

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION
LEGISLATION/DOCUMENTS WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL
AGREEMENT AND THE WINDSOR FRAMEWORK**

COM(2025)518 FINAL

**COMMISSION DELEGATED REGULATION (EU) .../... OF 29.1.2025 AMENDING
DELEGATED REGULATION (EU) 2022/2292 AS REGARDS THE REQUIREMENTS
FOR THE ENTRY INTO THE UNION OF CERTAIN DAIRY PRODUCTS, CERTAIN
FOOD ADDITIVES DERIVED FROM ANIMALS, COLLAGEN CASINGS, MINCED
MEAT, MEAT PREPARATIONS, MECHANICALLY SEPARATED MEAT AND
COMPOSITE PRODUCTS CONTAINING GELATINE CAPSULES**

Submitted by the Department for Environment, Food and Rural Affairs on 24 October 2025

SUBJECT MATTER

1. This Explanatory Memorandum (EM) relates to Commission Delegated Regulation (EU) 2025/637 amending Delegated Regulation (EU) 2022/2292 as regards the requirements for the entry into the Union of certain dairy products, certain food additives derived from animals, collagen casings, minced meat, meat preparations, mechanically separated meat and composite products containing gelatine capsules (herein referred to as COM(25)518).
2. Commission Delegated Regulation (EU) 2022/2292 lays down import conditions for certain food.
3. Regulation (EU) 2025/637 primarily ensures consistency between Article 6(1), point (a), of Regulation (EC) No 853/2004 and Article 3, point (b), of Delegated Regulation (EU) 2022/2292, regarding the internationally recognised classification systems used to identify goods, for trade and regulatory purposes, Combined Nomenclature codes or Harmonized System (CN/HS) codes.
4. The Commission Delegated Regulation (EU) 2025/637 addresses inconsistencies for the entry into the Union of certain products of animal origin by introducing CN/HS codes for products that were not yet included in Article 3, namely certain dairy products, certain food additives derived from animals and collagen casings. It clarifies conditions for raw materials used for certain products of animal origin destined for the Union. It finally facilitates the entry into the Union of certain gelatine capsules contained in composite products.

SCRUTINY HISTORY

5. The Parliamentary scrutiny history relevant to this Explanatory Memorandum is contained in the attached Annex A.

MINISTERIAL RESPONSIBILITY

6. The Secretary of State for the Department for Environment, Food and Rural Affairs is responsible for policy questions arising from this document.

INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)

7. The Department of Agriculture, Environment and Rural Affairs (DAERA) in the Northern Ireland Executive have a particular interest in this instrument as the changes apply in Northern Ireland (NI) under the Windsor Framework.
8. The Devolved Governments are aware of the amendments made by this instrument and have not reported, or been made aware of, any operational issues stemming from these changes, at this time. Devolved Governments were consulted in the preparation of this EM and any relevant comments have been reflected in the EM.

LEGAL AND PROCEDURAL ISSUES

9. The following legal and procedural issues apply.

- i) **Application under the Windsor Framework**

This new Regulation 2025/637 amends Regulation (EU) 2022/2292 which is a Commission Delegated Regulation made under Regulation (EU) 2017/625 on official controls, which is listed in Annex 2 to the Windsor Framework. As such, Regulation 2022/2292 falls within the scope of EU law that continues to apply in NI. Under Article 13(3) of the Windsor Framework, amendments, replacements, and associated delegated or implementing acts adopted under a listed Regulation apply automatically in NI unless specifically excluded by the UK–EU Joint Committee. This instrument (Regulation 2025/637) makes amendments to Regulation (EU) 2022/2292 which takes effect in NI as a delegated act supplementing Regulation 2017/625 and is not considered a new EU act for the purposes of Article 13(4) of the Framework.

- ii) **EU Legal Base**

Article 126 (1) of Regulation (EU) 2017/625.

- iii) **Voting Procedure**

As a Delegated Act this Regulation is not subject to a voting procedure. Before adopting a delegated act, the Commission must consult experts designated by each Member State in accordance with the principles laid

down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. As soon as it adopts a delegated act, the Commission is required to notify it simultaneously to the European Parliament and to the Council. A delegated act adopted pursuant to Article 126(1) enters into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period can be extended by two months at the initiative of the European Parliament or of the Council.

iv) Timetable for Adoption and Implementation

The Regulation entered into force on 19 May 2025.

POLICY AND LEGAL IMPLICATIONS

10. The European Union's Sanitary and Phytosanitary (SPS) legislation sets out import requirements for the entry of animals and animal products into the EU, to protect human, animal and plant health. This is a complex area of law and needs amendment from time to time to ensure consistency across various EU Regulations that have a bearing on import requirements of such goods.
11. Regulation (EU) 2025/637 does not introduce significant new restrictions on GB goods exported to the EU. Instead, it aligns and clarifies some requirements for goods already being traded into the EU and NI, including dairy products, food additives, collagen casings, products originating from minced meat, meat preparations or mechanically separated meat establishments, and specific scenarios involving gelatine capsules.
12. This Regulation aligns the requirements of Regulation (EC) 853/2004 with those of Regulation (EU) 2022/2292 and revises Combined Nomenclature (CN) and Harmonized System (HS) codes for the products in scope to ensure accurate handling and compliance of the goods in its scope.
13. It introduces greater flexibility for some exporters regarding where they can source their materials from, by allowing establishments that produce minced meat, meat preparations and mechanically separated meat to be included in the supply chain for products entering the EU, provided they are listed according to Article 127(3), point (e), of Regulation (EU) 2017/625. As such, establishments in GB must already be approved by the Competent Authority and such establishments are automatically put forward for listing as required by this regulation, there is no consequential impact to GB.

14. Defra may need to update some of the 'Notes for Guidance' associated with the relevant certificates for exporting goods in scope of the Regulation, to the EU. However, certificates already exist and these types of goods continue to be traded with the EU and via the red channel into NI.
15. The Regulation introduces an exemption from the requirement to have a private attestation for certain composite products. Article 22(3) of Regulation (EU) 2022/2292 is amended so that composite products containing only animal-derived gelatine capsules not sourced from ruminant bones as their animal origin component, may enter the EU without private declaration.
16. These changes do not create any additional barriers to the movement of the goods in scope of the Regulation from GB to NI. It maintains the current operational arrangements under the Windsor Framework and, except for gelatine capsules, does not alter the scope of official controls at border control posts.
17. Looking ahead, the UK and EU have agreed to negotiate a Sanitary and Phytosanitary (SPS) Agreement, which aims to establish a common SPS area. This is expected to significantly reduce barriers to trade in agri-food goods and support simplified movements between GB and both NI and the EU.
18. As part of this agreement, GB expect to dynamically align to measures laid down in Regulation (EU) 2025/637. This would place NI and GB producers on the same regulatory footing.

CONSULTATION

19. A consultation has not been carried on this specific Regulation, however, Defra and DAERA engage with the farming sector on a regular basis regarding disease control, including any implications for the movement of animals within the UK.
20. Third countries to the EU were informed by notification to the World Trade Organisation within the framework of the Agreement on the Application of Sanitary and Phytosanitary Measures (WTO references: G/SPS/N/EU/791, 22 August 2024 and G/SPS/N/EU/791/Add.1, 1 May 2025).

FINANCIAL IMPLICATIONS

21. This Regulation is unlikely to impose any additional financial burdens on traders as it is not expected to add significant costs to movements of these goods.

A handwritten signature in black ink, reading 'Suet Hayman'. The signature is written in a cursive, flowing style with a large initial 'S'.

**BARONESS HAYMAN OF ULLOCK
PARLIAMENTARY UNDER- SECRETARY OF STATE
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**

ANNEX A

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

COMMISSION DELEGATED REGULATION (EU) .../... AMENDING DELEGATED REGULATION (EU) 2022/2292 AS REGARDS THE REQUIREMENTS FOR THE ENTRY INTO THE UNION OF CERTAIN DAIRY PRODUCTS, CERTAIN FOOD ADDITIVES DERIVED FROM ANIMALS, COLLAGEN CASINGS, MINCED MEAT, MEAT PREPARATIONS, MECHANICALLY SEPARATED MEAT AND COMPOSITE PRODUCTS CONTAINING GELATINE CAPSULES

12029/22+ ADD 1, C(2022) 6496 FINAL + ANNEXES 1 TO 2: COMMISSION DELEGATED REGULATION (EU) 2022/6496 OF 6.9.2022 SUPPLEMENTING REGULATION (EU) 2017/625 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL WITH REGARD TO REQUIREMENTS FOR THE ENTRY INTO THE UNION OF CONSIGNMENTS OF FOOD-PRODUCING ANIMALS AND CERTAIN GOODS INTENDED FOR HUMAN CONSUMPTION

DEFRA EM DATED: 14/12/2022

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 12 11/1/23)	CLOSED BY HOL LETTER DATED 23/2/23. SIFTED FOR SCRUTINY TO THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 28; 6/1/23)