

2024 No. 853

EXITING THE EUROPEAN UNION

The Windsor Framework (Retail Movement Scheme: Plant and Animal Health) (Amendment etc.) Regulations 2024

Made - - - - *8th August 2024*

Laid before Parliament *9th August 2024*

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8C(1) and (2) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

In making these Regulations, the Secretary of State has had special regard to the matters listed in section 46 of the United Kingdom Internal Market Act 2020.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Windsor Framework (Retail Movement Scheme: Plant and Animal Health) (Amendment etc.) Regulations 2024.

(2) These Regulations come into force—

(a) for the purposes of regulation 3, on 26th April 2025;

(b) for all other purposes, on 2nd September 2024.

(3) These Regulations extend to England and Wales and Scotland.

(a) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”) and amended by section 55(3) of the United Kingdom Internal Market Act 2020 (c. 27). Paragraph 21 of Schedule 7 was amended by paragraph 53(2) of Schedule 5 to the 2020 Act and Schedule 2 to the Retained EU Law (Revocation and Reform) Act 2023 (c. 28). Further to Joint Declaration No.1/2023 of the EU and the United Kingdom in the Joint Committee established by the withdrawal agreement of 24 March 2023, the Protocol (as amended by Joint Committee Decision No.1/2023) is now known as the “Windsor Framework”. https://eur-lex.europa.eu/legal-content/EN/TXT/?toc=OJ%3AL%3A2023%3A102%3ATOC&uri=uriserv%3AOJL_2023.102.01.0087.01.ENG

PART 2
Plant Health
Chapter 1

Amendments to assimilated direct legislation

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

2.—(1) 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^(a) is amended as follows.

(2) In Annex 7 (goods exempt from the application of Annex 6), at the end of the table, insert—

“Leaves of basil plants, fresh or chilled	Third countries other than an EU Member State and Switzerland
Cut flowers of carnations, fresh	Third countries other than an EU Member State and Switzerland
Cut flowers of roses, fresh	Third countries other than an EU Member State and Switzerland
Cut flowers of gypsophila, fresh	Third countries other than an EU Member State and Switzerland
Cut flowers of chrysanthemums, fresh	Third countries other than an EU Member State and Switzerland”.

Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants

3.—(1) Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants^(b) is amended as follows.

(2) In Annex 7, in Part A (plants, plant products and other objects originating in third countries which may only be introduced into Great Britain if special requirements are met)—

(a) in the table, after entry 65, insert—

“65A Plants, other than fruit and seeds, of <i>Rosa</i>	Canada and Vietnam	The plants must be accompanied by: (a) an official statement: (i) that the plants originate in an area* in which non-European isolates of
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^(a) EUR 2017/625; relevant amending instrument is S.I. 2023/959.

^(b) EUR 2019/2072; relevant amending instruments were S.I. 2020/1527, 2021/136, 2021/426, 2021/641, 2021/1171, 2022/114, 2022/1120.

gymnocarpa
Nuttall.

Phytophthora ramorum Werres, De Cock & Man in 't Veld are known not to occur, and

(ii) that prior to export, they were inspected and found free from non-European isolates of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld, or

(b) an official statement:

(i) that no signs of non-European isolates of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld have been observed on the plants at the place of production during official inspections, which included laboratory testing of any suspicious symptoms carried out since the beginning of the last complete cycle of vegetation, and

(ii) that prior to export, they were inspected and found free from non-European isolates of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld.

* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration".

(b) in the table, in entry 94—

(i) in column (1), after "Fruits of *Capsicum* (L.)", insert "and cut flowers of *Rosa* L";

(ii) in column (3), for "The fruits" substitute "The cut flowers and the fruits".

Chapter 2

Amendments to subordinate legislation

Official Controls (Plant Health) (Frequency of Checks) Regulations 2022

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

(2) In the Schedule, at the end of the table, insert—

"Leaves of basil plants, fresh or chilled	Third countries other than an EU Member State and Switzerland
Cut flowers of carnations, fresh	Third countries other than an EU Member State and Switzerland
Cut flowers of roses, fresh	Third countries other than an EU Member State and Switzerland

(a) S.I. 2022/739; relevant amending instrument is S.I. 2023/959.

Cut flowers of gypsophila, fresh	Third countries other than an EU Member State and Switzerland
Cut flowers of chrysanthemums, fresh	Third countries other than an EU Member State and Switzerland”.

PART 3

Animal Health

Chapter 1

Application of Animal Health Law requirements in relation to entry conditions regarding animal health

Interpretation

5. In these Regulations—

“Animal Health Law” means Regulation (EU) 2016/429 of the European Parliament and of the Council on transmissible animal diseases^(a), as it had effect on the day before these Regulations were made;

“appropriate authority” has the meaning given in Article 3(2A) to (2C) of 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);

“establishment” means any unit of a food business;

“implementing and delegated acts” means any implementing or delegated acts adopted in whole or in part under the Animal Health Law, as they had effect on the day before these Regulations were made;

“poultry” has the meaning given in point 1.3 of Annex 1 to Regulation 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin^(c);

“poultry meat” means meat which comes from the edible parts of poultry;

“poultry meat products” means processed products resulting from the processing of poultry meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat.

Incorporation of certain Animal Health Law requirements

6.—(1) The relevant provisions, subject to the modifications in Chapter 2 of this Part of the Regulations, form part of the domestic law of Great Britain in relation to the entry into Great Britain of poultry meat products from—

- (a) China; or

(a) OJ No. L 84, 31.3.2016, p. 1, as last amended by Commission Delegated Regulation (EU) 2018/1629 (OJ No. L 272, 31.10.2018, p. 11).

(b) EUR 2017/625; relevant amending instrument is S.I. 2020/1481.

(c) EUR 2004/853, to which there are amendments not relevant to these Regulations.

(b) Thailand.

(2) Subject to paragraph (3), in these Regulations, the “relevant provisions” are the following provisions, to the extent that they relate to poultry meat products—

- (a) Article 229(1)(a), (c) and (d) of the Animal Health Law (which impose entry conditions regarding animal health);
- (b) all other provisions of the Animal Health Law which relate to the entry conditions referenced in paragraph (2)(a); and
- (c) any provisions in any implementing and delegated acts which relate to the entry conditions referenced in paragraph (2)(a), which acts include—
 - (i) Commission Implementing Regulation (EU) 2020/2235 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates, model official certificates and model animal health/official certificates, for the entry into the Union and movements within the Union of consignments of certain categories of animals and goods, official certification regarding such certificates(a), and
 - (ii) Commission Delegated Regulation (EU) 2020/692 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin(b).

(3) The relevant provisions do not include any provision in any instrument referred to in paragraph (2) which primarily relates to public health or hygiene.

Disapplication of provisions

7. For such time as regulation 6 continues to have effect the provisions in Commission Decision 2007/777/EC laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries(c) which relate to the same or equivalent matters as the relevant provisions, and any other provisions in assimilated law or subordinate legislation which relate to such matters, do not apply to the entry into Great Britain of poultry meat products from—

- (a) China; or
- (b) Thailand.

Commission Implementing Regulation (EU) 2019/628 concerning model official certificates for certain animals and goods

8. Article 11 of Commission Implementing Regulation (EU) 2019/628 concerning model official certificates for certain animals and goods(d) (model official certificates for entry into Great Britain for placing on the market of certain meat products, etc.) is amended as follows—

- (a) at the end of the first sentence, insert “, except in relation to poultry meat products from China and Thailand, in which case the model certificate which must be used is the corresponding revised GB model certificate pursuant to regulation 10 of the Windsor Framework (Retail Movement Scheme: Plant and Animal Health) (Amendment etc.) Regulations 2024”;

(a) OJ No. L 442, 30.12.2020, p. 1, as last amended by Commission Implementing Regulation (EU) 2024/1874 (OJ No. L 1874, 9.7.2024, p. 1).

(b) OJ No. L 174, 3.6.2020, p. 379, as last amended by Commission Delegated Regulation (EU) 2023/119 (OJ No. L 16, 18.1.2023, p. 5).

(c) EUDN 2007/777.

(d) EUR 2019/628; relevant amending instrument is S.I. 2020/1631.

- (b) in the second sentence, for “However, in” substitute “In”.

Chapter 2

Modification of the relevant provisions and additional requirement

Interpretation of the relevant provisions of the Animal Health Law etc.

9.—(1) The relevant provisions are to be interpreted in accordance with paragraph (2) and regulation 10(3), and with such further modifications as are necessary to ensure they operate effectively in relation to the entry into Great Britain of poultry meat products from—

- (a) China; or
 - (b) Thailand.
- (2) In the relevant provisions, unless the context requires otherwise—
- (a) references to “the Union” are to be read as references to “Great Britain”;
 - (b) references to “the Member States” and “the Member State” and “a Member State” are to be read as references to “Great Britain”;
 - (c) references to “the central veterinary authority” are to be read as a reference to the appropriate authority or to any authority designated by the appropriate authority (subject to that designation having been amended or revoked).

Model certificates

10.—(1) In this regulation “the revised GB model certificate” means one of the following certificates published from time to time by the appropriate authority—

- (a) for poultry meat products from China, the model certificate named GBHC901 Model MPST-CN, which corresponds to model certificate MPST;
 - (b) for poultry meat products from Thailand—
 - (i) the model certificate named GBHC902 Model MPNT-TH, which corresponds to model certificate MPNT;
 - (ii) the model certificate named GBHC903 Model MPST-TH, which corresponds to model certificate MPST.
- (2) The appropriate authority must publish a revised GB model certificate corresponding to each of model certificates MPST in respect of China and MPNT and MPST in respect of Thailand and must ensure that those certificates contain—
- (a) an animal health attestation section which requires compliance with the same provisions in relation to poultry meat products as are required under the animal health attestation section in Part II.2 of model certificates MPNT and MPST, as annexed to Commission Implementing Regulation (EU) 2020/2235; and
 - (b) a public health attestation section which requires compliance with the same provisions in relation to poultry meat products as are required in the model animal and public health certificate published by the appropriate authority from time to time in accordance with Article 4(b) of Decision 2007/777/EC.
- (3) References to model certificates MPNT and MPST, animal health certificates or model certificates in Commission Implementing Regulation (EU) 2020/2235 or elsewhere in the relevant provisions are to be read as references to the corresponding revised GB model certificate.

Additional requirement for products subject to a risk-mitigating treatment

11. Where a poultry meat product is required to undergo a risk-mitigating treatment under Article 149 of Commission Delegated Regulation (EU) 2020/692 (meat products subject to a risk-mitigating treatment), it may only enter Great Britain from—

- (a) China; or
- (b) Thailand,

if it originates from an establishment in China or Thailand respectively which appears on the list of establishments approved for the entry of meat products into the European Union that is made publicly available by the European Commission from time to time^(a).

PART 4

Transitional provision

Transitional provision

12. For a period of three months beginning on the day after Part 3 enters into force, nothing in Part 3 prevents the entry into Great Britain of poultry meat products from—

- (a) China; or
- (b) Thailand,

if the products would have met the requirements for entry into Great Britain that applied immediately before Part 3 entered into force.

8th August 2024

Hayman of Ullock
Parliamentary Under-Secretary of State
Department for Environment, Food and Rural Affairs

(a) The list of establishments in China approved for the entry of meat products into the European Union is available at: https://webgate.ec.europa.eu/tracesnt/directory/listing/establishment/publication/index#!/view/CN/MEAT_PRODUCTS.

The list of establishments in Thailand approved for the entry of meat products into the European Union is available at: https://webgate.ec.europa.eu/tracesnt/directory/listing/establishment/publication/index#!/view/TH/MEAT_PRODUCTS.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the Windsor Framework, in particular Article 9, in respect of the movement of certain rest of the world retail goods from Great Britain to Northern Ireland.

Part 2 of these Regulations makes amendments to assimilated direct legislation and the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 (S.I. 2022/739) to adjust the entry requirements for certain plants so that they match the requirements for entry of those rest of the world retail goods into Northern Ireland.

Part 3 of these Regulations incorporates certain provisions of the EU Animal Health Law and implementing and delegated acts (as defined in regulation 5) into domestic law, subject to caveats and modifications, in relation to Thai and Chinese poultry meat products. Part 3 also disapplies corresponding provisions in domestic law.

In connection with this, Part 3 additionally provides for revised model certificates to be published by the appropriate authority. Such certificates will be published at www.gov.uk/government/collections/health-certificates-for-animal-and-animal-product-imports-to-great-britain#products-of-animal-origin.

Part 3 also sets out the additional requirement that poultry meat products which are required to undergo a risk-mitigating treatment must originate from an establishment on the list of establishments approved for entry of those products into the EU.

Part 4 of these Regulations makes transitional provision for a period of three months during which Thai and Chinese poultry meat products may continue to enter Great Britain if they comply with the domestic provisions which applied prior to the entry into force of Part 3.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.