
EXPLANATORY NOTE

(This note is not part of the Regulations)

In Northern Ireland these Regulations supplement and make provision for the administration and enforcement of Regulation (EU) No. 1306/2013 (O.J. No L347, 20.12.13, p549) (“the Horizontal Regulation”), Commission Delegated Regulation (EU) No 640/2014 (“the Commission Delegated Regulation”) and Commission Implementing Regulation (EU) No 809/2014 (“the Commission Implementing Regulation”) in relation to cross compliance under the revised system of direct support schemes under the Common Agricultural Policy to come into force on 1st January 2015.

Cross compliance links the payment of direct aid to farmers under the Common Agricultural Policy to compliance with a range of laws and standards (see Article 91 of the Horizontal Regulation). Annex II to the Horizontal Regulation contains a list of “statutory management requirements” in areas of Community law and sets the framework for “standards for good agricultural and environmental condition of land”. Under Article 94 of the Horizontal Regulation Member States must set out standards of good agricultural and environmental condition which will apply to all farmers.

The Regulations provide as follows:

Regulation 2, by reference to the Schedule sets out the standards of good agricultural and environmental condition which will apply in Northern Ireland as required under Article 94 of the Horizontal Regulation. Article 2(2) provides that farmers with agri-environment commitments which directly and necessarily conflict with the standards will not be penalised for breaching the standards. The standards in the Schedule cover the following areas—

- Establishment of buffer strips along water courses
- Irrigation authorisations
- Protection of ground water against pollution
- Minimum soil cover
- Minimum land management reflecting site specific conditions to limit erosion
- Maintenance of soil organic matter levels
- Retention of landscape features

Regulation 3 gives the Department of Agriculture and Rural Development the power to prohibit farmers from converting land under permanent pasture, and to oblige farmers to reconvert land to permanent pasture where the exercise of these powers is necessary in order for the United Kingdom to meet the requirements of Article 37 of the Delegated Regulation.

Regulation 4 makes the Department, the Department of the Environment and the Health and Safety Executive for Northern Ireland responsible for carrying out the controls on the statutory management requirements or the good agricultural and environmental condition standards set out in these Regulations.

Regulations 5 to 7 provide enforcement powers for an authorised person. These powers are in addition to any existing power of entry and are for the purpose of providing a control report, establishing a breach of cross compliance or ascertaining whether an offence under these Regulations has been or is being committed.

Regulation 8 revokes the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) 2005 Regulations and all subsequent amendments. These provisions continue

Status: This is the original version (as it was originally made).

to apply in relation to a single application (within the meaning of the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control Systems) Regulations 2009) as those provisions had effect before the revocation came into force.

A booklet setting out the standards in the schedule will be available on the DARD intranet at www.dardni.gov.uk. Further information and a hard copy may be obtained from local DARD direct offices.