1993 No. 31

FOOD

Aflatoxins in Nuts, Nut Products, Dried Figs and Dried Fig Products Regulations (Northern Ireland) 1993

Made . . . . . *25th January 1993*

Coming into operation . . *5th March 1993*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 15(1)(*a*), (*b*) and (*f*), 25(1) and (3), 26(3), 32(1) and (2)(*b*), (*c*) and (*f*) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

Citation, commencement, interpretation and scope

1.—(1) These Regulations may be cited as the Aflatoxins in Nuts, Nut Products, Dried Figs and Dried Fig Products Regulations (Northern Ireland) 1993 and shall come into operation on 5th March 1993.

(2) In these Regulations—

"aflatoxins" means all or any of aflatoxin B_1, aflatoxin B_2, aflatoxin G_1 and aflatoxin G_2, as, in each case, more particularly specified by its full chemical name in Schedule 1;

"authorised officer" means an authorised officer of a district council;

"Council Regulation" means Council Regulation (EEC) No. 2658/87(**b**) as amended(**c**);

"designated place" means any place reasonably designated by an authorised officer for the purposes of inspection of food under these Regulations;

"dried figs" means the fruit which falls within category 0804 20 90 of the combined nomenclature subheadings of the Council Regulation;

"dried fig product" means any food at least half of which consists (by weight) of dried figs, except that for the purposes of regulations 5, 7(1)(*b*) and (*e*) and 8(2) and Schedule 4, it shall also include any food containing dried figs in a lesser amount;

(**a**) S.I. 1991/762 (N.I. 7). *See* Article 2(2) for the definitions of "regulations" and "the Department concerned"

(**b**) O.J. No. L256, 7.9.87, p. 1

(**c**) The relevant amendment is Council Regulation (EEC) No. 2505/92 (O.J. No. L267, 14.9.92, p. 1)

"importer" in relation to imported nuts, nut products, dried figs, dried fig products or any of them includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of the nuts, nut products, dried figs, dried fig products or any of them or is in any way entitled to the custody or control of them;

"nuts" means the nuts listed in column 1 of Schedule 2 the corresponding Council Regulation combined nomenclature subheadings for which appear in column 2 of Schedule 2;

"nut product" means any food at least half of which consists (by weight) of nuts or of any substance (save where that substance consists exclusively of edible oil) derived from nuts, and for the purposes of regulations 5, 7(1)(*b*) and (*e*) and 8(2) and Schedule 4, it shall also include—

(*a*) any food consisting of nuts or of any substance (including edible oil) derived from nuts in a lesser amount, and

(*b*) edible oils derived wholly or partly from nuts;

"officer of Customs and Excise" includes any person acting under the authority of the Commissioners of Customs and Excise;

"the Order" means the Food Safety (Northern Ireland) Order 1991;

"processing" shall not include any method of treatment which reduces the proportion of total aflatoxins in any consignment merely by blending or mixing that consignment with another which has a lower level of aflatoxins;

"sell" includes offer or expose for sale or have in possession for sale, and in relation to nuts, nut products, dried figs, dried fig products or any of them "consumer sale" means a sale of them—

(*a*) to the ultimate consumer, or

(*b*) in packaging in which they are ready for delivery to the ultimate consumer;

"total aflatoxins" means the sum of the concentrations of aflatoxins;

"ultimate consumer" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1984(**a**).

(3) These Regulations do not apply to any nuts, nut products, dried figs, dried fig products or any of them which are not intended for sale for human consumption.

Certification of what constitutes a consignment

2.—(1) Subject to the provisions of paragraph (2), the importer into Northern Ireland from a country outside the European Economic Community of any nuts, nut products, dried figs or dried fig products which are the subject of these Regulations shall, in relation to them, give to an authorised officer a

(a) S.R. 1984 No. 407, to which there are amendments not relevant to these Regulations

certificate identifying the consignment that those nuts, nut products, dried figs or dried fig products constitute, and for the purposes of these Regulations "consignment" shall be taken to be such certificated amount of nuts, nut products, dried figs or dried fig products.

(2) In certifying what is to constitute a consignment for the purposes of these Regulations, an importer shall—

(*a*) limit each consignment—

(i) to an amount not exceeding 25,000 kilograms,

(ii) to only one of the categories—

(*aa*) nuts,

(*bb*) nut products,

(*cc*) dried figs,

(*dd*) dried fig products; and

(*b*) account for all of the nuts, nut products, dried figs or dried fig products that he is, at the time of certification, importing or intending to import.

Importation procedure

3.—(1) No person shall import any consignment of nuts, nut products, dried figs and dried fig products or any of them into Northern Ireland from a country outside the European Economic Community except—

(*a*) through an authorised place of entry designated under regulation 4; and

(*b*) in accordance with the procedure set out in either Part I or Part II of Schedule 3.

(2) No person shall sell any nut, nut product, dried fig or dried fig product from a consignment which has been imported in contravention of paragraph (1).

Authorised places of entry

4.—(1) The Department may by notice published in the Belfast Gazette designate a place of entry as an authorised place of entry for the purposes of these Regulations either—

(*a*) generally, or

(*b*) specifically, in relation to a class of nuts, nut products, dried figs and dried fig products or any of them specified in the notice.

(2) The Department may also, by authorisation in writing, designate a place of entry as an authorised place of entry for a particular consignment of nuts, nut products, dried figs, dried fig products or any of them specified in the authorisation.

Consumer sales

5. No person shall make a consumer sale of any nuts, nut products, dried figs, dried fig products or any of them which, when analysed using a method which complies with the performance parameters set out at paragraph 5 of Schedule 4, have a level of total aflatoxins of more than 4 micrograms per kilogram.

Duties of authorised officers

6.—(1) In carrying out any inspection under paragraph 2 or 3 of Part I of Schedule 3, an authorised officer shall take all reasonable steps—

(*a*) to ensure that the transport of the consignment and its placing on the market is not unduly delayed, and

(*b*) to avoid causing any delays that might adversely affect the quality of the nuts, nut products, dried figs and dried fig products, or any of them, in the consignment.

(2) Where notice is given to an importer under paragraph 3(2) of Part I of Schedule 3 requiring the destruction or disposal of a consignment, an authorised officer shall make an endorsement on any papers accompanying the consignment, so as to indicate clearly the requirement under the notice.

(3) An endorsement made under paragraph (2) may at any time be deleted or amended by an authorised officer and it shall be so deleted if the notice is rescinded by a magistrates' court order under paragraph 5(*b*) of Part I of Schedule 3 that the notice shall no longer have effect.

Offences and enforcement

7.—(1) Any person who—

(*a*) imports a consignment of nuts, nut products, dried figs and dried fig products or any of them in contravention of any requirement imposed by or under these Regulations or sells any nut, nut product, dried fig or dried fig product from a consignment that has been so imported,

(*b*) makes a consumer sale of any nuts, nut products, dried figs, dried fig products or any of them in contravention of any requirement imposed by or under these Regulations,

(*c*) in dealing with a consignment of nuts, nut products, dried figs and dried fig products or any of them, does not do so in accordance with a requirement imposed by or under these Regulations in relation to such dealing,

(*d*) uses a document which he knows to be false in a material particular or recklessly makes a statement or uses a document which is false in a material particular in connection with the importation of a consignment of nuts, nut products, dried figs, dried fig products or any of them, or

(*e*) uses a document which he knows to be false in a material particular or recklessly makes a statement or uses a document which is false in a material particular in connection with the consumer sale of nuts, nut products, dried figs, dried fig products or any of them,

shall be guilty of an offence and liable—

(i) on summary conviction, to a fine not exceeding £2,000; or

(ii) on conviction on indictment, to a fine.

(2) Each district council shall enforce and execute the provisions of these Regulations within its district.

Defences

8.—(1) In any proceedings for an offence against these Regulations it shall be a defence for the person charged to prove that the food, in respect of which the offence is alleged to have been committed—

(*a*) was intended for export and complied with the importing country's domestic food legislation relevant to the alleged offence; or

(*b*) was intended for export and was prepared and labelled for sale before 5th March 1993.

(2) In any proceedings for an offence against these Regulations consisting of the consumer sale of nuts, nut products, dried figs or dried fig products or any of them containing a level of total aflatoxins of more than 4 micrograms per kilogram of the food, it shall be a defence to show that the nuts or dried figs, or in the case of nut products or dried fig products the nut or dried fig element of such products, in relation to which the offence is alleged to have been committed comes from a lot or batch of nuts or dried figs that has previously been certified by an analytical laboratory (further to sampling and analysis carried out in accordance with Schedule 4) as containing a level of total aflatoxins of no more than 4 micrograms per kilogram of, as the case may be, nuts or dried figs.

(3) For the purposes of paragraph (2), ''analytical laboratory'' means any laboratory which—

(*a*) was, at the time of giving the certificate in question, a participant in a proficiency testing scheme which conformed to the International Harmonised Protocol for the Proficiency Testing of (Chemical) Analytical Laboratories prepared, jointly, by the International Union of Pure and Applied Chemistry, the International Standards Organisation and the AOAC International, and

(*b*) in the round of testing conforming to that Protocol which took place closest to the date of performing the analysis on the basis of which the certificate in question was given, achieved Z scores (as defined in that Protocol) of between −3 and +3 (inclusive).

Application of various provisions of the Food Safety (Northern Ireland) Order 1991

9.—(1) The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Articles 7, 13 or 14 of the Order and, unless the context otherwise requires, any reference in them to the Order shall be construed for the purposes of these Regulations as a reference to these Regulations—

(*a*) Articles 2(4) and 3 (extended meaning of ''sale'' etc.);

(*b*) Article 4 (presumptions that food intended for human consumption);

(*c*) Article 19 (offences due to fault of another person);

(*d*) Article 20 (defence of due diligence);

(*e*) Article 30(8) (which relates to documentary evidence); and

(*f*) Article 34 (obstruction etc. of officers).

(2) Article 7(2) (which makes presumptions in the case of batches etc. of food) of the Order shall apply to food which it is an offence to sell under these Regulations as it applies to food which fails to comply with food safety requirements.

(3) Article 8 (inspection and seizure of suspected food) of the Order shall apply for the purposes of these Regulations as if food which it is an offence to sell under them were food which failed to comply with food safety requirements.

(4) Article 30 (analysis etc. of samples) of the Order shall apply to these Regulations subject to such modifications as are necessary for the purposes of these Regulations.

Sealed with the Official Seal of the Department of Health and Social Services on 25th January 1993.

(L.S.) *J. Scott*

Assistant Secretary

SCHEDULE 1 Regulation 1(2)

Full Chemical Names of Aflatoxins B_1, B_2, G_1 and G_2

Aflatoxin B_1: (6a*R*, 9a*S*)-2, 3, 6a, 9a-tetrahydro-4-methoxycyclopenta [*c*] furo [3′, 2′: 4, 5] furo [2, 3-*h*] chromene-1, 11-dione

Aflatoxin B_2: [6a*R*, 9a*S*)-2, 3, 6a, 8, 9, 9a-hexahydro-4-methoxycyclopenta [*c*] furo [3′, 2′: 4, 5] furo [2, 3-*h*] chromene-1, 11-dione

Aflatoxin G_1: (7a*R*, 10a*S*)-3, 4, 7a, 10a-tetrahydro-5-methoxyfuro [3′, 2′: 4, 5] furo [2, 3-*h*] pyrano [3, 4-*c*] chromene-1, 12-dione

Aflatoxin G_2: (7a*R*, 10a*S*)-3, 4, 7a, 9, 10, 10a-hexahydro-5-methoxyfuro [3′, 2′: 4, 5] furo [2, 3-*h*] pyrano [3, 4-*c*] chromene-1, 12-dione

SCHEDULE 2 Regulation 1(2)

List of Nuts to which the Regulations apply

Column 1 *Nuts*	Column 2 *Corresponding Council Regulation combined nomenclature subheadings*
Coconuts (not including desiccated coconut)	0801 10 90
Brazil nuts—	
in shell	0801 20 00
shelled	0801 20 00
Cashew nuts	0801 30 00
Almonds—	
in shell—	
bitter	0802 11 10
other	0802 11 90
shelled—	
bitter	0802 12 10
other	0802 12 90
Hazelnuts or filberts (Corylus spp.)—	
in shell	0802 21 00
shelled	0802 22 00
Walnuts—	
in shell	0802 31 00
shelled	0802 32 00
Chestnuts (Castanea spp.)	0802 40 00
Pistachios	0802 50 00
Pecans	0802 90 10
Areca (or betel) and cola nuts	0802 90 30
Other nuts	0802 90 80
Peanuts—	
not roasted or otherwise cooked, whether or not shelled or broken—	
in shell (other than for sowing)	1202 10 90
shelled	1202 20 00
prepared or preserved in immediate packings of a net content—	
exceeding 1 kg	2008 11 91
not exceeding 1 kg	2008 11 99

PART I

1. Save as may be otherwise specified elsewhere in this Schedule—

(*a*) an importer shall ensure that, as soon as possible after arrival at the authorised place of entry and such examination as may be carried out by an officer of Customs and Excise, any consignment of imported nuts, nut products, dried figs, dried fig products or any of them is taken to a designated place;

(*b*) no person (other than an authorised officer or a person authorised in writing by an authorised officer) shall remove any consignment of imported nuts, nut products, dried figs, dried fig products or any of them from a designated place.

2.—(1) After the arrival of a consignment of imported nuts, nut products, dried figs, dried fig products or any of them at a designated place an authorised officer shall carry out a primary inspection (that is to say an inspection of any document accompanying the consignment of imported nuts, nut products, dried figs, dried fig products or any of them and at the option of the authorised officer such inspection of that consignment as may be carried out without opening any closed container).

(2) After that primary inspection an authorised officer shall either—

(*a*) unconditionally authorise the importer in writing to remove the consignment, or

(*b*) arrange the carrying out of further inspection of the consignment in accordance with paragraph 3.

3.—(1) For the purpose of further inspection under this paragraph an authorised officer may, to such extent as is reasonable and within such time as is reasonable—

(*a*) remove any imported nuts, nut products, dried figs, dried fig products or any of them from a designated place,

(*b*) open any container of imported nuts, nut products, dried figs, dried fig products or any of them,

(*c*) take samples of imported nuts, nut products, dried figs, dried fig products or any of them, in accordance with the regime set out in Schedule 4,

(*d*) test samples of imported nuts, nut products, dried figs, dried fig products or any of them,

(*e*) arrange, by agreement with any other person, for samples of imported nuts, nut products, dried figs, dried fig products or any of them to be tested and analysed by that other person with methods which fall within the performance parameters laid down in paragraph 5 of Schedule 4.

(2) If upon such further inspection an authorised officer finds that any of the consignment of imported nuts, nut products, dried figs, dried fig products or any of them has a level of total aflatoxins of—

(*a*) more than 10 micrograms per kilogram, he shall give notice to the importer in writing requiring the importer (at the importer's expense and as the importer shall decide)—

(i) to return the consignment to the consignor,

(ii) to use it for a purpose other than human consumption, or

(iii) to destroy it;

(*b*) not more than 10 micrograms per kilogram but more than 4 micrograms per kilogram, he shall give notice to the importer in writing requiring the importer (at the importer's expense and as the importer shall decide)—

(i) to give a written undertaking to process the consignment to ensure compliance with regulation 5 before a consumer sale takes place,

(ii) to return the consignment to the consignor,

(iii) to use it for a purpose other than human consumption, or

(iv) to destroy it.

(3) If upon such further inspection an authorised officer does not make the finding described in sub-paragraph (2), he shall unconditionally authorise the importer in writing to remove the consignment.

(4) An authorised officer may unconditionally authorise an importer in writing to remove a consignment notwithstanding that further inspection of that consignment has not been completed.

4.—(1) Where notice is given to an importer under paragraph 3(2) that a consignment of imported nuts, nut products, dried figs, dried fig products or any of them must be dealt with in accordance with that paragraph, such notice shall—

(*a*) specify the grounds on which it is based;

(*b*) inform the importer that the consignment may be disposed of or destroyed by an authorised officer so that it cannot be used for human consumption, unless—

(i) within the time specified in sub-paragraph (2) the importer gives to an authorised officer a written undertaking either to comply with the requirement to deal with the consignment as specified in the notice or to try to prove to a magistrates' court that the decision of an authorised officer under paragraph 3(2) was incorrect; or

(ii) the authorised officer rescinds the notice.

(2) The time within which the importer may be required to give an undertaking under sub-paragraph (1)(*b*)(i) shall be the time specified in the notice under paragraph 3(2), being not earlier than the end of the third working day after the notice is received.

(3) If within the time specified in sub-paragraph (2) an authorised officer has not received any such written undertaking as is described in the notice, or if within that time he has received such written undertaking but the undertaking has not been carried out within thirty working days of its receipt by him, an authorised officer may cause the consignment to be disposed of or destroyed by such means and in such manner as to prevent it from being used for human consumption in Northern Ireland.

(4) If within the time specified in sub-paragraph (2) an authorised officer has received a written undertaking in accordance with sub-paragraph (1)(*b*)(i) that the importer will try to prove to a magistrates' court that the decision of the authorised officer was incorrect, an authorised officer shall—

(*a*) apply, by way of complaint to a justice of the peace made no later than the end of the next working day after receipt of the undertaking, for an order of a magistrates' court under paragraph 5,

(*b*) authorise the importer to remove from the designated place such samples of nuts, nut products, dried figs, dried fig products or any of them as the importer may reasonably require for the purpose of evidence before the magistrates' court, and

(*c*) make available to the importer such information (in relation to any further inspection which has taken place under paragraph 3) as the importer may reasonably require for the purpose of evidence before the magistrates' court.

5. Where, in pursuance of paragraph 4, an application is made for an order of a magistrates' court—

(*a*) if the magistrates' court is satisfied that the importer has failed to prove that the decision of the authorised officer (under paragraph 3(2)) was incorrect, the court shall order the consignment to be disposed of or destroyed under the supervision of an authorised officer by such means and in such manner as to prevent it from being used for human consumption in Northern Ireland;

(*b*) if the magistrates' court is satisfied that the importer has proved that that decision was incorrect, the court shall order that the notice under paragraph 3(2) shall no longer have effect and unconditionally authorise the importer to remove the consignment from the designated place.

6. An authorised officer may with the agreement of an officer of Customs and Excise carry out any inspection, or any part of an inspection, of a consignment of imported nuts, nut products, dried figs, dried fig products or any of them before the examination of the consignment by the officer of Customs and Excise has been completed and if, as a result of such an inspection, the authorised officer gives the importer unconditional authorisation in writing to remove the consignment, compliance on the part of the importer with paragraph 1(*a*) shall not be required.

7. An authorised officer may, to such extent as is reasonable for the purpose of protection of human health, at any stage from the time when a consignment of imported nuts, nut products, dried figs, dried fig products or any of them reaches him for primary inspection under paragraph 2, do anything specified in paragraph 3(1)(*a*) to (*e*) notwithstanding that he is not carrying out a further inspection under paragraph 3 and may take such action as is reasonable in respect of the disposal or destruction of any nuts, nut products, dried figs, dried fig products or any of them which he has removed under this paragraph.

8.—(1) Where conditional authorisation is given under this Part to an importer to remove from a designated place a consignment from which nuts, nut products, dried figs, dried fig products or any of them has been previously removed under paragraph 3(1), 4(4)(*b*) or 7, that authorisation shall relate to the remainder of that consignment.

(2) Where under paragraph 2(2)(*b*) an authorised officer arranges the carrying out of a further inspection of a consignment from which nuts, nut products, dried figs, dried fig products or any of them has been previously removed under paragraph 7, that further inspection (and anything consequent on that further inspection) shall relate to the remainder of that consignment.

9. Where a notice under paragraph 3(2) is in effect in relation to a consignment, an authorised officer may cause any consignment subsequently landed in Northern Ireland which contains any nuts, nut products, dried figs, dried fig products or any of them from that previously mentioned consignment, to be destroyed or disposed of by such means and in such manner as to prevent it from being used for human consumption in Northern Ireland.

PART II

DEFERRED EXAMINATION

1.—(1) Where a consignment of imported nuts, nut products, dried figs, dried fig products or any of them is unloaded in the district of a district council and after such examination as may be carried out by an officer of Customs and Excise has been completed—

(i) an authorised officer nevertheless considers it expedient (having regard to the nature of the container in which the consignment is imported) that any examination of the consignment for the purposes of these Regulations should be deferred until the consignment reaches a specified place of destination elsewhere in Northern Ireland; and

(ii) the importer gives to the district council of the authorised place of entry an undertaking in writing that the container has been sealed and will not be opened until it reaches the place of destination specified in the undertaking,

the authorised officer shall, by the most expeditious means available, notify the receiving district council that the consignment (so described as to enable it to be identified) has not, by reason of the matters referred to in head (i) been examined under these Regulations at the authorised place of entry and send it a copy of the undertaking referred to in head (ii), and the receiving district council shall thereupon become responsible for the execution and enforcement of these Regulations in relation to that consignment.

(2) In sub-paragraph (1), 'receiving district council' means a district council in whose district is situated the place of destination of any consignment of imported nuts, nut products, dried figs, dried fig products or any of them.

2. Where a consignment of nuts, nut products, dried figs or dried fig products or any of them has been dealt with in accordance with paragraph 1 and save as may be otherwise specified elsewhere in this Schedule—

(*a*) an importer shall ensure that, after arrival at the specified place of destination, the consignment of imported nuts, nut products, dried figs, dried fig products or any of them remains in that place;

(*b*) no person (other than an authorised officer or a person authorised in writing by an authorised officer) shall remove any consignment of imported nuts, nut products, dried figs, dried fig products or any of them from that specified place.

3. For the purposes of this Part, paragraphs 2 to 9 of Part I shall apply to a consignment of imported nuts, nut products, dried figs, dried fig products or any of them having arrived at a specified place of destination as mentioned in paragraphs 1 and 2 in the same way as if such a consignment were one having arrived at a designated place as mentioned in paragraph 1 of Part I.

SCHEDULE 4 Regulations 1(2), 5 and 8 and Schedule 3

Requirements for sampling and analysis of aflatoxins in nuts, nut products, dried figs and dried fig products

1. In respect of the products listed in column 1 of the following table the minimum number and size of samples to be taken shall be those shown corresponding to each such product in, respectively, columns 2 and 3 of the table—

Column 1 *Product*	Column 2 *Minimum No. of sample units*	Column 3 *Mimimum sample size (kg)*
Peanut butter smooth	24	5
Peanut butter crunchy	24	5
Peanuts shelled raw	30	10
roasted	30	10
Peanut in shell	30	20*
Cashews	20	3
Brazil nuts shelled	20	3
in shell	20	6*
Pistachio shelled	20	1.5
in shell	20	3*
Hazelnuts shelled	20	3
in shell	20	6*
Almonds shelled	20	3
in shell	20	6*
paste	20	3
Other nuts	20	3
Other nut products	20	3
Figs dried whole	20	20
paste	20	5
Other dried fig products	20	5

*weight of nuts in shell

2. Samples shall be taken as randomly as possible from throughout the consignment.

Preparation of samples

3. Each sample taken shall be ground finely and mixed thoroughly using a process that has been demonstrated to achieve complete homogenisation, and samples of nuts that are "in shell" may include the shell in the final homogenate. In the case of the foods listed in sub-paragraphs (*a*) to (*c*) the sampling regime described in the respective sub-paragraph shall apply:

(*a*) Pistachio nuts in shell: the sample shall be—

(i) passed through a meat mincer fitted with a 20 mm serrated cutting disc;

(ii) sieved through a 2 mm screen, and

(iii) tumble mixed for a mimimum of 60 minutes.

(*b*) Whole figs: the sample shall be either—

(i) minced and passed through a 9 mm screen opening, and

(ii) transferred to a bowl mixer and slurry mixed with water (in the proportion 5 parts commodity to 3 parts water) for 60 minutes, or

slurried and mixed using a vertical cutter mixer.

(*c*) Peanut butter: water shall be added to the sample (in the proportion 5 parts commodity to 4 parts water) and the sample mixed for 60 minutes using a laboratory mixer emulsifier.

The formal samples for enforcement, trade (defence) and referee purposes shall be taken from the homogenised material. In the case of the enforcement samples at least three independent sub-samples (each of a minimum weight of 50 g) shall be removed from the thoroughly mixed slurry sample for analysis and the size of the formal sample shall be sufficient to allow for this.

Reporting of results

4. The result shall be taken to be the mean of the determination of the independent sub-samples.

For the purposes of calculating the level of aflatoxins in a nut product or a dried fig product the total aflatoxin level shall relate to the whole product.

Performance parameters for analytical tests for aflatoxins

5. Public analysts and food analysts may employ any method to test for aflatoxins provided it meets the following performance parameters:

Statutory limit	4 μg/kg	10 μg/kg
Detection limit	< or = 2 μg/kg	< or = 5 μg/kg
Repeatability co-efficient of variation	< or = 40%	< or = 30%
Reproducibility co-efficient of variation	< or = 60%	< or = 50%
Recovery	> or = 70%	> or = 70%

For the purposes of this paragraph—

"repeatability" means the closeness of agreement between mutually independent test results obtained by using the same method on identical test material in the same laboratory by the same operator using the same equipment within short intervals of time, and

"reproducibility" means the closeness of agreement between test results obtained by using the same method on identical test material in different laboratories by different operators using different equipment.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prohibit the import into Northern Ireland of any nuts, nut products, dried figs or dried fig products other than from a country within the European Economic Community except through an authorised place of entry and in accordance with a procedure which requires that they be presented for sampling and analysis for aflatoxins (regulations 3 and 4 and Schedule 3). Detailed requirements for such sampling and analysis are given in Schedule 4.

The Regulations further prohibit the consumer sale of any nuts, nut products, dried figs or dried fig products which have a level of aflatoxins of more than 4 micrograms per kilogram of the food in question (regulation 5).

1993 No. 32

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.