

To: District Council Chief Environmental Health Officers  
Group Chief Environmental Health Officers  
NIFLG, CIEH, LACORS

Cc Mr M Coyle, DARD, Ms Judith Tener, DARD,  
Ms Lisa Reid, DARD,

15th February 2008

Reference: ENF/NI/08/009

Dear Colleague

**IMPORTED FOOD CONTROL - DISTRICT COUNCIL RESOURCE PACK (February 2008)**

Please note that the "Imported Food Control – District Council Resource Pack" has now been updated to take into account the new regulations that came into operation in 2007. The February 2008 version of the pack is now available on our website at:

[http://www.food.gov.uk/foodindustry/imports/enforce\\_authorities/resourcepack](http://www.food.gov.uk/foodindustry/imports/enforce_authorities/resourcepack)

You will wish to be aware that The Products of Animal Origin (Third Country Imports) Regulations (NI) 2006 were revoked and replaced by The Products of Animal Origin (Third Country Import) Regulations (NI) 2007 which came into operation on 13 April 2007 and these were subsequently amended by The Products of Animal Origin (Third Country Import) (Amendment) Regulations (NI) 2007 (the POAO (TCI) Regulations) which came into operation on 29 June 2007. The Official Feed and Food Controls Regulations (NI) 2006 were also revoked in 2007 and replaced by The Official Feed and Food Controls Regulations (NI) 2007 (the OFFC Regulations).

[http://www.opsi.gov.uk/sr/sr2007/pdf/nisr\\_20070199\\_en.pdf](http://www.opsi.gov.uk/sr/sr2007/pdf/nisr_20070199_en.pdf)

[http://www.opsi.gov.uk/sr/sr2007/pdf/nisr\\_20070314\\_en.pdf](http://www.opsi.gov.uk/sr/sr2007/pdf/nisr_20070314_en.pdf)

[http://www.opsi.gov.uk/sr/sr2007/pdf/nisr\\_20070482\\_en.pdf](http://www.opsi.gov.uk/sr/sr2007/pdf/nisr_20070482_en.pdf)

It is important that District Council enforcement officers in Northern Ireland are appropriately authorised under the POAO (TCI) Regulations, as amended, and the OFFC Regulations in order to be able to control imports of food products at ports and other points of entry and illegal imports 'inland'. Please note that the Agency strongly recommends specific authorisation under these SRs (which are made under the European Communities Act 1972) as they contain specific enforcement provisions.

District Councils are asked to note that there are a number of changes in the new POAO (TCI) Regulations. These mainly relate to illegal import controls and 'inland' enforcement powers in particular:

**1. Enforcement Authorities**

Under regulation 5(4) if an officer of an inland District Council who is not authorised under The Products of Animal Origin (Third Country Import) Regulations (Northern Ireland) 2007 considers the POAO (TCI) Regulations have not been complied with or if a consignment / product is considered to be from a third country and may present a risk to animal or public health, he/she must notify an authorised officer and detain the consignment / product until an authorised officer takes charge of it.

**2. Powers of entry and inspection**

Regulation 8 (1) (a) sets out that authorised officers may only enter premises used only as a dwelling house if 24 hours notice is given. This reflects the Food Safety (Northern Ireland) Order 1991 position. Previously private dwellings could not be entered under the POAO (TCI) Regulations and Food Safety (NI) Order 1991 powers were used if required.

**3. Detention of products**

Regulation 8 (2) now provides detention powers pending carrying out of further checks and no longer requires a sample to be taken in order to detain goods.

**4. Fishery products**

There have been changes to the definition of "fishery products". The definition now includes "all edible forms, parts and products of such animals", which reflects the definition in 853/2004. Bivalve molluscs have been replaced by "filter-feeding lamellibranch molluscs", which is how bivalve molluscs are defined in 853/2004.

**5. Suspension of border inspection posts (BIPs) and inspection centres**

Regulation 13 (5) through to (9) gives DARD new powers in that where a BIP is failing on one or more categories of product for which it is approved (but not all), then DARD can suspend the approval in relation to that specific category or categories and to suspend failing inspection centres in BIPs. This allows more flexibility to respond to cases where BIPs are unable to obtain necessary facilities / equipment from port operators.

**6. Advance notice of introduction or presentation**

Regulation 17 (3) (d) amends the timescale for prior notification of POAO arrivals - i.e. it is no longer 6 or 24 hours. The BIP must now be pre-notified of imports before the consignment is unloaded from the ship/aircraft.

**7. Veterinary checks and official controls**

Regulation 19 applies Article 14(1) of Regulation (EC) 882/2004 as regards enforcement of POAO imports. Where a product is detained under Article 18 and 19 of 882/2004 it is an offence to remove it (as per regulation 64 of the POAO (TCI) Regulations). Where a sample is taken the importer bears the costs of storage.

Examples of the notices for use under the POAO (TCI) Regulations and the OFFC Regulations are provided within the “Imported Food Control – District Council Resource Pack”.

Please note that they are not prescribed forms and District Councils may wish to adapt the templates to suit local procedures and requirements. District Councils should seek their own legal advice in relation to drafting and use of legal notices.

If you need any further information please do not hesitate to contact the Meat Hygiene & Imported Food Unit on Tel: 02890 417705.

Yours sincerely

**Joy Cresswell**  
**Meat Hygiene & Imported Food Unit**