



An Rialálaí Agraibhia Agri-Food Regulator

AN UPDATE FROM THE AGRI-FOOD REGULATOR

12 September 2024

An Rialálaí Agraibhia (Agri-Food Regulator) requests additional powers under the Agricultural and Food Supply Chain Act 2023

The Chairperson of the Board of the Agri-Food Regulator (Regulator), Mr Joe Healy, today confirmed that he has written to Charlie McConalogue TD, Minister for Agriculture, Food and the Marine to request additional powers for the Regulator. These additional powers would allow the Regulator to compel the provision of necessary price and market information from relevant businesses in the agri-food supply chain, in order to fulfil its price and market data analysis function.

Background

In line with its price and market data analysis function, the Regulator had, from March, engaged with the relevant businesses in the egg supply chain to request data impacting upon price and margins. It was intended that using the data supplied, and supplemented by publicly available information, the Regulator would produce a robust report about price and market data across the egg supply chain.

However, following extensive engagement with relevant businesses, the envisaged report was not feasible due to the lack of cooperation from a number of businesses in the supply chain. Information was ultimately provided by all of the four largest egg packing businesses (Annalitten Foods, Belview Eggs, Greenfield Foods and The Nest Box Egg Company) and a number of the largest food wholesale / retail businesses in the country (BWG, Marks & Spencer Ireland, Musgrave Group, Sysco Ireland and Tesco Ireland). Unfortunately, and despite our efforts to-date, a number of retail businesses have not provided the data requested.

As a result, a report on the egg sector using only publicly available data was published on 18 July – this report is available on www.agrifoodregulator.ie.

Joe Healy, Board Chairperson said *"While the Board is grateful to the businesses that provided information to the Regulator, we are disappointed that some retail businesses did not see fit to provide the requested data with a view to improving transparency.*

Following consideration of the outcome of the engagement to-date with these businesses, the Board of the Agri-Food Regulator has prepared a report under section 17(4) of the 2023 Act

and instructed me to write to the Minister recommending that he introduce additional Regulations as soon as possible under Regulation 80(2)(g) of the 2023 Act. These Regulations would allow the Regulator to compel the provision of price and market information referred to in section 12(3)(d) of the 2023 Act from all businesses in the agri-food supply chain”.

Mr Healy continued, *“The Regulator considers that these additional powers are essential so that it can fulfil its functions of addressing issues of lack of transparency and information asymmetry in the agri-food supply chain as envisaged under the 2023 Act.*

“I spoke with the Minister earlier this week to inform him of the Board’s recommendation, and to bring him up to date on efforts by the Regulator to fulfil its legislative mandate thus far.”

ENDS

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Notes to editor:

The Board of the Agri-Food Regulator is required under section 17(4) of the 2023 Act to *‘report to the Minister within 12 months of its establishment date as to its ability to acquire data under section 12(3)(d), and make any appropriate recommendation so as to ensure the regulator is empowered to access or seize such data it requires to meet its obligations’.*

This request for additional Regulations under section 80(2)(g) of the Agricultural and Food Supply Chain Act 2023 (2023 Act), if granted, would allow the Regulator to compel the provision of the price and market information referred to in section 12(3)(d) of the 2023 Act:

12. (3) *In pursuance of its duties under this section the regulator may, in particular—*
(d) seek from businesses within the agricultural and food supply chain any data impacting upon price and margins considered necessary, including—
(i) prices paid and received, (ii) margin, (iii) financial and accounting data, (iv) throughput of agricultural produce, (v) data in relation to policy and procedure, (vi) employment status, and (vii) salary.

About An Rialálaí Agraibhia:

An Rialálaí Agraibhia (Agri-Food Regulator) is an independent statutory Office established under [the Agricultural and Food Supply Chain Act 2023](#).

The Act outlines the functions assigned to the Regulator under the following headings:

- Fairness and transparency in the agri-food supply chain - in exercising this function, the Agri-Food Regulator will have regard to the circumstances and needs of the agricultural and food sector including, in particular farming, fishing and small food businesses;

- Information and engagement - the Agri-Food Regulator will publish analysis of information about price and market data relating to the agri-food supply chain;
- Compliance with unfair trading law - the Agri-Food Regulator is responsible for enhancing understanding of and compliance with agri-food unfair trading law;
- Enforcement of unfair trading law - the Agri-Food Regulator is responsible for enforcing agri-food unfair trading law and is the designated Enforcement Authority as required under [Directive \(EU\) 2019/633](#);
- Guidelines - the Agri-Food Regulator may, for the purpose of protecting supplier interests, publish guidelines for buyers about supplier protection and trading practices, whether generally or in a particular trade, business or professional sector;
- Review of codes - the Agri-Food Regulator may review codes of practice submitted;
- Information and advice - the Agri-Food Regulator can provide advice to the Minister for Agriculture, Food and the Marine about (a) the agricultural and food sector, and (b) agri-food unfair trading law;
- Consideration of legislation - the Minister may consult the Agri-Food Regulator regarding proposals for legislation relating to any aspect of fairness and transparency in the agri-food supply chain.