



# An Rialálaí Agraibhia Agri-Food Regulator

(Ref ARA/N9/4)

**Note of the seventh Meeting of the Board of the Agri-Food Regulator which took place on 04 September 2024 at 11a.m. in the Boardroom, Agri-Food Regulator's Office, Backweston Campus, Celbridge, Co Kildare, Ireland, W23 X3PH**

## **In attendance**

### **Board of the Agri-Food Regulator:**

- Joe Healy, Chair
- Paul Brophy
- Karen Brosnan (from 13.00)
- John Comer
- Elaine Donohoe
- Grace McCullen

### **Agri-Food Regulator**

- Niamh Lenehan, CEO
- Robert Levins (11.50 – 13.00)
- Aiden Kelly (11.50 – 13.00)
- Melanie Hall (11.50 – 13.00)
- Beckie Reynolds (minute-taker)

**For meeting agenda – See Appendix 1**

## **Item 1: Opening by Chair**

**Apologies:** Margaret Dineen  
Angus Woods

## **Item 2: Conflict(s) of Interest**

There were no conflicts of interest noted.

## **Item 3: Approval of Minutes of last meeting**

Minutes of meeting on 4 July 2024 were agreed.



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## **Item 4: Approval of previous Board meeting notes for publishing**

The Board approved the meeting notes of the 17 May 2024 board meeting for publication.

## **Item 5: Audit & Risk Committee**

On request of the Board, the Chair of the Audit and Risk Committee (ARC) had considered whether the Regulator should seek a derogation from the Code of Practice for the Governance of State Bodies (2016) regarding the requirement to have an ARC. The resulting recommendation to retain the ARC was agreed by the Board with the understanding that all members of the Board have a responsibility for governance. It was agreed that the ARC will review and amend its Terms of Reference. Audit & Risk will continue as a standing item on every Board meeting agenda. The minutes of the ARC meeting in addition to the 'red' risks will be provided to the full board. It was noted that a risk management policy should be developed in addition to a crisis management policy which should be considered in the context of the broader communications plan for the organisation.

The 2025 financial estimate was presented to the Board and noted.

## **Item 6: Work Programme 2024 & Preparation for 2025**

As per section 40(1) of the Agricultural and Food Supply Chain Act 2023, a work programme pertaining to the Regulator's discharge of its functions for each financial year must be prepared and submitted to the Minister at least two months in advance of the beginning of the year. To meet this requirement, the 2025 Work Programme which is due to be submitted to the Minister by the end of October will need to be signed off by the Board at its next Board meeting on 15 October. Members of the Executive updated the Board in respect of activities in 2024 to-date for their respective areas of responsibility. The Executive will prepare a draft 2025 Work Programme for presentation at the next meeting of the Board on 15 October.

No additional metrics for reporting by the Executive were requested by the Board.



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It was noted that the development of policies and procedures is well underway. Relevant services have been procured and of the seventeen staff sanctioned, twelve are now in place.

## **Item 7: Section 17(4) Report to Minister**

### **Background**

Section 12 of the Agricultural and Food Supply Chain Act 2023 sets out the 'Information and engagement' function of the Regulator. More specifically, under section 12(3)(d), the Regulator may *'seek from businesses within the agricultural and food supply chain any data impacting upon prices and margins considered necessary'* in pursuance of its duties under section 12. Section 17 of the 2023 Act sets out the 'Information and advice' function of the Regulator. It was noted that since April 2024, the Executive has been engaging with the relevant businesses in the egg supply chain using powers to request data impacting upon price and margins under section 12(3)(d) of the 2023 Act. In accordance with section 12(2)(a) of the 2023 Act, requests were made in order to combine business-provided data with publicly available price and market data to create a report that would provide a comprehensive assessment of the industry's pricing margins. Some retail companies failed to submit the requested data. As a result, only publicly available data was included in the Agri-Food Regulator's first report on the egg industry.

### **Decision**

It was agreed that the Executive would draft a report that will be submitted to the Minister by the Board to fulfil its obligation under section 17(4) of the 2023 Act; to *'report to the Minister within 12 months of its establishment date as to its ability to acquire data under section 12(3)(d), and make any appropriate recommendation so as to ensure the regulator is empowered to access or seize such data it requires to meet its obligations'*. The report will detail the ability of the Regulator to acquire data under section 12(3)(d) and can make any appropriate recommendation *'so as to ensure the regulator is empowered to access or seize such data it requires to meet its obligations'*. Since any recommendations will need careful consideration,



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it was agreed that Board members need additional time to consider and discuss this matter further. The Board agreed to convene an ad-hoc meeting on 11 September.

## **Item 8: Board Evaluation**

This item was postponed until 15 October Board meeting due to time constraints.

## **Item 9: CEO Evaluation**

This item was postponed until 15 October Board meeting due to time constraints.

## **Item 10: CEO Update**

The CEO updated the Board on current aspects of the Executive's work, its plans over the coming months and she outlined the engagement she has had with all stakeholders which is ongoing.

## **Item 11: For Noting**

The [www.agrifoodregulator.ie](http://www.agrifoodregulator.ie) website report was noted.

## **Item 12: AOB**

1. The Code of Practice for Governance of State Bodies 2016 checklist was noted by the Board.
2. Ploughing Championships 2024 - Work is ongoing regarding attendance at the Ploughing. The Regulator will be present in the Government of Ireland Village tent titled 'Supporting Business | Supporting People'. Regulator staff will conduct a brief survey of visitors to the Agri-Food Regulator's stand.

## **Item 13. Next Board Meeting**

The Board noted the next meeting would take place on 04 September 2024.



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The Chairperson thanked everyone for their participation and contributions.

**THIS CONCLUDED THE BUSINESS OF THE MEETING**