**Hillingdon Trading Standards Procedure for Safety at Ports Consignment Examinations**

**1. Purpose**

1.1 This procedure is to ensure Safety at Ports requests for imports examinations received from the Office for Product Safety & Standards (OPSS) Borders Team (OPSSBT), are carried out to ascertain whether goods imported through Heathrow Airport comply with the safety requirements of consumer protection legislation. Also, to ascertain what action an inland authority has taken regarding a referral made to them by Hillingdon Ports Team.

**2. Scope**

2.1 This procedure covers the receipt of all Safety at Ports requests for imports examinations received from the OPSSBT.

**3. Application**

3.1 All staff of the Trading Standards Service (TSS) responsible for imports examinations.

**4. Procedures**

There are 14 procedures which officers must follow. These being in relation to:

1. Examination of Import Documents received from the OPSSBT
2. Record Entry onto APP
3. Cargo Shed Local Hold Request
4. Freight Agent / Importer Notification and Documentation Assessment
5. Importer Research and Home Authority / Primary Authority Contact
6. Examination of Goods at Cargo Shed
7. Notification of Findings of Examination to Importer and Action to be taken
8. Notification to OPSSBT to release or split the Entry
9. Submission of samples for testing and results
10. Record Product examination findings onto APP, OPSS Product Safety Database (PSD) and IDB.
11. Notification of Import examination to Home Authority / Primary Authority
12. Request feedback from Home Authority / Primary Authority on action taken
13. Notification of Import examination in relation to Amazon Fulfilment Goods
14. Forfeiture and Goods Destruction

**4.1 Examination of Import Documents received from the OPSSBT**

4.1.1 Consignment examinations are selected by the OPSSBT and referred to the TSS for examination. Details of this entry are contained in an Entry Document, which is sent by the OPSSBT into the TSS ImportsSafety email inbox. The Entry Document contains:

* Customs Entry Document
* Air Waybill
* Invoice
* Packing List (sometimes)

The Entry document will show the 3 letter code of the cargo shed where the goods are located. Appendix 1. lists the cargo shed address and their respective 3 letter code.



4.1.2 When a notification is received it is the responsibility of the Lead Officer (LOSP) for the Safety at Ports Project to look at the entry documents to see what type of goods are contained in the consignment. The LOSP will decide whether the goods require examination based on the product(s) listed in the documents. All products listed below are high risk and will be examined. This list is not exhaustive.

* Electrical items which are mains operated
* Cosmetics
* Toys
* Sunglasses
* Swimming aids
* Jewellery
* Laser pens and pointers
* Children's clothing with hood cords
* Specific high-risk products notified by the OPSSBT that require examination

4.1.3 Once the entry documentation has been examined. It is the responsibility of the LOSP to respond to the OPSSBT and send an email to confirm that the TSS will examine the consignment or, inform the OPSSBT that the goods do not need to be examined and can be released.

4.1.4 The OPSSBT email sent to the ImportsSafety inbox, which contained the entry documents. It is the responsibility of the LOSP to move this email into the "ImportsSafety Entries” folder.

4.1.5 In the absence of the LOSP, the Trading Standards Manager will delegate the LOSP duties in 4.1.2, 4.1.3 and 4.1.4 to a member of the Trading Standards team.

**4.2 Record Entry onto APP**

4.2.1 It is the responsibility of the LOSP to create an APP Enforcement Visit record for the consignment examination.

4.2.2 The LOSP will allocate the consignment examination to the TSS Contractor for the Safety at Ports Project. The LOSP may also allocate consignment examinations to himself or other TSS officers who wish to carry out import examinations.

**4.3 Cargo Shed Local Hold Request**

4.3.1 The TSS Examination Officer (EO) will contact the cargo shed by email and request that the consignment is placed on Local Hold with the cargo shed. Cargo shed contact details for the main cargo sheds and ETSF's frequently visited are listed in Appendix 2. Contact details for other cargo sheds and ETSF can be provided by the Freight agent on request.



All correspondence with the cargo shed must have the subject title listed below, and quote the 11 digit Air Waybill number, Entry number, and the APP reference number and officer initials.

*Trading Standards Consignment Examination - AWB xxx xxxx xxxx (Local Hold Request). Entry 120 - xxx 01.01.2018. TS Ref Officer initials xxxx.*

An example Email written to the cargo shed is in Appendix 3.



**4.4 Freight Agent / Importer Notification and Documentation Assessment**

4.4.1 Often the Entry Documentation will not contain full and accurate details of the products contained in the consignment. The EO or LSOP will contact the Freight Agent and Importer (if known) by email and request the information listed below and in Appendix 4:

* Full and accurate Packing List of all the items contained in each carton in the consignment. The reference number that is marked on the cartons must be provided to identify which items are inside each carton. If the consignment is destined for Amazon Fulfilment this will generally be the Amazon FBA serial number that is marked on a printed label affixed to the carton.
* Clear images of all the items contained in each carton in the consignment.
* The URL. website link to show where the items are advertised for sale.

An example Email written to the Freight Agent is in Appendix 4.



4.4.2 The email sent to the Freight Agent and Importer must have the subject title listed below and quote the Entry number and date, and 11 digit Airway Bill number and the APP reference and officer initials.

*Trading Standards Consignment Examination Entry 120 - xxx 01.01.2018, AWB xxx xxxx xxxx. TS Ref Officer initials xxxx.*

4.4.3 Once the packing list and images have been provided, the EO will decide which products to examine referring to the items listed in 4.1.2.

4.4.4 The EO will compile a list of items and cartons that require examination.

4.4.5 If not already provided. The EO will request the Freight Agent to contact the importer / exporter to provide all relevant product safety documentation for the items that require examination. This documentation is listed below:

* Full product safety test report
* Manufacturer Declaration of Conformity / EU Declaration of Conformity for the product
* Product Information File (if Cosmetics) and confirmation the products are registered on the UK Submit Cosmetic Product Notification (SCPN) Service.

**4.5 Importer Research and Home Authority / Primary Authority Contact**

4.5.1 The EO will where appropriate carry out an Internet search on the importer to ascertain if the business has a website. Information about the business and the products they supply can be found via their website. The EO should establish whether the importer has home or primary authority relationship with their local Trading Standards Service. If the business does and the local Trading Standards Service is satisfied the business has appropriate due diligence procedures in place and, the business has supplied satisfactory documentation that the goods in the consignment are safe. The consignment may be released without examination.

An example Email written to the Home / Primary Authority is in Appendix 5.



4.5.2 The EO must update the home authority on what they discover during the consignment examination. The home authority must be informed of any non-compliant or unsafe goods discovered.

**4.6 Examination of Goods at Cargo Shed**

4.6.1 The EO will notify the cargo shed by email the date and time that the TSS will examine the consignment.

4.6.2 The EO will notify the cargo shed by email which carton reference number(s) TSS would like to examine. The EO will request the cargo shed remove and separate these cartons from the rest of the consignment so they can be examined. Most cargo sheds will not do this for Trading Standards as they are too busy. However, if the freight agent is also the cargo shed operator, they may agree to do this.

4.6.3 If the cargo shed is unable to separate the cartons for TSS examination. The EO will separate the shipment upon arrival at the cargo shed.

4.6.4 On arrival at the cargo shed the EO will inform the reception staff the TSS have arranged to examine a "Route 1S Entry" for product safety examination. A copy of the Air Waybill should be presented to the reception staff.

4.6.5 The EO will have regard to health and safety when examining goods at the cargo shed. The EO will ask the staff at the cargo shed to move the goods to be inspected to the "Customs Examination Area", or other safe location in the cargo shed where the goods can be examined safely.

The EO must wear the following Personal Protective Equipment when at the cargo area and inside the cargo shed.

* Hi-Viz jacket or waistcoat
* Safety footwear
* Protective gloves when examining goods

4.6.6 The EO will examine the products contained in the cartons listed in 4.4.4. Often there will be products in the cartons not in the packing list and these items must be examined as well.

4.6.7 The EO will have the Amazon App downloaded on their mobile device. Products going to Amazon can be checked using the Amazon App which can scan the product and identify it on the Amazon website. This is a useful tool to obtain more information about a product and its sales listing on Amazon.

4.6.8 If the EO discovers non-compliant or unsafe products a sample of the item shall be taken for further assessment. Non-compliant means, labelling and safety information non-conformities. Unsafe means, construction, physical and mechanical, chemical, and cosmetic ingredients that do not comply with the product's relevant safety standard.

4.6.9 The EO must record the carton reference number where the sample was taken from.

4.6.10 The EO must segregate the unsafe goods from the rest of the shipment and ask the cargo shed to quarantine the unsafe goods to a separate location. This will prevent them being released in error with the rest of the consignment. A Trading Standards Detained – Do Not Release Notice must be attached to the detained goods. A copy of the TSS Detained Notice is in Appendix 5A.



4.6.11 The EO must record details of the quarantined product, the product name, quantity, and the reference number of the carton the product is contained in.

4.6.12 Non-compliant goods which have minor labelling and instruction information non-conformities do not need to be quarantined if they appear safe products and can be re-worked by the importer. They may remain with the rest of the consignment.

4.6.13 The EO must record details of the non-compliant product, the product name, quantity, and the reference number of the carton the product is contained in.

4.6.14 The EO must inform the cargo shed duty supervisor the action TSS has taken regarding the examination. This will be one of the following three actions:

1. To release the consignment where no non-conformities or unsafe goods are found
2. To detain the consignment where all the goods are unsafe or,
3. To detain the unsafe / suspected unsafe goods in the consignment, but release the rest of the goods, which the TSS have no safety concerns with. This will require the consignment and entry to be split.

4.6.15 If the action is 2 or 3 the EO will inform the cargo shed duty supervisor the goods must not be released and remind the cargo shed the Local Hold must remain on this entry.

**4.7 Notification of Findings of Examination to Importer and Action to be taken**

4.7.1 On return to the office the EO will notify the freight agent and the importer of the examination findings. The notification must be made in writing by email to the freight agent, who will forward the information to the importer.

4.7.2 The freight agent / importer will be advised whether the goods can be released, detained or part released (consignment and entry split) as described in 4.6.14. Or can be reworked to bring the product into compliance. Products which have minor non compliances but are safe may be reworked, for example, when there are minor labelling and / or instruction information issues. These can be rectified at the importers premises before the goods are supplied.

The importer will be advised to contact their local Trading Standards office as soon as possible to obtain advice on how to make their products compliant with the regulations.

Before releasing the goods and allowing the product to be reworked the importer must provide a written undertaking to the TSS that the goods will be reworked before they are supplied. The EO will ask the home authority if they are able to check that the rework has been carried out correctly.

4.7.3 Consignments which contain no unsafe goods or goods which are to be reworked may be released. The EO will notify the cargo shed by email that the goods can be released and to remove the Local Hold.

4.7.4 Consignments which contain a mixture of safe and unsafe goods the entry must be split before the goods which TSS have no safety concerns with can be released (Partial Refusal of goods).

The EO will inform the freight agent by email the consignment and entry must be split. The email will explain the procedure on how to split the entry. The procedure information to be given to the freight agent is in Appendix 6.



4.7.5 The EO will inform the Cargo shed the entry will be spilt.

4.7.6 A consignment examination result may also consist of the below actions.

* Full Refusal of the Goods
* Full Load Re-Export of the Goods
* Part Release and Part Re-Export of the Goods

The procedure information to be given to the freight agent in the above actions is in Appendix 6.

4.7.7 Goods which are unsafe must be detained at the cargo shed and the importer asked to voluntarily forfeit them to the TSS for destruction. A Forfeiture Notice will be sent to the importer to complete to allow the TSS to destroy the goods.

An alternative option to destruction is for the importer to re-export the goods back to the country and place of origin, or to another country where the goods meet the legal safety standards in that country and are permitted for supply there. The importer shall be advised of this re-export option.

4.7.8 Once the entry has been split. The EO will notify the cargo shed by email that the non-quarantined goods may be released. The goods that can be released will have a new entry number created by NCH, as explained in Appendix 6. The Local Hold on the original entry number containing the quarantined goods must not be removed. The cargo shed must be told the unsafe goods should remain detained. The quantity of cartons to remain detained and the number to be released must be written in the email.

4.7.9 Standard Email templates used for communication with the importer regarding the examination findings and action taken is in Appendix 7.



**4.8 Notification to OPSSBT to release or split the Entry**

4.8.1 Once the consignment has been examined the EO will decide on one of the actions below.

* Full Release of the Goods
* Full Refusal of the Goods
* Partial Refusal of the Goods
* Full Load Re-Export of the Goods
* Part Release and Part Re-Export of the Goods

4.8.2 Appendix 8. refers to - Guidance to TS, OPSSBT and NCH for managing consignments subject to Trading Standards holds where goods are refused release to the free market. Pages 29 – 33 and 36 refers to Port Inventory: CCS - UK and explains the procedure the EO must follow in 4.8.1 in actions 2, 3, 4 and 5.

On page 30, Reference to '*The destruction of the goods will be undertaken by the Agent under TS control/management'* should be replaced by '*The destruction of the goods will be undertaken by Trading Standards control/management'.*

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4.8.3 Generally, most examinations will result in actions 1, 2 or 3. Freight charges to re-export goods are expensive and may not be economical. If unsafe goods are to be re-exported the goods must be returned to the country and place of origin, or to another country where the goods meet the legal safety standards of that country and are permitted for supply there.

4.8.4 The EO will notify the OPSSBT by email to release the National Clearance Hub

(NCH) hold on the entry so the goods can be released, or the consignment is to be split. The email must contain brief details of the examination findings and action taken. For example:

* What was wrong with the goods
* Description of the goods and whether they were detained / forfeited for destruction
* Are the goods to be reworked to bring them into compliance
* Is a sample to be submitted for test
* The consignment and entry are to be split

4.8.5 If the consignment is to be split the email must contain the following information.

* Air Waybill number
* Entry number / Entry date
* Confirmation of Full or Partial refusal
* Location / Inventory system (CCS-UK)

An example Email written to the OPSSBT is shown in Appendix 9.



4.8.6 The email sent to the OPSSBT shall contain the original OPSSBT email, which contained the entry documents. This email is located in the "ImportsSafety Entries" folder, as referred in 4.1.4.

**4.9 Submission of samples for testing and Results**

4.9.1 All product samples taken from the consignment examination shall be placed in a seizure bag and marked with the APP record number and officers initials. The sample must be stored in the TSS Airport Samples Cabinet only (Cabinet 2).

4.9.2 Product samples taken from the consignment examination may be submitted to a test house to determine whether the product is unsafe. It is the responsibility of the LOSP to assess and decide whether a sample should be submitted to a test house.

When determining whether a sample should be submitted for test the LOSP will have regard to the following:

1. Has the importer provided a satisfactory safety test report / product information file (cosmetics) for the product? If no, consider submitting the item for test.
2. Electrical products may be screen tested with the TSS Portable PAT tester device to determine if the sample is unsafe.
3. Conduct simple in-house visual and physical assessment of the product. If the product fails on dimensions, durability, strength, cosmetics ingredients and composition labelling (marked with banned ingredients). The sample does not need to be submitted for test, as it evident it is unsafe product.
4. If after conducting simple in-house assessment in 3. the product (not cosmetics) appears safe, but there are labelling or marking information irregularities, the LOSP may consider submitting the item for test if the LOSP feels further investigation is required.
5. If the item is a product that the TSS is aware is unsafe product and subject to national recall and is identical to the recall product, it is not necessary to submit the item for test.

4.9.3 It is the responsibility of the LOSP to submit the sample to the test house and decide what tests the laboratory should conduct on it.

4.9.4 When the test results have been received from the test house the EO will send a copy of the safety test report to the importer and to the home authority.

4.9.5 If the safety test report shows the product is unsafe and the goods have not been released from the cargo shed. The EO will contact the importer and ask that they voluntarily forfeit the goods to the TSS for destruction or re-export the goods, as referred in 4.7.7

4.9.6 If the safety test report shows the product is safe and the goods have not been released from the cargo shed. The EO will notify the freight agent and the importer that the goods may be released. The EO will also notify the cargo shed by email that the quarantined goods can be released to the freight agent.

**4.10 Record Product examination findings onto APP and OPSS Product Safety Database, and IDB.**

4.10.1 All products examined at the cargo shed must be recorded onto a User Defined Window UDW record (action code TY2) on APP. A UDW record must be completed for each product examined at the cargo shed. A UDW record must be completed for compliant, non-complaint, and unsafe products examined.

4.10.2 Guidance Notes on completing the UDW TY2 record is contained in Appendix 10.



4.10.3 Details of unsafe, non-compliant, and tested products must be recorded on the OPSS Product Safety Database (PSD). If a product has been submitted for formal testing the test report must be attached to the PSD record.

4.10.4 The importer details and examination findings should be recorded on IDB, if appropriate. An example of when importer information should be recorded on IDB would be illegal skin lightening cosmetics smuggling.

**4.11 Notification of Import examination to Home Authority / Primary Authority**

4.11.1 When the consignment examination has been completed. The EO or LOSP must notify the importer's home / primary authority that a consignment examination has been carried out at a business based in their area. A consignment examination notification must be sent to the home authority whether the goods are found to be compliant, non-compliant or unsafe. The notification must be in writing by email and include the following information.

* Name and address of importer
* Entry and Air Waybill number
* Description of goods examined

* Details of any compliant, non-compliant or unsafe product found
* Details of why the product is non-compliant / unsafe
* Action taken by Hillingdon TSS (Goods released, part released, reworked, forfeited for destruction)
* Copy of signed Forfeiture Notice (if applicable)
* If samples were submitted for testing a copy of the test report should be given to the home authority
* Details of any action required by the home authority, for example, supervision of rework carried out by the importer.

4.11.2 Notification in 4.11.1 is not required if the goods are destined for Amazon Fulfilment or other Fulfilment house. Refer to procedure in 4.13 for products destined for Amazon.

4.11.3 Standard Email templates used for communication with the home authority / primary authority regarding the examination findings and action taken is in Appendix 11.



**4.12 Request feedback from Home Authority / Primary Authority on action taken**

It is the responsibility of the LOSP to contact the inland home authority / primary authority by email and request feedback on the action taken by them regarding the referral made by Hillingdon ports team. The request shall be made 4 to 6 weeks after the initial referral. The feedback will consist of a questionnaire sent to the home authority / primary authority to complete. This questionnaire is in Appendix 12.



**4.13 Notification of Import examination in relation to Amazon Fulfilment Goods**

4.13.1 Goods destined to Amazon Fulfilment will have an Amazon FBA serial number and Amazon address marked on a printed label affixed to the carton.

4.13.2 Goods destined to Amazon Fulfilment that are unsafe the primary authority Hertfordshire TSS, must be notified of any unsafe products discovered during the consignment examination. The Amazon X0 product code and Amazon FBA number should be given to Hertfordshire TSS. The product code and Amazon FBA number will assist Amazon to identify the unsafe product so that it can be removed from Amazon sales website.

4.13.3 Unsafe Amazon Fulfilment goods can be notified to their primary authority, Hertfordshire TSS using the Amazon Notification Contact form - Appendix 13.



**4.14. Forfeiture and Goods Destruction**

4.14.1 Goods which are unsafe and cannot be reworked must not be released. The importer will be asked to voluntarily forfeit the unsafe goods to the TSS for destruction or re-export them as referred in 4.7.7.

4.14.2 The EO will complete a Forfeiture Notice (APP action code TZ5) which will be sent by email to the importer to sign to agree to waive the goods to TSS for destruction. The Forfeiture Notice must be completed with the following information recorded on the document:

* APP record number
* Name and address of the importer
* Address where the goods were detained
* Date when the goods were detained
* Entry number and date of entry
* Air Waybill number
* Description of product(s) to be forfeited
* Brief description of why the product(s) are unsafe
* Quantity of products to be forfeited
* Number of cartons and the serial number of each carton the forfeited products are contained in.

An example of a completed Forfeiture Notice is in Appendix 14.



4.14.3 Once the signed Forfeiture Notice has been returned to the TSS the EO must attach the signed copy to the APP record.

4.14.4 The EO will save a copy of the Forfeiture Notice onto the TSS H-Drive in the "Safety at Ports" sub folder "Forfeiture Waiver". The document should be referenced with the APP Number - Forfeiture Waiver.

*H-Drive / Trading Standards / Safety at Ports / Forfeiture Waiver / Year*

4.14.5 The EO will notify the LOSP the APP reference number when a consignment has been forfeited to TSS.

4.14.6 It is the responsibility of the EO and LOSP to arrange for the forfeited goods to be collected from the cargo shed and destroyed. Goods detained will be:

* Collected and destroyed by the TSS goods destruction contractor, Trademark Protection Solutions (UK Shred – UK Paper Group) or,

* Destroyed by TSS at London Energy Eco Park Incineration Plant in Edmonton. This method of disposal would be appropriate when the goods are cosmetics or tobacco.

4.14.7 Trademark Protection Solutions (UK Shred – UK Paper Group) will provide TSS with a Destruction Certificate when the goods have been destroyed. It is the responsibility of the EO and LOSP to attach the Destruction Certificate to the APP record. A copy of the Destruction Certificate must also be saved onto the TSS H-Drive in the "Safety at Ports" sub folder "Destruction Certificates".

*H-Drive / Trading Standards / Safety at Ports / Destruction Certificates / Year*

4.14.8 Once the Destruction Certificate has been received from Trademark Protection Solutions (UK Shred – UK Paper Group) the EO will inform the OPSSBT the entry can be finalised.

4.14.9 If the importer does not return the signed Forfeiture Notice within 14 days. The EO will write to the importer by email and remind them to return the Forfeiture Notice. If the Forfeiture Notice is not returned within 7 days, a final reminder will be sent. The email will explain that if the TSS do not hear from the importer within 10 days, the TSS will assume the importer agrees to forfeit the goods to the TSS for destruction.

4.14.10If the importer contacts the TSS and refuses to forfeit the goods to the TSS for destruction the importer will be advised the TSS may make an application to the Magistrates Court for the goods to be forfeited and destroyed. The importer should be advised they may be liable for any costs incurred by the TSS in making the Forfeiture application.

If the importer still refuses to forfeit the goods to TSS for destruction the TSS will make an application to the Magistrates Court for forfeiture of the goods.

**5. Records**

5.1 The EO shall record all information relating to the consignment examination including correspondence with the agent, importer, cargo shed, OPSSBT, home / primary authority, UKBF and other enforcement agencies, test houses onto APP.

5.2 It is the responsibility of the LOSP to regularly check that the consignment examination records have been fully and correctly recorded on to APP by the EO.

Version 4

Owner KYC

September 2021