EXPLANATORY MEMORANDUM TO

The Direct Payments to Farmers (Controls and Checks) (Amendment) (Coronavirus) Regulations (Northern Ireland) 2020
S.R. 2020 No. 105

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Development ("the Department") to accompany this Statutory Rule ("SR") which is laid before the Northern Ireland Assembly.

1.2 The Department is making the above named SR under powers conferred on it by Article 62 (2) of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy.

2. Purpose

2.1 This SR amends Commission Implementing Regulation (EU) No. 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No. 1306/2013 with regard to the integrated administration and control system, rural development measures and cross compliance for claim year 2020 in consideration of the situation caused by the coronavirus (COVID-19).

2.2 Regulation 809/2014 lays down rules on the timing of on-the-spot checks, the control rates of certain on-the-spot checks within the integrated system including for area-related aid schemes, and the increase or reduction of the control rates. In addition, Regulation 809/2014 contains rules on on-the-spot checks relating to eligibility criteria, and commitments.

2.3 Several obligations pursuant to Regulation (EU) No. 1306/2013 and Regulation (EU) No. 1307/2013 rely on specific and different time frames for their fulfilment, and consequently require the on-the-spot checks to be carried out within those time frames. The measures in place to address the COVID-19 pandemic affects the feasibility of performing the required on-the-spot checks accurately and within the corresponding time limits.

2.4 These Regulations provide for derogations from those requirements and reduces the minimum rate of the on-the-spot checks compared to the normal control rates for Greening, cross-compliance, Basic Payment Scheme, and young farmer obligations.

3. Background

3.1 The amendment made by this SR will reduce the minimum rate of the on-the-spot checks compared to the normal control rates for Greening, cross-compliance, Basic Payment Scheme, and young farmer obligations. It will also allow the use of alternatives to on-farm checks to verify that eligibility conditions have been met.

3.2 This amendment is for the 2020 scheme year only, and is made in response to the difficulties in carrying out on-the-spot checks due to COVID-19 restrictions.

4. Consultation

4.1 This SR has not been subject to formal consultation but is being made in response to the ongoing COVID-19 pandemic.

5. Equality Impact

5.1 This SR will reduce control rates in the 2020 scheme year. This is a minor amendment to legislation and does not introduce any policy change. It reduces the percentage selected for controls, but does not affect the selection method and therefore there is no equality impact.

6. Regulatory Impact

6.1 Given the minor nature of the amendments, it is considered there are no impacts on the private, voluntary or public sector as a result of the changes made by this SR. Therefore, a Regulatory Impact Assessment has not been completed.

7. Financial Implications

7.1 £293m has been allocated to Northern Ireland for Direct Payments for 2020 scheme year. This SR has no impact on the financial allocation.

8. Section 24 of the Northern Ireland Act 1998

8.1 This SR makes only a minor amendment to legislation and does not introduce any policy change and therefore will have no impact on human rights.

8.2 This SR is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Under the Withdrawal Agreement the UK must run equivalent schemes to the EU in 2020. This SR will still meet this requirement as the Commission has introduced similar legislation.

10. Parity or Replicatory Measure

10.1 Defra, the Scottish and the Welsh Governments are introducing similar legislation.

11. Additional Information

11.1 Not applicable.