



2023/2395

3.10.2023

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2395

of 2 October 2023

amending Implementing Regulation (EU) 2023/2059 as regards the inclusion of certain goods of non-animal origin in the list of rest-of-the-world commodities

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland ⁽¹⁾, and in particular Article 9(4), point (a), thereof,

Whereas:

- (1) Regulation (EU) 2023/1231 lays down specific rules relating to, inter alia, the entry into Northern Ireland from other parts of the United Kingdom of consignments of certain retail goods for placing on the market in Northern Ireland for the final consumer, including specific rules for consignments of rest-of-the-world retail goods.
- (2) More specifically, Article 9(1), point (a), of Regulation (EU) 2023/1231 provides that rest-of-the-world retail goods consisting of commodities of animal or plant origin or composite products subject to the animal health and plant health rules referred to in Article 1(2), points (d), (e) and (g), of Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽²⁾ ('the rest-of-the-world commodities') may enter into Northern Ireland from other parts of the United Kingdom and be placed on the market in Northern Ireland in accordance with Article 4 of Regulation (EU) 2023/1231 only if the United Kingdom provides written evidence that the import conditions and official controls requirements provided for in Regulations (EC) No 1069/2009 ⁽³⁾, (EU) 2016/429 ⁽⁴⁾ and (EU) 2016/2031 ⁽⁵⁾ of the European Parliament and of the Council, in Regulation (EU) 2017/625, and in the Commission acts adopted pursuant to those Regulations apply to the rest-of-the-world commodities under the national law of the United Kingdom, and those import conditions and official controls requirements are effectively implemented by the United Kingdom.

⁽¹⁾ OJ L 165, 29.6.2023, p. 103.

⁽²⁾ 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) (OJ L 95, 7.4.2017, p. 1).

⁽³⁾ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300 14.11.2009, p. 1).

⁽⁴⁾ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1).

⁽⁵⁾ Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

- (3) Commission Implementing Regulation (EU) 2023/2059 ⁽⁶⁾ establishes the list of rest-of-the-world commodities, which currently lists goods of animal origin, in the Annex to that Implementing Regulation.
- (4) By letters dated 4 and 7 September and 1 October 2023, the United Kingdom provides the written evidence that the import conditions and official controls requirements laid down in Regulation (EU) 2016/2031 and related to certain goods of non-animal origin from certain third countries, which are of plant origin ('the goods of non-animal origin') apply under its national law, and those import conditions and official controls requirements related to the goods of non-animal origin are effectively implemented by the United Kingdom.
- (5) It is therefore appropriate to amend Implementing Regulation (EU) 2023/2059 to add the category of goods of non-animal origin to the list of rest-of-the-world commodities set out in the Annex to that Implementing Regulation.
- (6) In the interest of legal certainty and to avoid any unnecessary disruption to trade, the amendments to be made to Implementing Regulation (EU) 2023/2059 by this Regulation should take effect as a matter of urgency.
- (7) As the United Kingdom provides the written evidence related to plant health rules referred to in Article 9(1), point (a), of Regulation (EU) 2023/1231 from 1 October 2023 for the goods of non-animal origin, and to avoid any unnecessary disruption to trade, this Regulation should thus apply retroactively from 1 October 2023.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2023/2059 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 October 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 October 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁶⁾ Commission Implementing Regulation (EU) 2023/2059 of 26 September 2023 laying down rules for the application of Regulation (EU) 2023/1231 of the European Parliament and of the Council as regards the listing of certain rest-of-the-world commodities that may enter into Northern Ireland as retail goods from other parts of the United Kingdom and be placed on the market in Northern Ireland (OJ L 238, 27.9.2023, p. 103).

ANNEX

In the Annex to Implementing Regulation (EU) 2023/2059, the following category of commodities is added to the list of rest-of-the-world commodities:

'Goods of non-animal origin

1	Tomatoes, fresh or chilled	0702 00 00	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention (*)	All third countries
2	Onions, other than sets, fresh or chilled	0703 10 19	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
3	Shallots, fresh or chilled	0703 10 90	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
4	Garlic, fresh or chilled	0703 20 00	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
5	Cauliflowers and headed broccoli, fresh or chilled	0704 10 10	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
6	Peas, fresh or chilled	0708 10 00	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
7	Beans, fresh or chilled	0708 20 00	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
8	Asparagus, fresh or chilled	0709 20 00	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries

9	Peppers (fresh or chilled, of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>), excluding peppers of the genus <i>Capsicum</i> , for the manufacture of capsin or capsicum oleoresin dyes, and peppers for the industrial manufacture of essential oils or resinoids	0709 60 10 0709 60 99	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
10	Pumpkins, squash and gourds, fresh or chilled, excluding courgettes	0709 93 90	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
11	Sweetcorn, fresh or chilled	0709 99 60	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
12	Sweet potatoes, fresh, whole, intended for human consumption	0714 20 10	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
13	Avocados, fresh or dried	0804 40 00	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
14	Fresh table grapes	0806 10 10	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
15	Fresh watermelons	0807 11 00	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
16	Fresh melons, other than watermelons	0807 19 00	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries

17	Fresh apples, other than cider apples in bulk from 16 September to 15 December	0808 10 80	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
18	Fresh pears, other than perry pears in bulk from 1 August to 31 December	0808 30 90	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
19	Fresh strawberries	0810 10 00	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
20	Fresh raspberries	0810 20 10	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
21	Fresh blackberries, mulberries and loganberries	0810 20 90	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
22	Fresh fruit of the species <i>Vaccinium myrtillus</i> Fresh Blueberries and cranberries	0810 40 30 0810 40 50	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries
23	Ginger, neither crushed nor ground	0910 11 00	Phytosanitary certificate conforming to the model set out in the Annex to the International Plant Protection Convention	All third countries

(*) <https://www.ippc.int/en/core-activities/governance/convention-text/>.