

COMPLIANCE PROTOCOL - Updated September 2021

Sanitary & Phytosanitary Controls and Point of Entry Marketing Standards Checks: GB to NI Movements



Department of
**Agriculture, Environment
and Rural Affairs**

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SECTION ONE: INTRODUCTION



1. BACKGROUND

- 1.1 The European Union (EU) exit transition period ended on 31 December 2020. The Withdrawal Agreement, which includes the Ireland / Northern Ireland Protocol (the Protocol), sets out the legal framework for Northern Ireland's exit from the EU and provides that Northern Ireland will continue to align with EU Regulations on goods and customs.
- 1.2 Under the Protocol, Northern Ireland is required to maintain regulatory alignment with the EU on the application of Sanitary and Phytosanitary (SPS) measures. SPS measures refer to the system in place to manage animal, plant and public health risks and maintain traceability, safety, sustainable sourcing and standards in the food chain. They are comprised of a wide range of controls including regulation, infrastructure and systems of certification, auditing, and inspection. These controls have the primary aim of protecting the internal market of the EU, including the Island of Ireland, from anything that might negatively impact animal, plant or public health.
- 1.3 Furthermore, following the end of the transition period, EU food law, including marketing standards, continues to apply to all food produced and marketed in Northern Ireland. This means that, in addition to SPS measures, some products are also subject to specific EU marketing standards which establish definitions, minimum product standards, production methods, sales descriptions, product categories and labelling requirements. These standards apply at all stages of the marketing chain and are intended to protect consumers and to facilitate the trade of applicable goods on the single market. Products subject to marketing standards regulations include fruit and vegetables, hops, wine, beef and veal, eggs in shell, hatching eggs and chicks, olive oil and poultry-meat.
- 1.4 SPS goods must only enter Northern Ireland through approved Points of Entry (POEs), each of which has been designated by the EU to carry out checks on specific categories of goods.
- 1.5 Since the EU Exit transition period ended on 31 December, the EU has considered Great Britain (GB) to be a Third Country. Consequently, under the terms of the Protocol, Northern Ireland (NI) is required to apply SPS checks on goods entering the EU regulatory zone from GB, in line with those checks prescribed for Third Countries as currently set out in EU law, for example, in the Official Controls Regulation (EU) 2017/625 (OCR).
- 1.6 The supply chains for the daily movement of animals, plants and goods from GB to NI are sophisticated and complex, serving multiple suppliers and customers of every conceivable size and business model. In broad terms, it involves 18 sailings each day from GB to NI entering through 3 POEs, carrying some 450 containers, 175 of which are accompanied and 275 unaccompanied. A large proportion of these contain mixed goods and multiple consignments.
- 1.7 DAERA, in partnership with FSA NI, Belfast City Council, Mid and East Antrim Borough Council and Newry, Mourne and Down District Council, has put in place a significant programme of work that has ensured Northern Ireland's POEs were operationally ready to apply the required SPS and marketing standards measures on Third Country imports entering Northern Ireland, at the end of the transition period.

- 1.8** Given the significant increase in the volume of checks required, it was necessary to develop infrastructure that can facilitate the required physical checks. It was also necessary to recruit and train additional staff and to develop administrative processes, procedures and supporting IT functionality that could facilitate all of the required identity and documentary checks.
- 1.9** The current designations for each NI POE from 1 January 2021 are set out at **Annex 1**. These will be subject to change as the facilities available at these POEs are further developed.

2. AIMS & OBJECTIVES

- 2.1** The overall aim of the compliance protocol is the prevention or reduction of harm to animal, plant and public health, caused by non-compliance with statutory requirements.
- 2.2** The compliance protocol sets out the procedures for dealing with all SPS consignments entering NI from a third country, including those that fall into the retail and prohibitions & restrictions categories. It explains how traders will be expected to move towards full compliance with OCR over a period of time and details how stricter measures for dealing with non-compliant consignments will be phased in over this timeframe.
- 2.3** It is ultimately the responsibility of individuals and businesses to comply with the law and the Department, FSA NI and local authorities expect full compliance. However, where compliance is not forthcoming, enforcement activities and resource will be initially directed at those non-compliances which are considered to have the most potential to affect the integrity of the EU Internal market.
- 2.4** In most cases, providing the appropriate advice, guidance and education to traders should lead to compliance with the legislation, however, where there are breaches of the legislation, enforcement action appropriate to the level of risk to the integrity of the EU internal market will be taken.
- 2.5** The compliance protocol also acknowledges that many traders of SPS regulated goods are not yet ready for the additional processes which the checks described require and, based on risk assessments, provides for a limited period during which the full flexibilities available within OCR would be exercised for a number of low risk goods only.

SECTION TWO: ROLES & RESPONSIBILITIES



3. OVERVIEW

- 3.1** The Department of Agriculture, Environment and Rural Affairs (DAERA) and the Food Standards Agency in Northern Ireland (FSA NI) are the central competent authorities (CCAs) for the regulation of imports that are subject to SPS and Marketing Standards checks in Northern Ireland under the relevant EU legislation and, as such, fulfil a legislative and policy making role. Both CCAs are responsible for designating competent authorities to perform official controls that verify that imports entering Northern Ireland comply with the requirements of EU law.
- 3.2** DAERA is responsible for undertaking official controls on imports into Northern Ireland from non EU countries (Third Countries) to ensure compliance with EU law relating to the areas of animal and plant health, and aspects of public health. It is also responsible for conducting checks to ensure that poultry-meat and eggs comply with EU Marketing Standards.
- 3.3** DAERA, as competent authority for plant health, is responsible for the delivery of official controls on plants and plant products entering Northern Ireland from Third Countries. Checks to ensure that fruit and vegetables comply with EU Marketing Standards are also conducted on a risk based approach.
- 3.4** Under the provisions of the Official Feed and Food Control Regulations (NI) 2009 (as amended) and the Trade in Animals and Related Products Regulations (NI) 2011 (as amended) and the Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order (NI) 2018, local authorities have been designated as the relevant competent authority for official controls at NI POEs for checks relating to high risk food not of animal origin (HRFNAO), fishery products (including checks on Illegal Unreported Unregulated Catch Certificates), organics and plastic kitchenware originating in or consigned from China and Hong Kong. As such, local authorities authorise their own officers to perform these checks.
- 3.5** Since the end of the transition period on 31 December 2020, Northern Ireland has applied SPS and other EU measures such as Marketing Standards and IUU Catch Certificates as per the requirements set out in the Protocol. Application and administration of these combined measures ensures the continued safety of the Northern Ireland food chain whilst maximising opportunities for future trade in live animals, products of animal origin, food not of animal origin that is considered to be high risk, animal by-products, feedstuffs, plants and plant products.
- 3.6** **Sections 4 – 14** set out more details on the legislative basis for the checks required at NI POES and the competent authorities responsible for delivering them.

4. ANIMAL BY-PRODUCTS

- 4.1** DAERA, as CCA, fulfils a policy and legislative role for the movement of animal by-products into Northern Ireland, including third countries.
- 4.2** EU Regulations 2009/1069 and 2011/142 sets down the frequency of documentary, identity and physical inspection controls for animal by-products entering the EU SPS regulatory zone from third countries, including GB.

4.3 The Animal By-Products (Enforcement) Regulations (NI) 2015 (as amended) provides that DAERA is required to appoint suitably trained veterinary surgeons and assistants to carry out the regulatory functions in relation to animal by-products at NI POEs.

4.4 As such, DAERA authorises its own officers to perform checks on animal by-products.

5. FISH (LIVE)

5.1 DAERA is the CCA for live fish entering the EU SPS regulatory zone from third countries, including GB. EU Regulation 2019/2129 sets down the frequency of documentary, identity and physical inspection controls for live fish.

5.2 The Trade in Animals and Related Products Regulations (NI) 2011 (as amended) provides that DAERA are required to appoint authorised officers to carry out the regulatory functions in relation to live fish at NI POEs.

5.3 As such, DAERA authorises its own officers to perform checks on live fish.

6. FISH (PRODUCTS OF ANIMAL ORIGIN)

6.1 FSA NI is the CCA for food safety, including imported food, and has specific policy responsibility for fish and fishery products for human consumption. DAERA is the CCA for Illegal Unreported Unregulated (IUU) Catch Certificates.

6.2 EU Regulation 2019/2129 sets down the frequency of documentary, identity and physical inspection controls for products of animal origin, including fishery products, entering the EU SPS regulatory zone from third countries, including GB.

6.3 The Trade in Animals and Related Products Regulations (NI) 2011 (as amended) provides that district councils are required to appoint authorised officers to carry out the regulatory functions in relation to fish and fishery products at NI POEs. Under the provisions of the Sea Fishing (illegal, Unreported and Unregulated Fishing) Order (NI) 2018, local authorities have also been designated as the relevant competent authority for checks on IUU Catch Certificates.

6.4 As such, local authorities authorise their own officers to perform checks on fishery products, including IUU Catch Certificates.

7. HIGH RISK FOOD NOT OF ANIMAL ORIGIN

7.1 FSA NI is the CCA for food safety, including imported food, and has specific policy responsibility for High Risk Food not of Animal Origin (HRFNAO).

7.2 Under the provisions of the Official Feed and Food Control Regulations (NI) 2009 (as amended), local authorities have been designated as the relevant competent authority for official controls at NI POEs for checks relating HRFNAO, for the purposes of EU Regulation 2019/1793.

7.3 As such, local authorities authorise their own officers to perform checks on HRFNAO.

8. LIVE ANIMALS

- 8.1** DAERA, as CCA, fulfils a policy and legislative role for the movement of live animals into Northern Ireland, including third countries.
- 8.2** EU Regulation 2019/2129 sets down the frequency of documentary, identity and physical inspection controls for live animals entering the EU SPS regulatory zone from third countries, including GB.
- 8.3** The Trade in Animals and Related Products Regulations (NI) 2011 (as amended) provides that DAERA is required to appoint suitably trained veterinary surgeons and assistants to carry out the regulatory functions in relation to live animals at NI POEs.
- 8.4** As such, DAERA authorises its own officers to perform checks on live animals.

9. MARKETING STANDARDS

- 9.1** Following the end of the transition period, EU food law, including marketing standards, continues to apply to all food produced and marketed in Northern Ireland. EU marketing standards (MS) are set out primarily in Regulation (EU) No 1308/2013, commonly referred to as the Common Market Organisation Regulation, and associated delegated and implementing regulations.
- 9.3** Under EU legislation, some products subject to EU marketing standards require specific certification and/or physical checks at the time of import from a Third Country. Those products which require accompanying certification on importation from a Third Country are poultry-meat (using certain optional indications such as 'free range'), hops, and wine. Documentary checks will also be required for Class B eggs, and fruit and vegetables (if deemed at risk). Applicable EU legislation specifies that those products which require physical MS checks at the point of entry at the time of importation from a Third Country are fruit and vegetables (if deemed at risk), poultry-meat, poultry-meat water content, and table eggs.
- 9.4** As described earlier, the EU now considers GB as a Third Country. Consequently, the Protocol provides that Northern Ireland will be required to apply the following Marketing Standards checks at NI POEs (DAERA is the competent authority for these checks):
- 100% documentary checks (poultry-meat with optional indications, Class B eggs, fruit and vegetables deemed at risk, and hops);
 - Initial physical checks for poultry-meat, Class A eggs (30% check as part of SPS sampling in line with OCR frequency / specific marketing standards legislation) and fruit and vegetables deemed at risk; and
 - Additional technical checks for poultry-meat and eggs. This includes the weighing and candling of Class A eggs and the testing of water content of poultry-meat.
- 9.5** It should be noted that GB marketing standards will remain aligned with EU standards and all products on the GB market (whether domestically produced or imported) must comply with those marketing standards.

- 9.6** Since 1 January 2021, these checks have been delivered in a way that enables goods and products to move as seamlessly as possible through NI POEs, avoiding any unnecessary delay, for example:
- In light of a risk assessment, marketing standards checks on fruit and vegetables will initially be undertaken at a reduced rate.
 - Where consignments of poultry-meat and eggs undergo a physical SPS check, those consignments will also undergo a physical, non-technical, MS inspection.
 - Retail goods will be subject to a very low frequency of physical marketing standards checks during the current grace period, in line with the proposal contained within the UK Command Paper of July 2021.
 - Poultry-meat and eggs will be subject to additional technical checks, however, in light of a risk assessment, these will not be undertaken on Day 1 and will be phased in afterwards.

10. ORGANICS

- 10.1** EU Regulations 834/2007, 889/2008, 1235/2008 and the Organic Products Regulations (NI) 2020 control organic production in the EU and NI. These Regulations ensure that consumers can buy organic produce confident in the knowledge that they have been produced to EU standards, no matter where the goods come from. Products imported from a third country can only be placed onto the EU market if it is covered by a certificate of inspection (Col) issued by the competent authorities, control authorities or control bodies of the third country and the third country must conform to equivalent standards as EU produced goods.
- 10.2** In the UK, the competent authority for organic products is Defra, however, DAERA has policy responsibility for NI and supports Defra in this role. In NI, local authorities are responsible for enforcing the Organic Products Regulations (NI) 2020.
- 10.2** Importers of consignments of organic food and feed products must submit the required Certificate of Inspection to Port Health for checking prior to importation. These checks apply to:
- live or unprocessed agricultural products
 - processed agricultural products for use as food
 - feed
 - vegetative propagating material and seeds for cultivation
- 10.3** The rules do not apply to plants and other plant products and other items not for consumption by humans or animals such as fabric or organic products for external application such as oils, creams or cosmetics.

- 10.4** Importers must give advance notice of intended arrival of any organic consignment to District Councils (24 hours for consignments arriving by sea, train or road, and six hours for consignments arriving by air).
- 10.5** Notification and endorsement of all Organic consignments must be made by completing a TRACES NT electronic Col.
- 10.6** The Col is issued by the control authority or the control body. If the Col is digitally signed by the control body/authority then District Councils will validate it on TRACES-NT. If the Col is not digitally signed then the original signed and stamped certificate is submitted to District Councils for validation and an endorsed signed Col must accompany the consignment to the consignee's premises where it must be kept for two years.

11. PLANTS & PLANT PRODUCTS

- 11.1** DAERA, as CCA, fulfils a policy and legislative role for the movement of regulated plants, plant products and other objects, including imports from third countries. As such, DAERA authorises its own officers to perform documentary, identity and physical inspections.
- 11.2** Official controls for plants, plant products and other related objects entering NI from a third country must comply with OCR and EU Regulations 2016/2031 (the Plant Health Regulation) and 2019/2072, with physical inspections being carried out on a risk based frequency under EU Regulation 1756/2004.
- 11.3** The Plant Health Regulation requires regulated plants and plant products entering the EU regulatory zone to be accompanied by a Phytosanitary Certificate (PC). The PC provides confirmation that the consignment is free from regulated pests and diseases. The consignment must also be pre-notified 24 hours in advance of arrival by sea port and have a Common Health Entry Document (CHED PP) completed on the EU online system, TRACES NT. Consignments arriving by air require a minimum of 4 hours pre-notification.
- 11.4** The Plant Health Regulation also requires used agricultural or forestry machinery moving from GB to NI to meet the SPS requirements applicable to third countries i.e. they must be cleaned and free from soil and plant debris and accompanied by an official statement from a competent authority to confirm this.
- 11.5** Prohibitions are in place for a number of important tree and plant species moving into NI from GB and other third countries, including native trees species such as oak and hawthorn. Under these rules, 'prohibited' plants cannot move from GB to NI and 'regulated and notifiable' material can only move from GB to NI with a phytosanitary certificate and must be notified in advance of landing to NI - these are labelled as 'regulated and notifiable'.
- 11.6** Prohibitions are also in place for plants moving from GB to NI where soil is the predominant growing medium. Commodities covered by prohibitions include those commodities listed under Annex VI of Commission Implementing Regulation (EU) 2019/2072 and the Commission Implementing Regulation (EU) 2018/2019 establishing the list of high risk plants. To be compliant, plants for planting supplied with a growing medium composed entirely of peat and or fibre of *Cocos nucifera* L., can be moved into NI from GB provided that the consignment is accompanied by a PC issued by the competent authority in GB (Defra) and are subject to risk based checks.

11.7 Plant and plant products moving into NI from the EU do so under existing EU arrangements which remain unchanged since the end of the EU Exit Transition Period on 31st December 2020.

12. PLASTIC KITCHENWARE

12.1 FSA NI is the CCA for food safety, including imported food, and has specific policy responsibility for plastic kitchenware originating in or consigned from China and Hong Kong.

12.2 Under the provisions of the Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011, local authorities have been designated as the relevant competent authority for official controls at NI POEs for checks relating to plastic kitchenware originating in or consigned from China and Hong Kong.

12.3 As such, local authorities authorise their own officers to perform checks on plastic kitchenware originating in or consigned from China and Hong Kong.

13. PRODUCTS OF ANIMAL ORIGIN

13.1 DAERA, as CCA, fulfils a policy and legislative role for the movement of products of animal origin (POAO) into Northern Ireland, including third countries. DAERA is also the competent authority for official controls on imports of POAO (excluding fishery products) into NI from third countries and, as such, DAERA authorises its own officers to perform checks on POAO.

13.2 EU Regulation 2019/2129 sets down the frequency of documentary, identity and physical inspection controls for POAO entering the EU SPS regulatory zone from third countries, including GB.

14. SEEDS

14.1 DAERA is responsible for the certification and marketing of seeds in Northern Ireland and is the competent authority for the delivery of official controls on the movement of seeds into NI from third countries.

14.2 Official controls for seeds entering NI from a third country must comply with OCR and EU Regulations 2016/2031 (the Plant Health Regulation) and 2019/2072, with physical inspections being carried out on a risk based frequency under EU Regulation 1756/2004.

14.3 The Plant Health Regulation requires regulated plants and plant products entering the EU regulatory zone to be accompanied by a Phytosanitary Certificate (PC). The PC provides confirmation that the consignment is free from regulated pests and diseases. The consignment must also be pre-notified 24 hours in advance of arrival and have a Common Health Entry Document (CHED PP) completed on the EU online system, TRACES NT.

- 14.4** The SPS checks (phytosanitary certificates) for seeds are mandated by Plant Health. Seeds of cereal, fodder (includes grass), beet and oil and fibre plants are also legally required to be labelled with OECD labels and accompanied by an Orange International Seed Lot Certificate. The OECD labels and Orange International Seed Lot Certificate guarantee that seed originating from third countries meet the same standards for certification and marketing as in the EU.
- 14.5** Standard vegetable seed can continue to move into NI from the EU, third countries and GB, under a supplier's label. Standard vegetable seed arriving into Northern Ireland from GB or a third country must also be accompanied by a phytosanitary certificate.
- 14.6** Seeds moving into NI from the EU do so under existing EU arrangements which remain unchanged since the end of the EU Exit Transition Period on 31st December 2020.

SECTION THREE: SPS CHECKS



15. SPS CHECKING PRINCIPLES

15.1 To ascertain that the animals, plants and other eligible goods entering NI comply with OCR, the various competent authorities in Northern Ireland will perform official controls, at the POE of first arrival into NI, on each consignment.

15.2 There are three types of checks that must be performed, dependent on the nature of the consignment:

- **Documentary Check:** This is an examination of official certifications, attestations and other commercial documents that are required to accompany a consignment.
- **Identity Check:** This is a visual inspection of a consignment in order to verify its content and labelling corresponds to the information provided in accompanying documentation.
- **Physical Check:** This entails a check on the goods to verify that they are compliant with the sanitary and phytosanitary import requirements contained within the OCR. This includes, as appropriate, checks on the health of the animals; the consignment's packaging; means of transport and labelling; temperature sampling; laboratory testing or diagnosis may also be required.

15.3 The underpinning principles for delivering these checks at NI POEs are set out in the tables below.

CHECK TYPE	SPS CHECKING PRINCIPLES
Documentary	<ul style="list-style-type: none"> • All consignments of animals, plants and goods subject to official controls must be accompanied by appropriate documentation. The type of documentation will depend on the nature of the commodity and will include Export Health Certificates (EHCs)*, Official Certificates, Phytosanitary Certificates, Common Health Entry Documents (CHEDs), IUU Catch Certificates, Organic Certificate of Inspection (Col) and poultry-meat optional indication certificates. • Retail goods are also required to be accompanied by a Scheme for Temporary Agri-food Movements to Northern Ireland (STAMNI) Compliance Declaration stating that all of the products within a freight unit meet all the import requirements of EU legislation. • Prohibited & Restricted (P&R) chilled meat products are required to be accompanied by official P&R export health certificates. • This documentation will be completed electronically in GB and loaded by the importer onto the EU TRACES NT system, either directly or through the GB Export Health Certification Online (EHCO) system. • Once online, the document will be available electronically to DAERA, where the necessary documentary checks will be carried out online. • Consignments that arrive into NI without the necessary documentation are considered to be non-compliant. <p>* Please note that Export Health Certificates (EHCs) and respective Notes for Guidance used to move certain animals, products of animal origin and germinal products from GB to NI are being updated to reflect EU changes as a result of the EU Animal Health Regulations (AHR). The new EHCs will need to be used from 15 January 2022. Current EHCs signed before 15 January 2022 can still be used until 15 March 2022 for goods travelling to NI. Both the existing and the new AHR EHCs are still available on EHC online and traders can decide which EHCs they wish to use. For the most up-to-date information on the changes in EHCs related to the new EU Animal Health Regulations, please visit DAERA's Animal Health Regulations Information.</p>

CHECK TYPE	SPS CHECKING PRINCIPLES
<p>Identity</p>	<ul style="list-style-type: none"> • The majority of these checks are undertaken using a seal checking process i.e. freight units which contain consignments of goods will be officially sealed in GB. For goods qualifying under the retail goods exemption, a commercial seal, placed on the freight unit by the operator, will suffice. • Seal checks for all commodity types (with the exception of HRFNAO) are carried out by DAERA authorised officers located at the GB ports of Cairnryan, Liverpool and Heysham on direct ferry connections to NI. This check will confirm the seal on the freight unit is intact and corresponds with the information recorded in the official documentation. • Identity checks for high risk food not of animal origin (HRFNAO) are carried out at the same frequency as the physical inspection set out in EU Regulation 2019/1793. Local authority officers will carry out identity checks for HRFNAO at the same time the physical inspection is conducted. • Where the freight unit fails to have a correctly placed seal, or the seal identity does not correspond to that recorded on the documentation, the consignment will be considered non-compliant and consequently subject to further checks. • An identity check for organic products is not normally carried out unless there is any question over the link between the documentation and the consignment.

CHECK TYPE	SPS CHECKING PRINCIPLES
<p>Physical</p>	<ul style="list-style-type: none"> • Physical checks require the opening of the freight unit on arrival at the official Point of Entry and either partial or full unloading. • Most live animal consignments will need to be unloaded for both identity, physical and other checks which require specialist facilities. • For consignments of plants and plant products, DAERA will perform physical checks on a risk based frequency as described in Annex XI of EU Regulations 2019/2072 and 1756/2004. • For all other consignment types, DAERA will perform physical checks on a risk based frequency as described in Annex I of EU Regulation 2019/2129 and local authority officers will perform physical checks on a risk based frequency as described in the Annexes of EU Regulations 2019/1793 & 284/2011, and Commission Implementing Decision (2011/884/EU). • Where consignments of poultry-meat and eggs undergo a physical SPS check, those consignments will also undergo a physical, non-technical, marketing standards inspection. A small number of fruit and vegetable consignments will also undergo a physical marketing standards check alongside a physical SPS check, initially at a reduced rate in light of a risk assessment. • The EU TRACES NT system, in conjunction with DAERA's CHIP system, will determine physical inspection rates and identify consignments that require physical inspections. • Retail goods will be subject to a very low frequency of physical checks during the current grace period, in line with the proposal contained within the UK Command Paper of July 2021. • At the end of the current grace period, based on risk assessments that demonstrate a very low risk to the animal, plant or public health of the EU Internal Market, DAERA and the local authorities intend to subject some retail goods to a reduced rate of physical inspection or to defer some of the identity and physical checks until a later date (under the flexibilities available within EU legislation).

16. FLEXIBILITIES

16.1 Any POE checks for SPS regulated goods must be carried out in compliance with the OCR. However, given the complexity of supply chains, it is imperative that these checks are delivered in a way that enables goods and products to move as seamlessly as possible through NI POEs, avoiding any unnecessary delay.

16.2 This is achieved by making full use of the flexibilities available within the OCR, minimising the checks required whilst still adhering to the legal framework. Technical discussions between the UK Government (UKG) and the EU Commission have clarified that the following flexibilities exist within the current legislative framework:

- The use of electronic certification and online document checking, as set out in EU Regulation 2020/466, which was introduced to assist the movement of goods during the Covid-19 pandemic;
- The use of seal checks (with official seals applied to freight units at point of dispatch by authorised personnel) as an alternative to identity checks, under the conditions described in Article 3 of EU Regulation 2019/2130;
- The flexibility to vary from the baseline frequency of physical checks laid down in Article 5 of Regulation 2019/2129, based on a veterinary risk assessment;
- The flexibility to defer the requirement for undertaking the specified frequency of identity and physical checks as set down in Regulation (EU) 2019/1793.

16.3 Utilising the flexibilities available within the legislation and on the basis of risk assessments, the commodity types listed below will, for a short period of time, either be subjected to a reduced rate of physical inspection or some of the required identity or physical checks will be deferred until a later date.

- **PRODUCTS OF ANIMAL ORIGIN** (DAERA is CCA).
- **HIGH RISK FOOD NOT OF ANIMAL ORIGIN (HRFNAO)** (FSA NI is CCA). This includes all non-animal food and feed products listed in Annexes I and II of Commission Implementing Regulation 2019/1793, for products from specific countries presenting a risk of contamination from Salmonella, Aflatoxins or Pesticides.
- **FISHERY PRODUCTS** (FSA NI is CCA for public health requirements on imports, DAERA is the CCA for IUU Catch Certificates). This includes all products covered by point 3.1 of Annex I to Regulation (EC) No 853/2004, products imported in accordance with Annex I and II of Regulation (EU) 2019/626 and Regulation (EU) 1005/2008.

17. RETAIL GOODS

17.1 In addition to the above flexibilities, the UK Government's statement of 6 September 2021 confirmed that, until further notice, goods from certain food suppliers (known as Authorised Traders), approved by the UK as meeting a range of trust criteria, can enter NI from GB under the following conditions:

- They are packaged for end consumers and bear a label reading *'These products from the United Kingdom may not be marketed outside Northern Ireland'*;
- They are destined solely for sale to end consumers in supermarkets located in Northern Ireland, and they cannot be sold to other operators of the food chain;
- They are accompanied by a simplified official certificate globally stating the products meet all the import requirements of EU legislation;
- They enter Northern Ireland through a designated place as defined in point (38) of Article 3 of Regulation (EU) 2017/625 of the European Parliament and of the Council, where they are submitted to a systematic documentary check and to a risk-based identity check on the selection of terms in the means of transport; and
- They are monitored through a channelling procedure applicable from the designated place as defined in point (38) of Article 3 of Regulation (EU) 2017/625 of the European Parliament and the Council of the destination supermarket in Northern Ireland.

17.2 Further detailed guidance for authorised traders during the grace period can be found [here](#).

17.3 Since 1 January 2021, traders have been expected to demonstrate a continuous improvement in their compliance performance, and are required to move towards full compliance by the end of the grace period.

17.4 Where non-compliance is detected, traders will be subject to compliance action as set out in **Section 19**.

17.5 Once the current grace period ends, in order to minimise the burden of complying with these requirements and assist with the flow of goods and products, some retail goods will, for a short period of time, either be subjected to a reduced rate of physical inspection or some of the required identity or physical checks will be deferred until a later date (based on risk assessments that demonstrate a very low risk to the animal, plant or public health of the EU Internal Market).

18. PROHIBITIONS & RESTRICTIONS – CHILLED MEAT PRODUCTS

- 18.1** The UK Command Paper of December 2020, and the ‘Unilateral Declaration by the United Kingdom in the Joint Committee’, had stated that, for a period of six months, some chilled meats, which are usually prevented or restricted from entering the EU from Third Countries, could continue to enter NI from GB under certain conditions.
- 18.2** On 30 June, the EU released a unilateral declaration which extended the existing grace period for a period of three months, until 30 September 2021.
- 18.3** On 6 September 2021, the UK Government announced a standstill of the current arrangements. This means that “Prohibited and Restricted” chilled meats and meat products will continue to be allowed to enter NI until further notice, provided that:
- The meat products enter Northern Ireland through a designated place as defined in point (38) of Article 3 of Regulation (EU) 2017/625 of the European Parliament and of the Council and they are subject to channelling procedure, applicable from the designated place to the destination supermarket in Northern Ireland, under the control of the NI competent authorities;
 - They are sold exclusively to end consumers in supermarkets located in Northern Ireland, and they are not to be sold to other operators of the food chain;
 - They are accompanied by official certificates issued by the UK competent authorities (based on similar models already existing for fresh meat, minced meat and meat preparations); and
 - They are packed for end consumers, and will bear a label making clear that the products are for sale only in the United Kingdom. Please note: the UK will endeavour to introduce product-level labelling as soon as is practicable.
- 18.4** Further detailed guidance for individuals and businesses moving Prohibited & Restricted Chilled Meat Products from GB to NI can be found [here](#). Guidance is also available for Authorised Traders Importing Prohibited & Restricted Chilled Meat Products to NI from GB [here](#).
- 18.5** The EU’s unilateral declaration makes it clear that that this extended grace period is to allow stakeholders, in particular supermarkets in Northern Ireland, to complete the adjustment of their logistics and supply lines. At the end of this period these products will no longer be able to enter NI from GB.
- 18.6** Where non-compliance is detected within this extended grace period, traders will be subject to compliance action in as set out in **Section 20**.

SECTION FOUR: COMPLIANCE PROCEDURES



19. RETAIL GOODS

- 19.1** Traders will be expected to demonstrate a continuous improvement in their compliance performance and will be required to move towards full compliance with EU law by the end of the current grace period.
- 19.2** Where the first instance of non-compliance is detected in any aspect of the physical, documentary, or identity inspection process, traders will be subject to appropriate compliance action in line with milestones on the pathway to full compliance set out in **Table A**.
- 19.3** Incidents of non-compliance will be recorded by DAERA and the local authorities and, where repeat incidents of failure to meet the milestones on the pathway to full compliance are identified, traders will be subjected to a higher frequency of physical inspection.

TABLE A: RETAIL GOODS

COMPLIANCE PROCEDURES				
DATE (2021)	DOCUMENTARY CHECK	IDENTITY CHECK	PHYSICAL CHECK	CHANNELLING CHECK
31 January	<ul style="list-style-type: none"> • Documents not completed properly or pre-notified on TRACES: Goods ineligible for entry into NI and returned to exporter. 	<ul style="list-style-type: none"> • No commercial seal/failed seal check: Goods will be targeted for checks in NI – possible delays. 	<ul style="list-style-type: none"> • Failed physical inspection or no labels at physical checks: Goods may be destroyed, re-dispatched or subject to special treatment. 	<ul style="list-style-type: none"> • Channelling procedure not properly completed: Investigation instigated to determine location of goods. Non-compliant traders subject to increased checks at POE, possible delays.
TBC	Full compliance: Non-compliant consignments will be rejected and will not be permitted to enter NI.			

20. P&R CHILLED MEAT PRODUCTS

- 20.1** Traders will be expected to demonstrate a continuous improvement in their compliance performance during the current grace period. This will allow the GB-NI movement of P&R chilled meats and meat products, provided they meet specific import conditions, as set out in **Section 18** of this document.
- 20.2** Where non-compliance is detected within this period, traders will be subject to compliance action in line with milestones on the pathway to full compliance set out in **Table B**.

TABLE B: P&R GOODS

COMPLIANCE PROCEDURES				
DATE (2021)	DOCUMENTARY CHECK	IDENTITY CHECK	PHYSICAL CHECK	CHANNELLING CHECK
31 January	<ul style="list-style-type: none"> • Documents not completed properly or pre-notified on TRACES: Goods ineligible for entry into NI and returned to exporter. 	<ul style="list-style-type: none"> • No commercial seal/failed seal check: Goods will be targeted for checks in NI – possible delays. 	<ul style="list-style-type: none"> • Failed physical inspection or no labels at physical checks: Goods may be destroyed, re-dispatched or subject to special treatment. 	<ul style="list-style-type: none"> • Channelling procedure not properly completed: Investigation instigated to determine location of goods. Non-compliant traders subject to increased checks at POE, possible delays.
22 February	<ul style="list-style-type: none"> • Documents not completed properly or pre-notified on TRACES: Goods ineligible for entry into NI and returned to exporter. • Consignments not accompanied with appropriate P&R Export Health Certificates: Goods ineligible for entry into NI and returned to exporter. 	<ul style="list-style-type: none"> • No commercial seal/failed seal check: Goods will be targeted for checks in NI – possible delays. 	<ul style="list-style-type: none"> • Failed physical inspection or no labels at physical checks: Goods may be destroyed, re-dispatched or subject to special treatment 	<ul style="list-style-type: none"> • Channelling procedure not properly completed: Investigation instigated to determine location of goods. Non-compliant traders subject to increased checks at POE, leading to possible delays.
TBC	NO IMPORTS PERMITTED			

21. COMPLIANCE PROCEDURES FOR ALL OTHER COMMODITIES (NON RETAIL / P&R GOODS)

21.1 For other non-retail goods, the requirements of OCR will be fully enforced from 31 January 2021.

21.2 OCR provides the following options for dealing with non-compliant consignments:

- Destroy the consignment;
- Re-despatch the consignment outside the EU regulatory zone; or
- Subject the consignment to a special treatment so as to ensure compliance (e.g. application of insecticide treatment).

21.3 A summary of the procedures for dealing with non-compliant consignments of non-retail / P&R commodities is set out in **Table C**.

TABLE C: ALL OTHER COMMODITIES (NON RETAIL / P&R GOODS)

COMPLIANCE PROCEDURES			
DATE (2021)	DOCUMENTARY CHECK	IDENTITY CHECK	PHYSICAL CHECK
31 January 2021	<ul style="list-style-type: none"> • Full compliance: Non-compliant consignments will be rejected and will not be permitted to travel to NI. 	<ul style="list-style-type: none"> • Full compliance: Non-compliant consignments will be rejected and will not be permitted to travel to NI, or if in NI will be destroyed, re-dispatched or subject to special treatment. 	<ul style="list-style-type: none"> • Full compliance: Non-compliant consignments will be rejected and will be destroyed, re-dispatched or subject to special treatment. • Plant and plant products: Where part of a consignment is determined to be non-compliant, it will be destroyed or re-dispatched, enabling the remainder of the consignment to progress if compliant.

SECTION FIVE: PET TRAVEL



22. PET TRAVEL

- 22.1** The Pet Travel Regulation (EU) No 576/2013 details the documentary, health and compliance check requirements for the movement of all dogs, cats and ferrets between or into EU member states which are needed to avoid the quarantining of these animals. Under the Protocol, this regulation will continue to apply to Northern Ireland, therefore pets entering NI from non-EU member states must meet the entry requirements. Pets travelling from within the EU (including the Republic of Ireland) to Northern Ireland, will continue to require a rabies vaccination and a pet passport.
- 22.2** GB is now a Part II listed country. In practical terms this means that non-commercial pets entering NI from GB (or returning to NI after visiting GB) must comply with the conditions of the Pet Travel Regulation, including entry via a Traveller's Point of Entry, and must have:
- A microchip;
 - An up-to-date rabies vaccination administered by an authorised vet at the time of travel. The animal must be microchipped beforehand and be at least 12 weeks old at the date the vaccine is administered;
 - A valid tapeworm treatment; and
 - An Animal Health Certificate confirming microchip and vaccinations (valid for 10 days from issue to enter an EU Member State and for 4 months onward travel within the EU).
- 22.3** The statement from Lord Frost on 6 September confirmed that the current Protocol arrangements, including no routine checks on pet travel within the UK, will continue. In line with the UK Government's policy, DAERA will be not be carrying out routine checks on the non-commercial movement of pets from GB to NI until further notice. Officials, however, reserve the right to undertake checks should there be a suspicion of illegal activity or welfare concerns. DAERA will continue to undertake awareness raising which will educate the public travelling with pets on the documentary and health requirements. Delaying the introduction of routine checks will also permit time for any potential outcomes to be considered from the ongoing UK Government and European Commission discussions on implementation of the Northern Ireland Protocol.
- 22.4** In the interim, DAERA is exploring how systems and processes could be deployed that would minimise the impact and delay for those travelling with pets from GB to NI at points of entry should routine checks be introduced.

ANNEXES



ANNEX 1:**LIST OF NORTHERN IRELAND'S POINTS OF ENTRY**

	Belfast	Larne	Warrenpoint	Foyle	Belfast International Airport
Products Of Animal Origin	✓	✓	✓	✓ (feed only)	✓ (non-human consumption – packed only)
Plants and Plant Products	✓	✓	✓	✓	
Live Animals other than Livestock	✓	✓			
Livestock		✓			
High Risk Food (not of animal origin)	✓	✓	✓		
High risk feed	✓	✓	✓		
Plastic Kitchenware	✓	✓	✓		

ANNEX 2:**GLOSSARY OF ABBREVIATIONS**

CCA	Central Competent Authority
CHED	Common Health Entry Document
CHIPS	CHED Inspection Platform
COI	Certificate of Inspection
DAERA	Department of Agriculture, Environment & Rural Affairs
EHC	Export Health Certificate
EHCO	Export Health Certification Online
EHO	Environmental Health Officer
EU	European Union
FSA NI	Food Standards Agency Northern Ireland
GB	Great Britain
HRFNAO	High Risk Food not of Animal Origin
IUU	Illegal, Unreported and Unregulated (Fishing)
MS	Marketing Standards
NI	Northern Ireland
OCR	Official Controls Regulation
POE	Point of Entry
P&R	Prohibited & Restricted
SPS	Sanitary & Phyto-Sanitary Controls
TPE	Traveller's Point of Entry
UKG	UK Government

COMPLIANCE PROTOCOL - Updated September 2021

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