DECISIONS

COUNCIL DECISION (EU) 2021/1157

of 30 June 2021

on the position to be taken on behalf of the Union in reaction to the unilateral declaration of the United Kingdom setting out the practice it intends to put in place as regards imports of meat products from Great Britain into Northern Ireland between 1 July and 30 September 2021

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50(2) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) 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 ('the Withdrawal Agreement') ([1]) was concluded by the Union by Council Decision (EU) 2020/135 ([2]) on 30 January 2020 and entered into force on 1 February 2020. The Protocol on Ireland and Northern Ireland ('the Protocol') forms an integral part of that Agreement.

(2) Article 5(4) of the Protocol provides for the application of Union law as listed in Annex 2 to the Protocol to and in the United Kingdom in respect of Northern Ireland.

(3) The provisions of Union food law listed in Annex 2 to the Protocol include prohibitions and restrictions with regard to imports of certain meat products from third countries into the Union. Those prohibitions and restrictions apply to imports of such meat products from Great Britain into Northern Ireland as from the end of the transition period.

(4) On 17 December 2020, the UK made a unilateral declaration recorded in the minutes of the Joint Committee meeting under the Withdrawal Agreement, setting out the practice it intended to put in place as regards imports of meat products from Great Britain into Northern Ireland until 30 June 2021. According to the United Kingdom's declaration, meat products would be imported from Great Britain into Northern Ireland under the following conditions: (i) they would be subject to a channelling procedure applicable from the designated point of exit in Great Britain to destination supermarkets in Northern Ireland; (ii) they would be sold exclusively to end consumers in supermarkets located in Northern Ireland, and would not be sold to other operators in the food chain; (iii) they would be accompanied by official health certificates issued by the competent authorities of the United Kingdom (based on similar models already existing for fresh meat, minced meat and meat preparations); and (iv) they would be packed and labelled for end consumers, bearing a label reading: '*These products from the United Kingdom may not be sold outside Northern Ireland*'. The UK also noted that during that period, the United Kingdom will remain fully aligned with Union law applicable to meat products and listed in Annex 2 to the Protocol. The Union made a unilateral declaration taking note of the practice set out in the United Kingdom's unilateral declaration.

(5) On 17 June 2021, the United Kingdom informed the Commission of its intentionto continue applying a similar approach for three more months, i.e.until 30 September 2021. In its letter of 17 June 2021, the United Kingdom proposed '*to maintain the existing grace period arrangements that are in place for these movements*'.

([1]) OJ L 29, 31.1.2020, p. 7.

([2]) Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of 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 (OJ L 29, 31.1.2020, p. 1).

(6) The United Kingdom issued a unilateral declaration on 30 June 2021, setting out the practice it intends to put in place as regards imports of meat products from Great Britain into Northern Ireland between 1 July and 30 September 2021.

(7) It is therefore appropriate to establish the position to be expressed to the Joint Committee co-chair on the Union's behalf in reaction to that unilateral declaration by the United Kingdom,

HAS ADOPTED THIS DECISION:

Article 1

The position to be expressed on the Union's behalf in reaction to the United Kingdom's unilateral declaration setting out the practice it intends to put in place as regards imports of meat products from Great Britain into Northern Ireland between 1 July and 30 September 2021 shall be based on the unilateral declaration of the Union attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 30 June 2021.

For the Council
The President
A. P. ZACARIAS

ANNEX

APPLICATION OF UNION LAW RELATED TO MEAT PRODUCTS IN NORTHERN IRELAND AFTER THE END OF THE TRANSITION PERIOD

UNILATERAL DECLARATION BY THE EUROPEAN UNION

The European Union takes note of the United Kingdom's unilateral declaration setting out the practice it intends to put in place as regards imports of these meat products from Great Britain into Northern Ireland for the period 1 July until 30 September 2021. The Union notes that certain adjustments to supply chains have already taken place during the first six months of 2021. According to trade statistics, this is the case in particular as regards minced meat. The purpose of this additional period is to allow stakeholders, and in particular supermarkets in Northern Ireland, to complete the adjustment of their supply chains.

This practice will inform the position of the Union as regards recourse to the exercise of the powers referred to in Article 12(4) of the Protocol.

As referred to in the United Kingdom's letter of 17 June proposing to extend the approach set out in its unilateral declaration of 17 December 2020 for three more months, during this period the United Kingdom proposes *'to maintain the existing grace period arrangements that are in place for these movements'*.

The Union recalls that the full implementation of the Withdrawal Agreement is an international legal obligation for the Union and the United Kingdom.

The Union notes that meat products that are subject to the channelling procedure referred to in the United Kingdom's unilateral declaration must remain under the control of the Northern Ireland competent authorities at all stages of that procedure. The Union also underlines the importance of ensuring that Border Control Posts in Northern Ireland have the necessary infrastructure and resources to be able to perform all the controls required by the EU's Official Controls Regulation.