

EXPLANATORY MEMORANDUM

The Single Common Market Organisation (Consequential Amendments) Regulations (Northern Ireland) 2014

S.R. 2014 No. 92

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development ('the Department') 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, and paragraph 1(A) of Schedule 2 to, the European Communities Act 1972 and is subject to the negative resolution procedure.
- 1.3 The Rule will not comply with the 21 day rule and will come into operation on xx February 2014.

2. Purpose

- 2.1 The Single Common Market Organisation (Consequential Amendments) Regulations (Northern Ireland) 2014 ('SCMO Regulation') do not introduce any changes to existing policy and make only technical amendments to the principal Regulations by updating references to the EU Regulations.

3. Background

- 3.1 The new SCMO Regulation is part of the wider CAP reform package which was formally adopted by the Council of EU Agriculture Ministers on 16 December 2013. The SCMO Regulation sets out common rules for managing EU agricultural markets, standards for marketing agricultural products and for importing/exporting them to/from the EU. It revokes and replaces EU Regulation 1234/2007 from 1 January 2014.
- 3.2 The SCMO Regulation is directly applicable and therefore applies without domestic legislation. However, there are some provisions in domestic regulations which set out enforcement measures or which cross-reference the old Regulation. In particular, there are domestic regulations which create offences for breaches of EU rules and provide for proportionate enforcement activity to take place. These domestic regulations currently refer to EU Regulation 1234/2007 which was repealed on 1 January.
- 3.3 In order to ensure legal clarity/certainty and to limit the gap in our enforcement powers, these domestic regulations need to be appropriately amended as soon as possible after 1 January 2014 to refer to the new European SCMO Regulation.

4. Consultation

- 4.1 The new SR does not in itself introduce any new burdens or create new obligations for industry or the public sector to meet. Therefore a consultation was

not conducted on the SR as it is making only technical amendments to the principal Regulations by updating references to the EU Regulations.

5 Equality Impact

5.1 In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Rule have been assessed. The Department considers that the Rule will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1 The new SR does not in itself introduce any new burdens or create new obligations for industry or the public sector to meet. Therefore a Regulatory Impact Assessment was not conducted on the SR as it is only updating EU references in existing legislation.

7. Financial Implications

7.1 As the proposed Regulations will only update EU references there are no additional costs.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Regulations are updating EU references 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 The proposed legislation is ensuring compatibility with the EU legislation.

10. Parity or Replicatory Measure

10.1 The Northern Ireland Regulations replicate the English Regulations (S.I. 2013 No. 3235) and similar legislation will be introduced in Scotland and Wales. DAFF also will be putting similar legislation in place.

11. Additional Information

11.1 Not applicable.