



STATUTORY INSTRUMENTS.

S.I. No. 628 of 2023



EUROPEAN UNION (CAP STRATEGIC PLAN, INFORMATION
SHARING) REGULATIONS 2023

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I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021¹ (and in particular Titles VI and VII thereof) and Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021² (and in particular Article 67 thereof), hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (CAP Strategic Plan, Information Sharing) Regulations 2023.

Interpretation

2. (1) In these Regulations-

“CAP financing, management and monitoring Regulations” means Regulation (EU) 2021/2115 and Regulation (EU) 2021/ 2116;

“Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016³ ;

“integrated system” means the integrated administration and control system referred to in Chapter II of Title IV of the CAP financing, management and monitoring Regulations;

“Minister” means Minister for Agriculture, Food and the Marine;

“public authority” means—

- (a) government or other public administration, including public advisory bodies, at national, regional or local level,
- (b) any natural or legal person performing public administrative functions under national law, and
- (c) any natural or legal person having public responsibilities or functions, or providing public services, under the control of a body or person falling within paragraph (a) or (b),

and includes—

- (i) a Minister of the Government,
- (ii) the Commissioners of Public Works in Ireland,

¹ OJ L 435, 6.12.2021, p. 1

² OJ L 435, 6.12.2021, p. 187

³ OJ L 119, 4.5.2016, p. 1

- (iii) a local authority within the meaning of section 2 of the Local Government Act 2001 (No. 37 of 2001) (as amended by Part 1 of Schedule 1 to the Local Government Reform Act 2014 (No. 1 of 2014)),
- (iv) the Health Service Executive established under the Health Act 2004 (No. 42 of 2004),
- (v) the Environmental Protection Agency established under the Environmental Protection Agency Act 1992 (No. 7 of 1992),
- (vi) Inland Fisheries Ireland established under the Inland Fisheries Act 2010 (No. 10 of 2010),
- (vii) the National Parks and Wildlife Service part of the Department of Housing, Local Government & Heritage,
- (viii) the Food Safety Authority of Ireland established under the Food Safety Authority of Ireland Act, 1998 (No. 29 of 1998),
- (ix) the Workplace Relations Commission established under the Workplace Relations Act 2015 (No. 16 of 2015),
- (x) the Health and Safety Authority continued in being by the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005),
- (xi) Teagasc – The Agriculture and Food Development Authority established under the Agriculture (Research, Training and Advice) Act, 1988 (No. 18 of 1988),
- (xii) An Bord Bia established under the An Bord Bia Act, 1994 (No. 22 of 1994),
- (xiii) The Local Authority Waters Programme (LAWPRO) established in response to the Water Framework Directive,
- (xiv) the Central Statistics Office established under the Statistics Act, 1993 (No. 21 of 1993),
- (xv) a board or other body (but not including a company under the Companies Act 2014) established by or under statute,
- (xvi) a company under the Companies Act 2014, in which all the shares are held—
 - (I) by or on behalf of a Minister of the Government,
 - (II) by directors appointed by a Minister of the Government,
 - (III) by a board or other body within the meaning of paragraph (xv), or
 - (IV) by a company to which subparagraph (I) or (II) applies, having public administrative functions and responsibilities,

but does not include any body when acting in a judicial or legislative capacity;

“Regulation (EU) 2021/2115” means Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013;

“Regulation (EU) 2021/2116” means Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (as amended by Commission Delegated Regulation (EU) 2022/1408 of 16 June 2022⁴);

“Relevant body” means—

- (a) a public authority,
- (b) an intermediate body within the meaning of Article 3(16) of Regulation (EU) 2021/2115, and
- (c) an institution or body of the European Union.

(2) A word or expression that is used in these Regulations and that is also used in the CAP financing, management and monitoring Regulations has, unless the contrary intention appears, the same meaning in these Regulations that it has in the CAP financing, management and monitoring Regulations.

Availability of datasets

3. (1) Where an integrated system is established under the CAP financing, management and monitoring Regulations, data sets collected by a relevant body through the integrated system shall, in accordance with paragraphs (3) and (4) of Article 67 of Regulation (EU) 2021/2116, be—

- (a) shared between relevant bodies free of charge, and
- (b) subject to paragraph (2), be made publicly available.

(2) A relevant body shall, in accordance with the Data Protection Regulation, limit public access to data sets referred to in paragraphs 3 and 4 of Article 67 of Regulation (EU) 2021/2116 where such access would adversely affect the confidentiality of personal data.

Information sharing

4. (1) Data collected or held by a relevant body for the purposes of the CAP financing, management and monitoring Regulations, which include personal data (within the meaning of Article 4 of the Data Protection Regulation and section 69 of the Data Protection Act 2018), may be shared by that relevant body with another relevant body if such exchange is necessary for

⁴ OJ L 216, 19.8.2022, p. 1

the performance, by the relevant body holding or seeking the information, of functions under the CAP financing, management and monitoring Regulations.

(2) Where information shared between one relevant body and another is found to be inaccurate, the relevant body on making the discovery shall confirm the correct information and advise the other relevant body of the amended information.



GIVEN under my Official Seal,
12 December, 2023.

CHARLIE MCCONALOGUE,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

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

These Regulations give effect to Regulation (EU) 2021/2115 of the European Parliament and of the Council, as amended, and Regulation (EU) 2021/2116 of the European Parliament and of the Council, as amended, providing specific provision for data sharing.

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