

**Follow up on questions posed during DSC session on 9 July 2026, regarding
Regulation (EU) 2026/1388**

Input in relation to: Regulation (EU) 2026/1388 on plants obtained by certain new genomic techniques and their food and feed, and amending Regulation (EU) 2017/625 (Article 37 only)

Question 1

Question: Will the UK Government intend to notify the rest of the Regulation at a later stage?

Proposed Answer: Decisions on the notification of EU legislation under the Windsor Framework are a matter for the UK Government. DAERA has not been informed of any intention to notify further provisions of Regulation (EU) 2026/1388 at this stage. Should additional provisions be notified in future, they would be considered through the relevant Windsor Framework governance and scrutiny arrangements, with an associated Explanatory Memorandum provided by the UK Government.

Question 2

Question: Could this amendment create difficulties for plants moving from Great Britain into Northern Ireland, particularly where products may not meet future criteria?

Proposed Answer: The amendment does not itself introduce any new controls or requirements for the movement of plants. Rather, it provides an enabling power for future technical measures relating to official controls.

As the definition of a Category 2 NGT is laid out in other parts of the Regulation, amendments made to official controls under Article 37 of the Regulation will have no practicable impact if other parts of the Regulation are not applied in Northern Ireland via Article 13(4) of the Windsor Framework.

Question 3

Question: If Article 37 allows the European Commission to adopt future technical provisions, will Northern Ireland have any say over those provisions?

Proposed Answer: If future technical provisions were notified to the DSC, DAERA would provide an Assessment of Impact as requested/required. Furthermore, for any new legislation introduced under the powers under Article

37, the UK Government may engage through the structures established under the Withdrawal Agreement and Windsor Framework.

Question 4

Question: If the Commission changes technical rules under Article 37, would those changes automatically apply in Northern Ireland?

Proposed Answer: Article 37 is an enabling provision and does not itself introduce substantive new policy requirements. Whether future measures adopted under Article 37 would apply in Northern Ireland would depend on their legal effect and relationship to legislation applying under the Windsor Framework. Any future provisions would be considered on a case-by-case basis.

Question 5

Question: Who would assess the impacts of any future controls introduced under Article 37?

Proposed Answer: Responsibility would depend on the subject matter. Where measures relate to official controls within DAERA's remit, the Department would assess the implications. Where measures relate to food safety matters, responsibility would fall to the Food Standards Agency.

Question 6

Question: What impact would implementation of the proposal have on GB-NI trade, particularly the movement of plants and plant products from Great Britain to Northern Ireland?

Proposed Answer: The amendment itself does not introduce new certification, inspection or movement requirements. Its purpose is to create a legal basis for future controls should they become necessary in response to developments in new genomic techniques. As such, the current amendment will have no impact on the movement of plants and plant products from Great Britain to Northern Ireland.

Question 7

Question: The UFU response stated that more information was needed. Does the Department accept that view, and what engagement has taken place with the UFU?

Proposed Answer: The Department recognises that stakeholders may seek further information when considering proposals involving emerging technologies.

The Food Standards Agency undertook stakeholder engagement, including engagement with the Ulster Farmers' Union. DAERA also engages regularly with the UFU and remains available to discuss any concerns raised.

Question 8

Question: Would additional information be required to allow stakeholders such as the UFU to reach an informed position on the proposal?

Proposed Answer: The Department recognises the importance of providing stakeholders with sufficient information. As the amendment is enabling in nature and does not itself introduce operational controls, there are limits to the level of detail currently available regarding future measures. The Department will continue to engage with stakeholders as policy developments emerge.

Question 9

Question: Is it the Department's view that not adopting the amendment would create greater risks than adopting it?

Proposed Answer: Yes. The Department's assessment is that failure to apply the amendment would increase the potential for future regulatory divergence. The amendment itself does not introduce substantive new controls but provides a mechanism through which controls may be introduced if needed in future.