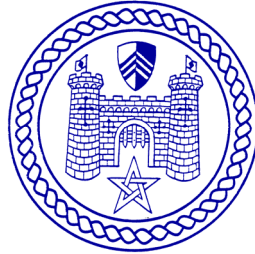


**SWANSEA BAY
PORT HEALTH AUTHORITY**



**AWDURDOD IECHYD PORTHLADD
BAE ABERTAWE**

**IMPORTED FOOD & FEED
PROCEDURES**

To be read in conjunction with the FSA document Imported Food
Local Authority Resource Pack

And the APHA Guide to
Effective Import Controls for food & feed NAO at smaller ports and airports Dec 2012

Both on File F2/2 c(ii)

Reviewed: December 2017

SWANSEA BAY PORT HEALTH AUTHORITY

At the time of updating this document, the ports under the jurisdiction of Swansea Bay Port Health Authority, namely Swansea, Neath and Port Talbot, do not receive any imports or exports of food or feedstuffs with the exception of the transit of wet fish from Belgian trawlers directly by lorry to Ostend or Zeebrugge. There are currently no BIPs in Wales for the importation of POAO. However, with 'Brexit' on the horizon, it is important that a constant watch is kept for any changes in the nature of trade coming through our ports.

This is a guide to the law and procedures in place as of 2017 and should be read in conjunction with guidance listed later.

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INTRODUCTION

European law has put in place a system of sanitary measures which control imports in respect of:

Public health

Animal health

Plant health

The systems that have been established for each of these control areas are similar. For specified products, third countries (countries outside the EU) have to either demonstrate that they comply with EU law or that they have equivalent controls in place. Products that are known to represent a particular risk may be subject to special controls, have import conditions set or be banned from import.

Products of Animal Origin

Animal health controls apply to products including meat and poultry meat, meat products and other products of animal origin such as fish, hides, skins, eggs, honey, milk and dairy products, animal fats, offal, bones, fishmeal, bristle and game trophies. As of 1st January 2010, Illegal, Unreported and Unregulated (IUU) Fishing Regulations, which concern the import and export of fish and fishery products, came into force. Businesses importing fish or fish products from outside the EU, or exporting fish to non-EU countries should refer to the Gov.uk website. Public health controls are also applied to ensure that products intended for food are produced in conditions that satisfy hygiene standards.

Food not of Animal Origin

Public and plant health controls apply to any goods intended for sale for human consumption and impose controls in terms of microbiological and chemical safety as well as marketing and other food standards such as labelling and composition. Some high risk products are subject to special controls that set out import conditions. The list is extensive and includes , for example, pistachios, peanuts and figs.

Plants and Plant Products

Plant health restrictions apply to the import of trees, plants and plant produce and products, including non-manufactured articles of wood from outside the EU.

Responsibility for Border Controls

Control Area	Policy	Enforcement	
		Border	Inland
Plant & Seeds	Animal and Plant Health Agency (A&PHA)	Plant Health and Seed Inspectorate	Plant Health and Seed Inspectorate
Fruit & Veg standards	Rural Payments Agency Inspectorate (RPAi)	RPAi Horticultural Marketing Inspectorate	RPAi Horticultural Marketing Inspectorate
Organic produce	Defra Organic Farming Unit	LA / PHA	LA Trading Standards
POAO	Animal and Plant Health Agency	LA / PHA at BIP for legal imports	LA Food Authorities
		UK Border Force for illegal imports	LA Food Authorities
ICW	Animal and Plant Health Agency	LA / PHA	LA Trading Standards
Public health considerations –	FSA	LA / PHA	LA Food Authorities
Timber & Timber products inc wood packaging	Forestry Commission	Forestry Commission	Forestry Commission
Endangered species	Animal and Plant Health Agency	UK Border Agency	Police & Defra Wildlife Division and APHA Wildlife and Registration Service
Medicines/healthclaims on medicinal products	MHRA	No presence	MHRA

EU Member States -as at 2017

Currently there are 28 member states::

Austria	Germany	Netherlands
Belgium	Greece	Poland
Bulgaria	Ireland	Portugal
Cyprus *	Italy	Romania
Czech Republic	Hungary	Slovakia
Denmark	Latvia	Slovenia
Estonia	Lithuania	Spain
Finland	Luxembourg	Sweden
France	Malta	United Kingdom

*Although the whole of Cyprus is part of the EU, goods from any area not under effective control of the Government of the Republic of Cyprus are treated as non-EU imports.

There are countries with which there are agreements that mean they are treated as being part of Europe for certain imports. This extended area is the European Economic Area (EEA) and is made up of member states plus Iceland, Norway and Lichtenstein.

Legislation Controlling Food Imports

EU	Relating to:	Wales
EC 178/2002	Lays down general principles, procedures and requirements of food law, establishing the European Food Safety Authority and procedures in matters of food safety	General Food Regs 2004 as amended
EC 882/2004	Official controls performed to ensure compliance verification with food and feed law, animal health and animal welfare rules	Official Feed and Food Controls (Wales) Regs 2009
EC 852/2004	Food stuff hygiene	Food Hygiene (Wales) Regs 2006 as amended 2007
EC 853/2004	Specific hygiene rules for POAO	Food Hygiene (Wales) Regs 2006 as amended 2007
EC 854/2004	Specific rules controlling POAO intended for human consumption	Food Hygiene (Wales) Regs 2006 as amended 2007
Council Dir 97/78/EC	Laying down principles governing the organisation of veterinary checks on third country imports	The Trade in Animals and Related Products (Wales) Regs 2011 (TARP)
Council Dir 200/29/EC	Protective measures against importing organisms harmful to plant or plant products and against their spread in the community	The Plant Health (Wales) Order 2006 as amended 2009

FOOD NOT OF ANIMAL ORIGIN (FNAO)

FNAO import controls are harmonised at Community level by 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 provisions of this regulation are directly applicable but are given effect at national level by the Official Feed and Food Controls (Wales) Regulations 2009.

EU Regulation 882/2004

This introduced EU-wide harmonised rules for import controls for FNAO. The requirements (at Articles 15 to 25) extend to foods not already covered by Directive 97/78/EC (POAO Veterinary checks regime) These cover controls in relation to materials and articles in contact with food as well as cleaning and maintenance products and processes, and pesticides.

The Official Feed and Food Controls (Wales) Regulations 2009

These regulations give effect to Articles 15 to 25 of EU Regulation 882/2004 in Wales and give PHOs/EHOs powers to perform official controls, which could include inspecting, sampling and detaining food consignments. Power are also given to detain consignments that give rise to suspicion and to take action to control consignments that do not comply with 'food law'. Where consignments are found to be non-compliant a legal notice can be served requiring the re-export (outside EU), destruction, processing or alternative use. The regulations also include a mechanism for ensuring that where there is serious or imminent risk to public health, control measures may be put in place. In particular, it may be used to ensure that Emergency Decisions made at EU level are implemented without delay. It does so by giving the Food Standards Agency powers to make declarations regarding import conditions for particular products. These conditions would apply with immediate effect.

Other Legislation

For other issues, eg. contaminants, there are specific EU harmonised requirements for foods which can be applied at point of import as well as inland. These are implemented in the UK by separate legislation but the powers to deal with non-conforming food at import are contained in the Official Feed and Food Controls (Wales) Regulations 2009.

Extra Controls for High Risk Products

Specific emergency controls are in place for certain food products, not of animal origin and from specified countries, to reduce known human or animal health risks.

A list of foodstuffs with current EU restrictions can be seen on the FSA website

https://www.food.gov.uk/business-industry/imports/banned_restricted/foodstuffs-with-current-eu-restrictions

Where such controls are in place there is usually a requirement for the Port Health Authority to conduct documentary checks and sampling for analysis or examination.

Most FNAO may enter through any port, although importers should check that the port has the necessary facilities in place to handle food. Importers should also be aware that some products from certain countries are subject to specific controls and can only enter the UK through designated ports.

Controls for High Risk Products

Regulation (EC) No 669/2009

Imports of certain feed and food of non- animal origin, from certain non-EU countries, that are considered to 'high risk' may only enter the UK through specific ports and airports approved as 'designated points of entry' (DPEs) where official controls will be carried out. A 'high risk' product is feed or food that is either a known , or an emerging risk to public health. This may be due to presence of contaminants and/or undesirable substances such as aflatoxins, Sudan dyes, Salmonella or pesticides.

A list of the 'high risk' products, country of origin and the frequency of checks can be found at Annex 1 of Commission Regulation (EC)669/2009. This Annex is updated quarterly with entries being removed or added or sampling frequencies changed.

A list of designated points of entry (DPE) can be found using the link:

www.food.gov.uk/business-industry/imports/banned_restricted/high_risknonpoao.

Aflatoxin

Contamination of products of non-animal origin under Regulation (EC) No 884/2014. This repeals and replaces Commission Regulation 1152/2009 from September 2014. This regulation consolidates safeguard measures in relation to aflatoxin control of specified food and feed (nut and fig) products from specified countries of origin. These special conditions include that specified products can only enter the UK through specific ports or airports approved as designated points of import (DPI). Consignments must be accompanied by a health certificate and

results of sampling and analysis.

A list of UK designated points of entry/import can be found:

https://www.food.gov.uk/business-industry/imports/banned_restricted/aflatoxinreg8842014

Okra and Curry Leaves

Commission Implementing Regulation (EU)885/2014 was applicable from 17 August 2014 and repealed and replaced 91/2013. It consolidates safeguard measures in relation to pesticide residue control of specified food (okra and curry leaves) products, from specified countries of origin. They may only enter through the High Risk Product DPEs identified above.

Common Entry Document

Products covered by regulations 669/2009, 884/2014 and 885/2014 must be accompanied by a Common Entry Document (CED). This is used as a pre-notification by the importer and the DPE uses it to show the outcome of the checks. The CED is established in Annex 11 of Commission Regulation 669/2009. Guidance on completion is found in Commission Implementing Regulation (EU)323/2014 and in CIR (EU) 884/2014. After the checks are finished the CED will be completed by a PHO. Checks that have been carried out will be indicated and the document signed and stamped. The original CED will be returned to the importer/agent and must, in the case of imports, travel to the first establishment after Customs clearance where it must be retained for one year. The CED is generated and submitted to Port Health online using the TRACES system.

Betel Leaves and Sesame Seeds from India

Commission Implementing Regulation 2017/186 introduced requirements to control Salmonella contamination in betel leaves and sesame seeds from India. From 23 February 2017 it requires consignments to be accompanied by the results of sampling and analysis and a health certificate. A CED must be submitted to Port Health accompanying these documents. Port Health will conduct confirmatory testing on 20% of sesame seeds and 10% betel leaves arriving in port.

Betel Leaves from Bangladesh

Decision 2014/88/EU prohibits the importation of betel leaves from Bangladesh.

Import of Feed and Food Originating, or Consigned from Japan

Imports of certain feed and food originating in or consigned from Japan can only enter the UK through specific ports and airports where official controls will be carried out. POAO can only enter through a BIP with the submission of a CVED and PNOAO can only enter through DPE using a CED. As a result of the accident at the Fukushima Daiichi nuclear power plant, the EU published Commission Implementing Regulation (EU)2016/6 to further limit possible risks to the safety of the EU food chain. It reinforced controls on imports of food and feed from certain regions of Japan which could be affected by the accident. and this regulation applied from 9 January 2016.

Plastic Kitchenware from China and Hong Kong under Regulation (EU) No 284/2011

Commission Regulation (EU) No 284/2011 lays down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating or consigned from Peoples' Republic of China and Hong Kong Special Administrative Region. These conditions include that plastic kitchenware may only be imported into member states if the importer submits to the competent authority for each consignment a declaration and a laboratory report confirming that it meets the requirements concerning the release of primary aromatic amines and formaldehyde. Importers/food businesses must pre-notify the competent authority at the first point of introduction at least two working days in advance of the estimated date and time of physical arrival of consignments. Requirements are incorporated into UK law under the Plastic Kitchenware (Conditions on Imports from China) (England/W/S/NI) Regulations 2011. The UK has designated specific First Points of Introduction (FPI) for these consignments originating from or consigned from China or Hong Kong.

Foodstuffs with Current EU Import Restrictions

Controls exist to protect public health and may either suspend imports or specify conditions of import. A list of foodstuffs subject to EU restrictions can be found at the following link:

https://www.food.gov.uk/business-industry/imports/banned_restricted/foodstuffs-with-current-eu-restrictions

Imports of Organic Products

Controls are in place to ensure that organic products imported into the EU are compliant with organic production standards. The policy is managed by the Defra Organic Farming Branch and checks are carried out at the border by Port Health

See: <https://www.gov.uk/guidance/organic-products-import-them-into-the-uk>

PRODUCTS OF ANIMAL ORIGIN

Veterinary Checks - TARP Regulations

Imports are controlled through a system of checks aimed at ensuring all products meet Community standards in terms of animal and plant health. The veterinary checks regime takes place only at Border Inspection Posts (BIPs) that are authorised to receive specific categories of products into the EU.

Veterinary checks are carried out under European Council Directive 97/78/EC and the Trade in Animals and Related Products Regulations 2011 adopt the provisions of the Directive into domestic legislation. TARP Regulations provide Enforcement Authorities with the means of enforcing EU legislation which provides for imports from third countries and intra - Union trade in animals and animal products.

Border Inspection Posts

A port can only be designated as a BIP if it meets the approval requirements laid down in Commission Decision 2001/812/EC and has been inspected by officers from the European Commission. In the UK, PHAs or LAs operate BIPs approved for the import of POAO. Products arriving at sea or airports not designated as an approved BIP or not approved for that product will be classed as a n illegal import and refused entry into EU.

Commission Decision 2007/275/EC lists the products that are subject to veterinary checks and include products such as :

red meat and poultry

fish and shellfish

dairy products

honey

hay and straw

animal by products such as dog chews, mealworms, feathers

There are complex rules relating to composite products.

Import Conditions

Products can only be imported from third countries that have been approved by the Commission and from approved premises.

As a general rule, all products of animal origin intended for human consumption will require health certification issued by the competent authority of the exporting country containing declarations of compliance with the public and animal health criteria laid down in the import conditions. Consignments may not be moved from the BIP until all veterinary checks have been completed and any fees paid.

Common Entry Veterinary Document (CVED) , found in Commission 136/2004, is used for import prenotification and shows that required checks have been carried out. Following the completion of veterinary checks the CVED will be completed by the OVS or fish inspector , signed and stamped. The original CVED is returned to the importer/agent and must accompany the consignment to the first establishment where it should be retained.

The documentary check is the assessment of the CVED, public or animal health certificates and accompanying commercial documentation which may include bills of lading, invoices and packing lists.

All consignments are subject to identity checks which involve verification of the product, health marks, stamps and other necessary information conforms to the declarations.

Consignments are also subject to physical checks which may include sampling for pathogenic micro-organisms or illegal contaminants such as pesticides or drug residues.

Commission Decision 94/360/EC prescribes the level of physical checks for certain products. In general, the minimum number of consignments to be subjected to a physical check are 20% for meat, meat products, fish, fishery products, 50% for poultry meat, honey, dairy products and between 1 and 10% for most products of animal origin not intended for human consumption. For products with a known health risk, the Commission may increase the degree of checking and may require compulsory sampling.

Pre Notification

It is a legal requirement that all importers notify the authority responsible for the BIP of the intended arrival of the consignment. This is usually in the form of the CVED which may be submitted through the TRACES system.

Charging

There is a minimum standard charge to cover the cost of veterinary checks and this must be paid before consignment release. The actual cost may be levied if the cost of inspection is greater than the standard minimum. Further charges may also be levied for laboratory examination or analysis. Charges may differ between BIPs.

Satisfactory Checks

On satisfactory completion of checks at a BIP, products may be released for free circulation into the Community. Consignments may also be released for purposes other than human consumption or removal under customs control to another member country where the product will be finally cleared.

Unsatisfactory Checks

Products failing to satisfy import conditions may be re-exported to a country outside the EEA. However, if the consignment is deemed a risk to human or animal health, or where the person responsible for the consignment fails to comply with a direction to re-export, it must be sent for destruction by incineration. All costs are to be met by the responsible person.

There is a right of appeal within one month of rejection to a Magistrates Court.

With the exception of the 'right of appeal', Judicial Review is the only form of redress against other enforcement activity carried out under the Regulations.

Smuggled Imports

UKBA have responsibility for illegal imports at ports while LAs are responsible inland.

IUU Fishing Regulation Council Regulation (EC) No. 1005/2008

Illegal, unreported and unregulated (IUU) fishing depletes stocks, destroys marine habitats, distorts competition, puts honest fishers at an unfair disadvantage, and weakens coastal communities particularly in developing countries.

The EU regulation to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing entered into force on 1 January 2010.

Only marine fisheries products validated as legal by the competent flag, or exporting, state can be imported to or exported from the EU.

A European black list has been drawn up covering both IUU vessels and states that turn a blind eye to illegal fishing activities.

EU operators who fish illegally anywhere in the world, under any flag, face substantial penalties proportionate to the economic value of their catch which will deprive them of profit.

PERSONAL IMPORTS OF ANIMALS AND ANIMAL PRODUCTS

There are rules that permit the importation of small quantities of products of animal origin from certain countries for personal consumption. Personal import rules are found in Regulation (EC) No 206/2009 and are enforced by HMRC. Further detailed information may be found on the Gov.uk website.

ANIMAL FEED

Import controls for feed are mainly covered by EC Regulation 882/2004 and the domestic OFFC Regulations, where most of the provisions for feed are the same as those for food.

On May 16th 2016 two new regulations came into force:

The Animal Feed (Hygiene, Sampling etc and Enforcement)(Wales) Regulations 2016

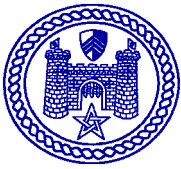
The Animal Feed (Composition, Marketing & Use)(Wales) Regulations 2016

The inspection of imported feed at ports in Wales is now undertaken by Trading Standards and the National Coordinator should be contacted:

Lindsay.horth@newport.gov.uk

USEFUL CONTACTS

APHA	apha@porthealthassociation.co.uk
Port health Expert Panel Carwyn Thomas	porthealth@pembrokeshire.gov.uk Tel: 01437 776390
Keith Rowlands Alexa Pieris Jane Peatey Paul Lindsay Kelly Lee	Keithrowlands@ynysmon.gov.uk apieris@valeofglamorgan.gov.uk jpeatey@valeofglamorgan.gov.uk Paul.lindsay@flintshire.gov.uk Kelly.Lee@newport.gov.uk
Animal feed coordinator	Lindsay.horth@newport.gov.uk
Welsh Government CEHO	chris.brereton@wales.gsi.gov.uk 02920 823168
FSA Wales	imported.food@foodstandards.gsi.gov.uk wales.foodincidents@foodstandards.gsi.gov.uk
FSA Imports and Exports Team	gary.welsh@foodstandards.gsi.gov.uk
Animal and Plant Health Agency Carmarthen Field Office	APHA.CymruWales@apha.gsi.gov.uk 0300 303 8268
DEFRA	www.defra.gov.uk helpline@defra.gsi.gov.uk
NI - Dept. of Agriculture & Rural Development	dardni.gov.uk
HMRC	www.gov.uk 0800 788887
UK Border Force	www.gov.uk



SWANSEA BAY PORT HEALTH AUTHORITY AWDURDOD IECHYD PORTHLADD BAE ABERTAWE

The Official Feed and Food Controls (Wales) Regulations 2009

NOTICE OF <DETENTION> <DESTRUCTION> <SPECIAL TREATMENT>
<RE-DISPATCH> <OTHER APPROPRIATE MEASURES>

To: *Insert importer's / person in control of feed / food name/address*

I being an authorised officer of Swansea Port Health Authority after consultation with you being the Importer or Feed / Food business operator, hereby give notice to you in accordance with *regulation 32 of The Official Feed and Food Controls (Wales) Regulations 2009* that I suspect that the consignment described in the schedule below fails to comply with feed or food law <and is injurious to human or animal health or unsafe> in that:

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

AND

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

I hereby require you to:- either

< Destroy the feed or food within 60 days of the date stated on this notice > or

< Subject the feed or food to the following special treatment within 60 days of the date stated on this notice >

<insert special treatment> or

< Re-dispatch the feed or food outside the Community within 60 days of the date stated on this notice.>

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

or

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

<insert appropriate measures>

(Note: * delete non applicable option/s)

The consignment is officially detained pending compliance with the terms of this notice

SCHEDULE: The consignment is officially detained pending compliance with the terms of this notice

Description:

Container:

Vessel:

Quantity: Total «quantity» Wt «weight»Kg

Lot Number/s

SIGNED[AUTHORISED OFFICER]

Name in capitals:

Date:

Address: Swansea Bay Port Health Authority
Kings Dock, Swansea SA1 8RU

Tel No: 01792 653523

Fax No: 01792 641718

E-mail: Swansea-bay@cieh.org.uk

NOTES

The Official Feed and Food Controls (Wales) Regulations 2009 (The OFFC Regulations)

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

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

Guidance Notes – Non-Compliant Imported Food (Non-Animal Origin)

The Official Feed and Food Controls (Wales) Regulations 2009 (the OFFC Regulations)

(Implementing 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)

This document provides guidance on the relevant provisions under the OFFC Regulations, which came into force on the 11th January 2006, for consignments, which do not meet the requirements of the relevant European legislation. It is intended to inform food operators importing food from third countries to a UK port of the options available. It is not a full or authoritative statement of the law or its interpretation and should be read in conjunction with the relevant legislation. Only the courts can decide authoritatively whether, in particular circumstances, an offence has been committed.

PRELIMINARY NOTES

- A. **The options stated in the accompanying letter/fax are those that are applicable to this consignment, which fails to meet the legal requirements for it to be placed on the market for human consumption.**
- B. **The offering of an option does not guarantee acceptance of your proposals.**
- C. **Where there is a public health or animal health safety concern we, Swansea Bay Port Health Authority, may withdraw or prohibit any option.**
- D. **Swansea Bay Port Health Authority (the Authority) will issue a notice under regulation 32. That notice should be issued within 7 days from the date of the accompanying letter/fax following confirmation of a course of action (option). Where no response has been made, a regulation 32 notice will be issued indicating the most appropriate course of action determined by the Authority.**
- E. **The importer/importer's representative shall be liable for any costs incurred by the Authority to action enforcement options for non-compliant consignments.**
- F. **The consignment is placed under official detention and movement is prohibited unless agreed by the Authority.**

The information in the accompanying letter/fax details the results of imported food controls undertaken on the consignment declared. Sampling and analysis (where applicable) has been conducted in accordance with the requirements set by relevant European legislation.

The accompanying letter is a consultation with you with regard to the options available to prevent this consignment from being placed on the market for direct human consumption. The letter outlines the options available to you in respect of this consignment.

These guidance notes refer to all options that may be offered in accordance with European legislation.

You are requested to respond within 7 days of receipt of the accompanying letter/fax with your proposed course of action, together with any further information and assurances applicable.

In accordance with the OFFC Regulations, if you the importer do not accept the results of any official analysis of a sample taken from the consignment, as detailed in the accompanying letter/fax, you may request a second opinion in the form of a further analysis carried out by the Laboratory of the Government Chemist. The Authority will have retained part of the original sample for this eventuality. As a precondition of your request being met, you may be required to pay the Laboratory of the Government Chemist's fees for carrying out the analysis.

Guidance on options available for non-compliant food consignments

1. Destroy the consignment

Should you wish to destroy the consignment you may wish to use the City & County of Swansea contracted waste disposal service or to use your own appointed waste disposal contractor.

Note: Where a non-compliant consignment is deemed to be injurious to health or unsafe it must be destroyed or undergo appropriate measures to protect consumer health.

a) Using [name] contracted waste disposal service.

Arrangements for destruction will be required to be made with the [name] waste disposal contractor (tel: ?) and all associated disposal costs are attributable to you. You will be required to sign a voluntary surrender document (available from the port health office) and provide details of destruction arrangements made with the waste disposal contractor. Supervision / confirmation of destruction will be made by a representative of this Authority.

Note: Liquid waste will require disposal at a site suitable to take such products.

b) Using your own appointed waste disposal contractor.

Should you wish to destroy a consignment using your own appointed contractor an authorised officer must agree to the suitability of the disposal arrangements. Disposal must be supervised by a representative from the relevant competent authority and all associated costs will be recovered from the importer or importers representative.

2. Subject the non compliant food to special treatment

The non-compliant consignment may be treated or processed to bring the food in line with community law or with the requirements of the third country of dispatch. Such treatment may include de-contamination in some cases but not dilution.

The non-compliant consignment may be eligible for sorting or physical treatment which is known to reduce the level of contamination before animal or human consumption.

Information will be required on the proposed process, future use, location of processing, transportation details and details of the relevant competent authority that will be undertaking the monitoring of the process. Arrangements for this monitoring must be co-ordinated with the competent authority in whose area the treatment or processing is to take place, in accordance with Article 4 (3) of Regulation (EC) No 882/2004.

3. Re-dispatch the consignment outside the EU for human consumption

A non-compliant consignment may be re-dispatched to a country outside the EU where the following conditions are met.

a) Return to the country of origin.

A non-compliant consignment may be returned to the country of origin where the importer or importer's representative has firstly informed the competent authority of the third country of origin of the reasons and circumstances for prohibiting import of the consignment into the European Community.

Evidence will be required to be submitted to the port health authority's satisfaction that this notification has taken place.

Where a consignment is considered to be **injurious to health or unsafe**, the consignment can only be destroyed or undergo appropriate measures to protect health, at the expense of the operator.

b) Re-dispatch to a country outside the European Community other than the country of origin

A non-compliant consignment may be re-dispatched to a country other than the country of origin where the importer or importers representative has firstly informed the competent authority of the third country of intended destination of the reasons and circumstances for rejection for prohibiting import of the consignment into the European Community.

In addition the competent authority of the third country of intended destination must notify this Authority that it is prepared to accept the consignment.

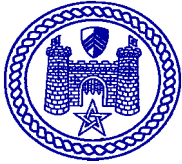
Where a consignment is considered to be **injurious to health or unsafe**, the consignment can only be destroyed or undergo appropriate measures to protect health, at the expense of the operator.

If the conditions for re-dispatch to the country of origin or an alternative third country are met a legal notice will be served specifying the details provided. If after the expiry of 60 days specified in the notice re-dispatch does not take place the consignment will be destroyed unless a delay is justified. All associated costs will be recovered from the importer or importers representative.

4. Other appropriate measures

Non-compliant consignments may undergo processing for use for purposes other than for animal or human consumption. Requests will be assessed on an individual basis and therefore information will be required on the proposed process, future use, location of processing, transportation details and details of the relevant competent authority who will be undertaking the monitoring of the process. The competent body at the destination will be informed. The appropriate UK competent authority may be consulted as to the viability of any option / proposal submitted. You will be required to complete an undertaking specifying the relevant details.

Failure to comply with an agreed course of action will result in legal action being instigated and/or destruction of the consignment.



SWANSEA BAY PORT HEALTH AUTHORITY AWDURDOD IECHYD PORTHLADD BAE ABERTAWE

THE TRADE IN ANIMALS AND RELATED PRODUCTS (WALES) REGULATIONS 2011

REGULATION 5 (3) NOTICE

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

To: (Person having charge of the products)

Of: Address & post code

Country of origin:

Country arriving from (if different to country of origin):

Identifying number (of container/airways bill etc):

I, being an authorised officer of Swansea Bay Port Health Authority acting under Regulation 32(6) of the above Regulations **herby give notice to you**, being the person appearing to me to have charge of the consignment or products described in the Product Details Schedule below, that I am detaining the products listed in that Schedule overleaf until a Customs officer takes charge of them, because I consider that they may have been introduced into Wales in breach of the Regulations.

Signed:

Dated this _____ **day of** _____ **20**__

Name:

Title / Position Held: Director of Port Health Services

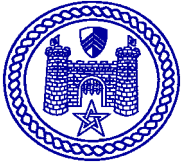
Official Address: Swansea Bay Port Health Authority, Kings Dock, Swansea, SA1 8RU

Tel No: 01792 653523

E-mail: Swansea-bay@cieh.org.uk

Product detail Schedule

Product detail					
	Description	Date & time detained by Swansea Bay Port Health Authority	Date & time notified to Customs	Storage location	Date & time Customs attended
1					
2					
3					
4					



SWANSEA BAY PORT HEALTH AUTHORITY AWDURDOD IECHYD Porthladd Bae Abertawe

THE TRADE IN ANIMALS AND RELATED PRODUCTS (WALES) REGULATIONS 2011 ("The TARP Regulations")

REGULATION 19 NOTICE: Unchecked consignments

To:

Address:

1. I being an authorised officer for Swansea Bay Port Health Authority acting under regulation 19 of the TARP Regulations, hereby give notice to you, being the person appearing to me to have charge of the consignment or product / the person responsible for the consignment or product described in the schedule below, that this consignment has been,

- (i) Brought into Wales other than through a Border Inspection Post approved for that animal or product;
- (ii) Removed from a Border Inspection Post without a CVED or the authority of the Official Veterinary Surgeon at the Border Inspection Post;
- (iii) Transported from the Border Inspection Post to a destination other than that specified in the CVED.

2. I further give you notice that I am taking charge of the said consignment or product and, in accordance with Regulation 20(3), I am going to -

- (a) Dispose of the consignment as Category 1 material in accordance with Regulation EC 1069/2009; or
- (b) Where health conditions permit, require you to dispatch the product outside the of the European Union from the same Border Inspection Post to a destination agreed with you, using the same means of transport, within a maximum time limit of 60 days; or
- (c) If (b) above is not possible or the time limit has expired or if you agree to do so, destroy the product(s).

3. Words and phrases used in this Notice have the same meaning as in the TARP Regulations.

Dated this _____ **day of** _____ **20**

Signed:

Name:

Title/Position Held:

Official address:

Swansea Bay Port Health Authority, Kings Dock,
Swansea SA1 8RU

Tel No: 01792 653523

E-mail: Swansea-bay@cieh.org.uk

Schedule

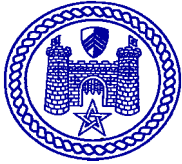
Type of Product

Quantity

Health Certificates

CVED

Country of Origin



SWANSEA BAY PORT HEALTH AUTHORITY AWDURDOD IECHYD PORTHLADD BAE ABERTAWE

REGULATION (EC) 882/2004, ARTICLE 18

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

OFFICIAL DETENTION

To:

At:

I am writing to inform you that the food listed in Schedule 1 overleaf has been placed under official detention in accordance with the provisions of Article 18, Regulation (EC) 882/2004 and (delete as applicable):

- a) Must not be removed from its current location at: (insert current location of food)
- b) Has been removed to: (insert address where food has been removed to)

Pending the results of official controls because: (insert the reason why the food has been placed under official detention)

The food listed in the Schedule below must not be placed on the market until you have been provided with written confirmation from the food authority that it is acceptable to do so.

Signed: **Date**/...../.....

Name ...
Position held Director of Port Health Services...
Address of food authority Swansea Bay Port Health Authority
 Kings Dock
 Swansea SA1 8RU
 Tel: 01792 653523 E-mail: Swansea-bay@cieh.org.uk

Notes:

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

Schedule

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

Name of food	Quantity	Description	Date/lot code	Origin

GUIDANCE

Notes from the APHA Imported Food and Feed Manual 2012

The 8 Steps of Official Controls

Step 1 - REVIEWING ARRIVALS LISTS AND MANIFESTS

Your first priority is to ascertain what food and feed, if any, is entering your port. For seaports this is a fairly simple task as you benefit from detailed manifests with advanced notice of the arrival of the consignments. If available, arrival lists and manifests are the easiest documents to review and make an assessment on whether food and feed is entering your port, and the point of origin.

ARRIVAL LISTS are available from port terminal operators and will list all vessels or aircraft that are due to arrive into your port. Each arrivals list will be laid out differently depending on which company produced it but generally you would expect to find:

- Name of port terminal
- List of vessels arriving into that port
- Date & time of arrival
- Port & Country of origin
- The exact location i.e. berth / quay etc
- Commodity
- Agent

To obtain a copy of an arrivals list contact your local terminal operator(s) and ask for them to be routinely sent to you. Once you are receiving arrival lists you can easily check to see what vessels are due to arrive and then you can follow it up by checking on the appropriate manifest.

MANIFESTS: A transport document detailing a summary of all cargo (and/or passengers) on ships. It is issued by a carrier or its agent for each voyage. Each manifest is slightly different depending on which company produced it but generally you would expect to find:

- Voyage number
- Name of vessel
- Loading port / country
- Discharging port / country / terminal
- Nationality of vessel
- Sailing date / arrival date
- Marks & No. Description of Goods, Number and Kind of Packages, Weight, container number
- Coding to indicate whether the goods have EU clearance or not, (not always present)
- Bill of Lading number
- Shipper, consignee / consignor

To obtain a copy of a vessels manifest, contact your local port terminal operators and ask for them to be routinely sent to you. Once you are receiving manifests you can easily check to see what food & feed, if any, is arriving into your port from 3rd countries. It is also important to note that manifest descriptions are often woefully inaccurate and may need to be followed up with the agent/importer to find out exactly what the consignment is. **The next step is to ascertain whether you need to carry out risk based checks on the consignments...**

Step 2 – DO YOU NEED TO CARRY OUT RISK BASED CHECKS?

Has the Consignment Received Full Customs Clearance? There are various ways to find out the customs status of a consignment and if it has been granted 'Free Movement' within the EU:

- Manifests** – On some manifests the customs status is declared. However, please note that it can be different on different manifests depending on who produces the manifest. It could be declared as C, EU-Status, Non or another declaration. If you receive a manifest and it is not clear then contact the person / organisation that provided it to you and check the status.
- Contacting the importer / agent** – If you are checking manifests for consignments then the manifest should also indicate who the importer / agent is so you can contact them to find out the customs status.

If you do not receive manifests but are informed by agents / importers about consignments arriving into the port then they should also be able to inform you of the customs status.

- **Customs Hub** – You could contact the customs hub directly however you will need the customs entry number for the consignment for them to check the status. This will be available from the importer / clearing agent.

If the consignment has received full customs clearance, no further checks are necessary unless you have a suspicion that it contravenes food and feed law. If the consignment hasn't received full customs clearance the next step is to review the Food & Feed checklist to ascertain whether the consignment warrants further checks...

Step 3 - FOOD & FEED CHECKLIST

You are now aware of food and feed arriving into your port from either a 3rd country or the EU, with no customs clearance. The decision which checks, if any, to carry out will be dependent on the following risk based factors. A documentary check may be needed to inform these decisions.

- Are you aware of any statutory requirements relevant for this consignment?
- Are you aware of any identified risks associated with the product?
- Are you aware of any known issues regarding the history of compliance for the country of origin (3rd C or EU) the exporter and/or importer?
- Are you aware of any issues regarding the reliability of any checks that have already been carried out?
- Has the product already been sampled? If so were the results satisfactory?
- Are you aware of any information that might indicate non-compliance?
- Are you aware of any food alerts for this consignment eg RASFF notifications, withdrawals
- Is it a priority product included on the FSA annual priorities?

LA Feed law enforcement is usually undertaken by Trading Standards Officers (TSOs), although in some unitary authorities and London Boroughs, EHOs enforce feed law. If you identify that feed is entering your port, advise your local TSO or appropriate EHO and they will follow the checklist below:-

FEED CHECKLIST- in addition to the above:

A) Nature of the product: *Straight animal feed materials such as soya, groundnuts or grains will probably warrant inspection, as will additives. Manufactured compound feeds will generally not, unless previously advised.*

Q. After reading the above paragraph does the consignment warrant checks? "

B) The importer: *An unknown feed importer will usually warrant inspection, and also enquiries to be made of Home Authorities to see if they are aware of the business and if it is a registered Feed Business Operator FeBO.*

Q. After reading the above paragraph does the consignment warrant checks? "

C) Is it possible and safe to sample the product? *Some products e.g. liquids in bulk containers may not be possible to sample. An identity check can be performed and if sampling is deemed advisable contact should be made with the local authority of the destination FeBO to see if arrangements can be made to sample there.*

If you answered 'NO' to all of the questions then no further checks are necessary. Go to page manual 18 for details of recording and traceability. If you answered 'YES' to any of the questions, further checks are required...

Step 4 - PRODUCT CHECKS – DOCUMENTARY / IDENTITY / PHYSICAL

Article 16 of EC 882/2004 specifies that checks should include at least; a systematic documentary check, a random identity check and, as appropriate, a physical check.

Documentary checks: Examination of any commercial documents such as a manifest, packing note, invoice, bill of lading or air-way bill etc. and, where appropriate, documents required under feed or food law that are accompanying the consignment. For examples of commercial documents see appendix x.

Identity checks: Visual inspection of the product itself to confirm that the products match the information given in any of the accompanying documentation.

The checks should not be restricted to product immediately visible when opening any consignment but by using a variety of areas from within the consignment.

Physical checks: A check on the feed or food itself which may include several or all of the following components:

- Transport conditions including thermograph records, evidence of damage or alteration, evidence of pest infestation, etc
- The product – temperature, weight, sensory (Visual, odour, taste)

- Packaging integrity and labelling
- Sampling for analysis and laboratory testing
- Any other check necessary to verify compliance with feed or food law.

If a port does not have appropriate facilities then the checks on the consignment can be deferred until it reaches its next destination however this does not apply to all categories of product.

- **If you think consignment warrants the taking of sampling for analysis, see step 5,**
- **If you think consignment warrants enforcement action see step 6**
- **If you are happy to clear the consignment for circulation go to manual page**

Step 5 - SAMPLING

If you suspect that a consignment does not meet food safety requirements then it can be detained and sampled under section 9, FSA 1990. There are 2 options available to you:-

DEFERRED SAMPLING If you don't have the qualified personnel and sampling facilities available, under regulation 27 of the OFFC Regulations you can defer the sampling to be carried out by an inland Local Authority at the point of destination. To action this, the person importing the product must give you an undertaking in writing. For further details see The Official Feed and Food Controls (Wales) Regulations 2009

SAMPLING TO TAKE PLACE AT YOUR PORT. If you choose to carry out the sampling yourselves, see the checklist below:

FOR FURTHER INFORMATION / GUIDANCE ON SAMPLING:

- For sampling guidance - <http://www.food.gov.uk/foodindustry/guidancenotes/foodguid/guidance/>
- For micro criteria guidance regs – <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:338:0001:0026:EN:PDF>
- FSA Code of Practice - <http://www.food.gov.uk/enforcement/enforcework/foodlawcop/>
- FSA Practice Guidance www.food.gov.uk/multimedia/pdfspracticeguidanceeng.pdf

SAMPLING CHECKLIST: (Please note not all points may apply at every port)

Before sampling:

- Is the sampling officer appropriately authorised in accordance with FSA COP 1.2.7?
- Do you have the necessary sampling equipment?
- Do you have sufficient suitable storage for the consignment if needed?

Have you informed the relevant people that you intend to take samples?

- Terminal / Shed Operator so they place consignment on hold
- Agent / Importer. Are there any additional costs that they need to be aware of?
- Public Analyst / Food Examiner to schedule sampling
- Local Courier to arrange appropriate transport of samples
- Colleagues (EHO, TSO, FSA, AHVLA)

Taking the sample:

- Ensure you have the right equipment with you
- Ensure the consignment is located in a suitable location to avoid contamination.
- Identify the 'lot' that needs to be sampled. It can generally be identified as items that were delivered at the same time with common characteristics such as origin, variety, packer etc.
- Identify a suitable sample size that's related to the size of the overall batch
- Take small 'incremental' samples randomly throughout the 'lot' to create an aggregate sample for analysis
- Ensure correct storage and transportation of sample to avoid contamination
- Make appropriate records including Reference No's, Officer Details, Product Details, Location & Date of Sample and Lab Details

Results

Satisfactory:

- Release the consignment if on hold.
- Record the results
- Inform importer / agent and anyone else of results

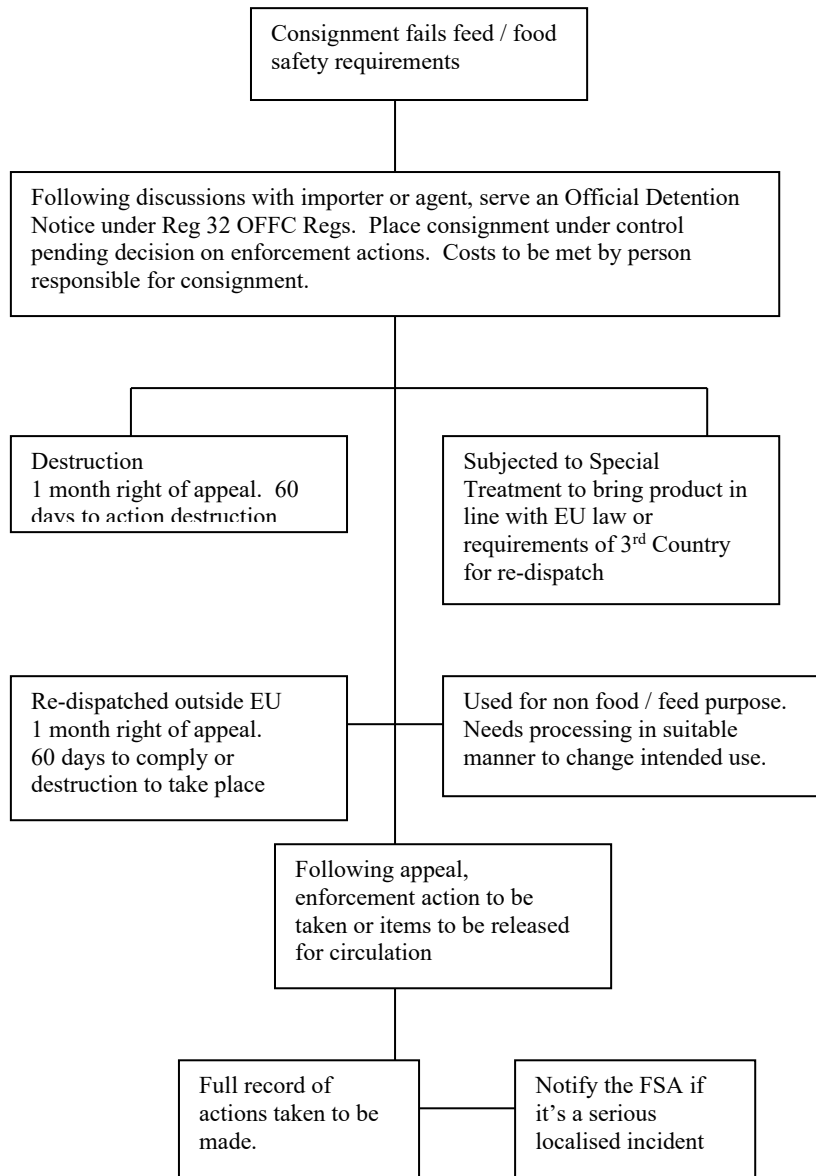
Unsatisfactory:

- Ensure consignment is detained by informing the port/terminal operator
- Inform importer / agent of results and discuss options available (See official Controls Step 6 Enforcement action)

- Consider the following: RASFF/Food Alert/liaison with FSA/receiving LA notified.
- Record information

Step 6 - UNSATISFACTORY RESULTS –ENFORCEMENT ACTIONS

See Page xx for Enforcement actions for incorrectly or illegally imported POAO or ‘High Risk’ Products. You must record the details of any enforcement actions and risk based checks - *see page 18*



Step 7 - SATISFACTORY RESULTS RECORD KEEPING AND TRACEABILITY

As part of your Service Planning, it's imperative that you keep a record of any actions that have been taken and that you have full traceability of items from third countries that are entering your port.

RECORD KEEPING It is your responsibility to maintain up to date accurate records in retrievable form for all relevant checks on imported food and feed in accordance with Codes of Practice.

Items to record could include any of the following:

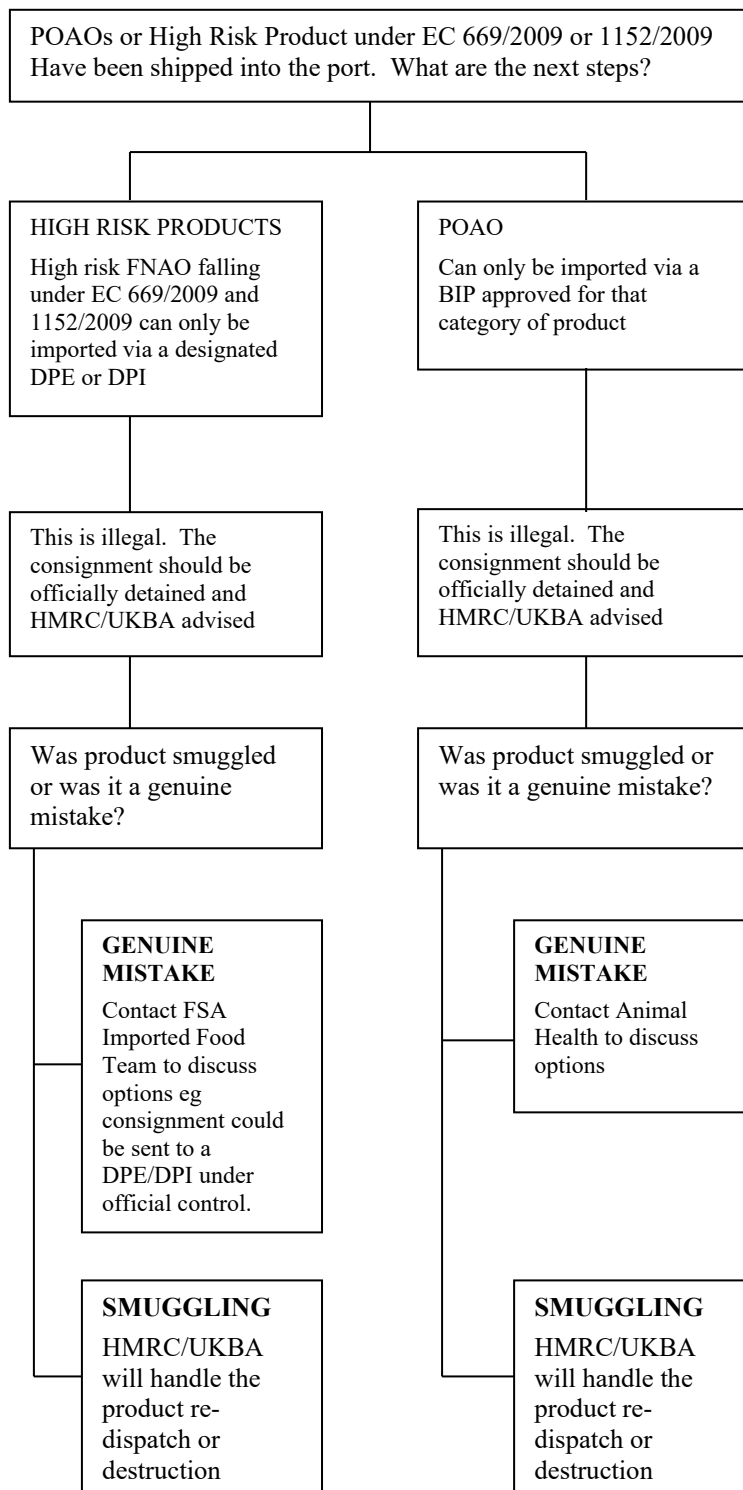
- Reports of all interventions / inspections
- Actions that were taken to determine compliance i.e. risk based assessments
- Details of action taken where non-compliance was identified - including the type of check and any sampling results
- Details of any enforcement action taken
- Number and type of consignments
- Adequate referencing system for consignments
- Details of agent / importer / exporter / country of origin

- Relevant documentation – manifest page, arrivals list

It is imperative that all records are up-to-date and accurate as your local authority needs to submit details of all enforcement activity to the FSA on an annual basis, using the LAEMS database (Local Authority Enforcement Monitoring System). Your LA will be carrying out internal monitoring checks on an ongoing basis to ensure that this is the case.

Step 8 - INCORRECTLY IMPORTED PRODUCTS

See below for details on how you should manage any POAO or high risk products that have been incorrectly or illegally imported. For more information see EC 882/2004 - the Official Controls Food & Feed.



OTHER USEFUL SOURCES OF GUIDANCE

APHA HANDBOOK 2018/19

www.gov.uk Guidance on Importing and Exporting Live Animals and Animal Products

**FSA/APHA Effective Import Controls for food and feed NAO at smaller ports and airports
2012**