
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 191

The Common Agricultural Policy Basic Payment and Support Schemes Regulations (Northern Ireland) 2015

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Agricultural Policy Basic Payment and Support Scheme Regulations (Northern Ireland) 2015 and shall come into operation on 30th April 2015.

(2) The Interpretation Act (Northern Ireland) 1954 (1) shall apply to this Order as it applies to an Act of the Assembly.

Interpretation

2.—(1) In these Regulations—

“the Direct Payments Delegated Regulation” means Commission Delegated Regulation (EU) No.639/2014 supplementing the Direct Payments Regulation(2);

“the Direct Payments Implementing Regulation” means Commission Implementing Regulation (EU) No.641/2014 laying down rules for the application of the Direct Payments Regulation(3);

“the Direct Payments Regulation” means Regulation (EU) No.1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(4);

“the European Regulations” means—

- (a) the Direct Payments Regulation;
- (b) the Direct Payments Delegated Regulation;
- (c) the Direct Payments Implementing Regulation; and
- (d) the Horizontal Implementing Regulation;

“the Horizontal Implementing Regulation” means Commission Implementing Regulation (EU) No. 809/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance(5);

“Bank Holiday” means a day specified in paragraph 1 of Schedule 1 to the Banking and Financial Dealings Act 1971(6);

(1) 1954 c.33 (NI).

(2) O.J. No. L 181, 20.6.2014, p.1.

(3) O.J. No. L 181, 20.6.2014, p. 74.

(4) O.J. No. L 347, 20.12.2013, p. 608, as amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (OJ No. L 347, 20.12.2013, p. 865).

(5) O.J. No. L 227, 31.7.2014, p.69.

(6) 1971, c.80.

“working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(2) Terms used in these Regulations that are also used in any of the European Regulations have the meaning they bear in those Regulations.

PART 1

Basic Payment Scheme

Regions

3.—(1) For the purposes of Article 23(1) of the Direct Payments Regulation, Northern Ireland will be a single region.

Payment entitlements

4.—(1) For the purposes of Article 8(1) of the Direct Payments Implementing Regulation, the period within which the transferor of payment entitlements must notify the Department of the transfer is—

- (a) on or before 2nd May 2016, if 2016 is the first calendar year in which the transferee may include those entitlements in the transferee’s application for direct payments; or
- (b) otherwise from 3rd May of the preceding calendar year to 2nd May (both those dates included) of the first calendar year where the first calendar year is 2017 or a subsequent year in which the transferee may include those entitlements in the transferee’s application for direct payments.

(2) If, for the purposes of paragraph (1), 2nd May is not a working day, the deadline for notification is the next working day.

(3) For the purposes of Article 22(1) of the Horizontal Implementing Regulation, applications for the allocation of payment entitlements must be submitted on or before 15th May of the relevant calendar year.

Allocation of Payment Entitlements

5. Article 21(3) of the Direct Payments Regulation shall not be applied.

6. Article 24(1)(c) of the Direct Payments Regulation shall be applied with the exception of the last sentence of that paragraph.

7. The limitations referred to in Article 24(3) of the Direct Payments Regulation shall not be applied.

8. In accordance with Article 25(4) of the Direct Payments Regulation payment entitlements with an initial unit value lower than 100% of the regional unit value in 2019 shall for claim year 2019 have their unit value increased by 71.4% of the difference between their initial unit value and 100% of the regional unit value in 2019.

9. The decrease referred to in Article 25(7) of the Direct Payments Regulation shall be applied in a linear fashion each year.

10. The initial unit value of payment entitlements as referred to in Article 26 of the Direct Payments Regulation shall be calculated in accordance with paragraph 3 of that Article.

Active farmers

11.—(1) For the purposes of Article 9(4) of the Direct Payments Regulation, the maximum amount is EUR 5,000.

(2) For the purposes of point (b) of the third sub-paragraph of Article 9(2) of the Direct Payments Regulation and in accordance with the third sub-paragraph of Article 13(1) of the Direct Payments Delegated Regulation, agricultural activities are not insignificant if the eligible area of the holding for which payments are claimed or due to be granted to the person or group of persons concerned under the Basic Payment Scheme as referred to in Annex I of the Direct Payments Regulation is at least 26 hectares.

Minimum eligible area of holding

12. For the purposes of Article 10(1) and (2) of the Direct Payments Regulation, no direct payments may be granted to a farmer where the eligible area of the holding for which the payments are claimed or due to be granted in accordance with Article 10(1)(b) is less than three hectares.

13. For the purposes of Article 24(9) of the Direct Payments Regulation, the minimum size per holding in respect of which a farmer may apply for an allocation of payment entitlements shall be 3 hectares.

Date on which eligible land must be at farmer's disposal

14. In relation to any year in which the farmer makes a declaration in respect of parcels pursuant to Article 33(1) of the Direct Payments Regulation, the date on which those parcels must be at the farmer's disposal is 15th May.

Reductions

15. For the purposes of Article 11(1) of the Direct Payments Regulation, where the direct payments to be granted to a farmer pursuant to Chapter 1 of Title III of that Regulation for a given calendar year exceed EUR 150,000, the sum in excess of that amount must be reduced by 100%.

Short rotation coppice

16. For the purposes of Article 4(1)(k) and (2)(c) of the Direct Payments Regulation—

- (a) the list of planted tree species is—
 - (i) Alder (*Alnus* spp);
 - (ii) Birch (*Betula* spp);
 - (iii) Hazel (*Corylus avellana*);
 - (iv) Ash (*Fraxinus excelsior*);
 - (v) Lime (*Tilia cordata*);
 - (vi) Sweet chestnut (*Castanea sativa*);
 - (vii) Sycamore (*Acer pseudoplatanus*);
 - (viii) Willow (*Salix* spp); and
 - (ix) Poplar (*Populus* spp);
- (b) the maximum harvest cycle is 5 years.

PART 2

Young farmer scheme

Young farmer

17.—(1) The payment for young farmers as referred to in Annex I of the Direct Payments Regulation shall be calculated in accordance with Article 50(8) of that Regulation.

(2) For the purposes of Article 50(9) of the Direct Payments Regulation, a single maximum limit of 90 hectares is applicable to the number of payment entitlements activated by the farmer.

PART 3

Greening

Calculation of greening payment

18. For the purposes of Article 43(9) of the Direct Payments Regulation, the payment for agricultural practices beneficial for the climate and the environment (greening payment) as referred to in Annex I of that Regulation shall be calculated in accordance with sub-paragraph 3 of that Article as a percentage of the total value of the payment entitlements that the farmer has activated in accordance with Article 33(1) of that Regulation.

Crop diversification

19. For the purposes of the first sub-paragraph of Article 40(1) of the Direct Payments Delegated Regulation, the most relevant part of the cultivation period in any year is 1st June to 31st July (both those dates included).

Environmentally sensitive permanent grassland

20.—(1) For the purposes of the first sub-paragraph of Article 45(1) of the Direct Payments Regulation, permanent grasslands in areas to which the Conservation Directives apply are designated as permanent grasslands which are environmentally sensitive.

(2) In paragraph (1)—

“the Conservation Directives” means—

- (a) Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora⁽⁷⁾; and
- (b) Directive [2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds⁽⁸⁾;

Ecological focus areas

21.—(1) For the purposes of the first sub-paragraph of Article 46(2) of the Direct Payments Regulation, the areas mentioned in points (a) (land lying fallow), (e) (agro-forestry), (g) (short rotation coppice), (h) (afforested areas) and (j) (areas with nitrogen-fixing crops) and, subject to paragraph (2), point (c) (landscape features) are considered to be ecological focus areas.

(7) O.J. No. L 206, 22.7.1992 p.7

(8) O.J. No. L 20, 26.1.2010, p.7. This instrument codifies, with minor amendments, Council Directive [1979/409/EEC](#) as amended.

(2) Landscape features which are considered to be ecological focus areas shall be limited to those features which have been specified by the Department as landscape features under GAEC 7 as referred to in the second sub-paragraph of Article 45(4) of the Direct Payments Delegated Regulation.

(3) For the purposes of Article 45(10) of the Direct Payments Delegated Regulation, nitrogen-fixing crops are those listed in the Schedule.

(4) In paragraph (2), the reference to “GAEC 7” is to the relevant standard for good agricultural and environmental condition as referred to in Annex II to Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the Common Agricultural Policy.

Revocations and savings

22.—(1) The Common Agricultural Policy Single Payment and Support Schemes Regulations (Northern Ireland) 2010 **(9)** are revoked.

(2) Notwithstanding paragraph (1), the Common Agricultural Policy Single Payment and Support Schemes Regulations (Northern Ireland) 2010 as in force immediately before 2015 continue to apply in respect of aid applications relating to 2014 and earlier claim years.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 27th March 2015.



David Small
A senior officer of the
Department of Agriculture and Rural
Development