

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

**C(2026) 766 FINAL**

**COMMISSION DELEGATED REGULATION (EU) 2026/322 AMENDING AND  
CORRECTING DELEGATED REGULATION (EU) 2020/687 SUPPLEMENTING  
REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND THE  
COUNCIL AS REGARDS RULES FOR THE PREVENTION AND CONTROL OF  
CERTAIN LISTED DISEASES**

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

**SUBJECT MATTER**

1. Commission Delegated Regulation (EU) 2020/687 lays down rules supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council ('Animal Health Law') as regards the prevention and control of certain listed diseases, namely category A (e.g., highly pathogenic avian influenza, foot and mouth disease, African swine fever), B and C diseases. Among other things, Delegated Regulation (EU) 2020/687 provides for the establishment of restricted zones, and for restrictions and conditions for movements of animals and their products and other materials within, to and from restricted zones as part of the measures in order to prevent and control the spread of category A diseases. Such measures should be adapted to the risks involved.
2. This Delegated Regulation, therefore, amends certain Articles of Delegated Regulation (EU) 2020/687 and certain Annexes of that regulation to align those measures with the risk and to take account of the new scientific knowledge available.

**SCRUTINY HISTORY**

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

**MINISTERIAL RESPONSIBILITY**

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

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

5. 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.
6. 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**

7.

### **i. Legal Base**

This Delegated Regulation is to be adopted within the framework of Regulation (EU) 2016/429, and in particular pursuant to Articles 55(2), 63, and 64(4), Article 67 and Article 68(3) thereof.

### **ii. 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.

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

The Regulation came into force 12 May 2026

## **POLICY AND LEGAL IMPLICATIONS**

8. This Regulation principally makes clarifications and corrections to existing European Union (EU) legislation relating to the prevention and control of certain listed diseases, to ensure that existing rules are clear. The aim is to better align disease control measures to actual risks, in particular, by adjusting rules on establishing restricted zones and regulating movements of animals, products, and materials to better match the risk levels of Category A diseases, based on latest scientific knowledge.

9. As 2020/687 is a key piece of implementing legislation in the Animal Health Law, these amendments to 2020/687 will currently only have an impact on NI when they respond to any outbreaks of the exotic diseases covered, including highly pathogenic avian influenza, foot and mouth disease and African swine fever.
10. There are 33 amendments to 2020/687 in this regulation, with the significant changes set out below:

### ***Significant changes***

#### **i. Article 1(21) amending Article 55 of 2020/687**

Article 55 sets out the conditions that allow the competent authority to revoke a Surveillance Zone (SZ) declared following the confirmation of a Category A or Category B disease. Amendments to Article 55 have changed the trigger for lifting from preliminary cleansing and disinfection to final cleansing and disinfection. These amendments only allow control measures to be lifted in a Surveillance Zone (SZ) before the completion of final cleaning and disinfection (C&D) in the affected establishment in certain circumstances. These include where final cleansing and disinfection can only be completed with significant delays compared to the minimum period an SZ is in place for (generally 30 days for FMD, ASF, CSF, HPAI, but 12 months for African Horse Sickness); a risk assessment is carried out; no outbreak of a relevant disease has occurred in the zone since declared; appropriate additional biosecurity measures are applied and the required surveillance is complete. In practice, final C&D following an outbreak on most livestock farms is likely to take many weeks or months as it is completed by the animal keeper in the UK and not the competent authority.. Unless derogations can be obtained by the competent authority, this change will likely result in zones remaining in place much longer than at present with more impact on animal keepers, longer trade restrictions and increased licensing and administrative costs for government. The precise length of the resulting delays will depend on the circumstances of individual farms. In 2025/26 there were 5 cases of highly pathogenic avian influenza, with 4 cases in 2024/25.

Colleagues in DAERA have also noted that in the event of an outbreak there is potential for a financial impact on farmers resulting from delays to lifting restrictions.

#### **ii. Article 1(1) amending Article 7 of 2020/687**

Amendments to Article 7 now allow the competent authority to authorise movements of certain non-listed species to an establishment in a restricted zone where Category A disease is suspected, based on case-by-case risk assessment and provided that the non-listed animals were temporarily moved out of the establishment before the category A disease was suspected and appropriate biosecurity measures are in place. This means that where, for example, highly pathogenic avian influenza is suspected on a premises, that cattle or sheep could be moved, subject to a risk assessment.

**iii. Article 1(2) amending Article 15 of 2020/687**

Amendment to Article 15 ensures full cleaning/disinfection procedure (preliminary + final) and pest control are explicitly required, not only preliminary cleaning. This now regulates the complete procedure of cleaning and disinfection, consisting of both the preliminary and the final cleaning and disinfection procedures.

**iv. Articles 1(10) and 1(15) amending Articles 28 and 43 respectively of 2020/687**

Amendments to Articles 28 and 43: by way of derogation from the prohibitions to be applied in protection and surveillance zones, allow movements of animals and products from a restricted zone if they originate from compartments approved under Delegated Reg. 2024/2623.

***Minor changes***

**v. Article 1(29) amending Article 83 of 2020/687**

At present, molluscs of listed species produced in establishments undergoing infection with listed or emerging diseases may be purified at a bio-secure purification centre or disease control aquatic food establishment prior to being placed on the market.

This paragraph removes the provision for these molluscs to be purified at a bio-secure purification centre to ensure that molluscs from infected establishments are only purified in a disease control aquatic food establishment.

**vi. Article 1(31) and (32) amending Article 99 of 2020/687**

These paragraphs remove the current derogation permitting aquatic animals destined for release into the wild to be moved from surveillance zones.

To note, Article 1(33) makes reference to changes made to Annex I. However, these changes are not detailed in this document.

***Additional considerations***

**vii. Impact of the EU legislation on NI**

This Regulation amends tertiary legislation under Regulation (EU) 2016/429 (The Animal Health Law). As The Animal Health Law is listed in Annex 2 to the Windsor Framework it applies directly in NI.

**viii. Sanitary and Phytosanitary Agreement**

Looking ahead, the UK and EU are negotiating a Sanitary and Phytosanitary (SPS) Agreement, which aims to establish a common SPS area. As part of the SPS agreement, Great Britain expect to dynamically align with EU legislation in scope of the agreement. As such, the AHL and its implementing and delegated Acts, including measures laid down in Regulation 2026/169, would apply directly in GB.

### **ix. Windsor Framework**

As the EU's Animal Health Law is directly applicable in NI by virtue of the Windsor Framework, there is already divergence between NI's and Great Britain's legislation relating to the prevention and control of listed diseases. While the amendments primarily refine and clarify the existing rules under Delegated Regulation (EU) 2020/687, they do not create new certification requirements, processes, or barriers. However, they may indirectly influence the practical operation of movements during disease- control situations, as NI must apply the updated EU measures. In some circumstances this could extend or adjust local controls but would not impose additional routine burdens on businesses.

## **CONSULTATION**

11. A consultation has not been carried out 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 United Kingdom.
12. 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**

13. This Regulation could impose additional financial burdens on businesses and government in NI in the event of an outbreak. The amendment to article 55 of 2020/687 means that restrictions will not be lifted until final cleansing and disinfection has been completed (previously this had been triggered by preliminary C&D). This change is likely to result in restrictions remaining in place for longer than required by previous regulations, slowing the return to business-as-usual for animal keepers, prolonging trade restrictions and increasing administrative costs for government. As noted above, the precise length of the resulting delays will depend on the circumstances of individual farms.
14. Policy officials have highlighted that, while the legislation only directly applies to NI, there is a potential risk that changes to Article 55 may financially impact some GB businesses that move poultry or poultry products to the EU. This would only apply to GB producers, if the EU apply these requirements to third countries.

A handwritten signature in black ink, reading "Suet Hayman". The signature is written in a cursive style with a large initial 'S' and a long, sweeping tail.

**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 AND CORRECTING DELEGATED REGULATION (EU) 2020/687 SUPPLEMENTING REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND THE COUNCIL AS REGARDS RULES FOR THE PREVENTION AND CONTROL OF CERTAIN LISTED DISEASES**

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**C (2023) 636 FINAL +ANNEX: COMMISSION DELEGATED REGULATION (EU) .../... OF 30.1.2023 AMENDING DELEGATED REGULATION (EU) 2020/687 SUPPLEMENTING REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND THE COUNCIL AS REGARDS RULES FOR THE PREVENTION AND CONTROL OF CERTAIN LISTED DISEASES**

**DATE DEFRA EM SIGNED: 11/05/2023**

**SCRUTINY COMMITTEES' RECOMMENDATIONS:**

<b>COMMONS</b>	<b>LORDS</b>
CLEARED FROM SCRUTINY (OUTCOME AGENDA 39, 12/7/23)	DRAWN TO THE ATTENTION OF THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 35; 19/5/23)