

EXPLANATORY MEMORANDUM

The Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010

2010 No. 198

1. The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by sections 2(2) and paragraph 1A of the European Communities Act 1972, makes the above named Statutory Regulation which is subject to negative resolution.

2. Description

2.1 These Regulations revoke the Grading of Horticultural Produce (Amendment) Regulations (Northern Ireland) 1973. They also disapply the Horticulture Act (Northern Ireland) 1966, the Agriculture and Horticulture Act (Northern Ireland) 1964 and the Horticultural Produce Act 1986 which modifies the 1964 Act and the Agricultural Marketing Act 1958 from the Community marketing rules in the fresh fruit and vegetable sector.

3. Legislative Background

4.1 Council Regulation (EC) No 1234/2007 established a common organisation of agricultural markets which includes specific rules as regards the marketing of fruit and vegetable products. Commission Regulation (EC) No 1580/2007 lays down implementation rules for the use of marketing standards within the fruit and vegetable sector.

EC Marketing Standards for fresh fruit and vegetables exist for a wide range of products. There are currently 36 separate standards. Subject to certain exceptions, they apply to all stages of the distribution chain – from the packhouse or point of import, through the wholesale and distribution systems to retail outlets.

The primary purpose of the standards is to remove products of unsatisfactory quality from the market place, bring production in line with consumer requirements and to facilitate trade based on fair competition. The standards have ensured that produce is graded and packed to a uniform standard, and is labelled accurately. More recently the standards have been developed to take into account the maturity of a product and consideration has been given to organoleptic qualities. However, the market has been subject to rapid change over recent years and in particular supermarket retailers have been using their own more exacting standards.

4. Consultation

5.1 An eight week consultation was required under EU rules as the main option of potential benefit to the industry is to allow a derogation from the Specific Marketing Standards (SMS) for products presented for retail sale to consumers for their personal use and specifically labelled as intended for processing. An eight week consultation was carried out between 24th April and 19th June 09. No responses were received.

6. Territorial Extent and Application

6.1 This Statutory Rule applies to Northern Ireland.

7. European Convention on Human Rights

7.1 The proposed legislation has been screened for these issues and none were identified.

8. Equality Impact

8.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

9. Regulatory Impact

9.1 A Regulatory Impact Assessment has not been prepared for this instrument as it results in only negligible costs for business and none for charities or voluntary bodies.

10. Financial Implications

10.1 There are no financial implications.

11. Policy background

11.1 These Regulations consolidate and simplify the rules relating to marketing standards, whilst ensuring that produce traded is 'sound, fair and marketable'. The key features of this Regulation are the reduction of the previous 36 marketing standards to 10 specific marketing standards.

12. Contact

Renee McDowell at the Department of Agriculture Tel: 02890 520855 or e-mail: renee.mcdowell@dardni.gov.uk can answer any queries regarding the Statutory Rule.

Equality and Human Rights Screening Template



Department of
**Agriculture and
Rural Development**

www.dardni.gov.uk

DARD Equality and Human Rights Screening Template

DARD has a statutory duty to screen. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, funding arrangement or facility. This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on DARD’s customers, service users, staff and visitors.

Section A - asks you to provide details about the policy / decision that is being screened.

Section B - has 4 key questions that require you to consider the likely impact on Section 75 equality groups. Details of all consultation activity should be recorded.

Section C - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

Section D - is the formal record of the screening decision. It is important that all efforts to consult and consider evidence are recorded precisely throughout the entire screening process, in accordance with the terms of the Guidance Note at the end of the document.



Click on the Word icon to download the Screening Guidance

Section A

Details about the policy / decision to be screened

Title of policy / decision to be screened:-

The Marketing of Fresh Horticultural Produce Regulations (Northern Ireland) 2010

Brief description of policy / decision to be screened:-

Statutory grading applicable to UK producers for fresh fruit and vegetables originated in the 1920s. The present system of EC marketing standards has been developed by consultation and in close co-operation with European partners for a wide range of fresh fruit and vegetables. Revised standards have been laid down in Commission Regulation 1580/2007, amended by Commission Regulation 121/2008. DARD is proposing to amend its legislative framework to reflect these changes.

Aims and objectives of the policy / decision to be screened:-

Commission Regulation 1580/2007 lays down implementation rules for the use of marketing standards within the fruit and vegetable sector. The new EC rules simplify the requirements by reducing the number of standards applicable from 36 to 10.

On whom will the policy / decision impact:-

The legislation will affect all traders in the distribution chain for fresh fruit and vegetables, reducing the regulatory burden in regard to the 26 repealed standards. As well as the 10 retained standards, there is a general requirement to label imported fresh fruit and vegetables with the country of origin.

Section B

1. Is there any evidence of higher or lower participation or uptake by different groups?

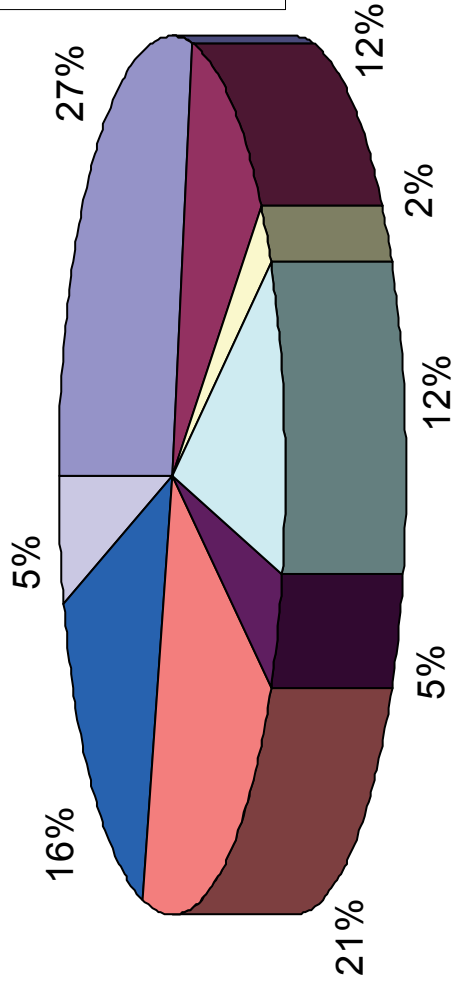
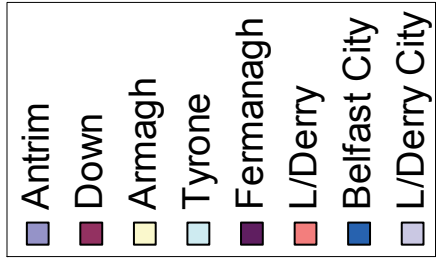
	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence:

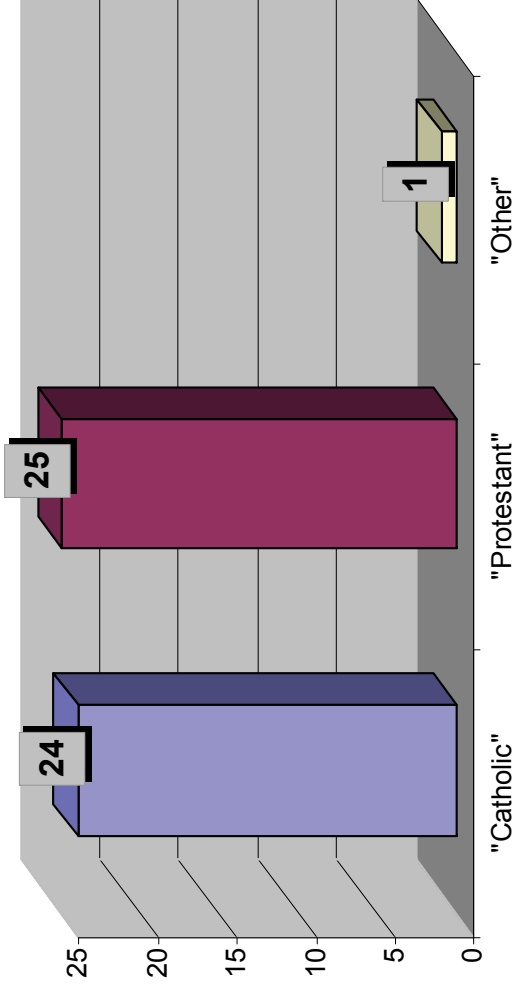
The chart attached demonstrates that there is an equitable participation between perceived community groups. There is no evidence of difference in participation or uptake for the other Section 75 groups.

No evidence held? Outline how you will obtain it:

Fruit and Vegetable Consultees by Location



Fruit and Vegetable Consultees by Community Background



2. Do different groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence:

This policy is of a deregulatory nature and of benefit to the sector as a whole in this regard.

Previous consultations (see next section) have not identified different needs or priorities across the Section 75 groups in relation to this policy area.

No evidence held? Outline how you will obtain it:

3. Consultation is an integral part of policy development and policy screening. Have consultations with relevant groups, organisations or individuals indicated that policies of this type create problems that are specific to them?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence:

Consultations carried out in relation to the Plant Health (Amendment No. 2) Order (NI) 2006 (between 6 September 2006 and 1 November 2006) and the Plant Health Strategy Northern Ireland (between 23 October 2006 and 30 November 2006) showed no evidence of higher or lower participation or uptake by different groups. This policy is deregulatory in nature and is not expected to have any negative or differential impact on any Section 75 groups.

No evidence held? Outline how you will obtain it:

4. In relation to implementing this policy, is there an opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in Government or in the larger community?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence:

DARD is not aware of any opportunities to better promote equality of opportunity regarding this policy. As this policy is deregulatory in nature, it is not expected that altering the policy would better promote equality of opportunity.

No evidence held? Outline how you will obtain it:

Section C

DARD also has legislative obligations to meet under the Disability Discrimination Order and Human Rights Act. Questions 5 -9 relate to these two areas.

Consideration of Disability Duties

5. Does this proposed policy / decision provide an opportunity for DARD to better promote positive attitudes towards disabled people?

Explain your assessment in full This legislation is being implemented within the confines of EC regulations and DARD has not identified any opportunities to better promote positive attitudes towards disabled people.

6. Does this proposed policy / decision provide an opportunity for DARD to actively increase the participation by disabled people in public life?

Explain your assessment in full This legislation is being implemented within the confines of EC regulations and DARD has not identified any opportunities to better promote positive attitudes towards disabled people in public life.

Consideration of Human Rights

7. Indicate below (by placing an X in the appropriate box) any *adverse impacts* of the policy / decision in relation to the Human Rights Articles as set out in the European Convention of Human Rights.

Right to Life	Article 2	<input type="checkbox"/>
Prohibition of torture, inhuman or degrading treatment	Article 3	<input type="checkbox"/>
Prohibition of slavery and forced labour	Article 4	<input type="checkbox"/>
Right to liberty and security	Article 5	<input type="checkbox"/>
Right to a fair and public trial	Article 6	<input type="checkbox"/>
Right to no punishment without law	Article 7	<input type="checkbox"/>
Right to respect for private and family life, home and correspondence	Article 8	<input type="checkbox"/>
Right to freedom of thought, conscience and religion	Article 9	<input type="checkbox"/>
Right to freedom of expression	Article 10	<input type="checkbox"/>
Right to freedom of assembly and association	Article 11	<input type="checkbox"/>
Right to marry and to found a family	Article 12	<input type="checkbox"/>
The prohibition of discrimination	Article 14	<input type="checkbox"/>
Protection of property	Protocol 1 Article 1	<input type="checkbox"/>
Right to education	Protocol 1 Article 2	<input type="checkbox"/>
Right to free and secret elections	Protocol 1 Article 3	<input type="checkbox"/>

8. Please explain any adverse impacts on human rights that you have identified None applicable.

9. Please indicate any ways which you consider the policy positively promotes human rights None applicable.

Section D

Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened

The Marketing of Fresh Horticultural Produce Regulations (Northern Ireland) 2010.

I can confirm that the proposed policy / decision has been screened for –

- equality of opportunity and good relations
- disabilities duties; and
- human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

- *Screened Out – No EQIA necessary
- *Screened In – Necessary to conduct a full EQIA

*(please check appropriate box above)

Screening assessment completed by (Staff Officer level) -

Name: Niall McGrath

Grade: SO

Date: 24 Feb 2010

Branch: Farm Policy Branch

Details of all consultation/engagements undertaken in making the Screening Assessment *

Niall McGrath

Signature: please insert a scanned image of your signature below

Screening decision approved by (must be G7 or above) -

Name: PETER TONER

Grade: G7

Date: 26 Feb 2010

Branch: Farm Policy Branch

Signature: please insert a scanned image of your signature below

P. Toner

This screening assessment will be copied to all those who contributed to this screening exercise and to all groups listed on the DARD s75 contact and consultee list.

Signed and date actioned:

Please save the completed screening form within TRIM



Strategic Management DARD - Equality Promotion & Implementation - Equality Schemes - Equality Screening of Departmental Policies.tr5

and also forward the TRIM reference for the signed electronic copy to Equality Branch at equalitybranch@dardni.gov.uk

For more information about screening, contact –

DARD Equality Branch
Room 509
Dundonald House
Upper Newtownards Road
Belfast BT4 3SB
Telephone 028 9052 4435
Textphone 028 9052 4420

Or check out our intranet site

http://dardintranet/coord_intranet/EqualityBranch/index.shtml

***Guidance Note**

Consideration of evidence at each section of this screening assessment should be recorded in detail, in accordance with the following terms:

- Names of all groups and/or individuals consulted, noting (where appropriate) the Section 75 category or stakeholder interest being represented
- Nature of consultation/engagements undertaken, including date, time, location and method (whether in writing; by phone or email; or in person)
- Source and status of all evidential data presented (Title, date, author, publisher, page reference)



Department of
**Agriculture and
Rural Development**

www.dardni.gov.uk

AN ROINN

**Talmhaíochta agus
Forbartha Tuaithe**

MÁNNYSTRIE O

**Fairms an
Kintra Fordèrin**
