

To: Interested Parties (see attached list)

3 September 2007

Ref: NIP 0497

Dear Sir/Madam

THE DRAFT OFFICIAL FEED AND FOOD CONTROLS REGULATIONS (NORTHERN IRELAND) 2007 – PROPOSED AMENDMENTS

1. We wrote to you on 27 April 2007 inviting your views on the above draft Statutory Rule (SR) which will update and replace the Official Feed and Food Controls Regulations (Northern Ireland) 2006 (SR 2006 No.2).¹ We highlighted then that the provisions in the SR on third country import controls on feed/food of non-animal origin (non-POAO) were being revised to ensure, amongst other things, that officers of Her Majesty's Revenue and Customs (HMRC) may withhold consignments pending control by local authorities. The purpose of writing now is to bring to your attention a further proposed amendment to the SR which we believe is necessary to ensure effective cooperation between HMRC and local authorities in relation to such consignments, and to provide you with an opportunity to comment.
2. We are also proposing to update further some of the definitions that are required for interpretation of the SR to reflect some recent corrections that have been made to Community legislation.
3. I should be grateful to receive any comments **by close on 21 September 2007** at the latest, using the contact details at the foot of the page.

Cooperation between HMRC and local authorities

Background and policy aim

4. Part 3 of SR 2006 No.2 gives effect in Northern Ireland to the provisions in Regulation (EC) No 882/2004 on official controls² relating to non-POAO imported from third countries. As part of the recent consultation on updating and replacing this SR, the Agency proposed some amendments to Part 3 to ensure that the relevant authorities have the powers necessary for effective enforcement of the provisions. This included an amendment which aimed to provide the required legal basis for officers of HMRC to cooperate with the enforcement authorities. This cooperation is particularly important in relation to 'high-risk' products which are subject to specific safeguard or emergency control measures in feed/food law. The policy aim is that where consignments of such 'high-risk' products are not presented for official control but are

¹ Details of the relevant public consultation are available on the Agency's website at: <http://www.food.gov.uk/consultations/consultni/2007/draffeedfoodcontrols>

² Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules. Official Journal L191, 28.5.2004, 1-52. The text of the EU Regulation may be downloaded from the European Commission's website at: http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_191/l_19120040528en00010052.pdf

declared for customs purposes, HMRC is able to withhold clearance and bring the consignments to the attention of the relevant local authority.

5. In order for HMRC to withhold clearance of consignments, pending official control by local authorities, it is necessary to include in the SR a prohibition on the act of introducing/importing goods (feed/food) that do not meet EU feed/food law requirements. The prohibition in SR 2006 No.2, however, is imposed on the individual introducing/ importing the goods. This issue is being addressed in the revised Regulations by replacing that prohibition with a prohibition on the act of introducing/importing the goods (regulation 27). The Regulations nevertheless provide that an individual introducing/importing the goods commits an offence by virtue of the offence provision at regulation 39(1)(b) such that local authorities may still take action where appropriate.

6. The original consultation closed on 20 August and no objections to the additional prohibition were raised.

Proposed additional amendment

7. Our letter of 27 April indicated that we would be liaising further with HMRC to ensure that the proposed amendment was appropriate and sufficient. We have done so and now believe that an additional amendment is required in order to achieve the policy aim. We propose to also include in the SR a measure that permits HMRC to pass information to the relevant local authority regarding consignments that have not been cleared for release. This will be achieved by including HMRC in the 'information gateway' that is provided at regulation 4 (other minor consequential amendments may also be needed). This already provides a means for local authorities to exchange information in relation to the execution and enforcement of official controls, and will simply be extended to include HMRC. This will bring the measures in line with those in relation to import controls for products of animal origin where HMRC is included in the 'information gateway' established by regulation 5(7) of the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2006.³

8. Similar amendments are being proposed for the parallel legislation that is being prepared in England, Scotland and Wales, and the Agency is also writing to interested parties in those countries.

9. We do not consider that the proposed additional amendment will have any impact on racial equality or on social or environmental sustainability issues, or that there are any implications for businesses in terms of new administrative burdens or costs.

Definitions of Community legislation.

10. The European Commission has recently issued corrigenda to three of the EC Regulations that are defined in Schedule 1 of the draft SR - 852/2004, 853/2004 and 882/2004 - the definitions are needed for interpretation. These corrigenda were published in the Official Journal⁴ earlier this month - see link below. The corrections made are simply to the place at which the Regulations were made, i.e. Brussels rather than Strasbourg. We are proposing to

³ SR 2006 No.291 (as last amended by SR 2007 No.314) – a copy is available at http://www.opsi.gov.uk/sr/sr2006/nisr_20060291_en.pdf

⁴Official Journal L204, 4.8.2007, 26 and 29. <http://europa.eu.int/eur-lex/lex/JOHtml.do?uri=OJ:L:2007:204:SOM:EN:HTML>

update the definitions in Schedule 1 to the SR to reflect the issuing of these corrigenda. Again, similar amendments will be made to the parallel legislation that is being prepared in England, Scotland and Wales.

Further information

11. If you wish to discuss this issue further, please do not hesitate to contact me (my contact details are at the foot of page 1)

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Jackson". The signature is written in a cursive style with a large, prominent initial "M".

Michael Jackson

Audit and Monitoring Unit

Interested Parties

Northern Ireland Food Advisory Committee	Wholesale Confectioners Assoc	Dept of Nutrition & Dietetics
Chief Environmental Health Officers	Restaurateurs Association	Dietetic Network NI
Beechwood Laboratories	UK Renderers' Association	Erne Hospital
AFBI	Union of Shop Distributive & Allied Workers	Omagh Health Centre
Food Technology Division	Northern Ireland Independent Trade Association	Royal Belfast Hospital for Sick Children
Monitor Laboratories	Andrews Holdings Ltd	Erne Hospital
NI Public Health Laboratory	Bakers Food & Allied Workers Union	Tyrone County Hospital
Eurofins	Evron Foods Ltd	Ulster Community & Hospitals Trust
Scobie And Junor (Ireland) Ltd	Genesis Breads of the Word	Cook it! Project Western Health Action Zone
Chinese Chamber of Commerce	Irwins Bakery	The National Trust
Federation of the Retail Licensed	James Neill Ltd	Colebrook House
Hilton Belfast	Linwoods	Gosford Forest Park
Hospital Caterers Association, NI Branch	Mothers Pride Bakery	Caledon Estates Company
Hospitality Matters	Mothers Pride Bakery	Abercorn Estates
Hotel Catering & International Management Association	WD Irwin and Sons Ltd	"Finnebrogue" Venison Co
NI Amusement Caterers Trade Association	General Consumer Council for NI	The British Associations for Shooting and Conservation
NI Cooks & Chefs Association	Allergy NI	Premier Woodlands Ltd/Seaforde Estate
NI Food and Drink Association	Altnagelvin Area Hospital	The British Deer Society
NI Hotels Federation	Antrim Area Hospital	Northern Ireland Deer Society
NI School Caterers Association	Belfast City Hospital	Northern Ireland Deer Society
NI Soft Drinks Association	Belvoir Park Hospital	Ballyrashane CA and DS Ltd
North of Ireland	British Dietetic Association/Northern Ireland Board	Dairy Council for NI
	Craigavon Area Hospital	Dairy Produce Packers Ltd
	Daisy Hill Hospital	Dale Farm Dairies Ltd
	Dalriada Hospital	

Fane Valley Co-Op Society
Glanbia Foods Ltd
Golden Cow Dairies
Lakeland Dairies (Omagh) Ltd
Maud's Ice Cream
Dairy UK
NI Produce Processors Association
Pritchitt Foods
Strathroy Dairy Ltd
TMC Dairies (NI) Ltd
United Dairy Farmers Ltd
CIEH-NI
Local Authorities Co-ordinators of Regulatory Services (LACORS)
NI Centre - CIEH
NI Local Government Association
Quality Assurance Banch, DARD
SOLACE (NI)
Belfast Education and Library Board
North Eastern Education & Library Board
South Eastern Education & Library Board
Southern Education & Library Board
Western Education & Library Board
Northern Ireland Food Liaison Group
Eastern Group Environmental Health Committee

Group Environmental Health Committee
Northern Group Systems
Southern Group Environmental Health Committee
Western Group Environmental Health Committee
AA Feeds
AB Northern Ireland Ltd
Fane Valley Co-Operative
G E McLarnon & Sons Ltd
John Thompson & Sons Ltd
Moore's Animal Feeds
Pedro Pet Foods Ltd
Provita Eurotech Ltd
DSM Nutritional Products
Scott's Feeds Ltd
Thomas Hutchinson & Sons Ltd
Trouw Nutrition
United Feeds
United Molasses (Ire) Ltd
W&R Barnett & Ltd
Devenish Nutrition
Anglo North Irish Fish Producers
NI Sea Fishermans Association
Aquaculture Initiative
Cuan Sea Fisheries Ltd
Fisheries Conservancy Board for NI
George Milligan & Sons Ltd

Keenan Seafood Ltd
Lough Erne Fisherman's Association
Lough Neagh Fisherman's Association
Loughs Agency
Mourne Shellfish Ltd
NI Fish Producers Association
NI Fish Salesmans Association
NI Fishery Harbour Authority
NI Seafood Ltd
Park Gate Foods Ltd
Prospec Ireland Ltd
Scottish Seafood's
IFQC Ltd
Department of Local Government & Environment
Ulster Farmers' Union - Fish Farming Committee
Castlewood Farm Products Ltd
Cregagh Foods Ltd
Curleys Supermarkets Ltd
Dunnes Stores
Glanbia Foods
J&J Haslett Ltd
James AS. Finlay Ltd
John Henderson Group
Musgrave Supervalu Centra
NI Co-Op
Punjana Ltd
S D Bell & Co Ltd
Tayto NI Ltd

Eastern Group Environmental Health Committee
Northern Group Systems
Southern Group Environmental Health Committee
Western Group Environmental Health Committee
AFBI
DARD
DARD Fisheries Division
Department of Culture, Arts and Leisure
Department of the Environment
Health & Safety Executive for NI
Trading Standards Service
DHSSPS
DRD Water Service
Health Promotion Branch
Invest Northern Ireland
NI Audit Office
Procurement Services
AFBI
British Dietician's Association
British Medical Association [NI Branch]
Central Services Agency
Diabetes UK Northern Ireland
Eastern Health and Social Services Board
Eastern Health and Social Services Board

Armagh and Dungannon Health Action Zone
Health Promotion Agency for NI
Health Promotion Agency for NI
Institute of Public Health in Ireland
Northern Health and Social Services Board
Belvoir Park Hospital
Pharmaceutical Society of Northern Ireland
Queens University Medical Library
Southern Health and Social Services Board
Southern Health and Social Services Board
Ulster Branch BDA
Ulster Chemists Association
Western Health and Social Services Board
Health Protection Agency
The British Dietetic Association
Altnagelvin Hospital HSS Trust
Armagh & Dungannon HSS Trust
Belfast City Hospital HSS Trust
c/o Causeway HSS Trust
Causeway HSS Trust
Craigavon & Banbridge Community HSS Trust
Craigavon Area Hospital Group HSS Trust

Down Lisburn HSS Trust
Foyle HSS Trust
Greenpark HSS Trust
Hospital Caterers Association
Hotel Services Department Erne Hospital
Mater Hospital Trust
Newry & Mourne HSS Trust
North and West Belfast HSS Trust
Northern Health and Social Care Trust
Royal Hospitals Trust
South and East Belfast HSS Trust
Ulster Community & Hospitals HSS Trust
United Hospitals HSS Trust
Confederation of British Industry
Invest Northern Ireland
Local Enterprise Development Unit
Management Institute
NI Chamber of Commerce & Industry
Asia Supermarket
Beck & Scott Ltd
Blue Diamond (CP) Ltd
J&T Enterprises
James A.S Finlay Ltd
Jewell Group
Kestrell Foods
W.G Buchanans & Sons Ltd

Bar Council
Belfast Law Centre
Belfast Solicitors Association
Central Services Agency
General Council of the Bar of N Ireland
Law Society of NI
NI Court Service
NI Resident Magistrates Association
Island Salads
Quinn Fresh
Sillis Green Veg
Willowbrook Foods
DerryKeernan Nurseries
Derryland Nurseries
Beck and Scott Ltd
Capital Business Associates
Federation of Womens Institutes of Northern Ireland
Food Safety Authority of Ireland
Food Safety Promotion Board
G Willis & Sons Ltd
HMRC (Revenue and Customs)
H G Stockham and Associates Consultant Engineers
Kilco Chemicals Ltd
M J Campbell Ltd
McColgan's Quality Foods Ltd
NI Association of Citizens Advice Bureaux

NI Council for Voluntary Action
NI Tourist Board
Galgorm Group
The Farmers Pork Co Ltd
JP & G O'Doherty
O'Kane Food Services
McAtamney Butchers
LP Associates
Investing for Health
Stratagem
CAFRE
Northern Ireland Food Chain Certification
National Sheep Association
Davison Quality Foods
British Poultry Federation c/o Moy Park
Castlefield Foods
F C Robinson
Grampian Country Pork Ltd
J Fulton & Co
James Doherty Meats Ltd
Knockbracken Foods
Langford Processors Ltd
Glenfarm Holdings
Livestock & Meat Commission For NI
Livestock Auctioneers Association
Logue Casing Ltd
Mainline Meat Ltd
Mainline Meat Ltd
NI Agricultural Producers' Association
NI Egg Merchants Association

NI Egg Producers Association
NI Grain Trade Association
NI Meat Exporters Association
NI Poultry Breeders
NI Poultry Federation
NI Poultry Processors Association
NI Produce Processors Association
North of Ireland Veterinary Association
Northern Ireland Master Butchers Assoc
Nutrition Services
Provincial Butcher Supplies
Royal College of General Practitioners
Stevenson & Co Ltd
Ulster Cold Stores
Ulster Curers Association
Ulster Farm By-Products
Ulster Farmers Union
Ulster Pork and Bacon Forum
VetNI
W.A. McIllymoyle & Associates
ABP (Lurgan) Ltd
ABP (Newry) Ltd
ABP Holdings Ltd (Trading as Ulster Cold Store)
Alpha Flight Services
Ardboe Cold Store
Ardglass Cold Store

Armstrong Meats Ltd
Arthur Mallon Foods Ltd
Asia Supermarket
Avondale Foods (Craigavon) Ltd
Backgammon
Ballymena Meats
Ballyrashane Co-op
Bann Country Meats
Barr's Country Kitchen
Belfast Meats
Belfast Ship Stores
Brunch Box Sandwich Company
C&J Meats
C&M Cold Store
Castlewood Farm Products Ltd
Catering Equipment Food Supplies
Causeway Prime
CIBO Ltd
Classic Cuisine
Classic Foods
Coolchill Ltd
Country Harvest
Crosh Valley Farm
Crossgar Food Services
Crossgar Meats Ltd
Crossgar Poultry
Daily Bake Ltd
Doherty & Gray Ltd
Drumgold Quality Foods
Dunbia (Dungannon)
Duncrue Food Processors
Dunlyn Ltd - T/A Marvelway
Elliott Tradition

Empire Meats
Erne Country Meats
Etherson Meats
Europa Foods Distribution Ltd
Eurostock Foods Newry Ltd
Fastpack Frozen Foods Ltd
F C Robinson Ltd
Finlay Poultry
Finnebrogue Venison Company
Fleming Poultry
Flynn Pork & Bacon Processors
Foyle Meats Ltd
Freeza Meats Ltd
Fresh Bite
Galfee's (NI) Ltd
GB Poultry
Gerry Hamill Meats
Glenpac Bacon Products
Glens of Antrim Foods
Grampian Country Pork Cookstown
Granville Cold Storage Co
H Denny & Sons (NI) Ltd
Hannan Meats
Henderson Food Service
Hewitt Meats
Hillfarm Turkeys
Hilton Meat Products Ltd
Hilton Meats (Cookstown) Ltd
Hughes Chilled and Frozen Distribution
Hughes Frozen Foods

Ltd
Interfrigo Ltd
J Doherty (Meats) Ltd
J Fulton & Co
JH Givan
Kabanos
Kearns Poultry
Kerry Foods (Enniskillen)
Kettyle Irish Foods Ltd
Knockbracken Foods
LB Meat Products Ltd
Lean and Easy Ltd
Linden Foods Ltd
Loughry College
Lynas Frozen Foods Ltd
M Johnston T/A S & M Meats
Macs Quality Foods
Maine Valley Poultry
Marks & Spencer Plc
Mawhinneys
McColgan's Quality Foods Ltd
McCulla Ireland Ltd
McKee's
McKeown Fine Food Ltd
Millar Savoury Foods Ltd
MKL Meats
Morrow Foods
Mourne Country Meats Ltd
Moy Park Ltd (Craigavon)
Moy Park Ltd (Dungannon Factory)
Moy Park Ltd (Moir)
Moy Park Ltd (Portadown)
Moyallon Foods Ltd
Need of Meats

North Antrim Turkeys LTd c/o O'kane Poultry
North Down Group
North West Pork Products Ltd
Oakdale Meats (NI) Ltd
O'Doherty's Bacon Co
O'Kane Food Service
Omagh Meats Ltd
Orchard Farm Foods
Pinkerton's
Portadown Cold Storage Company
Portglenone Country Pies
Premier Poultry
Prime Pork
Rockvale Poultry
Sandwich Supreme
Sawyers Distribution Moy Ltd
Sloan's
Stevenson & Co Ltd

Tasty Foods
Tenderlean Meats
The Pork Store
Topping Meats
Townsend Meats
Traynor Quality Meats
Treanor Traditional
TS Foods Ltd
U-Bake Ltd
Universal Meat Co
Vanstar Meats Processing Ltd
Variety Foods
W Allen Meats
W D Meats Ltd
Wm Grant & Co Ltd
Wm Sprott (Portadown) Ltd
Woodland Meats
AGMS Ltd trading as UNIPET
Contact Marketing (NI)

Ltd
Dandy Dog Foods
Favour Pet Foods
Feedwell Animal Foods Ltd
Mackle Pet Foods
Antrim Hills Spring Water Co Ltd
Braid Soft Drinks
Classic Irish Spring
Classic Mineral Water
Classic Mineral Water
Coca-Cola Bottlers (Ulster) Ltd
Craigavon Soft Drinks Ltd
Rocwell Natural Mineral Water
St Patrick's Slemish Spring Water
White Mountain Spring Water