

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2059**of 26 September 2023****laying down rules for the application of Regulation (EU) 2023/1231 of the European Parliament and of the Council as regards the listing of certain rest-of-the-world commodities that may enter into Northern Ireland as retail goods from other parts of the United Kingdom and be placed on the market in Northern Ireland****(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 9(4), point (a), 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 consignments of certain retail goods for placing on the market in Northern Ireland for the final consumer, including specific rules for consignments of rest-of-the-world retail goods.
- (2) More specifically, Article 9(1), point (a), of Regulation (EU) 2023/1231 provides that rest-of-the-world retail goods consisting of commodities of animal or plant origin or composite products subject to the animal health or plant health rules referred to in Article 1(2), points (d), (e) and (g), of Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽²⁾ ('the rest-of-the-world commodities') may enter into Northern Ireland from other parts of the United Kingdom and be placed on the market in Northern Ireland in accordance with Article 4 of Regulation (EU) 2023/1231 only if the United Kingdom provides written evidence that the import conditions and official controls requirements provided for in Regulations (EC) No 1069/2009 ⁽³⁾, (EU) 2016/429 ⁽⁴⁾ and (EU) 2016/2031 ⁽⁵⁾ of the European Parliament and of the Council, in Regulation (EU) 2017/625, and in the Commission acts adopted pursuant to those Regulations apply to those commodities under the national law of the United Kingdom, and those import conditions and official controls requirements are effectively implemented by the United Kingdom ('the written evidence').

⁽¹⁾ OJ L165, 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).

⁽³⁾ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300 14.11.2009, p. 1).

⁽⁴⁾ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1).

⁽⁵⁾ Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

- (3) Article 9(4), point (a), of Regulation (EU) 2023/1231 provides that where the Commission has received the written evidence, it may adopt an implementing act listing the rest-of-the-world commodities that may enter into Northern Ireland as retail goods from other parts of the United Kingdom and be placed on the market in Northern Ireland.
- (4) By letters dated 4, 7 and 12 September 2023, the United Kingdom provides the written evidence that import conditions and official controls requirements provided for in Regulations (EC) No 1069/2009, (EU) 2016/429 and (EU) 2017/625 and related to meat and edible offal of sheep originating in New Zealand and to pet food and dog chews originating in authorised third countries as listed in Chapter II, Section 1, Table 2, No 12 of Annex XIV to Commission Regulation (EU) No 142/2011 ⁽⁶⁾ apply under its national law and these import conditions and official controls requirements related to these commodities are effectively implemented by the United Kingdom.
- (5) It is therefore appropriate to list the rest-of-the-world commodities, identified by their Combined Nomenclature codes, established by Council Regulation (EEC) No 2658/87 ⁽⁷⁾, and listed with their third country of origin, that may enter into Northern Ireland as retail goods from other parts of the United Kingdom, and be placed on the market in Northern Ireland.
- (6) In the interest of legal certainty and to avoid unnecessary trade disruptions, this Regulation should take effect as a matter of urgency.
- (7) 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.
- (8) 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

This Regulation establishes the list of rest-of-the-world commodities of animal or plant origin or composite products subject to the animal health or plant health rules referred to in Article 1(2), points (d), (e) and (g), of Regulation (EU) 2017/625 and their third country of origin, that may enter into Northern Ireland as retail goods from other parts of the United Kingdom, and be placed on the market in Northern Ireland in accordance with Article 4 of Regulation (EU) 2023/1231 ('the rest-of-the-world commodities').

Article 2

Rest-of-the-world commodities listed in the Annex

The rest-of-the-world commodities listed in the Annex may enter into Northern Ireland as retail goods from other parts of the United Kingdom and be placed on the market in Northern Ireland.

⁽⁶⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regard animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

⁽⁷⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

*Article 3***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

ANNEX

List of rest-of-the-world commodities that may enter into Northern Ireland as retail goods from other parts of the United Kingdom and be placed on the market in Northern Ireland (referred to in Article 2)

Row	Commodities (*)	CN code (**)	Model animal health certificate/official certificate/official statement (***)	Third country of origin
Category of commodities				
Goods of animal origin				
1	Meat and edible offal of sheep, fresh, chilled or frozen	0204 10 00 0204 21 00 0204 22 10 0204 22 30 0204 22 50 0204 22 90 0204 23 00 0204 42 10 0204 42 30 0204 42 50 0204 42 90 0204 43 10 0204 43 90		New Zealand
2	Pet food and dog chews	0401 0402 0403 0404 0408 0504 0505 0506 0508 0511 1501 1502 1503 1504 2301 2309 2835 25 2835 26 3501 3502 3503 3504 4101 4205	— Health certificate set out in Chapter 3(A) of Annex XV to Commission Regulation (EU) No 142/2011 ⁽¹⁾ — Health certificate set out in Chapter 3(B) of Annex XV to Regulation (EU) No 142/2011 — Health certificate set out in Chapter 3(C) of Annex XV to Regulation (EU) No 142/2011 — Health certificate set out in Chapter 3(D) of Annex XV to Regulation (EU) No 142/2011	Authorised third countries as listed in Chapter II, Section 1, Table 2, No 12 of Annex XIV to Regulation (EU) No 142/2011

⁽¹⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

⁽³⁾ Council Decision 87/369/EEC of 7 April 1987 concerning the conclusion of the International Convention on the Harmonized Commodity Description and Coding System and of the Protocol of Amendment thereto (OJ L 198, 20.7.1987, p. 1).

Notes

- (*) The description of the commodities listed in the table in this Annex shall be as laid down in the description column of the Combined Nomenclature (CN), established by Council Regulation (EEC) No 2658/87 and approved by Council Decision 87/369/EEC. The CN is based on the International Convention on Harmonized Commodity Description and Coding System (HS) concluded in Brussels on 14 June 1983.

Without prejudice to the rules for the interpretation of the CN laid down in Regulation (EEC) No 2658/87, the wording for the description of the commodities in the table in this Annex shall be considered to be of indicative value only since the commodities covered by the list in the table in this Annex shall be determined by CN codes.

- (**) This column indicates the CN code.

- (***) This column indicates the model animal health certificate/official certificate/official statement required to accompany the consignment of the rest-of-the-world commodities in accordance with Union legislation.
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