

SL(6)453 – 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

Background and Purpose

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 (GB) 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 make changes to the Annexes which can broadly be summarised as follows:

- 2 commodities have been removed from the scope of the controls;
- 4 commodities will be subjected to a reduced level of controls;
- 3 commodities will be subjected to an increased level of control;
- 20 new commodities will be subjected to controls for the first time; and
- 10 new commodities have had their CN Codes amended.

The instrument also amends Articles 4 and 10 of, and inserts a new Annex 3a into, retained Regulation 2019/1793 to specify the prescribed sampling and analysis method for control of the presence of *Listeria* in food.

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

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.



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. Two comments were received. The Turkish government requested clarification on hazelnuts and the United States of America government requested further evidence relating to groundnut paste.

Procedure

Negative.

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.

Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In Schedule 2 to these Regulations, in the new Annex 2 to retained Regulation 2019/1793, in Table 1, in the entry for Sudan (SD), in the second column, in the Welsh text, the English words "Groundnut flours and meals" have been translated into Welsh as "*Blawd a phrydau bwyd cnadaear*". However, these words should not have been translated into Welsh because retained Regulation 2019/1793 was not made in Welsh (as it is not an official language of the European Union). Therefore, those words should appear in English in both language versions of this entry for Sudan in the new Annex 2, as set out in Schedule 2 to the Regulations.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

14 February 2024



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee