**Policy for dealing with unsafe/potentially unsafe products intercepted at the Port of Felixstowe/ETSF**

**Basic principles**

At all times, decisions about detaining products should be justified by:

1. Relevant product safety legislation.
2. Appropriate risk assessments both in terms of consumer safety and relevant business history.
3. Suffolk Trading Standards Enforcement Policy.
4. Reg. 765/2008 regarding necessity and proportionality.
5. Minimising unnecessary disruption to legitimate businesses.
6. Minimising costs to Suffolk TS imports team.
7. Agreement from the Imports team manager.
8. All consignments considered for detention to be subjected to a risk assessment which will be attached to the relevant Northgate record.

**Considerations when detaining a consignment**

1. Analysis of evidence relating to the history of the identified business, i.e. establishing nature and extent of their record in importing products to include:
   * number of consignments containing unsafe/non-compliant products
   * timeframe over which this has taken place
   * any identified steps taken by the business to address any non-compliances
   * whether a PAP relationship exists
2. Attitude of relevant Home Authority as to their ability to assist with/manage any referral.
3. Evaluation of risks to consumers and Suffolk County Council should the consignment be released and subsequently be identified as containing non-compliant/unsafe products.
4. Ability/willingness of business to address non-compliances.
5. Potential costs to legitimate business of detaining products, regardless of their compliance.
6. Justification for detaining potentially compliant products while non-compliances are addressed.
7. Ability of Port/ETSF to manage/hold consignment.
8. Potential financial costs to Suffolk imports team of managing unsafe/abandoned goods.

**Agreed approach to detaining consignments**

1. The previous history of the business should be paramount in any decision.
2. A risk assessment is to be completed and saved on the record.
3. All actions and discussions to be documented and logged on Northgate record.
4. All consignments that are subject to detention to be confirmed in writing (in the form of a letter) and sent to identified consignee/importer and copied to both freight agent and Home Authority.
5. All detained consignments to be included in the team’s monthly case conference and Northgate updated with outcome of discussion.
6. A 90 day limit to be applied to all detentions (this starts on the day of the physical exam) at which point the team manager to determine final actions to be undertaken to bring the matter to a satisfactory and appropriate conclusion.

**Upon receipt of unsafe test reports for products held by Suffolk (further to routine process flow)**

1. Inform Team Leader.
2. Compile list of products, identifying unsafe, non-compliant and any untested products. Save in Master Northgate record.
3. Discuss with Team Leader nature of non-compliances, etc.
4. Details of discussion and outcome to be logged on master Northgate record.

**Upon receipt of non-compliant test reports for products held by Suffolk**

1. Follow a)-d) as above.
2. Assess whether non-compliance(s) affect(s) essential safety requirements of the product(s).
3. Compile list of products, identifying unsafe, non-compliant and untested products. Save in master Northgate record.
4. Discuss with Team Leader, nature of non-compliances and nature/level of risk.
5. Details of discussion and outcome to be logged on master Northgate record.

**Decision made to refuse entry to UK for unsafe/non-compliant products**

* 1. Discuss options with Team Leader and agree appropriate course of action. Options will include allowing to send back to point of origin non-compliant products, referral to HA for action, destruction at Border under TS supervision.
  2. Inform BSO of updates relating to Visual Assessments refused Entry.
  3. In all cases where goods are refused entry to the EU, a confirmatory letter to this effect must be sent to the importer which must be signed by the team leader.
  4. At all times, the first choice of action would be for the importer to arrange agreed actions e.g. destruction of unsafe products.
  5. Confirm in writing with Importer.

**For Consignments containing Unsafe/Non-compliant goods as we well as goods assessed as low risk/no interest please follow the PDF Internal Guidance for Goods Refused Entry.**