POLICY NOTE

THE MARKETING OF BANANAS (SCOTLAND) REGULATIONS 2012

SSI 2012/349

Introduction

1. The above instrument was made in exercise of powers conferred by section 2(2) of, and 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 framework for the enforcement of the EU marketing rules for bananas, specifically unripened green bananas, as provided for in Part XI of Annex I to Council Regulation 1234/2007/EC, and Commission Implementing Regulation 1333/2011/EU. The latter codified the previous EU provisions for green bananas contained in Commission Regulation 2257/94/EC and Commission Regulation 2898/95/EC.

3. The codified standards make no changes to the previous provisions. The only amendment made by the codification has been to update the vocabulary used by substituting "quality standard" with the more up to date and globally recognised term "marketing standard". This instrument repeals the Bananas (Enforcement of Quality Standards (Scotland) Regulations 2011 which provided for the enforcement of the standards prior to the codification.

4. The Regulations designate Scottish Ministers as the competent national authority and inspection body for Scotland. They create various offences for non compliance with the EU marketing rules for bananas and provide authorised officers appointed by Ministers with enforcement powers, including powers to serve non compliance notices and, via stop notices, powers to control the movement of bananas subject to a right of review by an authorised person. Given the perishable nature of bananas, it was considered that a time limited right of review afforded a practical, proportionate remedy to the trade in the circumstances.

Consultation

5. There is little trade in Scotland in relation to unripened bananas. Green bananas arrive at a port of entry outwith Scotland, are transported for ripened at purpose built premises and from there are moved onto the market. In terms of volume there is much more trade of this product elsewhere in the UK. The Scottish Governent has consulted and the Food Standards Agency Scotland have been advised.

Timing

6. Provision for the enforcement of the EU marketing rules should be made as soon as possible.

Financial effects

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

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