

businesscompanion

trading standards law explained

Imported feed and food controls

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Although the United Kingdom has left the European Union (EU), certain pieces of legislation (formally known as 'retained EU law') will still apply until such time as they are replaced by new UK legislation; this means that you will still see references to EU regulations in our guidance.

To fully understand this guidance, it is important to note the difference between the United Kingdom and Great Britain:

- UK: England, Scotland, Wales and Northern Ireland
- GB: England, Scotland and Wales

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 the EU or outside it. 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 included as such 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, subject to veterinary checks, 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.

Importers need to use the [Import of Products, Animals, Food and Feed System \(IPAFFS\)](#) for imports of POAO, subject to veterinary checks.

Importers should check whether the CN code for their product is listed in Regulation (EU) 2019/2007 *laying down rules for the application of Regulation (EU) 2017/625 as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts* (see link in 'Key legislation' below) to find out if the POAO or animal by-products must be checked at a BCP and, if necessary, [check which BCP should be used](#).

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 (HRFNAO) 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.

Importers must [pre-notify authorities in Great Britain](#) before high-risk products arrive from EU and non-EU countries. Importers and import agents must use the online [IPAFFS](#) to do this. Importers of high risk products will need to [check which BCP should be used](#).

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 (this no longer includes GB).

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.

[*'Third country' is the term used by the EU to refer to a country that is not one of its Member States.]

In the EU, [TRACES](#) is the online sanitary and phytosanitary certification platform supporting the importation of animals, animal products, food and feed of non-animal origin, and plants into the EU, as well as the intra-EU trade and EU exports of animals and certain animal products. Once the appropriate checks have been completed, following a TRACES notification, a [common health entry document \(CHED\)](#) is completed, which must accompany the feed or food to the first inland destination.

Since 1 January 2021, there have been new rules for imports into GB. These rules differ depending on whether the import is from the EU / Northern Ireland (NI) or from non-EU countries. From the end of January 2024, new controls on imports into Great Britain will be progressively introduced. The Government has set out this new approach in the [Border Target Operating Model](#).

POAO and HRFNAO imported from the EU or NI

The [Border Operating Model](#) (please note, this is different from the Border Target Operating Model referred to above) sets out the approach the British Government uses to implement border controls between the EU and the UK, now that the UK has left the EU. The first phase went live on 1 January 2021. The second phase was postponed. The requirements for importing into GB are now planned to be phased in from January 2024.

Imports of some POAO - for example, honey - must come from an [establishment that has been approved](#) by the exporting country to trade with the UK.

All imports of POAO and HRFNAO need to come with one or more of the following documents:

- health certificate
- import licence
- commercial document

[IPAFFS \(Import of products, animals, food and feed system\)](#) must be used to pre-notify the arrival to a BCP of POAO under safeguard measures (where a commodity code is available). POAO that are under safeguard measures must be accompanied by a health certificate. When the import notification is submitted on IPAFFS, a unique notification number (UNN) will be issued and must be provided to the EU exporter or official veterinarian (OV). The format of this number will be IMP.GB.2021.1XXXXXX.

Importers of HRFNAO must:

- submit import pre-notifications at least one working day in advance of the goods' arrival
- enter them through a BCP so they can have documentary checks and, if necessary, identity and physical checks

More information on [importing or moving POAO and HRFNAO into GB from the EU and NI](#) is available on the GOV.UK website.

POAO and HRFNAO imported from non-EU countries

IPAFFS must be used to pre-notify the arrival to a BCP.

[Health certificates](#) must accompany POAO and HRFNAO imported to GB, the Channel Islands or Isle of Man from non-EU countries.

In some cases, the following will also be required:

- an import licence or authorisation
- a commercial document
- meeting other legal requirements, such as those controlling the trade in endangered species

You must import POAO and HRFNAO into GB through a BCP. Importers must also check whether their product must be checked by a vet at a BCP by looking for the CN code for their product in Annex I to Regulation (EU) 2019/2007 (see link in 'Key legislation' below).

Most consignments of POAO imported from non-EU countries must be checked at a BCP. For imports of POAO that do not require veterinary checks at a BCP, there is no requirement to pre-notify a port of the arrival of the consignment.

POAO can only be imported from countries on the EU's approved list. Contact the [APHA Centre for International Trade Carlisle](#) to find out if the country you wish to import from is on the list.

More information on importing or moving POAO and HRFNAO into GB, the Channel Islands or Isle of Man [from non-EU countries](#) is available on the GOV.UK website.

FNAO (other than HRFNAO) are not subject to the same level of import controls. [More information](#) is available on the Food Standards Agency website.

Once imported feed or food has been subjected to official controls, this will be recorded on IPAFFS and a CHED will be issued, 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 and germinal products
- animal by-products and high-risk food and feed not of animal origin

A CHED, through IPAFFS, is used for both 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 outside the EU 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

Regulation (EC) No 183/2005 *laying down requirements for feed hygiene* requires that feed business establishments are [registered or approved](#) within their own territories. In addition, feed businesses registered or approved in GB and exporting feed to EU Member States, or moving feed from GB to NI, are required to have a representative based in an EU Member State or NI. For example, this may be an importer of feed, based in the EU, who has secured sole selling rights for a particular feed sourced from the UK.

Exporting or moving animal feed from GB to the EU or NI

UK businesses can no longer act as EU representatives for non-EU businesses. Non-EU businesses must have a representative that is based in a Member State or European Economic Area (EEA) country. Only one representative in the EU is required for each third-country feed establishment.

Some EU Member States have specific rules on the requirements to have a representative for importing feed into the EU. Businesses should consult with the relevant authority in the EU country they want to export to for further advice on gaining recognition as their representative, and to ensure they are compliant with any national rules.

The FSA advises that UK businesses exporting to the EU assume that third-country representation is needed for all feed, and check the requirements with the destination country. Representatives should make their application to the Member State authority where they are based.

Further details of [competent authorities and approved / registered feed businesses](#) in Member States can be found via the European Commission website.

Importing or moving animal feed into GB from the EU and non-EU countries

Feed businesses from outside the UK that export feed products to GB must have a representative established in GB. The requirement to have a representative only relates to certain higher risk feeds, including:

- manufacturers of certain [feed additives](#)
- manufacturers of certain novel protein source products
- manufacturers of premixtures containing certain feed additives
- compound feed manufacturers that incorporate the products mentioned above

The GB representative must:

- be a feed business operator located in GB and be registered with, or approved by, their local authority
- keep a register of all relevant products, for which they act as representative, that the establishment has put into circulation within GB
- declare that the exporting establishment complies with requirements equivalent to those laid down in retained EU law

No representative will be required to move feed from NI to GB.

No representative will be required for either imports or exports for animal feed between NI and the EU.

More information relating to [third-country animal-feed establishment representatives](#) can be found on the FSA website.

Legislative framework

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

Feed and food imported from the EU

Feed and food originating from an EU Member State is subject to similar legislative controls and safeguards to feed or food produced in the UK. Such feed or food should be safe, as defined in 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 Regulation (EU) No 1169/2011 *on the provision of food information to consumers* or 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 outside the EU: POAO

POAO may only be imported 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 outside the EU: FNAO

The import conditions relating to FNAO from outside the EU are provided by Regulation (EC) 2017/625 and 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 UK 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 specified feed law requirements, 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 retained 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'; the requirements of Regulation (EC) No 767/2009 then apply, in particular the labelling requirements relating to placing a feed on the market.

Further information

Further information, including [advice and guidance on import and export](#), can be found on the Food Standards Agency website.

The GOV.UK website has information on importing [products of animal origin](#) into the UK.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see '[Trading Standards: powers, enforcement and penalties](#)'.

In this update

Information added about the Border Operating Model and the Border Target Operating Model.

Last reviewed / updated: October 2023

Key legislation

[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

[Regulation \(EC\) No 852/2004](#) on the hygiene of foodstuffs

[Regulation \(EC\) No 183/2005](#) laying down requirements for feed hygiene

[Regulation \(EC\) No 767/2009](#) on the placing on the market and use of feed

[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](#)

[Regulation \(EU\) No 142/2011](#) implementing Regulation (EC) No 1069/2009 and Directive 97/78/EC

[Regulation \(EU\) No 1169/2011](#) on the provision of food information to consumers

[Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015](#)

[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

[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

[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

[Regulation \(EU\) 2019/2007](#) laying down rules for the application of Regulation (EU) 2017/625 as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts

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 often only shows 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 changes to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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