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WELSH STATUTORY INSTRUMENTS

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**2022 No. 1330 (W. 269)**

**AGRICULTURE, WALES**  
**FOOD, WALES**

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

*Made* - - - - 14 December 2022

*Laid before Senedd Cymru* 16 December 2022

*Coming into force* - - 17 January 2023

The Welsh Ministers make these Regulations in exercise of the powers conferred by—

- Articles 47(2)(b) and 54(4)(a) and (b) of Regulation (EU) 2017/625 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<sup>(1)</sup>;
- Article 53(1)(b) of Regulation (EC) No 178/2002 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<sup>(2)</sup>.

As required by Article 144(7) of Regulation (EU) 2017/625, before making these Regulations the Welsh Ministers have consulted such bodies and persons as appear to the Welsh Ministers to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Welsh Ministers consider appropriate.

As required by Article 9 of Regulation (EC) No 178/2002, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

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(1) EUR 2017/625, amended by [S.I. 2020/1481](#) ; there are other amending instruments but none is relevant. The term “the appropriate authority” is defined in Article 3(2A) of EUR 2017/625.

(2) EUR 2002/178, amended by [S.I. 2019/641](#) and [2022/377](#). [S.I. 2019/641](#) was amended by [S.I. 2020/1504](#). The term “appropriate authority” is defined in Article 3(19) of EUR 2002/178.

*Status: Point in time view as at 07/03/2024.*

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

**Title, extent, application and commencement**

1.—(1) The title of these Regulations is the Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (Wales) Regulations 2022.

(2) These Regulations—

- (a) extend to England and Wales;
- (b) apply in relation to Wales;
- (c) come into force on 17 January 2023.

**Commencement Information**

**I1** [Reg. 1](#) in force at 17.1.2023, see [reg. 1\(2\)\(c\)](#)

**Amendment of Commission Implementing Regulation (EU) 2019/1793**

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<sup>(3)</sup> is amended as follows.

<sup>F1</sup>(2) .....

<sup>F2</sup>(3) .....

(4) For Annex 2a, substitute the Annex 2a contained in Schedule 3 to these Regulations.

**Textual Amendments**

**F1** [Reg. 2\(2\)](#) 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\) \(Wales\) Regulations 2024 \(S.I. 2024/119\)](#), [regs. 1\(2\)\(c\), 3\(a\)](#)

**F2** [Reg. 2\(3\)](#) 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\) \(Wales\) Regulations 2024 \(S.I. 2024/119\)](#), [regs. 1\(2\)\(c\), 3\(a\)](#)

**Commencement Information**

**I2** [Reg. 2](#) in force at 17.1.2023, see [reg. 1\(2\)\(c\)](#)

*Lynne Neagle*  
Deputy Minister for Mental Health and Wellbeing, under the authority of the Minister for Health and Social Services, one of the Welsh Ministers

14 December 2022

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

**Status:** Point in time view as at 07/03/2024.

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

F<sup>3</sup>SCHEDULE 1

**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) (Wales) Regulations 2024 (S.I. 2024/119), regs. 1(2)(c), **3(b)**

F<sup>4</sup>SCHEDULE 2

**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) (Wales) Regulations 2024 (S.I. 2024/119), regs. 1(2)(c), **3(b)**

SCHEDULE 3

Regulation 2(4)

Annex to be substituted for Annex 2a to Commission Implementing Regulation (EU) 2019/1793

**Commencement Information**

**I3** Sch. 3 in force at 17.1.2023, see **reg. 1(2)(c)**

“ANNEX 2a

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

<i>Country of origin</i>	<i>Food and feed (intended use)</i>	<i>CN code <sup>(1)</sup></i>	<i>TARIC sub-division</i>	<i>Hazard</i>
Nigeria (NG)	Food consisting of dried beans <b>(Food)</b>	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’.

**Status:** Point in time view as at 07/03/2024.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend, in relation to Wales, 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 (“Regulation 2019/1793”).

Regulation 2 substitutes, with amendments, Annexes 1, 2 and 2a to Regulation 2019/1793. The substitution of Annex 1 is made using powers in Articles 47(2)(b) and 54(4)(a) of Regulation (EU) 2017/625 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. The substitution of Annexes 2 and 2a is made using powers in Article 53 of Regulation (EC) No 178/2002 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 and Article 54(4)(b) of Regulation (EU) 2017/625.

Annex 1 contains the list of food and feed of non-animal origin that is subject to a temporary increase in official controls at border control posts or at control points in Great Britain. The changes being made to Annex 1 are as follows.

- The frequency of checks on black pepper from Brazil (for Salmonella) is increased from 20% to 50%.
- The entry for groundnuts (peanuts) and associated products from Brazil (for aflatoxins) is transferred into Annex 1 (from Annex 2, Table 1). There is no change to the prescribed frequency of checks, which remains at 10%.
- A new entry for groundnuts (peanuts) and associated products from Brazil (for pesticide residues). The frequency of checks is prescribed at 20%.
- The entry for goji berries from China (for pesticide residue) has been removed.
- The entry for groundnuts (peanuts) and associated products from China (for aflatoxins) is transferred into Annex 1 (from Annex 2, Table 1). The frequency of checks is decreased from 20% to 10%.
- The entry for sesamum seeds from Ethiopia (for Salmonella) has been removed (the entry is transferred into Annex 2, Table 1).
- The frequency of checks on hazelnuts and associated products from Georgia (for aflatoxins) is decreased from 50% to 20%.
- The frequency of checks on okra from India (for pesticide residues) is increased from 10% to 20%.
- The entry for peppers of the *Capsicum* species (sweet or other than sweet) from Sri Lanka (for aflatoxins) has been removed (the entry is transferred into Annex 2, Table 1).
- The frequency of checks on jackfruit from Malaysia (for pesticide residues) is increased from 20% to 50%.
- A new entry for food containing or consisting of betel leaves (*Piper betle*) from Thailand (for Salmonella). The frequency of checks is prescribed at 10%.
- The frequency of checks on peppers of the *Capsicum* species (other than sweet) from Thailand (for pesticide residues) is increased from 10% to 20%.

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

- The entry for dried grapes (including dried grapes cut or crusted into a paste without further treatment) from Turkey (for Ochratoxin A) has been removed.
- The entry for hazelnuts and associated products from Turkey (for aflatoxins) is transferred into Annex 1 (from Annex 2, Table 1). There is no change to the prescribed frequency of checks, which remains at 5%.
- A new entry for lemons from Turkey (for pesticide residues). The frequency of checks is prescribed at 20%.
- The frequency of checks for mandarins (including tangerines and satsumas), clementine, wilkings and similar citrus hybrids from Turkey (for pesticide residues) is increased from 5% to 20%.
- The frequency of checks on oranges from Turkey (for pesticide residues) is increased from 10% to 20%.
- The frequency of checks on sweet peppers (*Capsicum annuum*) from Turkey (for pesticide residues) is increased from 10% to 20%.
- A new entry for peppers of the *Capsicum* species (other than sweet) from Turkey (for pesticide residues). The frequency of checks is prescribed at 20%.
- The frequency of checks on peppers of the *Capsicum* species (other than sweet) from Uganda (for pesticide residues) is increased from 20% to 50%.
- The entry for pistachios and associated products from the United States (for aflatoxins) has been removed.

Annex 2, Table 1, contains the list of food and feed of non-animal origin for which special conditions are prescribed governing their entry into Great Britain. The changes being made to Annex 2, Table 1, are as follows.

- A new entry for food containing or consisting of betel leaves (*Piper betle*) from Bangladesh (for Salmonella). The frequency of checks is prescribed at 50%.
- The entry for groundnuts (peanuts) and associated products from Brazil (for aflatoxins) has been removed (the entry is transferred into Annex 1).
- The entry for groundnuts (peanuts) and associated products from China (for aflatoxins) has been removed (the entry is transferred into Annex 1).
- The entry for sesamum seeds from Ethiopia (for Salmonella) is transferred into Annex 2, Table 1 (from Annex 1). There is no change to the prescribed frequency of checks, which remains at 50%.
- The entry for betel leaves (*Piper betle*) from India has been amended as follows.
  - The scope of the entry is extended to include food containing betel leaves.
  - The TARIC sub-division has been removed.
- The frequency of checks on groundnuts (peanuts) and associated products from India (for aflatoxins) is increased from 10% to 50%.
- The TARIC sub-division for guar gum from India has been removed.
- The entry for peppers of the *Capsicum* species (sweet or other than sweet) from Sri Lanka (for aflatoxins) is transferred into Annex 2, Table 1 (from Annex 1). There is no change to the prescribed frequency of checks, which remains at 50%.
- The frequency of checks for sesamum seeds from Sudan (for Salmonella) is increased from 20% to 50%.
- The entry for hazelnuts and associated products from Turkey (for aflatoxins) has been removed (the entry is transferred into Annex 1).

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

- The frequency of checks on vine leaves from Turkey (for pesticide residues) is increased from 20% to 50%.

Annex 2, Table 2, contains a list of compound food containing any of the food listed in Table 1 to Annex 2 due to the risk of contamination by aflatoxins in a quantity above 20% of either a single product or as the sum of those products. The change being made to Table 2 of Annex 2 is to add a new entry for mixtures of spices.

Annex 2a contains the list of food and feed of non-animal origin that is prohibited from entering Great Britain. The entry in Annex 2a for food containing or consisting of betel leaves (*Piper betle*) from Bangladesh (for Salmonella) has been removed (but see the new entry for this in Annex 2, Table 1).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

**Status:**

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**Changes to legislation:**

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