

**EXPLANATORY MEMORANDUM TO
THE MARKETING OF FRESH HORTICULTURE PRODUCE (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2012**

2012 No. 299

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

2.1 The Regulations provide a new statutory framework for the enforcement of the European Union (EU) marketing rules in the fresh fruit and vegetable sector provided for in Article 113 and 113a of Council Regulation 1234/2007/EC establishing a common organisation of agricultural markets and specific provisions for certain agricultural products (Single CMO Regulation), and contained in Title II of Commission Implementing Regulation 543/2011/EU laying down detailed rules for the application of Council Regulation 1234/2007/EC in the fruit and vegetable sector.

3. Background

3.1 The changes have been driven by the European Commission's recast of Regulation 1580/2007/EC which has now been repealed. The new Commission Implementing Regulation 543/2011/EU supersedes 1580/2007/EC and its provisions apply from 22 June 2011. The new Regulation contains updated standards for the 10 Specific Marketing Standards (SMS) which apply to apples, citrus fruit (including clementines, satsumas, oranges, lemons and mandarins), kiwi fruit, lettuce (including curled and broad leaved endives), peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes and the General Marketing Standard (GMS) that applies to most other fresh fruit and vegetables. These standards are updated in the 2011 Implementing Regulation and are (as far as is possible) in line with the internationally agreed UNECE standards.

4. Consultation

4.1 A shortened 8 week consultation was conducted due to the technical nature of the amendments. The Statutory Rule merely amends the EU law reference to ensure enforceability of the existing obligations rather than changing anything of substance and

does not change how DARD enforces the EU marketing standards regime for fruit and vegetables. No consultation responses were received.

5. Equality Impact

5.1 There are no equality issues associated with these Regulations.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment is not considered necessary as no additional financial impact on trade or the public or voluntary sectors is anticipated.

7. Financial Implications

7.1 There are no additional financial implications associated with the introduction of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1 These Regulations amend the Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010 to update the necessary references required by the recast of Regulation 1580/2007/EC and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Commission Implementing Regulation 543/2011/EU, replacing Commission Regulation 1580/2007/EC is implemented by these Regulations.

10. Parity or Replicatory Measure

10.1 England, Scotland and Wales already have legislation in place.

11. Contact

Seamus Hughes at the Department of Agriculture and Rural Development, Tel: 028 9052 0836 or email: seamus.hughes@dardni.gov.uk, can answer any queries regarding the Regulations.