

**IFA Comments to Select Committee on Agriculture, Food and the  
Marine on the Agricultural and Food Supply Chain Bill 2022 -  
Committee Stage  
Wednesday 8th February 2023**

**IFA comments on the Bill<sup>1</sup>**

In the Bill, there remains a distinct lack of reference to the **price** that primary producers get paid by dominant food buyers in the food chain.

The reality is the five main retailers and the three main food service providers operating in Ireland today have a dominant buying position. The UTPs and the Food Regulator do not have powers to tackle pricing.

IFA calls for dominant food buyers to recognise and take account of the cost of food production and effectively **ban below cost procurement of food**.

IFA is very disappointed to see the focus solely on **business-to-business relationships** in the food chain.

The **retailer to consumer relationship** is ultimately the key to a long-term sustainable food chain. Without the inclusion of the final retailer/food provider to consumer link, several of the important potential functions and **farmers' expectations of the regulator are excluded**.

It removes the potential for regulation of below-cost selling and the **use of food as a loss leader** by retailers.

Similarly, promotion practices which can be misleading such as using **fake farms and fake brands to mislead consumers will be unregulated by this office**. This is a huge opportunity missed and could ultimately result in the office being ineffective.

IFA calls for the inclusion of the retailer to consumer link within this legislation.

**Price and market data**

The role of the office in providing analysis of **information on price and market data** in the agricultural and food supply chain will be beneficial. However, this must be regular. It will have to work in real time and publish **data that was previously unavailable**.

It should be clearly stated that the focus of the new Office will be to tackle the **dominant stakeholders with the greatest power** i.e., the main retailers in the supply chain, as a priority.

<sup>1</sup> Agriculture and Food Supply Chain Bill 2022

## **Board and Membership**

The expansion of the Board to a total of eight is worrying as **the voice and influence of the two primary producers** will be diluted. IFA questions why an office, the function of which is to promote agri-food, would reduce the influence of primary producers at board level.

IFA seeks the expansion of this board to include more primary producer members.

## **Complaints**

IFA welcomes the inclusion of **not-for-profit organisations** permitted to make complaints on behalf of suppliers whom it represents, but these must be **anonymous**.

There is a major flaw in that the regulator has no remit to investigate complaints relating to uneconomical pricing or tendering which erodes the margins of farming families and primary producers.

Without the remit of the office and regulator to **tackle price**, vulnerable sectors such as the horticultural sector will continue to decline.

Our fruit and vegetable growers are quitting because they are being priced out of business by dominant retailers and food buyers who have the buying power to use cheaper imports as an alternative in pricing negotiations.

## **Fines**

IFA welcomes the increase in the maximum imposable fines, but the option of fixed payment notice fines at €250 remains inappropriate.

## **Levies**

The possibility of complainants being burdened with levies after making a complaint must be removed.

## **Establishment of the Office.**

IFA believes that with the right will and enthusiasm, there are strong powers of investigation, enforcement and fines within the legislation, but the omission of any reference to price is a major flaw in how effective the Regulator can be.

However, it is clear that there is a need for the Office to be established as soon as possible and to focus on reintroducing some fairness back in the favour of farmers and fish producers.

Primary producers have waited since the publication of the Programme for Government in 2020 and are still waiting. This legislation is for the common good, and should not be used as a political football.

There are necessary amendments that can still be made, and IFA calls on the Minister for Agriculture, Food and the Marine to listen and take on board the views and needs of farmers, make these amendments and get the office established.

Some of Ireland's most vulnerable farmers cannot face another season of being price takers in an unfair marketplace.