EXPLANATORY MEMORANDUM TO

THE WINDSOR FRAMEWORK (RETAIL MOVEMENT SCHEME: PLANT HEALTH) (AMENDMENT) REGULATIONS 2026

2026 No. 458

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 Baroness Hayman of Ullock, Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Michael Tant, Deputy Director for Northern Ireland Strategy and Services, at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Henrietta Townsend at the Department for Environment, Food and Rural Affairs can be contacted by email at the following address with any queries regarding the instrument:WFImplementationTeam@defra.gov.uk. Alternatively, the department can be contacted by telephone: 07833082139.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The purpose of this instrument is to bring Great Britain (GB) into alignment with European Union (EU) import requirements for certain Rest of World goods (originating from non-EU countries), specifically for pest control reasons, protecting the biosecurity of the island of Ireland whilst maintaining the flow of trade between GB and Northern Ireland (NI).

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England, Wales and Scotland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England, Wales and Scotland.

5. Policy Context

What is being done and why?

5.1 The arrangements for Northern Ireland Retail Movement Scheme (NIRMS) were announced by the UK Government and the EU on 27 February 2023. The list of goods eligible to move from GB to NI under NIRMS includes tomato, pepper and ginger.

5.2 The EU have amended import requirements for all fruits of *Solanum* (including tomatoes) and fruits of *Capsicum* (including peppers) from Taiwan and Israel, and all rhizomes of *Zingiber officinale* (ginger) from the Rest of World. The amendments relate to pest measures, specifically against the pest *Bactrocera latifrons*, for which GB currently aligns on import controls. The EU are also introducing new measures against the pest *Ralstonia pseudosolanacearum* to mitigate this developing pest risk.

5.3 As GB does not dynamically align with the EU in this area, so these Regulations are necessary to amend GB import requirements for these specific Rest of World goods, once these EU measures apply in Autumn 2026.

5.4 Alignment of import controls for these goods, both in the legislation and in practice, makes them eligible for NIRMS and UK Government has committed to this alignment in the Written Guarantees to the EU associated with the Scheme.

What was the previous policy, how is this different?

5.5 These goods were eligible for movement to NI under NIRMS, as GB previously aligned with the EU on the import controls on tomato, pepper and ginger from the Rest of World.

5.6 However, the EU has updated their legislation to include import controls against *Bactrocera latifrons* on tomato and pepper from Taiwan and Israel. The EU has also introduced measures against *Ralstonia pseudosolanacearum* for all Rest of World ginger. This legislation introduces measures to keep GB import controls aligned with the EU's, allowing these goods to remain eligible for movement to NI under NIRMS.

6. Legislative and Legal Context

How has the law changed?

6.1 These regulations make amendments to assimilated direct legislation to adjust the entry requirements for certain Rest of World goods into Great Britain so that they match the EU requirements for entry into NI..

Why was this approach taken to change the law?

6.2 Legislation was needed in order to amend the entry requirements for the relevant products, to maintain alignment with EU legislation in order to keep these goods on the list of Rest of World products eligible to move via NIRMS.

7. Consultation

Summary of consultation outcome and methodology

7.1 There has been no formal consultation on this instrument. There is no statutory duty to consult under the European Union (Withdrawal) Act 2018. On 'The Windsor Framework (Retail Movement Scheme: Plant and Animal Health) (Amendment etc.) Regulations 2024', the UK Government worked directly with industry to develop the list of goods to be added to the list of Rest of World goods that are eligible to move from GB to NI under NIRMS.

7.2 This instrument concerns SPS matters, which are a devolved matter in the UK. Therefore, the Department for Environment, Food and Rural Affairs has developed this instrument with the Scottish Government and Welsh Government and obtained the relevant legislative consent as per the commitment made by the UK Government during the passage of the European Union (Withdrawal) Act 2018.

8. Applicable Guidance

8.1 The current GOV.UK guidance on the Rest of World import controls can be found here - https://www.gov.uk/guidance/northern-ireland-retail-movement-scheme-nirms-how-to-move-goods under "Products where the UK is taking the same approach as the EU".

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument, as a De-Minimis Assessment was deemed sufficient. This is because no, or no significant, impact on the private, voluntary or public sector is foreseen. It is estimated there will be a £0.01 million equivalent annual net direct cost to business.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant impact on business, charities or voluntary bodies because the additional requirements are considered to be minor. Any additional costs incurred are a result of changes to the existing Northern Ireland Retail Movement Scheme.

9.3 The legislation does impact small or micro businesses. NIRMS covers the movement of retail goods, regardless of the size of the businesses moving those goods.

9.4 There is no, or no significant impact on the public sector because similar measures have previously been enacted. The costs of the measures are expected to be minimal and are not likely to cause meaningful price increases.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 No specific monitoring arrangements are needed.

As this instrument is only made under the European Union (Withdrawal) Act 2018 (as defined at 13.1), no review clause is required.

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 As the instrument is subject to negative resolution procedure, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is made under section 8C of the European Union (Withdrawal) Act 2018 and therefore relates to the withdrawal of the United Kingdom from the European Union. This instrument relates to the implementation of the Windsor Framework, as agreed between the UK and the EU on 27 February 2023.