

Reference: POAO REG 61/033

**THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS)  
(ENGLAND) REGULATIONS 2006 (“the Regulations”)**

**DECLARATION UNDER REGULATION 61**

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 26<sup>th</sup> 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 14<sup>th</sup> 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 9<sup>th</sup> 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);

Whereas on 25<sup>th</sup> November 2009 the Commission of the European Communities adopted Commission Regulation (EC) No. 1135/2009 imposing special conditions governing the import of certain products originating in or consigned from China, and repealing Commission Decision 2008/798/EC (OJ No. L311, 26.11.2009, p.3);

**The Food Standards Agency declares** in accordance with regulation 61 of the Regulations that with effect from 16th December 2009-

(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 Directive 2009/39/EC of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses (OJ No. L124, 20.5.2009, p.21) originating or consigned from China is suspended;

and

(b) the introduction into England of consignments originating in or consigned from China of feed and food containing milk, milk products, soya or soya products is permitted subject to the conditions specified in Articles 3, 4 and 6 of Commission Regulation (EC) No. 1135/2009.

Declaration POAO REG 61/029 is revoked with effect from 16th December 2009.

Signed by *Alison Gleadle* ..... on 15th December 2009

Print name .....Dr Alison Gleadle.....

Give details of post held .....Head, Food Safety: Contaminants Division

For and on behalf of the Food Standards Agency

#### NOTES

(1) Any expression used both in this declaration and Commission Regulation (EC) No. 1135/2009 has the meaning it bears in that Regulation.

(2) 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 Directive 2009/39/EC 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.