EXPLANATORY MEMORANDUM TO

THE COMMON ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS (MARKETING STANDARDS AND ORGANIC PRODUCTS) (TRANSITIONAL PROVISIONS) (AMENDMENT) REGULATIONS 2025

2025 No. 18

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Daniel Zeichner MP, Minister of State for Food Security and Rural Affairs at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Gill Laishley, Deputy Director for Farming and Primary Processing, at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Nick Gray at the Department for Environment, Food and Rural Affairs, (telephone: 07557 191330 or email: Nick.Gray@defra.gov.uk) can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends assimilated European Union ("EU") and domestic legislation to extend existing transitional arrangements ("grace periods") in order to exempt the following goods from certain import certification requirements until 1 February 2027:

(i) hops and hop products exported from the EU and certain third countries to Great Britain ("GB")

(ii) poultrymeat with optional indications exported from the EU to GB; and

(iii) organic products exported from the EU, European Economic Area ("EEA") states and Switzerland to GB.

4.2 The legislation amended by this instrument is:

- Assimilated Council Regulation (EC) No 834/2007 on organic production and labelling of organic products (EUR 2007/834);
- Assimilated Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat (EUR 2008/543);
- Assimilated Commission Regulation (EC) No 1235/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 as

regards the arrangements for imports of organic products from third countries (EUR 2008/1235);

- Assimilated Commission Regulation (EC) No 1295/2008 on the importation of hops from third countries (EUR 2008/1295);
- Assimilated Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (EUR 2013/1308);
- Assimilated Commission Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control; and
- The Hops Certification Regulations 1979, in respect of Great Britain (S.I. 1979/1095).

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is Great Britain

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Great Britain.

5. Policy Context

What is being done and why?

5.1 Existing grace periods provide for the exemption from GB import certification requirements until 1 February 2025 in respect of marketing standards certification for hops and hop products and poultrymeat with optional indications exported from the EU to GB, and organic import certification requirements for organic products exported from the EU, EEA and Switzerland to GB.

5.2 This instrument makes technical amendments to assimilated EU and domestic legislation to extend the grace periods, currently due to end on 1 February 2025, until 1 February 2027. For poultrymeat with optional indications, a consultation outlining a proposal to remove the specific import certification requirement closed on 16 December 2024 and the extended grace period is to allow time to consider responses and, if appropriate, make the necessary legislative changes to implement that proposal. For hops and hop products and organic products, the extension is to allow time to further investigate options for implementing import requirements in the most effective manner that minimises burdens on businesses and disruption to supply chains.

5.3 This instrument also makes technical amendments to Assimilated EU Commission Regulation (EC) No 1295/2008 on the importation of hops from third countries to ensure the hops import regime continues to function as intended. Specifically, the instrument:

- updates references to EU Commission regulations which have been repealed and replaced with new EU regulations. This is to allow for continuation of derogations which permit consignments of hops and hop products exported from the EU to GB to be accompanied by EU certificates issued in accordance with EU law as proof that the standard of EU hops and hop products is at least equivalent to products of the GB hops sector, and for packaging of EU imports to continue to be marked in accordance with EU law; and

- updates the contact information of the Australian Agency authorised to issue certification for Australian hops and hop products imported to GB.

What was the previous policy, how is this different?

5.4 This instrument amends the assimilated EU law and domestic legislation listed in paragraph 4.2 to extend existing grace periods, currently due to end on 1 February 2025, until 1 February 2027. This instrument does not therefore introduce new policy, but extends existing arrangements.

6. Legislative and Legal Context

How has the law changed?

6.1 Regulation (EU) No 1308/2013 ("the CMO") is the framework for the functioning and administration of the Common Organisation of Agricultural Markets and is part of Pillar 1 of the EU's Common Agriculture Policy ("CAP"). The CMO was retained in UK law under section 3 of the European Union (Withdrawal) Act 2018 ("EUWA"). The CMO was set up as a means of meeting the objectives of the CAP (Article 40 of the Treaty on the Functioning of the European Union), to stabilise markets, ensure a fair standard of living for agricultural producers and increase agricultural productivity. It has broadened out to provide a toolkit that enables the EU to:

(i) manage market volatility

(ii) incentivise collaboration between and competitiveness of agricultural producers; and

(iii) facilitate trade.

6.2 Marketing standards establish detailed rules with regards to the quality of agricultural products and provide product information to consumers. They are intended to make sure that products offered to consumers are accurately and consistently labelled, are of acceptable quality and that unsatisfactory produce is kept off the market. The CMO (as retained in UK law following EU exit) sets out general marketing standards for agricultural products, which are supplemented by regulations setting out detailed standards relating to marketing requirements, certification requirements and import requirements for each agricultural product.

6.3 Organic food is regulated by assimilated Council Regulation (EC) No 834/2007 and assimilated Commission Regulations (EC) No 889/2008 and (EC) No 1235/2008: these provide for the production, processing, labelling, inspection and import requirements for organic products.

6.4 Under section 3 of the EUWA, the EU legislation listed in paragraph 4.2 was retained at the end of the Transition Period (at 11pm on 31 December 2020). The Hops Certification Regulations 1979 were retained in UK law under section 2 of the EUWA.

6.5 The listed legislation was amended at the end of the Transition Period to insert transitional arrangements ("grace periods") relating to the commencement of the use of GB organics and marketing standards documentation for imports. These transitional arrangements were designed to provide industry with sufficient time to prepare for import controls and new GB organics and marketing standards documentary checks following the UK's withdrawal from the EU. The transitional arrangements concern the conditions under which imported products are considered to have an equivalent level of conformity to GB products.

6.6 The grace periods were subsequently amended to align with the introduction of wider border controls on imported EU goods, and latterly to review the fitness for purpose of Retained EU Law, as referenced in the Retained EU Law (Revocation and Reform) Act 2023.

6.7 Grace periods have previously been amended by:

(i) The Common Organisation of the Markets in Agricultural Products (Transitional Arrangements) (Amendment) Regulations 2021 (S.I. 2021/652) to align the grace periods with the revised timetable for the introduction of SPS border controls, announced by Ministerial Statement on 11 March 2021

(ii) The Common Organisation of the Markets (Marketing Standards and Organics Products) (Transitional Provisions) (Amendment) Regulations 2021 (S.I. 2021/1396)

(iii) The Common Organisation of the Markets in Agricultural Products (Marketing Standards and Organic Products) (Transitional Provisions) (Amendment) Regulations 2022 (S.I. 2022/609); and

(iv) The Common Organisation of the Markets in Agricultural Products (Marketing Standards and Organic Products) (Transitional Provisions) (Amendment) Regulations 2023 (S.I. 2023/1246).

6.8 The grace periods set by the last of these instruments in respect of imports of hops from the EU and certain third countries, poultrymeat with optional indications from the EU and organic products from the EU, EEA states and Switzerland, ends on 1 February 2025. This instrument extends these grace periods to 1 February 2027. For poultrymeat with optional indications, a consultation with a proposal to remove the specific import certification requirement closed on 16 December 2024 and the extended grace period is to allow time to consider responses and, if appropriate, make the necessary legislative changes to implement that proposal. For hops and hop products and organic products, the extension is to allow time to further investigate options for implementing import requirements in the most effective manner that minimises burdens on businesses and disruption to supply chains.

Why was this approach taken to change the law?

6.9 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 No consultation was undertaken for the amendments being made under this instrument given that changes are technical in nature to ensure continuation of the current arrangements.

7.2 Defra has communicated the intention to extend the current arrangements to trade bodies, operators and Port Health Authorities to allow for familiarisation with the changes to the planned implementation schedule for import requirements made by this instrument.

7.3 The subject matter of this instrument is devolved. Defra engaged with Devolved Governments to agree the changes introduced by this instrument, and the Secretary of State has, where necessary, obtained the consent of the Welsh Ministers and the Scottish Ministers to the making of these Regulations.

8. Applicable Guidance

8.1 Defra has not produced specific guidance on this instrument, as it makes technical amendments to extend current arrangements. Sector specific guidance available on GOV.UK[1] has been updated to inform businesses and trade bodies of the intended extension of current arrangements until 1 February 2027.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it makes technical amendments to extend grace periods which maintain existing import certification requirements. The instrument therefore places no new regulatory burden on businesses, charities, voluntary bodies or the public sector.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the instrument makes no changes to regulatory standards. The instrument's primary purpose is to allow time to further investigate options for implementing import requirements in the most effective manner, that minimises burdens on businesses and disruption to supply chains.

9.3 The legislation does not disproportionately impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because it introduces no new operational or enforcement requirements.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 Because this instrument amends transitional provisions which will now end on 31 January 2027, it does not include a statutory review clause. Defra and its agencies will monitor and review the impact of the instrument as part of its standard policymaking procedures.

[1] https://www.gov.uk/guidance/importing-organic-food-to-the-uk#importing-organic-food-from-the-eu-eea-and-switzerland-to-great-britain-and-northern-ireland
https://www.gov.uk/guidance/poultry-meat-marketing-standards#check-if-you-need-a-poultry-meat-optional-indications-certificate
https://www.gov.uk/guidance/hops-and-hops-products-marketing-standards#importing-hops-and-hop-products-into-great-britain

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister of State for Food Security and Rural Affairs, Daniel Zeichner MP has made the following statement regarding Human Rights:

"In my view the provisions of the Common Organisation of the Markets in Agricultural Products (Marketing Standards and Organic Products) (Transitional Provisions) (Amendment) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts"). It does however relate to the withdrawal of the United Kingdom from the European Union because it amends transitional arrangements in respect of import requirements for poultrymeat with optional indications and hops and hop products imported from the EU, and organic products imported from the EU, EEA and Switzerland.