POLICY NOTE

THE OFFICIAL CONTROLS (IMPORT OF HIGH RISK FOOD AND FEED OF NON-ANIMAL ORIGIN) AMENDMENT (SCOTLAND) REGULATIONS 2025

SSI 2025/335

The above instrument was made in exercise of the powers conferred by Article 53(1)(b) and 57a(6)(a) 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 ("Regulation 178/2002"), and Articles 47(2)(b), 54(4)(a) and (b) and 144(6) 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 ("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. The instrument is subject to negative procedure.

Summary Box

The Official Controls (Import of High Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations 2025 will amend Commission Implementing Regulation (EU) 2019/1793 imposing temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries.

Policy Objectives

This instrument is required to give legislative effect to the Minister's decision with respect to the outcome of a review of Regulation (EU) 2019/1793 which lays down the requirements that apply to certain high risk food and feed commodities of non-animal origin on entry to Great Britain (GB).

The Regulation includes the requirement to review the lists set out in the Annexes on a regular basis in order to take into account new information related to risks and non-compliance and ensure the controls remain proportionate to protect public health.

Following the UK's exit from the EU, this EU Regulation became EU retained EU law, now assimilated law in Scotland (and the rest of GB) along with the requirement for the appropriate authority to review the lists of commodities and their official controls. The appropriate authority are Ministers in Scotland. Food Standards Scotland (FSS) has undertaken the review under its function of developing policy and providing advice relating to matters connected with food safety as provided in section 3 of the Food (Scotland) Act 2015. The review has followed the risk analysis process established by FSS and the Food Standards Agency (FSA). This includes analysis of GB import data which identifies the volume of such imports, sampling results, numbers of consignments found to be non-compliant with GB food and feed safety requirements, expected consumer exposure and the risk it may present to public health.

The Annexes to this legislation contain lists of food and feed commodities of non-animal origin which are either subjected to a temporary increase in official controls, subject to emergency

measures or subject to suspension of entry to GB. The decision of the future of the controls in Scotland rests entirely with the Scottish Ministers and the outcome of that decision is the focus of this Scottish Statutory Instrument (SSI). This SSI substitutes, with amendments to Annex 1 and Annex 2 of Regulation (EU) 2019/1793.

This instrument will extend to Scotland only. Not progressing this SSI would mean that the Minister's decision would have no legal effect.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Official Controls (Import of High Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This is the fourth review of Regulation (EU) 2019/1793 being conducted by the UK. Whilst it is anticipated that UK reviews will generally align with EU controls divergence is possible. However, this would not be due to any proactive policy change. It will be either in relation to our approach to risk analysis which may, on occasion, result in different outcomes to that of the EU and the timing associated with implementation given respective legislative processes.

Consultation

To comply with the requirements of Article 9 of Regulation (EC) 178/2002 of the European Parliament and of the Council laying down general principles and requirements of food law and laying down procedures in matters of food safety, and the requirements of Article 144(7) of Regulation 2017/625, there has been open and transparent public consultation during the preparation and evaluation of this SSI.

A six week public consultation was launched on 26 February 2025 and closed on 9 April 2025 on proposed amendments to items listed in the Annexes of Regulation (EU) 2019/1793. FSS asked for comments from industry, enforcement authorities, consumers and other interested stakeholders on our risk management proposals. The FSA also launched a separate, parallel consultation in England and Wales.

FSS did not receive any responses to the consultation in Scotland. There is currently one Border Control Post (BCP) approved for high risk food and feed of non-animal origin in Scotland. The majority of these commodities imported to GB arrives through BCPs in England. Therefore, Scottish stakeholders involved in food and feed import control checks are generally not directly impacted by these enhanced official controls performed at the point of entry into GB in the way English stakeholders are. This is reflected in the number of consultation responses received. The FSA received 8 responses which have been considered in finalising our recommendations.

A full list of those FSS consulted, with the exception of private individuals, who agreed to the release of this information is attached to the consultation page published on Citizen Space[1].

[1] https://consult.foodstandards.gov.scot/regulatory-policy/regulation-2019-1793-on-increased-import-controls1/

In line with international transparency commitments set out in the World Trade Organisation (WTO) Sanitary and Phytosanitary (SPS) Agreement, FSS and the FSA notified these proposed SPS changes to WTO members on 22 May 2025. There were no changes to the proposals as a result of the public consultation or the WTO Notification.

The SSI amends the Regulation (EU) 2019/1793 making the following changes; one product group will be removed from the scope of controls; 2 commodities will be subjected to a reduced level of controls; 4 commodities and 3 commodity groups will be subjected to an increased level of controls; 2 new commodities and 1 new commodity group will be subjected to controls for the first time; and 1 commodity group has had the commodity codes updated to extend the range of products covered.

Discussions were held on a four-nation basis, in line with the provisional Food and Feed Safety and Hygiene Common Framework, to address any devolved concerns and ensure alignment. The views of FSS and the FSA in England and Wales were agreed on.

The instrument substitutes, with amendments, Annex 1 and Annex 2 of Regulation (EU) 2019/1793 based on the outcome of the FSS risk analysis.

Food and feed products listed in the Annexes for official controls are identified by the use of codes. Codes that were previously presented as an up to 8-digit "Combined Nomenclature" followed by a separate 2 digit "TARIC sub-division" are updated with a single up to 10-digit code renamed "commodity code" to align with the UK's Integrated Tariff system. The lists are amended to remove the "ex" marking where appropriate, which as a result of adopting the UK's Integrated Tariff system post EU-Exit, are not required. The Annexes are now updated to align the presentation of the commodity codes with the UK's Integrated Tariff system.

Annex 1 contains the list of food and feed of non-animal origin that is subject to a temporary increase in official controls at border control posts or at control points in Great Britain. The changes being made to Annex 1 are as follows:

a) CN Codes and TARIC sub-division classifications are presented as a single commodity code of up to 10-digits.
b) Removal of “ex” references from various commodities.
c) New entry for papaws (papayas) from Brazil (for pesticide residues). The frequency of checks is prescribed at 10%.
d) The entry for sweet peppers from China (for *Salmonella*) has been removed.
e) The frequency of checks on aubergines from Dominican Republic (for pesticide residues) is increased to 50% (from 20%).
f) The entry for drumsticks from India (for pesticide residues) has been removed. The entry is transferred into Annex 2 with a frequency of checks of 20%.
g) The entry for ginger, saffron, turmeric, thyme, bay leaves, curry and other spices from India (for pesticide residues) has been removed. The entry is transferred into Annex 2 with a frequency of checks of 20%.
h) The frequency of checks on nutmeg, mace and cardamoms from India (for pesticide residues) is increased to 50% (from 10%).

i) The entry for okra from India (for pesticide residues) has been removed. The entry is transferred into Annex 2 with a frequency of checks of 20%.

j) The entry for seeds of anise, badian, fennel, coriander, cumin or caraway and juniper berries from India (for pesticide residues) has been removed. The entry is transferred into Annex 2 with a frequency of checks of 20%.

k) The frequency of checks on jackfruit from Malaysia (for pesticide residues) is decreased to 20% (from 50%).

l) The entry for *Sesamum* seeds from Nigeria (for *Salmonella*) has been extended to cover two additional commodity codes. The frequency of checks remains at 50%.

m) New entries for groundnuts and associated products for Paraguay (for aflatoxins). The frequency of checks is prescribed at 10%.

n) The entry for *Sesamum* seeds from Syria (for *Salmonella*) has been extended to cover two additional commodity codes (transferred from the tahini and halva from *Sesamum* entry for Syria). The frequency of checks remains at 10%.

o) Two commodity codes are removed from the entry for tahini and halva (for *Salmonella*) from Syria and are transferred to the entry for *Sesamum* seeds. The frequency of checks remains at 10%.

p) New entry for pitahaya (dragon fruit) from Thailand (for pesticide residues). The frequency of checks is prescribed at 10%.

q) The entry for *Sesamum* seeds from Türkiye (for *Salmonella*) has been extended to cover two additional commodity codes (transferred from the tahini and halva from *Sesamum* entry for Türkiye). The frequency of checks remains at 10%.

r) Two commodity codes are removed from the entry for tahini and halva (for *Salmonella*) from Türkiye and are transferred to the entry for *Sesamum* seeds. The frequency of checks remains at 10%.

s) The entry for peppers of the genus *Capsicum* (other than sweet) from Uganda (for pesticide residues) has been removed. The entry is transferred into Annex 2 with a frequency of checks of 20%.

t) The frequency of checks for okra from Vietnam (for pesticide residues) is reduced to 20% (from 50%).

Annex 2 contains the list of food and feed of non-animal origin for which special conditions are prescribed governing their entry into Great Britain. The changes being made to Annex 2 are as follows:

a) CN Codes and TARIC sub-division classifications are presented as a single commodity code of up to 10-digits.

b) Removal of "ex" references from various commodities.

c) The entry for *Sesamum* seeds from Ethiopia (for *Salmonella*) has been extended to cover two additional commodity codes. The frequency of checks remains at 50%.

d) New entry for drumsticks from India (for pesticide residues). The frequency of checks is prescribed at 20%. The entry is transferred into Annex 2 (from Annex 1).

e) New entry for ginger, saffron, turmeric, thyme, bay leaves, curry and other spices from India (for pesticide residues). The frequency of checks is prescribed at 20%. The entry is transferred into Annex 2 (from Annex 1).

f) New entry for okra from India (for pesticide residues). The frequency of checks is prescribed at 20%. The entry is transferred into Annex 2 (from Annex 1).

g) New entry for seeds of anise, badian, fennel, coriander, cumin or caraway and juniper berries from India (for pesticide residues). The frequency of checks is prescribed at 20%. The entry is transferred into Annex 2 (from Annex 1).

h) The entry for *Sesamum* seeds from India (for *Salmonella*) has been extended to cover two additional commodity codes. The frequency of checks remains at 30%.

i) The entry for *Sesamum* seeds from Sudan (for *Salmonella*) has been extended to cover two additional commodity codes. The frequency of checks remains at 50%.

j) New entry for peppers of the genus *Capsicum* (other than sweet) from Uganda (for pesticide residues). The frequency of checks is prescribed at 20%. The entry is transferred into Annex 2 (from Annex 1).

k) The entry for *Sesamum* seeds from Uganda (for *Salmonella*) has been extended to cover two additional commodity codes. The frequency of checks remains at 20%.

Annex 2a contains the list of food and feed from third countries subject to suspension of entry into Great Britain. There are no material changes to Annex 2a. CN Codes and TARIC sub-division classifications are presented as a single commodity code of up to 10-digits.

Impact Assessment and Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has not been produced for this Regulation. High risk commodities can only be imported through already established BCPs in GB.

Local and Port Health Authorities are likely to have some nominal familiarisation costs associated with the routine updates. Commodities listed in the Annexes to Regulation (EU) 2019/1793 are risk based and therefore relate only to the specified country(s) of origin. Importers may therefore import from other countries across the globe whose products are not identified as high risk and where enhanced import controls do not apply. During the public consultation, no evidence was presented to alter this assessment.

The Minister for Public Health and Women's Health therefore confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Food Standards Scotland
4 November 2025