

Audit of Operational Delivery

Imports

October – December 2020

Final Report issued March 2021



Foreword

Audits of Food Standards Scotland food law enforcement services are part of the arrangements to improve consumer protection and confidence in relation to food and feed.

The audit scope was detailed in the audit brief and plan issued to Operations on 30 July 2020. The aim of the audit is to maintain and improve consumer protection and confidence by ensuring that Operations are providing an effective food law enforcement service.

Food Standards Scotland audits assess conformance against Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law and the Scottish Manual of Official Controls (SMOC). The provisions for conducting audits are provided for in Article 6 of Regulation (EU) 2017/625.

The Audit scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Food Standards Scotland policy on food safety, standards and feeding stuffs.

Specifically, this audit aimed to establish:

- Verification that official controls are carried out in compliance with planned arrangements.
- Verification that planned arrangements are applied effectively.
- Verification that planned arrangements are suitable to achieve the objectives of official controls.

Following the audit, it is expected that for any recommended points for action, Operations will prepare and implement an action plan which will incorporate a root cause analysis of any non-compliance. A template for this is provided at the end of this report.

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1.0 Introduction

- 1.1 This report records the results of the audit at Operations, FSS, with regards to the implementation of official activities in relation to Imported Food, POAO and live animals under relevant sections of the following legislation:
 - Regulation (EU) No 2017/625
 - Regulation (EC) No 853/2004
 - The Trade in Animals and Related Products (Scotland) Regulations 2012 (as amended and substituted by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019)
 - Regulation (EC) 999/2001
- 1.2 The FSS Manual for Official Controls was referenced throughout the audit, specifically and primarily relevant sections within: Chapter 3 – Imported and Exported Meat and Animals.
- 1.3 This was a virtual audit, conducted entirely under Covid-19 conditions and restrictions, and as such, there were no physical meetings and only remote review of documentation was possible. This presented a substantial challenge, particularly to the Auditors, with everything requiring to be done electronically.
- 1.4 Evidence production was reliant on auditee co-operation and auditor requests. A regular audit would have allowed auditors to select records, documents and make requests based on what was physically observed with the resulting added dynamics involved.
- 1.5 The limitations of this type of audit are many, and as a result it should be viewed as a restricted process that will require review and further refinement to ensure that all parties involved can understand and benefit from the outcomes in the report.
- 1.6 The audit focused on the arrangements for, and implementation of relevant operational criteria with a particular focus on current guidance, procedures, records, training, monitoring interventions.
- 1.7 The audit process focussed on documentary evaluation, accompanied by and followed up with verification interviews with relevant officers and managers.

Reason for the Audit

- 1.8 As detailed in the Foreword, Article 6 of Regulation (EU) 2017/625 requires Competent Authorities to carry out internal audits or have audits carried out on themselves.
- 1.9 From April 2020, as agreed previously, the audit programme covering the official controls delivered by FSS will be carried out as an internal audit by the FSS's Audit and Assurance Branch. This audit forms part of that audit programme.

Scope of the Audit

- 1.10 Within the current constraints in place as a result of Covid-19 restrictions, it was agreed that the audit scope would cover:
- An assessment of local plans and procedures in compliance with relevant legislation.
 - The verification of application of, and adherence to, documented plans and procedures in a consistent and effective manner.
 - An assessment of the capability of the Branch to deliver the controls.
 - An assist in the identification and dissemination of good practice.
 - The provision of information to aid future FSS policy and operational development.
- 1.11 The audit focussed on those officers who were considered likely to be exposed to imported POAO and live animals during their duties. Specifically this covered the following roles:
- OV in red meat abattoir receiving live animals from outwith GB.
 - OV carrying out cutting plant approvals, RTE visits and responsible for incident investigations.
 - Veterinary Auditor.
 - Unannounced Visit Inspector.
- 1.12 It was initially proposed that the audit would be split into two parts to cover imports from the EU and from beyond the EU. However, given the limited evidence available, this was not possible or practical.

2.0 Executive Summary

Procedures and arrangements.

- 2.1 The audit found that procedures are in place but that they do not reflect, or have been updated, to take into account current legislation. Specifically, and most significantly, the SMOC has not been updated in accordance with Regulations (EU) 2017/625.
- 2.2 As previously found at audit, a system of Field Action Notes is being used effectively to introduce significant changes in legislation and enforcement procedures prior to, and as an adjunct to, SMOC update. No evidence was found that this was being used for Imported Food Controls.
- 2.3 Little evidence of a managed training programme for raising awareness of the enforcement of imported food controls was provided. Where training was being implemented it tended to focus on traceability which is a common requirement for all foodstuffs and ingredients, not reflecting the particular circumstances potentially involved with imports. There was little awareness demonstrated of the system and structure of imported food controls, and as a consequence, there was very little evidence of active enforcement across the remit of Operations.
- 2.4 No evidence was found of any systematic means of communicating current risks and issues in this work area to the Field. There was also limited evidence of any escalation of any issues found in the Field being escalated to inform policy and strategy.
- 2.5 As a result there was no evidence that risk based controls on imported foods were being applied or implemented and this is of particular and ongoing significant importance in relation to imports currently from the EU and third countries and then post-Brexit from 1st January 2021.
- 2.6 The checks currently being carried out are primarily reactive and, in the main, the imported nature of the product is incidental. There was no evidence of any “random and non-discriminatory” checks being carried out to confirm compliance and no written check records or validation/verification of checks.
- 2.7 With regards to live animal controls (currently only animals from Northern Ireland are imported), the system requires slaughter notification to APHA and 100% ID checks. Consequently, as evidenced, there is a full documentary paper trail and good assurance as to compliance. The only concern identified was the potential need for a written local protocol in plants accepting these animals to ensure all officers were fully aware of the procedures involved.
- 2.8 Product labelling and Country of Origin issues were routinely checked and enforced. However, in-depth enquiries of potentially imported POAO or non-animal ingredients were not evidenced other than by a review of the FSMS and the traceability principle

of one before and one after. This is generally insufficient to adequately ensure that third country ingredients have been suitably controlled.

Level of Assurance

- 2.9 As detailed in the FSS OFFC Delivery Audit Charter the audit has been assigned as below:
- 2.10 The Recommendations within this report detail the weaknesses in the controls that Operations should address.

<p>Limited Assurance</p> <p>Controls are developing but weak</p>	<p>There are weaknesses in the current risk, governance and/or control procedures that either do, or could, affect the delivery of any related objectives. Exposure to the weaknesses identified is moderate and being mitigated.</p>
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3.0 Audit Findings

- 3.1 The findings reported below detail both corrective and preventive actions which are not confined to addressing specific technical requirements, but also include system-wide measures. Conclusions address the compliance with the planned arrangements, the effectiveness of their implementation and the suitability of the planned arrangements to achieve the stated objectives as appropriate.

Regulation (EU) No 2017/625

- 3.2 Article 5. General obligations concerning the competent authorities and the organic control authorities

Article	
5.1	The Scottish Manual of Official Controls (SMOC) provides procedures and arrangements to ensure the effectiveness and appropriateness of checks and actions in relation to imported food and animals but the Manual does not reflect or update, in full, legislation implemented post-2019.

	<p>No evidence was provided of the use of any other means to formally update officers on legislative changes which would impact this subject area.</p> <p>A system of Field Action Notes is in use to provide operational and SMOC updates, but none specific to this work area were provided in evidence.</p>
5.4	<p>Interviews and documented evidence indicated no formal or consistent training in imported food procedures. All staff interviewed had received Country of Origin training in 2019, but beyond this, it appeared the specific training was limited and focussed on dealing with imported food from a traceability and labelling perspective.</p> <p>It was established that a link to FSA produced formal e-learning on Imported Food procedures was circulated to all field based staff in April 2020 but no evidence of a requirement to complete, or evidence of completion, was submitted.</p>

Recommendations

1. SMOC. The requirements of the SMOC to be updated to accurately reflect the legal requirements.

2. Training. A documented and recorded training programme in Imported Foods to be rolled out to all Field Staff to raise awareness and understanding of imported food risks and procedures.

3.3 Article 12. Documented control procedures

Article	
12.1	<p>Documented procedures are in place and cover all areas as referred to above – updating of these is required.</p> <p>It was noted that in one abattoir dealing with live animals imported from Northern Ireland, there were no written protocols in place covering the actions required in dealing with these animals. Informal training was being provided at induction only. No evidence of issues however.</p>
12.2, 12.3	<p>There was no evidence of import specific control verification or corrective procedures.</p>

Recommendations

3. Live Animals. Written local SOPs for dealing with imported animals should be available for all officers in plant.

4. Checks process. Routine checks and information gathering on imports should form part of cutting plant visit protocols and inspection/audit forms. These should be regularly updated and directed to reflect current and relevant risks.

5. Controls Verification. Management checks, verifications and any subsequent corrective actions following checks on imported food to be recorded.

3.4 Article 13. Written records of Official Controls

Article	
13	<p>Good written records produced in dealing with the controls on cattle imported from Northern Ireland were provided.</p> <p>No records of routine checks on imported food could be provided.</p> <p>Records were provided of incidents which had been investigated involving imported food. It was noted that, other than in one case, the trigger was routine checks (sampling and labelling) rather than official control application to imported food. In the remaining case, the trigger was sampling at the port of entry.</p>

Recommendation

6. Checks. All checks on imported food to be recorded formally as such.

3.5 Articles 43 to 57.3. Official controls on animals and goods entering the Union

Article	
43	<p>No evidence was provided that a risk based approach to official controls for product coming from outwith the EU was being applied at an operational level.</p> <p>There is tactical level attendance at FSS meetings which discuss these risks (Horizon Scanning and Tactical Tasking & Coordination Group) but no evidence was provided of routine communication to officers working operationally to raise awareness.</p>

	No evidence was provided that such specific risks were being discussed at Operational Management level.
44 - 46	<p>Official controls on animals and goods other than those subject to official controls at border control post.</p> <p>No evidence of animals and goods requiring these official controls provided or indicated (44.3 d) and e).</p> <p>No evidence that such products were being proactively looked for during visits.</p> <p>No written evidence of specific checks on such products (45.1 and 2).</p>
47 - 52	<p>Animals and goods subject to official controls at border control posts.</p> <p>By interview, there was an awareness of process but no direct involvement.</p> <p>By interview, there was an understanding of the expected documentation but little/no exposure to it. As checked, imported food generally was accompanied only by commercial documentation, as plants in Scotland did not receive product directly from a border control post.</p>
53	<p>Official controls not performed at border control posts.</p> <p>No evidence of this being applicable.</p>
54 - 57	No evidence of checks being requested. By interview, there was an understanding of the expected documentation but little/no exposure to it.

Recommendation

7. Training and raised awareness of import risks. Training is required in import procedures and process with a raised appreciation and understanding of risk. A two way mechanism whereby specific risks and areas of concerns are communicated to the Field, and from the Field, should be established. There is a need, particularly post-Brexit, for a heightened awareness at all levels of imported food risks.

3.6 Article 65. Suspicion of non-compliance and intensified official controls

Article	
65	No examples found or notified.

3.7 Article 66. Measures to be taken in cases of non-compliant consignments entering the Union

Article	
66	<p>The only example provided was of one case involving positive Salmonella sampling by a Portal Authority of product from Belgium. This led to detention and further sampling at a Scottish plant with release following further treatment.</p> <p>The process followed was as per instructions with decision making and dissemination as expected.</p>

Regulation (EC) No 853/2004

3.8 Article 5. Health and ID Marking

Article	
5.1 - 3	Full understanding of requirements by all interviewees.

3.9 Article 6. Products of Animal Origin from outside the Community

Article	
6.1 - 3	General understanding of principles but no evidence that officers are routinely checking that products of animal origin from third countries are compliant or are checking routinely for such product.
6.1.4	<p>No evidence provided of checks on imported food supplied to, or imported directly by, FBOs containing both products of plant origin and processed products of animal origin to provide assurance with regard to the products of animal origin. Checks should be made back as far as point of entry to UK.</p> <p><i>It is noted that post-Brexit this will be of increased importance as a level of checking of EU sourced product will be required.</i></p>

Recommendation.

8. When carrying out traceability checks on imported food, **trace back** should be to point of entry, and importer, to provide assurance of suitable and satisfactory compliance.

3.10 Article 7. Documents

Article	
7	By interview, there was an understanding of the expected documentation but little/no exposure to it. As checked, imported food generally was accompanied only by commercial documentation, as plants in Scotland did not receive product directly from a border control post.

Recommendation

9. Training and raised awareness of import risks. Training required in import procedures and process with a raised appreciation and understanding of risk.

3.11 Reg. 853/2004 Annex II Requirements concerning several products of animal origin

Section 1 – ID Marking	Country of Origin training has been provided and all staff involved in cutting plant work had a good understanding of ID Marking rules.
Section 2 - HACCP	Full compliance evidenced.
Section 3 - FCI	A full understanding of process was evident. Both OVs from plants importing cattle from Northern Ireland had a clear understanding and an example was given of resolution of an identified ear marking issue.
Section 4 – Frozen Food	All fully aware of labelling issues.

Trade in Animals and Related Products (Scotland) Regulations 2012

(as amended and substituted by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019)

3.12 Regulation 15. Supervision and monitoring consignments

Insufficient evidence. No record of supervision and monitoring of any product with destination checks required.

3.13 Regulation 19. Consignments of products likely to constitute a risk to animal or animal health

Not applicable.

3.14 Regulation 20. Serious contraventions, repeated contraventions, and breach of maximum residue limits

Insufficient evidence. No record of any requirement for this action being required.

Regulation (EC) 999/2001

3.15 Annex IX, Chapter C, (as amended). Imports of products of animal origin from bovine, ovine or caprine animals

Section	
A	No evidence provided of any “random and non-discriminatory spot checks at the place of destination”. No evidence of verification as to compliance was provided.
B	
C	

Recommendation

10. Random spot checks. We would consider that in addition to risk based and targeted checks on imported food there is a need for a degree of random spot checking to provide assurance as to compliance. As with **Recommendation 8**, this should include trace back to point of entry to provide full assurance with regards to import controls.

4.0 Annex A – Action Plan

Action Plan for Operational Delivery's Import Audit, October - December 2020

Recommended Point for Action	Planned actions	Target date for completion	Responsible Officer(s)
<p>1. SMOC. The requirements of the SMOC to be updated to accurately reflect the legal requirements. <u>Priority - High</u></p>	<p>There is to be a phased implementation of OCR, however there will be a 3 month agency employee engaged to carry out all the necessary updates</p>	<p>31 August 2021</p>	<p>Senior Veterinary Advisor</p>
<p>2. Training. A documented and recorded training programme in Imported Foods to be rolled out to all Field Staff to raise awareness and understanding of imported food risks and procedures. <u>Priority - High</u></p>	<p>The imports chapter is being updated, and an online training module will be developed to communicate changes, once these are known from DEFRA</p>	<p>31 August 2021</p>	<p>Senior Veterinary Advisor</p>
<p>3. Live Animals. Written local SOPs for dealing with imported animals should be available for all officers in plant. <u>Priority - Low</u></p>	<p>FVMs will be instructed to engage with the plant lead OV to develop these</p>	<p>31 August 2021</p>	<p>Head Veterinarian</p>

<p>4. Checks process. Routine checks and information gathering on imports should form part of cutting plant visit protocols and inspection/audit forms. These should be regularly updated and directed to reflect current and relevant risks. <u>Priority - Medium</u></p>	<p>OCV Audit Establishment Live Report will be amended to include import checks and UAI staff will be trained as above</p>	<p>31 May 2021</p>	<p>Field Veterinary Manager</p>
<p>5. Controls Verification. Management checks, verifications and any subsequent corrective actions following checks on imported food to be recorded. <u>Priority - Medium</u></p>	<p>Internal monitoring policy to be updated to reflect.</p>	<p>June 2021</p>	<p>Field Veterinary Manager</p>
<p>6. Checks. All checks on imported food to be recorded formally as such. <u>Priority - Medium</u></p>	<p>Engage with colleagues to ensure requirement for recording import checks in new OWS is captured</p> <p>Establishment Live Report will record checks in CPs, as per action 4, for SHs & GHEs, the monthly checks form will be used.</p>	<p>June 2021</p> <p>N/A</p>	<p>Field Veterinary Manager</p> <p>Head Veterinarian</p>

<p>7. Training and raised awareness of import risks. Training required in import procedures and process with a raised appreciation and understanding of risk. A two way mechanism whereby specific risks and areas of concerns are communicated to the Field, and from the Field, should be established. There is a need, particularly post-Brexit, for a heightened awareness at all levels of imported food risks. <u>Priority - High</u></p> <p>8. Trace back. When carrying out traceability checks on imported food, trace back should be to point of entry, and importer, to provide assurance of suitable and satisfactory compliance. <u>Priority - Medium</u></p> <p>9. Random spot checks. We would consider that in addition to risk based and targeted checks on imported</p>	<p>A procedure will be proposed/implemented for regularly cascading priority items from horizon scanning group to field staff</p> <p>In relation to the checks being done, we would request proof of import checks documentation and highlight issues.</p> <p>As for 6 above. The UAI system part of the new OCV style audit will conduct these spot checks. OCR does not include reference to</p>	<p>August 2021</p> <p>See Action 4</p> <p>N/A, OCR audits already rolled out.</p>	<p>N/A</p>
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<p>food there is a need for a degree of random spot checking to provide assurance as to compliance. As with Recommendation 8, this should include trace back to point of entry to provide full assurance with regards to import controls. <u>Priority - Medium</u></p>	<p>random sampling, but specifically states that official controls should be risk based</p>		
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All actions were completed following the receipt of evidence from the Operational Delivery Division – April 2022

5.0 Acknowledgements

The Audit Assurance Team would like to acknowledge the help and co-operation of FSS officers for their assistance with the conducting of this audit.

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Food Standards Scotland
Audit Assurance Branch

Abbreviations

APHA	Animal and Plant Health Agency
EU	European Union
FBO	Food Business Operator
FSA	Food Standards Agency
FSMS	Food Safety Management System
FSS	Food Standards Scotland
POAO	Products of Animal Origin
RTE	Ready to Eat
SMOC	Scottish Manual of Official Controls
OV	Official Veterinarian