

# PROTOCOL ON IRELAND/NORTHERN IRELAND

## Position paper on agri-food, plants and pet animals

### I. Context

1. On 27 February 2023, the European Commission (“the Commission”) and the Government of the United Kingdom (“the UK”) reached a political agreement in principle on the way forward regarding the operation of the Protocol on Ireland/Northern Ireland (the Protocol). The way forward includes joint solutions that constitute a series of practical and sustainable measures that both the Commission and the UK Government consider necessary to address in a definitive way a number of implementation issues that have emerged since the date of application of the Protocol and respond to everyday challenges faced by people and businesses in Northern Ireland in relation to the operation of the Protocol. The proposed joint solutions ensure the integrity of both the Union’s and the UK’s internal markets.
2. On Sanitary and Phytosanitary (SPS) issues, the way forward provides for a durable solution in the form of a genuine simplification of requirements and procedures for the entry into Northern Ireland from other parts of the UK of consignments of agri-food retail goods, plants for planting, seed potatoes, and machinery and vehicles, which have been operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals, namely pet dogs, cats, and ferrets. The joint solutions are accompanied by safeguards guaranteeing compliance with the SPS requirements necessary for the protection of the integrity of the Union’s internal market, and the protection of public, animal and plant health and consumers’ interests in the Union.
3. On illegal, unreported and unregulated (IUU) fishing, the way forward provides for a durable solution in the form of a simplification of procedures for the entry into Northern Ireland from other parts of the UK of fishery products as retail goods. The joint solutions are accompanied by safeguards guaranteeing that fishery products stemming from IUU fishing are not placed on the Union’s internal market.
4. On 27 February 2023, the Commission adopted a proposal for a legislative act laying down specific rules reflecting the proposed joint solutions (the Commission’s legislative proposal) and empowering the Commission to adopt the necessary specific measures implementing them (the Commission’s implementing acts)<sup>(1)</sup>.
5. Subject to the adoption and the entry into force of the legislative act resulting from the Commission’s legislative proposal, this position paper sets out key elements of implementation related to the proposed joint solutions.

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<sup>(1)</sup> 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 of 27 February 2023).

6. The elements set out in this position paper are without prejudice to the powers conferred by the Treaties on the Union institutions.

## **II. Implementation of the proposed joint solutions**

7. The Commission could envisage, within the framework of the Protocol and under the related provisions of the Commission's legislative proposal, presenting draft Commission implementing acts applying the proposed joint solutions by laying down specific rules on the following matters:
  - simplified certification requirements and reduction in controls with special rates of official controls on consignments of prepacked retail goods entering into Northern Ireland from other parts of the United Kingdom;
  - the listing of commodities of animal or plant origin or composite products originating in third countries other than the United Kingdom that may enter into Northern Ireland as retail goods (rest of the world retail goods), and thereby benefit from the simplified certification requirements and the special rates of official controls.
  - the listing of the flag States of fishing vessels of third countries other than the United Kingdom (flag States), which catch fishery products that may be imported into parts of the United Kingdom other than Northern Ireland, and those fishery products may then enter into Northern Ireland as retail goods;
  - simplified certification requirements and procedures for the entry into Northern Ireland from other parts of the United Kingdom of consignments of plants for planting and machinery and vehicles which have been operated for agricultural or forestry purposes with a plant health label.
  - authorisation with simplified certification requirements and procedures for the entry into Northern Ireland from other parts of the United Kingdom of seed potatoes with a plant health label.
  - simplified documentary requirements for non-commercial movements of pet animals, identified with a transponder<sup>(2)</sup>, into Northern Ireland from other parts of the United Kingdom.

The Commission's implementing acts applying the proposed joint solutions would apply to and in the United Kingdom in respect of Northern Ireland pursuant to Article 5(4) of the Protocol in conjunction with Article 6(3) 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.

### ***II.1 Simplified certification requirements and special rates of official controls for certain retail goods (agri-food)***

8. Only a single general certificate, signed by the competent authorities of the United Kingdom, would be required for each lorry with a mixed load of certain prepacked retail

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<sup>(2)</sup> See Article 3, point (e), of 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 Text with EEA relevance (OJ L 178, 28.6.2013, p. 1).

goods intended for the final consumer in Northern Ireland, including retail goods subject to restrictions for importation into the European Union (for example, certain chilled meat and meat products).

The general certificate would globally certify that all the retail goods of different types, classes or descriptions in the consignment transported by the same lorry comply with applicable Union animal health, plant health, animal by-products rules, and respect the notion of IUU fishing as defined by the Union in its application of Regulation (EU) No 1005/2008<sup>(3)</sup>, where relevant for that consignment, and that all the retail goods are intended for sale to final consumers in Northern Ireland.

9. Where the conditions referred to in the Commission's legislative proposal are fulfilled, a Commission implementing act could be adopted, laying down the specific rules on the special rates of official controls and simplified certification requirements, including the model general certificate, for consignments of certain prepacked retail goods, including the following requirements:

- a) the competent authorities at the SPS Inspection Facilities of first arrival in Northern Ireland carry out documentary checks of all the general certificates and other documents accompanying all consignments of retail goods, which could be performed remotely and electronically;
- b) the competent authorities at the SPS Inspection Facilities of first arrival in Northern Ireland carry out identity checks, including compliance with the marking requirements, from 1 October 2023, at a frequency rate of 10% of all consignments of retail goods. That frequency rate will be reduced to 8% by 1 October 2024 on the condition that all milk and dairy products are individually marked. From 1 July 2025, that frequency rate will be further reduced to 5% of all consignments of retail goods on the condition that all retail goods are individually marked. In addition, physical checks would be carried out in conjunction with those identity checks using, in particular, a risk-based and intelligence-led approach.

The timing of the application of these frequency rates may be adapted in the case of an earlier application of individual marking to the retail goods.

- c) In the case of consignments consisting only of plants other than plants for planting, the competent authorities at the SPS Inspection Facilities of first arrival in Northern Ireland will carry out identity checks at a frequency rate of 1% of all consignments; in addition, they will carry out physical checks in conjunction with those identity checks, using, in particular, a risk-based and intelligence-led approach.
- d) consignments of retail goods are accompanied by a general certificate corresponding to the model Retail NI, drawn up in accordance with the model set out in Annex 1 to this paper, covering the following retail goods:

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<sup>(3)</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).

- (i) products of animal or plant origin;
  - (ii) plants other than plants intended for planting, as listed in an implementing act adopted under Council Regulation (EU) 2016/2031;
  - (iii) composite products;
  - (iv) food other than that referred to in (i), (ii) and (iii);
  - (v) food contact material;
  - (vi) ready-to-sell pet food and dog chews falling within the scope of Regulation (EC) No 1069/2009 of the European Parliament and of the Council.
- e) the general certificate for the retail goods of a consignment is supplemented by a description of all the retail goods included in the consignment. This description would be in an additional document, which may be in paper or electronic form. It should provide details of the nature of each product, its treatment, the registration or approval number of establishment, the number of packages and the net weight.

## ***II.2 List of commodities originating in third countries other than the United Kingdom entering Northern Ireland as retail goods (rest of the world retail goods)***

10. Where the conditions referred to in the Commission's legislative proposal are fulfilled, a Commission implementing act could be adopted listing the commodities of animal or plant origin or composite products originating in third countries other than the United Kingdom and imported into parts of the United Kingdom other than Northern Ireland, that may enter as retail goods into Northern Ireland from other parts of the United Kingdom and intended for placing on Northern Ireland's market.

## ***II.3 List of the flag States***

11. Where the conditions referred to in the Commission's legislative proposal are fulfilled, a Commission implementing act could be adopted listing the flag States of fishing vessels that catch fishery products that may be imported into parts of the United Kingdom other than Northern Ireland and enter Northern Ireland to be placed on its market as retail goods.

## ***II.4 Plants for planting, and machinery and vehicles which have been operated for agricultural or forestry purposes***

12. Where the conditions referred to in the Commission's legislative proposal are fulfilled, a Commission implementing act could be adopted, laying down rules on the content and the model of the plant health label required for consignments of plants for planting, and machinery and vehicles which have been operated for agricultural or forestry purposes, to enter into Northern Ireland from other parts of the United Kingdom, containing the following elements:

- (a) On the top part of the label, the words 'NI Plant health label';

- (b) the letter ‘A.’ followed by the botanical name of the plant species or taxon concerned, in the case of plants, and, optionally, the name of the variety, or, where appropriate, the name of the object concerned;
- (c) the letter ‘B.’, followed by the registration number of the professional operator concerned;
- (d) the letter ‘C.’, followed by the traceability code of the plant for planting, or the other object concerned;
- (e) the letter ‘D.’, followed by either:
  - (i) a QR code referring to a page of the official website of the competent authorities of the United Kingdom, which is relevant to the respective sector of the professional operators, and informs them about the applicable rules with an explicit reference to the Commission’s legislative proposal and the relevant Commission implementing act; or
  - (ii) the indication ‘Complies with Article 10 of this Commission’s legislative proposal’;
- (f) In the lower part of the label, the words ‘For use in the United Kingdom only’.

13. The model form of that plant health label is set out in Annex 2 to this paper.

## ***II.5 Seed potatoes***

14. Where the conditions referred to in the Commission’s legislative proposal are fulfilled, a Commission implementing act could be adopted laying down rules concerning the entry into Northern Ireland from other parts of the United Kingdom of seed potatoes, and, in particular, their production, and official inspections and reporting obligations on the competent authorities of the United Kingdom, as well as the model of plant health label for seed potatoes, containing the following elements:

- (a) on the top part of the label, the words ‘NI Plant Health label’;
- (b) the letter ‘A.’, followed by the botanical name for the seed potato;
- (c) the letter ‘B.’, followed by the registration number of the professional operator concerned;
- (d) the letter ‘C.’, followed by the traceability code for seed potatoes;
- (e) the letter ‘D.’, followed by either:
  - (i) a QR code referring to a page of the official website of the competent authority of the UK, which is relevant for the respective sector of the professional operators, and which informing the operators receiving the seed potatoes of the applicable rules with an explicit reference to Commission’s legislative proposal and the relevant Commission’s implementing act; or
  - (ii) the indication ‘Complies with Article 11 of the Commission’s legislative proposal’;
- (f) at the lower part of the label, the words ‘For use in the United Kingdom only’.

15. The model form of that seed potato label is set out in Annex 3 to this paper.



## *II.6 Non-commercial movements of pet animals*

16. Where the conditions referred to in the Commission's legislative proposal are fulfilled, a Commission implementing act could be adopted laying down rules on the information to be included in the simplified pet travel document and in the declaration by the owner, including the following elements:

### Pet travel document

- (a) the location of the transponder, and either the date of application or the date of reading of the transponder, as well as the alphanumeric code displayed by it;
- (b) the name, species, breed, sex, colour, date of birth as stated by the owner and any notable or discernible features or characteristics of the pet animal;
- (c) the name, contact information and signature of the owner;
- (d) the name, contact information and signature of the competent authority issuing the pet travel document;
- (e) a number consisting of the ISO code of the United Kingdom, followed by a unique alphanumeric code.

### Declaration

- (a) the name and signature of the owner or of the natural person who is authorised in writing by the owner to carry out the non-commercial movement of the pet animals on behalf of the owner;
- (b) the place and date of issuance;
- (c) the alphanumeric code displayed by the transponder identifying each pet animal;
- (d) the number of the pet travel document accompanying each pet animal;
- (e) a commitment by the owner or authorised person that the pet animals entering Northern Ireland from other parts of the United Kingdom will not be moved subsequently to a Member State.

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## ANNEX 1

### **Model general certificate for the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, directly delivered to listed establishments in Northern Ireland (Model Retail NI)**

**Place of origin: PARTS OF THE UNITED KINGDOM  
OTHER THAN NORTHERN IRELAND**

**Retail in Northern Ireland**

Part I: Details of dispatched consignment	I.1. Consignor		I.2. Certificate reference number		I.2.a	
	Name				/	
	Address					
	Tel.					
			I.3. Central Competent Authority			
			I.4. Local Competent Authority			
	I.5. Consignee			I.6. Operator responsible for the consignment		
	Name			Name		
	Address			Address		
	Tel.			Tel.		
I.7. Place of origin		ISO code	I.8.		I.9. Place of destination	
Parts of the United Kingdom other than Northern Ireland		GB	/		Northern Ireland	
					I.10.	
					/	
I.11 Place of dispatch			I.12 Place of destination			
Name		Registration/Approval number	Name		Registration/Approval number	
Address			Address			
I.15. Means of transport			I.16. Entry SPS Inspection Facility in Northern Ireland			
Road vehicle <input type="checkbox"/>						
Identification:			I.17.			
Documentary references:			/			
I.18 Transport conditions						
Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>						
I.19. Container/seal number:				I.24.		
				/		
I.22. For entry into Northern Ireland <input type="checkbox"/>						

<b>Part II: Certification</b>	II. Health information	II.a. Certificate reference number	II.b.
	<p>This certificate must only be used for the entry into Northern Ireland from other parts of the United Kingdom of retail goods delivered directly to listed establishments in Northern Ireland in compliance with the rules laid down in Articles 4 to 9 of [Commission legislative proposal of XXX 2023 referred to in paragraph 4 of this position paper].</p> <p><b>II. Health attestation</b></p> <p>I, the undersigned, take full responsibility in certifying that the retail goods<sup>1</sup> described in Part I of this certificate comply with the relevant Union requirements as regards animal health, plant health and animal by-products rules.</p> <p><b>III. Illegal, Unreported and Unregulated fishing attestation</b></p> <p>I, the undersigned, take full responsibility in certifying that the retail goods<sup>1</sup> described in Part I of this certificate respect the notion of Illegal, Unreported and Unregulated fishing as defined by the Union in its application of Council Regulation (EC) No 1005/2008.</p> <p><b>Notes</b></p> <p><b>Part I:</b></p> <p>— Box reference I.1: Indicate the name and identification number of the listed establishment</p> <p>— Box reference I.5: Indicate the name and identification number of the listed establishment</p> <p>— The description of the retail goods (nature of products, type of treatment, registration/approval number of establishments, number of packages, net weight) is provided in an additional document, in paper or electronic form. The number of packages and the net weight in the description of the retail goods are indicated under the responsibility of the operator.</p> <p><b>Part II:</b></p> <p>— For consignments of retail goods where the retail goods are only those referred to Part II, points (iv) and (v) in footnote (1), of this certificate shall not apply.</p> <p>(1) ‘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:</p> <p>(i) products of animal or plant origin;</p> <p>(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 of the European Parliament of the Council;</p> <p>(iii) composite products;</p> <p>(iv) food other than that referred to in (i), (ii) and (iii);</p> <p>(v) food contact materials;</p> <p>(vi) ready-to-sell pet food and dog chews falling within the scope of Regulation (EC) No 1069/2009 of the European Parliament and of the Council.</p>		
<p>Competent Authority</p> <p>Name (in capital letters):</p> <p>Date:</p> <p>Stamp:</p> <p>Qualification and title:</p> <p>Signature:</p>			

## ANNEX II

**Model form of the plant health label for plants for planting, and machinery and vehicles which have been operated for agricultural or forestry purposes**

[flag of the United Kingdom]
<b>NI Plant health label</b>
<b>A xxx</b>
<b>B xxx</b>
<b>C xxx</b>
<b>D xxx</b>
<b>For use in the United Kingdom only</b>

**ANNEX III**

**Model form of the plant health label for seed potatoes**

[flag of the United Kingdom]

**NI plant health label**

**A xxx**

**B xxx**

**C xxx**

**D xxx**

**For use in the United Kingdom only**