
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Decision [2004/92/EC](#) on emergency measures regarding chilli and chilli products (O.J. No. L 27, 30.1.04, p.52) (“the new Decision”). The new Decision repealed Commission Decision [2003/460/EC](#) on emergency measures regarding hot chilli and hot chilli products (O.J. No. L 154, 21.6.03, p.114). These Regulations replace the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003 ([S.S.I. 2003/382](#)) and the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Amendment Regulations 2003 ([S.S.I. 2003/493](#)) which implemented Commission Decision [2003/460/EC](#).

The differences between the new Decision and Commission Decision [2003/460/EC](#) are that–

- (a) the new Decision extends the emergency measures to apply to curry powder in addition to dried and crushed or ground chillies; and
- (b) the new Decision requires that before a consignment of chilli or chilli products can be imported into the Community, the analytical report accompanying the consignment must in addition to showing that the product does not contain Sudan I (CAS Number 842 07 9), show that the product also does not contain the chemical substances Sudan II (CAS Number 3118-97-6), Sudan III (CAS Number 85-86-9) or Scarlet Red or Sudan IV (CAS Number 85-83-6).

These Regulations–

- (a) prohibit the importation of chilli or chilli products, except where they are accompanied by an analytical report demonstrating that the product does not contain any of the prohibited substances referred to above (regulation 3);
- (b) prohibit the placing on the market of chilli or chilli products which contain any such prohibited substance (regulation 4);
- (c) provide for their enforcement (regulation 5);
- (d) apply, with modifications, certain provisions of the Food Safety Act 1990 for the purposes of the Regulations and provide for sampling and analysis (regulation 6);
- (e) provide for the destruction of chilli or chilli products which have been illegally imported or illegally placed on the market (regulation 7);
- (f) make provision as to the payment of the cost of analysis, storage and destruction of products incurred by the food authority under the Regulations (regulation 8); and
- (g) revoke previous controls on chilli and chilli products (regulation 9).

The CN codes referred to in the definition of “chilli and chilli products” are the code numbers of the combined nomenclature established by Regulation 2658/87 on the tariff and statistical nomenclature and on the customs tariff (O.J. No. L 256, 7.9.87, p.1).

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