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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 9**

**AGRICULTURE**

**Biomass Processing Challenge Fund  
(Amendment) Regulations (Northern Ireland) 2011**

*Made* - - - - *21st January 2011*

*Coming into operation* *14th February 2011*

The Department of Agriculture and Rural Development is designated<sup>(1)</sup> for the purpose of section 2(2) of the European Communities Act 1972<sup>(2)</sup> as regards measures relating to the operation of Structural Funds.

The Department of Agriculture and Rural Development in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Biomass Processing Challenge Fund (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 14th February 2011.

**Amendment to the Biomass Processing Challenge Fund Regulations (Northern Ireland) 2010**

2. The Biomass Processing Challenge Fund Regulations (Northern Ireland) 2010<sup>(3)</sup> are amended as set out in Regulations 3 to 6.

**Definitions**

3. In regulation 2(1)—

(a) the following definitions are revoked, that is to say—

“Community legislation”,

“The Commission Regulation”,

“The Council Regulation”,

“The ERDF Regulation”; and

(b) after the definition of “Department” there shall be inserted the following definition—

““EU legislation” means the provisions set out in the Schedule;”.

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(1) [S.I.1999/2788](#)

(2) [1972 c 68](#)

(3) [S.R. 2010 No.217](#)

4. In regulations 3(2) and 10(1)(c) for “Community legislation” in each place where it occurs substitute “EU legislation”.

5. In regulation 8(1) there shall be omitted:

“or such a date specified by the European Commission”.

6. At the end of the Regulations there shall be inserted the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 21<sup>st</sup> January 2011.



*Liam McKibben*  
A senior officer of the Department of Agriculture  
and Rural Development

SCHEDULE

Regulation 6

“SCHEDULE

Regulation 2(1)

Meaning of “EU Legislation”

1. Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) 1260/1999 (O.J. No. L210, 31.7.2006, p.25) as amended by Regulation (EU) No. 539/2010 of the European Parliament and of the Council.

2. Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out the rules for the implementation of Council Regulation 1083/2006. (O.J. No. L371, 27.12.2006, p.1) as amended by Commission Regulation (EU) No 832/2010.

3. Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999 (O.J. No. L210, 31.7.2006, p.12).

4. Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development fund and repealing Regulation (EC) No 1783/1999 (O.J. No. L210, 31.7.2006, p.1).

5. Regulation (EC) No 1989/2006 of the European Parliament and of the Council of 21 December 2006 amending Annex III to Regulation (EC) No 1083/2006 (O.J. No. L411, 30.12.2006, p.6).

6. Council Decision 2006/702/EC on community strategic guidelines on Cohesion (O.J. No. L291, 21.10.2006, p.11).

7. Commission Regulation (EC) No. 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the Treaty to state aid to small and medium sized enterprises (EC) No. 70/2001 )O.J. L10, 13.1.200, p.33).

8. Commission Regulation (EC) No. 1857/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to state aid to small and medium sized enterprises active in the production of agricultural products and amending Regulation (EC) No. 70/2001 (O.J. No. L358, 16.12.2006, p.3).

9. Commission Regulation (EC) No. 1628/2006 of 24 October 2006 on the application of Article 87 and 88 of the Treaty to national regional investment aid (O.J. No. L302, 1.11.2006, p.29).

10. State Aid No. 673/2006 - United Kingdom Regional aid map.”

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Regulations amend the Biomass Processing Challenge Fund Regulations (Northern Ireland) 2010 (‘the principal Regulations’) to correct certain drafting errors.

A new definition of “EU legislation” is inserted and refers to a list of EU legislation set out in a new Schedule. This identifies the relevant EU legislation in accordance with which payments under Regulations must be made.

Superfluous definitions of some of that EU legislation are revoked.

The Regulations also amend Regulation 8 of the principal Regulations to remove the power of the European Commission to specify a different date to the one referred to therein as the date until which beneficiaries are required to keep records.