



Brussels, 12 May 2020  
REV1 – replaces the notice dated  
23 January 2018

## NOTICE TO STAKEHOLDERS

### WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON THE PROTECTION OF ANIMALS AT THE TIME OF KILLING

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a “third country”.<sup>1</sup> The Withdrawal Agreement<sup>2</sup> provides for a transition period ending on 31 December 2020.<sup>3</sup> Until that date, EU law in its entirety applies to and in the United Kingdom.<sup>4</sup>

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will be concluded and will enter into force at the end of the transition period. In any event, such an agreement would create a relationship which in terms of market access conditions will be very different from the United Kingdom’s participation in the internal market,<sup>5</sup> in the EU Customs Union, and in the VAT and excise duty area.

Therefore, all interested parties, and especially economic operators, are reminded of the legal situation applicable after the end of the transition period (Part A below). This notice also explains the rules applicable to Northern Ireland after the end of the transition period (Part B below).

#### **Advice to stakeholders:**

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- <sup>1</sup> A third country is a country not member of the EU.
  - <sup>2</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 29, 31.1.2020, p. 7 (“Withdrawal Agreement”).
  - <sup>3</sup> The transition period may, before 1 July 2020, be extended once for up to 1 or 2 years (Article 132(1) of the Withdrawal Agreement). The UK government has so far ruled out such an extension.
  - <sup>4</sup> Subject to certain exceptions provided for in Article 127 of the Withdrawal Agreement, none of which is relevant in the context of this notice.
  - <sup>5</sup> In particular, a free trade agreement does not provide for internal market concepts (in the area of goods and services) such as mutual recognition, the “country of origin principle”, and harmonisation. Nor does a free trade agreement remove customs formalities and controls, including those concerning the origin of goods and their input, as well as prohibitions and restrictions for imports and exports.

To address the consequences set out in this notice, slaughterhouse operators are in particular advised to ensure that the relevant persons hold the relevant certificates of competence issued by an EU Member State.

## **A. LEGAL SITUATION AFTER THE END OF THE TRANSITION PERIOD**

After the end of the transition period, Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing<sup>6</sup> no longer applies to the United Kingdom.<sup>7</sup> This has in particular the following consequences:

### **1. CERTIFICATES OF COMPETENCE**

According to Regulation (EC) No 1099/2009 a certificate of competence is required for:

- People performing certain operations in a slaughterhouse, Article 7(2) of Regulation (EC) No 1099/2009;
- People supervising the killing of fur animals, Article 7(3) of Regulation (EC) No 1099/2009;
- Animal welfare officers, Article 17(4) of Regulation (EC) No 1099/2009.

Certificates of competence granted by the competent authorities of the United Kingdom, or a body designated by the United Kingdom pursuant to Article 21 of the Regulation are no longer valid in the EU after the end of the transitional period.

### **2. SLAUGHTERHOUSE OPERATORS**

According to Article 12 of Regulation (EC) No 1099/2009, the animal welfare rules set out in Chapter II of that Regulation, and the additional requirements applicable to slaughterhouses set out in Chapter III of that Regulation also apply to imports.

Compliance with requirements at least equivalent to those set out in the Regulation (EC) No 1099/2009 have to be certified in the health certificate accompanying the imported meat.

After the end of the transition period, this requirement applies to meat imported from the United Kingdom to the EU.

## **B. APPLICABLE RULES IN NORTHERN IRELAND AFTER THE END OF THE TRANSITION PERIOD**

After the end of the transition period, the Protocol on Ireland/Northern Ireland (“IE/Ni Protocol”) applies.<sup>8</sup> The IE/Ni Protocol is subject to periodic consent of the Northern

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<sup>6</sup> OJ L 303, 18.11.2009, p. 1.

<sup>7</sup> Regarding the applicability of Council Regulation (EC) No 1099/2009 to Northern Ireland, see Part B of this notice.

<sup>8</sup> Article 185 of the Withdrawal Agreement.

Ireland Legislative Assembly, the initial period of application extending to 4 years after the end of the transition period.<sup>9</sup>

The IE/Ni Protocol makes certain provisions of EU law applicable also to and in the United Kingdom in respect of Northern Ireland. In the IE/Ni Protocol, the EU and the United Kingdom have furthermore agreed that insofar as EU rules apply to and in the United Kingdom in respect of Northern Ireland, Northern Ireland is treated as if it were a Member State.<sup>10</sup>

The IE/Ni Protocol provides that Regulation (EC) No 1099/2009 applies to and in the United Kingdom in respect of Northern Ireland.<sup>11</sup>

This means that references to the EU in Part A of this Notice have to be understood as including Northern Ireland, whereas references to the United Kingdom have to be understood as referring only to Great Britain.

More specifically, this means *inter alia* the following:

- Regulation (EC) No 1099/2009 applies to the killing of animals in Northern Ireland;
- Meat shipped from Northern Ireland to the EU does not have to comply with the certification requirements for imported meat in Regulation (EC) No 1099/2009 (see section A.2 of this notice);
- Meat shipped from Great Britain to Northern Ireland does have to comply with the certification requirements for imported meat in Regulation (EC) No 1099/2009 (see section A.2 of this notice);
- Slaughterhouses in Northern Ireland have to be approved in accordance with Regulation (EC) No 1099/2009.

However, the IE/Ni Protocol excludes the possibility for the United Kingdom in respect of Northern Ireland to

- participate in the decision-making and decision-shaping of the Union;<sup>12</sup>
- invoke the country of origin principle or mutual recognition of certificates or approvals issued in Northern Ireland,<sup>13</sup> subject to exceptions.

More specifically, this means *inter alia* the following:

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<sup>9</sup> Article 18 of the IE/Ni Protocol.

<sup>10</sup> Article 7(1) of the Withdrawal Agreement in conjunction with Article 13(1) of the IE/Ni Protocol.

<sup>11</sup> Article 5(4) of the IE/Ni Protocol and section 40 of annex 2 to that Protocol.

<sup>12</sup> Where an information exchange or mutual consultation is necessary, this will take place in the Joint consultative working group established by Article 15 of the IE/Ni Protocol.

<sup>13</sup> First subparagraph of Article 7(3) of the IE/Ni Protocol.

- A certificate of competence issued by any EU Member State is valid in the United Kingdom in respect of Northern Ireland;
- A certificate of competence issued by the United Kingdom in respect of Northern Ireland is not valid in an EU Member State;<sup>14</sup>
- A certificate of competence issued by the United Kingdom in respect of Northern Ireland is only valid in Northern Ireland;<sup>15</sup>
- An approval of a slaughterhouse in Northern Ireland by the UK authorities is recognised in the EU.<sup>16</sup>

The website of the Commission on EU rules on animal welfare ([https://ec.europa.eu/food/animals/welfare\\_en](https://ec.europa.eu/food/animals/welfare_en)) provides general information concerning Union legislation applicable to animal welfare. These pages will be updated with further information, where necessary.

European Commission  
Directorate-General for Health and Food Safety

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<sup>14</sup> First subparagraph of Article 7(3) of the IE/NI Protocol.

<sup>15</sup> Third subparagraph of Article 7(3) of the IE/NI Protocol.

<sup>16</sup> Second subparagraph of Article 7(3) of the IE/NI Protocol.