
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact with amendments the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Scotland) Regulations 2002. The revocation is effected by regulation 7.

The Regulations implement Commission Decision [2002/80/EC](#) imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived from figs, hazelnuts and pistachios originating in, or consigned from Turkey (O.J. No. L 34, 5.2.02, p.26) as amended by Commission Decision [2002/233/EC](#) (O.J. No. L 78, 21.03.02, p.14) and by Commission Decision [2002/679/EC](#) (O.J. No. L 229, 27.8.02, p.37).

The Regulations—

- (a) prohibit the importation of Turkish figs, hazelnuts and pistachios (as defined in regulation 2(1)) which left Turkey on or after 11th March 2002, except where they are accompanied by Turkish Government health certificates and the results of official sampling and analysis, the importation takes place only through specified points of entry and the consignment is identified with a code corresponding with that specified on the health certificate and in the sampling and analysis results (regulations 2 and 3);
- (b) prohibit the importation of Turkish figs, hazelnuts and pistachios which left Turkey before 11th March 2002 and which are not accompanied by the documentation otherwise required, except where the importation takes place through a specified point of entry and the operator can show, by sampling and analysis of the consignment in the prescribed manner, that it does not contain aflatoxin B1 or total aflatoxin above the legally prescribed maximum levels (regulations 2 and 3);
- (c) provide for their enforcement (regulation 4);
- (d) apply, with modifications, provisions of the Food Safety Act 1990 (regulation 5); and
- (e) provide for re-dispatch or destruction of illegal imports of Turkish figs, hazelnuts and pistachios (regulation 6).

The principal changes effected by these Regulations are that—

- (a) the definition of Turkish figs, hazelnuts and pistachios is amended to remove fresh figs and include fig paste and hazelnut paste;
- (b) the previous requirement that consignments of Turkish figs, hazelnuts and pistachios be subjected random sampling and analysis in order to ensure compliance with Commission Decision [2002/80/EC](#) is modified by providing that—
 - (i) only approximately 10% of such consignments be so subjected;
 - (ii) consignments so subjected must be detained for that purpose;
 - (iii) the period of detention must not exceed 10 working days; and
 - (iv) an authorised officer of a food authority must issue a notice in writing stating that sampling has taken place and the results of the analysis of the sample;
- (c) the sampling procedure for hazelnuts is modified; and

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- (d) an authorised officer of a food authority is empowered (subject to a right of appeal to a sheriff) to issue a notice ordering the re-dispatch or destruction of illegal imports of Turkish figs, hazelnuts and pistachios.

No regulatory impact assessment has been prepared in relation to these Regulations.