

## **EXPLANATORY MEMORANDUM**

### **Poultrymeat Regulations (Northern Ireland) 2011**

#### **S.R. 2011 No. 315**

#### **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 complies with the 21 day rule and will come into operation on 14 October 2011.

#### **2. Purpose**

- 2.1 The Poultrymeat Regulations (Northern Ireland) 2011 ('the Regulations') provide enforcement powers for the directly applicable EU poultrymeat marketing standards contained in Council Regulation (EC) No. 1234/2007 and Commission Regulation (EC) No. 543/2008.

#### **3. Background**

- 3.1 The Regulations transpose Commission Regulation (EC) No. 543/2008 which lays down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing standards for poultrymeat.
- 3.2 The EU regulations set out the poultrymeat marketing standards. They specify the types of cuts, the special marketing terms, labelling requirements and storage conditions for poultrymeat. The EU regulations also stipulate at which stage during the marketing process the enforcement authorities should undertake the required compliance checks and the frequency of those checks.
- 3.3 When implementing the EU regulations the Department has adopted a flexible approach to enforcement and has taken account of all the derogations permitted to Member States. In particular the Regulations do not apply to the direct supply of small quantities of poultrymeat by a producer with an annual production of under 10,000 birds where the meat comes from poultry slaughtered on the producer's farm and is supplied to the final consumer; or a local retail establishment directly supplying such meat to the final consumer as fresh meat.

#### **4. Consultation**

- 4.1 A 12 week consultation was held prior to the making of the Regulations and two responses were received. One respondent had no specific comments. The other respondent noted that the mandatory EU legislation would have an impact on the turkey sector in relation to turkey housing and stated that DARD should look to

assist the industry financially. Their concern was that producers would no longer be able to spread production across the year but this is not something that can be addressed in this legislation. However, in separate correspondence the Department wrote to stakeholders outlining the range of funding options available to the poultry sector. The Department also requested DEFRA to seek a 12 month deferral of the implementation date for the EU legislation so as to give producers more time and help minimise the impact, but this was not accepted by the Commission.

## **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 A Regulatory Impact Assessment has been carried out. The Regulations are considered the minimum necessary to implement the EU legislation and will affect businesses involved in the production, processing, packing, distribution, wholesale and retail of poultrymeat.

## **7. Financial Implications**

7.1 The Regulations introduce fees for water content checks that are carried out by the Department where there is non-compliance.

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

8.1 The Regulations deal with poultrymeat marketing issues and do not have any human rights implications, nor are they incompatible with EU law. The Rule is therefore deemed to comply with the requirements of Section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1 The Regulations make new provision for the enforcement of EU controls in relation to the marketing of poultrymeat.

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

10.1 The Northern Ireland Regulations replicate the English Regulations (S.I. 2011 No. 452) and Welsh Regulations (S.I. 2011 No. 1719) and similar legislation will be introduced in Scotland. DAFF also has similar legislation in place.

## **11. Additional Information**

11.1 Not applicable.