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#### NOTE

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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 6931/23 INIT ST 6931/23 ADD 1
No. Cion doc.:	COM(2023) 124 final
Subject:	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

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Delegations will find attached a Presidency proposal with changes marked as **bold underline** and ~~strikethrough~~ 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.

**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**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), Article 114, and Article 168(4), point (b), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>, acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community<sup>3</sup> (the Withdrawal Agreement) was concluded on behalf of the Union by Council Decision (EU) 2020/135<sup>4</sup> and entered into force on 1 February 2020. The transition period referred to in Article 126 of the Withdrawal Agreement, during which Union law continued to apply to and in the United Kingdom, in accordance with Article 127 of the Withdrawal Agreement, ended on 31 December 2020.
- (2) The Protocol on Ireland/Northern Ireland (the Protocol) forms an integral part of the Withdrawal Agreement.
- (3) By virtue of the Protocol, certain Union acts referred to in Annex 2 thereto, lay down rules applicable, in particular, to the entry into Northern Ireland from other parts of the United Kingdom of consignments of retail goods, plants for planting, seed potatoes, machinery and vehicles which have been operated for agricultural or forestry purposes, as well as non-commercial movements of pet animals into Northern Ireland.

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> OJ C [...], [...], p. [...].

<sup>3</sup> OJ L 29, 31.1.2020, p. 7.

<sup>4</sup> Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

- (4) More specifically, certain Union acts referred to in Annex 2 to the Protocol lay down rules, which apply to the entry into Northern Ireland from other parts of the United Kingdom of consignments of certain retail goods for the purpose of public health and consumer protection, including prohibitions on imports of certain products.
- (5) Furthermore, Regulations (EC) No 1069/2009<sup>5</sup>, (EU) 2016/429<sup>6</sup>, (EU) 2016/2031<sup>7</sup> of the European Parliament and of the Council lay down rules which apply to the entry into Northern Ireland from other parts of the United Kingdom of consignments of certain retail goods of animal or plant origin, composite products, plants for planting, seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes, for the purpose of protecting public, animal and plant health in the internal market, including requirements for individual official certificates, rates of official controls and prohibitions on imports of certain products.
- (6) In addition, Regulation (EU) 2017/625 of the European Parliament and of the Council<sup>8</sup> lays down rules for official controls on all consignments of goods entering the Union from third countries to ensure that they comply with the rules referred to in Article 1(2) thereof. More particularly, Article 47 of that Regulation requires certain categories of goods to be subject to official controls at border control posts when entering the Union. In this case, by virtue of the Protocol, the rules laid down in Regulation (EU) 2017/625 apply to the entry into Northern Ireland from other parts of the United Kingdom of those consignments.
- (7) Furthermore, Council Regulation (EC) No 1005/2008<sup>9</sup> prohibits the importation into the Union of fishery products obtained from illegal, unreported and unregulated fishing. To ensure the effectiveness of that prohibition, fishery products may only be imported into the Union when accompanied by a catch certificate and subject to appropriate checks and verifications.

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<sup>5</sup> Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

<sup>6</sup> Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1).

<sup>7</sup> Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

<sup>8</sup> Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

<sup>9</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

- (8) In addition, Regulation (EU) No 576/2013 of the European Parliament and of the Council<sup>10</sup> lays down the animal health requirements applicable to the non-commercial movement of pet dogs, cats and ferrets into Northern Ireland from other parts of the United Kingdom, as well as rules for compliance checks and the requirement for an identification document, in the form of an animal health certificate, which is to be controlled at a traveller's point of entry.
- (9) In order to take account of the specific situation of Northern Ireland, it is appropriate to adopt specific rules.
- (10) More particularly, it is appropriate to adopt specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of prepacked retail goods for final consumers, and of certain consignments of plants for planting, other than seed potatoes, of machinery and vehicles which have been operated for agricultural or forestry purposes, and of seed potatoes for placing on the market and use in Northern Ireland, as well as non-commercial movements of pet dogs, cats and ferrets.
- (11) Those specific rules should take into account the responsibility of the United Kingdom to protect public health and consumers in Northern Ireland in respect of retail goods entering into Northern Ireland from other parts of the United Kingdom. It is therefore appropriate to lay down specific rules derogating from the rules laid down in certain Union acts or parts thereof listed in Annex 2 to the Protocol and listed in Annex I to this Regulation, that are exclusively for the protection of public health and consumers, so that those rules do not apply in respect of consignments of retail goods entering into Northern Ireland from other parts of the United Kingdom with a view to being placed on the market in Northern Ireland. Those Union acts or parts thereof should continue, however, to fully apply to such retail goods directly imported into Northern Ireland from third countries other than the United Kingdom, and their production and further processing in Northern Ireland, as they fall outside the scope of the specific rules laid down in this Regulation.
- (12) It is appropriate to clarify that the provisions listed in Annex 2 to the Protocol other than those listed in Annex I to this Regulation apply in respect of consignments of retail goods entering into Northern Ireland from other parts of the United Kingdom unless specific provisions are laid down by this Regulation. Where the specific provisions of this Regulation apply, and in the event of any inconsistencies between those specific provisions and the Union acts, those specific provisions should take precedence.
- (13) Furthermore, this Regulation should lay down rules on written guarantees to be provided by the United Kingdom to ensure that the application of the specific rules laid down in this Regulation does not lead to an increased risk to animal or plant health on the island of Ireland, does not adversely affect the sanitary and phytosanitary (SPS) status of the island of Ireland, does not lead to an increased risk to public, animal or plant health in the internal market, does not lead to an increased risk that fishery products obtained from illegal, unreported or unregulated fishing are placed on the internal market, and does not adversely affect the level of consumer protection in the internal market or its integrity (written guarantees).
- (14) The specific rules should include special rates of official controls to be carried out on consignments of retail goods upon arrival at the SPS Inspection Facilities in Northern

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<sup>10</sup> Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (OJ L 178, 28.6.2013, p. 1).

Ireland, and a requirement that such consignments be accompanied by a general certificate, once the United Kingdom has provided the written guarantees. Such specific rules should only apply once certain conditions are fulfilled, including compliance by those retail goods with the rules laid down in Regulations (EU) 1069/2009, (EU) 2016/429, (EU) 2016/2031 and (EU) 2017/625, a specific marking of the retail goods, and the listing of establishments for the dispatch and reception of those retail goods, as well as the construction of SPS Inspection Facilities in Northern Ireland in accordance with the time period laid down in this Regulation, and, in relation to fishery products, the respect of the notion of illegal, unreported and unregulated fishing as defined by the Union in its application of Regulation (EC) No 1005/2008, without imposing on the United Kingdom an obligation to apply the same certification requirements and related procedures laid down in that Regulation.

- (15) Furthermore, it is appropriate to also lay down specific rules for the entry into Northern Ireland from other parts of the United Kingdom of consignments of retail goods consisting of food, other than products of animal or plant origin or composite products, and food contact material, so that such consignments are not subject to the same certification requirements as the consignments of retail goods of animal or plant origin or composite products.
- (16) In the cases falling within the scope of this Regulation, where official controls involving certification and checks on retail goods entering Northern Ireland from other parts of the United Kingdom are reduced, and where it is therefore necessary to ensure that those retail goods remain in Northern Ireland and do not undermine public health and consumer protection on the internal market or its integrity, by providing information to consumers concerning those retail goods, it is appropriate that specific marking rules are in place. These specific rules should ensure the information for the consumers and the traceability of those retail goods. They should provide for different requirements for marking at box, shelf or individual product levels. The application of these specific rules should recognise the need for appropriate timeframes for the marking requirements that minimise burdens and difficulties for supply chains, as well as the importance of the continued movement of retail goods within the United Kingdom consistent with Northern Ireland's position as part of the United Kingdom.
- (17) It is appropriate to provide for bespoke mechanisms, for the sole purpose of allowing retail goods consisting of commodities coming from third countries other than the United Kingdom ('rest of the world retail goods') of animal or plant origin, composite products and fishery products to benefit from the specific rules laid down in this Regulation. Firstly, in the case of rest of the world retail goods of animal or plant origin or composite products, the appropriate mechanism would operate where the United Kingdom decides to adapt its rules within its internal legal order and in accordance with its constitutional requirements. To this end, it is necessary to lay down procedures concerning the adaptation of these rules, should the United Kingdom decide to use that possibility, through a listing of commodities and their delisting mechanism, as well as other necessary safeguards. Where the United Kingdom decides to adapt its rules, it remains free to add more stringent conditions. Secondly, for fishery products, it is appropriate to take into account the rules of the United Kingdom ensuring that fishery products obtained from illegal, unreported and unregulated fishing are not imported into the United Kingdom.
- (18) It is necessary that consignments of plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes before entering into Northern Ireland, and which are dispatched by professional operators in other parts of the United Kingdom for reception by professional operators in Northern

Ireland or for immediate sale in the United Kingdom after their reception in Northern Ireland by professional operators do not present an unacceptable risk to plant health on the island of Ireland and for the internal market. Therefore, the entry of those consignments into Northern Ireland from other parts of the United Kingdom should be subject to specific rules in order to ensure that those consignments do not increase the risk to plant health on the island of Ireland, do not adversely affect the phytosanitary status of the island of Ireland or increase the risk to plant health in the internal market or affect its integrity.

- (19) It is necessary that the entry into Northern Ireland from other parts of the United Kingdom of consignments of tubers of *Solanum tuberosum* L. for planting (seed potatoes), dispatched by professional operators in other parts of the United Kingdom for reception by professional operators in Northern Ireland or for immediate sale in the United Kingdom after their reception in Northern Ireland by professional operators, do not present an unacceptable risk to plant health on the island of Ireland and for the internal market. Therefore, the entry of those consignments into Northern Ireland from other parts of the United Kingdom, should be subject to certain specific rules in order to ensure that those consignments do not increase the risk to plant health on the island of Ireland, do not adversely affect the phytosanitary status of the island of Ireland or increase the risk to plant health in the internal market or affect its integrity.
- (20) Due to the long history of the absence of rabies and of strict surveillance of *Echinococcus multilocularis* infection in the United Kingdom, and the stringent requirements on movements of dogs, cats and ferrets on and into its territory laid down in national law, the non-commercial movement of pet dogs, cats and ferrets, entering into Northern Ireland from other parts of the United Kingdom should not increase the level of risk to animal health in Northern Ireland and on the island of Ireland, should not adversely affect the sanitary status of the island of Ireland, and should not increase the risk to public and animal health on the internal market, if such movements were subject to specific rules. Those specific rules should include the provision of a simplified identification document and a written declaration by the owner or an authorised person that those animals will not be moved subsequently to a Member State. Additionally, it is appropriate to provide that pet dogs, cats and ferrets from Northern Ireland, which travel to other parts of the United Kingdom and then return directly to Northern Ireland should only be identified by a transponder.
- (21) At the same time, appropriate safeguards for the Union should be in place in order to ensure that the application of the specific rules laid down in this Regulation does not increase risks to animal or plant health on the island of Ireland, does not adversely affect the SPS status of the island of Ireland, does not increase the risk to public, animal and plant health in the internal market or increase the risk that fishery products originating from illegal, unreported or unregulated fishing are put on the internal market, and does not adversely affect the level of consumer protection in the internal market or its integrity.
- (22) Therefore, it is appropriate to provide that the specific rules on consignments of retail goods, plants for planting, seed potatoes, machinery and vehicles which have been operated for agricultural or forestry purposes, and the specific rules on the non-commercial movement of pet dogs, cats and ferrets, only start to apply once the Commission has received appropriate written guarantees from the United Kingdom and has examined whether the conditions for applying the specific rules have been met. In that event, the Commission should be empowered to adopt implementing acts in order to lay down the operational rules necessary for the implementation of the specific rules, including the frequency of checks, model forms of certificates and plant health labels, and requirements for markings.

- (23) In addition, it is appropriate to require the Commission to adopt implementing acts laying down safeguard measures to address specific problems arising in the context of the operation of the rules laid down in this Regulation where there is evidence that the United Kingdom does not take appropriate measures to tackle serious or repeated infringements of the conditions laid down in this Regulation.
- (24) Furthermore, it is appropriate to require the Commission to adopt delegated acts to suspend the application of some or all of the specific rules laid down in this Regulation where an essential precondition for the operation of those specific rules is not or no longer fulfilled, such as the completion of the SPS Inspection Facilities, or in the case of systemic failure by the United Kingdom to comply with the specific rules laid down in this Regulation. In such an event, it is appropriate to provide for a formal information and consultation mechanism with clear time periods within which the Commission should act.
- (25) In the case of the suspension of the specific rules laid down in this Regulation on the entry of consignments of retail goods into Northern Ireland from other parts of the United Kingdom, the rules laid down in the Union acts or parts thereof listed in Annex 2 to the Protocol and listed in Annex I to this Regulation should apply again to such consignments.
- (26) In order to amend Annexes I to V to this Regulation, in particular, to adapt the list of Union acts or parts thereof the provisions of which the specific rules derogate from, to lay down further details regarding the operation of the specific rules concerning the SPS Inspection Facilities, the listing of establishments, the monitoring mechanisms, and the marking of retail goods in accordance with appropriate criteria and in order to allow the Commission to take suspension measures in the case of the systemic failure of the United Kingdom to comply with the rules laid down in this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. An urgency procedure should also be provided for in order to ensure an effective and quick reaction to the existence of an increased risk to animal, plant or public health. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>11</sup>. In particular to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meeting of Commission expert groups dealing with the preparation of delegated acts.
- (27) In order to ensure uniform conditions for the implementation of this Regulation, in particular regarding the special rates of official controls and the general certificate, including its model form, the list of commodities of animal or plant origin or composite products originating in third countries that may be used for the production of retail goods to which the specific rules laid down in this Regulation should apply, the list of flag States of the vessels which catch fishery products to which the specific rules should apply, the model form of the plant health label for plants for planting, machinery and vehicles which have been operated for agricultural or forestry purposes, and for seed potatoes, the information to be included in the pet travel document and appropriate special conditions and safeguard measures to address specific problems arising in the context of the operation of the rules laid down in this Regulation where there is evidence that the United Kingdom does not take appropriate

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<sup>11</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

measures to tackle serious or repeated infringements of the conditions laid down in this Regulation, implementing powers should be conferred on the Commission<sup>12</sup>.

- (28) In order to ensure an effective and quick reaction to an increased risk to animal, plant or public health or consumer protection, implementing powers should be conferred on the Commission to lay down emergency measures. Those powers should be exercised in accordance with Council Regulation (EU) No 182/2011<sup>13</sup>.

**(28a) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.**

- (29) It is appropriate to provide for a transitional period for the application of marking requirements to retail goods which are already on the market.

HAVE ADOPTED THIS REGULATION

## PART 1

Subject matter, scope and definitions

### *Article 1*

#### *Subject matter and scope*

1. This Regulation lays down specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of the following:
  - (a) certain consignments of retail goods for placing on the market in Northern Ireland for the final consumer;
  - (b) certain consignments of plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes, and seed potatoes for placing on the market and use in Northern Ireland;

This Regulation also lays down specific rules relating to non-commercial movements into Northern Ireland from other parts of the United Kingdom of pet dogs, cats and ferrets.

2. By way of derogation from the provisions listed in Annex 2 to the Protocol on Ireland/Northern Ireland (the Protocol) and which are listed in Annex I to this Regulation, those provisions shall not apply in respect of consignments of retail goods entering into

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<sup>12</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and the general principles concerning the mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>13</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and the general principles concerning the mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).



Northern Ireland from other parts of the United Kingdom for placing on the market in Northern Ireland that fall within the scope of Part 2 of this Regulation. The provisions listed in Annex 2 to the Protocol other than those listed in Annex I to this Regulation shall apply in respect of consignments of retail goods entering into Northern Ireland from other parts of the United Kingdom for placing on the market in Northern Ireland unless more specific provisions are laid down in this Regulation.

3. This Regulation also lays down rules regarding the suspension of the application of the specific rules laid down in this Regulation.

## *Article 2*

### *Definitions*

For the purposes of this Regulation, the following definitions shall apply:

- (a) ‘consignment’ means a quantity of goods covered by the same official certificate, official attestation or any other document, conveyed by the same means of transport, and, in respect of retail goods, dispatched by the same listed establishment in parts of the United Kingdom other than Northern Ireland, and delivered to the same listed establishment in Northern Ireland, and, in respect of plants for planting, including seed potatoes, and machinery and vehicles operated for agricultural or forestry purposes, dispatched by professional operators in parts of the United Kingdom other than Northern Ireland and received by a professional operator in Northern Ireland;
- (b) ‘retail goods’ means the following goods that are delivered at distribution terminals, including terminals distributing retail goods under controlled temperatures, supermarket distribution centres, wholesale outlets, points of sale, or that are delivered directly to the final consumer, including by catering operators, at factory canteens, by institutional catering, by restaurants and by other similar food service operators and shops:
  - (i) products of animal or plant origin;
  - (ii) plants other than plants intended for planting, as listed in an implementing act adopted in accordance with Article 72(1), Article 73 and Article 74(1) of Regulation (EU) 2016/2031;
  - (iii) composite products;
  - (iv) food other than that referred to in (i), (ii) and (iii);
  - (v) food contact materials;
  - (vi) ready-to-sell pet food and dog chews falling within the scope of Regulation (EC) No 1069/2009;
- (c) ‘placing on the market’ means the holding by an operator of goods referred to in Article 1(1), points (a) and (b), for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer of those goods;

- (d) ‘final consumer’ means the ultimate consumer of a retail good who will not use it as part of any business operation or activity;
- (e) ‘rest of the world retail goods’ means retail goods that consist of commodities originating in third countries other than the United Kingdom and imported into parts of the United Kingdom other than Northern Ireland;
- (f) ‘products of animal origin’ means retail goods intended for human consumption consisting of the following:
- (i) food of animal origin, including honey and blood;
  - (ii) live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods intended for human consumption;
  - (iii) other animals destined to be prepared with a view to being supplied live to the final consumer;
- (g) ‘products of plant origin’ means retail goods intended for human consumption consisting of plants and products thereof, including processed material;
- (h) ‘ready-to-sell pet food and dog chews’ means pet food and dog chews for direct sale which are packed in ready-to-sell packages for use by the final consumer;
- (i) ‘composite products’ means retail goods intended for human consumption containing both products of plant origin and processed products of animal origin;
- (j) ‘food’ or ‘foodstuff’ means food as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council<sup>14</sup>;
- (k) ‘special rate of official controls’ means the rate of official controls laid down in an implementing act adopted in accordance with Article 4(3);
- (l) ‘general certificate’ means a paper or electronic document signed by the certifying officer of the competent authorities for a consignment of retail goods and providing assurance concerning compliance with the requirements laid down in this Regulation;
- (m) ‘prepacked’ means prepared for presentation of any single item as such to the final consumer and to catering operators, consisting of the packaging into which the retail goods are put before being offered for sale, whether such packaging encloses the retail goods completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging;
- (n) ‘marking’ means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on or attached to the packaging of a retail good or the box in which it is contained, and which cannot be easily removed or faded;

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<sup>14</sup> 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 safety (OJ L 31, 1.2.2002, p. 1).

- (o) ‘fishery products’ means fishery products as defined in Article 2, point (8), of Regulation (EC) No 1005/2008;
- (p) ‘establishment’ means any unit of a business dispatching or receiving retail goods;
- (q) ‘listed establishment’ means an establishment listed in accordance with Article 8;
- (r) ‘SPS Inspection Facility’ means a control post as defined in Article 3, point (38), of Regulation (EU) 2017/625; and a traveller’s point of entry as defined in Article 3, point (k), of Regulation (EU) No 576/2013; both complying with the requirements laid down in those Regulations;
- (s) ‘SPS status’ means the health status as defined in Article 4, point (34), of Regulation (EU) 2016/429 or the pest status as defined in the International Standards for Phytosanitary Measures 05 as updated<sup>15</sup>.
- (t) ‘dairy products’ means dairy products as defined in Annex I, point 7.2, to Regulation (EC) No 853/2004;
- (u) ‘meat’ means meat as defined in Annex I, point 1, to Regulation (EC) No 853/2004 of the European Parliament and of the Council<sup>16</sup>
- (v) ‘plant health label’ means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed, which cannot be easily removed or faded, issued officially or under official supervision in accordance with Article 10 or 11, to accompany consignments of plants for planting, including seed potatoes, and machinery and vehicles operated for agricultural or forestry purposes;
- (w) ‘pet animals’ means pet animals of the species listed in Part A of Annex I to Regulation (EU) No 576/2013, namely pet dogs, cats and ferrets;
- (x) ‘pet travel document’ means a paper or electronic document issued by the competent authorities of the United Kingdom for the non-commercial movement of pet animals entering into Northern Ireland from other parts of the United Kingdom.

## PART 2

Specific rules for the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods which originate in other parts of the United Kingdom, or come from a Member State, or rest of the world retail goods, for placing on the market in Northern Ireland

### *Article 3*

#### *Subject matter and scope of Part 2*

The specific rules laid down in this Part shall apply to the following retail goods:

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<sup>15</sup> <https://www.ippc.int/en/publications/622/>

<sup>16</sup> 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 origin (OJ L 139, 30.4.2004, p. 55).

- (a) products of animal or plant origin, plants other than plants intended for planting, and ready-to-sell pet food and dog chews, referred to in Article 2, point (b)(i), (ii) and (vi);
- (b) composite products referred to in Article 2, point (b)(iii);
- (c) food referred to in Article 2, point (b)(iv);
- (d) food contact materials referred to in Article 2, point (b)(v).

#### *Article 4*

##### *Specific rules for consignments of retail goods referred to in Article 3, points (a) and (b)*

1. The entry into Northern Ireland from other parts of the United Kingdom and the placing on the market in Northern Ireland of consignments of retail goods referred to in Article 3, points (a) and (b), shall be subject to specific rules on special rates of official controls and a general certificate only where all of the following conditions are met:
  - (a) the retail goods are prepacked and bear a marking where required in accordance with Article 6;
  - (b) the retail goods comply with one of the following:
    - (i) they originate in parts of the United Kingdom other than Northern Ireland;
    - (ii) they come from a Member State;
    - (iii) they are rest of the world retail goods, consisting of commodities not subject to the animal health or plant health rules referred to in Article 1(2), points (d), (e) and (g), of Regulation (EU) 2017/625;
    - (iv) they are rest of the world retail goods that comply with the specific rules laid down in Article 9;
    - (v) in the case of fishery products, they were either:
      - caught by a fishing vessel flying the flag of the United Kingdom and landed in parts of the United Kingdom other than Northern Ireland, or
      - caught by a fishing vessel flying the flag of a Member State, or of a third country other than the United Kingdom listed in an implementing act adopted in accordance with Article 9(4), and were imported into parts of the United Kingdom other than Northern Ireland;
  - (c) the retail goods comply with the rules laid down in Regulations (EC) No 1069/2009, (EU) 2016/429, (EU) 2016/2031 and (EU) 2017/625, and in the case of fishery products, they respect the notion of illegal, unreported and unregulated fishing as defined by the Union in its application of Regulation (EC) No 1005/2008;
  - (d) the retail goods are only to be placed on the market in Northern Ireland for final consumers;

- (e) the retail goods are dispatched from listed establishments in parts of the United Kingdom other than Northern Ireland and received by listed establishments in Northern Ireland;
  - (f) the retail goods are presented for official controls at SPS Inspection Facilities of first arrival in Northern Ireland in accordance with Regulation (EU) 2017/625;
  - (g) written guarantees have been provided by the United Kingdom that effective official controls on consignments of retail goods at SPS Inspection Facilities of first arrival in Northern Ireland, that comply with the requirements set out in Annex II to this Regulation, are carried out in accordance with Regulation (EU) 2017/625 and that official controls, evidenced through a control plan, and monitoring in accordance with the requirements set out in Part 1 of Annex III to this Regulation are carried out covering the movements of those retail goods from the SPS Inspection Facilities of first arrival in Northern Ireland to the listed establishment of destination to ensure that those consignments are solely intended for retail sale at listed establishments in Northern Ireland and will not be subsequently moved to a Member State; those written guarantees thereby provide assurance to the Union that the special rates of official controls and the general certificate do not increase the risks to animal or plant health on the island of Ireland, do not adversely affect the SPS status of the island of Ireland, do not increase the risk to public, animal or plant health in the internal market, do not increase the risk that fishery products originating from illegal, unreported or unregulated fishing are placed on the market within the Union, and do not adversely affect the level of consumer protection in the internal market or its integrity;
  - (h) the Commission has adopted an implementing act in accordance with paragraph 3 of this Article, and has not taken measures in accordance with paragraph 4 of this Article or in accordance with Article 14.
2. Consignments of retail goods shall be accompanied by the general certificate referred to in paragraph 1, which shall be issued by the competent authorities of the United Kingdom, and which shall certify that the retail goods in the consignment comply with the requirements laid down in paragraph 1, points (a) to (f).
3. Where the conditions concerning the written guarantees laid down in paragraph 1, point (g), are fulfilled and taking account of Commission controls regarding compliance with the requirements for SPS Inspection Facilities set out in Annex II, the Commission may, by means of implementing acts, lay down the special rates of official controls, the rules on those official controls, and on the model general certificate for the consignments referred to in paragraph 1.

The special rates of identity checks, including for compliance with paragraph 1, point (a), of this Article, and Article 5(1), point (a), shall be adapted depending on the extent to which different types of retail goods are individually marked.

Where the marking requirements laid down in Article 6(1), point (b), are complied with, the special rate of identity checks shall be reduced to 8% of all consignments.

Where the marking requirements laid down in Article 6(1), point (c), are complied with, the special rate of identity checks shall be reduced to 5% of all consignments.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).

4. The Commission shall monitor the application by the United Kingdom of the specific rules on special rates of official controls on consignments and the general certificate referred to in paragraphs 1 and 2.

Where there is evidence, such as a Union inspection report, data on trade volumes on wine products, an audit, or a notification under the information management system for official controls referred to in Article 131 of Regulation (EU) 2017/625 (IMSOC) or under the Organic Farming Information System made available by the Commission in accordance with Article 43 of Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>17</sup> (OFIS), that the United Kingdom does not take appropriate measures to tackle serious or repeated infringements of the conditions referred to in paragraph 1, points (a) to (g), of this Article, the Commission shall, after having duly informed and consulted with the United Kingdom, adopt an implementing act, in accordance with the examination procedure referred to in Article 18(2) and (3) of this Regulation laying down appropriate special conditions and measures, including temporary or permanent restrictions on the application of the specific rules to certain consignments or establishments or amending the implementing act adopted in accordance with paragraph 3 of this Article.

5. The competent authorities of the United Kingdom may decide not to collect fees or charges for the official controls on the retail goods referred to in paragraph 1.

#### *Article 5*

##### *Specific rules for consignments of retail goods referred to in Article 3, points (c) and (d)*

1. The entry into Northern Ireland from other parts of the United Kingdom and the placing on the market in Northern Ireland of consignments of retail goods referred to in Article 3, points (c) and (d), shall be subject to specific rules on special rates of official controls and a general certificate only where all of the following conditions are met:
  - (a) they are prepacked and bear a marking where required in accordance with Article 6;
  - (b) they comply with one of the following:
    - (i) they originate in parts of the United Kingdom other than Northern Ireland;
    - (ii) they come from a Member State;
    - (iii) they are rest of the world retail goods consisting of commodities not subject to the animal health or plant health rules referred to in Article 1(2), points (d), (e) and (g), of Regulation (EU) 2017/625 or the rules relating to fishery products laid down in Regulation (EC) 1005/2008;
  - (c) they are only to be placed on the market in Northern Ireland for final consumers;

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<sup>17</sup> 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 834/2007 (OJ L 150, 14.6.2018, p. 1).

- (d) they are dispatched from listed establishments in parts of the United Kingdom other than Northern Ireland and received by listed establishments in Northern Ireland;
  - (e) they are presented for official controls at the SPS Inspection Facilities of first arrival in Northern Ireland in accordance with Regulation (EU) 2017/625;
  - (f) written guarantees have been provided by the United Kingdom that effective official controls on consignments of retail goods at SPS Inspection Facilities of first arrival in Northern Ireland, that comply with the requirements set out in Annex II to this Regulation, are carried out in accordance with Regulation (EU) 2017/625 and that official controls, evidenced through a control plan, and monitoring in accordance with the requirements set out in Part 1 of Annex III to this Regulation are carried out covering the movements of those retail goods from the SPS Inspection Facilities of first arrival in Northern Ireland to the listed establishments of destination to ensure that those consignments are solely intended for retail sale at establishments in Northern Ireland and will not be subsequently moved to a Member State; those written guarantees thereby provide assurance to the Union that the special rates of official controls and the general certificate do not increase the risks to public health in the internal market, and do not adversely affect the level of consumer protection in the internal market or its integrity;
  - (g) they are accompanied by a general certificate which complies with the model laid down in an implementing act adopted in accordance with Article 4(3);
  - (h) the Commission has adopted an implementing act in accordance with Article 4(3) and has not taken measures in accordance with Article 4(4) and paragraph 2 of this Article or in accordance with Article 14.
2. The Commission shall monitor the application by the United Kingdom of the conditions referred to in paragraph 1 for the entry into Northern Ireland from other parts of the United Kingdom of those consignments and their placing on the market in Northern Ireland.
- Where there is evidence, such as a Union inspection report, an audit, or a notification under IMSOC or OFIS, that the United Kingdom does not take appropriate measures to tackle serious or repeated infringements of the conditions referred to in paragraph 1, points (a) to (g), of this Article, the Commission shall, after having duly informed and consulted with the United Kingdom, adopt an implementing act, in accordance with the examination procedure referred to in Article 18(2) and (3), laying down appropriate special conditions and measures, or amending the implementing act adopted in accordance with Article 4(3).
3. The competent authorities of the United Kingdom may decide not to collect fees or charges for the official controls on the retail goods referred to in paragraph 1.

## *Article 6*

### *Marking of retail goods*

1. Retail goods shall be marked in accordance with the following requirements:

- (a) from 1 October 2023, all retail goods shall be marked in accordance with the requirements set out in Annex IV, points 2 and 3, except for the following retail goods which shall bear an individual marking in accordance with Annex IV, point 1:
- (i) prepacked meat, prepacked meat products and meat packed on sales premises;
  - (ii) prepacked milk, prepacked dairy products and dairy products packed on sales premises listed in Part 1 of Annex V;
- (b) from 1 October 2024, all milk and dairy products shall bear an individual marking in accordance with Annex IV, point 1;
- (c) from 1 July 2025, all retail goods shall bear an individual marking in accordance with the requirements set out in Annex IV, point 1, except for the retail goods listed in Part 2 of Annex V, which shall be marked in accordance with the requirements set out in Annex IV, points 2 and 3.
2. By way of derogation from paragraph 1:
- (a) individual goods sold loose or by weight on the sales premises at the consumer's request, including individual goods processed and sold on the sales premises by a retailer for direct consumption by the consumer, shall be marked in accordance with the requirements set out in Annex IV, points 2 and 3.
  - (b) individual goods offered by a catering operator, at factory canteens, by institutional catering, by restaurants and by other similar food service operators, for direct consumption on the spot shall not be required to bear a marking.
3. The Commission shall be empowered to adopt a delegated act in accordance with Articles 16 and 17 amending Annex IV by adapting the marking requirements in response to technical or operational developments.
4. The Commission shall monitor whether all the retail goods are marked in accordance with paragraph 1.
- Where there is evidence, such as a Union inspection report, an audit, or a notification under IMSOC or OFIS, or data on trade volumes on wine products, that retail goods do not comply with the requirements laid down in this Article or are found on the market in a Member State, the Commission may amend Annexes IV and V, by means of a delegated act, adopted in accordance with Articles 16 and 17.
5. The Commission shall be empowered to adopt a delegated act in accordance with Articles 16 and 17 to amend the list of retail goods set out in Part 2 of Annex V in accordance with the following criteria:
- (a) a retail good shall be added to that list where the individual marking of that retail good is not required as official controls are no longer required at border control posts in accordance with Regulation (EU) 2017/625;
  - (b) a retail good shall be removed from that list if individual marking is required for the purposes of Articles 4 and 5 of this Regulation, or where official controls are required at border controls posts in accordance with Regulation (EU) 2017/625;



6. Where the Commission can assess in accordance with Article 9(1) and (3) that the relevant public health and consumer information rules laid down in the Union acts or parts thereof listed and indicated in Annex I, apply under the national law of the United Kingdom, it may adopt a delegated act in accordance with Article 16 to amend Annex V by adding categories of retail goods authorised to be marked in accordance with the requirements set out in Annex IV, points 2 and 3.

Where the United Kingdom has not informed the Commission that a Union act or an amendment to a Union act applies under its national law and provided evidence thereof in accordance with Article 9(5), the Commission shall adopt a delegated act in accordance with Articles 16 and 17 removing the categories of retail goods concerned from the lists of retail goods set out in Annex V.

#### *Article 7*

##### *Monitoring of retail goods*

1. The competent authorities of the United Kingdom shall monitor the consignments of retail goods entering into Northern Ireland from other parts of the United Kingdom in accordance with the monitoring requirements set out in Part 1 of Annex III.
2. The Commission shall be empowered to adopt delegated acts in accordance with Articles 16 and 17 to amend Part 1 of Annex III by adapting the monitoring requirements to technical or operational developments for the purposes of monitoring the consignments of retail goods.

#### *Article 8*

##### *Listing of establishments for the purpose of the dispatch of consignments of retail goods to Northern Ireland from other parts of the United Kingdom and their reception in Northern Ireland*

1. Consignments of retail goods shall be dispatched from establishments in parts of the United Kingdom other than Northern Ireland and received by establishments in Northern Ireland listed respectively for that purpose by the competent authorities of the United Kingdom in accordance with the requirements for the listing of establishments set out in Part 2 of Annex III.
2. The Commission shall be empowered to adopt delegated acts in accordance with Articles 16 and 17 to amend Part 2 of Annex III by adapting the requirements for the listing of establishments to technical or operational developments for the purposes of Articles 4 and 5.

#### *Article 9*

##### *Specific rules for consignments of rest of the world retail goods*

1. Rest of the world retail goods consisting of commodities of animal or plant origin or composite products subject to the animal health or plant health rules referred to in Article

1(2), points (d), (e) and (g), of Regulation (EU) 2017/625 may enter into Northern Ireland from other parts of the United Kingdom and be placed on the market in Northern Ireland in accordance with Article 4 of this Regulation only in the event that:

- (a) the United Kingdom decides to and as a result provides written evidence that:
  - (i) the import conditions and official controls requirements provided for in Regulations (EC) No 1069/2009, (EU) 2016/429, (EU) 2016/2031 and (EU) 2017/625 and in the Commission acts adopted pursuant to those Regulations apply to those commodities under the national law of the United Kingdom; and
  - (ii) the import conditions and official controls requirements referred to in point (a)(i) are effectively implemented by the United Kingdom.
- (b) those commodities are listed in an implementing act adopted in accordance with paragraph 3.

2. Without prejudice to paragraph 1, fishery products caught by a vessel flying the flag of a third country other than the United Kingdom and imported into parts of the United Kingdom other than Northern Ireland may enter into Northern Ireland from other parts of the United Kingdom as retail goods, and be placed on the market in Northern Ireland in accordance with Article 4 only in the event that:

- (a) the United Kingdom decides to and as a result provides written evidence:
  - (i) that import conditions, official controls and verification requirements apply under the national law of the United Kingdom thereby ensuring that fishery products obtained from illegal, unreported and unregulated fishing as defined in Article 2 of Regulation (EC) 1005/2008 and in Union acts adopted pursuant to that Regulation are not imported into the United Kingdom;
  - (ii) the import conditions, official controls and verification requirements referred to in point (i) are effectively implemented by the United Kingdom.
- (b) the flag State of the fishing vessel concerned is listed in an implementing act adopted in accordance with paragraph 4.

Whenever the United Kingdom intends to introduce new measures or to amend existing measures relevant to the import conditions, official controls and verification requirements referred to in point (a)(i), it shall inform the Commission without delay and provide information concerning the content of such measures before the date of application of those measures in its national law.

Whenever the Union intends to introduce new measures with regard to a flag State having an impact on the implementing act referred to in paragraph 4 of this Article, it shall inform the United Kingdom without delay and provide information concerning the content of such measures before the date of application of those measures;

3. To assess the effective implementation of the import conditions, official controls and verification requirements referred to in paragraphs 1 and 2, where applicable, the Commission may carry out audits and verification procedures in the United Kingdom, which may include the following:

- (a) an assessment of all or part of the total control plan of the competent authorities of the United Kingdom, including, where appropriate, reviews of the inspections and audit programmes;
- (b) an assessment that the import conditions, official controls and verification requirements referred to in paragraphs 1 and 2, are effectively implemented as part of the national law of the United Kingdom;
- (c) on-the-spot verification.

The Commission shall report on the findings of each audit performed and make the report available to the Member States and to the United Kingdom.

4. Where the Commission has received the written evidence referred to in paragraphs 1 and 2, the Commission may, by means of implementing acts, adopt measures listing:
- (a) the commodities of animal or plant origin or composite products and their third countries of origin that may enter into Northern Ireland as retail goods from other parts of the United Kingdom, and be placed on the market in Northern Ireland;
  - (b) the flag States referred to in paragraph 2, point (b).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).

5. Whenever the Commission prepares Union acts or amendments to such acts referred to in paragraph 1, point (a)(i), it shall inform the United Kingdom and shall provide information relevant thereto.

The United Kingdom shall inform the Commission at the latest 15 days before the date of application of those Union acts or amendments to such acts, whether the import conditions, official controls and verification requirements laid down in those Union acts or amendments apply as part of its national law at the date of application of those Union acts or amendments and provide evidence thereof.

In the case of immediately applicable Commission acts, the Commission shall inform the United Kingdom as soon as possible and the United Kingdom shall inform the Commission whether the import conditions, official controls and verification requirements apply as part of its national law at the latest three days from the date of entry into force of those Commission acts.

Where the United Kingdom has not informed the Commission that a Union act or an amendment to a Union act applies under its national law and provided evidence thereof in accordance with the first and second subparagraphs of this paragraph, the Commission shall immediately adopt an implementing act in accordance with the examination procedure referred to in Article 18(2) and (3) removing the commodities concerned by the Union act or the amendment to the Union act which do not apply under the national law of the United Kingdom from the lists established in accordance with paragraph 4 of this Article.

6. The Commission shall monitor the application by the United Kingdom of the import conditions, official controls and verification requirements referred to in paragraphs 1 and 2, where applicable.

Where there is evidence, such as a Commission assessment, a verification under paragraph 3, a Union inspection report, an audit or a notification under IMSOC, that the United Kingdom does not take appropriate measures to tackle serious or repeated infringements of the import conditions referred to in paragraphs 1 and 2, or does not effectively carry out the official controls or the verification requirements referred to in those paragraphs, or that the United Kingdom does not apply one of those import conditions, official controls or verification requirements under its national law, the Commission shall immediately adopt an implementing act laying down appropriate measures, which may include the removal of certain commodities or third countries of origin or certain flag States, from the lists established in accordance with paragraph 4.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2) and (3).

### PART 3

Specific rules for entry into Northern Ireland from other parts of the United Kingdom of consignments of plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes and of seed potatoes for placing on the market and use in Northern Ireland

#### *Article 10*

*Specific rules for consignments of plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes, for dispatch and sale by professional operators*

1. The entry into Northern Ireland from other parts of the United Kingdom and the placing on the market in Northern Ireland of consignments of plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes before entering into Northern Ireland shall be subject to specific rules and a plant health label requirement only where all of the following conditions are met:
- (a) those consignments are dispatched by professional operators in parts of the United Kingdom other than Northern Ireland, who have been authorised and registered by the competent authorities of the United Kingdom for the purpose of guaranteeing that those consignments are dispatched in accordance with this Regulation, for reception by professional operators in Northern Ireland or for immediate sale in the United Kingdom after their reception in Northern Ireland by professional operators;
  - (b) the smallest applicable trade units of plants for planting, other than seed potatoes, in each consignment and machinery and vehicles which have been operated for

agricultural or forestry purposes before entry into Northern Ireland bear that plant health label issued by a professional operator, under the official supervision of the competent authorities of the United Kingdom, which complies with the content and model form laid down in an implementing act adopted in accordance with paragraph 3;

- (c) the consignments of plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes before entering into Northern Ireland comply with the rules for their entry into the Union laid down in Regulations (EU) 2016/2031 and (EU) 2017/625;
- (d) the consignments of plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes before entry into Northern Ireland, following their entry into Northern Ireland, shall only be placed on the market and used in the United Kingdom and shall not subsequently be moved to a Member State;
- (e) the plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes before entry into Northern Ireland are presented for official controls at SPS Inspection Facilities of first arrival in Northern Ireland in accordance with Regulation (EU) 2017/625;
- (f) the professional operators in Northern Ireland that receive those plants for planting, and the professional operators that receive for the first time those vehicles and machinery after their entry into Northern Ireland, are registered respectively for that purpose by the competent authorities of the United Kingdom in the register provided for in Article 65(1) of Regulation (EU) 2016/2031 and in accordance with the procedure laid down in Article 66 of that Regulation;
- (g) written guarantees have been provided by the United Kingdom that a process of authorisation and registration of professional operators to ensure those consignments are dispatched in accordance with this Regulation, including official procedures for ensuring their compliance with this Regulation and addressing non-compliances, is in place, that official controls on consignments of plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes before entry into Northern Ireland at SPS Inspection Facilities of first arrival in Northern Ireland, that comply with the requirements set out in Annex II to this Regulation, are carried out in accordance with Regulation (EU) 2017/625, and that official controls, evidenced through a control plan, and surveillance measures are carried out covering the movements of those consignments from the SPS Inspection Facilities of first arrival in Northern Ireland to the place of destination in Northern Ireland, to ensure that those consignments will not be subsequently moved to a Member State; those written guarantees thereby provide assurance to the Union that the specific rules laid down in this Article do not increase the risk to plant health on the island of Ireland, do not adversely affect the SPS status of the island of Ireland, and do not increase the risk to plant health in the internal market or affect its integrity;
- (h) the Commission has adopted an implementing act in accordance with paragraph 3 of this Article concerning the content and the model form of the plant health label and has not suspended the application of the specific rules, referred to in this paragraph,

points (a), (b) and (c), in accordance with paragraph 4 of this Article or in accordance with Article 14.

2. The plant health label referred to in paragraph 1 shall attest that the consignments of plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes before entering into Northern Ireland comply with the requirements referred to in paragraph 1, points (a), (c) and (d).

3. Where the conditions concerning the written guarantees laid down in paragraph 1, point (g), of this Article are fulfilled, the Commission may, by means of implementing acts, lay down rules on the content and the model forms of the plant health label referred to in paragraph 1.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2) and (3).

4. The Commission shall monitor the application by the United Kingdom of the rules, referred to in paragraphs 1 and 3, concerning the consignments of plants for planting, other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes, and the plant health label.

Where there is evidence, such as a Union inspection report, an audit or a notification under IMSOC, that the United Kingdom does not take appropriate measures to tackle serious or repeated infringements of the conditions referred to in paragraph 1, points (a) to (g), the Commission shall, after having duly informed and consulted with the United Kingdom, adopt an implementing act, in accordance with the procedure referred to in Article 18(2) and (3), laying down appropriate special conditions and measures, including temporary or permanent restrictions on the application of the rules relating to certain consignments or operators or amending the implementing acts adopted in accordance with paragraph 3 of this Article.

## Article 11

### *Specific rules for consignments of seed potatoes*

1. The entry into Northern Ireland from other parts of the United Kingdom of consignments of tubers of *Solanum tuberosum* L. for planting (seed potatoes) for placing on the market shall be subject to specific rules and a plant health label requirement only where all of the following conditions are met:

- (a) those consignments are dispatched by professional operators, who have been authorised and registered by the competent authorities of the United Kingdom for the purpose of guaranteeing that those consignments are dispatched in accordance with this Regulation, in other parts of the United Kingdom for reception by professional operators in Northern Ireland;
- (b) each consignment of seed potatoes bears that plant health label in accordance with paragraph 2;
- (c) the seed potatoes comply with requirements of the implementing act adopted in accordance with paragraph 3, concerning the entry of seed potatoes into Northern

Ireland from other parts of the United Kingdom and placing on the market in Northern Ireland;

- (d) the seed potatoes, following their entry into Northern Ireland, are solely intended to be placed on the market and used in the United Kingdom and shall not subsequently be moved to a Member State;
- (e) the seed potatoes are presented for official controls at SPS Inspection Facilities of first arrival in Northern Ireland in accordance with Regulation (EU) 2017/625;
- (f) written guarantees have been provided by the United Kingdom that a process of registration and authorisation of professional operators, including official procedures for ensuring compliance with this Regulation and addressing non-compliances, is in place, and that official controls on consignments of seed potatoes at SPS Inspection Facilities of first arrival in Northern Ireland, that comply with the requirements set out in Annex II to this Regulation, are carried out in accordance with Regulation (EU) 2017/625, and that official controls and surveillance measures are carried out covering the movements of those consignments from the SPS Inspection Facilities of first arrival in Northern Ireland, to the place of destination in Northern Ireland, to ensure that those consignments will not subsequently be moved to a Member State; those written guarantees thereby provide assurance to the Union that the specific rules laid down in this Article do not increase the risk to plant health on the island of Ireland, do not adversely affect the SPS status of the island of Ireland, and do not increase the risk to plant health in the internal market or affect its integrity;
- (g) the Commission has adopted an implementing act in accordance with paragraph 3 of this Article and has not suspended the application of the specific rules, referred to in paragraph 1 of this Article, in accordance with paragraph 4 of this Article or in accordance with Article 14.

2. The plant health label referred to in paragraph 1 shall be issued by the competent authorities of the United Kingdom, following systematic and physical official inspections, and shall be printed either by those competent authorities or by the professional operators under the official supervision of those competent authorities.

It shall attest that the consignments of seed potatoes comply with the requirements referred to in paragraph 1, points (a), (c) and (d), and the rules in an implementing act adopted in accordance with paragraph 3.

3. Where the conditions concerning the written guarantees laid down in paragraph 1, point (f), are fulfilled, the Commission may, by means of implementing acts, lay down rules on:
- (a) the requirements for the entry of seed potatoes into Northern Ireland from other parts of the United Kingdom, and their use in Northern Ireland;
  - (b) the model form of the plant health label referred to in paragraph 1.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2) and (3).

4. The Commission shall monitor the application by the United Kingdom of the conditions, referred to in paragraphs 1 and 3, concerning the consignments of seed potatoes, and the plant health label.

Where there is evidence, such as a Union inspection report, an audit or a notification under IMSOC, that the United Kingdom does not take appropriate measures to tackle serious or repeated infringements of the conditions referred to in paragraph 1, points (a) to (f), the Commission shall, after having duly informed and consulted with the United Kingdom, adopt an implementing act, in accordance with the examination procedure referred to in Article 18(2) and (3), laying down appropriate special conditions and measures, including temporary or permanent restrictions on the application of the rules relating to certain consignments or operators or amending the implementing acts adopted in accordance with paragraph 3 of this Article.

#### PART 4

Specific rules for the non-commercial movements of pet animals entering into Northern Ireland  
from other parts of the United Kingdom

#### *Article 12*

##### *Specific rules for non-commercial movement of pet animals*

1. The specific rules laid down in this Article for non-commercial movements of pet animals entering into Northern Ireland from other parts of the United Kingdom shall only apply where all of the following conditions are met:
- (a) written guarantees have been provided by the United Kingdom that:
    - (i) those pet animals do not increase the risk to animal health on the island of Ireland or affect its sanitary status, or increase the risk to public and animal health in the internal market or undermine its integrity;
    - (ii) the competent authorities of the United Kingdom take effective action to reduce, to a minimum, the possibility of pet animals being moved from Northern Ireland to a Member State, evidenced through information on the official procedures for deciding which measures to take in the case of non-compliance;
    - (iii) the competent authorities of the United Kingdom apply requirements related to non-commercial movements of pet animals into the United Kingdom to protect its animal health status;
    - (iv) the competent authorities of the United Kingdom carry out effective documentary and identity checks on pet animals entering into Northern Ireland from other parts of the United Kingdom in accordance with point (f);



- (v) the competent authorities of the United Kingdom implement an early detection and notification system for *Echinococcus multilocularis* infection in wild definitive host animals, and immediately notify the Commission of any such detection;
  - (vi) the competent authorities of the United Kingdom implement an early detection and notification system for rabies infection in kept and wild susceptible animals, and immediately notify the Commission of any suspicion or detection of rabies infection by the competent authorities of the United Kingdom;
- (b) the Commission has adopted an implementing act in accordance with paragraph 4;
  - (c) the pet animals originate in parts of the United Kingdom other than Northern Ireland and will not be subsequently moved to a Member State;
  - (d) the pet animals are identified with a transponder that complies with the technical requirements set out in Annex II to Regulation (EU) No 576/2013;
  - (e) the pet animals are accompanied by a pet travel document, in written or electronic format, in accordance with paragraph 4, which has been validated by the competent authorities of the United Kingdom in accordance with paragraph 2, and a signed declaration is provided by the owner or authorised person that those pet animals identified in accordance with point (d) and covered by the pet travel document will not be subsequently moved from Northern Ireland to a Member State;
  - (f) the competent authorities of the United Kingdom carry out documentary and identity checks on the pet animals accompanied by the pet travel document and declaration as referred to in point (e), presented by the owner or authorised person after boarding has been completed and before arrival in Northern Ireland, or at the time of first arrival into Northern Ireland, to demonstrate compliance with the rules laid down in this Article; in the case of non-compliance revealed during those checks as provided in the official procedures referred to in point (a)(ii), the pet animals shall be presented to the competent authorities of the United Kingdom at the SPS inspection facilities of first arrival in Northern Ireland that comply with the requirements set out in Annex II, to remedy the non-compliance;
2. The pet travel document referred to in paragraph 1, point (e), shall only be issued after the competent authorities of the United Kingdom have duly verified that the relevant entries in the document have been correctly and truthfully completed with the information required by an implementing act adopted in accordance with paragraph 4, thereby certifying compliance with the conditions laid down in paragraph 1, points (c) and (d).
3. For the non-commercial movement of pet animals originating in Northern Ireland, which only travel to other parts of the United Kingdom and subsequently directly return to Northern Ireland:
- (i) the pet animals shall be identified with a transponder in accordance with the requirements laid down in paragraph 1, point (d);
  - (ii) the requirements laid down in paragraph 1, points (c), (e) and (f) shall not apply;
  - (iii) the relevant requirements laid down in Regulation (EU) No 576/2013 shall not apply.

4. Where the conditions laid down in paragraph 1, point (a), are fulfilled, the Commission may, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 18(2), lay down rules on the information to be included in the pet travel document for non-commercial movements of pet animals entering into Northern Ireland from other parts of the United Kingdom, including the content of the declaration referred to in paragraph 1, point (e).
5. The Commission shall monitor the application by the United Kingdom of the conditions referred to in paragraphs 1 to 3 of this Article.

Where there is evidence, such as a Union inspection report, an audit, or a notification under IMSOC that the United Kingdom does not take appropriate measures to tackle serious or repeated infringements of the conditions laid down in paragraphs 1, 2 and 3 of this Article, the Commission shall, after having duly informed and consulted with the United Kingdom, adopt an implementing act, in accordance with the examination procedure referred to in Article 18(2) and (3), laying down appropriate special conditions and measures, or amending the implementing acts adopted in accordance with paragraph 4 of this Article.

## PART 5

### Prohibition and suspension

#### *Article 13*

##### *Prohibition on the movement to or placing on the market in a Member State of goods and pet animals falling within the scope of this Regulation*

Goods falling within the scope of this Regulation shall not be moved from Northern Ireland to a Member State or be placed on the market in a Member State.

Pet animals falling within the scope of this Regulation shall not be moved from Northern Ireland to a Member State.

The Member States shall apply effective dissuasive and proportionate sanctions in the case of non-compliance with the rules laid down in this Regulation.

#### *Article 14*

##### *Suspension of the specific rules laid down in Parts 2, 3 and 4*

1. The Commission shall closely monitor the application of the specific rules laid down in Parts 2, 3 and 4 and Article 13, and in particular whether:
  - (a) official controls are carried out on consignments of retail goods, plants for planting, vehicles and machinery which have been operated for agricultural or forestry purposes before entry into Northern Ireland, seed potatoes and on pet animals, falling within the scope of this Regulation;

- (b) adequate official controls and monitoring in accordance with the requirements set out in Annex III are in place covering the movements of retail goods from the SPS Inspection Facilities of first arrival in Northern Ireland to the listed establishment of destination to ensure that the retail goods are solely intended for listed establishments in Northern Ireland and will not be subsequently moved to a Member State;
- (c) the rules laid down in this Regulation, and in particular Articles 6 and 9, are complied with.
2. The Commission shall also monitor whether:
- (a) the SPS Inspection Facilities of first arrival in Northern Ireland comply with Annex II;
- (b) the Union representatives have ongoing and continuous access to the relevant databases used by the competent authorities of the United Kingdom in Northern Ireland for the purpose of official controls and monitoring required by this Regulation, including the Common Health Entry document (CHED) Inspection Platform and other relevant databases and exchange of information, and whether the competent authorities of the United Kingdom in Northern Ireland comply with their obligation to use TRACES as provided for in Regulation (EU) 2017/625.
3. Where the Commission finds that there is a systemic failure by the United Kingdom to comply with the specific rules referred to in paragraph 1, or that the United Kingdom does not comply with one of the conditions referred to in paragraph 2, the Commission shall, within a period of seven days, notify the United Kingdom in writing of that finding and of the detailed reasons for it.
4. For a period of four weeks following the date of the written notification referred to in paragraph 3, the Commission shall enter into consultations with the United Kingdom with a view to remedying the situation giving rise to the written notification.
5. If the situation giving rise to the written notification referred to in paragraph 3 of this Article, is not remedied within the period of four weeks referred to in paragraph 4 of this Article or where relevant provisions of Section 2 (Determination of goods not at risk and repeal of Decision N° 4/2020) of Joint Committee Decision No XX/2023<sup>18</sup> have been suspended in accordance with Article 15(2) thereof on grounds relevant for the matters falling within the scope of this Regulation, the Commission shall within a further period of four weeks adopt a delegated act in accordance with Article 17 of this Regulation specifying the provisions of this Regulation the application of which is to be suspended.
- In the case of failure by the United Kingdom to comply with the conditions laid down in paragraph 1, point (c), and in paragraph 2, points (a) and (b), of this Article, the Commission shall, by means of a delegated act, suspend the application of Articles 4, 5, 6, 9, 10, 11 and 12.
6. Where the situation giving rise to the adoption of the delegated act referred to in paragraph 5 has been remedied by the United Kingdom, the Commission shall adopt a delegated act, in accordance with Article 17 of this Regulation, specifying which of the suspended provisions shall apply again.

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<sup>18</sup> [OP: add OJ reference]

PART 6  
Delegated and Implementing Acts

*Article 15*

*Amendments to Annexes I and II*

The Commission shall be empowered to adopt delegated acts in accordance with Article 16 to amend the list in Annex I to this Regulation where Union acts or parts thereof referred to in Annex 2 to the Protocol need to be removed or added.

The Commission shall be empowered to adopt delegated acts in accordance with Articles 16 and 17 to amend the requirements for SPS Inspection Facilities set out in Annex II, where necessary and appropriate to take account of relevant technical and operational developments, provided that such amendments are consistent with the rules laid down in this Regulation.

*Article 16*

*Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 6(3) to (6), 7(2), 8(2), 14(5) and (6) and Article 15 shall be conferred on the Commission for a period of five years from xx/xx/20xx. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Articles 6(3) to (6), 7(2), 8(2), 14(5) and (6) and Article 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Articles 6(3) to (6), 7(2), 8(2), 14(5) and (6) and Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that

act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

#### *Article 17*

##### *Urgency procedure*

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.
2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 16(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

#### *Article 18*

##### *Committee procedure*

1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002.

However, the Commission shall be assisted by the Committee for Fisheries and Aquaculture as set up under Article 30 of Regulation (EC) No 2371/2002 for the purposes of Article 9(4), point (b), of this Regulation. It shall also be assisted by that Committee for the purposes of Articles 4(4) and 9(6) of this Regulation for matters falling exclusively within the scope of that Committee.

Those committees shall be committees within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

### Part 7

#### Transitional and Final Provisions

*Article 19*

*Transitional provisions for marking requirements*

For a transitional period of 30 days from 1 October 2023, retail goods placed on the market in Northern Ireland before that date shall not be required to comply with the marking requirements laid down in Article 6(1), point (a).

For a transitional period of 30 days from 1 October 2024, retail goods placed on the market in Northern Ireland before that date shall not be required to comply with the marking requirements laid down in Article 6(1), point (b).

For a transitional period of 30 days from 1 July 2025, retail goods placed on the market in Northern Ireland before that date shall not be required to comply with the marking requirements laid down in Article 6(1), point (c).

*Article 20*

*Entry into force*

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*