

DVMs for distribution

Border Inspection Posts (England) – for action
Chief Port Health Officers – for action

cc:

Nominated officers for Imported Food (England)
APHA
CIEH
APA
Trading Standards Institute
Health Protection England

31 March 2017

Reference: OVS/2017/08

Dear Colleagues,

RESIDUE PLANS FOR PRODUCTS OF ANIMAL ORIGIN

This letter is addressed to Border Inspection Posts and Chief Port Health Officers in England only.

Issue

Non-compliant imports of composite and compound products containing Products of Animal Origin (POAO) and placed on the market in the European Union from countries without an approved residue plan for that product.

Background

Directive 96/23 requires Member States to ensure that non-compliant product is not placed on the market. The Food Standards Agency is aware that some composite and compound products containing Products of Animal Origin (POAO), from countries without an approved residue plan for that POAO are being placed on the market in the United Kingdom.

Action



Department
for Environment
Food & Rural Affairs



Animal &
Plant Health
Agency



POAO, including those used as an ingredient¹, must come from a country that has an approved residue plan for that product. **The requirement for approved residue plans applies to any POAO, no matter the volume/percentage contained in the finished product.** It is accepted that where composite products containing less than 50% non-shelf stable dairy product are concerned, this requirement is not necessarily a control carried out at the ports of entry. However, the Food Standards Agency requests that where an Authorised Official at a point of entry identifies a non-compliant product they take enforcement action and provide advice to the importer to enable the business to reformulate their product. Please note that if foodstuffs are made in one country using POAO ingredients from another which has an approved residue plan, (and the Food Business Operator/person responsible for the consignment can provide evidence to support this claim when requested), this would be acceptable.

Enforcement

Where a product has been identified as non-compliant at a port of entry, Port Health Authorities should use their powers under regulations 31 and 32 of the domestic Official Feed and Food Controls (England) Regulations 2009² to take action(s) provided for under Articles 18 to 21 of Regulation (EC) 882/2004, i.e. detain the product and apply the range of options that include destruction or re-export. Please note the ability of Port Health Authorities to use these powers is triggered by non-compliance with food or feed law.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely

Gary Welsh
Head of Imports and Exports Policy
Food Standards Agency

¹ There is an exception for wild caught fish, finished gelatine and finished collagen which do not require an EU approved residues plan.

² Available at <http://www.legislation.gov.uk/uksi/2009/3255/contents/made>