2022 No. 341

AGRICULTURE

FOOD

The Official Controls (Import of High Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations 2022

Made - - - - 18th November 2022

Laid before the Scottish Parliament 22nd November 2022

Coming into force - - 17th January 2023

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 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) and all other powers enabling them to do so.

There has been consultation as required by Article 9 of Regulation 178/2002.

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 2022 and come into force on 17 January 2023.
 - (2) These Regulations extend to Scotland only.

⁽a) EUR 178/2002, as amended by S.I. 2019/641 and 2020/1504.

⁽b) EUR 2017/625, as amended by S.I. 2020/1481.

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(**a**) is amended as follows.
 - (2) For Annex 1, substitute the Annex in schedule 1.
 - (3) For Annex 2, substitute the Annex in schedule 2.
 - (4) For Annex 2(a), substitute the Annex in schedule 3.

MAREE TODD
Authorised to sign by the Scottish Ministers

St Andrew's House, Edinburgh 18th November 2022

⁽a) EUR 2019/1793, as amended by S.I. 2020/1631.

New Annex 1 to 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

Country of origin	Food and feed (intended use)	CN code ⁽¹⁾	TARIC sub- division	Hazard	Frequency of physical and identity checks (%)
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	2008 11 91 2008 11 96 2008 11 98			
	(Food and feed) 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			
Brazil (BR)	Black pepper (Piper) (Food – neither crushed nor ground)	ex0904 11 00	10	Salmonella ⁽²⁾	50
	Groundnuts (peanuts), in shell (Food and feed)	1202 41 00		Aflatoxins	10
	Groundnuts (peanuts), shelled (Food and feed)	1202 42 00		Pesticide residues ⁽³⁾	20

	1				
	Peanut butter	2008 11 10			
	(Food and feed)				
	Groundnuts	2008 11 91			
	(peanuts),	2008 11 96			
	otherwise	2008 11 98			
	prepared or				
	preserved				
	(Food and feed)				
	Oilcake and other	2305 00 00			
	solid residues,				
	whether or not				
	ground or in the				
	form of pellets,				
	resulting from the extraction of				
	groundnut oil				
	(Food and feed)				
	Groundnut flours	ex1208 90 00	20	_	
	and meals	ex1208 90 00	20		
China (CNI)	(Food and feed)	1202 41 00		Aflatoxins	10
China (CN)	Groundnuts (peanuts) in shell	1202 41 00		Allatoxins	10
	-				
	(Food and feed)	1202 42 00		_	
	Groundnuts	1202 42 00			
	(peanuts), shelled				
	(Food and feed)			_	
	Peanut butter	2008 11 10			
	(Food and feed)				
	Groundnuts	2008 11 91			
	(peanuts),	2008 11 96			
	otherwise	2008 11 98			
	prepared or				
	preserved				
	(Food and feed)	2205 00 00			
	Oilcake and other	2305 00 00			
	solid residues, whether or not				
	ground or in the				
	form of pellets,				
	resulting from the				
	extraction of				
	groundnut oil				
	(Food and feed)				
	Groundnut flours	ex1208 90 00	20		
	and meals	CA1200 > 0 00	20		
	(Food and feed)				
	Sweet peppers	ex0904 22 00	11	Salmonella ⁽⁴⁾	20
	(Capsicum	2A070 + 22 00	**	Samonena	
	annuum)				
	(Food – crushed				
	or ground)				
	Tea, whether or	0902		Pesticide	20
	not flavoured			residues ⁽⁵⁾ (6)	_~
	(Food)				
Dominican	Aubergines	0709 30 00		Pesticide	20
Dominican	1 tuocigines	0107 30 00	<u> </u>	1 Concluc	1 20

Republic	(Solanum			residues ⁽⁵⁾	
_	melongena)			residues	
(DO)					
	(Food – fresh or chilled)				
		0709 60 10		Pesticide	50
	Sweet peppers			residues ⁽⁵⁾ (7)	30
	(Capsicum	0710 80 51		Testaues	
	annuum)				
	(Food – fresh,				
	chilled or frozen)	0700 (0.00	20		
	Peppers of the	ex0709 60 99	20		
	Capsicum species	ex0710 80 59	20		
	(other than sweet)				
	(Food – fresh,				
	chilled or frozen)	0700 20 00	10		
	Yardlong beans	ex0708 20 00	10		
	(Vigna	ex0710 22 00	10		
	unguiculata				
	ssp.sesquipedalis,				
	Vigna				
	unguiculata				
	ssp.unguiculata) (Food – fresh,				
	chilled or frozen)				
Example (EC)	•	0709 60 10		Dagtinida	20
Egypt (EG)	Sweet peppers			Pesticide residues ⁽⁵⁾ (8)	20
	(Capsicum	0710 80 51		residues	
	annuum)				
	(Food – fresh, chilled or frozen)				
	•	27/07/00 60 00	20	_	
	Peppers of the	ex0709 60 99	20		
	Capsicum species (other than sweet)	ex0710 80 59	20		
	(Food – fresh,				
	chilled				
C : (CE)	or frozen)	0002 21 00		A CL 4	20
Georgia (GE)	Hazelnuts	0802 21 00		Aflatoxins	20
	(Corylus sp.), in shell				
	(Food)	0002 22 00			
	Hazelnuts	0802 22 00			
	(Corylus sp.), shelled				
	(Food)	1106 20 00	40	\dashv	
	Flour, meal and	ex1106 30 90	40		
	powder of hazelnuts				
	(Corylus sp.)				
	(Food)				
		av2009 10 10	20	\dashv	
	Hazelnuts	ex2008 19 19	30		
	(Corylus sp.), otherwise	ex2008 19 95	20		
	prepared or	ex2008 19 99	30		
	prepared or preserved				
	(Food)				
Chara (CII)		1511 10 00		Suden dyes(9)	50
Ghana (GH)	Palm oil	1511 10 90	90	Sudan dyes ⁽⁹⁾	30
	(Food)	1511 90 11			

		ex1511 90 19			
		1511 90 99			
India (IN)	Curry leaves	ex1211 90 99	10	Pesticide	50
	(Bergera/			residues ⁽⁵⁾ (10)	
	Murraya				
	koenigii)				
	(Food – fresh,				
	chilled, frozen or				
	dried)				
	Okra	ex0709 99 90	20	Pesticide	20
	(Food – fresh, chilled or frozen)	ex0710 80 95	30	residues ^{(5) (11)}	
Kenya (KE)	Beans (Vigna	0708 20		Pesticide	10
	spp., Phaseolus			residues ⁽⁵⁾	
	spp.)				
	(Food – fresh or				
	chilled)				
Cambodia	Chinese celery	ex0709 40 00	20	Pesticide	50
(KH)	(Apium			residues ^{(5) (12)}	
	graveolens)				
	(Food – fresh or				
	Chilled herb)	ex0708 20 00	10	Pesticide	50
	Yardlong beans	ex0708 20 00 ex0710 22 00	10	residues ⁽⁵⁾ (13)	30
	(Vigna unguiculata	ex0/10/22/00	10	Testaues	
	ssp.sesquipedalis,				
	Vigna				
	unguiculata				
	ssp.unguiculata)				
	(Food – fresh,				
	chilled or frozen				
	vegetables)				
Lebanon	Turnips (Brassica	ex2001 90 97	11; 19	Rhodamine B	50
(LB)	rapa ssp. rapa)				
	(Food – prepared				
	or preserved by				
	vinegar or acetic acid)				
	Turnips (Brassica	ex2005 99 80	93	Rhodamine B	50
	rapa ssp. rapa)				
	(Food – prepared				
	or preserved by				
	brine or citric				
	acid, not frozen)				
Madagascar	Groundnuts	1202 41 00		Aflatoxins	50
(MG)	(peanuts), in shell				
	(Food and feed)	1000 15 00		4	
	Groundnuts	1202 42 00			
	(peanuts), shelled				
	(Food and feed)	2009 11 10		-	
	Peanut butter	2008 11 10			
	(Food and feed)	2008 11 91		-	
	Groundnuts (peanuts),	2008 11 91			
	otherwise	2008 11 96			
	30101 (1100	2000 11 90	<u> </u>	_1	

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	prepared or preserved				
	(Food and feed)				
	Groundnut flours	ex1208 90 00	20	-	
	and meals	CX1200 90 00	20		
	(Food and feed)				
	Oilcake and other	2305 00 00			
	solid residues,				
	whether or not				
	ground or in the				
	form of pellets,				
	resulting from the extraction of				
	groundnut oil				
	(Food and feed)				
Malaysia	Jackfruit	ex0810 90 20	20	Pesticide	50
(MY)	(Artocarpus	CX0010 70 20	20	residues ⁽⁵⁾	
	heterophyllus)				
	(Food – fresh)				
Nigeria (NG)	Sesamum seeds	1207 40 90		Salmonella ⁽²⁾	50
	(Food)				
Pakistan	Spice mixes	0910 91 10		Aflatoxins	50
(PK)	(Food)	0910 91 90			
Sierra Leone	Watermelon	ex1207 70 00	10	Aflatoxins	50
(SL)	(Egusi, Citrullus	ex1208 90 00	10		
	spp.) seeds and	ex2008 99 99	50		
	derived products				
Senegal (SN)	(Food) Groundnuts	1202 41 00		Aflatoxins	50
Schegal (SIV)	(peanuts), in shell	1202 41 00		Allatoxilis	30
	(Food and feed)				
	Groundnuts	1202 42 00		_	
	(peanuts), shelled				
	(Food and feed)				
	Peanut butter	2008 11 10			
	(Food and feed)				
	Groundnuts	2008 11 91			
	(peanuts),	2008 11 96			
	otherwise	2008 11 98			
	prepared or preserved				
	(Food and feed)				
	Groundnut flours	ex1208 90 00	20		
	and meals	CX1200 90 00	20		
	(Food and feed)				
	Oilcake and other	2305 00 00			
	solid residues,				
	whether or not				
	ground				
	or in the form of				
	pellets, resulting from the				
	extraction of				
	groundnut oil				
	(Food and feed)				
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Syria (SY)	Turnips (Brassica	ex2001 90 97	11; 19	Rhodamine B	50
	rapa ssp. rapa)				
	(Food – prepared				
	or preserved by vinegar or acetic				
	acid)				
	Turnips (Brassica	ex2005 99 80	93	Rhodamine B	50
	rapa ssp. rapa)	CX2003 99 80	73	Kilodallillic D	30
	(Food - prepared				
	or preserved by				
	brine or citric				
	acid, not frozen)				
Thailand	Food containing	1404 90 00		Salmonella ⁽⁴⁾	10
(TH)	or consisting of				
	betel leaves				
	(Piper betle)				
	(Food)				
	Peppers of the	ex0709 60 99	20	Pesticide	20
	Capsicum species	ex0710 80 59	20	residues(5) (14)	
	(other than sweet)				
	(Food – fresh,				
Tuelver (TD)	<i>chilled or frozen</i>) Hazelnuts	0802 21 00		Aflatoxins	5
Turkey (TR)	(Corylus sp.) in	0802 21 00		Affatoxins	3
	shell				
	(Food)				
	Hazelnuts	0802 22 00		1	
	(Corylus sp.)	0002 22 00			
	shelled				
	(Food)				
	Mixtures of nuts	ex0813 50 39	70		
	or dried fruits	ex0813 50 91	70		
	containing	ex0813 50 99	70		
	hazelnuts				
	(Food)				
	Hazelnut	ex2007 10 10	70		
	(Corylus sp.)	ex2007 10 99	40		
	paste	ex2007 99 39	05; 06		
	(Food)	ex2007 99 50	33		
		ex2007 99 97	23	1	
	Hazelnuts,	ex2008 19 12	30		
	otherwise	ex2008 19 19	30		
	prepared or	ex2008 19 92	30		
	preserved,	ex2008 19 95	20		
	including mixtures	ex2008 19 99	30		
	(Food)	ex2008 97 12	15		
	(1'00u)	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		

T	T			•
	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		
	ex2008 97 97	15		
	ex2008 97 98	15		
Flour, meal and	ex1106 30 90	40	-	
powder of	CX1100 30 70	10		
hazelnuts(Corylus				
sp.)				
(Food)				
Hazelnut	ex1515 90 99	20	-	
(Corylus sp.) oil	CX1313 70 77	20		
(Food)				
Lemons (Citrus	0805 50 10		Pesticide	20
limon, Citrus	0803 30 10		residues ⁽⁵⁾ (15)	20
limon, Curus			residues	
· ·				
(Food – fresh, chilled or dried)				
Mandarins	0905 21		Pesticide	20
	0805 21		residues ⁽⁵⁾	20
(including tangerines and	0805 22		residues	
satsumas);	0805 29			
clementines,				
wilkings and				
similar citrus				
hybrids				
(Food – fresh or				
dried)				
,	0005 10		Dagticida	20
Oranges	0805 10		Pesticide	20
(Food – fresh or			residues ⁽⁵⁾	
dried)	0010 00 75	20	Daniel 1	20
Pomegranates	ex0810 90 75	30	Pesticide	20
(Food – fresh or			residues ^{(5) (16)}	
chilled)				
Sweet Peppers	0709 60 10		Pesticide	20
(Capsicum	0710 80 51		residues ^{(5) (17)}	
annuum)				
(Food – fresh,				
chilled or frozen)				
Peppers of the	ex0709 60 99	20	Pesticide	20
Capsicum species	ex0710 80 59	20	residues ⁽⁵⁾	
(other than sweet)				
(Food – fresh,				
chilled or frozen)				
Unprocessed	ex1212 99 95	20	Cyanide	50
whole, ground,	UNI 212 77 73	20	Cyamac	
milled, cracked,				
chopped apricot				
chopped apricor		<u> </u>		

kernels into to be place the market final consuction (19) (Food) Uganda (UG) Peppers of Capsicum (other than (Food – frechilled or just), in the consumation of th			i		1
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(Food and Groundnut and meals (Food and Oilcake an solid residu whether or ground or i form of per resulting frextraction groundnut (Food and Uzbekistan (UZ) Uzbekistan (UZ) Apricots, otherwise prepared or preserved (Food) Vietnam (VN) Coriander (Food – frechilled her Basil (holy)	r				
Groundnut and meals (Food and Oilcake an solid residu whether or ground or if form of per resulting frextraction agroundnut (Food and) Uzbekistan (UZ) Apricots, otherwise prepared or preserved (Food) Vietnam (VN) (Food – frechilled her Basil (holy)					
and meals (Food and Oilcake an solid residu whether or ground or if form of per resulting frextraction aground and Uzbekistan (UZ) (Food) Apricots, otherwise prepared or preserved (Food) Vietnam (VN) (Food – frechilled her Basil (holy)	feed)				
(Food and Oilcake an solid residue whether or ground or if form of per resulting frextraction of groundnut (Food and) Uzbekistan (UZ) (Food) Apricots, otherwise prepared or preserved (Food) Vietnam (VN) (Food – frechilled her Basil (holy)	flours	ex1208 90 00	20		
Oilcake an solid residue whether or ground or if form of per resulting frextraction groundnut (Food and Uzbekistan (UZ) (Food) Apricots, otherwise prepared of preserved (Food) Vietnam (VN) (Food – frechilled her Basil (holy)					
solid residum whether or ground or in form of per resulting from the extraction of ground and ground and the second secon	feed)				
whether or ground or in form of per resulting from the extraction of groundnut (Food and Uzbekistan (UZ) (Food) Apricots, otherwise prepared of preserved (Food) Vietnam (VN) (Food – from the first chilled her Basil (holy)	d other	2305 00 00			
ground or if form of per resulting fresulting frestraction of groundnut (Food and Uzbekistan (UZ) (Food) Apricots, otherwise prepared of preserved (Food) Vietnam (VN) (Food – freschilled her Basil (holy)	ies,				
form of per resulting frextraction of groundnut (Food and Uzbekistan (UZ) (Food) Apricots, otherwise prepared of preserved (Food) Vietnam (VN) (Food – frechilled her Basil (holy)	not				
resulting frextraction agroundnut (Food and Uzbekistan (UZ) (Food) Apricots, otherwise prepared of preserved (Food) Vietnam (VN) (Food – frechilled her Basil (holy)	in the				
extraction of groundnut (Food and Uzbekistan (UZ) (Food) Apricots, otherwise prepared of preserved (Food) Vietnam (VN) (Food – frechilled her Basil (holy)	llets,				
extraction of groundnut (Food and Uzbekistan (UZ) (Food) Apricots, otherwise prepared of preserved (Food) Vietnam (VN) (Food – frechilled her Basil (holy)					
Uzbekistan (UZ) Apricots, otherwise prepared of preserved (Food) Vietnam (VN) (Food – free chilled her Basil (holy)					
Uzbekistan (UZ) Apricots, otherwise prepared of preserved (Food) Vietnam (VN) (Food – free chilled her Basil (holy)	oil				
Uzbekistan (UZ) Apricots, otherwise prepared of preserved (Food) Vietnam (VN) Coriander (Food – free chilled her Basil (holy)					
(UZ) (Food) Apricots, otherwise prepared or preserved (Food) Vietnam (VN) (Food - free chilled here) Basil (holy)		0813 10 00		Sulphites ⁽²⁰⁾	50
Apricots, otherwise prepared or preserved (Food) Vietnam (VN) (Food – frochilled her Basil (holy)	. 5 65	3012 10 00		2 dipintes	
otherwise prepared or preserved (Food) Vietnam (VN) (Food – frochilled her Basil (holy)		2008 50	1		
prepared of preserved (Food) Vietnam (VN) (Food – frochilled her Basil (holy)		2000 30			
vietnam (VN) (Food – frochilled her Basil (holy	r				
Vietnam (Food) (VN) (Food – free chilled here Basil (holy)	ı				
Vietnam Coriander (VN) (Food – frochilled her Basil (holy					
(VN) (Food – frochilled her Basil (holy	1	0700 00 00	70	D4' '1	50
chilled her Basil (holy		ex0709 99 90	72	Pesticide	50
Basil (holy				residues ⁽⁵⁾ (21)	
			<u> </u>		
sweet)	,	ex1211 90 86	20		
			1		
(Food – fre			1		
chilled her	(bs)				
Mint		ex1211 90 86	30		
(Food – fr	esh or				
chilled her			1		
chilled her Mint	esh or bs)		30		

Parsley	ex0709 99 90	40		
(Food – fresh or				
chilled herbs)				
Okra	ex0709 99 90	20	Pesticide	50
(Food – fresh,	ex0710 80 95	30	residues ^{(5) (21)}	
chilled or frozen)				
Peppers of the	ex0709 60 99	20	Pesticide	50
Capsicum species	ex0710 80 59	20	residues(5) (21)	
(other than sweet)				
(Food – fresh,				
chilled or frozen)				

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

- (11) Residues of Diafenthiuron.
- (12) Residues of Phenthoate.
- (13) Residues of Chlorbufam.
- (14) Residues of Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)), Prothiofos and Triforine.
- (15) Residues of chlorpyrifos/chlorpyrifos-methyl and fenbutatin oxide.
- (16) Residues of Prochloraz (sum of prochloraz, BTS 44595 (M201-04) and BTS 44596 (M201-03), expressed as prochloraz).
- (17) Residues of Diafenthiuron, Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)) and Thiophanate-methyl.
- ⁽¹⁸⁾ 'Unprocessed products' as defined in Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(**b**).
- (19) 'Placing on the market' and 'final consumer' as defined in Regulation (EC) No. 178/2002.
- (20) 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

⁽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 to these Regulations.

⁽³⁾ Residues of Triclopyr & Haloxyfop.

⁽⁴⁾ 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 to these Regulations.

⁽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 of 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 Tolfenpyrad.

⁽⁷⁾ 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).

⁽⁸⁾ 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.

⁽⁹⁾ 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).

⁽¹⁰⁾ Residues of Acephate.

⁽a) EUR 396/2005; as amended by S.I. 2019/557.

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

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.

(21) Residues of Dithiocarbamates (dithiocarbamates expressed as CS2, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos."

New Annex II to 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 $\mathbf{1}(\mathbf{1})(\mathbf{b})(\mathbf{i})$

Country of origin	Food and feed (intended use)	CN code ⁽¹⁾	TARIC sub- division	Hazard	Frequency of physical and identity checks (%)
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),	2008 11 91 2008 11 96			
	otherwise prepared or preserved	2008 11 98			
	(Food and feed) Groundnut flours	ex1208 90 00	20		
	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	2305 00 00			
	groundnut oil (Food and feed)				

Azerbaijan	Hazelnuts	0802 21 00		Aflatoxins	20
(AZ)	(Corylus	2002 21 00			
	sp.), in shell				
	(Food)				
	Hazelnuts	0802 22 00			
	(Corylus				
	sp.), shelled				
	(Food)				
	Mixtures of nuts	ex0813 50 39	70		
	or dried fruits	ex0813 50 91	70		
	containing	ex0813 50 99	70		
	hazelnuts				
	(Food) Hazelnut (Corylus	ex2007 10 10	70	1	
	sp.)paste	ex2007 10 10 ex2007 10 99	40		
	(Food)	ex2007 99 39	05; 06		
	(2 000)	ex2007 99 50	33		
		ex2007 99 97	23		
	Hazelnuts,	ex2008 19 12	30	1	
	otherwise	ex2008 19 19	30		
	prepared or	ex2008 19 92	30		
	preserved,	ex2008 19 95	20		
	including	ex2008 19 99	30		
	mixtures	ex2008 97 12	15		
	(Food)	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		
		ex2008 97 97	15		
		ex2008 97 98	15	-	
	Flour, meal and	ex1106 30 90	40		
	powder of hazelnuts				
	(Corylus sp.)				
	(Food)				
	Hazelnut (Corylus	ex1515 90 99	20	1	
	<i>sp.</i>) oil (<i>Food</i>)				

Bangladesh (BD)	Food containing or consisting of betel leaves (Piper betle) (Food)	1404 90 00		Salmonella ⁽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 ex0813 50 39 ex0813 50 91 ex0813 50 99	20 20 20 20 20		
Egypt (EG)	Groundnuts (peanuts), in shell (Food and feed) Groundnuts (peanuts), shelled	1202 41 00 1202 42 00		Aflatoxins	20
	(Food and feed) Peanut butter (Food and feed) Groundnuts (peanuts),	2008 11 10 2008 11 91 2008 11 96			
	otherwise 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			
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 (curcuma), thyme, bay leaves, curryand other spices (Food – dried spices) Sesamum seeds	0910 1207 40 90		Salmonella ⁽²⁾	50
Ghana (GH)	(Food) Groundnuts	1202 41 00		Aflatoxins	50
	(peanuts), in shell (Food and feed)				
	Groundnuts (peanuts), shelled (Food and feed)	1202 42 00			
	Peanut butter (Food and feed)	2008 11 10			
	Groundnuts	2008 11 91			
	(peanuts),	2008 11 96			
	otherwise	2008 11 98			
	prepared or	2000 11 70			
	preserved				
	(Food and feed)				
	Groundnut flours and meals	ex1208 90 00	20		
	(Food and feed)				
	Oilcake and other solid residues,	2305 00 00			
	whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil				
	(Food and feed)				
Gambia (GM)	Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	50
()	(Food and feed)				
	Groundnuts	1202 42 00		7	
	(peanuts), shelled	1202 12 00			
	(Food and feed)				
	Peanut butter	2008 11 10		7	
	(Food and feed)				
	Groundnuts	2008 11 91			
	(peanuts),	2008 11 96			
	otherwise	2008 11 98			
	prepared or preserved				
	(Food and feed)				
	Groundnut flours and meals	ex1208 90 00	20		
	(Food and feed)				

Indonesia (ID)	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) Nutmeg (Myristica fragrans) (Food – dried spices)	0908 11 00 0908 12 00		Aflatoxins	20
India (IN)	Food containing or consisting of betel leaves (Piper betle) (Food)	1404 90 00		Salmonella ⁽³⁾	10
	Nutmeg (Myristica fragrans) (Food – dried spices)	0908 11 00 0908 12 00		Aflatoxins	20
	Peppers of the Capsicum species (sweet or other than sweet) (Food – dried, roasted, crushed or	0904 21 10 ex0904 22 00 ex0904 21 90 ex2005 99 10 ex2005 99 80	11; 19 20 10; 90 94	Aflatoxins	20
	ground) Groundnuts (peanuts), in shell (Food and feed) Groundnuts (peanuts), shelled (Food and feed) Peanut butter (Food and feed) Groundnuts (peanuts), otherwise prepared or preserved (Food and feed) Groundnut flours	1202 41 00 1202 42 00 2008 11 10 2008 11 91 2008 11 96 2008 11 98 ex1208 90 00	20	Aflatoxins	50
	and meals (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			
	Guar gum (Food and feed)	1302 32 90		Pentachloro phenol and dioxins ⁽⁴⁾	5
	Peppers of the Capsicum species (other than sweet) (Food – fresh, chilled or frozen)	ex0709 60 99 ex0710 80 59	20 20	Pesticide residues ⁽⁵⁾ (6)	10
	Sesamum seeds	1207 40 90		Salmonella ⁽²⁾	20
	(Food)			Pesticides residues ^{(5) (7)}	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		

	1	1	1		1
	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	ex1106 30 90	50	1	
	powder of				
	pistachios				
	(Food)				
Sri Lanka	Peppers of the	0904 21 10	20	Aflatoxins	50
(LK)	Capsicum species	ex0904 21 90	11; 19		
	(sweet or other	ex0904 22 00	10; 90		
	than sweet)	ex2005 99 10	94		
	(Food – dried,	ex2005 99 80			
	roasted, crushed				
	or ground)				
Nigeria (NG)	Watermelon	ex1207 70 00	10	Aflatoxins	50
	(Egusi, Citrullus	ex1208 90 00	10		
	spp.) seeds and	ex2008 99 99	50		
	derived products				
D 11 (/DIZ)	(Food)	0700 (0.00	20	D (1.11	20
Pakistan (PK)	Peppers of the	ex0709 60 99	20	Pesticide	20
	Capsicum species (other than sweet)	ex0710 80 59	20	residues ⁽⁵⁾	
	(Food – fresh,				
	chilled or frozen)				
Sudan (SD)	Groundnuts	1202 41 00		Aflatoxins	50
Sudan (SD)	(peanuts), in shell	1202 71 00		1 TIGOAIIIS	
	(Food and feed)				
	Groundnuts	1202 42 00		-	
	(peanuts), shelled	1202 72 00			
	(Food and feed)				
	Peanut butter	2008 11 10		1	
	(Food and feed)	2000 11 10			
	(1 oou unu jeeu)	l			

	Т	T	1	I	1
	Groundnuts	2008 11 91			
	(peanuts),	2008 11 96			
	otherwise	2008 11 98			
	prepared or				
	preserved				
	(Food and feed)				
	Groundnut flours	ex1208 90 00	20		
	and meals				
	(Food and feed)				
	Oilcake and other	2305 00 00			
	solid residues,				
	whether or not				
	ground or in the				
	form of pellets,				
	resulting from the				
	extraction of				
	groundnut oil				
	(Food and feed)				
	Sesamum seeds	1207 40 90		Salmonella ⁽²⁾	50
	(Food)				
Turkey (TR)	Dried figs	0804 20 90		Aflatoxins	20
-	(Food)				
	Mixtures of nuts	ex0813 50 99	50		
	or dried fruits				
	containing figs				
	(Food)				
	Dried fig paste	ex2007 10 10	50		
	(Food)	ex2007 10 99	20		
		ex2007 99 39	01; 02		
		ex2007 99 50	31		
		ex2007 99 97	21		

	ı	1	T	, , , , , , , , , , , , , , , , , , ,
Dried figs,	ex2008 97 12	11		
prepared or	ex2008 97 14	11		
preserved,	ex2008 97 16	11		
including	ex2008 9718	11		
mixtures	ex2008 97 32	11		
(Food)	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		
	ex2008 97 94 ex2008 97 96	11		
	ex2008 97 90 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	ex1106 30 90	60		
powder of dried				
figs				
(Food)				
Pistachios, in	0802 51 00		Aflatoxins	50
shell				
(Food)				
Pistachios, shelled	0802 52 00			
(Food)				
Mixtures of nuts	ex0813 50 39	60]	
or dried fruits	ex0813 50 91	60		
containing	ex0813 50 99	60		
pistachios				
(Food)				
Pistachio	ex2007 10 10	60	1	
Paste	ex2007 10 99	30		
(Food)	ex2007 99 39	03; 04		
(2 000)	ex2007 99 50	32		
	ex2007 99 97	22		
	CA2001 33 31	44	1	

	Distantia -	av 2000 10 12	20		
	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	ex1106 30 90	50		
	powder of				
	pistachios				
	(Food)				
	Vine leaves	ex2008 99 99	11; 19	Pesticide	50
	(Food)			residues ⁽⁵⁾ (8)	
Uganda (UG)	Sesamum seeds	1207 40 90		Salmonella ⁽²⁾	20
	(Food)	00100000	10		1.0
Vietnam	Pitahaya (dragon	ex0810 90 20	10	Pesticide	10
(VN)	fruit)			residues ^{(5) (9)}	
	(Food – fresh or chilled)				
(1) *****	•	•	•	•	

⁽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 to 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 to these Regulations.

⁽⁴⁾ The analytical report referred to in Article 10(3) of this Regulation is to be issued by a laboratory accredited in accordance with BS EN ISO/IEC 17025:2017 ("General requirements for the competence 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) analysis of PCP in food and feed. The analytical report is to 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; and (d) the limit of quantification (LOQ) of the analytical method. The extraction before analysis is to be performed with an acidified solvent. The analysis is to be carried out according to the modified version of the QuEChERS method as set out on the website of the European

Union Reference Laboratories for Residues of Pesticides or according to an equally reliable method. The modified QuEChERS method is available at QuEChERS: Home.

- ⁽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 and amending Council Directive 91/414/EEC 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.
- ⁽⁹⁾ Residues of dithiocarbamates (dithiocarbamates expressed as CS2, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.

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 ⁽²⁾
ex 1704 90	Sugar confectionery (including white chocolate), not containing cocoa, other than chewing gum, whether or not sugar-coated.
ex 1806	Chocolate and other food preparations containing cocoa.
ex 1905	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 ⁽³⁾ .

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

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⁽²⁾ The description of the goods is as laid down in the description column of the CN in Annex I to Council Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.(a)

⁽³⁾ Mixtures of two or more of the products of different headings are to be classified in heading 0910."

⁽a) EUR 2658/87.

SCHEDULE 3

Regulation 2(4)

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

"ANNEX II(a)

Food and feed from certain third countries subject to suspension of entry into Great Britain referred to in Article 11a

Country of origin	Food and feed	CN code ⁽¹⁾	TARIC	Hazard
	(intended use)		sub-division	
Nigeria (NG)	Food consisting	0713 35 00		Pesticide
	of dried beans	0713 39 00		residues
	(Food)	0713 90 00		

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

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) provides that Annex 1 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(3) provides that Annex 2 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 to 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.

Regulation 2(4) provides that Annex 2(a) of Regulation (EU) 2019/1793 is substituted, with amendments, with the Annex in schedule 3 which contains the list of food and feed from certain third countries subject to suspension of entry into Great Britain.

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.

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