EXPLANATORY MEMORANDUM TO

The Hops Certification (Amendment) Regulations (Northern Ireland) 2024

S.R. 2024 No 171

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (SR) which is laid before the Northern Ireland Assembly.

1.2. The SR is made under section 11 of, and paragraph 11M of Part 1C of Schedule 2 to, to the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure.

2. Purpose

2.1. These Regulations amend the Hops Certification Regulations 1979 (the 1979 Regulations) as they apply in Northern Ireland, primarily to maintain enforcement powers for updated EU rules on hops certification and imports from third countries which are directly applicable here under the Windsor Framework.

3. Background

3.1. European Union (EU) marketing standards for agri-food products establish definitions, minimum product standards, production methods, sales descriptions, product categories and labelling requirements. They apply at all stages of the marketing chain and are intended to protect consumers and to facilitate the trade of applicable goods on the single market. The standards are set out primarily in EU Regulation 1308/2013, commonly referred to as the Common Market Organisation Regulation and associated delegated and implementing regulations.

3.2. Since December 2006, the certification of hops and hops products has been regulated in the EU by Regulation (EC) 1850/2006. Since December 2008, third country hop imports had been regulated by Regulation 1295/2008. Domestically hops certification is enforced across the United Kingdom by the 1979 Regulations, which covers both hops certification and importing hops from third countries.

3.3. The Rural Payments Agency (RPA) act as the competent certification authority on behalf of Northern Ireland, with the 1979 Regulations underpinning their work. The role of the competent certification authority is to carry out certification of hops and to approve and control certification centres.

3.4. New EU hops certification regulations came into force on 27 March 2024, repealing (EC) 1850/2006. In addition, new EU regulations on the import of rice, cereal and hops from third countries came into force on 28 December, replacing and revoking (EC) 1295/2008.

3.5. The new EU hops certification regulations introduce several changes, including a provision stating that the cost of certification is to be borne by operators except where Member States decide otherwise and that breweries must declare details of hops harvested on their land by 15 November each year.

3.6. The new EU regulations for importing hops from third countries make allowance for digital Attestations of Equivalence (AoEs) which must accompany hops consignments imported from third countries to allow entry into the Union.

3.7 The SR therefore makes amendments to the 1979 Regulations as they apply in Northern Ireland to update references to the new EU legislation for hops certification and to reflect changes which have been introduced by the EU legislation to do the following:

- Clarify the declaration dates for producers; and
- Allow for digital Attestations of Equivalence.

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. A consultation with stakeholders was therefore held between May to July 2024. No responses were received.

5. Equality Impact

5.1. In accordance with obligations under Section 75 of the Northern Ireland Act 1998, the equality implications have been assessed. The Department considers that the SR will not result in any equality differentials amongst Section 75 groups and sought views on this conclusion as part of the consultation. No responses were received to change this conclusion.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been prepared for this SR as it has no impact in terms of costs on businesses, charities, social economy enterprises or voluntary bodies. There are no hops producers in Northern Ireland and therefore the new hops certification requirements will have no impact.

7. Rural Needs Impact

7.1. A Rural Needs Impact Assessment was carried out on the SR, and it concluded that there would be no differential impact upon citizens in rural areas as a result of the legislation.

8. Financial Implications

8.1. There are no financial implications associated with the introduction of this SR. Currently, the RPA does not charge operators for certifying hops and the costs associated with meeting the certification requirements are met by industry. The SR will maintain the status quo.

9. Section 24 of the Northern Ireland Act 1998

9.1. The SR does not have any human rights implications nor is it incompatible with EU Law. The SR was screened for impact on human rights and is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

10. EU Implications

10.1. EU hops legislation relating to third country imports and certification are directly applicable in Northern Ireland under Annex 2 of the Windsor Framework.

11. Parity or Replicatory Measure

11.1. Assimilated Regulations 1850/2006 and 1295/2008 continue to apply in GB. The changes to EU Regulations are directly applicable in ROI.

12. Additional Information

12.1 Not applicable.