

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2058**of 26 September 2023****laying down specific rules for the application of Regulation (EU) 2023/1231 of the European Parliament and of the Council on the special rates of official controls and the model general certificate for the entry into Northern Ireland from other parts of the United Kingdom of consignments of certain retail goods****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 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 ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Regulation (EU) 2023/1231 lays down specific rules relating to, *inter alia*, the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of products of animal or plant origin, plants other than plants intended for planting, ready-to-sell pet food and dog chews, composite products, other food and food contact materials ('the retail goods') for placing on the market in Northern Ireland for the final consumer.
- (2) More particularly, Articles 4 and 5 of Regulation (EU) 2023/1231 provide that certain consignments of retail goods are to be subject to specific rules on special rates of official controls and a general certificate for their entry into Northern Ireland from other parts of the United Kingdom and their placing on the market in Northern Ireland, only where certain conditions are fulfilled, including written guarantees to be provided by the United Kingdom in accordance with Article 4(1), point (g), and Article 5(1), point (f), of that Regulation.
- (3) The specific rules cover the application of frequency rates for documentary, identity and physical checks on those consignments, and the model of the general certificate required to accompany those consignments and be presented at the sanitary and phytosanitary (SPS) Inspection Facilities of first arrival in Northern Ireland.
- (4) The written guarantees are to ensure 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 Regulation (EU) 2023/1231 are carried out in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽²⁾, 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 Regulation (EU) 2023/1231 are carried out covering the movements of those consignments 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 listed establishments in Northern Ireland and will not be subsequently moved to a Member State.
- (5) The United Kingdom, in its letter of 4 September 2023, states that SPS Inspection Facilities of first arrival in Northern Ireland will comply with the requirements set out in Part 1 of Annex II to Regulation (EU) 2023/1231 by 1 October 2023.

⁽¹⁾ OJ L 165, 29.6.2023, p.103.

⁽²⁾ 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).

- (6) The United Kingdom, in its letters of 4 and 7 September 2023, further states that from 1 October 2023 effective official controls on consignments of retail goods will be carried out at SPS Inspection Facilities of first arrival in Northern Ireland in accordance with Regulation (EU) 2017/625 and official controls and monitoring in accordance with the requirements set out in Part 1 of Annex III to Regulation (EU) 2023/1231 will be carried out covering the movements of those consignments from the SPS Inspection Facilities of first arrival in Northern Ireland to the listed establishment of destination.
- (7) In accordance with Article 4(3) of Regulation (EU) 2023/1231, the Commission services carried out a Commission control in Northern Ireland from 11 to 14 September 2023 on the verification of compliance of the SPS Inspection Facilities in Northern Ireland with the requirements set out in Part 1 of Annex II to Regulation (EU) 2023/1231. The report of 15 September 2023 drawn up following that Commission control states that the SPS Inspection Facilities of Belfast Port, Larne Harbour and Warrenpoint Port comply with the relevant requirements set out in Part 1 of Annex II to Regulation (EU) 2023/1231.
- (8) As the United Kingdom has provided the necessary written guarantees, required by Article 4(1), point (g), and Article 5(1), point (f), of Regulation (EU) 2023/1231, it is appropriate to lay down the special rates of official controls on such consignments as well as the rules on those official controls and on the model general certificate for consignments of retail goods, including certain retail goods that are currently prohibited from entry into the Union.
- (9) Article 6(1) of Regulation (EU) 2023/1231 requires all retail goods to be marked. More particularly, it provides that certain retail goods are to be individually marked as from 1 October 2023, other retail goods from 1 October 2024, and other retail goods from 1 July 2025, to allow the adaptation of the supply chain in Northern Ireland to the specific rules laid down in Regulation (EU) 2023/1231. Article 4(3) of that Regulation requires that the rates of identity checks of retail goods are to be adapted depending on the extent to which different types of retail goods are individually marked. The detailed rules for identity checks on consignments of products of animal origin and goods laid down in Article 3(2) of Commission Implementing Regulation (EU) 2019/2130 ⁽³⁾ should not apply to identity checks on consignments of retail goods where the specific rules laid down by Regulation (EU) 2023/1231 apply, in order to ensure a consistent application of that Regulation for those retail goods.
- (10) In the interest of legal certainty and to avoid unnecessary trade disruptions, this Regulation should take effect as a matter of urgency.
- (11) The obligation to mark retail goods in accordance with Annex IV to Regulation (EU) 2023/1231 applies from 1 October 2023. This Regulation should therefore apply from 1 October 2023, to ensure consistency and legal certainty and avoid unnecessary trade disruptions.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down special rates of official controls, and the rules on those official controls and on the model general certificate for the entry into Northern Ireland from other parts of the United Kingdom and the placing on the market in Northern Ireland of consignments of the following retail goods falling within the scope of Regulation (EU) 2023/1231:

- (a) products of animal or plant origin, plants other than plants intended for planting, and ready-to-sell pet food and dog chews;
- (b) composite products;

⁽³⁾ Commission Implementing Regulation (EU) 2019/2130 of 25 November 2019 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts (OJ L 321, 12.12.2019, p. 128).

- (c) food;
 - (d) food contact materials.
2. The rules referred to in paragraph 1 cover:
- (a) the frequency of the special rates of official controls and requirements for documentary, identity and physical checks on the consignments referred to in that paragraph;
 - (b) the establishment of a model form of the general certificate required to accompany those consignments and to be presented at SPS Inspection Facilities of first arrival in Northern Ireland.

Article 2

Documentary checks at SPS Inspection Facilities

The competent authorities at SPS Inspection Facilities of first arrival in Northern Ireland shall carry out documentary checks of all general certificates and other documents accompanying all consignments of retail goods referred to in Article 1 entering into Northern Ireland from other parts of the United Kingdom.

Article 3

Special rates of official controls and requirements for identity and physical checks at SPS Inspection Facilities

1. Identity checks, including checks for compliance with the requirements to be prepacked and bear a marking referred to in Article 4(1), point (a), and Article 5(1), point (a), of Regulation (EU) 2023/1231, shall be performed at SPS Inspection Facilities of first arrival in Northern Ireland at a frequency rate of 10 % on all consignments of retail goods referred to in Article 1, other than those referred to in paragraph 2 of this Article.

For the purpose of the identity checks referred to in the first subparagraph of this paragraph, Article 3(2) of Implementing Regulation (EU) 2019/2130 shall not apply.

Physical checks, in conjunction with the identity checks referred to in the first subparagraph of this paragraph, shall be carried out to fulfil the objectives of the written guarantees referred to in Article 4(1), point (g), and Article 5(1), point (f), of Regulation (EU) 2023/1231, using, in particular, a risk-based and intelligence-led approach.

2. Identity checks on consignments of plants other than plants intended for planting, referred to in Article 2(2), point (b), of Regulation (EU) 2023/1231, shall be performed at a frequency rate of 1 %.

Physical checks, in conjunction with the identity checks referred to in the first subparagraph of this paragraph, shall be carried out to fulfil the objectives of the written guarantees referred to in Article 4(1), point (g), and Article 5(1), point (f), of Regulation (EU) 2023/1231, using, in particular, a risk-based and intelligence-led approach.

Article 4

Simplified general certification requirements

1. All consignments of retail goods referred to in Article 1 entering into Northern Ireland from other parts of the United Kingdom shall be accompanied by a general certificate, drawn up in accordance with the model Retail NI set out in the Annex.

2. The general certificate for the retail goods contained in the same consignment, referred to in paragraph 1, shall be supplemented by a description of the retail goods included in the consignment.

The description referred to in the first subparagraph shall be included in an additional document attached to the general certificate, which may be in paper or electronic form. It shall provide details of:

- (a) the nature of each product in the consignment, and any treatment each product has undergone;
- (b) the number of packages in the consignment and its net weight;
- (c) the registration or approval number of the listed establishment of dispatch and of destination in Northern Ireland.

Article 5

Entry into force and application

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

This Regulation shall apply from 1 October 2023.

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

Done at Brussels, 26 September 2023.

For the Commission
The President
Ursula VON DER LEYEN

Place of origin: PARTS OF THE UNITED KINGDOM OTHER THAN NORTHERN IRELAND		Retail NI	
Part II: Certification	II.1. Health information	II.a. Certificate reference number	II.b.
	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 Regulation (EU) 2023/1231 of the European Parliament and of the Council. II.2. Health attestation I, the undersigned, take full responsibility in certifying that the retail goods ⁽¹⁾ described in Part I of this certificate comply with the relevant Union requirements as regards animal health, plant health and animal by-products rules. II.3. Illegal, Unreported and Unregulated fishing attestation I, the undersigned, take full responsibility in certifying that the retail goods ⁽¹⁾ described in Part I of this certificate respect the notion of illegal, unreported and unregulated fishing as defined in Article 2, points (1) to (4), of Council Regulation (EC) No 1005/2008. Notes Part I: — Box reference I.1: Indicate the name and identification number of the listed establishment. — Box reference I.5: Indicate the name and identification number of the listed establishment. — The description of the retail goods (nature of products, type of treatment, registration/approval number of listed 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. Part II: — This part does not apply to consignments of retail goods where the retail goods are only those referred to in footnote ⁽¹⁾, points (iv) and (v). ⁽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: (i) products of animal or plant origin; (ii) plants other than plants intended for planting, as listed in Annex XI to Commission Implementing Regulation (EU) 2019/2072; (iii) composite products; (iv) food other than that referred to in points (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 of the European Parliament and of the Council. Competent Authority Name (in capital letters) Qualification and title Date Signature Stamp		