
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%.

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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- 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.

Changes to legislation:

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