

EXPLANATORY MEMORANDUM TO
THE EGGS AND POULTRYMEAT (ENGLAND) (AMENDMENT) REGULATIONS
2019

2019 No. 1442

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs ('Defra') and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument amends The Eggs and Chicks (England) Regulations 2009 and The Poultrymeat (England) Regulations 2011 (the 'domestic Regulations'). Both domestic Regulations contain a reference to EU Regulations which currently has no effect in domestic law. This instrument will update the sections containing the reference to the EU Regulations in both the domestic Regulations. These changes will ensure that the domestic Regulations fully enable marketing standards to be enforced.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As this instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

- 5.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The domestic Regulations make provisions for marketing standards. Both of these Regulations enforce EU marketing standards, as set out in Regulation (EU) No 1308/2013 and the implementing Regulations: Regulation (EC) No 543/2008; Regulation (EC) No 589/2008 and Regulation (EC) No 617/2008.
6.2 Following the coming into force of Regulation (EU) No 1308/2013, the domestic Regulations were amended to make reference to Article 74 of this EU Regulation. The amendment was made in anticipation of the EU Commission making new marketing

standards using the powers set out in Article 75(2) of Regulation (EU) No 1308/2013. However, no marketing standards have been made using the powers in Article 75(2). Article 230(1)(c) of Regulation (EU) No 1308/2013 sets out transitional arrangements for marketing standards with the effect that Article 116 of the Regulation (EC) No 1234/2007 continues to apply until new marketing rules are made under the power in Article 75(2) of Regulation (EU) No 1308/2013.

- 6.3 This instrument amends the domestic Regulations to ensure that the correct reference is made to the EU Regulations so that these can be properly enforced.

7. Policy background

What is being done and why?

- 7.1 The aim of the domestic Regulations is to enforce EU marketing standards for poultrymeat, eggs, hatching eggs, and chicks. Both these domestic Regulations enhance the scope and reliability of relevant market information on product descriptions and methods of production for the benefit of the consumer.
- 7.2 From 2014 until late 2019, enforcement bodies have issued approximately 500 enforcement notices for breaches of egg marketing standards. No enforcement notices for poultrymeat or hatching eggs and chicks have been issued. The amendments made by this instrument will correct references to the EU Regulations made in the domestic Regulations to allow such notices to continue being issued.
- 7.3 By amending both domestic Regulations to make reference to Article 116 of Regulation (EC) No 1234/2007, enforcement bodies will be able to enforce marketing standards under a provision that has marketing standard powers.
- 7.4 Public interest in this legal change is low as it is a technical amendment. Defra has conducted an informal engagement with key stakeholders and received no responses.

8. European Union (Withdrawal) Act 2018/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

- 9.1 We do not intend to consolidate the domestic regulations.

10. Consultation outcome

- 10.1 Defra conducted a one week informal engagement. A letter was sent to the relevant trade bodies, which was then cascaded to the groups' members. No responses were sent to Defra.

11. Guidance

- 11.1 No guidance is required.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because this instrument makes a technical change to rectify a deficiency in the domestic Regulations. There is no impact on businesses.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise regulatory burdens on small businesses.

13.3 We have not proposed any action to minimise regulatory burdens on small businesses since this amendment we are proposing is of a technical nature. As it only rectifies a deficiency in the domestic Regulations, there will not be any impact on businesses.

14. Monitoring & review

14.1 Defra will conduct an informal review of this instrument as the amendment is of a technical nature.

15. Contact

15.1 Jasmin Eng at the Department for Environment, Food and Rural Affairs. Telephone: 020 8720 2267 or email: jasmin.eng@defra.gov.uk can be contacted with any queries regarding the instrument.

15.2 Rebecca Shrubsole, Deputy Director for the Farming & Food Sectors and Trade Team, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

15.3 George Eustice, Minister of State for Agriculture, Fisheries and Food at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.