

Commission Implementing Regulation (EU) 2019/1793 of 22 October 2019 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 (Text with EEA relevance)

SECTION 3

[^{F1}SPECIAL CONDITIONS GOVERNING THE ENTRY INTO [^{F2}GREAT BRITAIN] AND SUSPENSION OF ENTRY INTO [^{F2}GREAT BRITAIN] OF CERTAIN FOOD AND FEED FROM CERTAIN THIRD COUNTRIES]

Article 7

Entry into [^{F3}Great Britain]

- 1 Consignments of food and feed listed in Annex II shall only enter into [^{F4}Great Britain] in accordance with the conditions laid down in this section.
- 2 The identification of the food and feed referred to in paragraph 1 for official controls shall be made on the basis of the codes ^{F5}... indicated in Annex II.
- 3 Consignments referred to in paragraph 1 shall be subject to official controls at border control posts at their entry into [^{F6}Great Britain] and at control points.

Textual Amendments

- F3** Words in Art. 7 heading substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(8)(a)** (with regs. 33-36)
- F4** Words in Art. 7(1) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(8)(b)** (with regs. 33-36)
- F5** Words in Art. 7(2) omitted (31.12.2020) by virtue of The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(8)(c)** (with regs. 33-36)
- F6** Words in Art. 7(3) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(8)(d)** (with regs. 33-36)

Article 8

Frequency of identity checks and physical checks

- 1 The competent authorities at border control post and at control points referred to in Article 53(1)(a) of Regulation (EU) 2017/625 shall carry out identity and physical checks, including sampling and laboratory analyses, on consignments of food and feed listed in Annex II, at the frequency set out in that Annex.

Changes to legislation: There are currently no known outstanding effects for the Commission
Implementing Regulation (EU) 2019/1793, SECTION 3. (See end of Document for details)

2 The frequency of identity and physical checks set out in an entry in Annex II shall be applied as an overall frequency for all products falling under that entry.

3 Compound food listed in [F7Table 2][F7Table 2 (England)] to Annex II which contains products falling only under one entry in [F8Table 1][F8Table 1 (England)] to Annex II shall be subject to the overall frequency of identity and physical checks set out in [F8Table 1][F8Table 1 (England)] to Annex II for that entry.

4 Compound food listed in [F9Table 2][F9Table 2 (England)] to Annex II which contains products falling under several entries for the same hazard in [F10Table 1][F10Table 1 (England)] to Annex II shall be subject to the highest overall frequency of identity and physical checks set out in [F10Table 1 (England)] to Annex II for these entries.

Textual Amendments

- F7** Words in Art. 8(3) substituted (E.) (17.1.2023) by 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 (S.I. 2022/1193), regs. 1(1), **2(3)(a)(i)**
- F8** Words in Art. 8(3) substituted (E.) (17.1.2023) by 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 (S.I. 2022/1193), regs. 1(1), **2(3)(a)(ii)**
- F9** Words in Art. 8(4) substituted (E.) (17.1.2023) by 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 (S.I. 2022/1193), regs. 1(1), **2(3)(b)(i)**
- F10** Words in Art. 8(4) substituted (E.) (17.1.2023) by 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 (S.I. 2022/1193), regs. 1(1), **2(3)(b)(ii)**

Article 9

Identification code

1 Each consignment of food and feed listed in Annex II shall be identified with an identification code.

2 Each individual bag or packaging form of the consignment shall be identified with that identification code.

3 By way of derogation from paragraph 2, in case of consignments of food and feed listed in Annex II due to the risk of contamination by mycotoxins and where the packaging is combining several small packages, it is not necessary for the identification code of the consignment to be mentioned individually on all the separate small packages as long as it is mentioned at least on the package combining these small packages.

Article 10

Results of sampling and analyses performed by the competent authorities of the third country

1 Each consignment of food and feed listed in Annex II shall be accompanied by the results of sampling and analyses performed on that consignment by the competent authorities

of the third country of origin or of the country where the consignment is consigned from if that country is different from the country of origin.

2 On the basis of the results referred to in paragraph 1, the competent authorities shall ascertain:

- a compliance with Regulation (EC) No 1881/2006 [^{F11}, Part 4 of the Animal Feed (Scotland) Regulation 2010, Part 6 of the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 and Part 6 of the Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016] on maximum levels of relevant mycotoxins, for consignments of food and feed listed in Annex II due to contamination risk by mycotoxins;
 - b compliance with Regulation (EC) No 396/2005 on maximum residue levels of pesticides, for consignments of food and feed listed in Annex II due to contamination risk by pesticide residues;
 - c that the product does not contain more than 0,01 mg/kg pentachlorophenol (PCP), for consignments of food and feed listed in Annex II due to contamination risk by pentachlorophenol and dioxins;
 - d the absence of *Salmonella* in 25 g, for consignments of food listed in Annex II due to risk of microbiological contamination by *Salmonella*.
- [^{F12e} the absence of *Listeria* in 25 g, for consignments of food listed in Annex II due to risk of microbiological contamination by *Listeria*.]

3 Each consignment of food and feed listed in Annex II due to contamination risk by pentachlorophenol and dioxins shall be accompanied by an analytical report which shall comply with the requirements set out in Annex II.

The analytical report shall include the results of the analyses referred to in paragraph 1.

4 The results of sampling and analyses referred to in paragraph 1 shall bear the identification code of the consignment to which they relate referred to in Article 9(1).

5 The analyses referred to in paragraph 1 shall be performed by laboratories accredited in accordance with the standard ISO/IEC 17025 on 'General requirements for the competence of testing and calibration laboratories'.

Textual Amendments

- F11** Words in Art. 10(2)(a) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(9)** (with regs. 33-36)
- F12** Art. 10(2)(e) inserted: (E.) (7.3.2024) by 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), **2(3)**; and correspondingly inserted (with a reference to "Annex 2" rather than "Annex II") (W.) (7.3.2024) by The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (Wales) Regulations 2024 (S.I. 2024/119), regs. 1(2)(c), **2(3)**; and (S.) (7.3.2024) by The Official Controls (Import of High Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations 2024 (S.S.I. 2024/12), regs. 1(1), **2(3)**

Changes to legislation: There are currently no known outstanding effects for the Commission
Implementing Regulation (EU) 2019/1793, SECTION 3. (See end of Document for details)

Article 11

Official certificate

1 Each consignment of food and feed listed in Annex II shall be accompanied by an official certificate in accordance with the model [^{F13}published by the appropriate authority, as amended from time to time].

2 The official certificate shall comply with the following requirements:

- a) it shall be issued by the competent authority of the third country of origin or of the third country where the consignment is consigned from if that country is different from the country of origin;
- b) it shall bear the identification code of the consignment to which it relates referred to in Article 9(1);
- c) it shall be issued before the consignment to which it relates leaves the control of the competent authority of the third country issuing the certificate;
- d) it shall be valid for not more than four months from the date of issue, but in any case no longer than six months from the date of the results of the laboratory analyses referred to in paragraph 1 of Article 10.

3 An official certificate which is not submitted in the [^{F14}appropriate computerised information management system] by the competent authority of the third country issuing the certificate shall also meet the requirements for model official certificates not submitted in [^{F15}the appropriate computerised information management system] laid down in Article 3 of Implementing Regulation (EU) 2019/628.

4 Competent authorities may issue a replacement official certificate only in accordance with the rules laid down in Article 5 of Implementing Regulation (EU) 2019/628.

5 The official certificate referred to in paragraph 1 shall be completed on the basis of [^{F16}guidance which the appropriate authority may publish on its website, as amended from time to time].

Textual Amendments

- F13** Words in Art. 11(1) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(10)(a)** (with regs. 33-36)
- F14** Words in Art. 11(3) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(10)(b)(i)** (with regs. 33-36)
- F15** Word in Art. 11(3) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(10)(b)(ii)** (with regs. 33-36)
- F16** Words in Art. 11(5) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(10)(c)** (with regs. 33-36)

[^{F17} Article 11a

Suspension of entry into [^{F18}Great Britain]

1 [^{F19}Competent authorities] shall prohibit the entry into [^{F20}Great Britain] of the food and feed listed in Annex IIa.

2 Paragraph 1 shall apply to food and feed intended for placing on [^{F21}the market in Great Britain], and to food and feed intended for private use or consumption within [^{F22}Great Britain].]

Textual Amendments

- F17** Inserted by Commission Implementing Regulation (EU) 2020/625 of 6 May 2020 amending 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 Implementing Regulation (EU) 2015/943 and Commission Implementing Decision 2014/88/EU (Text with EEA relevance).
- F18** Words in Art. 11a heading substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(11)(a)** (with regs. 33-36)
- F19** Words in Art. 11a(1) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(11)(b)** (with regs. 33-36)
- F20** Words in Art. 11a(1) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(11)(a)** (with regs. 33-36)
- F21** Words in Art. 11a(2) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(11)(c)(i)** (with regs. 33-36)
- F22** Words in Art. 11a(2) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(11)(c)(ii)** (with regs. 33-36)

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2020/625 of 6 May 2020 amending 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 Implementing Regulation (EU) 2015/943 and Commission Implementing Decision 2014/88/EU (Text with EEA relevance).
- F2** Words in s. 3 heading substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **22(6)** (with regs. 33-36)

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1793, SECTION 3.