



STATUTORY INSTRUMENTS.

S.I. No. 62 of 2023



EUROPEAN UNION (GOOD AGRICULTURAL PRACTICE
FOR PROTECTION OF WATERS) (AMENDMENT) REGULATIONS 2023

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FOR PROTECTION OF WATERS) (AMENDMENT) REGULATIONS 2023

I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 91/676/EEC of 12 December 1991¹, Directive 2000/60/EC of 23 October 2000², Directive 2003/35/EC of 26 May 2003³, Directive 2006/118/EC of 12 December 2006⁴ and Directive 2008/98/EC of 19 November 2008⁵ hereby make the following regulations:

¹ O.J. No. L 375/1, 31 December 1991.

² O.J. No. L 327/1, 22 December 2000.

³ O.J. No. L 156/17, 25 June 2003.

⁴ O.J. No. L 372/19, 27 December 2006.

⁵ O.J. No. L 312/3, 22 November 2008.

PART 1 PRELIMINARY

Citation, commencement and application

1. These Regulations may be cited as the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2023.

Interpretation

2. In these Regulations :

- (i) “The 2022 Regulations” means the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I. No. 113 of 2022), as amended.

Amendment of 2022 Regulations

3. The following will be substituted for footnote 7 after Table 6 (Annual nutrient excretion rates for livestock) in the 2022 Regulations:

“From 2023 onwards the N excretion rate of the dairy cow will be determined by the average milk yield per annum for the three preceding years or the year preceding the implementation of the respective band as explained in footnote 8, 9 and 10. In addition, as a transitional measure applicable only in 2023, the band for 2023 may be determined by the herd’s average milk yield per cow using 2023 data.”

4. The following will be substituted for Article 23 (5) in the 2022 Regulations:

“For the calculation of excretion rate bands:

(a) An occupier of a holding shall maintain records of all milk deliveries to milk purchasers from that holding over the previous three calendar years, and shall, with effect from 1 January 2023, make available, on an annual basis, to the Minister for Agriculture, Food and the Marine, or any third party certified by the Minister for Agriculture, Food and the Marine such records in order to determine the excretion rates of dairy cows on the holding in accordance with Table 6 of Schedule 2.

(b) If the record of all milk delivered to milk purchaser on an annual basis over the previous three calendar years from a holding is not submitted to the Minister, or a third party certified by the Minister, by 28th February of any year, the designation of that occupier’s herd will be assigned, by default, to the highest excretion rate band as set out in Table 6 of Schedule 2 for that year, or until the occupier submits information to the satisfaction of the Minister for Agriculture, Food and the Marine confirming a different excretion rate band as set out in Table 6 of Schedule 2 is appropriate for their herd.”

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th February, 2023.*



GIVEN under the Official Seal of the Minister for Housing,
Local Government and Heritage,
17 February, 2023.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022. The purpose of the amendment is to give effect to an additional option for calculating the livestock excretion rate banding for 2023 only, and to change the deadline for provision of data to DAFM for calculating the banding from 14th February to the 28th February.

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