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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Annexes to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland - Presidency compromise proposal

Delegations will find attached a Presidency proposal with changes marked as **bold underline** and ~~striketrough~~ as compared to the original Commission proposal set out in documents ST 6931/23 INIT and ST 6931/23 ADD 1. No changes are proposed for the ADD 1 document.

ANNEX I

List of Union acts or parts thereof

Note: In the following list of Union acts or parts thereof referred to in Article 1(2), those relevant for public health and consumer information referred to in Article 6(6) are indicated with an asterisk ‘*’.

1. *Council Directive 84/500/EEC of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs¹
2. Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish²
3. *Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption³
4. Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products⁴
5. Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito⁵
6. *Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food⁶
7. *Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC⁷
8. Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products⁸
9. *Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation⁹
10. *Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation¹⁰

¹ OJ L 277, 20.10.1984, p. 12.

² OJ L 351, 28.12.1985, p. 63.

³ OJ L 40, 11.2.1989, p. 34.

⁴ OJ L 212, 22.7.1989, p. 79.

⁵ OJ L 163, 17.6.1992, p. 1.

⁶ OJ L 37, 13.2.1993, p. 1.

⁷ OJ L 125, 23.5.1996, p. 3.

⁸ OJ L 334, 23.12.1996, p. 1.

⁹ OJ L 66, 13.3.1999, p. 16.

11. *Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts¹¹
12. *Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption¹²
13. *Part C of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC¹³
14. *Council Directive 2001/110/EC of 20 December 2001 relating to honey¹⁴
15. *Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption¹⁵
16. *Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption¹⁶
17. *Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption¹⁷
18. *Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption¹⁸
19. Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for *Dissostichus spp.*¹⁹
20. *Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed²⁰
21. *Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements²¹
22. *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 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 safety²²

¹⁰ OJ L 66, 13.3.1999, p. 24.

¹¹ OJ L 66, 13.3.1999, p. 26.

¹² OJ L 197, 3.8.2000, p. 19.

¹³ OJ L 106, 17.4.2001, p. 1.

¹⁴ OJ L 10, 12.1.2002, p. 47.

¹⁵ OJ L 10, 12.1.2002, p. 53.

¹⁶ OJ L 10, 12.1.2002, p. 58.

¹⁷ OJ L 10, 12.1.2002, p. 67.

¹⁸ OJ L 15, 17.1.2002, p. 19.

¹⁹ OJ L 145, 31.5.2001, p. 1.

²⁰ OJ L 140, 30.5.2002, p. 10.

²¹ OJ L 183, 12.7.2002, p. 51.

²² OJ L 31, 1.2.2002, p. 1.

23. *Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed, with the exception of the second paragraph of Article 32²³
24. *Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC²⁴
25. *Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition²⁵
26. *Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms²⁶
27. *Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents²⁷
28. *Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods²⁸
29. *Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs²⁹
30. *Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin³⁰
31. *Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC³¹
32. *Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene³²
33. *Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC³³

²³ OJ L 268, 18.10.2003, p. 1.

²⁴ OJ L 268, 18.10.2003, p. 24.

²⁵ OJ L 268, 18.10.2003, p. 29.

²⁶ OJ L 287, 5.11.2003, p. 1.

²⁷ OJ L 325, 12.12.2003, p. 1.

²⁸ OJ L 309, 26.11.2003, p. 1.

²⁹ OJ L 139, 30.4.2004, p. 1.

³⁰ OJ L 139, 30.4.2004, p. 55.

³¹ OJ L 338, 13.11.2004, p. 4.

³² OJ L 35, 8.2.2005, p. 1.

³³ OJ L 70, 16.3.2005, p. 1.

34. *Regulation (EC) 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods³⁴
35. *Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods³⁵
36. Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC³⁶
37. Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel³⁷, insofar as it concerns provisions relating to marketing standards
38. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93³⁸
39. Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC³⁹
40. *Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings⁴⁰
41. *Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97⁴¹
42. *Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives⁴²
43. *Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC⁴³

³⁴ OJ L 404, 30.12.2006, p. 9.
³⁵ OJ L 404, 30.12.2006, p. 26.
³⁶ OJ L 247, 21.9.2007 p. 17.
³⁷ OJ L 248, 22.9.2007, p. 17.
³⁸ OJ L 218, 13.8.2008, p. 30.
³⁹ OJ L 218, 13.8.2008, p. 82.
⁴⁰ OJ L 354, 31.12.2008, p. 1.
⁴¹ OJ L 354, 31.12.2008, p. 7.
⁴² OJ L 354, 31.12.2008, p. 16.
⁴³ OJ L 354, 31.12.2008, p. 34.

44. *Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients⁴⁴
45. *Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters⁴⁵
46. *Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council⁴⁶
47. *Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC⁴⁷
48. *Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC⁴⁸
49. Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006, insofar as it concerns provisions relating to marketing standards⁴⁹
50. Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003⁵⁰
51. *Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors⁵¹
52. *Regulation (EU) 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 194/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and

⁴⁴ OJ L 141, 6.6.2009, p. 3.

⁴⁵ OJ L 164, 26.6.2009, p. 45.

⁴⁶ OJ L 152, 16.6.2009, p. 11.

⁴⁷ OJ L 229, 1.9.2009, p. 1.

⁴⁸ OJ L 309, 24.11.2009, p. 1.

⁴⁹ OJ L 343, 22.12.2009, p. 1.

⁵⁰ OJ L 194, 24.7.2010, p. 1.

⁵¹ OJ L 157, 15.6.2011, p. 1

repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004⁵²

53. *Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products⁵³
54. Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003⁵⁴
55. *Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009⁵⁵
56. *Sections 1 and 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007⁵⁶
57. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC⁵⁷, insofar as it concerns provisions relating to marketing standards for fishery and aquaculture products
58. * Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling of aromatised wine products and repealing Council Regulation (EEC) No 1601/91⁵⁸
59. *Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC⁵⁹
60. *Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the

⁵² OJ L 304, 22.11.2011, p. 18.

⁵³ OJ L 167, 27.6.2012, p. 1.

⁵⁴ OJ L 181, 29.6.2013, p. 15.

⁵⁵ OJ L 181, 29.6.2013, p. 35.

⁵⁶ OJ L 347, 20.12.2013, p. 671.

⁵⁷ OJ L 354, 28.12.2013, p. 22.

⁵⁸ OJ L 84, 20.3.2014, p.14.

⁵⁹ OJ L 314, 1.12.2015, p. 1.

European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001⁶⁰

61. *Council Regulation (Euratom) 2016/52 of 15 January 2016 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No 3954/87 and Commission Regulations (Euratom) No 944/89 and (Euratom) No 770/90⁶¹
62. *Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007⁶²
63. [Regulation \(EU\) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation \(EC\) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC](#)⁶³
64. *Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC⁶⁴
65. * Chapter II of Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008⁶⁵ and Chapter 1 thereof insofar as it prohibits the use of synthetic alcohol and certain colourings
66. Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005⁶⁶, insofar as it concerns provisions relating to minimum sizes of marine organisms that also constitute minimum marketing sizes
67. *Commission Delegated Regulation (EU) 2022/2292 of 6 September 2022 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of food-producing animals and certain goods intended for human consumption⁶⁷

⁶⁰ OJ L 327, 11.12.2015, p. 1.

⁶¹ OJ L 13, 20.1.2016, p. 2.

⁶² OJ L 150, 14.6.2018, p. 1.

⁶³ OJ L 4, 7.1.2019, p. 1.

⁶⁴ OJ L 4, 7.1.2019, p. 43.

⁶⁵ OJ L 130, 17.5.2019, p. 1.

⁶⁶ OJ L 198, 25.7.2019, p. 105.

⁶⁷ OJ L 304, 24.11.2022, p. 1.

ANNEX II

Requirements for SPS Inspection Facilities

The structural and human resources of the SPS Inspection Facilities in Northern Ireland shall have the capacity and the capability adapted to the type and volume of the retail goods presented for the official controls required by this Regulation.

They shall also have the capacity and capability adapted to the type and volume of animals and goods not falling within the scope of this Regulation presented for the official controls required by Regulation (EU) 2017/625.

Part 1

Operation of temporary SPS Inspection Facilities

Minimum requirements for SPS Inspection Facilities	Timeline
Sufficient number of suitably qualified staff in accordance with Article 64(3), point (a), of Regulation (EU) 2017/625.	By 1 October 2023
Adequate infrastructure to allow the performance of official controls, in accordance with Article 3(1) to (6) and (11) to (13), of Commission Implementing Regulation (EU) 2019/1014	
Adequate equipment to allow the performance of official controls in accordance with Article 4(1), points (c) and (d), Article 4(2) and (3) of Commission Implementing Regulation (EU) 2019/1014.	
Technology and equipment necessary for the efficient operation of TRACES, and, as appropriate, of other computerised information management system necessary for the handling and exchange of data and information in accordance with Article 64(3), point (f), of Regulation (EU) 2017/625.	
Official controls, including identity and physical checks, shall be performed.	
SPS Inspection Facilities are operational for official controls on pet animals in accordance with Article 34 of Regulation (EU) No 576/2013, and for non-compliant pets as provided for in Article 12(1), point (f), of this Regulation.	

Part 2

Construction of final SPS Inspection Facilities

Minimum requirements for SPS Inspection Facilities	Timeline
They shall comply with the requirements laid down in Article 64 of Regulation (EU) 2017/625.	By 1 July 2025
Official controls, including identity and physical checks, shall only be performed at SPS Inspection Facilities, in accordance with -Regulation (EU) 2017/625.	

The United Kingdom shall submit to the European Commission, by 31 July 2024, a progress report as regards the completion of the SPS Inspection Facilities and thereafter every three months until the requirements of this Annex have been met.

The United Kingdom and the Commission shall cooperate on electronic certification.

ANNEX III

The requirements for monitoring and for listing of establishments referred to in Articles 7 and 8

Part 1.

Monitoring requirements

1. Consignments of retail goods entering into Northern Ireland from other parts of the United Kingdom shall be monitored by the competent authorities of Northern Ireland from the SPS Inspection Facilities of first arrival in Northern Ireland to the establishment of destination in accordance with Article 2(1), and (2), points (b) and (c), Article 2(3) and Article 3, points (2) to (5), of Commission Delegated Regulation (EU) 2019/1666⁶⁸.
2. Consignments of retail goods shall be sealed by the competent authorities of the United Kingdom, or under their responsibility, and the competent authorities shall ensure that the consignments are intact and have not been tampered with between the SPS Inspection Facility of first arrival in Northern Ireland and the establishment of destination.

The seal number of such consignments shall be issued by the competent authorities of the United Kingdom and inserted in the general certificate referred to in Article 4(1) and in Article 5(1), point (g), of this Regulation and in the Common Health Entry Document (CHED) referred to in Article 56 of Regulation (EU) 2017/625.

The seal number shall be confirmed or reconciled by the competent authorities of Northern Ireland at the SPS Inspection Facility of first arrival in Northern Ireland. Where a consignment is resealed, the new seal number shall be recorded in the CHED.

3. The operator responsible for the establishment at the place of destination shall, within a period of two days from the date of arrival of the consignments of retail goods in Northern Ireland, inform the competent authorities of Northern Ireland responsible for performing the official controls at that establishment of the arrival of those consignments.

Part 2.

Listing of establishments dispatching consignments of retail goods in parts of the United Kingdom other than Northern Ireland and listing of establishments in Northern Ireland receiving those consignments.

1. The lists of establishments in parts of the United Kingdom other than Northern Ireland and in Northern Ireland authorised to dispatch or receive the delivery of consignments of retail goods shall be drawn up and kept up-to-date by the competent authorities of the United Kingdom, in accordance with publicly available procedures which shall also be kept up-to-date.

⁶⁸ Commission Delegated Regulation (EU) 2019/1666 of 24 June 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union (OJ L 255, 4.10.2019, p. 1).

2. The competent authorities of the United Kingdom shall ensure that the establishments of dispatch and reception referred to in point 1 comply with the requirements laid down in this Regulation by carrying out risk-based and intelligence led spot checks on these establishments. The purpose of these spot checks shall be to ensure that the retail goods are intended solely for retail sale in Northern Ireland, and will not be subsequently moved to a Member State.
3. The risk-based and intelligence led spot checks referred to in point 2 shall ascertain, *inter alia*, compliance by the establishments with the requirements set out in Annex IV, and in particular they shall verify whether the retail goods comply with the marking requirements laid down in Article 6(1), taking into account the compliance history of those establishments and the volume of retail goods that do not bear an individual marking in accordance with Article 6(1), points (a) and (b).

Those spot checks shall include a visual inspection of retail goods marked at box level in accordance with Annex IV, point 2, and the retail goods presented on the shelves in the establishment, a review of the relevant documentation relating to the general certificate accompanying these retail goods and entry records of the establishments of destination.

Every 3 months, until 30 June 2025, the United Kingdom shall submit a report to the Commission on the level and outcomes of the spot checks undertaken in accordance with point 2.

4. Where the competent authorities of the United Kingdom have reason to suspect serious or repeated infringements of the requirements laid down in this Regulation, they shall remove the establishments immediately from the lists of establishments referred to in point (1).
5. The lists of establishments referred to in point (1) shall be made available without delay electronically to the Commission and to the competent authorities in Northern Ireland.

ANNEX IV

Marking requirements

1. Individual markings

The marking shall be attached to the packaging in a conspicuous place in such a way as to be easily visible, clearly legible and indelible. It shall not be in any way hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material.

The marking shall state the following words: 'Not for EU'

2. Box level markings

The smallest container of the same prepacked retail goods shall bear the marking.

The marking shall be attached to this container in a conspicuous place in such a way as to be easily visible, clearly legible and indelible. It shall not be in any way hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material.

The marking shall state the following words: 'Not for EU'

3. Shelf-level signs and posters

A sign containing the words 'Not for EU' shall be placed next to the price tag or equivalent on the shelves in the establishment where the retail goods are presented to the final consumer.

A sufficient number of posters shall be visibly displayed in the vicinity of the retail goods informing the consumers that those retail goods are only intended for sale to the final consumers in Northern Ireland and are not to be subsequently moved to a Member State.

ANNEX V

Lists of retail goods as referred to in Article 6(1)

Part 1.

Prepacked milk and dairy products required to be marked in accordance with Article 6(1), point (a)(ii):

- pasteurised milk;
- pasteurised cream;
- sour cream;
- crème fraîche;
- pasteurised buttermilk;
- unpasteurised (raw) cheese;
- quark/cottage cheese.

Part 2.

Certain retail goods not required to be individually marked in accordance with Article 6(1), point (c)

1. The following retail goods, where they are shelf-stable composite products which comply with the requirements laid down in Article 3(1) of Commission Delegated Regulation (EU) 2021/630⁶⁹:
 - (a) confectionery (including sweets), chocolate and other food preparations containing cocoa;
 - (b) pasta, noodles and couscous, not mixed or filled with meat product;
 - (c) bread, cakes, biscuits, waffles and wafers, rusks, toasted bread and similar toasted products;

⁶⁹ Commission Delegated Regulation (EU) 2021/630 of 16 February 2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of goods exempted from official controls at border control posts and amending Commission Decision 2007/275/EC (OJ L 132, 19.4.2021, p. 17).

- (d) olives stuffed with fish;
 - (e) extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté thereof, roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof;
 - (f) soup stocks and flavourings packaged for the final consumer;
 - (g) food supplement packaged for the final consumer, containing small amounts of animal products and those including glucosamine, chondroitin or chitosan;
 - (h) liqueurs and cordials.
2. Retail goods, other than those subject to official controls at border control posts, in accordance with Article 44 of Regulation (EU) 2017/625, such as canned fruit and vegetables, flour, spices, flavourings, vinegar, seeds, nuts, popcorn, crackers, crisps, tomato ketchup, tomato soup, dried herbs, frozen chips, tea bags, dried tea leaves, and coffee.
3. The following retail goods of plant origin, except where a phytosanitary certificate is required under Union rules:
- (a) pineapples;
 - (b) coconuts;
 - (c) durian;
 - (d) bananas;
 - (e) dates.
4. Retail goods, falling within the scope of Regulation (EU) No 1308/2013 of the European Parliament and of the Council, unless subject to official controls at border control posts in accordance with Regulation (EU) 2017/625, such as the following:
- (a) cereals;
 - (b) rice;
 - (c) sugar;
 - (d) olive oil and table olives;
 - (e) processed fruit and vegetable products;
 - (f) wine;
 - (g) jam;
 - (h) peanut butter;
 - (i) frozen peas;

(j) maple syrup.

