

## Agenda Supplement – Legislation, Justice and Constitution Committee

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Meeting Venue:

For further information contact:

Video conference via Zoom

P Gareth Williams

Meeting date: 3 July 2023

Committee Clerk

Meeting time: 13.30

0300 200 6565

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

## Remote – Supplementary Pack

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Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

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### 2 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3

(13.30 – 13.35)

#### 2.2 SL(6)363 – The Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023

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[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-21-23 – Paper 2a – Welsh Government response

### 3 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered

(13.35 – 13.40)



**3.1 SL(6)364 – The Animal By-Products, Pet Passport and Animal Health (Fees) (Wales) (Amendment) Regulations 2023**

(Pages 2 – 7)

Attached Documents:

LJC(6)-21-23 – Paper 17 – Report

LJC(6)-21-23 – Paper 18 – Welsh Government Response

**4 Inter-Institutional Relations Agreement**

(13.40 – 13.50)

**4.4 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: Windsor Framework (Retail Movement Scheme: Public Health, Marketing and Organic Product Standards and Miscellaneous Provisions) Regulations 2023**

(Pages 8 – 40)

Attached Documents:

LJC(6)-21-23 – Paper 19 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 30 June 2023

**5 Papers to note**

(13.50 – 14.00)

**5.6 Correspondence from the Minister for Finance and Local Government to the Llywydd: Economic Activity of Public Bodies (Overseas Matters) Bill**

(Page 41)

Attached Documents:

LJC(6)-21-23 – Paper 20 – Letter from the Minister for Finance and Local Government to the Llywydd, 27 June 2023

**7 Supplementary Legislative Consent Memorandum (Memorandum No. 6) on the Procurement Bill**

(14.00 – 14.15)

(Pages 42 – 48)

Attached Documents:

LJC(6)-21-23 – Paper 14 – Draft report

# Agenda Item 2.2

## **Government Response: The Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023**

### **Technical Scrutiny point 1:**

This point is noted. The error is very minor, and we will ensure that these Regulations are corrected to deal with this error prior to making.

The Minister for Climate Change will draw this to the attention of Senedd members in the plenary debate on the Regulations scheduled to take place on 11 July. This is in accordance with the steps that the Counsel General set out in his correspondence with you on 18 January and 15 February 2023.

### **Technical scrutiny point 3:**

Given that the term “brand” is only used in one provision, in the definitions of “brand owner” and “brand packaging” under regulation 8(13), the term “brand” is defined in the same provision. This is in accordance with paragraph 4.14(1) of the Welsh Government’s drafting guidance “Writing Laws for Wales”.

Therefore, an amendment to address this technical scrutiny point is not considered necessary.

### **Technical scrutiny points 4 and 5:**

These points are noted. These errors are very minor, and we will ensure that these Regulations are corrected to deal with these errors prior to making.

The Minister for Climate Change will draw this to the attention of Senedd members in the plenary debate on the Regulations scheduled to take place on 11 July. This is in accordance with the steps that the Counsel General set out in his correspondence with you on 18 January and 15 February 2023.

### **Merit Scrutiny point 13:**

These regulations were laid and withdrawn in March 2023 due to comments received from the Committee on the technical drafting of the text. In between withdrawing and relaying the regulations, we took time to schedule sufficient quality assurance processes in terms of legal drafting and translation in order to minimise substantive errors. We also liaised with the Scottish, Northern Ireland and UK Governments to clarify aspects of the policies in order to maintain regulatory alignment.

# Agenda Item 3.1

## **SL(6)364 – The Animal By-Products, Pet Passport and Animal Health (Fees) (Wales) (Amendment) Regulations 2023**

### **Background and Purpose**

These Regulations amend the Animal By-Products and Pet Passport (Fees) (Wales) Regulations 2018 (“the Animal By-Products Regulations”) and the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018 (“the Animal Health Regulations”) (together, “the 2018 Regulations”). The amendments modify the fees payable to the Welsh Ministers under the 2018 Regulations for services provided in the field of animal health by the Animal and Plant Health Agency to reflect full cost recovery of those services.

Regulation 2(4) amends the Animal By-Products Regulations to revoke the fees payable to the Welsh Ministers for blank identification documents and services carried out in relation to the provision of pet passport identification documents.

Regulation 2(5) amends the Animal By-Products Regulations to modify the fees payable to the Welsh Ministers for services carried out in relation to animal by-products. The fees, where increased, are increased by the medium average uplift of 41% from the current fees in two steps: the first increase applies on or after 5 July 2023, the second increase applies on or after 1 July 2024.

Regulation 3(6) amends the Animal Health Regulations to modify the fees payable to the Welsh Ministers for services carried out in relation to salmonella controls. The fees, where increased, are increased by the medium average uplift of 53% from the current fees in two steps: the first increase applies on or after 5 July 2023, the second increase applies on or after 1 July 2024.

Regulation 3(7) amends the Animal Health Regulations to modify the fees payable to the Welsh Ministers for services carried out in relation to the poultry health scheme. The fees are increased by the medium average uplift of 21% from the current fees. Regulation 3(7)(a) increases certain poultry health scheme fees in two steps: the first increase applies on or after 5 July 2023, the second increase applies on or after 1 July 2024. Regulation 3(7)(b) increases the remainder of the specified poultry health scheme fees in a single step, and the increase applies on or after 5 July 2023.

Regulation 3(8) to (10) amend the Animal Health Regulations to modify the fees payable to the Welsh Ministers for services carried out in relation to artificial breeding controls. The fees are increased by the medium average uplift of 65% from the current fees in two steps: the first increase applies on or after 5 July 2023, the second increase applies on or after 1 July 2024.



Regulation 3(11) amends the Animal Health Regulations to modify the fees payable to the Welsh Ministers for services carried out in relation to border control posts. The fees are increased by the medium average uplift of 34% from the current fees in a single step, and the increase applies on or after 5 July 2023.

These Regulations also make minor and consequential amendments to the 2018 Regulations.

## Procedure

Draft affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

## Technical Scrutiny

The following 5 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

### **1. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation**

Regulation 3(2)(a) introduces an amendment to the definition of "border inspection post" in the Animal Health Regulations. As a result of this amendment, in the Welsh language text, the new definition of "safle rheoli ar y ffin" will no longer appear in the correct alphabetical position in regulation 2 of the Animal Health Regulations.

### **2. Standing Order 21.2(vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements**

In the preamble, at the end of the first paragraph on page 3, "the Animal Health and Welfare Act 1984" is defined as "the 1984 Act", however the definition is not used elsewhere in the Regulations.

### **3. Standing Order 21.2(vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements**

Regulation 2(5)(a) and (b)(iii) substitute new columns 2 and 3 in Tables 1 and 2 in the Schedule to the the Animal By-Products Regulations. The original columns 2 and 3 included "Column 2" and "Column 3" at the head of the columns in the first row, but they have not been included in the new columns 2 and 3. Also to note, the new columns, as inserted by these Regulations are formatted differently to the original Tables and the original columns 1, which remain. The new columns have been separated by lines whereas the original Tables do not include such lines.



#### **4. Standing Order 21.2(vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements**

Regulation 3(8)(a)(iii)(aa) amends the Table in Schedule 3 to the Animal Health Regulations. In the English language text, the words "an EC" appear twice in the sixth row of Column 1, therefore the description in regulation 3(8)(a)(iii)(aa) doesn't allow for differentiation between both instances, without including additional text.

#### **5. Standing Order 21.2(vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements**

Regulation 3(11)(c) amends Table 2 in Schedule 6 to the Animal Health Regulations. Table note (2) is not part of Column 2, it is a note for the whole of Table 2, therefore this note should not have been included in the substitution for Column 2. It may have been more appropriate to amend table note (2) in a separate provision. The punctuation is also incorrect as the closing quotation marks appear after the final words of Column 2, which suggests only the text in Column 2 is being amended and there is no punctuation for the new table note (2).

### **Merits Scrutiny**

The following 4 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

#### **6. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment.**

The Regulations make modifications to the fees payable to the Welsh Ministers in relation to services delivered by the Animal Health and Plant Health Agency, under the 2018 Regulations.

#### **7. Standing Order 21.3(ii)- that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

In the preamble, section 10 of the Animal Health and Welfare Act 1984 is cited as one of the enabling powers. The powers in section 10 are varied, therefore specifying the relevant subsections would better assist the reader. For example, the Animal Health Regulations identify section 10(1) and (3)(c) of the Animal Health and Welfare Act 1984.

#### **8. Standing Order 21.3(ii)- that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

The preamble to the Regulations state that they are subject to the draft affirmative procedure in accordance with paragraph 1(8) of Schedule 7 of the European Union (Withdrawal) Act 2018 ("the 2018 Act"). Paragraph 1(8) relates to regulations under Part 1 of



Schedule 2 to the 2018 Act. These Regulations are made under Schedule 4 to the 2018 Act. The relevance of paragraph 1(8) of Schedule 7 to the 2018 Act to these Regulations does not become apparent unless read in conjunction with paragraph 12 of Schedule 7 to the 2018 Act. A reference to paragraph 12 of Schedule 7 to the 2018 Act, in a footnote or otherwise, would improve the accessibility of the law.

**9. Standing Order 21.3(ii)- that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

The Explanatory Memorandum states the following under the heading 'Consultation':

*APHA initial communications were published on GOV.UK on 18 August 2022.  
Further information was issued on 10 March 2023.*

Can the Welsh Government please confirm whether or not there has been a consultation on these Regulations.

We were unable to locate the further information dated 10 March 2023. The communication of 18 August 2022 is not easily accessible on gov.uk, providing links in the Explanatory Memorandum would assist the reader.

### **Welsh Government response**

A Welsh Government response is required to reporting points 1 to 5 and 7 to 9.

### **Committee Consideration**

The Committee considered the instrument at its meeting on 26 June 2023 and reports to the Senedd in line with the reporting points above.



## **Government Response: The Animal By-Products, Pet Passport and Animal Health (Fees) (Wales) (Amendment) Regulations 2023**

Technical Scrutiny point 1: We note the substitution of “border inspection post” for “border control post” will mean the new wording no longer appears in the correct alphabetical position in the Welsh text in regulation 2 of the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018. A minor change will be made to the wording of the provision to correct this prior to making.

Technical Scrutiny point 2: We note that defining “the Animal Health and Welfare Act 1984” as “the 1984 Act” in brackets after the full title of that Act in the preamble is superfluous as the Act is not referred to again in the Regulations. This will be corrected prior to making.

Technical Scrutiny point 3: We note the omission of “Column 2” and “Column 3” from the head of the columns in the first row of the substituted columns in regulation 2(5). This omission will be corrected prior to making.

Technical Scrutiny point 4: Taken together, in our view the descriptions in regulation 3(8)(a)(iii)(aa) and 3(8)(a)(iii)(bb) do allow for differentiation in the amendments to the sixth row of the Table in Schedule 3 to the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018, as a reader should be able to follow that 3(8)(a)(iii)(aa) makes an amendment to “an EC” where it first appears, whilst 3(8)(a)(iii)(bb) makes an amendment to “or an EC” which appears later on in the sixth row of Column 1. However, for clarity, a minor change will be made to the wording in regulation 3(8)(a)(iii)(aa) prior to making to make clear that the substitution is made in the first place “an EC” appears.

Technical Scrutiny point 5: Whilst Note (2) may be a note for the whole of Table 2 in Schedule 6 to the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018, it is footnoted in Column 2 of the table, which is now being substituted by a new Column 2. Therefore our view is that it should be included as part of the substitution. However, the closing quotation marks should therefore appear at the end of Note (2) rather than after the final words of Column 2, and this will be corrected prior to making.

Merit Scrutiny point 7: Whilst the enabling powers referred to in the preamble are correct, and therefore the validity of the Regulations is not affected, we note it would have been better practice to state the specific subsections to section 10 of the Animal Health and Welfare Act 1984 in identifying those enabling powers, rather than just citing section 10. This will be corrected prior to making.

Merit Scrutiny point 8: Whilst the reference to paragraph 1(8) of Schedule 7 to the European Union (Withdrawal) Act 2018 is correct, we note it would have been better to also make reference to paragraph 12 of Schedule 7 in order to clearly set out the

relevance of paragraph 1(8). To improve accessibility this will be corrected prior to making.

*Merit Scrutiny point 9:* Target stakeholder communication was undertaken, led by APHA, on a GB wide basis. This was the most appropriate form of engagement. The links to the August 2022 and March 2023 gov.uk updates have now been added to both English and Welsh versions of the Explanatory Memorandum. As well as these formal communications, fee changes were discussed during regular stakeholder meetings within each policy area affected by the Regulations.

# Agenda Item 4.4

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd  
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies MS Chair,  
Legislation, Justice and Constitution Committee  
Senedd Cymru

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

30<sup>th</sup> June 2023

Dear Huw,

I am writing to inform the Committee of the intention to consent to the UK Government making and laying the draft Windsor Framework (Retail Movement Scheme: Public Health, Marketing and Organic Product Standards and Miscellaneous Provisions) Regulations 2023 .

I have received a letter from the Minister of State for Environment, Food and Rural Affairs, Rt Hon Lord Benyon asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The Regulation will extend to England, Scotland, Wales and Northern Ireland and a similar request for consent has been sent to Scottish Ministers.

The Regulations will be made in exercise of the powers conferred under paragraph 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018. The SI relates to the implementation of the Windsor Framework, as agreed between the UK and the EU on 27th February 2023

Currently under the Northern Ireland Protocol, agri-food goods produced in and moved to NI are subject to EU animal, plant, public health, marketing, and organics standards. The amendments made to the Northern Ireland Protocol, as set out in the Windsor Framework will, in part, enable the establishment of a Retail Movement Scheme which will enable certain retail goods to move from GB to NI and meet GB public health, marketing and organics standards. Goods will still be required to meet EU standards for animal and plant health, and EU standards that apply to animal by-products.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The EU will be disapplying the relevant EU legislative instruments for the categories of goods that will be capable of being moved under the retail movement scheme, including legislation that set standards on public health, marketing, and organics for goods in Northern Ireland, and provide the legal basis for enforcing them. However, enforcement powers against EU standards will remain for goods produced in NI. Legislation is therefore required on a domestic basis to ensure that goods moved under the scheme are subject to GB standards, and the relevant authorities in NI are able to enforce against non-compliance with GB standards.

This new Retail Movement Scheme will allow for simplified trading of specified retail goods between GB and NI for scheme members, as per the agreements made with the EU under the Windsor Framework.

Consent has been given for the UK Government to make these Regulations following the Windsor Framework Agreement which was reached by the UK and the EU and announced on 27 February 2023. This will ensure we have a coherent and consistent statute book with the regulations being accessible in a single instrument.

I have written similarly to Llyr Gruffydd MS, the Chair of the Climate Change, Environment and Infrastructure Committee .

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

**Lesley Griffiths AS/MS**  
**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd**  
**Minister for Rural Affairs and North Wales, and Trefnydd**



## Interpretation

### 2.—(1) In these Regulations—

“consignment” has the meaning given by Article 2(1) of the SPS Regulation;

“retail goods” has the meaning given by Article 2(2) of the SPS Regulation;

“the SPS Regulation” means the 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<sup>(a)</sup>;

“subordinate legislation” has the meaning given by section 21(1) of the Interpretation Act 1978<sup>(b)</sup>;

“total diet replacement for weight control” has the meaning given by Article 2(2)(h) of Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 as it has effect in Great Britain<sup>(c)</sup>.

(2) Any reference to provisions of the instruments listed in Schedules 1 to 3 of Part 3 is a reference to those provisions as amended from time to time.

## PART 2

### Plants

#### CHAPTER 1

##### Amendments to retained direct EU legislation

### **Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants**

3.—(1) Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants<sup>(d)</sup> 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 is amended as follows.

(2) In Article 95a (introduction of qualifying Northern Ireland goods into Great Britain and their movement within Great Britain)—

(a) in paragraph 1, for “A relevant” substitute “Subject to paragraph 1A, a relevant”;

(b) after paragraph 1, insert—

“1A Where a relevant NI trade unit referred to in paragraph 1 has previously been introduced into Northern Ireland from Great Britain on or after the date on which the SPS Regulation came into force, it must be accompanied, on its re-introduction into Great Britain, by either—

(a) the plant passport referred to in paragraph 1, or

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(a) OJ No. L [\*\*\*\*].

(b) 1978 c. 30.

(c) EUR 2013/609. Relevant amendments were made by S.I. 2019/651.

(d) EUR 2016/2031, amended by S.I. 2020/1482, 2021/79.

- (b) the plant health label which was required for its introduction into Northern Ireland in accordance with the SPS Regulation.”.
- (c) in paragraph 2—
  - (i) after “paragraph 1”, in both places it occurs, insert “or paragraph 1A”;
  - (ii) at the end, insert “or the plant health label referred to in paragraph 1A”.
- (d) after paragraph 2, insert—

“3 In paragraph 1A, “the SPS Regulation” means the 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.”.

**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**

4.—(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<sup>(a)</sup>, 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) is amended as follows.

(2) In Article 168 (derogations and modifications for transitional purposes), after “Annex 6” insert “and Annex 7”.

(3) In Annex 6, paragraph 2 (application), in the definition of “relevant goods” after “Article 47(1)(a) to (d)” insert “, except for the goods listed in Annex 7 which come from a corresponding country of origin”

(4) After Annex 6, insert—

“Annex 7

Goods exempt from the application of Annex 6

Article 168

1. The plants listed in this Annex which come from a corresponding country of origin are exempt from the application of Annex 6.

<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

(a) EUR 2017/625. Relevant amendments were made by S.I. 2020/1481, 2022/621 and 2022/1315.

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 1 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	United States, Canada and Mexico
Fruits of species <i>Vaccinium myrtillus</i> , fresh or chilled	United States, Canada and Mexico
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 capsin or capsicum 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
Sweetcorn, fresh or chilled	Third countries other than an EU Member State and Switzerland”.

## CHAPTER 2

### Amendments to subordinate legislation

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

5.—(1) The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022(a) 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(b); 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.”.

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(a) S.I. 2022/739.

(b) S.I. 2020/1482.

(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”;

(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	United States, Canada and Mexico
Fruits of species <i>Vaccinium myrtillus</i> , fresh or chilled	United States, Canada and Mexico
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
Sweetcorn, fresh or chilled	Third countries other than an EU Member State and Switzerland.”

## PART 3

### Application of public health, marketing and organic product standards

#### Scope

6.—(1) This Part applies in respect of consignments of retail goods entering into Northern Ireland from other parts of the United Kingdom in accordance with the Retail Movement Scheme established under regulation 3(1) of the Windsor Framework (Retail Movement Scheme) Regulations 2023(a).

(2) This Part applies to the extent that any provision listed in Annex 1 to the SPS Regulation does not apply to that consignment of retail goods by virtue of Article 1(2) and Chapter 2 of the SPS Regulation.

#### Application of public health and marketing standards

7. Where this Part applies in respect of a consignment of retail goods by virtue of regulation 6(2)—

- (a) the provisions of the instruments listed in Column 2 of Schedule 1 are to be treated as applying in respect of that consignment to the extent that the corresponding EU instrument in Column 1 of Schedule 1 does not apply by virtue of Article 1(2) and Chapter 2 of the SPS Regulation, subject to the modifications specified in Column 3 of Schedule 1 and such further modifications as are necessary, including those which reflect the exceptional application of such provisions in Northern Ireland in respect of a specific category of goods;
- (b) the provisions of the instruments listed in Column 2 of Schedule 2 are to be treated as applying in place of the corresponding legislation applicable in Northern Ireland in respect of that consignment to the extent that the corresponding EU instrument in Column 1 of Schedule 2 does not apply by virtue of Article 1(2) and Chapter 2 of the SPS Regulation, subject to the modifications specified in Column 3 of Schedule 2 and such further modifications as are necessary, including those which reflect the exceptional application of such provisions in Northern Ireland in respect of a specific category of goods.

#### Application of retained delegated and implementing acts

8.—(1) Where the provisions of the instruments listed in Column 2 of Schedule 1 and Column 2 of Schedule 2 are to be treated as applying in respect of a consignment of retail goods by virtue of regulation 7, the retained direct EU legislation applicable in Great Britain which supplements or implements those instruments is to be treated as also applying in relation to that consignment with such modifications as are necessary, including those which reflect the exceptional application of such provisions in Northern Ireland in respect of a specific category of goods.

(2) In respect of food for total diet replacement for weight control within a consignment of retail goods, paragraph (1) does not apply and the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997(b) are to be treated as applying in relation to those products

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(a) S.I. 2023/[\*\*\*\*].

(b) S.I. 1997/2182, amended by (as regards England) S.I. 2005/2626, 2007/2591, 2014/1855, 2016/688, 2020/43; (as regards Scotland) S.S.I. 2005/616, 2007/424, 2015/410, 2016/190, 2018/392; (as regards Wales) S.I. 2005/3254, 2007/2753, 2014/2303, 2016/639, 2018/806.

with such modifications as are necessary, including those which reflect the exceptional application of such provisions in Northern Ireland in respect of a specific category of goods.

#### **Application of organic product standards**

9. Where this Part applies in respect of a consignment of retail goods by virtue of Regulation 6(2), the provisions of the instruments listed in Column 2 of Schedule 3 are to be treated as applying in respect of that consignment to the extent that the EU instrument listed in Column 1 of Schedule 3 does not apply by virtue of Article 1(2) and Chapter 2 of the SPS Regulation, subject to the modifications specified in Column 3 of Schedule 3 and such modifications as are necessary, including those which reflect the exceptional application of such provisions in Northern Ireland in respect of a specific category of goods.

#### **No power to make subordinate legislation**

10. Nothing in regulation 7, 8 or 9 confers power on any person to make subordinate legislation in respect of Northern Ireland.

#### **Parallel texts**

11. Where legislation which extends to Great Britain is treated as applying in Northern Ireland under this Part and there are differences between the versions of that legislation applicable in England, Scotland and Wales, the version of the legislation applicable in respect of a particular retail good within a consignment is the version applicable in the part of Great Britain which the retail good was produced in or imported into.

*Name*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

Date

## SCHEDULE 1

Regulation 7

### Application of public health and marketing standards by virtue of the disapplication of EU Regulations listed in Annex 1 to the SPS Regulation

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
2. Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish(a)	Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish(b)	None
4. Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for	Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for	None

(a) OJ No. L 351, 28.12.1985, p. 63.

(b) EUR 1985/3703, as amended by S.I. 2019/739.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
preserved sardines and trade descriptions for preserved sardines and sardine-type products( <b>a</b> )	preserved sardines and trade descriptions for preserved sardines and sardine-type products( <b>b</b> )	None
5. Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito( <b>c</b> )	Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito( <b>d</b> )	None
6. Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food( <b>e</b> )	Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food( <b>f</b> )	None
8. Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products( <b>g</b> )	Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products( <b>h</b> )	None
19. Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for <i>Dissostichus spp.</i> ( <b>i</b> )	Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for <i>Dissostichus spp.</i> ( <b>j</b> )	None
22. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety( <b>k</b> )	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety( <b>l</b> )	In Article 18(4), the reference to “Great Britain” is to be read, so far as the context requires, as a reference to “the United Kingdom”
23. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and	Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and	In Article 12(1), the reference to “Great Britain” is to be read, so far as the context requires, as a reference to “Northern Ireland”

(a) OJ No. L 212, 22.7.1989, p.79.

(b) EUR 1989/2136, as amended by S.I. 2019/739, 753.

(c) OJ No. L 163, 17.6.1992, p.1.

(d) EUR 1992/1536, as amended by S.I. 2019/739, 753.

(e) OJ No. L 37, 13.2.1993, p. 1.

(f) EUR 1993/315, amended by S.I. 2019/639 (itself amended by S.I. 2020/1504), 2020/1504.

(g) OJ No. L 334, 23.12.1996, p. 1.

(h) EUR 1996/2406, amended by S.I. 2019/739, 753.

(i) OJ No. L 145, 31.5.2001, p. 1.

(j) EUR 2001/1035, amended by S.I. 2020/1599.

(k) OJ No. L 31, 1.2.2002, p. 1.

(l) EUR 2002/178, amended by S.I. 2019/641 (itself amended by S.I. 2020/1504).

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
feed(a), with the exception of the second paragraph of Article 32	feed(b), with the exception of the second paragraph of Article 32	
	In respect of retail goods produced in or imported into England, the Genetically Modified Food (England) Regulations 2004(c)	
	In respect of retail goods produced in or imported into Wales, the Genetically Modified Food (Wales) Regulations 2004(d)	
	In respect of retail goods produced in or imported into Scotland, the Genetically Modified Food (Scotland) Regulations 2004(e)	
24. Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC(f)	Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed from genetically modified organisms and amending Directive 2001/18/EC(g)	None
25. Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition(h)	Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition(i)	None
27. Regulation (EC) No 2160/2003 of the European Parliament and of the Council	Regulation (EC) No 2160/2003 of the European Parliament and of the Council	None

(a) OJ No. L 268, 18.10.2003, p. 1.

(b) EUR 2003/1829.

(c) S.I. 2004/2335, amended by S.I. 2019/705.

(d) S.I. 2004/3220 (W.276), amended by S.I. 2018/806, 2019/425, 2020/1581.

(e) S.S.I. 2004/432, amended by S.S.I. 2011/1043, 2015/100, 2019/52.

(f) OJ No. L 268, 18.10.2003, p. 24.

(g) EUR 2003/1830.

(h) OJ No. L 268, 18.10.2003, p. 29.

(i) EUR 2003/1831.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents(a)	of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents(b)	None
28. Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods(c)	Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods(d)	
29. Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs(e)	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs(f)	1. A food business operator in Northern Ireland who would be in compliance with a requirement in the EU instrument in Column 1 which would apply but for its disapplication by virtue of Article 1(2) and Chapter 2 of the SPS Regulation is deemed to be in compliance with the corresponding requirement in the instrument in Column 2  2. A competent authority in Northern Ireland which carries out a function in a way which would be exercisable by it under a provision in the EU instrument in Column 1 but for its disapplication by virtue of Article 1(2) and Chapter 2 of the SPS Regulation is deemed to carry out the function under the corresponding provision in the instrument in Column 2
30. Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin(g)	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin(h)	1. A food business operator in Northern Ireland who would be in compliance with a requirement in the EU instrument in Column 1 which would apply but for its disapplication by virtue of

- (a) OJ No. L 325, 12.12.2003, p. 1.  
(b) EUR 2003/2160.  
(c) OJ No. L 309, 26.11.2003, p. 1.  
(d) EUR 2003/2065.  
(e) OJ No. L 139, 30.4.2004, p. 1.  
(f) EUR 2004/853.  
(g) OJ No. L 139, 30.4.2004, p. 55.  
(h) EUR 2004/853.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
		Article 1(2) and Chapter 2 of the SPS Regulation is deemed to be in compliance with the corresponding requirement in the instrument in Column 2
		2. A competent authority in Northern Ireland which carries out a function in a way which would be exercisable by it under a provision in the EU instrument in Column 1 but for its disapplication by virtue of Article 1(2) and Chapter 2 of the SPS Regulation is deemed to carry out the function under the corresponding provision in the instrument in Column 2
31. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC(a)	Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC(b)	None
33. Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC(c)	Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC(d)	None
34. Regulation (EC) 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods(e)	Regulation (EC) 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods(f)	None
35. Regulation (EC) No 1925/2006 of the European	Regulation (EC) No 1925/2006 of the European	None

- (a) OJ No. L 338, 13.11.2004, p. 4.  
(b) EUR 2004/1935.  
(c) OJ No. L 70, 16.3.2005, p. 1.  
(d) EUR 2005/396.  
(e) OJ No. L 404, 30.12.2006, p. 9.  
(f) EUR 2006/1924.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods <b>(a)</b>	Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods <b>(b)</b>	
37. Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel, insofar as it concerns provisions relating to marketing standards <b>(c)</b>	Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel, insofar as it concerns provisions relating to marketing standards <b>(d)</b>	None
38. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93 <b>(e)</b>	Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 <b>(f)</b>	None
40. Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings <b>(g)</b>	Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings <b>(h)</b>	None
41. Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation	Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive	None

- (a) OJ No. L 404, 30.12.2006, p. 26.  
(b) EUR 2006/1925.  
(c) OJ No. L 248, 22.9.2007, p. 17.  
(d) EUR 2007/1100.  
(e) OJ No. L 218, 13.8.2008, p. 30.  
(f) EUR 2008/765.  
(g) OJ No. L 354, 31.12.2008, p. 1.  
(h) EUR 2008/1331.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
(EC) No 258/97(a)	2001/112/EC and Regulation (EC) No 258/97(b)	
42. Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives(c)	Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives(d)	None
43. Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC(e)	Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC(f)	None
46. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council(g)	Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council(h)	None
47. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European	Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European	None

- (a) OJ No. L 354, 31.12.2008, p. 7.  
(b) EUR 2008/1332.  
(c) OJ No. L 354, 31.12.2008, p. 16.  
(d) EUR 2008/1333.  
(e) OJ No. L 354, 31.12.2008, p. 34.  
(f) EUR 2008/1334.  
(g) OJ No. L 152, 16.6.2009, p. 11.  
(h) EUR 2009/470.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC(a)	Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC(b)	
49. Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006(c), insofar as it concerns provisions relating to marketing standards	Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006(d), insofar as it concerns provisions relating to marketing standards	None
50. Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna <i>Thunnus thynnus</i> and amending Council Regulation (EC) No 1984/2003(e)	Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna <i>Thunnus thynnus</i> and amending Council Regulation (EC) No 1984/2003(f)	None
51. Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down	Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down	None

(a) OJ No. L 229, 1.9.2009, p. 1.

(b) EUR 2009/767.

(c) OJ No. L 343, 22.12.2009, p. 1.

(d) EUR 2009/1224.

(e) OJ No. L 194, 24.7.2010, p. 1.

(f) EUR 2010/640.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors <b>(a)</b>	down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors <b>(b)</b>	
52. Regulation (EU) 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 <b>(c)</b>	Regulation (EU) 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 <b>(d)</b>	None
53. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products <b>(e)</b>	Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products <b>(f)</b>	None
54. Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation	Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No	None

(a) OJ No. L 157, 15.6.2011, p. 1.

(b) EUR 2011/543.

(c) OJ No. L 304, 22.11.2011, p. 18.

(d) EUR 2011/1169.

(e) OJ No. L 167, 27.6.2012, p. 1.

(f) EUR 2012/528.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
(EC) No 1383/2003(a) 55. Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009(c)	1383/2003(b) Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009(d)	None
56. Sections 1 and 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007(e)	Sections 1 and 3 of Chapter 1 of Title 2 of Part 2 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007(f)	None
57. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No	Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No	None

(a) OJ No. L 181, 29.6.2013, p. 15.

(b) EUR 2013/608.

(c) OJ No. L 181, 29.6.2013, p. 35.

(d) EUR 2013/609.

(e) OJ No. L 347, 20.12.2013, p. 671.

(f) EUR 2013/1308.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
639/2004 and Council Decision 2004/585/ EC(a), insofar as it concerns provisions relating to marketing standards for fishery and aquaculture products	639/2004 and Council Decision 2004/585/ EC(b), insofar as it concerns provisions relating to marketing standards for fishery and aquaculture products	
58. Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation and labelling of aromatised wine products and repealing Council Regulation (EEC) No 1601/91(c)	Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91(d) except Chapter 3	None
60. Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001(e)	Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001(f)	References to “Great Britain” are to be read as references to “Northern Ireland” so far as the context requires
61. Council Regulation (Euratom) 2016/52 of 15 January 2016 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No 3954/87 and Commission Regulations (Euratom) No 944/89 and (Euratom) No	Council Regulation (Euratom) 2016/52 of 15 January 2016 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No 3954/87 and Commission Regulations (Euratom) No 944/89 and (Euratom) No 770/90(b)	None

- (a) OJ No. L 354, 28.12.2013, p. 22.  
(b) EUR 2013/1380.  
(c) OJ No. L 84, 20.3.2014, p.14.  
(d) EUR 2014/251.  
(e) OJ No. L 327, 11.12.2015, p. 1.  
(f) EUR 2015/2283.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
770/90(a) 63. Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC(c)	The Veterinary Medicines Regulations 2013, as they have effect in Great Britain(d)  The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015(e), in respect of retail goods produced in or imported into England or Scotland  The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019(f), in respect of retail goods produced in or imported into Wales	None
64. Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC(g)	The Veterinary Medicines Regulations 2013, as they have effect in Great Britain  The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015, in respect of retail goods produced in or imported into England or Scotland  The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019, in respect of retail goods produced in or imported into Wales	None
65. Chapter II of Regulation (EU) 2019/787 of the	Chapter II of Regulation 110/2008 of the European	None

(b) EUR 2016/52.

(a) OJ No. L 13, 20.1.2016, p. 2.

(c) OJ No. L 4, 7.1.2019, p. 1.

(d) S.I. 2013/2033, as amended by S.I. 2014/599, 2018/761, 2019/676 (itself amended by S.I. 2020/461), 865, 1448, 2020/1461 and 1631).

(e) S.I. 2015/787, as amended by S.I. 2019/676, 2020/1461.

(f) S.I. 2019/569 (W.125), as amended by S.I. 2019/737.

(g) OJ No. L 4, 7.1.2019, p. 43.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008(a) and Chapter I thereof insofar as it prohibits the use of synthetic alcohol and certain colourings	Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89(b) and Chapter I thereof insofar as it prohibits the use of synthetic alcohol and certain colourings	
66. Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005(c), insofar as it concerns provisions relating to minimum sizes of marine organisms that also constitute minimum marketing sizes	Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005(d), insofar as it concerns provisions relating to minimum sizes of marine organisms that also constitute minimum marketing sizes	None

- (a) OJ No. L 130, 17.5.2019, p. 1.  
(b) EUR 2008/110.  
(c) OJ No. L 198, 25.7.2019, p. 105.  
(d) EUR 2019/1241.

## SCHEDULE 2

Regulation 7

### Application of public health and marketing standards by virtue of the disapplication of EU Directives listed in Annex 1 to the SPS Regulation

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
1. Council Directive 84/500/EEC of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs(a)	<p>In respect of retail goods produced in or imported into England, the following provisions of the Materials and Articles in Contact with Food (England) Regulations 2012(b)—</p> <p>Part 1 (preliminary), so far as relating to Part 4 (and Schedules 2, 3 and 4).</p> <p>Part 4 (requirements for ceramic articles), together with Schedules 2, 3 and 4.</p> <p>In respect of retail goods produced in or imported into Wales, the following provisions of the Materials and Articles in Contact with Food (Wales) Regulations 2012(c)—</p> <p>Part 1 (preliminary), so far as relating to Part 4 (and those Schedules).</p> <p>Part 4 (requirements for ceramic articles), together with Schedules 3, 4 and 5.</p> <p>In respect of retail goods produced in or imported into Scotland, the following provisions of the Materials and Articles in Contact with Food (Scotland) Regulations 2012(d)—</p>	None

(a) OJ No. L 277, 20.10.1984, p12.

(b) S.I. 2012/2619, as amended by S.I. 2019/704, 2020/1419 and 2022/1351.

(c) S.I. 2012/2705 (W.291), as amended by S.I. 2017/832, 2018/806, 913, 2019/425, 2020/1581, 2022/1362.

(d) S.S.I. 2012/318, as amended by S.S.I. 2013/83, 2014/312, 2015/100, 2019/32, 52 (as amended by S.S.I. 2020/372), 2022/373.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
	Part 1 (preliminary), so far as relating to Part 4 (and those Schedules).	
	Part 4 (requirements for ceramic articles), together with Schedules 3, 4 and 5.	
3. Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption(a)	Commission Regulation (EC) No 37/2005 of 12 January 2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption(b)	None
	In respect of retail goods produced in or imported into England, the Quick-frozen Foodstuffs (England) Regulations 2007(c) except regulations 9, 10 and 12.	
	In respect of retail goods produced or imported into Wales, the Quick-frozen Foodstuffs (Wales) Regulations 2007(d) except regulations 9, 10 and 12.	
	In respect of retail goods produced or imported into Scotland, the Quick-frozen Foodstuffs Regulations 1990(e) except for regulations 7 and 8.	
7. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of $\beta$ -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and	The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015 in respect of retail goods produced in or imported into England or Scotland.	None

(a) OJ No. L 40, 11.2.1989, p.34.

(b) EUR 2005/37.

(c) S.I. 2007/191, as amended by S.I. 2014/1855, 2019/462, 2022/377, 938.

(d) S.I. 2007/389 (W.40); relevant amending instruments are S.I. 2014/389, 2018/806, 2019/434 and 2020/1581.

(e) S.I. 1990/2615.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
88/299/EEC(a)	The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) 2019, in respect of retail goods produced in or imported into Wales.	
9. Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation(b)	In respect of retail goods produced in or imported into England, the Food Irradiation (England) Regulations 2009(c) except for regulations 9-11.  In respect of retail goods produced in or imported into Wales, the Food Irradiation (Wales) Regulations 2009(d) except for regulations 9-11.  In respect of retail goods produced in or imported into Scotland, the Food Irradiation (Scotland) Regulations 2009(e) except for regulations 9-11.	None
10. Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation(f)	In respect of retail goods produced in or imported into England, the Food Irradiation (England) Regulations 2009 except for regulations 9-11.  In respect of retail goods produced in or imported into Wales, the Food Irradiation (Wales) Regulations 2009 except for regulations 9-11.  In respect of retail goods produced in or imported into Scotland, the Food Irradiation (Scotland) Regulations 2009 except for regulations 9-11.	None
11. Directive 1999/4/EC of the European Parliament and of	In respect of retail goods produced in or imported into	None

(a) OJ No. L 125, 23.5.1996, p.3.

(b) OJ No. L 66, 13.3.1999, p.16.

(c) S.I. 2009/1584; relevant amending instruments are S.I. 2010/2312, 2019/1013 and 2020/1504.

(d) S.I. 2009/1795 (W.162); relevant amending instruments are S.I. 2010/2289, 2018/806 and 2020/1581.

(e) S.S.I. 2009/261; relevant amending instruments are S.S.I 2010/328, 2015/100, 2019/52 and 2020/372.

(f) OJ No. L 66, 13.3.1999, p.24.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
the Council of 22 February 1999 relating to coffee extracts and chicory extracts(a)	England, the Coffee Extracts and Chicory Extracts (England) Regulations 2000(b) except for regulations 7 and 10.  In respect of retail goods produced in or imported into Wales, the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001(c) except for regulations 7 and 10.  In respect of retail goods produced in or imported into Scotland, the Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001(d) except for regulations 7 and 10.	
12. Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption(e)	In respect of retail goods produced in or imported into England, the Cocoa and Chocolate Products (England) Regulations 2003(f) except for regulations 8 and 10.  In respect of retail goods produced in or imported into Wales, the Cocoa and Chocolate Products (Wales) Regulations 2003(g) except for regulations 8 and 10.  In respect of retail goods produced in or imported into Scotland the Cocoa and Chocolate Products (Scotland) Regulations 2003(h) except for regulations 8 and 11.	None

(a) OJ No. L 66,13.3.1999, p.26.

(b) S.I. 2000/3323; as amended by S.I. 2003/1563, 2005/2626, 2014/1855, 2018/575, 2019/526, 1488.

(c) S.I. 2001/1440 (W.102); amended by S.I. 2003/3047, 2005/3254, 2014/2303, 2018/806 and 2019/1482.

(d) S.S.I. 2001/38; amended by S.S.I. 2003/527, 2005/616, 2014/312, 2019/33, 407.

(e) OJ No. L 197, 3.8.2000, p19.

(f) S.I. 2003/1659; amended by S.I. 2005/2626, 2014/1855, 2018/575, 2019/526.

(g) S.I. 2003/3037 (W. 285), amended by S.I. 2005/3254, 2014/2303, 2018/806.

(h) S.S.I. 2003/291, amended by S.S.I. 2005/616, 2014/312, 2019/33.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
14. Council Directive 2001/110/EC of 20 December 2001 relating to honey(a)	<p>In respect of retail goods produced in or imported into England, the Honey (England) Regulations 2015(b) except for regulations 18, 18A, 19, 22 and 22A and Schedule 2.</p> <p>In respect of retail goods produced in or imported into Wales, the Honey (Wales) Regulations 2015(c) except for regulations 18, 18A, 19, 22 and 23 and Schedule 2.</p> <p>In respect of retail goods produced in or imported into Scotland, the Honey (Scotland) Regulations 2015(d) except for regulations 17, 17A and 18.</p>	None
15. Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption(e)	<p>In respect of retail goods produced in or imported into England, the Specified Sugar Products (England) Regulations 2003(f) except for regulations 7 and 9.</p> <p>In respect of retail goods produced in or imported into Wales, the Specified Sugar Products (Wales) Regulations 2003(g) except for regulations 7 and 9.</p> <p>In respect of retail goods produced in or imported into Scotland, the Specified Sugar Products (Scotland) Regulations 2003(h) except for regulations 7 and 9.</p>	None
16. Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices	In respect of retail goods produced in or imported into England, the Fruit Juices and	None

(a) OJ No. L 10, 12.1.2002, p. 47.

(b) S.I. 2015/1348; relevant amendments were made by S.I. 2021/632.

(c) S.I. 2015/1507 (W. 174); relevant amendments were made by S.I. 2020/1581.

(d) S.S.I. 2015/208, amended by S.S.I. 2005/616, 2009/436, 2014/312 (as amended by S.S.I. 2015/410), 2019/33.

(e) OJ No. L 10, 12.1.2002, p. 53.

(f) S.I. 2003/1563, relevant amendments were made by S.I. 2005/2626, 2009/3238, 2014/1855, 2018/575, 2019/526.

(g) S.I. 2003/3047 (W. 290); relevant amendments were made S.I. 2005/3254, 2009/3378, 2014/2303, 2018/806.

(h) S.S.I. 2003/527, amended by S.S.I. 2005/616, 2009/436, 2014/312 (as amended by S.S.I. 2015/410), 2019/33.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
and certain similar products intended for human consumption(a)	Fruit Nectars (England) Regulations 2013(b) except for regulations 16-19 and Schedule 14.  In respect of retail goods produced in or imported into Wales, the Fruit Juices and Fruit Nectars (Wales) Regulations 2013(c) except for regulations 16-19 and Schedule 14.  In respect of retail goods produced in or imported into Scotland, the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013(d) except for regulations 16-18 and Schedule 14.	
17. Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption(e)	In respect of retail goods produced in or imported into England, the Jam and Similar Products (England) Regulations 2003(f) except for regulations 7 and 9.  In respect of retail goods produced in or imported into Wales, the Jam and Similar Products (Wales) Regulations 2018(g) except for regulations 9 and 10 and Schedule 5.  In respect of retail goods produced in or imported into Scotland, the Jam and Similar Products (Scotland) Regulations 2004(h) except for regulations 7 and 10.	None
18. Council Directive 2001/114/EC of 20 December 2001 relating to certain partly	In respect of retail goods produced in or imported into England, the Condensed Milk	None

(a) OJ No. L 10, 12.1.2002, p. 58.

(b) S.I. 2013/2775, amended by S.I. 2014/1855, 2018/575, 2019/526.

(c) S.I. 2013/2750 (W. 267), amended by S.I. 2018/806, 2014/2303.

(d) S.S.I. 2013/305, amended by S.S.I. 2019/33.

(e) OJ No. L 10, 12.1.2002, p. 67.

(f) S.I. 2003/3120, amended by S.I. 2005/2626, 2009/3238, 2012/1809, 2018/575, 2019/526.

(g) S.I. 2018/274 (W.50), amended by S.I. 2022/112.

(h) S.S.I. 2004/133, amended by S.S.I. 2005/616, 2009/436, 2013/177, 266, 2019/33, 2021/477.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
	and Dried Milk (England) Regulations 2015 <b>(b)</b> except for regulations 6 and 7 and Schedule 3.	
	In respect of retail goods produced in or imported into Wales, the Condensed Milk and Dried Milk (Wales) Regulations 2018 <b>(c)</b> except for regulations 6 and 7 and Schedule 3.	
	In respect of retail goods produced in or imported into Scotland, the Condensed Milk and Dried Milk (Scotland) Regulations 2003 <b>(d)</b> except for regulations 7 and 10.	
20. Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed <b>(e)</b>	In respect of retail goods produced in or imported into England, the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 <b>(f)</b> , Part 6 and Schedules 4 and 5 (and Part 1 so far as relating to those provisions) save that paragraphs (1) to (5) and (8) to (13) of regulation 15 are to be treated as applying only in so far as they give effect to the standards set out in Schedules 4 and 5.	None
	In respect of retail goods produced in or imported into Wales, the Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 <b>(g)</b> , Part 6, Schedules 1B and 1C (and Part 1 so far as relating to those provisions) save that paragraphs (1) to (5) and (8) to (11) of regulation 15	

**(a)** OJ No. L 15, 17.1.2002, p. 19.

**(b)** S.I. 2015/675.

**(c)** S.I. 2018/275 (W.51).

**(d)** S.S.I. 2003/311, amended by S.S.I. 2003/492, 2005/616, 2006/3, 2008/12, 2009/436, 2019/33.

**(e)** OJ No. L 140, 30.5.2002, p. 10.

**(f)** S.I. 2015/255.

**(g)** S.I. 2016/383 (W.120).

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
	are to be treated as applying only in so far as they give effect to the standards set out in Schedules 1B and 1C.	
	In respect of retail goods produced in or imported into Scotland, the Animal Feed (Scotland) Regulations 2010(a), Part 4 and Schedules 4 and 5 (and Part 1 so far as relating to those provisions) save that paragraph (8) of regulation 9 does not apply and paragraphs (1) to (5) of that regulation are to be treated as applying only in so far as they impose an obligation to comply with the requirements of Schedules 4 and 5.	
21. Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements(b)	The Food Supplements (England) Regulations 2003(c) except for regulations 8, 9, 11 and 12.  The Food Supplements (Wales) Regulations 2003(d) except for regulations 8, 9, 11 and 12.  The Food Supplements (Scotland) Regulations 2003(e) except for regulations 8, 9 and 11.	None
44. Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients(f)	In respect of retail goods produced in or imported into England, the following provisions of the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013(g)—  Part 1, so far as relating to Part	In regulation 10(b) of the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013, the reference to “Great Britain” is to be read, so far as the context requires, as a reference to “the United Kingdom”

(a) S.S.I. 2010/373, amended by S.S.I. 2013/340, 2013/151, 2020/467, 2022/373.

(b) OJ No. L 183, 12.7.2002, p. 51.

(c) S.I. 2003/1387, amended by S.I. 2005/2626, 2007/330, 2009/3251, 2014/1855, 2019/651, 2023/131.

(d) S.I. 2003/1719 (W.186), amended by S.I. 2005/2759, 2007/1076, 2014/2303, 2019/179, 2023/131.

(e) S.S.I. 2003/278, amended by S.S.I. 2007/78, 2009/438, 2011/1043, 2014/312, 2019/54, 2023/131.

(f) OJ No. L 141, 6.6.2009, p. 3.

(g) S.I. 2013/2210.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
	3 and Schedule 6;  Part 3 (extraction solvents) together with Schedule 6  In respect of retail goods produced in or imported into Wales, the following provisions of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013(a)—  Part 1 (introductory), so far as relating to Part 3 and Schedule 6;  Part 3 (extraction solvents) together with Schedule 4A  In respect of retail goods produced in or imported into Scotland, the following provisions of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013(b)—  Part 1 (introductory), so far as relating to Part 3 and Schedule 6;  Part 3 (extraction solvents) together with Schedule 6	In regulation 10(b) of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013 the reference to “Great Britain” is to be read, so far as the context requires, as a reference to “the United Kingdom”  In regulation 8(b) of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013 the reference to “Great Britain” is to be read, so far as the context requires, as a reference to “the United Kingdom”
45. Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters(c)	In respect of retail goods produced in or imported into England, the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(d) except for regulations 3(1)(d)(i), 16, 16A, 17 and 22.	None

(a) S.I. 2013/2591 (W.255).

(b) S.S.I. 2013/266, amended by S.S.I. 2014/312, 2015/100, 2019/53 (itself amended by S.S.I. 2020/372), 285 (itself amended by S.S.I. 2020/372), 2020/373, 2022/265, 373.

(c) OJ No. L 164, 26.6.2009, p. 45.

(d) S.I. 2007/2785.

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
	In respect of retail goods produced in or imported into Wales, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015(a) except for—  regulation 3(1)(d)(i); Part 5; regulations 32 to 35; Schedules 9 to 12.  In respect of retail goods produced in or imported into Scotland, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007(b) except for regulations 3(1)(d)(i), 16 to 18, 20 and 22.	
59. Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC(c)	In respect of retail goods produced in or imported into England, the Caseins and Caseinates (England) Regulations 2017(d) except for regulations 6, 7 and 10 and Schedule 5.  In respect of retail goods produced in or imported into Wales, the Caseins and Caseinates (Wales) Regulations 2016(e) except for regulations 7, 8 and 10 and Schedule 5.  In respect of retail goods produced in or imported into Scotland, the Caseins and Caseinates (Scotland) (No. 2) Regulations 2016(f) except for regulations 6, 7 and 8 and Schedule 4.	None

(a) S.I. 2015/1867 (W.274).

(b) S.S.I. 2007/483, amended by S.S.I. 2008/273, 2010/89, 127, 2011/94, 2014/312, 2015/100, 363, 2017/287, 2021/66.

(c) OJ No. L 314, 1.12.2015, p. 1.

(d) S.I. 2017/848.

(e) S.I. 2016/1130 (W.270).

(f) S.S.I. 2016/422, amended by S.S.I. 2019/285 (itself amended by S.S.I. 2020/372), 2022/265.

## SCHEDULE 3

Regulation 9

### Application of organic product standards

<i>Column 1</i> <i>EU instrument listed in Annex 1 to the SPS Regulation (including paragraph numbering from that Annex)</i>	<i>Column 2</i> <i>Instruments</i>	<i>Column 3</i> <i>Modifications</i>
62. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007(a)	<p>Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91(b)</p> <p>Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control(c)</p> <p>Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries(d)</p> <p>The Organic Products Regulations 2009(e) except for Part 5.</p>	None

#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to retained direct EU legislation and the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 (S.I. 2022/739) for the purpose of implementing the Windsor Framework. They also apply (with modifications) public health, marketing and organic products standards applicable in Great Britain to consignments of retail agri-food goods in Northern Ireland which have moved from Great Britain under the Retail Movement Scheme to the extent that EU public health, marketing and organic products standards

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- (a) OJ No. L 150, 14.6.2018, p. 1.  
 (b) EUR 2007/834.  
 (c) EUR 2008/889.  
 (d) EUR 2008/1235.  
 (e) S.I. 2009/842.

(which would otherwise apply in Northern Ireland) are disapplied in accordance with the Windsor Framework.

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

Rebecca Evans AS/MS  
Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government

Agenda Item 5.6

Llywodraeth Cymru  
Welsh Government

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27 June 2023

Dear Llywydd,

### **Economic Activity of Public Bodies (Overseas Matters) Bill**

The Economic Activity of Public Bodies (Overseas Matters) Bill (“the Bill”) was introduced to the House of Commons and given its First Reading on Monday 19 June 2023. The Bill makes provision to prevent public bodies from being influenced by political or moral disapproval of foreign states when taking certain economic decisions, subject to certain exceptions; and for connected purposes.

In the normal course of proceedings, a Legislative Consent Memorandum (LCM) would be laid in the Senedd within the normal two-week deadline following introduction. However, given the broad coverage of this Bill, and to ensure Committees have a comprehensive LCM for consideration, we will not be able to produce the LCM within this timescale. We will, however, ensure an LCM is laid as soon as possible.

I am copying this letter to the Counsel General and Minister for the Constitution, Mick Antoniw MS, the Minister for Rural Affairs and North Wales, and Trefnydd, Lesley Griffiths MS, and the Chair of the Legislation, Justice and Constitution Committee, Huw Irranca-Davies MS.

Yours sincerely,



**Rebecca Evans AS/MS**  
Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

# Agenda Item 7

By virtue of paragraph(s) vi of Standing Order 17.42

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