

EXPLANATORY MEMORANDUM TO

The Common Agricultural Policy (Review of Decisions) Regulations (Northern Ireland) 2015

2015 No. 318

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Regulations enable the Department to establish procedures for the review of a relevant determination made by the Department under any of the Community instruments listed in the Schedule to the Regulations, or any enactment which implements or supplements those Community instruments in Northern Ireland
- 2.2. The procedures to be established under these Regulations may include consideration by persons appointed by the Department with a view to their making a recommendation as to how the matter should ultimately be determined.
- 2.3. The Regulations confer power to pay remuneration and allowances to any such persons appointed, and to charge a fee in respect of the costs of the procedures.

3. Background

- 3.1. In June 2013, the Council of Ministers, the European Commission and the European Parliament reached political agreement on reforming the CAP post-2014. Member states are required to amend their CAP schemes in line with these reforms from 2015 onwards.
- 3.2. The Department currently has procedures in place to review determinations taken by the Department in relation to the operation of the CAP. This, for example, allows farm businesses to challenge decisions taken on their application for CAP payments. These procedures have been established under Statutory Rules which reference the 'old' (pre-2015) European Regulations.
- 3.3. As the 'old' European Regulations have now been replaced, new Statutory Rules must be laid to allow for reviews of decisions taken by the Department under the 'new' European Regulations, from 2015 onwards.
- 3.4. To allow for future and ongoing reviews of decisions taken by the Department prior to 2015, the old Statutory Rules will remain in place.

4. Consultation

- 4.1. Public consultation on major policy decisions regarding the implementation of CAP in Northern Ireland from 2015 was carried out between October 2013 and January 2014. The Minister for Agriculture and Rural Development announced final policy decisions in June 2014.

5. Equality Impact

- 5.1. These amendments have been screened using DARD's Equality and Human Rights Screening procedure. As we are satisfied that these amendments have no impact on equality or human rights, an Equality Impact Assessment is not required. The amendments to the legislation are of a technical nature and will not have any practical effect on current farming practices.

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 or voluntary bodies.

7. Financial Implications

- 7.1. There are no significant financial or resource implications involved in the making of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations implement reforms to the CAP agreed by the European authorities and established in European Regulations. The Regulations do not have any human rights implications. 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. Not applicable.

11. Additional Information

- 11.1. Not applicable.