

REGULATORY APPRAISAL

THE FOOD EMERGENCY CONTROL (WALES) (MISCELLANEOUS AMENDMENTS) (NO 2) REGULATIONS 2004

Purpose and intended effect

In summary, this new S.I. transposes the Commission Decisions of 29th April 2004 in Wales. The Commission Decisions of 29th April 2004 amend the designated points of entry into the EU, mainly as a result of EU enlargement, of unshelled Brazil nuts originating in, or consigned from Brazil, peanuts and peanut products originating in, or consigned from China and Egypt, pistachios and pistachio products originating in, or consigned from Iran and dried figs, hazelnuts and pistachios and products thereof originating in, or consigned from Turkey.

The sole aim of the Regulations is to amend the list of the designated entry points to ensure that the enforcement authorities at all the entry points designated are able to fulfil the requirements for official controls laid down in the Commission Decisions. Some UK points of entry have been deleted from the list, following consultation, as they do not currently have the facilities for the controls or do not currently handle such imports. There are no such ports in Wales. The list of the designated entry points has also been extended to include points of entry for the new accession Member States. There are no existing designated ports of entry in Wales and the Commission decisions do not alter the status in Wales. Essentially the products included in the Commission decisions are ones, which should not enter the UK, or EU through Wales.

Risk assessment

The Regulation controls entry points for certain food products. One of the special conditions imposed on the import into the EU of the products covered by the Commission Decisions is that consignments may only enter the EU at designated points of entry. Ports of entry are designated in order to monitor the enhanced risk that imports of the above products may be contaminated with aflatoxin B₁. Aflatoxin B₁ is a potent carcinogen in laboratory animals and there is evidence that it is a genotoxic human carcinogen i.e. it can cause cancer by reacting with genetic material. The Regulation places strict controls on products which could pose a health risk to consumers.

Options

These Regulations implement EC Decisions. There is no reasonable alternative to introducing the proposed amending regulations since failure to do so could lead to criticism.

Benefits

These Regulations implement Commission decisions aimed at protecting the consumer from harmful toxins. The Directive is supported by the Food Standards Agency on the basis that it ensures that high safety standards will continue to be maintained.

Costs

There will be no additional costs to the Assembly or Local Authorities arising from this amendment. Similarly there is no financial impact on business.

Consultation

The Food Standards Agency has notified interested parties of the intended changes to current Commission Decisions by way of website entry and through discussions held with local authorities in May. Local Authorities were content.

Summary

This Regulation will implement Commission Decisions published on 29 April and will amend the designated points of entry into the EU, mainly as a result of EU enlargement, of unshelled Brazil nuts originating in, or consigned from Brazil, peanuts and peanut products originating in, or consigned from China and Egypt, pistachios and pistachio products originating in, or consigned from Iran, and dried figs, hazelnuts and pistachios and products thereof originating in, or consigned from Turkey.