



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health and food audits and analysis

DG(SANTE) 2021-7347

DRAFT REPORT OF A COMMISSION CONTROL
CARRIED OUT IN
THE UNITED KINGDOM
FROM 21 TO 30 JUNE 2021
ON THE SYSTEM OF OFFICIAL CONTROLS ON ENTRY OF ANIMALS AND GOODS
INTO NORTHERN IRELAND AND VERIFICATION OF COMPLIANCE OF BORDER
CONTROL POSTS IN NORTHERN IRELAND WITH EUROPEAN UNION
REQUIREMENTS

Executive Summary

The report describes the outcome of a Commission control on the system of official controls on entry of animals and goods into Northern Ireland and verification of compliance of border control posts in Northern Ireland with European Union (EU) requirements. The control was carried out between 21 and 30 June 2021 as an addition to the European Commission's Directorate-General for Health and Food Safety's planned work programme. Due to COVID-19 pandemic related restrictions, part of the control was carried out remotely.

The Protocol on Ireland and Northern Ireland to the Withdrawal Agreement (hereafter 'the Protocol') provides that the rules of Union law relating to the Single Market for animals and goods and to the Customs Union, are applicable to and in the United Kingdom in respect of Northern Ireland.

The objective of the Commission control was to determine whether:

- the official controls on animals and goods entering the EU Sanitary and Phytosanitary (SPS) area through border control posts and other points of entry in Northern Ireland since 1 January 2021 are carried out in line with relevant Union legislation in so far as this is applicable to and in the United Kingdom in respect of Northern Ireland, by virtue of the Protocol;*
- the competent authorities in Northern Ireland have procedures and/or arrangements in place to ensure the quality, effectiveness and appropriateness of official controls on animals and goods entering the EU SPS area, and their impartial and consistent implementation;*
- the border control posts and inspection centres within those posts (infrastructure, equipment, documentation and staff) are compliant with the applicable requirements laid down in Regulation (EU) 2017/625 of the European Parliament and of the Council and related delegated and implementing legislation applicable to and in the United Kingdom in respect of Northern Ireland.*

This Commission control identified several critical factors which collectively and critically undermine the credibility of guarantees given by the United Kingdom Government in respect of its obligations to implement Union law, made applicable to and in the United Kingdom in respect of movement of animals and SPS goods into the EU SPS area via border control posts in Northern Ireland by the Protocol.

First and foremost, the United Kingdom Government has failed to ensure that sufficient resources – human and structural – have been made available to the responsible competent authorities in Northern Ireland by the devolved administration in Northern Ireland, which, by virtue of the decisions it has taken on halting the recruitment of staff and stopping the development of border control post infrastructure, is impeding the full implementation of the Protocol.

The absence of a fully functioning Customs' control system hampers the identification of SPS consignments which should be subject to official controls and undermines enforcement of

operators' obligations to present such consignments for checks. Undertakings given in the United Kingdom's unilateral declarations have also not been delivered and, notwithstanding the efforts of the Northern Ireland competent authorities to mitigate the adverse effects of these failures, the system in place for controlling the entry of animals and SPS goods into the EU SPS area via Northern Ireland border control posts does not, and cannot in the current circumstances, function effectively. In short, the system is not fit for purpose, does not comply with EU rules and cannot provide sufficient assurances that only compliant animals and goods are permitted to enter the EU SPS area through the designated border control posts in Northern Ireland.

The report includes eight recommendations to address the most significant shortcomings identified by the Commission team.

Table of Contents

1	Introduction	1
2	Objectives and scope of the Commission control	1
3	Legal Basis	3
4	Background	3
5	Findings and conclusions	5
5.1	Organisation of official controls on animals and goods entering Northern Ireland	5
5.1.1	<i>Competent authorities involved</i>	5
5.1.2	<i>Communication and cooperation between competent authorities</i>	7
5.1.3	<i>Staff resources</i>	8
5.1.4	<i>Training of staff</i>	9
5.1.5	<i>Guidance/instructions for the implementation of EU rules and planning of official controls</i>	9
5.1.6	<i>Use of the Trade Control and Expert System (TRACES-NT) and other databases or information systems</i>	11
5.2	Implementation of official controls on animals and goods entering Northern Ireland	12
5.2.1	<i>Prior notification of arrival of consignments and systems to ensure they are presented for official controls</i>	12
5.2.2	<i>Mandatory fees or charges</i>	13
5.2.3	<i>Documentary, identity and physical checks</i>	14
5.2.3.1	<i>Checks on animals</i>	15
5.2.3.2	<i>Implementation of the schemes for banned meat and supermarket goods</i>	16
5.2.3.3	<i>Checks on goods of animal origin</i>	17
5.2.3.4	<i>Implementation of special import conditions</i>	18
5.2.3.5	<i>Checks on plants, plant products and other objects</i>	18
5.2.3.6	<i>Passenger luggage, parcels and movement of non-commercial pet animals</i>	19
5.2.4	<i>Decisions on consignments and follow-up</i>	20
5.3	Minimum requirements for border control posts.....	21
6	Overall Conclusions	24
7	Closing Meeting	25
8	Recommendations	25

ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Banned meat	Meat products which are not authorised for entry into the EU SPS area.
BCP(s)	Border control post(s)
Border Force	Law enforcement command within the Home Office
Categories of animals and goods	Abbreviations and specifications applicable to the categories of animals and goods for which BCP and inspection centres may be designated, in accordance with Annex II to Commission Implementing Regulation (EU) 2019/1014.
CHED	Common Health Entry Document
CHIP	CHED Inspection Platform
Customs	Her Majesty’s Revenue and Customs
DAERA	Department of Agriculture, Environment and Rural Affairs
Defra	Department of Environment, Food and Rural Affairs
District Councils	Local authorities in United Kingdom. For the purposes of this report, it refers to the three District Councils responsible for Belfast Port, Larne Port and Warrenpoint Port BCPs.
EU	European Union
FSA(NI)	Food Standards Agency in Northern Ireland
HMRC	Her Majesty’s Revenue and Customs
iRASFF	The electronic system implementing the Rapid Alert System for Food and Feed and Administrative Assistance and Cooperation procedures described in Article 50 of Regulation (EC) No 178/2002 and Articles 102 to 108 of Regulation (EU) 2017/625 respectively.
OCR	Official Controls Regulation: 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 (OJ L 95, 7.4.2017, p. 1).
PHILIS	Port Health Interactive Live Information System
Protocol	Protocol on Ireland and Northern Ireland (hereafter ‘the Protocol ’) to the Withdrawal agreement (1)
RASFF	Rapid Alert System for Food and Feed
SPS	Sanitary and Phytosanitary measures – as referred to in the World Trade Organisation SPS Agreement
SPS goods	Refers to animals and goods falling within the scope of the control, that are subject to EU SPS controls on entry to the EU SPS area.
STAMNI	Scheme for Authorised Movements to Northern Ireland
Supermarket goods	Goods moving under the United Kingdom’s Unilateral Declaration on official certification.

1 INTRODUCTION

This Commission control on the system of official controls on entry of animals and goods into Northern Ireland and verification of compliance of border control posts (BCPs) in Northern Ireland with European Union (EU) requirements, was carried out between 21 and 30 June 2021 as an addition to the European Commission's Directorate-General for Health and Food Safety's planned work programme. Due to COVID-19 pandemic related restrictions, part of the control was carried out remotely, based on a detailed questionnaire covering the operation of official controls on imports/transits of animals and goods, supporting documentary evidence and other information gathered during virtual meetings and on-the-spot visits.

The Commission team was comprised of three officials and one observer from the Commission services. The Commission team was accompanied during the visits by at least one representative of the competent authorities responsible for the implementation of official controls on movements of animals and goods into Northern Ireland.

2 OBJECTIVES AND SCOPE OF THE COMMISSION CONTROL

The objective of the control was to determine whether:

- the official controls on animals and goods entering the EU Sanitary and Phytosanitary measures (SPS) area through BCPs and other points of entry in Northern Ireland since 1 January 2021, are carried out in line with relevant Union legislation in so far as this is applicable to and in the United Kingdom in respect of Northern Ireland, by virtue of the Protocol on Ireland and Northern Ireland (hereafter 'the Protocol') to the Withdrawal agreement ⁽¹⁾;
- the competent authorities in Northern Ireland have procedures and/or arrangements in place to ensure the quality, effectiveness and appropriateness of official controls on animals and goods entering the EU SPS area, and their impartial and consistent implementation;
- the BCPs and inspection centres within those posts (infrastructure, equipment, documentation and staff) are compliant with the applicable requirements laid down in Regulation (EU) 2017/625 (the Official Controls Regulation, hereafter - OCR) and related delegated and implementing legislation applicable in the United Kingdom in respect of Northern Ireland.

The scope of the Commission control included the competent authorities' implementation of official controls on the following:

⁽¹⁾ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (2019/C 384 I/01).

OJ C 384 I, 12.11.2019, p. 1.

Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12020W/TXT&from=EN>

- animals, products of animal origin, including prohibited and restricted meat ⁽²⁾ (hereafter ‘banned meat’), germinal products, animal by-products, derived products, hay and straw, composite products;
- products of non-animal origin subject to mandatory checks at BCPs (e.g. subject to a temporary increase of official controls and emergency measures ⁽³⁾) and food contact materials ⁽⁴⁾;
- plants, plant products and other objects;
- goods which form part of personal luggage or small consignments of goods sent by post or courier, and;
- non-commercial movement of pet animals.

It was not the intention of this control to examine any temporary arrangements put in place in order to respond to the challenges posed by the COVID-19 pandemic, as provided for by Commission Implementing Regulation (EU) 2020/466.

A summary of the key events in the control is provided in the table below.

Competent authorities	Event	
Defra, DAERA, FSA(NI), HMRC, District Councils	1 2	Meetings – all by videoconference: Opening and closing meetings Clarification meetings
DAERA and FSA(NI) and District Councils	7	Site visits, including administrative offices at BCPs and inspection centres thereof: BCP Larne Port BCP Belfast Port and BCP Warrenpoint Port Centralised office at Larne Port (documentary checks)
Retail distribution centres	2	Belfast area

⁽²⁾ Products which are not authorised for entry into the EU SPS area but for which the United Kingdom indicated in its unilateral declaration of 17 December 2020 that trade from Great Britain into Northern Ireland would continue until 1 July 2021 according to the practice set out therein. Regulatory requirements under EU law made applicable in respect of Northern Ireland by the Protocol include prohibitions and restrictions with regard to (1) minced meat of poultry, of ratites and of wild game birds, frozen or chilled, (2) chilled minced meat from animals other than poultry, (3) chilled meat preparations and (4) any unprocessed meat produced from meat initially imported into Great Britain from the EU SPS area.

⁽³⁾ Commission Implementing Regulation (EU) 2019/1793; Commission Implementing Decision 2011/884/EU; and Commission Implementing Regulation (EU) 2016/6.

⁽⁴⁾ Commission Regulation (EU) No 284/2011.

3 **LEGAL BASIS**

The Commission control was carried out pursuant to Article 12(4) of the Protocol ⁽¹⁾ in conjunction with Articles 116, 117 and 119 of the OCR.

Full legal references are provided in Annex I. Legal acts quoted in this report refer, where applicable, to the last amended version.

4 **BACKGROUND**

Official controls performed on animals and goods moving into the EU SPS area are put in place to verify that they meet the requirements of the EU agri-food chain legislation (food and food safety, feed and feed safety, animal health and welfare, plant health, organics, protected designations, animal by-products and deliberate release into the environment (genetically modified organisms) ⁽⁵⁾).

The Protocol provides that the rules of Union law relating to the Single Market for animals and goods and to the Customs Union, are applicable to and in the United Kingdom in respect of Northern Ireland.

As the Single Market has removed any SPS borders between Member States, Union law requires mandatory controls at BCPs and other points of entry into the European Union's SPS area, also including Northern Ireland by virtue of Article 5(4) of the Protocol, in order to verify compliance with applicable rules.

The general rules on official controls, including those on animals and goods entering the Union, are laid down in the OCR. Consignments of animals and goods listed in Article 47(1) of the OCR (hereafter 'SPS goods') must be subject to official controls at the BCP of first arrival into the Union, or in the case of non-commercial movement of pet animals, the travellers' points of entry. Those official controls should be such as to verify that animals and SPS goods entering the EU SPS area, comply with applicable EU legislation and in particular, the requirements laid down in Article 1(2) of the OCR.

In order to ensure that appropriate official controls may be carried out, BCPs are required to comply with certain minimum conditions - laid down in Article 59 of the OCR and in Commission Implementing Regulation (EU) 2019/1014 - depending on the categories of animals or goods for which they are designated ⁽⁶⁾.

The United Kingdom's Command Paper of December 2020 and the Unilateral Declarations by the United Kingdom and EU in the Joint Committee ⁽⁷⁾ provide details of the practice the

⁽⁵⁾ Cf. Articles 1(2), 1(3), and 2 of the OCR.

⁽⁶⁾ Further information on the designated BCPs in Member States, European Economic Area countries and other countries with special agreements, including the United Kingdom with respect to Northern Ireland, are available on the European Commission webpages here: https://ec.europa.eu/food/animals/veterinary-border-control/contact-details-bcps-veterinary_en
https://ec.europa.eu/food/horizontal-topics/official-controls-and-enforcement/official-controls-imported-products/contact_en
https://ec.europa.eu/food/horizontal-topics/official-controls-and-enforcement/official-controls-imported-products/contact-0_en

United Kingdom intended to put in place as regards movements of certain categories of SPS goods from Great Britain into Northern Ireland during the period of time set out in those declarations. The following documents were of particular relevance to this Commission control. The following documents were of particular relevance to this Commission control:

- *Unilateral Declarations by the United Kingdom and EU in the Withdrawal Agreement Joint Committee on meat products* ⁽⁸⁾. The declarations applied for a period of six months after the end of the transition period (i.e. until 1 July 2021), and applied to banned meat being brought from Great Britain into Northern Ireland, subject to specific conditions ⁽⁹⁾;
- *Unilateral Declarations by the United Kingdom and EU in the Withdrawal Agreement Joint Committee on official certifications* ⁽¹⁰⁾. The declarations applied for a period of three months after the end of the transition period, and related to the movement of products of animal origin, composite products, food and feed of non-animal origin, and plants and plant products (except banned meat referred to in the above unilateral declaration) from Great Britain to Northern Ireland.

These goods are hereafter referred to collectively as ‘supermarket goods’, for which a Scheme for Authorised Movements to Northern Ireland (STAMNI)⁽¹¹⁾ was introduced by the United Kingdom authorities (see section 5.2.3.2 below). At the time of this control, it was announced that the scheme will remain in place until 1 October 2021 ⁽¹²⁾.

The majority of animals and goods moving into Northern Ireland originated from Great Britain or EU Member States. In 2021, up to the date of this control, 60 consignments of SPS goods entered the SPS area via BCPs in Northern Ireland from third countries other than Great Britain. In contrast, there were a total of 55,186 consignments based on the number of Common Health Entry Documents (CHEDs) registered in the Commission’s Trade Control and Expert System database, TRACES-NT, for animals and SPS goods moving from Great Britain into Northern Ireland between 1 January and 22 June 2021. Of these, 61% entered Northern Ireland via BCP Belfast Port, 34% via BCP Larne port, and 0.2% through BCP Warrenpoint port, the rest entered via the BCPs Belfast International Airport and Foyle port.

With regard to the CHEDs, 56% of these consignments related to ‘supermarket goods’ and 0.3% related to banned meat. The Department of Agriculture, Environment and Rural Affairs

⁽⁷⁾ Available at: https://ec.europa.eu/info/relations-uk-and-eu/relations-uk-and-eu-withdrawal-agreement/meetings-eu-uk-joint-and-specialised-committees-under-withdrawal-agreement_en

⁽⁸⁾ Available at: https://ec.europa.eu/info/publications/unilateral-declarations-uk-and-eu-application-union-law-related-meat-products-northern-ireland-after-end-transition-period_en (

⁽⁹⁾ At the time of drafting this report (30 June 2021) it was announced that the United Kingdom practice for banned meat would be extended to 30 September 2021. Available at: <https://www.gov.uk/government/publications/declaration-by-the-uk-on-meat-products-30-june-2021> and at: https://ec.europa.eu/info/publications/application-union-law-related-meat-products-northern-ireland-after-end-transition-period_en.

⁽¹⁰⁾ Available at: https://ec.europa.eu/info/publications/unilateral-declarations-uk-and-eu-certification-required-import-food-products-northern-ireland_en

⁽¹¹⁾ Available at: <https://www.daera-ni.gov.uk/publications/detailed-guidance-authorised-traders>

⁽¹²⁾ Available at: <https://www.daera-ni.gov.uk/articles/retail-goods>

(DAERA) noted that the number of consignments of banned meat moving into Northern Ireland from Great Britain had fallen significantly since 1 January 2021, and as noted in section 5.2.5.6 below, the key retailers interviewed during this control indicated that they were now sourcing such products from Northern Ireland or EU Member States.

5 FINDINGS AND CONCLUSIONS

5.1 ORGANISATION OF OFFICIAL CONTROLS ON ANIMALS AND GOODS ENTERING NORTHERN IRELAND

5.1.1 Competent authorities involved

1. The competent authorities responsible for the organisation and performance of official controls on animals and goods subject to mandatory checks at BCPs, entering Northern Ireland have been designated in line with Article 4(1) of the OCR. In summary:
 - The Department for Environment, Food & Rural Affairs (Defra) and its agencies, together with the relevant Agriculture/Rural Affairs Department in the devolved administrations are responsible for policy and controls for animal health and welfare, and plant health;
 - In Northern Ireland, DAERA acts as the central competent authority for policy and control of animals and goods subject to SPS and Marketing Standards ⁽¹³⁾ checks:
 - DAERA's Veterinary Service and Animal Health Group responsibilities include controls on animals and products of animal origin, excluding fishery products;
 - DAERA's Plant Health Division responsibilities include controls on plants, plant products and other objects including wood packaging material, and EU Marketing requirements ⁽¹⁴⁾ and Standards;
 - DAERA's Fisheries Inspectorate's responsibilities include the official checks on live fish moving into Northern Ireland.
 - The Food Standards Agency (FSA) is the central competent authority for feed and food safety in Northern Ireland, Wales and England. The FSA's responsibilities include food law, hygiene, contaminants, additives, imported high-risk food of non-animal origin and food contact materials;
 - The FSA in Northern Ireland (FSA(NI)) has designated the District Councils as competent authorities at the BCPs for official controls on products of non-animal origin, fishery products (including checks on catch certificates to prevent illegal unreported and unregulated fishing), organic products, and plastic kitchenware originating in, or consigned from China and Hong Kong, moving into Northern

⁽¹³⁾ Available at: https://ec.europa.eu/info/food-farming-fisheries/plants-and-plant-products/fruits-and-vegetables_en#marketingstandards

⁽¹⁴⁾ Available at: https://ec.europa.eu/food/plants/plant-reproductive-material/legislation/eu-marketing-requirements_en

Ireland. Belfast City Council, Mid and East Antrim Council and Newry, Mourne and Down District Council (hereafter ‘the District Councils’) are responsible for the official controls at the port BCPs Belfast, Larne and Warrenpoint, respectively;

- Her Majesty’s Revenue and Customs (HMRC) is the United Kingdom’s tax, payments and Customs authority. With respect to the Protocol, HMRC is responsible for the application of relevant customs’ procedures and tariffs for goods moving into Northern Ireland and/or the EU, including customs declarations. Further details of HMRC and the procedures for such movements are available on the HMRC website ⁽¹⁵⁾.
 - Based on a Partnership Agreement with the United Kingdom Home Office ⁽¹⁶⁾, customs’ controls, including those related to controls on movement of animals and SPS goods, are carried out by Border Force, a law enforcement command within the Home Office ⁽¹⁷⁾.
2. The areas of competence of the authorities involved in official controls on animals and SPS goods entering the EU SPS area via BCPs or points of entry in Northern Ireland are summarised in the following table:

Area of competence	Authority	
	DAERA	FSA(NI) / Council
Animals	X	
Products of animal origin intended for human consumption, including composite products (i.e. food of animal origin)	X	X (fishery products)
Animal by-products	X	
Germinal products	X	
Personal consignments (Commission Delegated Regulation (EU) No 2019/2122)	X	
Non-commercial movement of pet animals (Regulation (EU) No 576/2013 of the European Parliament and of the Council)	X	
Food of non-animal origin subject to mandatory checks at BCPs ⁽³⁾		X
Feed of non-animal origin subject to mandatory checks at BCPs ⁽³⁾	X	

⁽¹⁵⁾ Available at: <https://www.gov.uk/guidance/trading-and-moving-goods-in-and-out-of-northern-ireland>

⁽¹⁶⁾ Available at: <https://www.gov.uk/government/publications/partnership-agreement-between-hmrc-and-border-force>

⁽¹⁷⁾ Available at: <https://www.gov.uk/government/organisations/border-force>

Area of competence	Authority	
	DAERA	FSA(NI) / Council
Food contact materials ⁽⁴⁾		X

3. The FSA(NI) acts as the single designated contact point for iRASFF ⁽¹⁸⁾ in Northern Ireland.
4. DAERA and the FSA(NI) informed the Commission team that they had designated, in line with Article 37(1) of the OCR, official laboratories within EU Member States and Northern Ireland for performing the analysis of official samples taken during official controls.

5.1.2 Communication and cooperation between competent authorities

5. The Border and Protocol Delivery Group in the United Kingdom Cabinet Office is responsible for the overall coordination of the United Kingdom Government's approach to the Protocol.
6. In Northern Ireland, regular meetings are held between DAERA, FSA(NI) and the District Councils to discuss issues of mutual concern at operational level.
7. DAERA and the District Councils have established Memoranda of Understanding as the basis for the use and operation of facilities in the BCPs. A similar memorandum has been established between Border Force and DAERA for the operation of one inspection centre in Belfast port BCP.
8. The Commission team noted that in line with Article 4(2) of the OCR, the competent authorities cooperated on the controls of SPS goods, but that the cooperation was not always effective, for example in the duplication of checks of manifests (see finding 39), and risk profiling of consignments.
9. DAERA informed the Commission team that the planned HMRC systems for controls on the movements of animals and SPS goods moving from Great Britain to Northern Ireland were not in place by 1 January 2021, nor by the date of this control. However, such systems are in place for official controls on animals and goods entering Northern Ireland from third countries other than Great Britain.
10. The Commission team noted that DAERA and FSA(NI) do not have the necessary legal power to ensure, in respect of consignments which are required to be presented for official controls at the BCP of arrival, that such consignments are presented by the operator.

⁽¹⁸⁾ The electronic system implementing the Rapid Alert System for Food and Feed and Administrative Assistance and Cooperation procedures described in Article 50 of Regulation (EC) No 178/2002 and Articles 102 to 108 of Regulation (EU) 2017/625 respectively.

11. The Commission team further noted that there is no reciprocal and timely exchange of information by electronic means between the competent authorities and the customs authorities, as required by Article 75(1) of the OCR. The Commission team in addition found no evidence of routine day-to-day involvement of either HMRC or Border Force in the organisation of official controls on consignments entering Northern Ireland from Great Britain, in particular to ensure that animals and goods which require official controls are presented at the BCPs and to follow-up those that were not presented at the BCP, despite being requested by the competent authorities to do so (see findings 33 and 41).

5.1.3 Staff resources

12. DAERA stated that it has a significant shortage of staff to implement the controls referred to in the United Kingdom's Unilateral Declarations and moreover, to implement the controls in accordance with the requirements of the OCR:
- DAERA confirmed that at the time of the control, almost 60% (16 out of 27) of the approved official veterinarian posts were unoccupied. For the Portal Inspector posts, 17% (10 out of 60) were unoccupied;
 - DAERA stated that, according to modelling they had carried out, a total of 40 official veterinarians (i.e. an additional 13 posts), and 75 Portal Inspectors, (i.e. an additional 15 posts) would be required in order to implement the official controls in line with the OCR, when the scheme for supermarket goods expires;
 - There are 13 plant health inspectors available to perform checks at BCPs. It was noted that the inspectors cover all three BCPs on a shift pattern, and that if consignments requiring identity or plant health checks arrive simultaneously at more than one BCP, it is not possible to perform all of the required checks. DAERA stated that according to their modelling, 20 plant health inspectors and 6 administration staff would be required to implement the checks in line with the OCR.
13. DAERA informed the Commission team that the Minister of Agriculture, Environment and Rural Affairs in Northern Ireland had introduced a halt on recruitment of staff in February 2021, which was widely reported at that time⁽¹⁹⁾. That halt was reconfirmed in March 2021, and was still in place at the time of the control. DAERA stated that the timeframe for the recruitment of replacement or new staff would be at least six to nine months in the event that the halt on recruitment would be lifted.
14. DAERA stated that in light of the shortages of staff, it had to prioritise the controls it would implement. The Commission team noted however, that the shortage of staff and the high volume of animals and SPS goods are such that DAERA could not implement the types of controls that it had prioritised (see sections 5.1.7 and 5.2.5 below).

⁽¹⁹⁾ See, as an example: <https://www.bbc.com/news/uk-northern-ireland-56217647>

15. The District Councils responsible for implementing the official controls on behalf of the FSA informed the Commission team that they had had sufficient staff to implement the planned official controls at the time of the control. However, they noted that the majority of consignments of SPS goods moving into Northern Ireland are supermarket goods. Based on previous modelling by the FSA(NI), a significant increase in resources, including an additional 56 Environmental Health Officers, would be needed, once the scheme for supermarket goods expires, in order to implement official controls on those goods in line with the requirements in the OCR.
16. The Commission team noted that staff resources are a critical limiting factor for the implementation of official controls and undertakings given by the United Kingdom, regarding the verification of compliance with the specific conditions laid down in the Unilateral Declarations (see also section 5.2.5 below). The staff shortages preclude the United Kingdom's stated objective of transitioning from the undertakings given in those Unilateral Declarations and in DAERA's 'Compliance Protocol' (see finding 20), to full implementation of official controls, in line with the Protocol and Union legislation.
17. For the most part, the competent authorities do not have access to a sufficient number of suitably qualified staff so that official controls and other official activities can be performed efficiently and effectively, in line with Articles 5(e) and 64(3)(a) of the OCR.

5.1.4 Training of staff

18. DAERA and the FSA(NI) stated that BCP staff performing official controls must be suitably qualified on recruitment, and thereafter the authorities ensure staff participation in appropriate training programmes and on-the-job training is provided by experienced colleagues. The training included the use of TRACES-NT. The Commission team received evidence of training organised in 2020 and 2021.
19. The staff performing official controls on animals and SPS goods moving into Northern Ireland are appropriately trained, in line with Article 5(4) of the OCR.

5.1.5 Guidance/instructions for the implementation of EU rules and planning of official controls

20. DAERA has published guidance on the implementation of official controls on animals and SPS goods entering Northern Ireland from any third country, in the form of a 'Compliance Protocol' ⁽²⁰⁾. That protocol provides an overview of the principles of official controls on animals and SPS goods, and also compliance procedures for the implementation of checks on the conditions laid down in the United Kingdom's unilateral declarations on supermarket goods and banned meat as well as on non-commercial movement of pet animals.

⁽²⁰⁾ Available at: <https://www.daera-ni.gov.uk/publications/compliance-protocol-sanitary-phytosanitary-controls-and-point-entry-marketing-standards-checks-gb-ni>

21. DAERA, FSA(NI) and the District Councils have issued guidelines, staff instructions and documented procedures for the implementation of official controls and other compliance procedures for animals and certain SPS goods moving into Northern Ireland, from Great Britain and other third countries. The Commission team noted however, that DAERA and the District Councils do not have documented procedures in place for official controls on animal by-products and germinal products or feed of non-animal origin. This is not in line with Article 12(1) of the OCR. The team also identified that the documented procedures to apply the measures which should be taken in accordance with Articles 65, 66 and 67 of the OCR, in particular for consignments which are not declared, not presented, or are non-compliant, or present a risk, were incomplete.
22. The competent authorities stated that procedures were being drafted at the time of Commission control to address the point above. Shortly after the Commission control one of the District Councils provided the Commission team with a procedure for dealing with SPS goods not presented or declared for official controls.
23. Due to the resource and capacity constraints, and particularly the limited availability of official veterinarians, DAERA has prioritised the delivery of official controls on animals and goods of animal origin. The highest priority are animals and SPS goods intended for Member States. SPS goods accompanied by official certificates and intended for Northern Ireland are categorised as a medium priority; supermarket goods for Northern Ireland are the lowest priority. The implementation of the prioritised checks is detailed in section 5.2.3 below.
24. DAERA and the FSA(NI) stated that based on risk-assessments and the lack of divergence with EU requirements for the production of animals and SPS goods, it had been concluded, with reference to Article 4(5) and point 5 of Annex II to Commission Implementing Regulation (EU) 2019/2130, that the sampling of goods of animal origin under the Protocol is not appropriate, and is therefore not done. As a result, neither DAERA nor the FSA(NI) have developed a monitoring plan for goods of animal origin originating from Great Britain at the three BCPs visited. This is not in line with Article 4(5) and point 5 of Annex II to Regulation (EU) 2019/2130.
25. DAERA informed the Commission team that the United Kingdom Government had unilaterally introduced a temporary arrangement ⁽²¹⁾ on 4 March 2021, which set out what it termed ‘pragmatic arrangements’ for used agricultural and forestry machinery, and plants, bulbs and vegetables retaining soil as part of the growing media, being moved from Great Britain to Northern Ireland. The ‘easements’ provided by the temporary arrangement, which are subject to certain conditions, exempt the need for such used agricultural and forestry machinery from being accompanied by a phytosanitary certificate, contrary to point 2 of Annex VII to Regulation (EU) 2019/2072, and for such

(21) Available at: <https://planthealthportal.defra.gov.uk/latest-news/operational-guidance-on-the-movement-of-used-agricultural-machinery-and-forestry-machinery-and-growing-media/>

plants, bulbs and vegetables to be free from soil, contrary to point 12 of the same Annex. There is no end-date included in the temporary arrangement.

26. DAERA has established and implemented a monitoring plan for wood packaging material, including such material moving from Great Britain, which is in line with Article 2 of Commission Delegated Regulation (EU) 2019/2125.

5.1.6 Use of the Trade Control and Expert System (TRACES-NT) and other databases or information systems

27. DAERA and the FSA(NI) informed the Commission team that all animals and SPS goods moving into Northern Ireland falling within the scope of the Commission control must be notified in TRACES-NT (see section 5.2.3 below).
28. DAERA and FSA(NI) have both obtained electronic seals to permit the electronic signing of CHEDs. All relevant DAERA staff have been granted electronic signatures. The FSA(NI) was in the process of ensuring that electronic signatures are granted to District Councils at the time of the control.
29. DAERA developed the CHED Inspection Platform (CHIP) to manage controls on animals and SPS goods that have been notified in TRACES-NT and allocate checks to administration officers, plant health inspectors and official veterinarians. CHIP carries over data from TRACES-NT every two minutes.
30. The outcome of the official controls is recorded in CHIP, and subsequently by official veterinarians in Part II of the CHED-As and CHED-Ps, if time permits. Plant health officers complete part II of the CHED-D, prior to completing CHIP. DAERA confirmed that between 1 March and 1 July 2021 approximately 15% of CHED-As and CHED-Ps, and 35% of CHED-D were not completed, due to the shortage of staff (see section 5.1.3.) and the high volume of CHEDs.
31. The District Councils manage their inspections through TRACES-NT and have access to the Port Health Interactive Live Information System – PHILIS⁽²²⁾, which is used by Belfast City Council to manage portal administrative functions and plastic kitchenware declarations.
32. In addition to the above systems, DAERA and the District Councils use manifests from the three main shipping companies transporting SPS goods between Great Britain and Northern Ireland to identify SPS consignments. DAERA noted that functionality was being added to CHIP to permit the automatic uploading of data from those manifests. The Commission team noted, however, that the data provided within the manifests is not precise enough to enable the identification of all consignments requiring SPS checks, and does not mitigate the lack of a Customs' control system, noted in section 5.1.2 above.

⁽²²⁾ Available at: https://www.philis.co.uk/philisonline_live/

33. HMRC informed the Commission team that a new functionality within the Customs' system had been developed, that would facilitate identification of consignments of animals and goods subject to official controls and only release those consignments into the SPS NI area if the results of the controls at BCPs are satisfactory. However, in light of concerns expressed by Defra, DAERA and FSA about their lack of resources to deal with the potentially high number of consignments that would be identified for official controls, potential adverse interactions with Defra's Auto Licensing Verification System ⁽²³⁾, and the possible resultant disruption to food supplies, Defra, DAERA, FSA and HMRC agreed that the new functionality would be phased in. The first phase, for animals, was due to be introduced in June 2021. The rollout to SPS goods is subject to agreement between the authorities at a future time (see also findings 33, 41 and 84).
34. The FSA(NI) informed the Commission team that, following withdrawal of its access to iRASFF from 1 January 2021, it uses an Alert & Co-operation Network Notification Form to raise a RASFF alert or notification. To date, the BCPs in Northern Ireland have not raised any RASFF border rejection notifications. The FSA(NI) coordinates the follow-up of alerts and notifications involving Northern Ireland.

Conclusions on the organisation of official controls on animals and goods entering Northern Ireland

35. There is a framework for official controls on animals and SPS goods moving into the EU SPS area via BCPs in Northern Ireland which, with some exceptions, is supported by guidelines, documented procedures, information technology systems, appropriate staff training and communication and cooperation within and between the competent authorities.
36. Notwithstanding the above elements in the framework, the substantial lack of human resources, combined with no obvious intention to address this, critically undermines the capability and capacity of the official control system for animals and SPS goods entering the EU SPS area via BCPs in Northern Ireland. Furthermore, the lack of customs controls militates against the effective operation of the official control system and its ability to ensure that only compliant animals and SPS goods enter the EU SPS area.

5.2 IMPLEMENTATION OF OFFICIAL CONTROLS ON ANIMALS AND GOODS ENTERING NORTHERN IRELAND

The evaluation of the implementation of official controls on consignments of animals and SPS goods entering the EU SPS area was based on valid CHEDs, recorded in TRACES-NT that were selected by the Commission team and the competent authorities, and information obtained during the Commission control. In total, the Commission team evaluated 126 CHED-As and CHED-Ps.

5.2.1 Prior notification of arrival of consignments and systems to ensure they are presented

⁽²³⁾ Available at: <https://www.gov.uk/guidance/automatic-licence-verification-between-defra-rpa-and-hmrc>

for official controls

37. The importer or its representative must use TRACES-NT for the prior notification of the arrival of animals and SPS goods subject to mandatory official controls, by completing part 1 of the CHED, in line with Article 56(3) of the OCR.
38. The Commission team found that, based on the selected CHEDs, where operators did give prior notification of arrival of animals and SPS goods, this was generally done at least four hours before the expected arrival of the consignment, in line with the minimum periods set out in Article 1 of Commission Implementing Regulation (EU) 2019/1013. The competent authorities stated, however, that they do not apply administrative or legal sanctions on operators for failure to give prior notification or for late notification of arrival of consignments.
39. DAERA and District Councils each check individual manifests, provided by the operators for each ferry arriving from Great Britain, to identify consignments of animals and SPS goods which should be subject to official controls. Any such consignments are then cross-checked with TRACES-NT to confirm whether the consignment had been notified or not. The Commission team noted that the information contained within the manifests is very limited, which significantly compromises the competent authorities' ability to identify relevant consignments requiring controls and to ensure that consignments are declared by the operators and their arrival is notified in a timely manner.
40. The competent authorities informed the Commission team that, due in part to the lack of customs' computer systems and on-the-ground support from Customs, Border Force and the port authorities, and the location of control facilities within the BCPs (see section 5.3 below), not all vehicles, which are selected for official controls, are presented by the operators for those controls. DAERA informed the Commission team that during the period of 18 to 28 June 2021, approximately 9% of requested vehicles, were not presented at the BCP facilities. Belfast City Council provided a figure of 6% for the same period.
41. Taking account also of findings (11) and (33) above, there is no effective system in place to ensure that consignments, which are not declared by operators to consist of animals and SPS goods referred to in Article 47(1) of the OCR, are subject to official controls in line with Article 65(2) of that Regulation.
42. In addition, there is no system in place to ensure that, if a consignment is not presented for official controls or not presented in accordance with *inter alia* Articles 56(1), (3) and (4) of the OCR, the consignment is retained or recalled and placed under official detention without delay. The absence of such arrangements is not in line with Article 66(6) of the OCR.

5.2.2 Mandatory fees or charges

43. DAERA stated that it collects fees or charges for official controls on animals and SPS goods entering Northern Ireland from third countries other than Great Britain. The competent authorities do not collect fees or charges for the official controls performed on animals and SPS goods moving from Great Britain via BCPs in Northern Ireland into Northern Ireland. This is not in line with Articles 79(1) and (2) of the OCR.
44. DAERA stated that, at the time of the Commission control, the Minister for Agriculture, Environment and Rural Affairs in the Northern Ireland Executive planned to refer the issue to the Executive, due to the possible impact to society if such charges were to be introduced. DAERA did not know when this referral would be made.

5.2.3 Documentary, identity and physical checks

45. As detailed in section 5.1.5 above, the planned implementation of the SPS controls by DAERA is detailed in its ‘Compliance Protocol’. That document notes that the system of official controls is based on:
- a. electronic checking (as far as possible) of official certificates and other documentation;
 - b. ‘identity checks’, which are primarily checks of the seals on containers or means of transport prior to boarding the ferry in Great Britain; and
 - c. physical checks managed at local level, based on risk-assessments and the flexibilities provided in legislation.
46. As noted in section 5.1.3 above, the implementation of official controls has been prioritised by DAERA in light of its staff shortages. DAERA provided data on the overall percentage of documentary, identity and physical checks carried out for animals and SPS goods under its ‘Compliance Protocol’ between 1 January and 27 June 2021 as below.

	% Documentary check	% Identity check*	% Physical check
Overall	85	77	30
CHED-A	87	89	89
CHED-P	84	79	11
CHED-PP	100	36	36

47. DAERA performs documentary checks on SPS goods under their responsibility, except in the case of plants, plant products and other objects in a centralised office in Larne and not at the BCPs of arrival. This is not in line with Article 49(1) of the OCR, which requires that the controls take place upon arrival of the consignments at the BCP.

48. Documentary checks for plants, plant products and other objects are carried out by administration staff based at a central location in Belfast, other than the BCP, which is in line with Articles 7(a) and 8(1) of Commission Delegated Regulation (EU) 2019/2123.
49. During their evaluation of the CHEDs and accompanying official certificates and other documents, the Commission team noted errors in many of the official certificates (17 out of 43 valid CHED-As and CHED-Ps selected by the Commission team, and other documents (9 out of 43). The competent authorities stated that, repeated non-compliances on official certification were regularly discussed with Defra, but noted that while there had been an improvement in the quality of such certificates, they were still frequently incorrect.
50. The Commission team also found discrepancies in the relevant parts of the CHEDs evaluated. These included 32 of 43 CHED-As and CHED-Ps selected by the Commission team which were not fully or correctly completed, or the information therein did not correspond to the information provided in the official certificates or other documents accompanying the consignments. Examination of the documentary checks showed that these discrepancies were either not detected or not corrected, and that the outcome of those checks were recorded as satisfactory, and the CHEDs had subsequently been validated and the corresponding consignment accepted for entry into the EU SPS area.
51. The documentary checks are therefore not performed in line with the detailed rules set out in Article 2 of Regulation (EU) 2019/2130.

The implementation of checks of animals and SPS goods is detailed in the following sections.

5.2.3.1 Checks on animals

52. An evaluation by the Commission team of selected valid CHEDs for consignments of animals confirmed that the official veterinarian had validated the CHEDs following a documentary, identity and physical check carried out at the BCPs where the consignments arrived.
53. The competent authority stated that consignments of horses were not routinely unloaded for identity and physical checks at the BCP of arrival, even in cases where such unloading was necessary to have access to the whole consignment for the purpose of those checks. This is not in line with Articles 3(5) and 4(2) of Regulation (EU) 2019/2130.
54. DAERA informed the Commission team that it implemented a procedure from 1 January 2021 which provided for identity checks on consignments of day-old chicks to be based on a check of the commercial seal on the means of transport, and for physical checks to be carried out at the point of destination within 24 hours of arrival of the consignment. This is not in line with Article 49(1) of the OCR and Articles 3 and 4 of Regulation (EU) 2019/2130.

55. DAERA issued a further instruction to staff regarding consignments of day-old chicks, except in the case of grandparent day-old chicks, directing that from 1 April 2021, the checks were to be limited to a very brief opening of the vehicle doors and cursory visual inspection of those birds at the back of the consignment only. This is also not in line with Articles 3 and 4 of Regulation (EU) 2019/2130.
56. The Commission team noted that, based on their evaluation of relevant CHEDs and from data in TRACES-NT, consignments of ungulates were not sampled in line with the sampling requirements referred to in part III of Annex I of Regulation (EU) 2019/2130. DAERA informed the Commission team that it had not yet set a date for the commencement of such sampling.

5.2.3.2 Implementation of the schemes for banned meat and supermarket goods

57. As detailed in section 4 above, the United Kingdom made unilateral declarations relating to banned meat and supermarket goods moving from Great Britain into Northern Ireland via BCPs in Northern Ireland, subject to specific conditions. The unilateral declarations provide for official certification and labelling of those goods and a channelling procedure to the destination supermarket in Northern Ireland.
58. The Commission team visited two retail distribution centres and noted that the supermarket goods were packaged for end consumers, but those packages, contrary to the undertaking given in the unilateral declaration, did not bear a label reading “*These products from the United Kingdom may not be marketed outside Northern Ireland*”. The Commission team also noted in one distribution centre visited that part of the crates on which the food was stacked did not bear such label.
59. Again, contrary to the conditions in the unilateral declarations, the supermarket goods were not accompanied by a ‘simplified official certificate’, but were instead accompanied by a so called ‘STAMNI compliance declaration’, based on a model provided by Defra, which was completed by authorised traders. For all CHEDs evaluated the Commission team found that the CHEDs and accompanying declarations were not fully or correctly completed and did not provide sufficient information to ensure traceability of the goods concerned.
60. The Commission team also noted that there is no operational system in place to guarantee that only compliant goods are permitted to enter the EU SPS area through the designated BCPs in Northern Ireland, and the competent authorities in Northern Ireland have not ensured that documentary checks on all supermarket goods are carried out. As detailed in section 5.1.3 above, the checks of supermarket goods, including documentary checks, are classified by DAERA as the lowest priority task. There is no system in place for risk-based identity checks, on a selection of items in the means of transport. As noted in section 5.2.3, identity checks instead are performed at the port of departure based on a check of seals on containers or means of transport, despite absence of an official certificate.

61. Operators met by the Commission team stated that supermarket goods passed the BCPs in Northern Ireland to their first destination without awaiting results of the official controls or verification that DAERA had validated the CHEDs. The Commission team noted that, for one road vehicle, three out of the seven consignments transported in that vehicle, went to their destination in another Member State without completion of the official controls and validation of the CHEDs at the BCP of arrival.
62. The Commission team found no evidence that the competent authorities had monitored the movement of supermarket goods to the destination supermarket in Northern Ireland, as required by the unilateral declarations. The Commission found that DAERA has no effective procedure in place to monitor to ensure that the supermarket goods arrive at destination from the BCP where such goods entered the SPS area other than an obligation for the operator to provide an email on arrival (see finding 64). The team found for example that the means of transport were not officially sealed by the competent authorities to ensure their intact arrival at destination, and that the competent authority at destination did not carry out any controls at the establishment of destination. The team noted that in the distribution centres visited, no official controls in this respect had been carried out since 1 January 2021.
63. The Commission team found that contrary to the undertaking given in the unilateral declaration, no channelling procedure was applied for the consignments of banned meat it examined. The Commission received information from DAERA that channelling for such consignments commenced shortly after the Commission control.
64. Whilst the operators do not inform the competent authorities responsible for official controls at the establishment about the arrival of the consignments, DAERA does require operators to email confirmation of arrival of the consignments within three days of receipt. The lack of official control and adherence to the requirements laid down in the unilateral declaration, means that the competent authorities cannot ensure that supermarket goods leaving the BCPs have actually arrived at the destination supermarket.
65. The Commission team further noted that several of the CHEDs selected at random and which had been validated in TRACES-NT did not contain accurate data on net and gross weight, the number of packages and units, the type of accompanying document or the intended use of the goods. The team also found several instances where consignments declared on a CHED-P contained goods other than SPS goods, and in one case banned meat, which should have been accompanied by an official certificate. In a few cases, the operator in question could not identify to whom the SPS goods were finally delivered.
66. Overall, in relation to goods covered by the 'STAMNI compliance declaration', the United Kingdom has not ensured compliance with any of the specific conditions in its unilateral declarations, and given the absence of an effective channelling procedure, and the prioritisation of tasks by DAERA, necessitated by the United Kingdom government's failure to ensure that sufficient resources are available for the conduct of official

controls, the competent authorities in Northern Ireland are not in a position to ensure or guarantee that such goods are only supplied to the listed supermarkets in Northern Ireland, and are not marketed outside Northern Ireland.

67. Representatives of the two retail distribution centres visited confirmed that, in anticipation of the ending of the banned meat scheme on 1 July 2021, such products would no longer be sourced from Great Britain.

5.2.3.3 Checks on goods of animal origin

68. With a few exceptions, consignments of goods of animal origin entering the EU SPS area via BCPs in Northern Ireland which were evaluated by the Commission team on the basis of the selected CHED-Ps and during on-the-spot visits were subject to documentary checks.
69. DAERA informed the Commission team that, since 1 January 2021, identity checks on consignments of categories of goods are carried out by way of a seal check at the ports of embarkation in Great Britain, instead of upon arrival of the consignments at the border control posts. This is not in line with Article 49(1) of the OCR.
70. Furthermore, according to data collated by the Commission from TRACES-NT and in line with data provided by DAERA (see finding 46), identity checks are not carried out on all consignments of goods of animal origin, which is not in line with the baseline frequency rate for identity checks set out in Article 5 and Annex I to Commission Implementing Regulation (EU) 2019/2129. The Commission team found that, of the valid CHEDs evaluated by the team, a small number of such consignments were not subjected to an identity check.
71. The Commission team noted, based on its evaluation of the selected CHEDs, that no physical checks had been performed on consignments of goods of animal origin, even when a random selection of a consignment for a physical check was automatically generated in TRACES-NT. According to the data displayed in TRACES-NT for the categories of SPS goods, the frequency rate of physical checks was significantly below the baseline frequency rate set out in Article 5 and Annex I to Regulation (EU) 2019/2129.
72. The Commission team noted that in 2021 up to and including the time of the Commission control, only one consignment of goods of animal origin had been subjected to a laboratory test by DAERA resulting from a coordinated performance of intensified official controls, in accordance with Article 3(4) of Regulation 2019/1873. During the same period, the District Councils subjected four consignments of aquacultured fishery products originating in India to laboratory testing in line with Article 3 of Commission Decision 2010/381/EU.

5.2.3.4 Implementation of special import conditions

73. Documentary checks for consignments of food of non-animal origin are carried out at the BCP of arrival, in line with Article 49(1) of the OCR.
74. Between 1 January and 31 May 2021, only Belfast City Council had received relevant goods at the BCP Belfast port and 14 physical and identity checks were carried out for the 70 CHED-Ds received by that date.
75. The Commission team noted that the minimum frequencies for official checks listed in Annexes I and II to Commission Implementing Regulation (EU) 2019/1793 had been met.

5.2.3.5 Checks on plants, plant products and other objects

76. Based on an evaluation of selected CHED-PP-s and during on-the-spot visits, the Commission team noted that the documentary checks on the phytosanitary certificates, including the additional declarations, had been performed appropriately and in line with Article 2 of Regulation (EU) 2019/2130.
77. Consignments of plants or plant products listed in Annex XII to Regulation (EU) 2019/2072 (i.e. subject to a minimum of 1% physical checks) or a reduced frequency of physical checks in line with Regulation (EU) 1756/2004, are selected for identity and physical checks at the time of the documentary check based on information in TRACES-NT and allocated to the relevant plant health inspector. The monitoring of wood packaging material associated with goods from Belarus, China and India, specified by Commission Implementing Regulation (EU) 2021/127, is managed in the same way. The Commission team noted, based on records of checks in TRACES-NT and CHIP that the minimum of 15% of consignments declared to contain such material had been inspected in line with Article 4(2) of Regulation (EU) 2021/127.
78. DAERA stated that all solid wood packaging material is routinely checked as part of the physical checks on plants and plant products, including those from Great Britain, to confirm compliance with the International Standard for Phytosanitary Measures No 15. Additional monitoring of port quaysides for dunnage is also carried out, as well as of steel consignments and inland surveillance of importers of high-risk commodities for the presence of non-compliant wood packaging material, not listed in the Annex to the above Regulation.
79. The Commission team observed checks being performed on plants for planting produced in Great Britain and destined to Ireland, and on various vegetables listed in Annex XII to Regulation (EU) 2019/2072 moving from Great Britain. The team noted that the plant health inspectors had full access to the load, and that the physical checks were carried out in line with Articles 3 and 4 of Regulation (EU) 2019/2130.

5.2.3.6 Passenger luggage, parcels and movement of non-commercial pet animals.

80. DAERA stated that at the time of the control, no checks were being carried out on-goods, which form part of personal luggage or small consignments of goods sent by post or courier from Great Britain, or on the movement of non-commercial pet animals. In contrast, such checks are being carried out for such goods and animals arriving from third countries other than Great Britain.
81. The competent authorities stated that they display information on the goods which form part of passenger luggage, including in the form of the posters included in Annex II to Regulation (EU) 2019/2122, in line with Article 8 of that Regulation.
82. The Commission team confirmed that the competent authorities have not organised specific official controls at points of entry into the EU SPS area for goods which form part of passengers' personal luggage, moving from Great Britain, as required by Article 9 of Regulation (EU) 2019/2122.
83. DAERA stated that it was developing a process for the implementation of compliance checks on the non-commercial movement of pet animals from 1 October 2021. At present the competent authorities do not perform any documentary or identity checks on non-commercial pet animals moving into Northern Ireland from Great Britain, although this is required by Article 11(a)(ii) of Regulation (EU) 2019/2122.

5.2.4 Decisions on consignments and follow-up

84. As noted in sections 5.1.6 and 5.2.1 above, there is no functioning Customs' or other system to ensure that consignments which should be subject to official controls on entry into the EU SPS area are only released following finalisation of a CHED in TRACES-NT. This is not in line with Article 57(2)(b) of the OCR.
85. Data provided by the Commission services to DAERA on an ongoing basis shows that the number of consignments of goods of animal origin originating in Great Britain, entering through BCPs in Northern Ireland, and with a final destination in Northern Ireland, without a finalised CHED during the period 1 February to 23 May 2021, represented 21% of the declared consignments over that period. For such consignments with a final destination in EU Member States, the proportion was even higher, namely at 28%.
86. The data also showed that in respect of declared consignments of animals over the same period, the number of consignments originating in Great Britain, entering through these BCPs and with a final destination in Northern Ireland, without a finalised CHED was 32%. For such consignments with a final destination in EU Member States, the proportion was lower, namely at 23%.
87. The Commission team found that for consignments of goods of animal origin which were rejected, limited evidence, such as that which would be evident from the completion of part III of the CHED, was provided concerning the supervision, as

required by Article 68(2) of the OCR, of the application of orders made to the operators responsible for said consignments as per Articles 66(3) and (6) of the OCR. In addition, the Commission team observed cases where rejected consignments left the BCP without a finalised CHED contrary to the requirements of Article 56(5) of the OCR.

Conclusions on the implementation of official controls on animals and goods entering Northern Ireland

88. DAERA's 'Compliance Protocol' lays down a hierarchy of official controls on animals and SPS goods moving into the EU SPS area via BCPs in Northern Ireland and has been drawn up in an effort to mitigate the failures of the United Kingdom Government to ensure that the necessary resources are available to implement the necessary controls. Notwithstanding the fact that the 'Compliance Protocol' in itself is not in compliance with the Union legislation applicable to the United Kingdom in respect of Northern Ireland, even the highest priority checks foreseen by DAERA are not systematically implemented, thereby undermining confidence in the competent authorities' ability to verify the compliance of animals and SPS goods entering the EU SPS area.
89. With regard to the situation on the ground and observed by the Commission team, there are significant shortcomings and non-compliances with Union legislation in relation to entry of SPS goods and animals into the EU SPS area. These concern, *inter alia*, consignments which are not declared or not notified by operators prior to arrival, the failure of the Northern Ireland Executive to apply fees for performing official controls on animals and SPS goods originating in Great Britain, policy decisions to avoid implementing checks on non-commercial movements of pet animals and SPS goods arriving in personal luggage and post and, crucially, the absence of a functioning Customs' system to ensure that all eligible consignments of animals and SPS goods are presented for controls at the BCPs or points of entry.
90. As regards the temporary arrangements for the entry of banned meat and supermarket goods, none of the specific undertakings given by the United Kingdom in its unilateral declarations have been complied with, particularly concerning documentary and labelling requirements. Combined with the absence of an effective channelling procedure, the Commission does not have confidence that the United Kingdom authorities can guarantee that such goods are only supplied to the listed supermarkets in Northern Ireland and are not marketed outside Northern Ireland.
91. Overall, it is concluded that the structural weaknesses in the operational system undermine guarantees that only compliant goods are permitted to enter the EU SPS area through the designated BCPs in Northern Ireland.

5.3 MINIMUM REQUIREMENTS FOR BORDER CONTROL POSTS

92. In 2020, DAERA's Brexit Operational Readiness Group provided the Commission with details of its planning and the delivery of facilities in which official controls on animals

and SPS goods moving into Northern Ireland after 31 December 2020 were to be performed. DAERA's objective was to have facilities in place which were fully compliant with the requirements of the OCR and Regulation (EU) 2019/1014. It became apparent in October 2020 that the permanent facilities would not be in place by 31 December 2020 and DAERA adapted its plans, focussing instead on ensuring that temporary facilities for performing controls on animals and SPS goods entering via BCPs in Northern Ireland would be in place for 1 January 2021, and that the permanent facilities, would be in place by 31 March 2021.

93. Whilst the temporary facilities were in place by 31 December 2020, work on the construction of the permanent border control facilities was halted by order of the Minister of Agriculture, Environment and Rural Affairs in Northern Ireland in February 2021. This was still in place at the time of the control and as a consequence, the development of the permanent facilities has not progressed.
94. Following the completion of the temporary facilities, the competent authorities designated the BCPs in Northern Ireland as detailed in the following table, and published ⁽²⁴⁾ by DAERA.

BCPs	TRACES code	Type of transport	Inspection centres	Categories of animals and goods and specifications
Belfast International Airport	BCP/XIBEL4	A		POA-NHC-NT (2 – packed products only) POA-NHC-T (CH) (2– packed products only)
Belfast port	BCP/XIBEL 1- DAERA	P	<i>Duncrue Street</i>	LA-E; LA-O; LA-U (unregistered equidae only)
			<i>Dufferin Shed</i>	P, PP, PP(WP), OO
			<i>Corry Place</i>	POA-HC POA-NHC PNAO-NHC (feed)
	BCP/XIBEL 1- BCC		<i>Corry Place</i>	POA-HC (fish/fishery products) PNAO-HC (food) PNAO-NHC (other) (1-plastic kitchenware)
Foyle	BCP/XILDY1	P		P, PP, PP(WP), OO POA-NHC-NT
Larne Harbour	BCP/XILAR1	P	<i>Redlands Road</i>	LA-E; LA-O; LA-U
	BCP/XILAR1		<i>Shed 66</i>	POA-HC POA-NHC PNAO-NHC (feed) P, PP, PP(WP), OO
	BCP/XILAR 1- MEA		<i>Shed 66</i>	POA-HC (fish/fishery products) PNAO-HC (food) PNAO-NHC (other) (1 – plastic kitchenware)
Warrenpoint port	BCP/XIWPT	P		POA-HC

⁽²⁴⁾ Available at: <https://www.daera-ni.gov.uk/articles/points-entry-poe>

	1- DAERA			POA-NHC PNAO-HC (food) PNAO-NHC (feed) P, PP, PP(WP), OO
	BCP/XIWPT 1- NMD			POA-HC (fish/fishery products); PNAO-HC (food) PNAO-NHC (other) (1 – plastic kitchenware)

95. The Commission team visited the three principal port BCPs and noted the following:

With regard to BCP Larne port, with two inspection centres:

- In the inspection centre *Shed 66* there are significant limitations for the complete or partial unloading of certain means of transport for performing identity or physical checks, in particular double-decker vehicles and vehicles transporting hanging carcasses. Taking into account the high throughput of goods of animal and non-animal origin, and plants and plant products, the storage capacity is too limited to detain and partially unload consignments and to implement arrangements for time separation between different categories of goods to avoid cross-contamination. There are also no facilities or equipment for unloading and storing hanging carcasses;
- The inspection centre *Redland Road* is compliant with the relevant requirements of the OCR and Regulation (EU) 2019/1014 for the official checks on the categories of animals for which it has been designated. However, the housing facilities for *equidae* are limited to three rooms. As up to 24 horses may be transported in the same means of transport, there is insufficient room to unload and detain the animals in such a case.

With regard to BCP Belfast port, which has three inspection centres:

- The inspection centre *Dufferin Shed* is compliant with the relevant requirements of the OCR and Regulation (EU) 2019/1014 for the official checks on the goods of plant origin and plant products for which it has been designated;
- The inspection centre *Corry place* has facilities for performing official checks on the SPS goods for which it has been designated but, considering the high volume of goods of animal and non-animal origin passing through the BCP Belfast port, those facilities are insufficient to permit the implementation of appropriate official controls and storage, for partially unloading or detaining consignments, or to permit adequate time separation between consignments to prevent cross contamination. The Commission team noted that the facilities and equipment are not suitable for controls on hanging carcasses. Furthermore, access to the inspection centre is limited and difficult for commercial vehicles, which either deters or prevents some consignments being presented for official checks when requested;

- The inspection centre *Dunclruie Street* comprises a number of temporary facilities for controls on registered and unregistered *equidae* and animals other than ungulates. The housing facilities for *equidae* are limited to three rooms while up to 24 horses may be transported in the same means of transport;

The inspection centre is located outside the immediate vicinity of the point of entry and the competent authority cannot ensure that consignments are systematically presented for official controls when requested to do so, as detailed in section 5.2.1 above;

The inspection centre includes a ‘triage area’, where preliminary checks may be carried out to determine whether vehicles contain SPS goods or not, and if so, to move the vehicles to the appropriate inspection centre. The Commission team noted that the ‘triage area’ was being used to carry out identity checks and limited physical checks of goods for which it has not been designated. The ‘triage area’ does not meet the minimum requirements for BCPs, including inspection centres.

With regard to BCP Warrenpoint port:

- Taking into account the small volume of SPS goods and the types of vehicle passing through the BCP at the time of the Commission control, the facilities are appropriate for performing official checks on the goods for which it has been designated. Notwithstanding this, the BCP has similar constraints to those in BCP Larne port for the unloading of different types of vehicles such as vehicles transporting hanging carcasses and double-decker vehicles.

96. Overall, the Commission team noted that, with some exceptions and considering the high-volume of animals and SPS goods passing through the BCPs, neither the temporary facilities nor the appropriate equipment and arrangements in place are sufficient to meet the requirements laid down in Article 64(3)(b), (c), (d), and (h) of the OCR to ensure that appropriate official controls can be performed for each of the categories of animals and SPS goods for which the BCPs have been designated.

Conclusions on minimum requirements for border control posts

97. The fact that the temporary facilities and available equipment in the three principal BCPs in Northern Ireland do not satisfy the minimum requirements for BCPs for the categories of animals and SPS goods for which they have been designated has an adverse impact on the capacity of the competent authorities to implement official controls on animals and SPS goods and ensure the appropriate handling of animals and goods for which those BCPs were designated.
98. The failure of the United Kingdom Government to ensure the timely completion of the planned permanent BCP facilities contradicts the guarantees it gave in its unilateral declaration to ‘fully implement the Protocol’ and severely hampers the efforts of the Northern Ireland competent authorities to implement official controls on animals and SPS goods entering the EU SPS area in line with the legal obligations made applicable by the

6 OVERALL CONCLUSIONS

This Commission control identified several critical factors which collectively and critically undermine the credibility of guarantees given by the United Kingdom Government in respect of its obligations to implement Union law made applicable to and in the United Kingdom in respect of Northern Ireland by the Protocol.

First and foremost, the United Kingdom Government has failed to ensure that sufficient resources – human and structural – have been made available to the responsible competent authorities in Northern Ireland by the devolved administration in Northern Ireland, which, by virtue of the decisions it has taken on halting the recruitment of staff and stopping the development of border control post infrastructure, is impeding the full implementation of the Protocol.

The absence of a fully functioning Customs' control system hampers the identification of SPS consignments which should be subject to official controls and undermines enforcement of operators' obligations to present such consignments for checks. Undertakings given in the United Kingdom's unilateral declarations have also not been delivered and, notwithstanding the efforts of the Northern Ireland competent authorities to mitigate the adverse effects of these failures, the system in place for controlling the entry of animals and goods into the EU SPS area via Northern Ireland border control posts does not, and cannot in the current circumstances, function effectively. In short, the system is not fit for purpose, does not comply with EU rules and cannot provide sufficient assurances that only compliant animals and SPS goods are permitted to enter the EU SPS area through the designated border control posts in Northern Ireland.

7 CLOSING MEETING

A closing meeting was held on 30 June 2021 by videoconference with the representatives of the competent authorities during which the main findings and preliminary conclusions of the control were presented by the Commission team.

In response, the competent authorities acknowledged the significant efforts of all staff involved in developing and delivering the system of official controls in the temporary contingency facilities, and highlighted the ongoing difficulties caused by the critical factors identified by the Commission team, the high number of checks required and the difficult operational and political environment faced by the competent authorities in delivering the required controls and facilities. DAERA highlighted that its stated policy and objective is to deliver official controls in line with the requirements of Union legislation.

8 **RECOMMENDATIONS**

The competent authorities are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), aimed at addressing the recommendations set out below, within 25 working days of receipt of this report.

No.	Recommendation
1.	<p>To ensure that the competent authorities have, or have access to, a sufficient number of suitably qualified staff so that official controls and other official activities on animals and SPS goods entering the EU SPS area via border control posts in Northern Ireland can be performed efficiently and effectively.</p> <p><i>Legal basis: Articles 5(1)(e) and 64(3)(a) of Regulation (EU) 2017/625</i></p> <p><i>Recommendation based on conclusions: 36, 88 and 91</i></p> <p><i>Associated findings: 12, 13, 14, 15, 16 and 17</i></p>
2.	<p>To ensure that the designated border control posts comply with the minimum requirements for border control posts appropriate to the categories of animals and goods for which the border control posts have been designated, and that these are appropriate to the type and volume of animals and goods moving through the border control posts.</p> <p><i>Legal basis: Article 64(3)(b), (c), (d) and (h) of Regulation (EU) 2017/625</i></p> <p><i>Recommendation based on conclusions: 97 and 98</i></p> <p><i>Associated finding: 93, 95 and 96</i></p>
3.	<p>To ensure that there is close cooperation between competent authorities, customs authorities and other authorities in order that official controls on consignments of animals and goods entering the EU SPS area are performed in accordance with the requirements of Regulation (EU) 2017/625, in particular through reciprocal and timely exchange of information, including via electronic means, which is necessary for the organisation and conduct of their respective control activities.</p> <p><i>Legal basis: Article 75(1) of Regulation (EU) 2017/625</i></p> <p><i>Recommendation based on conclusion: 36, 89 and 91</i></p> <p><i>Associated finding: 11, 32, 33, 40, 41 and 84</i></p>
4.	<p>To ensure that consignments of the categories of animals and goods referred to in Article 47(1) of Regulation (EU) 2017/625, moving into the EU SPS area are subjected to official controls at the designated border control posts in Northern Ireland. Such controls shall include documentary checks and, where necessary, identity checks and physical checks at the appropriate frequency rates; and following</p>

	<p>the performance of these controls, a decision shall be taken on each consignment.</p> <p><i>Legal basis: Articles 49, 54 and 55 of Regulation (EU) 2017/625.</i></p> <p><i>Recommendation based on conclusions: 88, 89 and 91</i></p> <p><i>Associated findings: 14, 23, 30, 41, 45, 46, 47, 49, 50, 51, 53, 54, 55, 56, 68, 69, 70, 71, 84, 85, 86 and 87</i></p>
5.	<p>To organise specific official controls at points of entry in Northern Ireland into the EU SPS area for goods moving from Great Britain, which form part of passengers' personal luggage.</p> <p><i>Legal basis: Article 9 of Regulation (EU) 2019/2122</i></p> <p><i>Recommendation based on conclusion: 89</i></p> <p><i>Associated finding: 80 and 82</i></p>
6.	<p>To ensure that documentary and identity checks of non-commercial pet animals moving into the EU-SPS area via points of entry in Northern Ireland from Great Britain are carried out.</p> <p><i>Legal basis: Article 11(a)(ii) of Regulation (EU) 2019/2122</i></p> <p><i>Recommendation based on conclusion: 89</i></p> <p><i>Associated finding: 80 and 83</i></p>
7.	<p>To ensure that fees or charges for the official controls performed on animals and SPS goods moving from Great Britain into the EU SPS area via border control posts in Northern Ireland are collected.</p> <p><i>Legal basis: Articles 79(1) and (2) of Regulation (EU) 2017/625</i></p> <p><i>Recommendation based on conclusion: 89</i></p> <p><i>Associated finding: 43 and 44</i></p>
8.	<p>To ensure that consignments of animals and SPS goods which are not declared by operators to consist of animals and SPS goods referred to in Article 47(1) of Regulation (EU) 2017/625 are subject to official controls; and that consignments not presented for official controls are retained or recalled, and placed under official detention without delay.</p> <p><i>Legal basis: Articles 65(2) and 66(6) of Regulation (EU) 2017/625</i></p> <p><i>Recommendation based on conclusions: 89 and 91</i></p> <p><i>Associated findings: 41 and 42</i></p>

ANNEX 1 – LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 2021/127	OJ L 40, 4.2.2021, p. 3–7	Commission Implementing Regulation (EU) 2021/127 of 3 February 2021 setting the requirements for the introduction into the Union territory of wood packaging material for the transport of certain commodities originating in certain third countries and for plant health checks on such material, and repealing Implementing Decision (EU) 2018/1137
Reg. 2020/466	OJ L 98, 31.3.2020, p. 30–33	Commission Implementing Regulation (EU) 2020/466 of 30 March 2020 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States' control systems due to coronavirus disease (COVID-19)
Reg. 2019/2130	OJ L 321, 12.12.2019, p. 128–138	Commission Implementing Regulation (EU) 2019/2130 of 25 November 2019 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts
Reg. 2019/2129	OJ L 321, 12.12.2019, p. 122–127	Commission Implementing Regulation (EU) 2019/2129 of 25 November 2019 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union
Reg. 2019/2128	OJ L 321, 12.12.2019, p. 114–121	Commission Implementing Regulation (EU) 2019/2128 of 12 November 2019 establishing the model official certificate and rules for issuing official certificates for goods which are delivered to vessels leaving the Union and intended for ship supply or consumption by the crew and passengers, or to NATO or a United States' military base

Reg. 2019/2126	OJ L 321, 12.12.2019, p. 104– 110	Commission Delegated Regulation (EU) 2019/2126 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for specific official controls for certain categories of animals and goods, measures to be taken following the performance of such controls and certain categories of animals and goods exempted from official controls at border control posts
Reg. 2019/2125	OJ L 321, 12.12.2019, p. 99– 103	Commission Delegated Regulation (EU) 2019/2125 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules concerning the performance of specific official controls of wood packaging material, notification of certain consignments and measures to be taken in cases of non-compliance
Reg. 2019/2124	OJ L 321, 12.12.2019, p. 73–98	Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC
Reg. 2019/2123	OJ L 321, 12.12.2019, p. 64–72	Commission Delegated Regulation (EU) 2019/2123 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts

Reg. 2019/2122	OJ L 321, 12.12.2019, p. 45–63	Commission Delegated Regulation (EU) 2019/2122 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market and amending Commission Regulation (EU) No 142/2011
Reg. 2019/2074	OJ L 316, 6.12.2019, p. 6–9	Commission Delegated Regulation (EU) 2019/2074 of 23 September 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country
Reg. 2019/2072	OJ L 319, 10.12.2019	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
Reg. 2019/1873	OJ L 289, 8.11.2019, p. 50–54	Commission Implementing Regulation (EU) 2019/1873 of 7 November 2019 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products

Reg. 2019/1793	OJ L 277, 29.10.2019, p. 89– 129	Commission Implementing Regulation (EU) 2019/1793 of 22 October 2019 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660
Reg. 2019/1715	OJ L 261, 14.10.2019, p. 37–96	Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components
Reg. 2019/1666	OJ L 255, 4.10.2019, p. 1–4	Commission Delegated Regulation (EU) 2019/1666 of 24 June 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union
Reg. 2019/1602	OJ L 250, 30.9.2019, p. 6–9	Commission Delegated Regulation (EU) 2019/1602 of 23 April 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination
Reg. 2019/1014	OJ L 165, 21.6.2019, p. 10–22	Commission Implementing Regulation (EU) 2019/1014 of 12 June 2019 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points

Reg. 2019/1013	OJ L 165, 21.6.2019, p. 8–9	Commission Implementing Regulation (EU) 2019/1013 of 16 April 2019 on prior notification of consignments of certain categories of animals and goods entering the Union
Reg. 2019/1012	OJ L 165, 21.6.2019, p. 4–7	Commission Delegated Regulation (EU) 2019/1012 of 12 March 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts
Reg. 2019/66	OJ L 15, 17.1.2019, p. 1–4	Commission Implementing Regulation (EU) 2019/66 of 16 January 2019 on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods
Reg. 2018/2019	OJ L 323, 19.12.2018, p. 10–15	Commission Implementing Regulation (EU) 2018/2019 of 18 December 2018 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation

Reg. 2017/625	OJ L 95, 7.4.2017, p. 1–142	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)Text with EEA relevance.
Reg. 2016/2031	OJ L 317, 23.11.2016, p. 4–104	Regulation (EU) 2016/2031 of the European Parliament 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
Reg. 2016/6	OJ L 3, 6.1.2016, p. 5–15	Commission Implementing Regulation (EU) 2016/6 of 5 January 2016 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) No 322/2014
Reg. 576/2013	OJ L 178, 28.6.2013, p. 1-26	Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003

Reg. 284/2011	OJ L 77, 23.3.2011, p. 25-29	Commission Regulation (EU) No 284/2011 of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Spec
Reg. 1756/2004	OJ L 313, 12.10.2004, p. 6-9	Commission Regulation (EC) No 1756/2004 of 11 October 2004 specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC
Reg. 178/2002	OJ L 31, 1.2.2002, p. 1-24	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
Dec. 2011/884/EU	OJ L 343, 23.12.2011, p. 140-148	2011/884/EU: Commission Implementing Decision of 22 December 2011 on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC