Disclaimer: This text is published for information purposes only and may undergo further modifications including as a result of the process of legal revision.
This text is without prejudice to the final outcome of the Agreement between the EU and the UK. The text will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.

DRAFT

AGREEMENT BETWEEN THE EUROPEAN UNION AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON A COMMON SANITARY AND PHYTOSANITARY AREA WITH CERTAIN COMMON QUALITY STANDARDS

THE EUROPEAN UNION, hereinafter referred to as the "Union",

and

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, hereinafter referred to as the "United Kingdom",

hereinafter jointly referred to as the "Parties";

DETERMINED to enhance food and feed safety along all stages of the food chain in the territories of the Member States of the Union and the United Kingdom,

SEEKING to ensure a high level of human, animal and plant health along all stages of the food chain,

SEEKING to combat antimicrobial resistance,

CONFIRMING their willingness to enhance animal protection and to promote high standards of animal welfare,

RECOGNISING the importance of maintaining high quality standards for agricultural and fishery products and ensuring consumers' protection,

AFFIRMING that the establishment of a Common Sanitary and Phytosanitary Area with certain common quality standards would significantly facilitate trade by allowing the majority of movements of animals, plants, food and feed between the Union and the United Kingdom to occur subject to the

same requirements for sanitary, phytosanitary and quality certificates and controls as for movements within the Union, thereby reducing administrative and operational burdens and associated costs, while upholding the highest level of protection against sanitary and phytosanitary risks and maintaining the highest standards of food quality and safety,

RECOGNISING that in order to achieve the objectives of this Agreement, namely to facilitate the smooth functioning of the free trade area established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, done at Brussels and London on 30 December 2020 (the "Trade and Cooperation Agreement") by establishing a Common Sanitary and Phytosanitary Area with certain common quality standards, the Parties should ensure that, other than in areas specifically excepted by this Agreement, all stages of production, processing and distribution of food, of feed and of animal by-products; animal health, animal breeding, and animal welfare; plant health; plant protection products; plant reproductive material; antimicrobial resistance in animals; contaminants and residues; materials and articles intended to come into contact with food; food information and labelling requirements; rules on organics; nutrition standards and associated requirements; genetically modified organisms; biocidal products; marketing standards applicable to agricultural sectors and products, with the exception of wine and spirits; all related official controls and certification, are at all times governed in the United Kingdom, by the same rules that apply to those areas within the Union, on the basis of dynamic alignment and simultaneous application in accordance with this Agreement,

ACKNOWLEDGING that those rules should be interpreted uniformly within the territorial scope of this Agreement; and the interpretation given to those rules within the Union should also apply in the context of the relations between the Parties,

AFFIRMING that the exclusive jurisdiction of the Court of Justice of the European Union in the interpretation of Union law must be fully preserved, including, for the avoidance of doubt, as regards the scope of application of Union law,

RECOGNISING that this Agreement deepens the free trade area and strengthens the economic partnership established by the Trade and Cooperation Agreement and builds extensively on certain institutional provisions laid down in that agreement, but that, it does not constitute a supplementing agreement to the Trade and Cooperation Agreement within the meaning of Article 2 (Supplementing agreements) thereof,

RECOGNISING that this Agreement should apply alongside, and without prejudice to, the

Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, done at Brussels and London on 24 January 2020 (the "Withdrawal Agreement"), including the Windsor Framework, which forms an integral part thereof,

REAFFIRMING their commitment to the essential elements of their partnership as laid down in the Trade and Cooperation Agreement and their obligation to implement the Withdrawal Agreement,

AFFIRMING that the Parties should take all necessary steps in relation to the Windsor Framework to ensure that the same benefits for movements between parts of the United Kingdom other than Northern Ireland and the Union under this Agreement are extended to movements between those parts of the United Kingdom and Northern Ireland,

RECOGNISING that the provisions of this Agreement are to be interpreted in good faith in accordance with their ordinary meaning in their context and in light of the object and purpose of this Agreement in accordance with customary rules of interpretation of public international law, including those codified in the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969 (the "Vienna Convention"), except as otherwise provided for in this Agreement,

NOTING that the financial contribution of the United Kingdom pursuant to this Agreement is intended only to finance those activities of the agencies, information systems and other activities of the Union in which the United Kingdom participates,

HAVE AGREED AS FOLLOWS:

PART ONE
GENERAL PROVISIONS

ARTICLE 1

Definitions

For the purposes of this Agreement:

(a) "day" means a calendar day;

(b) "legal acts of the Union" means regulations, directives, decisions, opinions and recommendations;

(c) "other Union acts" means guidelines, notices and communications not covered in point (e) that concern the interpretation and application of the Union rules that govern matters within the scope of this Agreement;

(d) “Treaties” means the Treaty on European Union (“TEU”) and the Treaty on the Functioning of the European Union (“TFEU”);

(e) “Union acts adopted on the basis of the legal acts of the Union” means legal acts designated as delegated or implementing acts in accordance with the Treaties, as well as other non-legislative acts adopted on the basis of the legal acts referred to in Annex 1;

(f) “United Kingdom” means, unless otherwise specified, the territories referred to in Article 44(2).

ARTICLE 2

Objectives

1. The overall objective of this Agreement is to guarantee for the Parties, and for economic operators and individuals, greater legal certainty, equal treatment and a level playing field with a view to facilitate the movements of animals, animal products, plants and plant products between the Parties by establishing and ensuring the effective functioning of a Common Sanitary and Phytosanitary (SPS) Area with certain common quality standards between the Parties.

2. By creating a Common SPS Area with certain common quality standards, the Parties aim to achieve the following specific objectives:

(a) enhancing food and feed safety along all stages of the food chain;

(b) ensuring a high level of human, animal and plant health along all stages of the food chain and to ensure the protection of the environment from risks that might arise from plant protection products;

(c) increasing effort to combat antimicrobial resistance;

(d) enhancing animal protection and promoting high standards of animal welfare;

(e) ensuring high quality standards of agricultural and fishery products, as well as consumers’ protection; and

(f) cooperating in multilateral international fora on the development of international standards, guidelines and recommendations within the scope of this Agreement.

3. To this end, this Agreement lays down institutional solutions facilitating a continuous and balanced strengthening of economic relations between the Parties, in particular:

(a) the procedure for aligning to the acts of the Union within the scope of this Agreement;

(b) the uniform interpretation and application of the legal acts of the Union and other Union acts to which reference is made in this Agreement or which are referred to in Annex 1 and, to the extent that they involve concepts of Union law, the provisions of this Agreement;

(c) the basis for effective implementation and application of this Agreement; and

(d) the dispute settlement procedure.

ARTICLE 3

Material scope

The scope of the Common SPS Area with certain common quality standards shall cover:

(a) animal health;

(b) animal breeding;

(c) animal welfare;

(d) antimicrobial resistance in animals;

(e) plant health;

(f) plant reproductive material;

(g) biocidal products;

(h) plant protection products;

(i) food and feed safety, production, processing and distribution of food, feed and animal by-products;

(j) contaminants and residues;

(k) materials and articles intended to come into contact with food;

(l) rules on organics;

(m) marketing standards applicable to agricultural sectors and products, with the exception of wine and spirits;

(n) nutrition standards and associated requirements;

(o) food information and labelling requirements;

(p) genetically modified organisms; and

(q) all related official controls and certification.

ARTICLE 4

Relationship with the Withdrawal Agreement

This Agreement shall apply without prejudice to the Withdrawal Agreement, with the exception of Article 8 (Access to networks, information systems and databases) thereof.

ARTICLE 5

Relationship with the Trade and Cooperation Agreement

1. This Agreement shall not constitute a supplementing agreement to the Trade and Cooperation Agreement within the meaning of Article 2 (Supplementing agreements) thereof.

2. The following provisions of the Trade and Cooperation Agreement shall be suspended while this Agreement is applicable, with respect to matters which fall within the scope of this Agreement and for which Articles 13 and 15 of this Agreement apply: Article 8(1) (Committees), point (d), Article 9(1) (Working Groups), point (a), Chapter 3 (Sanitary and phytosanitary measures), except Article 84 (Cooperation on animal welfare), and Chapter 4 (Technical barriers to trade) of Title I of Heading One of Part Two, Annex 10 (Criteria referred to in point (d) of article 87), Annex 14 (Organic products), Appendices 14-A (Organic products from the United Kingdom for which the Union recognises equivalence), 14-B (Organic products from the Union for which the United Kingdom recognises equivalence), 14-C (Laws and regulations on organic products applicable in the United Kingdom) and 14-D (Laws and regulations on organic products applicable in the Union).

3. This Agreement shall not alter the rights and obligations of the Parties under provisions of the Trade and Cooperation Agreement and supplementing agreements to the Trade and Cooperation Agreement other than those suspended in accordance with paragraph 2, to the extent that those rights and obligations are compatible with this Agreement and do not affect the rights or the performance of the obligations of the Parties under this Agreement.

PART TWO

SECTORAL PROVISIONS

ARTICLE 6

Establishment of a Common SPS Area with certain common quality standards

The Parties hereby establish a Common SPS Area with certain common quality standards in the territories referred to in Article 44. The Common SPS Area with certain common quality standards is governed by the legal acts of the Union and other Union acts referred to in Annex 1, which the United Kingdom shall dynamically align with and simultaneously apply in accordance with Article 13 to the matters set out in Article 3.

ARTICLE 7

Relations of the United Kingdom with the European Free Trade Association states

Nothing in this Agreement shall prevent the United Kingdom from taking the necessary steps to treat movements within the scope of this Agreement from a country that forms part of the European Free Trade Association in the same way as such movements are treated by the Union.

ARTICLE 8

Cooperation in multilateral international fora

The Parties agree to cooperate in multilateral international fora on the development of international standards, guidelines and recommendations within the scope of this Agreement.

ARTICLE 9

Cooperation on antimicrobial resistance

1. The Parties shall provide a framework for dialogue and cooperation with a view to strengthening the fight against the development of antimicrobial resistance in addition to the dynamic alignment with, and simultaneous application of, the provisions incorporated in this Agreement.

2. The Parties recognise that antimicrobial resistance is a serious threat to human and animal health. Misuse of antimicrobials in animal production, including non-therapeutic use, can contribute to antimicrobial resistance that may represent a risk to human life. The Parties recognise that the nature of the threat requires a transnational and One Health approach.

3. With a view to combating antimicrobial resistance, the Parties shall endeavour to cooperate internationally with regional or multilateral work programmes to reduce the unnecessary use of antibiotics in animal production and to work towards the cessation of the use of antibiotics as growth promotors internationally to combat antimicrobial resistance in line with the One Health approach, and in compliance with the Global Action Plan on Antimicrobial Resistance.

4. The Parties shall collaborate in the development of international standards, guidelines, recommendations and actions in relevant international organisations aiming to promote the prudent and responsible use of antibiotics in animal husbandry and veterinary practices.

5. The dialogue referred to in paragraph 1 shall cover, *inter alia*:

(a) collaboration to follow up existing and future guidelines, standards, recommendations and actions developed in relevant international organisations and existing and future initiatives and national plans aiming to promote the prudent and responsible use of antibiotics and relating to animal production and veterinary practices;

(b) collaboration in the implementation of the recommendations of the World Organisation for Animal Health (WOAH), World Health Organisation (WHO) and Codex Alimentarius Commission;

(c) the exchange of information on good farming practices;

(d) the promotion of research, innovation and development; and

(e) the promotion of multidisciplinary approaches to combat antimicrobial resistance, including the One Health approach of the WHO, WOAH and Codex Alimentarius Commission.

ARTICLE 10

Cooperation on animal welfare

In addition to dynamic alignment with, and simultaneous application of, the legal acts of the Union or other Union acts referred to in Annex 1, the Parties undertake to cooperate on animal welfare. To that end, Article 84 (Cooperation on animal welfare) of the Trade and Cooperation Agreement shall apply *mutatis mutandis*.

ARTICLE 11

Minimum marketing sizes for fishery products

Fishery products caught by Union vessels outside waters under the jurisdiction of the United Kingdom, as well as products which are prepared or preserved using such fishery products, and which are compliant with minimum marketing sizes of the Union may be landed or made available on the United Kingdom market, including for human consumption.

PART THREE
INSTITUTIONAL PROVISIONS

CHAPTER 1

DYNAMIC ALIGNMENT AND SIMULTANEOUS APPLICATION

SECTION 1

GENERAL OBLIGATION AND PROCEDURE

ARTICLE 12

Consultation in the drafting of legal acts of the Union

1. When, during the drafting of a proposal for a legal act of the Union in accordance with the TFEU falling within the scope of this Agreement, the European Commission asks for the views of experts of the Member States of the Union, it shall ensure that the experts of the United Kingdom are also informally consulted in the same way.

At the request of either Party, a preliminary exchange of views shall take place within the Joint Committee on the Common SPS Area.

The Parties shall consult each other again, at the request of either of them, within the Joint Committee on the Common SPS Area at important moments of the phase preceding the adoption of the legal act by the Union.

2. When preparing, in accordance with the TFEU, delegated acts on the basis of legal acts of the Union referred to in Annex 1, the European Commission shall consult the experts of the United Kingdom on the same draft delegated acts on which it consults the experts of the Member States of the Union.

3. When preparing draft implementing acts to be adopted on the basis of legal acts of the Union referred to in Annex 1, the European Commission shall consult the United Kingdom on the same draft measures on which it consults the Member States of the Union.

4. When preparing draft measures to be adopted in accordance with Article 5a of Council Decision 1999/468/EC[1] on the basis of legal acts of the Union referred to in Annex 1, the European Commission shall consult the United Kingdom on the same draft measures on which it consults the Member States of the Union.

5. In the cases not covered by paragraphs 1 to 4, including non legally binding acts to be incorporated in this Agreement, the European Commission may consult experts of the United Kingdom on the same matters on which it consults experts of the Member States of the Union where this is necessary for the proper implementation by the United Kingdom of the legal acts of the Union referred to in Annex 1. A list of those cases shall be drawn up and updated by the Joint Committee on the Common SPS Area.

6. The United Kingdom shall be invited to attend, as an observer, only those meetings or parts of meetings of the committees and expert groups when they address the application of the acts referred to in paragraphs 2 to 4 of this Article where this is necessary for the proper implementation by the United Kingdom of the legal acts of the Union referred to in Annex 1. By way of exception, the Union may decide to invite the United Kingdom to attend those meetings when they address the preparation of acts for emergencies of specific relevance for the United Kingdom. The United Kingdom shall have no voting rights.

7. Nothing in this Article shall confer on the United Kingdom the right to participate in the work of the institutions and the decision-making bodies of the Union, including the Council or its preparatory bodies.

ARTICLE 13

General obligation to dynamically align and simultaneously apply

1. Subject to Section 2 of this Chapter, the United Kingdom shall dynamically align with the legal acts of the Union and other Union acts referred to in Annex 1 by giving effect to them in accordance with paragraph 2.

2. For the purposes of paragraph 1:

(a) as regards regulations and decisions, the United Kingdom shall integrate these into its domestic law and apply them;

[1] Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ EC L 184, 17.7.1999, p. 23, ELI: http://data.europa.eu/eli/dec/1999/468/oj).

(b) as regards directives the United Kingdom shall be bound as to the result to be achieved and shall apply rules in its domestic law to that effect; and

(c) as regards opinions, recommendations, guidelines, notices, communications and other non-legal acts covered by Article 1, points (c) and (e), the United Kingdom shall give the same effect to those acts as they produce within the Union.

3. Subject to Section 2 of this Chapter, the United Kingdom shall give effect to the acts referred to in paragraph 1 from the later of the following two dates to ensure that they apply simultaneously in the Union and the United Kingdom:

(a) the date of entry into force of this Agreement or, as the case may be, the date of its provisional application; or

(b) the date on which these acts become applicable in the Union; for directives, that date shall be understood as the date as provided for therein at which Member States of the Union are required to apply the laws, regulations and administrative provisions necessary to comply with the directive.

4. By way of derogation from point (b) of paragraph 3, and subject to Section 2 of this Chapter, where a legal act of the Union, incorporated in this Agreement pursuant to Article 15 becomes applicable in the Union less than two months after its adoption, the United Kingdom shall give effect to that legal act no later than two months after its adoption by the Union.

ARTICLE 14

Union acts adopted on the basis of the legal acts of the Union referred to in Annex 1

1. For the purposes of this Agreement, references to a legal act of the Union referred to in Annex 1 shall be understood to include the Union acts adopted on the basis of such a legal act of the Union.

2. Without prejudice to paragraph 1, the Joint Committee on the Common SPS Area may at any time adopt or amend the necessary technical adaptations to Union acts adopted on the basis of a legal act of the Union referred to in Annex 1.

ARTICLE 15

Procedure for the incorporation of legal acts of the Union and other Union acts into this Agreement

1. In order to guarantee dynamic alignment and simultaneous application for the purposes of this Chapter, the United Kingdom and the Union shall ensure that legal acts of the Union and other Union

acts adopted within the scope of this Agreement are incorporated into this Agreement, in accordance with the procedure set out in paragraphs 2 and 3, no later than the date at which those legal acts become applicable within the Union. For directives, that date shall be understood as the date as provided for therein at which Member States of the Union are required to bring into force the laws, regulations and administrative provisions necessary to comply with the directive.

2. When it adopts a legal act of the Union or other Union act within the scope of this Agreement, the Union shall inform the United Kingdom thereof as quickly as possible through the Joint Committee on the Common SPS Area. Without prejudice to paragraph 1, at the request of either of the Parties, the Joint Committee on the Common SPS Area shall conduct an exchange of views on that act.

3. The Joint Committee on the Common SPS Area shall act in accordance with paragraph 1 by adopting a decision to amend Annex 1, including the necessary technical adaptations, which it shall update when needed. The Joint Committee on the Common SPS Area shall adopt that decision as quickly as possible. The Joint Committee on the Common SPS Area shall give due regard to the United Kingdom's obligations under Article 13.

4. As regards legal acts of the Union that amend or replace an act referred to in Annex 1, the Joint Committee on the Common SPS Area shall examine the existing technical adaptations to the provisions that are amended or replaced, and to the extent that they continue to be relevant, adopt those technical adaptations with respect to the amending or replacing act.

5. If, following the notification pursuant to paragraph 2, the Parties cannot reach an agreement within the Joint Committee on the Common SPS Area to amend Annex 1 in accordance with paragraph 3, the Union may, after the legal act becomes applicable in the Union, adopt appropriate temporary measures as necessary and proportionate to protect the Union’s SPS Area with certain quality standards in the territories referred to in Article 44(1).

6. The Parties shall cooperate in good faith throughout the procedure set out in this Article in order to facilitate decision-making.

ARTICLE 16

Exceptions to dynamic alignment and simultaneous application

1. Without prejudice to Article 3, the obligations set out in Articles 12 and 15 shall not apply in respect of legal acts of the Union or provisions thereof, to the Union acts adopted on their basis, or to other Union acts, falling within the scope of the provisions of this Agreement listed in paragraph 2 of this Article.

2. The provisions referred to in paragraph 1 are the following:

(a) Article 17;

(b) Article 18; and

(c) Article 19.

3. Where some provisions of a legal act of the Union incorporated in Annex 1 fall within the scope of the provisions listed in paragraph 2 of this Article, Article 13 shall not apply to those provisions. For legal certainty, appropriate technical adaptations shall be added to Annex 1.

ARTICLE 17

Movement of dogs and cats

1. In accordance with Article 16, the United Kingdom may apply provisions of its domestic law which:

(a) prohibit or restrict the entry into the territories referred to in Article 44(2) of dogs and cats which are below the age of six months provided that the following movements are permitted:

(i) non-commercial movements of up to two dogs or cats carried out in a single means of transport other than a public means of transport, where those dogs or cats are accompanying their owner or owners; and

(ii) non-commercial movements of up to two dogs or cats per owner on a public means of transport, where those dogs or cats are accompanying their owner; and

(b) prohibit or restrict the entry into the territories referred to in Article 44(2) of dogs and cats which are more than forty-two days pregnant provided that non-commercial movements are permitted in exceptional situations.

2. After five years from the entry into force of this Agreement, the Joint Committee on the Common SPS Area shall review and may decide to remove, or limit the duration or scope of, the exceptions referred to in paragraph 1, or to adapt the permitted movements referred to in paragraph 1, points (a) and (b).

ARTICLE 18

Transport of live animals

In accordance with Article 16, the United Kingdom may apply provisions of its domestic law concerning the movements of live equine, bovine, porcine, ovine and caprine animals, which prohibit such movements to the territory of a Member State or to third countries, for the purpose of fattening or slaughter.

ARTICLE 19

Movements of bovine animals and bovine semen into the Channel Islands

In accordance with Article 16, the Bailiwick of Jersey and the Bailiwick of Guernsey may continue to apply, as the case may be, provisions of their domestic law concerning the movements of bovine animals and bovine semen, which restrict such movements into their territory.

SECTION 2

HORIZONTAL AND TECHNICAL ADAPTATIONS TO THE UNION ACTS INCORPORATED INTO THIS AGREEMENT

ARTICLE 20

Horizontal adaptations

1. For the purposes of this Agreement, and subject to any technical adaptation set out in Annex 1, the legal acts of the Union and other Union acts referred to in Annex 1 shall be read by the Parties in accordance with paragraphs 2 to 5.

2. References to “Member States” of the Union and competent authorities of Member States of the Union shall be understood as including the United Kingdom in respect of the territories referred to in Article 44(2), except as regards the participation in the decision-making and governance of the bodies, offices and agencies of the Union. Procedures, institutional arrangements or other provisions concerning the work of the committees and groups of experts that assist the European Commission shall be read in accordance with Article 12(6) and (7). References to “third countries” shall be understood as not including the United Kingdom.

3. References to the territory of the "European Union", of the "Union", of the "common market" or of the "internal market" shall be understood as including the United Kingdom in respect of the territories referred to in Article 44(2).

4. References to nationals of Member States of the Union, or to any natural or legal persons residing or established in the Member States of the Union shall be understood as including references to

nationals of the United Kingdom, or to any natural or legal persons residing or established in one of the territories referred to in Article 44(2).

5. Provisions on the entry into force or implementation of the legal acts of the Union and other Union acts referred to in Annex 1 shall be applicable to this Agreement, with the exception of:

(a) where the date of application of legal acts of the Union or of other Union acts referred to in Annex 1 is earlier than the date of entry into force of this Agreement or, as the case may be, the date of its provisional application, the provisions on the entry into force or implementation of those acts of the Union shall be understood, as regards the United Kingdom, as referring to the date of entry into force of this Agreement or, as the case may be, the date of its provisional application; and

(b) where the legal act of the Union was incorporated in this Agreement pursuant to Article 15, and the date of application of the provisions of that legal act is less than two months after its adoption, the provisions on the entry into force or implementation of those provisions shall be understood, as regards the United Kingdom, as referring to the date occurring two months after the adoption of that act by the Union.

6. Where a legal act of the Union or other Union act referred to in Annex 1 contains a periodic reporting requirement, this reporting requirement shall apply to the United Kingdom from the beginning of the first full reporting period following the entry into force of this Agreement.

CHAPTER 2

INTERPRETATION AND APPLICATION OF THIS AGREEMENT

ARTICLE 21

Uniform interpretation principle

1. Except as provided for in paragraph 2 of this Article and Article 30:

(a) the provisions of this Agreement shall be interpreted in good faith in accordance with their ordinary meaning in their context and in light of the object and purpose of this Agreement in accordance with customary rules of interpretation of public international law, including those codified in the Vienna Convention; and

(b) this Agreement does not establish an obligation to interpret its provisions in accordance with the domestic law of either Party.

2. For the purpose of achieving the objectives set out in Article 2, the legal acts of the Union and other Union acts to which reference is made in this Agreement or which are referred to in Annex 1 and, to the extent that they involve concepts of Union law, the provisions of this Agreement shall be interpreted and applied uniformly within the Union and in the United Kingdom in respect of the territories referred to in Article 44(2) in accordance with the case law of the Court of Justice of the European Union, prior or subsequent to the signature of this Agreement. The interpretation given to those legal acts and concepts of Union law within the Union shall also apply in the context of the relations between the Parties.

ARTICLE 22

Functioning of the Common SPS Area with certain common quality standards

1. As regards the rights and obligations laid down for the Member States of the Union in the legal acts of the Union and other Union acts referred to in Annex 1 the Union shall treat the United Kingdom as a Member State, in accordance with Article 20, in respect of the territories referred to in Article 44(2).

2. Nothing in this Agreement shall prevent the United Kingdom from ensuring unfettered market access for goods moving from Northern Ireland to other parts of the United Kingdom's internal market in accordance with Article 6 (Protection of the UK internal market) of the Windsor Framework. Notwithstanding paragraph 1 of this Article, movements from Northern Ireland to other parts of the United Kingdom shall be treated as movements within the territory of a Member State.

ARTICLE 23

Implementation of this Agreement

1. The obligations laid down in Article 3 (Good faith) of the Trade and Cooperation Agreement shall apply *mutatis mutandis* in respect of this Agreement.

2. The Parties shall take all measures necessary to guarantee the intended result of the legal acts of the Union and of other Union acts to which reference is made in this Agreement or which are referred to in Annex 1 and shall refrain from taking any measure that could jeopardise the achievement of their aims.

3. The Parties shall cooperate and assist each other in the implementation of this Agreement. In particular, without prejudice to Article 12:

(a) they shall, in a timely manner, exchange information on relevant implementation measures; in particular, the United Kingdom shall provide timely and adequate evidence of the measures it has taken in order to comply with its obligations under Article 13;

(b) the Union shall provide to the United Kingdom the information that has been provided to the Member States of the Union and is necessary to allow the United Kingdom to fully comply with its obligations under this Agreement;

(c) the United Kingdom may submit a reasoned request for information other than that referred to in point (b) that is necessary in order to comply with its international obligations. The Union shall give due consideration to that request; and

(d) the United Kingdom shall have access to the information systems and agencies of the Union as provided for in the legal acts of the Union and other Union acts referred to in Annex 1 in accordance with Section 2.

ARTICLE 24

Cooperation

The Union and the United Kingdom shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt, through cooperation and consultations, to arrive at a mutually satisfactory resolution of any matter that might affect its operation.

ARTICLE 25

Cooperation between jurisdictions

1. To support the achievement of the objectives referred to in Article 2(3), point (b), and mutual understanding of their laws and procedures, and in full deference to judicial independence, the judiciaries of the United Kingdom and of the Court of Justice of the European Union may engage, as they deem appropriate, in a dialogue.

2. The United Kingdom shall have the right to lodge statements of case or written observations with the Court of Justice of the European Union where a court of a Member State of the Union refers to the Court of Justice of the European Union a question concerning the interpretation of this Agreement or of a provision of a legal act of the Union referred to therein for a preliminary ruling.

CHAPTER 3

DISPUTE SETTLEMENT

ARTICLE 26

Exclusivity principle

1. The Parties undertake not to submit a dispute regarding the interpretation or application of this Agreement to any method of settlement other than that provided for in this Agreement.

2. Nothing in this Agreement shall affect the exclusive jurisdiction of the Court of Justice of the European Union as regards the interpretation of Union law as well as the legality under Union law of the legal acts of the Union and that of the acts of the Union institutions, agencies and bodies.

ARTICLE 27

Procedure in the event of difficulty of interpretation or application

1. Chapters 1 to 4 of Title I of Part Six (Dispute settlement), Annex 48 (Rules of procedure for dispute settlement) and Annex 49 (Code of conduct for arbitrators) of the Trade and Cooperation Agreement shall apply *mutatis mutandis* with respect to disputes concerning the interpretation or application of this Agreement, subject to paragraph 2 of this Article and Articles 28 to 31.

2. The following provisions of the Trade and Cooperation Agreement shall not apply to disputes concerning the interpretation or application of this Agreement:

(a) Article 736 (Exclusivity);

(b) Article 737 (Choice of forum in case of a substantially equivalent obligation under another international agreement);

(c) Article 741 (Requirements for arbitrators);

(d) Article 747 (Reasonable Period of Time);

(e) Article 749 (Temporary Remedies); and

(f) Article 752 (List of arbitrators).

ARTICLE 28

Covered provisions under Title I of Part Six of the Trade and Cooperation Agreement

For the purposes of Title I of Part Six (Dispute settlement) of the Trade and Cooperation Agreement, the provisions of this Agreement shall be considered “covered provisions”.

ARTICLE 29

Interim measures

1. Either Party ("the applicant") may apply for interim measures at any stage of the arbitration procedure following the establishment of the arbitration tribunal and prior to its ruling pursuant to Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement.

2. An application pursuant to paragraph 1 shall state the subject matter of the arbitration procedure, the circumstances giving rise to urgency and the pleas of fact and law establishing a *prima facie* case for the interim measures applied for, demonstrating how the conditions in paragraph 4 are met. It shall contain all the evidence and offers of further evidence available to justify the grant of the interim measures.

3. The applicant shall send its application in writing to the other Party and to the arbitration tribunal. The arbitration tribunal shall set a short time limit of no less than 10 days within which that other Party may submit written or oral observations. The arbitration tribunal shall deliver its decision to the Parties within one month of the submission of the application referred to in paragraph 1.

4. The arbitration tribunal shall adopt a decision granting the requested interim measures if it is satisfied that the following conditions are met:

(a) the applicant has established a *prima facie* case that the measure at issue is not in conformity with the provisions of this Agreement;

(b) a link exists between the non-conformity referred to in point (a) and the interim measures being requested; and

(c) absent those measures and pending its ruling pursuant to Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement, the applicant would suffer, or there is a reasonable possibility that it would suffer, imminent, serious and irreparable harm; the arbitration tribunal undertaking, when necessary, a weighing of the competing interests of the Parties.

5. In carrying out its assessment under point (c) of paragraph 4, and in considering whether to fix a date on which the interim measures shall lapse pursuant to paragraph 7, the arbitration tribunal shall have due regard to Article 2, in particular the need to ensure the integrity and functioning of the Common SPS Area with certain common quality standards.

6. A decision taken by the arbitration tribunal in accordance with paragraph 4 to grant interim measures shall be without prejudice to the ruling of the arbitration tribunal in accordance with Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement.

7. The arbitration tribunal may fix a date on which interim measures are to lapse in its decision to grant those measures in accordance with this Article. Where that decision does not fix such a date, the interim measures shall cease to have effect when:

(a) full compliance with the ruling of the arbitration tribunal in accordance with Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement is established by agreement between the Parties or in accordance with Article 748 (Compliance Review) of the Trade and Cooperation Agreement; or

(b) any suspension of obligations taken in accordance with Article 31 in respect of the arbitration procedure in relation to which interim measures have been granted takes effect.

8. The referral of a question of interpretation of Union law to the Court of Justice of the European Union in accordance with Article 30 shall not preclude the arbitration tribunal from granting interim measures in accordance with this Article or lead to the suspension of the deadline laid down in paragraph 3 pending the ruling of the Court of Justice of the European Union. The arbitration tribunal shall review its decision in accordance with that ruling, once delivered.

9. The arbitration tribunal shall stay the arbitration proceedings when:

(a) the arbitration tribunal receives an application pursuant to paragraph 1, from the receipt of that application until the delivery of its decision under paragraph 3; or

(b) the Court of Justice of the European Union delivers a ruling pursuant to Article 30, from the delivery of that ruling until the arbitration tribunal has concluded a review of its decision in accordance with paragraph 8.

10. Where the arbitration tribunal has rejected a first application for interim measures, the applicant may re-apply for interim measures on the basis of new facts, in which case paragraphs 2 to 9 shall apply *mutatis mutandis*.

11. A Party may apply for the modification, suspension or termination of interim measures that have been granted in accordance with this Article, where it considers that due to change in circumstances those interim measures are no longer appropriate in which case paragraphs 2 to 9 shall apply *mutatis mutandis*.

ARTICLE 30

Referral to the Court of Justice of the European Union for the interpretation of Union acts

1. Where the arbitration tribunal considers that:

(a) a dispute submitted to arbitration in accordance with paragraph 1 of Article 27 raises a question of interpretation of (i) a legal act of the Union or other Union act to which reference is made in this Agreement or which is referred to in Annex 1, or (ii) to the extent that it involves a concept of Union law, a provision of this Agreement; and

(b) the interpretation of that act or that provision is relevant to the settlement of the dispute and necessary to enable it to issue a ruling,

the arbitration tribunal shall not decide on any such question and shall refer that question to the Court of Justice of the European Union. The arbitration tribunal shall stay the proceedings until the date on which the ruling of the Court of Justice of the European Union is delivered.

2. Where the arbitration tribunal refers a question to the Court of Justice of the European Union pursuant to paragraph 1:

(a) the Court of Justice of the European Union shall have jurisdiction to give a ruling on the question referred to it;

(b) the ruling of the Court of Justice of the European Union shall be binding on the arbitration tribunal when the arbitration tribunal makes a ruling;

(c) the period elapsed between the date of the referral and the date on which the ruling of the Court of Justice of the European Union is delivered shall not be taken into account for the purposes of the time limits within which the arbitration tribunal is to deliver its interim report and ruling in accordance with Article 745 (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement; the arbitration tribunal shall not be required to make a ruling under Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement less than 60 days from the date on which the Court of Justice of the European Union has given its ruling;

(d) the United Kingdom may participate in the proceedings before the Court of Justice of the European Union in the same way as a Member State of the Union;

(e) lawyers authorised to practise before the courts or tribunals of the United Kingdom shall be entitled to represent or assist the United Kingdom in proceedings before the Court of Justice of the European Union; in such cases those lawyers shall in every respect be treated as lawyers

authorised to practise before courts of the Member States of the Union representing or assisting a party before the Court of Justice of the European Union;

(f) the Court of Justice of the European Union shall apply, by analogy, its internal rules of procedure applicable to the exercise of its jurisdiction to make a preliminary ruling on the interpretation of the Treaties and acts made by the Union's institutions, bodies, offices and agencies; and

(g) the procedure for referrals to the Court of Justice of the European Union shall be governed by Annex 2; such Annex may be amended by decision of the Partnership Council.

ARTICLE 31

Compliance and remedies

1. Having obtained the opinion of each Party, the arbitration tribunal shall set in the ruling referred to in Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement, a reasonable period of time for compliance therewith.

2. Where, in the ruling referred to in Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement, the arbitration tribunal finds that the respondent Party has breached an obligation under this Agreement, the complaining Party may deliver a written notification to the respondent Party that it intends to suspend the application of obligations under the covered provisions if:

(a) the respondent Party delivers a notification to the complaining Party that it is not possible to comply with the ruling referred to in Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement; or

(b) the respondent Party fails to deliver a notification of any measure taken to comply within the deadline referred to in Article 746 (Compliance measures) of the Trade and Cooperation Agreement or before the date of expiry of the reasonable period of time; or

(c) the arbitration tribunal finds, in accordance with Article 748 (Compliance Review) of the Trade and Cooperation Agreement, that no measure taken to comply exists or that the measure taken to comply is inconsistent with the covered provisions.

The notification shall specify the level of intended suspension of obligations. Where the intended suspension relates to obligations under this Agreement, the notification shall specify the

commencement date for suspension which shall be no earlier than 10 days after the date of delivery of the notification.

3. For the purposes of this Agreement, references to "suspension of obligations" or to its notification in the provisions of the Trade and Cooperation Agreement mentioned in Article 27(1) of this Agreement shall be understood as referring to the suspension of obligations or its notification under paragraph 2 of this Article.

For the purposes of this Agreement, references to the application of "temporary compensation" or "compensation" in the provisions of the Trade and Cooperation Agreement mentioned in Article 27(1) shall not apply.

4. Suspension of obligations shall be subject to the following conditions:

(a) obligations under Heading Four of Part Two, the Protocol on Social Security Coordination or its annexes or Part Five of the Trade and Cooperation Agreement may not be suspended under this Article;

(b) by way of derogation from point (a) of this paragraph, obligations under Part Five of the Trade and Cooperation Agreement may be suspended only where the ruling referred to in Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement concerns the interpretation and implementation of Part Five of that Agreement;

(c) obligations outside Part Five of the Trade and Cooperation Agreement may not be suspended where the ruling referred to in Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement concerns the interpretation and implementation of Part Five of that Agreement;

(d) obligations under Title II of Heading One of Part Two of the Trade and Cooperation Agreement in respect of financial services may not be suspended under this Article, unless the ruling referred to in Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement concerns the interpretation and application of obligations under Title II of Heading One of Part two of that Agreement in respect of financial services;

(e) obligations under Article 7(1) (Emission allowances and accounting) of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on the linking of their respective greenhouse gas emissions trading system and scheme ("ETS Agreement") may be suspended only where the ruling referred to in Article

745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement concerns the interpretation and application of the ETS Agreement;

(f) the suspension in whole or in part of Title I (Aviation) of Heading Two of Part Two of the Trade and Cooperation Agreement in accordance with this Article shall comply with the conditions laid down in Article 440 (Suspension and termination) of the Trade and Cooperation Agreement.

5. Where a Party persists in not complying with a ruling of an arbitration panel established under the Withdrawal Agreement, the other Party may suspend obligations under the covered provisions. With the exception of the rules in points (a) and (e) of paragraph 4 of this Article, all rules relating to temporary remedies in case of non-compliance and to review of any such measures shall be governed by the Withdrawal Agreement.

6. The suspension of obligations shall not exceed what is necessary and proportionate to remedy the effects of the breach found by the arbitration tribunal, compensate for any potential imbalance and induce full compliance with this Agreement.

7. The complaining Party may suspend the obligations:

(a) 10 days after the date of delivery of the notification referred to in paragraph 2; or

(b) where the suspension relates to obligations under this Agreement, from the commencement date for suspension set out in the notification referred to in paragraph 2, unless the respondent Party made a request under paragraph 8.

8. If the respondent Party considers that the notified level of suspension of obligations exceeds the level referred to in paragraph 6, it may deliver a written request to the original arbitration tribunal within 10 days of delivery of the notification referred to in paragraph 2, to decide on the matter. The arbitration tribunal shall deliver its decision on the level of the suspension of obligations to the Parties within 30 days of the date of the request. Obligations shall not be suspended until the arbitration tribunal has delivered its decision. The suspension of obligations shall be consistent with that decision.

9. The arbitration tribunal acting pursuant to paragraph 8 shall not examine the nature of the obligations to be suspended but shall determine whether the level of such suspension exceeds the level referred to in paragraph 6.

10. The suspension of obligations referred to in this Article shall be temporary and shall not be applied after:

(a) the Parties have reached a mutually agreed solution pursuant to Article 756 (Mutually agreed solution) of the Trade and Cooperation Agreement;

(b) the Parties have agreed that the measure taken to comply brings the respondent Party into compliance with the covered provisions; or

(c) any measure taken to comply which the arbitration tribunal has found to be inconsistent with the covered provisions has been withdrawn or amended so as to bring the respondent Party into compliance with those covered provisions.

ARTICLE 32

Amendment to the Trade and Cooperation Agreement

In Article 749(3) (Temporary Remedies) of the Trade and Cooperation Agreement, the following point is added:

"(f) the suspension of obligations under the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards shall comply with the conditions set out in Article 31(2) and (7) of that Agreement.".

ARTICLE 33

List of arbitrators

1. For the purposes of the proceedings instituted in accordance with Article 27 of this Agreement, the list of arbitrators and chairpersons established pursuant to Article 171(1) (Establishment of the arbitration panel) of the Withdrawal Agreement shall be used.

2. References in the provisions referred to in Article 27(1) of this Agreement to the list or sub-lists of arbitrators or chairpersons established pursuant to Article 752 (List of arbitrators) of the Trade and Cooperation Agreement shall be understood to be made to the list or sub-list of arbitrators and chairpersons established pursuant to Article 171(1) (Establishment of the arbitration panel) of the Withdrawal Agreement.

3. In addition to the conditions laid down in Article 171(2) (Establishment of the arbitration panel) of the Withdrawal Agreement, arbitrators shall also comply with Annex 49 (Rules of procedure for dispute settlement) to the Trade and Cooperation Agreement.

CHAPTER 4

INSTITUTIONAL FRAMEWORK AND BASIS FOR COOPERATION

SECTION 1

INSTITUTIONAL FRAMEWORK

ARTICLE 34

Partnership Council and Joint Committee

1. The Partnership Council established under the Trade and Cooperation Agreement shall oversee the implementation of this Agreement. For that purpose, the Partnership Council shall exercise its functions and powers in accordance with Article 7(3), (4) and (5) (Partnership Council) and Article 10 (Decisions and recommendations) of the Trade and Cooperation Agreement with respect to this Agreement and these provisions shall apply *mutatis mutandis* in relation to this Agreement.

2. A Joint Committee on the Common SPS Area is hereby established in order to assist the Partnership Council with respect to this Agreement.

For that purpose, the Joint Committee on the Common SPS Area shall exercise its functions and powers in accordance with Article 8(4), (5) and (8) to (10) (Committees), including Annex 1 (Rules of procedure of the Partnership Council and Committees), and Article 10 (Decisions and recommendations) of the Trade and Cooperation Agreement and these provisions shall apply *mutatis mutandis* to the Joint Committee on the Common SPS Area established under this Agreement.

The Joint Committee on the Common SPS Area shall also exchange views, information, and experiences with respect to cooperation in relation to the protection of animal welfare.

Article 8(7) (Committees) of the Trade and Cooperation Agreement shall apply *mutatis mutandis*, replacing the final sentence with "The Joint Committee on the Common SPS Area shall meet, at the request of either Party, as often as required to meet its obligations under this Agreement, and in any event at least every six months unless agreed otherwise by the co-chairs.".

3. For the purposes of this Agreement, references to a "Specialised Committee" within provisions of the Trade and Cooperation Agreement which are applied to this Agreement shall be read as references to the Joint Committee on the Common SPS Area established under paragraph 2.

4. Until the end of the fourth year following the entry into force of this Agreement, the Joint

Committee on the Common SPS Area shall have the power to adopt decisions amending this Agreement provided that such amendments are necessary to correct errors, or to address omissions or other deficiencies

ARTICLE 35

Parliamentary cooperation

Article 11 (Parliamentary cooperation) of the Trade and Cooperation Agreement shall apply *mutatis mutandis* with respect to this Agreement.

ARTICLE 36

Civil society

Article 12 (Participation of civil society), Article 13 (Domestic advisory groups) and Article 14 (Civil Society Forum) of the Trade and Cooperation Agreement shall apply *mutatis mutandis* with respect to this Agreement.

SECTION 2

BASIS FOR COOPERATION AND FINANCIAL CONTRIBUTION

ARTICLE 37

Personal data protection

Article 769 (Personal data protection) of the Trade and Cooperation Agreement shall apply *mutatis mutandis* with respect to this Agreement.

ARTICLE 38

Classified information and sensitive non-classified information

Article 777 (Classified information and sensitive non-classified information) of the Trade and Cooperation Agreement shall apply *mutatis mutandis* with respect to this Agreement.

ARTICLE 39

Essential elements

Article 763(1) (Democracy, rule of law and human rights), Article 764(1) (Fight against climate

change), Article 765(1) (Countering proliferation of weapons of mass destruction), Article 771 (Essential elements) and Article 772 (Fulfilment of obligations described as essential elements) of the Trade and Cooperation Agreement shall apply *mutatis mutandis* with respect to this Agreement.

ARTICLE 40

Safeguard measures

1. If the application of this Agreement leads to serious economic, societal, sanitary and phytosanitary or environmental difficulties of a sectorial or regional nature that are liable to persist, the Party concerned may unilaterally take appropriate safeguard measures. Such safeguard measures shall be restricted with regard to their scope and duration to what is strictly necessary in order to remedy the situation. Priority shall be given to such measures that will least disturb the functioning of the Common SPS Area with certain common quality standards.

2. For the purposes of paragraph 1 of this Article, Article 773(2) to (5) (Safeguard measures) of the Trade and Cooperation Agreement shall apply *mutatis mutandis*.

3. Where the United Kingdom does not simultaneously apply the legal acts of the Union or other Union acts referred to in Annex 1 in accordance with Article 13 in the territories referred to in Article 44(2), the Union may adopt measures as necessary and proportionate to protect the Union's SPS Area with certain quality standards in the territories referred to in Article 44(1). Such measures may include a consideration of the United Kingdom as a third country for the purpose of the application and implementation of the legal acts of the Union and other Union acts referred to in Annex 1. Priority shall be given to such measures that will least disturb the functioning of the Common SPS Area with certain common quality standards.

ARTICLE 41

Common provisions on unilateral measures

1. Where a measure is adopted under Article 15(5), or Article 40(3) (the "measure"), paragraphs 2 to 5 of this Article shall apply.

2. The Party adopting the measure shall, without delay, notify the other Party through the Joint Committee on the Common SPS Area and provide reasons for adopting the measure.

3. The content and duration of the measure shall not exceed what is necessary and proportionate to achieve the purpose for which it was adopted in accordance with Article 15(5) or Article 40(3).

4. The measures shall apply 10 days after the notification referred to in paragraph 2, unless otherwise provided therein.

5. The Joint Committee on the Common SPS Area shall discuss the measure whenever a Party considers that, due to a change in circumstances, the measure is no longer appropriate.

ARTICLE 42

Privileges and immunities

1. Union agencies that have a duty to exercise their functions with respect to the United Kingdom in accordance with this Agreement shall enjoy the necessary privileges and immunities in the territories referred to in Article 44(2).

2. No later than at its first meeting after this Agreement enters into force, or as the case may be, is provisionally applied, the Partnership Council shall adopt a decision setting out the privileges and immunities referred to in paragraph 1, which should achieve similar privileges and immunities as those provided for in other international agreements of the Union extending the Common SPS Area.

3. The decision referred to in paragraph 2 shall also specify the agencies comprising "Union agencies" for the purpose of this Agreement.

4. The privileges and immunities referred to in paragraph 1 shall apply as from the date on which the duty of the Union agency concerned to exercise its functions with respect to the United Kingdom becomes effective under this Agreement.

5. The Partnership Council shall amend the decision referred to in paragraph 2 as necessary.

ARTICLE 43

Financial contribution

1. The United Kingdom shall contribute to the financing of the activities of the Union agencies, information systems and other activities listed in Article 1 of Annex 3 in which it participates, in accordance with this Article and that Annex.

The Joint Committee on the Common SPS Area may adopt a decision to amend Annex 3.

At its first meeting after this Agreement enters into force, or as the case may be, is provisionally applied, the Joint Committee on the Common SPS Area shall adopt a decision listing the other activities to which the United Kingdom is to contribute financially in accordance with the first

subparagraph, and may subsequently amend this list as necessary.

2. The Union may suspend the participation of the United Kingdom in the activities referred to in paragraph 1 of this Article if the United Kingdom fails to meet the payment deadline in accordance with the terms of payment set out in Article 2 of Annex 3.

Where the United Kingdom fails to meet a payment deadline, the Union shall send the United Kingdom a formal letter of reminder. Where no full payment is made within 30 days of the date of receipt of that formal letter of reminder, the Union may suspend the participation of the United Kingdom in the relevant activity.

3. The financial contribution shall take the form of the sum of:

(a) an operational contribution; and

(b) a participation fee.

4. The financial contribution shall take the form of an annual payment and shall be due on the dates specified in the calls for funds issued by the European Commission in accordance with Article 2 of Annex 3.

5. The operational contribution shall be based on a contribution key defined as the ratio of the gross domestic product (hereinafter referred to as "GDP") of the United Kingdom at market prices to the GDP of the Union at market prices.

For that purpose, the figures for GDP at market prices of the Parties shall be the latest such figures available as of 1 January of the year in which the annual payment is made as provided by the Statistical Office of the European Union (EUROSTAT), with due regard to the Arrangement of 9 October 2024 between the European Union and the United Kingdom on cooperation in the field of statistics. If that Arrangement ceases to apply, the GDP of the United Kingdom shall be the one established on the basis of data provided by the Organisation for Economic Co-operation and Development.

6. The operational contribution for each Union agency shall be calculated by applying the contribution key to its annual voted budget inscribed on the relevant Union budget subsidy line(s) of the year in question, taking into account for each Union agency any adjusted operational contribution as defined in Article 1 of Annex 3.

The operational contribution for the information systems and other activities shall be calculated by

applying the contribution key to the relevant budget of the year in question as set out in documents implementing the budget, such as work programmes or contracts.

All reference amounts shall be based on commitment appropriations.

7. The participation fee shall be 4 % of the annual operational contribution as calculated in accordance with paragraphs 5 and 6.

8. The European Commission shall provide the United Kingdom with adequate information in relation to the calculation of its financial contribution. That information shall be provided having due regard to the Union's confidentiality and data protection rules.

9. All financial contributions by the United Kingdom or payments from the Union and the calculation of amounts due shall be made in euro.

10. Where the date of entry into force of this Agreement or, as the case may be, the date of its provisional application does not coincide with the beginning of a calendar year, the United Kingdom's operational contribution for the year in question shall be subject to adjustment, according to the methodology and terms of payment defined in Article 4 of Annex 3.

11. Detailed provisions for the application of this Article are set out in Annex 3.

PART FOUR

FINAL PROVISIONS

ARTICLE 44

Territorial scope

1. This Agreement shall apply to the territories to which the Treaty on European Union and the Treaty on the Functioning of the European Union are applicable, and under the conditions laid down in those Treaties.

2. This Agreement shall apply to:

(a) the territory of the United Kingdom in respect of Great Britain; and

(b) the following territories for whose international relations the United Kingdom is responsible:

(i) the Channel Islands which comprise the Bailiwick of Guernsey and the Bailiwick of Jersey; and

(ii) the Isle of Man.

ARTICLE 45

Integral parts of this Agreement

The Protocols, Annexes, Appendices and footnotes to this Agreement, and the Joint Declaration on further references to Union law in the acts referred to in Annex I, shall form an integral part of this Agreement.

ARTICLE 46

Termination

1. Each Party may terminate this Agreement at any time by written notification through diplomatic channels. In that event, this Agreement shall cease to be in force on the first day of the twelfth month following the date of notification.

2. Where the Trade and Cooperation Agreement is terminated in whole or in part in accordance with Article 509 (Termination), Article 521 (Termination of Part Two) or Article 779 (Termination) of that Agreement, unless otherwise agreed by the Parties, this Agreement shall cease to be in force on the same date on which the Trade and Cooperation Agreement or, as the case may be, the terminated parts cease to be in force.

3. Where this Agreement is terminated by a Party in accordance with paragraph 1 of this Article, the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on the Youth Experience Scheme ("YES Agreement") shall cease to be in force on the same date on which this Agreement ceases to be in force, unless otherwise agreed by the Parties.

4. Where the YES Agreement is terminated by a Party in accordance with paragraph 1 of Article 34 (Termination) of that Agreement, this Agreement shall cease to be in force on the same date on which the YES Agreement ceases to be in force, in accordance with paragraph 4 of Article 34 (Termination) of the YES Agreement, unless otherwise agreed by the Parties.

5. Where this Agreement ceases to be in force, the rights and obligations that individuals and economic operators have already acquired by virtue of this Agreement before the date referred to in

paragraph 1 or, as the case may be, paragraph 2 or 4 shall be preserved. The Parties shall settle by mutual agreement what action is to be taken in respect of rights in the process of being acquired.

6. If this Agreement is terminated by a Party under paragraph 1 or 4, that Party shall pay the reasonable and proportionate costs incurred or to be incurred by the other Party in order to set up the necessary border controls related to the matters set out in Article 3, including the costs of the infrastructure and equipment, initial recruitment and training.

7. Notwithstanding paragraph 6, if a Party delivers a notification under paragraph 1 following a ruling by the arbitration tribunal pursuant to Article 745(4) (Ruling of the arbitration tribunal) of the Trade and Cooperation Agreement that the other Party has seriously breached its obligations under this Agreement, and that breach is continuing, the Party in breach shall bear its own costs and pay the reasonable and proportionate costs incurred or to be incurred by the other Party in order to set up the necessary border controls related to the matters set out in Article 3, including the costs of the infrastructure and equipment, initial recruitment and training. For the purposes of this paragraph, a breach shall be considered continuing in the cases referred to in Article 31(2), points (a), (b) and (c).

8. The amount due in accordance with paragraphs 6 or 7 and the terms of payment shall be settled by common accord by the Parties within 6 months of the date on which this Agreement shall have ceased to be in force. Where paragraph 6 applies, either Party may, absent agreement at the end of that period, request the establishment of an arbitration tribunal in accordance with Chapter 3 of this Agreement to determine, on the basis of proven costs and, where appropriate, reasonable and substantiated estimates, the amount due by the Party terminating this Agreement. Where paragraph 7 applies, either Party may, at any time, submit a request in writing to the arbitration tribunal that delivered the ruling referred to in that paragraph to determine, on the basis of proven costs and, where appropriate, reasonable and substantiated estimates, the amount due by the Party found in breach in that ruling.

9. The Party paying costs pursuant to paragraph 6 or 7 may, for audit purposes, request the other Party to provide any information that may reasonably be requested as regards the amount claimed. The other Party shall provide this information in a timely manner.

10. Paragraphs 6 and 7 shall not apply where the notification of termination referred to in paragraph 1 or 4 is served after 10 years from the date of entry into force of this Agreement or, as the case may be, the date of its provisional application.

11. Paragraphs 6 to 9 are without prejudice to the obligations of the authorities of the United Kingdom pursuant to the Windsor Framework.

ARTICLE 47

Transitional arrangements for goods placed on the market before the entry into force of this Agreement

1. By way of derogation from Article 13, the transitional arrangements set out in paragraphs 2, 3 and 4 shall apply to goods placed on the market before the entry into force of this Agreement.

2. For the purpose of this Article, 'goods placed on the market' means goods held for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer.

3. Goods placed on the market in the territories referred to in Article 44(2) before the entry into force of this Agreement may continue to be made available, and may be used to produce other goods, in those territories, provided that the United Kingdom has informed the Union of an effective control system to ensure that these goods are not moved into the territory of a Member State.

4. Goods referred to in Appendix 14–A (Organic products from the United Kingdom for which the Union recognises equivalence) to Annex 14 (Organic products) to the Trade and Cooperation Agreement which have been placed on the market as organic products, in accordance with the laws and regulations of the United Kingdom referred to in Appendix 14-C (Laws and regulations on organic products applicable in the United Kingdom) to Annex 14 (Organic products) to the Trade and Cooperation Agreement, in the territories referred to in Article 44 before the entry into force of this Agreement may continue to be placed on the market as organic products in those territories.

ARTICLE 48

Transitional arrangements for certain specific products

1. By way of derogation from Articles 13 and 47, the transitional arrangements for certain specific products set out in paragraphs 2 to 8 shall apply.

2. For the purpose of paragraphs 3, 6, 7 and 8, 'placed on the market' means held for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution and other forms of transfer.

3. Food and feed products referred to in Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council[2] produced with plant protection products, in accordance with paragraph 4 of this Article, as well as Assam tea which contain levels of pesticide residues exceeding the levels set out in Regulation (EC) No 396/2005, may continue to be harvested, or in the case of Assam tea (*Camellia sinensis var. assamica*), imported and placed on the market in the territories referred to in Article 44(2) of this Agreement in accordance with Regulation (EC) No 396/2005 as applicable in accordance with point 86 in Annex 1 on the date of entry into force of this Agreement, provided that the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State.

4. Plant protection products authorised by the United Kingdom before the entry into force of this Agreement may continue to be placed on the market and used in the territories referred to in Article 44(2) of this Agreement in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council[3] as applicable in accordance with point 84 of Annex 1 on the date of entry into force of this Agreement, provided that the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State.

5. Biocidal products authorised or permitted by the United Kingdom before the entry into force of this Agreement may continue to be made available and used, and treated articles may continue to be placed on the market, in the territories referred to in Article 44(2) of this Agreement in accordance with Regulation (EU) 528/2012 of the European Parliament and of the Council[4], as applicable in accordance with point 87 of Annex 1 on the date of entry into force of this Agreement, provided that the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State.

6. Products containing or consisting of precision bred plants within the scope of the United Kingdom Genetic Technology (Precision Breeding) Act 2023 and food and feed produced from

---

[2] Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ EU L 70, 16.3.2005, p. 1, ELI: http://data.europa.eu/eli/reg/2005/396/oj).

[3] Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ EU L 309, 24.11.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/1107/oj).

[4] Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ EU L 167, 27.6.2012, p. 1, ELI: http://data.europa.eu/eli/reg/2012/528/oj).

precision bred plants within the scope of the United Kingdom Genetic Technology (Precision Breeding) Regulations 2025 and for which an application has been submitted before 17 July 2028 may continue to be confirmed or authorised and placed on the market in the relevant territory within Article 44(2) of this Agreement until 16 July 2029, provided that the conditions in Article 38 of Regulation (EU) 2026/1388 of the European Parliament and of the Council[5], as applicable in accordance with point 49 of Annex 1 on the date of entry into force of this Agreement are fulfilled.

Products referred to in subparagraph 1 placed on the market before 17 July 2029 may continue to be placed on the market and used until 16 October 2029, provided that the conditions referred to in the first subparagraph are fulfilled.

7. The following products falling within the scope of Regulation (EU) 2015/2283 of the European Parliament and of the Council[6]:

(a) cell-based food, consisting of, produced from, or isolated from animals, plants, fungi and their products, grown in a controlled environment;

(b) food produced via precision fermentation, derived from microorganisms, fungi or algae, grown in a controlled environment; and

(c) cannabidiol selectively extracted or isolated from the plant Cannabis sativa L. or produced synthetically,

may continue to be placed on the market in the territories referred to in Article 44(2) of this Agreement until 31 October 2029 in accordance with the provisions of Regulation (EU) 2015/2283 as applicable in accordance with point 16 of Annex 1 on the date of entry into force of this Agreement, provided that the conditions in Article 36 of that Regulation, are fulfilled. These novel foods placed on the market in the territories referred to in Article 44(2) of this Agreement before 31 October 2029 or before the date of application of any implementing act authorising or not authorising these novel foods may continue to be made available and may be used in or on foods, in those territories.

[5] Regulation (EU) 2026/1388 of the European Parliament and of the Council of 17 June 2026 on plants obtained by certain new genomic techniques and their products, and amending Regulation (EU) 2017/625 (OJ EU L, 2026/1388, 26.6.2026, ELI: http://data.europa.eu/eli/reg/2026/1388/oj).

[6] Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ EU L 327, 11.12.2015, p. 1, ELI: http://data.europa.eu/eli/reg/2015/2283/oj).

8. With regard to requirements for holdings or production units with poultry houses referred to in Article 26(2), (3) and (4) of Commission Implementing Regulation (EU) 2020/464[7], and with regard to the conversion periods in the case of poultry for egg production and the bringing in of non-organically reared pullets for the production of eggs referred to respectively in points 1.2.2(e) and 1.3.4.3 of Part II of Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council[8], the United Kingdom, in respect of the territories referred to in Article 44(2) of this Agreement, may continue to apply relevant provisions of the laws and regulations listed in Appendix 14-C (Laws and regulations on organic products applicable in the United Kingdom) of Annex 14 (Organic products) to the Trade and Cooperation Agreement until 12 months after the entry into force of this Agreement, in accordance with point 36 of Annex 1.

ARTICLE 49

Entry into force and provisional application

1. This Agreement shall be ratified or approved by the Parties in accordance with their own procedures. The Parties shall notify each other of the completion of the internal procedures necessary for the entry into force of this Agreement.

2. This Agreement shall enter into force on the first day of the second month following the last notification regarding the following instruments of ratification:

(a) ETS Agreement; and

(b) YES Agreement.

3. The Parties may decide to apply this Agreement on a provisional basis pending its entry into force. For that purpose, once their respective internal requirements and procedures necessary for provisional application have been completed, they shall notify each other accordingly through diplomatic channels. This Agreement shall apply provisionally as from the first day of the second month following the delivery of the last notification.

---

[7] Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States (OJ EU L 98, 31.3.2020, p. 2, ELI: http://data.europa.eu/eli/reg_impl/2020/464/oj).

[8] Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ EU L 150, 14.6.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/848/oj).

ARTICLE 50

Authentic texts

This Agreement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

IN WITNESS WHEREOF, the undersigned, duly authorised thereto, have signed this Agreement.

Done at […], on […],

(Signature Block to the effect of, in all 24 EU languages: “For the European Union” and “For the United Kingdom”)

ANNEX 1

LEGAL ACTS OF THE UNION AND OTHER UNION ACTS INCORPORATED INTO THIS AGREEMENT

This Annex contains the list of the legal acts of the Union and other Union acts incorporated into this Agreement.

Where there is a technical adaptation in respect of a legal act listed below, that same adaptation shall also apply to any Union act adopted on the basis of that legal act, unless otherwise specified in an adaptation to the latter act.

1. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ EC L 31, 1.2.2002, p. 1, ELI: http://data.europa.eu/eli/reg/2002/178/oj)

   The provisions of Regulation 178/2002 shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:

   a. The United Kingdom in respect of the territories referred to in Article 44(2) of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement") shall participate in the work of the European Food Safety Authority, hereafter referred to as the 'Authority', in accordance with paragraphs (b) to (h).
   b. The United Kingdom shall contribute financially to the activities of the Authority in accordance with Article 43 (Financial contribution) of and Annex 3 to the SPS Agreement.
   c. The United Kingdom shall participate in the Authority's Advisory Forum and shall have the same rights and obligations within it as the Member States of the Union, except for the right to vote.
   d. Experts from the United Kingdom, who shall be selected and appointed on the same basis as other experts, shall participate fully in Scientific Committees and Scientific Panels and shall have the same rights and obligations within them as all other experts participating therein in accordance with the applicable legislative framework.
   e. The Authority may accept the secondment of experts by the United Kingdom.
   f. The United Kingdom shall be able to designate competent organisations operating in fields within the Authority's mission which may assist the Authority.

g. The United Kingdom shall participate fully in the networks operated by the Authority and shall have the same rights and obligations in relation to them as Member States of the Union.

h. As regards the United Kingdom, where the Partnership Council has adopted the decision on privileges and immunities pursuant to Article 42 of this Agreement, paragraph 2 of Article 46 of Regulation 178/2002 shall be read as follows:

"The United Kingdom shall grant to the Authority and its staff, within the framework of their official functions for the Authority, the privileges and immunities provided for in the decision adopted on the basis of Article 42 of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards by the Partnership Council established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part."

2. Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/20041 (OJ EU L 304, 22.11.2011, p. 18, ELI: http://data.europa.eu/eli/reg/2011/1169/oj)
3. Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ EU L 404, 30.12.2006, p. 9, ELI: http://data.europa.eu/eli/reg/2006/1924/oj)

Food – hygiene

4. Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ EC L 139, 30.4.2004, p. 55, ELI: http://data.europa.eu/eli/reg/2004/853/oj)
5. Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ EC L 139, 30.4.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/852/oj)

6. Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption (OJ EC L 40, 11.2.1989, p. 34, ELI: http://data.europa.eu/eli/dir/1989/108/oj)

Food – ingredients, traces, residues, marketing standards

7. Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ EC L 354, 31.12.2008, p. 1, ELI: http://data.europa.eu/eli/reg/2008/1331/oj)
8. Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 (OJ EC L 354, 31.12.2008, p. 7, ELI: http://data.europa.eu/eli/reg/2008/1332/oj)
9. Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ EC L 354, 31.12.2008, p. 16, ELI: http://data.europa.eu/eli/reg/2008/1333/oj)
10. Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ EC L 354, 31.12.2008, p. 34, ELI: http://data.europa.eu/eli/reg/2008/1334/oj)
11. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ EC L 152, 16.6.2009, p. 11, ELI: http://data.europa.eu/eli/reg/2009/470/oj

    The provisions of Regulation (EC) No 470/2009 shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:

    a. Articles 3, 9, 10, 11, 13, 15, 17, 25, 27 shall not be read as including the United Kingdom;
    b. Experts of the United Kingdom shall not participate in the standing committee on veterinary medicinal products or in the expert groups on veterinary medicinal products;

c. The United Kingdom shall not participate in and shall not be consulted on, the preparation of proposals and drafts relating to the establishment of maximum residue limits of pharmacologically active substances in foodstuffs of animal origin, if those are established in the context of procedures related to veterinary medicinal products.

12. Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ EC L 183, 12.7.2002, p. 51, ELI: http://data.europa.eu/eli/dir/2002/46/oj)
13. Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods (OJ EC L 404, 30.12.2006, p. 26, ELI: http://data.europa.eu/eli/reg/2006/1925/oj)
14. Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods (OJ EC L 309, 26.11.2003, p. 1, ELI: http://data.europa.eu/eli/reg/2003/2065/oj)
15. Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (OJ EEC L 37, 13.2.1993, p. 1, ELI: http://data.europa.eu/eli/reg/1993/315/oj)
16. Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ EU L 327, 11.12.2015, p. 1, ELI: http://data.europa.eu/eli/reg/2015/2283/oj)

    The provisions of Regulation 2015/2283 shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:

    In Article 36 of the Regulation, after the second subparagraph, the following is added:

    "The Regulation shall not apply until 31 October 2029 in the territories referred to in Article 44(2) of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement") with regard to the following foods falling within the scope of this Regulation,

    a. cell-based food, consisting of, produced from, or isolated from animals, plants, fungi and their products, grown in a controlled environment;

    b. food produced via precision fermentation, derived from microorganisms, fungi or algae, grown in a controlled environment; and

c. cannabidiol selectively extracted or isolated from the plant Cannabis sativa L. or produced synthetically.

These novel foods, authorised prior to entry into force of the SPS Agreement in accordance with national measures in the territories referred to in Article 44(2), may continue to be placed on the market and may be used in or on foods in accordance with national measures in the territories referred to in Article 44(2) of the SPS Agreement until 31 October 2029 provided that the United Kingdom has informed the Union of an effective control system to ensure these foods are not moved into the territory of a Member State and that they bear a label 'Not for EU' attached to or imprinted on the package which cannot be easily removed or faded.

These authorised novel foods placed on the market in the territories referred to in Article 44(2) of the SPS Agreement before 31 October 2029 may continue to be made available, and may be used in or on foods, in those territories, provided that the United Kingdom has informed the Union of an effective control system to ensure these foods are not moved into the territory of a Member State and that they bear a label 'Not for EU' attached to or imprinted on the package which cannot be easily removed or faded.

If an implementing act authorising or not authorising any of the novel foods referred to in points a, b or c of this paragraph enters into force before 31 October 2029 the provisions of this Regulation and that implementing act shall apply with regard to that novel food in the territories referred to Article 44(2) of the SPS Agreement, from the date of application of the implementing act.

These novel foods placed on the market in the territories referred to in Article 44(2) of the SPS Agreement before the date of application of the implementing act may continue to be made available and may be used in or on foods, in those territories provided that the conditions referred to above are fulfilled.

Without prejudice to the provisions laid down in the previous subparagraphs as regards the foods referred to in points a, b and c, this Regulation shall not apply to food produced from precision bred plants within the meaning of the Genetic Technology (Precision Breeding) Act 2023 referred to in paragraph 6 of Article 48 (Transitional arrangements for certain specific products) of the SPS Agreement and Article 38 of Regulation (EU) 2026/1388 of the European Parliament and of the Council of 17 June 2026 on plants obtained by certain new genomic techniques and their products, and amending Regulation (EU) 2017/625 in the relevant territory referred to in Article 44(2) of that Agreement until 16 July 2029 provided that the conditions in Article 38 of Regulation (EU) 2026/1388 are fulfilled.

By way of derogation from the previous subparagraph, as from 17 July 2028, this Regulation shall apply to novel foods for which a decision has been adopted in accordance with Article 7 of Regulation (EU) 2026/1388 declaring its status as category 1 NGT product.”

17. Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ EU L 181, 29.6.2013, p. 35, ELI: http://data.europa.eu/eli/reg/2013/609/oj)
18. Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts (OJ EC L 66, 13.3.1999, p. 26, ELI: http://data.europa.eu/eli/dir/1999/4/oj)
19. Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption (OJ EC L 197, 3.8.2000, p. 19, ELI: http://data.europa.eu/eli/dir/2000/36/oj)
20. Council Directive 2001/110/EC of 20 December 2001 relating to honey (OJ EC L 10, 12.1.2002, p. 47, ELI: http://data.europa.eu/eli/dir/2001/110/oj)
21. Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption (OJ EC L 10, 12.1.2002, p. 53, ELI: http://data.europa.eu/eli/dir/2001/111/oj)
22. Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption (OJ EC L 10, 12.1.2002, p. 58, ELI: http://data.europa.eu/eli/dir/2001/112/oj)
23. Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption (OJ EC L 10, 12.1.2002, p. 67, ELI: http://data.europa.eu/eli/dir/2001/113/oj)
24. Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption (OJ EC L 15, 17.1.2002, p. 19, ELI: http://data.europa.eu/eli/dir/2001/114/oj)
25. Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC (OJ EU L 314, 1.12.2015, p. 1, ELI: http://data.europa.eu/eli/dir/2015/2203/oj)

26. Section 1 of Chapter I of Title II of Part II and Articles 189, 190 and 230(1)(c) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ EU L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/oj) except insofar as provisions relate to marketing standards for wine

    The provisions of this Section of Regulation 1308/2013 shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:

    Commission Implementing Regulation (EU) 2023/2834 of 10 October 2023 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards imports in the sectors of rice, cereals, sugar and hops (OJ EU L, 2023/2834, 21.12.2023, ELI: http://data.europa.eu/eli/reg_impl/2023/2834/oj)

    In Article 40, the reference to "*presented to customs in accordance with Article 139 of Regulation (EU) No 952/2013*" shall be understood, as regards the United Kingdom, as reference to their presentation to customs or their notification to the customs authorities of the arrival of goods at the customs office or at any other place designated or approved by the customs authorities and the availability of those goods for customs controls in accordance with the respective United Kingdom legislation.

Food contact material

27. Council Directive 78/142/EEC of 30 January 1978 on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs (OJ EEC L 44, 15.2.1978, p. 15, ELI: http://data.europa.eu/eli/dir/1978/142/oj)
28. Council Directive 82/711/EEC of 18 October 1982 laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs (OJ EEC L 297, 23.10.1982, p. 26, ELI: http://data.europa.eu/eli/dir/1982/711/oj)
29. Council Directive 85/572/EEC of 19 December 1985 laying down the list of stimulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs (OJ EEC L 372, 31.12.1985, p. 14, ELI: http://data.europa.eu/eli/dir/1985/572/oj)

30. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ EC L 338, 13.11.2004, p. 4, ELI: http://data.europa.eu/eli/reg/2004/1935/oj)
31. Council Directive 84/500/EEC of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs (OJ EEC L 277, 20.10.1984, pp. 12, ELI: http://data.europa.eu/eli/dir/1984/500/oj)

Food – other

32. Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ EC L 66, 13.3.1999, p. 16, ELI: http://data.europa.eu/eli/dir/1999/2/oj)
33. Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation (OJ EC L 66, 13.3.1999, p. 24, ELI: http://data.europa.eu/eli/dir/1999/3/oj)
34. Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients (OJ EC L 141, 6.6.2009, p. 3, ELI: http://data.europa.eu/eli/dir/2009/32/oj)
35. Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters (OJ EC L 164, 26.6.2009, p. 45, ELI: http://data.europa.eu/eli/dir/2009/54/oj)
36. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ EU L 150, 14.6.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/848/oj)
    The provisions of the Regulation shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:
    a. In Article 45 (1), at the end of the paragraph the following is added:
        "In addition to the requirements laid down in this paragraph, for the purpose of placing a product from third countries, which is subject to a recognition of equivalence in accordance with Article 47 or 48 of this Regulation, on the market as organic in the territories referred to in Article 44 of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and

Phytosanitary Area with certain common quality standards (the "SPS Agreement"), the United Kingdom may also require a decision to be taken by the United Kingdom to mirror that recognition of equivalence established in Union law. Such a decision shall meet the following conditions:

- it does not allow for the placing on the market as organic of products from third countries in respect of third countries, products, product conditions or control bodies not included in a recognition of equivalence established in Union law in accordance with Article 47 or 48 of this Regulation;
- the United Kingdom bears the sole responsibility for the enforcement of such a decision as regards products imported into the Union from a third country entering the market in the territories referred to in Article 44 of the SPS Agreement;
- the United Kingdom ensures that its decision does not give rise to additional requirements for the Union, its operators, or authorities or bodies responsible for the organisation of or carrying out official controls; and
- the United Kingdom has informed the Joint Committee on the Common SPS Area established by the SPS Agreement of any such decision taken in a timely manner upon the notification, by the Union, of its recognition as well as of any rules and procedures for the implementation of that decision.

b. In the second paragraph of Article 61, the following sentence is added at the end:
Products referred to in Appendix 14-A to Annex 14 to the Trade and Cooperation Agreement that were placed on the market as organic products, in accordance with the laws and regulations of the United Kingdom referred to in Appendix 14-C to Annex 14 to the Trade and Cooperation Agreement, in the territories referred to in Article 44 of the SPS Agreement before its entry into force, may continue to be placed on the market as organic in the territories referred to in Article 44 of that Agreement.

c. In Annex II, Part II, after point 1.2.2(e) the following is added:
"(ea): For the United Kingdom, in respect of the territories referred to in Article 44 (2) of the SPS Agreement and until 12 months after the entry into force of that Agreement, six weeks in the case of poultry for egg production brought in while they are no more than eighteen weeks old."

d. In Annex II, Part II, point 1.3.4.3 the following sentence is added:
"For the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement and until 12 months after the entry into force of that Agreement, the pullets for the production of eggs shall be no more than eighteen weeks old."

e. Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member State.

The provisions of the Implementing Regulation shall be read, for the purposes of this Agreement, in accordance with the following technical adaptation:

"In paragraph 2, 3 and 4 of Article 26, the words "or, as regards the United Kingdom, in respect of the territories referred to in Article 44(2) of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement"), at the latest until 12 months after the entry into force of that Agreement, provided that they comply with the relevant provisions of its domestic laws and regulations listed in Appendix 14-C of Annex 14 to the Trade and Cooperation Agreement shall be inserted after the words 'at the latest."

f. Commission Delegated Regulation (EU) 2021/2306 of 21 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection

In paragraph 1 of Article 7 the reference to "the customs warehousing or inward processing procedure as referred to in Article 240(1) and Article 256(3), point (b), of Regulation (EU) No 952/2013 of the European Parliament and of the Council" shall be understood, as regards the United Kingdom to refer to the authorised use of a customs warehouse procedure or an inward processing procedure, the latter limited to goods which have to undergo usual forms of handling intended to preserve them, improve their appearance or marketable quality or prepare them for distribution or resale, under the respective United Kingdom legislation.

g. Commission Implementing Regulation (EU) 2021/2307 of 21 October 2021 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union

In paragraph 2 and paragraph 3, third subparagraph of Article 4, the reference to "in the customs declaration for release for free circulation as referred to in Article 158(1) of Regulation (EU) No 952/2013" shall be understood, as regards the United Kingdom, to refer to the customs declaration for the procedure under which the goods

are released for free circulation submitted in accordance with the respective United Kingdom legislation.

37. Council Regulation (Euratom) 2016/52 of 15 January 2016 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No 3954/87 and Commission Regulations (Euratom) No 944/89 and (Euratom) No 770/90 (OJ Euratom L 13, 20.1.2016, pp. 2, ELI: http://data.europa.eu/eli/reg/2016/52/oj)
38. Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lot to which a foodstuff belongs (OJ EU L 334, 16.12.2011, p. 1, ELI: http://data.europa.eu/eli/dir/2011/91/oj)
39. Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (OJ EU L 204, 11.8.2000, p. 1, ELI: http://data.europa.eu/eli/reg/2000/1760/oj)

Feed – products and hygiene

40. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (OJ EC L 229, 1.9.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/767/oj)

    The provisions of the Regulation shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:

    In Article 33 the following subparagraph is added at the end:

    ”This Regulation shall apply without prejudice to the provisions applicable by virtue of Article 48(6) of the Agreement between the European Union and the United Kingdom on a Common Sanitary and Phytosanitary Area with certain common quality standards.”
41. Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed (OJ EC L 140, 30.5.2002, pp. 10, ELI: http://data.europa.eu/eli/dir/2002/32/oj)
42. Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ EC L 268, 18.10.2003, p. 29, ELI: http://data.europa.eu/eli/reg/2003/1831/oj)

43. Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene (OJ EC L 35, 8.2.2005, p. 1, ELI: http://data.europa.eu/eli/reg/2005/183/oj)
44. Regulation (EU) 2023/2419 of the European Parliament and of the Council of 18 October 2023 on the labelling of organic pet food (OJ EU L, 2023/2419, 27.10.2023, ELI: http://data.europa.eu/eli/reg/2023/2419/oj)

GMOs

45. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (OJ EC L 268, 18.10.2003, p. 1, ELI: http://data.europa.eu/eli/reg/2003/1829/oj)

    The provisions of the Regulation shall be read, for the purposes of this Agreement, in accordance with the following technical adaptation:

    In Article 49, the following subparagraph is added after the second subparagraph:

    "The Regulation shall not apply until 16 July 2029 in the relevant territory within Article 44(2) of the Agreement between the European Union and the United Kingdom on a Common Sanitary and Phytosanitary Area with certain common quality standards as regards products referred to in Article 38 of Regulation (EU) 2026/1388 of the European Parliament and of the Council of 17 June 2026 on plants obtained by certain new genomic techniques and their products, and amending Regulation (EU) 2017/625 provided that the conditions in Article 38 are fulfilled."
46. Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC (OJ EC L 268, 18.10.2003, p. 24, ELI: http://data.europa.eu/eli/reg/2003/1830/oj).

    The provisions of the Regulation shall be read, for the purposes of this Agreement, in accordance with the following technical adaptation:

    In Article 13, the following paragraph 2a is added:

    "2a. The Regulation shall not apply until 16 July 2029 in the relevant territory within Article 44(2) of the Agreement between the European Union and the United Kingdom on a Common Sanitary and Phytosanitary Area with certain common quality standards as regards products referred to in Article 38 of Regulation (EU) 2026/1388 of the European Parliament and of the Council of 17 June 2026 on plants obtained by certain new genomic techniques and their

products, and amending Regulation (EU) 2017/625 provided that the conditions in Article 38 are fulfilled."

47. Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms (OJ EC L 287, 5.11.2003, p. 1, ELI: http://data.europa.eu/eli/reg/2003/1946/oj)

    The provisions of the Regulation shall be read, for the purposes of this Agreement, in accordance with the following technical adaptation:

    In Article 20(2), the following subparagraph is added:

    "The Regulation shall not apply until 16 July 2029 in the relevant territory within Article 44(2) of the Agreement between the European Union and the United Kingdom on a Common Sanitary and Phytosanitary Area with certain common quality standards as regards products referred to in Article 38 of Regulation (EU) 2026/1388 of the European Parliament and of the Council of 17 June 2026 on plants obtained by certain new genomic techniques and their products, and amending Regulation (EU) 2017/625 provided that the conditions in Article 38 are fulfilled."

48. Part C of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC, as well as Parts A and D, solely for the purposes of application of that Part C (OJ EC L 106, 17.4.2001, pp. 1, ELI: http://data.europa.eu/eli/dir/2001/18/oj).

    The provisions of the Directive shall be read, for the purposes of this Agreement, in accordance with the following adaptations:

    (a) For greater legal certainty, none of the provisions of Part B, nor references to Part B, of this Directive shall apply in respect of the United Kingdom.

    (b) The following Article is added:

    "Article 35a

    The Regulation shall not apply until 16 July 2029 in the relevant territory within Article 44(2) of the Agreement between the European Union and the United Kingdom on a Common Sanitary and Phytosanitary Area with certain common quality standards as regards products referred to in Article 38 of Regulation (EU) 2026/1388 of the European Parliament and of the Council of 17 June 2026 on plants obtained by certain new genomic techniques and their products, and amending Regulation (EU) 2017/625 provided that the conditions in Article 38 are fulfilled."

49. Regulation (EU) 2026/1388 of the European Parliament and of the Council of 17 June 2026 on plants obtained by certain new genomic techniques and their products, and amending Regulation (EU) 2017/625 (OJ EU L, 2026/1388, 26.6.2026, p. 1, ELI: http://data.europa.eu/eli/reg/2026/1388/oj)

The provisions of the Regulation shall be read, for the purposes of this Agreement, in accordance with the following technical adaptation:

In Article 38, the following subparagraphs are added after the second subparagraph:

"Article 13 shall not apply to the United Kingdom.

As regards products containing or consisting of precision bred plants within the scope of the United Kingdom Genetic Technology (Precision Breeding) Act 2023 and food and feed produced from precision bred plants within the scope of the United Kingdom Genetic Technology (Precision Breeding) Regulations 2025 for which an application was submitted before 17 July 2028, the following applies until 16 July 2029:

a. a precision bred confirmation in accordance with Part 2 of the United Kingdom Genetic Technology (Precision Breeding) Act 2023 or a food or feed marketing authorisation in accordance with Part 7 of the United Kingdom Genetic Technology (Precision Breeding) Regulations 2025, as applicable, may be issued;

b. those products may be placed on the market and used to produce goods in the relevant territory within Article 44(2) of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement") where all of the following conditions are met:

   i) they are covered by a precision bred confirmation in accordance with Part 2 of the United Kingdom Genetic Technology (Precision Breeding) Act 2023 and, where applicable, a food or feed marketing authorisation in accordance with Part 7 of the United Kingdom Genetic Technology (Precision Breeding) Regulations 2025;

   ii) the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State;

   iii) they bear a label 'not for EU' which is attached to or imprinted on the package and cannot easily be removed or faded.

Products referred in the previous subparagraph placed on the market before 17 July 2029 may continue to be placed on the market and used until 16 October 2029, provided that the conditions referred to in the previous subparagraph are fulfilled."

Live animals, germinal products and products of animal origin

50. Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ EU L 84, 31.3.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/429/oj)

    The provisions of the Regulation shall be read, for the purpose of this Agreement, in accordance with the following technical adaptations:

    a. In Article 3, the following paragraph is added:

    "7. In accordance with Article 19 of the Agreement between the European Union and the United Kingdom on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement"), as regards the United Kingdom, the Bailiwick of Jersey and the Bailiwick of Guernsey may continue to apply provisions of their domestic law restricting the movements of bovine animals and bovine semen into territories referred to in Article 44(2)(b)(i)] of that Agreement."

    b. In Article 269(1) of the Regulation, the following is added after point (e):

    "In accordance with Article 17 of the SPS Agreement, the United Kingdom may apply within the territories referred to in Article 44(2) of that Agreement national measures prohibiting or restricting the entry into the United Kingdom of dogs and cats which are below the age of six months provided that the following movements are permitted:

    (a) non-commercial movements of up to two dogs or cats carried out in a single means of transport other than a public means of transport, where those dogs or cats are accompanying their owner or owners; and

    (b) non-commercial movements of up to two dogs or cats per owner on a public means of transport, where those dogs or cats are accompanying their owner."

    c. In Article 280 of the Regulation, the following is added:

    "The United Kingdom, in the territories referred to in Article 44(2) of the SPS Agreement shall be deemed to have an approved disease-free status in accordance with paragraph 1 with regard to those diseases, where it fulfilled the conditions set out in that paragraph at the time of its withdrawal from the Union, provided that, before the entry into force of the SPS Agreement, it has submitted, in accordance with relevant legislation applicable at the time with regard to the diseases where disease-free status is sought, evidence demonstrating that the epidemiological situation has not deteriorated and that the conditions for maintaining the statuses according to the referred legislation remained fulfilled."

51. Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not

intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ EC L 300, 14.11.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/1069/oj)

52. Article 12a of 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 (OJ EU L 165, 29.6.2023, p. 103, ELI: http://data.europa.eu/eli/reg/2023/1231/oj)

Animal disease control, zoonosis control

53. Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ EC L 147, 31.5.2001, p. 1, ELI: http://data.europa.eu/eli/reg/2001/999/oj)
54. Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents (OJ EC L 325, 12.12.2003, p. 1, ELI: http://data.europa.eu/eli/reg/2003/2160/oj)
55. Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/ EEC (OJ EC L 325, 12.12.2003, p. 1, ELI: http://data.europa.eu/eli/reg/2003/2160/oj)

Animal breeding

56. Council Directive 90/428/EEC of 26 June 1990 on trade in equidae intended for competitions and laying down the conditions for participation therein (OJ EEC L 224, 18.8.1990, pp. 60, ELI: http://data.europa.eu/eli/dir/1990/428/oj)
57. Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation') (OJ EU L 171, 29.6.2016, p. 66, ELI: http://data.europa.eu/eli/reg/2016/1012/oj)

The provisions of the Regulation shall be read, for the purpose of this Agreement, in accordance with the following technical adaptations:

a. In Article 1(a), the following subparagraph is added:

"In accordance with Article 19 of the Agreement between the European Union and the United Kingdom on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement"), as regards the United Kingdom, the Bailiwick of Guernsey may continue to apply provisions of its domestic law restricting the movements of bovine semen into and from its territory."

b. In Article 30 of the Regulation, as it is read in the Union, the following is added:

"4a. Where the operator responsible for a consignment of purebred breeding animals originating in the territories referred to in Article 44 of the SPS Agreement, requests the application of the conventional rate of duty for purebred breeding animals provided for in Regulation (EEC) No 2658/87 on the animals of that consignment, those animals shall be accompanied by the zootechnical certificate referred to in paragraph 4 of this Article or in Article 32."

c. In Article 30 of the Regulation the following is added:

"4a. As regards the United Kingdom in respect of the territories referred to in article 44(2) of the SPS Agreement, where the operator responsible for a consignment of purebred breeding animals originating in the Union requests the application of a lower or zero rate of duty for purebred breeding animals on the animals of that consignment as provided under the applicable legislation, those animals shall be accompanied by the zootechnical certificate referred to in paragraph 4 of this Article or in Article 32.

For the purposes of the first subparagraph, the applicable legislation is:

i. in respect of Great Britain, the Taxation (Cross-border Trade) Act 2018;

ii. in respect of the Bailiwick of Jersey, the Customs and Excise (Customs Tariff and Import Duty) (Jersey) Order 2019;

iii. in respect of the Bailiwick of Guernsey, the Import Duties (Tariff and Related Provisions) (Bailiwick of Guernsey) Ordinance 2019 ; or

iv. in respect of the Isle of Man, the Taxation (Cross-border Trade) Act 2018 (of the UK Parliament), as applied to the Isle of Man by the Taxation (Cross-border Trade) Act 2018 (Application) Order 2019 ."

***Animal welfare*[9]**

58. Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC (OJ EC L 174, 2.7.1997, p. 1, ELI: http://data.europa.eu/eli/reg/1997/1255/oj)
59. Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes (OJ EC L 221, 8.8.1998, p. 23, ELI: http://data.europa.eu/eli/dir/1998/58/oj)
60. Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens (OJ EC L 203, 3.8.1999, p. 53, ELI: http://data.europa.eu/eli/dir/1999/74/oj)
61. Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production (OJ EC L 182, 12.7.2007, p. 19, ELI: http://data.europa.eu/eli/dir/2007/43/oj)
62. Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (OJ EC L 10, 15.1.2009, p. 7, ELI: http://data.europa.eu/eli/dir/2008/119/oj)
63. Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ EC L 47, 18.2.2009, p. 5, ELI: http://data.europa.eu/eli/dir/2008/120/oj)
64. Regulation (EC) No 1523/2007 of the European Parliament and of the Council of 11 December 2007 banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur (OJ EC L 343, 27.12.2007, p. 1, ELI: http://data.europa.eu/eli/reg/2007/1523/oj)
65. Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (OJ EC L 303, 18.11.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/1099/oj)
66. Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ EC L 3, 5.1.2005, p. 1, ELI: http://data.europa.eu/eli/reg/2005/1/oj)

    The provisions of Regulation (EC) No 1/2005 shall be read, for the purpose of this Agreement, in accordance with the following technical adaptations:

    a. In Article 1(3) of the Regulation, the following subparagraph is added:

[9] The United Kingdom has signed and ratified the European Convention for the Protection of Animals kept for Farming Purposes (ETS No. 087) and the Protocol of Amendment to that Convention (ETS No. 145).

"In accordance with Article 18 of the Agreement between the European Union and the United Kingdom on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement") with regard to the transport of live equine, bovine, porcine, ovine and caprine animals, this Regulation shall not be an obstacle to stricter national measures of the United Kingdom prohibiting such transport to the territory of a Member State or to third countries for the purpose of fattening or slaughter.

b. In point 2 of Chapter I of Annex I to the Regulation, the following point is added:

(h) In accordance with Article 17 of the SPS Agreement, in the case of dogs or cats entering the territories referred to in Article 44(2) of that Agreement, animals which are more than forty-two days pregnant.

67. Regulation of the European Parliament and of the Council (EU) 2026/1818 on the welfare of dogs and cats and their traceability (OJ EU L, 2026/1818, 10.8.2026, p. 1, http://data.europa.eu/eli/reg/2026/1818/oj)

The provisions of the Regulation shall be read, for the purpose of this Agreement, in accordance the following technical adaptation:

In Article 30 of the Regulation, the following paragraph 4 is added:

"4. In accordance with Article 17 of the Agreement between the European Union and the United Kingdom on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement"), with regard to the movements of dogs and cats, this Regulation shall not prevent the United Kingdom from providing stricter national measures prohibiting or restricting the entry into the territories referred to in Article 44(2) of the SPS Agreement of dogs and cats:

(a) which are below the age of six months, provided that the following movements are permitted:

(i) non-commercial movements of up to two dogs or cats carried out in a single means of transport other than a public means of transport, where those dogs or cats are accompanying their owner or owners; and

(ii) non-commercial movements of up to two dogs or cats per owner on a public means of transport, where those dogs or cats are accompanying their owner; and

(b) which are more than forty-two days pregnant, provided that non-commercial movements are permitted in exceptional situations.

Plant health

68. Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ EU L 317, 23.11.2016, p. 4, ELI: http://data.europa.eu/eli/reg/2016/2031/oj)

    The provisions of the Regulation shall be read, for the purpose of this Agreement, in accordance with the following technical adaptations:

    a. In Article 32(4), point (b), of the Regulation, the following is added after 'the territory concerned':

    "or, where the United Kingdom, in respect of the territories referred to in Article 44(2) of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement") submits an application pursuant to the first paragraph of this Article by 31 December 2027, with sufficient evidence that the quarantine pest concerned is not present in the respective territory."

    b. In Annex VII, Part A, point 1, letter (b), to the Regulation, the following is added:

    "Plant passports issued by the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, may also contain an image of the United Kingdom flag in addition to the flag of the Union."

    c. In Annex VII, Part B, point 1, letter (c), to the Regulation, the following is added:

    "Plant passports issued by the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, may also contain an image of the United Kingdom flag in addition to the flag of the Union."

    d. In Annex VII, Part C, point 1, letter (b), to the Regulation, the following is added:

    "Plant passports issued by the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, may also contain an image of the United Kingdom flag in addition to the flag of the Union."

    e. In Annex VII, Part D, point 1, letter (c), to the Regulation, the following is added:

    "Plant passports issued by the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, may also contain an image of the United Kingdom flag in addition to the flag of the Union."

Plant reproductive material

69. Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ EEC 125, 11.7.1966, p. 2298, ELI: http://data.europa.eu/eli/dir/1966/401/oj)
70. Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ EEC 125, 11.7.1966, p. 2309, ELI: http://data.europa.eu/eli/dir/1966/402/oj)
71. Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine(OJ EEC L 93, 17.4.1968, p. 15, ELI: http://data.europa.eu/eli/dir/1968/193/oj)
72. Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants (OJ EC L 226, 13.8.1998, p. 16, ELI: http://data.europa.eu/eli/dir/1998/56/oj)
73. Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ EC L 11, 15.1.2000, p. 17, ELI: http://data.europa.eu/eli/dir/1999/105/oj)
74. Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ EC L 193, 20.7.2002, p. 1, ELI: http://data.europa.eu/eli/dir/2002/53/oj)
75. Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ EC L 193, 20.7.2002, p. 12, ELI: http://data.europa.eu/eli/dir/2002/54/oj)
76. Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ EC L 193, 20.7.2002, p. 33, ELI: http://data.europa.eu/eli/dir/2002/55/oj)
77. Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ EC L 193, 20.7.2002, p. 60, ELI: http://data.europa.eu/eli/dir/2002/56/oj)
78. Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ EC L 193, 20.7.2002, p. 74, ELI: http://data.europa.eu/eli/dir/2002/57/oj)
79. Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed (OJ EC L 205, 1.8.2008, p. 28, ELI: http://data.europa.eu/eli/dir/2008/72/oj)
80. Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ EC L 267, 8.10.2008, p. 8, ELI: http://data.europa.eu/eli/dir/2008/90/oj)
81. Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ EC L 227, 1.9.1994, p. 1, ELI: http://data.europa.eu/eli/reg/1994/2100/oj)

    The provisions of the Regulation shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:

(a) As regards the United Kingdom, where the Partnership Council has adopted the decision on privileges and immunities pursuant to Article 42 of this Agreement, Article 32 of that Regulation shall be read as follows:

"The United Kingdom shall grant to the Office and its staff, within the framework of their official functions for the Office, the privileges and immunities provided for in the decision adopted on the basis of Article 42 of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement") by the Partnership Council established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.".

(b) References to 'Member State' and 'Member States' in Articles 37, 39(3) and 41(1), (2) and (3) shall be read as not including a reference to the United Kingdom.

(c) In Article 39(5), the following is added after 'meetings':

"The United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, shall be invited to attend those meetings as an observer."

Official controls

82. 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 EU L 95, 7.4.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/625/oj)

In Paragraph 5 of Article 44:

- As regards the United Kingdom, the reference to "*customs procedures defined in point (16)(a), (b) and (c) of Article 5 of Regulation (EU) No 952/2013*" shall be understood to refer

respectively to these customs procedures as defined under the respective United Kingdom legislation.

- As regards the United Kingdom, the reference to "*and in a temporary storage defined in point (17) of Article 5 of that Regulation*" shall be understood to refer to controls of goods considered being under customs supervision before their placement under a customs procedure and after the notification to the customs authorities of the arrival of goods at the customs office or at any other place designated or approved by the customs authorities and the availability of those goods for customs controls.

In paragraph 1 of Article 76, the reference to "*a customs declaration for release for free circulation has been made in accordance with point 12 of Article 5 of Regulation (EU) No 952/2013 and Articles 158 to 202 of that Regulation*" shall be understood, as regards the United Kingdom, to refer to the customs declaration for the procedure under which the goods are released for free circulation submitted in accordance with the respective United Kingdom legislation.

Commission Delegated Regulation (EU) 2019/1602 of 23 April 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination (OJ EU L 250, 30.9.2019, p. 6, ELI: http://data.europa.eu/eli/reg_del/2019/1602/oj)

In point (b) of Article 4, point (e) of Paragraph 1 of Article 5 and point (b) of Article 6 the following sentence shall be inserted "*As regards the United Kingdom, the operator responsible for the consignment shall indicate the reference number of the CHED in the customs declaration lodged with the customs authorities and shall keep a copy of that CHED at the disposal of the customs authorities and shall provide it to the customs authorities prior to the release of the goods for a customs procedure.*"

Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation) (OJ EU L 261, 14.10.2019, p. 37, ELI: http://data.europa.eu/eli/reg_impl/2019/1715/oj)

Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation) shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:

Article 38(1)(b) shall not apply to the United Kingdom.

Commission Delegated Regulation (EU) 2019/2123 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts (OJ EU L 321, 12.12.2019, p. 64, ELI: http://data.europa.eu/eli/reg_del/2019/2123/oj)

In points (h) of Article 2(1) and Article 2a(1), as well as in paragraph 4 of Article 6 the sentence shall be inserted at the end "As regards the United Kingdom, the operator has indicated the reference number of the CHED/certificate of inspection in the customs declaration lodged with the customs authorities and has kept a copy of that CHED/certificate of inspection at the disposal of the customs authorities and shall provide it to the customs authorities prior to the release of the goods for a customs procedure".

Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC (OJ EU L 321, 12.12.2019, p. 73, ELI: http://data.europa.eu/eli/reg_del/2019/2124/oj)

In letter (a) of point 3 of Article 2 the reference to "a customs warehouse, a warehouse in a free zone or a temporary storage facility approved, authorised or designated in accordance with Articles 147(1), 240(1), 243(1) respectively of Regulation (EU) No 952/2013" shall be understood, as regards the United Kingdom, to refer to a customs warehouse, a warehouse in a free zone or a temporary storage facility approved, authorised or designated in accordance with the respective United Kingdom legislation

83. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ EU L 169, 25.6.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1020/oj) only in relation to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available and use of biocidal products (OJ EU L 167, 27.6.2012, pp. 1, ELI: http://data.europa.eu/eli/reg/2012/528/oj)

Plant protection products, biocides

84. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ EC L 309, 24.11.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/1107/oj)

The provisions of the Regulation shall be read, for the purpose of this Agreement, in accordance with the following technical adaptations:

a. In paragraph 1 of Article 28, the following subparagraph is added at the end:

"A plant protection product authorised by the United Kingdom, in respect of the territories referred to in Article 44(2) of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement"), before the entry into force of that Agreement, may continue to be placed on the market and used in the territories referred to in Article 44(2) of the SPS Agreement, provided that the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State.

b. In paragraph 1 of Article 40, the following subparagraph is added at the end:

"For legal clarity, an authorisation granted by the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, before the entry into force of that Agreement, shall not be considered as an authorisation granted in accordance with Article 29 for the purpose of the mutual recognition procedure referred to in the first subparagraph."

c. In paragraph 1 of Article 44(1), the following subparagraphs are added at the end:

"By 3 months after the entry into force of the SPS Agreement, the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, shall check whether the authorisations for the placing on the market and use of plant protection products which it has granted before the entry into force of the SPS Agreement, satisfy the requirements Article 29(1) (a) - (d) as well as the requirements in Article 29(1) (f) - (i) of this Regulation, and whether they satisfy the requirements in Article 4(3) of this Regulation in light of the scientific and technical knowledge available at the time when the respective authorisation was granted. Where such authorisations concern plant protection products containing active substances which, on the date of entry into force of the SPS Agreement, are approved in the Union, the United Kingdom shall also check whether those authorisations comply with any specific conditions and restrictions applicable to the approval of the active substances laid down in Union law within 3 months after the entry into force of the SPS Agreement. These obligations shall only apply to

authorisations for the placing on the market and use of plant protection products which contain pydiflumetofen, cinmethylin or isoflucypram as an active substance if the Union has taken a decision on the approval of the active substance concerned before the entry into force of the SPS Agreement.

Where the Union takes a decision on the approval of pydiflumetofen, cinmethylin or isoflucypram as an active substance after the entry into force of the SPS Agreement, the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, shall, within 3 months from the entry into force of the decision on the approval of the active substance concerned, check whether the authorisations for the placing on the market and use of plant protection products containing pydiflumetofen, cinmethylin or isoflucypram as active substance, which it has granted before the entry into force of the SPS Agreement, satisfy the requirements in Article 29(1) (a) - (d) as well as the requirements in Article 29(1) (f) - (i) of this Regulation, and whether they satisfy the requirements in Article 4(3) of this Regulation in light of the scientific and technical knowledge available at the time when the respective authorisation was granted. The United Kingdom shall also check whether those authorisations comply with any specific conditions and restrictions applicable to the approval of the active substances laid down in Union law within 3 months from the entry into force of the decision on the approval of the active substance concerned."

d. In Article 44(3), the following subparagraphs are added at the end:
"Where authorisations for plant protection products granted by the United Kingdom before the entry into force of the SPS Agreement and subject to the checks provided for in the last two subparagraphs of paragraph 1 do not satisfy the requirements referred to in the those subparagraphs of paragraph 1, the United Kingdom shall withdraw or amend these authorisations by 3 months after the entry into force of the SPS Agreement; This obligation shall only apply to authorisations for the placing on the market and use of plant protection products which contain pydiflumetofen, cinmethylin or isoflucypram as an active substance if the Union has taken a decision on the approval of the active substance concerned before the entry into force of the SPS Agreement.

Where the Union takes a decision on the approval of pydiflumetofen, cinmethylin or isoflucypram as an active substance after the entry into force of the SPS Agreement, authorisations for plant protection products granted by the United Kingdom before the entry into force of the SPS Agreement and subject to the checks provided for in the last two subparagraphs of paragraph 1 do not satisfy the requirements referred to in those subparagraphs of paragraph 1, the United Kingdom shall withdraw or amend these

authorisations within 3 months from the entry into force of a decision concerning the approval of the active substance taken after the entry into force of the SPS Agreement."

e. In Article 46, the following subparagraphs are added:

"Where the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, withdraws or amends an authorisation granted before the entry into force of that Agreement, which does not comply with the requirements referred to in the last two subparagraphs of Article 44 (1) of this Regulation, the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, may provide for a grace period for the disposal, storage, placing on the market and use of existing stocks as follows:

- Plant protection products containing only active substances which, on the day of entry into force of the SPS Agreement are approved in the Union, may only be permitted to be placed on the market in the territories referred to in Article 44(2) until 9 months after the entry into force of the SPS Agreement at the latest;
- Plant protection products containing only active substances which, on the day of entry into force of the SPS Agreement are approved in the Union, may only be permitted to be used, stored or disposed of in the territories referred to in Article 44(2) until 21 months after the entry into force of the SPS Agreement at the latest.
- Plant protection products containing an active substance which, on the day of entry into force of the SPS Agreement, is not approved in the Union, may only be permitted to be placed on the market in the territories referred to in Article 44(2) until 3 months after the entry into force of the SPS Agreement at the latest;
- Plant protection products containing an active substance which, on the day of entry into force of the SPS Agreement, is not approved in the Union, may only be permitted to be used, stored or disposed of in the territories referred to in Article 44(2) until 9 months after the entry into force of the SPS Agreement at the latest.

This subparagraph shall only apply to plant protection products containing pydiflumetofen, cinmethylin or isoflucypram as an active substance if the Union has taken a decision on the approval of the active substance concerned before the entry into force of the SPS Agreement.

Where the Union takes a decision on the approval of pydiflumetofen, cinmethylin or isoflucypram as an active substance after the entry into force of the SPS Agreement and the United Kingdom in respect of the territories referred to in Article 44(2) of that Agreement, withdraws or amends an authorisation of a plant protection product containing one of these substances as active substance, which it has granted before the entry into force of the SPS Agreement and which does not comply with the requirements referred to in the last two

subparagraphs of Article 44(1) of this Regulation, the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, may provide for a grace period for the disposal, storage, placing on the market and use of existing stocks as follows:

- Plant protection products containing one of these three active substances which the Union decides to approve after the entry into force of the SPS Agreement may only be permitted to be placed on the market in the territories referred to in Article 44(2) until 9 months from the entry into force of the decision on the approval at the latest;
- Plant protection products containing one of these three active substances which the Union decides to approve after the entry into force of the SPS Agreement, may only be permitted to be used, stored or disposed of in the territories referred to in Article 44(2) until 21 months from the entry into force of the decision on the approval at the latest;
- Plant protection products containing one of these three active substances which the Union decides not to approve after the entry into force of the SPS Agreement may only be permitted to be placed on the market in the territories referred to in Article 44(2) until 3 months from the entry into force of the decision on the approval at the latest;
- Plant protection products containing one of these three active substances which the Union decides not to approve after the entry into force of the SPS Agreement, may only be permitted to be used, stored or disposed of in the territories referred to in Article 44(2) until 9 months from the entry into force of the decision on the approval at the latest."

  provided that the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State".

85. Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ EC L 309, 24.11.2009, p. 71, ELI: http://data.europa.eu/eli/dir/2009/128/oj)
86. Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ EC L 70, 16.3.2005, p. 1, ELI: http://data.europa.eu/eli/reg/2005/396/oj)

    The provisions of the Regulation shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:

    a. In Article 18(1), the following is added:

    "The food and feed products referred to in Annex I to this Regulation which:

    - were being held for the purpose of sale, sold, distributed or stored (placed on the market) in the territories referred to in Article 44(2) before the entry into force of the

Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement"); or

- were produced using plant protection products whose authorisations were amended or withdrawn including plant protection products containing pydiflumetofen, cinmethylin or isoflucypram in accordance with Article 48(4) of the SPS Agreement;

and which contain levels of pesticide residues exceeding the maximum residue levels established in Union law may continue to be harvested and placed on the market in the territories referred to in Article 44(2) of the SPS Agreement, provided that the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State.

Tea (identified with Code 0610000 in Annex I and limited to the *Camellia sinensis var. assamica*) which contains, at the time of its placing on the market in the territories referred to in Article 44(2) of SPS Agreement, residues of thiamethoxam or clothianidin at levels exceeding the values listed for residues of these substances in Annex V to this Regulation may continue to be imported and placed on the market in the territories referred to in Article 3 until 12 months after the entry into force of the SPS Agreement, provided that:

i. the United Kingdom has informed the Union of an effective control system to ensure that this tea does not move into the territory of a Member State and that
ii. this tea bears a label 'Not for EU' attached to or imprinted on the package which cannot be easily faded or removed.

Tea (identified with Code 0610000 in Annex I and limited to the *Camellia sinensis var. assamica*) which contains residues as set out in this paragraph and which has been placed on the market in accordance with this paragraph in the territories referred to in Article 44(2) until 12 months after the entry into force of the SPS Agreement may continue to be made available in those territories but not moved into the territory of a Member State."

87. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1, http://data.europa.eu/eli/reg/2012/528/oj)

The provisions of the Regulation shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:

a. The United Kingdom, in respect of the territories referred to in Article 44(2) of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement"), shall participate in the work of the

European Chemicals Agency, hereafter referred to as 'the Agency', as set up by Regulation (EC) No 1907/2006 of the European Parliament and of the Council, in relation to matters pertaining to Regulation (EU) No 528/2012, except for the right to vote.

Where the Partnership Council has adopted the decision on privileges and immunities pursuant to Article 42 of this Agreement, only the following sentence shall be applicable to the United Kingdom in respect of Article 102 of Regulation (EC) No 1907/2006:

"The United Kingdom shall grant to the Agency and its staff, within the framework of their official functions for the Agency, the privileges and immunities provided for in the decision adopted on the basis of Article 42 of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland on a Common Sanitary and Phytosanitary Area with certain common quality standards (the "SPS Agreement") by the Partnership Council established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part."

(b) The United Kingdom shall contribute financially to the activities of the Agency in accordance with Article 43 and Annex 3 to the SPS Agreement.

(c) In Article 17(1), the following subparagraph is added:

"Where the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, has authorised a biocidal product, which complies with the requirements set out in Article 19 or, for products eligible for the simplified authorisation procedure, Article 25 of this Regulation, before the entry into force of the SPS Agreement, that biocidal product may continue to be made available and used, until the date set out in that authorisation for the expiry of its validity, in the territories referred to in Article 44(2) of the SPS Agreement, in accordance with that authorisation, provided that the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State";

(d) In Article 31(1), the following subparagraph is added at the end:

"Where the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, has granted a national authorisation for one or more product-types before the entry into force of that Agreement, the application for the renewal of that authorisation may only be submitted, by or on behalf of the authorisation holder, to the competent authority of United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, until 550 days before the expiry date of that authorisation. Where renewal is sought for more

than one product-type, the application shall be submitted at least 550 days before the earliest expiry date;"

(e) In paragraph 1 of Article 32, the following subparagraph is added at the end:

"For legal clarity, an authorisation granted by the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, before the entry into force of that Agreement, shall not be considered as an authorisation granted in accordance with Article 17 for the purpose of the mutual recognition procedures referred to in the first subparagraph."

(f) In Article 35(1) of Regulation (EU) No 528/2012, the following shall be added:

"The United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, shall not have the right to vote in the context of the work of the coordination group. "

(g) In Article 48(1), the following subparagraphs are added:

"Where the competent authority of the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, has authorised, before the entry into force of that Agreement, biocidal products, it shall check whether these authorisations comply with the requirements laid down in Article 19 or, for products eligible for the simplified procedure, Article 25 of this Regulation by 3 months after the entry into force of the SPS Agreement.

Any authorisation of biocidal products granted, by the United Kingdom in respect of the territories referred to in Article 44(2) of the SPS Agreement, before the entry into force of that Agreement, which does not comply with the requirements laid down in Article 19, or, for products eligible for the simplified procedure, Article 25 of this Regulation, shall be cancelled or amended by 3 months after the entry into force of the SPS Agreement."

(h) In Article 52, the following subparagraphs are added:

"Where the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, cancels or amends an authorisation, issued before the entry into force of that Agreement, for biocidal products which, on the day of entry into force of the SPS Agreement:

- either concerns a biocidal product containing an active substance which is not approved in the Union
- or does not comply with the conditions and restrictions set out in the approval of the active substance concerned,

only the following shall apply:

- Biocidal products which either contain active substances that, on the day of entry into force of the SPS Agreement, are not approved in the Union or which were authorised to be made available and used in a way that does not comply with the conditions and restrictions set out in the approval for its active substances on that day, may continue to be made available

on the market in the territories referred to in Article 44(2) of the SPS Agreement, in accordance with the authorisation issued by the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, before the entry into force of that Agreement, until 9 months after the entry into force of the SPS Agreement; and

- Biocidal products which either contain active substances that, on the day of entry into force of the SPS Agreement, are not approved in the Union or which were authorised to be made available and used in a way that does not comply with the conditions and restrictions set out in the approval for its active substances on that day, may continue to be used in the territories referred to in Article 44(2) of the SPS Agreement, in accordance with the authorisation issued by the United Kingdom, in respect of those territories, before the entry into force of that Agreement, until 16 months after the entry into force of the SPS Agreement, provided that the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State."

(i) In Article 74(2) of Regulation (EU) No 528/2012, the following shall be added:

"The reference to 'Member State' in Article 79 of Regulation (EC) No 1907/2006 shall be read as not including the United Kingdom in respect of the territories referred to in Article 44(2) of the SPS Agreement."

(j) In Article 75(4) of Regulation (EU) No 528/2012, the following shall be added:

"The United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, shall not have the right to vote in the Biocidal Products Committee."

(k) In Article 89 (2), the following is added at the end of the first sentence:

"; or, where the date of approval of the last of the active substances to be approved in that biocidal product falls between 1 January 2021 and the entry into force of the SPS Agreement, the United Kingdom, in respect of the territories referred to in Article 44(2) of that Agreement, may continue to apply its system or practice of making available on the market or using a given biocidal product at the time of entry into force of the SPS Agreement until 42 months after the entry into force of the SPS Agreement.";

(l) In Article 89 (2), the following is added at the end of the last sentence:

"or, where a decision not to approve an active substance was adopted between 1 January 2021 and the entry into force of the SPS Agreement, the United Kingdom, in respect of the territories referred to in Article 44(2) of that Agreement, may continue to apply its system or practice of making biocidal products available on the market at the time of entry into force of the SPS Agreement until 3 months after the entry into force of that Agreement, and may continue to apply its system or practice of using biocidal products at the time of entry into force of the SPS Agreement until 9 months after the entry into force of that Agreement,

provided that the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State."

(m) In Article 89 (3), the following is added at the end of the first sentence:

"or, in the case of the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, and provided that an application for authorisation has been submitted by 6 months after the entry into force of that Agreement, until 42 months after the entry into force of the SPS Agreement for biocidal products that contains one or several active substances approved in the Union in application of the work programme set out in Article 89(1) of this Regulation, of which the date of approval of the last active substance falls between 1 January 2021 and the date of entry into force of the SPS Agreement." ;

(n) In Article 89 (3), the following is added at the end of the second subparagraph:

"Where a biocidal product was made available and used in accordance with the rules of the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, before the entry into force of that Agreement, and where that product contains one or several active substances approved in the Union in application of the work programme set out in Article 89(1) of this Regulation, where the decision to approve, and the date of approval of the last active substance fall between 1 January 2021 and the date of entry into force of the SPS Agreement, the application for its authorisation in accordance with this Regulation shall be submitted to the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, no later than 6 months after the entry into force of that Agreement.";

(o) In Article 89 (3), the following is added at the end of the third subparagraph:

In the case of a biocidal product made available and used in accordance with the rules of the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, applicable before the entry into force of that Agreement, where no application for authorisation has been submitted by 6 months after the entry into force of the SPS Agreement, following the approval of the last of its active substances where the decision to approve, and the date of approval fall between 1 January 2021 and the entry into force of that Agreement, the biocidal product may continue to be made available on the market in those territories, until 12 months after the entry into force of the SPS Agreement, and it may continue to be used in those territories until 18 months after the entry into force of that Agreement.";

(p) In Article 94(1), the following is added at the end of the paragraph:

"By way of derogation from Article 58(2), as regards the United Kingdom, in respect of the territories referred to in Article 44(2) of the SPS Agreement, where a decision on an approval or on the renewal of an approval of an active substance was adopted between 1 January 2021 and the entry into force of the SPS Agreement, treated articles treated with or intentionally

incorporating one or more biocidal products which, on the day of entry into force of the SPS agreement, either contain an active substance that is not approved in the Union or do not comply with the conditions or restrictions set out in the approval of the active substances concerned, may continue to be placed on the market in the territories referred to in Article 44(2) of the SPS Agreement until 6 months after the entry into force of the SPS Agreement, provided that the United Kingdom has informed the Union of an effective control system to ensure that these products are not moved into the territory of a Member State."

Sanitary and phytosanitary - Other

88. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of ß-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ EC L 125, 23.5.1996, p. 3, ELI: http://data.europa.eu/eli/dir/1996/22/oj)
89. Council Decision 1999/879/EC of 17 December 1999 concerning the placing on the market and administration of bovine somatotrophin (BST) and repealing Decision 90/218/EEC (OJ EC L 331, 23.12.1999, p. 71, ELI: http://data.europa.eu/eli/dec/1999/879/oj)

Antimicrobial resistance

90. Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ EU L 4, 7.1.2019, p. 43, ELI: http://data.europa.eu/eli/reg/2019/6/oj), in conjunction with Article 37(5) thereof
Article 107 (with the exception of paragraph 6) and Article 118 of Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC, in conjunction with Article 37(5) thereof
Article 107(5) shall be read, for the purposes of this Agreement, in accordance with the following technical adaptations:
(a) medicinal products containing the antimicrobials or groups of antimicrobials reserved for treatment of certain infections in humans in accordance with Commission Implementing Regulation (EU) 2022/1255 (OJ L 191, 20.7.2022, p. 58) shall not be used in animals;
(b) the legal acts adopted on the basis of Article 107(6) of Regulation (EU) 2019/6 shall not be understood as being included in the reference to Article 107 of Regulation (EU) 2019/6;
(c) The United Kingdom and experts of the United Kingdom shall not participate in the standing committee on veterinary medicinal products nor in the expert groups on veterinary medicinal products. The United Kingdom shall not participate in, and experts of the United

Kingdom shall not be consulted on, the preparation of proposals and drafts relating to the manufacture, placing on the market and use of veterinary medicinal products.

91. Paragraph 3 of Article 17 of Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC (OJ EU L 4, 7.1.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/4/oj)

ANNEX 2

REFERRALS TO THE COURT OF JUSTICE OF THE EUROPEAN UNION

SOLE ARTICLE

1. The arbitration tribunal may make a referral to the Court of Justice of the European Union pursuant to its obligation in Article 30 at any time in the proceedings.

2. Prior to making a referral pursuant to Article 30(1), the arbitration tribunal shall notify the Parties of its intention to refer the question of interpretation to the Court of Justice of the European Union. A Party may, within 10 days of that notification, make submissions to the arbitration tribunal.

3. Each Party may send a reasoned request to the arbitration tribunal to make a referral to the Court of Justice of the European Union. The arbitration tribunal shall reject such a request if it considers the conditions for a referral to the Court of Justice of the European Union laid down in Article 30(1) are not met. If the arbitration tribunal rejects a Party's request for a referral to the Court of Justice of the European Union, it shall give reasons for its decision in the decision on the substance of the case. For the avoidance of doubt, only the arbitration tribunal may make a decision to refer a question of interpretation to the Court of Justice of the European Union, in accordance with its obligation under Article 30.

4. The arbitration tribunal shall make a referral to the Court of Justice of the European Union by means of a notice in which it will set out precisely the legal and factual background of the case and the legal questions it raises. In particular, the notice shall contain at least the following information:

(a) a brief description of the dispute; and

(b) the relevant act of the Union, or the relevant provisions of this Agreement which involve a concept of Union law and that concept of Union law, to be interpreted in accordance with Article 21(2) of this Agreement.

The arbitration tribunal shall promptly provide a copy of the notice referred to in this paragraph to the Parties.

ANNEX 3

ON THE APPLICATION OF ARTICLE 43

ARTICLE 1

List of the activities of the Union agencies, information systems and other activities to which the United Kingdom is to contribute financially

The United Kingdom shall contribute financially to the following:

(a) agencies:

The European Food Safety Authority (EFSA), European Chemicals Agency (ECHA)[10], Community Plant Variety Office (CPVO)

For ECHA, the operational contribution in accordance with Article 43 (6) shall be 7.9% of the Union contribution to ECHA's total budget.

(b) information systems:

- All information systems covered by Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation)

- Other information systems on food safety including SANTE Data Collection Platform (SDCP), e-submission food chain platform (ESFC), systems for plant varieties including FOREMATIS, FRUMATIS, EU Plant Variety Portal (EUPVP), Anti-microbial resistance One Health Network Platform (AMR-OHN), Food Labelling Information System (FLIS), Pesticides Information Management System (PIMS), Integrated Management System for Audits (IMSA), Animal Welfare Platform (AWP), FOCUS-Models for the environmental risk assessment of chemicals

- The Information System for Agricultural Market Management (ISAMM

[10] In relation to the activities carried out by ECHA linked to the application of Regulation (EC) No 528/2012.

Communication)[11]

- The Organic Farming Information System (OFIS)

(c) other activities.

ARTICLE 2

Terms of payment

1. Payments due pursuant to Article 43 of this Agreement shall be made in accordance with this Article.

2. When issuing the call for funds of the financial year, the European Commission shall communicate the following information to the United Kingdom:

(a) the amount of the operational contribution[12]; and

(b) the amount of the participation fee.

3. The European Commission shall communicate to the United Kingdom, as soon as possible and at the latest on 16 April of each financial year, the following information in relation to the United Kingdom's participation concerning the activities of the Union agencies, information systems and other activities listed in Article 1:

(a) the amounts in commitment appropriations of the definitively adopted annual Union budget inscribed on the relevant Union budget subsidy line(s) of the year in question for each Union agency, and the amounts in commitment appropriations in relation to the Union adopted budget of the year in question for the relevant budget of the information systems and other activities, covering the participation of the United Kingdom in accordance with Article 1;

(b) the amount of the participation fee referred to in Article 43 of this Agreement; and

(c) as regards agencies, in year N+1, the amounts in budgetary commitments made on commitment appropriations authorised in year N on the relevant Union budget subsidy line(s) in relation to the annual Union budget inscribed on the relevant Union budget subsidy line(s) of year N.

[11] Limited to the implementation of marketing standards provisions under Regulation (EU) No 1308/2013 within the scope of this Agreement

[12] Any costs incurred before the date of entry into force of this Agreement or, as the case may be, the date of its provisional application in relation to the relevant information systems and other activities will not be included. Any costs incurred as from the date of entry into force of this Agreement or, as the case may be, the date of its provisional application budgeted for the year in question, including the development of new systems serving the equivalent objective and purpose of an existing information system, will be included.

4. On the basis of its draft budget, the European Commission shall provide an estimate of information under points (a) and (b) of paragraph 3 at the latest by 1 September of the relevant financial year.

5. Each year the European Commission shall issue to the United Kingdom, at the latest on 16 April, a call for funds that corresponds to the contribution of the United Kingdom under this Agreement for each of the agencies, information systems and other activities in which the United Kingdom participates.

The United Kingdom shall pay the amount indicated in this call for funds at the latest 60 days after the call for funds is issued.

The United Kingdom may make separate payments for each agency, information system or other activity.

6. By way of derogation from paragraph 5, if the date of entry into force of this Agreement or, as the case may be, the date of its provisional application is later than 16 March, the European Commission shall issue, for that financial year, a single call for funds within 30 days of the date of entry into force or, as the case may be, the date of provisional application.

The United Kingdom shall pay the amount indicated in the call for funds at the latest 60 days after the call for funds is issued.

7. Any delay in the payment of the financial contribution shall give rise to the payment of default interest by the United Kingdom on the outstanding amount as from the due date until the day on which that outstanding amount is paid in full.

8. The interest rate for amounts receivable not paid on the due date shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the Official Journal of the European Union, in force on the first day of the month in which the due date falls, or 0 %, whichever is higher, plus 3,5 percentage points.

ARTICLE 3

Adjustment of the United Kingdom’s financial contribution to Union agencies in the light of implementation

The adjustment of the United Kingdom’s financial contribution to Union agencies shall be made in year N+1, when the initial operational contribution shall be adjusted upwards or downwards by the difference between the initial operational contribution and an adjusted contribution calculated by applying the contribution key of year N to the amount of budgetary commitments made on

commitment appropriations authorised in year N under the relevant Union subsidy budget line(s). Where applicable, the difference shall take into account, for each agency, the percentage-based adjusted operational contribution as defined in Article 1.

ARTICLE 4

Transitional arrangements

In the event that the date of entry into force of this Agreement or, as the case may be, the date of its provisional application is not 1 January, this Article shall apply by way of modification to Article 2.

For the first year of implementation of this Agreement, in relation to the operational contribution due for the year in question as established in accordance with Article 43 of this Agreement and Articles 1 to 4 of this Annex, the payment shall be reduced on a pro rata temporis basis by multiplying the amount of the annual operational contribution due to the ratio of the following:

(a) the number of calendar days from the date of entry into force of this Agreement or, as the case may be, the date of its provisional application, until 31 December of the year in question; and

(b) the total number of calendar days of the year in question.

Joint Declaration on further references to Union law in the acts referred to in Annex I

For greater certainty, both Parties consider that where legal acts of the Union and other Union acts referred to in Annex 1 contain further references to legal acts of the Union not referred to in that Annex, or to "applicable Union law", to "requirements under Union law" or similar further references, such further references are to be interpreted and applied in accordance with the principle of uniform interpretation and application enshrined in Article 21(2).

Joint Declaration on trade-related concerns

In the event of a trade-related concern being raised by a third party with the United Kingdom of Great Britain and Northern Ireland ("the United Kingdom") in relation to a measure falling within the scope of this Agreement, including in the framework of international dispute settlement mechanisms, the United Kingdom will inform the European Union. The European Union will provide assistance to the United Kingdom and will exercise its best efforts to do so in a timely manner. This may include providing information relevant to the measure in question or, as appropriate, cooperation on the development of positions. At the request of the United Kingdom, the Parties will discuss matters within the mechanisms provided for by this Agreement. The Parties will endeavour to coordinate their positions and responses in order to allow a mutually acceptable resolution of the issue.