

Reference: OFFC/2019/S/001

THE OFFICIAL FEED AND FOOD CONTROLS (SCOTLAND) REGULATIONS 2009 (SSI 2009/446) (the “Regulations”)

DECLARATION UNDER REGULATION 35

Whereas Food Standards Scotland has reasonable grounds to suspect the presence of aflatoxins above maximum permitted levels in certain products intended to be used for oral feeding to animals or of human consumption imported from Brazil, China, Egypt, Iran, Turkey, Ghana, India, Nigeria, Indonesia, Ethiopia, Argentina, Azerbaijan, Gambia and Sudan;

Whereas this is likely to constitute a serious risk to animal or public health;

Whereas the European Commission adopted Commission Regulation (EC) No. 1152/2009 imposing special conditions governing the import of certain foodstuffs from certain third countries due to contamination risk by aflatoxins and repealing Decision 2006//504/EC (OJ No. 313, 28.11.2009, p.40)

Whereas on 13 August 2014 the European Commission adopted Commission Implementing Regulation (EC) No. 884/2014 imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) No. 1152/2009 (OJ No. L242, 14.08.2014, p.4)

Whereas on 1 December 2016 the European Commission adopted Commission Implementing Regulation (EU) 2016/2106 amending Implementing Regulation (EU) No. 884/2014 imposing special conditions governing the import of spices from Ethiopia, groundnuts from Argentina and hazelnuts from Azerbaijan and amending the special conditions governing the import of dried figs and hazelnuts from Turkey and groundnuts from India (OJ No. L327, 2.12.2016, p.44)

And whereas on 27 May 2019 the European Commission adopted Commission Implementing Regulation (EU) 2019/890 imposing special conditions governing the import of groundnuts from Gambia and Sudan and amending Regulation (EC) No. 669/2009 and Implementing Regulation (EU) No. 884/2014 (OJ No. L142, 29.05.2019, p.48)

Food Standards Scotland declares that in accordance with regulation 35 of the Regulations that with effect from 18 June 2019 –

(1) The importation into Scotland of the feed and food identified in paragraphs 1 and 2 as read with paragraph 3 of Article 1 of Commission Implementing Regulation (EU) No. 884/2014 is prohibited subject to conditions specified in Articles 3 to 7, 9 to 11 and 14 of that Regulation;

(2) References to Commission Implementing Regulation (EU) No. 884/2014 in this declaration are to be read as references to that Regulation as amended by Commission Implementing regulation (EU) 2019/890 and together with the transitional provision made in the second paragraph of Article 3 of Commission Implementing Regulation (EU) 2019/890; and

(3) Declaration OFFC/2016/S/002 implementing Commission Implementing Regulation (EU) No. 884/2014 is revoked.

Signed by Elspeth MacDonald on 19th JUNE 2019

Print Name: ELSPETH MACDONALD

Give details of post held: DEPUTY CHIEF EXECUTIVE

For and on behalf of Food Standards Scotland

NOTES

- (1) Any expression used both in this declaration and Commission Implementing Regulation (EU) No. 884/2014 as amended by Commission Implementing Regulation (EU) 2019/890 imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) No. 1152/2009 has the meaning it bears in that Regulation.
- (2) Importation of products from Brazil, China, Egypt, Iran, Turkey, Ghana, India, Nigeria, Indonesia, Ethiopia, Argentina, Azerbaijan, Gambia and Sudan in contravention of this declaration is a criminal offence, punishable by a fine or with imprisonment or both.