

POLICY NOTE

THE COMMON AGRICULTURAL POLICY SCHEMES (CROSS-COMPLIANCE) (SCOTLAND) AMENDMENT REGULATIONS 2014

S.S.I. 2014/6

1. The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The Instrument is subject to negative resolution procedure.

Background

2. The current round of funding under the 2003 agreement of the reform of the Common Agricultural Policy (CAP) was due to end on 31 December 2013. However, due to delays in reaching an agreement the next round of funding has been deferred for a year and won't come into force until 1 January 2015.

3. In order to bridge the gap between 2013 and 2015 the European Commission have introduced transitional arrangements under Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No 1305/2013 of the European Parliament and of the Council as regards resources and their distribution in respect of the year 2014 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No 1307/2013, (EU) No 1306/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards their application in the year 2014. This includes transitional arrangements in respect of a farmer's cross-compliance obligations under the CAP.

4. Council Directive 80/68/EEC which underpins Statutory Management Requirement 2 (SMR 2) "Protection of groundwater against pollution" was repealed with effect from 22 December 2013 by article 22(2) of Directive 2000/60/EC (the Water Framework Directive). In order to provide the same level of protection under cross compliance, Annex II of Commission Regulation (EU) No 1310/2013 amends Annex III of (EC) No 73/2009 by transferring the existing "Protection of groundwater against pollution" requirements to Good Agricultural and Environmental Condition (GAEC).

Policy Objectives

5. Unlike SMRs all GAEC standards have to be defined in domestic legislation. The purpose of the instrument is to amend the principal Regulations to extend the scope of cross-compliance by including the requirements previously implemented under SMR 2 in line with Annex II of Commission Regulation (EU) No 1310/2013.

"Protection of groundwater against pollution" GAEC standard

6. Annex II of Commission Regulation (EU) No 1310/2013 transfers the requirements that were previously implemented under SMR 2 to GAEC by defining the "Protection of groundwater against pollution" standard as –

“prohibition of direct discharge into groundwater and measures to prevent indirect pollution of groundwater through discharge on the ground and percolation through the soil of dangerous substances, as listed in the Annex to the Directive 80/68/EEC in its version in force on the last day of its validity, as far as it relates to agricultural activity”

Consultation

7. Given that Commission Regulation (EU) No 1310/2013 transfers the “Protection of groundwater against pollution” requirements from one area of cross compliance to another CAP stakeholders have not been consulted. The changes will be reflected in the 2014 cross compliance Verifiable Standards document which is published on the Scottish Government website.

Financial Effects

Richard Lochhead Cabinet Secretary for Rural Affairs and the Environment confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Agriculture, Food and Rural Communities Directorate
Rural Payments and Inspections Division

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