

Imported feed and food controls

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This guidance is for England

For the purposes of imported feed and food controls, feed and food is classed as either a product of animal origin (POAO) or feed / food of non-animal origin (FNAO). There are different legislative controls for feed and food entering the UK, depending on whether it is coming from within the European Union (EU) or from a third country (that is, a non-EU country). Personal imports are subject to separate controls, no matter where they come from.

All importers must be identified, registered or approved as feed / food business operators (FeBOs / FBOs) and as such included in official controls.

Products of animal origin (POAO)

POAO include, for example, fresh meat, meat products, meat preparations, dairy products, fishery products, shellfish, egg products, honey, snails, insects and fishmeal used in animal feed.

Imported POAO are likely to be illegal if they are not presented to a border control post (BCP) for official controls to be carried out and/or if they do not comply with public or animal health requirements - for example, by being contaminated with veterinary residues.

Feed / food of non-animal origin (FNAO)

FNAO includes all other products or materials not fitting into the category of POAO. Imports of certain 'higher-risk' FNAO can only enter the UK through specific ports and airports that are approved as BCPs for 'higher risk products', where official controls will be carried out.

A 'higher-risk' product is feed or food that is either a known, or an emerging, risk to animal or public health.

Details of such high-risk products can be found on the Food Standards Agency (FSA) website.

Summary of import controls

Whilst the majority of feed and food that is imported into this country is perfectly legal, wholesome and safe, it is important to have effective official controls in place to ensure that consumers and businesses are protected from contaminated products, unfair trading practices and fraud.

Feed or food produced legally by one EU Member State may be freely exported to other Member States without any specific checks being carried out at the ports. In a similar way feed or food imported legally from a third country into one Member State can then be freely distributed throughout the EU without further checks. This is the principle of the EU as a customs union, allowing intra-EU trade to be free from checks at the point of entry.

POAO imported from third countries are subject to the most stringent controls. They can only be imported from approved third countries and, with some exceptions such as honey, from an approved establishment. They must be accompanied by health certificates signed by the relevant 'central competent authority' for the third country to verify that they have been produced in equivalent standards to those in the EU and can only be imported via an approved BCP where the feed or food is subjected to veterinary checks by the appropriate authorised officer. Once these checks have been completed, a common health entry document (CHED) is completed, which must accompany the feed or food to the first inland destination.

FNAO are not subject to the same level of import controls. However, certain 'high risk' FNAO from third countries can only be imported into the EU via BCPs and may be required to be accompanied by health and analytical certificates. Once the feed or food has been subjected to official controls a common health entry document (CHED) is completed, which must accompany the food to the first destination inland.

CHEDs cover:

- plants
- plant products and plant propagation material
- products of animal origin
- live animals

A CHED is used for the prior notification of the arrival of consignments at the BCP, and to record the outcome of official controls performed and of decisions taken by the competent authorities in relation to the consignment that they accompany. The CHED should be used by the operator to obtain clearance by customs authorities once all official controls have been performed.

Personal imports of POAO and FNAO from third countries are subject to strict controls and imports of meat and dairy products from these countries are banned. Further details on personal imports may be found on the GOV.UK website.

Third country (non-EU) representatives

EU Regulation (EC) No 1831/2003 *laying down requirements for feed hygiene* requires, amongst other things, that feed business establishments are registered or approved within their own territories. However, third-country animal-feed establishments that import into the EU certain additives, premixtures

of additives and compound feeds containing them are required to have a representative within the EU. For example, this may be an importer of feed, based in the UK, who has secured sole selling rights for a particular feed.

Only one representative in the EU is required for each third-country establishment. It is therefore possible that the third-country establishment may have previously appointed a representative in another Member State. UK feed business operators should ascertain if this is in fact the case, and if not obtain the details necessary to fully complete the model declaration form.

More information relating to third-country animal-feed establishment representatives - including the list of third-country representatives, which is continually updated - can be found on the FSA website. Representatives should make their application to the Member State authority where they are based. In the UK this is the Food Standards Agency.

Legislative framework

The legislative framework that covers the importation of feed and food is complex but must be understood by importers. It may best be considered in terms of the nature and origin of the product or material in question.

Feed and food imported from within the EU

Feed and food originating from another Member State is subject to the same legislative controls and safeguards as feed or food produced in the UK. Such feed or food should be safe, as defined in EU Regulation (EC) No 178/2002 *laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*. It should be labelled in accordance with EU Regulation (EU) No 1169/2011 *on the provision of food information to consumers* or EU Regulation (EC) No 767/2009 *on the placing on the market and use of feed* and should have been handled in accordance with the hygiene regulations on feed and food (see '**Key legislation**' below).

Feed and food imported from third countries: POAO

POAO may only be imported into the EU in accordance with Regulation (EU) 2017/625 *on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products* and the local authority or food authority is designated as the competent authority in relation to enforcement and execution under relevant legislation.

Feed and food imported from third countries: FNAO

The import conditions relating to FNAO from third countries are provided by EU Regulation (EC) 2017/625 and EU Regulation (EU) 2019/1793 *on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries*. This Regulation requires that the competent authority undertakes official controls on FNAO at the point of entry of the feed or food into the EU or at any stage during distribution. These official controls should include documentary, identity and, where appropriate, physical checks of the feed or food. Any suspect feed or food that is detained by

the competent authority, and any feed or food that fails to meet the requirements of EU law, should be destroyed, re-dispatched, used for a non-food purpose or subjected to special treatment to render it lawful.

Particular care must be taken by food importers, in relation to their legal obligations, in terms of food that is imported but fails to meet the requirements of EU law and is subsequently diverted for use as animal feed. Food imported under such circumstances would then be "intended for use in oral animal-feeding" and therefore designated as a 'feed', and the requirements of specified feed law would apply. Please refer to Schedule 1 to the Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations 2015 for a list of specified feed law (see '**Key legislation**' below).

Further information

Further information, including advice and guidance on import and export, can be found on the Food Standards Agency website.

Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement and penalties'.

Key legislation

EU Regulation (EC) No 178/2002 *laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*

EU Regulation (EC) No 852/2004 *on the hygiene of foodstuffs*

EU Regulation (EC) No 1831/2003 *laying down requirements for feed hygiene*

EU Regulation (EC) No 767/2009 *on the placing on the market and use of feed*

EU Regulation (EC) No 1069/2009 *laying down health rules as regards animal by-products and derived products not intended for human consumption (Animal by-products Regulation)*

Trade in Animals and Related Products Regulations 2011

EU Regulation (EU) No 142/2011 *implementing Regulation (EC) No 1069/2009 and Directive 97/78/EC*

EU Regulation (EU) No 1169/2011 *on the provision of food information to consumers*

Animal Feed (Composition, Marketing and Use) (England) Regulations 2015

Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations 2015

EU Regulation (EU) 2017/625 *on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products*

EU Regulation (EU) 2019/1014 *laying down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points*

EU Regulation (EU) 2019/1793 *on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries*

Last reviewed / updated: January 2020

In this update

EU Regulation (EU) 2017/625 came into force in December; it repealed other EU legislation, resulting (among other things) in some changes to terminology

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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