

**APHA 2009 conference**

**Implementation of the Official  
Feed and Food Regulations at  
points of entry**

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## Aims of presentation

- To provide some general background on Regulation 882/2004 and its application in the UK.
- To provide an update on the adoption of EU implementing rules for controls for 'high-risk' feed and food of non-animal origin (non-POAO) from third countries – Article 15.5.
- To outline the measures that the Agency is developing to give effect to these rules in the UK.



## Regulation 882/2004 - background

- Adopted in April 2004.
- Requirements for the 'competent authorities' responsible for organising and undertaking official controls in respect of feed and food law (and animal health and animal welfare rules).
- Important elements include rules on import controls and on financing of official controls.
- Most provisions applied from 1 January 2006, and those on financing of controls from 1 January 2007.



# Regulation 882/2004 – responsibility for UK application

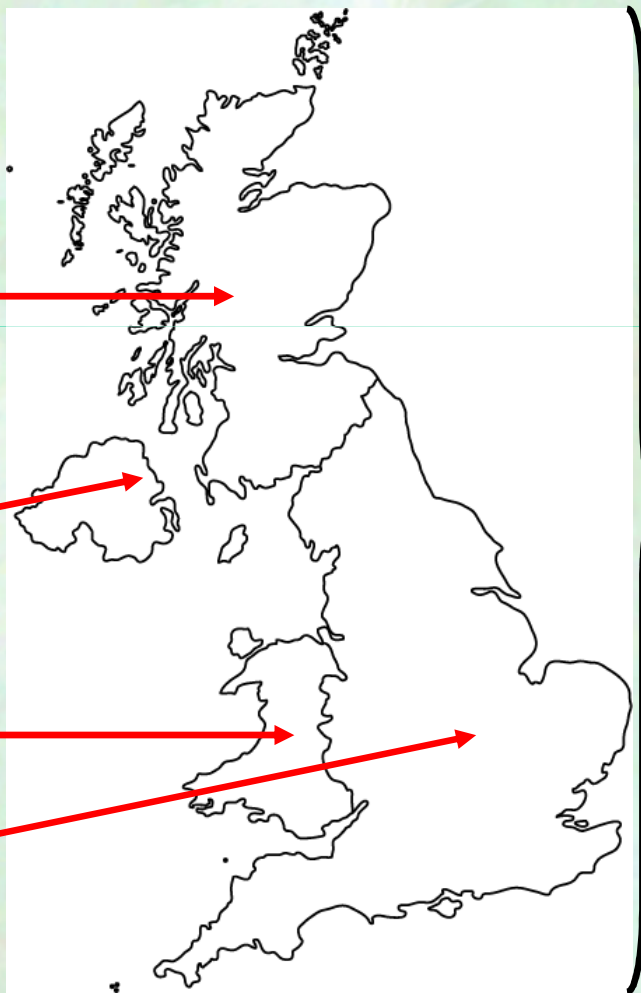
Other feed and food elements (+ animal health & welfare elements)

Scottish Government

Department of Agriculture and Rural Development (NI)

Welsh Assembly Government

Defra



Most feed & food elements

Food Standards Agency



## Regulation 882/2004 – principal domestic legislation

- Official Feed and Food Controls (England) Regulations 2007, and parallel legislation in Scotland, Wales and Northern Ireland – OFFC Regulations:
  - designate the competent authorities;
  - extend the FSA's function to monitor and audit enforcement authorities; and
  - provide for the enforcement of the rules for checks of third country non-POAO imports.
- Official Controls (Animals, Feed and Food) (England) Regulations 2006, and parallel legislation in Scotland, Wales and Northern Ireland.



# **Import controls for 'high-risk' feed and food of non-animal origin**



## Regulation 882/2004 – import controls

- Regulation 882/2004 includes requirements for official controls of non-POAO feed and food from third countries.
- Relevant provisions at Articles 15 to 24.
- Establishes a framework of controls for non-POAO products that represent a known or emerging risk ('high-risk').
- Brings arrangements for 'high-risk' non-POAO more into line with those for POAO.



## Framework for import controls for 'high-risk' non-POAO

- Commission empowered to establish list of 'high-risk' non-POAO to be subject to an increased level of controls (Article 15.5).
- Importers required to pre-notify the relevant authorities of the arrival of consignments.
- Products must be presented at specific points designated to carry out appropriate controls.
- Allows for the possibility of establishing a system of fees.



## Implementing rules to give effect to framework

- Commission Working Document issued in November 2006.
- FSA public consultation – 1 March to 24 May 2007.
- Commission reach agreement on rules in March 2009.
- Commission Regulation (EC) 669/2009 published in July 2009 and will apply from 25 January 2010



## Key issue – list of ‘high risk’ products

- Cascade approach – safeguard measures under Article 53 of Regulation 178/2002 on general food law to be maintained.
- Criteria for including products in list - RASFF notifications, intelligence from Member States, information from FVO inspections etc.
- Review – reporting by Member States, and consideration by Standing Committee on the Food Chain and Animal Health.
- Frequency of checks.



## Key issues – prior notification

- Standard documentation - Common Entry Document (CED).
- Prior notification to Designated Point of Entry (DPE).
- Timing of prior notification – at least one working day before physical arrival.



## Key issues – designated points for carrying out official controls

- Designated points of entry must meet minimum requirements:
  - suitably staffed;
  - equipment to unload and sample consignments;
  - facilities to undertake checks; and
  - sufficient storage capacity.
- An up-to-date list of DPE made publicly available.



## Key issues – Increased level of controls at DPEs

- Documentary checks within two working days (unless unavoidable or exceptional circumstances arise).
- Completion of identity and physical checks (as soon as technically possible).
- Completion of CED before release for free circulation.
- Onward transportation pending results?



## Key issues – Reporting to the Commission

- Member States required to report the outcome of increased controls on a quarterly basis:
  - size and weight of each consignment;
  - number of consignments subjected to sampling for analysis;
  - results of checks carried out.
- Commission will compile results and make them available to Member States.



## Key issues – Fees

- Mandatory fees for increased controls.
- Criteria taken into consideration:
  - salaries of staff involved;
  - costs of facilities, equipment, training and travel etc;
  - costs of sampling and laboratory analysis.
- Feed and food business operators responsible for the consignment liable.



## Implementing rules – next steps

- Commission to develop guidelines on principles and criteria for deciding which products should be included and review the list subject to this before application.
- Commission to develop guidelines on the technical application of the Regulation.
- Agency will participate and report the outcome of on-going EU-level discussions and developments via website.



## Implementing rules – next steps

- Amendment of OFFC Regulations to give effect to the new rules – by end of 2009.
- Arrangements for designating points of entry.
- Arrangements for reporting the outcome of controls to the Commission.
- Guidelines for the competent authorities and for feed and food business operators on the technical application of the Regulation.
- Public consultation.



**Any questions?**

