

EXPLANATORY MEMORANDUM TO

The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2015

2015 No 286

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations make a number of amendments to the existing Northern Ireland Cross-Compliance Regulations.
- 2.2. A derogation has been included to permit hedge, tree or scrub cutting, trimming or laying between 15 and 31 August to facilitate farmers wishing to plant oilseed rape or reseed grasses or other herbaceous forage.
- 2.3. A new provision requires a farmer to put in place measures to limit soil erosion where soil or weather conditions prevent a crop from being sown following harvest. This has resulted in the consequent removal of the requirement that residues of crops harvested after 1 November are not disturbed until just before sowing the following spring.
- 2.4. The timescale is changed under which a derogation is granted to permit ploughing matches to be between harvest and 15 January.
- 2.5. The requirement for the ploughing match to be organised by the Northern Ireland Ploughing Association or any body affiliated to it has been removed.
- 2.6. The requirement of a farmer to obtain a derogation has been substituted by a requirement to obtain permission not to comply with the Minimum Soil Cover standard on the area on which the ploughing match took place.
- 2.7. The Regulations also include technical amendments to the 2014 Regulations which relate to an amendment of the definition of two of the specialist control bodies, the correction of the omission of a word in relation to the provision relating to powers of entry and the inclusion of the botanical names of all plants classified as invasive species.
- 2.8. The Regulations will come into force on 1 August 2015.

3. Background

- 3.1. The European Union has established that those in receipt of direct agricultural support have important responsibilities towards the protection of the environment, climate change, animal health and welfare and public and plant health. Under the Common Agricultural Policy applicants are required to observe certain conditions in these areas in return for receipt of

direct agricultural support (this includes the Direct Payments Scheme). This is known as cross compliance.

- 3.2. There are two aspects to cross compliance. Applicants must meet the requirements of a number of existing European laws (known as the Statutory Management Requirements) as well as maintaining the land in Good Agricultural and Environmental Condition (GAEC).
- 3.3. The Statutory Management Requirements are a set of laws which are already in force throughout the EU (in Northern Ireland all are currently implemented through domestic legislation). The second element of Cross Compliance is that all those in receipt of agricultural support payments have to maintain their land in GAEC.
- 3.4. Cross Compliance is a continuing requirement of the CAP. These Regulations make amendments to the Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland 2015).

4. Consultation

- 4.1. The revised GAEC requirements were the subject of a consultation exercise in April 2014. Further specific consultations have taken place with stakeholders in relation to the issues covered by this Explanatory Memorandum.

5. Equality Impact

- 5.1. This Regulation has been screened using DARD's Equality and Human Rights Screening procedure. The Department is satisfied that the legislation has no impact on equality or human rights and an Equality Impact Assessment is not required.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has been carried out. This has identified a number of easements which will benefit farm businesses. However, the approach identified also ensures that environmental protection remains in place. It is anticipated that these changes will not lead to additional costs on farmers.
- 6.2. DARD is content that the proposed legislation meets the Department's commitment to Better Regulation and "gold plating" is not applicable.

7. Financial Implications

- 7.1. There are no financial or resource implications involved in the making of the Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. These Regulations are required to ensure that the Department can fully enforce the Cross Compliance obligations imposed by the EU Regulations.

10. Parity or Replicatory Measure

- 10.1. Measures relating to the issues covered by this Explanatory Memorandum are in place in England, Scotland and Wales.

11. Additional Information

- 11.1. Not applicable.