

Recognition of FARM ADVISORY SERVICE

Guidelines for the submission of Applications

1. INTRODUCTION

The setting up of Farm Advisory Services entities is instrumental to help farmers to adapt, improve and facilitate management and to improve the overall performance of their holdings by enhancing the human potential operating in the agricultural sector. The purpose of these guidelines is to give an indication of what the Farm Advisory Service should constitute with regards both technical resources and human framework. These guidelines are relevant to Farm Advisory Services that serve to assist both farmers and/or livestock breeders in providing professional advice in line with Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008, and Regulation (EU) No 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013, as both in force from time to time.

2. LEGAL BASIS

L.N. 99 of 2019 as amended by L.N. 189 of 2024 gives the legal basis for the setting up of Farm Advisory Service. The latest updated legislation may be found in S.L. 117.39.

3. AIM OF THE FARM ADVISORY SERVICE

Advisory services shall aim to help farmers and livestock breeders to meet the requirements of EU and National regulation mainly with regards to:

- Obligations at farm level resulting from the Statutory Management Requirements and the standards for Good Agricultural and Environmental Land Conditions, if applicable (“Conditionality”)
- Measures applicable to beneficiaries under the Rural Development Plan (RDP) 2014-2020 (applicable until December 2025).
- Interventions applicable to beneficiaries under the Common Agricultural Policy (CAP) Strategic Plan for Malta 2023-2027.

4. OBJECTIVES OF FARM ADVISORY SERVICES

The primary objective of the Farm Advisory Service is to provide advisory services to farmers and livestock breeders for the improvement of the overall performance of their holding. In order for a Farm Advisory Service entity to be recognised by the Farm Advisory Service Recognition Board (FASRB), the entity must demonstrate its ability to provide advice in Conditionality together with at least two other advisory areas listed below:

- **Advisory Area A - Conditionality (Mandatory):**

Advice on obligations at farm level resulting from the statutory management requirements (SMR) and the standards for good agricultural and environmental condition of land (GAEC). Note: Advisory Area A Conditionality is categorised in the relevant ‘sub-areas’ as presented in Annex III of Regulation (EU) 2015/2021, i.e.

- Sub-area – Climate and environment;
- Sub-area – Public health, and plant health;
- Sub-area – Animal welfare.

Important note: For each sub-area the farm advisory services application must indicate wherever necessary approval of any technical advisors has been obtained from the relevant competent authorities under the relevant statutory management requirements (SMRs) and standards for good agricultural and environmental condition (GAEC).

- **Advisory Area B – Social Conditionality:**

Advice on obligations at farm level in line with article 14 and annex IV of Regulation (EU) 2115/2021. Note: Advisory Area B Social Conditionality is to be categorised in the relevant ‘sub-areas’ as presented in Annex IV of Regulation (EU) 2115/2021, i.e.

- Sub-area – Employment;
- Sub-area – Health and safety;

- **Advisory Area C – Land related Interventions:**

Advice on agricultural practices relevant to land related interventions. These include:

IACS land related interventions as provided for under the CAP SP 2023-2027, such as AECCs, Eco-schemes and more.

- **Advisory Area D - Livestock related Interventions:**

Advice on agricultural practices relevant to livestock or non-land related interventions. These include:

- IACS livestock related interventions as provided for under the CAP SP 2023-2027, such as AECCs, Eco-schemes and more.

- **Advisory Area E - Measures for use of Integrated Pest Management and Plant Protection Products:**

In line with Article 14 of Directive 2009/128/EC reference is to be made to the relevant competent authority so that farm advisory services will be in line with the established measures to promote low pesticide-input pest management, giving wherever possible priority to non-chemical methods, so that professional users of pesticides switch to practices and products with the lowest risk to human health and the environment among those available for the same pest problem. Low pesticide-input pest management includes integrated pest management as well as organic farming according to Council Regulation (EC) No 848/2018 on organic production and labelling of organic products.

Under this area, advisory service should also concern farm level requirements at the level of beneficiaries as defined by Member States for implementing Article 55 of Regulation (EC) No 1107/2009, in particular the requirements referred to in Article 14 of Directive 2009/128/EC. These provisions incorporate the need for Plant protection products that must be used properly, whereby proper use shall include the application of the principles of good plant protection practice and compliance with the conditions established in accordance with Article 31 of Regulation (EC) No 1107/2009 and specified on the labelling. It shall also comply with the provisions of Directive

2009/128/EC and, in particular, with general principles of integrated pest management, as referred to in Article 14 of and Annex III to that Directive.

- **Advisory Area F - Non-IACS Interventions:**

Advisory Area G is relevant for all non-IACS Interventions which are issued by the Managing Authority and managed by ARPA's Investment Measures Unit, in line with requirements as provided for under the CAP SP 2023-2027 as well as COUNCIL REGULATION (EU) No 1305/2013 and COUNCIL REGULATION (EU) No 1306/2013.

- **Advisory Area G Farm practices preventing the development of antimicrobial resistance as set out in Commission communication of 29 June 2017 entitled 'A European One Health Action Plan against Antimicrobial Resistance (AMR):**

Advisors applying for recognition under advisory area G must provide proof of a Degree in Veterinary Medicine veterinary at MQF level 7.

- **Advisory Area H Risk prevention and management:**

Advisors applying for recognition under advisory area H must provide proof of qualifications in management in areas such as Business management or Risk Management or a comparable qualification.

- **Advisory Area I Innovation support, in particular for preparing and for implementing the projects of the EIP operational groups referred to in Article 127(3):**

EIP operational groups supported under the cooperation type of intervention referred to in Article 77 shall form part of the EIP. Each EIP operational group shall draw up a plan for an innovative project to be developed or implemented. The innovative project shall be based on the interactive innovation model which has as key principles:

(a) developing innovative solutions focusing on farmers' or foresters' needs while also tackling the interactions across the whole supply chain where useful;

(b) bringing together partners with complementary knowledge such as farmers, advisors, researchers, enterprises or non-governmental organisations in a targeted combination as best suited to achieve the project objectives; and

(c) co-deciding and co-creating all along the project.

EIP operational groups may act at transnational, including cross-border, level. The envisaged innovation may be based on new practices, but also on traditional practices in a new geographical or environmental context.

EIP operational groups shall disseminate a summary of their plans and of the results of their projects, in particular through the national and European CAP networks.

- **Advisory Area J Digital technologies in agriculture and rural areas as referred to in Article 114, point (b):**

The section on the elements that ensure modernisation of the CAP referred to in Article 107(1), point (g), shall highlight the elements of the CAP Strategic Plan that support the modernisation of the agriculture and rural areas and the CAP, and shall contain in particular:

(b) a description of the strategy for the development of digital technologies in agriculture and rural areas and for the use of those technologies to improve the effectiveness and efficiency of the CAP Strategic Plan interventions.

- **Advisory Area K Plant Nutrient Management**

Sustainable management of nutrients, including at the latest as from 2024 the use of a Farm Sustainability Tool for Nutrients, which is any digital application that provides at least:

(i) a balance of the main nutrients at field scale;

(ii) the legal requirements on nutrients;

(iii) soil data, based on available information and analyses;

(iv) data from the integrated administration and control system (IACS) relevant for nutrient management

- **Advisory Area L Provision of Management Consultancy in Agribusiness**

Recognition in this area includes the following:

- Provision of assistance in the compiling of business plans, market analysis & marketing plans, reporting of financial statements;
- Provision of assistance in business re-engineering projects

The applicant must also:

- Organise training courses both for its staff and for its clients according to the category the FAS is recognised under, to keep abreast with latest developments.

5 CRITERIA FOR RECOGNITION

5.1 Compilation of Application Form

The entity wishing to Register for recognition as a Farm Advisory Service provider must compile the Application Form as per Annex I, completing and providing all relevant documentation as requested. All documentation submitted by the entity must be in Maltese or English language.

5.1.1 Compilation of Section 1: Particulars of Applicant

- (a) To insert the Name and Surname of the Farm Advisory Service requesting recognition;
- (b) To insert the date of application;
- (c) To insert the Name and Surname of the Farm Advisory Service Provider Judicial Representative;
- (d) To insert the contact details of the Farm Advisory Service Provider Representative.
- (e) To insert the email address to be used for official correspondence.
- (f) To insert the legal address of the Farm Advisory Service Provider.
- (g) To insert the VAT number of the Farm Advisory Service Provider.
- (h) To insert the company number of the Farm Advisory Service Provider (in case the applicant is a company).

5.1.2 Compilation of Section 2: Particulars of Experts and Advisor or Advisors

(a) Part A is to insert Areas of which the Farm Advisory Service Provider is requesting recognition for, as set out in the Regulations; Within this section, any applicant must as a minimum include all Areas and sub-Areas under Conditionality, which is a mandatory minimum requirement and must also select at least 2 other areas from the list indicated within Section 4, above.

(b) Part B is to insert details of Personnel, giving a brief description of their role in the entity in line with the Advisory Area/Sub Area (Level 1 or Level 2).

5.1.3 Compilation of Section 3: Supporting Documentation – supporting documentation required with regard to the application

- (a) A copy of the Identity Card of the person representing the enterprise;
- (b) A recent Memorandum of Association;
- (c) A copy of the VAT certificate;
- (d) Curriculum Vitae together with a transcript of the credits of the technical advisors;
- (e) The Farm Advisory Service Provider needs to pay an administrative fee of €50 when submitting the application.

5.1.4 Compilation of Section 4: Additional Documentation

- a) Declaration of Conformity and Commitment Form (Annex I) must be filled and submitted with application indicating commitment in accordance with regulation;
- b) The Farm Advisory Service provider must submit a proof of technical and professional competence to provide advisory services in the areas under which recognition is being requested;
- c) The Farm Advisory Service provider must indicate the human resource, administrative and organisational capacity, which is already indicated in Section 2 Part B, therefore if Section 2 Part B was filled in, the Service Provider may tick this item. An updated organisational chart may be requested by the FASRB from time to time;
- d) The Service Provider must present a business plan together with the application for the approval of the competent authority;
- e) The Service Provider must present an authorisation or license from the relevant competent authority/authorities for the provision of such technical services, as applicable;
- f) The Service Provider must submit a clean police conduct certificate for all individuals referred to in Part B of Section 2, issued in the previous six (6) months, unless those individuals are public officers;

- g) A detailed *Curriculum Vitae* reflecting parts A and B in Section 2 of advisors acting for the farm advisory service provider together with any additional proof of competency to perform the advisory services in the relevant advisory area or sub-area;
- h) Farm Advisory Services provider must submit a training plan;
- i) A copy of contract of service for third party expert advisors must be presented only if applicable;
- j) A Statement of Absence of Conflict of Interest Form (Annex II) must be filled by the service provider to declare absence of conflict of interest;
- k) The Service Provider must submit the proof of payment for the administrative fee together with application;
- l) Provide a list of premises used for the service provision of the Advisory function.

5.1.5 Section 5: Disclaimer

In this Section the recognized Farm Advisory Service Provider must ensure that their advisors are trained regularly, therefore must read well points (a) to (d) in the application and ensure to abide with such conditions.

5.2 Structure of FAS - Segregation of competences

The basic make up of FAS should include 3 levels of professional fields:

- Level (3) Qualified personnel who are responsible to provide assistance to Level (2) personnel on advice to beneficiaries and suggestions on remedial action (if applicable) to bring the farmer's holding compliant. Officers recognised at level (3) may also conduct duties as field inspectors. Reports compiled by this level should always be certified by level (2) officers or higher. Level (2) Professional personnel who are responsible to provide advice to beneficiaries and suggest remedial action (if applicable) so as to bring the farmer's holding compliant. Officers recognised at level (2) may also conduct duties as field inspectors.
- Level (1) One official from level 2 or any other qualified person may be chosen to represent the FAS as the coordinator.

Eligibility criteria are the following:

Level 1

Coordinator In possession of:

- A Degree and two (2) years experience in EU funds Agricultural related area or

- Management; or
- A Diploma at MQF level 5 and 5 years related work experience, of which 2 years must be in a managerial position.

Level 2

Officers in level 2 must be in possession of:

- A Degree related to the areas of expertise in the category of advisory area applied for; or
- A Diploma related to the areas of expertise in the Category of Advisory area applied for at MQF level 5 and 2 years related work experience.

Level 3

Officers in level 3 must be in possession of:

- A Diploma related to the areas of expertise in the Category of Advisory area applied for at MQF level 4.

5.3 Facilities & Resources required for operation of FAS:

The applicant must demonstrate that they have the necessary equipment and infrastructure required such as vehicles, personal computers and equipped offices. This includes, but is not limited to:

- ICT hardware and software, which must also include details of the client management system to be used by the prospective FAS;
- Vehicles to be used for FAS related operations, such as field inspections;
- On-site (field and farm) instruments for analysis, monitoring, etc.
- Office ware;
- Reference materials including library, archive, and catalogue materials;
- Plan related to continuous professional development of short courses not leading to the achievement of a formal qualification;
- Training plan pertaining to members of the FAS entity;
- Training plan pertaining to the FAS clients.

6. RECOGNITION

To provide a service the Farm Advisory Service entity must first submit an application for recognition to the Competent Authority which is the Agriculture and Rural Payments Agency and which is then assessed by the FAS Board. All documentation submitted by the entity must be in Maltese or English language.

- A declaration of conformity with all applicable legislation provisions is to be submitted with the application. (Annex I);
- The entity must also submit a training plan covering training of its own advisors and that of its clients;
- A copy of contract of service for third party expert advisors if any;
- A clean police conduct certificate for all individuals issued in the previous six (6) months, unless those individuals are public officers;
- A detailed advisory service's business plan;
- A declaration of Commitment in accordance with regulation (Annex I);
- A curriculum vitae together with a transcript of the credits of the core experts is to be submitted with the application for every expert as evidence of their qualification;
- Authorisation or license from the relevant competent authority for the provision of such technical services, if applicable;
- The entity must also submit a declaration indicating that there is no conflict of interest with their clients. The entity is bound to ensure that the advisory officials who provide advice to the entity's clients do not have the same evaluating status as its clients. (Annex II)
- Farm Advisory entities are to take full responsibility of all the information provided and services rendered to their clients by their personnel and must provide a signed declaration to this effect when submitting the relevant recognition documentation.

- The entity must pay an administrative fee of €50 when presenting the application.
- The application is assessed by the Farm Advisory Service Recognition Board (FASRB) which will decide whether the entity has sufficient resources and expertise to provide advice to farmers and the agro-industry, in line with the relevant Regulations.
- The Farm Advisory Service Recognition Board (FASRB) will assess the applications for recognition and shall prepare a list of all entities that, in the opinion of the Board, meet the requirements for recognition and recommends registration to the Paying Agency.
- The Agriculture and Rural Payments Agency includes the approved entities in the register and issues a certificate which remains valid for five (5) years from the date of recognition and may be renewed by means of an official request made in writing by the same service providers.
- The decisions of the Board to accept or to refuse an application for recognition in the Register shall be notified in writing by the registrar to the applicant within 30 days from the decision.
- Applicants who do not agree with the outcome of the recognition process will have the right to appeal from such decision.
- The Board holds the right to cancel any certificate granted under the provisions stated in Subsidiary Legislation 117.39

SCHEDULE OF FEES FOR RECOGNITION FOR FARM ADVISORY SERVICES

The following shall apply for recognition of Farm Advisory Entities:

DESCRIPTION OF FEE	Euro
Administrative Fee (Application)	€50

7 OBLIGATIONS OF FAS ENTITIES

- Registered farm advisory entities are obliged to follow advice and recommendations given by the Ministry for the Agriculture, Fisheries and Animal Rights (MAFA), moreover FAS entities must ensure that correlated work is not re-diverted to or requested from the MAFA or any other government authority.
- Farm advisory entities shall undertake to comply with or accept any changes to the commitments, undertaken in accordance with these regulations that may be necessary as a result of European Union or national legislation.
- They shall provide the services listed in the Category of Advisory area applied for and shall take full responsibility for all information provided and services rendered to their clients by their personnel.
- The Farm Advisory Service shall ensure that its experts are regularly trained in the obligations of the Categories of Advisory areas applied for.
- Status changes which materially effect the criteria upon which the recognition was given shall be reported by the farm advisory service provider to the Board within ten (10) working days either from the day when such information is requested or from the day when such changes should have become known by the provider, whichever date is the earlier. The Farm Advisory Service provider shall suspend its operators until the Board approves in writing the changes requested.
- No personnel that have not been recognised by the FASRB shall be allowed by the FAS to provide advice as provided for in section 5.2.
- The FAS entity must not disclose personal or individual information that would have been obtained through their advisory activity other than the farmer managing the holding concerned, except in cases of irregularities or infringements found during their activity that is covered by a legal obligation to inform a public authority.
- FAS entities must adopt a system of internal controls and record keeping procedures that are auditable. These records must at least include the details listed within Section A of Annex IV as well as details of fees charged to their clients. Any submission of material by the FAS client to the FAS entity is to be confirmed through a written receipt provided to the FAS client.
- Entities shall undertake to allow access to members or persons authorised by the Board or the ARPA for supervision purposes as deemed necessary.

- The Farm Advisory Services shall submit an annual status report to be assessed by the Board by not later than 31st March of the following year of reporting. This status report must be completed as specified in Annex IV of these guidelines.
- Any legal or natural person who, for the purpose of obtaining the certificate for recognition in the Register, provide any wrong information or otherwise acts in a deceitful or fraudulent manner, shall be guilty of an offence and shall, on conviction be liable to a fine as stipulated within Subsidiary Legislation 117.39.

8 STATUS REPORTS – CRITERIA FOR RENEWAL OF APPLICATION.

All activities carried out by the FAS as stated in point 4 of these guidelines should be included in the Status Report and shall be applicable to tangible and intangible investments carried out by such entities, in order to strengthen their institutional capacity as well as bring them to compliance in accordance to the various directives and regulations.

These actions must be transposed in the status report and should provide a clear reference of services rendered to its clients.

The FAS annual status report as indicated in Annex IV must be submitted by not later than the 31st March of the following year of reporting to the Board with a yearly status of the farm advisory services activities carried out, including activities carried out by any outsourced experts, in the preceding twelve (12) months.

9 COMPLIANCE AND VERIFICATION OF SERVICE

The FASRB may at any time ask the ARPA to conduct checks on the registered FAS entity. The ARPA or entities/persons appointed by the ARPA in turn shall select a sample of farmers making use of Farm Advisory Services from the information submitted in their status report, so as to verify that advice provided by the FAS entity was correctly delivered and actions followed up.

The ARPA should report the findings of the checks to the FASRB together with a request for the re-evaluation of the recognition, if necessary. Should the ARPA discover that the FAS had delivered incorrect information or advice to its client, it should notify immediately the farmers concerned and issue a warning to the FAS entity. The FAS entity is obliged to take immediate corrective action and reimburse any costs claimed.

If the action is repeated the ARPA may request the FASRB to re-evaluate the recognition status of the entity which could evoke the withdrawal of the certificate of recognition.

Annex I

DECLARATION OF CONFORMITY AND COMMITMENT

Date:

I, (insert full name and surname of FAS provider judicial representative), the undersigned, representative of (insert name of FAS), hereby declare conformity and commitment in relation to the Articles of Subsidiary Legislation 117.39 (Farm Advisory Services Regulations).

Signature: _____

Name and Surname: _____

Position held in the FAS: _____

Annex II

Insert Logo, address and details of FAS provider

STATEMENT OF ABSENCE OF CONFLICT OF INTEREST

Date:

I, the undersigned, **being the authorised signatory** for the above-mentioned company/consortium, hereby solemnly declare that we are not and shall not be in any situation which could give rise to a conflict of interest in what concerns the performance and/or implementation of the services being offered.

I hereby also undertake to ensure that, all staff (including those of any sub-contractors) involved in the performance of services shall duly sign a declaration of absence of conflict of interest and confidentiality.

Signature: _____

Name and Surname: _____

Position held in the FAS: _____

ANNEX IV: Template for the Status Report to be submitted by Farm Advisory Service Providers

*FAS letter head
Recognition No*

Period covering the report:

Section A: Client Details

This information can be compiled into a worksheet which is then annexed to the report. All fields indicated in the template below must be reproduced in the annexed document.

(a) Client No.	(b) FIC	(c) SURNAME	(d) NAME	(e) DATE OF ADVICE	(f) METHOD OF QUERY (ex. email, telephone calls, etc.)	(g) NATURE OF ADVICE	(h) ADVICE GIVEN	(i) EXPERT/S DELVERING ADVICE

**Section B: Improvement strategies, plans and/or purchases on behalf of the Farm
Advisory Service**

Activities Accomplished (last year)

Activities Planned (next year)

Improvement of resources

New issues to be dealt with

Old issues still pending

Section C - Training for the staff within the FAS

Training activities carried out (last year)

Training Activities Planned (next year)

Section D - Training for FAS clients

Training activities carried out (last year)

Training Activities Planned (next year)

Section E: Advice ‘types’ and Services Rendered

Summary of advice provided (last year)

Signature of co-ordinator

Date
