

## **EXPLANATORY MEMORANDUM TO**

### **The Eggs and Chicks and Poultrymeat (Amendment) Regulations (Northern Ireland) 2019**

**S.R. 2019 No.210**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Development (“the Department”) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The SR is made under section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972 (“ECA”) and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1 The Statutory Rule (“SR”) makes minor amendments to update an EU legislative reference before the powers to do so under section 2(2) of the ECA are revoked by the European Union (Withdrawal) Act 2018 (“EUWA”) on the UK’s exit from the European Union (EU).
- 2.2 The following legislation is being amended:

- The Eggs and Chicks Regulations (Northern Ireland) 2010; and
- The Poultrymeat Regulations (Northern Ireland) 2011.

#### **3. Background**

- 3.1 Regulation (EU) 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (“the new single CMO Regulation”) repealed Council Regulation (EC) No 1234/2007 (“the old single CMO Regulation”). However, certain provisions of the old single CMO Regulation remain in force until the EU Commission makes new marketing rules to be established in further legislation.
- 3.2 Since no such marketing rules have been made to date, references to certain provisions in the Eggs and Chicks Regulations (Northern Ireland) 2010 and the Poultrymeat Regulations (Northern Ireland) 2011 to Regulation (EU) 1308/2013 need updated to ensure they are accurate.
- 3.3 This SR therefore amends both these Regulations to ensure that any reference to the new single CMO Regulation includes a reference to the old single CMO Regulation.

#### **4. Consultation**

- 4.1 As the legislation that is being amended by the proposed SR relates to food, a consultation exercise was carried out on a draft of the SR as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council, laying down the general principles and requirements of food law.
- 4.2 The targeted consultation exercise opened on 06 October 2019 and closed on 17 October 2019. Key stakeholders within the agri-food industry were directly informed of the consultation exercise and it was placed on the Department's website. The Department did not receive any responses to the consultation.

## **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 Regulations have been assessed. The Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups.

## **6. Regulatory Impact**

- 6.1 Given the minor nature of the amendments, it is considered there are no impacts on the private, voluntary or public sector as a result of these changes. Therefore, a Regulatory Impact Assessment has not been completed.

## **7. Financial Implications**

- 7.1 As only minor drafting amendments are being made there are no financial implications associated with the introduction of these Regulations.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 The Statutory Rule was screened for impact on human rights and does not have any human rights implications, nor is it incompatible with EU law. The Statutory Rule is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1 The Statutory Rule makes amendments to provide that any reference to Article 230(1)(c) of EU Regulation 1308/2013 is to be construed so as to include a reference to Article 116 of and Annex XIV to Regulation 1234/2007.

## **10. Parity or Replicatory Measure**

- 10.1 The Northern Ireland Regulations replicate the GB Regulations.

## **11. Additional Information**

11.1 Not applicable.