
SCOTTISH STATUTORY INSTRUMENTS

2024 No. 12

**AGRICULTURE
FOOD**

The Official Controls (Import of High Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations 2024

<i>Made</i>	- - - -	<i>16th January 2024</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>18th January 2024</i>
<i>Coming into force</i>	- -	<i>7th March 2024</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by Article 53(1)(b) of Regulation (EC) No 178/2002 of the European Parliament and of the Council 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⁽¹⁾ (“Regulation 178/2002”), and Articles 34(6), 47(2)(b) and 54(4)(a) and (b) of Regulation (EU) 2017/625 of the European Parliament and of the Council 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⁽²⁾ (“Regulation 2017/625”) and all other powers enabling them to do so.

There has been consultation as required by Article 9 of Regulation 178/2002 and as required by Article 144(7) of Regulation 2017/625.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Official Controls (Import of High Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations 2024 and come into force on 7 March 2024.

(2) These Regulations extend to Scotland only.

Amendment of Commission Implementing Regulation (EU) 2019/1793

2.—(1) Commission Implementing 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⁽³⁾ is amended as follows.

(1) EUR 2002/178, as amended by S.I. 2019/641 and 2020/1504.
(2) EUR 2017/625, as amended by S.I. 2020/1481.
(3) EUR 2019/793, as amended by S.I. 2020/1631.

- (2) In Article 3 (sampling and analyses)—
- (a) after paragraph (e), insert—
- “(ea) for food listed in Annex II due to the presence of *Listeria*, the sampling and the analyses for the control of *Listeria* must be performed in accordance with the sampling procedures and the analytical reference methods laid down in Annex IIIa;”
- (b) in paragraph (f), for “and (e)” substitute “, (e) and (ea)”.
- (3) In Article 10(2) (results of sampling and analyses performed by the competent authorities of the third country), at the end of sub-paragraph (d), insert—
- “,
- (e) the absence of *Listeria* in 25 g, for consignments of food listed in Annex II due to risk of microbiological contamination by *Listeria*.”
- (4) For Annex I (food and feed of non-animal origin from certain third countries subject to a temporary increase of official controls at border control posts and control points), substitute the Annex in schedule 1 of these Regulations.
- (5) For Annex II (food and feed from certain third countries subject to special conditions for entry into Great Britain due to contamination risk by mycotoxins, including aflatoxins, pesticide residues, pentachlorophenol and dioxins and microbiological contamination), substitute the Annex in schedule 2 of these Regulations.
- (6) After Annex III (sampling procedures and analytical reference methods referred to in Article 3(e)), insert the Annex in schedule 3 of these Regulations.

St Andrew’s House,
Edinburgh
16th January 2024

JENNI MINTO
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 2(4)

New Annex I of Commission Implementing Regulation (EU) 2019/1793

“ANNEX I

Food and feed of non-animal origin from certain third countries subject to a temporary increase of official controls at border control posts and control points

<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
Bolivia (BO)	Groundnuts (peanuts), in shell (Food and feed)	1202 41 00		Aflatoxins	50
	Groundnuts (peanuts), shelled (Food and feed)	1202 42 00			
	Peanut butter (Food and feed)	2008 11 10			
	Groundnuts (peanuts), otherwise prepared or preserved (Food and feed)	2008 11 91 2008 11 96 2008 11 98			
	Groundnut flours and meals (Food and feed)	ex1208 90 00	20		
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil (Food and feed)	2305 00 00			
	Groundnuts paste	ex2007 10 10	80		

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
	(Food and feed)	ex2007 10 99	50		
		ex2007 99 39	07;08		
Brazil (BR)	Black pepper (<i>Piper</i>) (Food – neither crushed nor ground)	ex0904 11 00	10	<i>Salmonella</i> ⁽²⁾	50
	Groundnuts (peanuts), in shell (Food and feed)	1202 41 00		Pesticide residues ⁽⁴⁾	20
	Groundnuts (peanuts), shelled (Food and feed)	1202 42 00			
	Peanut butter (Food and feed)	2008 11 10			
	Groundnuts (peanuts), otherwise prepared or preserved (Food and feed)	2008 11 91 2008 11 96 2008 11 98			
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil (Food and feed)	2305 00 00			
	Groundnut flours and meals (Food and feed)	ex1208 90 00	20		
	Groundnuts paste	ex2007 10 10	80		

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
	(Food and feed)	ex2007 10 99	50		
		ex2007 99 39	07;08		
China (CN)	Groundnuts (peanuts) in shell (Food and feed)	1202 41 00		Aflatoxins	10
	Groundnuts (peanuts), shelled (Food and feed)	1202 42 00			
	Peanut butter (Food and feed)	2008 11 10			
	Groundnuts (peanuts), otherwise prepared or preserved (Food and feed)	2008 11 91 2008 11 96 2008 11 98			
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil (Food and feed)	2305 00 00			
	Groundnut flours and meals (Food and feed)	ex1208 90 00	20		
	Groundnuts paste (Food and feed)	ex2007 10 10 ex2007 10 99 ex2007 99 39	80 50 07;08		
	Sweet peppers (<i>Capsicum annum</i>)	ex0904 22 00	11		

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
	(Food – crushed or ground)				
	Tea, whether or not flavoured (Food)	0902		Pesticide residues ⁽⁴⁾⁽⁵⁾	20
Columbia (CO)	Granadilla (<i>Passiflora ligularis</i>) and passion fruit (<i>Passiflora edulis</i>) (Food)	ex0810 90 20	30	Pesticide residues ⁽⁴⁾	10
Dominican Republic (DO)	Aubergines (<i>Solanum melongena</i>) (Food – fresh or chilled)	0709 30 00		Pesticide residues ⁽⁴⁾	20
	Sweet peppers (<i>Capsicum annuum</i>) (Food – fresh, chilled or frozen)	0709 60 10 0710 80 51		Pesticide residues ⁽⁴⁾⁽⁶⁾	50
	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex0709 60 99 ex0710 80 59	20 20		
	Yardlong beans (<i>Vigna unguiculata</i> subsp. <i>sesquipedalis</i>) (Food – fresh, chilled or frozen)	ex0708 20 00 ex0710 22 00	10 10		
Ecuador (EC)	Bananas (Food – fresh or dried)	0803 90 10 0803 90 90		Pesticide residues ⁽⁴⁾	5

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
Egypt (EG)	Oranges (Food – fresh or dried)	0805 10		Pesticide residues ⁽⁴⁾	10
	Sweet peppers (<i>Capsicum annuum</i>) (Food – fresh, chilled or frozen)	0709 60 10 0710 80 51		Pesticide residues ⁽⁴⁾⁽⁷⁾	20
	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex0709 60 99 ex0710 80 59	20 20		
	Georgia (GE)	Hazelnuts (<i>Corylus spp.</i>), in shell (Food)	0802 21 00		Aflatoxins
	Hazelnuts (<i>Corylus spp.</i>), shelled (Food)	0802 22 00			
	Flour, meal and powder of hazelnuts (<i>Corylus spp.</i>) (Food)	ex1106 30 90	40		
	Hazelnuts (<i>Corylus spp.</i>), otherwise prepared or preserved (Food)	ex2008 19 19 ex2008 19 95 ex2008 19 99	30 20 30		
Ghana (GH)	Palm oil (Food)	1511 10 90 1511 90 11 ex1511 90 19	90	Sudan dyes ⁽⁸⁾	20

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		1511 90 99			
India (IN)	Curry leaves (<i>Bergera/ Murraya koenigii</i>) (Food – fresh, chilled, frozen or dried)	ex1211 90 86	10	Pesticide residues ⁽⁴⁾⁽⁹⁾	50
	Drumsticks (<i>Moringa oleifera</i>) (Food – fresh, chilled or frozen)	ex0709 99 90 ex0710 80 95	10 75	Pesticide residues ⁽⁴⁾	20
	Okra (Food – fresh, chilled or frozen)	ex0709 99 90 ex0710 80 95	20 30	Pesticide residues ⁽⁴⁾⁽¹⁰⁾	20
	Rice (Food)	1006		Aflatoxins and Ochratoxin A Pesticide residues ⁽⁴⁾	5 5
	Cinnamon and cinnamon-tree flowers (Food – dried spices)	0906		Pesticide residues ⁽⁴⁾⁽²¹⁾	10
	Cloves (whole fruit, cloves and stems) (Food – dried spices)	0907		Pesticide Residues ⁽⁴⁾⁽²¹⁾	10
	Nutmeg, mace and cardamoms (Food – dried spices)	0908		Pesticide residues ⁽⁴⁾⁽²¹⁾	10
	Seeds of anise, badian, fennel, coriander, cumin or caraway, juniper berries	0909		Pesticide residues ⁽⁴⁾⁽²¹⁾	10

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
	(Food – dried spices)				
	Ginger, saffron, turmeric (<i>C urcuma</i>), thyme, bay leaves, curry and other spices (Food – dried spices)	0910		Pesticide residues ⁽⁴⁾⁽²¹⁾	10
Iran (IR)	Melon seeds (Food)	1207 70		Aflatoxins	10
Kenya (KE)	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) (Food – fresh or chilled)	0708 20		Pesticide residues ⁽⁴⁾	10
	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex0709 60 99 ex0710 80 59	20 20	Pesticide residues ⁽⁴⁾	10
Cambodia (KH)	Chinese celery (<i>Apium graveolens</i>) (Food – fresh or chilled herb)	ex0709 40 00	20	Pesticide residues ⁽⁴⁾⁽¹¹⁾	50
	Yardlong beans (<i>Vigna unguiculata</i> subsp. <i>sesquipedalis</i>) (Food – fresh, chilled or frozen)	ex0708 20 00 ex0710 22 00	10 10	Pesticide residues ⁽⁴⁾⁽¹²⁾	50
Lebanon (LB)	Turnips (<i>Brassica rapa</i> subsp. <i>rapa</i>) (Food – prepared or preserved by	ex2001 90 97	11; 19	Rhodamine B	50

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
	<i>vinegar or acetic acid</i>				
	Turnips (<i>Brassica rapa</i> subsp. <i>rapa</i>) <i>(Food – prepared or preserved by brine or citric acid, not frozen)</i>	ex2005 99 80	93	Rhodamine B	50
Madagascar (MG)	Cow peas (<i>Vigna unguiculata</i> subsp.) <i>(Food)</i>	0713 35 00		Pesticide residues ⁽⁴⁾	10
	Groundnuts (peanuts), in shell <i>(Food and feed)</i>	1202 41 00		Aflatoxins	50
	Groundnuts (peanuts), shelled <i>(Food and feed)</i>	1202 42 00			
	Peanut butter <i>(Food and feed)</i>	2008 11 10			
	Groundnuts (peanuts), otherwise prepared or preserved <i>(Food and feed)</i>	2008 11 91 2008 11 96 2008 11 98			
	Groundnut flours and meals <i>(Food and feed)</i>	ex1208 90 00	20		
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from	2305 00 00			

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
	the extraction of groundnut oil (Food and feed)				
Malaysia (MY)	Jackfruit (<i>Artocarpus heterophyllus</i>) (Food – fresh)	ex0810 90 20	20	Pesticide residues ⁽⁴⁾	50
Nigeria (NG)	Sesamum seeds (Food)	1207 40 90		<i>Salmonella</i> ⁽²⁾	50
Pakistan (PK)	Rice (Food)	1006		Aflatoxins and Ochratoxin A Pesticide residues ⁽⁴⁾	5 5
Sierra Leone (SL)	Watermelon (egusi, <i>Citrullus</i> spp.) seeds and derived products (Food)	ex1207 70 00 ex1208 90 00 ex2008 99 99	10 10 50	Aflatoxins	50
Senegal (SN)	Groundnuts (peanuts), in shell (Food and feed)	1202 41 00		Aflatoxins	50
	Groundnuts (peanuts), shelled (Food and feed)	1202 42 00			
	Peanut butter (Food and feed)	2008 11 10			
	Groundnuts (peanuts), otherwise prepared or preserved (Food and feed)	2008 11 91 2008 11 96 2008 11 98			
	Groundnut flours and meals	ex1208 90 00	20		

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	(Food and feed)				
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil (Food and feed)	2305 00 00			
	Groundnuts paste (Food and feed)	ex2007 10 10 ex2007 10 99 ex2007 99 39	80 50 07;08	Aflatoxins	50
Syria (SY)	<i>Sesamum</i> seeds (Food)	1207 40 90		<i>Salmonella</i> ⁽²⁾	10
	Tahini and halva from <i>Sesamum</i> seeds (Food)	ex1704 90 99 ex1806 20 95 ex1806 90 50 ex1806 90 60 ex2008 19 19 ex2009 19 99	12; 92 13; 93 10 11;91 40 40	<i>Salmonella</i> ⁽²⁾	10
	Turnips (<i>Brassica rapa</i> subsp. <i>rapa</i>) (Food – prepared or preserved by vinegar or acetic acid)	ex2001 90 97	11; 19	Rhodamine B	50
	Turnips (<i>Brassica rapa</i> subsp. <i>rapa</i>)	ex2005 99 80	93	Rhodamine B	50

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
	<i>(Food – prepared or preserved by brine or citric acid, not frozen)</i>				
Thailand (TH)	Food containing or consisting of betel leaves (<i>Piper betle</i>) <i>(Food)</i>	ex1404 90 00		<i>Salmonella</i> ⁽³⁾	10
	Peppers of the genus <i>Capsicum</i> (other than sweet) <i>(Food – fresh, chilled or frozen)</i>	ex0709 60 99 ex0710 80 59	20 20	Pesticide residues ⁽⁴⁾⁽¹³⁾	50
Türkiye (TR)	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) <i>(Food – fresh, chilled or dried)</i>	0805 50 10		Pesticide residues ⁽⁴⁾⁽¹⁴⁾	20
	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids <i>(Food – fresh or dried)</i>	0805 21 0805 22 0805 29		Pesticide residues ⁽⁴⁾	20
	Oranges <i>(Food – fresh or dried)</i>	0805 10		Pesticide residues ⁽⁴⁾	20
	Pomegranates <i>(Food – fresh or chilled)</i>	ex0810 90 75	30	Pesticide residues ⁽⁴⁾⁽¹⁵⁾	20
	Sweet Peppers <i>(Capsicum annuum)</i>	0709 60 10 0710 80 51		Pesticide residues ⁽⁴⁾⁽¹⁶⁾	20

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	(Food – fresh, chilled or frozen)				
	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex0709 60 99 ex0710 80 59	20 20	Pesticide residues ⁽⁴⁾	20
	Unprocessed whole, ground, milled, cracked, chopped apricot kernels intended to be placed on the market for the final consumer ⁽¹⁷⁾⁽¹⁸⁾ (Food)	ex1212 99 95	20	Cyanide	50
Uganda (UG)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex0709 60 99 ex0710 80 59	20 20	Pesticide residues ⁽⁴⁾	50
United States (US)	Groundnuts (peanuts), in shell (Food and feed)	1202 41 00		Aflatoxins	10
	Groundnuts (peanuts), shelled (Food and feed)	1202 42 00			
	Peanut butter (Food and feed)	2008 11 10			
	Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91 2008 11 96			

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	(Food and feed)	2008 11 98			
	Groundnut flours and meals (Food and feed)	ex1208 90 00	20		
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil (Food and feed)	2305 00 00			
	Groundnuts paste (Food and feed)	ex2007 10 10 ex2007 10 99 ex2007 99 39	80 50 07;08		
Uzbekistan (UZ)	Dried apricots (Food)	0813 10 00		Sulphites ⁽¹⁹⁾	50
	Apricots, otherwise prepared or preserved (Food)	2008 50			
Vietnam (VN)	Coriander leaves (Food – fresh or chilled herbs)	ex0709 99 90	72	Pesticide residues ⁽⁴⁾⁽²⁰⁾	50
	Basil (holy, sweet) (Food – fresh or chilled herbs)	ex1211 90 86	20	Pesticide residues ⁽⁴⁾⁽²⁰⁾	50
	Mint (Food – fresh or chilled herbs)	ex1211 90 86	30	Pesticide residues ⁽⁴⁾⁽²⁰⁾	50

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	Parsley (Food – fresh or chilled herbs)	ex0709 99 90	40	Pesticide residues ⁽⁴⁾⁽²⁰⁾	50
	Okra (Food – fresh, chilled or frozen)	ex0709 99 90 ex0710 80 95	20 30	Pesticide residues ⁽⁴⁾⁽²⁰⁾	50
	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex0709 60 99 ex0710 80 59	20 20	Pesticide residues ⁽⁴⁾⁽²⁰⁾	50
	Pitahaya (dragon fruit) (Food – fresh or chilled)	ex0810 90 20	10	Pesticide residues ⁽⁴⁾⁽²⁰⁾	50 ⁷

- (1) Where only certain products under any CN are required to be examined, the CN code is marked ‘ex’.
- (2) The sampling and the analyses are to be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(a) of Annex III of these Regulations.
- (3) The sampling and the analyses are to be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(b) of Annex III of these Regulations.
- (4) Residues of at least those pesticides listed in the control programme adopted in accordance with Article 29(2) of Regulation (EC) No 396/2005 of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin⁴ that can be analysed with multi-residue methods based on GC-MS and LC-MS (pesticides to be monitored in/on products of plant origin only).
- (5) Residues of Tolfenpyrad.
- (6) Residues of Amitraz (amitraz including the metabolites containing the 2,4 -dimethylaniline moiety expressed as amitraz), Diafenthuron, Dicofol (sum of p, p’ and o,p’ isomers) and Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram).
- (7) Residues of Dicofol (sum of p, p’ and o,p’ isomers), Dinotefuran, Folpet, Prochloraz (sum of prochloraz, BTS 44595 (M201-04) and BTS 44596 (M201-03), expressed as prochloraz), Thiophanate-methyl and Triforine.
- (8) For the purposes of this Annex, ‘Sudan dyes’ refers to the following chemical substances: (i) Sudan I (CAS Number 842-07-9); (ii) Sudan II (CAS Number 3118-97-6); (iii) Sudan III (CAS Number 85-86-9); (iv) Scarlet Red; or Sudan IV (CAS Number 85-83-6).
- (9) Residues of Acephate.
- (10) Residues of Diafenthuron.
- (11) Residues of Phenthoate.
- (12) Residues of Chlorbufam.
- (13) Residues of Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)), Prothiofos and Triforine.

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- (14) Residues of chlorpyrifos/chlorpyrifos-methyl and fenbutatin oxide.
- (15) Residues of Prochloraz (sum of prochloraz, BTS 44595 (M201-04) and BTS 44596 (M201-03), expressed as prochloraz).
- (16) Residues of Diafenthiuron, Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)) and Thiophanate-methyl.
- (17) ‘Unprocessed products’ as defined in Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs⁵.
- (18) ‘Placing on the market’ and ‘final consumer’ as defined in Regulation (EC) No 178/2002.
- (19) The following reference methods may be used: (1) BS EN 1988-1:1998 “*Foodstuffs. Determination of sulphite – Optimized Monier-Williams method*”, published by the British Standards Institution on 15 June 1998 (ISBN 0 580 29239 8), available from the British Standards Institution at <https://knowledge.bsigroup.com>; (2) EN 1988-2:1998 “*Foodstuffs. Determination of sulfite – Enzymatic method*”, published by the British Standards Institution on 15 June 1998 (ISBN 0 580 29240 1), available from the British Standards Institution at <https://knowledge.bsigroup.com>; and (3) ISO 5522:1981 “*Fruits, vegetables and derived products – Determination of total sulphur dioxide content*”, published by the International Organisation of Standardisation (ISO) on 1 September 1981, last reviewed and confirmed on 13 January 2022, available from ISO at <https://www.iso.org/home.html>.
- (20) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.
- (21) Residues of Ethylene Oxide (sum of ethylene oxide and 2-chloro-ethanol, expressed as ethylene oxide).

SCHEDULE 2

Regulation 2(5)

New Annex II of Commission Implementing Regulation (EU) 2019/1793

“ANNEX II

Food and feed from certain third countries subject to special conditions for entry into Great Britain due to contamination risk by mycotoxins, including aflatoxins, pesticide residues, pentachlorophenol and dioxins and microbiological contamination

Table 1

Food and feed of non-animal origin referred to in Article 1(1)(b)(i)

<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
Argentina (AR)	Groundnuts (peanuts), in shell <i>(Food and feed)</i>	1202 41 00		Aflatoxins	5
	Groundnuts (peanuts), shelled <i>(Food and feed)</i>	1202 42 00			
	Peanut butter <i>(Food and feed)</i>	2008 11 10			

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
	Groundnuts (peanuts), otherwise prepared or preserved (Food and feed)	2008 11 91 2008 11 96 2008 11 98			
	Groundnut flours and meals (Food and feed)	ex1208 90 00	20		
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil (Food and feed)	2305 00 00			
Azerbaijan (AZ)	Hazelnuts (<i>Corylus spp.</i>), in shell (Food)	0802 21 00		Aflatoxins	20
	Hazelnuts (<i>Corylus spp.</i>), shelled (Food)	0802 22 00			
	Mixtures of nuts or dried fruits containing hazelnuts (Food)	ex0813 50 39 ex0813 50 91 ex0813 50 99	70 70 70		
	Hazelnut (<i>Corylus spp.</i>)paste (Food)	ex2007 10 10 ex2007 10 99 ex2007 99 39	70 40 05; 06		

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		ex2007 99 50	33		
		ex2007 99 97	23		
	Hazelnuts, otherwise prepared or preserved, including mixtures (Food)	ex2008 19 12	30		
		ex2008 19 19	30		
		ex2008 19 92	30		
		ex2008 19 95	20		
		ex2008 19 99	30		
		ex2008 97 12	15		
		ex2008 97 14	15		
		ex2008 97 16	15		
		ex2008 97 18	15		
		ex2008 97 32	15		
		ex2008 97 34	15		
		ex2008 97 36	15		
		ex2008 97 38	15		
		ex2008 97 51	15		
		ex2008 97 59	15		
		ex2008 97 72	15		
		ex2008 97 74	15		
		ex2008 97 76	15		
		ex2008 97 78	15		
		ex2008 97 92	15		
		ex2008 97 93	15		
		ex2008 97 94	15		
		ex2008 97 96	15		

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Country of origin	Food and feed (intended use)	CN code ⁽¹⁾	TARIC sub-division	Hazard	Frequency of physical and identity checks (%)
		ex2008 97 97	15		
		ex2008 97 98	15		
	Flour, meal and powder of hazelnuts (<i>Corylus spp.</i>) (Food)	ex1106 30 90	40		
	Hazelnut (<i>Corylus spp.</i>) oil (Food)	ex1515 90 99	20		
Bangladesh (BD)	Food containing or consisting of betel leaves (<i>Piper betle</i>) (Food)	ex1404 90 00		<i>Salmonella</i> ⁽²⁾	50
Brazil (BR)	Brazil nuts in shell (Food)	0801 21 00		Aflatoxins	50
	Mixtures of nuts or dried fruits containing Brazil nuts in shell. (Food)	ex0813 50 31	20		
		ex0813 50 39	20		
		ex0813 50 91	20		
		ex0813 50 99	20		
China (CN)	Enoki mushrooms	ex0709 59 00		<i>Listeria</i>	20
Egypt (EG)	Groundnuts (peanuts), in shell (Food and feed)	1202 41 00		Aflatoxins	20
	Groundnuts (peanuts), shelled (Food and feed)	1202 42 00			
	Peanut butter (Food and feed)	2008 11 10			
	Groundnuts (peanuts), otherwise	2008 11 91 2008 11 96			

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
	prepared or preserved (Food and feed)	2008 11 98			
	Groundnut flours and meals (Food and feed)	ex1208 90 00	20		
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil (Food and feed)	2305 00 00			
	Groundnuts paste (Food and feed)	ex2007 10 10	80		
		ex2007 10 99	50		
		ex2007 99 39	07;08		
	Vine leaves (Food)	ex2008 99 99	11;19	Pesticide residues ⁽⁵⁾⁽⁸⁾	20
Ethiopia (ET)	Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> (Food – dried spices)	0904		Aflatoxins	50
	Ginger, saffron, turmeric (<i>Curcuma</i>), thyme, bay leaves, curry and other spices (Food – dried spices)	0910			

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	<i>Sesamum seeds</i> (Food)	1207 40 90		<i>Salmonella⁽²⁾</i>	50
Ghana (GH)	<i>Groundnuts (peanuts), in shell</i> (Food and feed)	1202 41 00		Aflatoxins	50
	<i>Groundnuts (peanuts), shelled</i> (Food and feed)	1202 42 00			
	<i>Peanut butter</i> (Food and feed)	2008 11 10			
	<i>Groundnuts (peanuts), otherwise prepared or preserved</i> (Food and feed)	2008 11 91 2008 11 96 2008 11 98			
	<i>Groundnut flours and meals</i> (Food and feed)	ex1208 90 00	20		
	<i>Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil</i> (Food and feed)	2305 00 00			
	<i>Groundnuts paste</i> (Food and feed)	ex2007 10 10 ex2007 10 99 ex2007 99 39	80 50 07;08		
The Gambia (GM)	<i>Groundnuts (peanuts), in shell</i> (Food and feed)	1202 41 00		Aflatoxins	50

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	Groundnuts (peanuts), shelled (Food and feed)	1202 42 00			
	Peanut butter (Food and feed)	2008 11 10			
	Groundnuts (peanuts), otherwise prepared or preserved (Food and feed)	2008 11 91 2008 11 96 2008 11 98			
	Groundnut flours and meals (Food and feed)	ex1208 90 00	20		
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil (Food and feed)	2305 00 00			
	Groundnuts paste (Food and feed)	ex2007 10 10 ex2007 10 99 ex2007 99 39	80 50 07;08		
Indonesia (ID)	Nutmeg (<i>Myristica fragrans</i>) (Food – dried spices)	0908 11 00 0908 12 00		Aflatoxins	10
India (IN)	Food containing or consisting of betel leaves (<i>Piper betle</i>)	ex1404 90 00		<i>Salmonella</i> ⁽³⁾	10

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	(Food)				
	Nutmeg (<i>Myristica fragrans</i>)	0908 11 00 0908 12 00		Aflatoxins	20
	(Food – dried spices)				
	Peppers of the genus <i>Capsicum</i> (sweet or other than sweet)	0904 21 10 ex0904 22 00 ex0904 21 90	11; 19 20 10; 90	Aflatoxins	20
	(Food – dried, roasted, crushed or ground)	ex2005 99 10 ex2005 99 80	94		
	Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	50
	(Food and feed)				
	Groundnuts (peanuts), shelled	1202 42 00			
	(Food and feed)				
	Peanut butter	2008 11 10			
	(Food and feed)				
	Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91 2008 11 96 2008 11 98			
	(Food and feed)				
	Groundnut flours and meals	ex1208 90 00	20		
	(Food and feed)				
	Oilcake and other solid residues,	2305 00 00			

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	whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil (Food and feed)				
	Groundnuts paste (Food and feed)	ex2007 10 10 ex2007 10 99 ex2007 99 39	80 50 07;08		
	Guar gum (Food and feed)	ex1302 32 90		Pentachloro phenol and dioxins ⁽⁴⁾	5
	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex0709 60 99 ex0710 80 59	20 20	Pesticide residues ⁽⁵⁾⁽⁶⁾	20
	Peppers of the genus <i>Capsicum</i> (sweet or other than sweet) (Food – dried, roasted, crushed or ground)	0904 ex2005 99 10 ex2005 99 80	10;90 94	Pesticide residues ⁽⁵⁾⁽⁶⁾	20
	<i>Sesamum</i> seeds (Food)	1207 40 90		<i>Salmonella</i> ⁽²⁾ Pesticides residues ⁽⁵⁾⁽⁷⁾	20 50
Iran (IR)	Pistachios, in shell (Food)	0802 51 00		Aflatoxins	50
	Pistachios, shelled (Food)	0802 52 00			

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
	Mixtures of nuts or dried fruits containing pistachios (Food)	ex0813 50 39 ex0813 50 91 ex0813 50 99	60 60 60		
	Pistachio paste (Food)	ex2007 10 10 ex2007 10 99 ex2007 99 39 ex2007 99 50 ex2007 99 97	60 30 03; 04 32 22		
	Pistachios, prepared or preserved, including mixtures (Food)	ex2008 19 13 ex2008 19 93 ex2008 97 12 ex2008 97 14 ex2008 97 16 ex2008 97 18 ex2008 97 32 ex2008 97 34 ex2008 97 36 ex2008 97 38 ex2008 97 51 ex2008 97 59 ex2008 97 72 ex2008 97 74 ex2008 97 76 ex2008 97 78	20 20 19 19 19 19 19 19 19 19 19 19 19 19 19 19		

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Country of origin	Food and feed (intended use)	CN code ⁽¹⁾	TARIC sub-division	Hazard	Frequency of physical and identity checks (%)
		ex2008 97 92	19		
		ex2008 97 93	19		
		ex2008 97 94	19		
		ex2008 97 96	19		
		ex2008 97 97	19		
		ex2008 97 98	19		
	Flour, meal and powder of pistachios (Food)	ex1106 30 90	50		
South Korea (KR)	Enoki mushrooms (Food)	ex0709 59 00		Listeria	20
Sri Lanka (LK)	Peppers of the genus <i>Capsicum</i> (sweet or other than sweet) (Food – dried, roasted, crushed or ground)	0904 21 10	20	Aflatoxins	50
		ex0904 21 90	11; 19		
		ex0904 22 00	10; 90		
		ex2005 99 10	94		
		ex2005 99 80			
Nigeria (NG)	Watermelon (<i>egusi, Citrullus</i> spp.) seeds and derived products (Food)	ex1207 70 00	10	Aflatoxins	50
		ex1208 90 00	10		
		ex2008 99 99	50		
Pakistan (PK)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex0709 60 99	20	Pesticide residues ⁽⁵⁾	20
		ex0710 80 59	20		
	Spice mixes (Food)	0910 91 10		Aflatoxins	10
		0910 91 90			

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Sudan (SD)	Groundnuts (peanuts), in shell (Food and feed)	1202 41 00		Aflatoxins	50
	Groundnuts (peanuts), shelled (Food and feed)	1202 42 00			
	Peanut butter (Food and feed)	2008 11 10			
	Groundnuts (peanuts), otherwise prepared or preserved (Food and feed)	2008 11 91 2008 11 96 2008 11 98			
	Groundnut flours and meals (Food and feed)	ex1208 90 00	20		
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil (Food and feed)	2305 00 00			
	Groundnuts paste (Food and feed)	ex2007 10 10 ex2007 10 99 ex2007 99 39	80 50 07;08		
	<i>Sesamum</i> seeds (Food)	1207 40 90			
Türkiye (TR)	Dried figs (Food)	0804 20 90		Aflatoxins	20

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	Mixtures of nuts or dried fruits containing figs (Food)	ex0813 50 99	50		
	Dried fig paste (Food)	ex2007 10 10	50		
		ex2007 10 99	20		
		ex2007 99 39	01; 02		
		ex2007 99 50	31		
		ex2007 99 97	21		
	Dried figs, prepared or preserved, including mixtures (Food)	ex2008 97 12	11		
		ex2008 97 14	11		
		ex2008 97 16	11		
		ex2008 97 18	11		
		ex2008 97 32	11		
		ex2008 97 34	11		
		ex2008 97 36	11		
		ex2008 97 38	11		
		ex2008 97 51	11		
		ex2008 97 59	11		
		ex2008 97 72	11		
		ex2008 97 74	11		
		ex2008 97 76	11		
		ex2008 97 78	11		
		ex2008 97 92	11		
		ex2008 97 93	11		
		ex2008 97 94	11		

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		ex2008 97 96	11		
		ex2008 97 97	11		
		ex2008 97 98	11		
		ex2008 99 28	10		
		ex2008 99 34	10		
		ex2008 99 37	10		
		ex2008 99 40	10		
		ex2008 99 49	60		
		ex2008 99 67	95		
		ex2008 99 99	60		
	Flour, meal or powder of dried figs (Food)	ex1106 30 90	60		
	Pistachios, in shell (Food)	0802 51 00		Aflatoxins	50
	Pistachios, shelled (Food)	0802 52 00			
	Mixtures of nuts or dried fruits containing pistachios (Food)	ex0813 50 39	60		
		ex0813 50 91	60		
		ex0813 50 99	60		
	Pistachio Paste (Food)	ex2007 10 10	60		
		ex2007 10 99	30		
		ex2007 99 39	03; 04		
		ex2007 99 50	32		

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<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code⁽¹⁾</i>	<i>TARIC sub-division</i>	<i>Hazard</i>	<i>Frequency of physical and identity checks (%)</i>
		ex2007 99 97	22		
	Pistachios,	ex2008 19 13	20		
	prepared or	ex2008 19 93	20		
	preserved,	ex2008 97 12	19		
	including	ex2008 97 14	19		
	mixtures	ex2008 97 16	19		
	(Food)	ex2008 97 18	19		
		ex2008 97 32	19		
		ex2008 97 34	19		
		ex2008 97 36	19		
		ex2008 97 38	19		
		ex2008 97 51	19		
		ex2008 97 59	19		
		ex2008 97 72	19		
		ex2008 97 74	19		
		ex2008 97 76	19		
		ex2008 97 78	19		
		ex2008 97 92	19		
		ex2008 97 93	19		
		ex2008 97 94	19		
		ex2008 97 96	19		
		ex2008 97 97	19		
		ex2008 97 98	19		
	Flour, meal and powder of pistachios	ex1106 30 90	50		

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Country of origin	Food and feed (intended use)	CN code ⁽¹⁾	TARIC sub-division	Hazard	Frequency of physical and identity checks (%)
	(Food)				
	Vine leaves	ex2008 99 99	11; 19	Pesticide residues ⁽⁵⁾⁽⁸⁾	50
	(Food)				
Uganda (UG)	<i>Sesamum</i> seeds (Food)	1207 40 90		<i>Salmonella</i> ⁽²⁾	20

- (1) Where only certain products under any CN code are required to be examined, the CN code is marked 'ex'.
- (2) The sampling and the analyses are to be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(a) of Annex III of these Regulations.
- (3) The sampling and the analyses shall be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(b) of Annex III of these Regulations.
- (4) The analytical report referred to in Article 10(3) of this Regulation must be issued by a laboratory accredited for the analysis of PCP in food and feed in accordance with BS EN ISO/IEC 17025:2017 "General requirements for the competence of testing and calibration laboratories" (published by the British Standards Institution on 30 June 2018 (ISBN 978 0 539 01414 3), and available from the British Standards Institution at <https://knowledge.bsigroup.com>). The analytical report must indicate: (a) the results of sampling and analysis for the presence of PCP, performed by the competent authorities of the country of origin or of the country where the consignment is consigned from if that country is different from the country of origin; (b) the measurement uncertainty of the analytical result; (c) the limit of detection (LOD) of the analytical method; (d) the limit of quantification (LOQ) of the analytical method. The extraction before analysis must be performed with an acidified solvent. The analysis must be carried out according to the modified version of the QuEChERS method or according to an equally reliable method. The modified version of the QuEChERS method is set out in the document "Analytical Quality Control and Method Validation Procedures for Pesticide Residues Analysis in Food and Feed" (SANTE 2017/11813), implemented on 1 January 2020 and available at https://www.eurl-pesticides.eu/userfiles/file/EurlALL/AqcGuidance_SANTE_2019_12682.pdf.
- (5) Residues of at least those pesticides listed in the control programme adopted in accordance with Article 29(2) of Regulation (EC) No 396/2005 of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin⁶ that can be analysed with multi-residue methods based on GC-MS and LC-MS (pesticides to be monitored in/on products of plant origin only).
- (6) Residues of Carbofuran.
- (7) Residues of ethylene oxide (sum of ethylene oxide and 2-chloro-ethanol, expressed as ethylene oxide).
- (8) Residues of dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram) and metrafenone.

Table 2

Compound food referred to in Article 1(1)(b)(ii)

Compound food containing any of the individual products listed in Table 1 of this Annex due to risk of contamination by aflatoxins in a quantity above 20% of either a single product or as the sum of products listed.

CN Code ⁽¹⁾	Description
ex1704 90	Sugar confectionery (including white chocolate), not containing cocoa, other than chewing gum, whether or not sugar-coated.
ex1806	Chocolate and other food preparations containing cocoa.

- (1) Where only certain products under any CN code are required to be examined, the CN code is marked 'ex'.
- (2) Mixtures of two or more of the products of different headings are to be classified in heading 0910.

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<i>CN Code⁽¹⁾</i>	<i>Description</i>
ex1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products.
0910 91	Mixtures of spices ⁽²⁾ .”

(1) Where only certain products under any CN code are required to be examined, the CN code is marked 'ex'.

(2) Mixtures of two or more of the products of different headings are to be classified in heading 0910.

SCHEDULE 3

Regulation 2(6)

New Annex IIIa of Commission Implementing Regulation (EU) 2019/1793

“ANNEX IIIa

Sampling procedure and analytical reference method for the control of presence of Listeria in food

Sampling procedure and analytical reference method for the control of presence of *Listeria* in food, referred to in Article 3(ea)

Analytical reference method⁽¹⁾	Weight of consignment	Number of sample units (n)	Sampling procedures	Analytical result required for each sample unit of the same consignment
EN ISO 11290-1:2017 ⁽²⁾	Any weight	5	n sample units are collected of a minimum of 100 g each. If batches are identified in the CHED, the sample units must be collected from the different batches randomly chosen from the consignment. If batches cannot be identified, the sample units are collected randomly from the consignment. Pooling of sample units is not allowed. Each sample unit must be tested separately.	No detection of <i>Listeria</i> in 25g”

(1) The listed method must be used, or a method validated against it in accordance with the protocol set out in BS EN ISO 16140-2:2016 “Microbiology of the food chain. Method validation - Protocol for the validation of alternative (proprietary) methods against a reference method”. BS EN ISO 16140-2:2016 was published by the British Standards Institution on 31 July 2016 (ISBN 978 0 580 69940 5). Available from the British Standards Institution <https://knowledge.bsigroup.com>.

(2) Under reference BS EN ISO 11290-1:2017 “Microbiology of the food chain. Horizontal method for the detection and enumeration of *Listeria monocytogenes* and of *Listeria* spp. - Detection method”. Published by the British Standards Institution on 31 August 2017 (ISBN 978 0 580 77715 8). Available from the British Standards Institution <https://knowledge.bsigroup.com>.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Commission Implementing [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 2(2) and (3) inserts provision into [Regulation \(EU\) 2019/1793](#) concerning the sampling and analyses of food and feed of non-animal origin for the hazard *Listeria*. Regulation 2(6) and schedule 3 make related provision through the addition of Annex IIIa of [Regulation \(EU\) 2019/1793](#) which outlines the sampling procedure and analytical reference method for the control of the presence of *Listeria* in food.

Regulation 2(4) provides that Annex I of [Regulation \(EU\) 2019/1793](#) is substituted, with amendments, with the Annex in schedule 1 which contains a list which sets out food and feed of non-animal origin from certain third countries which is subject to a temporary increase of official controls at border controls posts and control points in Great Britain.

Regulation 2(5) provides that Annex II of [Regulation \(EU\) 2019/1793](#) is substituted, with amendments, with the Annex in schedule 2. The Annex in schedule 2 comprises two tables. Table 1 contains the list of food and feed from certain third countries subject to special conditions for entry into Great Britain due to contamination risk by mycotoxins, including aflatoxins, pesticide residues, pentachlorophenol and dioxins and microbiological contamination. Table 2 contains the list of compound food containing any of the food listed in Table 1 of Annex 2 due to the risk of contamination by aflatoxins in a quantity above 20% of either a single product or as the sum of those products.

An impact assessment has not been produced for this instrument as no, or no significant impact, on the public, private or voluntary sector is foreseen. A Policy Note has been published alongside this instrument at www.legislation.gov.uk.