
STATUTORY INSTRUMENTS

2023 No. 959

**The Windsor Framework (Retail Movement Scheme:
Public Health, Marketing and Organic Product Standards
and Miscellaneous Provisions) Regulations 2023**

PART 3

Plants

CHAPTER 2

Amendments to subordinate legislation

Amendments to the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022

12.—(1) The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022⁽¹⁾ are amended as follows.

(2) In regulation 3 (determination of the frequency rate of physical checks and identity checks)—

(a) for paragraph 1, substitute—

“**1.** This regulation applies to plants, plant products or other objects of a description specified in Part A of Annex 11, or in Annex 12, to the Commission Regulation which—

- (a) originate in a country other than a relevant third country;
- (b) are goods of a kind specified in Schedule 2 to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020⁽²⁾; or
- (c) are goods of a kind specified in Annex 7 to [Regulation \(EU\) 2017/625](#) of the European Parliament and of the Council 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.”

(b) in paragraph (2)—

(i) at the beginning insert “Subject to paragraph (2A),”;

(ii) after paragraph (2), insert—

“(2A) In respect of the goods listed in the Schedule, the frequency rates determined by the appropriate authority must be no lower than the rates of such checks in respect of corresponding goods being imported into Northern Ireland, notwithstanding the appropriate authority having regard to information of a kind specified in paragraph (4).”;

(c) in paragraph (3), after “paragraph (2)”, insert “or paragraph (2A), as applicable”;

(d) in paragraph (6), after “paragraph (2)”, insert “or paragraph (2A), as applicable”;

⁽¹⁾ [S.I. 2022/739](#).

⁽²⁾ [S.I. 2020/1482](#).

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(3) In regulation 4 (annual review and modification of the frequency rate of physical checks and identity checks), in paragraph (3), after “regulation 3(2)”, insert “or regulation 3(2A), as applicable”;

(4) After regulation 6, insert—

“SCHEDULE

Regulation 3

List of goods

<i>Description of plants</i>	<i>Country of origin</i>
Strawberries, fresh or chilled	Third countries other than an EU Member State and Switzerland
Avocados, fresh or chilled	Third countries other than an EU Member State and Switzerland
Blackberries, mulberries and loganberries, fresh or chilled	Third countries other than an EU Member State and Switzerland
Raspberries, fresh or chilled	Third countries other than an EU Member State and Switzerland
Table grapes, fresh or chilled	Third countries other than an EU Member State and Switzerland
Apples, fresh or chilled but excluding cider apples, in bulk from 16 September to 15 December	Third countries other than an EU Member State and Switzerland
Pears, fresh or chilled but excluding perry pears in bulk, from 01 August to 31 December	Third countries other than an EU Member State and Switzerland
Fruits of the species <i>Vaccinium macrocarpon</i> and <i>Vaccinium corymbosum</i> , fresh or chilled	Third countries other than an EU Member State and Switzerland
Fruits of species <i>Vaccinium myrtillus</i> , fresh or chilled	Third countries other than an EU Member State and Switzerland
Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> (Solanaceae), fresh or chilled, but excluding fruits of the genus <i>Capsicum</i> for the manufacture of capsaicin or capsaicin oleoresin dyes, or for the industrial manufacture of essential oils or resinoids	Third countries other than an EU Member State and Switzerland
Sweet potatoes, fresh, whole, intended for human consumption	Third countries other than an EU Member State and Switzerland
Ginger, fresh or chilled, other than dried	Third countries other than an EU Member State and Switzerland
Tomatoes, fresh or chilled	Third countries other than an EU Member State and Switzerland
Asparagus, fresh or chilled	Third countries other than an EU Member State and Switzerland
Sweetcorn, fresh or chilled	Third countries other than an EU Member State and Switzerland.”.

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