



STATUTORY INSTRUMENTS.

S.I. No. 629 of 2025



AGRI-FOOD (PRICE AND MARKETING INFORMATION)
REGULATIONS 2025

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I, MARTIN HEYDON, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 80 of the Agricultural and Food Supply Chain Act 2023 (No. 19 of 2023), hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Agri-Food (Price and Marketing Information) Regulations 2025.

(2) These Regulations come into operation on 31 December 2026.

Definitions

2. In these Regulations:

“Act” means the Agricultural and Food Supply Chain Act 2023 (No. 19 of 2023);

“information notice” shall be construed in accordance with Regulation 6;

“Market Transparency Regulation” means Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017;

“regulator” means An Rialálaí Agraibhia (the Agri Food regulator).

Conferring additional function on regulator

3. (1) The following additional function is conferred on the regulator: subject to Regulation 4, the regulator may compel the provision of information referred to in section 12 (3)(d) of the Act in pursuance of its function in respect of obtaining from businesses necessary data impacting upon price and margins, in accordance with the provisions of the Act and these Regulations.

(2) When compelling the provision of information pursuant to paragraph (1), the regulator shall

- (a) issue an Information Notice as provided for in regulation 6;
- (b) undertake to consult with the provider of the information before publishing information received;
- (c) provide a reasonable time period for a response from the business concerned to the regulator’s request without prejudice to the minimum time period provided for in Regulation 6.

(3) The compelling of information may be required for either analysis of an agricultural and food sector or an agricultural and food product.

Restrictions on compelling information

4. (1) The regulator may not compel data from a business which employs fewer than 50 persons and whose annual turnover or annual balance sheet total does not exceed €10,000,000.

(2) The regulator may not compel data from a business –

- (a) more than once in a 12 month period per product, or
- (b) that, at the time of compelling, is future price and margin data.

Preconditions to compelling information

5. Before compelling the provision of information pursuant to Regulation 3, the regulator shall–

- (a) first have sought such information pursuant to section 12(3)(d) without satisfaction,
- (b) consider the relevance and necessity of the data sought from the business that was requested to provide the data concerned, including the position of the business on the relevant market;
- (c) consider the possible extent of the burden on the business to whom the request is to be issued with due consideration in particular to–
 - (i) the size of the business including the number of employees and financial turnover;
 - (ii) the regulatory burden on the business;
 - (iii) the volume of data sought;
 - (iv) the complexity of compiling and providing the sought data, including the extent that the business is involved with the agricultural and food products compared with other products and the requirements for the business to disaggregate data from that unrelated to agricultural and food products;
- (d) consider if the information sought is, or is likely to be, commercially sensitive in accordance with Regulation 7 (1);
- (e) notify the business concerned in writing of the proposal to issue an information notice;
- (f) notify the business concerned in writing of the reasons for the proposal including the objective of the proposal and the reason why each data item requested is considered necessary for the analysis to which the request relates;
- (g) notify the business concerned in writing why data already provided or publicly available data is not sufficient to enable it to complete the analysis and reporting function for the subject matter concerned;

- (h) (i) notify the business concerned in writing that they, or a person acting on their behalf, may make representations to the regulator in relation to the proposal within 14 days of the receipt by the person of the notification referred to in subparagraph (e) including, but not limited to, why the information sought cannot be provided voluntarily, and
- (ii) consider any such representations duly made before deciding whether to compel the provision of some or all of such information in respect of the business.

Information notice

6. (1) Where, in respect of a business, the regulator sought, without satisfaction, price and market information specified in section 12(3)(d) of the Act, and the regulator is of the opinion that such data is held by the business and that such information is required in order for the regulator to fulfil its functions under the Act in respect of addressing issues of lack of transparency and information asymmetry in the agricultural and food supply chain, the regulator, having duly considered the matter, may issue a notice in writing (“information notice”) to a person in accordance with these Regulations.

(2) An information notice shall specify—

- (a) details on the type of price and market information that the regulator requires from the person to which it is issued,
- (b) a period within which the person on whom it is served shall comply with the notice, which period shall—
 - (i) be not less than 28 days, and
 - (ii) take account of the volume of data required, the size of the business including number of employees and turnover, the regulatory burden on the business, the type of data required, and the circumstances of the person of whom the request is made including whether the business is involved with non-agricultural and food products,
- (c) inform the person on whom the information notice is served that he or she may appeal against a requirement specified in the notice to the Circuit Court in accordance with this Regulation, and
- (d) state that if the person on whom the information notice is served fails to comply with the notice, that person commits an offence.

(3) Upon the written application of the person on whom an information notice under this Regulation is served, the period specified in the information notice may be extended by, and at the discretion of, the regulator.

(4) A person on whom an information notice under this Regulation is served may, within seven working days of the day on which the notice is served on the person, appeal against a requirement specified in the notice to a judge of the Circuit Court for the circuit in which the notice was served and in determining

the appeal the judge may, if he or she is satisfied that it is reasonable to do so, confirm, vary or cancel the notice.

(5) A person who appeals under paragraph (4) shall at the same time notify the regulator of the appeal and the grounds for the appeal.

(6) The regulator shall be entitled to appear, be heard and adduce evidence on the hearing of an appeal made under paragraph (4).

(7) Where, on the hearing of an appeal under this Regulation, an information notice is confirmed or varied, the judge by whom the appeal is heard may, on the application of the appellant, suspend the operation of the notice for such period as in the circumstances of the case the judge considers appropriate.

(8) Subject to paragraph (9), a person on whom an information notice under this Regulation is served shall comply with the notice not later than—

- (a) the end of the period specified in the notice, or
- (b) where the period referred to in subparagraph (a) is extended under paragraph (3), the end of that extended period.

(9) Where an appeal is brought under this Regulation, and the information notice to which the appeal relates is confirmed or varied or the appeal is withdrawn, the person on whom the notice is served shall comply with the notice not later than—

- (a) the day immediately after the day on which the notice is confirmed or varied or the appeal is withdrawn,
- (b) the end of the period specified in the notice,
- (c) where the period referred to in subparagraph (b) has been extended under paragraph (3), the end of that extended period, or
- (d) where the operation of the notice has been suspended under paragraph (7), the end of the period of suspension,

whichever occurs later.

(10) Where information is provided under paragraph (8), a following person shall certify in writing to the regulator that, to the best of that person's knowledge and belief, the business or relevant person has complied with an information notice under this Regulation:

- (a) where the business is a body corporate, a director or other similar officer of the business or a person who purports to act in such capacity;
- (b) where the business is a partnership, a partner in the partnership;
- (c) in the case of a form of business other than a body corporate or a partnership, the individual in control of the business;
- (d) where the request is made of a natural person, the person.

(11) Subject to paragraph (12), a person shall not, in purported compliance with an information notice, provide the regulator with information that the person knows to be false in a material particular, or is reckless as to whether or not it is false in a material particular.

(12) A person shall not be required under this Regulation to provide to the regulator—

- (a) an admission that the person committed an offence, or
- (b) information that is legally privileged.

(13) Information provided in response to an information notice shall be in such form as the regulator may specify.

Commercially sensitive information

7. (1) Where the regulator believes that data relating to a business compelled under these Regulations is or is likely to be of a commercially sensitive nature and is not in the public domain, the regulator shall not publish the data without the consent of the business (notwithstanding section 51) of the Act.

(2) When providing information required under these Regulations, a business may identify and make submissions on information that it considers to be commercially sensitive and should not be published *and the Regulator shall have regard to such submissions.*

(3) Before publishing a report that includes information compelled under these Regulations, the regulator shall perform and record a risk assessment on the type of information to be published to ensure such information is not commercially sensitive or where commercially sensitive, the regulator has—

- (i) obtained the consent of the relevant business,
- (ii) assessed any potential negative impact of publishing a report using the data on the businesses concerned, the sector concerned, the wider agri-food sector, farming business, fishing businesses and small food businesses through use of the data by third parties inside or outside of the State, and
- (iii) assessed whether the publication of such information is in compliance with the Act and these Regulations.

Publication of compelled information

8. (1) Without prejudice to the regulator's functions to publish reports, in regard to information obtained pursuant to Regulation 3 that is not already in the public domain, the regulator shall take the necessary steps to protect the confidentiality of data received from economic operators.

(2) Where the regulator intends to publish data received from a business pursuant to Regulation 3, it will inform the business concerned of that intention in advance of publication.

(3) Before publishing price and market information received pursuant to Regulation 3, the regulator shall have regard to —

- (a) the importance of providing trading partners in the agricultural and food supply chain with reasonable certainty in respect of the risks and costs of trading,

- (b) the economic importance to the State of the production, manufacture, processing, supply, distribution, wholesale, retail and food service sectors in respect of agricultural and food products,
- (c) the impact on the development and maintenance of strong, innovative, efficient and competitive production, manufacturing, processing and supply bases in the agricultural and food sector,
- (d) the impact on the development and maintenance of competitive retail and food service sectors in respect of agricultural and food products, and
- (e) the prevention, restriction or distortion of competition in the agricultural and food sector or related markets.

(4) Notwithstanding any consent obtained under Regulation 7, the regulator shall make all reasonable efforts not to publish information in such a way—

- (a) that can lead to the identification of an individual business,
- (b) that can lead to the identification of an individual's salary or employee status,
- (c) that would affect the competitiveness of the Irish Agri Food sector or negatively impact, in particular, farmers, fishers and small food businesses,
- (d) that would prevent, restrict, or distort competition in trade in any agricultural and food products in the State, including from suppliers outside of the State, or
- (e) that is misrepresentative of the sector that is the subject of the publication.

(5) Where information provided to the regulator pursuant to Regulation 3 is obtained from less than 3 operators, or where information from a single operator accounts for more than 70 percent of the quantum of such information notified, the regulator shall in all such cases not publish any such information before seeking the views of the businesses concerned about the proposed publication.

Inconsistency with EU Market Transparency Regulation

9. (1) The regulator shall avoid creating confusion in relation to inconsistencies with price, production and marketing information that is also reported under the Market Transparency Regulation.

(2) Where the Minister reports price, production and marketing information to the Commission for the purposes of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013, and the regulator carries out research into a similar area of the market, the regulator shall consult with the Minister before publishing its findings in order to coordinate, amongst other things, the sources and methodology used to determine prices.

(3) If agreement cannot be achieved in respect of coordinating sources and methodologies in respect of pricing, the regulator shall clearly specify in the relevant reports that different sources or methodologies (which may include the

types of representative markets and associated weighting coefficients) were used to those sources or methodologies reported to the Commission by the Minister in accordance with Article 9 of the Market Transparency Regulation.

(4) Where the regulator carries out an inspection for the purposes of its price and marketing functions under the act in respect of a product that is also covered by the Market Transparency Regulation, the regulator, or an authorised officer on its behalf, shall make it clear to the business concerned that the inspection is separate and distinct from an inspection carried out by the Minister for the purposes of the Marketing Transparency Regulation.

Penal provisions

10. Regulations 6 (8) and (11) are penal provisions to which section 80(5)(b) of the Act applies.



GIVEN under my Official Seal,
16 December, 2025.

MARTIN HEYDON,
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.)

The purpose of these Regulations is to confer powers on An Rialálaí Agraibhia (the Agri Food regulator) for the purpose of giving effect to Section 12 of the Agricultural and Food Supply Chain Act 2023 (Number 19 of 2023) to allow An Rialálaí Agraibhia to compel businesses to provide data on price and margin. These Regulations are introduced pursuant to Section 80 (2) (g) of the Agricultural and Food Supply Chain Act 2023.

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