EXPLANATORY MEMORANDUM TO

[THE FARM SUSTAINABILITY STANDARDS REGULATIONS (NORTHERN IRELAND) 2025]

S.R. 2025 No. 165

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 2020] and is subject to the [negative] resolution procedure.

2. Purpose

2.1. These Regulations make provision for the new Farm Sustainability Standards which replace the European Union Cross-Compliance Standards set out in assimilated law.

2.2. [These Regulations amend regulations within Regulation (EU) No. 1306/2013; Commission Delegated Regulation No. 640/2014; Commission Implementing Regulation No. 809/2014. These Regulations revoke The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014.

3. Background

3.1. [Regulation 2 amends Annex II of Regulation (EU) No. 1306/2013, replacing the Statutory Management Requirements and standards for Good Agricultural and Environmental Condition of land with the new Farm Sustainability Standards.

3.2. Regulation 3 amends Regulations (EU) No. 1306/2013 to revise all references to "extent, permanance and intent"; "Cross-Compliance"; and to include reference to "Sustainable Agricutlture Programme payments".

3.3. Regulation 4 amends Commission Delegated Regulation No. 640/2014 in relation to the calculation and application of penalties.

3.4. Regulation 5 amends Commission Implementing Regulation No. 809/2014 in relation to the schemes to which the application of penalties will apply.

3.5. Regulation 6 brings into effect provisions for environmental protection requirements.

3.6. Regulation 7 defines the Department of Agriculture, Environment and Rural Affairs as the Competent Control Authority.

3.7. Regulation 8 sets out the powers of an authorised person.

3.8. Regulation 9 sets out the responsibilities of a farmer or their representatives in assisting an authorised person.

3.9. Regulation 10 sets out the consequence of obstruction of an authorised person.

3.10. Regulation 11 revokes The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014 but saves provision for the ability of the Department to apply penalties in respect of any breach found to have occurred prior to 1st January 2026..

4. Consultation

4.1. There was no consultation specific to these Regulations, although consultation with stakholders has been key in development. An 8 week formal public consultation was launched on 21 December 2021 in respect of Consutation on Future Agricultural Policy Proposals for Northern Ireland. This included proposals for a replacement for the current Cross-Compliance arrangments.

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. [Farm Sustanability Standards replace the current Cross-Compliance penalty arrangments. It is therefore unlikely that there will be any mandatory costs, savings or administrative burdens placed on NI farm businesses. Rather FSS is anticipated to have a positive direct impact on farm businesses through mandatory training, resulting in reduced repetition of non compliance and penalties at a lesser level.

7. Financial Implications

7.1. [None]

8. Section 24 of the Northern Ireland Act 1998

8.1. [The Farm Sustainability Standards Regulations (Northern Ireland) 2025 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.