

Reference: OFFC REG 2008/E/007

**THE OFFICIAL FEED AND FOOD CONTROLS
(ENGLAND) REGULATIONS 2007 (“the Regulations”)**

DECLARATION UNDER REGULATION 33

Whereas the Food Standards Agency has reasonable grounds to suspect the presence of high levels of melamine in milk, milk products, soya and soya products from China and to suspect the presence of melamine in ammonium bicarbonate used in the food industry as a raising agent from China;

Whereas food that has been introduced into England from China that contains high levels of melamine is likely to constitute a serious risk to public health;

Whereas on 26th September 2008 the Commission of the European Communities adopted Commission Decision 2008/757/EC imposing special conditions governing the import of products containing milk or milk products originating in or consigned from China (OJ No. L 259, 27.9.2008, p.10);

Whereas on 14th October 2008 the Commission of the European Communities adopted Commission Decision 2008/798/EC imposing special conditions governing the import of products containing milk or milk products originating in or consigned from China, and repealing Commission Decision 2008/757/EC (OJ No. L 273, 15.10.2008, p.18);

Whereas on 9th December 2008 the Commission of the European Communities adopted Commission Decision 2008/921/EC amending Decision 2008/798/EC (OJ No. L331, 10.12.2008, p.19);

The Food Standards Agency declares in accordance with regulation 33 of the Regulations that with effect from 15:30 hours on 22nd December 2008

(a) the introduction into England of products containing milk, milk products, soya or soya products intended for the particular nutritional use of infants and young children within the meaning of Council Directive 89/398/EEC on foods for particular nutritional uses (OJ No. L186, 30.6.1989, p.27, as last amended by Regulation (EC) No. 1882/2003 of the European Parliament and of the Council (OJ No. L284, 31.10.2003, p.1)) originating or consigned from China is suspended;

and

(b) the introduction into England of consignments originating in or consigned from China of ammonium bicarbonate intended for food and feed and of feed and food containing milk, milk products, soya or soya products is permitted

subject to the conditions specified in Article 2.2, 2.6 and 2.7 of Commission Decision 2008/798/EC as amended by Commission Decision 2008/921/EC.

Declaration OFFC REG 2008/E/006 is revoked with effect from 15:30 hours on 22nd December 2008.

Signed by N. Tomlinson at 15:20 hours on 22nd December 2008

Print name N. TOMLINSON

Give details of post held HEAD OF FOOD PROTECTION DIVISION

For and on behalf of the Food Standards Agency

NOTES

(1) Any expression used both in this declaration and Commission Decision 2008/798/EC (as amended by Commission Decision 2008/921/EC) has the meaning it bears in that Decision.

(2) Introduction into England of ammonium bicarbonate intended for food and feed use and of feed and food containing milk, milk products, soya and soya products originating in or consigned from China in contravention of this declaration is an offence, punishable by a fine or imprisonment or both.