

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

## **COM (2025) 553 FINAL**

### **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) NO 1308/2013 AS REGARDS THE SCHOOL FRUIT, VEGETABLES AND MILK SCHEME ('EU SCHOOL SCHEME'), SECTORAL INTERVENTIONS, THE CREATION OF A PROTEIN SECTOR, REQUIREMENTS FOR HEMP, THE POSSIBILITY FOR MARKETING STANDARDS FOR CHEESE, PROTEIN CROPS AND MEAT, APPLICATION OF ADDITIONAL IMPORT DUTIES, RULES ON THE AVAILABILITY OF SUPPLIES IN TIME OF EMERGENCIES AND SEVERE CRISIS AND SECURITIES**

Submitted by the Department for Environment, Food and Rural Affairs on 21<sup>st</sup> January 2026

#### **SUBJECT MATTER**

1. The European Commission is proposing a simpler, more targeted and future-oriented Common Agricultural Policy (CAP) for post-2027. Specifically, Regulation 1308/2013, more commonly known as the Common Market Organisation (CMO), is being revised to reflect changes in the agricultural sector.
2. Many of the proposed amendments do not fall within the sections of the CMO that are applicable to Northern Ireland (NI) under Annex 2 of the Windsor Framework and therefore will not be covered further in this Explanatory Memorandum. This includes amendments linked to promoting healthy eating through locally sourced products via the European Union (EU) School schemes, rules on sectoral interventions, and improving the preparedness and availability of agricultural supplies during emergencies.
3. Some of the amendments to the CMO are technical changes to incorporate certain rules and empowerments currently set out in Regulation 2021/2116 regarding control and monitoring provisions for public intervention and aid for private storage, tariff quotas, recognition of producer organisations and securities. The CMO is also amended to update provisions on calculating additional import duties to align with the World Trade Organisation (WTO) Agreement on Agriculture.
4. However, amendments that fall under Annex 2 of the Windsor Framework and represent a change in policy that could have a potential impact on NI, fall into three

categories: marketing standards expansion, broader hemp import rules, and new restricted meat terms.

5. The CMO is amended to enable the creation of Marketing Standards for protein crops (such as dried leguminous vegetables and soya bean), beef, pigmeat, sheepmeat, goatmeat, and cheese. 'Marketing Standards' refer to sector-specific regulations including those which establish definitions, minimum product standards, production methods, sales descriptions, product categories, and labelling requirements for a range of agricultural products. These standards currently cover fruit and vegetables, hops, wine, beef and veal, eggs for eating, hatching eggs and chicks, olive oil and olives, poultrymeat, live plants and spreadable fats.

6. The CMO is also amended to expand the hemp products (i.e. products derived from low-THC cannabis plants) that can be imported and/or marketed in the Union - in addition to raw true hemp, and hemp seeds for sowing/not for sowing - it will include other parts of the hemp plant falling under CN code 1211 90 86 including the flowers and leaves of the cannabis plant, which are controlled drugs under domestic United Kingdom (UK) legislation. Imports and domestic production in the European Union and Northern Ireland will continue to be subject to the specific conditions on maximum tetrahydrocannabinol (0.3% THC) levels being met. Under the proposed amendment, a derogation will be in place to enable the import of non-compliant products imported for use for medical and scientific purposes in accordance with Union, international and national law. The intention of the proposals is to increase the utilisation of the full hemp plant to maximise the value of the crop and to encourage growth in the EU hemp sector.

7. Finally, the CMO is amended to provide a new legal definition of "meat" and "meat products" to help customers make informed choices. These definitions align with existing food information and hygiene regulations (Regulation (EU) No 1169/2011 and Regulation (EC) No 853/2004). Additionally, certain meat-related terms are restricted (listed in Annex B) and may only be used for food products derived exclusively from meat ('the edible parts of an animal') or composite products where no non-meat part takes the place of any meat constituent. Notably, common terms such as 'steak', 'burger', and 'sausage' are not listed.

## **SCRUTINY HISTORY**

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

## **MINISTERIAL RESPONSIBILITY**

9. The Secretary of State for Environment, Food and Rural Affairs has responsibility for this policy area.

10. The Secretary of State for the Home Department has responsibility in relation to UK Drug laws.

## **INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)**

11. The devolved Governments have been consulted in the preparation of this Explanatory Memorandum, and their views have been included in it. Scottish and Welsh Governments and the NI Executive are responsible for policymaking in their respective nations with proposed amendments relating to marketing standards and hemp representing devolved policy areas, and subject to the Agricultural Support Provisional Common Framework. It should be noted that NI has separate competence for domestic policy on cannabis cultivation (including hemp cultivation). However, the UK Government retains policy responsibility for the import and export of controlled drugs.

## **LEGAL AND PROCEDURAL ISSUES**

12.

### **i. Application of the Windsor Framework**

The NI Assembly conducts democratic scrutiny of relevant regulations under the terms of schedule 6B of the NI Act 1998.

The terms of the EU-UK Withdrawal Agreement and the Windsor Framework provide that limited areas of EU law will apply in the UK in respect of NI. Only parts of Regulation No 1308/2013 (the CMO) are applicable in NI under the Windsor Framework. The parts listed under Annex 2 of the Windsor Framework are as follows:

- Section 1 of Chapter I of Title II of Part II (under 31 - Food – ingredients, traces, residues, marketing standards)
- Sections 2 and 3 of Chapter I of Title II of Part II (under 45 - Intellectual property)
- Part III (under 47 - Other)

Article 13(3) of the Windsor Framework confirms that a reference to Union Legislation is a reference to that legislation as amended or replaced. This proposed regulation will amend or replace provisions in the CMO Regulation. Some of these changes are to provisions listed in Annex 2 of the Windsor Framework which will apply to NI under the Withdrawal Agreement and Windsor Framework.

## **ii. EU Legal Base**

The legal basis for this proposal is the Treaty on the Functioning of the EU, and in particular Article 42, Article 43(2) and Article 349 thereof.

## **iii. Voting Procedure**

Ordinary legislative procedure

## **iv. Timetable for adoption and implementation**

The amendments are at the proposal stage and there is no detailed information about implementation timetables, other than the EU proposes to defer the date of application for:

- Amendments related to conditions for the marketing, production and import of hemp, until the 1 January after the date of entry into force;
- Amendments related to meat-related terms in the newly inserted Part 1a of Annex VII, by a year.

This is to allow member states and operators sufficient time to comply with the new rules.

# **POLICY AND LEGAL IMPLICATIONS**

## **Marketing standards**

13. This proposal adds protein crops, beef, pigmeat, sheepmeat, goatmeat and cheese to the list of sectors and products in Article 75 for which Marketing Standards may apply. These amendments do not alter the regulatory position of these goods at present. Marketing standards vary between products and, if introduced in the future, their specifics would be outlined in delegated and implementing acts. Any changes would be expected to improve consumer information and contribute to improving the economic conditions for the production and marketing, and the quality of the above products. The Government's assessment on the impact of any changes could only be carried out upon publication of these additional acts.

14. The proposal also makes a minor amendment to point (j) of Article 75(3) so that Marketing Standards *may* cover 'the place of farming and/or origin' with no exclusion for poultrymeat and spreadable fats intended for human consumption. At present, poultrymeat and spreadable fats are excluded from this requirement. While this represents a change to the current legislation, the Government's assessment is that the impact on NI would be low.

## **Hemp**

15. This proposal amends Article 189, to expand the hemp products which can be imported and/or marketed in the Union. In addition to raw true hemp under CN

code 5302, and hemp seeds for sowing/not for sowing, it will include other parts of the hemp plant falling under CN code 1211 90 86. This is to ensure that all parts of the hemp plant are considered ‘agricultural products’ and to align with the addition of these ‘other’ hemp products to the eligibility criteria for their EU production and marketing, to ensure consistency. The Commission aims to increase the utilisation of the full hemp plant, to maximise the value of the crop, and to encourage growth in the EU hemp sector.

16. The THC content of raw hemp, hemp seeds for sowing, and ‘other’ parts of the plant will continue to be subject to the specific conditions on maximum tetrahydrocannabinol (0.3% THC) levels being met. The maximum THC level of 0.3% already currently applies in NI, this is different from that which applies in Great Britain (GB) (0.2%). This follows amendments already made by the EU in 2021, following the most up to date scientific evidence on the risk to human health.
17. A derogation is included to enable the importation of non-compliant products (i.e. THC >0.3%) for medical or scientific use, which is covered by other drug-related legislation and in accordance with EU, international, and national laws.
18. We consider that this change is likely to be a replacement of articles covered by Annex 2 of the Windsor Framework for the purposes of Article 13(3) of the Windsor Framework. This change would replace Article 189 but with the same overall objective of specifying the hemp products and the applicable conditions for such products to be imported into the Union.
19. It should be noted that Cannabis is a Class B controlled drug under the Misuse of Drugs Act 1971 (MDA 1971). Cannabis is defined in section 37(1) of the MDA 1971 and is, in essence, any plant of the genus ‘cannabis’ (which includes the hemp plant) or any part of the plant with limited exceptions (the exceptions are the mature stalk; fibre produced from the mature stalk; or the seed of any such plant). Cannabis is also listed in Schedule 1 to the Misuse of Drugs Regulations 2001 (MDR 2001) and as such, it is unlawful to possess, supply, offer to supply, produce, import or export this drug except under a Home Office licence.
20. The flowers and leaves of the cannabis plant (which includes the ‘hemp’ plant) are therefore Class B controlled drugs under UK legislation irrespective of THC content. They cannot ordinarily be possessed except under a Home Office controlled drugs licence.
21. Higher THC cannabis products can be imported to the UK under licence, if there is a lawful purpose. This includes both, schedule 1 Cannabis, and cannabis-based products for medicinal use (CBPMs) (which are placed in Schedule 2 to the MDR 2001 and are therefore available for prescribing for human use, with special conditions).

22. While this proposal will permit the importation of other parts of the hemp plant with THC ≤0.3%; and shows no distinction between raw true hemp, hemp seeds and other parts of the plant for agricultural purposes (e.g. eligibility for area-based payments); domestic UK law for controlled drugs still draws a distinction. Under UK law the other parts of the plant, such as flowers and leaves, are still controlled substances, regardless of THC content, and would continue to need an associated licence from the Home Office.

23. However, the current version of Article 189 specifically provides for Member States to apply these more restrictive rules, in compliance with the Treaty on the Functioning of the EU and the obligations under the WTO Agreement on Agriculture. There does not appear to be a similar provision as part of the proposed changes, which could have an impact on current domestic hemp policy.

24. The Government's assessment is that the changes would have a low impact on NI importers as there are limited changes of substance compared with existing measures and most hemp imports into NI originate within the EU. The maximum THC level of 0.3% that currently applies in NI is a regulatory divergence from existing GB policy (0.2% THC). However, the Government is working to increase the legal limits of THC content to 0.3% following recommendation from the Advisory Council on the Misuse of Drugs (ACMD).

### **Meat Terms**

25. The proposed regulations add pigmeat, sheepmeat and goatmeat to the list of sectors or products in Article 78 for which the definitions, designations and sales descriptions provided for in Annex VII apply. Article 78 also specifies that the definitions, designations and sales descriptions in Annex VII may only be used in the Union for the marketing of a product which meets the requirements of that Annex (these rules appear to apply to any product even if it is not listed or otherwise covered by the list of products/sectors in Article 78).

26. Alongside this, the proposed regulations insert a new part 1a to Annex VII that includes a new definition of "meat" as "exclusively the edible parts of an animal" and sets out rules on the designations of "meat" and "meat products" (defined as "products derived exclusively from meat" although substances necessary for their manufacture may be added provided they are not used for the purpose of taking the place of any meat constituent). New part 1a reserves certain meat terms such as Beef, Chicken, and Bacon (full list in Annex B) for products derived exclusively from meat at all stages of marketing. The recitals to the proposed regulation indicate that this amendment is intended to protect meat-related terms which have 'cultural and historical significance' as well as enhancing transparency in terms of

food composition and nutritional content, allowing consumers to make informed choices. The Government's assessment is that goods moving from NI to GB would be unaffected. These rules would not apply to goods moving from GB to NI under the Northern Ireland Retail Movement Scheme (NIRMS), provided that they comply with the conditions of NIRMS, including not-for-EU labelling to ensure goods do not go on to enter the EU market. These changes would apply to goods moving from GB to NI outside NIRMS and internally in NI (for goods manufactured in NI for its own market, or products intended for the EU market); meat-free products could still be sold, but manufacturers would be required to change the packaging or marketing terminology on their products to comply with this amendment. Whilst there are not currently restrictions in assimilated legislation which explicitly prescribe how meat terms may be used, existing laws already prohibit misleading food descriptions, so this proposal may, in some cases, simply clarify rather than significantly change current practice.

**Miscellaneous:**

27. The proposed regulations also make amendments to specified Commission powers in the CMO (relevant to the Windsor Framework, powers to adopt implementing acts in Articles 116, 179, 183, and 193a(2)) which disapply the procedures at Articles 229(2) and (3) concerning the role of the Committee for the Common Organisation of the Agricultural Markets in exercising these powers. The amendments indicate that the procedure specified in Article 229(4) (a new provision also proposed to be inserted which relates to the "advisory procedure" in Regulation 182/2011) also does not apply. Article 229 of the CMO does not fall under Annex 2 of the Windsor Framework. Therefore, the Government's assessment is that this amendment will not have an impact in NI.
28. This proposal makes a minor technical amendment to Article 90a which is the provision on the duty of member states to apply proportionate, effective and dissuasive administrative penalties in the event of an infringement on union rules in the wine sector. The Government's assessment is that this change in referencing will have no impact on business or consumers in NI.
29. The proposal makes a minor amendment to Article 182 on trigger volumes to align with the WTO Agreement on Agriculture. It also makes it easier to apply additional duties by removing the prohibition on imposing additional duties where the imports are unlikely to disturb the Union market or where the effects would be disproportionate to the intended objective. The Government's assessment is that these changes would have limited impact on NI importers bringing in non-GB/EU goods that would remain in NI, compared with the current position, given the minor nature of the changes. There would be no impact on GB goods moving to NI or vice-versa.

30. The proposal amends Article 186(1) which empowers the Commission to adopt delegated acts to ensure fair access and equal treatment within a tariff quota. The amendment provides for penalties to be applied, via delegated acts, to operators where they fail to comply with the necessary tariff quota provisions or fail to provide accurate information to licensing authorities. The Government's assessment is that this will have no impact on NI importers as they are not permitted access to EU tariff quotas and will not create any divergence with GB.

## **CONSULTATION**

31. No formal consultation has taken place across the UK at this stage. Introduction of the EU amendments is expected to follow the ordinary co-legislative process by the European Parliament and Council. No timeline for that procedure has been set out at present, but the EU proposes to defer the application of the rules related to conditions for the marketing, production and imports of hemp until the 1 January after the date of entry into force and rules on meat-related terms by a year. This is to allow member states and operators sufficient time to comply with the new rules.

32. The proposal is part of the review of the CAP for post-2027 for which an overall impact assessment and stakeholder consultations were carried out by the European Commission.

## **FINANCIAL IMPLICATIONS**

33. Our initial assessments suggest that the proposed legislative measures have no budgetary implications for the UK Government.

34. There may be costs to industry in terms of labelling changes. This could include the addition of not-for-EU labelling on goods moving from GB to NI under NIRMS and changes to packaging and marketing terminology by manufacturers producing goods for the NI market or the EU market, in order to comply with the amendment regarding meat-terms.

A handwritten signature in black ink, appearing to read "Angela Eagle".

DAME ANGELA EAGLE DBE MP  
MINISTER OF STATE (MINISTER FOR FOOD SECURITY AND RURAL AFFAIRS)  
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

## ANNEX A

### PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) NO 1308/2013 AS REGARDS THE SCHOOL FRUIT, VEGETABLES AND MILK SCHEME ('EU SCHOOL SCHEME'), SECTORAL INTERVENTIONS, THE CREATION OF A PROTEIN SECTOR, REQUIREMENTS FOR HEMP, THE POSSIBILITY FOR MARKETING STANDARDS FOR CHEESE, PROTEIN CROPS AND MEAT, APPLICATION OF ADDITIONAL IMPORT DUTIES, RULES ON THE AVAILABILITY OF SUPPLIES IN TIME OF EMERGENCIES AND SEVERE CRISIS AND SECURITIES**

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**C(23)5508: COMMISSION DELEGATED REGULATION (EU) /... AMENDING REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AS REGARDS MARKETING STANDARDS FOR EGGS AND**

**C(23)5510: COMMISSION IMPLEMENTING REGULATION (EU) /... LAYING DOWN RULES FOR THE APPLICATION OF REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS MARKETING STANDARDS FOR EGGS**

**DATE DEFRA EM SIGNED: 19/02/2024**

### SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
<b>CLEARED FROM SCRUTINY (OUTCOME AGENDA 14, 17/4/24)</b>	<b>SIFTED FOR EXAMINATION TO THE WINDSOR FRAMEWORK SUBCOMMITTEE (CHAIR'S SIFT 48 1/3/24)</b>

**7639/22 + ADD 1-3, COM (2022) 134 FINAL + ANNEXES 1-3**

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN UNION GEOGRAPHICAL INDICATIONS FOR WINE, SPIRIT DRINKS AND AGRICULTURAL PRODUCTS, AND QUALITY SCHEMES FOR AGRICULTURAL PRODUCTS, AMENDING REGULATIONS (EU) NO 1308/2013, (EU) 2017/1001 AND (EU) 2019/787 AND REPEALING REGULATION (EU) NO 1151/2012**

**DATE DEFRA EM SIGNED: 04/05/2022**

**SCRUTINY COMMITTEES' RECOMMENDATIONS:**

<b>COMMONS</b>	<b>LORDS</b>
<b>SCRUTINY COMPLETED (OUTCOME AGENDA NO 3 25/5/22)</b>	<b>CLEARED BY HOL LETTER 21/7/2022. SIFTED FOR SCRUTINY TO THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 18; 16/5/22)</b>

**11940/22, C (22) 4755**

**COMMISSION DELEGATED REGULATION (EU) .../... OF 29.7.2022 SUPPLEMENTING REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS MARKETING STANDARDS FOR OLIVE OIL, AND REPEALING COMMISSION REGULATION (EEC) NO 2568/91 AND COMMISSION IMPLEMENTING REGULATION (EU) NO 29/2012 (THIS ALSO COVERS C (22) 4800).**

**DATE DEFRA EM SIGNED: 11/11/2022**

**SCRUTINY COMMITTEES' RECOMMENDATIONS:**

<b>COMMONS</b>	<b>LORDS</b>
<b>SCRUTINY COMPLETED (OUTCOME AGENDA NO 12 11/1/23)</b>	<b>CLEARED. SENT FOR INFORMATION TO THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 26; 24/11/22)</b>

13313/21+ ADD 1, C (2021) 7572+ ANNEXES

**COMMISSION DELEGATED REGULATION (EU) .../... OF 27.10.2021 AMENDING  
DELEGATED REGULATION (EU) 2019/934 SUPPLEMENTING REGULATION  
(EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
AS REGARDS AUTHORISED OENOLOGICAL PRACTICES**

**ANNEXES TO THE COMMISSION DELEGATED REGULATION AMENDING  
DELEGATED REGULATION (EU) 2019/934 SUPPLEMENTING REGULATION  
(EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
AS REGARDS AUTHORISED OENOLOGICAL PRACTICES**

**DATE DEFRA EM SIGNED: 05/01/2022**

**SCRUTINY COMMITTEES' RECOMMENDATIONS:**

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 26 26/1/22)	DRAWN TO THE ATTENTION OF THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 13; 25/1/22)

REGULATION 1308/2013 WAS SCRUTINISED AS PROPOSAL 15397/11. COM(11)626, PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A COMMON ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS (SINGLE CMO REGULATION)

**DATE DEFRA EM SIGNED: 29/10/2011**

**SCRUTINY COMMITTEES' RECOMMENDATIONS:**

COMMONS	LORDS
THE COMMITTEE REPORTED ON 5 OCCASIONS LASTLY IN REPORT 12, 13/14 AND THE PROPOSAL WAS DEBATED IN EUROPEAN COMMITTEE A ON 18 JUNE 2013	THE PROPOSAL WAS EXAMINED IN THE THEN SUB-COMMITTEE D AND SCRUTINY WAS COMPLETED ON 22 MAY 2013

## **ANNEX B**

The following names shall be reserved for products derived exclusively from meat at all stages of marketing:

- (a) Beef;
- (b) Veal;
- (c) Pork;
- (d) Poultry;
- (e) Chicken;
- (f) Turkey;
- (g) Duck;
- (h) Goose;
- (i) Lamb;
- (j) Mutton;
- (k) Ovine;
- (l) Goat;
- (m) Drumstick;
- (n) Tenderloin;
- (o) Sirloin;
- (p) Flank;
- (q) Loin;
- (r) Ribs;
- (s) Shoulder;
- (t) Shank;
- (u) Chop;
- (v) Wing;
- (w) Breast;
- (x) Thigh;
- (y) Brisket;
- (z) Ribeye;
- (aa) T-bone;
- (bb) Rump;

(cc) Bacon.