

**Strategic Planning and Corporate
Services Group**
Windsor Framework Implementation
Directorate



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1 August 2024

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Dear Sir / Madam,

**LEGISLATION WHERE THE DEFRA SECRETARY OF STATE HAS NOT
EXERCISED DISCRETION UNDER REGULATION 3 OF THE WINDSOR
FRAMEWORK (IMPLEMENTATION) REGULATIONS 2024 NOT TO EXERCISE
DIRECTION AND CONTROL**

Minister Muir has requested that an updated version of this list, previously deposited on 24 April 2024, be deposited in the Assembly Library. This has been updated in respect of UK Government clarification that it considers, as an interim measure, that issues of disease awareness, disease preparedness and disease control related to animal and plant health in Northern Ireland do not come under the direction and control of the DEFRA Secretary of State and therefore remain under the direction and control of the DAERA Minister, as from 17 May 2024.

Grateful if you can progress.

Yours sincerely,



Catherine Fisher
Director - Windsor Framework Implementation Directorate

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LEGISLATION WHERE THE DEFRA SECRETARY OF STATE HAS NOT EXERCISED DISCRETION UNDER REGULATION 3 OF THE WINDSOR FRAMEWORK (IMPLEMENTATION) REGULATIONS 2024 TO NOT EXERCISE DIRECTION AND CONTROL EFFECTIVE FROM 12 APRIL 2024

1 AUGUST 2024 UPDATE: The DEFRA Secretary of State has exercised discretion under Regulation 3 of the Windsor Framework (Implementation) Regulations 2024 not to exercise direction and control over functions concerned with disease awareness, disease preparedness and disease control in respect of both Animal and Plant Health, effective from 17 May 2024, across all legislation listed below, as relevant.

1 AUGUST 2024 UPDATE: Recently published EU legislation where discretion has not been applied as of today has been added to the table.

Windsor Framework Annex 2 Chapter	EU Legislation
20, Medicinal products <i>Veterinary medicines only</i>	Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC
20, Medicinal products <i>Veterinary medicines only</i>	Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency
20, Medicinal products <i>Veterinary medicines only</i>	Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products
23, Chemicals and related	Regulation (EU) 2023/1542 of the European Parliament and Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC
23, Chemicals and related	Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC
33, Food - other	Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007
34, Feed, products and hygiene	Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC

Windsor Framework Annex 2 Chapter	EU Legislation
36, Live Animals, Germinal Products and POAO	Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law')
36, Live Animals, Germinal Products and POAO	Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003
36, Live Animals, Germinal Products and POAO	Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)
39, Animal Breeding	Articles 37 and Article 64(3) of Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation')
40, Animal Welfare	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97
41, Plant health	Commission Delegated Regulation (EU) 2021/1189 supplementing Regulation (EU) 848/2018 as regards the production and marketing of plant reproductive material of organic heterogeneous material of particular genera or species
41, Plant Health	Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC
43, Official controls, veterinary checks	Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products
44, SPS - other	Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland
46, Fisheries, Aquaculture	Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC insofar as it concerns provisions relating to marketing standards for fishery and aquaculture products

Windsor Framework Annex 2 Chapter	EU Legislation
46, Fisheries, Aquaculture	Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999
46, Fisheries, Aquaculture	Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005
Windsor Framework Annex 2 Chapter	Recently adopted EU Legislation
25, Waste	Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006
26, Environment, energy efficiency	Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014
26, Environment, energy efficiency	Regulation (EU) 2024/590 of the European Parliament and of the Council of 7 February 2024 on substances that deplete the ozone layer, and repealing Regulation (EC) No 1005/2009
45, Intellectual Property	Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012

AS OF 1 AUGUST 2024