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‘Making Every Inspection Count’

‘Effective Imported Food Control’

Imported Food Advice for Local Authority Food Law Enforcement Team Managers with responsibility for inland imported food control and at smaller seaports and airports

Audit and Monitoring Branch and Imports and Official Controls Branch Food Standards Agency

Food Standards Agency (FSA) audits of local authorities’ food law enforcement arrangements have identified core Service areas critical to maintaining effective service provision and improving imported food controls. This advice highlights some simple and practical issues which have featured most frequently in relevant published audit reports as critical areas of good practice or areas for improvement.

This summary seeks to provide local authority Service managers with some key information or prompts that may assist in managing and monitoring imported food control.

We would be pleased to receive any comments on the usefulness of this advice or, more widely, suggestions for any additional guidance that would be welcomed by local authority Service managers.

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November 2011

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Key Tasks

All local authorities have responsibilities for imported food control.

Authorised officers working for inland local authorities (LAs) should ensure that their routine food hygiene and food standards inspections/interventions, and complaint investigation work, takes account of importers and other businesses handling imported food and imported food related issues. Reasonable steps should be taken to assess the legality of imported food from non-EU countries¹ and effective action taken on non-compliance in order to protect public health.

LAs or port health authorities with smaller ports (sea and air), including ports with infrequent or irregular food import trade, should carry out targeted, risk-based, proportionate and systematic checks on imported food/consignments to ensure that food from non-EU countries meets imported food law requirements. Officers should generally be aware of what foodstuffs are being handled at the relevant point of entry, utilising a risk-based, intelligence led approach to enforcement and surveillance.

Core Areas

FSA imported food audit programmes² have focused on three core areas which are critical to effective control of imported food from non-EU countries. In each of these areas there are some fundamental questions for any manager:

1. Identification of imported foods

- *Does the Service know what businesses are importing food in their area?*
- *Are officers identifying and prioritising imported foods from non-EU countries that are potentially higher risk, including those subject to enhanced controls and Products of Animal Origin (POAO) for consideration?*
- *Where applicable, does the Service know if/what food consignments are being imported through a point of entry in their area and the main importers involved?*
- *Is the LA food business database maintained and up to date?*
- *Are sufficiently detailed and accurate records of key imported food business operations, foodstuffs including country of origin and compliance histories being maintained and managed?*
- *Is intelligence shared appropriately with other authorities?*

¹Imported food from countries outside the European Union http://europa.eu/about-eu/countries/index_en.htm

²The FSA reports of individual local authority audits are published and available from the Agency's website, together with audit programme summary reports at: <http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/>

2. Implementation of effective controls

- *Where a food business imports higher risk foods is this being taken into account when assessing the risk of the business?*
- *Are risk-based, systematic and proportionate checks on imported food being carried out at a frequency that prioritises and reflects the risks presented by individual food businesses? Does this include carrying out checks at points of entry that handle imported food and at the first destination after import?*
- *Is there assurance that higher risk products are appropriately imported through designated ports and not entering through non designated points of entry or Border Inspection Posts?*
- *Are product traceability checks a routine part of inspections/ interventions?*
- *Do inspection assessments identify the significant issues of business non-compliance with imported food law, and are these recorded on file?*
- *Are officers' records of observations made during inspections/ interventions comprehensive and retrievable?*
- *Are appropriate follow-up actions being taken to deal effectively with imported food non-compliance/unsatisfactory consignments?*

3. Service planning, management and support activities

- *Do LA Service Plans take account of imported food issues and consider resource demands and availability including out of hours considerations?*
- *Are officers individually and appropriately authorised, trained and competent to deal with imported food?*
- *Are imported food procedures appropriate and up to date?*
- *Is there a system in place and implemented to monitor imported food activities qualitatively and quantitatively, and to ensure that any identified issues result in Service improvements?*
- *Is there appropriate liaison and communication with key central and local bodies involved with imported food and with imported food businesses?*
- *Are serious imported food incidents reported to the Agency and action taken appropriately?*
- *Do monitoring returns to the Agency accurately reflect the authority's imported food responsibilities and the level of activity undertaken?*

Managers should be able to answer 'yes' to all of these questions. These points are expanded upon over the next few pages to help with this process.

Core Areas: Key Issues, Common Problems and Useful Tips

Identification of Imported Food

Key issues:

Complete, up to date, accurate and reliable databases of local food businesses³, including points of entry for imported food, are essential to enable managers to know of all the relevant businesses located in their area and to provide the basis for comprehensive risk-based inspection and intervention programmes. It is important to be aware that food businesses that may have been identified on the database as lower risk may be importing higher risk foods.

An up to date and accurate database would assist in targeting resources at higher risk imported food premises.

LAs with a point of entry should be aware of the volume and nature of foods entering the port.

NOTE: Published FSA audit protocols and checklists provide examples of more thorough checks that can be undertaken across all food/feed law enforcement service areas, including database management reports devised by Agency auditors to identify data inconsistencies, anomalies and errors⁴.

Common Problems:

- **Food importers and food businesses, in particular those premises that are the first destination after import and businesses handling (higher risk) imported food, not identified as such on the LA's database/ records. Such premises might include a local food manufacturer, caterer, retailer, or wholesaler.**
- **Database not up to date, incomplete, and/or with anomalies and inaccuracies. No routine monitoring of data entries and/or incomplete records not picked up.**
- **Insufficient intelligence gathering to identify food imports from non-EU countries. Lack of routine, planned, systematic checks at smaller ports, enhanced remote transit sheds (ERTS) and international rail terminals to identify imported food.**

³ Businesses registered and approved in accordance with Article 31(1b) of 882 & Article 31(2c) of 882 respectively.

⁴ FSA Audit protocols and checklists are available from:

<http://www.food.gov.uk/enforcement/auditandmonitoring/auditscheme/auditdocs>

Useful tips:

- **Routine cross-referencing checks of businesses held on the premises database against other listings of local businesses and imports data e.g.:**
 - List of ERTS - updated monthly and available through the Agency's website www.food.gov.uk/foodindustry/imports/enforce_authorities/ertslist
 - HMRC list of sea and airports
www.uktradeinfo.com/index.cfm?task=AirportCodes
www.uktradeinfo.com/index.cfm?task=SeaportCodes
 - Importers details available through registration on HMRCs UK trade information website
www.uktradeinfo.com/index.cfm?task=td_importdetails
 - Other internal LA databases e.g. Planning, Business Rates and Building Control
 - Other LAs covering the same administrative areas e.g. District and County authorities and with relevant Port Health Authorities
 - Directory and web-based food/trade guides (particularly for importers, other 'less visible' imported food businesses)
 - Port operator and trade sites to identify ports, docks and wharfs etc e.g.: ports.org.uk/
 - Information obtained from port operator.
- **Use of the database software reporting facility, or a simple spreadsheet to monitor the database⁵.**
- **Checks of completed food registration forms to identify food importers.**
- **Routine, planned communication with port operator, other enforcement bodies and imported food businesses to establish level and type of imports e.g.:**
 - Visits to the port or contact by telephone, electronic mail or other communication with port operator, agents and importers to gather intelligence on imported food activities
 - Surveillance/enquiries by non food LA officers during routine visits e.g. during ships inspections or other visits to provide intelligence on imports
 - Informal notification systems such as a signed undertaking by port operator

⁵ FSA Audit advice on internal monitoring 'Making Every Inspection Count' is available from:
<http://www.food.gov.uk/multimedia/pdfs/enforcement/everyinspection.pdf>

to notify LA of imported food consignments at ports where there is no permanent LA presence and that are not considered a point of entry for food

- Liaison with HMRC and UKBA regarding imported food activity and status of goods
- Random checks of sheds, ERTS, cargo holding areas to verify information arrangements in place
- Checks of ships manifests and liaison with transit shed operators to obtain copies of airway cargo lists to identify volume, country of origin, status and nature of trade.

Implementation of Effective Controls

Key issues:

Inspection/intervention programmes must be effective, risk-based and proportionate with appropriate follow-up on non compliance; central to this are comprehensive assessments of imported food to assess compliance with Regulations.

Inspection/intervention programmes should be targeted at higher risk establishments. In imported food terms, at inland LAs this would include premises receiving higher risk non-EU country imports – in particular food businesses that are the first destination after import and those that handle POAO.

LAs with smaller ports that regularly receive imported food consignments should carry out risk-based, proportionate and systematic checks on imported food. At seaports and airports, ERTS and international rail terminals documented procedures on arrangements to identify imported food and carry out these checks should be in place. Records must be kept of the number and type of imported food consignments together with information on checks carried out. The information should provide consignment traceability and allow effective internal monitoring.

LAs with ports where there is no permanent LA presence (occasional ports) and those that are not considered a point of entry for food, should communicate at least once every three months (to take account of fluctuations in trade including seasonal variations) with the port operator, UKBA and/or other commercial operators to confirm imported food activity. This should enable risk-based judgements to be made on targeting of enforcement action and to ensure that appropriate imported food controls are in place.

Common Problems:

- **Failure to consider all food businesses when devising annual inspection/intervention programmes.**
- **Failure to integrate imported food control into routine food hygiene and food standards inspections/interventions.**
- **Lack of appropriate inland checks on the legality of food imports e.g. checks of Common Entry Documentation (CED) and Common Veterinary Entry Documentation (CVED) at first destination inland for higher risk products and POAO, including appropriate liaison between authorities.**
- **Lack of three monthly checks at occasional ports to identify imported food activities and/or records of checks.**
- **Lack of liaison with other bodies/ intelligence gathering on imports coming into the area and failure to carry out appropriate checks at smaller ports.**

Useful tips:

- **Ensure that inspection/intervention programmes take account of higher risk imported food businesses** and that inspections/interventions are focused on higher risk.
- **Inspection/intervention forms include an 'inspection/enforcement summary sheet'** of key issues for next intervention/inspection, and a file information **'fly sheet' summary** to include any imported food issues and traceability data –main suppliers/customers; imported food higher risk products/CED and CVED checks/country of origin.
- **Inspection procedures and aides-memoire provide sufficient prompts on imported food** to ensure they are inspected in accordance with specific legislation, form an integral part of inspections and to facilitate sufficiently detailed records of key business, inspection and compliance data.
- **Record the nature and outcome of three monthly checks at occasional ports.**
- **Consider additional food standards advice in the Practice Guidance (chapter 4.5) when risk rating food standards premises** to take into account potential risk of chemical contamination of food in particular with respect to imported food and food ingredients.

Service Planning, Management and Support Activities

Key issues:

Effective imported food control delivery should be underpinned by service planning, organisation, management and control of food hygiene and food standards, together with management monitoring and review to identify any gaps in the controls, to secure service improvements and to match appropriate resources with prioritised demands.

Service planning should ensure that on-going, risk-based and intelligence led approaches at ports and inland, together with appropriate surveillance and enforcement, effectively address known and emergent problems.

Officers should be familiar with the legislation they enforce, the Food Law Code of Practice and relevant imported food guidance – so that officers are competent and appropriately authorised to undertake imported food controls and related enforcement action.

Effective liaison and communication should be in place with key bodies and businesses involved in imported food activities.

Common Problems:

- **Service Plans not taking account of imported food control and inadequate consideration of resource allocation to meet identified service demands.**
- **Lack of up to date policies and procedures and document control systems.**
- **Lack of officer awareness of current import controls and officer authorisations not up to date and no process for individual officer competency assessments.**
- **Inadequate liaison arrangements.**
- **Poor internal monitoring which does not encompass imported food control.**
- **Poor record keeping for imported food activities.**
- **Monitoring returns to the Agency that do not fully capture imported food activity, including sampling and enforcement action in the relevant section of the return.**

Useful tips:

- **Make use of imported food resources provided by the Agency.** Links to key documents are provided at the end of this advice note.
- **Uptake Agency training** – the Agency continues to provide a programme of free regional based training across the UK to ensure that port health and LA officers, including inland officers, are kept up to date with current legislation and are given practical guidance on the implementation of imported food official controls. For more information please contact : ABC Food Safety Ltd tel: 01603 821011 or email: Sharon.bowles@foodsafety.co.uk
In addition online imported food training can be accessed at: www.importedfood.co.uk and is also provided free of charge.
- **Maintain up to date systems and procedures** ensuring they include imported food control.
- **Share expertise and good practice amongst colleagues**
 - LAs with larger ports have provided valuable assistance and expertise to LAs with smaller ports
 - Participate in relevant imported food networks e.g. APHA and CIEH Port SIG
- **Make contact and liaise with relevant bodies locally to provide a basis for intelligence gathering e.g.:**
 - DEFRA, UKBA, HMRC, AHVLA, HPA, FERA, relevant County or District Council and Port Health Authority .
- **Include an item on imported food on team and liaison group meeting agendas to encourage discussion and exchange of information.**
- **Where appropriate, invite a representative from the relevant PHA to participate in liaison group meetings.**
- **Provide intelligence on inland imported food non-compliance to the PHA at the relevant point of entry to help target their future surveillance activities.**
- **Ensure intelligence on food fraud is fed back to the Agency.**

Further information:

For further information about imported food controls visit
www.food.gov.uk/foodindustry/imports/

For further advice about the enforcement of imported food controls contact
imported.food@foodstandards.gsi.gov.uk or call 020 7276 8018

Useful resources on imported food control are available:

- Inland Enforcement of Imported Food and Feed Control Resource Pack:
www.food.gov.uk/foodindustry/imports/enforce_authorities/resourcepack
- Food Law Practice Guidance- Annex 14 – Guidance for food authorities on import of food from non-EU countries:
www.food.gov.uk/foodindustry/guidancenotes/foodguid/importoffoodguidance
- Guidance and Regulatory Advice in Import Legislation – GRAIL database:
www.food.gov.uk/foodindustry/imports/enforce_authorities/grail
- Agency resources to assist authorities to tackle food fraud:
www.food.gov.uk/enforcement/workwithenforcers/foodfraud/lafoodfraud/
- Guidance on completing the LAEMS imported food control screens:
www.food.gov.uk/enforcement/auditandmonitoring/laems/laemsimportguide
- Imported Food/Feed sampling grants, for more information on the programme of funding for the sampling and surveillance of imported food and feed please contact standards.support@foodstandards.gsi.gov.uk
- Higher risk foodstuffs including those subject to enhanced controls – for the table of foodstuffs with current EU restrictions please see:
www.food.gov.uk/foodindustry/imports/banned_restricted/restricted_foodstuffs
- Imported Food and Feed Working Group (IFFWG) – a forum attended by key stakeholder representatives including PHA/LA enforcement officers to co-ordinate improvements in, and support for, import controls by local and central government: www.food.gov.uk/foodindustry/imports/agency_work/ifwg/
- UK Food Surveillance System – UKFSS is a searchable database that holds UK sampling data in a real time system. It will allow a faster and more accurate exchange of information between laboratories, enforcement authorities and government departments and agencies, helping to identify trends and risks on a local and national level:
www.food.gov.uk/enforcement/monitoring/fss/
- For APHA website please go to: www.apha.org.uk and the link to the webpage where the APHA handbook can be found: www.apha.org.uk/publications.html