

To: Heads of Service, Local Authorities in England

22 December, 2005

Reference: OCR 0005
ENF/E/05/062

Dear Colleague,

Official Feed and Food Controls (England) Regulations 2005 (SI 2005/2626)

As you know the above Regulations come into force on 1 January 2006. These include provisions for the enforcement of new rules on checks of third country imports of feed and food of non-animal origin (non-POAO) and give effect to requirements in the EU official control Regulation.¹ This letter provides important guidance to local authorities and port health authorities with regard to non-POAO originating in the ten Member States that joined the Community in May 2004.

Background

Regulation 882/2004 includes requirements for official controls of non-POAO feed and food from third countries that is imported into the Community. The Regulation defines the terms 'import' and 'introduction' with reference to a list of Community territories (Annex I). This lists only the 15 Member States that made up the Community when the Regulation was adopted in April 2004. Where these terms are used in the SI 2005/2626 they reflect the meaning in the EU Regulation.

Annex I of the EU Regulation should have been amended to include the territories of the ten new Member States. As yet this has not been done and as a result, legally, feed and food from these Member States entering the rest of the Community should be dealt with as third country imports.

The European Commission is aware of this issue and believes that the Treaty of Accession effectively makes the necessary provision for new Member States without the need to amend the Annex itself. However, it will not be possible for the Commission to confirm this until it has definitive legal advice which it is currently awaiting.

Guidance to local authorities and port health authorities

A definitive view from the Commission is not expected before the New Year. In the meantime, Agency advice with regard to non-POAO feed and food entering the UK from the new Member States is that such products should be considered as intra-

¹ Regulation (EC) 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules. Official Journal L191, 28.5.2004, 1-52.

Community trade rather than as third country imports (and subject to Part 3 of SI 2005/2626).

If you need any further advice or information, please contact me.

Yours sincerely

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