



FPC PRESS RELEASE

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FPC SUPPORTS HMI DECISION TO GET TOUGH ON ROGUE TRADERS

The Fresh Produce Consortium supports the decision by the Horticultural Marketing Inspectorate (HMI) to get tough on rogue traders who flout the EU Marketing Standards.

Although the majority of importers meet the requirements of the Marketing Standards there is a small minority which seeks to evade the controls and therefore achieve a commercial advantage. With immediate effect HMI is adopting a significantly tougher stance and will use all available sanctions to enforce import controls.

“FPC has worked extensively with HMI successfully to reduce the burden on importers, with simplified procedures providing significant savings to the industry. It’s outrageous that there are individual traders who are deliberately flouting the rules, to the detriment of law abiding companies,” said Nigel Jenney, Chief Executive of FPC. “We support this action by HMI to get tough on unlawful trading.”

FPC lobbied for simplified and improved procedures, including the introduction of PEACH and the Automatic Licence Verification System (ALVs). The industry has moved over the past five years from paper to electronic trading, providing fast track clearance following inspections where necessary, and self-certification of some consignments through the Assured Trader Scheme, resulting in an incremental saving of £3 million for the industry. Without HMI’s support for deregulation many small to medium sized businesses would have faced significantly increased bureaucracy, costs and delays.

It is an offence under The Marketing of Fresh Horticultural Produce Regulations 2009, (SI 2009/1361) regulations 4 (5) and 4 (8) for England and under the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 (SI 2009/1551 (W151)), regulations 4 (5) and 4 (8) for Wales to give an inaccurate or false description in respect of an import of fresh produce subject to the Marketing Standards into England and Wales or to import it without the required documentation or labels. HMI and Defra have developed an Import enforcement policy to reinforce their commitment to identify and potentially prosecute any individual or company that makes a persistent or deliberate breach of the import rules as outlined in Commission Regulation (EC) No1580/2007, as amended. The policy states:

'RPA inspectors responsible for enforcing Community marketing standards across England and Wales, follow an open and transparent approach to enforcement and where possible look to use risk assessment as a means of producing a proportional and targeted response to deal with any failure to comply with these grading rules.

HMI also hold the right to consider the application of Stop Notices and or resort to criminal prosecution for serious breaches of the marketing standards, this includes the failure to make statutory 'notification' to PEACH. It is important that importers or agents (acting on behalf of importers) who are found to be in breach of their legal responsibility (as outlined in The Marketing of Fresh Horticultural Produce Regulations 2009, (SI 2009/1361) regulations 4 (5) and 4 (8) for England and under the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 (SI 2009/1551 (W151)), regulations 4(5) and 4(8) for Wales, understand such behaviour will not be tolerated and may culminate in further criminal sanctions being considered.'

Example 1) A company declares product as being for processing, when it is not. As a result the consignment clears rather than being stopped for inspection.

Example 2) A company mis-declares produce by including items under one Taric when some items have their own Taric code.

Example 3) A company uses the wrong Taric for Specific Marketing Standard products so reducing the risk of being stopped to the 1% check or none if a non profiled Taric is used.

Ends

Notes for editors:

1. The Fresh Produce Consortium (FPC) is the UK's fresh produce trade association and is based in Peterborough. The FPC has represented the fresh produce sector for many years and is recognised across the UK and EU as the voice of the industry.
2. Extensive membership covers the complete spectrum of industry businesses including growers, importers, wholesalers, retailers, distributors, processors, packers, food service companies and other allied organisations.
3. Eat in Colour campaign www.eatincolour.com
4. HMI and Defra's enforcement statement can be found at:
<http://rpa.defra.gov.uk/rpa/index.nsf/vDocView/5D019A67581BEF418025712A00439A17?OpenDocument>

Ends