Scotland: Inland Enforcement of Imported Feed and Food Controls Resource Pack

Annex 1: Procedures, Notices and Forms

Contents

Importation of POAO from third countries	2
Enforcement Action - Food not of Animal Origin	3
Enforcement Action - Products of Animal Origin	4
Regulation 32 Official Feed and Food Controls (Scotland)	
Regulations 2009 (as amended)	5
Regulation 27 (6) Trade in Animals and Related Products (Scotla	nd)
2012 Notice	8
Regulation 17 Trade in Animals and Related Products (Scotland)	ı
2012 Notice	10
Letter of official detention	13
Feed - Detention Notice	16
Feed – Certificate of Withdrawal of Detention Notice	19
Feed – Seizure Notice	22
Common Veterinary Entry Document (example)	24
Common Entry Document (example)	26
IIT 1 (4/08) – Report of Information about Illegal Animal Product	
Seizures (example)	26

Importation of POAO from third countries

- 1. The Competent Authority in the despatching country contacts the European Commission to request approval
- 2. The Commission visits the country and establishments to check hygiene standards are equivalent to those in the EU
- 3. Approval is proposed, accepted or rejected. Updated list of approved countries are published in the Official Journal of the European Community and notified to Member States electronically

- 5. The Competent Authority in country of despatch issues and stamps the health certificate as for the Commission Decision
- A Commission
 Decision is drawn up
 giving the format for
 health certification and
 a list of approved
 establishments.

- Products of animal origin must be imported into the EU through Border Inspection Posts (BIPs).
- 7. The importer must notify the Border Inspection Post of the arrival of consignments.
- 8. The Official Veterinary Surgeon or Official Fish Inspector (for fishery products) carry out a:
- Document check
- Identity check
- Physical check

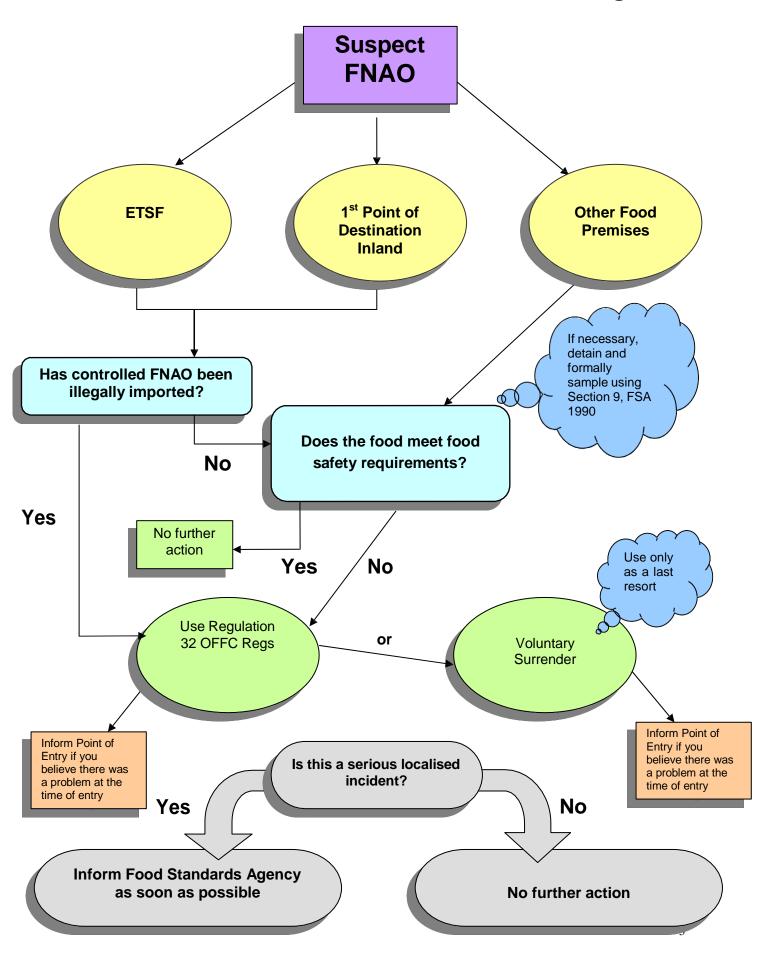
If the consignment fails the checks then it must be either:

- Re-exported
- Destroyed

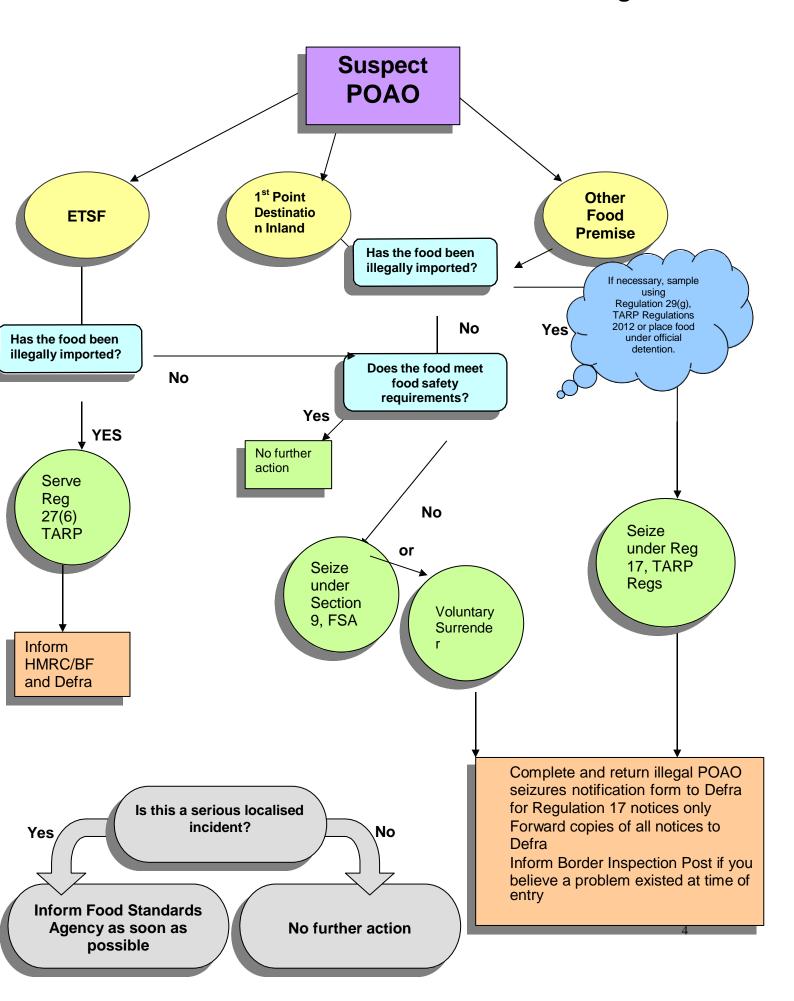


9. If checks are satisfactory, a
Common Veterinary Entry Document (CVED) is issued for that consignment of goods. It can then be imported into the EU.

Enforcement Action - Food not of Animal Origin



Enforcement Action - Products of Animal Origin



Regulation 32 Official Feed and Food Controls (Scotland) Regulations 2009 (as amended)

NOTICE FROM [NAME] OF LOCAL AUTHORITY

The Official Feed and Food Controls (Scotland) Regulations 2009

NOTICE OF

<DETENTION>

<DESTRUCTION>

<SPECIAL TREATMENT>

<RE-DISPATCH>

<OTHER APPROPRIATE MEASURES>

(Note: delete non applicable option/s)

To: Insert importers / person in control of feed/food name/address

I being an authorised officer of [name] Local Authority after consultation with you being the Importer or Feed/Food business operator, hereby give notice to you in accordance with *Regulation 32 of The Official Feed and Food Controls (Scotland) Regulations 200*9 (as amended) that:-

I suspect that* The consignment described in the schedule below fails to comply with feed or food law <and is injurious to human or animal health or unsafe>* in that:

Insert analyst's / food examiner's findings including the regulations breached

AND

The consignment is hereby placed under official detention until further notice*

I hereby require you to: - either

- < Destroy the feed or food within 60 days of the date stated on this notice > or
- < Subject the feed or food to the following special treatment within 60 days of the date stated on this notice >
- <insert special treatment> or
- < Re-dispatch the feed or food outside the Community within 60 days of the date stated on this notice>

Note that failure to re-dispatch the consignment within the specified time period may result in its destruction under the provisions of Article 21(2) of Regulation 882/2004 unless a delay is justified.

or

- < Take the following other appropriate measures within 60 days of the date stated on this notice >
- <insert appropriate measures>

(Note:* delete non applicable option/s)

The consignment is officially detained pending compliance with the terms of this notice at:
Insert address of where this consignment is being officially detained>

SCHEDULE

Product Description				
(to includ	le airwa	y		
bill/bill of	lading	if		
applicable):			

Container (if applicable):

Vessel (if

applicable):

Total «quantity» Gross/net «weight»Kg

weight

Quantity/Number of

pieces:

Importer/Food Business Operator:

Lot Number/s (if applicable)

SIGNED [AUTHORISED OFFICER]

Name in capitals: Insert officer name/ title

Date: <date>

Address: [Name] Local Authority

[Address]

Tel No: [Tel]

Please read the following notes carefully. If you are not sure of your rights or the implications of this notice, you should seek legal advice.

NOTES

The Official Feed and Food Controls (Scotland) Regulations 2009 (as amended)

- 1. Any person who is aggrieved by the decision of an authorised officer to serve a notice may appeal to a Sheriff's court, which shall determine whether or not the notice was lawfully served or technically correct.
- 2. If you intend to appeal an application by way of Complaint for an order must be made to the Sheriff's Court addressed to the Clerk's Office, [Address], within one month from the date on which the Notice was served.

Any person who breaches the terms of the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.

In accordance with Article 22 of Regulation (EC) 882/2004, you as the food or feed business operator are responsible for the consignment or product, may be required to pay or reimburse on demand the costs incurred pursuant to this notice including those of storing, transporting, redispatching, disposing of and destroying the product or consignment specified in the schedule hereto.

Regulation 27 (6) Trade in Animals and Related Products (Scotland) 2012 Notice

[Insert Name, address and telephone number of Authority]

REGULATION 27 (6) NOTICE

THE TRADE IN ANIMALS AND RELATED PRODUCTS (Scotland) REGULATIONS 2012 ("the Regulations")

DETENTION OF PRODUCTS OF ANIMAL ORIGIN WHICH MAY HAVE BEEN INTRODUCED IN BREACH OF THE REGULATIONS

TO (Person appearing to have charge of the products): [insert name	ie]			
OF: [insert full postal address and postcode]				
Country of origin:				
Country arriving from (if different to country of origin:				
Identifying number (of container/airways bill etc):				
I, being an authorised officer of <i>[insert authority]</i> acting under regulation 27 (6) of the above Regulations hereby give notice to you, being the person appearing to me to have charge of the consignment or products described in the schedule overleaf, that I am detaining the products listed in the product details schedule overleaf until a Customs officer takes charge of them, because I consider that they may have been introduced into Scotland in breach of the Regulations.				
Signed:				
Dated thisday of2	0			
Name (in BLOCK LETTERS)				
Title/Position Held:				
Official Address: (if that different to address at the head of this Notice)				
Telephone number: (if different to number at the head of this N	otice):			

Ref No:

REGULATION 27 (6) NOTICE

THE TRADE IN ANIMALS AND RELATED PRODUCTS (Scotland) REGULATIONS 2012 ("the Regulations")

DETENTION OF PRODUCTS OF ANIMAL ORIGIN WHICH MAY HAVE BEEN INTRODUCED IN BREACH OF THE REGULATIONS

Product Details Schedule

	Product Details					
	Description (to include weight and other details e.g. airway bill/bill of lading if known)	Date and time detained by Local Authority	Date and Time notified to Customs	Storage location	Date and time Customs attended	
1						
2						
3						
4						

Regulation 17 Trade in Animals and Related Products (Scotland) 2012 Notice THE TRADE IN ANIMALS AND RELATED PRODUCTS (Scotland) REGULATIONS 2012 NOTICE UNDER REGULATION 17: UNCHECKED CONSIGNMENTS

TO⁸:

Address:

- 1. I, being *[an authorised officer for *[local authority]/Department for Environment Food and Rural Affairs/Food Standards Agency]/[an official veterinary surgeon] acting under regulation 17 of the Trade in Animals and Related Products (Scotland) Regulations 2012 (the "TARP Regulations"), hereby give notice to you, being *[the person appearing to me to have charge of the consignment or product/ the person responsible for the consignment or product] described in the Schedule below, that this consignment has been,
- *(i) brought into Scotland other than through a Border Inspection Post approved for that animal or product;
- *(ii) removed from a Border Inspection Post without a CVED or the authority of the Official Veterinary Surgeon at the Border Inspection Post;
- *(iii) transported from the Border Inspection Post to a destination other than that specified in the CVED.
- 2. I further give you notice that I am taking charge of the said consignment or product and I am going to in accordance with Regulation 18(3) -
- *(a) dispose of the consignment as Category 1 material in accordance with Regulation (EC) 1069/2009 of the European Parliament and the Council; or
- *(b) where health conditions permit, require you to redispatch the product outside of the European Union from the same Border Inspection Post to a destination agreed with you, using the same means of transport, within a maximum time limit of 60 days; or
- *(c) if (b) above is not possible or the time limit has expired or if you agree to do so, destroy the product(s).
- 3. Words and phrases used in this Notice bear the same meaning as they do in the TARP Regulations.

Dated this	.day of
Signed	
Name (caps)	
Position held	
Official address	

Delete as applicable

⁸ person appearing to have charge of the consignment or product listed in the schedule/person responsible for the consignment or product listed in the schedule.

Schedule

Type of Product	
Description of Product	
Quantity	
Weight	
Health Certificate reference number	
CVED reference number	
Country of Origin	
Other information (e.g. airway bill/bill of lading of known)	

Please read the following notes carefully. If you are not sure of your rights or the implications of this notice, you should seek legal advice.

NOTES

THE TRADE IN ANIMALS AND RELATED PRODUCTS (SCOTLAND) REGULATIONS 2012

Under Regulation 22 of the TARP (Scotland) Regulations any person who is aggrieved by a decision referred to in regulation 18 may appeal within one month of the date of this notification, by way of complaint for an order to a Sheriff's court.

In accordance with Article 22 of Regulation (EC) 882/2004, you as the food or feed business operator responsible for the consignment or product, may be required to pay or reimburse on demand the costs incurred pursuant to this notice including those of storing, transporting, redispatching, disposing of and destroying the product or consignment specified in the schedule hereto.

Letter of official detention

REGULATION (EC) 882/2004, Article 18	Ref No.
The Official Controls (Animals, Feed and Food) (Scotland) Re	egulations 2007
OFFICIAL DETENTI	ION
At: ¹⁰	
,	
I am writing to inform you that the food listed in Schedule 1 or official detention in accordance with the provisions of Article and {delete as applicable};	•
a) Must not be removed from its current location at: {inse	ert current location of food}
b) Has been removed to: {insert address where food h	as been removed to}
pending the results of official controls because: {insert the replaced under official detention}	eason why the food has been
The food listed in Schedule 1 overleaf must not be placed on provided with written confirmation from the food authority that	
Signed	Date//
Name (caps)	
Position held	
Address of food authority	

13

⁹ Insert the name of the person who appears to be in charge of the food. ¹⁰ Insert the address of the food business

REGULATION (EC) 882/2004, Article 18

The Official Controls (Animals, Feed and Food) (Scotland) Regulations 2007

OFFICIAL DETENTION

Schedule 1

The food which is subject to this official detention is described in the table below:

Name of food/ Country of Origin	Description of product	Quantity	Date/ further details e. g. lot code/ airway bill/ bill of lading

REGULATION (EC) 882/2004, Article 18

The Official Controls (Animals, Feed and Food) (Scotland) Regulations 2007

OFFICIAL DETENTION

Notes:

- 1) Failure to comply with the terms of this official detention may be regarded as an obstruction of the authorised officer and may result in further formal action being taken by the food authority.
- 2) If you believe that you have been unfairly treated by the authorised officer, you may contact his/her manager at the following address:

{insert appropriate contact details}

Feed - Detention Notice

٩u	thority:
	The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 – Regulation 25 DETENTION NOTICE
1.	To:(Feed Business Operator)
	At:
	(Address of Feed Business Operator)
	Name of feed
	business:
ou	dress of feed siness:
2.	The enforcement authority is satisfied that Requirements under the Hygiene Regulations are being breached, as outlined below:
3.	For the purpose of examination the following feed is being detained:

Notice Ref No:

Signed:	 	(Authorised Officer)
Name in capitals:	 	
Date:	 	
Address:	 	
Tel:	 Fax:	
E-mail:		

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

Notice Ref No:

Feed - Detention Notice (Reverse)

NOTES

- 1. When the authorised officer is satisfied that the legal requirements specified in paragraph 2 of the Detention Notice are being met, and receives evidence that the feed need no longer need be detained, a withdrawal notice shall be issued to you. An authorised officer has 21 days following receipt of such evidence to come to a decision.
- 2. In accordance with Regulation 25 of the Feed (Hygiene and Enforcement) Regulations, you are entitled to appeal against this notice. If you want to do so, you should apply to the magistrates'/Sheriff's court, within one calendar month of the date on which this notice is served on you.

Feed - Certificate of Withdrawal of Detention Notice

Αι	ıthority:
	The Feed (Hygiene and Enforcement)(Scotland) Regulations 2005 - Regulation 25 CERTIFICATE FOR THE WITHDRAWAL OF A DETENTION NOTICE
1.	To:(Feed Business Operator)
	At:
	Name of feed business
	Address of feed
	business
2.	The enforcement authority certifies that it is satisfied that you have taken sufficient measures: i.e.
	Therefore the specified feed need no longer be detained.
	The Detention Notice served on you on(date) is hereby withdrawn.
Się	gned:(Authorised Officer)
Na	ame in capitals:
Da	ate:

	Notice Ref No:
Address:	
	Fax:
E-mail:	

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

Notice Ref No:

Feed - Certificate of Withdrawal of a Detention Notice (Reverse)

NOTES

- 1. The feed that has been released may be returned to the feed chain.
- 2. In appropriate circumstances you may have a right to claim compensation under the terms of regulation 25(6) of the Feed (Hygiene and Enforcement) (Scotland) Regulations.

Notice Ref No:

Feed - Seizure Notice

Au	thority:			
Th	ne Feed (Hygiene and Enforcement)(Scotland) Regulations 2005 – Regulation 25 SEIZURE NOTICE			
4.	To:(Feed Business Operator)			
	At:			
	(Address of Feed Business Operator)			
	Name of feed business:			
	Address of feed business:			
5.	The enforcement authority is satisfied that Requirements under the Hygiene Regulations are being breached, as outlined below:			
Sig	ned:(Authorised Officer)			
Na	Name in capitals:			

	Notice Ref No:
Address:	
	Fax:
E-mail:	

If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

Common Veterinary Entry Document (example)

EUI	ROPEAN COMMUNITY	The Common Veterinary Entry Document, CVED			
	1. Consignor / Exporter	2. CVED reference number			
۱_		Border Inspection Post			
ž		ANIMO Unit Number			
Part 1: Details of consignment presented		ANIMO Unit Number			
l es	3. Consignee	4. Person responsible for load			
直	o. Complies	4. I dison responsible for some			
ΙĦ					
ΙĔ					
lg					
ısi					
5	5. Importer	6. Country of origin + ISO coo	le 7. Country from where consigned + ISO code		
J ₀					
<u>s</u>		8. Delivery address			
<u>=</u>					
E					
=	9. Arrival at BIP (estimated date)	10. Veterinary documents			
1 =	2. All value of (sommon date)	Number(s)			
E	11. Vessel name / Flight No.	Date of issue			
=	Bill of Lading No./ Airway Bill No.	Establishment of origin(where relevant)			
	Wagon / Vehicle / Trailer No.	Veterinary approval number			
	12. Nature of goods, Number and type of packages	13. Commodity Code (C	CN, minimum first 4 digits)		
			14. Gross weight (kg)		
			15 November (1)		
			15. Net weight (kg)		
	Temperature Chilled:	Frozen:	Ambient:		
	16. Seal number and Container number				
	17. Transhipment to	18. For transit to 3rd Country			
		,			
	EU BIP ANIMO unit no.:	To 3rd Country	+ ISO code		
	3rd country 3rd Country ISO code:	Exit BIP:	ANIMO unit no.:		
	19. Conform to EU requirements	20. For re-import			
	Conforms				
	Does NOT conform				
	21. For internal market	22. For NON- Conforming consignments			
	Human consumption:	Customs warehouse	Registered No.		
	Animal feedingstuff:	Free zone or Free warehouse	Registered No.		
	Pharmaceutical use: Technical use:	Ship supplier Ship	Registered No. Name		
	Other:	Simp	Port		
			. ***		
	23. Declaration	Place and date of declaration			
	I, the undersigned person responsible for the load detailed above, certify that to the best of my knowledge and belief the statements made in section I of this document are true and complete and I agree to comply				
	with the legal requirements of directive 97/78/EC, including payment for veterinary checks, for				
	repossession of any consignment rejected after transit across the EU to a third country (Artiole 11.1.e), or costs of destruction if necessary.	ì			
		Signature			
		1			

$\mathbf{E}\mathbf{U}$	EUROPEAN COMMUNITY The Common Veterinary Entry Document, CVED				
	24. Previous CVED: No Yes	25. CVED Reference Number:			
l	Reference number:				
l	ľ				
l	26. Documentary Check:	27. Identity Check:			
l					
1 2	Satisfactory Not satisfactory	Seal check OR Full identity check			
≅		Satisfactory Not satisfactory			
ΙĒ					
Part 2: decision on consignment	28. Physical Check:	29. Laboratory Tests: No Yes			
Ĭ					
2	Satisfactory Not satisfactory	Tested for:			
=	Not done	Random Suspicion			
٦	1. Reduced checks regime	Results: Satisfactory Not satisfactory			
I .⊡	2. Other	Released pending a result			
1.5	Z. Odlek	Actions of Portunity a Youth			
1 3	20 A COTTOTA DATE & Town & Constitution of the	31. ACCEPTABLE for Transit Procedure			
٦.	30. ACCEPTABLE for Transhipment:	31. ACCEPTABLE for Transit Procedure			
7	THE PERSON NAMED IN	T 0 10 1			
ΙĒ	EU BIP ANIMO unit no.:	To 3rd Country + ISO code			
12	3rd country 3rd Country ISO code:	Exit BIP: ANIMO unit no.:			
1					
l	32. ACCEPTABLE for Internal Market	33. ACCEPTABLE if channelled			
l					
1	For Free Circulation	Article 8 procedure			
	Human consumption:	Re-import of EU products (Article 15)			
	Animal feedingstuff:				
	Pharmaceutical use:	34. ACCEPTABLE for Specific Warehouse Procedure(Articles 12.4 and 13)			
	Technical use:				
	Other:	Customs warehouse			
		Free zone or Free warehouse			
	35. NOT ACCEPTABLE	Ship supplier			
		Direct to a ship			
	1. Re-export				
	2. Destruction	36. Reason for Refusal			
	3. Transformation				
	By Date:	1. Absence/Invalid certificate			
		2. Non approved country			
	37. Details of Controlled Destinations (33-35)	3. Non approved establishment			
	Approval no (where relevant):	4. Prohibited product			
	Address:	5. ID: Mis-match with documents			
		6. ID: Health mark error			
		7. Physical hygiene failure			
		8. Chemical contamination			
	38. Consignment Resealed	9. Micro biological contamination			
	New seal no:	10. Other			
	39. Full identification of border inspection post/competent authority and official stamp.	40. Official Veterinarian			
	The state of the s	I the undersigned official veterinarian, or designated official agent, certify that the veterinary checks on			
		this consignment have been carried out in accordance with EU requirements.			
		Signature:			
		Name (in Capital):			
		Date:			
	41. Exit Transit BIP: Formalities of exit from the EC and checks made of transiting goods confirmed in	42. Customs Document Reference:			
	accordance with Article 11.2(e) of Directive 97/78/EC:				
		43. Subsequent CVED			
		Number(s):			
	Date:				
	Stamp				
		I and the second			

Common Entry Document (example)

COMMON ENTRY DOCUMENT (CED)

ocument, CE						
Address						
+ ISO						
code						
Postal code						
et weight						
ages						
es						
ther process Feedingstuff						
I.19. Seal number and container number						
Place and date of declaration						
_						

UROPEAN COMMUNITY Common Entry Document, CED				
II.1. CED Reference Number	II.2. Customs Document Reference			
II.3. Documentary Check Satisfactory ☐ Not satisfactory ☐	II.4. Consignment selected for physical checks			
II.5. ACCEPTABLE for transfer Control Point Control Point Unit No	Yes No No			
II.6. NOT ACCEPTABLE 1. Re-dispatching 2. Destruction 3. Transformation 4. Use for other purpose	II.7. Details of Controlled Destinations (II.6) Approval no (where relevant) Address Postal code			
II.8. Full identification of DPE and official stamp DPE Stamp DPE Unit N°	II.9. Official Inspector I the undersigned official inspector of the DPE, certify that the checks or the consignment have been carried out in accordance with Community requirements.			
II.10.	II.11. Identity check Yes No No Not satisfactory Not satisfactory			
II.12. Physical Check Satisfactory Not satisfactory	II.13. Laboratory Tests Yes No Tested for Results: Satisfactory Not satisfactory			
II.12. Physical Check Satisfactory Not satisfactory II.14. ACCEPTABLE for release for free circulation Human consumption Further process Feedingstuff Other II.16. NOT ACCEPTABLE	II.16.			
1. Re-dispatching 2. Destruction 3. Transformation 4. Use for other purpose	II.17. Reason for Refusal 1. Absence/Invalid certificate (if applicable) 2. ID: Mis-match with documents 3. Physical hygiene failure 4. Chemical contamination 5. Microbiological contamination			
II.18. Details of Controlled Destinations (II.16) Approval no (where relevant) Address Postal code	4. Chemical contamination 5. Microbiological contamination 6. Other			
II.19. Consignment resealed New seal no				
II.20. Full identification of DPE/Control Point and official stamp Stamp	II.21. Official Inspector I the undersigned official inspector of the DPE/Control Point, certify tha the checks on the consignment have been carried out in accordance with Community requirements.			
	Name (in capital) Date Signature			
	1			
	Ship Road vehicle Docode			
III.2. Follow up Arrival of the consignment Yes No No	Local Competent Authority Unit Correspondence of the consignement Yes No			
III.3. Official Inspector Name (in capital) Address Date Stamp	Unit Nº Signature			

IIT 1 (4/08) – Report of Information about illegal Animal Product Seizures (example)

Restricted

Report of Information about Illegal Animal Product Seizures



	P	lease supply the f	ollowing info	rmation where	known and/or wh	ere applicable
Place of seizure						
			(na	ame of port, or	address if seized inlar	na)
Name of reporting officer						
Tel. No.						
Name of rep authority/LA.						
Submitting a	authority	's case number				
Date of arriv	ral at por	t¹ /	/		Date of seizure	/ /
Product	Details	if known (e.g. type o	of meat, number	and type of pack	ages)	Weight (KG)
Meat						
Fish						
Dairy						
Honey						
Details of F	vnorte	(if knowr)				
Details Of L	.xporte	(II KIIOVII)				
Name						
Address						
					Posto	code
Nationality						
Details of I	mporte	· ——				
Name						
Address						
					Posto	rode
Nationality						
Passport Number					Date of Birth	
г азэрэг стчиния:1					Date of Birth	dd/mm/yyyy
IIT 1 (4/08)						1

Details of consignment		
Courtry of ongrn		
Courtry of disratrh		
Details of arrival route (flrghVshrpping number) c		
Where were the items fourd'	Personal luggage'	Retail' D
	Personal freight (vehicle/containerl	Commercial frcigl-'t (vehicle/contained · U
Grve method of concealment		
If cargo', how does the manifes	t describe the cargo conterts'	
Action taker or intended (e.g. dest	myed, sent back, redirected to BIP?)	
Comments		
		-

- Not applicable if seized from inland premises :e._q. shop/market)

 ² Or date of redirection instruction (if redirected to a BIP)
- Persona/luggage refers to hand or hold baggage (suitcases, holdalls etc) on flighhi::JJip'>
- Retail refers to products seized in-land at shops, markets, resraurants etc Cargo rrfrr to unarrompanird ron ignrnrnt , arriving ar air or "Pa ports
 - Please EMAIL the completed form to: seizure.iit@defra.gsi.gov.uk
 - Alternatively you may fax the form to 020 7238 3087
 - or post the form to:Defra, Imports Team, Area 48, Nobel House, 17 Smith Square, London SW1P 3JR

liT 1 14/08) 2