

**COMMISSION IMPLEMENTING REGULATION (EU) 2023/2090****of 28 September 2023****laying down rules for the application of Regulation (EU) 2023/1231 of the European Parliament and of the Council as regards the content and the model form of the plant health label for plants for planting other than seed potatoes, and for machinery and vehicles which have been operated for agricultural or forestry purposes, entering into Northern Ireland from other parts of the United Kingdom, for placing on the market****(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 <sup>(1)</sup>, and in particular Article 10(3) 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 plants for planting other than seed potatoes, and of machinery and vehicles which have been operated for agricultural or forestry purposes, for dispatch and sale by professional operators ('the consignments').
- (2) In particular, Article 10(1) of Regulation (EU) 2023/1231 provides that the consignments before entering into Northern Ireland, are to be subject to specific rules regarding their entry into Northern Ireland from other parts of the United Kingdom and their placing on the market in Northern Ireland, and to a plant health label requirement, subject to compliance with certain conditions, including written guarantees being provided by the United Kingdom in accordance with Article 10(1), point (g), of that Regulation ('the written guarantees').
- (3) The written guarantees are to give assurance that a process of authorisation and registration of professional operators is in place to ensure that the consignments are dispatched in accordance with Regulation (EU) 2023/1231, including official procedures to ensure their compliance with that Regulation and to address non-compliance, and that official controls are carried out on the consignments before their entry into Northern Ireland at sanitary and phytosanitary (SPS) Inspection Facilities of first arrival in Northern Ireland that comply with the requirements set out in Annex II to that Regulation, and that those official controls are carried out in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council <sup>(2)</sup>. The written guarantees are also to give assurance that official controls, evidenced through a control plan, and surveillance measures are carried out covering the movements of the consignments from the SPS Inspection Facilities of first arrival in Northern Ireland to their place of destination in Northern Ireland to ensure that the consignments will not subsequently be moved to a Member State.

<sup>(1)</sup> OJ L 165, 29.6.2023, p. 103.

<sup>(2)</sup> 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).

- (4) The United Kingdom, in its letters of 4, 11 and 15 September 2023, states that the process of authorisation and registration of professional operators in parts of the United Kingdom other than Northern Ireland and in Northern Ireland is in place, and the official procedures to ensure compliance by those operators with Regulation (EU) 2023/1231, and to address cases of non-compliance, will be adopted and implemented by 1 October 2023.
- (5) The United Kingdom, in its letters of 4, 11 and 15 September 2023, further states that SPS Inspection Facilities of first arrival in Northern Ireland will comply with the requirements set out in Part 1 of Annex II to Regulation (EU) 2023/1231 by 1 October 2023, and that official controls will be carried out on consignments at SPS Inspection Facilities in accordance with Regulation (EU) 2017/625.
- (6) The United Kingdom, in its letters of 4, 11 and 15 September 2023, also states that, from 1 October 2023, official controls and surveillance measures will be carried out covering the movements of the consignments from the SPS Inspection Facilities of first arrival in Northern Ireland to their place of destination in Northern Ireland.
- (7) In accordance with Article 4(3) of Regulation (EU) 2023/1231, the Commission services carried out a Commission control in Northern Ireland from 11 to 14 September 2023 on the verification of compliance of the SPS Inspection Facilities in Northern Ireland with the requirements set out in Part 1 of Annex II to Regulation (EU) 2023/1231. The report of 15 September 2023, drawn up following that Commission control, concludes that the SPS Inspection Facilities of Belfast Port, Larne Harbour and Warrenpoint Port comply with the requirements set out in Part 1 of Annex II to Regulation (EU) 2023/1231.
- (8) The United Kingdom has provided the necessary written guarantees required by Article 10(1), point (g), of Regulation (EU) 2023/1231 in its letters of 4, 11 and 15 September 2023. It is thus appropriate to lay down rules on the content and the model form of the plant health label referred to in Article 10(3) of that Regulation.
- (9) The plant health label to be used for the entry into Northern Ireland from other parts of the United Kingdom of the consignments, should indicate all the elements necessary for their identification and traceability, including the registration number of the professional operator concerned, the traceability code, and a reference to the applicable Union legislation. In particular, the plant health label should indicate the botanical name of the plant species or taxon concerned, and, optionally, the name of the plant variety. In the case of machinery and vehicles, the plant health label should, in addition, indicate the name of the object concerned.
- (10) The format of the plant health label should be standardised to ensure its visibility and make it distinct from other labels that might accompany the plants for planting other than seed potatoes, and the machinery and vehicles concerned. To ensure transparency and appropriate information for producers and users, the plant health label should contain the indications 'NI plant health label' and 'for use in the United Kingdom only'.
- (11) In the interest of legal certainty and to avoid any unnecessary disruption to trade, this Regulation should enter into force as a matter of urgency.
- (12) The written guarantees provided by the United Kingdom state that all conditions referred to in Article 10(1) of Regulation (EU) 2023/1231 will be met from 1 October 2023. This Regulation should, therefore, apply from that date, to ensure legal certainty and to avoid any unnecessary disruption to trade.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### **Subject matter and scope**

This Regulation lays down rules on the content and the model form of the plant health label referred to in Article 10(1), point (b), of Regulation (EU) 2023/1231, required for the entry into Northern Ireland from other parts of the United Kingdom, and the placing on the market in Northern Ireland, of the following consignments ('the plant health label'):

- (a) plants for planting other than seed potatoes;
- (b) machinery and vehicles which have been operated for agricultural or forestry purposes before entering into Northern Ireland.

#### Article 2

##### **Plant health label requirements and model form of plant health label**

1. The plant health label shall contain the following elements:
  - (a) at the top part of the plant health label, the words 'NI plant health label';
  - (b) the letter 'A.', followed by:
    - (i) in the case of plants for planting, the botanical name of the plant species or taxon concerned and, optionally, the name of the plant variety; or
    - (ii) in the case of machinery or a vehicle, the name of the object;
  - (c) the letter 'B.', followed by the registration number of the professional operator;
  - (d) the letter 'C.', followed by:
    - (i) in the case of plants for planting, the traceability code of the plant for planting; or,
    - (ii) in the case of machinery or a vehicle, the traceability code of the object;
  - (e) the letter 'D.', followed by:
    - (i) a QR code referring to a page on the official websites of the competent authorities of the United Kingdom, relevant to the professional operator in Northern Ireland receiving the consignments referred to in Article 1 and informing that professional operator of the applicable Union legislation with an explicit reference to Regulation (EU) 2023/1231 and this Regulation; or
    - (ii) the indication 'complies with Article 10 of Regulation (EU) 2023/1231';
  - (f) at the bottom part of the plant health label, the words 'for use in the United Kingdom only'.
2. The plant health label shall comply with the model form set out in the Annex.

#### Article 3

##### **Entry into force and application**

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, 28 September 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX

**Model form of the plant health label for plants for planting other than seed potatoes, and machinery and vehicles which have been operated for agricultural or forestry purposes before entering into Northern Ireland, referred to in Article 2**

(flag of the United Kingdom)

**NI plant health label**

A. xxx

B. xxx

C. xxx

D. xxx

**For use in the United Kingdom only**

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