Ad hoc meeting of the AGSFS – Information from the COM on the EU/UK(GB) SPS agreement

25 November 2026, WebEx



Agreement reached last Friday

Inform the industry what has been agreed, cannot say everything yet

Legal text will be published in the next days

Milestones

- EU-UK Summit 19 May 2025: Common Understanding
  - New chapter in EU-UK relations announced
  - Common understanding: A renewed agenda for European Union – United Kingdom cooperation
- EU-UK Summit 20 November 2026:
  - Joint Statement of the European Union and the United Kingdom Summit, 20 November 2026
  - Conclusion of the negotiations on the 'SPS Agreement'
  - Final text still needs to be submitted to Council for approval
  - Entry into application on 1 March 2028

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European Commission

Key elements (1)

- **Overall objective**: establishing a common sanitary and phytosanitary area with certain common quality standards.
  - ► Greater legal certainty, equal treatment and level playing field for economic operators and individuals
  - ► Facilitate the movements of animals, animal products, plants and plants products
- **Territorial scope**: EU, Great Britain and Crown Dependencies (CD = Jersey, Guernsey, Isle of Man)

Key elements (2)

- Dynamic alignment and simultaneous application of EU rules by GB and CD
  - List of 91 Union acts for dynamic alignment and corresponding technical adaptations
- UK to be treated as a Member State, same rights and same obligations (Competent authorities as well as operators) except for participation in decision-making and governance of EU bodies/agencies/offices
- UK to be consulted in the drafting of Union legal acts

Around + 300 legal acts per year –> dynamic alignment important! UK consulted, but no right to vote.

Material scope (1)

- animal health;
- animal breeding;
- animal welfare;
- antimicrobial resistance in animals;
- plant health;
- plant reproductive material;
- plant protection products and their residues;
- biocidal products;
- food and feed safety, production, processing and distribution of food, feed and animal by-products;

Material scope (2)

- contaminants and residues of veterinary medicinal products;
- materials and articles intended to come into contact with food;
- rules on organics;
- marketing standards applicable to all agricultural sectors and products, except wine and spirits;
- nutrition standards and associated requirements;
- food information and labelling requirements;
- genetically modified organisms; and
- all related official controls and certification.

Food and Feed

- Alignment to all EU rules (GFL, hygiene, labelling, food contact materials, GMOs, NGT, food improvement agents, novel foods, OCR, import conditions...)
- Same rights and obligations as MS (CA and operators)

EFSA:
- Same rights and obligations as MS
- Participation in the work of the Authority
- Participation in the Advisory Forum, except voting rights
- UK experts in Scientific Committees and Panels
- Secondment of UK experts
- No participation in the management board

ECHA:
- Participation to the work of the Agency limited to biocides : Biocidal Products Committee (BPC), Coordination Group (CG), but no right to vote

Animal Health and Animal Welfare

- Animal Health
  - Alignment to EU rules (animal health law, ABPs, TSEs, zoonoses, breeding,...)
  - Same rights and obligations as MS (CA and operators)
- Animal Welfare
  - Alignment to EU rules (transport, killing, farm...)
  - Same rights and same obligations as MS (CA and operators)

Plant health

- Plant health
  - Alignment to EU rules (plant health law, plant reproductive material)
  - Same rights and obligations as MS (CA and operators)
- Plant Variety Rights
  - Council Regulation (EC) No 2100/94 in the scope
  - Community Plant Variety Office (CPVO): no participation in the Administrative Council, no voting rights
  - Same rights and obligations as MS (CA and operators)

IT systems

- Same rights and same obligations (CA and operators)
- UK financial contribution
- IMSOC (TRACES, iRASFF, ADIS, Europhyt)
- Other systems for the implementation of Union rules such as:
  - SANTE Data Collection Platform,
  - FOREMATIS,
  - FRUMATIS,
  - EU Plant Variety Portal
  - ECHA Register for Biocidal Products (R4BP)
  - …

UK came at the beginning with a long list of exceptions; this is what they finally got:

Exceptions to dynamic alignment

- Ban of transport live animals outside the UK for slaughter or fattening
- Restrictions of movements of bovine animals and bovine semen into the Channel Islands
- Restriction of movement of dogs and cats:
  - below 6 months where non-commercial movement of up to two such animals is permitted when accompanied by their owner;
  - which are more than 42 days pregnant provided that non-commercial movements are permitted in exceptional situations;
  - review of the exception 5 years after the entry into force of the SPS Agreement)

Transitional arrangements

- Goods placed on the market before entry into force may remain on the market in the relevant UK territories until stocks are exhausted.
- Effective control system: these goods must not move into the EU.

After entry into force, specific products can continue to be placed on the market and used in the relevant territories provided they do not move to the EU (effective control system):

- three types of novel foods
- pesticides (PPPs) and food and feed products containing residues exceeding the maximum residue levels established in the EU
- biocides
- precision bred plants to avoid disruption until the new EU rules apply

Novel foods

- Alignment to EU rules - Regulation (EU) 2015/2283
- No new authorisation of novel foods under UK rules after entry into force.
- Transitional arrangements for three types: cell-based food, food produced via precision fermentation, cannabidiol selectively extracted or isolated from the plant *Cannabis sativa L.* or produced synthetically.
- Until 31 October 2029, on the market in the relevant UK territories (no new authorisations)
- Labelled 'Not for EU'
- If a decision is taken at EU level before 31 October 2029, the UK has to align with EU conditions.

Mark Williams (SANTE) on PPP:

Plant protection products (PPPs)

- Alignment to EU rules - Regulation (EC) No 1107/2009, Regulation (EC) No 396/2005, Directive 2009/128/EC on the sustainable use of pesticides
- No new authorisation of PPPs under UK rules after entry into force.
- Transitional arrangements to allow for a smooth transition
- UK will be part of the central zone (as before BREXIT)

Transitional arrangements for PPPs (1)

- PPPs authorised in the UK before entry into force may be placed on the market and used in the relevant UK territories.
- By 3 months after entry into force (EiF): UK shall check that authorisations existing at entry into force satisfy the requirements for authorisation (Art. 29 of Reg. 1107/2009) and comply with EU conditions and restrictions of the active substances in the PPP.
- Where necessary, the UK shall withdraw or amend authorisations by 3 months after entry into force (if the checks are not satisfactory).
- No mutual recognition of PPPs authorised in the UK before EiF

Transitional arrangements for PPPs (2)

- Grace periods for placing on the market, storage, disposal and use of existing stocks in the case of withdrawal or amendment of UK authorisations:
  - shorter periods for PPPs containing non-approved substances (max: EiF+9m);
  - longer for PPPs containing approved substances (max: EiF+21m – i.e. 18 months from the 3-month period for the check of PPPs – same maximum period as MS have under Art. 46 of Reg. 1107/2009).

Transitional arrangements for PPPs (3)

PPPs containing pydiflumetofen, cinmethylin and isoflucypram - approved in the UK and under evaluation in the EU with pending EU approval status

- PPPs authorised in the UK containing these active substances may be placed on the market and used in in the relevant UK territories only.
- UK to check that PPPs containing those 3 active substances satisfy the requirements for authorisation and comply with conditions and restrictions of approval for the active substances by either:
  - 3 months after entry into force if a decision on EU approval is taken before entry into force of the SPS Agreement; or,
  - 3 months after the entry into force of an EU decision on approval if a decision on EU approval after the entry into force of the SPS Agreement
- Where necessary, the UK shall withdraw or amend authorisations by 3 months after entry into force / EU decision on approval.
- Grace periods for placing on the market, storage, disposal and use of existing stocks.

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Maria Tabernero (GD Sante) on MRLs:

Transitional arrangements for MRLs

- Maximum residues levels (MRLs):
  - Food and feed products produced with UK-authorised PPPs containing levels of pesticide residues exceeding the EU MRL may continue to be harvested and placed on the market in the relevant UK territories.
  - Assam tea containing levels of residues of thiamethoxam or clothianidin exceeding the EU MRL may continue to be imported by the UK until 12 months after entry into force and remain on the market in the relevant UK territories (label 'Not for EU' and effective control system).

Ludovic Chatelin on BPs:

Biocidal Products (BPs)

- Alignment to Biocidal Products Regulation (EU) No 528/2012, and implementing/delegated regulations
- Application of Regulation (EU) 2019/1020 on market surveillance and compliance of products, will also be applicable in relation to biocides
- No new authorisation of BPs under UK rules after entry into force
- Transitional arrangements to allow for a smooth transition

Transitional arrangements for biocidal products (1)

- Biocidal products authorised by the UK before entry into force may continue to be made available and used in the relevant UK territories only:
  - UK to check that products on their market comply with the EU conditions for placing on the market or conditions for granting an authorisation, and amend or cancel where necessary, within 3 months after entry into force (EiF).
  - Grace periods for biocidal products concerned by amendment or cancellation of authorisation similar as for MS :
    - Making available on the market shall cease 9 months after EiF
    - Use shall cease 16 months after EiF

Transitional arrangements for biocidal products (2)

- No possibility to use “mutual recognition procedures” (Chapter VII of the Biocidal Products Regulation) to authorise these products in the EU.
- Where necessary, in the context of the EU Review programme (Article 89 of the Biocidal Products Regulation), applications for products authorisations must be submitted by companies in the relevant UK territories to align with EU rules :
  - Submission within 6 months of EiF by companies to remain on the market in the relevant UK territories
  - Time for the UK to assess these applications: the same as MS
  - Phasing out for products for which no application is submitted (e.g.12 months after EiF for making available, 18 months after EiF for use)
- Treated articles containing an active substance which is not approved in the EU or does not comply with EU conditions may continue to be made available 6 months after EiF.

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European Commission

Anna Borras (GD Sante) on NGT :

Transitional arrangements for plants obtained by certain new New Genomic Techniques (NGT plants) / Precision bred plants

- Precision bred plants and their products for which an application has been submitted under UK rules before 17 July 2028 (date of application of new Regulation (EU) 2026/1388 on plants obtained by certain new genomic techniques)
- The UK can confirm / authorise those products until 16 July 2029 under UK precision breeding rules.
- Those products can remain on the market in the relevant UK territories until 16 October 2029.
- Those products may not enter the EU and must be labelled 'Not for EU'.

Presented by DG MARE (Paulo?):

Minimum marketing sizes for EU fishery products marketed in the UK

- UK will not align to EU fish marketing standards
- EU fishery products caught outside UK waters in compliance with EU minimum marketing sizes may be marketed in the UK territories covered by the SPS Agreement, including for human consumption:
  - Irrespective to UK minimum marketing sizes
  - No change to EU minimum marketing sizes requirements for marketing in the EU
  - EU fishery products caught inside UK waters will continue being marketed in the UK territories covered by the SPS Agreement in accordance with the UK minimum marketing sizes.

Daniela (?):

Organic rules and marketing standards for all agricultural products, except wine and spirits, and organics

- Alignment to EU organic rules and marketing standards for all agricultural products, except wine and spirits
  - Access to Information System for Agricultural Market Management (ISAMM Communication) and Organic Farming Information System (OFIS)
- Transition:
  - Organic goods placed on the market under equivalent UK rules before entry into force of the SPS Agreement can continue to be placed on the market in the relevant UK territories and in the EU.
  - Organic poultry meat and eggs: can continue to be produced and placed on the market in the relevant UK territories and in the EU under UK equivalent rules for 12 months after entry into force of the SPS Agreement.

Termination

- Standard termination

  + Provisions specific to the SPS Agreement:

- The Party terminating the Agreement within the first 10 years of its entry into force shall pay the other Party for the costs incurred in setting up the relevant border control posts.
- In case of disagreement on the amount ⇒ arbitration tribunal.
- For example, if within the first ten years:
  - A Party terminates the Agreement, it will pay the costs of the other Party
  - A Party terminates due to the finding of the arbitral tribunal that the other Party has breached the Agreement, the Party in breach pays its own costs and the costs of the other Party.

Ann-Catherine Richard (DG Sante):

Relationship with the Withdrawal Agreement

- The Withdrawal Agreement, including the Windsor Framework, fully applies.
- Benefits of the SPS Agreement extended to the same movements between Great Britain and Northern Ireland (which is not in the territorial scope of the SPS Agreement) through the interplay of the SPS Agreement with the Windsor Framework:
- Other flexibilities currently covered by the Windsor Framework SPS arrangements, not in the scope of the SPS Agreement, will continue to be available for Northern Ireland contingent upon existing safeguards for the protection of the EU market

Diana Quiliquini:



Legal texts available by the end of next week on COM website.

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