



Council of the
European Union

Brussels, 15 May 2023
(OR. en)

9410/23

**Interinstitutional File:
2023/0062(COD)**

**UK 91
AGRI 252
PHYTOSAN 29
FOOD 39
SEMENCES 21
VETER 58
FORETS 54
PECHE 187
MI 404
CODEC 868**

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	COM(2023) 124
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 - Opinion of the European Economic and Social Committee

Delegations will find attached the European Economic and Social Committee's opinion regarding the above proposal. Other language versions are available on the following website:

[Specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of goods | European Economic and Social Committee \(europa.eu\)](#)

OPINION

European Economic and Social Committee

Specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods

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

[COM(2023) 124 final – 2023/0062 (COD)]

REX/575

Rapporteur-General: **Klaas Johan OSINGA**

Referral	Council, 09/03/2023
	European Parliament, 13/03/2023
Legal basis	Articles 43(2), 114, 168(4)(b) and 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for External Relations
Adopted at plenary	27/04/2023
Plenary session No	578
Outcome of vote (for/against/abstentions)	147/0/0

1. Conclusions and recommendations

- 1.1 The EESC welcomes the Windsor Framework¹ as proof that when the United Kingdom (UK) and the European Union (EU) come together in good faith to pursue mutually agreed solutions, the bilateral relationship can deliver tangible results for civil society in both parties.
- 1.2 The EESC supports the proposed Regulation² from the Commission to regulate the entry and placing on the market of Northern Ireland (NI) of certain agricultural goods – including plants for planting, machinery and vehicles for agricultural or forestry purposes, and seed potatoes – as well as the non-commercial movements into NI from other parts of the UK (Great Britain, or GB) of pet dogs, cats and ferrets.
- 1.3 The EESC recognises both the urgency and the technical nature of the proposed Regulation and of the matters it intends to regulate. It also acknowledges the significant effort made to reconcile facilitation of procedures, safeguards to the integrity of the EU internal market, and the protection of public, animal and plant health.
- 1.4 The EESC observes that the deadline provided for the marking of prepacked retail goods entering NI from GB may pose challenges to some businesses in the UK, especially those with tighter financial and technical constraints – like small and medium-sized enterprises (SMEs).
- 1.5 The EESC raises similar concerns with regard to the development of a single data set for businesses in GB to meet the sanitary and phytosanitary (SPS) and customs requirements when supplying customers in NI. It notes that any delay past the proposed deadline could cause longer identity checks than those provided for in the Regulation itself.
- 1.6 The EESC urges the Commission to further clarify and provide solutions for the areas of more apparent divergence between SPS standards in the UK and the EU, with particular reference to the use of plant protection products (PPPs) in NI. It notes that persisting uncertainty would discriminate against NI farmers.
- 1.7 There are still several questions as regards the movement of live animals and plant material from and to NI from both GB and the EU. The EESC calls on the Commission to resolve these as soon as possible as operators need clarity.

¹ https://ec.europa.eu/commission/presscorner/detail/en/fs_23_1272.

² [COM\(2023\) 124 final](#).

- 1.8 The implications of the draft Border Target Operating Model that has been published by the UK to be introduced from October 2023, and which sets out a new model for imports into GB, including SPS controls, may add to the uncertainty which needs to be avoided at all costs. There is already uncertainty regarding the implementation of the Retained EU Law Bill.

2. General comments

- 2.1 The proposed Regulation lays down specific rules relating to the entry into NI from GB of certain consignments of retail goods for placing on the market in NI, as well as certain consignments of plants for planting, machinery and vehicles which have been operated for agricultural or forestry purposes, and seed potatoes for placing on the market and use in NI.
- 2.2 The Regulation also lays down specific rules relating to non-commercial movements into NI from other parts of the UK of pet dogs, cats and ferrets. It also lays down rules regarding the suspension of the application of the specific rules contained in this Regulation.
- 2.3 In accordance with the EU-UK Withdrawal Agreement, a number of EU legislative acts concerning SPS measures apply to and in the UK in respect of NI after the end of the transition period set out in the Withdrawal Agreement.
- 2.4 Accordingly, the entry into NI from GB of certain consignments of products of animal or plant origin, including animal feed, plants for planting, machinery and vehicles for agricultural or forestry purposes and seed potatoes falls within the scope of these acts and is subject to official controls, certification requirements and prohibitions. This also applies to non-commercial movements of certain pet animals.
- 2.5 The UK and certain UK-based stakeholders have voiced serious concerns that the Withdrawal Agreement imposes a disproportionately high administrative burden on the entry into NI from GB of certain goods subject to SPS, where destined for final consumers in NI. This would undermine the place of NI within the UK's internal market.
- 2.6 On this basis, the Commission and the UK have agreed a comprehensive set of joint solutions to address everyday issues of all communities in NI, which protect the integrity of both the EU's and the UK's internal markets. These include:
- a simplification of requirements and procedures for the entry into NI from GB of certain retail goods subject to SPS EU acts destined for final consumers in NI;
 - a new solution for the entry into NI from GB of valued products including seed potatoes, plants for planting and machinery and vehicles for agricultural or forestry purposes;
 - application of the UK's public health and consumer protection standards to retail goods moved to and consumed in NI from GB;

- simplified travel documentation for non-commercial movement of pet animals accompanying persons travelling to NI from GB.

2.7 These solutions would in all cases foresee appropriate protection of public, animal and plant health, and safeguards for the integrity of the EU internal market.

3. **Specific comments**

3.1 Concerning the labelling of retail goods, Article 4(1)(a) of the proposed Regulation provides that prepacked retail goods entering NI from GB for consumption in NI must bear the marking "Not for EU", as detailed in Article 6.

3.2 Article 6(1)(a) makes such marking applicable from 1 October 2023. Now, this timescale may be difficult to achieve for some businesses in GB supplying customers in NI. In particular, SMEs may not have the necessary resources, technical or financial, to either meet the deadline or justify the investment needed based on their volume of business.

3.3 This tight deadline may pose challenges also with regard to data management. The data sets that businesses in the rest of the UK will require to meet the SPS and customs requirements when supplying customers in NI are similar. Having a single data set would be advantageous, not only for businesses, but also for monitoring compliance with SPS and customs requirements. Such a data set may be difficult to achieve by 1 October 2023.

3.4 If the implementation of Article 6(1)(a) on 1 October 2023 is not possible, then the rate at which identity checks are applied to consignments entering NI from GB could, temporarily, be higher than that indicated in Article 4(3). It is also unclear how EU origin retail packed goods could practically have a "Not for EU" label applied at supermarket retail distribution centres supplying both NI and Ireland.

3.5 A further potential issue concerns PPPs in NI, which highlights the implications of divergence between the EU and the UK. In NI, most PPPs are used for grassland, and are currently sourced from EU and GB. Maximum residue levels are specific for each PPP, and in some cases are different in the UK and the EU. This leaves NI farmers in a difficult situation; it would be helpful to review the system.

- 3.6 Another factor that has to be taken into consideration is the implication of the draft Border Target Operating Model that was published by the UK on 5 April 2023, and which sets out a new model for imports into GB, including SPS controls. This will be introduced from the end of October 2023. This adds to the uncertainty for operators caused by the EU Retained Law Bill, which may lead to thousands of EU laws automatically being scrapped by the end of 2023.
- 3.7 Although the EU has amended its "delegated regulation" allowing cattle and sheep to move outside the EU regulatory zone – and therefore NI – and return within 15 days, in practice it is still a challenge for NI cattle breeders.
- 3.8 Livestock marts in GB are required to be Animal and Plant Health Agency (APHA) approved export centres, with all animals using these centres being of the same health status. Scottish Official Tuberculosis Free (OTF) status for tuberculosis (TB) exempts them from having to be TB tested pre-GB sale or show, but English/Welsh breeders would have to TB tested pre-GB sale/show. Since, in a GB context, there is little or no demand for APHA-approved export centres, at present only Carlisle is APHA-approved, and is, therefore, the only mart at which NI cattle can be sold and avail of the EU delegated regulation. This means that if NI animals are offered for sale at a mart that is not APHA-approved, and are not sold, then they must remain in GB for six months before returning to NI, making it financially unviable.
- 3.9 Concerning the re-tagging of livestock moved to NI from the rest of the UK, it is currently unclear how this should operate. Currently, cattle entering NI from GB must have, in addition to their two UK tags, an additional GB export tag applied. Within 20 days of entering NI, they must have, in addition, two NI tags applied. Unless tags are removed, this procedure is very impractical and could also have animal welfare implications.
- 3.10 On the issue of plant propagation material, like seed potatoes, the framework allows their movement into NI from the rest of the UK, and also from the EU. This allows the continuation of trade between Scotland, in particular, and NI that has been developed over many years prior to Brexit.
- 3.11 The proposed documentation and checks that will be associated with this movement of seed potatoes are unlikely to be problematic for businesses. The crops from these NI seed potatoes can be sold to growers within the single market and GB. Ware potatoes can move into NI from the single market for processing and onward sale into the rest of the UK.

Brussels, 27 April 2023

Oliver RÖPKE

The president of the European Economic and Social Committee
