EXPLANATORY MEMORANDUM
TO
THE COMMON AGRICULTURAL POLICY SINGLE PAYMENT AND SUPPORT SCHEMES (CROSS COMPLIANCE) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2014

2014 No. 1

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department of Agriculture and Rural Development [DARD] and is laid before The Northern Ireland Assembly.

1.2 These regulations are made under Section 2(2) of the European Communities Act 1972 and are subject to the negative resolution procedure.

1.3 The rule will come into operation on 10 February 2014.

2. Purpose

2.1 These Regulations amend the existing Northern Ireland Cross-Compliance Regulations by amending the Cross Compliance requirements of which the Department of the Environment is designated as the specialised control body. The Protection of Groundwater against Pollution is removed from the list of Statutory Management Requirements and is added as a Standard of Good Agricultural and Environmental Condition.

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, animal health and welfare, and public health. The Common Agricultural Policy Reform Agreement therefore requires applicants to observe certain conditions in these areas in return for receipt of direct agricultural support (this includes Single Farm Payment). This is known as Cross Compliance.

3.2 While the current round of Direct Agricultural Support Payments was due to end at the end of 2013 with the new round of CAP Reform funding coming on stream from January 2014 there were delays in reaching agreement on CAP Reform. As a result the next round of funding will not come on stream until January 2015.

3.3 It was necessary for the Commission to produce a set of transitional regulations to bridge the gap between 2013 and 2015. These Regulations make reference to the fact that Directive 80/68/EEC will be repealed with effect from 22 December 2013. As Article 4 and 5 of this Directive underpin Statutory Management Requirement 2 (Protection of groundwater against pollution caused by certain dangerous substances), to ensure that the verifiable standards associated with this SMR remain

part of Cross-Compliance the Commission has defined a new Good Agricultural and Environmental Condition (GAEC) requirement encompassing the requirements of Articles 4 and 5 of Directive 80/68/EEC. DARD therefore wishes to amend its legislation to reflect these changes.

4. Legislative Background

4.1 The regulations provide for the implementation of Article 6 of Council Regulation (EC) No. 73/2009 (O.J. No. L30, 31.1.2009, p.16).

5. Consultation

5.1 There has been no consultation specific to these amended Regulations as the changes are technical in nature and do not increase the burden of the requirements.

6. Equality impact

6.1 In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed.

6.2 The Regulations have been screened using DARD's Equality and Human Rights procedure. This screening shows that these amendments have no impact on equality or human rights and, therefore, an EIA is not required.

7. Regulatory impact

7.1 The Regulations will not impact on business, charities, social enterprise or voluntary bodies. Nor will they impose any cost or administrative burden on the NI Industry. A Regulatory Impact Assessment is not required.

8. Financial implications

8.1 There are no financial or resource implications involved in the making of this SR.

9. Section 24 Northern Ireland Act

9.1 The Regulations ensure that the Department can fully enforce the Northern Ireland Cross-Compliance requirements. There are no 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.

10. EU implications

10.1 This amendment is required in order to ensure that NI Legislation fully reflects the changes in the EU Regulations.

11. Parity or Replicatory Measure

11.1 England, Scotland and Wales are required to take cognisance of the fact that the Groundwater SMR is to become a GAEC. It is likely that England Scotland and Wales will be required to amend their legislation to reflect this.

12. Contact

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