#### National Assembly for Wales

#### The Food Supply Chain July 2011

Over recent years increasing concern has been expressed about the relationship between large grocery retailers and primary producers. In particular there is concern that in some agricultural sectors, farmers are producing goods on a loss-making basis while large retailers have increased their profit margins on the same goods.

This paper examines the current market situation faced by three different agriculture sectors and the proposals put forward by the UK Government in the Draft Groceries Code Adjudicator Bill 2011 for the establishment of an independent adjudicator to oversee the Groceries Code which regulates the relationship of large grocery retailers and their suppliers.

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The Food Supply Chain July 2011

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Paper number: 11/043

Research Service



## Summary

Over recent years concern has been expressed about the relationship between large grocery retailers and primary producers. In particular, there is concern that in some agricultural sectors, farmers are producing goods on a loss-making basis while large retailers have increased their profit margins on the same goods. Three agricultural sectors that have been under significant pressure are the dairy, poultry and pigmeat sectors. Market data from these three sectors shows that in recent years, while retail profit margins have increased, the gross margins of many producers have been in decline.

This relationship between large retailers and their suppliers was put under scrutiny by the Competition Commission in 2006 following complaints of an imbalance of power within the groceries supply chain. The Commission conducted the investigation over a two-year period and concluded in 2008 that the transfer of excessive risks and unexpected costs by grocery retailers to their suppliers through various practices could, if unchecked, have an adverse effect on investment and innovation in the food supply chain to the detriment of consumers.

It therefore recommended that supermarkets should be required to adhere to a code of practice known as the Grocery Supply Chain Code of Practice and that an independent adjudicator should be established to monitor supermarkets compliance with this code. In effect this argued for the establishment of a supermarket ombudsman.

The Competition Commission therefore called on the UK Government to establish an adjudicator. On 24 May 2011 the UK Government published a Draft Bill which contained proposals for the establishment of an independent supermarket adjudicator to oversee the functions of the Code of Practice.

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## The Food Supply Chain

#### 1. Introduction

Following complaints made by stakeholders about the dominance of large supermarkets in the food supply chain, the Office of Fair Trading referred the supply of groceries by retailers to the Competition Commission for examination in May 2006.

Some stakeholders argued that an **imbalance of power between the large supermarkets and suppliers** was forcing farmers to produce some agricultural products on a loss-making basis, while others claimed that supermarket dominance on some high streets was forcing smaller independent retailers out of the market.

Over its two year investigation into the grocery supply chain, the Competition Commission took evidence and made recommendations on both these issues through a series of working papers, producing a final report in 2008.<sup>1</sup>

The Competition Commission expressed concern over the position of large grocery retailers in some local markets. In addition, it stated that the transfer of excessive risk and unexpected costs by grocery retailers through various supply chain practices, if unchecked, would have an adverse effect on investment and innovation in the grocery supply chain.<sup>2</sup> The Commission summarised that both of these issues would ultimately have a detrimental effect on consumers.

Over the last few years concern has also been expressed about the price primary producers receive from the large retailers for their produce. Many point to the dairy, poultry and pig meat sectors where market data shows that retailers have been able to increase their gross margins whilst some farmers operate on a lossmaking basis.

This first section of this paper focuses on the recommendations made by the Competition Commission in relation to investment and innovation in the supply chain and the proposals made by the Competition Commission for the establishment of an independent ombudsman. In addition it provides an introduction to the provisions of *Draft Groceries Code Adjudicator Bill 2011* which was published by the UK Government on 24 May 2011 in response to the Competition Commission's recommendations.<sup>3</sup>

<sup>2</sup> ibid <sup>3</sup> <u>Draft Groceries Code Adjudicator Bill 2011</u>

<sup>&</sup>lt;sup>1</sup> The Competition Commission, <u>Groceries Market Investigation</u>, (Website), [accessed 26 May 2011]

The second section of this paper presents market data on the three agricultural sectors considered to be under greatest pressure from low producer prices and high costs of production. They are the dairy, poultry and pig meat sectors.

# 2. Establishing an Independent Adjudicator for the Grocery Supply Chain

The Competition Commission (hereafter, the Commission) published its final report into the grocery sector in April 2008.<sup>4</sup> In its report the Commission concluded that while the financial viability of food and drink producers was not under threat as a result of the exercise of buyer power by grocery retailers, the transfer of excessive risk or unexpected cost by large supermarket companies to producers and suppliers did lessen the likelihood that they would be able to invest.<sup>5</sup>

The Commission concluded that the practice adopted by grocery retailers of making retrospective adjustments to contracts and terms of supply was the key way in which they transferred excessive risk. The Commission therefore made two key recommendations to address this issue.

The first recommendation was that the code of practice that existed previously for the grocery sector should be strengthened. The Commission stated that a **new binding Grocery Supply Chain Code of Practice (hereafter the Groceries Code) should be adopted** which would include mandatory provisions for grocery retailers with a **groceries turnover in excess of £1 billion.** This new code of practice was enshrined in legislation by the *Groceries (Supply Chain Practices) Market Investigation Order 2009* and came into force on the 4 February 2010.<sup>6</sup> The new code of practice:

- Prohibits large grocery retailers from making retrospective adjustments to terms and conditions of supply;
- Requires large grocery retailers to deal fairly and lawfully with their suppliers;
- Prohibits large grocery retailers from entering arrangements with suppliers which result in suppliers being held liable for losses due to shrinkage or wastage;
- Requires large grocery retailers to keep written records of all agreements with suppliers;
- Limits large grocery retailers' power to make suppliers pay them for stocking their products;
- Limits large grocery retailers' power to make suppliers pay for promotions;
- Limits large grocery retailers' power to "de-list" suppliers;

<sup>&</sup>lt;sup>4</sup> The Competition Commission, <u>Groceries Market</u>, (Website),[accessed 26 May 2011]

<sup>&</sup>lt;sup>5</sup> The Competition Commission, <u>The Supply of Groceries in the UK market investigation</u>, April 2008 [ accessed 26 May 2011]

<sup>&</sup>lt;sup>6</sup> Groceries (Supply Chain Practices) Market Investigation Order 2009

- Requires grocery retailers to enter into binding arbitration to resolve any dispute with a supplier arising under the code of practice; and
- Requires the retailers to appoint in-house compliance officers to ensure compliance with the code and train staff on its requirements.<sup>7</sup>

The second recommendation made by the Commission was that an independent ombudsman should be established to monitor and enforce compliance with the Groceries Code. The Commission's report stated that as a first resort, retailers should seek to establish such an ombudsman themselves on a voluntary basis.<sup>8</sup> However, the Commission failed to get an agreement from the grocery retailers to do this so the Commission asked the UK Government to intervene and establish an ombudsman.

#### 2.1. The UK Government's proposals for a Grocery Code Adjudicator

In January 2010, the previous UK Government announced that it **accepted the Competition Commission's view that there was a need for an independent body to monitor and enforce the Groceries Code**. To that end the previous UK Government issued a consultation containing proposals on the form and content of the new body.<sup>9</sup> The consultation closed on 30 April 2010.

Following the UK General Election in May 2010 the new UK Government's coalition agreement contained a commitment to establish an independent adjudicator to oversee the grocery supply chain.

In August 2010, the new UK Government issued a response to the consultation which summarised stakeholder's responses and set out their views and proposals on the form and role an independent adjudicator should take.<sup>10</sup> Following on from this on the 24 May 2011 the UK Government published the *Draft Groceries Code Adjudicator Bill* (hereafter, the Draft Bill).<sup>11</sup>

The Draft Bill sets out the UK Government's legislative proposals for the establishment of an adjudicator to monitor the compliance of large retailers with the Groceries Code. The provisions of the Draft Bill will apply to all grocery retailers with a groceries turnover of more than £1 billion in the UK which at present equates to ten retailers. The relevant retailers are:

- Aldi
- Asda

<sup>&</sup>lt;sup>7</sup> Draft Groceries Code Adjudicator Bill 2011

<sup>&</sup>lt;sup>8</sup> The Competition Commission, <u>The Supplies of Groceries into the UK market investigation</u>, April 2008 [accessed 27 May 2011]

 <sup>&</sup>lt;sup>9</sup> Department of Business, Innovation and Skills, <u>Consultation on taking forward the establishment of a body to monitor and enforce compliance with the groceries supply code of practice (GSCOP)</u>, February 2010
<sup>10</sup> Department of Business, Innovation and Skills, <u>Taking forward the establishment of a body to monitor and enforce</u>

<sup>&</sup>lt;sup>10</sup> Department of Business, Innovation and Skills, <u>Taking forward the establishment of a body to monitor and enforce</u> <u>compliance with the groceries supply code of practice (GSCOP)</u>, August 2010

<sup>&</sup>lt;sup>11</sup> Draft Groceries Code Adjudicator Bill 2011

- Co-operative Group Ltd (incorporating Sommerfield)
- Lidl
- Iceland
- Marks and Spencer
- Morrisons
- Sainsbury's
- Tesco, and
- Waitrose.<sup>12</sup>

The Draft Bill states that **the sole purpose of the adjudicator will be to enforce and oversee the Groceries Code** and for this purpose it is proposed that the adjudicator will have the power to:

- Arbitrate disputes between large retailers and their direct suppliers or appoint another person to do so;
- Investigate possible breaches of the Groceries Code by large retailers on receipt of a complaint from a direct or indirect supplier;
- Where there has been a breach, the adjudicator may decide to make recommendations to the retailer on how the breach should be addressed or require the retailer to publish information about the investigation and the findings, including requiring the information to be published in a newspaper, in its store or in its annual report; and
- Publish guidance on how and when investigations will proceed and how these enforcement powers will be used.

Provisions have also been made in the Draft Bill **for a Secretary of State to introduce an Order at a later date if he or she deemed it necessary** that would enable **an adjudicator to impose financial penalties** on grocery retailers that breach the Groceries Code.

The Draft Bill proposes that an adjudicator will be expected to:

- Provide advice and guidance to retailers and suppliers on the functioning of the Groceries Code;
- Publish an annual report summarising his or her work and including details of any investigations completed; and
- Recommend any necessary changes to the Groceries Code.

The Draft Bill makes provisions for **the adjudicator to be funded by a levy** on a full-cost recovery basis that will be **paid by the large grocery retailers**. However,

<sup>&</sup>lt;sup>12</sup> Department for Business, Innovation and Skills, *Impact Assessment: Groceries Code Adjudicator*, May 2011

the Secretary of State will also be given the power to make grants or loans to the body. The Secretary of State will be required to review the effectiveness of the adjudicator every three years.

As **competition is a reserved matter** in the UK any independent adjudicator established will cover Wales, England, Scotland and Northern Ireland.

The UK Government published a document alongside the Draft Bill which outlined its policy on the adjudicator and its thinking behind the proposals contained in the Draft Bill.<sup>13</sup> In this document the UK Government states that one of the fundamental principles undermining its proposals is that the adjudicator should **be able to investigate complaints while ensuring the anonymity of the complainants**. The UK Government states that this will enable direct and indirect suppliers to bring forward complaints without fear of retaliation from the large retailers. In its investigation the Competition Commission found that this was one of the main reasons that suppliers had not made complaints under the old supermarkets code.

The policy document also states that although the UK Government had initially intended for the adjudicator to be situated within the OFT, the current consultation on merging the OFT and the Competition Commission means that it would be inappropriate to give the OFT any more functions at this time. Therefore **the adjudicator will be established as statutory office holder** with provisions placed in the Draft Bill that will enable it to be merged into any public body on markets and competition set up in future. In the interim the adjudicator will be co-located within the OFT and will mainly be resourced via secondments from the OFT.

#### 2.2. Stakeholders Views

Sixty responses were submitted to the original consultation on the establishment of an adjudicator. There was **no consensus on the need to establish an adjudicator** with suppliers strongly supporting the establishment of such a body and retailers expressing disappointment that the Government had taken the decision to establish a adjudicator before giving the new Groceries Code time to bed in.<sup>14</sup> Several retailers stated that they had already spent considerable sums of money ensuring that they complied with the Groceries Code such as employing compliance officers and training relevant staff.<sup>15</sup>

<sup>&</sup>lt;sup>13</sup> Department for Business, Innovation and Skills, <u>Taking forward the establishment of a body to monitor and enforce the</u> <u>groceries supply code of practice (GSCOP):Groceries Code Adjudicator</u>, May 2011

<sup>&</sup>lt;sup>14</sup> Department for Business, Innovation and Skills, *Taking forward the establishment of a body to monitor and enforce the* <u>groceries supply code of practice (GSCOP): The Groceries Code Adjudicator</u>, August 2010 <sup>15</sup> ibid

There was also **disagreement as to who should be able to make a complaint** to the adjudicator with some stakeholders expressing concern that large suppliers would be able to use this to gain favourable terms with the retailers.<sup>16</sup> In addition there was **little consensus as to whether the adjudicator should be able to impose financial penalties** with some believing that the reputational damage from being found to be in breach of the Groceries Code would be a sufficient deterrent.<sup>17</sup>

There was concern from retailers that the adjudicator could stray beyond its core mandate of considering complaints about breaches of the Groceries Code into other commercial areas which in effect would lead to the creation of a supermarket regulator rather than solely a code adjudicator.<sup>18</sup> The NFU however has called for the creation of an adjudicator with pro-active investigation powers that would be able to intervene without having to wait for a specific complaint to be made.

Stakeholders have also responded with mixed views to the publication of the Draft Bill. The NFU, NFU Cymru, NFU Scotland<sup>19</sup> and the Farmers Union of Wales<sup>20</sup> have all welcomed the publication of the Draft Bill but have stated that it will be important to ensure that the adjudicator has sufficient power to protect suppliers; can properly protect the anonymity of complainants, and can conduct pro-active investigations. In addition, FUW has stated that they believe that the adjudicator should have the ability to impose financial penalties for breaches from the outset.<sup>21</sup>

This view about the adjudicator's ability to impose penalties is also supported by the **Food and Drink Federation (FDF)** which represents the interests of food and drink manufacturers.<sup>22</sup> In addition, the **FDF states that it is disappointed that only direct and indirect suppliers will be able to make complaints** to the adjudicator and believes that trade associations should also be able to make complaints on the behalf of their members.

The FDF and farming unions have called for the Draft Bill to be given priority in the Parliamentary timetable.

The **British Retail Consortium (BRC**), who represent a number of the large retailers, has expressed disappointment at the UK Government's decision to bring

<sup>&</sup>lt;sup>16</sup> ibid

<sup>&</sup>lt;sup>17</sup> ibid

<sup>18</sup> ibid

 <sup>&</sup>lt;sup>19</sup> Driver, Alistair, <u>Industry leaders fear adjudicator could 'lack teeth'</u>, Farmers Guardian, [Online] 25 May 2011, [accessed 27 May 2011]
<sup>20</sup> Farmers Union of Wales, Press Release, <u>FUW Welcomes Groceries Code Adjudicator Bill</u>, 25 May 2011, [accessed 27 May

<sup>&</sup>lt;sup>21</sup> Farmers Union of Wales , Press Release, <u>FUW Welcomes Groceries Code Adjudicator Bill</u>, 25 May 2011, [accessed 27 May 2011] 2011] <sup>21</sup> ibid

<sup>&</sup>lt;sup>22</sup> Food and Drink Federation, Press Release, <u>FDF comments on Draft Groceries Code Adjudicator Bill</u>, 25 May 2011,

forward the Draft Bill.<sup>23</sup> The BRC has stated that the provisions of the Draft Bill and the cost of funding the establishment of the adjudicator **will mean higher prices for consumers**. The BRC states that no complaints have been made since the new Groceries Code came into force therefore the establishment of an adjudicator would **not lead to any additional benefit**.

<sup>&</sup>lt;sup>2323</sup> British Retail Consortium, Press Release, <u>Groceries Code Adjudicator will push up prices for shoppers</u>, 25 May 2011 [accessed 27 May 2011]

### 3. The Current State of the Food Supply Chain

While food prices have risen to record highs over the last year many agricultural producers state that the price they receive for their produce has not. This, they state, combined with rising costs of production such as energy, food and fertiliser has meant that some farmers have been making large losses. In particular farmers and farming unions have argued that while the gross margins of farms have been declining the profit margins made by supermarkets on goods such as milk and chicken has increased.

The agricultural sectors highlighted as being most at risk are the dairy, pig meat and poultry sectors. While some concern has been expressed about rising costs and the future of processors in the beef and lamb sectors in recent years the prices received by producers in Wales has remained relatively stable or increased in some circumstances in comparison with the other three agricultural sectors.

#### 3.1. The Dairy Sector

The European dairy sector entered a period of crisis in 2008 when the price paid per litre of milk fell significantly across all Member States. In Wales, while UK farmgate price per litre (ppl) has increased from **25.4ppl in 2009 to 26.34 ppl in 2011** producers argue that this is still not a significant enough rise to combat rising feed and fuel prices and allow farmers to generate sufficient funds to be able to reinvest in their business.<sup>24</sup> One of the key complaints of dairy producers is that the gross margins being retained by the supermarkets have increased whilst the producer's share of the profit has not.





Source: DairyCo Datum

<sup>&</sup>lt;sup>24</sup> DairyCo Datum, <u>UK Wholesale Prices</u>, (Website), [accessed 27 May 2011]

In **1999-2000** the average retail price per litre for milk was **40.6**, of this the farmer received **17.8 pence (44 per cent)**, the processor received **14.9 pence (37 per cent)** and the retailer received **7.9 pence (19 per cent)**.<sup>25</sup>

By 2008-2009 the average price per litre was 64.9 pence of this the farmer received 25.8 pence (40 per cent), the processor received 20.4 pence (31 per cent) and the retailer received and increase in the percentage of price they retained as it rose to 18.8 pence (29 per cent).<sup>26</sup>

In 2009-2010 the average price per litre was 65.1 pence with the farmer receiving 23.8 pence (37 per cent), the processor received 18.9 pence (29 per cent) and the retailer receiving 22.4 pence (34 per cent). Therefore between 1999-2000 and 2009-10 the retail margin increased from 19 per cent to 34 per cent.<sup>27</sup>

In its report on the milk supply chain DairyCo concludes that the absence of any decline in the retail price in a period of falling commodity and farmgate prices highlights that retailers' were able to increase their margin while processors and milk producers absorbed the price declines.<sup>28</sup>

A large number of dairy farmers in Wales supply the cheese market as opposed to the liquid milk market. As with liquid milk, retail gross margins for mild cheddar **increased by 11 per cent between 1999-2000 to 2009-2010**. Retail gross margins have also increased in the mature cheddar cheese market from **46 per cent in 1999-2000 to 52 per cent in 2009-2010**.<sup>29</sup>

DairyCo concludes in its report on the dairy supply chain that:

In general, retailers were able to increase their margins on dairy products while the processors appear to have retained their gross margins in percentage terms. Farmers saw a decrease in the average milk price.<sup>30</sup>

DairyCo also expresses concern about the milk price cuts and promotions currently being offered by retailers. DairyCo states that at present these price cuts appear to have been funded out of retailer's previously increased margins but it is unlikely that they will do this indefinitely raising concerns that this could lead to a reduction in producer prices.<sup>31</sup>

#### European Proposals for the dairy sector

Following the crisis period experienced by the European dairy sector in 2008 and 2009 the European Commission **established a High Level Dairy Group** to

<sup>&</sup>lt;sup>25</sup> DairyCo, *Dairy Supply Chain Margins 2009/2010*, October 2010

<sup>&</sup>lt;sup>26</sup> ibid

<sup>&</sup>lt;sup>27</sup> ibid <sup>28</sup> ibid

<sup>&</sup>lt;sup>29</sup> ibid

<sup>&</sup>lt;sup>30</sup> DairyCo, <u>Dairy Supply Chain Margins 2009/2010</u>, October 2010 <sup>31</sup> ibid

consider the crisis facing the sector and to make recommendations on a way forward.

Building on the recommendations made by this group the European Commission presented **a Milk Package containing legislative proposals** on changes to the European dairy sector in December 2010.<sup>32</sup>

The legislative proposals in the package will allow Member States, **if they so wish**, **to introduce a system of compulsory contracts** between dairy suppliers and processors. Member States will **not be** required to do so but if they do decide to introduce such a system then in order to ensure harmonisation in the internal market the contracts they adopt will have to meet certain standards set at an EU level.

The legislative proposals will also allow farmers to form producer organisations so that they can collectively bargain with buyers to negotiate prices and contracts. This will not however include co-operatives. A limit will also be placed on the size of the producer organisation. At present the Commission suggests that they should not be allowed to exceed 33 per cent of total national production of any particular Member State.

In addition, the proposals cover the issue of transparency in the market and supply chain by providing **Member States with a legal basis for them to collect data on raw milk deliveries** on a monthly basis.

The proposals contained in the Package are currently being discussed by the European Parliament's agriculture committee and by the Council of Agriculture Ministers. The Commission hopes that there will be an agreement on the proposals in time for any new legislation **to come into force in 2012** with the intention that the proposals would remain valid until 2020.

#### 3.2. The Poultry Sector

In 2009, the NFU commissioned a report into the British poultry sector and its future.<sup>33</sup> NFU data suggested that the average producer sustained long periods of losses between 2004 and October 2008 and that although margins have improved since October 2008 costs of production have increased significantly.

The report concluded that a fundamental problem faced by the poultry sector is the high margin expectation of retailers. The report states that **retailers retain an estimated 51 per cent of the retail price while only 25 per cent is received by the producer**.<sup>34</sup> According to the NFU retailers and in particular the large

<sup>&</sup>lt;sup>32</sup> European Commission, <u>The 'Milk Package' proposal</u>, (Website), [accessed 27 May 2011]

<sup>&</sup>lt;sup>33</sup> Savills Agribusiness & Savills Research, <u>A report to the NFU Poultry Board and UK Broiler Growers: A sustainable future for</u> <u>British Chicken</u>, March 2009

**multiples expect to make approximately at least a 30 per cent margin** on large volume sales of poultry. This, the report concludes, leave significantly less margin for the producer.<sup>35</sup>

In addition the report found that the average price paid (pence per kg) per volume unit **varies significantly between major retailers** and can vary significantly from month to month.

The report concludes **that this situation gives the farmer little or no confidence to reinvest.** For example reinvestment in broiler sheds requires confidence from producers in their long term relationships with retailers as the payback period for new capital investment can be up to ten years. As current contract periods are very short there is little incentive for farmers to invest in more efficient practices and technologies.

The authors of the report believe that those **involved with the poultry supply chain should learn lessons from the dairy and pig sectors** which have contracted due to sustained periods of losses. Any further reduction in the price received by producers in the poultry sector **could lead to a significant number of farmers leaving the sector.** 

The report makes a number of recommendations on how the situation of poultry producers and the sector in general could be improved. These include:

- the introduction of an independent costing service overseen by a trusted third party to improve producer efficiency and enable informed decisionmaking;
- the development of closer working arrangements between processors, retailers and producers in order to build confidence in the supply chain; and
- the development of closer working through all parts of the supply chain to reduce waste and cut out inefficiencies, the benefits of which should be shared equitably by all parts of the chain.<sup>36</sup>

#### 3.3. The Pigmeat Sector

In March 2011, BPEX, the pig producers levy organisation, published a report into the profitability in the pig supply chain.<sup>37</sup> The report concluded that there is a definite 'disconnect' in the supply chain.

While British pig producers were able to move from making large losses in 2008 to making a small profit in 2009, recent rises in feed prices have meant that many producers are once again making large losses. <sup>38</sup>

<sup>35</sup> ibid

<sup>&</sup>lt;sup>36</sup> Savills Agribusiness and Savills Research: <u>A report for the NFU Poultry Board and UK Broiler Growers</u>: A sustainable future for British Chicken, March 2009

<sup>&</sup>lt;sup>37</sup> BPEX, *Profitability in the Pig Supply Chain,* March 2011 [accessed 27 May 2011]

Pig production is highly feed intensive and feed can account for 60 per cent of a producers costs. This means that without an accompanying rise in the price producers receive any increase in feed will have a significant impact on the profitability of the sector.



Figure 2: Pig Industry profit/loss rolling 12 weeks (£)

#### Source: BPEX

In its report BPEX concludes that in the 12 weeks to the end of January 2011, British pig producers lost an estimated £35 million while in the same 12 week period the processing sector's profits were estimated at £100 million and the retailers combined profits were estimated at £192 million.

In addition, BPEX estimates that on average over the past three years **retailers have maintained a profit level of more than £100 per pig**, processors £40 per pig while at current levels **pig producers on average are making a £20 loss**.<sup>39</sup>

While feed prices have a significant impact on these figures, the rising cost of feed in a large number of cases isn't taken into account in the prices paid to the producers. BPEX figures illustrate that in February 2011 the Deadweight Average Pig Price (DAPP) i.e. **the price paid to producers was 135 pence per kg**. This was **3 per cent lower than the February 2010 price of 142 pence per kg**.<sup>40</sup> BPEX calculates that in order for producers to be able to return a profit at the current cost of production levels the DAPP would need **to increase 27 pence per kg to** 

³8 ibid

40 ibid

<sup>&</sup>lt;sup>3939</sup> BPEX, *Profitability in the Pig Supply Chain*, March 2011

**164 pence per kg.**<sup>41</sup> This would provide producers with an average of **an additional £21 per pig.**<sup>42</sup>

BPEX concludes that the current market situation faced by producers has led to a reduction in producer's confidence and the likelihood that they will reinvest in their business. In a survey of producers BPEX found that **53 per cent of producers are less confident** than they were in 2010, **53 per cent expect to make less capital investment**, **48 per cent expect to invest less in plant and machinery** and **90 per cent said that their average selling price had decreased or stayed the same over the last three months** as compared to the same time last year.<sup>43</sup>

#### European discussions on the crisis facing the sector

Over recent months there have been calls at a European level from some Member States for the establishment of a High Level Group on pigmeat, similar to that previously set up on the dairy sector. To date, the European Commission has resisted these calls as it has stated that the establishment of such a group may raise the expectations of the sector about what action could realistically be taken.<sup>44</sup> However, the European Commission has established a 'consultative committee' on pigmeat that will meet at regular intervals and will be asked to consider:

- Mutual fund and risk management instruments in the context of the Common Agricultural Policy reform post-2013;
- Promotion of EU pigmeat and pigmeat products: and
- Future EU options for market management in times of crisis.45

Private storage aid was also granted in January 2011 to help alleviate the crisis. Under the scheme EU funds were given to producers and processors to help cover the costs of storing their meat for several months until pork prices recover.<sup>46</sup>

<sup>41</sup> ibid

<sup>&</sup>lt;sup>42</sup> ibid

<sup>43</sup> ibid

<sup>&</sup>lt;sup>44</sup> AGRAFACTS, Pig Meat Crisis Set to Dominate Agenda Over Coming Months, No.04-11, 19 January 2011

<sup>&</sup>lt;sup>45</sup> AGRAFACTS, Private Storage Aid (PSA) Announced by Ciolos to Tackle Crisis in Pigmeat Sector, No.6-11, 24 January 2011 <sup>46</sup> ibid