

Northern Ireland and the Windsor Framework

How does this affect the Agri-Food sector?

The recent joint announcement by the UK Prime Minister and the European Commission President set out the proposed changes to the existing Northern Ireland (NI) Protocol.

Since the requirement for additional certification, such as Phytosanitary and Export Health Certificates were introduced as per the terms of the Northern Ireland Protocol in 2021, businesses importing goods into Northern Ireland have seen significant increases in both costs, administration and delays which have caused damage to supply chains between GB and NI.

The Windsor Framework looks to address these issues by introducing much reduced bureaucracy to facilitate the trade of agri-foods, plants, and agricultural machinery to help Northern Ireland's retail sector.

There are still additional checks and a new marking system that will be introduced so companies involved in the production and sale of agri-foods must take note of these measures to ensure that appropriate planning is completed.

The Framework allows for significant simplifications to the existing measures when importing certain consignments of retail goods, plants for planting, machinery, and vehicles, which have been operated for agricultural or forestry purposes and seed potatoes.

The [EC draft framework](#) regarding the import of the above confirms the proposed new requirements to ensure that the UK can evidence the goods do not leave NI.

- To reduce the requirement for onerous completion of SPS certification, which was one of the major issues for supermarkets, the framework allows for the completion of a single 'General Certificate' issued by the applicable UK authority.
- SPS checks will still be required to be completed by the UK on certain goods entering NI but cause less delays due to the introduction of the General Certificate.
- Specific marking will be required to ensure the information for the consumers and the traceability of those retail goods, such as requirements for marking at box, shelf or individual product levels. If the Framework is accepted, these new marking requirements will be introduced from 1st October 2023.
- There will also be additional plant health labelling for plants for planting, machinery and vehicles which have been operated for agricultural or forestry purposes, and for seed potatoes.



Below sets out the new arrangements and the safeguards introduced under the Windsor Framework to secure the EU Single Market.

New Arrangements	Safeguards
<ul style="list-style-type: none"> • The same food will be available on supermarket shelves in Northern Ireland as in the rest of the UK. • UK public health and consumer protection standards apply. • A single 'general certificate' for mixed loads needed per lorry rather than the multitude of current certificates required under EU law. • The level of identity checks will be reduced to 5%, with physical checks following a risk-based approach. • Seed potatoes allowed to move with easier procedures. • Simplified procedures for plants for planting and agricultural machinery. 	<ul style="list-style-type: none"> • Will require labelling stating 'not for EU'. • EU animal and plant health rules apply. • SPS Inspection Facilities required to complete level of physical checks. • Frequency of check commensurate with the extent of individual labelling. • Reinforced market surveillance, traceability and listing of authorised establishments. • Possibility to suspend facilitations partly or fully. • Authorised Operators will be able to import goods (e.g. seeded potatoes) provided they are adequately marked. • Plant Health Labels will be introduced for plants for planting, machinery and vehicles which have been operated for agricultural or forestry purposes, and for seed potatoes.

The [EC draft text on Agri-foods](#) confirms the specific dates where transitional arrangements cease and the required marking/labelling will be required on goods imported into NI from GB. Annex IV of the EU text confirms that the goods must be clearly marked as 'Not for EU' and the marking must be attached to the packaging in a conspicuous place in such a way as to be easily visible.

This will require consideration of product packaging redesign and any review of the designs must be complete before the following dates (where applicable):

1st October 2023	All retail goods shall be marked accordingly, except for the following retail goods, which shall bear an individual marking; i. Prepacked meat, prepacked meat products and meat packed on sales premises. ii. Prepacked milk, prepacked dairy products and dairy products packed on specified sales premises.
1st October 2024	All milk and dairy products shall bear an individual marking.
1st July 2025	All retail goods shall bear an individual marking in accordance with Annex IV.

Individual goods sold loose or by weight on the sales premises at the consumer’s request, including individual goods processed and sold on the sales premises by a retailer for direct consumption by the consumer, must be marked in accordance with Box Level Markings and/or Shelf-level signs and posters to confirm the goods are ‘Not for EU’.

Plant Health Labels

The text confirms that the plant health label must be issued by the competent UK authorities, following systematic and physical examination. There is no current scope for self labelling.

For further information, or a confidential discussion, please contact:



Sarah Dodds
Partner – Head of
Agriculture
E: sarah.dodds@mhllp.co.uk



Joe Spencer
Partner
E: joe.spencer@mhllp.co.uk



Mark Lumsdon-Taylor
Partner
E: mark.lumsdon-taylor@mhllp.co.uk