

Food Hygiene Controls

Overview

The importation of food products from outside the EU requires compliance with EU and UK hygiene, safety, labeling and food composition regulations. The hazard analysis and critical control point after primary production stage (HACCP) system is used. Non-EU suppliers must have equivalent systems in place. Food businesses after primary production must work in accordance with the HACCP principles and policies. This is a method of analysing a business to identify risks and incidents in the process which can put food at risk.

POAO

Products of Animal Origin can only enter through a border inspection post approved for the relevant categories of product. They must be labeled and the HACCP system must be used throughout the food handling process. The importation of products of animal origin will generally require a health / veterinary certificate and can only be undertaken from countries approved by the European Union. Their accompanying documentation will be checked and identity verified.

Products of animal origin include live animals, food stuffs and by products. It also includes goods which have come into contact with animals such as hay and straw. They would include fresh meat, fish, processed pet food, milk and milk products, eggs, honey, bones, hide and skin.

In the case of movements within the European Union, it is necessary to meet the health certification and product marking requirements specific to the products, which have largely been standardised across the European Union. There are general procedures and specific requirements for each type of POAO.

In the case of POAO from non-EU countries, goods or animals must be checked at the point of entry into the EU. The relevant paperwork must be held. They must

have been certified by a recognised authorities in the originating countries. Once POAO have passed the checks they will be issued with a certificate which will allow them to be placed into free circulation within the European Union. If they are rejected, they must either be exported or destroyed.

All POAO entered into the European Union must come from countries that have been pre-approved and meet EU product specific standards. These must be certified by the bodies or government department agencies in the originating country.

Not every border inspection point is appropriate to every type of POAO. It is necessary to pre-notify the border inspection post of incoming consignments. Otherwise they may be automatically rejected. Pre-notification can be done manually or on line.

At arrival on European Union, POAOs will be subject to documentary checks, identifications and may be subject to physical checks. This will depend according to the perceived risks. A licence may be necessary for particular types of POAO.

Goods are examined by a veterinary inspector. A common veterinary entrance document (CVED) is issued once they are released. A copy of the CVED must accompany the goods to their first destination after clearance of customs and be retained there for twelve months.

Fruit, Vegetable & Plant Products

There are common EU rules on the import, sale and marketing of certain fruit and vegetables. Goods imported into the EU must be graded, packaged and marked in accordance with the EU requirements. A certificate of conformity under the "PEACH" system is required.

In addition to the general duties in the customs tariff, there may be seasonal duties which affect fruit and vegetables. Certain non-EU countries have been certified by

the EU as having an approved inspection service which means that their conformity certificates are accepted as proof of conformity with the EU standards.

A certificate of conformity is based on a conformity check from a physical inspection or by way of a conformity check on a risk analysis basis. An importer must ensure that the procedures and standards pass the relevant import risk assessment system.

Many fruit and vegetable products require phytosanitary certification to enter the EU. This includes major fruits other than bananas and grapes, cut flowers, vegetables, potatoes and leafy vegetables from a number of countries. This certifies that the goods have been inspected in the country of origin and meet EU standards on quarantine, pests and disease generally.

Plants and plant products imported from non-EU countries under a phytosanitary certificate may be inspected by the plant health and seed inspectorate of DEFRA when they enter the UK. It is necessary to pre-notify the plant health and seed inspectorate of planned imports of plants or products requiring a phytosanitary certificate. This can be done via the PEACH system.

Once a consignment enters under customs control, it is necessary to apply to HMRC for authority to remove the goods to a temporary warehouse. They must be kept in a temporary warehouse until inspection.

Inter EU Movement

Generally food products can move freely within the European Union and will not be subject to checks at port. However they must comply with current EU regulations. It may be necessary to be able to provide an audit trail for food products.

EU movements of products of animal origin are generally straight forward. Goods are normally classified as in free circulation once they have been imported or have been produced in the European Union.

Goods entering the UK must comply with requirements such as labelling, health marks are applied to red meat carcasses. Certain POAO are not covered by European Union wide rules and UK licences are required.

Plant products can usually travel freely within the EU. High risk plants can move across EU borders provided they have a passport. In case of movements within EU states. Spot checks may be carried out on the supply chain.

Labelling and Packaging Requirements

There are standard packaging and labelling requirements for food across the EU. Importers and distributors are obliged to ensure that the packaging materials that come into contact with the food are safe and comply with the requisite requirements.

Foods sold to consumers or used in catering establishments must be labelled with the following:

- the name of the food;
- a list of ingredients in descending order;
- quantity of certain ingredients;
- durability indication i.e. use by date;
- any special storage conditions required;
- name and address of manufacturer or packer;
- Certain additional requirements e.g. alcoholic content, high caffeine etc.;
- details of allergens;
- whether they contains GMOs;
- instruction for use

Nutritional labelling is voluntary unless a nutritional or health claim is made about the food. Organic products have specific rules. There are a number of specific food labelling requirements for certain claims, such as %low fat+, %healthy+ etc. Specific supporting evidence is required. The EU is revising labelling requirements at present, in particular in relation to nutritional issues.

Extra food labelling requirements such as health marks, ingredients and declarations may also arise. Health marks are applied to red meat carcasses and wholesale cuts to verify that they are fit for human consumption. The health mark indicates that the requisite pre and post mortem inspections have taken place. It indicates the country of establishment and the approval number of the relevant slaughter house.

Certain other meat products do not require a health mark but require a mark indicating their origin. This ID mark is applied by the business food operator to indicate that the processed meat has been produced in accordance with legal requirements. Products of animal origin cannot be sold in the EU without a health mark or identification mark.

QUID (Quantitative Ingredient Declarations) are required for ingredients that form part of the name of the food or are usually associated with the food. For example, a fish pie needs to indicate how much fish is included.

Regulated fresh produce must comply with labeling and presentation requirements of the RPA. This includes country of origin, quality, class, packer and dispatcher code, size and variety.

Packaging must provide sufficient information for handlers to move goods safely and hygienically. There are a number of regulations covering packaging of foods and material. Certain types of materials are considered unsafe for contact with food.

This Guide is intended as an overview and broad outline of the matters covered in it. Its purpose is to inform and raise awareness. We are happy to offer specific legal advice on particular circumstances. This Guide should not be relied on as a substitute for comprehensive legal advice with reference to the particular circumstances.

While we have taken care in the preparation of this publication, we do not accept legal liability as a result of any reliance placed on anything in this Guide. The reader should rely only on specific legal or taxation advice.