

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^(a) (“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^(b) (“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^(c) is amended as follows.

(2) In Article 3 (sampling and analyses)—

(a) after paragraph (e), insert—

(a) EUR 2002/178, as amended by S.I. 2019/641 and 2020/1504.
(b) EUR 2017/625, as amended by S.I. 2020/1481.
(c) EUR 2019/793, as amended by S.I. 2020/1631.

“(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.

JENNI MINTO

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
16th January 2024

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 (Food and feed)	ex2007 10 10 ex2007 10 99 ex2007 99 39	80 50 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 (Food and feed)	ex2007 10 10 ex2007 10 99 ex2007 99 39	80 50 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	ex0904 22 00	11	<i>Salmonella</i> ⁽⁴⁾	10

	<i>(Capsicum annuum)</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
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	20
	Hazelnuts (<i>Corylus spp.</i>), shelled (Food)	0802 22 00			
	Flour, meal and	ex1106 30 90	40		

	powder of hazelnuts (<i>Corylus spp.</i>) (Food)				
	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 1511 90 99	90	Sudan dyes ⁽⁸⁾	20
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 (Food – dried spices)	0909		Pesticide residues ^{(4) (21)}	10
	Ginger, saffron, turmeric (<i>Curcuma</i>), thyme, bay leaves, curry and other spices	0910		Pesticide residues ^{(4) (21)}	10

	<i>(Food – dried spices)</i>				
Iran (IR)	Melon seeds <i>(Food)</i>	1207 70		Aflatoxins	10
Kenya (KE)	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) <i>(Food – fresh or chilled)</i>	0708 20		Pesticide residues ⁽⁴⁾	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⁾	10
Cambodia (KH)	Chinese celery (<i>Apium graveolens</i>) <i>(Food – fresh or chilled herb)</i>	ex0709 40 00	20	Pesticide residues ^{(4) (11)}	50
	Yardlong beans (<i>Vigna unguiculata</i> subsp. <i>sesquipedalis</i>) <i>(Food – fresh, chilled or frozen)</i>	ex0708 20 00 ex0710 22 00	10 10	Pesticide residues ^{(4) (12)}	50
Lebanon (LB)	Turnips (<i>Brassica rapa</i> subsp. <i>rapa</i>) <i>(Food – prepared or preserved by vinegar or acetic acid)</i>	ex2001 90 97	11; 19	Rhodamine B	50
	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 the extraction of groundnut oil (Food and feed)	2305 00 00			
Malaysia (MY)	Jackfruit (<i>Artocarpus heterophyllus</i>) (Food – fresh)	ex0810 90 20	20	Pesticide residues ⁽⁴⁾	50
Nigeria (NG)	<i>Sesamum</i> seeds (Food)	1207 40 90		<i>Salmonella</i> ⁽²⁾	50
Pakistan (PK)	Rice (Food)	1006		Aflatoxins and Ochratoxin A	5
				Pesticide residues ⁽⁴⁾	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 (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		
Syria (SY)	<i>Sesamum</i> seeds	1207 40 90		<i>Salmonella</i> ⁽²⁾	10

	(Food)				
	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>) (Food – prepared or preserved by brine or citric acid, not frozen)	ex2005 99 80	93	Rhodamine B	50
Thailand (TH)	Food containing or consisting of betel leaves (<i>Piper betle</i>) (Food)	ex1404 90 00		<i>Salmonella</i> ⁽³⁾	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⁾ (13)	50
Türkiye (TR)	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) (Food – fresh, chilled or dried)	0805 50 10		Pesticide residues ⁽⁴⁾ (14)	20
	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids (Food – fresh or dried)	0805 21 0805 22 0805 29		Pesticide residues ⁽⁴⁾	20
	Oranges (Food – fresh or dried)	0805 10		Pesticide residues ⁽⁴⁾	20
	Pomegranates (Food – fresh or chilled)	ex0810 90 75	30	Pesticide residues ⁽⁴⁾ (15)	20
	Sweet Peppers (<i>Capsicum annuum</i>) (Food – fresh, chilled or frozen)	0709 60 10 0710 80 51		Pesticide residues ⁽⁴⁾ (16)	20

	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 (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		
Uzbekistan (UZ)	Dried apricots (Food)	0813 10 00		Sulphites ⁽¹⁹⁾	50
	Apricots, otherwise prepared or preserved (Food)	2008 50			

Vietnam (VN)	Coriander leaves <i>(Food – fresh or chilled herbs)</i>	ex0709 99 90	72	Pesticide residues ^{(4) (20)}	50
	Basil (holy, sweet) <i>(Food – fresh or chilled herbs)</i>	ex1211 90 86	20	Pesticide residues ^{(4) (20)}	50
	Mint <i>(Food – fresh or chilled herbs)</i>	ex1211 90 86	30	Pesticide residues ^{(4) (20)}	50
	Parsley <i>(Food – fresh or chilled herbs)</i>	ex0709 99 90	40	Pesticide residues ^{(4) (20)}	50
	Okra <i>(Food – fresh, chilled or frozen)</i>	ex0709 99 90 ex0710 80 95	20 30	Pesticide residues ^{(4) (20)}	50
	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) (20)}	50
	Pitahaya (dragon fruit) <i>(Food – fresh or chilled)</i>	ex0810 90 20	10	Pesticide residues ^{(4) (20)}	50

(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 origin(a) 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), Diafenthiuron, 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 Diafenthiuron.

(11) Residues of Phenthoate.

(a) EUR 2005/396, as amended by S.I. 2019/557. S.I. 2019/557 was amended by S.I. 2019/1410 and S.I. 2020/1376.

- (12) Residues of Chlorbufam.
- (13) Residues of Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)), Prothiofos and Triforine.
- (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 foodstuffs(a).
- (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).”

(a) EUR 2004/852; as amended by S.I. 2019/642.

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 (Food and feed)	1202 41 00		Aflatoxins	5
	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			
Azerbaijan (AZ)	Hazelnuts (<i>Corylus spp.</i>), in shell (Food)	0802 21 00		Aflatoxins	20
	Hazelnuts (<i>Corylus</i>)	0802 22 00			

	Mixtures of nuts or dried fruits containing Brazil nuts in shell. (Food)	ex0813 50 31 ex0813 50 39 ex0813 50 91 ex0813 50 99	20 20 20 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 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		
	Vine leaves (Food)	ex2008 99 99	11;19		
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			

	<i>Sesamum</i> seeds (Food)	1207 40 90		<i>Salmonella</i> ⁽²⁾	50
Ghana (GH)	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		
The Gambia (GM)	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	2305 00 00			

	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		
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> (Food)	ex1404 90 00		<i>Salmonella</i> ⁽³⁾	10
	Nutmeg <i>(Myristica fragrans)</i> (Food – dried spices)	0908 11 00 0908 12 00		Aflatoxins	20
	Peppers of the genus <i>Capsicum</i> (sweet or other than sweet) (Food – dried, roasted, crushed or ground)	0904 21 10 ex0904 22 00 ex0904 21 90 ex2005 99 10 ex2005 99 80	11; 19 20 10; 90 94	Aflatoxins	20
	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	2305 00 00				

	(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			
	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	20 20 19 19 19 19 19 19 19 19 19 19 19 19 19		

		ex2008 97 78 ex2008 97 92 ex2008 97 93 ex2008 97 94 ex2008 97 96 ex2008 97 97 ex2008 97 98	19 19 19 19 19 19 19		
	Flour, meal and powder of pistachios (Food)	ex1106 30 90	50		
South Korea (KR)	Enoki mushrooms (Food)	ex0709 59 00		<i>Listeria</i>	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 ex0904 21 90 ex0904 22 00 ex2005 99 10 ex2005 99 80	20 11; 19 10; 90 94	Aflatoxins	50
Nigeria (NG)	Watermelon (<i>egusi, Citrullus</i> spp.) seeds and derived products (Food)	ex1207 70 00 ex1208 90 00 ex2008 99 99	10 10 50	Aflatoxins	50
Pakistan (PK)	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⁾	20
	Spice mixes (Food)	0910 91 10 0910 91 90		Aflatoxins	10
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,	2305 00 00			

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 origin^(a) 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.

<i>CN Code⁽¹⁾</i>	<i>Description</i>
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.
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.”

(a) EUR 2005/396, as amended by S.I. 2019/557. S.I. 2019/557 was amended by S.I. 2019/1410 and S.I. 2020/1376.

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>.”

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.

© Crown copyright 2024

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the King's Printer for Scotland.

£8.14

<http://www.legislation.gov.uk/id/ssi/2024/12>

ISBN 978-0-11-105897-8



9 780111 058978