
STATUTORY INSTRUMENTS

2023 No. 959

**The Windsor Framework (Retail Movement Scheme:
Public Health, Marketing and Organic Product Standards
and Miscellaneous Provisions) Regulations 2023**

PART 3

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

9.—(1) [Regulation \(EU\) 2016/2031](#) of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC](#)(1) 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
- (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 [Regulation \(EU\) 2023/1231](#) of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and

(1) EUR 2016/2031, amended by [S.I. 2020/1482](#), [2021/79](#).

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

10.—(1) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)(2) 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

Article 168

Goods exempt from the application of Annex 6

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
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

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

<i>Description of plants</i>	<i>Country of origin</i>
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	Third countries other than an EU Member State and Switzerland
Fruits of species <i>Vaccinium myrtillus</i> , fresh or chilled	Third countries other than an EU Member State and Switzerland
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
Asparagus, 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”.

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

11.—(1) Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019(3) is amended as follows.

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

- (a) in entry 95, in the first column after “*Solanum melongena* L.,” insert “plants of *Asparagus officinalis* L., other than stems covered during their entire life by soil, live pollen, plant tissue cultures and seeds”;
- (b) after entry 102A insert—

“102B	Fruits of <i>Capsicum</i> L. and <i>Solanum</i> L.	Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon,	The fruits must be accompanied by:
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(3) EUR 2019/2072. Relevant amendments were made by S.I. 2020/1527, 2021/136, 2021/426, 2021/641, 2021/1171, 2022/114 and 2022/1120.

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<p>Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mayotte, Morocco, Mozambique, Namibia, Niger, Nigeria, Réunion, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, The Democratic Republic of the Congo, Togo, Tunisia, Uganda, Zambia, Zimbabwe, Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, India, Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts:</p>	<p>(a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM4, is recognised as being free from <i>Bactrocera latifrons</i> (Hendel)</p> <p>or</p> <p>(b) an official statement that they originate in an area* established, in accordance with the measures specified in ISPM4, by the national plant protection organisation in the country of origin as being free from <i>Bactrocera latifrons</i> (Hendel)</p> <p>or</p> <p>(c) an official statement that no signs of <i>Bactrocera latifrons</i> (Hendel) have been observed at the place of production and in its immediate vicinity since the beginning of the last complete cycle of vegetation, on official inspections carried out at least monthly during the three months prior to harvesting, and none of the fruits harvested at the place of production has shown, in appropriate official examinations, signs of <i>Bactrocera latifrons</i> (Hendel), and information on traceability is included</p>
<p>Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and</p>	

Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor-Leste, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam, and Yemen

in the phytosanitary certificate,
or
(d) an official statement that the fruits have been subjected to an effective systems approach or an effective post-harvest treatment** to ensure freedom from *Bactrocera latifrons* (Hendel)

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

** The use of a systems approach or details of the treatment method must be included in the phytosanitary certificate.

A phytosanitary certificate may not include:

—the official statement referred

to in point (a) unless the national plant protection organisation of the country of origin has previously notified the national plant protection organisation of the United Kingdom of this information in writing,

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—the official statement referred to in point (b) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the area or areas,

- the official statement referred to in point (d) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the treatment or approach”.

(3) In Annex 11, in Part A (list of plants, plant products and other objects and the respective third countries of origin or dispatch, which may not be introduced into Great Britain unless they are accompanied by a phytosanitary certificate), in the table, after entry 18A, insert—

“18B	Plants of <i>Asparagus officinalis</i> L., other than stems covered during their entire life by soil	Other vegetables, fresh or chilled: — Asparagus	Any third country other than EU Member States, Liechtenstein and Switzerland”.
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CHAPTER 2

Amendments to subordinate legislation

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

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

(2) In regulation 3 (determination of the frequency rate of physical checks and identity checks)—

(4) [S.I. 2022/739](#).

- (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(5); 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.”.
- (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

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<i>Description of plants</i>	<i>Country of origin</i>
Fruits of the species <i>Vaccinium macrocarpon</i> and <i>Vaccinium corymbosum</i> , fresh or chilled	Third countries other than an EU Member State and Switzerland
Fruits of species <i>Vaccinium myrtillus</i> , fresh or chilled	Third countries other than an EU Member State and Switzerland
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
Asparagus, 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.”.