

House of Commons
Environment, Food and Rural Affairs
Committee

ILLEGAL MEAT IMPORTS

GOVERNMENT'S REPLY
to the Committee's Seventh Report of
Session 2001-02

Tenth Special Report
of Session 2001–02

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Contacts

All correspondence should be addressed to The Clerk of the Environment, Food and Rural Affairs Committee, Committee Office, 7 Millbank, London SW1P 3JA. The telephone number for general inquiries is: 020 7219 3262; the Committee's e-mail address is: efracom@parliament.uk.

TENTH SPECIAL REPORT

The Environment, Food and Rural Affairs Committee has agreed to the following Special Report:

ILLEGAL MEAT IMPORTS: GOVERNMENT'S REPLY TO THE COMMITTEE'S SEVENTH REPORT OF SESSION 2001-02

The Environment, Food and Rural Affairs Committee reported to the House on Illegal Meat Imports in its Seventh Report of Session 2001-02, published on 23 July 2002 as HC 968. The Government's Reply to the Report was received on 24 September 2002 and is appended.

* * * * *

APPENDIX

- 1. We agree that risk will never be eliminated, and that proportionate steps need to be taken (paragraph 9).**
- 2. The degree of uncertainty about the scale of the problem at the border, particularly if greater certainty can be achieved through the risk assessment about other points on the 'pathway', such as preventing a disease spreading to animals, may mean that changes to policy focus on, for example, the farm gate rather than the port of entry. Nevertheless, we recommend that the Government continue to retain and upgrade the information it gathers about illegal meat imports to enable it to keep the results of its risk assessment under review (paragraph 12)**
- 3. We therefore recommend that full details of the risk assessment, including assumptions made and information that would improve the assumptions, are published with the risk assessment so that it is clear to all stakeholders why particular actions are pursued. Whatever measures are agreed they must not be seen as an alternative to effective bio-security at home (paragraph 13).**

The Department agrees that risk will never be eliminated, and measures should be proportionate. The Department is continuing to invest in upgrading its ILAPS database, to improve the quality and speed of data gathering and dissemination of the intelligence thus gained. The Department recognises that monitoring risk should be a continuing process. We will be putting in place measures to keep the risk of illegal imports under review in the light of the outcome of the current risk assessment.

Details of progress on the risk assessment are regularly updated on the Illegal Imports website [www.defra.gov.uk/animalh/illegal] and the Department accepts the recommendation to make public the assumptions of the risk assessment model for clarity. The Department will publish the risk assessment when it is completed later this autumn. The Department agrees that measures to combat illegal imports should not be seen as an alternative to effective bio-security measures within the UK.

- 4. We believe that the Food Standards Agency should re-examine its decision not to undertake a risk assessment on the human health implications of illegal meat imports in parallel with the current study (paragraph 14).**

The Food Standards Agency have been closely involved in the risk assessment study, and have naturally considered whether there was a need to look at specific public health threats

alongside those to animals. Defra and the FSA have concluded that the nature of the potential public health threats was such that the existing study would highlight problem areas of illegal imports not meeting hygiene standards. It could thus provide useful information from a public health perspective. Additionally, the methodology that has been used for the study could in future be applied to a public health risk assessment, and the FSA will keep this under review.

5. We recommend that the costs considered when assessing new policies to deal with illegal meat imports do not just include those faced by Government, but also those faced by the whole food chain. To put any measures into context there were more than 60 million passenger movements through Heathrow alone last year. This demonstrates the scale of the tasks involved and the risk/benefit relationship (paragraph 15).

The Department agrees. A number of stakeholders from the agricultural, tourism, catering and retail sectors have been consulted during the development of policy on illegal imports via the Forum and some sit on the Risk Assessment Steering Group. The Cabinet Office study into the organisation of the Government's controls of imports of animals, plants and their products, and conclusions drawn from the risk assessment, will take account of the need to facilitate legitimate trade as well as tackle illegal trade.

6. The United Kingdom Government must enter into international discussions aimed at ensuring effective monitoring of the export trade in order to bear down on any illegality. To assist such discussions it must demonstrate that its own house is in order, by making sure that inspections of exports from the United Kingdom are effective. We are moreover pleased that port health authority officers already have some form of system for advising each other of developments but are concerned that it is not centrally co-ordinated - we hope that the establishment of the Department for Environment, Food and Rural Affairs' Illegal Animal Products Seizures (ILAPS) database will assist this process (paragraph 16).

As members of the Office International des Epizooties (OIE), we regularly participate in international discussions aimed at allowing trade without spreading disease.

There is no legal basis on which to prevent the export of animals or products to third countries, with or without an official certificate and regardless of the importing country's requirements. However, UK and EU rules on animal health ensure that products posing a risk of spreading serious disease cannot be placed on the market and so are not available for export. These rules maintain our high animal health status. As a consequence, our products do not present the same risk that those of some third countries present to the UK (for example where FMD is endemic).

We recognise the need to minimise long distance movements of live animals for slaughter, and to apply strict biosecurity measures.

7. Granting the power to stop people to port health authority officers is not entirely straightforward. Nevertheless, we recognise the strength of the case made for such new powers. We therefore welcome the fact that the powers available to port health authority officers will be reviewed, and we recommend that the Government report the outcome of that review to Parliament within a year (paragraph 17).

A long-term decision on search powers will take into account the outcome of the Cabinet Office Review into the organisation of the Government's controls on legitimate trade and illegal imports. The results of these observations will be brought before parliament within the year. In the meantime, the Department will keep under review the effectiveness of the existing search (and detain luggage) powers over the coming months.

8. We are concerned that no guidance was issued with the new powers. At the very least draft guidance should have been prepared, to help officers understand the new powers available to them, on the understanding that detailed guidance would be based on that draft guidance and experience of how the new powers worked. We hope that the new guidance published in August will address our concerns, and that it will be regularly reviewed and updated to take account of the experience of using the new powers (paragraph 18).

The new powers were implemented following requests from enforcement authorities. Under these circumstances the Department did not, initially, recognise that there was an explicit need for guidance. However, the Department is in constant contact with the enforcement authorities and acted quickly to produce guidance once that deficiency was recognised. The Department accepts that in future, guidance should be prepared in advance of the granting of such powers. We agree that the guidance should be reviewed and updated in the light of experience.

9. We ask that the Department for Environment, Food and Rural Affairs explain that delay [in putting in place new Regulations] (paragraph 19).

It had been hoped when the action plan was published in March that the regulations would be made in April and come into force 21 days later. They are highly technical and there were some late details which had to be addressed. This meant that they were not in fact made until 1 May and came into force on 22 May.

10. We recommend that the Government assess the costs and benefits of this proposal [to require prior notification of all imports - not just those of meat] against the findings of the risk assessment.

The Department notes this recommendation. Such a change would need to be made at an EU level. Trade Bodies and other government departments would need to be consulted to assess the impact on legitimate trade.

11. The current allowances for personal imports of food, particularly meat and fish, are very confusing. We therefore firmly support the Government in their objective of securing a ban on the personal import of meat products. However, if the European Union does not bring forward better and more effective measures to deal with this potential abuse the United Kingdom should give notice that it will introduce unilateral action (paragraph 23).

The Government is pleased that the Committee supports its efforts to secure tighter and clearer controls on personal imports of animal products within Community law. The European Commission agreed new interim rules on 20 September 2002. These will strengthen border controls for third country imports to the EU. Once formally adopted, personal imports of meat, meat products, milk and milk products will be prohibited for travellers entering the UK from 1 January 2003. With exceptions for infant and special medical foods, all other meat and milk products will have to be surrendered on arrival to the UK for official disposal, unless they comply with strict veterinary certification. Up to 1kg of food not containing meat or milk derivatives will be permitted without the need for declaration for veterinary control. The Government believes that this decision represents an improvement on the existing position. In the longer term, however, we would hope for greater simplification of the rules.

It is to be noted that any breach of Community law on the part of a Member State risks infraction proceedings being brought against that State by the Commission.

12. We believe it is in the airports', the airlines' and the Government's interest to have passengers flowing freely at airports and believe that the greater availability of

information and consequent lesser need for checks of passengers would facilitate this (paragraph 24)

13. We believe that the provision of information in-flight is essential, and we recommend that the Government urgently seek to persuade airlines to distribute written leaflets, and show videos as appropriate, setting out the restrictions on personal imports of meat and other foods. If airlines will not do so voluntarily we recommend that the Government take steps to obtain legal powers to compel them to do so (paragraph 25).

The Department agrees that carriers have an important role to play in informing their customers of the import regulations. The Department has been providing airports with information leaflets and posters. As part of the publicity campaign launched on 8th July, effort has been increased to persuade airlines and travel agents, amongst others, to distribute the Department's leaflets and posters and to show the video that is being produced under the slogan 'Don't bring back more than you bargained for'. We will continue efforts to persuade passenger carriers to take these measures voluntarily and note that the draft EU Decision on personal imports of meat, milk and their products requires all member states to make arrangements for international transport operators to make their passengers aware of EU import rules.

14. Although we welcome the trial use of dogs to detect illegal meat imports it would be helpful if the Government were to publish the objectives of the pilot scheme and the criteria against which its success will be judged (paragraph 27)

The Department accepts this recommendation and terms of reference are attached at Annex 2.

15. We accept that there are limitations and problems with the proposals to use x-ray equipment and provide amnesty bins, but we agree with Lord Whitty that both could be valuable in raising public awareness. We therefore recommend that both be carefully piloted and assessed for their efficacy in terms of addressing the problem of illegal meat imports and of raising public awareness of the problem (paragraph 28).

The Department agrees. The pros and cons of the use of both are being actively considered with other stakeholders. There is undoubtedly a positive commitment to increase the avenues for travellers to surrender illicit products they have unwittingly brought into the country, but there are concerns, over security in particular, about the use of amnesty bins which need to be addressed before a pilot can commence. In the meantime, the short-term priority will be to improve the use of the red channel in all airports.

A trial of x-ray equipment will be running this autumn.

16. In the longer term there is a case for greater integration of agencies and management, and we recommend that Government bring forward a model of a single agency. In the medium term agencies should commit themselves to improving the way they work together. In the short term it would be helpful if the terms of the review of the roles of the agencies involved in dealing with food imports was published (paragraph 30).

The Department recognises that there needs to be better co-ordination of the agencies working in this area, and that greater integration is one possible longer-term option. The Machinery of Government Secretariat of the Cabinet Office is currently undertaking a study looking at the organisational arrangements for regulating legitimate trade and tackling the illegal import of products of animal origin, non-animal origin (food), plants and plant

products (including forestry products) as well as trade in endangered species and non-native species. The full terms of reference of this review are at annex 1. In the short term, the Department is working closely with other departments and agencies to better co-ordinate action and share information.

17. We are concerned that despite well-placed, intelligence-based suspicion, operations to check flights are often only mounted when a team can be put together through the efforts of one official from the port health authority. There is clearly a need for much higher-level co-ordination of such activity, since it appears that the Department for Environment, Food and Rural Affairs is not currently fulfilling its 'overarching role' in this area. Operations against particular flights would also benefit from agreed commitments, from all the agencies involved, to the amount of time they are able to devote to operations against illegal meat imports. We acknowledge that there may be times when HM Customs and Excise officers, in particular, would be diverted to more critical work but feel that the higher-level co-ordination we propose would be better able to take account of such problems. Moreover, although we acknowledge that other agencies, including the Food Standards Agency, feel that they should become responsible for these matters, we are inclined to believe that the Department for Environment, Food and Rural Affairs should be the lead body in dealing with illegal imports of meat and other foods (paragraph 31).

The Department agrees with the principle and is doing more to fulfil its 'overarching role'. It has been working to meet the needs of enforcement agencies for guidance on their powers and the roles and responsibilities of all the enforcement authorities. Funding (some £1.5m) has been made available this financial year for additional checks on imports and the Department is working closely with all the enforcement agencies to ensure that these will be coordinated and effective.

18. We accept that resources currently allocated to dealing with the problem of illegal meat imports are not adequate, and are not secure at port level. We recommend that, once the risk assessment and the review of the roles of the agencies involved in dealing with illegal food imports have been completed, the Government provide adequate funds to meet their recommendations, and consider how they can be secured to the functions required (paragraph 35).

Defra has been allocated further resources as an outcome of the Spending Review and we are looking at how this money should be spent in the year 2003/04. We will need to take into account the outcome of the Cabinet Office review and the risk assessment.

19. We are concerned about the long delay between the problem being acknowledged by Government - action was being considered in March 2001 - and substantive action being taken a year later (paragraph 37).

In January, and again in February 2001, the Department (at that time MAFF) raised concerns about European Union law on personal imports at the Standing Veterinary Committee. Consideration of the action needed to address the issue of illegal imports was well underway by March 2001, and has been subsequently continued by the Department for Environment, Food and Rural Affairs. A ban on the production and feeding to livestock of swill produced from catering waste containing meat or products of animal origin came into effect in May 2001. The central Illegal Animal Products Seizures database was set up in August 2001, talks were held between the relevant agencies and agreements established about shared intelligence and action, and publicity was stepped up both at ports/airports and, via British posts, in third countries. However the Department accepts that it was not proactive in making public the steps taken at these early stages. It also notes that during 2001 its primary and overriding focus was on controlling and eliminating the devastating outbreak of foot and mouth disease.

20. Since the Action Plan was published we have generally been impressed with the speed with which the Government and stakeholders have acted to address the various elements of the Plan. We hope that the publication of the risk assessment in September will provide another stimulus to take the Plan further forward with urgency.

The Department welcomes the Committee's recognition of the progress being made and will review its Action Plan in the light of the reports due this autumn to ensure that action against illegal imports is increasingly effective and responds to new and changed risks. An action plan for 2003/04 will then be discussed with stakeholders and published before the end of the financial year 2002/03. The risk assessment work will be completed in September. The published report will follow a few weeks later.

ANNEX 1: TERMS OF REFERENCE FOR STUDY OF ORGANISATIONAL ARRANGEMENTS FOR TACKLING ILLEGAL IMPORTS IN ANIMAL AND PLANT PRODUCTS

The Machinery of Government Secretariat of the Cabinet Office will carry out a study looking at the organisational arrangements for regulating legitimate trade in and tackling the illegal import of products of animal origin, non-animal origin (food), plants and plant products (including forestry products) which may pose risks to the health and life of the UK's human, animal and plant populations; as well as trade in endangered species and non-native species.

The study will also touch on the illegal import of live animals (mainly because of the presence of State Veterinary Service enforcement organisations at locations where live animals are imported, rather than concerns about existing arrangements) and live fish.

In the context of this study, 'illegal' will mean bringing animals, plants or their products into the UK, contrary to the prohibitions, restrictions or controls set out under Community law where this applies. This will not include the importation of human health threats via the non-food import of diseases, wider biological hazards or prohibited goods such as drugs.

The study will:

- i. Explore the roles and responsibilities of the various organisations within central and local government, with a view to identifying areas of overlap, or gaps; and
- ii. Identify options for better organising or streamlining the way the system for legal and illegal imports works, with a particular focus on finding ways to increase co-operation between agencies.

Within this overall remit it will be important to ensure that both personal imports (typically brought in via luggage), and commercial imports are considered. It may be that separate recommendations and options are appropriate for different forms of illegal activity.

The study will need to take into account the range of EU legislation, together with any proposals that are likely to emerge from the EC.

A key principle that should underpin the work will be the need to take into account the business needs of all legitimate port and airport users (including traders and passengers). It may be that there is scope to reduce the existing regulatory burden for such traders.

The study will be taken forward by the Central Secretariat, Cabinet Office, with a small project team, and a Cabinet Office chaired steering board to ensure all departments with a policy interest are involved. It is envisaged that the study will take some 6-8 weeks to complete, and be completed during the Summer Recess, so that its findings can feed into the Government's response to the various Foot and Mouth Disease inquiries.

ANNEX 2: DETECTOR DOG DRAFT TERMS OF REFERENCE : pilot into the use of dogs to detect and deter illegal imports of products of animal origin from third countries.

1. The aim of the six month pilot study will be to inform decisions about the use of the dogs:

- a) assessing their effectiveness to detect and deter illegal imports of products of animal origin
- b) how and where they would be best deployed, and in what numbers
- c) lessons for scaling up the use of detector dogs, should these be required. Including future training requirements, implications for handlers and the enforcement teams which the dogs support
- d) whether the pilot should be extended if results are inconclusive at the end of 6 months.

2. Note: Decisions about the future use of dogs will also be linked to developments across other areas of the Government's action plan¹ to tackle illegal imports. The outcome of other work, including the risk assessment and reviews of organisational structures will be of particular relevance to decisions on the possible number of dogs, responsibilities for managing the service, and how they should be deployed.

Success criteria

1. The speed and accuracy of detections compared with other profiling methods (to select bags/cargo for inspection).

2. Data/information collected provides evidence of strong likelihood that over time the use of dogs will a) help increase prevention and detection rates, and b) deter smuggling.

3. Results of independent market research and other information indicates the use of dogs will have a significant positive impact on the public's views on:

- a. the effectiveness of the UK import controls
- b. heightened awareness of import rules for meat, other animal products but also plant and other plant products
- c. Government action to tackle illegal imports
- d. the practical impact on the airport environment of scaling up.

Approach

Two animal health officers from the state veterinary service and dogs to be selected and complete two training phases 1) based at the metropolitan training school, Keston 2) based at Heathrow under the guidance of an HMCE experienced handler.

The pilot will commence on 16 September 2002 and will run for six months. There will be a mid-point review scheduled for 16 December with a report by 31 December.

Steps are in hand to act quickly if the pilot indicates positive results and recommends the introduction of further detector dogs.

Deployment and evaluation will be based on current HMCE detector dog practice. Customs evaluation methods will be used wherever possible.

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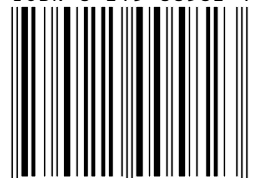
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