

To: Interested parties – see attached list

03 August, 2009

Reference: OCR 005

Dear Sir/Madam,

**EU REGULATION 882/2004 ON OFFICIAL CONTROLS – COMMISSION
REGULATION ON IMPLEMENTING RULES FOR IMPORT CONTROLS FOR 'HIGH
RISK' FEED AND FOOD OF NON-ANIMAL ORIGIN (NON-POAO)**

1. Further to the letter from David Millis of 1 April, I am writing to let you know that the above Regulation has now been published in the Official Journal of European Union and will apply from 25 January 2010.
2. This letter also provides an update on discussions at EU level to develop guidelines on the principles and criteria for deciding which products should be subject to the provisions in the Regulation and on the technical application of the Regulation. I shall be grateful to receive any views on the issues arising from these discussions, set out below, **by 21 August**. My contact details are given below.
3. In addition, this letter updates stakeholders on the measures being developed by the Agency to give effect to the Regulation at a national level.

Publication in the Official Journal of the European Union

4. The Commission Regulation (EC) 669/2009 was published in the Official Journal on 25 July and will apply from 25 January 2010. This available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:194:0011:0021:EN:PDF>

EU discussions

5. A Commission Working Group meeting was held on 12 June to discuss the development of criteria and principles for deciding which products should be subject to the provisions in the Regulation, and on guidelines for businesses and enforcers on this and on the operation of the Regulation. A number of issues and questions arose on which the Commission is seeking the views of Member States before the next meeting of the Group in September. These are set out below.

Listing and delisting of products included in Annex I

6. In addition to the sources of information set out at Article 2 of the Commission Regulation (notifications through the rapid alert system, reports and information from the Food and Veterinary Office, reports received from third countries, information from the European Food Safety Authority, and scientific assessments where appropriate), the Commission proposed that further information is taken into account. This relates to volumes of imports, seasonal patterns of trade and levels of consumption, the incidence



and severity of non-compliance recorded, the results of national monitoring carried out by Member States, and information on control systems in exporting third countries. Your views on the Commission's proposals and suggestions for other sources of information that may be considered are welcome.

Reporting to the Commission

7. The Commission is currently developing an electronic data collection form to enable Member States to report the outcome of controls carried out under the Regulation. The Agency will seek the views of enforcement stakeholders on this when a prototype is available but any preliminary views are welcome.

Technical guidance document

8. In setting out its plans to provide a technical guidance document for feed and food business operators and enforcement authorities, the Commission suggested a number of topics that may be covered. These include how the controls will be applied to bulk commodities, mixed containers and perishable products and the arrangements for prior notification, documentary checks, transshipment of consignments, and the communication of laboratory results. It is also proposed that the guidance covers the role of customs authorities, listing of designated points of entry and fees. Any comments on this list or suggestions for other aspects of the Regulation where guidance will be helpful are welcome.

UK application measures

9. Although the Regulation is directly applicable, domestic legislation is needed to give effect to certain elements of it. National legislation is, therefore, being amended to provide powers to the UK competent authorities for the enforcement of the new rules together with associated guidance on the new measures for enforcers and for feed and food businesses. These measures will be subject to stakeholder consultation in due course. In addition, work is progressing on the action that is needed to establish arrangements for the Agency to designate points of entry in the UK.

Next Steps and further information

10. A further meeting of the Working Group to discuss the Commission guidelines is scheduled for September. We will keep stakeholders informed about this and also about the development of the national application measures mentioned above.

11. If you wish to discuss any of the above, please get in touch with me.

Yours faithfully,

Rufina Acheampong
Official Control and Enforcement Policy Team

Interested parties

ADAS
ADM Milling Ltd
Advisory Committee on Organic Standards
AFBI
Agricultural Industries Confederation
Allied Bakeries Ltd
Allied Technical Centre
American Peanut Council
Araches Ltd
Arla Foods Uk
ASDA
Aspall Cider
Associated British Foods PLC
Association of Cereal Food Manufacturers Ltd
Association of Convenience Stores
Association of Malt Product Manufacturers
Association of Port Health Authorities
Association of Public Analysts
Assured Food Standards
BAA
BAFSAM (British Association of Feed Supplement & Additive Manufacturers)
Bakkavor Group UK
Barrow Lane & Ballard Ltd.
Basildon Chemicals
Besana Group
BETA
BFP Wholesale
FDF - Biscuit Cake, Chocolate & Confectionery Group
Bokomo Foods
Booker Plc
Brand Technical Centre
Brent Environmental Health
Brewers of Europe
Brewing Research International
Bristol Scientific Services
British Bakeries
British Beer and Pubs Association
British Chambers of Commerce
British Coatings Federation Ltd
British Coffee Association
British Frozen Food Federation
British Fruit Juice Association
British Hospitality Association
British Importers Association Ltd
British Independent Fruit Growers' Association
British International Freight Association
British Leafy Salads Association
British Medical Association
British Oat and Barley Millers Association
British Peanut Council
British Pharmacopoeia Commission
British Ports Association
British Poultry Meat Federation Ltd
British Retail Consortium (BRC)
British Soft Drinks Association
British Starch Industry Association
British Sugar
British Veterinary Association
Britvic Soft Drinks Ltd
BSCPPIA
Budgens Stores Limited
Cabi Bioscience
Cabinet Office
Cambridge Manufacturing Company Ltd
Campden & Chorleywood Food RA
Cargills plc (Milling Division)
CEFIC
Central Science Laboratory
Centre for Environment, Fisheries & Aquaculture Science
Cereal Partners UK
Cereal Partners Worldwide
Chamber of Shipping
Chartered Institute of Environmental Health
Chemical Business Association
Cheshire Scientific
Chilled Food Association
CIEH Northern Ireland
CIEH Wales
CJ Wildbird Food Limited
Clearspring Ltd
CMS Cameron McKenna
Coca Cola GB & Ireland
Cocoa Association of London Ltd
CoE Food Safety & Chemistry
Coffee Trade Federation
Cold Storage and Distribution Federation
Combined Edible Nut Trade Association (CENTA)
Community Foods Ltd
Confederation of British Industry
Consumers' Association
Consumers in Europe Group
Convention of Scottish Local Authorities
Co-operative Retail
Corporation of London
CoSIC
Craft Guild of Chef
Crop Protection Association
Crop Services
Crown Cork & Seal Co Inc
CWS Ltd
DACSA LTD
Dairy Industry Association Ltd (DIAL)
Dairy UK
Dairy UK, Scotland
DARDNI, Food Policy Branch
DARD, Quality Assurance Banch
Del Monte Foods (UK) Ltd
Diageo
Dragan Milicevic
Duskin Farm Ltd
Ebrahimoff & Sons
Ellis Northover
English Apples and Pears Ltd
EU Food Law
Eurofins Laboratories Ltd
European Consumer's Organisation (BEUC)
European Sales & Marketing Association
European Snacks Association / SNACMA
Exponent International Ltd

F. Duerr & Sons Limited
Farley Health Products
Farm Animal Welfare Council
Federation of Bakers
Federation of Cocoa Commerce Ltd (FCC)
Federation of Oils, Seeds and Fats Association Ltd
Federation of Small Businesses
Federation of Wholesale Distributors
Feed Fat Association
Findus Ltd
Flagship Fruit & Nut Ltd
Food Additives & Ingredients Association
Food and Drink Federation
Food Chemical Risk Analysis (FCRA)
Food Commission
Food Processors' Association
Foodaware
Foodialog
Ford & Dain
FOSFA International
Freeworld Trading Ltd
Friends of the Earth UK Ltd
Frozen Food Importer
Fruit and Vegetable Cannery Association
GAFTA
Gala Coffee & Tea Limited
Geest Plc
General Consumer Council
Gerald McDonald & Co Ltd
Gerber Foods
Glanbia Milk Ltd
Glasgow Caledonian University
Government Chemist
Greenangle Ltd
Greencore Group
H J Heinz Co Ltd
H R Higgins (Coffee-Man) Ltd
Halliwell Landau
Hampshire Scientific Services
Hapico
Harper Adams University College
Hayman Horticultural Consultancy
Heads of Service in UK LAs
Health Food Association Manufacturers
Health Protection Agency
Health Protection Scotland
Helen Ameganvi
Hipp UK Ltd
Holland & Barrett UK
Home Grown Cereals Association (HGCA)
Home Grown Cereals Authority
Horticultural Research International
Horticulture Development Council
Ice Cream Alliance Ltd.
Iceland Frozen Foods
IGD
ILS Ltd
IMKO The Nut Company
Imkonut
Independent Toxicologist
Infant and Dietetic Foods Association
Institute for Environment & Health

Institute for Environment & Health
Institute of Auctioneers and Appraisers in Scotland
Institute of Food Research
Institute of Food Science & Technology
International Food Hygiene Magazine
International General Produce Association
International Pectin Producers Association
J Pao and Co Ltd
J Sainsbury Plc
James White Drinks
Joint Food Service Industry Group
Julian Graves Ltd
K & S Fruit Washers Limited
Karen Holt
Kas Mycotoxins
Kellogg Supply Services (Europe) Ltd
Kentish Cobnuts Association
Kettle Foods Ltd.
Kinnersley Bros Ltd
Kraft Foods International
LACORS
LEAF
Leatherhead Food RA
LGC
Lincolne Sutton & Wood Ltd
Livestock & Meat Commission, Northern Ireland
London Port Health Authority
Malaysian Palm Oil Board
Marks & Spencer
Medical Research Centre
Mexican Trade Commission
Minerva Scientific Ltd
Mycotoxin Laboratory
National Association of Healthstores
National Cattle Association (Dairy)
National Consumer Council
National Council of Women
National Edible Oil Distributors Association
National Farmers Union
National Farmers Union, Scotland
National Federation of Community Organisations
National Federation of Meat and Food Traders
National Federation of Womens' Institutes
National Food Alliance (SUSTAIN)
National Office of Animal Health
National Pharmacy Association Ltd
National Starch & Chemical Ltd
Natural Resources Institute
NDFTA
Neogen Europe Ltd
Nestle Rowntree
Nestle UK Ltd
NFU Cymru
Nickerton (UK) Ltd
Northern Foods PLC
NI Agricultural Producers' Association
Northern Ireland Food and Drink Association
Northern Ireland Local Government Association
NRM
Nut Company
Orchard House Foods
Organic Herb Trading Company

Organic Mushroom Committee
 Organix Brands Plc
 Percy Dalton (Holdings) Ltd.
 Perrygo UK
 PFMA
 Port Association
 Potato Processors Association
 Provision Trade Federation
 Quaker Oats Limited
 Quality Meat Scotland
 Rafsanjan Pistachio Producers Cooperative
 Rathbones Bakeries
 R-Biopharm AG
 R-Biopharm Rhone Ltd
 Readifoods Ltd
 Reading Scientific Services
 RHM Technology
 Rice Association
 Robert Wiseman & Sons Ltd
 Ross Biosciences
 Rother DC
 Royal Association of British Dairy Farmers
 Royal Environmental Health Institute of Scotland
 Royal Pharmaceutical Society of Great Britain
 Royal Society of Chemistry
 Royal Society of Health
 S W Trading Ltd
 Sainsburys Supermarkets Limited
 Salamon & Seaber
 School of Biological Sciences
 Scientific & Regulatory Affairs
 Scientific Analysis Laboratories Ltd
 Scientific and Regulatory Affairs Division
 Seed Crushers' and Oil Processors' Association
 Scotch Whisky Association
 Scotch Whisky Research Institute
 Scottish Audit Advisory Committee
 Scottish Consumer Council
 Scottish Enterprise
 Scottish Environment Protection Agency
 Scottish Food and Drink Federation
 Scottish Food Safety Officers Association
 Scottish Salmon Producers Organisation
 Seasoning and Spice Association
 Seawing Landguard International Limited
 Shipton Mill Ltd
 Shoreham Port
 SITPRO
 Smithfield Foods
 Smiths Flour Mills Head Office
 Snack, Nut & Crisp Manufacturers Association
 Society of Chief Officers of Environmental Health
 Officers
 Soil Association
 Solvay S.A
 Speedibrews
 Spitafields Market Tenants Association
 State General Laboratory
 Sun Valley Peanuts
 Swedish Food Administration & EUFIC
 Syngenta Crop Protection
 T M Duche and Sons Ltd
 Taylors of Harrogate
 Tepnel BioSystems Ltd
 Tesco Stores Ltd
 Terry Troxell
 Trading Standards Institute
 Tropicana
 UK Association of Frozen Food Producers
 UK Herbal Infusions Association
 UK Maize Millers Association
 UK Major Ports Group Ltd
 Ulster Farmers Union
 Unilever Research
 University of Bristol
 University of Nottingham
 University of Reading
 University of Surrey
 University of Sussex
 VEGA (Vegetarian Economy & Green Agriculture)
 Vegan Society
 Vegetarian Society of the United Kingdom
 Verner Wheelock Associates Limited
 Veterinary Laboratories Agency
 VetNI
 Vitrion UK
 Voicevale Ltd
 Waitrose Ltd
 Warner Jenkins Europe Ltd
 Weetabix Limited
 Welsh Consumer Council
 Welsh Local Government Association
 West Yorkshire Analytical Services
 Worcester Scientific Services