EXPLANATORY MEMORANDUM TO

The Direct Payments to Farmers (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2024

SR 2024 No. 211

1. Introduction

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

1.2. The Statutory Rule is made under sections 48 and 50(3)(a) of, and paragraph 5 of Schedule 6 to, the Agriculture Act 2020 and is subject to the negative resolution procedure.

2. Purpose

2.1. These Regulations amend Article 39(4) of Commission Delegated Regulation (EU) No. 640/2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance.

2.2. These Regulations also amend Article 68(4) of Commission Implementing Regulation (EU) No 809/2014 with regard to the integrated administration and control system, rural development measures and cross compliance.

2.3. Under these Regulations SR 2022 No. 240 The Direct Payment to Farmers (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2022 and SR 2023 No. 210 The Direct Payments to Farmers (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2023 are revoked.

3. Background

3.1. Regulation 2 of SR 2022 No. 240 removed the requirement in respect of direct payments made under nationally funded schemes for repeated negligent non-compliance penalties to be treated as intentional on further repetition.

3.2. Regulation 3 of SR 2023 No. 210 extended the removal in respect of direct payments to all rural development schemes payments made under Regulation (EU) No. 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No. 1698/2005.

3.3. Regulation 4 of SR 2023 No. 210 also amended Commission Implementation Regulation (EU) No. 809/2014 by removing provisions at Article 68(4) regarding the frequency of on-the-spot checks.

3.4. These Regulations reintroduce the above removed provisions.

4. Consultation

4.1. A focused consultation with key stakeholders was held for eight weeks from 14 August 2024 to 9 October 2024 and four responses were received. The views of the consultees have been taken into account in drafting the legislation.

5. Equality Impact

5.1. Consideration was given to Section 75 of the Northern Ireland Act 1998 but an Equality Impact Assessment has not been prepared for these Regulations as they have no impact in terms of equality of opportunity.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been prepared for these Regulations as they have no impact in terms of costs on business, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations reintroduce the removed assimilated obligations into the above assimilated direct legislation and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. None.

11. Additional Information

11.1. Not applicable.