued by the DPE which must then accompany the consignment inland to the destination of the consignment.

The Commission also issues emergency safeguard measures where there is concern about certain products from certain third countries, which may prohibit, import, or impose additional import controls on such products. For example, products listed in Article 1 of Regulation (EC) No 1152/2009 are subject to additional controls for aflatoxin contamination at the DPI, which will then issue a CED once the controls are complete.

In summary, POAO imported from third countries must enter the EU via a BIP.

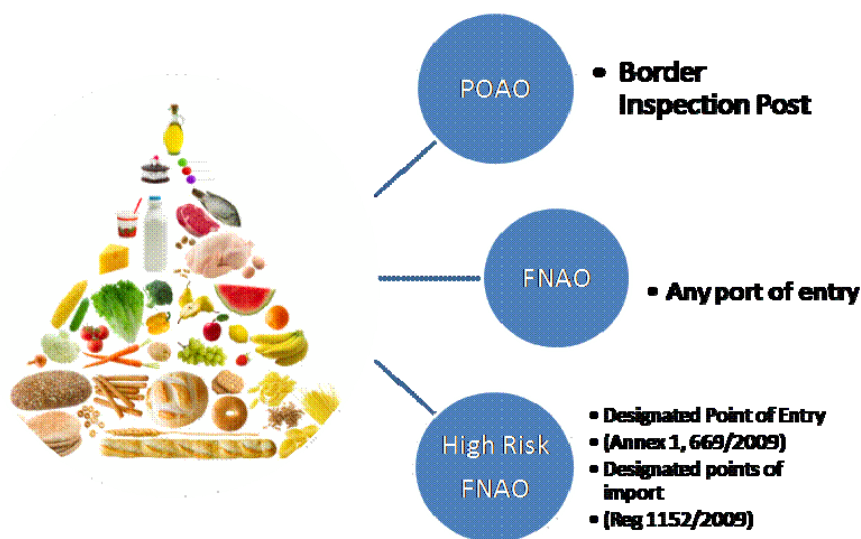
FNAO may enter the EU through any port but those “Higher Risk” FNAO listed in Annex 1 of Regulation (EC) No 669/2009 (as amended) must enter via a DPE (for a list of UK DPEs see:

http://www.food.gov.uk/foodindustry/imports/banned_restricted/highrisknonpoao) and

those FNAO which are susceptible to aflatoxin contamination and are listed in Regulation (EC) No 1152/2009 must only enter the EU via DPEs (for a list of UK DPEs see:

http://www.food.gov.uk/foodindustry/imports/banned_restricted/aflatoxinreg11522009).

This is summarised in the diagram below:



Points of import into the EU of food from third countries

BIPs will issue CVEDs for POAO imported from third countries and DPEs complete CEDs for “higher risk” FNAO. In both cases, the documents must accompany the food to the first destination inland.

Section 4 – Personal Imports

There are no specific restrictions on the importation of foods for personal consumption from other Member States. However, restrictions are in place in relation to foods imported from Third Countries but these vary depending on the type of food involved.

Personal imports will include foods brought back by travellers in their luggage or sent to a private, named individual either by post, courier service or private carrier (including those ordered online). Any food posted to a commercial address will in law be considered to be a commercial import and will, where appropriate, be subject to import control rules.

4.1 Personal Imports from Third Countries: FNAO

Members of the public can bring back reasonable quantities of food that does not contain anything of animal origin. For large amounts, if it is considered to be for commercial purposes then it may be subject to checks by the port health authorities at the point of import.

Personal imports of fruit and raw vegetables from outside the EU may be subject to a limit of 2kg due to plant health restrictions; also, personal imports of potatoes from non- EU countries are not permitted. Information on what fruit and vegetables are restricted and which are not restricted are available on the Food and Environment Research Agency's website which can be accessed at:

<http://fera.defra.gov.uk/plants/plantHealth/imports/travellers.cfm>

or via the “library” section of the imported food online training website:
www.importedfood.co.uk

4.2 Personal Imports from Third Countries: POAO



Personal imports of meat, meat products, milk and milk products are banned from most countries outside the EU, with limited exceptions. Up to 20kg as a combined weight for all fishery products (with the exception of caviar from sturgeon species), 2kg as a combined weight of 'other animal products' such as honey, eggs, egg products, live bivalves, snail meat, reptile and insect meat and frogs' legs.

Further information regarding personal imports can be found on the Defra website, including an advisory leaflet produced by the UK Border Agency (<http://www.defra.gov.uk/food-farm/food/personal-imports/>)

The Personal Import Rules database can be accessed for a product specific check of personal imports that are permitted in the UK, and those that are not:
(<http://importdetails.defra.gov.uk/Default.aspx?Location=None&Module=IDDSearch>)

Section 5 – Summary

For the purposes of imported feed/food control, feed/foods are classed as either POAO or FNAO and can enter the UK from within the EU, from third countries or from either as personal imports.

Feed/food produced by one EU Member State may be freely exported to other Member States without any specific checks being carried out at the ports. Similarly, feed/food imported legally from a third country into one Member State can then be freely distributed throughout the EU without further checks.

POAO imported from third countries are subject to the most stringent controls. Foods can only be imported from approved third countries and, with some exceptions (such as honey), from an approved establishment; must be accompanied by health certificates signed by the relevant CCA for the third country to verify that it has been produced in equivalent standards to those in the EU and can only be imported via an approved port of entry (a BIP) where the food is subjected to veterinary checks by the appropriate authorised officer.

Once these checks have been completed, a CVED is issued which must accompany the food to the first destination away from the port inland. POAO from approved establishments must be marked with the country of origin and a unique “Establishment Number” which should be available to the competent authorities at all stages of distribution.

FNAO are not subject to the same level of import controls. However, certain “Higher Risk” FNAO from third countries can only be imported into the EU via DPEs/DPIs and may be required to be accompanied by health and analytical certificates. Under Regulations (EC) 669/2009 and 1152/2009 once the food has been subjected to official controls a CED is issued which must accompany the food to the first destination inland.

Personal imports from third countries are generally permitted however, imports of meat and dairy products from these countries are banned, with the exception of fishery products where restrictions apply.

Chapter 2: Inland Enforcement of Import Controls



Section 1 – Roles and Responsibilities

1.1 Local Authorities and Port Health Authorities

LAs and PHAs are responsible for feed/food safety and feed/food standards checks on imported products at ports of entry, including veterinary checks on food required by EU law on POAO from third countries presented at some types of BIPs. LAs are also responsible for checks carried out on imported feed/foods inland.

LAs at ports are not responsible for detecting smuggled POAO (other than when such POAO are found in a BIP facility). This responsibility falls to United Kingdom Border Agency (UKBA). However LAs, except County Councils, are responsible for dealing with illegal POAO (including smuggled goods) when discovered inland at retail, catering, market stalls or other similar premises.

1.2 The Food Standards Agency (FSA)

The Food Standards Agency (FSA) is the CCA concerned with public health aspects of feed/food, contamination of feed/food and the Rapid Alert System for Food and Feed (RASFF). The FSA has a dedicated Imported Foods Team that may be consulted as a source of information and advice, as can the offices for the devolved administrations.

1.3 Defra

The Department for the Environment, Food and Rural Affairs (Defra) is the CCA with respect to POAO other than fishery products and shellfish, for which the FSA is the lead.

1.4 The Food and Veterinary Office (FVO)

The FVO is part of the EU Directorate-General for Health and Consumer Protection and is based in Grange, Co. Meath, Ireland.

The FVO has many roles but with respect to the importation of food, FVO inspectors are responsible for undertaking “missions” or audits of third countries that wish to export food/feed to the EU. FVO inspectors also undertake approval and ongoing audits within EU Member States, including BIPs, and undertake checks on the arrangements that Member States have in place for implementing effective official controls.

1.5 Her Majesty’s Revenue and Customs (HMRC) / United Kingdom Border Agency (UKBA)

Responsibility for customs anti – smuggling functions at the UK border formally transferred from HMRC to the UK Border Agency (UKBA) on 5 August 2009. HMRC is responsible for ensuring that commercial importations of POAO and certain ‘higher-risk’ FNAO are not granted customs clearance unless the goods have

undergone all necessary import checks and have been authorised for entry into the UK. The clearance function is delivered by HMRC's National Clearance Hub (NCH) via the electronic freight clearance system, i.e. Customs Handling of Import and Export Freight (CHIEF).

UKBA is responsible for carrying out risk-based anti-smuggling controls on illegal importations of POAO from non-EU countries at GB points of entry except in BIPs. UKBA is not responsible for controlling intra-EU movements of goods except where they have not been subject to customs control on arrival elsewhere in the EU.

UKBA operational staff at the border will include POAO illegal importations among their enforcement functions and are deployed on a mobile and flexible basis with the support of detector dogs specifically trained to detect POAO. UKBA is also responsible for enforcing controls on importations of endangered species (and products derived from them) under the Convention on International Trade in Endangered Species (CITES).

1.6 Other agencies involved in imported feed/food

Other agencies involved in the control of imported food include:

Maritime and Coastguard Agency (MCGA or MCA)

The MCGA is responsible for enforcement of safety and standards on vessels. It carries out a wide range of functions with the overall aims of preventing loss of life, continuously improving maritime safety and protecting the marine environment. Officers should be aware that there is a Memorandum of Understanding (MoU) between the MCA, Local Government Group (formerly LG Regulation) and APHA relating to food hygiene aboard ships, although this is not directly related to imported food. (More information on the MoU is available from Local Government Group or APHA). The MCA also has an important role with regard to development of port waste management plans and ensuring adequate facilities for the disposal of ship and other port waste, including food waste. This is extremely important in terms of animal health protection, as food waste from ships is a possible vector of animal disease. Such waste must be disposed of by incineration or landfill (subject to specific conditions).

Medicines and Healthcare Products Regulatory Agency (MHRA)

Formerly known as 'The Medicines Control Agency', this is the UK Governmental executive agency that controls and licences medicines for human use. In simple terms if a product for human consumption is not licensed by the MHRA as a medicine, then by default it will generally be classified as a food.

Local Government Group (LGG) and the Regulatory Support Unit (RSU) – formerly Local Government Regulation

Local Government Group is the local government central body that through its Regulatory Support Unit (RSU) assists co-ordination of the food and feed enforcement activities of environmental health and trading standards services. The secure area of the Local Government Group website (www.lacors.gov.uk) contains useful information and has a specific import / export information section.

Association of Port Health Authorities (APHA)

APHA is a UK-wide organisation representing the interests of LAs and PHAs with responsibilities for health controls at sea and airports and has the primary objective of preventing the introduction into the country of dangerous epidemic, contagious and infectious diseases and ensuring the wholesomeness of imported food.

Animal Medicines Inspectorate (AMI)

AMI is the Veterinary Medicines Directorate's inspectorate responsible for the enforcement of EU legislation applicable to medicated feed and specified feed products.

Animal Health and Veterinary Laboratory Agency (AHVLA)

This Defra agency's responsibilities include the enforcement of legislation relating to POAO used as animal feed. In addition, AHVLA also enforces the Transmissible spongiform encephalopathy requirements regarding animal feeds at points of entry in Wales.

1.7 Commercial Stakeholders

A number of bodies, organisations and individuals are involved in the process of importing feed/food and each have a responsibility to ensure that imported feed/food meets the requirements of law. These include:

Importers

The individual or business that imports the goods. Importers generally hold legal responsibility for compliance with legislation relating to imported feed/food, plants and plant products, although certain regulations have definitions that establish other responsible persons, e.g. 'person-in-charge'.

Agents

It is normal practice for many importers to appoint a local clearance agent or customs clearance agent. The agent will act on behalf of the importer to make statutory declarations, liaise with enforcement officials, obtain clearance of goods from the HMRC National Clearance Hub in Salford and arrange delivery of goods to the consignee.

Port Operators

The commercial administrators of port functions; including dock operations, and leasing of storage, warehousing and office accommodation, etc.

Harbour Authorities

Established to control shipping movements, speed limits and shipping operations within a defined port area.

Airlines/Shipping Lines

Commercial owners/operators of ships/aircraft.

Section 2 – Legislation

The legislation which provides a regulatory framework for the importation of feed/food is organised according to the nature and origin of the food. Authorities should ensure that officers are authorised in writing to enforce all relevant legislation. (See Sections 1.2.2 of the Food Law Code of Practice June 2008 and Feed Law Enforcement Code of Practice (GB) for further details).

2.1 Legislation relating to feed and food from within the EU

Feed/food that has originated from another Member State is subject to the same legislative controls as feed/food produced in the UK. Such feed/food should be safe as defined in Article 14 and 15 of Regulation (EC) No 178/2002, be labelled in accordance with Directive 2000/13/EC on the labelling, presentation and advertising of foodstuffs or Regulation (EC) 767/2009 on the marketing and use of animal feed and should have been handled in accordance with the hygiene regulations on feed and food. Feed and foods from other Member States should be subject to the same level of official controls as feed/food produced in the UK.

2.2 Legislation relating to the importation of feed and food from third countries: POAO

POAO may only be imported into the EU in accordance with Directive 97/78/EC which sets out the requirements for veterinary checks. The Directive is implemented and enforced in Wales by the Trade in Animals and Related Products (TARP) (Wales) Regulations 2011 SI No 2011/2379 (W.252) ('TARP').

Defra as the CCA for POAO, have provided guidance (See Annex 1) for local authorities within Wales responsible for enforcement of imported food inland. The aim of the guidance is to explain key elements of the TARP Regulations and how these regulations are applied and fit with other existing domestic and EU legislation.

Their guidance provides advice on compliance with the requirements of TARP that give effect to EU legislation concerning the importation of POAO.

The Official Controls (Animals, Feed and Food) (Wales) Regulations 2007 SI 2007/196 (W.15)

Regulation 5 provides that the local authority or food authority is designated as the competent authority in relation to enforcement and execution under relevant legislation.

In this context relevant legislation means feed law and food law to which Regulation (EC) No 882/2004 applies.

Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

2.3 Legislation relating to the importation of feed and food from third countries: FNAO

The import conditions relating to FNAO from third countries are provided by Regulation (EC) No 882/2004. This Regulation requires that CAs undertake official controls of FNAO at the point of entry of the feed/food into the EU or at any stage during distribution. These official controls should include documentary, identity and where appropriate physical checks of the food. Any suspect food that is detained by the competent authority and any feed/food which fails to meet the requirements of EU law should be destroyed, re-dispatched, used for a non-food purpose or subjected to special treatment to render it lawful.

The import conditions provided by Regulation (EC) No 882/2004 are executed and enforced in Wales by the Official Feed and Food Controls (Wales) Regulations 2009. These Regulations identify the appropriate enforcement agencies and provide authorised officers with powers of entry and powers to inspect relevant products. They also provide for an enforcement notice to be served to allow for suspect food to be detained or unlawful food to be dealt with in accordance with the requirements of Regulation (EC) No 882/2004.

Section 3 – Role of Inland Local Authorities

Authorised officers working for inland LAs should ensure that their routine food hygiene, food standards and feed safety inspection and complaint investigation work takes into account imported feed/food issues. It is recommended that priority is given to POAO and higher risk FNAO from third countries that may have been illegally imported.

Some suggestions on the steps that LAs could take to verify the adequacy of imported feed/food controls in their areas for products from third countries might include:



Working together
on imported food



- Identify importers of feed/food in their areas.
- Identify establishments in their areas which are the first destination inland for imported food.
- Check the traceability of imported feed/foods.
- Verify the validity of establishment numbers.
- Raise awareness of imported feed/food matters among:
 - Local feed/food trade
 - Members of the public
- Where non-compliance is found, take appropriate enforcement action.
- Communicate with other enforcement agencies.

All local authorities should provide data on imported food control via the Local Authority Enforcement Monitoring System (LAEMS). This includes both points of entry, whether PHA-controlled or not, and inland authorities. Where samples are taken of imported food, even at catering or retail level, data should be entered in the samples part of the imported food section of LAEMS. The Agency has recently produced guidance on the completion of LAEMS returns for imported food, and this can be accessed via the link below:

<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/laemsimportguide>

3.1 Jurisdiction and right of entry

When inspecting or visiting feed/food business premises, officers should determine whether they are under UKBA/HMRC control (e.g. airside at an airport, at an ERTS, within dock gates or a HMRC fence at a seaport). UKBA are responsible for carrying out specific searches for illegal imports of POAO in UKBA/HMRC controlled areas and therefore the LA does not have jurisdiction. It is important that LA officers do not attempt to enforce the Trade in Animals and Related Products Regulations 2011 in areas under UKBA jurisdiction.

In all other feed/food business premises under LA jurisdiction, any imported POAO should routinely be assessed to determine if it has been legally introduced and meets appropriate feed/food safety requirements. Under regulations 33 and 34 of the Trade in Animals and Related Products (Wales) Regulations 2011, food enforcement officers have a right to enter any BIP or other land or premises (except private dwellings

where a warrant is required prior to entry) to inspect these areas or anything located in or on these areas.

Please note that Trading Standards Officers (TSO) working at County Council level are not authorised to undertake food enforcement action under the Trade in Animals and Related Products (Wales) Regulations 2011.

Where a TSO identifies illegally imported POAO (food) from a third country during their routine work, the matter should be referred to the relevant District Council Environmental Health Department for action.

Section 4 – Liaison Arrangements with Points of Entry

Whenever inland LAs identify problems with imported feed/food they should, wherever possible, inform the authorities at the point of entry if they consider that similar problems are likely to be found in future imported consignments.

In certain circumstances, it will be necessary for authorised officers at points of entry or at ERTS to refer imported feed/food matters to inland LAs.

It is recommended that representatives from the ports are invited to feed/food liaison group meetings to share intelligence and provide updates on current imported food issues to inland authorities. Contact details for all of the UK ports are available on the APHA website at: www.porthhealth.co.uk

Whenever a matter is referred by a port to an inland LA, every effort should be made to update the port on any subsequent action taken.

Section 5 – Enforcement powers relating to POAO from third countries

The Trade in Animals and Related Products (Wales) Regulations 2011 (TARP Regulations) provide for the following enforcement notices which may be used, where appropriate, by inland authorised officers:

Regulation 32(6) notice: This notice should be used where an authorised officer of an inland LA discovers an illegal POAO from a third country in an ERTS.

Regulation 19 notice: The use of this notice is appropriate where the officer is satisfied that the POAO in question has been illegally introduced into the country.

Copies of these notices are available in Annex 1 of this pack and may also be downloaded from the “library” section of the imported food training portal: www.importedfood.co.uk.

Please note that the powers of inland seizure in Regulation 19 of the TARP Regulations only apply where POAO from third countries has not been properly processed and cleared through a BIP or at the destination specified in the CVED.

Defra advise that where an authorised officer from an inland authority suspects that a POAO has been illegally imported from a third country, he may issue a letter of official detention, in accordance with Article 18, Regulation (EC) 882/2004, to the person who appears to be in charge of the food. This letter may require that the food is detained *in situ* or removed to a place specified in the letter where it will remain until the results of official controls are obtained. A template letter of official detention is available in Annex 1.

Where an enforcement officer wishes to seize, detain or require the disposal of POAO from third countries which are suspected of presenting a danger to health or being unfit for human consumption despite being properly cleared for import, he/she should consider the use of other sanctions, as appropriate, such as:

- Section 9 of the Food Safety Act 1990 (detention/seizure of food failing food safety requirements)
- Regulation 25 of the Animal By-Products (Enforcement) (Wales) Regulations 2011 (storage and disposal of animal by products)

Where an authorised officer is satisfied that a POAO has been illegally introduced, they should take appropriate action as outlined in Regulation 19 and Regulation 20 (3) of the TARP Regulations 2011. An authorised officer should seize the consignment or product and either:

- Have it re-dispatched, by the mode of transport by which it was first introduced into the EU, to a destination in a third country within sixty days,

Or

- Have it dispatched for rendering or incineration as category 1 material in accordance with relevant animal by-products legislation.

Section 6 – Regulation (EC) No 882/2004 on official control of feed/food: Import conditions for FNAO from third countries

Chapter V of Regulation (EC) No 882/2004 sets out the import conditions for FNAO imported from third countries. The main provisions of these Regulations are:

Article 15: This article requires that the competent authority undertakes official controls on FNAO and outlines how this is to be achieved by means of a National Control Plan. These official controls should be undertaken at all stages of import and distribution.

Article 15 (5) also provides for a list of known or emerging risk FNAO that is to be subject to an increased level of official controls. These provisions are implemented by Regulation (EC) No 669/2009 (as amended).

Article 16: Defines official controls for FNAO imported from third countries as: Documentary, Identity and Physical checks.

Article 18: Requires that where FNAO is suspected of being non-compliant with EU law, it should be placed under detention pending further official controls.

Article 19: Provides for various actions to be taken to deal with non-compliant FNAO.



Section 7 – The Official Feed and Food Controls (Wales) Regulations 2009

The Official Feed and Food Controls (Wales) Regulations 2009, or “OFFC Regulations”, provide the enforcement arrangements for the import conditions of Regulation (EC) No 882/2004.

The OFFC Regulations can be used by inland local authority officers to deal with non-compliant FNAO which has been imported from a third country and they include the following arrangements:

Deferred Execution and Enforcement

Prohibition on introduction of FNAO into Wales

Detention, Destruction, Special Treatment etc of non-compliant FNAO

Notices pursuant to Article 19 of Regulation (EC) No 882/2004.

Regulation 32 of the OFFC Regulations provides for an enforcement notice which may be used to detain any FNAO from a third country where there is suspicion regarding its compliance with food law or the manner in which it was introduced into Wales. The notice may also be used to arrange for the feed/food to be:

- Destroyed
- Re-dispatched
- Subjected to a “special treatment”
- Used for non-food purposes
- Withdrawal or recall from the market.

A Regulation 32 notice should be served on the FBO who must be consulted prior to such service, [however the FBO does not need to be consulted regarding **detention** under Regulation 32(1)]. Where the FBO is aggrieved by the service of a Regulation 32 notice, he/she may appeal in the first instance to the Magistrates Court and, where appropriate, subsequently to the Crown Court.

A copy of this notice is available in Annex 1 of this pack.



Section 8 – Inland checks on POAO from third countries

Traceability checks should form the basis of most Food Hygiene, Food Standards and Feed Safety Interventions by LAs and it would be prudent for authorised officers inland to consider feed/foods imported from third countries when undertaking such checks.

Most POAO (except for example honey) imported from third countries should be marked with the country of origin together with the approval code or “establishment number” of the third country establishment responsible for producing the food. This establishment number should be available at all stages of distribution, including retail.



Whilst most canned and packaged POAO will normally bear the establishment mark on the packaging (for example on the can itself, on any subsequent wrapping or label) it is not uncommon for authorised officers to find unmarked food on sale in retail and catering establishments.

Under such circumstances, officers should look for any remnants of packaging or any documents which may bear the establishment number. Where reasonable efforts have failed to identify a valid establishment number, officers should consider taking appropriate enforcement action.

Where establishment numbers are available on POAO imported from third countries, officers should take steps to verify the validity of these numbers.

It should be noted that the establishment numbers for certain composite products may not be those listed as EU approved POAO establishments on the Commission’s website. A composite product is a foodstuff containing both processed products of animal origin and products of plant origin. Composite products containing less than 50% of processed egg and egg products, honey, fish and fishery products and bivalve molluscs may come from any non- EU countries (unless subject to a prohibition under a EU safeguard measure) and are not required to come from an approved establishment listed on the Commission website for POAO imports. Such composite products should be: shelf stable at ambient temperature, clearly identified as for human consumption and securely packaged or sealed in clean containers. Composite products containing less than 50% of processed milk must meet all of the conditions above and the milk product content must come from an EU approved country.

8.1 Identifying food as POAO

Some imported POAO foods may be unfamiliar to enforcement officers and the product packaging may be entirely in a foreign language. Therefore it may be unclear whether or not the product is a POAO or a FNAO. If the type of product is unclear, enforcement officers are encouraged to take photographs/descriptions of the product as appropriate and seek advice from the FSA/Defra.

If the product cannot be identified by the FSA/Defra, enforcement officers should consider sampling the product under regulation 34(g) of the Trade in Animals and Related Products Regulations 2011. However, if there is reasonable belief that it is not POAO then Regulation 32 of the OFFC Regulations may be used to detain while investigating.

Identification aids

A key identification aid for POAO is the identification mark or “establishment number”. Here are some general rules to assist in verification of identification marks on POAO:

Fishery Products and Bivalve Molluscs

Fishery products must have an identification mark as described in Section I of Annex II of Regulation (EC) No 853/2004 on hygiene rules for food of animal origin and, must have:

Country of origin marked on the packaging, either in full or as a two letter code (in accordance with the ISO standard country code).

Establishment EU Approval Number. The establishment number is usually a simple printed number generally with an ‘EU Est.’ prefix, but this may not be present. The establishment number can sometimes be found embossed on canned goods, ink printed on glass or just incorporated on the label. Some goods carry two sets of establishment numbers, the second one pertaining to domestic rules in the third country and should be ignored. If the number is not immediately apparent have a close look. The Agency website contains further information on fishery products at:

http://www.food.gov.uk/foodindustry/imports/want_to_import/fisheryproducts/.

Further guidance regarding the marking of fishery products has been produced by APHA and may be accessed via the “library” section of the imported food training website at: <http://www.importedfood.co.uk/library/enforcement-guidance/> (Under ‘POAO’ section).

Dairy Products

Dairy products must carry identification marks as described in Section I of Annex II of Regulation (EC) No 853/2004. Under this, the mark is only required to be oval in shape when it is applied in an establishment in the EU. The name of the third country can be given either in full or as a two letter code (in accordance with the ISO standard country code).

Meat & Poultry

Under Regulation (EC) No 853/2004 fresh poultry meat and meat and poultry meat products must bear an identification mark as described in Section I, Annex II of this

regulation. Under this, the mark is only required to be oval in shape when it is applied in an establishment in the EU (but, see below as regards carcasses). The name of the third country can be given either in full or as a two-letter code (in accordance with the ISO standard country code).

Regulation (EC) No 853/2004 defines meat products as meaning, “processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat”. The terms ‘processing’ ‘unprocessed products’ and ‘processed products’ are defined in Article 2(1) (m), (n) and (o) respectively of Regulation (EC) No 852/2004.

The term “health mark” is reserved for fresh meat carcasses and primal cuts – excluding poultry meat.

Under Annex I, Section I, Chapter III of Regulation (EC) No 854/2004 a health mark is required on carcasses of cattle, deer, goats, horses, pigs and sheep. This must be in the form of an oval mark at least 6.5 cm wide by 4.5 cm high and must include within it the name of the country in which the establishment is located which may be written out in full in capitals or shown as a two letter code in accordance with the relevant ISO standard, together with the approval number of the establishment. Letters must be at least 0.8 cm high and figures at least 1 cm high. The dimensions and characters of the mark may be reduced for health marking of lamb, kids and piglets. The colours used for health marking must be authorised in accordance with EU rules on the use of colouring substances in foodstuffs. The mark must be applied in such a way that if the carcass is cut into half or quarters or if a half carcass is cut into three pieces, each piece bears a health mark.

8.2 Verifying approved establishments and countries

Approved establishments for different categories of POAO can be verified on the European Commission (EC) website at:

https://webgate.ec.europa.eu/sanco/traces/output/listsPerCountry_en.htm

This can also be accessed via the imported food online training website:

www.importedfood.co.uk

Exceptionally, there are some establishments that may not be listed on the main website. Please ask Defra/FSA if you are uncertain.

8.3 Investigation Aide Memoire

The flow charts provided in Annex 1 may assist enforcement officers in carrying out imported food checks and officers may wish to determine or consider the following points:

Identification

- Can the product be identified at the premises?

- Ask about use, origin and ingredients.
- Novel foods should have been approved. A novel food is defined as a food or food ingredient that does not have a significant history of consumption within the EU before 15 May 1997. More information is available at: <http://www.food.gov.uk/gmfoods/novel/>
- Consider the use of digital photography so pictures can be e-mailed to Defra/FSA, if necessary.

Origin/safety/condition of the food

- Has it been imported from a third country and if so, where from?
- Does it carry appropriate health/establishment marks?
- Does it appear to be fit for consumption?
- Is it appropriately packaged/labelled/temperature controlled?

NB: Some products are designed to look as if they are imported even though they are legitimately produced in the EU, e.g. some brands of pork luncheon meat that carry the same brand name as similar Chinese-origin product and beef jerky.

Traceability

- Has the retailer got records relating to from whom the goods were purchased? (Ref: Regulation 4 of the General Food Regulations 2004. SI 2004/3279, in particular, the reference to Article 18 (2) and (3) of Regulation (EC) No 178/2002).
- Do invoices/receipts etc. tally with goods on sale?
- If premises are the first destination after import, are there CVED documents for the last year?
- Can the products be traced to the BIP of entry?
- Trace source of the goods as far as possible (this may involve several steps up the distribution chain).

NB: If no CVED is available, you should be able to verify the legal introduction into the EU by contacting the BIP of entry. Enforcement officers will need to note the shipping container number/airway bill for the consignment and quote this when contacting the BIP. In some cases this may be in another Member State, in which case the FSA should be contacted in accordance with Chapter 2.5 of the Food Law Code of Practice.

Note that in cases where an illegal importation of POAO has been found inland, HMRC should be informed at an early stage by contacting HMRC National Co-ordination Unit. Enforcement Officers wishing to pass intelligence reports on suspect POAO to HMRC should send these to Customs National Co-ordination Unit (Smuggling Intelligence) on Tel: 0870 785 3600, Fax: 0870 240 3738 or ncu@hmrc.gsi.gov.uk

Responsibility

- Identify the person in charge of the goods (usually the retailer).
- Request documents and relevant information from the person in charge (using powers under regulation 34 Trade in Animals and Related Products Regulations 2011 if necessary).
- If faced with lack of co-operation, note that there is an offence of obstruction provided for under Regulation 36.

8.4 Dealing with suspect or non-compliant food

The flow diagrams provided in Annex 1 may assist enforcement officers in taking appropriate enforcement action. The burden of proof is on the LA to demonstrate that:

- a. POAO has been illegally introduced (Regulation 13 of TARP Regulations); or
- b. POAO does not meet food safety requirements, i.e. it is unsafe within the meaning of Article 14 of Regulation (EC) No. 178/2002 as enforced by the General Food Regulations 2004.

Illegally introduced products

If you are satisfied that the product has been illegally introduced (e.g. checks at a BIP have been evaded), you must seize the product by issuing a notice under Regulation 19 of the TARP Regulations, on the person appearing to have charge of the product. The officer should by such notice, seize the product and either have it disposed of (either by rendering or incineration) as if it were Category I material under Regulation (EC) No 1069/2009, or re-dispatch it within 60 days to a destination in a third country, by the same mode of transport by which it was first introduced to the EU. Although the final decision rests with the enforcing authority, in most circumstances it is unlikely to be appropriate or practical to re-dispatch the products.

Products not meeting feed/food safety requirements

Officers may, in some circumstances be unable to use Regulation 19 of the TARP Regulations to deal with illegal products even though there are concerns about feed/food safety. If the product does not meet feed/food safety requirements i.e. is unsafe (as defined by Article 14 or 15 of Regulation (EC) No.178/2002), it may be seized under Section 9 of the Food Safety Act 1990 or Regulation 25 of the Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (SI2005/3368 (W.265)). A template for use in connection with the Feed (Hygiene and Enforcement) Regulations is available in Annex 1.

Voluntary Surrender

Voluntary surrender may be an option depending on the circumstances. However, you should note that the TARP Regulations require service of a formal notice in certain situations, and **voluntary surrender is not permitted when serving a Regulation 19 notice under these Regulations.**

Detention of POAO inland

Defra advise that where an officer wishes to detain any product of animal origin inland in order to investigate further to establish its safety or compliance, voluntary co-operation should be sought in the first instance. In situations where this is not possible or is inappropriate due to risk, there is a provision under Article 18 of Regulation 882/2004 for an authorised officer to require the person having charge of the consignment to detain the product until such a time as the investigation is complete. A detention notice template is also available in Annex 1, and this can be completed and provided to the person having charge of the consignment until any investigation is complete.

Where an authorised officer is satisfied that a POAO has been illegally introduced, they should take appropriate action as outlined in Regulation 19 and Regulation 20 (3) of the Trade in Animals and Related Products (TARP) Regulations 2011. An authorised officer should seize the consignment or product and have it re-dispatched or destroyed in accordance with the guidance produced by Defra (in Annex 1).

Legal imports subsequently found to be “illegal”

If the product has been imported correctly through a BIP but is non-conforming, (for example some goods are found not to have the correct identification marking as the BIP check of bulk goods does not ensure individual packages are marked with the approval number of the establishment of origin), provisions under the TARP Regulations cannot be used. Officers should consider whether suitable remedies are available under other relevant food legislation, for example the Food Safety Act 1990, the Animal By-Products (Enforcement) (Wales) Regulations 2011 etc.

Storage facilities

When dealing with POAO, LAs may need to transport the products to a secure storage / detention / inspection facility (e.g. secure ambient warehouse, chilled or frozen food coldstore). It is anticipated this is most likely to occur when a large consignment is seized and facilities are needed prior to destruction. LAs should be prepared for the need to transport large consignments at short notice and are advised to identify suitable carriers and storage facilities in advance of need. Your nearest PHA or UKBA officer may be able to assist. Regulation 25 of the Animal By-Products (Enforcement) (Wales) Regulations 2011 provides for a notice to require the storage of animal by products (such as illegal POAO from third countries) pending disposal.

Disposal of animal products

Imported animal products that require disposal are classified as ‘High risk material’, or Category 1 waste for the purposes of the Animal By-Products (Enforcement) (Wales) Regulations 2011, i.e. POAO must be consigned for rendering or incineration. Landfill is not acceptable. Your nearest PHA may be able to advise you of facilities that they use for this purpose. Contact details for all of the UK ports are available on the APHA website at: http://www.porthhealth.co.uk/port_directory.asp.

Alternatively you can contact APHA on 08707 444505 or by email: office@porthhealth.co.uk. Please note that alternatively the local Trading Standards Department may be able to assist.

Commercial Considerations

The enforcement of the controls for imported food (whether POAO or FNAO) should always be primarily focused on protection of public and animal health. However, enforcement officers are encouraged to carry out their functions in a manner that is sympathetic to commerce / commercial reasons in order to reduce commercial loss.

Reports and Notifications

Remember to report any seizures made under Regulation 19 of the TARP Regulations and voluntary surrenders of third country POAO to Defra using the IIT1 form. The reporting of seizures by LAs/PHAs requires the completion (preferably electronically) of a common form (IIT 1 (4/08)), which is then sent by e-mail for Defra to record the appropriate information required. However, the option remains for the form to be completed manually, if that method is preferred, and sent to Defra by fax/post. Details of where to e-mail/fax/post the form are included on the form. A copy of the form is available in Annex 1. The form is located on the secure parts of the following websites. Please note you will need to obtain password permission in order to access these areas.

APHA: www.porthhealth.co.uk

CIEH: <http://www.ehcnet4.net/govt/defra/iit/iitrept.php>

Local Government Group:

<http://www.lacors.gov.uk/lacors/CustomLogin.aspx?docID=7866&docType=C>

The information provided in this form is also shared with the FSA Food Fraud team.

Forwarding copies of notices to Defra

Send copies of all TARP notices served under Regulations 19 and 32(6) to:

Imports and EU Trade Team
Nobel House,
17 Smith Square
London
SW1P 3JR

Food incidents

Officers must decide as soon as possible whether a 'food incident' has occurred and should notify the FSA in accordance with the statutory Food Law Code of Practice and Feed Law Enforcement Code of Practice (GB), Chapter 1.7 and accompanying Practice Guidance.

Notifying the Port of Entry

Enforcement officers should make every effort to inform the port of entry, without undue delay, in the following circumstances:

- Where POAO is known or suspected of being illegally imported (HMRC should also be advised of illegal imports).
- Where POAO poses a risk to public or animal health and the officer considers this was a problem at the BIP.
- Where POAO fails to meet food safety requirements, i.e. it is unsafe (as described by Article 14 or 15 of Regulation (EC) No. 178/2002) and the officer considers this was a problem at the BIP.

Section 9 – Inland checks on FNAO from third countries

9.1 Expectations of local food authorities

It is important for inland enforcement officers to prioritise the use of official controls on imported feed/foods found during the course of their routine intervention work. The highest priority for checks inland rests with POAO imported from third countries. However, there are a number of “Higher Risk” FNAO which are subject to enhanced import conditions and as such should be subjected to appropriate official controls wherever they are found throughout the feed/food distribution chain.

Some of these “Higher Risk” FNAO are prohibited and appropriate enforcement action should be taken whenever they are found to both remove them from sale but also to trace any similar products. The Agency website contains information on these products, and this can be accessed at:

(http://www.food.gov.uk/foodindustry/imports/banned_restricted/highrisknonpoao and http://www.food.gov.uk/foodindustry/imports/banned_restricted/aflatoxinreg11522009)

Further details may also be found in the “library” section of the imported food training portal titled ‘FNAO’ at: <http://www.importedfood.co.uk/library/enforcement-guidance/>

All of these Higher Risk FNAO are subject to documentary checks (CED checks) on their import via DPEs. A proportion of these are subject to identity and physical checks, including laboratory analysis, at the frequencies set out in Annex 1 of Regulation (EC) 669/2009. The focus inland is to verify that the feed/food has indeed been imported lawfully. In most cases this will involve discussions with the owner of the feed/food regarding its origin together with the examination of appropriate documentation. If the premises are the first destination after import CEDs should be available to verify lawful importation.

It should be noted that the import conditions for some foods under Regulation (EC) 1152/2009, for example peanuts from China, are only applicable for the importation of significant quantities of the food (above 20kg). As such, inland authorities should focus their attention on FNAO with current EU restrictions and in particular where these foods are found in large consignments.

There is the potential for non-animal products to be contaminated with a variety of substances, e.g. chemical, bacteriological and/or physical. At present there is no requirement for import of most non-animal products to be pre-notified to the point of entry. Feed/food products for import must meet food safety requirements of Regulation (EC) No 178/2002 and the hygiene requirements of Articles 3-6 of Regulation (EC) No 852/2004.

A significant proportion of consignments of FNAO will not have been physically checked at ports of entry, so it is important that inland controls are also in place. Inland enforcement officers should be vigilant to ensure that any illegal/unsafe products are removed from the supply chain at as early a stage as possible. It is also important that inland controls are in place at ERTS, ships’ suppliers and international rail terminals.

During routine feed/food safety/hygiene interventions and other visits to feed/food business premises (e.g. complaint visits, sampling visits etc.), officers should consider the feed/food offered for sale and identify if it has been imported from third countries, and if it complies with imported feed/food controls. This section of the

Resource Pack is designed to assist enforcement officers with this task.

It is important that LAs do not simply target food businesses that specialise in the supply of food to specific minority groups. They should build up a profile of food businesses within their area that routinely import food, including those that import food from third countries and, in addition, those premises that are the first destination after import. From this profile and taking into account food alerts, risk rating of the premises and illegal imports, a risk-based approach can be developed.

9.2 Legislation

The Official Feed and Food Controls (Wales) Regulations 2009 (the OFFC Regulations), which provide for the execution and enforcement of Regulation (EC) No 882/2004, constitute the main legislation controlling the import of FNAO with parallel legislation in Scotland, Wales and Northern Ireland. These Regulations apply to feed/food at all stages within the feed/food chain. Official control activities should also include, amongst other things, inspection of materials and articles in contact with the food in question, as well as the cleaning and maintenance products that may be used.

The provisions of the Food Safety Act 1990, the General Food Regulations 2004 and Feed (Hygiene and Enforcement) (Wales) Regulations 2005 may be more relevant for inland controls on imported feed/food of non-animal origin than the imports provisions of the OFFC Regulations. The guidance given below therefore concerns the Food Safety Act 1990 and Feed (Hygiene and Enforcement) (Wales) Regulation 2005. The OFFC Regulations would need to be used where examinations have been deferred inland by an authority at the point of entry.

When feed/food has not been produced, processed or distributed in accordance with the Hygiene Regulations and it is appropriate, consideration could be given to the use of Regulation 27 of the Food Hygiene (Wales) Regulations 2006. (SI.2006/31 (W.5)). In the case of animal feed the use of Regulation 25 of the Feed (Hygiene and Enforcement) (Wales) Regulations 2005, should be considered. The hygiene requirements for feed are set out in Regulation (EC) No. 183/2005 on feed hygiene.

9.3 Right of Entry

Under feed/food law, enforcement officers have powers of entry to feed/food businesses for the purpose of exercising their powers under that law.

9.4 Identifying foods as FNAO

Some food items may not be familiar to enforcement officers and packaging and labelling may not be clear (e.g. not in English, however under the Food Labelling Regulations, food on the market should be labelled in English), making it difficult to properly identify the product as a FNAO. If an officer suspects that a product is a POAO, he/she may sample it under the provisions of Section 29 of the Food Safety Act 1990 or, where appropriate, Regulation 12 of the Food Hygiene (Wales) Regulations 2006. However, in some circumstances sampling may be inappropriate and other means of identification should be encouraged. One possible method is to use photographic evidence and then to seek advice from the FSA.

9.5 Checks on FNAO

The flow chart in Annex 1 may assist enforcement officers in carrying out appropriate checks on imported food. The types of checks (whether documentary, physical or laboratory based) depend on any specified requirements and the risks associated with the particular type of product. Checks should be informed by:

Statutory requirements for documentary checks and sampling laid down in relevant legislation.

- The specific risks associated with different types of food.
- Previous knowledge of the product.
- Any requirements following a Food Alert or RASFF notification.
- Previous experience with the importer.
- Adequacy of documentation.
- Suspicion of non-compliance.
- Requests by other food control bodies, e.g. FSA.

9.6 FNAO subject to enhanced import checks

Where inland officers identify significant quantities of FNAO from third countries which are subject to the enhanced import controls referred to in Article 15(5) of Regulation (EC) No 882/2004, they should undertake a traceability check (equivalent to a documentary and identity check) on these products to verify that they have been imported appropriately. Such feeds/foods are listed in Annex I to Regulation (EC) No 669/2009 (as amended). This annex is updated on a quarterly basis. Similarly checks should be taken for foods subject to EU safeguard measures such as those listed in Article 1 of Regulation (EC) No 1152/2009. For these purposes a “significant quantity can be considered to be 20 kg or greater. Where there is doubt regarding the traceability of such products, the officer should consider the service of a Regulation 32 OFFC notice, to detain the feed/food. The FSA website contains further information on these types of products at:

http://www.food.gov.uk/foodindustry/imports/banned_restricted/highrisknonpoao

9.7 Deferred Examination

The OFFC Regulations allow for the deferred examination of consignments from third countries to allow the provisions of the Regulations to be enforced by an inland authority rather than the LA at the point of entry. Thus the Regulations may be applicable in any LA area. Either the LA at the point of entry or the importer can request deferred examination. The final decision rests with the LA at the point of entry, but should be agreed ONLY in conjunction with the receiving authority so that the appropriate checks on the products can be carried out.

When a deferment of examination of a consignment occurs, the importer must give a written undertaking that the consignment will remain sealed in its container and will not be opened until it reaches the designated destination. The LA at the point of entry should notify the receiving authority by the most expeditious means available that the food has not been examined and also forward a copy of the undertaking given by the importer. The authorised officer of the receiving authority then allows the opening of the container ready for examination.

9.8 Investigation Advice

When visiting premises in relation to imported feed/food, enforcement officers may wish to consider the following points:

Identification

- Is the product easily identified – is it a FNAO?
- Seek information on use, origin and ingredients.
- Consider use of digital photography (if available) so that pictures can be e-mailed to FSA/Defra, if necessary.

Origin/safety/condition of the food

- Is the product banned or prohibited?
- Where has the product been imported from?
- Is the product subject to emergency controls?
- Does the product appear fit for consumption?
- Is it adequately packaged, labelled and temperature controlled?

If dealing with an unfamiliar product do not ignore it. It may be necessary to do some research and/or sampling to identify the product and to assess any potential risk. In the past products such as Calabash chalk, mustard seed oil and Kava-Kava have been identified by LAs doing follow up investigation and subsequently such products were removed from sale.

Traceability

- Does the retailer have proper records regarding the purchase of the products?
- Has “due diligence” been considered by the FBO?
- Do all receipts and invoices tally with the goods on sale?
- If premises are the first destination after import and the products are ‘higher risk’ FNAO, are there CED documents present?
- The product may need to be followed up the distribution chain.

Responsibility

- Identify the person in charge of the goods (usually the retailer).
- Request documents and relevant information from the person in charge.
- Be prepared to remind the FBO that there is an offence of obstruction provided for in both food and feed law.

9.9 Dealing with suspect food

The flow diagrams in Annex 1 may assist enforcement officers in dealing with suspect FNAO. It is the LA who has the burden of proof to demonstrate that any FNAO does not meet feed/food safety requirements.

9.9.1 Products failing to meet feed/food safety requirements

If officers are satisfied that the product fails to meet feed/food safety requirements i.e. is unsafe (as described in Article 14 or 15 of Regulation (EC) No. 178/2002), the product may be seized under Section 9 of the Food Safety Act 1990, as amended by the General Food Regulations 2004 or Regulation 25 of the Feed (Hygiene and Enforcement) (Wales) Regulation 2005 and dealt with accordingly.

9.9.2 Withdrawal of Unsafe Feed/Food

In terms of the General Food Regulations 2004, as read with Articles 14 and 19 of Regulation (EC) No 178/2002, a FBO shall not place on the market unsafe food. Equivalent requirements relating to feed are to be found in Articles 15 and 20 of Regulation 178/2002 as read with Regulation 15 of the Feed (Hygiene and Enforcement) (Wales) Regulations 2005. The FBO is required to withdraw from the market a feed/food that has been imported, produced, processed, manufactured or distributed if it is not in compliance with the feed/food safety requirements. Such withdrawal procedures shall be immediately initiated, where the feed/food has left the immediate control of the initial FBO, and the CAs must be informed.

Officers must decide as soon as possible whether a 'food incident' has occurred and notify the FSA in accordance with the statutory Food Law Code of Practice, Chapter 1.7, Feed Law Enforcement Code of Practice, Chapter 1.6 and accompanying Practice Guidance.

Where the product may have reached the consumer, the FBO shall effectively and accurately inform the consumers of the reason for its withdrawal and if necessary, recall from consumers products already supplied to them, when other measures are not sufficient to achieve a high level of health protection. FBOs must collaborate with food authorities to avoid or reduce the risks associated with unsafe food.

9.9.3 Voluntary surrender

Voluntary surrender may be an option dependent on circumstances. For example, where there is no evidence to suggest that a deliberate attempt has been made to import non-compliant goods or where an officer has concerns about the safety of feed/food but cannot demonstrate conclusively that it does not meet food safety requirements. Such voluntary arrangements should be consistent with the statutory Feed/Food Law Codes of Practice.

9.9.4 Common problems:

- Bottled water/spring water/mineral water not in compliance with the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007, as amended, e.g. contaminated Zam Zam water for human consumption.
- Carbonated soft drinks with excess preservative and colours.
- Pickled vegetables with excess preservative.
- Labelling issues in general.
- Mustard Seed Oil containing erucic acid in excess of permitted levels.
- *Bacillus cereus* contamination of 'wet' preserved bean curd usually presented in glass jars.
- Mycotoxins in a wide range of products including nuts, dried fruit, cereals and spices.
- Nuts or dried fruit subject to specific import controls that have not been imported via a designated point of entry.
- *Salmonella spp.* In untreated (unroasted) curry powder and other spices.
- Presence of non-permitted additives (preservatives, colours, flavours, enhancers, etc.).
- Excess colours in confectionery and coated fennel seed above permitted levels.

9.9.5 Storage & Disposal facilities

When dealing with FNAO, officers may need to arrange transport of products to a secure storage/detention/inspection facility, e.g. secure ambient warehouse, chilled or frozen food coldstore. It is anticipated this is most likely to occur when a large

consignment is seized and facilities are needed prior to destruction. LAs should be prepared for the need to transport large consignments at short notice and are advised to identify suitable carriers and storage facilities in advance of need.

Suitable storage facilities should be identified and considered for the risk of the product and rejected goods may need to be accompanied and monitored. Disposal would generally be by deep burial at a suitably licensed landfill site, or by incineration. (N.B. animal products can only be incinerated / rendered). Your nearest PHA or UKBA officer may be able to assist.

9.10 Notifying the Point of Entry

Enforcement officers should make every effort to inform the point of entry, without undue delay, in the following circumstances:

- Where FNAO is known or suspected to have been illegally imported without being subject to emergency control checks.
- Where FNAO fails to meet food safety requirements i.e. is unsafe (Article 14 or 15 of Regulation (EC) No 178/2002) and the officer considers this was a problem at the point of entry.

9.11 Liaison with other Member States

From 1 April 2006 the FSA took over responsibility from LG Regulation (now Local Government Group) as the designated liaison body for the purposes of Article 35 of Regulation (EC) No 882/2004 and, as such, is responsible for assisting and co-ordinating communication between CCAs in the EU and the transmission and reception of requests for assistance.

EU trans-border matters that may have policy implications, aspects relating to outbreaks of food-borne disease and issues connected with feed/food hazards are dealt with by the FSA. LAs/PHAs must therefore notify the FSA of all such matters at the earliest opportunity.

Any correspondence in relation to the above should be sent to the Incidents Branch, 11th Floor Southgate House, Wood Street, Cardiff, CF10 1EW Fax: 029 2607 8919 / Tel: 029 2067 8961. Email: wales.foodincidents@foodstandards.gsi.gov.uk

Section 10 – Summary

A substantial amount of feed/food consumed in the UK is 'imported' and a significant proportion of this originates from countries outside the EU. Whilst inspecting feed/food establishments, authorised officers should carry out routine checks on POAO and higher risk FNAO which have been imported from third countries.

POAO (food) should normally be marked with the country of origin together with the approval number of the originating establishment. Where an officer has some doubt regarding the legitimacy of a POAO from a third country or does not have a high degree of confidence in the management of the business in which it has been found, steps should be taken to verify the authenticity of the markings on the product.

Where POAO from a third country is found in a feed/food business in the UK that was responsible for the import of the product from a third country, a so called "first destination", verification of lawful import in the form of a CVED should be provided.

Certain 'higher risk' FNAO from third countries are subject to an enhanced import checks regime at the point of entry. Where significant quantities of these products are found inland, official controls should be undertaken to verify lawful import. Where 'higher risk' FNAO from a third country under Regulations (EC) 669/2009 or 1152/2009 are found in a feed/food business that is a 'first destination', verification of lawful import in the form of a CED should be provided.

Should an authorised officer have concerns regarding the legal status of a POAO from a third country, he/she should consider placing the feed/food under official detention whilst an investigation is undertaken. If the officer is satisfied that the POAO was illegally introduced into Wales or it is dangerous to health, the appropriate formal notice should be served and the feed/food destroyed or re-dispatched.

Similar enforcement options are available to officers who suspect or are satisfied that FNAO from third countries has been illegally imported or is non-compliant with EU feed/food law.



Chapter 3 – Case Studies



Case study 1: worked example

During an inspection of a retail shop, an authorised officer discovers a quantity of fish on display for sale in a chest freezer. The fish is unpackaged and there are no labels attached or associated with it.



Key Legal requirements

The fish should have originated from an approved establishment within an approved third country.

The packaging, in which the fish consignment arrived at the premises, should be marked with the country of origin and bear an establishment number.

A Common Veterinary Entry Document (CVED) is required to be present at the first destination inland from the point of entry.

The FBO should have adequate systems and procedures in place to demonstrate the traceability of food that he places on the market (Article 18 of Regulation (EC) No 178/2002).

The fish should be labelled with the name of the fish, the production method (whether caught at sea, inland or farmed) and the catch area: The Fish Labelling (Wales) Regulations 2010: SI 2010/797 (W.78)

What are the concerns?

Fish should be properly labelled at the point of sale to provide the consumer with accurate information regarding its nature, origin and the method of catch employed. However, in this scenario the most significant concern is that the fish may have been

illegally imported and as such has not been subjected to the necessary official controls. Here, the fish should have originated from an approved establishment in an approved third country and been imported into the EU via a designated Border Inspection Post (BIP) where a CVED should have been issued on completion of statutory import checks.

Fish handled in approved establishments in approved third countries which are subsequently checked at a BIP carry certain assurances as to the conditions in which they were produced and subsequently handled. In contrast, fish that may have originated from non-approved third countries and/or evaded border controls may pose a risk to public health.

Suggested course of action:

The authorised officer should firstly ask the FBO for further details in relation to the origin of the fish then seek to verify the accuracy and authenticity of such information.

The officer could request:

- To see invoices and/or delivery notes which relate to the fish
- Verbal information from the FBO regarding the supplier of the fish (Name, address, telephone/e-mail details)
- Whether the fish was imported directly by the food business where it is on sale.
- If this is the case, the officer should request a copy of the CVED.

The authorised officer should then consider the adequacy of the information provided.

Where the officer is satisfied that the fish originated from a third country but was not lawfully imported, a notice under Regulation 19 of the Trade in Animals and Related Products (Wales) Regulations 2011 (TARP Regulations) should be served on the person in control of the food. This notice will require the seizure and destruction (or in exceptional circumstances re-export) of the food. For further details on this course of action see

Chapter 2, Section 8.4.

In circumstances where there is still doubt regarding the legitimacy of the fish, the authorised officer may consider placing the food under official detention in accordance with the provisions of Article 18, Regulation (EC) 882/2004. This can be achieved by issuing the person who appears to be in charge of the food with a letter of official detention an example of which can be found in Annex 1. The authorised officer should decide whether it would be appropriate to detain the food in the premises where it was found or remove the food and store it at a location specified in the letter.

Should the FBO provide information relating to the source country and /or establishment, the validity of these details may be verified by the officer with reference to the lists of approved third countries and establishments published on the Europa website. These details can be found at the following URL:

http://ec.europa.eu/food/food/biosafety/establishments/third_country/index_en.htm

Where the FBO is able to provide sufficient evidence to verify that the fish had been legally imported, he should be advised to ensure that all future consignments are adequately marked.

If a letter of official detention had been issued, this should be withdrawn in writing.

If after initial investigation, the officer is unable to verify the legitimacy of the fish or has any technical queries, the FSA Imported Food Team should be contacted.

In accordance with the Food Law Code of Practice, should the authorised officer consider that the supply of the fish constitutes a serious local incident or a non-localised incident the matter must be reported to the FSA. This can now be achieved using the online incident report form which can be accessed at:

<http://www.food.gov.uk/foodindustry/regulation/foodfeedform>.

Case study 2

The following products are discovered during the routine inspection of a cut-price retail butcher's shop:



Chicken and beef sausages labelled “Product of RSA”



“Factory fresh frozen” “Boerewors sausages – Product of RSA”

Case study 3



You have established that there is an ERTS in your district that you were previously unaware of. You decide to visit the premises. During the visit it is clear from paperwork that large quantities of fruit and vegetables routinely obtain HMRC clearance at this ERTS. Whilst inspecting some pallets of fruit you come across the items shown in the pictures.

- a) What investigation work should you undertake?
- b) What formal action is appropriate?
- c) Who should you contact if you are unsure on how to proceed?
- d) What follow up work do you undertake?

Case study 4

As a part of your authority's sampling programme this year you are expected to procure samples of various spices for analysis or examination. You visit a warehouse owned by a company that imports animal and non-animal products from around the world. You choose to take a sample of curry powder imported from India.



- a) Explain how this product can be imported legitimately into the UK.
- b) What documents should be present at the first point of import for this product?
- c) What action should you take if you suspect that this product has not been legitimately imported?
- d) What contaminants would you ask the Public Analyst/Food examiner to look for?
- e) What action would you take if the analyst finds unacceptable levels of contaminants?

Case study 5

(This comes in two parts. When you have finished work on part one please work on part two).

Part 1: You are investigating an outbreak of *Salmonella* food poisoning in your district.

Initial findings suggest that the source may be associated with a sandwich bar in your district and, in particular, coronation chicken sandwiches.

- a) What ingredients of the sandwiches could be possible sources of the salmonella contamination?

- b) What action would you take?

- c) What guidance/legislation might be appropriate for you to consider in this case?



Part 2: ADDITIONAL INFORMATION – The Salmonella species and phage type has been confirmed by the Health Protection Agency (HPA) laboratory. You originally took samples of chicken, curry powder and swabs from preparation surfaces and containers. The microbiological results are received by you as follows:

HEALTH PROTECTION AGENCY Ref: XGF836201

MICROBIOLOGICAL REPORT Lab Number: EF005127

Sender: Council Sample From: Tasty Sarny Co. Seal Nos: 2113948, 2113949, 2113950, 2113951, 2113952, 2113953

| No. | Specimen | Salmonella Spp. | Comments |
|-----|-------------------------------|---------------------|------------------------------------|
| 1 | Chicken pieces (Sealed outer) | Not detected in 25g | Acceptable |
| 2 | Curry powder | Present in 25g | Unacceptable potentially hazardous |
| 3 | Swab A | Not Detected | |
| 4 | Swab B | Not Detected | |
| 5 | Curry powder - Container swab | Present | Unacceptable |
| 6 | Chicken - container | Not Detected | Acceptable swab |

SAMPLE 2 confirmed presence of Salmonella Spp X phage type Y in 25g. [Positive match to pathogen retrieved from stool samples].

-----REPORT ENDS-----

d) Outline your actions following receipt of these results.

e) Following further investigation it appears that the curry powder was originally imported as a bulk consignment for distribution across the EU. It was Customs cleared at Rotterdam Freeport in the Netherlands. What follow up action do you take and what channels of communication do you use?

Case Study 6

As a part of your authority's sampling programme this year you are expected to procure samples of various feeding stuffs for analysis. You visit a feed mill owned by a company that uses feed materials and additives of non-animal origin imported from around the world. You choose to take a sample of copper carbonate imported from Israel.



- a) What contaminants would you ask the agricultural analyst to look for?

- b) What action would you take if the analyst finds unacceptable levels of contaminants?

Case Study 7

You undertake an inspection of materials being stored at a distribution centre for animal feed and notice pallets containing bags of iron oxide stating 'Feed Grade' and which for the purposes of this case study can be assumed to be listed in Annex I of Regulation (EC) 669/2009.



- a) Explain how this product can be imported legitimately into the UK.
- b) What documents should be present at the first point of import for this product?
- c) What documents would you ask to see?
- d) What action might you take to ensure that this product has been legitimately imported?
- e) What action should you take if the product has not entered the EU in accordance with the appropriate import controls?

Imported Food Case Study Model Answers:

Please note that these are suggested answers for educational purposes only. Alternative enforcement strategies and processes may be appropriate dependant on specific circumstances encountered and enforcement officers are advised to seek appropriate advice prior to embarking on a specific course of action.

Model answer: Case study 2

a) As a minimum you should note:

- Product description.
- Product brand.
- Weight.
- Country of Origin.
- EU Approval number.

However, if investigating such a product you should really make notes on all information that is available, and consider taking a sample. Samples would be taken under Regulation 34(g) of the TARP Regulations and should be used if you need to carry out further identity or physical checks on the product.

Information could include:

- Durability markings.
- Producer details.
- Importer details.
- Description of condition of product.
- All other labelling/markings.

If you intend to contact the FSA, Defra, HMRC (or other Government departments) then it is really helpful to take digital photographs that can be e-mailed in to assist with identification/details of your enquiry.

b) Questioning should initially be general to gain an understanding of the scope of imported food trade at this business. Try to identify the following:

- What range of imported food products is currently on the premises/purchased by the business/stored elsewhere?
- How does the retailer receive imported foods? Is this by direct import or purchase from a wholesaler? If a wholesaler, or other intermediary, obtain details.
- Does the retailer sell any product on to other stores or are there any other associated outlets?

Then focus in on the product in question and obtain more detail:

- Who is in charge of goods?
- Who owns goods?
- Who imported these specific goods?
- Which BIP/Port were they imported through?
- Is this commodity a regular import?
- Who is the supplier (UK, EU or third country)?
- Do you supply these goods onwards?

- Do you have or can you obtain the CVED?
- What date were the goods imported? (Although difficult to obtain, sometimes this may be crucial, if specific safeguard controls were in force at the time of import, e.g. veterinary residue controls).
- What quantity of stock is held?
- Ask for commercial documents to verify (invoices, shipping documents).
- If unfamiliar with the product ask what it is used for and obtain general information relating to the product type.
- Where were the goods purchased?
- When were they purchased?
- Is this a regular stock line?

Detailed questioning may then follow dependant on answers provided. The core information that is needed to verify it is a legitimate import is:

- (Copy of) Common Veterinary Entry Document (from an EU BIP).
- Date of import.
- Place of import.
- Approved establishment number and country of origin.
- Type of product.

In some cases it will be a lengthy process to obtain this information (especially when from a small retailer, who is some way down a complex distribution chain). Of course you will need to investigate in line with enforcement policies and it may not be proportionate to carry out a detailed investigation on each occasion that you find goods of this nature. However, where you have grounds to suspect that goods are illegal imports you should follow up with an investigation and enforcement activity, as appropriate. The traceability requirements of Regulation (EC) No 178/2002 (implemented by the General Food Regulations 2004) may be of assistance in tracing back to the CVED. You may need to liaise with other LAs or PHAs to obtain the information.

c) Legislation to Review:

- The Trade in Animals and Related Products Regulations 2011
- Good answers will include reference to checking on safeguard provisions in place at the time of import, i.e. specific Commission Decisions and Declarations under Regulation 29 of the TARP Regulations. These can be found on Defra and FSA websites and Officers are recommended to keep up to date with countries subject to safeguard provisions and related issues. This need not be in full technical detail needed by BIP staff but just to be aware of current issues.

d) Potential Enforcement Options:

This legislation should be considered first as it is most pertinent to deal with illegal third country POAO imports and offers robust enforcement procedures:

- TARP Regulations. Regulation 19 – Enforcement procedure for illegally imported animal products.

If it is inappropriate to act under the above or disproportionate to carry out a lengthy investigation and there are other food safety/standards offences, then consider action under the Food Safety Act 1990 and related S.I.s.

If the authorised officer considers that it would be necessary to detain the food pending further investigation then a letter of official detention as provided in Annex 1 might be considered.

Finally where action is taken against illegal imported animal products it is important that intelligence information is passed to the LA/PHA at the point of entry. The FSA Food Fraud Team will ensure that HMRC and UKBA are informed, as well as recording the information.

Model answer: Case study 3

a) Initially investigation work will be limited to establishing the origin of the poorly packaged decaying meat. It is important at this stage to identify if the products have been imported from third countries or are intra-EU trade. If they are intra-EU trade then refer to the FSA illegal meat guidance to identify options for control. If they are third country imports verify that health marks are absent and that the goods have not been presented to a BIP, with subsequent issue of a CVED. Also it is important to establish if any of the product has been dispatched elsewhere so that it may be tracked and controlled. As this facility is under customs control, being an ERTS, the formal control of the smuggled meat will be the responsibility of UKBA.

b) You should refer the case to UKBA via local liaison, if in place, or via the Customs National Co-ordination Unit (Smuggling Intelligence) on Tel: 0870 785 3600, Fax: 0870 240 3738 or ncu@hmrc.gsi.gov.uk

In order to help UKBA prioritise their response, professional judgement should be used as to whether goods can be left unattended or not. Risk factors should be communicated to HMRC such as:

- likelihood that the goods will be removed if left unsecured.
- perceived level of risk presented by the commodity. In this example the ham may present high animal health risk as a potential vector of animal disease, and may have associated public health risks due to the condition of the product. If high risk is identified, the LA should urge HMRC to attend as soon as possible and remain with the goods or secure them in a locked area, if practicable.

If there is a perceived high risk, it is imperative to ensure that the goods are controlled and do not leave the premises. Service of a Regulation 32(6) TARP Regulations notice to detain the food for referral to UKBA would be appropriate. Additionally great care needs to be taken to ensure that all steps are taken to prevent contact with the product and spread of potential contaminants. You should ensure that a health and safety risk assessment is in place in relation to the activities of LA personnel and any contractors etc. Finally the local AH office must be informed so that they can consider possible risk to animal health in the area.

In other cases where the risks posed may not be so high, and where you have confidence in the management you should indicate to UKBA that the response needed is not immediate, but is nonetheless still reasonably urgent. UKBA will endeavour to respond within 24 hours for all incidents.

Additionally, if you have established that goods have moved away from the ERTS to your jurisdiction, or the jurisdiction of other LAs, you should ensure that the rest of the consignment is intercepted and controlled using a TARP Regulation 19 notice.

c) If unsure how to proceed then contact the relevant organisation as per the information in this Pack. In this instance Defra contacts may be the most appropriate to advise you. However if you are unclear or do not have numbers available to you on site, please call the FSA Imported Food Helpline on 0207 276 8018 and we will pass you to the right person to assist.

d) Follow up work will largely involve liaison with UKBA to ensure that the entire consignment has been controlled whether in UKBA or LA jurisdiction. Also you should send copies of any notices served under the TARP Regulations to Defra.

You should report the seizures to Defra using the IIT1 form. The reporting of seizures by LAs/PHAs requires the completion (preferably electronically) of a common form (IIT 1 (4/08)), which is then sent by e-mail for Defra to record the appropriate information required. However, the option remains for the form to be completed manually, if that method is preferred, and sent to Defra by fax/post. Details of where to e-mail/fax/post the form is included on the form itself. As you know the form is located on the secure parts of the following websites which cannot be accessed without password permission:

APHA: www.porthhealth.co.uk

CIEH: <http://www.ehcnet4.net/govt/defra/iit/iitrept.php>

Local Government Group:

<http://www.lacors.gov.uk/lacors/CustomLogin.aspx?docID=7866&docType=C>

The information provided in this form is also shared with the Food Standard Agency's Food Fraud team.

If the meat has been widely distributed then you should notify the FSA so that they can assist you with submission of RASFF notifications and, issue food alerts as may be appropriate to the circumstances.

Model answer: Case study 4

a) Curry powder from all third countries is currently identified as a "higher risk" FNAO in Annex 1 to Regulation (EC) No 669/2009 (as amended) and should only be imported into the EU via a Designated Point of Entry (DPE). Legitimate import requires the FBO to pre-notify the DPE of its arrival and for enhanced checks to be undertaken at the port.

b) A properly completed, signed and stamped Common Entry Document (CED) should be available at the first point of entry inland.

c) After suitable consultation, a detention notice should be served under Regulation 32 of the Official Feed and Food Controls (Wales) Regulations 2009.

d) Sudan I, II, III and IV. Additionally you may wish to consider examination or analysis for salmonella, mycotoxins and other contaminants that may be associated with this commodity.

e) Destruction - Regulation 32 of the Official Feed and Food Controls (Wales) Regulations 2009

Model answer: Case study 5

a) Chicken, mayonnaise, eggs, salad dressings, lettuce/salad, infected handlers, contaminated surfaces, cross-contamination and curry powder.

b) Food Safety Act 1990, Regulation (EC) No 852/2004 (Hygiene of Foodstuffs), Food Hygiene (Wales) Regulations 2006, local outbreak control plans and related information/legislation, PHLS Guidelines for the microbiological quality of some ready-to-eat foods. (This list is not exhaustive but indicates some of the more obvious documents).

c) Clearly from the results the curry powder is the most likely source of the problem. Hence, alongside 'normal' outbreak control work to minimise the impact on the general population, the distribution of the curry powder needs to be established and controlled. The extent of distribution both upstream and downstream should be established along with any distinguishing marks, lot numbers, batch codes, etc. If applicable, the Home Authority or Primary Authority should be contacted. Details of supplying and receiving establishments should be identified and the case should be referred to the FSA's Wales Incident Branch on 029 2067 8961 or via email to wales.foodincidents@foodstandards.gsi.gov.uk by completion of the online report form at: <http://www.food.gov.uk/foodindustry/regulation/foodfeedform>. Control will be via the Food Safety Act 1990. (Imports legislation would not normally be appropriate once imported goods have been legitimately HMRC cleared into the EU/UK – if in any doubt ask for advice).

d) Submit a notification under the Rapid Alert System for Food and Feed (RASFF). All enquiries on RASFF notifications to the FSA's Wales Incident Branch on 029 2067 8961

Model answer: Case Study 6

a) Products of this type are normally obtained directly or indirectly from quarrying and often undergo a drying process and can be contaminated with various undesirable substances, e.g. cadmium and lead or dioxins if the drying process has been undertaken in an inefficient manner. Further details of the types of minerals/additives used in animal feed can be found in the National Priorities for Feed Authorities published on the FSA website at:

<http://www.food.gov.uk/enforcement/workwithenforcers/centralref/>

Before sampling the material the following details should have been obtained:

- Product name/description
- Identity number of the additive

- Functional group of the additive
- Batch number(s)
- Net weight of individual packages/total weight
- Instructions for use
- Date of manufacture
- Country of Origin
- Details of the importer (if available)
- Details of the exporter/manufacturer (if available)

b) Clearly from the agricultural analyst results the copper carbonate does not meet the requirements of EU legislation and must not be used for animal feed. The seriousness of the contamination will depend on the level of contamination detected. However, initial action by the local authority should ensure the following action is taken and information obtained:

- Notify the feed mill that an adverse result has been obtained (giving details of the product) and stating that the material must be 'quarantined' until further action is agreed. Verify that this has been done recording the amount of material involved. Serve a notice under regulation 32 of The Official Feed and Food Regulations 2009 if you propose to undertake any of the actions listed in Article 19 of Regulation (EC) 882/2004 on the official control of feed and food. An alternative approach would be to seize and detain the material under Regulation 25 of The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 and have disposal dealt with by a Magistrate.
- Obtain information from the feed mill as to which products the affected product has been added (including details of species), the incorporation rates and recommended daily ration.
- Obtain details from the importer on how much of the affected batch was imported into the UK, through which point of entry and details of how it was distributed.
- Details of the incident, including the distribution details should be referred to the FSA Wales Incident Branch on 029 2067 8961 or via email to wales.foodincidents@foodstandards.gsi.gov.uk or by completion of the online report form at: www.food.gov.uk/foodindustry/regulation/foodfeedform. This should include details of the products to which the copper carbonate has been added and the incorporation rates, species and ration details in order that the Agency can undertake a risk analysis and advise as to whether compound feeds manufactured from the material require to be removed from the feed chain.
- Liaise with the authority responsible for the point of entry through which the material entered the UK making them aware of the incident.
- Arrange with the feed mill/importer for safe disposal of the material, liaising with other local authorities as necessary to ensure that the material is not diverted back into the feed/food chain.
- Submit a notification under the Rapid Alert System for Food and Feed (RASFF). All enquiries on RASFF notifications to the FSA Wales Incident Branch on 029 2067 8961.
- Verify the extent of the distribution, gather as much detail as possible and then contact FSA's Incident Branch as soon as possible. The Incidents Branch will then consider the need for food alerts or advise on co-ordination of the incident.
- The Incidents Branch will assist you in the completion and submission of a RASFF message, if appropriate.

Model answer: Case Study 7

- a) Iron oxide originating from China was a product listed under 'trace elements' in Annex I of Regulation (EU) 669/2009 on high-risk feed and food. Consequently, this material could only enter the EU through a designated point of entry. Such consignments require pre-notification to the authorities at a DPE and will be subject to documentary, identity and physical checks as specified in the Annexes.
- b) On completion of the required checks, the official inspector will complete, stamp and sign a Common Entry Document (CED) which will accompany the consignment inland to the first destination. If the consignment is split at the point of entry then duplicate copies of the CED must accompany the various parts of the consignment to their first destination.
- c) It is common for imported feed materials to leave the point of entry direct to their place of use e.g. a feed mill or to a storage facility for further distribution. It would be appropriate to ask for a copy of the CED after first establishing if the consignment has arrived from a point of entry and if so, which one.
- d) Where the CED is available then this should be examined for accuracy and to ensure that the DPE is one authorised to accept the consignment of iron oxide. If the premises at which the inspection is taking place is not the first destination of the consignment of iron oxide and a CED is not available then it would be appropriate to undertake a traceability exercise in respect of the material to establish through which point of entry it entered the EU and to obtain a copy of the CED, where possible. In establishing if the consignment has entered through an appropriate DPE information can be obtained on UK DPEs from the FSA website at:
http://www.food.gov.uk/foodindustry/imports/banned_restricted/highrisknonpoao and DPEs in other Member States at;
http://ec.europa.eu/food/food/controls/increased_checks/list_DPE_en.htm
- e) The quantity of material at the store must be identified and a notice served under Regulation 32 of The Official Feed and Food Regulations 2009. If the product was not imported in accordance with any of the rules relating to high-risk products under Regulation (EC) 669/2009 then the consignment must be removed from the feed chain and destroyed. Contact the FSA's Incidents Branch as soon as possible providing information on the importer responsible for the product and any other relevant information. The Incidents Branch will then consider the need for feed alerts and advise on co-ordination of the incident. Submit a notification under the Rapid Alert System for Food and Feed (RASFF). All enquiries on RASFF notifications should be to the FSA Wales Incidents Branch on 029 2067 8961. The Incidents Branch will assist you in the completion and submission of a RASFF message, if appropriate.

Chapter 4 – References



Section 1: Glossary

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| AHVLA | Animal Health and Veterinary Laboratories Agency |
| Airway bill | Commercial documents providing a general description of air cargo items |
| AMI | Animal Medicines Inspectorate |
| APHA | Association of Port Health Authorities |
| BIP | EU Border Inspection Post situated at a seaport or airport or international rail or road link. This is the port of entry, authorised by the Commission and inspected by FVO, where POAO may be legitimately imported into the “Relevant Territories” of the single market. The POAO will be subjected to veterinary checks at the BIP and a CVED will be issued to demonstrate that these checks have been successfully completed. |
| CCA | Central Competent Authority. In Wales Welsh Government is the CCA for the import of POAO from third countries except for fishery products and shellfish where the FSA is |
| CA | Competent Authority |
| CED | Common Entry Document – Part II of this document is issued at a DPE or DPI to verify that a “higher risk” FNAO has been lawfully imported. |
| CEFAS | Centre for Environment, Fisheries and Aquaculture Science |
| CHIEF | Customs Handling of Import and Export Freight |
| CIEH | Chartered Institute of Environmental Health |
| CITES | Convention on International Trade in Endangered Species |
| Consignment(s) | A consignment is a quantity of food or feed of the same type, class or description covered by the same document(s), conveyed by the same means of transport and coming from the same third country or part of such country. |
| Code of Practice | Code of Practice issued under the Food Safety Act 1990, the Food Hygiene (Wales) Regulations 2006 and the Official Feed and Food Controls (Wales) Regulations 2009. Feed Law Enforcement Code of Practice (GB). |
| CVED | Common Veterinary Entry Document (previously Certificate of Veterinary Clearance, CVC) – Part II of this document is issued at a BIP to verify legal import of POAO. |
| Defra | Department for Environment, Food and Rural Affairs |
| Demurrage | Charges for use of shipping containers, rail wagons, tanker lorries waiting for pick up or clearance, storage charges for space on a dock or wharf or in transit sheds and elsewhere. Akin to rental excess charge for use past the agreed period |
| DPE | Designated Point of Entry – where foods subject to the import conditions of Regulation (EC) 669/2009 may be |
| DPI | Designated Points of Import – where food subject to the import conditions of Regulation (EC) 1152/2009 may be imported. |
| DVM | Divisional Veterinary Manager (AH) |

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| EC | European Commission |
| EEA | European Economic Area |
| ERTS | Enhanced Remote Transit Shed (HMRC designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation) |
| EU | European Union |
| FNAO | Food Not of Animal Origin |
| Free Circulation | Customs status for goods that are 'cleared' into the EU |
| FSA | Food Standards Agency |
| FVO | Food and Veterinary Office (EU) |
| GRAIL | Guidance and Regulatory Advice on Import Legislation |
| HMRC | Her Majesty's Revenue & Customs |
| LA | Local Authority |
| LGG | Local Government Group (formerly LG Regulation) |
| Manifest | Document/computer file describing all cargo carried on a ship, cargo train or aircraft. |
| MHRA | Medicines and Healthcare Products Regulatory Agency (Formerly MCA – Medicines Control Agency) |
| MCGA or MCA | Maritime and Coastguard Agency |
| MoU | Memorandum of Understanding |
| NCH | National Clearance Hub (HMRC) |
| OFFC | Official Controls performed to ensure compliance with Food & Feed Law, Animal Health and Welfare Rules |
| OFI | Official Fish Inspector |
| OVS | Official Veterinary Surgeon |
| PHA | Port Health Authority |
| POAO | Products Of Animal Origin |
| RASFF | Rapid Alert System for Food and Feed (EU) |
| RSU | Regulatory Support Unit (part of Local Government Group) |
| S.I. | Statutory Instrument |
| TARP | Trade in Animals and Related Products Regulations 2011 |
| Third Country | Any country outside of the EU for the purposes of import controls |
| Trans-shipment | Movement of goods from HMRC area of a port to another |
| UKBA | United Kingdom Border Agency |

Section 2: Useful links

| Relevant Organisations/Central Government Departments | |
|---|---|
| The Association of Port Health Authorities (APHA) website | www.porthealth.co.uk |
| The Chartered Institute of Environmental Health (CIEH) website | http://www.cieh.org |
| Centre for Environment, Fisheries and Aquaculture Science (CEFAS - executive agency of Defra) website | http://www.cefass.co.uk/homepage.htm |
| Defra Organic Farming Branch – Organic imports Homepage | http://www.defra.gov.uk/foodfarm/growing/organic/imports/index.htm |
| The Food and Environment Research Agency (FERA) website | http://www.fera.defra.gov.uk/ |
| Local Government Group and Regulatory Support Unit | http://www.lacors.gov.uk/pages/trade/lacors.asp |
| Plant Health – FERA website | http://fera.defra.gov.uk/plants/plantHealth/ |
| Chemicals Regulation Directorate (CRD formerly PSD) website | http://www.pesticides.gov.uk/ |
| Veterinary Medicines Directorate (VMD) website | http://www.vmd.gov.uk |
| General information | |
| Customs Tariff/Commodity Codes on-line | http://customs.hmrc.gov.uk/channelsPortalWebApp/channelsPortalWebApp.portal?_nfpb=true&_pageLabel=pageImport_ShowContent&id=HMCE_MIG_009862&propertyType=document |
| EU Law search engine | http://eur-lex.europa.eu/en/index.htm |

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| Official Journal website | http://eur-lex.europa.eu/JOIndex.do?ihmlang=en |
| EU Official Food Safety Website | http://ec.europa.eu/food/index_en.htm |
| Office of Public Sector Information (OPSI - formerly HMSO) Legislation Homepage | http://www.opsi.gov.uk/ |
| FAO Fisheries Global Information System (Identification of fish etc.) website | http://www.fao.org/fi/figis/index.jsp |
| The Food Standards Agency (FSA) website | http://www.food.gov.uk |
| The imported food section of the Food Standards Agency website | http://www.food.gov.uk/foodindustry/imports/ |
| Foodstuffs with current EU restrictions (Please note the list is subject for review every quarter; whereby products are added and removed.) | http://www.food.gov.uk/foodindustry/imports/banned_restricted/restricted_foodstuffs |
| List of Enhanced Remote Transit Sheds (ERTS) in the UK | http://www.food.gov.uk/foodindustry/imports/enforce_authorities/ertslst |
| Banned or Restricted products | http://www.food.gov.uk/foodindustry/imports/banned_restricted/restricted_foodstuffs |
| Products of Animal Origin information | |
| Border Inspection Post Manual – Veterinary Checks | http://archive.defra.gov.uk/foodfarm/animaltrade/imports/bips/pdf/bipmanual.pdf |
| Defra List of UK Border Inspection Posts Homepage | http://www.defra.gov.uk/foodfarm/animaltrade/imports/bips/index.htm |
| Defra International Trade Homepage | http://www.defra.gov.uk/food-farm/import-export/ |
| Defra Illegal imports information | http://www.defra.gov.uk/food-farm/food/personal-imports/ |
| Directive 2002/32 (EC) on undesirable substances in feed | http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:140:0010:0021:EN:PDF |
| EC Decision listing products of animal origin to be examined at border inspection post | http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:116:0009:0033:EN:PDF |

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| The EU List of Approved Establishments in Third Countries | http://ec.europa.eu/food/food/biosafety/establishments/third_country/index_en.htm |
| CIEH (Authorisation required) | http://www.ehcnet4.net/govt/defra/iit/iitrept.php |
| Local Government Group (previously LG Regulation) (Authorisation required) | http://www.lacors.gov.uk/pages/trade/lacorsdocument.asp?R_ID=9747 |
| UK and relevant EU Legislation (Please note: Some of this legislation will have been reviewed and updated – the links are to original unamended versions) | |
| The Animal By-Products (Enforcement)(Wales) Regulations 2011 SI 2011/600 (W.88) | http://www.legislation.gov.uk/wsi/2011/600/contents/made |
| The Contaminants in Food (Wales) Regulations 2010 S.I. 2010/2394 (W.206) | http://www.legislation.gov.uk/wsi/2010/2394/contents/made |
| The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 S.I. 2005/3368 (W.265) | http://www.legislation.gov.uk/wsi/2005/3368/contents/made |
| The Food Labelling Regulations 1996 S.I. no. 1499 | http://www.opsi.gov.uk/si/si1996/Uksi_19961499_en_1.htm#con |
| The Food Safety Act 1990 | http://www.opsi.gov.uk/acts/acts1990/Ukpga_1990016_en_1.htm |
| Regulation (EC) No 178/2002 (the general food law) | http://eur-lex.europa.eu/pri/en/oj/dat/2002/l_031/l_03120020201en00010024.pdf |
| The Official Feed and Food Control (Wales) Regulations 2009 S.I. 2009/3376 (W.298) | http://www.legislation.gov.uk/wsi/2009/3376/contents/made |
| The Trade in Animals and Related Products (Wales) Regulations 2011 SI 2011/2379 (W.252) | http://www.legislation.gov.uk/wsi/2011/2379/contents/made |
| The Official Controls (Animals, Feed and Food) (Wales) Regulations 2007 S.I. 2007/196 (W.15) | http://www.legislation.gov.uk/wsi/2007/196/contents/made |

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| Regulation (EC) 1831/2003 on additives for use in animal nutrition | http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:268:0029:0043:EN:PDF |
| Regulation (EC) 183/2005 on feed hygiene | http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:035:0001:0022:EN:PDF |
| Regulation (EC) No 882/2004 on Official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules | http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:191:0001:0052:EN:PDF |
| PHA and LA Contacts | |
| <p>Contact details for all of the UK ports are available on the APHA website at: http://www.porthealth.co.uk/port_directory.asp Alternatively, these contact details can be found in the Association of Port Health Authorities Handbook (updated annually). APHA can be contacted on 08707 444505</p> | |
| <p>For LAs please refer to either the Directory of Environmental Health Departments (including Port Health Authorities), which is updated periodically issued to all LAs electronically every year or, for Trading Standards Departments, to the website: www.tradingstandards.gov.uk</p> | |

Section 3: National Contacts:

| Issue | Organisation | Contact | Tel: | E-mail |
|--|--|------------------|---------------|--|
| Imported Food General, POAO (Fish), Public Health Controls, Enforcement support. | FSA | Food Policy Team | 029 2067 8912 | food.policy.wales@foodstandards.gsi.gov.uk |
| EU liaison – contact with other member states | FSA | Incidents Branch | 029 2067 8961 | wales.foodincidents@foodstandards.gsi.gov.uk |
| Trade enquiries, FNAO Imported food & POAO (Fishery products / bivalve molluscs) | FSA | Food Policy Team | 029 2067 8912 | food.policy.wales@foodstandards.gsi.gov.uk |
| Imported Feed issues | FSA | Food Policy Team | 029 2067 8912 | Food.policy.wales@foodstandards.gsi.gov.uk |
| Trade sample licences (inc. fishery products/bivalve molluscs), Trade Enquiries POAO | Animal Health and Veterinary Laboratories Agency | | 01245 454860 | ahitchelmsford@ahvla.gsi.gov.uk |
| POAO (Not Fishery products/bivalve molluscs), animal health issues, Enforcement support. | Animal Health and Veterinary Laboratories Agency | | 01245 454860 | ahitchelmsford@ahvla.gsi.gov.uk |

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|--|-------|---|---------------|--|
| Illegal POAO Imports general enquiries | Defra | Imports and EU Trade Team | 0207 904 8233 | lah-imports@defra.gsi.gov.uk |
| Customs National Co-ordination Unit (queries/referrals for illegal imports found inland). | HMRC | Customs National Co-ordination Unit (Smuggling Intelligence) | 0870 785 3600 | ncu@hmrc.gsi.gov.uk |
| Intelligence reports to Customs (5x5x5) | HMRC | Customs National Co-ordination Unit (Smuggling Intelligence) | 0870 785 3600 | ncu@hmrc.gsi.gov.uk |