Draft Regulations laid before the Assembly under 4(3) of the Agriculture Act (Northern Ireland) 2025 for approval

STATUTORY RULES OF NORTHERN IRELAND

2027 No.

AGRICULTURE

The Aid in the Fruit and Vegetables Sector (Amendment) Regulations (Northern Ireland) 2027

Made - - - -	*xxth Month 2027*
Coming into operation	*xxth Month 2027*

The Department of Agriculture, Environment and Rural Affairs(**a**), in exercise of the powers conferred by sections 2(1) and (2) and 4(1) of the Agriculture Act (Northern Ireland) 2025(**b**), makes the following Regulations.

Citation and Commencement

1.These Regulations may be cited as The Aid in the Fruit and Vegetables Sector (Amendment) Regulations (Northern Ireland) 2027 and shall come into operation on xxth Month 2027.

Interpretation

2.In these Regulations—

"application" means an application for a review of a relevant determination made under regulation 6(2) and "applicant" shall be construed accordingly;

"the Commission Delegated Regulation" means Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing the CMO Regulation with regard to the fruit and vegetables, and processed fruit and vegetables, sectors(**c**);

"the Commission Implementing Regulation" means Commission Implementing Regulation (EU) 2017/892 of 13 March 2017 laying down rules for the application of the CMO Regulation with regard to the fruit and vegetables, and processed fruit and vegetables, sectors(**d**); and

"relevant determination" means a determination in relation to financial assistance under Article 34 of the CMO Regulation.

Amendments to the CMO Regulation

3.—(1) The CMO Regulation shall be amended as follows.

(2) In Article 32—

(**a**) Formerly the Department of Agriculture and Rural Development (DARD see Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs (DAERA) by section 1(2) of the Departments Act (Northern Ireland) 2016 c. 5 (N.I.).
(**b**) The Agriculture Act (Northern Ireland) 2025 c. 6 (N.I.).
(**c**) [Assimilated] Regulation (EU) No 2017/891.
(**d**) [Assimilated] Regulation (EU) 2017/892.

(a) in paragraph 1(b), for "relevant authority" substitute "Department";

(b) in paragraph 1A, for "relevant authority" substitute "Department";

(c) in paragraph 2, for "relevant authority" substitute "Department";

(d) after paragraph 2, insert—

"**3.** In this section "the Department" means the Department of Agriculture, Environment and Rural Affairs.".

(3) After Article 32, insert—

"Article 32A

Financial Assistance for the Benefit of Grower Members in Northern Ireland

Financial assistance granted to a producer organisation with a head office located in Northern Ireland will be granted for the benefit of grower members of that producer organisation in Northern Ireland only and in respect of produce grown only in Northern Ireland."

(4) In Article 33—

(a) in paragraph 1—

(i) in the first sub-paragraph, for "minimum duration of three years and a maximum duration of five years" substitute "maximum duration of three years";

(ii) in the second sub-paragraph, for "relevant authority" substitute "Department";

(iii) omit the third and fourth sub-paragraphs;

(b) in paragraph 2, in the second sub-paragraph, for "relevant authority" substitute "Department";

(c) in paragraph 5—

(i) in the first sub-paragraph, for "relevant authority" substitute "Department";

(ii) at the end of the second sub-paragraph, insert "and align with the Department's strategic objectives as published from time to time";

(iii) at the end of the fourth sub-paragraph, insert "and align with the Department's strategic objectives as published from time to time".

(d) in paragraph 6, for "relevant authority" substitute "Department".

(5) In Article 35—

(a) in paragraph 1 for "appropriate authority" substitute "Department";

(b) in paragraph 2, point (b) for "Article 32(1)" substitute "Article 32(1) and (1A)".

(6) For Article 36, substitute—

"**Strategic objectives for operational programmes**

The Department must ensure that there are strategic objectives in place for operational programmes in the fruit and vegetables sector, including general conditions relating to the environmental actions referred to in Article 33(5)."

(7) In Article 37—

(a) in the first sub-paragraph, for "appropriate authority" substitute "Department";

(b) in point (a)(iii), for "support for rural development programmes" substitute "other publicly funded support for the fruit and vegetables sector";

(c) for point (b), substitute—

"(b) an obligation to monitor and report on the effectiveness of operational programmes;
";

(d) omit point (c)(iii);

(e) after point (c)(iv), insert—

"(v) the restriction on the persons who may benefit from financial assistance.";

(f) in point(d)(i), for "relevant authority" substitute "Department";

(g) omit point (d)(viii);

(h) omit point(e)(ii).

(8) In Article 38—

(a) in the first sub-paragraph, for "relevant authority" substitute "Department";

(b) in point (b)—

(i) omit "frameworks and strategies referred to in Article 36,";

(ii) for "relevant authority", in both places it occurs, substitute "Department";

(c) in point (d), omit "strategies and";

(d) in point (e), omit "advance and";

(e) omit point (l).

Amendments to the Commission Delegated Regulation

4.—(1) The Commission Delegated Regulation shall be amended as follows.

(2) In Article 2—

(a) in point (k) in the definition of" interbranch basis", for "appropriate authority" substitute "Secretary of State";

(b) in point (l)—

(i) in point (i) —

(aa) for "a strategy" substitute "strategic objectives";

(bb) omit "as referred to in Article 36(2) of Regulation (EU) No 1308/2013 or an operational programme";

(ii) in point (ii), omit "a strategy as referred to in Article 36(2) of Regulation (EU) No 1308/2013 or";

(iii) in point (iii), omit "a strategy as referred to in Article 36(2) of Regulation (EU) No 1308/2013";

(e) in point (o)—

(i) omit ", Parliament, Senedd Cymru, the Scottish Parliament and";

(ii) after "public funding" insert "and publicly funded';

(f) omit point (p);

(g) omit point (r);

(h) after point (s), insert—

"(t) 'the Department' means the Department of Agriculture, Environment and Rural Affairs.

(3) In Article 14A—

(a) for paragraph 3, substitute—

"3**.** The Department—

(a) may:

(i) approve the association's operational programme;

(ii) grant financial assistance in accordance with Articles 32(1A) and 34 of Regulation (EU) No 1308/2013 for the benefit of grower members located only in Northern Ireland in respect of produce grown only in Northern Ireland;

(b) must organise checks on the producer organisation and apply any administrative penalties in accordance with Article 34A of Regulation EU 2017/892."

(b) omit paragraph 4.

(5) In Article 15—

(a) in paragraph 1, for "producer organisation" substitute "Department may provide that any producer organisation";

(b) in paragraph 2, for "appropriate authority or appropriate authorities as the case may be" substitute "Department".

(4) In Article 16, omit paragraph 4.

(5) After Article 16, insert —

"Article 16A

Financial assistance for the benefit of non-producer members in Northern Ireland

Financial assistance granted to a producer organisation with a head office located in Northern Ireland will be granted for the benefit of grower members located only in Northern Ireland and in respect of produce grown only in Northern Ireland".

(6) After Article 20, insert —

"Article 20A

Financial assistance for the benefit of non-producer members of associations of producer organisations who are not producer organisations in Northern Ireland

Financial assistance granted to an association of producer organisations with a head office located in Northern Ireland will be granted for the benefit of producer organisations whose grower members are located only in Northern Ireland and in respect of produce grown only in Northern Ireland."

(7) In Article 21A—

(a) for paragraph 3, substitute—

"**3.** The Department—

(a) may:

(i) approve the association's operational programme;

(ii) grant financial assistance in accordance with Articles 32(1A) and 34 of Regulation (EU) No 1308/2013 for the benefit of grower members located in Northern Ireland only in respect of produce grown only in Northern Ireland; and

(b) must organise checks on the association of producer organisations and apply any administrative penalties in accordance with Article 34B of Regulation (EU) 2017/892.";

(b) omit paragraph 4.

(8) In Article 23—

(a) in paragraph 1, for "appropriate authority" substitute "Department";

(b) omit paragraph 2A;

(c) in paragraph 4—

(i) for "appropriate authority", in both places it occurs, substitute "Department";

(ii) in the second sub-paragraph, omit "when the Secretary of State is not the appropriate authority,".

(9) For Article 24, substitute—

"Article 24

Accounting

The Department must ensure that the producer organisation complies with the standards of cost-based accounting applicable in Northern Ireland that allow independent auditors to promptly identify, check and certify their expenditure and revenue.".

(10) In Article 25, after paragraph 3, insert—

"4**.** Any exception to paragraph 3 must be approved by the Department in writing.".

(11) In Article 26(1) —

(a) in the first sub-paragraph—

(i) for "appropriate authority for the constituent nation in which their head office is located" substitute "Department";

(ii) for "Articles 32(1)(b) and 34" substitute "Articles 32(1A) and 34";

(b) in the second sub-paragraph, for "appropriate authority" substitute "Department".

(12) In Article 27 —

(a) for the heading, substitute "Strategic objectives for operational programmes";

(b) for paragraph 1, substitute—

"**1.** The Department's strategic objectives for aid in the fruit and vegetables sector, shall be established prior to the annual submission of the draft operational programmes."

(c) omit paragraph 2;

(d) in paragraph 3—

(i) for "relevant authority" substitute "Department";

(ii) for "strategy" substitute "strategic objectives";

(e) in paragraph 4—

(i) for "relevant authority" substitute "Department";

(ii) for "strategy and its implementation" substitute "implementation of its strategic objectives";

(iii) for "strategy" substitute "strategic objectives";

(f) in paragraph 5—

(i) for "relevant authority" substitute "Department";

(ii) omit "in the strategy".

(13) In Article 29—

(a) for "appropriate authority" substitute "Department";

(b) at the end add "in Northern Ireland".

(14) In Article 30—

(a) in the title for "rural development, State aid and promotions", substitute "other publicly funded";

(b) in paragraph 1—

(i) for "the relevant authority's rural development" substitute "any publicly funded";

(ii) for "appropriate authority for the constituent nation concerned" substitute "Department";

(iii) for "appropriate authority" substitute "Department";

(iv) for the second sub-paragraph, substitute—

"Where such operations are included in a publicly funded programme or programmes, the Department shall ensure that safeguards, provisions and checks are in place to avoid double funding of the same action or operation.";

(c) for paragraph 2, substitute—

"**2.**Producer organisations or associations of producer organisations which have been granted support provided by any publicly funded programme may implement an operational programme in the same period provided that the Department ensures that the beneficiaries receive support for any given action only under one scheme.";

(d) in paragraph 3, for "the rural development programme" substitute "any other support for the fruit and vegetables sector funded by the Department";

(e) in paragraph 4, omit "in the strategy referred to in Article 36(2) of Regulation (EU) No. 1308/2103 and";

(f) in paragraph 6, for "promotion programmes approved under Regulation (EU) No 1144/2014 of the European Parliament and of the Council, the appropriate authorities" substitute "publicly funded promotion programmes, the Department".

(15) In Article 31—

(a) in paragraph 5—

(i) in point (b), for "the relevant constituent nation" substitute "Northern Ireland";

(ii) for the final sub-paragraph, substitute—

"However, for the purposes of point (b) of the first subparagraph, the Department may provide that a period different to that of the fiscal depreciation period shall apply.";

(b) in paragraph 6—

(i) in the first sub-paragraph for "appropriate authority" substitute "Department";

(ii) in the second sub-paragraph, for "a subsequent operational programme" substitute "any subsequent operational programme";

(iii) for the third sub-paragraph, substitute—

"If the investment is sold before the end of the period referred to in paragraph 5 but it is not replaced, any monies paid to finance the investment shall be recovered, including where that period extends beyond that current operational programme period, and any aid paid to finance the investment from public funds shall be recovered by the Department in proportion to the number of full years that remain until the end of the fiscal depreciation period referred to in point (b) of the first subparagraph of paragraph 5. The recovery of aid referred to above may be by way of offsetting against any sum otherwise payable by the Department to the producer organisation ";

(iv) omit the fourth sub-paragraph;

(c) in paragraph 7—

(i) in the second sub-paragraph—

(aa) for "appropriate authority" substitute Department";

(ii) at the end insert as a new sentence "Recovery may be by way of offsetting against any sum otherwise payable by the Department to the producer organisation.";

(iii) in the third sub-paragraph, for "appropriate authority" substitute "Department";

(d) in paragraph 9, for "are identified in the strategy referred to in Article 36 of Regulation (EU) No 1308/2013" substitute "meet the Department's strategic objectives as published from time to time".

(16) In Article 33, for "appropriate authority" in each place it occurs, substitute "Department";

(17) In Article 34—

(a) for "appropriate authority", in each place it occurs, substitute "Department";

(b) for "that appropriate authority" substitute "the Department".

(18) Omit Article 35.

(19) In Article 36—

(a) in paragraph 2(b), for "relevant authority or authorities that provided the aid", substitute "Department";

(b) in paragraph 3—

(i) omit the first sub-paragraph;

(ii) in the second sub-paragraph —

(aa) for "relevant authority or authorities that provided the aid" substitute "Department";

(bb) at the end insert as a new sentence "Recovery may be by way of offsetting against any sum otherwise payable by the Department to the producer organisation".

(20) In Article 40—

(a) in paragraph 2, for "Articles 32(1)(b) and 34" substitute "Articles 32(1A) and 34";

(b) in paragraph 4, for "appropriate authority" substitute "Department".

(21) In Article 51(2), for "appropriate authority for the constituent nation in which the producer organisation has its head office" substitute "Department".

(22) In Article 54—

(a) for the first sub-paragraph, substitute—

"The Department may publish the following information and documents on a website:";

(b) in point (a)(ii), for "Articles 32(1)(b) and 34" substitute "Articles 32(1A) and 34";

(c) in the second sub-paragraph, for "must" substitute "may";

(d) omit the third sub-paragraph.

(23) Omit Article 55.

(24) In Article 56 —

(a) in paragraph 1, omit "and the strategies referred to in Article 36(2) of Regulation (EU) No 1308/2013";

(b) in paragraph 2, for ", set out in Section 4 of Annex II to Commission Implementing Regulation (EU) 2017/892" substitute "specified by the Department from time to time".

(25) In Article 57—

(a) in paragraph 2, after "information for reporting" insert "and evaluation";

(b) in paragraph 3—

(i) for "appropriate authority" substitute "Department";

(ii) for "set out in Section 4 of Annex II to Commission Implementing Regulation (EU) 2017/892" substitute "as specified by the Department from time to time".

(26) In Article 58—

(a) in the title, for "in relation to the strategy" substitute "for aid in the fruit and vegetables sector";

(b) in paragraph 1—

(i) for "each appropriate authority", in both places it occurs, substitute "the Department";

(ii) omit the final sentence;

(c) for paragraph 2(b), substitute—

"(b) identify any need for adjustments or review of aid in the fruit and vegetables sector aimed at achieving the Department's strategic objectives, including the financial management of the operational programmes.";

(d) in paragraph 3, for "the strategy", in each place it occurs, substitute "aid in the fruit and vegetables sector".

(27) In Article 59—

(a) in paragraph 1, for "appropriate authority" substitute "Department";

(b) in paragraph 3, at the end, insert a new sentence "Recovery may be by way of offsetting against any sum otherwise payable by the Department to the producer organisation.";

(c) in paragraph 6, at the end, insert a new sentence "Recovery may be by way of offsetting against any sum otherwise payable by the Department to the producer organisation.";

(d) in paragraph 7, for "appropriate authorities" substitute "Department";

(c) in paragraph 8, for “appropriate authority” substitute "Department or, as the case may be, the Secretary of State”.

(28) In Article 60—

(a) in paragraph 1, for “appropriate authority” substitute “Department”;

(b) in paragraph 2—

(i) in point (b), after “with respect to those actions” insert “, including by way of offsetting against any sum otherwise payable by the Department to the producer organisation”;

(ii) in the second sub-paragraph, for “appropriate authority for the constituent nation in which the producer organisation has its head office” substitute “Department”.

(29) In Article 61(2), for “appropriate authority” substitute “Department”.

(30) In Article 67—

(a) for paragraph 1(b), substitute
“(b) at the Bank of England base rate in force on the date on which the undue payment is made, plus three percentage points.”;

(b) for paragraph 2, substitute—

“**2.** Payments recovered, and interest and penalties imposed in relation to aid paid from public funds must be paid to the Department. Recovery may be by way of offsetting against any sum otherwise payable by the Department to the producer organisation.”.

(31) Omit Article 67A.

(32) In Article 78—

(a) for “appropriate authority” substitute “Department”;

(b) for “that authority” substitute “the Department”.

(33) In Annex II, paragraph 8, for “United Kingdom” substitute “Northern Ireland”.

(34) In Annex III—

(a) in paragraph 1, for “Implementing Regulation (EU) No 543/2011” substitute “Delegated Regulation (EU) No. 2023/2429”;

(b) in paragraph 2—

(i) in point (a)—

(a) for “Articles 32(1)(b) and 34” substitute “Articles 32(1A) and 34”;

(aa) for “appropriate authority” substitute “Department”;

(ii) in point (b), for “appropriate authority” substitute “Department”;

(c) in paragraph 4, for “Regulation (EU) No 1151/2012” substitute “Regulation (EU) No 2024/1143;

(d) in paragraph 7, omit “European Union or”;

(e) in paragraph 8, for “appropriate authority” substitute “Department”;

(f) in paragraph 9, omit “European Union or”;

(g) in paragraph 10, for “appropriate authority” substitute “Department”.

(35) In Annex V—

(a) in Part 1A, in paragraph 3(a), for “Articles 32(1)(b), 34 and 35 substitute “Articles 32(1A), 34 and 35”;

(b) omit Part B.

(36) Omit Annex VI.

Amendments to the Commission Implementing Regulation

5.—(1) The Commission Implementing Regulation shall be amended as follows.

(2) In Article 1A—

(a) omit point (a);

(b) for point (b) substitute—

"(b) 'public funds' means moneys provided by the Northern Ireland Assembly, or a body exercising public functions within the United Kingdom and references to 'public funding' and 'publicly funded' are to be construed accordingly;";

(c) for point (c) substitute—

"(c) "the Department" means the Department of Agriculture, Environment and Rural Affairs;";

(d) omit points (d), (e) and (f).

(3) Omit Article 1B.

(4) For Article 2, substitute—

"***Article 2***

Strategic objectives for sustainable operational programmes

The Department shall publish its strategic objectives for operational programmes from time to time.".

(5) In Article 3—

(a) in the heading, omit "Framework for";

(b) for paragraph 1, substitute—

"**1.** An operational programme may include the following types of environmental actions:

(a) actions that are identical to agri-environment-climate or organic farming commitments as referred to in Articles 28 and 29 of Regulation (EU) No 1305/2013, respectively;

(b) measures that address strategic objectives that the Department may publish from time to time;

(c) investments beneficial for the environment;

(d) other actions beneficial for the environment, including those which do not relate directly or indirectly to a particular parcel but that are linked to the fruit and vegetables sector, provided they contribute to soil protection, water or energy saving, improvement or maintenance of water quality, habitats or biodiversity protection, climate change mitigation, adaption and reduction or improved management of waste; and

(e) the application of integrated pest management practices.";

(c) in paragraph 2—

(i) in the first sub-paragraph, for "a rural development programme" substitute "any other support programme funded by the Department";

(ii) in the second sub-paragraph, for "appropriate authority" substitute "Department";

(d) in paragraph 4 for "appropriate authority", in both places where it occurs, substitute "Department";

(e) in paragraph 6—

(i) in the first sub-paragraph, for "mitigation, and reduction" substitute "mitigation or adaptation, and reduction";

(ii) in the second sub-paragraph, for "appropriate authority" substitute "Department".

(6) In Article 4—

(a) in paragraph 1(a), for "listed in Table 4.1 of Annex II" substitute "set by the Department from time to time";

(b) in paragraph 1(b), for "the objectives of the strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation in which the producer organisation has its head office" substitute "the Department's strategic objectives for aid in the fruit and vegetables sector as published from time to time";

(c) in paragraph 2(a), omit ", and in particular under Regulation (EU) No 1305/2013 and promotion programmes approved under Regulation (EU) No 1144/2014 of the European Parliament".

(7) In Article 5(c), omit "European Union or".

(8) In Article 6(1)—

(a) for "appropriate authority of the constituent nation in which the producer organisation has its head office" substitute "Department";

(b) for "appropriate authority" substitute "Department".

(9) In Article 8, for "appropriate authority", in both places it occurs, substitute "Department".

(10) In Article 9—

(a) in paragraph 1, for "appropriate authority" substitute "Department";

(b) in paragraph 2(h), omit "European Union or";

(c) in paragraph 3, in the second sub-paragraph omit "and the security lodged in accordance with Article 11(2) shall be released";

(d) in paragraph 4, for "appropriate authority" substitute "Department";

(e) in paragraph 5A—

(i) for "appropriate authority for the constituent nation where that association has its head office" substitute "Department";

(ii) for "appropriate authorities" substitute "Department";

(f) in paragraph 6, for "appropriate authority for the constituent nation in which the producer organisation's head office is located" substitute "Department".

(11) In Article 10, for "appropriate authority" substitute "Department".

(12) Omit Article 11.

(13) In Article 12—

(a) in paragraph 1, for "appropriate authority for the constituent nation in which the producer organisation has its head office" substitute "Department";

(b) in paragraph 3, for "appropriate authority", substitute "Department".

(14) In Article 14—

(a) for "the United Kingdom", in each place it occurs, substitute "Northern Ireland";

(b) in point (c), in the first place it occurs, omit "United Kingdom";

(c) in point (d) omit "in third countries".

(15) In Article 21—

(a) in the heading, omit "and annual reports from the appropriate authorities";

(b) in the first subparagraph—

(i) for "appropriate authority" substitute "Department";

(ii) for "for drawing up of the annual report referred to in Article 54(b) of Commission Delegated Regulation (EU) 2017/891. The structure of the annual report is set out in Annex II to this Regulation" substitute "needed for the evaluation of aid in the fruit and vegetables sector and requested by the Department";

(iii) omit the first sentence of the second sub-paragraph.

(16) In Article 23, for "appropriate authority" substitute "Department".

(17) In Article 25—

(a) in paragraph 1—

(i) in the first sub-paragraph, for "appropriate authority" substitute "Department";

(ii) in point (b), for "strategy and framework referred to in Article 36 of Regulation (EU) No 1308/2013 of the constituent nation concerned" substitute "Department's strategic objectives for aid in the fruit and vegetables sector as published from time to time";

(b) for paragraph 2(b), substitute—

"(b) the operations for which aid is requested are in compliance with the applicable laws including State aid and subsidy control, and obligatory standards established by legislation or the Department's strategic objectives for aid in the fruit and vegetables sector.".

(18) In Article 26, for "appropriate authority" in each place it occurs, substitute "Department".

(19) In Article 27—

(a) in paragraph 1, for "appropriate authority" substitute "Department, and the Secretary of State, as the case may be";

(b) in paragraph 2, for "relate to a sample representing at least 30 % of the total aid applied for each year" substitute "be on the basis of a risk analysis";

(c) in paragraph 3—

(i) for "appropriate authority" in both places where it occurs substitute "Department, and the Secretary of State, as the case may be";

(ii) for "producer organisations" substitute "sample";

(d) in paragraph 5(d), omit "advance payments or";

(e) in paragraph 6—

(i) in the first sub-paragraph, for "the relevant constituent nation" substitute "Northern Ireland";

(ii) in the second sub-paragraph, for "appropriate authority" substitute "Department";

(f) in paragraph 7, in the second sub-paragraph for "appropriate authority" substitute "Department";

(g) omit paragraph 8;

(h) in paragraph 9, in the second sub-paragraph—

(i) omit "in a region or part of a region or";

(ii) for "appropriate authority" substitute "Department, and the Secretary of State, as the case may be";

(iii) omit "in the region or".

(20) In Article 28(1) for "appropriate authority" substitute "Department, and the Secretary of State, as the case may be";

(21) In Article 34—

(a) in the first sub-paragraph for "appropriate authority" substitute "Department, and the Secretary of State, as the case may be";

(b) in the second sub-paragraph—

(i) for "appropriate authority" substitute "Department";

(ii) for point (a), substitute—

"(a) all eligibility criteria established by applicable legislation or published by the Department can be checked;";

(iii) in point (c), omit "European Union or".

(22) In Article 34A—

(a) in paragraph 1, for "appropriate authority for the constituent nation in which a producer organisation has its head office" substitute "Department";

(b) omit paragraph 2;

(c) for paragraph 3, substitute—

"**3.** A producer organisation must comply with environmental and phytosanitary measures and crisis prevention and management rules applicable in Northern Ireland. The producer organisation must comply with applicable rules in respect of all other matters in relation to the producer organisation and the operational programme and operational fund".

(23) In Article 34B—

(a) for paragraph 1, substitute—

"1**.** Where a producer organisation is a member of an association, the Department must:

(a) organise checks in respect of actions of the operational programme and of the operational fund; and

(b) apply administrative penalties in accordance with Section 3 of Chapter V of Title II of Regulation (EU) 2017/891 where such checks demonstrate that the relevant obligations have not been met.";

(b) omit paragraphs 2 and 3.

(24) In Article 35—

(a) for "appropriate authority" substitute "Department";

(b) for "an appropriate authority" substitute "the Department".

(25) In Annex I—

(a) in the heading, for "Structure and content of a strategy" substitute "Strategic objectives";

(b) in paragraph 1—

(i) omit "of the strategy";

(ii) for "relevant authority" substitute "Department";

(c) in paragraph 2, for "the strategy chosen to meet them and the justification of the priorities chosen as referred to in Article 36(2)(a) and (b) of Regulation (EU) No 1308/2013" substitute "the strategic objectives of the Department for aid in the fruit and vegetables sector published from time to time";

(d) in paragraph 2.1—

(i) for "vegetable" substitute "vegetables";

(ii) for "on the basis of" substitute "along with";

(iii) omit "set out in Table 4.1 of Annex II";

(e) in paragraph 2.2—

(i) for "strategy", in each place it occurs substitute "strategic objectives";

(ii) omit ", in particular with the rural development and promotion programmes;";

(iii) for "the constituent nation's" substitute "the Department's";

(f) in paragraph 3.1—

(i) for "relevant authorities", in both places in occurs, substitute "Department";

(ii) in the first sub-paragraph, for "strategy and the framework referred to in Article 36 of Regulation (EU) No 1308/2013" substitute "operational programmes";

(iii) in the second subparagraph, for "instruments of the common agriculture policy, in particular by rural development and promotion programmes" substitute "legislation";

(g) omit paragraph 4;

(h) in paragraph 5, for the second sub-paragraph, substitute—

"The performance indicators set by the Department shall be published from time to time. Where deemed appropriate, the Department shall specify additional indicators reflecting the Department's strategic priorities.";

(i) in paragraph 5.1, omit "as referred to in Article 36(2)(d) and (e) of Regulation (EU) No 1308/2013";

(j) in paragraph 5.2—

(i) in the first sub-paragraph, omit "of the strategy";

(ii) in the second sub-paragraph, for "the strategy" substitute "aid in the fruit and vegetables sector".

(26) In Annex II—

(a) in PART A, for "appropriate authority is required to" substitute "Department may";

(b) for "constituent nation", in the first two places it occurs, substitute "Department";

(c) in Table 3.1—

(i) for "32(1)(b)", in both places it occurs, substitute "32(1A)";

(ii) for "member" substitute "members";

(iii) for "beneficiary regions" substitute "beneficiaries";

(d) in Table 3.4, for "constituent nation" substitute "Northern Ireland";

(e) in footnote (e) to Table 4.1 for "appropriate authority" substitute "Department".

Review of Determinations

6.—(1) The Department may establish such procedure as it thinks appropriate for the review by it or on its behalf of a relevant determination in relation to financial assistance under Article 34 of the CMO Regulation.

(2) The procedures established under paragraph (1) shall provide for —

(a) a review of a relevant determination to be carried out on the application of the person to whom it was directed,

(b) the manner of making any such application; and

(c) the time within which supporting evidence is to be submitted for the purposes of a review of the relevant determination.

(3) Any such procedure so established may, in particular, provide for consideration of the initial determination by such persons (not exceeding three) as the Department may appoint for that purpose, with a view to their making a report of their conclusions in relation to the initial determination and a recommendation as to the manner in which the matter should be finally determined.

(4) Where the Department establishes any such procedure as is mentioned in paragraph (3), it may—

(a) pay to the persons so appointed such reasonable remuneration in respect of their functions under that procedure, and such travelling and other allowances, as it may determine; and

(b) charge any applicant whose application is considered under the procedure so established such fee (not exceeding £200) as the Department may determine in respect of the costs incurred by it by virtue of the operation of that procedure in relation to the review in question.

(5) Any procedure such as is mentioned in paragraph (3) may provide that, where the Department decides to charge fees under paragraph (4)(b), a review in respect of which a fee is payable shall not proceed unless the application for that review is accompanied by the fee.

(6) Where, in pursuance of any such procedure as is mentioned in paragraph (3), a relevant determination is—

(a) amended, altered or modified; or

(b) revoked or substituted by another determination,

any fee payable by a person under paragraph (4)(b) in respect of the review shall be refunded to that person.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on xxth Month 2027

Name
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend assimilated Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products, Commission Delegated Regulation (EU) 2017/891 and Commission Implementing Regulation (EU) 2017/892, insofar as those Regulations apply in Northern Ireland, in relation to financial assistance for the fruit and vegetables sector.

The principal effects of these Regulations are to update and adapt the assimilated legislation governing financial assistance for the fruit and vegetables sector so that it operates effectively in Northern Ireland. The amendments make provision in relation to eligibility for financial assistance, strategic objectives, operational programmes, environmental actions and recoveries and associated administrative requirements, and remove or modify provisions which are no longer appropriate in a Northern Ireland context.

Regulation 3 amends Regulation (EU) No 1308/2013. The amendments adapt provisions governing financial assistance for recognised producer organisations and associations of producer organisations in Northern Ireland.

Regulation 4 amends Commission Delegated Regulation (EU) 2017/891. The amendments modify detailed rules relating to the operation and administration of financial assistance in the fruit and vegetables sector and remove or adapt provisions which are no longer appropriate in a Northern Ireland context.

Regulation 5 amends Commission Implementing Regulation (EU) 2017/892. The amendments modify detailed administrative and procedural requirements connected with the operation of financial assistance in the fruit and vegetables sector in Northern Ireland.

Regulation 6 enables the Department of Agriculture, Environment and Rural Affairs to establish procedures for the review of determinations relating to financial assistance under Article 34 of Regulation (EU) No 1308/2013 and makes provision about the conduct of reviews and associated fees.

No regulatory impact assessment has been prepared for these Regulations as no, or no significant, impact on the private, voluntary or public sectors is foreseen.