



An Rialálaí Agraibhia
Agri-Food Regulator



Annual Report 2023

Promoting fairness and transparency in the agri-food supply chain





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Foreword by the Chairperson

It was a huge honour and privilege for me to accept the appointment by Charlie McConalogue, TD, Minister for Agriculture, Food and the Marine as the first Chair of An Rialálaí Agraibhia (Agri-Food Regulator). I look forward to working with my colleagues on the Board, Niamh Lenehan, CEO and all staff across the organisation as we set out on our journey to promote fairness and transparency in the agri-food supply chain.



The Agricultural and Food Supply Chain Act 2023 Act¹ requires the submission of an annual report to the Minister and, while the Agri Food Regulator was established for just two weeks by the end of 2023, it is appropriate to submit a report for that period to be compliant with the Act.

Therefore, on behalf of the Agri-Food Regulator and, in accordance with section 41 of the Agricultural and Food Supply Chain Act, I am pleased to submit to the Minister our 2023 annual report which covers the period from establishment on 13th December to year end.

Joe Healy
Chairperson

¹ Agricultural and Food Supply Chain Act 2023

Introduction from the Chief Executive

An Rialálaí Agraibhia was established on 13th December 2023 and, although this report covers a very short period of time, it was a very important and exciting few weeks.

In particular, the Board of the Agri-Food Regulator met for the first time and immediately started to make plans in respect of the development of a strategy statement that will guide the work of the Regulator for the next three years. Of course, the immediate priority in parallel is the building of an organisation with strong foundations in corporate governance and stakeholder engagement in particular.

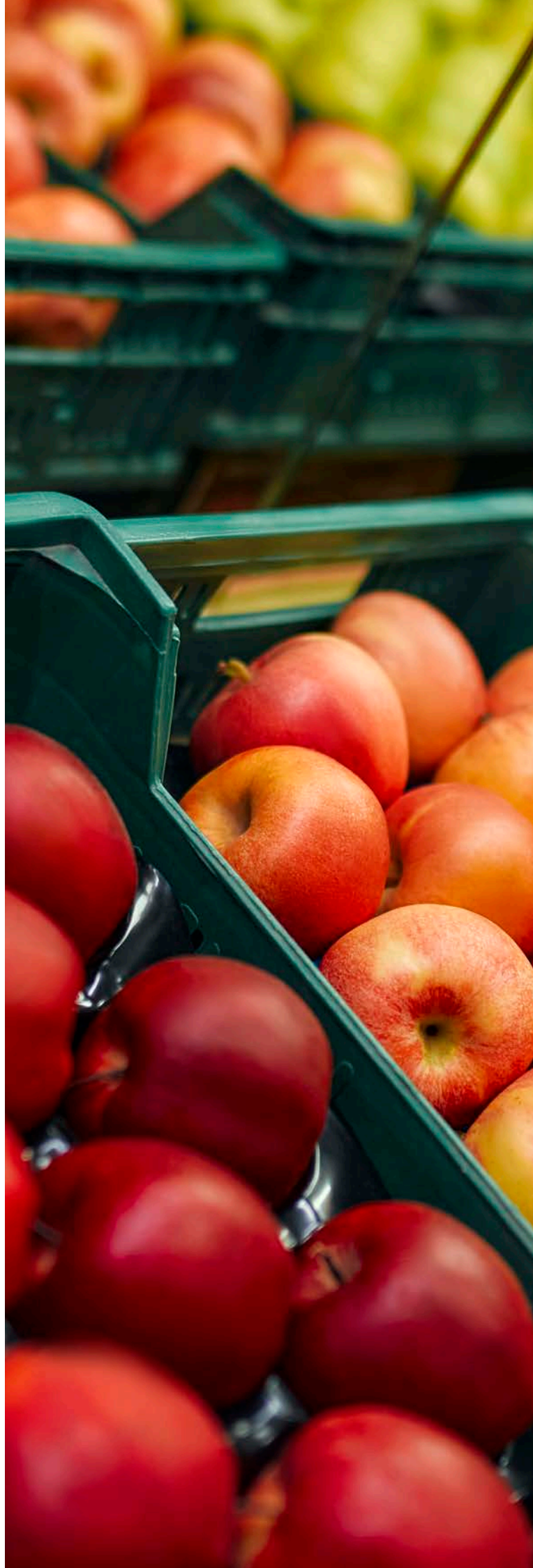
I look forward to meeting and working closely with stakeholders as we develop operationally the functions of the Agri-Food Regulator and, of course, build on the work of the interim Unfair Trading Practices Enforcement Authority in respect of overseeing compliance with unfair trading law.



About the Agri-Food Regulator

The independent Office of An Rialálaí Agraibhia (Agri-Food Regulator) (Regulator) was formally established on 13th December 2023 by Charlie McConalogue TD, Minister for Agriculture, Food and the Marine under the Agricultural and Food Supply Chain Act 2023 (the '2023 Act').

The Agri-Food Regulator comprises a Board of eight members including a Chairperson. Members of the first Board are provided at Appendix 1. The executive staff is headed by Niamh Lenehan who became Chief Executive Officer on establishment of the Office.





Functions of the Agri-Food Regulator

The 2023 Act outlines the functions of the Agri-Food Regulator under the following headings:

- **Fairness and transparency in the agri-food supply chain** - in exercising this function, the Agri-Food Regulator shall have regard to the circumstances and needs of the agricultural and food sector, in particular farming, fishing and small food businesses;
- **Information and engagement** - the Agri-Food Regulator will publish analysis of information about price and market data relating to the agri-food supply chain and on contingency issues;
- **Compliance with unfair trading law** - the Agri-Food Regulator is responsible for enhancing understanding of and compliance with agri-food unfair trading law;
- **Enforcement of unfair trading law** - the Regulator is responsible for enforcing agri-food unfair trading law and is the designated Enforcement Authority² as required under Directive EU 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain³;
- **Guidelines** - the Agri-Food Regulator may, for the purpose of protecting supplier interests, publish guidelines for buyers about supplier protection and trading practices, whether generally or in a particular trade, business or professional sector;
- **Review of codes** - the Agri-Food Regulator may review codes of practice submitted from buyers;
- **Information and advice** - the Agri-Food Regulator can provide advice to the Minister for Agriculture, Food and the Marine about (a) the agricultural and food sector, and (b) agri-food unfair trading law;
- **Consideration of legislation** - the Minister may consult the Agri-Food Regulator regarding proposals for legislation relating to any aspect of fairness and transparency in the agri-food supply chain.

² The Unfair Trading Practices Enforcement Authority was established on an interim basis in 2021 at the Department of Agriculture, Food and the Marine pending the establishment of An Rialálaí Agraibhia. The functions vested in the Minister by the European Union (Unfair Trading Practices in the Agricultural and Food Supply Chain) Regulations 2021 (S.I. No. 198 of 2021) transferred to the Regulator on establishment day.

³ Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain



Corporate Governance

The Agri-Food Regulator is committed to being fully compliant with the 2016 Code of Practice for the Governance of State Bodies.

Annual Report

The Agri-Food Regulator is required under section 41 of the 2023 Act to prepare and submit to the Minister for Agriculture, Food and the Marine, as soon as possible after the end of the financial year to which it relates, an annual report about its activities in that year.

The Board

The Board met once in the period of this report at which all Board members were present and set out initial plans for the immediate steps to be taken which include the publication of a Strategy Statement for the three-year period 2024-2026 and a work programme for 2024.

The Board will be responsible for guiding strategic direction and the work programme and ensuring that the statutory functions are implemented with optimum efficiency and transparency in addition to ensuring that there are appropriate internal control systems in place.

Staff Resources

A total of four staff members were in place at year end with recruitment activities ongoing. A staff complement of 17 has been allocated to the Agri-Food Regulator. This will be reviewed on an ongoing basis.



Expenditure, Accounting and Financial Reporting

As an independent State body, the Agri-Food Regulator is required to have its own bank account to manage its funding and activities.

Until such time as the bank account has been established, a Memorandum of Understanding has been agreed with the Department of Agriculture, Food and the Marine under which it will process payments on behalf of the Regulator and expenditure will be reimbursed to the Department from the Agri-Food Regulator budget.

In the period covered by this report, no payments were made by the Department on behalf of the Regulator.

The CEO's annual salary was €104,618 with standard civil service arrangements.

A budget of €2,590,000 has been allocated for 2024.

Recommendations on Legislation

Given the short period of time covered by this report, the Agri-Food Regulator did not provide any recommendations for legislation in relation to any aspect of fairness and transparency in the agricultural and food supply chain nor did it provide any recommendations to the Minister as regards its own functions.

Complaints and Investigations Reports

No complaints regarding the Unfair Trading Regulations were received by the Agri-Food Regulator during this period and no investigations were opened in this period. However, one open investigation transferred from the interim Unfair Trading Practices Enforcement Authority to the Agri-Food Regulator upon establishment of the latter on 13th December.

Decision and other Reports

No decision reports were published during the reporting period and no other reports were made to the Minister.





Communications Activity

In the period from establishment date to year end, the Agri-Food Regulator prioritised correspondences through letter, email and social media to its diverse group of stakeholders alerting them to the establishment of the Agri-Food Regulator and the Regulator's main functions.

This communication activity also provided an overview of the revised Unfair Trading Regulations (S.I. No 625 of 2023⁴) and outlined the main differences vis-à-vis previous Regulations in place. Stakeholders were invited to visit the Agri-Food Regulator's website (www.agrifoodregulator.ie) and follow its social media channels.

⁴ *S.I. No. 625/2023 - Agricultural and Food Supply Chain (Unfair Trading) Regulations 2023*

Appendix

Appendix 1

The following Board members were appointed to An Rialálaí Agraibhia on 13th December 2023 by the Minister for Agriculture, Food and the Marine subsequent to a competitive process undertaken by State Boards under the Public Appointments Service.

Name	Term of appointment
Joe Healy (Chairperson)	5 years
Paul Brophy	4 years
Karen Brosnan	5 years
John Comer	5 years
Margaret Dineen	5 years
Elaine Donohue	4 years
Grace McCullen	4 years
Angus Woods	4 years



An Rialálaí Agraibhia Agri-Food Regulator

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