
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales only, implement Commission Decision [2003/493/EC](#) imposing special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil (OJ No. L168, 5.7.2003, p.33).

These Regulations —

- (a) prohibit (subject to the derogation described below) the importation of “Brazil nuts” (defined in regulation 2(1)), except where —
 - (i) they are accompanied by a Brazilian Government health certificate and a report containing the results of official sampling and analysis, the importation takes place only through a specified point of entry and each consignment is identified with a code corresponding with that specified on the health certificate and the accompanying report containing the sampling and analysis results;
 - (ii) they are subject to specified documentary checks; and
 - (iii) each consignment is subjected to analysis for aflatoxin B1 and total aflatoxin levels before release onto the market (regulation 3);
- (b) provide for their enforcement (regulation 4);
- (c) apply with modifications certain provisions of the Food Safety Act 1990 for the purposes of the Regulations and provide for sampling and analysis (regulation 5); and
- (d) provide for the re-dispatch to the country of origin or destruction of illegal imports of Brazil nuts (regulation 6).

The derogation is that Brazil nuts may be imported even though they are not accompanied by a Brazilian Government health certificate and a report containing the results of official sampling and analysis if —

- (a) they left Brazil on or before 5th July 2003;
- (b) the operator can show by means of sampling and analysis in the prescribed manner that the levels of aflatoxin B1 and total aflatoxin in the products do not exceed the maximum permitted levels; and
- (c) the importation takes place through a specified point of entry (regulation 3).

The CN code referred to in the definition of “Brazil nuts” is a code number of the combined nomenclature established by Council Regulation 2658/87 on the tariff and statistical nomenclature and on the customs tariff (OJ No. L256, 7.9.87, p.1).

No regulatory appraisal has been prepared in relation to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003.