
STATUTORY INSTRUMENTS

2022 No. 1193

**AGRICULTURE, ENGLAND
FOOD, ENGLAND**

**The Official Controls (Imports of High Risk Food
and Feed of Non-Animal Origin) (Amendment
of Commission Implementing Regulation
(EU) 2019/1793) (England) Regulations 2022**

Made - - - - *16th November 2022*
Laid before Parliament *17th November 2022*
Coming into force - - *17th January 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by Articles 53(1) (b) and 57a(6) 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⁽¹⁾ (“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 (“Official Controls Regulation”)⁽²⁾.

As required by Article 9 of Regulation 178/2002, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

As required by Article 144(7) of the Official Controls Regulations, the Secretary of State has consulted with such bodies or persons as appear appropriate.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Official Controls (Imports of High Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (England) Regulations 2022 and come into force on 17th January 2023.

(2) These Regulations extend to England and Wales but apply in relation to England only.

(1) EUR 2002/178, amended by S.I. 2019/641 and 2022/377. See Article 3(19) for the definition of “appropriate authority”.
(2) EUR 2017/625, amended by S.I. 2020/1481. See Article 3(2A) for the definition of “the appropriate authority”.

Changes to legislation: There are currently no known outstanding effects for the *The Official Controls (Imports of High Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (England) Regulations 2022*. (See end of Document for details)

Commencement Information

I1 Reg. 1 in force at 17.1.2023, see **reg. 1(1)**

Amendment of Commission Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures, etc

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 implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660(3) is amended as follows.

(2) In Article 1, in paragraph 1(b)—

- (a) in subparagraph (i), for “Table 1” substitute “Table 1 (England)”;
- (b) in subparagraph (ii)—
 - (i) for “Table 1” substitute “Table 1 (England)”;
 - (ii) for “Table 2” substitute “Table 2 (England)”.

(3) In Article 8 —

- (a) in paragraph 3—
 - (i) for both references to “Table 2” substitute “Table 2 (England)”;
 - (ii) for “Table 1”, in each place, substitute “Table 1 (England)”.
- (b) In paragraph 4—
 - (i) for “Table 2” substitute “Table 2 (England)”;
 - (ii) for “Table 1”, in each place substitute “Table 1 (England)”.

^{F1}(4)

(5) In Annex 2—

^{F2}(a)

(b) for the second table (Compound food referred to in Article 1(1)(b)(ii) substitute the table in Schedule 3.

(6) In Annex 2a, for the table substitute the table in Schedule 4.

Textual Amendments

F1 Reg. 2(4) omitted (7.3.2024) by virtue of *The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (England) Regulations 2024* (S.I. 2024/120), regs. 1(1), **3(a)**

F2 Reg. 2(5)(a) omitted (7.3.2024) by virtue of *The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (England) Regulations 2024* (S.I. 2024/120), regs. 1(1), **3(a)**

Commencement Information

I2 Reg. 2 in force at 17.1.2023, see **reg. 1(1)**

(3) EUR 2019/1793 as amended by [S.I. 2020/1631](#).

Changes to legislation: *There are currently no known outstanding effects for the The Official Controls (Imports of High Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (England) Regulations 2022. (See end of Document for details)*

16th November 2022

Neil O'Brien
Parliamentary Under-Secretary of State,
Department of Health and Social Care

Changes to legislation: There are currently no known outstanding effects for the *The Official Controls (Imports of High Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (England) Regulations 2022*. (See end of Document for details)

F³SCHEDULE 1

Regulation 2(4)

Substitution of the table in Annex I to Commission
Implementing Regulation (EU) 2019/1793 in relation to England

Textual Amendments

- F3** Sch. 1 omitted (7.3.2024) by virtue of [The Official Controls \(Import of High-Risk Food and Feed of Non-Animal Origin\) \(Amendment of Commission Implementing Regulation \(EU\) 2019/1793\) \(England\) Regulations 2024 \(S.I. 2024/120\)](#), regs. 1(1), **3(b)**

F⁴SCHEDULE 2

Regulation 2(5)(a)

Substitution of the first table in Annex 2 to Commission
Implementing Regulation (EU) 2019/1793 in relation to England

Textual Amendments

- F4** Sch. 2 omitted (7.3.2024) by virtue of [The Official Controls \(Import of High-Risk Food and Feed of Non-Animal Origin\) \(Amendment of Commission Implementing Regulation \(EU\) 2019/1793\) \(England\) Regulations 2024 \(S.I. 2024/120\)](#), regs. 1(1), **3(b)**

SCHEDULE 3

Regulation 2(5)(b)

Substitution of the second table in Annex 2 to Commission
Implementing Regulation (EU) 2019/1793 in relation to England

Commencement Information

- I3** Sch. 3 in force at 17.1.2023, see [reg. 1\(1\)](#)

“Table 2: England

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 referred to in Article 1(1)(b)(ii)

<i>CN Code</i> ⁽¹⁾	<i>Description</i> ⁽²⁾
ex1704 90	Sugar confectionery (including white chocolate), not containing cocoa, other than chewing gum, whether or not sugar-coated.

- (1) Where only certain products under any CN code are required to be examined, the CN code is marked ‘ex’.
- (2) The description of the goods is as laid down in the description column of the CN in Annex I to Regulation (EEC) No 2658/874.
- (3) Mixtures of two or more of the products of different headings are to be classified in the heading 0910.

Changes to legislation: There are currently no known outstanding effects for the The Official Controls (Imports of High Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (England) Regulations 2022. (See end of Document for details)

<i>CN Code ⁽¹⁾</i>	<i>Description ⁽²⁾</i>
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’.
- (2) The description of the goods is as laid down in the description column of the CN in Annex I to Regulation (EEC) No 2658/874.
- (3) Mixtures of two or more of the products of different headings are to be classified in the heading 0910.

SCHEDULE 4

Regulation 2(6)

Substitution of the table in Annex 2a to Commission Implementing Regulation (EU) 2019/1793 in relation to England

Commencement Information

I4 Sch. 4 in force at 17.1.2023, see **reg. 1(1)**

“**Table: England**

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

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

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

Changes to legislation: There are currently no known outstanding effects for the The Official Controls (Imports of High Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (England) Regulations 2022. (See end of Document for details)

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 implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660 (“Regulation (EU) 2019/1793”) in relation to England.

Regulation 2 replaces the tables in Annexes 1, 2 and 2a of Regulation (EU) 2019/1793.

In the first table in Annex I to Regulation (EU) 2019/1793, the following entries have been amended in respect of the frequency of identity and physical checks:

- increase from 20% to 50% for black pepper from Brazil for *Salmonella*;
- decrease from 50% to 20% for hazelnuts and associated products from Georgia for aflatoxins;
- increase from 10% to 20% for okra from India for pesticide residues;
- increase from 20% to 50% for jackfruit from Malaysia for pesticide residues;
- increase from 10% to 20% for peppers of the Capsicum species (other than sweet) from Thailand for pesticide residues;
- increase from 5% to 20% for mandarins (including tangerines and satsumas), clementine, wilkings and similar citrus hybrids from Turkey for pesticide residues;
- increase from 10% to 20% for oranges from Turkey for pesticide residues;
- increase from 10% to 20% sweet peppers (capsicum annum) from Turkey for pesticides residues;
- increase from 20% to 50% for peppers of the Capsicum species (other than sweet) from Uganda for pesticide residues.

The following entries have been inserted into Annex 1 to Regulation (EU) 2019/1793:

- groundnuts (peanuts) and associated products from Brazil in respect of pesticide residues;
- food containing or consisting of betel leaves from Thailand;
- lemons from Turkey;
- peppers of the Capsicum species (other than sweet) from Turkey.

The following entries have been transferred from the first table in Annex 2 to Regulation (EU) 2019/1793 to the table in Annex 1 with no change in the frequency of identity and physical checks:

- groundnuts (peanuts) and associated products from Brazil;
- hazelnuts and associated products from Turkey.

The entry for groundnuts and associated products from China for aflatoxins has been transferred from the first table in Annex 1 to Regulation (EU) 2019/1793 to the table in Annex 1. The frequency of physical and identity checks has been decreased from 20% to 10%.

The following entries have been omitted from the table in Annex 1 to Regulation (EU) 2019/1793:

- goji berries from China for pesticides residues;

Changes to legislation: There are currently no known outstanding effects for the The Official Controls (Imports of High Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (England) Regulations 2022. (See end of Document for details)

- dried grapes (including dried grapes cut or crushed into a paste without further treatment) from Turkey for Ochratoxin A;
- pistachios and associated products from the United States for aflatoxins.

The following entries have been transferred from Annex 1 to Regulation (EU) 2019/1793 to the first table in Annex 2 with no change in the frequency of identity and physical checks:

- *sesamum seeds* from Ethiopia.
- peppers of the Capsicum species (sweet or other than sweet) from Sri Lanka.

The following entries in the first table in Annex 2 to Regulation (EU) 2019/1793 have been amended in respect of identity and physical checks:

- increase from 10% to 50% for groundnuts (peanuts) and associated products from India for aflatoxins;
- increase from 20% to 50% for *sesamum seeds* from Sudan for *Salmonella*;
- increase from 20% to 50% for vine leaves from Turkey for pesticides residues.

The entry for food containing or consisting of betel leaves (Piper betle) from Bangladesh has been transferred from the table in Annex 2a to Regulation (EU) 2019/1793 to the first table in Annex 2.

An entry for *sesamum seeds* from Uganda has been included in the first table in Annex 2 to Regulation (EU) 2019/1793.

The entry for mixtures of spices has been included in the second table in Annex 2 to Regulation (EU) 2019/1793.

The TARIC sub-division for betel leaves (Piper betle) from Bangladesh, India and Thailand has been removed.

The TARIC sub-division for Guar Gum from India has been removed to reflect changes made by HMRC.

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. An explanatory memorandum has been published alongside this instrument at www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Imports of High Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (England) Regulations 2022.