

## **Department of Agriculture Food and the Marine – Appeals Procedures**

There is a longstanding system of internal reviews within the Department of Agriculture, Food and the Marine. Where requested by applicants under CAP interventions in this Department, the first independent examination is facilitated by the Agricultural Appeals Office.

The Agriculture Appeals Office is an independent agency established to provide an appeals service to farmers who are unhappy with the Department's decisions regarding their entitlements under certain schemes. The Agriculture Appeals Act 2001 (as subsequently amended), along with the Agriculture Appeals Regulations 2002, sets down the functions of the Director and the Appeals Officers, the decisions that may be appealed and the procedures to be followed in respect of agriculture appeals. Under Section 14(1) of the Agriculture Appeals Regulations 2002, the decision of an Appeals Officer shall have regard to the principles of natural justice and comply with any relevant legislation and terms, conditions and guidelines of the Minister governing or relating to the scheme in question.

When a final decision issues from the Department (i.e. after internal Department review), the applicant will be notified of their option to appeal. The applicant (appellant), if dissatisfied with the decision, may appeal in writing or by completing a 'Notice of Appeal' form and submitting it to the Agriculture Appeals Office. The Appeals Office requests the relevant file from the Department and a statement regarding the appellant's grounds of appeal. On receipt of the file and statement, the Director assigns the case to an Appeals Officer. Appellants are entitled to request an oral hearing as part of their appeal. The Agriculture Appeals Office contacts the appellant to arrange an oral hearing if required, or if deemed necessary by the Appeals Officer. It is the policy of the office to discuss each case with the appellant, where possible. The Appeals Officer considers all the evidence in full (including any evidence presented at an oral hearing if there was one). The Appeals Officer makes a determination on the appeal and notifies the appellant of the decision in writing, setting out the reasons for that decision. The Department will also be notified of the decision. The decision of an Appeals Officer is final and conclusive.

Further options available to an appellant include:

- An Appeals Officer may change a decision where there is new evidence, new facts or a relevant change in circumstances.
- On request, from either party, The Director of Agriculture Appeals may revise a decision where there has been a mistake made in relation to the law or the facts of the case.
- An appellant may wish to raise any issues arising with the Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2 (01 6395600).
- A point of law may be raised with the High Court

Further information is available on <http://www.agriappeals.gov.ie/>

## **Department of Rural and Community Development (DRCD) - Appeals Procedure**

In the context of the LEADER elements of the CSP, an appeals system is in place in DRCD to ensure that all beneficiaries have access to a fully transparent and fair appeals mechanism. There is a separate appeal mechanism at LAG level and at Paying Agency level that follows a fully outlined process.

The LAG must publicise in all its Programme publication materials that there is a right of appeal by the applicant and promoter to all funding decisions by the LAG. The LAG must also advise the project applicants of their right to appeal the LAG decision and how they can exercise this right. The appeal of a LAG decision can take place in two stages. A project promoter/applicant may seek a review of a LAG decision. This review will be conducted by the LAG in the first instance. Requests for reviews should be submitted within one month of being informed of the LAG decision, either at EOI or application stage. The LAG should advise the promoter/applicant of the outcome of the review, in writing, within two months of the request for the review. Where the promoter/applicant is dissatisfied with the outcome of the LAG review, the promoter/applicant can appeal the decision of the LAG to the relevant Regional Inspector of the Department. The Regional Inspector will notify the appellant of the outcome of the appeal within two months of the receipt of the appeal. This notification will outline the reasons for the decision of the Regional Inspector. This decision will be the final decision of the Department.

With regard to decisions arising from Administrative Checks, On-The-Spot- controls and ex-post checks, a request for a review must be made first to Pobal, the LAG Lead Financial Partner or the Department's Inspection Services Section as appropriate. If the LAG or promoter is dissatisfied with the outcome of this review, they may appeal the review decision to the Department's Appeal Panel within 21 days of the review decision. The Appeal Panel will consider the appeal and notify the LAG of their decision within 1 month of the request. This decision will be final and will not be re-considered by the Department.

The appellant is advised that if they are not satisfied with the response from the Department regarding their appeal they can refer the matter to the Office of the Ombudsman by:

- Clicking on the 'Make a Complaint' link at [www.ombudsman.ie](http://www.ombudsman.ie), or
- Phone on (01) 6395600, or
- Writing to – Office of the Ombudsman at 6 Earlsfort Terrace, Dublin 2, D02 W773.

The appeals systems is detailed in Version 3, Section 21 of the LEADER Operating Rules.  
<https://www.gov.ie/en/collection/a5017c-leader-guidelines/#leader-2014-2020-guidelines>.

A similar appeal mechanism will be implemented for the LEADER 2023-2027 programme.