

Inland Enforcement of Imported Feed and Food Controls Resource Pack

Scotland



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Chapter 1: Overview of Imported Feed and Food Controls



Section 1- Introduction

1.1 Resource Pack Aim

This pack aims to provide enforcement officials within local authorities with appropriate information, practical guidance and advice to enable them to secure the effective control of food and animal feed imported into the UK.

1.2 Resource Pack Objectives

- To provide an overview of import controls in the EU and UK, including organisational roles and responsibilities.
- To provide up-to-date information for enforcement officials on current legislative controls.
- To describe the border control systems for both food products of animal origin (POAO) and food not of animal origin (FNAO).
- To advise authorities of their responsibilities for the enforcement of import controls and requirements for recording and reporting relevant information.
- To provide enforcement officials with information, practical advice and procedures to assist in the identification and control of illegal imports of food being distributed and offered for sale within the UK.
- To offer routes by which enforcement officials may raise and discuss enforcement and interpretation issues concerning import controls.
- To facilitate better co-ordination of import controls across authorities.
- To provide a list of contact points and supporting information to feed and food authorities relating to POAO and FNAO imports.

Online training – A detailed online training package is available free of charge to enforcement officers working in the UK at: www.importedfood.co.uk. To access this training, officers must firstly register with ABC Food Safety to receive a username and password. This can be achieved by clicking on the “contact us” button on the www.importedfood.co.uk website and providing the name and e-mail address of any member of staff who wishes to use the service.

Please note that this guidance and the model forms (provided in the accompanying Annex 1) have been produced to explain the legal requirements for imported food control. Every effort has been made to ensure that these guidance notes are as helpful as possible. They cannot cover every situation and you should consider the relevant legislation itself to see how it applies in different situations.

The information in this Pack is regularly updated and takes into account Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, the enforcement of which in Scotland is provided for by the Official Feed and Food Controls (Scotland) Regulations 2009 (SSI 2009/446) (as amended) (and parallel legislation in England, Wales and Northern Ireland). Please read this guidance in conjunction with “Guidance for Food Authorities on the Import of Food from Third Countries” at Annex 12 of the Practice Guidance which supports the statutory Food Law Code of Practice.

1.1 Background

Imported food makes up an increasingly large part of the UK diet and about 50% of food consumed in the UK is from countries outside the UK. Imported food can be found in virtually every food business whether it be poultry from Brazil in the local take-away, strawberries from Egypt in the supermarket or vodka from Russia in the local sports and social club.

Imports fall into two categories: Products brought into the UK from other member states of the EU are imports in the physical sense, but in legal terms are generally not considered to be imported because the EU is a customs union and intra-EU trade products are not normally subject to checks at the point of entry. By contrast, imported products from countries outside EU (commonly known as “third countries”) are imports in both the physical and legal sense.

The majority of foods that are imported into this country are perfectly legal, wholesome and safe but it is important to have effective imported food controls in place to ensure that the consumer and food businesses are protected from contaminated products, unfair trading practices and fraud. It is the responsibility of the Competent Authorities (CA) to ensure that these controls are properly implemented.

Food is imported into the UK via seaports, airports and by road and rail through the Channel Tunnel. Local Authorities undertake various public health duties including checks on certain imported foods at ports. Certain ports, which receive products of animal origin such as meat, fishery products, eggs, shellfish, dairy products and honey, are designated as Border Inspection Posts (BIPs).

Currently the UK imports approximately 40% of all animal feed used by British farmers. Many of the materials used could also be used as food for human consumption e.g. soya and maize or are by-products, often referred to as ‘co-products’ of the food industry e.g. soya hulls (husks). In addition, various compounds of trace elements used in animal feed are also imported into the UK from outside the EU. The source of feed materials is worldwide with product being imported from the far-east (including China and India), South America and Eastern Europe. Most consignments are imported through seaports. Most serious problems with animal feed are connected with materials originating from outside the EU.



Section 2 – Key Messages

This pack should be made available to all enforcement officers. Local authorities should have regard to the following points to ensure adequate controls are in place:

2.1 Authorisation of Officers

Authorities should ensure that officers are authorised in writing to enforce all relevant legislation. (See appropriate sections of the Food Law Code of Practice March 2009, Food Law Practice Guidance and the Feed Law Enforcement Code of Practice for further details)

2.2 Products of Animal Origin (POAO)

- POAO include fresh meat, meat products, meat preparations, dairy products, fishery products, shellfish, egg products, honey, snails, insects and fishmeal used in animal feed.
- Imported POAO may be illegal due to the manner in which they were imported and/or due to matters of public or animal health such as contamination with veterinary residues.
- It is an offence to introduce POAO into the UK from most non-EU countries, except at a Border Inspection Post (BIP) unless they are specifically exempted¹. Such exemptions include:
 - Personal imports of certain POAO from specified countries (excluding meat or dairy products) (refer to [Commission Regulation 206/2009](#)) or:
 - Trade samples that have received written approval from the Scottish Ministers or
 - Other Licensable goods
- Further details on personal imports may be found on the Defra website: <http://www.defra.gov.uk/foodfarm/food/personal-import/index.htm>
- Whilst offences may be committed by those persons who introduce illegal POAO into Scotland, the priority for inland food authorities is to identify such illegal products and remove them from the food chain.

2.3 Feed and Foods not of Animal Origin (FNAO)

- For most FNAO, there are currently no requirements for pre-notification to border enforcement officers or to be inspected at the ports. As such it is important that inland checks are carried out to maintain public health safeguards.
- From 25 January 2010, imports of certain 'high-risk' FNAO, can only enter the UK through specific ports and airports approved as designated points of entry (DPEs) or designated points of import (DPIs) where official controls will be carried out. A 'high-risk' product is feed or food that is either a known, or emerging, risk to public health. This may be due to

Regulation 11 of The Trade in Animals and Related Products (Scotland) Regulations 2012 (SSI 177/2012)

the presence of contaminants and/or undesirable substances such as aflatoxins, heavy metals, pathogenic bacteria or pesticides.

- Consignments of such products should be subjected to official controls by inland authorities to verify that they have been legally imported. Details of such products can be found at http://www.food.gov.uk/foodindustry/imports/banned_restricted/

2.4 Role of Inland Authorities

- All importers should be identified and registered as Feed/Food Business Operators (FBOs). They should be included in the feed/food intervention programme for the authority.
- Establishments that are the first destination after import should be identified. These may include establishments used for storage, processing, and/or handling, buying or selling POAO or FNAO. Where the establishment is receiving POAO directly from a port, Common Veterinary Entry Documents (CVEDs) should be available for each consignment. Where FNAO which are subject to the “High Risk” import controls as specified in Regulation (EC) No 669/2009, as amended and Regulation (EC) No 1152/2009 and Regulation (EU) 91/2013 are found at a first destination inland a Common Entry Document (CED) should be present. Examples of CVEDs and CEDs are shown in Annex 1 accompanying this guidance.
- Import control legislation should be enforced as appropriate to the circumstances and in accordance with the authority’s enforcement policy.
- Procedures relating to import control work should be developed in line with The Framework Agreement on Local Authority Enforcement, Food Law Code of Practice and Practice Guidance and Defra guidance documents.
- Key enforcement notice templates should be readily available to authorised officers in case they are required. In particular copies of the following notices (which can be found in Annex 1 of this guidance) should be readily available:
 - **The Trade in Animals and Related Products (Scotland) Regulations 2012 SSI No 177 (TARP)** provide the following enforcement notices which may be used, where appropriate by inland authorised officers.
 - **Regulation 27(6)** for the detention of suspect POAO in an External Temporary Storage Facility (ETSF – formally known as an ERTS facility).
 - **Regulation 17** for the seizure of illegally imported POAO.
 - **Official Feed and Food Controls (Scotland) Regulations 2009**
 - **Regulation 32** Notice (For both feed and food) – for the detention of suspect FNAO or destruction, special treatment or re-dispatch of FNAO that is illegally imported or is a risk to animal or public health.
 - **Regulation (EC) 882/2004**
 - Letter of official detention for use with respect to POAO which is suspected to have been illegally imported from a third country.

Authorities should keep up-to-date with imported product issues. This can be achieved by:

- Reference to the FSA Website: <http://www.food.gov.uk/foodindustry/imports/>
- Use of information resources, such as GRAIL (Guidance and Regulatory Advice on Import Legislation): <https://grail.foodapps.co.uk/grail/general/home.aspx>
- Reference to the National Enforcement Priorities for Feed Authorities published annually which can be found on the Agency's website at: <http://www.food.gov.uk/enforcement/workwithenforcers/centralref/>

Authorities should ensure that all enforcement officers are aware of the system for reporting seizures of illegally imported animal products to Defra, using the IIT1 form. The reporting of seizures by Local Authorities has required the completion (preferably electronically) of a common form (IIT 1 (4/08)), which is then sent by e-mail for Defra to record the appropriate information. However, the option remains for the form to be completed manually, if that method is preferred, and sent to Defra by fax/post. Details of where to e-mail/fax/post the form is included on the form itself. The form is located on the secure parts of the following websites which cannot be accessed without password permission:

APHA: <http://www.porthealthassociation.co.uk>

CIEH: <http://www.ehcnet4.net/govt/defra/iit/iitrept.php>

The information provided in this form is also shared with the Food Standard Agency's Food Fraud team.

- Local authorities responsible for food law enforcement at sea ports, airports and at External Temporary Storage Facilities (ETSF), should ensure that their officers familiarise themselves with the following:
 - Local stakeholders.
 - Trade type (volume, variety, trade routes, and freight handling agents).
 - Relevant health and safety requirements.
 - Relevant security requirements.

The police do not have any specific enforcement responsibilities under the legislation referred to in this pack, but their assistance might be sought to aid LAs or other inspectorates in their enforcement duties.

Authorised officers should consider imported food that is offered for sale by food businesses as a **routine** component of food hygiene and standards inspections. Investigate and take appropriate actions relating to (suspect) illegal imports, imports that may pose a risk to public or animal health, and imports that fail to meet food safety requirements.

The Border Force (BF) has a specific procedure for passing information to the FSA on seizures of POAO destined for a commercial establishment. The FSA will verify that

passing on the intelligence is in the public interest and then will refer cases to the relevant inland LAs for further investigation. It is important that the results of such cases are fed back to BF to help inform and refine risk profiling systems. In the event that such investigations become a significant burden on a LA, or the investigation is complex to the extent that programmed inspections need to be rescheduled, the LAs should immediately discuss the issue with the FSA to identify what assistance can be given.

2.5 Advice and Guidance

- If in doubt at any time, authorities should contact
Jacqui Angus on 01224 285175 or email: jacqui.angus@foodstandards.gsi.gov.uk
- For POAO-related advice, the AHVLA Specialist Service Centre – Carlisle (01228 403600)
- Links to common sources of information are available in the “library” section of the online training website: www.importedfood.co.uk.
- Finally, the underlying principle is that if you are in doubt then you should:
 - Seek advice from colleagues
 - Seek advice from your own legal services and where appropriate
 - Seek advice from the FSA//Defra Scottish Government prior to taking action.

Section 3 – Imported feed and food procedures

For the purpose of import controls, feed and food can be placed into one of two categories: Products of Animal Origin (POAO) and Feed/Food not of Animal Origin (FNAO) and can be imported commercially either from countries within the European Economic Area (EEA) or from Third Countries.

The rules regarding the importation of feed/food are different depending on the nature of the food (POAO or FNAO) and the country of origin:

3.1 Feed/Food from within the EU

The principle of a single market within the EU was established by the Treaty of Rome and permits the free movement of foods between Member States; this is known as intra-EU trade. This means that food produced, for example, in Spain may enter the UK without any specific checks being carried out at the point of entry. Similarly, feed/food produced in the UK may be sent to other Member States without being subjected to any specific border controls.

Feed/food that is lawfully imported into a Member State from a third country may subsequently be distributed into other Member States without the need for further checks to be made. This is an important principle and requires that Member States have mutual respect for each other's border controls the adequacy of which is policed by the European Commission's Food and Veterinary Office (FVO).

There are occasions, however, whereby feed/foods produced by Member States are subjected to specific restrictions or "safeguard measures" mainly due to animal, public or plant health concerns. For example, the UK was subject to such safeguard measures with respect to meat and dairy products during the foot and mouth outbreak in 2001 and relevant products could only be exported to other Member States when certain requirements were met.

Members of the single market or "relevant territories" include:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- UK

Border checks are not required for imports of POAO from certain countries under agreements with the EU. These countries include Norway, Iceland, Liechtenstein and Switzerland. Certain named dependencies are also exempt from such controls including the Canaries (Spain) and the Azores (Portugal). Please note that Svalbard, the Faroe Islands and Greenland are subject to import controls.

3.2 Imports from third countries: POAO

In the UK, Defra, and the devolved Agriculture Departments, is the Central Competent Authority (CCA) for products of animal origin (excluding fishery products and bivalve molluscs for which the FSA has responsibility).

POAO may only be imported from third countries that have received prior approval by the European Commission for the relevant type of POAO. In addition, the establishments involved in the handling of such food products must also receive prior approval before the food can be lawfully exported to the EU.

The prior approval of prospective suppliers of POAO to the EU is undertaken by the Food and Veterinary Office (FVO) which assesses the ability of the establishments in the third country to produce products of an equivalent standard to those situated in the EU and the adequacy of the official controls performed by the third country's CA. POAO, except honey, must be produced in approved establishments and must be marked with the country of origin and a unique "establishment number". The format of the establishment numbers applied to POAO can vary depending on the nature of the product e.g. dairy, meat or fishery products. A list of approved establishment numbers for POAO from third countries is available on the Commission website at: http://ec.europa.eu/food/food/biosafety/establishments/third_country/index_en.htm

When exported from third countries, POAO are normally required to be accompanied by a health certificate signed by the CA of the third country to verify that the food meets the requirements of EU Law. The POAO must be pre-notified using Part I of the CVED by the importer or their representative (e.g. clearing agent) and must then enter the EU via an appropriately approved port known as a Border Inspection Post (BIP) where the food will be subjected to veterinary checks by the relevant authorised officer. These veterinary checks will comprise, as appropriate; documentary, identity and physical checks.

Documentary Checks are carried out on 100% of consignments of POAO from third countries. A documentary check includes verification that the details on the health certificate and commercial documentation are correct and in line with EU requirements.

Identity Checks are carried out on most goods presented at BIPs, with a few exceptions. Some countries such as New Zealand and Canada have equivalency agreements in place with the EU which means that certain products from these countries undergo fewer identity and physical checks on entry to the EU. Where a product arrives in a sealed container, and where provided for in EU legislation, an identity check may be as simple as verifying that the seals are intact and that they correspond to the accompanying documentation. In other cases an identity check will involve examining the consignment to verify that the products presented are the same as those covered by the health certificate and, checking that the stamps and health marks identifying the country and establishment of origin are present and conform to those on the documentation.

Physical Checks may comprise several or all of the following components:

- Temperature checks to ensure that the product still meets the requirements as described in the accompanying health certificate e.g. is chilled, frozen or ambient.
- Sensory (visual, odour, taste).
- Thawing and cooking.
- Wrapping & labelling.
- Packaging integrity.
- Bacteriological quality.
- Analysis for contaminants, bio-cumulative compounds/toxins and prohibited substances (e.g. growth promoters).
- Transport conditions including thermograph records
- Evidence of damage or alteration, evidence of pest infestation or contamination etc.

Physical checks are not carried out on all consignments; their frequency is dependent on the nature of the feed/food and the country of origin. Council Directive 97/78/EC lays down principles governing the organisation of veterinary checks on products entering the Community from Third Countries (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0078:EN:HTML>).

Veterinary checks are carried out by Official Veterinarians (OV) or Official Fish Inspectors (OFI) working at the BIP. Once the veterinary checks have been successfully completed, the OV or OFI will complete, sign and stamp a CVED to demonstrate that the feed/food has been subjected to the appropriate official controls and has been released for free circulation within the EU. This CVED must accompany the POAO to its first destination inland where it should be retained for a period of one year.

Should the products fail the veterinary checks, the POAO may be destroyed or re-dispatched to the country of origin, under the provisions of the TARP Regulations 2012 depending on the reason for failure. Alternatively, the product may be used as an animal by-product in accordance with Regulation 1069/2009. Part II of the CVED will be completed to indicate that the product and/or the controls were unsatisfactory.

There may be occasions where the POAO enters the EU via a BIP but its destination is outside of the EU. In these circumstances, special provisions apply. Once cleared by the BIP, food may be sent through to a “Customs Warehouse” or “External Temporary Storage Facility” (ETSF) prior to HM Revenue and Customs (HMRC) checks and subsequent release of the product into free circulation within the single market. Further information on ETSF is available in Section 9.12 of this pack.

3.3 Imports from third countries: FNAO

Most FNAO imported from third countries are not subject to routine checks at the points of import. Whilst there is a requirement that all products meet the minimum standards of European Law, in practice most of the official controls conducted by ports are targeted at FNAOs that present a higher risk to public health.

Such products will include nuts and dried fruits from countries with a history of mycotoxin contamination of feed and foods, as well as products which may be contaminated with other contaminants, for example *Salmonella* or pesticides.

At present there are no arrangements, as is the case with POAO, for the approval of third countries and establishments which supply FNAO to the EU. However import conditions laid down in Regulation (EC) No 882/2004 provide for "high risk" FNAO to only be imported via DPEs, to be accompanied by a CED, health and analytical certificates and to be subjected to verification sampling, where appropriate, at the port to ensure that they comply with European standards.

On 25th January 2010, Regulation (EC) No 669/2009 came into effect and any feed/food listed in Annex 1 (as amended from time to time) to this Regulation is considered to be "high risk" and hence subject to the enhanced import controls provided for in Regulation 882/2004. Once such feed/food has been subjected to the appropriate official controls, Part II of the CED is completed by the DPE. This must accompany the consignment inland to the first destination of the consignment. These goods must be notified in advance to the DPE using Part I of the CED by the importer or his representative e.g. Clearing Agent. All must undergo a documentary check and a percentage undergoes identity and physical checks (using sampling).

The Commission also issues emergency safeguard measures where there is concern about certain products from certain third countries, which may prohibit import or impose additional import controls on such products. For example, products listed in Article 1 of Regulation (EC No 1152/2009) are subject to additional controls for aflatoxin contamination at the DPI, which will then complete Part II of the CED once the controls are complete.

Regulation (EU) No 91/2013 came into effect from the 18th February 2013, and laid down special conditions for certain food and feed as listed in Annex 1 of the Regulation. These consignments must be accompanied by the results of sampling and analysis as carried out by the competent authority in the country of origin or the country of dispatch if different. They must also be accompanied by a health certificate, and enter via a DPE. These goods must be notified by the Importer or his representative in advance to the DPE using part I of the CED.

In summary, POAO imported from third countries must enter the EU via a BIP.

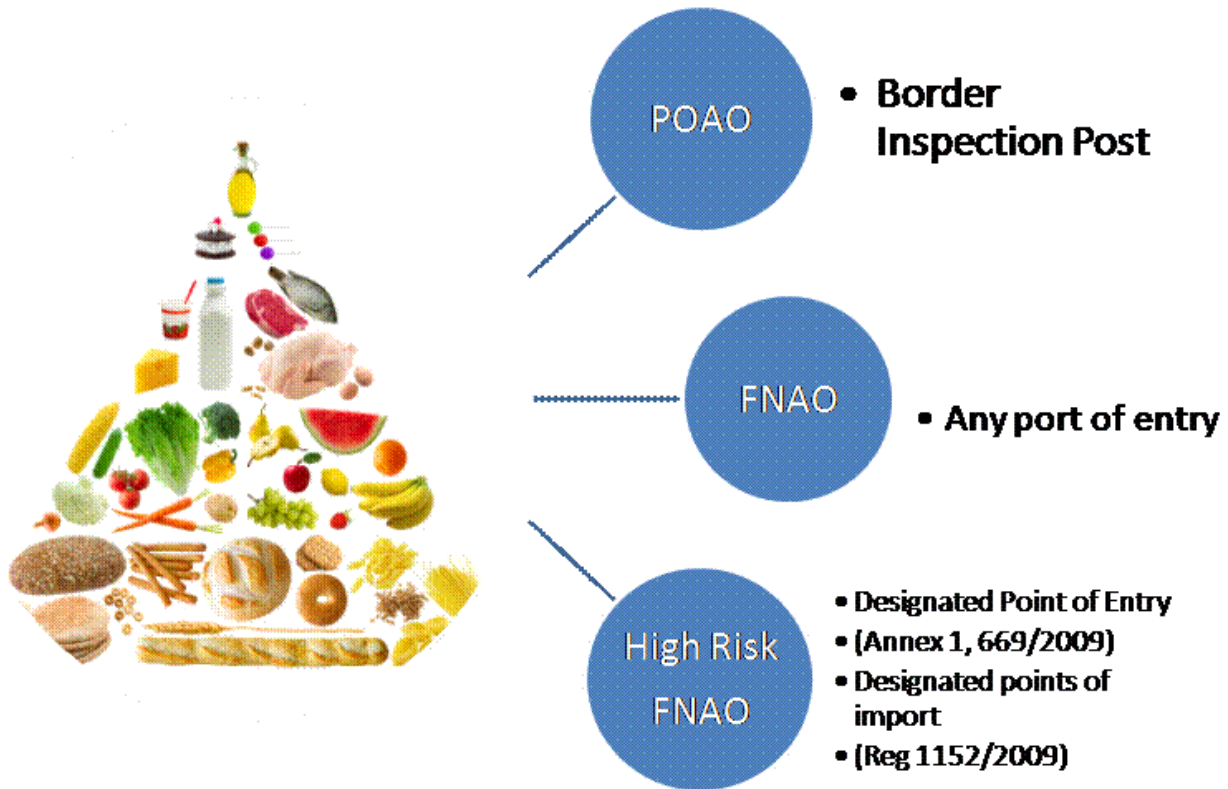
FNAO may enter the EU through any port except those "High Risk" FNAO listed in Annex 1 of Regulation (EC) No 669/2009 (as amended) and Annex 1 of Regulation (EU) No. 91/2013 which must enter via a DPE (for a list of UK DPEs see:

http://www.food.gov.uk/foodindustry/impots/banned_restricted/highrisknonpoao

Those FNAO which are susceptible to aflatoxin contamination and are listed in Regulation (EC) No 1152/2009 which must only enter the EU via a DPE but are subject to controls at a DPI. Certain products listed under Regulation (EU) 91/2013 are subject to these requirements as well (for a list of UK DPIs see:

http://www.food.gov.uk/foodindustry/imports/banned_restricted/aflatoxinreg11522009

This is summarised in the diagram below:



Points of import into the EU of food from third countries

BIPs will issue CVEDs for POAO imported from third countries and DPEs will complete CEDs for "high risk" FNAO. In both cases, the documents must accompany the food to the first destination inland.

Section 4 - Personal Imports

There are no specific restrictions on the importation of foods for personal consumption from other Member States. However, restrictions are in place in relation to foods imported from Third Countries but these vary depending on the type of food involved.

Personal imports will include foods brought back by travellers in their luggage or sent to a private, named individual by post, courier service or private carrier (including those ordered on line). Any food posted to a commercial address will in law be considered to be a commercial import and will, where appropriate, be subject to import control rules.

4.1 Personal Imports from Third Countries: FNAO

Members of the public can bring back reasonable quantities of food that does not contain anything of animal origin. For large amounts, if it is considered to be for commercial purposes then it may be subject to checks by the port health authorities at the point of entry.

Personal imports of fruit and raw vegetables from outside the EU may be subject to a limit of 2kg due to plant health restrictions; also, personal imports of potatoes from non-EU countries are not permitted. Information on what fruit and vegetables are restricted and which are not restricted are available on the Food and Environment Research Agency's (FERA) website which can be accessed at:

<http://fera.defra.gov.uk/plants/plantHealth/imports/travellers.cfm>

Information is also available on the Scottish Government website:

<http://www.scotland.gov.uk/Topics/farmingrural/Agriculture/animal-welfare/ImpExp/imports>

4.2 Personal Imports from Third Countries: POAO



Personal imports of meat, meat products, milk and milk products are banned from most countries outside the EU, with the exception of a few. Up to 20kg as a combined weight for all fishery products from approved countries (with the exception of caviar from sturgeon species), 2kg as a combined weight of 'other animal products' such as honey, eggs, egg products, live bivalves, snail meat, reptile and insect meat and frogs' legs.

Further information regarding personal imports can be found on the Defra website, including an advisory leaflet produced by the UK Border Force (<http://www.defra.gov.uk/food-farm/food/personal-imports/>).

The Personal Import Rules database can be accessed for a product specific check of personal imports that are permitted in the UK, and those that are not:

(<http://importdetails.defra.gov.uk/Default.aspx?Location=None&Module=IDDSearch>)

Alternatively the 'Don't Bring Me Back' page linked to the Defra website provides further advice regarding personal imports: (<http://dontbringmeback.direct.gov.uk/index.html>).

Section 5 Summary

For the purposes of imported feed/food control, feed/foods can be considered to be POAO or FNAO and can enter the UK from within the EU, from third countries or as personal imports.

Feed/food produced by one Member State may be freely exported to other Member States without any specific checks being carried out at the ports. Similarly, feed/food imported legally from a third country into one Member State can then be freely distributed throughout the EU without further checks.

POAO imported from third countries are subject to the most stringent controls. Foods can only be imported from approved third countries and with some exceptions (such as honey) from an approved establishment. They must be accompanied by health certificates signed by the relevant CA in the exporting third country to verify that the goods have been produced in equivalent standards to those in the EU. These products can only be imported into the EU through an appropriately approved port of entry (a BIP) where the food is subjected to veterinary checks by an appropriate authorised officer.

Once these checks have been completed, a CVED is issued which must accompany the food to the first destination inland. POAO from approved establishments must be marked with the Country of origin and a unique “establishment number”.

FNAO are not subject to the same level of import controls. However, certain “High Risk” FNAO from third countries can only be imported into the EU via designated points of entry/import and may be required to be accompanied by health and analytical certificates. Under EU Regulation (EC) 669/2009, 1152/2009 and 91/2013 once the food has been subjected to official controls a CED is issued which must accompany the food to the first destination inland.

Personal imports from third countries are generally permitted however imports of meat and dairy products from these countries are banned, and restrictions apply to the other POAO such as fishery products.

Chapter 2: Inland Enforcement of Import Controls



Section 1 - Roles and Responsibilities

1.1 Local Authorities

LAs are responsible for feed/food safety and standards checks on imported products at ports of entry. Such checks include veterinary checks on food required by EU law on POAO from third countries presented at BIPs are carried out by Official Veterinarians (OVs) or Official Fish Inspectors (OFIs). LAs are also responsible for checks carried out on imported feed/foods inland.

LAs at ports are not responsible for detecting smuggled POAO (other than when such POAO are found in a BIP facility). This responsibility falls to Border Force. However LAs are responsible for dealing with illegal POAO (including smuggled goods) when discovered inland at retail, catering, market stalls or other similar premises.

1.2 The Food Standards Agency (FSA)

The Food Standards Agency (FSA) is the CCA for imports of fishery products and bivalve molluscs from third countries to the UK, and is primarily concerned with public health aspects of feed/food, contamination of feed/food and the Rapid Alert System for Food and Feed (RASFF). The FSA has a dedicated Imported Food Team that may be consulted as a source of information and advice, as the contacts in FSA in Scotland (see page 77).

1.3 Scottish Government

In Scotland, Scottish Government is the CCA with respect to POAO other than fishery products and shellfish.

1.4 The Food and Veterinary Office (FVO)

The FVO is part of the EU Directorate-General for Health and Consumer Protection and is based in Grange, Co. Meath, Ireland.

The FVO has many roles but with respect to the importation of food, FVO inspectors are responsible for undertaking “missions” or audits of third countries that wish to export POAO to the EU. FVO inspectors also undertake approval and ongoing audits of BIPs within EU Member States and undertake checks on the arrangements that Member States have in place for implementing effective official controls.

1.5 Her Majesty’s Revenue and Customs (HMRC) / Border Force (BF)

Responsibility for customs anti - smuggling functions at the UK border formally transferred from HMRC to the UK Border Agency (UKBA) on 5 August 2009. On 1 March 2012, the Home Secretary announced that the Border Force had been split from the UK Border Agency to become a separate operational command within the Home Office.

HMRC is responsible for ensuring that commercial importations of POAO are not granted customs clearance unless the goods have undergone all necessary veterinary checks and have been authorised for entry into the UK. The clearance function is delivered by HMRC’s National

Clearance Hub (NCH) via the electronic freight clearance system known as CHIEF (Customs Handling of Import and Export Freight).

BF is responsible for carrying out risk-based anti-smuggling controls on illegal importations of POAO from non EU countries at GB points of entry except in BIPs and are deployed on a mobile and flexible basis with the support of detector dogs specifically trained to detect POAO.. BF is not responsible for controlling intra-EU movements of goods except where they have not been subject to customs control on arrival elsewhere in the EU.

BF is also responsible for enforcing controls on importations of endangered species (and products derived from them) under the Convention on International Trade in Endangered Species (CITES).

1.6 Other agencies involved in imported feed/food

Other agencies involved in the control of imported food include:

Maritime and Coastguard Agency (MCA)

The MCA is responsible for enforcement of safety and standards on vessels. It carries out a wide range of functions with the overall aims of preventing loss of life, continuously improving maritime safety and protecting the marine environment. The MCA also has an important role with regard to development of port waste management plans and ensuring adequate facilities for the disposal of ship and other port waste, including food waste. This is extremely important in terms of animal health protection, as food waste from ships is a possible vector of animal disease. Such waste must be disposed of by incineration or landfill (subject to specific conditions).

Medicines and Healthcare Products Regulatory Agency (MHRA)

Formerly known as 'The Medicines Control Agency' this is the UK Governmental executive agency that controls and licences medicines for human use. In simple terms if a product for human consumption is not licensed by the MHRA as a medicine, then by default it will generally be classified as a food.

Association of Port Health Authorities (APHA)

APHA is a UK-wide organisation representing the interests of LAs and PHAs with responsibilities for health controls at sea and airports and has the primary objective of preventing the introduction into the country of dangerous epidemic, contagious and infectious diseases and ensuring the wholesomeness of imported food.

Animal Medicines Inspectorate (AMI)

AMI is the Veterinary Medicines Directorate's inspectorate responsible for the enforcement of EU legislation applicable to medicated feed and specified feed products.

Veterinary Medicines Directorate (VMD)

The VMD is responsible for the enforcement of EU legislation applicable to medicated feed and specified feed additives (SFAs). Its Inspections and Investigations team (IIT) is responsible for inspection of feed premises dealing with medicated feed and SFAs and subsequent investigations.

Animal Health and Veterinary Laboratory (AHVLA)

This Defra agency is responsible for the enforcement of legislation relating to POAO used as animal feed. In addition, AHVLA also enforces the Transmissible spongiform encephalopathy requirements regarding animal feeds at points of entry.

1.7 Commercial Stakeholders

A number of bodies, organisations and individuals are involved in the process of importing feed/food and each have a responsibility to ensure that imported feed/food meets the requirements of law. These include:

Importers

The individual or business that imports the goods. Importers generally hold legal responsibility for compliance with legislation relating to imported feed/food, plants and plant products, although certain regulations have definitions that establish other responsible persons, e.g. 'person-in-charge'.

Agents

It is normal practice for many importers to appoint a local clearance agent or customs clearance agent. The agent will act on behalf of the importer to make statutory declarations, liaise with enforcement officials, obtain clearance of goods from the HMRC National Clearance HUB in Salford and arrange delivery of goods to the consignee.

Port Operators

The commercial administrators of port functions, including dock operations, and leasing of storage, warehousing and office accommodation, etc.

Harbour Authorities

Established to control shipping movements, speed limits and shipping operations within a defined port area.

Airlines/Shipping Lines

Commercial owners/operators of ships/aircraft.

Section 2 – Legislation

The legislation which provides a regulatory framework for the importation of feed/food is organised according to the nature and origin of the food. Authorities should ensure that officers are authorised in writing to enforce all relevant legislation. (See appropriate sections of the Food Law Code of Practice (Scotland) March 2009 and Feed Law Enforcement Code of Practice (GB) for further details)

2.1 Legislation relating to feed and food from within the EU

Feed/food that has originated from another Member State is subject to the same legislative controls as feed/food produced in the UK. Such feed/food should be safe as defined in Article 14 and 15 of Regulation (EC) No 178/2002, be labelled in accordance with Directive 2000/13/EC on the labelling, presentation and advertising of foodstuffs or Regulation (EC) 767/2009 on the marketing and use of animal feed and should have been handled in accordance with the hygiene regulations on feed and food. Feed and foods from other Member States should be subject to the same level of official controls as feed/foods produced in the UK.

2.2 Legislation relating to the importation of feed and food from third countries: POAO

POAO must be imported into the EU in accordance with Directive 97/78/EC which sets out the requirements for veterinary checks. The Directive is implemented and enforced in Scotland by The Trade in Animals and Related Products (Scotland) Regulations 2012 (TARP) SSI No 177.

Defra, and in Scotland, Scottish Government, is the CCA for POAO and has provided guidance for local authorities responsible for enforcement of imported food inland. The aim of the guidance is to explain key elements of the TARP Regulations and how these Regulations are applied and fit with other existing domestic and EU Regulations. Please note that the guidance has been written with particular reference to England and therefore the Regulation numbers may differ from the Scottish Regulations. The guidance is available at:

<http://www.defra.gov.uk/animal-trade/files/Guidance-on-TARP-July2011.pdf>

The TARP regulations have been designed to fit with other existing EU and domestic legislation.

- The Official Controls (Animals, Feed and Food) (Scotland) Regulations 2007 SSI No 91 Regulation 5 provides that a local authority or food authority is designated as the competent authority in relation to enforcement and execution under relevant legislation. In this context legislation means feed and food law to which Regulation (EC) 882/2004 applies.
- Regulation (EC) 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law and animal welfare rules.

2.3 Legislation relating to the importation of feed and food from third countries: FNAO

The import conditions relating to FNAO from third countries are provided by Regulation (EC) No 882/2004. This Regulation requires that CAs undertake official controls of FNAO at the point of entry into the EU or at any stage during distribution. These official controls should include documentary, identity and where appropriate physical checks (including sampling) of the food/feed. Any suspect food /feed that is detained by the competent authority and any feed/food which fails to meet the requirements of EU law should be destroyed, re-dispatched or, where appropriate, used for a non-food purpose or subjected to special treatment to render it lawful.

The import conditions provided by Regulation (EC) No 882/2004 are executed and enforced in Scotland by the Official Feed and Food Controls (Scotland) Regulations 2009 (as amended). These Regulations identify the appropriate enforcement agencies and provide authorised officers with powers of entry and powers to inspect relevant products. They also provide for an enforcement Notice to be served to allow for suspect food to be detained or unlawful food to be dealt with in accordance with the requirements of Regulation (EC) No 882/2004.

Section 3 – Role of Inland Local Authorities

Authorised officers working for inland LAs should ensure that their routine food hygiene, food standards and feed safety inspection and complaint investigation work takes into account imported feed/food issues. It is recommended that priority is given to POAO and high risk FNAO from third countries that may have been illegally imported.

Some suggestions on the steps that LAs could take to verify the adequacy of imported feed/food controls in their areas might include:



- Identifying importers of feed/food in their areas.
- Identifying establishments in their areas which are the first destination inland for imported food.
- Check the traceability of imported feed/foods.
- Verify the validity of establishment numbers.
- Raise awareness of imported feed/food matters among:
 - Local feed/food trade
 - Members of the public
- Where non-compliance is found, take appropriate enforcement action.
- Communicate with other enforcement agencies, including LAs at points of entry.

All local authorities should provide data on imported food control via the Local Authority Enforcement Monitoring System (LAEMS). This includes both points of entry and inland authorities. Where samples are taken of imported food, even at catering or retail level, data should be entered in the samples part of the imported food section of LAEMS. The FSA has produced guidance on the completion of LAEMS returns for imported food, and this can be accessed via the link below:-

<http://www.food.gov.uk/enforcement/monitoring/laems/generalinfo/laemsimportguide>

3.1 Jurisdiction and right of entry

BF is responsible for the enforcement of POAO controls in ETSF and Inland Clearance Depots, while HMRC have overall responsibility for import policy and procedure. When inspecting or visiting feed/food business premises, officers should determine whether the facility is under BF/HMRC control (e.g. airside at an airport, ETSF, within dock gates or an HMRC fence at a seaport). BF are responsible for carrying out specific searches for illegal imports of POAO in BF/HMRC controlled areas and therefore the LA does not have jurisdiction. It is important that LA officers do not attempt to enforce the TARP Regulations in areas under BF jurisdiction. A telephone call to the BF/HMRC office, alerting them to the possible illegal imports, may assist these teams and close cooperation and collaboration is encouraged.

In all other feed/food business premises under LA jurisdiction, any imported POAO should routinely be assessed to determine if it has been legally introduced and meets appropriate feed/food safety requirements. Under regulations 28 and 29 of The Trade in Animals and Related Products (Scotland) Regulations (TARP), enforcement officers have a right to enter any BIP or other land or premises except private dwellings – see below) to inspect these areas or anything located in or on these areas.

Where an authorised officer wishes to enter a premises used solely as a private domestic dwelling he/she must firstly provide a warrant. In order to inspect these areas or anything located on these areas.

Where an officer identifies imported POAO from third country in their routine work but is not authorised to deal with it, the matter should be referred to the appropriate officer or service.

Section 4 – Liaison Arrangements with Points of Entry

Whenever inland LAs identify problems with imported feed/food they should, wherever possible, inform the authorities at the point of entry if they consider that similar problems are likely to be found in future imported consignments.

In certain circumstances, it will be necessary for authorised officers at points of entry or at ETSF to refer imported feed/food matters to inland LAs.

It is recommended that representatives from the ports are invited to feed/food liaison group meetings to share intelligence and provide updates on current imported food issues to inland authorities. Contact details for all of the UK ports are available on the APHA website at: <http://www.porthhealthassociation.co.uk/>

Whenever a matter is referred by a port to an inland LA, every effort should be made to update the port on any subsequent action taken.

Section 5 - Enforcement powers relating to POAO from third countries

Background

In 2012, the Trade in Animals and Related Products (Scotland) Regulations SSI No 177 (TARP) were introduced to give effect to EU legislation concerning trade in animals and animal products from Member States, and importation of animals and animal products from third countries. The regulations amalgamate and simplify the above Scottish Statutory instrument which covered the animal and public health controls on intra-union trade in live animals and animal products, border veterinary checks on third country imports and import conditions for live animal products from third countries.

The Trade in Animals and Related Products (Scotland) Regulations (TARP) provide the following enforcement notices which may be used, where appropriate by inland authorised officers:

Regulation 27(6) this notice should be used where an authorised officer of an inland Local Authority discovers an illegal POAO from a third country ETSF.

Regulation 17 the use of this notice is appropriate where the officer is satisfied that the POAO in question has been illegally introduced into the country.

Copies of these notices are available in Annex 1 of this pack.

Please note that the powers on inland seizure in Regulation 17 of the TARP Regulations only apply where POAO from third countries has not been properly processed and cleared through a BIP or a specified in Part II of the CVED.

Where an authorised officer from an inland authority suspects that a POAO has been illegally imported from a third country, he may issue a letter of official detention, in accordance with Article 18, Regulation (EC) No. 882/2004, to the person who appears to be in charge of the food. This letter may require that the food is detained *in situ* or removed to a place specified in the letter where it will remain until the results of official controls are known or investigations have concluded. A template letter of official detention is available in Annex 1 of this pack.

Where an enforcement officer wishes to seize, detain or require the disposal of POAO from third countries which are suspected of presenting a danger to health or being unfit for human consumption despite properly cleared for import, he/she should consider the use, where appropriate, of other sanctions, such as:

- Section 9 of the Food Safety Act 1990 (detention /seizure of food failing safety requirements)
- Regulation 27 of the Animal By-Products (Enforcement) (Scotland) Regulations 2013 (storage and disposal of animal by-products).

Where an authorised officer is satisfied that a POAO has been illegally introduced, they should take appropriate action as outlined in Regulation 17 and 18(3) of the TARP 2012 Regulations. An authorised officer should seize the consignment or product and either:

- Have it re-dispatched by the mode of transport which it was first introduced into the EU, to a destination in a third country within six days.

OR

- Have it dispatched for rendering or incineration as category 1 material in accordance with relevant by-products legislation.

Section 6 – Regulation (EC) No 882/2004 on official control of feed/food: Import conditions for FNAO from third countries

Chapter V of Regulation (EC) No 882/2004 sets out the import conditions for FNAO imported from third countries. The main provisions of these Regulations are:

Article 15: This article requires that the competent authority undertakes official controls on FNAO and outlines how this is to be achieved by means of a National Control Plan. These official controls should be undertaken at all stages of import and distribution.

Article 15 (5) also provides for a list of “High Risk” FNAO that is to be subject to an increased level of official controls. These provisions are implemented by Regulation (EC) No 669/2009 (as amended).

Article 16: Defines official controls for FNAO imported from third countries as: Documentary, Identity and Physical checks.

Article 18: Requires that where FNAO is suspected of being non-compliant with EU law, it should be placed under detention pending further official controls.

Article 19: Provides for various actions to be taken to deal with non-compliant FNAO.



Section 7 – The Official Feed and Food Controls (Scotland) Regulations 2009 (as amended)

The Official Feed and Food Controls (Scotland) Regulations 2009 (as amended), or “OFFC” Regulations provide the enforcement arrangements for the import conditions of Regulation (EC) No 882/2004.

The OFFC Regulations can be used by inland local authority officers to deal with non-compliant FNAO which has been imported from a third country and they include the following arrangements:

- Deferred Execution and Enforcement
- Prohibition on introduction of FNAO into Scotland
- Detention, Destruction, Special Treatment etc of non-compliant FNAO
- Notices pursuant to Article 19 of Regulation (EC) No 882/2004.

Regulation 32 of the OFFC Regulations provides for an enforcement notice which may be used to detain any FNAO from a third country where there is suspicion regarding its compliance with food law or the manner in which it was introduced into Scotland. The notice may also be used to arrange for the feed/food to be:

- Destroyed
- Re-dispatched
- Subjected to a “special treatment”
- Used for non-food purposes
- Withdrawal or recall from the market.

A Regulation 32 notice should be served on the FBO who must be consulted prior to such service, [however the FBO does not need to be consulted regarding detention under Regulation 32(1)]. Where the FBO is aggrieved by the service of a Regulation 32 notice, he/she may appeal in the first instance to the Sheriff Court and, where appropriate, subsequently to the Court of Session.

A copy of this notice is available in Annex 1 of this pack.

Section 8 – Inland checks on POAO from third countries

Traceability checks should form the basis of most food hygiene, food standards and feed safety Interventions by LAs. It would be prudent for authorised officers inland to consider feed/foods imported from third countries when undertaking such checks.

All POAO (except honey) imported from third countries should be marked with the country of origin together with the approval code or “establishment number” of the third country establishment responsible for producing the food. This establishment number should be available at all stages of distribution, including retail.



Whilst most tinned and packaged POAO will normally bear the establishment mark on all layers of packaging (for example on the tin itself, on any subsequent wrapping or label) it is not uncommon for authorised officers to find unmarked food on sale in retail and catering establishments.

Under such circumstances, officers should look for any remnants of packaging or any documents which may bear the establishment number. Where reasonable efforts have failed to identify a valid establishment number, officers should consider taking appropriate enforcement action.

Where establishment numbers are available on POAO imported from third countries, officers should take steps to verify the validity of these numbers.

It should be noted that the establishment numbers for certain composite products may not be listed as EU approved POAO establishments on the Commission’s website. A composite product is a foodstuff containing both processed products of animal origin and products of plant origin. Composite products containing less than 50% of processed egg products, honey, and fishery products may come from any non-EU countries (unless subject to a prohibition under a EU safeguard measure) and are not required to come from an approved establishment listed on the Commission website for POAO imports. This applies where these composite products are shelf life stable at ambient temperature or have undergone in their manufacture a complete cooking or heat treatment so that the raw material is denatures, clearly identified for human consumption and securely packaged or sealed in clean containers. This also applies where composite products contain less that 50% of processed milk products and these conditions are met. However, the milk product must come from an EU approved country.

8.1 Identifying food as POAO

Some imported POAO foods may be unfamiliar to enforcement officers and the product packaging may be entirely in a foreign language. Therefore it may be unclear whether or not the product is a POAO or a FNAO. If the type of product is unclear, enforcement officers are encouraged to take photographs/descriptions of the product as appropriate and seek advice from the FSA/Scottish Government.

If the product cannot be identified by the FSA/Scottish Government enforcement officers should consider sampling the product under Regulation 29(g) of The Trade in Animals and Related Products (Scotland) Regulations 2012. However, if there is reasonable belief that it is not POAO then regulation 32 of the OFFC Regulations may be used to detain while investigating.

Identification aids

A key identification aid for POAO is the identification mark or “establishment number”. Here are some general rules to assist in verification of identification marks on POAO:

Fishery Products and Bivalve Molluscs

Under Regulation (EC) No 853/2004 on hygiene rules for food of animal origin and, where applicable, EU Decisions that apply for specific third countries, fishery products/bivalve molluscs must have identification marks (Section I of Annex II):

- Country of origin marked on the packaging
- Establishment EU Approval Number.

The establishment number is usually a simple printed number generally with an ‘EU Est.’ prefix, but this may not be present. The establishment number can sometimes be found embossed on canned goods, ink printed on glass or just incorporated on the label. Some goods carry two sets of establishment numbers, the second one pertaining to domestic rules in the third country and should be ignored. If the number is not immediately apparent have a close look. The Agency website contains further information on the fishery products at: http://www.food.gov.uk/foodindustry/imports/want_to_import/fisheryproducts/.

Further guidance regarding the marking of fishery products has been produced by APHA and may be accessed via the library section of the imported food training website at: <http://www.importedfood.co.uk/library/enforcement-guidance/> (Under ‘POAO’ section).

Dairy Products

Dairy products must carry identification marks as described in Section I of Annex II of Regulation (EC) No 853/2004. Under this, the mark is only required to be oval in shape when it is applied in an establishment in the EU. The name of the third country can be given either in full or as a two letter code (in accordance with the ISO standard country code).

Meat & Poultry

Under Regulation (EC) No 853/2004 fresh poultry meat and meat and poultry meat products must bear an identification mark as described in Section I, Annex II of this Regulation. Under this, the mark is only required to be oval in shape when it is applied in an establishment in the EU (but, see below as regards carcasses). The name of the third country can be given either in full or as a two-letter code (in accordance with the ISO standard country code).

Regulation (EC) No 853/2004 defines meat products as meaning, “processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat”. The terms ‘processing’ ‘unprocessed products’ and ‘processed products’ are defined in Article 2(1) (m), (n) and (o) respectively of Regulation (EC) No 852/2004.

The term "health mark" is reserved for fresh meat carcasses and primal cuts – excluding poultry meat.

Under Annex I, Section I, Chapter III of Regulation (EC) No 854/2004 a health mark is required on carcasses of cattle, deer, goats, horses, pigs and sheep. This must be in the form of an oval mark at least 6.5 cm wide by 4.5 cm high and must include within it the name of the country in which the establishment is located which may be written out in full in capitals or shown as a two letter code in accordance with the relevant ISO standard, together with the approval number of the establishment. Letters must be at least 0.8 cm high and figures at least 1 cm high. The dimensions and characters of the mark may be reduced for health marking of lamb, kids and piglets. The colours used for health marking must be authorised in accordance with EU rules on the use of colouring substances in foodstuffs. The mark must be applied in such a way that if the carcase is cut into half or quarters or if a half carcase is cut into three pieces, each piece bears a health mark.

8.2 Verifying approved establishments and countries

Approved establishments for all categories of POAO can be verified on the European Commission (EC) website at:

http://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerActivity_en.htm

Exceptionally, there are some establishments that may not be listed on the main website. Please ask Scottish Government/FSA if you are uncertain.

8.3 Investigation Aide Memoir

The flow charts provided in Annex 1 of this pack may assist enforcement officers in carrying out imported food checks and officers may wish to determine or consider the following points:

Identification:

- Can the product be identified at the premises?
- Ask about use, origin and ingredients.
- Novel foods should have been approved. A novel food is defined as a food or food ingredient that does not have a significant history of consumption within the EU before 15 May 1997. More information is available at: <http://www.food.gov.uk/gmfoods/novel/>
- Consider the use of digital photography so pictures can be e-mailed to Scottish Government/FSA, if necessary.

Origin/safety/condition of the food:

- Has it been imported from a third country and if so, where from?
- Does it carry appropriate health/establishment marks?
- Does it appear to be fit for consumption?
- Is it appropriately packaged/labelled/temperature controlled?

NB: Some products are designed to look as if they are imported even though they are legitimately produced in the EU, e.g. some brands of pork luncheon meat that carry the same brand name as similar Chinese origin product and beef jerky.

Traceability:

- Has the retailer got records relating to from whom the goods were purchased? (Ref: regulation 4 of the General Food Regulations 2004. SI 2004/3279, in particular, the reference to Article 18 (2) and (3) of Regulation (EC) No 178/2002).
- Do invoices/receipts etc. tally with goods on sale?
- If premises are the first destination after import, are there CVED documents for the last year?
- Can the products be traced to the BIP of entry?
- Trace source of the goods as far as possible (this may involve several steps up the distribution chain).

NB: If no CVED is available, you should be able to verify the legal introduction into the EU by contacting the BIP of entry. Enforcement officers will need to note the shipping container or airway bill numbers for the consignment and quote this when contacting the BIP. In some cases this may be in another Member State, in which case the FSA should be contacted in accordance with Chapter 2.5 of the Food Law Code of Practice.

Note that in cases where an illegal importation of POAO has been found inland, HMRC should be informed at an early stage by contacting HMRC National Co-ordination Unit, Enforcement Officers wishing to pass intelligence reports on suspect POAO to HMRC should send these to the Border Force National Intelligence Hub on Tel: 0845 600 4374 or bfnih@hmrc.gsi.gov.uk

Responsibility:

- Identify the person in charge of the goods (usually the retailer).
- Request documents and relevant information from the person in charge (using powers under regulation 29 (TARP) Regs. if necessary).
- If faced with lack of cooperation, there is an offence of obstruction provided for under regulation 33.

8.4 Dealing with suspect or non-compliant food

The flow diagrams provided in Annex 1 of this pack may assist enforcement officers in taking appropriate action. The burden of proof is on the LA to demonstrate that:

- POAO has been illegally introduced (Regulation 11 of TARP Regs); or
- POAO does not meet food safety requirements, i.e. it is unsafe within the meaning of Article 14 of Regulation (EC) No. 178/2002 as enforced by the General Food Regulations 2004.

Illegally introduced products

If you are satisfied that the product has been illegally introduced (e.g. checks at a BIP have been evaded), you must issue a Notice under Regulation 17 of the (TARP) Regs, on the person appearing to have charge of the product. The officer should by such Notice, take charge of the product and either have it disposed of as if it were Category 1 material under Regulation (EC) No 1069/2009, or re-export it within 60 days to a third country, by the same mode of transport by which it was first introduced. Although the final decision rests with the enforcing authority, in most circumstances it is unlikely to be appropriate or practical to re-export the products.

Products not meeting feed/food safety requirements

Officers may, in some circumstances be unable to use Regulations 17 of the TARP Regs to deal with illegal products or those posing a risk to public or animal health, even though there are concerns about feed/food safety. If the product does not meet feed/food safety requirements i.e. is unsafe (as defined by Article 14 or 15 of Regulation (EC) No.178/2002), it may be seized under Section 9 of the Food Safety Act 1990 or Regulation 25 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 (SSI 2005/608). A template for use in connection with the Feed (Hygiene and Enforcement) Regulations is available in Annex 1 of this pack.

When food has not been produced, processed or distribution in accordance with the Hygiene Regulations (which is defined in the Food Hygiene (Scotland) Regulations 2006 and include these regulations as well as Community Regulations; Regulation 852/2004, Regulation 853/2004, Regulation 854/2004, Regulation 2073/2005 and Regulation 2075/2005) and it is appropriate, consideration could be given to the use of Regulation 27 of the Food Hygiene (Scotland) Regulations 2006. In the case of animal feed, the use of Regulation 25 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, should be considered. The hygiene requirements for feed are set out in Regulations (EC) No. 183/2005 on feed hygiene.

Voluntary Surrender

Voluntary surrender may be an option depending on the circumstances. However, you should note that the (TARP) Regs require service of a formal notice when you are satisfied that the product has been illegally imported, and **voluntary surrender is not permitted when serving a Regulation 17 Notice under these Regulations.**

Detention of a POAO inland

Where an officer wishes to detain any product of animal origin inland in order to investigate further to establish its safety or compliance, voluntary co-operation should be sought in the first instance. In situations where this is not possible or is inappropriate due to risk, there is a provision under Article 18 of Regulation 882/2004 for an authorised officer to require the person having charge of the consignment to detain the product until such time as the investigation is complete. A detention notice template is also available in Annex 1 of this pack, and this can be completed and issued to the person having charge of the consignment to detain the product until the investigation is complete.

Where an authorised officer is satisfied that a POAO has been illegally introduced, they should take appropriate action as outlined in Regulation 17 and Regulation 18(3) of the TARP Regulations 2012. An authorised officer should seize the consignment and have it re-dispatched or destroyed.

Legal imports subsequently found to be “illegal”

If the product has been imported correctly through a BIP but is non-conforming, (for example some goods are found not to have the correct identification marking as the BIP check of bulk goods does not ensure individual packages are marked with the approval number of the establishment of origin), provisions under TARP Regulations cannot be used. Officers should consider whether suitable remedies are available under other relevant food legislation, for example The Food Safety Act.1990 or the Animal By-Products Enforcement (Scotland) Regulations 2013 SSI No 307.

Storage facilities

When dealing with POAO, LAs may need to transport the products to a secure storage / detention / inspection facility (e.g. secure ambient warehouse, chilled or frozen food coldstore). It is anticipated this is most likely to occur when a large consignment is seized and facilities are needed prior to destruction. LAs should be prepared for the need to transport large consignments at short notice and are advised to identify suitable carriers and storage facilities in advance of need. Your nearest BF officer may be able to assist. Regulation 27 of the Animal By-Products (Enforcement) (Scotland) Regulations 2013 provides for a notice to require the storage of animal by-products (such as illegal POAO from third countries) pending disposal.

Disposal of animal products

Imported animal products that require disposal are classified as 'High risk material', or Category 1 waste for the purposes of the Animal By-Products (Enforcement) (Scotland) Regulations 2013, i.e. POAO must be consigned for rendering or incineration. Landfill is not acceptable. Please note that the local Trading Standards Department may be able to assist in identifying facilities for this purpose.

Commercial Considerations

The enforcement of the controls for imported food (whether POAO or FNAO) should always be primarily focused on protection of public and animal health. However enforcement officers are

encouraged to carry out their functions in a manner that is sympathetic to commerce / commercial reasons in order to reduce commercial loss

Reports and Notifications

Remember to report any seizures made under regulation 17 of the TARP Regs and voluntary surrenders of third country POAO to Defra using the IIT1 form. The reporting of seizures by LAs requires the completion (preferably electronically) of a common form (IIT 1 (4/08)), which is then sent by e-mail for Defra to record the appropriate information required. However, the option remains for the form to be completed manually, if that method is preferred, and sent to Defra by fax/post. Details of where to e-mail/fax/post the form is included on the form itself. A copy of the form is available in Annex 1 of this pack. The form is located on the secure parts of the following websites which cannot be accessed without password permission:

APHA: <http://www.porthhealthassociation.co.uk/>

CIEH: <http://www.ehcnet4.net/govt/defra/iit/iitrept.php>

The information provided in this form is also shared with the FSA Food Fraud team.

Forwarding copies of Notices to Defra

Send copies of all POAO Notices served under regulations 17 and 27(6) to:

Imports and EU Trade Branch
Nobel House,
17 Smith Square
London
SW1P 3JR

Food incidents

Officers must decide as soon as possible whether a 'food incident' has occurred and should notify the FSA in accordance with the statutory Food Law Code of Practice and Feed Law Enforcement Code of Practice (GB) and accompanying Practice Guidance.

Notifying the Port of Entry

Enforcement officers should make every effort to inform the port of entry, without undue delay, in the following circumstances:

- Where POAO is known or suspected of being illegally imported (HMRC should also be advised of illegal imports).
- Where POAO poses a risk to public or animal health and the officer considers this was a problem at the BIP.
- Where POAO fails to meet food safety requirements, i.e. it is unsafe (as described by Article 14 or 15 of Regulation (EC) No. 178/2002) and the officer considers this was a problem at the BIP.

Section 9 – Inland checks on FNAO from third countries

9.1 Expectations of local food authorities

It is important for inland enforcement officers to prioritise the use of official controls on imported feed/foods found during the course of their routine intervention work. The highest priority for checks inland rests with POAO imported from third countries. However, there is a number of “High Risk” FNAO which are subject to enhanced import conditions and as such should be subjected to appropriate official controls wherever they are found throughout the feed/food distribution chain.

Some of these “Higher Risk” FNAO are prohibited and appropriate enforcement action should be taken whenever they are found to both remove them from sale but also to trace any similar products. The Agency website contains information on these products and this can be accessed at the following links:

http://www.food.gov.uk/business-industry/imports/banned_restricted/highrisknonpoao-91-2013

http://www.food.gov.uk/foodindustry/imports/banned_restricted/highrisknonpoao

http://www.food.gov.uk/foodindustry/imports/banned_restricted/aflatoxinreg11522009

All of these High Risk FNAO are subject to documentary checks (CED checks) on their import via DPEs. A proportion of these are subject to identity and physical checks, including laboratory analysis, at the frequencies set out in Annex 1 of Regulation 669/2009 and Annex 1 of Regulation (EU) 92/2013. The focus inland is to verify that the feed/food has indeed been imported lawfully. In most cases this will involve discussions with the owner of the feed/food regarding its origin together with the examination of appropriate documentation. If the premises are the first destination after import CEDs should be available to verify lawful importation.

It should be noted that the import conditions for some foods under Regulation (EC) 1152/2009, for example peanuts from China, are only applicable for the importation of significant quantities of the food (above 20kg). As such, inland authorities should focus their attention on FNAO with current EU restrictions and in particular where these foods are found in large consignments.

There is the potential for non-animal products to be contaminated with a variety of substances, e.g. chemical, bacteriological and/or physical. At present there is no requirement for import of most FNAO to be pre-notified to the point of entry. Feed/food products for import must meet food safety requirements of Regulation (EC) No 178/2002 and the hygiene requirements of Articles 3-6 of Regulation (EC) No 852/2004.

A significant proportion of consignments of FNAO will not have been physically checked at ports of entry (as they would not be subject to the import controls outlined in the above mentioned Regulations), so it is important that inland controls are also in place. Inland enforcement officers must be vigilant to ensure illegal/unsafe products are removed from the supply chain at as early a stage as possible. It is also important that inland controls are in place at ETSF, ships’ suppliers and international rail terminals.

During routine feed/food safety/hygiene interventions and other visits to feed/food business premises (e.g. complaint visits, sampling visits etc.), officers should consider the feed/food offered for sale and identify if it has been imported from third countries, and if it complies with imported feed/food controls. This section of the Resource Pack is designed to assist enforcement officers with this task.

It is important that LAs do not simply target food businesses that specialise in the supply of food to specific minority groups. They should build up a profile of food businesses within their area that routinely import food, including those that import food from third countries and, in addition, those premises that are the first destination after import. From this profile and taking into account food alerts, risk rating of the premises and illegal imports, a risk-based approach can be developed.

9.2 Legislation

The Official Feed and Food Controls (Scotland) Regulations 2009 (as amended), which provide for the execution and enforcement of Regulation (EC) No 882/2004, constitute the main legislation controlling the import of FNAO and parallel legislation exists in England, Wales and Northern Ireland. These regulations apply to feed/food at all stages within the feed/food chain. Official control activities should also include, amongst other things, inspection of materials and articles in contact with the food in question, as well as the cleaning and maintenance products that may be used.

The provisions of the Food Safety Act 1990, the General Food Regulations 2004 and Feed (Hygiene and Enforcement) Regulations 2005 may be more relevant for inland controls on imported feed/food of non-animal origin than the imports provisions of the OFFC Regulations. The guidance given below therefore concerns the Food Safety Act 1990 and Feed (Hygiene and Enforcement) Regulation 2005. The OFFC Regulations would need to be used where examinations have been deferred inland by an authority at the point of entry.

When feed/food has not been produced, processed or distributed in accordance with the Hygiene Regulations (which is defined in the Food Hygiene (Scotland) Regulations 2006 and include these regulations as well as EU Regulations; Regulation 852/2004, Regulation 853/2004, Regulation 854/2004, Regulation 2073/2005 and Regulation 2075/2005) and it is appropriate, consideration could be given to the use of Regulation 27 of the Food Hygiene (Scotland) Regulations 2006 (SSI. 2006/3). In the case of animal feed, the use of Regulation 25 of the Feed (Hygiene and Enforcement) Regulation 2005 should be considered. The requirements for feed are set out in Regulation (EC) No. 183/2005 on feed hygiene.

9.3 Right of Entry

Under feed/food law, enforcement officers have powers of entry to feed/food businesses for the purpose of exercising their powers under that law.

9.4 Identifying foods as FNAO

Some food items may not be familiar to enforcement officers and packaging and labelling may not be clear (e.g. not in English, however under the Food Labelling Regs, food on the market should be labelled in English), making it difficult to properly identify the product as a FNAO. If an officer suspects that a product is a POAO, he/she may sample it under the provisions of section 29 of the Food Safety Act 1990 or where appropriate, Regulation 12 of the Food Hygiene (Scotland) Regulations 2006. However, in some circumstances this may be inappropriate and other means of identification should be encouraged. One possible method is to use photographic evidence and then to seek advice from the FSA.

9.5 Checks on FNAO

The flow chart in Annex 1 of this pack may assist enforcement officers in carrying out appropriate checks on imported food. The types of checks (whether documentary, physical or laboratory based) depend on any specified requirements and the risks associated with the particular type of product. Checks should be informed by:

- Statutory requirements for documentary checks and sampling laid down in relevant legislation.
- The specific risks associated with different types of food.
- Previous knowledge of the product.
- Any requirements following a Food Alert or RASFF notification.
- Previous experience with the importer.
- Adequacy of documentation.
- Suspicion of non-compliance.
- Requests by other food control bodies, e.g. FSA.

9.6 FNAO subject to enhanced import checks

Where inland officers identify significant quantities of FNAO from third countries which are subject to the enhanced import controls referred to in Article 15(5) of Regulation (EC) No 882/2004, they should undertake a traceability check (equivalent to a documentary and identity check) on these products to verify that they have been imported correctly. Such feeds/foods are listed in Annex I to Regulation (EC) No 669/2009 (as amended). This annex is updated on a quarterly basis. Similarly, checks should be taken for foods subject to EU safeguard measures such as those listed in Article 1 of Regulation (EC) No 1152/2009 (as amended) and Annex I of Regulation (EU) No 91/2013. For these purposes a “significant quantity can be considered to be 20 kg or greater. Where there is doubt regarding the traceability of such products, the officer should consider the service of a Regulation 32 OFFC notice, after consulting with the FBO, to detain the feed/food. The FSA website contains further information on these types of products at:

http://www.food.gov.uk/business-industry/imports/banned_restricted/restricted_foodstuffs

9.7 Deferred Examination

The OFFC Regulations allow for the deferred examination of consignments from third countries to allow the provisions of the Regulations to be enforced by an inland authority rather than the LA at the point of entry. Thus the Regulations may be applicable in any LA area. Either the LA at the point of entry or the importer can request deferred examination. The final decision rests with the LA at the point of entry, but should be agreed ONLY in conjunction with the receiving authority so that the appropriate checks on the products can be carried out.

When a deferment of examination of a consignment occurs, the importer must give a written undertaking that the consignment will remain sealed in its container and will not be opened until it

reaches the designated destination. The LA at the point of entry should notify the receiving authority by the most expeditious means available that the food has not been examined and also forward a copy of the undertaking given by the importer. The authorised officer of the receiving authority then allows the opening of the container ready for examination.

9.8 Onward Transportation

Article 8 of Regulation (EC) 669/2009 (as amended) permits the authorisation by the competent authority at a DPE for onward transportation of a consignment(s) of high-risk (669/2009) foods not of animal origin that may have been sampled at the DPE pending results of tests/analysis. The competent authority at the DPE may authorise these arrangements; however where authorisation is given, the competent authority at the point of destination must be consulted. Appropriate arrangements must be put in place to ensure that the consignment remains under the continuous control of these competent authorities (so it may not be tampered with in any manner pending the results of the tests/analysis).

Please note: the onward transportation arrangement can apply for consignments of products not of animal origin, moving inland within the UK (i.e. from a DPE to an inland authorities remit) but may also apply to consignments of products not of animal origin being transported between EU Member States.

9.9 Investigation Advice

When visiting premises in relation to imported feed/food, enforcement officers may wish to consider the following points:

Identification

- Is the product easily identified – is it a FNAO?
- Seek information on use, origin and ingredients.
- Consider use of digital photography (if available) so that pictures can be e-mailed to FSA/Scottish Government, if necessary.

Origin/safety/condition of the food

- Is the product banned or prohibited?
- Where has the product been imported from?
- Is the product subject to emergency controls?
- Does the product appear fit for consumption?
- Is it adequately packaged, labelled and temperature controlled?

If dealing with an unfamiliar product do not ignore it. It may be necessary to do some research and/or sampling to identify the product and to assess any potential risk. In the past products such as Calabash chalk, mustard seed oil and Kava-Kava have been identified by LAs undertaking follow up investigation and subsequently such products were removed from sale.

Traceability

- Does the retailer have proper records regarding the purchase of the products?
- Has “due diligence” been considered by the FBO?
- Do all receipts and invoices tally with the goods on sale?
- If premises are the first destination after import and the products are ‘high risk’ FNAO, are there CED documents present?
- The product may need to be followed up the distribution chain.

Responsibility

- Identify the person in charge of the goods (usually the retailer).
- Request documents and relevant information from the person in charge.
- Be prepared to remind the FBO that there is an offence of obstruction provided for in feed/food law.

9.10 Dealing with suspect food

The flow diagrams in Annex 1 of this pack may assist enforcement officers in dealing with suspect FNAO. It is the LA who has the burden of proof to demonstrate that any FNAO does not meet feed/food safety requirements.

9.10.1 Food failing to meet feed/food safety requirements

If officers are satisfied that the product fails to meet feed/food safety requirements i.e. is unsafe (as described in Article 14 or 15 of Regulation (EC) No. 178/2002), the product may be seized under Section 9 of the Food Safety Act 1990, as amended by the General Food Regulations 2004 or under Regulation 25 of the Feed (Hygiene and Enforcement) Regulation 2005 and dealt with accordingly.

9.10.2 Withdrawal of Unsafe Feed/Food

In terms of the General Food Regulations 2004, as read with Articles 14/15 and 19/20 of Regulation (EC) No 178/2002, a FBO shall not place on the market unsafe feed/food. The FBO is required to withdraw from the market a feed/food that has been imported, produced, processed, manufactured or distributed if it is not in compliance with the feed/food safety requirements. Such withdrawal procedures shall be immediately initiated, where the feed/food has left the immediate control of the initial FBO, and the CAs must be informed.

Officers must decide as soon as possible whether a ‘food incident’ has occurred and notify the FSA in accordance with the statutory Food Law Code of Practice or Feed Law Code of Practice, and accompanying Practice Guidance.

Where the product may have reached the consumer, the FBO shall effectively and accurately inform the consumers of the reason for its withdrawal and if necessary, recall from consumers products already supplied to them, when other measures are not sufficient to achieve a high level

of health protection. FBOs must collaborate with food authorities to avoid or reduce the risks associated with unsafe food.

9.10.3 Voluntary surrender

Voluntary surrender may be an option dependent on circumstances. For example, where there is no evidence to suggest that a deliberate attempt has been made to import non-compliant goods or where an officer has concerns about the safety of feed/food but cannot demonstrate conclusively that it does not meet food safety requirements. Such voluntary arrangements should be consistent with the statutory Feed/Food Law Code of Practice.

9.10.4 Common problems:

- Bottled water/spring water/mineral water not in compliance with the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 2007 (as amended) e.g. contaminated Zam Zam water for human consumption.
- Carbonated soft drinks with excess preservative and colours.
- Labelling issues.
- Mycotoxins in a wide range of products including nuts, dried fruit, cereals and spices.
- Nuts or dried fruit subject to specific import controls that have not been imported via a designated point of entry.
- *Salmonella spp.* in untreated (unroasted) curry powder and other spices.
- Presence of non-permitted additives (preservatives, colours, flavours, enhancers, etc.).
- Excess colours in confectionery above permitted levels.
- Presence of illegal dyes in spices
- Presence of carbon monoxide in tuna

9.10.5 Storage and Disposal facilities

When dealing with FNAO, officers may need to arrange transport of products to a secure storage/detention/inspection facility, e.g. secure ambient warehouse, chilled or frozen food coldstore. It is anticipated this is most likely to occur when a large consignment is seized and facilities are needed prior to destruction. LAs should be prepared for the need to transport large consignments at short notice and are advised to identify suitable carriers and storage facilities in advance of need.

Suitable storage facilities should be identified and considered for the risk of the product and rejected goods may need to be accompanied and monitored. Disposal would generally be by deep burial at a suitably licensed landfill site, or by incineration. (N.B. animal products can only be incinerated / rendered). Your nearest BF officer may be able to assist.

9.11 Notifying the Point of Entry

Enforcement officers should make every effort to inform the point of entry, without undue delay, in the following circumstances:

- Where FNAO is known or suspected to have been illegally imported without being subject to emergency control checks.
- Where FNAO fails to meet food /feed safety requirements i.e. is unsafe (Article 14 or 15 of Regulation (EC) No 178/2002) and the officer considers this was a problem at the point of entry.

9.12 Liaison with other Member States

From 1 April 2006 the FSA took over responsibility from LG Regulation as the designated liaison body for the purposes of Article 35 of Regulation (EC) No 882/2004 and, as such, is responsible for assisting and co-coordinating communication between CCAs in the EU and the transmission and reception of requests for assistance.

EU trans-border matters that may have policy implications, aspects relating to outbreaks of foodborne disease and issues connected with feed/food hazards are dealt with by the FSA. LAs must therefore notify the FSA of all such matters at the earliest opportunity.

Any correspondence in relation to the above should be sent to the FSA Scotland Incidents Team, Enforcement Branch (Scotland), Food Standards Agency, 6th Floor St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ Tel: 01224 285 194, Fax: 01224 285 Email: Scottishincidents@foodstandards.gsi.gov.uk

9.13 External Temporary Storage Facilities (ETSF)

An ETSF is a facility designated by HM Revenue and Customs (HMRC) which is approved and controlled by Border Force (BF) on behalf of HMRC, and where goods are temporarily stored pending formal declaration to an improved customs treatment or use e.g. free circulation.

Goods, including foods, imported into the EU from third countries, are required to obtain customs clearance prior to being released into free circulation. POAO and FNAO from third countries, subject to enhanced port health checks, for example in accordance with Regulation (EC) 669/2009, Regulation (EC) 1152/2009 (as amended) and Regulation (EU) 91/2013 must be subjected to food official controls prior to customs clearance procedures. Once a fully completed CVED or CED has issued the food will be presented to HMRC for clearance.

High risk FNAO may also be stored in an ETSF under 'control' pending laboratory results, generally this will have been agreed between the authority for where the ETSF is situated and the LA for the point of entry (onward transportation/transmission procedure).

HMRC reserve the right to detain goods, including feed and food, prior to release pending the outcome of their checks. In most cases it would be practicable to detain consignments at the port

itself and so under these circumstances HMRC may choose to release the goods from the port to an ETSF where they remain until customs clearance has been obtained.

ETSF may consist of entire warehouses, but commonly the ETSF is a designated area within a commercial warehouse, usually located close to the point of entry but some are located further inland. ETSF (in which food or feed is stored) should be registered or approved by the food/feed authority and subjected to an appropriate level of official controls. HMRC publish a list of ETSF and this is available via the FSA website at

http://food.gov.uk/business-industry/imports/enforce_authorities/ertslist

Food/feed authorities should check this list on a regular basis, at least every three months, to determine whether any ETSF have been designated in their area. If an ETSF is identified on the list the food/feed authority should make contact with the ETSF operator, to establish whether any imported foods or feed are handled at the facility and if this is the case, put in place adequate arrangements for official feed and food controls.

POAO from third countries located in an ETSF should be accompanied by a fully completed CVED. Where an authorised officer, in the course of their duties, comes across POAO at an ETSF which they have reason to believe has been illegally introduced, for example because the CVED is not present, they should notify BF (in the absence of any local reporting arrangements, contact Border Force National Intelligence Hub on 0845 600 4374 or by email: bfnih@hmrc.gsi.gov.uk and if needed for adequate interim control of the consignment issue a detention notice under Regulation 27(6) of the Trade in Animals and Related Products (Scotland) (TARP) Regulations 2012.

FNAO from third countries which are subject to the enhanced official controls set out in Regulation (EC) 669/2009, Regulation 1152/2009 and Regulation (EU) No 91/2013 should be accompanied by a fully completed CED when they are dispatched to an ETSF. As such where such foods are found in an ERTS without a corresponding CED, the relevant consignment(s) should be placed under official detention using, where appropriate, a Regulation 32 Official Feed and Food Control (Scotland) 2009 Notice. Under these circumstances, the inland food authority has the enforcement responsibility and should liaise with the food business operator, the port of entry, and where appropriate the Food Standards Agency to ensure that food is adequately dealt with. The options available include: the return of the food to the port of entry for official controls, destruction or re-export; the destruction of the food by the inland authority or; the designation of the consignment for non-food use.

Section 10 – Summary

A substantial amount of feed/food consumed in the UK is 'imported' and a significant proportion originates from countries outside the EU. Whilst inspecting feed/food establishments, authorised officers should carry out routine checks on POAO and high risk FNAO which have been imported from third countries.

POAO (food) should normally be marked with the country of origin together with the approval number of the originating establishment. Where an officer has some doubt regarding the legitimacy of a POAO from a third country or does not have a high degree of confidence in the management of the business in which it has been found, steps should be taken to verify the authenticity of the markings on the product.

Where POAO from a third country is found in a feed/food business in the UK that was responsible for the import of the product from a third country, a so called "first destination", verification of lawful import in the form of a CVED should be provided.

Certain high risk FNAO from third countries are subject to an enhanced import checks regime at the point of entry. Where significant quantities of these products are found inland, official controls should be undertaken to verify lawful import. Where 'high risk' FNAO from a third country under Regulations (EC) 669/2009, (EC) 1152/2009 or (EU) 91/2013 is found in a feed/food business that is a 'first destination', verification of lawful import in the form of a CED should be provided.

Should an authorised officer have concerns regarding the legal status of a POAO from a third country, he/she should consider placing the feed/food under detention whilst an investigation is undertaken. If the officer is satisfied that the POAO was illegally introduced into Scotland or it is dangerous to health, the appropriate formal notice should be served and the feed/food destroyed or re-dispatched.

Similar enforcement options are available to officers who suspect or are satisfied that FNAO from third countries has been illegally imported or is non-compliant with EU feed/food law.



Chapter 3 – Case Studies



Case study 1: worked example

During an inspection of a retail shop, an authorised officer discovers a quantity of fish on display for sale in a chest freezer. The fish is unpackaged and there are no labels attached or associated with it.



Key Legal requirements

The fish should have originated from an approved establishment within an approved third country.

The fish should be marked with the country of origin and bear an establishment number

A Common Veterinary Entry Document (CVED) is required to be present at the first destination inland from the point of entry (BIP).

The FBO should have adequate systems and procedures in place to demonstrate the traceability of food that he places on the market (Article 18 of Regulation (EC) No 178/2002).

The fish should be labelled with the name of the fish, the production method (whether caught at sea, inland or farmed) and the catch area (The Fish Labelling (Scotland) Regulations 2013: SSI 2013 No. 256)

What are the concerns?

Fish should be properly labelled at the point of sale to provide the consumer with accurate information regarding its nature, origin and the method of catch employed. However, in this scenario the most significant concern is that the fish may have been illegally imported and as such has not been subjected to the necessary official controls. Here, the fish should have originated from an approved establishment in an approved third country and been imported into the EU via a designated Border Inspection Post (BIP) where a CVED should have been issued on completion of statutory import checks.

Fish handled in approved establishments in approved third countries which are subsequently checked at a BIP carry certain assurances as to the conditions in which they were produced and subsequently handled. In contrast, fish that may have originated from non-approved third countries and/or evaded border controls may pose a risk to public health.

Suggested course of action:

The authorised officer should firstly ask the FBO for further details in relation to the origin of the fish then seek to verify the accuracy and authenticity of such information.

The officer could request:

- To see invoices and/or delivery notes which relate to the fish
- Verbal information from the FBO regarding the supplier of the fish (Name, address, telephone/e-mail details)
- Whether the fish was imported directly by the food business where it is on sale.
- If this is the case, the officer should request a copy of the CVED.

The authorised officer should then consider the adequacy of the information provided.

Where the officer is satisfied that the fish originated from a third country but was not lawfully imported, a notice under Regulation 17 The Trade in Animals and Related Products (Scotland) Regulations should be served on the person in control of the food. This notice will require the seizure and destruction (or in exceptional circumstances re-export) of the food. For further details on this course of action see Chapter 2, Section 8.4.

In circumstances where there is still doubt regarding the legitimacy of the fish, the authorised officer may consider placing the food under official detention in accordance with the provisions of Article 18 Regulation EC 882/2004. This can be achieved by issuing the person who appears to be in charge of the food with a letter of official detention an example of which can be found in Annex 1. The authorised officer should decide whether it would be appropriate to detain the food in the premises where it was found or remove the food and store it at a location specified in the letter.

Should the FBO provide information relating to the source country and /or establishment, the validity of these details may be verified by the officer with reference to the lists of approved third countries and establishments published on the Europa website. These details can be found at the following URL:

http://ec.europa.eu/food/food/biosafety/establishments/third_country/index_en.htm

Where the FBO is able to provide sufficient evidence to verify that the fish had been legally imported, he should be advised to ensure that all future consignments are adequately marked. If a letter of official detention has been issued, this should be withdrawn in writing.

If after initial investigation, the officer is unable to verify the legitimacy of the fish or has any technical queries, the FSA Imported Food Team should be contacted.

In accordance with the Food Law Code of Practice, should the authorised officer consider that the supply of the fish constitutes a serious local incident or a non-localised incident the matter must be reported to the FSA. This can now be achieved using the online incident report form which can be accessed at: <http://www.food.gov.uk/policy-advice/incidents/reports/>

Case study 2

The following products are discovered during the routine inspection of a cut-price retail butcher's shop:



Chicken and beef sausages labelled “Product of RSA”



Case study 3



You have established that there is an ETSF in your district that you were previously unaware of. You decide to visit the premises. During the visit it is clear from paperwork that large quantities of fruit and vegetables routinely obtain HMRC clearance at this ETSF. Whilst inspecting some pallets of fruit you come across the items shown in the pictures.

- a) **What investigation work should you undertake?**

- b) **What formal action is appropriate?**

- c) **Who should you contact if you are unsure on how to proceed?**

- d) **What follow up work do you undertake?**

Case study 5

(This comes in two parts. When you have finished work on part one please work on part two).

Part 1: You are investigating an outbreak of *Salmonella* food poisoning in your district. Initial findings suggest that the source may be associated with a sandwich bar in your district and, in particular, coronation chicken sandwiches.

- a) **What ingredients of the sandwiches could be possible sources of the salmonella contamination?**

- b) **What action would you take?**

- c) **What guidance/legislation might be appropriate for you to consider in this case?**



Part 2: Additional Information

The Salmonella species and phage type has been confirmed by the Health Protection Scotland (HPS) laboratory. You originally took samples of chicken, curry powder and swabs from preparation surfaces and containers. The microbiological results are received by you as follows:

HEALTH PROTECTION SCOTLAND Ref: XGF836201

MICROBIOLOGICAL REPORT

Lab Number: EF005127

Sender: Council

Sample From: Tasty Sarny Co.

Seal Nos: 2113948, 2113949, 2113950, 2113951, 2113952, 2113953

Sample Number	Specimen	Salmonella Spp	Comments
1	Chicken pieces (sealed outer)	Not detected in 25g	Acceptable
2	Curry powder	Present in 25g	Unacceptable Potentially hazardous
3	Swab A	Not detected	
4	Swab B	Not detected	
5	Curry powder – container swab	Present	Unacceptable
6	Chicken - container	Not detected	Acceptable swab

SAMPLE 2 confirmed presence of Salmonella Spp X phage type Y in 25g. [Positive match to pathogen retrieved from stool samples].

-----REPORT ENDS-----

d) Outline your actions following receipt of these results.

e) Following further investigation it appears that the curry powder was originally imported as a bulk consignment for distribution across the EU. It was Customs cleared at Rotterdam Freeport in the Netherlands. What follow up action do you take and what channels of communication do you use?

Case Study 6

As a part of your authority's sampling programme this year you are expected to procure samples of various feeding stuffs for analysis. You visit a feedmill owned by a company that uses feed materials and additives not of animal origin imported from around the world. You choose to take a sample of copper carbonate imported from Israel.



- a) What contaminants would you ask the agricultural analyst to look for?

- b) What action would you take if the analyst finds unacceptable levels of contaminants?

Case Study 7

You undertake an inspection of materials being stored at a distribution centre for animal feed and notice pallets containing bags of iron oxide stating 'Product of China' and 'Feed Grade' and which for the purposes of this case study can be assumed to be listed in Annex I of Regulation (EC) 669/2009.



- a) Explain how this product can be imported legitimately into the UK.
- b) What documents should be present at the first point of import for this product?
- c) What documents would you ask to see?
- d) What action should you take to ensure that this product has been legitimately imported?
- e) What action should you take if the product has not entered the EU in accordance with the appropriate import controls?

Imported Food Case Study Model Answers:

Please note that these are suggested answers for educational purposes only. Alternative enforcement strategies and processes may be appropriate dependant on specific circumstances encountered and enforcement officers are advised to seek appropriate advice prior to embarking on a specific course of action.

Model answer: Case study 2

a) As a minimum you should note:

- Product description.
- Product brand.
- Weight.
- Country of Origin.
- EU Approval number.

However, if investigating such a product you should really make notes on **all information that is available**, and consider taking a sample. Samples would be taken under regulation 29(g) of The Trade in Animals and Related Products (Scotland) Regulations 2012) and should be used if you need to carry out further identity or physical checks on the product.

Information could include:

- Durability markings.
- Producer details.
- Importer details.
- Description of condition of product.
- All other labelling/markings.

If you intend to contact the FSA, Defra, HMRC (or other Government departments) then it is really helpful to take digital photographs that can be e-mailed in to assist with identification/details of your enquiry.

b) Questioning should initially be general to gain an understanding of the scope of imported food trade at this business. Try to identify the following:

- What range of imported food products is currently on the premises/purchased by the business/stored elsewhere?
- How does the retailer receive imported foods? Is this by direct import or purchase from a wholesaler? If a wholesaler, or other intermediary, obtain details.
- Does the retailer sell any product on to other stores or are there any other associated outlets?

Then focus in on the product in question and obtain more detail:

- Who is in charge of goods?
- Who owns goods?

- Who imported these specific goods?
- Which BIP/Port were they imported through?
- Is this commodity a regular import?
- Who is the supplier (UK, EU or third country)?
- Do you supply these goods onwards?
- Do you have or can you obtain the CVED?
- What date were the goods imported? (Although difficult to obtain, sometimes this may be crucial, if specific safeguard controls were in force at the time of import, e.g. veterinary residue controls).
- What quantity of stock is held?
- Ask for commercial documents to verify (invoices, shipping documents).
- If unfamiliar with the product ask what it is used for and obtain general information relating to the product type.
- Where were the goods purchased?
- When were they purchased?
- Is this a regular stock line?

Detailed questioning may then follow dependant on answers provided. The core information that is needed to verify it is a legitimate import is:

- (Copy of) Common Veterinary Entry Document (from an EU BIP).
- Date of import.
- Place of import.
- Approved establishment number and country of origin.
- Type of product.

In some cases it will be a lengthy process to obtain this information (especially when from a small retailer, who is some way down a complex distribution chain). Of course you will need to investigate in line with enforcement policies and it may not be proportionate to carry out a detailed investigation on each occasion that you find goods of this nature. However where you have grounds to suspect that goods are illegal imports you should follow up with an investigation and enforcement activity, as appropriate. The traceability requirements of Regulation (EC) No 178/2002 (implemented by the General Food Regulations 2004) may be of assistance in tracing back to the CVED. You may need to liaise with other LAs to obtain the information.

c) Legislation to Review:

- The Trade in Animals and Related Products (Scotland) Regulations 2012 (TARP).
- Good answers will include reference to checking on safeguard provisions in place at the time of import, i.e. specific Commission Decisions and Declarations under regulation 25 in The Trade in Animals and Related Products (Scotland) Regulations. These can be found on Defra and FSA websites and Officers are recommended to keep up to date with countries subject to safeguard provisions and related issues. This need not be in full technical detail needed by BIP staff but just to be aware of current issues

d) Potential Enforcement Options:

This legislation should be considered first as it is most pertinent to deal with illegal third country POAO imports and offers a number of robust enforcement procedures:

- TARP regulation 17 unchecked consignments

If it is inappropriate to act under the above or disproportionate to carry out a lengthy investigation and there are other food safety/standards offences, then consider action under the Food Safety Act 1990 and related SSIs.

If the authorised officer considers that it would be necessary to detain the food pending further investigation then a letter of official detention as provided at Annex 1 might be considered.

Finally where action is taken against illegal imported animal products it is important that intelligence information is passed to the LA at the point of entry. Defra/Scottish Government will ensure that HMRC and BF are informed, as well as recording the information on their spreadsheet of illegal imports of animal products seizures.

Model answer: Case study 3

- a) Initially investigation work will be limited to establishing the origin of the poorly packaged decaying meat. It is important at this stage to identify if the products have been imported from third countries or are intra-EU trade. If they are intra-EU trade then refer to the FSA illegal meat guidance to identify options for control. If they are third country imports verify that health marks are absent and that the goods have not been presented to a BIP, with subsequent issue of a CVED. Also it is important to establish if any of the product has been dispatched elsewhere so that it may be tracked and controlled. As this facility is under customs control, being an ETSF, the formal control of the smuggled meat will be the responsibility of BF.
- b) You should refer the case to BF via local liaison, if in place, or via the Border Force National Intelligence Hub on Tel: 0845 600 4374 or by email at bfnih@hmrc.gsi.gov.uk

In order to help BF prioritise their response, professional judgement should be used as to whether goods can be left unattended or not. Risk factors should be communicated to HMRC such as:

- likelihood that the goods will be removed if left unsecured.
- perceived level of risk presented by the commodity. In this example the ham may present high animal health risk as a potential vector of animal disease, and may have associated public health risks due to the condition of the product. If high risk is identified, the LA should urge HMRC to attend as soon as possible and remain with the goods or secure them in a locked area, if practicable.

If there is a perceived high risk, it is imperative to ensure that the goods are controlled and do not leave the premises. Service 27(6) of the TARP Regulations notice to detain the food for referral to BF would be appropriate. Additionally great care needs to be taken to ensure that all steps are taken to prevent contact with the product and spread of potential contaminants. You should ensure that a health and safety risk assessment is in place in relation to the activities of LA personnel and any contractors etc. Finally the AHVLA: <http://animalhealth.defra.gov.uk/about/index.htm> must be informed so that they can consider possible risk to animal health in the area. You may wish to contact your local AHVLA office, information is provided in the above link.

In other cases where the risks posed may not be so high, and where you have confidence in the management you should indicate to BF that the response needed is not immediate, but is nonetheless still reasonably urgent. BF will endeavour to respond within 24 hours for all incidents.

Additionally, if you have established that goods have moved away from the ETSF to your jurisdiction, or the jurisdiction of other LAs, you should ensure that the rest of the consignment is intercepted and controlled using TARP regulation 17 Notice.

- c) If unsure how to proceed then contact the relevant organisation as per the information in this Pack. In this instance Defra/Scottish Government contacts may be the most appropriate to advise you. However if you are unclear or do not have numbers available to you on site, please call the Food Standards Agency in Scotland on 01224 285 175 and we will pass you to the right person to assist.

- d) Follow up work will largely involve liaison with BF to ensure that the entire consignment has been controlled whether in BF or LA jurisdiction. Also you should send copies of any Notices served under the TARP Regs to Defra/Scottish Government.

You should report the seizures to Defra using the IIT1 form. The reporting of seizures by LAs/PHAs requires the completion (preferably electronically) of a common form (IIT 1 (4/08)), which is then sent by e-mail for Defra to record the appropriate information required. However, the option remains for the form to be completed manually, if that method is preferred, and sent to Defra by fax/post. Details of where to e-mail/fax/post the form is included on the form itself. As you know the form is located on the secure parts of the following websites which cannot be accessed without password permission:

APHA: <http://www.porthhealthassociation.co.uk/>

CIEH: <http://www.ehcnet4.net/govt/defra/iit/iitrept.php>

The information provided in this form is also shared with the Food Standard Agency's Food Fraud team.

If the meat has been widely distributed then you should notify the FSA so that they can assist you with submission of RASFF notifications and, issue food alerts as may be appropriate to the circumstances.

Model answer: Case study 4

- a) Curry powder from India is currently identified as a “higher risk” FNAO in Annex 1 to Regulation (EC) No 669/2009 (as amended) and should only be imported into the EU via a Designated Point of Entry (DPE). Legitimate import requires the FBO to pre-notify the DPE of its arrival and for enhanced checks to be undertaken at the port.
- b) A properly completed, signed and stamped Common Entry Document (CED) should be available at the first point of entry inland.
- c) After suitable consultation, a detention Notice should be served under Regulation 32 of the Official Feed and Food Controls (Scotland) Regulations 2009 (as amended).
- d) You may wish to consider examination or analysis for salmonella, mycotoxins and other contaminants that may be associated with this commodity.
- e) Destruction - Regulation 32 of the Official Feed and Food Controls (Scotland) Regulations 2009 (as amended)

Model answer: Case study 5

- a) Chicken, mayonnaise, eggs, salad dressings, lettuce/salad, infected handlers, contaminated surfaces, cross-contamination and curry powder.
- b) Food Safety Act 1990, Regulation (EC) No 853/2004, Food Hygiene (Scotland) Regulations 2006, local outbreak control plans and related information/legislation, PHLS Guidelines for the microbiological quality of some ready-to-eat foods. (This list is not exhaustive but indicates some of the more obvious documents).
- c) Clearly from the results the curry powder is the most likely source of the problem. Hence, alongside 'normal' outbreak control work to minimise the impact on the general population, the distribution of the curry powder needs to be established and controlled. The extent of distribution both upstream and downstream should be established along with any distinguishing marks, lot numbers, batch codes, etc. If applicable, the Home Authority should be contacted. Details of supplying and receiving establishments should be identified and the case should be referred to the FSA's Scottish Incidents Team on 01224 285 194 or via email to scottishincidents@foodstandards.gsi.gov.uk or complete the online report form at: <http://www.food.gov.uk/policy-advice/incidents/report>. Control will be via the Food Safety Act 1990. (Imports legislation would not normally be appropriate once imported goods have been legitimately HMRC cleared into the EU/UK – if in any doubt ask for advice).
- d) Submit a notification under the Rapid Alert System for Food and Feed (RASFF). All enquiries on RASFF notifications to the FSA's Scottish Incidents Team on 01224 285 194

Model answer: Case Study 6

- a) Products of this type are normally obtained directly or indirectly from quarrying and often undergo a drying process and can be contaminated with various undesirable substances, e.g. cadmium and lead or dioxins if the drying process has been undertaken in an inefficient manner. Further details of the types of minerals/additives used in animal feed can be found in the National Priorities for Feed Authorities published on the FSA website at: <http://www.food.gov.uk/enforcement/workwithenforcers/centralref/>

Before sampling the material the following details should have been obtained:

- Product name/description
- Identity number of the additive
- Functional group of the additive
- Batch number(s)
- Net weight of individual packages/total weight
- Instructions for use
- Date of manufacture
- Country of Origin
- Details of the importer (if available)
- Details of the exporter/manufacturer (if available)

- b) Clearly from the agricultural analyst results, the copper carbonate does not meet the requirements of EU legislation and must not be used for animal feed. The seriousness of the contamination will depend on the level of contamination detected. However, initial action by the local authority should ensure the following action is taken and information obtained:

- Notify the feed mill that an adverse result has been obtained (giving details of the product) and stating that the material must be 'quarantined' until further action is agreed. Verify that this has been done recording the amount of material involved. Serve a notice under regulation 32 of The Official Feed and Food Controls (Scotland) Regulations 2009 (as amended) if you propose to undertake any of the actions listed in Article 19 of Regulation (EC) 882/2005 on the official control of feed and food. An alternative approach would be to seize and detain the material under Regulation 25 of The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 and have disposal dealt with by a Sheriff.
- Obtain information from the feed mill as to which products the affected product has been added (including details of species), the incorporation rates and recommended daily ration.

- Obtain details from the importer how much of the affected batch was imported into the UK, through which point of entry and details of how it was distributed.
- Details of the incident, including the distribution details should be referred to the FSA's Scottish Incidents Team on 01224 285 194 or via email to scottishincidents@foodstandards.gsi.gov.uk or complete the online report form at: www.food.gov.uk/policy-advice/incidents/report . This should include details of the products to which the copper carbonate has been added and the incorporation rates, species and ration details in order that the Agency can undertake a risk analysis and advise as to whether compound feeds manufactured from the material require to be removed from the feed chain.
- Liaise with the authority responsible for the point of entry through which the material entered the UK making them aware of the incident.
- Arrange with the feed mill/importer for safe disposal of the material, liaising with other local authorities as necessary to ensure that the material is not diverted back into the feed/food chain.
- Submit a notification under the Rapid Alert System for Food and Feed (RASFF). All enquiries on RASFF notifications to the FSA's Scottish Incidents Team on 01224 285 194 or via email to scottishincidents@foodstandards.gsi.gov.uk
- Verify the extent of the distribution, gather as much detail as possible and then contact the FSA's Scottish Incidents Team as soon as possible. The Incident Team will then consider the need for food alerts or advise on co-ordination of the incident.
- The Incident Team will assist you in the completion and submission of a RASFF message, if appropriate.

Model answer: Case Study 7

- a) Iron oxide originating from China was a product listed under 'trace elements' in Annex I of Regulation (EU) 669/2009 on high-risk feed and food. Consequently, this material can only enter the EU through a designated point of entry. Such consignments require pre-notification to the authorities at a DPE and will be subject to documentary, identity and physical checks as specified in the Annexes.
- b) On completion of the required checks, the official inspector will complete, stamp and sign a Common Entry Document (CED) which will accompany the consignment inland to the first destination. If the consignment is split at the point of entry then duplicate copies of the CED must accompany the various parts of the consignment to their first destination.
- c) It is common for imported feed materials to leave the point of entry direct to their place of use e.g. a feed mill or to a storage facility for further distribution. It would be appropriate to ask for a copy of the CED after first establishing if the consignment has arrived from a point of entry and if so, which one.
- d) Where the CED is available then this should be examined for accuracy and to ensure that the DPE is one authorised to accept the consignment of iron oxide. If the premises at which the inspection is taking place is not the first destination of the consignment of iron oxide and a CED is not available then it would be appropriate to undertake a traceability exercise in respect of the material to establish through which point of entry it entered the EU and to obtain a copy of the CED, where possible. In establishing if the consignment has entered through an appropriate DPE information can be obtained on UK DPEs from the FSA website at:
http://www.food.gov.uk/foodindustry/imports/banned_restricted/highrisknonpoao and DPEs in other Member States at;
http://ec.europa.eu/food/food/controls/increased_checks/list_DPE_en.htm
- e) The quantity of material at the store must be identified and a notice served under Regulation 32 of The Official Feed and Food (Controls) Regulations 2009 (as amended). If the product was not imported in accordance with any of the rules relating to high-risk products under Regulation (EU) 669/2009 then the consignment must be removed from the feed chain and destroyed. Contact the FSA's Incident Team as soon as possible providing information on the importer responsible for the product and any other relevant information. The Incident Team will then consider the need for feed alerts and advise on co-ordination of the incident. Submit a notification under the Rapid Alert System for Food and Feed (RASFF). All enquiries on RASFF notifications should be sent to the FSA's Incident Team on 01224 285194 The Incident Team will assist you in the completion and submission of a RASFF message, if appropriate.

Chapter 4 – References



Section 1: Glossary

ABP	Animal By-Products (Enforcement) (Scotland) Regulations 2013 SSI no 307
AHVLA	Animal Health and Veterinary Laboratories Agency
Airway bill	Commercial documents providing a general description of air cargo items
APHA	Association of Port Health Authorities
BF	Border Force
BIP	EU Border Inspection Post situated at a seaport or airport or international rail or road link. This is the port of entry, authorised by the Commission and inspected by FVO, where POAO may be legitimately imported into the “Relevant Territories” of the single market. The POAO will be subjected to veterinary checks at the BIP and a CVED will be issued to demonstrate that these checks have been successfully completed.
CCA	Central Competent Authority. In Scotland, Scottish Government is the CCA for the import of POAO from third countries except for fishery products and shellfish where the FSA is the CCA.
CA	Competent Authority
CED	Common Entry Document – Part II of this document is issued at a DPE or DPI to verify that a “high risk” FNAO has been lawfully imported.
CEFAS	Centre for Environment, Fisheries and Aquaculture Science
CHIEF	Customs Handling of Import and Export Freight
CIEH	Chartered Institute of Environmental Health
CITES	Convention on International Trade in Endangered Species
Consignment(s)	A quantity of food or feed of the same type, class or description covered by the same document(s), conveyed by the same means of transport and coming from the same third country or part of such country.
Code of Practice	Code of Practice issued under the Food Safety Act 1990, the Food Hygiene (Scotland) Regulations 2006 and the Official Feed and Food Controls (Scotland) Regulations 2009. Feed Law Enforcement Code of Practice (GB).
CVED	Common Veterinary Entry Document (previously Certificate of Veterinary Clearance, CVC) – Part II of this document is issued at a BIP to verify legal import of POAO.
Defra	Department for Environment, Food and Rural Affairs
Demurrage	Charges for use of shipping containers, rail wagons, tanker lorries waiting for pick up or clearance, storage charges for space on a dock or wharf or in transit sheds and elsewhere. Akin to rental excess charge for use past the agreed period
DPE	Designated Point of Entry – where foods subject to the import conditions of Regulation (EC) 669/2009 and Regulation (EU) 91/2013 may be imported. Note for Regulation (EU) 91/2013, some of the controls for certain

	products will be at a DPI.
DPI	Designated Points of Import – where food subject to the import conditions of Regulation (EC) 1152/2009 may be imported.
EC	European Commission
EEA	European Economic Area
ETSF	External Temporary Storage Facility (HMRC designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation)
EU	European Union
FNAO	Food Not of Animal Origin
Free Circulation	Customs status for goods that are 'cleared' into the EU
FSA	Food Standards Agency
FVO	Food and Veterinary Office (EU)
GRAIL	Guidance and Regulatory Advice on Import Legislation
HMRC	Her Majesty's Revenue & Customs
IIT	Inspections and Investigations Team
LA	Local Authority
Manifest	Document/computer file describing all cargo carried on a ship, cargo train or aircraft.
MHRA	Medicines and Healthcare Products Regulatory Agency (Formerly MCA – Medicines Control Agency)
MCA	Maritime and Coastguard Agency
MoU	Memorandum of Understanding
NCH	National Clearance Hub (HMRC)
OFFC	Official Controls performed to ensure compliance with Food & Feed Law, Animal Health and Welfare Rules
OFI	Official Fish Inspector
OVS	Official Veterinary Surgeon
PHA	Port Health Authority
POAO	Products Of Animal Origin
TARP	The Trade in Animals and Related Products (Scotland) Regulations 2012, SSI no 177.
RASFF	Rapid Alert System for Food and Feed (EU)
SSI	Scottish Statutory Instrument
Third Country	Any country outside of the EU for the purposes of import controls
Trans-shipment	Movement of goods from HMRC area of a port to another port
VMD	Veterinary Medicines Directorate

Section 2: Useful links

Relevant Organisations/Central Government Departments	
The Association of Port Health Authorities (APHA) website	http://www.porthealthassociation.co.uk/
The Chartered Institute of Environmental Health (CIEH) website	http://www.cieh.org
Centre for Environment, Fisheries and Aquaculture Science (CEFAS - executive agency of Defra) website	http://www.cefasc.co.uk/homepage.htm
Defra Organic Farming Branch – Organic imports Homepage	http://www.archive.defra.gov.uk/foodfarm/growing/organic/imports/index.htm
The Food and Environment Research Agency (Fera) website	http://www.fera.defra.gov.uk/
Plant Health – Fera Homepage	http://www.fera.defra.gov.uk/plants/planthealth/index.htm
Chemicals Regulation Directorate (CRD formerly PSD) website	http://www.pesticides.gov.uk/
Veterinary Medicines Directorate (VMD) website	http://www.vmd.defra.gov.uk
General information	
Customs Tariff/Commodity Codes on-line	http://customs.hmrc.gov.uk/channelsPortalWebApp/channelsPortalWebApp.portal?_nfpb=true&_pageLabel=pageImport_ShowContent&id=HMCE_MIG_009862&propertyType=document
EU Law search engine	http://eur-lex.europa.eu/en/index.htm

Official Journal website	http://eur-lex.europa.eu/JOIndex.do?ihmlang=en
EU Official Food Safety Website	http://ec.europa.eu/food/index_en.htm
Office of Public Sector Information (OPSI - formerly HMSO) Legislation Homepage	http://www.opsi.gov.uk/
FAO Fisheries Global Information System (Identification of fish etc.) website	http://www.fao.org/fi/figis/index.jsp
The Food Standards Agency (FSA) website	http://www.food.gov.uk
The imported food section of the Food Standards Agency website	http://www.food.gov.uk/foodindustry/imports/
Foodstuffs with current EU restrictions (Please note the list is subject for review every quarter; whereby products are added and removed.)	http://www.food.gov.uk/foodindustry/imports/banned_restricted/restricted_foodstuffs
List of External Temporary Storage facilities (ETSF) in the UK	http://food.gov.uk/business-industry/imports/enforce_authorities/ertslist
Banned or Restricted products	http://www.food.gov.uk/foodindustry/imports/banned_restricted/
Products of Animal Origin information	
Border Inspection Post Manual – Veterinary Checks	http://www.gov.uk/government/publications/border-inspection-post-bip-manual
Defra List of UK Border Inspection Posts Homepage	http://www.defra.gov.uk/animaltrade/imports-non-eu/border-inspection/
Defra International Trade Homepage	http://www.defra.gov.uk/animal-trade/
Scottish Government	http://www.scotland.gov.uk/Topics/farmingrural/Agriculture/animal-welfare/ImpExp
Defra Personal imports information	http://www.defra.gov.uk/foodfarm/food/personal-import/index.htm
Directive 2002/32 (EC) on undesirable substances in feed	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:140:0010:0021:EN:PDF

The EU List of Approved Establishments in Third Countries	http://ec.europa.eu/food/food/biosafety/establishments/third_country/index_en.htm
CIEH (Authorisation required)	http://www.ehcnet4.net/govt/defra/iit/iitrept.php
Scottish and relevant EU Legislation (Please note: Some of this legislation will have been reviewed and updated – the links are to original unamended versions)	
Animal By-Products (Enforcement) (Scotland) Regulations 2013 SSI no 307	http://www.legislation.gov.uk/ssi/2013/307/contents/made
The Contaminants in Food (Scotland) Regulations 2013 SSI no. 217	http://www.legislation.gov.uk/ssi/2013/217/schedule/made
The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 SSI no. 608	http://www.legislation.gov.uk/ssi/2005/608/made
The Food Labelling Regulations 1996 S.I. 1499	http://www.opsi.gov.uk/si/si1996/Uksi_19961499_en_1.htm#tcon
The Food Safety Act 1990	http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900016_en_1.htm
Regulation (EC) No 178/2002 (the general food law)	http://eur-lex.europa.eu/pri/en/oj/dat/2002/l_031/l_03120020201en00010024.pdf
The Official Feed and Food Control (Scotland) Regulations 2009 SSI No. 446	http://www.legislation.gov.uk/ssi/2009/446/made
The Trade in Animals and Related Products (Scotland) Regulations 2012 SSI no 177.	http://www.legislation.gov.uk/2012/177?title=The%20Trade%20in%20Animals%20and%20Related%20Products%20%28Scotland%29
The Official Controls (Animals, Feed and Food) (Scotland) Regulations 2007 (SSI no 91)	http://www.legislation.gov.uk/ssi/2007/91/made
Regulation (EC) 1831/2003 on additives for use in animal nutrition	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:268:0029:0043:EN:PDF

Regulation (EC) 183/2005 on feed hygiene	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:035:0001:0022:EN:PDF
Regulation (EC) No 882/2004 on Official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:191:0001:0052:EN:PDF
Contacts	
<p>Contact details for all of the UK ports are available on the APHA website at: http://www.porthealthassociation.co.uk/</p> <p>The Association of Port Health Authorities Handbook (updated annually – available from APHA or see APHA website www.apha.org.uk). APHA can be contacted on 08707 444505</p>	
<p>For LAs please refer to either the Directory of Environmental Health Departments , which is updated periodically issued to all LAs electronically every year or, for Trading Standards Departments, to the website: www.tradingstandards.gov.uk</p>	

Section 3: National Contacts

Issue	Organisation	Contact	Tel:	E-mail
Imported Food General, POAO (Fish), Public Health Controls, Enforcement support.	FSA	Enforcement Branch, Scotland	01224 285 174	jacqui.angus@foodstandards.gsi.gov.uk
EU liaison – contact with other member states	FSA	Scottish Incidents Branch Team	01224 285 194	scottishincidents@foodstandards.gsi.gov.uk
Trade enquiries, FNAO Imported food & POAO (Fishery products / bivalve molluscs)	FSA	Shellfish Monitoring, Scotland	01224 288378	caroline.thomson@foodstandards.gsi.gov.uk
Imported Feed issues	FSA	Enforcement Branch, Scotland	01224 285 174	jacqui.angus@foodstandards.gsi.gov.uk
Trade sample licences (inc. fishery products/bivalve molluscs), Trade Enquiries POAO	Animal Health		01228 403600 (option 3)	imports@ahvla.gsi.gov.uk

POAO (Not Fishery products/bivalve molluscs), animal health issues, Enforcement support.	Animal Health		01228 403600 (option 3)	imports@ahvla.gsi.gov.uk
Illegal imports enquiries POAO general	Scottish Government Rural Directorate Animal Health Branch	Fiona Eddy	0300 244 9243	Fiona.Eddy@scotland.gsi.gov.uk
Queries/referrals for illegal imports found inland.	Border Force	Border Force National Intelligence Hub	0845 6004374	bfnih@hmrc.gsi.gov.uk
Intelligence reports to Customs (5x5x5)	Border Force	Border Force National Intelligence Hub	0845 6004374	bfnih@hmrc.gsi.gov.uk