

PROPOSED AMENDING EU ACT INITIAL ASSESSMENT OF IMPACT

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DSC REF: DSC/24a/2025

Proposed Amending EU Act

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1308/2013 as regards the school fruit, vegetables and milk scheme ('EU school scheme'), sectoral interventions, the creation of a protein sector, requirements for hemp, the possibility for marketing standards for cheese, protein crops and meat, application of additional import duties, rules on the availability of supplies in time of emergencies and severe crisis and securities

This Regulation amends [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](#); Windsor Framework Annex 2; Heading 31 on "Food – ingredients, traces, residues, marketing standards"; Heading 45 on "intellectual property", and Heading 47 "other".

Summary of the Act

The proposal implements a range of changes under the Commission's 'A Vision for Agriculture and Food', aiming to ensure a competitive, resilient, and sustainable EU agricultural sector. The regulation being amended, Regulation 1308/2013, is commonly referred to as the Common Market Organisation (CMO) regulation and covers a wide range of agricultural policy areas across 232 articles. Many of the proposed amendments do not fall within the sections of the CMO which are applicable to Northern Ireland under Annex 2 of the Windsor Framework (across three entries). The sections of the CMO which are applicable to Northern Ireland are Sections 1 to 3 of Chapter I of Title II of Part II; and Part III (articles 73 to 123 and 176 to 205).

Those proposals to amend the CMO which do not fall under the Windsor Framework include those relating to EU school schemes, rules on sectoral interventions, availability of supplies in times of emergencies, and securities.

Some of the amendments to the CMO are technical changes to incorporate certain rules and empowerments currently set out in Regulation 2021/2116 regarding control and monitoring provisions for public intervention and aid for private storage, tariff quotas, recognition of producer organisations and securities. The CMO is also amended to update provisions for the calculation of import duties to align with commitments under the WTO Agreement on Agriculture, which are non-devolved. However, there are three key proposals which do fall under Annex 2 of the Windsor Framework: marketing standards expansion, broader hemp import rules, and restrictions on the use of some meat-related terms.

Firstly (in order of amendment), the CMO is amended to provide the Commission the possibility to create new marketing standards for protein crops, beef, pigmeat, sheepmeat, goatmeat, and cheese. 'Marketing standards' is the collective term given by the European Union to a range of heterogeneous sector-specific regulations including those which establish definitions, minimum product standards, production methods, sales descriptions, product categories and labelling requirements. They apply at all stages of the marketing chain and are intended to protect consumers and to facilitate the trade of applicable goods on the single market. Products currently subject to marketing standards regulations include fruit and vegetables, hops, eggs for eating, hatching eggs and chicks, olive oil, poultrymeat, and spreadable fats.

As the EU's marketing standards requirements vary widely from product to product, detail on the specific marketing standards for each proposed new sector/product are unknown and would be outlined in future implementing legislation (if the Commission later chooses to exercise these powers). However, the Commission has stated that mandatory origin labelling for dried leguminous vegetables and soya bean would improve consumer information for these products (which are largely imported into the EU). For the same reasons of consumer information; and to harmonise the production, marketing, and quality; the Commission wants to provide for the possibility of marketing standards for the other additional products. Specifically, the Commission has stated that it may seek to harmonise the definition and composition of certain cheeses.

Secondly, the CMO is amended to expand the hemp products which can be imported into the Union. In addition to raw true hemp falling under CN code 5302, and hemp seeds for sowing/not for sowing, it will include other parts of the hemp plant falling under CN Code 1211 90 86. This is to ensure that all parts of the hemp plant are considered 'agricultural products' and to align with the addition of these 'other' hemp products to the eligibility criteria for their EU production and marketing, to ensure consistency. The Commission aims to increase the utilisation of the full hemp plant, to maximise the value of the crop, and to encourage growth in the EU hemp sector. In addition, the THC content of raw

hemp, hemp seeds for sowing, and ‘other’ parts of the plant is limited to 0.3% (up from 0.2% in line with the most up to date scientific evidence on the risk to human health and already outlined in previous changes to other EU hemp regulations in 2021). The maximum THC level of 0.3% that currently applies in NI is different from that which applies in GB (0.2% THC). However, the Home Office has committed to increasing the legal limits of THC content to 0.3%.

A derogation is also included to enable the importation of non-compliant products (i.e. THC >0.3%) for medical or scientific use, which is covered by other drug-related legislation and in accordance with EU, international, and national laws. For example, it should be noted that, while the CMO now permits the importation of other parts of the hemp plant with THC ≤0.3%; and shows no distinction between raw true hemp, hemp seeds and other parts of the plant **for agricultural purposes** (e.g. eligibility for area-based payments); domestic UK law for controlled drugs still draws a distinction. Under the Misuse of Drugs Act 1971, the other parts of the plant, such as flowers and leaves, are still controlled substances, regardless of THC content, and their importation would need an associated licence from the Home Office (correspondingly, mature hemp stalks and seeds are not controlled substances, regardless of THC content). The Misuse of Drugs Act 1971 is a reserved matter and DAERA officials are in the process of confirming this position with the Home Office, which holds responsibility for this legislation.

The third and final key proposal which falls under Annex 2 of the Windsor Framework is that Annex VII is amended to provide new legal definitions of “meat” and “meat products”. These definitions are in line with similar definitions in the ‘food information for consumers’ and ‘hygiene rules of food of animal origin’ regulations (Regulation (EU) No 1169/2011 and Regulation (EC) No 853/2004). The proposals combine these definitions with a restriction on the use of 30 meat-related terms. Those terms are:

“Beef, veal, pork, poultry, chicken, turkey, duck, goose, lamb, mutton, ovine, goat, drumstick, tenderloin, sirloin, flank, loin, ribs, shoulder, shank, chop, wing, breast, thigh, brisket, ribeye, T-bone, rump, bacon.”

Terms such as ‘steak’, ‘burger’, and ‘sausage’ are not listed. The listed terms may only be used for food products derived exclusively from edible parts of animals (the definition of ‘meat’), or composite products where no non-meat part takes the place of any meat constituent. By protecting the use of meat-related terms, the Commission’s aim is to enhance transparency as regards food composition and improve consumer information.

Department(s) Responsible

Department of Agriculture, Environment and Rural Affairs.

Department of Health (in relation to the licensing of cultivation of Low-THC Cannabis (Industrial Hemp) in NI).

Home Office (in relation to the licensing of cultivation of Industrial Hemp in GB and the import/export of controlled drugs to/from the UK).

Initial Assessment of Impact

Does it appear likely that the application of the proposed amending EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

Subject to confirmation from the Home Office, it is the Department's assessment that is not likely that the application of the proposed amending EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. Specifically, for each key proposal applicable to Northern Ireland under Annex 2 of the Windsor Framework:

- The addition of new products to the list of products for which the Commission may create marketing standards does not in itself alter the regulatory position of these goods. If the Commission chooses to later make delegated regulations for these sectors, ***then any impact will be determined by those requirements***. For example, any future delegated regulation may provide for legal definitions of products or compositional standards that producers would have to adhere to or define terms under which a product can be marketed/sold at wholesale and retail (some examples of current marketing standards regulations include the criteria for the grading of 'Class A' and 'Class B' eggs, the definition of a chicken breast 'fillet', and the conditions under which the term 'free range' can be used for poultrymeat).
- The addition of low-THC 'other parts of the hemp plant' (e.g. flowers and leaves) to the list of hemp products able to be imported into the EU or Northern Ireland as agricultural products would not have a negative impact on Northern Ireland stakeholders. UK drug law would still preclude the importation of these products, regardless of THC, for anything other than scientific or medicinal purposes (and under Home Office licence). DAERA officials are in the process of confirming this position with the Home Office.
- The application of the proposal's definition of meat and meat products would apply to all such products produced here, and those sold in Northern Ireland outside of the Northern Ireland Retail Movement Scheme (NIRMS). Local producers of vegetarian or vegan products which use any of the meat-related terms would have to alter their marketing and labelling/packaging if it did not comply (e.g. if they use the phrase 'vegan plant-based bacon rashers' on their packaging). However, such producers would have 12 months before these provisions enter into force.

Does it appear likely that not applying the proposed amending EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

It is the Department's assessment that is unlikely that not applying the proposed amending EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. Specifically, for each key proposal applicable to Northern Ireland under Annex 2 of the Windsor Framework:

- The production and sale in Northern Ireland of the new products that may be subject to marketing standards via future delegated regulations (protein crops, beef, pigmeat, sheepmeat, goatmeat, and cheese) would continue, albeit without whatever legal definitions or conformity standards are stipulated in any subsequent regulations. However, depending on the detail of the marketing standards for each product (if defined in subsequent regulations), any non-compliant product may not be able to be sold in the EU.
- If the amendment to the CMO enabling low-THC 'other parts of the hemp plant' to be imported into the EU or Northern Ireland as agricultural products is not applied, these products can still be imported for scientific or medicinal purposes (and under Home Office licence).
- Products that do not comply with the new EU meat-related terms can continue to be produced and sold in Northern Ireland. However, those non-compliant products would not be able to be sold in the EU without a change of packaging or marketing terminology.

UK Government Explanatory Memorandum

The UK Government has not yet produced its Explanatory Memorandum (EM). The Cabinet Office has submitted the proposals for consideration by the House of Lords Northern Ireland Scrutiny Committee, and Defra is due to provide an EM by 15 January 2026.

Analysis by the European Commission on its Impact Assessment

The Commission has not prepared an Impact Assessment for this specific proposal. The proposal is part of the review of the EU's Common Agricultural Policy (CAP) for post-2027, with the suite of changes based on a number of EU communications and reports, including:

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of

the Regions, 'A Vision for Agriculture and Food – Shaping together an attractive farming and agri-food sector for future generations' 19.2.2025, COM(2025) 75 final

- The Niinistö Report on the Preparedness and Readiness of the EU: Safer Together – Strengthening Europe's Civilian and Military Preparedness and Readiness
- Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Preparedness Union Strategy, JOIN(2025) 130 final
- Report from the Commission to the European Parliament and the Council in accordance with Article 75(6) of Regulation (EU) No 1308/2013 on new marketing standards for cider and perry and dried leguminous vegetables and soya bean, COM/2023/200 final

Departmental Engagement

DAERA has not previously engaged with the Assembly, UK Government, or the European Commission on these amendments to the CMO. However, in preparing this impact assessment, DAERA officials have engaged with colleagues in the Department for Environment, Food & Rural Affairs (Defra) and DAERA officials have provided input into the UK Explanatory Memorandum produced by Defra.