



Department
for Environment,
Food & Rural Affairs

Baroness Hayman of Ullock
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Lord Carlile of Berriew CBE KC
Chair
Northern Ireland Scrutiny Committee
House of Lords
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Our ref: PO2025/20010/SH

16 October 2025

Dear Lord Carlile,

Thank you for your letter of 18 September, further to mine of 5 June, about the Marking of Retail Goods Regulations 2025.

The government has supported industry to comply with labelling requirements, through guidance and direct engagement. The market monitoring system we have in place enables us to monitor trends in product availability in NI and assess evolving supply risk, working alongside industry. Where there is evidence supply is at risk, Defra officials are engaging with those businesses (or where appropriate relevant trade associations) to understand the issues and assess whether further intervention is necessary.

The Marking of Retail Goods Regulations 2025 gives the government a contingent power to be used where there is an adverse effect on supply. If used, this would mandate 'not for EU' labelling in GB only for specific goods where evidence gathered demonstrates that their supply to NI is, or is likely to be, seriously adversely affected. There is no numeric threshold within the statutory instrument, nor does it activate automatically. In a situation where there is evidence of supply risk, all available evidence is carefully considered to determine the severity of the situation and what the proportionate course of action would be. This includes the views of the Windsor Framework Independent Monitoring Panel and of the ministers of devolved governments.

The Secretary of State will not base her decision solely on the number or value of retail goods, but also the significance of those goods and impact their absence would have on the people of NI. The policy paper, 'Process for introducing 'not for EU' labelling for goods sold in Great Britain¹' gives more detail about the factors under consideration. Given the commercial sensitivity of some of this information, particularly that shared with the government by businesses, it will not be shared publicly.

It is not possible for us to provide an assessment of the likelihood that this power will need to be used now, or in the future. However, as per that policy paper, the Secretary of State is committed to keeping Parliament updated should that decision be taken.

¹ <https://www.gov.uk/government/publications/process-for-introducing-not-for-eu-labelling-for-goods-sold-in-great-britain/process-for-introducing-not-for-eu-labelling-for-goods-sold-in-great-britain#evidence-provided-to-the-secretary-of-state>

The government made the decision to introduce a targeted power, as opposed to a mandatory requirement for all goods, to prevent some of these costs to businesses. As is set out in the Impact Assessment, the indicative cost to business of applying 'not for EU' labelling to a subset of product lines is significantly less and will vary depending on the product.

We expect the need for businesses to label goods 'not for EU' to diminish significantly as a result of the future arrangements under the UK-EU Sanitary and Phytosanitary agreement, which in turn will drastically reduce the likelihood of these powers being used. However, achieving these benefits relies on the UK being a reliable partner which delivers on its existing commitments under the Windsor Framework, supported through this statutory instrument.

I trust this response addresses your concerns and I thank you again for taking the time to contact me about this important issue.

Yours sincerely,

A handwritten signature in black ink, reading "Suella Brabman". The signature is written in a cursive style with a large, looping 'S' at the beginning and a long, sweeping tail that extends to the right.

BARONESS HAYMAN OF ULLOCK

MINISTER FOR ANIMAL WELFARE AND BIOSECURITY