

Statutory Instruments with Clear Reports

23 January 2023

SL(6)309 – [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](#)

Procedure: Made Negative

Retained Regulation 2019/1793¹ requires the Welsh Ministers to review, in relation to Wales, the lists set out in Annexes 1 and 2 of retained Regulation 2019/1793 on a regular basis not exceeding a period of six months, in order to take into account new information related to risks and non-compliance.

That review has been undertaken by the Food Standards Agency (FSA) and Food Standard Scotland to ensure that higher risk commodities remain subject to enhanced controls on entry to Great Britain through Border Control Posts (BCPs). Such controls include documentary, identity and physical examinations including sampling at designated border control posts.

The Annexes to retained Regulation 2019/1793 contain lists of food and feed commodities which are either subjected to a temporary increase in official control, subject to emergency measures or subject to suspension of entry to GB. Following the review, these Regulations makes changes to the Annexes which can broadly be summarised as follows:

- commodities removed from controls;
- commodities subject to reduced controls;
- commodities subject to increased controls;
- commodities requiring new controls.

For example, the changes to Annex 1 include:

- the frequency of checks on black pepper from Brazil (for Salmonella) is increased from 20% to 50%;
- the entry for goji berries from China (for pesticide residue) has been removed;

¹ Retained 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.



- 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%.

These Regulations apply in relation to Wales and corresponding regulations will be made in England and Scotland, meaning legislation will be in place to ensure that GB consumers are protected from the highest risk food and feed not of animal origin through controls on entry at the GB border.

High risk commodities can only be imported through already established BCPs in GB. There are currently no BCPs in Wales so these commodities, as it stands, cannot be directly imported into Wales from third countries.

In line with the UK's international obligations, a notification of the proposed amendments was sent to the World Trade Organisation.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Enabling legislation: Articles 47(2)(b) and 54(4)(a) and (b) of Regulation (EU) 2017/625, Article 53(1)(b) of Regulation (EC) No 178/2002

Date Made: 14 December 2022

Date Laid: 16 December 2022

Coming into force date: 17 January 2023

