

Lead Food officers  
REHIS  
SFELC

ENF/19/017

21<sup>st</sup> October 2019

Dear Colleagues

### FOR ACTION AS NECESSARY

#### **Directorate F Audit of UK Fishery Products (2016)**

Local Authorities are requested to have regard to the findings of the Directorate F Audit of Fishery Products (2016). The final report can be found here:

[http://ec.europa.eu/food/audits-analysis/audit\\_reports/details.cfm?rep\\_id=3666](http://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3666)

The final report contained the following finding;

*“There is no system in place to ensure that fishing vessels are subject to controls as required by Annex III, Chapter I, part 1(b) of Regulation (EC) No 854/2004”*

In response to this finding the UK provided assurance to the auditors that a system would be developed to address the issue, which the Directorate F auditors accepted, whilst making the following audit recommendation:

- **Recommendation 2016-8688-1**

*The Competent Authority (CA) should ensure that all fishing vessels are inspected as required under Annex III, Chapter I, part 1(b) of Regulation (EC) No 854/2004 and that requirements of Chapter I, Section VIII of Annex III to Regulation (EC) No 853/2004 are met”.*

The system of Official Controls for the inspection of vessels is prescribed in the Food Law Code of Practice (Scotland), and further information, including a vessel inspection template, is included in the Code of Practice guidance.

Local Authorities should have consideration to the requirements in the Code of Practice and ensure that vessels are scheduled for inspection. It is accepted that in many instances that fishing vessels may be within a low risk category and therefore an intelligence driven approach to inspection priority is appropriate. In light of this Food Standards Scotland (FSS) has sought to put in place a system, which includes co-operation from Marine Scotland (MS) colleagues, which is intended to assist with any prioritisation exercise. .

The co-operation agreed by MS colleagues, who are on board fishery vessels undertaking their everyday enforcement duties, is to inform the Scottish Food Crime and Incident Unit (SFCIU) at FSS, by way of an exception report, of issues of potential food safety significance they witness on board vessels which will assist Local Authorities in determining priorities for inspection in this sector.

The exception report will be treated by the SFCIU as intelligence and will, in turn, be disseminated to the relevant competent authority for appropriate action by them.

The system seeks to demonstrate to Directorate F auditors, that a suitable procedure/process is in place which satisfies the requirements of their audit finding, although it is recognised that the system will be developed further and refined to reflect the delivery challenges it will present to all stakeholders involved.

Where it is assumed that the UK will leave the EU with no deal at the end of this month it is hugely important that Scotland is prepared to support this vitally important food sector. A robust assurance system is therefore required to demonstrate full compliance with EU law. During the next revision of the Code of Practice FSS will update the relevant section of the Code to reflect the system as outlined above.

In the meantime If you have any queries please contact me using the contact details in this letter,

Yours sincerely



Patrick Smyth  
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