

2017 Cross-Compliance questions and answers

The Department of Agriculture, Environment and Rural Affairs (DAERA) provides a list of questions and answers relating to Cross-Compliance and how to access information generally from the Department.

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Q1.What is Cross-Compliance?

The Council of Ministers of the European Union has recognised that in return for receipt of area-based scheme support, recipients have important responsibilities towards the protection of the environment, animal health and welfare, and public health. The CAP Reform Agreement therefore requires recipients to observe certain conditions in these areas in return for receipt of payment. This is known as “Cross-Compliance”.

There are two aspects to Cross-Compliance. The first is the Statutory Management Requirements (SMRs); set by the EU and apply to all Member States. These are made up of specific articles contained within 13 European Directives and Regulations covering the environment, climate change, public health, animal and plant health and animal welfare.

The second aspect of Cross-Compliance is a requirement that all those in receipt of area-based scheme support, maintain their land in Good Agricultural and Environmental Condition (GAEC). The Northern Ireland GAEC Measures have been developed from a framework set out by the European Commission to address the following issues:

- **Protection and management of water** - protect water against pollution and run-off, and manage the use of water;
- **Protection of soil and carbon stock** - minimum soil cover, prevention of erosion and maintenance of soil organic matter levels;
- **Minimum level of maintenance** - retention of landscape features and avoiding the deterioration of habitats.

Applicants for the following schemes are required to meet the requirements of Cross-Compliance.

Schemes that came into effect from 2015 onwards

- Basic Payment Scheme
- Greening Payment
- Young Farmers Payment
- Areas of Natural Constraint Scheme
- Environmental Farming Scheme
- Forest Expansion Scheme
- Woodland Investment Grant

Ongoing Schemes

- Organic Farming Scheme
- NI Countryside Management Scheme
- Woodland Grant Scheme (agreements signed on or after 1/1/07)
- Farm Woodland Premium Scheme (agreements signed on or after 1/1/07)
- Sustainable Forest Operation Grant Scheme (agreements signed on or after 1/1/07).

Q2. Why are inspections carried out and how are they selected?

Under EU law at least one per cent of applicants are required to be inspected for the different Cross-Compliance standards. In some cases there is a higher inspection rate set by EU law, for example, in the area of Cattle Identification and Registration.

Farmers to be inspected for Cross-Compliance purposes are selected mainly using a risk analysis methodology with a smaller element chosen on a random basis. Complaints and referrals from members of the public and other Government Bodies will also be investigated. In Northern Ireland, compliance with the Cross-Compliance requirements is checked by four Competent Control Authorities. Each Competent Control Authority is responsible for inspecting the Cross-Compliance standards that fall under its area of responsibility. Cross-Compliance inspections also help contribute to confidence in the high standards of the food chain, animal health and welfare, food safety and the environment in Northern Ireland.

Q3. Who is responsible for inspecting the different Cross-Compliance Standards?

Department of Agriculture, Environment and Rural Affairs (DAERA) Food & Farming Group

- Good Agricultural and Environmental Condition Requirements (GAEC) (with the exception of the GAEC relating to the Protection of water)
- SMR 4 (Food and Feed Law)

Department of Agriculture, Environment and Rural Affairs (DAERA) Veterinary Service and Animal Health Group

Eight SMRs covering:

- Animal identification
- Illegal hormone use
- Animal welfare

Northern Ireland Environment Agency (NIEA)

- Environmental SMRs
- Water protection GAECs

Health and Safety Executive Northern Ireland (HSENI)

- Safe use of pesticides SMR

DAERA Agri-food Inspection Branch undertakes Cross-Compliance inspections on behalf of HSENI.

Q4.What happens if you've been selected for inspection?

Under EU law, for land related inspections, provided that the purpose of the inspection is not jeopardised, advance notice may be given. This will not exceed 14 days.

For inspections involving animals, advance warning of an inspection is not required. However, provided that the purpose of the inspection is not jeopardised, advance notice may be given, and in most instances, this will not exceed 48 hours.

On arrival you will be told what the official will be checking and given an estimate of how long the inspection will take. This will vary depending on your holding and the number of standards that apply. We aim to keep any inconvenience to a minimum and will take the necessary precautions to prevent the spread of disease from one farm business to another.

Q5.What will we be looking at during the inspection?

The purpose of the inspection is to confirm that you are meeting the requirements that apply to your farm business. These are set out in the following booklet and supplements:

- [Cross-Compliance Verifiable Standards Booklets](#)

We will normally check your premises (including land, crops and livestock) and the associated records. These include herd/flock registers, movement records and medicine records. These farm records are essential, and help show us that you are meeting specific standards.

Q6.How will we do this?

Depending on the requirements to be checked during the inspection, the inspector will look around the land and/or livestock (assuming you have livestock) on your holding to ensure you are compliant with all the requirements of the appropriate GAECs and SMRs.

Q7.What can you do to help?

For DAERA Veterinary Service inspections, you must be prepared to present your animals to the inspector and make sure that your facilities for handling livestock are suitable and well maintained. You will be asked for your co-operation in the initial phone call or on arrival.

For Cross-Compliance inspections it is important that you have all of the relevant farm records available for inspection. We would also need to see any letters issued by the relevant authority that permit you to carry out certain activities on your land, for example, relevant exemptions, licenses or notices/letters of consent.

Q8.What happens when the visit is completed?

After the inspection we will give you the opportunity to see and sign the inspection report form. The findings of all Cross-Compliance inspections are referred to DAERA for processing. Most farmers are fully compliant, and their papers are simply checked and filed.

However, where an official reports that you are in breach of a Cross-Compliance Verifiable Standard(s), DAERA will write to you to confirm this. The letter will provide information about the breach and advise you of any proposed payment reduction. In some circumstances, no reduction will be applied but a warning letter may be issued. You will have the opportunity to query any decision made and, ask to have the decision reviewed.

Q9.With regard to my application for Basic Payment Scheme, is a Cross-Compliance Inspection the only on-farm inspection I will receive?

Not necessarily – we are required to inspect a percentage of applicants to ensure that they are eligible to receive payment and that the information supplied on their application form is accurate.

Q10.Can I have the decision reviewed?

You have a right to ask for a review of any decision to apply a penalty or exclusion. Details of the review procedure will be sent with the letter advising you of the breach and subsequent penalty.

Q11.What were the main inspection failure reasons last year?

The majority of farmers subject to inspection last year were found to be compliant. However, there were a number of breaches identified across most of the requirements.

The majority of failures relate to breaches of the requirements relating to the Protection of water against Nitrate Pollution and the Cattle Identification and Registration requirements. Breaches relating to Feed and Food Law and Animal Welfare continue to be a concern and failure to keep up-to-date farm records across a range of Cross-Compliance measures was also an issue.

As far as Good Agricultural and Environmental Conditions (GAEC) are concerned, breach levels were identified against the measure designed to retain field boundaries and prevent hedge, tree and scrub cutting during the bird nesting season.

Q12. Who will be held responsible for a Cross-Compliance breach or for failure to allow an inspection to take place?

As far as the land related Cross-Compliance requirements are concerned, you, as claimant, are responsible for Cross-Compliance obligations relating to all agricultural land you declare on your SAF application for the entire calendar year. This applies even if you are not in occupation of the land for the entire year.

For example if you were to take on some agricultural land (transferee) on 10 April and it forms part of your holding on 15 May, you would be liable for any Cross-Compliance breaches that occurred since the start of the year, including any period between 1 January and the date you took on the land.

There is one exception to this rule. If the transferor (that is, the person you took the land on from) submits a claim for other land in that calendar year, they will be liable for Cross-Compliance breaches during the period that the land transferred was at their disposal (that is, before it was transferred).

Similarly, if you claimed on some land which you then transferred out after 15 May, you would remain responsible for ensuring that the Cross-Compliance requirements relating to that land were met until the end of the calendar year. Again, however, if the transferee submits a claim in that calendar year, they will be liable for Cross-Compliance breaches during the period the land was at their disposal (that is, from the date of transfer).

Therefore, if you are transferring land (either in or out) during the year, you should carefully consider the terms of any contractual arrangements between you and the transferor or transferee. This is so you can make sure that your interests are protected and you can produce documentary evidence regarding responsibility for the land if either a Cross-Compliance breach occurs or access to inspectors is prevented before or after the land transfer.

Similarly, you should bear in mind the risks of not having written contractual arrangements agreed and in place.

Responsibility for ensuring compliance with the animal related Cross-Compliance requirements falls to the keeper of the animals.

Q13. What are the consequences of breaching Cross-Compliance?

If you breach a Cross-Compliance requirement a financial reduction will normally be applied to your claim. This will take account of the individual circumstances including the severity, extent, and permanence of the impact, and whether it is a repeated breach. If your actions are considered to be negligent the reduction is less than for an intentional breach.

Q14.What do I do if I am not certain of the Cross-Compliance requirements?

The Cross-Compliance requirements are set out in the booklets previously listed. If you need further advice, contact numbers are provided in the booklets.

Q15.Where can I get additional information on this subject?

For additional information on Cross-Compliance inspections please contact:

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