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Foreword by the Minister



Mary Coughlan, T.D.,
Minister for Agriculture and Food



John Browne, T.D.,
Minister of State



Brendan Smith, T.D.,
Minister of State

It gives me great pleasure to present this Charter of Rights for Farmers which replaces the Protocol on Direct Payments to Farmers, launched in 2000. It is the latest in a series of quality customer service initiatives recently adopted by my Department. Produced in consultation with the Farming Social Partners, it sets out specific delivery targets for many services and scheme payments to our farmer customers. The charter includes the Forestry sector together with the ERAD and Animal Health areas.

Quality customer service is a matter of great importance and my Department has become very proactive in providing a quality service to all of our customers. I am particularly aware of the key importance of direct payments to farmers as we enter into the new single payment era. The need to provide information in a user-friendly fashion that will enable farmers understand and comply with the relevant schemes' terms and conditions is appreciated, as is the need to meet our obligations under National and EU regulations.

Given the rapidly changing environment in a vibrant agriculture sector, this Charter provides a vehicle to consult on a regular basis with the farming Social Partners on the delivery of these services and to monitor performance against agreed targets.

I believe that the future success of farmers and the Agriculture sector will be greatly assisted by this charter and the work of its committee.

A handwritten signature in black ink that reads "Mary Coughlan". The signature is written in a cursive, flowing style.

Mary Coughlan

Introduction by the Secretary General



Tom Moran,
Secretary General

This Charter of Rights for Farmers builds on the progress already achieved under the Protocol on Direct Payments to Farmers 2000. Together with the Customer Service Action Plan and Customer Charter, it demonstrates our continued commitment to improving the standard of services provided to our farmer customer. It sets out in plain language details on a wide range of schemes available to farmers and specifies delivery and service targets.

The Department is committed to the 12 quality customer service principles as set out in our Customer Service Action Plan and Customer Charter. These principles continue to guide our approach to service delivery issues. Customers have a right to be served in a proper, fair and impartial manner and the Department is committed to ensuring that services are delivered in an efficient, effective manner and in a user-friendly format. In this context we will:

- Provide comprehensive user-friendly information, on application procedures, administrative checks to be carried out, inspection arrangements, eligibility and compliance issues and on payments as well as time frames for the delivery of the schemes
- Consult with the Farming bodies on a regular basis on the delivery of those schemes and services
- Monitor performance achieved against agreed targets
- Continue with the Complaints Procedures
- Continue to maintain the Appeals Procedure

This Charter applies to the Single Payment Scheme, Disadvantaged Areas Scheme, Farm Waste Management Scheme, Dairy Hygiene Scheme, Alternative Enterprise Scheme, Installation Aid Scheme, Pig Welfare Scheme, Early Retirement Scheme, Rural Environmental Protection Scheme, Afforestation Grant and Premium Schemes, ERAD Payments and other Animal Health Payment Schemes.

A handwritten signature in black ink that reads "Tom Moran". The signature is fluid and cursive, with a long horizontal line extending to the right.

Tom Moran

1.aQUALITY SERVICE

1.a Role of the Department in ensuring Quality Service

The Department is committed to ensuring that in all of our schemes:

- All applicants will be dealt with fairly, impartially, correctly and consistently in accordance with the relevant rules and regulations
- All applicants will be treated sensitively according to their particular circumstances in a manner in keeping with best customer practice
- All applicants will be treated consistently in accordance with the law or other rules governing their entitlements
- Decisions will be taken as quickly as possible on receipt of a valid application (i.e. a form that is fully and accurately completed, and is supported by appropriate documentation where necessary and is submitted on time)
- Decisions will be based on what is relevant in the rules and regulations governing entitlements under the scheme in question
- All applicants are paid on time in line with the payment deadlines set down in this Charter
- The necessary information on schemes is provided to applicants in a user-friendly manner
- The level of service and payment deadlines are improved during the term of this Charter
- The standards of service set down in the Customer Service Action Plan are met
- Information communication technology is utilised to improve the efficiency and effectiveness of services and to reduce the number of on-farm visits
- Account is taken of the changing nature of farming and the increasing number of part-time farmers
- Account is taken of the opportunities opened through decoupling which will facilitate farmers to make the maximum use of resources
- All applicants will be informed of reasons for decisions taken and of their right to, and procedures for appeal of the Departments decision where their application is wholly or partially unsuccessful
- Officers of the Department will co-operate fully in any appeal

I.b Role of farmer in ensuring Quality Service

You can help us to provide you with a Quality Service by following these simple guidelines:

- Quote reference numbers, where available, in all correspondence and communications with the Department and date all written correspondence
- Become fully familiar with the terms and conditions of schemes before filling out applications and complete forms carefully and legibly
- Provide accurate and clear information and submit all necessary supporting documentation
- Check that applications are fully complete and signed
- Submit applications in sufficient time before closing date and obtain proof of posting
- Ensure correspondence is sent to the correct address
- Inform us of any changes in circumstances which may have a bearing on our decision
- Respond quickly to any queries raised or with any additional information requested in support of applications

Please treat our staff with the same level of courtesy you expect from us.

2 ACCESS TO DEPARTMENT SERVICES

2a Information Sources

Publications giving comprehensive details of all our main Schemes and Services and the structure and operation of the Department are available from a number of sources:

- from Corporate Affairs Division, Department of Agriculture and Food, Kildare Street, Dublin 2. Telephone: 01 607 2802.
- by email from publications@agriculture.gov.ie
- from our website www.agriculture.gov.ie <<http://www.agriculture.gov.ie/>>
- our public offices

2b Opening Hours of Local Offices

All Department Local Offices provide a service to customers during the hours of 9.30a.m. to 12.30p.m. and 2.00p.m. to 5.00p.m, Monday to Friday. The possibility of greater flexibility in the opening hours of our local offices (e.g. lunchtimes, evening during periods of peak demand) will be examined as appropriate, in the context of the changing circumstances of our customers.

2c E mail

The Department may also be contacted by email. Email addresses will be provided in correspondence dealing with queries.

2d Voice-Mail

Where the staff member is unavailable to answer their phone, voice-mail facilities are provided where possible. Calls will be returned as soon as possible. Where voice-mail facilities are not currently available, alternative arrangements will be put in place.

3. SINGLE PAYMENT SCHEME

Background

Following publication of the EU Council Regulation 1782/2003 in September 2003, Ireland decided, on 19 October 2003, that the Livestock Premia and Arable Aid Schemes would be fully decoupled from production with effect from 1st January 2005. The new Single Payment Scheme will replace all of the existing direct payment schemes under the Livestock, Premia and Arable Aid Schemes and will be introduced in Ireland from 2005. In addition, a new Dairy Premium was introduced for the first time in 2004. It was coupled to milk production in 2004 (based on milk quota held at 31 March 2004) but will be decoupled from milk production in 2005 (based on milk quota held on 31 March 2005) and added to the existing Single Payment Scheme.

Eligibility for the Single Payment Scheme

In general, the Single Payment Scheme is applicable to farmers who actively farmed during the reference years 2000, 2001 and 2002, who were paid Livestock Premia and/or Arable Aid in one or more of those years and who will continue to farm in 2005. The gross Single Payment is based on the average number of animals and/or the average number of hectares (in the case of Arable Aid) on which payments were made in the three reference years.

All farmers who received premium payments during the reference period have had entitlements "established" for them. Once established the entitlement may be "activated" by submitting a Single Payment Scheme application form by 16 May 2005. By activating the entitlement, farmers are declaring ownership of these entitlements. If there is land at the disposal of the farmer for a 10 months period starting not earlier than 1 September of the year prior to the application date and not later than 30 April of the year of application this land may be declared by the farmer in order to "use" his/her entitlement. Every eligible hectare will "use" one entitlement. When entitlements are used payment will issue.

Cross Compliance

The Council of Ministers of the European Union, in establishing the Single Payment regime clearly recognised that farmers in receipt of payments have important responsibilities towards the protection of the environment, animal health and welfare and public health. An important cornerstone of the decoupling of direct payments from production is therefore the link between EU support for agriculture under the Single Payment Scheme and measures aimed at protecting

the environment as well as achieving high standards in food safety and in animal health and welfare. Under the Single Payment Scheme farmers are required to comply with the various Statutory Management Requirements (SMRs) set down in EU legislation (Directives and Regulations) on the environment, public animal and plant health and animal welfare and to maintain land in Good Agricultural and Environmental Condition (GAEC). This is known as **Cross Compliance**. The cross compliance requirements are being phased in over a 3 year period.

This Booklet deals with certain procedural issues such as scheme administration and inspection arrangements, both in relation to eligibility and cross compliance. The specific Cross Compliance Standards are set out in a Booklet titled '**The Single Payment Scheme – Guide to Cross compliance**' which has already issued to all farmers.

Cross compliance requirements in the context of the Single Payment Scheme do not, seek to replace what has been the law for many years and which is subject to control and enforcement by the relevant Control Authorities (i.e. Department of Agriculture and Food and Department of Environment, Heritage and Local Government). The consequence for breaches of Cross compliance, through negligence, is a reduction of payments under the Single Payment Scheme and is not a substitute for a court fine or any other sanction as may be imposed by a Control Authority or a court for breaches of national legislation

Administration

a. Application forms

Every effort will be made to keep the application form as simple as possible taking account of the regulatory requirements. The Department will consult with the farming social partners prior to print sign off. All relevant data available to the Department will be downloaded onto the forms prior to issue. The Department will continue the expansion of the use of technology in particular in relation to on-line access to individuals data and the making of applications on-line by 2007.

b. Application dates

The Department is committed to bringing forward the closing date for applications under the Single Payment scheme. In this regard the farming social partners will be consulted each year regarding a suitable closing date taking account of the farmer needs and processing capability.

Procedure for dealing with problems

Application problems identified during administrative checks will be drawn to the applicant's attention as soon as possible after they are discovered – and in any case no later than one month after their discovery. If the applicant responds within 14 days and provided the response is sufficient to clear all outstanding difficulties, the application will be finalized for payment by the deadline date.

Problems will be resolved using the following procedure:

Stage	Action by Department	Action By Farmer
1. Problem identified in course of administrative checks or inspection	Notification Letter to applicant setting out nature of problem and likely consequences if not resolved	Applicant has 14 days to respond providing an explanation or clarification of the problem.
2. Applicant does not respond within 14 days	Reminder Reminder letter to applicant as in step 1 above and allowing a further 14 days for reply.	Applicant has further 14 days to respond providing an explanation or clarification of the problem
3. Applicant either responds to letter or reminder or does not respond within 14 days to reminder	Notice of Decision Letter to applicant setting out decision on application based on information available to the Department. Where the applicant has responded the response will be taken into consideration.	Applicant either accepts the decision or may apply to have the decision reviewed within 14 days of the date of notice of decision. Alternatively Applicant may appeal to the Agricultural Appeals Office

Any response made by the applicant at Stages 1, 2 or 3 will be taken into consideration before a decision is taken.

In exceptional cases where it is considered that the 14 day period would not be sufficient to allow the applicant to deal with the query, the period of time specified in the notification of the problem will be sufficient to allow the applicant to address the issue. The 14 day periods for replying to the reminder and decision notices will remain unchanged.

On-farm Checks

In any given year, for the farmers selected for inspection, there will be two types of checks carried out for the purpose of implementing the Single Payment Scheme, - Eligibility checks and Cross Compliance checks. The Department is committed to having all eligibility checks completed by the date for the commencement of payment and will ensure that all valid applications are paid from that date.

The cross compliance checks are separate from eligibility checks (area checks) and any cross compliance sanctions will be applied, after eligibility has been established. It is a requirement that all eligibility checks are completed prior to payment. However, payment will not be delayed where the cross compliance inspection is not finalised.

A. Eligibility checks

In the first instance it is a requirement to carry out standard **eligibility** checks on 5% of farmers applying for the Single Payment Scheme. The requirements for checking eligibility of the area declared are similar to the arrangements in place over the years for area aid inspections.

These checks will be carried out to:

- Verify that the actual area declared in the Single Payment Scheme application form corresponds with the area farmed by the applicant and to ensure there are no overlapping claims, or duplicate claims;
- Verify that the lands declared for set-aside purposes are maintained in accordance with the provisions of the EU Regulations and that the set-aside obligations are observed;
- Verify that the lands declared as permanent pasture have not, in fact, been ploughed and used for the growing of arable crops;
- Verify that the eligible hectares declared in the application form do not include land used for fruit or vegetable or potato production in the year of application;
- Verify that lands declared as eligible hectares have not been afforested or used for the production of other permanent crops in the year of application.

Eligibility Sanctions

I. Overdeclaration of area

In general where area declared exceeds area found, the area found will be used to establish entitlement subject to the following;

- Where the **area overdeclared** is less than 3%, the area found will be used to establish entitlement to aid.
- Where the **area overdeclared** is between 3% and 20%, the found area will be reduced in calculating entitlements by twice the difference between the found area and the area declared.
- Where the **area overdeclared** is over 20%, **no** single payment will be paid for the year in question.
- Where the area overdeclared is over 50%, **no single payment** will be paid for the year in question and an amount equal to the amount overclaimed will be recovered from single payments over the following three years.
- In the case of **intentional** overdeclaration of area, the applicant shall not receive any single payment for the year in question. Furthermore where an intentional overdeclaration of more than 20% is detected the farmer shall not receive any single payment for the year in question and an amount equal to the amount over claimed will be recovered from single payments over the following three years.

2. Setaside declaration

Where there is compulsory setaside, this area must be declared first.

- If insufficient setaside is declared, the Regulations require that other area declared must be deemed setaside up to the amount of undeclared setaside.
- Where setaside is declared but not found and the applicant is deemed to have made an intentional false declaration, the penalty outlined above will apply.
- Where there is non-compliance with the management of setaside rules, setaside will not be payable but the entitlements will be deemed to be activated.
- Where the breach of setaside management rules is so grave that the land is in fact not in setaside, this may also be regarded as a case of a deliberate false declaration.

3. Underdeclaration of area

A farmer must declare all his/her land parcels whether owned, rented or leased. If an applicant is found to have underdeclared his/her land by not declaring an entire parcel(s) and the underdeclaration is more than 3% then Single Scheme Payment may be reduced by up to 3%.

B. Cross Compliance Checks

Cross Compliance involves two key elements:

- A requirement for farmers to comply with a number of Statutory Management Requirements (SMRs) set down in EU legislation (Directives and Regulations) on the Environment, Public, Animal and Plant health, and Animal welfare, and
- A requirement to maintain land in good agricultural and environmental condition (GAEC). In addition there is an obligation on the Member State to ensure that there is no significant reduction in the amount of land under permanent pasture.

When does Cross Compliance apply?

Cross compliance applies from 1 January 2005. The various SMRs will be phased in over three years from that date. The 19 regulatory requirements listed in Annex III of Council Regulation (EC) No 1782/2003 together with their effective dates for Cross Compliance purposes are set out in Annex 1 of this booklet. Eight regulatory requirements are effective from 1 January 2005. The standards for the SMRs and in particular, the Nitrates Directive, with effective dates in 2006 and 2007 will be finalised during 2005 following consultation with the farming organisations.

It is necessary for applicants under the Single Payment Scheme to maintain all their land in Good Agricultural and Environmental Condition (GAEC) from 1 January 2005. The issues which Member States must address in defining GAEC are listed in Annex IV of Council Regulation (EC) No 1782/2003 and are quoted at Annex 2 of this booklet. Member States are required to define GAEC within this framework.

The various SMR and GAEC standards are set out in the Booklet entitled 'The Single Payment Scheme – Guide to Cross Compliance'.

I. The level of Cross compliance checking

The rate of on-farm inspection required for **cross compliance** is 1% of those farmers to whom most Statutory Management Requirements or GAEC apply. However, at least 5% of producers must be inspected under the Animal Identification and Registration requirements as this level is prescribed under the present Regulations. The Control Regulations governing sheep are still under discussion and will not be in place until 1 January 2006. Therefore for sheep farmers, 1% checks will be carried out during 2005 in line with the cross compliance requirements and the Department will seek to maintain this level.

However, in view of the high level of compliance with the identification and registration requirements of cattle and the CMMS system in operation in Ireland, the Department is committed to a policy of reducing the level of inspections. With this in mind the Department will pursue with the European Commission a strategy to deliver a reduction in the level of on-farm inspections to 1% in 2007.

2. Number of visits

In implementing the Single Payment Scheme, the policy of the Department of Agriculture and Food is to minimise the number of inspection visits and to move towards a situation where, in most cases, all eligibility and cross compliance checks will be carried out during a single farm visit. The Department of Agriculture and Food is committed to ensuring the maximum level of integration of inspections across all areas. This approach should minimise the level of inconvenience to farmers. This will also mean for example that control checks would be carried out in relation to eligibility of land declared, identification and registration of animals on the holding, and compliance with the various environmental Directives in one farm visit.

3. Notification of on-farm inspections

Regarding notification of inspections, the regulations state that notification may be given where the purpose of the inspection is not jeopardised, but such notification must be limited to a maximum 48 hours where eligibility checking or checking on the identification and registration of animals is part of the inspection.

However, the Department is committed to a policy of giving 14 days notice of inspections to farmers and will pursue with the European Commission a strategy to deliver an extension of the advance notification that is given for inspections to 14 days.

Risk Analysis

The Regulations require that risk analysis must take account of the following:

- The amount of the aid involved
- The number of parcels and the area
- Changes from the previous year
- The findings of checks made in past years cases of non-compliance with the sheep and cattle regulations
- Farmers who are just above or below ceilings or limits for granting the aid
- Farmers with special entitlements
- Risk relevant to the various SMRs for cross compliance taking account of level on individual farm or the level of category of farm or geographical zone

In making the selections, the Regulations require that 20-25% of applicants must be selected off the top on a random basis and there must be an element of representivity of the aid applications submitted. Therefore, account must be taken of the level of application in each area of the country, and the type of activity in these areas. This means that when all measures are examined and account is taken of the risk in each area the level of inspection will exceed 5%

Remote Sensing

The Department will utilise available technology (remote sensing) to the maximum extent possible and will support on the spot checks by using administrative checks where necessary. In so far as possible, the Department relies on remote sensing (satellite imagery) to carry out on-the-spot inspections. In 2005 some 3% of applicants selected for eligibility inspections, have been selected for on-the-spot inspection by remote sensing and it is hoped where practicable to progressively increase this figure to 3.5% in 2006 and 4% in 2007 resulting in a target of 1% of eligibility checks being carried out on the spot in 2007.

The Department will conduct all the inspections required for cross compliance in 2005. However, in relation to habitats and wild birds Directives, it is intended to carry out joint inspections with an Officer from the National Parks and Wildlife Service (approximately 230 cases). It is the Department's intention to maximise the number of checks at each inspection thereby reducing the number of inspections overall.

In selecting the 2005 inspections, the methodology endeavours to integrate the various inspections as far as was possible so as to maximise the number of different measures checked on the farm, while at the same time reducing the number of farm visits overall.

Table 1 below gives an overview of the inspection campaign for 2005. Underneath the Table an indication is given of the number of measures that will be checked at individual farm visits.

Table 1

Measures	Eligibility ground inspection	Eligibility satellite inspection	CA inspection	SMR1	SMR2	SMR3	SMR4	SMR5	SMR7/8	SMR8A	GAEC
Approximate number of inspections	2,418	5,527	5,344	36	1,339	-	-	195	5,885	493	1,441

- One measure will be checked on approximately 3,000 farms, i.e. one visit to each farm;
- Two measures will be checked on approximately 3,000 farms, i.e. one visit to each farm;
- Three measures will be checked on approximately 2,000 farms, i.e. one visit to each farm;
- Four measures will be checked on approximately 500 farms, i.e. one visit to each farm;
- Five measures will be checked on approximately 100 farms, i.e. one visit to each farm;
- Six measures will be checked on approximately 20 farms, i.e. one visit to each farm;
- Seven measures will be checked on approximately 5 farms, i.e. one visit to each farm.

Where an on-farm inspection does not involve an eligibility check and involves cross compliance checks other than identification and registration of animals, the Department of Agriculture and Food will give 14 days advance notice of the inspection. This will involve approximately 2,000 farm visits. The Department is committed to securing 14 days advance notice for all on-farm inspections and this matter will again be raised with the European Commission. In this context the Department is committed to the integration of REPS inspections into the overall inspection system (including the question of notice), in the light of changes agreed at EU level to the Rural Development Measures.

4. Notification procedure

Notification Card

Notice of On-the Spot Inspection

An Officer/s of the Department, _____
will call to you on (Day) _____ Date _____ am/pm
to inspect your animals and/or lands under the Measure(s), ticked below.

- (1) Single Payment Scheme eligibility Check.
- (2) Compensatory Allowance
- Eligibility Check
 - Good Farming Practice
- (3) Cross Compliance Check (as shown by “✓” in the box opposite)
- Birds
 - Groundwater
 - Sewage Sludge
 - Habitats
- Identification and Registration Check of
- Cattle
 - Sheep/Goats
 - Pigs.
 - Good Agricultural and Environmental Condition Check.

Points to note.

- You are obliged to make available all documents required by the inspecting officer/s and any failure to co-operate and assist with the inspection could result in your claim being disallowed.
- All Farm Animals must be identified and registered in accordance with the E U Regulations.
- Disinfection facilities should be provided.

Name: _____ Inspecting Officer

Telephone No: _____

The format of the notification cards will be kept under review and changes may be agreed through consultation between the Department and the farm organisations.

Inspectors on arrival will introduce themselves, present identification and state the purpose of the visit.

The inspector will explain the inspection procedure and satisfy himself/herself that the applicant or his/her representative understands it.

If the applicant cannot be present, he/she can be represented by a person of his/her choice.

If an inspector has been unduly delayed at a previous inspection the applicant will be contacted as soon as possible and not later than 1 hour of the appointed time for the inspection and if the inspection cannot be carried out that day an alternative arrangement will be made, usually in agreement with the applicant.

Where the area of land is disputed, field measurements will be carried out on site.

5. Checking approach

Where possible checks will be carried out by way of sampling. Therefore, when notified of an inspection involving identification and registration of cattle it will not normally be necessary to pen cattle and penning will only be necessary when problems are identified. In the case of sheep, identity checks will be carried out in the field. Collection will only become necessary where it is not possible to carry out a check by way of sampling in the field. When checking registration of animals the inspecting officer will have data in relation to the herd/flock and will cross-reference this data with the register/passports and relevant docketts.

6. Reporting cross compliance checks

Inspectors visiting a holding, will be following a standardised reporting system to ensure consistency of decision making and fair treatment for all farmers visited. The inspecting officer will complete an Inspection Report Form following each inspection. An applicant will be given an opportunity to sign the report and comment if he/she so wishes. He/she will be given a copy of the report form where problems are identified.

If non-compliance is found the applicant or his/her representative will be informed of what has been found and how the findings impact on the specific requirement/s of the scheme/measure. The applicant or his/her agent will be invited to provide an explanation of the non-compliance either at the time of the inspection or within fourteen days of the date of the inspection. Any explanation tendered will be noted in the inspector's report and taken into account in the decision making process. The applicant will also have an opportunity to write his/her comments on the inspection report.

7. Cross Compliance – approach to implementation

The vast majority of cross compliance inspections will be carried out by the Department of Agriculture and Food. In any event the Department of Agriculture and Food, as the Accredited EU Paying Agency, will decide on the level of any sanction to be applied where a non-compliance is detected. The Department of Agriculture and Food will make its decision based on the findings set out in the control report of which the farmer will be given a copy.

The Department of Agriculture and Food, for its part, will make every effort to ensure that there is a uniform approach to the verification of compliance by its inspectors carrying out on farm visits. In particular the Department of Agriculture and Food will ensure that its staff are sufficiently trained and aware of the need to treat the farmer with the utmost respect and fairness.

The following principles are central to any implementation system;

- Procedures are fair, equitable, proportional and transparent
- Approach is standardised to the maximum extent possible across all areas of the country
- The applicant's right to seek a review or appeal a decision that adversely affects him/her is guaranteed.
- Procedures are simplified to the maximum extent possible with a view to ensuring the highest level of understanding amongst farmer clients.

8. Assessment of inspection results

Some events/occurrences (while in breach of SMR's) are regarded as inadvertent, **minor in nature**, and capable of occurring in practical farm situations. **The tolerances to be applied following on-farm checks in relation to cattle and sheep are set out in Annex 3.**

Appropriate tolerances will be put in place in connection with other statutory management requirements applicable under cross compliance. The farm organisations will be consulted prior to finalising these tolerances.

If non-compliance is due to **negligence** then, normally, the penalty is 3% of the direct payment for the year in question. However the 3% may be reduced to 1% or increased to 5% depending on the extent, severity or permanence of the non-compliance. Generally, the maximum level of sanction for negligence is 5% for the year in question. However, if repeated non-compliance is found the penalty established will be multiplied by 3 up to a maximum of 15% of the payment.

Where the non-compliance is deemed **intentional** non-compliance, the penalty is 20% of the direct payments referred under Council Regulation 1782/03 for the year in question. However, on examination of the control report and taking account of the extent, severity, or permanence of the non-compliance the 20% may be reduced to 15% or increased to 100%.

General Issues

a. Good Agricultural and Environmental Conditions

Where farmers decide not to keep any animals on their holding they are, nevertheless, obliged to keep their land in Good Agricultural and Environmental condition. This would normally involve topping the land in question during the growing season. However, such farmers will also be allowed to take animals from another farmer onto their holdings to help ensure compliance with the Good Agricultural and Environmental Condition (GAEC) requirements.

Cattle

For cattle there are generally two situations which arise. The first, is a farmer who has a herd number and livestock (Farmer A) and some surplus land and grass which he wishes to sell to another farmer (Farmer B) who also has livestock. In this set up Farmer B would enter a financial arrangement with Farmer A to purchase his surplus grass. Farmer B would move his livestock to Farmer A's holding notifying the movement to CMMS transferring his BTE cards to Farmer A on a temporary basis. In addition Farmer A would enter the transferred livestock onto his herd register on a temporary basis. This movement would be in line with the current arrangements regarding B&B cattle in slatted units or winter accommodation. Clearly the various testing and animal health requirements, similar to those set out in B&B arrangements would also be undertaken.

A second situation arises where Farmer A has surplus land and surplus grass and no livestock of his own. Farmer B has a herd number and livestock and enters into a financial arrangement with Farmer A to utilise the surplus grass on this land. In this set of circumstances, Farmer B would move his livestock to Farmer A's holding and notify the DVO in advance. It should not be necessary to complete the CMMS movement requirements or herd register arrangements as outlined in the previous example in this case because Farmer A has no livestock.

In summary Farmer A's holding should be considered an extension of Farmer B's holding for the purpose of utilising the surplus grass available. In addition it should not be necessary to undertake any testing or other health restriction arrangements other than to notify the DVO.

In the context of decoupling, situations in addition to the two above may arise as regards access to grazing by cattle. These may be availed of only by prior approval of the DVO.

Sheep

The movement arrangements in relation to sheep are very different from those applicable to cattle. Therefore in circumstances where Farmer A who has surplus land and surplus grass but no sheep, he should be able to take in sheep from Farmer B without any restriction. Again the situation should be looked at as an extension to Farmer B's holding for the purpose of grazing sheep.

In a situation where Farmer A has surplus land and surplus grass but also has sheep of his own, on taking in sheep from Farmer B to graze the surplus grass the normal identification procedures provided for in legislation shall apply.

In the context of decoupling, situations in addition to the two above may arise as regards access to grazing by sheep. These may be availed of only by prior approval of the DVO.

b. Control Authorities

The Department of Agriculture and Food, as the EU accredited Paying Agency, has primary responsibility to ensure that the required level of cross compliance inspections is carried out and for fixing any sanctions to be applied under the Single Payment Scheme. At the same time there are various Control Authorities with responsibility for ensuring compliance with the standards and requirements defined under the Directives and Regulations referred to at Annex 1. The Department of Agriculture and Food is the Control Authority responsible for implementing, for example, the identification and registration of animal requirements, while the Department of Environment, Heritage and Local Government and the Local Authorities have responsibility for implementing the Directives dealing with the Environment. While implementation and enforcement rests with the various Control Authorities compliance checking, in the context of the Single Payment Scheme will be carried out by the Department of Agriculture and Food.

c. Permanent Pasture requirement

In general terms, permanent pasture is land that has been in grass for 5 years. Permanent pasture ploughed for re-seeding remains permanent pasture. However in order to establish the base line to calculate the ratio at a National level against total agricultural area account must be taken of the 2003 position. For 2003 permanent pasture is land that was declared on the Area Aid application in 2003 and was under grass for the previous 5 years, excluding land under setaside. It is

a requirement of the Scheme that the ratio of Permanent Pasture to the total Agricultural Area declared in 2003 is checked each year at National level to establish if there is any significant decrease. The Department of Agriculture and Food will carry out this check annually.

If there is a 5% decrease in the level of permanent pasture in relation to total agricultural area it will be necessary to introduce an authorisation system prior to growing an arable crop. If the 10% tolerance is breached Member States will be obliged to require farmers applying for aid, who breached the 10% rule to re-convert land back to permanent pasture.

It is most unlikely that the ratio of permanent pasture to total agricultural area will decline in Ireland to the detriment of permanent pasture.

d. Relationship between cross compliance and good farming practice

Farmers participating in any of the following schemes will still have to comply with Good Farming Practice (GFP)

- Disadvantaged Area Compensatory Allowance Scheme
- Installation Aid Scheme
- On-Farm Investment Schemes
- Rural Environment Protection Scheme
- Scheme of Early Retirement from Farming (transferees)

Cross Compliance and Good Farming Practice (GFP) requirements are similar but not the same. Most Cross Compliance provisions already form part of Good Farming Practice standards. However, GFP requirements cover a wider range of legislative measures than do the Cross Compliance requirements associated with the Single Payment Scheme. It is the intention of the EU Commission to review all these measures with a view to merging the standards in the context of the new Rural Development arrangements which are due to commence in 2007. This approach is supported by the Department of Agriculture and Food.

e. Responsibility for compliance

The requirements set down in the various Directives and Regulations referred to under Cross Compliance apply to all land whether or not it is declared for aid under the Single Payment Scheme. In this regard the farmer in charge of the land at the time of the non-compliance, whether he/she owns, rents or leases it, will be held responsible. Similarly where the land is transferred to another person and the non compliance is continued, the new owner will be held responsible. Each claimant must also comply with the requirements on setaside land, common land, or land taken in conacre.

Payments

EU Regulations provide that payments shall be made once a year within the period from 1 December to 30 June of the following year. The Regulations also allow the European Commission to authorise the payment of advances in certain circumstances.

Payment in eligible cases will be made in the first payment run which will commence on 1 December. In cases where there are still outstanding problems with the application payment will, as provided in EU rules, be made by 30 June provided that the applicant has responded to any queries from the Department and provided that the response is sufficient to clear all outstanding difficulties.

Where the European Commission authorises the making of advance payments an advance payment in all eligible cases will be made in the first payment run which will commence on the date from which advance payments are authorised. In this regard the Department will request the European Commission to provide for advance payments on an on-going basis from 2006.

Information

Full details of farmers rights and entitlements will be provided in a manner which is clear, timely and accurate. Aertel and Internet sites will be used to supplement advertising in the print media of opening and closing dates of various schemes.

4. DISADVANTAGED AREAS SCHEME

Background

Disadvantaged Areas Scheme payments are made in order to compensate farmers for the lower incomes and higher production costs arising from the natural handicaps of those areas.

Prior consultation with the farm organisations will take place on any substantive changes proposed in the scheme's Terms and Conditions.

Administrative Checks

Application problems identified during administrative checks will be drawn to the applicant's attention as soon as possible after they are discovered – and in any case no later than within one month of their discovery.

Inspections

Inspections will be integrated with other scheme inspections to the maximum extent possible.

According to the relevant EU Regulation, inspections are to 'be spread over the year'. This means that they can take place any time before, during or after the start of payments. Nevertheless, the Department undertakes to complete as much as possible of its normal programme of Disadvantaged Areas Scheme inspections between the closing date for receipt of applications and the start date of payments.

As required by the relevant EU Regulation, 5% of applicants will be selected for inspection each year on the following basis -

Risk Analysis: 75% to 80% of applications selected for inspection must take account of risk elements such as the amount claimed, the number of land parcels involved, changes from the previous year, check findings in past years, non-compliance with animal registration requirements and other factors to be determined by Ireland.

Being representative of all applications lodged: 20% to 25% of applications selected for inspection must be selected randomly – Auditors expect this random selection process to cover applicants in all counties.

Applicants selected for on-farm inspections in this way will be given 48 hours notice of such inspections. If arrangements for earlier notification can be negotiated with the EU, they shall be given the benefit of such earlier notice.

At every on-farm inspection the applicant or applicant's agent and any others present will be given the opportunity to sign the inspection report form (or to decline to sign it). If the applicant or agent thinks it necessary, he or she may enter written observations in that form concerning the inspection.

Application problems identified during on-farm inspections will be drawn to the attention of the applicant or agent at the time of inspection by way of a notice form handed to the farmer or agent. At that time the applicant or agent will be given the opportunity to provide an explanation or clarification of issues raised in the course of the inspection if he or she so wishes. Alternatively, the applicant may provide a written explanation or clarification within fourteen days of the inspection. Any explanation or clarification given will be taken into consideration before a decision is taken.

If a penalty arising from inspection is being notified to the applicant by way of a final notice, a copy of the inspection report form will be forwarded to the applicant with that notice.

Problems identified during any remote sensing inspection will be drawn to the applicant's attention as soon as possible after they are disclosed to the Department so that the applicant can provide any explanation or clarification required before any definitive finding is made. Usually such problems will be drawn to the applicant's attention by way of a follow-up on-farm inspection subject to the procedures outlined here in respect of such inspections.

Compliance Issues

The main non-compliance issues arising each year in respect of about 2% of applicants are low stocking level, area declaration errors and insufficient holding size.

The Department undertakes to consult with the farm organisations in relation to compliance issues arising.

Department staff will co-operate fully in relation to any appeals made by applicants to the Agriculture Appeals Office or to the Ombudsman.

Payment

The Department will make every endeavour to commence payments before the 21 September commencement date previously applicable. In future years, if the closing date for receipt of Single Payment Scheme/Compensatory Allowance etc applications is brought forward from 15 May to an earlier date, and taking into account the issues arising from the implementation of the Single Payment Scheme in 2005, the commencement date of Compensatory Allowance payments will be brought forward correspondingly to an earlier date.

Time Frame		
Application	Inspection	Payment
Same as for Single Payment Scheme – no later than 15 May or the next working day if 15 May is a non-working day	Normally between application closing date and commencement of payments	21 September each year or correspondingly earlier if the closing date for receipt of applications is earlier than 15 May - and taking into account the issues arising from the implementation of the Single Payment Scheme in 2005.

The Department will seek to ensure that from 1 January 2007, the arrangements for administrative checks, risk analysis, inspections and cross compliance will be aligned to the maximum extent possible with the corresponding arrangements for the Single Payment Scheme.

Compensatory Allowance Report Form

CA 04

Applicant _____ Herd Number _____

Date of Inspection _____

Are you satisfied that the applicant YES/NO

- is aged 18 years or over, as per iMap Document check.
- farms a minimum of 3 Ha of forage land in a designated Disadvantaged Area.
- resides within daily commuting distance (70 miles) of the holding on which C A is being claimed.
- has satisfied/can satisfy the undertaking to remain in farming for 5 years from the first payment of a C A.
- Is compliant with the Good Farming Practice Requirements.

No. of equines No. of deer No. of goats

No. of bovines No. of sheep

(a) Total no. of LU's _____

(b) Net Forage Area farmed _____ Ha.

Stocking density (no LUs per Ha) = $a/b =$ _____

(Reject if < 0.15)

- has a stocking density of 0.15 LU or greater or if derogation case
- has stock on the holding and is currently engaged in farming

Certificate of Applicant or Agent:

I the Applicant/Agent (delete as required) certify that the inspection procedure to be followed was explained to me and I am satisfied it was carried out accordingly.

Signature of Applicant/Agent: _____

Date _____

Signature of person(s) present: _____

Applicants/Agents Observations (if any)

Signed by inspecting officer: _____

Code _____ Date _____

Assisted by _____

Code _____ Date _____

Checked by SAO _____

Code _____ Date _____

Checked by DS _____

Code _____ Date _____

INPUT FOR PAYMENT

YES/NO

Reason if NO _____

Signed by _____

SO/EO Date _____

5. RURAL ENVIRONMENT PROTECTION SCHEME (REPS)

Background

Reps is designed to reward farmers for carrying out their farming activities in an environmentally friendly manner and to bring about environmental improvement on existing farms. It's a voluntary 5-year contract between farmer and Department and is 75% co-funded by EU.

Applications Dates/Forms

All year round application for admission to scheme.

Scheme documentation available from local AES office.

Application form for annual payment will be sent out by Department and must be returned within two months of anniversary date.

Administrative Checks

All applications, whether new or existing contracts, are subject to a detailed desk check including cross compliance.

Inspection

- 5% pre-payment of previous participants in Reps
- 10% pre-payment of first time participants in Reps
- 25% annual compliance inspection
- 5% annual plan check and farm visit
- Regulations require no-notice inspections

Compliance Issues:

- Only areas declared on IACS can be considered for payment.
- Onus remains on participant to obtain annual application form and submit it before the relevant due date.
- Late applications will incur penalties as will non-compliance with the scheme terms and conditions etc.

Payment: In advance and in accordance with approved published rates	
Processing annual application	Valid annual application will be approved ■ within 8 weeks
Processing application to join scheme	Valid application not selected for pre-payment inspection will be approved ■ within 10 weeks
	Valid application selected for pre-payment inspection will be approved ■ within 12 weeks
Processing payment	Following approval all payments will issue ■ within 4 weeks

Partnerships and Repts

The Department will include arrangements to favourably accommodate partnerships in the new Scheme.

Farmers who are participating in REPS prior to joining a milk production partnership will continue to receive individual payments after joining the partnership for the duration of their individual REPS contract.

Other Proposals

The Department shall engage with the farm organisations in the context of drafting the conditions of the new REPS scheme. It is intended that the scheme will have a general inspection rate of 5%.

6. EARLY RETIREMENT SCHEME

Objectives:

The objectives of the Scheme are:

- to provide an income for older farmers who decide to stop farming
- to encourage the replacement of such older farmers by farmers able to improve, where necessary, the economic viability of the remaining agricultural holdings
- to reassign agricultural land to non-agricultural uses where it cannot be farmed under satisfactory conditions of economic viability

Applications Dates/Forms:

Year round application.

Administrative Checks:

Applications are subject to an initial administrative check to ensure that core documents have been received followed by a detailed technical check by the Inspectorate.

Inspection:

10% of applications are selected for a pre-payment unannounced inspection.

Annual post-payment inspections are also carried out on 10% of participants.

Compliance Issues:

Failure by either the transferor or transferee to comply with the terms and conditions of the Scheme may result in the imposition of a monetary penalty.

Payment:

Payment of pension will commence within 6 weeks of approval with further payments issuing monthly thereafter for the duration of the pension.

Time Frame

Application	Inspection	Payment
Administrative validation check within 3 weeks	10% pre-payment 10% post-payment	Payment of pension will commence within 6 weeks of approval.
9 weeks for issue of approval following receipt of valid application (11 weeks if selected for pre-payment inspection)	Dept is seeking EU approval to reduce to 5% (requires formal amendment to RDP)	Further payments will be made monthly thereafter for the duration of the pension.

7. AFFORESTATION GRANT AND PREMIUM SCHEMES

Background:

The Department operates a range of forestry and related schemes at present, but the main one is the Afforestation Scheme which provides grants and premiums for the first planting of agricultural land. Over 90% of all private planting under this scheme is now being undertaken by farmers. However, very few farmers actually carry out the work themselves – instead, the work is carried out on their behalf by professional forestry companies or consultants, with 100% of the costs covered through grant-aid from the Department. In general, grants are mandated by the farmer to the company carrying out the work, which ensures that the farmer incurs no direct cost arising from the planting and consequently no delay in payment. An annual premium is also paid, this time directly to the farmer. The premium payment run takes place in March every year.

The other schemes operated by the Department, include:

- The Native Woodland Scheme
- The Neighbourwood Scheme
- Reconstitution of Woodland
- Woodland Improvement
- Shaping of Broadleaves and High pruning of conifers
- Forest Roads

Applications Dates/Forms

There are no deadlines in respect of receipt of applications for the schemes. A standard application form (Form 1) is used for prior approval in all the schemes. All proposed forestry developments must receive the prior written approval of the Department. Any development which proceeds without such approval will not be eligible for grant assistance.

Administrative Checks

- All applications for approval are acknowledged by a standardised acknowledgement sheet.
- The application is referred to the relevant Inspector for assessment and recommendations.

- If there are any environmental considerations identified the application may be referred to a prescribed body e.g. National Parks and Wildlife Service, Local Authority or Fisheries Board. Certain sites in this category require a process of public consultation.
- If the site is greater than 2.5 hectares a notice of the application is published in the local press.
- If the proposed development is greater than 25 hectares the application is referred to the relevant Local Authority for their observations.
- If the site is greater than 50 hectares an Environmental Impact Assessment is required.

The time frame for consultation with these bodies is a maximum of 2 months.

Inspections – Approval

Aside from any necessary referrals to prescribed bodies, approximately 40% of afforestation applications receive pre-approval inspections. The sites are looked at from a silvicultural and environmental aspect. The inspector will examine the operational proposals on ground preparation, species selection, plant stocking and spacing, drainage and fertiliser requirements. If the Department is satisfied that the plantation should proceed a letter of approval will issue indicating the terms and conditions on which the planting may take place.

Payment

Applications for payment must be completed and signed at the time of submission by both the applicant and an approved forester. All grant schemes are cost based and documentary evidence of costs expended and receipts for items purchased must be provided.

Payment applications are certified by the Department Inspector prior to payment. Approximately 40% of applications are subject to site inspection. If documentation is complete and the Inspector confirms the works have been carried out in compliance with the scheme and that the costs claimed are reasonable the afforestation grant and first premium are paid. A second instalment grant is payable after year four. Premiums are paid annually for twenty years in respect of farmers and fifteen years in respect of non-farmers.

Compliance Issues

An applicant must not claim forest grant or premium payment in respect of any area which is included in a claim under any other area-linked EU schemes such as the set-aside, REPS and area-aid schemes administered by the Department.

In order to ensure that this is the case, the Department uses computer-mapping technology to measure the area claimed and crosscheck the map supplied against the Department's records.

Application	Time Frame	
	Inspection	Payment
<i>Grant Schemes</i>		
All Year round		
Approvals within 10 weeks except where public consultation is required under statute; 14 weeks in these cases where practical. If objectors exercise their statutory right of appeal within 21 days of the issue of approval, the customer cannot proceed with planting until the appeal is decided.	40% inspection level within four weeks of receipt of application Inspections will be notified to landowners.	Within six weeks for non inspection cases or ten weeks where inspection is required – to be reviewed when new computer system fully operational.
<i>Forestry Premium Scheme</i>		
All year round Inspection	No pre-payment inspection Annual random inspections Payment.	Annual bulk payment run in March but payments continue throughout the year.

The Department will revise the Standard Costings with effect from January of each year.

8 ON-FARM INVESTMENT SCHEMES

8.a Farm Waste Management Scheme

Payment of grants for on-farm investments in regard to storage facilities for silage and agricultural wastes, animal housing and new equipment for the application of farm waste.

Applications Dates/Forms:

Year round application – FWM 1 form.

Administrative Checks:

Pre-approval and pre-payment checks.

Inspection:

100% pre-approval and 100% pre-payment inspection.

Compliance Issues:

Young farmer top-up limited to farmers within first five years of farming only; investment cannot lead to increase in production; buildings must be used for intended purpose for five years.

Applicant is responsible for ensuring that buildings are completed according to specification; inspection by Department staff only takes place following receipt of final claim.

Payment:

Payment based on receipts subject to maximum limits for structures determined by Department's Standard Costings.

Time Frame		
Application:	Inspection:	Payment:
10 weeks for issue of approval	100% pre-approval and 100% pre-payment (10% pre-approval inspection for mobile equipment)	Approval for payment within 9 weeks and issue of payment within 5 weeks of receipt of claim

Other Proposals:

The Department will seek deletion of prohibition on increase in production and the five year limitation on payment of young farmer top-up grant during negotiation of next Rural Development Round.

Discussions will be held with farm organisations regarding proofs of expenditure required prior to next Rural Development Round.

The Department will revise the Standard Costings with effect from January of each year. This should be carried out in good time such that any standard costing changes shall be announced before the January deadline. In cases of significant increases in costings, the exercise will be carried out twice per year.

With effect from next revisions of Scheme, Department will accept applications following issue of decision of intent to grant planning permission.

The Department plans to reduce the payment schedule from 9 and 5 weeks to 8 and 4 weeks respectively from 2007 in line with IT developments.

8b Dairy Hygiene Scheme

Payment of grants for on-farm investments in regard to upgrading of dairying facilities and improvement of dairy hygiene standards.

Applications Dates/Forms:

Year round application – DHS 1 form.

Administrative Checks:

Pre-approval and pre-payment checks.

Inspection:

100% pre-approval and 100% pre-payment inspection.

Compliance Issues:

Young farmer top-up limited to farmers within first five years of farming only; investment cannot lead to increase in production; buildings must be used for intended purpose for five years.

Applicant is responsible for ensuring that buildings are completed according to specification; inspection by Department staff only takes place following receipt of final claim.

Payment:

Payment based on receipts subject to maximum limits for structures determined by Department's Standard Costings.

Time Frame		
Application:	Inspection:	Payment:
10 weeks for issue of approval	100% pre-approval and 100% pre-payment (10% pre-approval inspection for bulk tanks)	Approval for payment within 9 weeks and issue of payment within 5 weeks of receipt of claim

Other Proposals:

Department will seek deletion of prohibition on increase in production and the five year limitation on payment of young farmer top-up grants during negotiation of next Rural Development Round.

Discussions will be held with farm organisations regarding proofs of expenditure required prior to next Rural Development Round.

The Department will revise the Standard Costings with effect from January of each year. This should be carried out in good time such that any standard costing changes shall be announced before the January deadline. In cases of significant increases in costings, the exercise will be carried out twice per year.

With effect from next revisions of Scheme, Department will accept applications following issue of decision of intent to grant planning permission.

The Department plans to reduce the payment schedule from 9 and 5 weeks to 8 and 4 weeks respectively from 2007 in line with IT developments.

The Department will engage with the farm organisations with a view to agreeing a mechanism for dealing with the installation of refrigerated bulk milk tanks in cases of emergency arising from the sudden breakdown of equipment.

8C Alternative Enterprises Scheme

Payment of grants for on-farm investments in regard to alternative enterprises (housing and handling facilities).

Applications Dates/Forms:

Year round application – AES 1 form + business plan.

Administrative Checks:

Pre-approval and pre-payment checks

Inspection:

100% pre-approval and 100% pre-payment inspection

Compliance Issues:

Buildings must be used for intended purpose for five years.

Applicant is responsible for ensuring that buildings are completed according to specification; inspection by Department staff only takes place following receipt of final claim.

Payment:

Payment based on receipts subject to maximum limits for structures determined by Department's Standard Costings.

Time Frame		
Application:	Inspection:	Payment:
10 weeks for issue of approval	100% pre-approval and 100% pre-payment	Approval for payment within 9 weeks and issue of payment within 5 weeks of receipt of claim

Other Proposals:

Discussions will be held with farm organisations regarding proofs of expenditure required prior to next Rural Development Round.

The Department will revise the Standard Costings with effect from January of each year. This should be carried out in good time so that any standard costing changes shall be announced before the January deadline. In cases of significant increases in costings, the exercise will be carried out twice per year.

Department will accept applications following issue of decision of intent to grant planning permission in respect of future Schemes.

8d Installation Aid Scheme

Once-off grant of €9,523 to farmers under 35 years setting up for the first time in farming.

Application Dates/Forms:

Year round application – Two-stage application process (IAS 1 & IAS 2 form).

IAS 1 – submission within six months of set-up; penalty of 5% per month applies thereafter

IAS 2 – submission within 30 months of set-up; penalty of 1% per working day thereafter

Administrative Checks:

Pre-approval and pre-payment checks

Inspection:

10% pre-payment inspection

Compliance Issues:

Applicant must, inter alia, be set up on a holding and decision, in principle, to approve grant must be made within 12 months.

Payment:

Payment made following validation of IAS 2 form

Time Frame		
Application:	Inspection:	Payment:
10 weeks for issue of approval following receipt of IAS 2 (12 weeks if selected for pre-payment inspection)	10% pre-payment inspection	Issue of payment within 5 weeks

Other Proposals:

Department will seek deletion of requirement for issue of approval, in principle, within 12 months during negotiation of next Rural Development Round.

Department will arrange for the notification of all transferees under the Early Retirement Scheme of the existence of and relevant deadlines applicable under the Installation Aid Scheme.

8e Pig Welfare Scheme

Payment of grants for on-farm investments in regard to improvements in animal welfare standards (sow housing) to facilitate compliance with new EU animal welfare standards for pigs.

Application Dates/Forms:

Year round application – PWS 1 & 2 forms.

Administrative Checks:

Pre-approval and pre-payment checks

Inspection:

100% pre-approval and 100% pre-payment inspection

Compliance Issues:

Investment cannot lead to increase in production; buildings must be used for intended purpose for five years.

Applicant is responsible for ensuring that buildings are completed according to specification; inspection by Department staff only takes place following receipt of final claim.

Payment:

Payment based on receipts subject to maximum limits for structures determined by Department's Standard Costings.

Time Frame		
Application:	Inspection:	Payment:
10 weeks for issue of approval	100% pre-approval and 100% pre-payment	Approval for payment within 9 weeks and issue of payment within 5 weeks of receipt of claim

Other Proposals:

The Department will revise the Standard Costings with effect from January of each year. This should be carried out in good time such that any standard costing changes shall be announced before the January deadline. In cases of significant increases in costings, the exercise will be carried out twice per year.

9. ANIMAL HEALTH SCHEMES

9.a TB and Brucellosis Eradication Schemes

Background:

Because of public health, and other considerations, it is appropriate that the national framework continues in place for the control and eradication of TB and Brucellosis. Each owner/keeper is ultimately responsible for the health and welfare of animals under his care. However, in the case of TB, various reports have demonstrated that the presence of badgers, a protected species under the Berne Convention, contributes to the spread of the disease. These reports also provide the basis for the Department's current Wildlife Strategy which has contributed significantly to the observed reduction in the incidence of the disease.

A compensatory scheme, partly funded by disease levies, is provided as part of the overall effort to eradicate these diseases.

The main elements of the existing compensation regime for payment of compensation for animals removed under the TB and Brucellosis Eradication Schemes are as follows:

- On-Farm Market Valuation Scheme
- Income Supplement Scheme
- Depopulation Grant Scheme
- Hardship Grant Scheme

In order to qualify for payment, the owner/keeper must meet the appropriate eligibility conditions applicable to each scheme. The Department undertakes to ensure that owners/keepers are informed of the relevant terms and conditions pertaining to the Department's TB and Brucellosis control and eradication regime and the associated compensation schemes.

Application dates/forms:

With regard to the Hardship Grant Scheme for which the period for submission of completed application form ER 97 is November to 30 April each year, the Department will ensure that the application form and terms and conditions of the scheme are issued to all potentially eligible owners/keepers shortly before and during the application period. In particular, the application form will be issued to all owners/keepers whose herds are restricted on 16 October or, where appropriate, which become restricted any time after that date up to 30 April.

Compensation under the On-Farm Market Valuation, Depopulation and Income Supplement Schemes is automatically considered by the Department where animals are identified as reactor animals or deemed reactor for the purpose of eradication, subject to compliance with the terms and conditions relevant to the schemes concerned and submission of the appropriate documents.

Administrative checks:

Checks are carried out prior to issue of payment to ensure that all of the relevant documentation is available and that the owner/keeper has not breached any of the provisions of the Diseases of Animals Act 1966, any Orders made thereunder; or movement, identification and other controls laid down under the Disease Eradication Schemes.

100% administrative check is performed prior to issue of payments

Compliance Issues:

Detailed rules in relation to compensation issues for TB and Brucellosis and conditions attaching to them are made available to owners/keepers by the Department.

Entitlement to the payment of compensation is conditional on the owner/keeper concerned meeting the requirements attaching to the different schemes, including compliance with requirements of the Diseases of Animals Act 1966, any order made thereunder, and with EU/national regulations governing the movement, identification and registration of cattle.

The Minister may refuse payment of compensation, in whole or in part, where an owner/keeper does not satisfy the aforementioned provisions or where the Minister is satisfied that the owner/keeper has failed to co-operate with authorised officers or Veterinary Inspectors of the Department in carrying out their duties under the Schemes.

Payment:

Payment is made subject to compliance with the relevant terms and conditions of the schemes and on receipt of the correct documentation.

Time Frame for payment:

TB and Brucellosis Eradication Schemes

Service	Target Delivery Time
Compensation – Bovine TB and Brucellosis Eradication Schemes	In 2005, TB and Brucellosis compensation will be paid within 4 weeks of the date of receipt of the required correct documentation or of eligibility as per terms and conditions applying to individual compensation schemes: On Farm Valuation Scheme, Income Supplement Scheme, Hardship Grant Scheme and Depopulation Grant Scheme. This will be reduced to 3 weeks from 2006.

9.b Other Animal Health Schemes

Background

The Department of Agriculture and Food (DAF) currently operates a policy of complete herd depopulation when BSE is confirmed in a herd. All bovine animals present on any holding associated with the BSE positive herd number regardless of age or duration of residence must be removed and slaughtered under Department supervision.

Following notification that a diagnosis of BSE has been confirmed, DAF will arrange to have the herd valued in accordance with Statutory Instrument Number 195 of 1990. A herdowner/keeper must present all bovine animals for inspection by a DAF official. This must include all animals registered in the BSE positive herd number or present on the same premises as a bovine animal registered in the BSE positive herd number regardless of age or duration of residence. The herdowner/keeper will be required to sign a form (Form BSE 30) indicating that all relevant bovine animals have been surrendered.

Herd owners/keepers are obliged to satisfactorily account for animals registered in their herds according to CMMS at the time of BSE confirmation. Herd owners/keepers must ensure that any animals presented for valuation are registered in their herd number according to CMMS. Any discrepancies should be discussed with NBAS staff at the local DVO.

Since October 2003, flocks in which Scrapie is confirmed are genotyped, and only those animals most susceptible to the disease are depopulated.

Compensation payable under the current scheme includes live valuation of the breeding animals. Flockowners are given the opportunity to choose a valuer from a list of five in their vicinity, subject to availability, and provided such a selection does not lead to a delay in valuation of more than 14 days from the date of selection. In the event of the first valuer selected not being available, they have the opportunity to select a second valuer. An appeal valuation is allowed if the flockowner is dissatisfied with the first valuation. If the flockowner is unhappy with the appeal valuation he/she may request that the question of valuation be referred to an arbitrator. An appeal valuation will negate the original valuation and the findings of the arbitrator will be binding on both parties. The Department may also appeal valuations and refer the issue to arbitration.

The compensation rate for factory lambs is payable in accordance with the average factory price per kg, pertaining to the week of slaughter, and a hardship payment of €28 per breeding ewe is also payable.

Additionally, the Department genotypes the entire flock and a limited number of replacement rams, free of charge.

Compensation payments to the flockowner are made within 2 to 4 weeks of receipt of the required completed documentation.

The Department is committed to continuing discussions with the farming organisations with a view to improving the efficiency of genotyping, blood sampling, valuation and permitting.

BSE and Scrapie Payment Dates

Service	Payment
BSE Compensation	Payments will be paid within 4 weeks of completed documentation being provided. This will be reduced to 3 weeks from 2006.
Scrapie compensation	Payments will be made within 4 weeks of receipt of the required completed documentation. This will be reduced to 3 weeks from 2006.

10. HEALTH AND SAFETY ISSUES FOR INSPECTING OFFICERS

All Department field staff are properly briefed, trained and experienced in their duties. They are regularly briefed on inspection matters and are aware of the likely hazards and appropriate control measures associated with field duty activities. Furthermore the Department is committed to providing such information, instruction, training and supervision as is necessary to ensure the safety, health and welfare of employees at work. If staff form the view that a serious risk exists during inspection, he/she will withdraw and if by so doing, the work procedure is left incomplete, a written report outlining the position and the basis for the decision to withdraw will immediately be sent to his/her superior officer.

11. COMPLAINTS

Farmers have a right to a quality service. If they feel that they have not received an appropriate level of service, we would encourage them to pursue the matter and have the situation rectified. The matter should initially be brought to the attention of the senior officer in charge of the area to which the problem relates. It is our policy that these problems continue to be taken seriously and that they are dealt with promptly.

Where a farmer is not satisfied with the response of the line division concerned he/she may pursue the matter with the Quality Service Officer. This may be done in person, by telephone or in writing. The Quality Service Officer will have the matter fully and impartially investigated, by an officer who was not involved in the matter giving rise to the complaint. Where the Department is at fault, we will apologise, rectify the matter and take whatever measures are necessary to prevent a similar situation recurring.

The Quality Service Officer may be contacted at the Quality Service Unit, Department of Agriculture and Food, Agriculture House, Kildare Street Dublin 2. Telephone 01-6072694 or Lo-call 1890-20 05 10 ext. 2694 or email qualityserviceunit@agriculture.gov.ie.

Complaints will be recorded and monitored by the Customer Service Unit to assist in providing an accurate picture of the quality of services provided and to identify areas requiring improvement. Feedback will be provided to staff on complaints received and where complaints disclose system flaws, procedures will be reviewed and appropriate action taken to avoid recurrences.

Information regarding the complaints procedure is available in all public offices and on our website. Staff are also required to advise customers who express dissatisfaction of their right to, and the manner in which, they may lodge a complaint.

These arrangements are in addition to a farmers right to appeal (see section 12) or to make a complaint to the Office of the Ombudsman if he/she believes they have not been treated in a proper manner. The Ombudsman may be contacted at 18 Lower Leeson Street, Dublin 2. Telephone (01) 678 5222 or Lo-Call 1890 22 30 30.

12 APPEALS PROCEDURE

The Department is fully committed to ensuring that scheme applicants receive a complete and satisfactory service. Where applicants are unhappy with the outcome to their application they may appeal the decision to the relevant Appeals body.

Application forms are available on the Agriculture Appeals Office website at: www.agriappeals.gov.ie or from local offices.

It is the Minister's intention to amend the legislation governing the Agricultural Appeals Office so that a farmer who is not satisfied with a decision in relation to the Single Payment Scheme will be entitled to have the decision appealed to the Agriculture Appeals Office. Appeals should be addressed to:

Agriculture Appeals Office,
Kilminchy Court,
Portlaoise,
Co Laois
Lo-Call: 1890-671671
Telephone: 0502-67167 / 67169

The Minister also intends to bring Forestry Appeals under the aegis of the Agriculture Appeals Office. Until then Forestry appeals should be made to:

The Appeals Unit,
Forest Service,
Department of Agriculture and Food,
Johnstown Castle Estate,
Co Wexford.
Lo-Call: 1890 200 223

TB and Brucellosis Eradication Schemes

The Agriculture Appeals Office is also responsible for appeals relating to the TB and Brucellosis Eradication Scheme, other than those relating to the valuation aspects of these Schemes. Under the On- Farm Valuation Scheme, both the herdowner/keeper and the Department may reject the first valuation of animals carried out under the Scheme and request a second valuation. The party requesting the appeal valuation bears the cost of the second valuation. Where no agreement is reached following the appeal valuation, the matter can be referred to an Arbitration Panel set up to deal with these matters. The decision taken by the Arbitration Panel is based on the "market value" principles and is binding on both parties. The Arbitration Panel also takes a decision as to who bears the costs of the Arbitration process. Details

of this appeals process are set out in the document "T.B. and Brucellosis Eradication Schemes: On-Farm Market Valuation Scheme: Important Information for the Farmer" which is given to all farmers who experience a disease breakdown in their herd.

The Department undertakes to examine carefully the recommendations made by the Agriculture Appeals Office to the Department in their Annual Report with a view to their implementation, if appropriate.

13. CHARTER MONITORING AND REVIEW

A Committee will be established to monitor and review the implementation of this Charter:

- This Committee will be chaired by an independent chairman
- The Chairman will be appointed by the Minister following consultation with the Social Partner Farm organisations
- The Social Partner Farm organisations and the Department of Agriculture and Food will be represented on the Committee
- The Committee will meet three times a year or otherwise as agreed

The Committee will monitor

- Progress towards achievements of payment/decision targets established under this Charter
- Progress towards achievement and implementation of other targets established under this Charter
- Standards of service in respect of schemes to which this Charter applies

The Committee will review payment/decision deadlines as provided for in this Charter and the Department will provide the Committee with sufficient information to effectively carry out its role.

ANNEX I

STATUTORY MANAGEMENT REQUIREMENTS (SMR) REFERRED TO IN ARTICLES 3 AND 4 OF THE COUNCIL REGULATION (1782/2003)

[Asterisks (*) denotes SMR or aspects of the SMR also applicable to Good Farming Practice (GFP)]

A. Applicable from 1.1.2005		
	Environment	Applicable Articles
1.	* Council Directive 79/409/EEC on the conservation of wild birds	Articles 3 4 (1, 2, 4), 5, 7 and 8
2.	* Council Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances	Articles 4 and 5
3.	* Council Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture	Article 3
4.	* Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources	Articles 4 and 5
5.	* Council Directive 92/43/EEC On The Conservation Of Natural Habitats and of Wild Flora and Fauna	Articles 6, 13, 15 and 22(b)
	Public and animal health	
	Identification and registration of animals	
6.	* Council Directive 92/102/EEC on identification and registration of animals	Articles 3, 4 and 5
7.	* Commission Regulation (EC) No 2629/97 of laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals	Articles 6 and 8

8.	* Council Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef producers	Articles 4 and 7
8 A	* Council Regulation (EC) No 21/2004 of the European Parliament and of the Council establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC	Articles 3, 4 and 5

B. Applicable from 1.1.2006

	Public, Animal and Plant Health	Applicable Articles
9.	* Council Directive 91/414/EEC concerning the placing of plant protection products on the market	Article 3
10.	* Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostraic action and of beta-agonists	Articles 3, 4, 5 and 7
11.	Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law and laying down procedures in matters of Food Safety	Articles 14, 15, 17(l), 18, 19 and 20
12.	Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies	Articles 7, 11, 12, 13 and 15
	Notification of diseases	
13.	* Council Directive 85/511/EEC introducing Community measures for the control of foot-and-mouth disease	Article 3

- | | | |
|-----|--|-----------|
| 14. | Council Directive 92/119/EEC introducing general Community measures for the Control of certain animal diseases and specific measures relating to swine vesicular disease | Article 3 |
| 15. | Council Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue | Article 3 |

C. Applicable from 1.1.2007

Animal welfare		Applicable Articles
16.	* Council Directive 91/629/EEC laying down minimum standards for the protection of calves	Articles 3 and 4
17.	* Council Directive 91/630/EEC laying down minimum standards for the protection of pigs	Articles 3 and 4(l)
18.	* Council Directive 98/58/EC concerning the protection of animals kept for farming purposes	Article 4

ANNEX 2

GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITIONS REFERRED TO IN ARTICLE 5 AND ANNEX IV OF COUNCIL REGULATION (EC) NO 1782/2003

Issue	Standards
Soil erosion: <ul style="list-style-type: none">■ Protect soil through appropriate measures	<ul style="list-style-type: none">■ Minimum soil cover■ Minimum land management reflecting site-specific conditions■ Retain terraces
Soil organic matter: <ul style="list-style-type: none">■ Maintain soil organic matter levels through appropriate practices	<ul style="list-style-type: none">■ Standards for crop rotations where applicable■ Arable stubble management
Soil structure: <ul style="list-style-type: none">■ Maintain soil structure through appropriate measures	<ul style="list-style-type: none">■ Appropriate machinery use
Minimum level of maintenance: <ul style="list-style-type: none">■ Ensure a minimum level of maintenance and avoid the deterioration of habitats	<ul style="list-style-type: none">■ Minimum livestock stocking rates or/and appropriate regimes■ Protection of permanent pasture■ Retention of landscape features■ Avoiding the encroachment of unwanted vegetation on agricultural land

ANNEX 3

SINGLE PAYMENT SCHEME – APPROACH TO CROSS COMPLIANCE INSPECTION RESULTS

Beneficiaries of the Single Payment Scheme (SPS) must comply with eligibility for the scheme, statutory management requirements (SMR) and good agricultural and environmental conditions (GAEC).

In 2005 Cross Compliance Areas provisions are applicable under the Single Payment Schemes in three Areas as follows;

Area 1: Environment

Directives;

1. Council Directive 92/79/409 EEC (Articles 3,4.1, 4.2, 4.4, 5, 7 and 8),
2. Council Directive 80/68/ EEC (Articles 4 and 5),
3. Council Directive 86/278/ EEC (Articles 3),
4. Council Directive 91/676/EEC (Articles 4 and 5),
5. Council Directive 92/43/EEC (Articles 6,13,15 and 22b),

Area 2: Public and Animal Health – Identification and Registration of animals

Directives;

6. Council Directive 92/102/EEC (Articles 3,45 and 5),
7. Commission Regulation (EC) No 2629/1997 (articles 6 and 8)
8. Council Regulation (EC) No 1760/2000 (Articles 4 and 7)
- 8a. Council Regulation (EC) No 21/2004 (Articles 3,4,and 5)

Area 3: Good Agricultural and Environmental Condition

Area 2: Public and Animal Health – Identification and Registration of animals (cattle)

Assessment of inspection finding

Where the level of non-compliance is regarded as minor in nature and inadvertent the farmer will be given the opportunity to rectify the omission or discrepancy without financial sanction. The animal(s) in question may however be subject to restriction until such time as the discrepancy or omission has been rectified. (See Table below). In addition, where any discrepancy in relation to identification or registration arises and it is clear that the keeper is not responsible, no sanction shall apply.

Where the level of non-compliance discovered is in excess of that outlined in the table a sanction will be applied the level of which (1%, 3% or 5%) will be determined by the extent, severity and permanence of the matter:

Annex 3 - Table

Any number of animals with one tag

Herd Register discrepancies (as distinct from failure to maintain a register)

Herd register incomplete but relevant dockets available with the register

Missing entries in the herd register (as distinct from failure to maintain a register)

Passport discrepancies

Mislaidd passports

2 animals missing both tags in herds up to 50 animals

3 animals missing both tags in herds from 51 to 100 animals

4 animals missing both tags in herds from 101 to 150 animals

5 animals missing both tags in herds from 151 to 300 animals

6 animals missing both tags in herds over 300 animals

Clerical error in CMMS notification process

Incorrect CMMS notification

2 animals not notified to CMMS in herds up to 50 animals

3 animals not notified to CMMS in herds from 51 to 100 animals

4 animals not notified to CMMS in herds from 101 to 150 animals

5 animals not notified to CMMS in herds from 151 to 300 animals

6 animals not notified to CMMS in herds over 300 animals

The following combinations of the above will also not give rise to sanction:

Discrepancies in the register and passports

Discrepancies in the register and mislaid passports

Discrepancies in the register and depending on herd size animals missing both tags

Discrepancies in the register and an incorrect notification

Missing entries in the register and passport discrepancies

Missing entries in the register and depending on herd size animals missing both tags

Missing entries in the register and an error in the notification

Missing entries in the register and incorrect notification

Passport discrepancies and depending on herd size animals missing both tags

Passport discrepancies and clerical errors in the notification

Passport discrepancies and incorrect notification

Passport mislaid and depending on herd size animals missing both tags

Passport mislaid and clerical errors in notification

Passport mislaid and incorrect notification

Animals missing both tags (depending on herd size) and clerical errors in notification

Animal missing both tags (depending on herd size) and incorrect notification

Discrepancies in the register and passports and clerical errors in notification

Discrepancy in the register and passport and depending on herd size animals missing both tags

Passport discrepancies, and depending on herd size animals missing both tags and clerical errors in notification

A combination of discrepancies in the register; passports, animals missing both tags and other animals not notified to CMMS. The combination applies where the herd size limits defined earlier are not exceeded under any pillar and where overlap (same animal) is limited to register and passports.

“Herd register discrepancies” are considered to be clerical errors in relation to the entry e.g. male instead of female.

“Missing entries” in the herd register means failure to make an entry in relation to a transaction e.g. if there is a record in the register but there is no entry in relation to the date of the transaction.

“Failure to maintain a herd register” means where no entry has been made in respect of entries for animals that require to be entered in the register for a period of more than 1 month prior to the date of inspection.

“Incorrect notification” means a notification is received but there is an error which delays registration.

These definitions refer to normal transactions and exclude intentional non-compliance.

At inspection where the level of non-compliance does not incur a financial sanction no account will be taken of those breaches at a 2nd inspection as they are regarded as minor and such cases will not be regarded as a risk. That is to say if there is no financial sanction at the first inspection the keeper will commence any future inspection with a “clean sheet”. However, repeated breaches in respect of the same animal cannot be considered as minor and a sanction will be applied at the 2nd inspection. At any inspection subsequent to that (i.e. subsequent to the 2nd inspection), within a three-year period, where the breach of regulation is repeated, account will be taken of the continuation of non-compliance.

Example:

If at a 1st inspection in 2005 a farmer has register discrepancies. In line with the above table the farmer will be advised of the non-compliance with no payment reduction. If at a 2nd inspection in say 2007 further register discrepancies are found the person will again be advised of the non-compliance without payment reduction. He/she will also be advised that if non-compliance of this nature is found again within 3 years (i.e up to 2010) the non-compliance will lead to financial reduction.

Register discrepancies will be seen as a single factor and the number of these discrepancies will not increase the level of sanction. However, where the register has not been maintained at all for a period of one month, a 1% sanction shall apply

Passport discrepancies or mislaid passports will be seen as a single factor and the number of these discrepancies will not increase the level of sanction.

Intentional non-compliance

Sanctions for intentional non-compliance will only be applied where there is sufficient evidence to support this view.

Area 2: Public and Animal Health – Identification of animals (sheep)

Assessment of inspection finding

Where the level of non-compliance is regarded as minor in nature and inadvertent the farmer will be given the opportunity to rectify the omission or discrepancy without financial sanction. The animal(s) in question may however be subject to restriction until such time as the discrepancy or omission has been rectified. (See Table below).

In addition, where any discrepancy in relation to identification and registration arises and it is clear that the keeper is not responsible, no sanction shall apply.

Where the level of non-compliance discovered is in excess of that outlined in the table a sanction will be applied the level of which (1%, 3% or 5%) will be determined by the extent, severity and permanence of the matter.

Annex 3 - Table

Flock Register discrepancies (as distinct from failure to maintain a register)
Flock register incomplete but relevant docket available with the register
Missing entries in the flock register (as distinct from failure to maintain a register)
Census discrepancies
No census in the last year
5 animals missing tags in flocks up to 50 animals
7 animals missing tags in flocks from 51 to 100 animals
12 animals missing tags in flocks from 101 to 150 animals
17 animals missing tags in flocks from 151 to 200 animals
20 animals missing tags in flocks 201 to 250 animals
25 animals missing tags in flocks from 251 to 300 animals
30 animals missing tags in flocks over 301 to 400 animals
40 animals missing tags in flocks over 401 to 600 animals
50 animals missing tags in flocks over 601 to 1,000 animals
60 animals missing tags in flocks over 1,000 animals
Clerical error in a dispatch docket

The following combinations of the above will also not give rise to sanction:

Discrepancies in the register and census

Discrepancies in the register and no census in the last year

Discrepancies in the register and depending on flock size animals missing tags

Discrepancies in the register and clerical errors a dispatch docket

Missing entries in the register and census discrepancies

Missing entries in the register and depending on flock size animals missing tags

Missing entries in the register and an errors in a dispatch docket

Census discrepancies and depending on flock size animals missing tags

Census discrepancies and clerical errors in a dispatch docket

No census for the last year and depending on flock size animals missing tags

No census for the last year and clerical errors in a dispatch docket

Animals missing tags (depending on flock size) and clerical errors in a dispatch docket

Discrepancies in the register and census and clerical error in a dispatch docket

Discrepancies in the register and census and depending on flock size animals missing tags

Census discrepancies, and depending on flock size animals missing tags and clerical errors in a dispatch docket

A combination of discrepancies in the register, dispatch dockets, census and animal missing tags. The combination applies where the flock size limits defied earlier are not exceeded in any area

“Flock register discrepancies” are considered to be clerical errors in relation to the entry e.g. male instead of female.

“Missing entries” in the flock register means failure to make an entry in relation to a transaction e.g. if there is a record in the register but there is no entry in relation to the date of the transaction.

“Census” the annual count of sheep. **“Discrepancy”** arises where the count is correct but there is an error in subtracting purchases or adding sales to match the previous years number.

“Failure to maintain a flock register” means the register was not updated for more than 2 month prior to the date of inspection and there was more than one transaction in the period.

These refer to normal transactions and exclude deliberate manipulation of the data.

At inspection where the level of non-compliance does not incur a financial sanction no account will be taken of those breaches at a 2nd inspection as they are regarded as minor and such cases will not be regarded as a risk. That is to say if there is no financial sanction at the first inspection the keeper will commence any future inspection with a "clean sheet". However, repeated breaches in respect of the same animal cannot be considered as minor and a sanction will be applied at the 2nd inspection. At any inspection subsequent to that (i.e. subsequent to the 2nd inspection), within a three-year period, where the breach of regulation is repeated, account will be taken of the continuation of non-compliance.

Example:

If at a 1st inspection in 2005 a farmer has register discrepancies. In line with the above table the farmer will be advised of the non-compliance with no payment reduction. If at a 2nd inspection in say 2007 further register discrepancies are found the person will again be advised of the non-compliance without payment reduction. He/she will also be advised that if non-compliance of this nature is found again within 3 years (i.e. up to 2010) the non-compliance will lead to financial reduction.

Register discrepancies will be seen as a single factor and the number of these discrepancies will not increase the level of sanction.

Intentional non-compliance

Sanctions for intentional non-compliance will only be applied where there is sufficient evidence to support this view.

ANNEX 4 SINGLE PAYMENT SCHEME ABBREVIATIONS

BHR	Bovine Herd Register
CAP	Common Agriculture Policy
DAF	Department of Agriculture and Food
DEHLG	Department of the Environment Heritage and Local Government
CMMS	Cattle Movement Monitoring System
EC	European Commission
EU	European Union
CFP	Commonage Framework Plan
GAEC	Good Agricultural and Environmental Condition
GFP	Good Farming Practice
LFA s	Less Favoured Areas
LPIS	Land Parcel Identification System
NHA s	Natural Heritage Areas
NMP	Nutrient Management Plan
NPITS	National Pig Identification and Tagging System
NPWS	National Park and Wildlife Service
REPS	Rural Environment Protection Scheme
SAC	Special Area of Conservation
SPA	Special Protection Area
SMR s	Statutory Management Requirements



