

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

C(2026) 2633 FINAL + ANNEX

## COMMISSION DELEGATED REGULATION (EU) .../... AMENDING DELEGATED REGULATION (EU) 2021/630 AS REGARDS THE PRIVATE ATTESTATION REQUIREMENTS OF THE COMPOSITE PRODUCTS EXEMPTED FROM OFFICIAL CONTROLS AT BORDER CONTROL POSTS, AND THE INCLUSION OF CERTAIN CEREAL PRODUCTS, PREPARED OR PRESERVED VEGETABLES, FRUITS, NUTS, SAUCES, CONDIMENTS, SEASONINGS, AND CONFECTIONERY IN THE LIST OF EXEMPTED COMPOSITE PRODUCTS

Submitted by the Department for Environment, Food and Rural Affairs 17 June 2026

### SUBJECT MATTER

1. This Commission Delegated Regulation amends existing EU sanitary and phytosanitary (SPS) rules governing composite products, i.e. food products containing both processed products of animal origin and plant products (e.g. some types of confectionery, processed foods, sauces).
2. Specifically, the Regulation:
  - updates Delegated Regulation (EU) 2021/630, which sets out categories of composite products exempt from official controls at EU border control posts;
  - clarifies that shelf stable composite products shall comply with the requirements of the private attestation in Article 22 of Reg 2022/2292.
  - expands the list of exempt products in the Annex to the Regulation to include certain cereal products, prepared or preserved fruit and vegetables, other edible parts of plants, nuts, confectionery, sauces, condiments and seasonings, in many cases when containing only honey as the product of animal origin (POAO). [\[ec.europa.eu\]](https://ec.europa.eu)
3. The EU policy objective is to simplify import requirements for low-risk composite products, based on risk assessment, thereby reducing administrative burden while maintaining food safety standards.

### SCRUTINY HISTORY

4. There is no direct scrutiny history for this specific measure. However:

- it builds on Regulation (EU) 2017/625 (Official Controls Regulation) and subsequent implementing/delegated legislation governing SPS border controls; and it makes amendments to Delegated Regulation (EU) 2021/630 which has previously been considered under EU exit scrutiny processes due to relevance to Northern Ireland (NI) under the Windsor Framework, see Annex A.

## **MINISTERIAL RESPONSIBILITY**

5. Responsibility lies with the Secretary of State for Environment, Food and Rural Affairs.

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

6. This is a devolved matter relating to food safety and SPS controls.
7. The Northern Ireland Executive has a direct interest as this legislation applies in NI under the Windsor Framework (Annex 2).
8. The Scottish Government and Welsh Government also have an interest due to implications for GB–NI trade and food standards policy.
9. Defra officials have engaged with DG counterparts. Initial feedback indicates:
  - General support for risk-based simplification of controls.
  - Interest in the practical implications for GB traders supplying NI markets.
  - This legislation is relevant to the Food and Feed Safety and Hygiene Common Framework, which provides the mechanism for ongoing policy coordination.

## **LEGAL AND PROCEDURAL ISSUES**

10.
  - i. Application under the Windsor Framework**
    - The legislation is expected to apply in Northern Ireland under Article 13(3) of the Windsor Framework, as it amends EU SPS legislation listed in Annex 2. The Northern Ireland Assembly conducts democratic scrutiny under Schedule 6B to the Northern Ireland Act 1998.
  - ii. EU Legal Base**
    - The measure is adopted under powers conferred by: Article 48 point (h) and Article 77(1), point (k) of Regulation (EU) 2017/625, (the Official Controls Regulation).
  - iii. Voting Procedure**

- As a delegated act, the Regulation is adopted by the Commission in line with the EU’s Comitology procedures, as set out in Article 144 of the Official Controls Regulation.

**iv. Timetable for Adoption and Implementation**

- Adopted by the Commission: 27 April 2026 [\[ec.europa.eu\]](https://ec.europa.eu)
- Subject to scrutiny period by European Parliament and Council (typically 2 months, extendable).
- Expected to enter into force later in 2026, with immediate applicability.

**POLICY AND LEGAL IMPLICATIONS**

**Policy implications**

11. The Regulation aims to:

- Reduce regulatory burden for low-risk composite products entering the EU.
- The addition in the Annex to the Regulation of “edible parts of plants containing honey as the only ingredient of animal origin”, resolved a complication in export of low-risk products containing honey as the only ingredient of animal origin, for example honey flavoured roasted nuts.
- Facilitate trade while maintaining food safety.
- Harmonise rules across Member States.

**Implications under the Windsor Framework**

12. As the measure will apply in NI:

- NI will continue to follow updated EU SPS rules on composite products.
- The regulation falls within the scope of the Sanitary and Phytosanitary agreement currently being negotiated with the EU, which will eliminate any divergence in this area.

**GB–NI trade impacts**

**Positive impacts:**

13. Expansion of exempt product categories may reduce certification requirements for certain goods moving from GB to NI, lowering compliance costs.

**Potential challenges:**

14. No challenges are foreseen in this area.

**Movement of goods**

15. Goods moving from GB to NI may continue to benefit from Windsor Framework facilitations, including:

- Simplified certification arrangements.
- Use of schemes such as the Retail Movement Scheme, where applicable.

16. Unfettered access commitment:

- Goods moving from NI to GB as qualifying Northern Ireland goods will not face new barriers.

## **UK Government approach**

17. The UK Government will:

- Continue engagement with EU counterparts on SPS issues.
- Work with stakeholders to ensure smooth implementation.

## **Legal implications**

- The Regulation will apply directly in NI without domestic transposition.
- No immediate changes to domestic GB legislation arise. The regulation falls within the scope of the Sanitary and Phytosanitary agreement currently being negotiated with the EU, which will eliminate any divergence in this area.

## **CONSULTATION**

18. Defra engages regularly with stakeholders including:

- Food manufacturers and retailers.
- SPS certification bodies.
- Logistics and agri-food trade representatives.

19. Stakeholder feedback indicates:

- Strong support for reducing administrative burdens on low-risk products.
- Interest in clarity around attestation requirements and eligibility for exemptions.

20. Defra will continue engagement to:

- Monitor impacts on traders moving goods to NI.
- Identify any operational issues and mitigation measures.

21. No formal public consultation has yet been undertaken specifically on this proposal.

## **FINANCIAL IMPLICATIONS**

### **For businesses**

22. Likely cost savings through:

- Reduced need for official certification.
- Lower administrative and border compliance costs.

### **For government**

23. Minimal direct financial impact:

- Possible marginal resource implications linked to guidance and implementation.

### **Overall**

24. The measure is expected to reduce financial burdens overall, particularly for SMEs trading composite food products.

A handwritten signature in cursive script, appearing to read 'Sue Hayman', is centered on the page.

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

**PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:**

**COMMISSION DELEGATED REGULATION (EU) .../... AMENDING DELEGATED REGULATION (EU) 2021/630 AS REGARDS THE PRIVATE ATTESTATION REQUIREMENTS OF THE COMPOSITE PRODUCTS EXEMPTED FROM OFFICIAL CONTROLS AT BORDER CONTROL POSTS, AND THE INCLUSION OF CERTAIN CEREAL PRODUCTS, PREPARED OR PRESERVED VEGETABLES, FRUITS, NUTS, SAUCES, CONDIMENTS, SEASONINGS, AND CONFECTIONERY IN THE LIST OF EXEMPTED COMPOSITE PRODUCTS**

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**C(2023) 3854 FINAL + ANNEX COMMISSION DELEGATED REGULATION (EU) .../... OF 19.6.2023 AMENDING DELEGATED REGULATION (EU) 2021/630 AS REGARDS THE INCLUSION OF CERTAIN SPREADS AND PREPARATIONS FOR MAKING BEVERAGES CONTAINING COCOA, CERTAIN PREPARED FOODS OBTAINED FROM CEREALS OR CEREAL PRODUCTS, CERTAIN PREPARED FOODS OBTAINED FROM RICE AND OTHER CEREALS, CERTAIN CHIPS AND CRISPS, AND CERTAIN SAUCES AND CONDIMENTS IN THE LIST OF COMPOSITE PRODUCTS EXEMPTED FROM OFFICIAL CONTROLS AT BORDER CONTROL POSTS AND AMENDING ANNEXES I AND III TO DELEGATED REGULATION (EU) 2019/2122**

**DATE DEFRA EM SIGNED: 19/12/2023**

**SCRUTINY COMMITTEES' RECOMMENDATIONS:**

<b>COMMONS</b>	<b>LORDS</b>
<b>CLEARED FROM SCRUTINY (OUTCOME AGENDA 3, 24/1/24)</b>	<b>CLEARED HOL LETTER 29/10/25. SIFTED FOR EXAMINATION TO THE WINDSOR FRAMEWORK SUBCOMMITTEE (CHAIR'S SIFT 45 19/1/24)</b>