

## **EXECUTIVE NOTE**

### **THE MARKETING OF HORTICULTURAL PRODUCE (SCOTLAND) AMENDMENT REGULATIONS 2011 SSI 2011/324**

#### **Introduction**

1. The above instrument was made in exercise of powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972 and sections 16(1)(e), and 17(2) of the Food Safety Act 1990. The instrument is subject to negative resolution procedure.

#### **Policy Objective**

2. The purpose of this instrument is to provide a new statutory framework for the enforcement of the EU marketing rules in the fresh fruit and vegetable sector provided for in Article 113 and 113a of Council Regulation 1234/2007/EC establishing a common organisation of agricultural markets and specific provisions for certain agricultural products (Single CMO Regulation), and contained in Title II of Commission Implementing Regulation 543/2011/EU laying down detailed rules for the application of Council Regulation 1234/2007/EC in the fruit and vegetable sector.

3. The changes have been driven by the European Commission's recast of Regulation 1580/2007/EC which has now been repealed. The new Commission Implementing Regulation 543/2011/EU supercedes 1580/2007/EC and its provisions apply from 22 June 2011. The new regulation contains updated standards for the 10 Specific Marketing Standards (SMS) which apply to apples, citrus fruit (including clementines, satsumas, oranges, lemons and mandarins), kiwi fruit, lettuce (including curled and broad leaved endives), peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes and the General Marketing Standard (GMS) that applies to most other fresh fruit and vegetables. These standards are updated in the 2011 Implementing Regulation and are (as far as is possible) in line with the internationally agreed UNECE standards.

4. These Regulations amend the Marketing of Horticultural Produce (Scotland) Regulations 2009 to update the necessary references required by the recast of Regulation 1580/2007/EC. In addition they provide a right of review in relation to stop notices controlling the movement of horticultural produce, correct the wording used on stop notices labels and make a number of other changes to the 2009 Regulations in terms of current drafting practice.

#### **Consultation**

5. The Scottish Government consulted about the changes by putting the links to the Commission Implementing Regulation 543/2011/EU and to the changes in the Regulation (as detailed on the Rural Payments Agency's website) on its website on 27 July 2011.

## **Timing**

6. Commission Implementing Regulation 543/2011/EU came into effect on 22 June 2011 and the Regulation's provisions required some minor amendments be made to the provisions of SSI 2009/305.

## **Financial effects**

7. These Regulations will not place additional financial burdens on businesses and no Regulatory Impact Assessment has been prepared.

## **Transposition**

8. Commission Implementing Regulation 543/2011/EU, replacing Commission Regulation 1580/2007/EC is implemented by these Marketing of Horticultural Produce (Scotland) Amendment Regulations 2011.

Scottish Government – Rural and Environment Directorate  
Agricultural and Rural Development Division  
Plants, Horticulture and Potatoes  
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