

FAS Training

Module 3

Weightings & Sanctions

November/December 2009

Farm Inspections

The Department of Agriculture, Fisheries & Food undertakes this function in association with the Department of the Environment

- § It must implement a system of on-the-spot controls
- § It must provide for reductions or exclusions for non-compliance
- § Must distinguish between **negligence** and **intent** and take account of **repeated** breaches of the requirements

Cross Compliance

The 19 Community Legislative Acts are categorised into 3 Areas in addition to the further Area of GAEC and these comprise Cross Compliance

Environment Area

5 directives on environment

Wild Birds, Groundwater, Sewage Sludge, Nitrates and Habitats

Public, Animal and Plant Health Area

4 Directives/Regulations on the identification and registration of farm animals

7 Directives on public, animal and plant health

Animal Welfare Area

3 Directives on animal welfare

GAEC Area

19 Standards to meet

Cross Compliance Inspection Levels

- § **Eligibility** - Land declared for the Single Payment Scheme must be checked for eligibility - 5% on the spot - same as before under the Area Aid checks
- § **Cross Compliance** - 1% level for all Cross Compliance areas with the exception of cattle identification where a 5% sample must be checked & Ovines/Caprines where 3% of applicants & 5% of flocks are checked

Minor Cross Compliance Breaches

- § Certain breaches are considered minor in nature and fall within tolerance e.g. no sign on pesticide store, single animal moved farm-to-farm not notified etc. known as **CLT** cases
- § Farmer has 3 months to remedy situation and no financial sanction applies otherwise at least 1% is applied
- § **Remedial Action** can be taken more than once within the 36 month window provided RA taken at first opportunity
- § Herdowner must confirm that RA has been taken by returning RAN Part 2 to local office

Remedial Action in CLT cases

First Insp. Result	Remedial action Taken	% Result	Second Insp. Result	Remedial action Taken	% Result	Third Insp. Result	Remedial action Taken	% Result
Clt	Yes	0%	Clt	Yes	0%	Clt	Yes	0%
Clt	No	1%	Clt	-----	3% (1% x 3)	Clt	-----	9% (3% x 3)

Cross Compliance Weightings

- § Weightings 1 – 6 = Tolerance (**CLT**)
- § 7 – 26 Weightings = 1%
- § 27 – 46 Weightings = 3%
- § 47 + Weightings = 5%
- § **EXTENT** = 20 Weightings
- § **SEVERITY** = 20 Weightings
- § **PERMANENCE** = 50 Weightings

Cross Compliance Sanctions

- § Breaches of a **Negligence** nature:
 - § generally 3% but could be increased to 5% or reduced to 1% depending on the seriousness of the non-compliance
- § Apply **EXTENT** where off-farm impact such as farm-to-farm movement
- § Consider **SEVERITY** having taken account of the importance of the consequences of the non-compliance e.g. large number of animals never tagged & DNA required to establish traceability
- § Consider **PERMANENCE** depending on the length of time for which the effects lasts or the potential for terminating those effects by reasonable means e.g. cases where traceability cannot be established or badly polluted river

Cross Compliance Sanctions

Breaches which are of an **Intent** nature:

- § where the non-compliance has been committed intentionally or where a negligence sanction is deemed inappropriate
- § generally 20% but could be increased to 100% or reduced to 15% depending on the seriousness of the non-compliance e.g. organic fertiliser piped to stream or very large number of animals non-compliant
- § The sanction could be extended outside the year of the finding e.g. excluded for 2 years

Cross Compliance Sanctions

Repeated Breaches

Where the breach is repeated within a 36 month period the sanction will be multiplied by 3 to a limit of 15%. Further repetitions will be considered **Intent**

Repetition Rules

Art 41 of Commission Reg 796/2004:

§ **Repetition** is defined as a repeated non-compliance with the same requirement, standard or obligation (Pillar, Section, Group) within 36 months.

§ Must be at sanction level at a previous inspection & at subsequent inspection

§ Herdowner can avail of **Improvement Rule** only once within 36 months

§ Max of **Repetition** is 15%

If **INTENT** applied at 1st inspection & repetition applies at subsequent insp only option is 100%

Repetition Rules

- § If repetition is applicable at 100% sanction N2 (200% - 2 yrs) applies
- § **CURRENT** sanction is multiplied by 3 on 1st repetition
- § **PREVIOUS** sanction by 3 on 2nd or subsequent repetition
- § **Improvement Rule** - Once off benefit at 1st repetition only within 36 months. Example: 5% 1st insp, 3% 2nd insp - result = 9%.

Cross Compliance Sanctions

- § **Weightings** are added within an SMR to give overall sanction
- § Max sanction for **Negligence** within an SMR is 5%
- § Max sanction is taken within each **Area** and added to a max of 5% for **Negligence**
- § Max sanction for **Repetition** is 15%
- § **Negligence** sanction is added to **Repetition** to a max of 15%
- § **Negligence** and **Repetition** sanctions to a max of 15% are added to **Intent** sanction to give overall sanction



SMR <small>Our sanctioning for each SMR or for CL/CLT</small>	App- Date Y/M	CL/CLT	Non- Date Y/M	NEGLIGENCE	REPETITION	INTENT		
SMR 1 Birds		CLT						
SMR 2 Groundwater								
SMR 3 Sludge								
SMR 4 Nitrates				3%				
SMR 5 Habitats					3%			
Result for Area 1 (Max in Area 1)				3%				
SMR 6 Pigs								
SMR 6/7/8 Cattle					9%			
SMR 8a Sheep/Goats		CLT						
SMR 9 Plant Protection				1%				
SMR 10 Hormones								
SMR 11 Food Hygiene						20%		
SMR 12 Feed				1%				
SMR 13 Foot & Mouth								
SMR 14 Animal Diseases								
SMR 15 Bluetongue								
Result for Area 2 (Max in Area 2)				1%				
SMR 16 Calf Welfare				3%				
SMR 17 Pig Welfare								
SMR 18 Animal Welfare								
Result for Area 3 (Max in Area 3)				3%				
Result for GAEC				1%				
NEGLIGENCE REPETITION INTENT Results		Add :- Results for Area 1 + Area 2 + Area 3 + GAEC = Negligence Result (to max		A 5%	Add all Repetition sanctions = Repetition	B 12%	Add all Intent sanctions = Intent Result	C 20%
Overall Cross Compliance Result for CAPS ON		Note: Add ((Negligence Result + Repetition Result) to a max of 15%) + Intent Result =				(A + B to 15) + C 35%		

Eligibility Sanctions

- § Page 17 - 18 T & C 2009 SPS
- § No sanction where the area found is equal to or greater than the no. of entitlements held
- § Over-declaration of less than 3% or less than 2Ha- Area found is accepted
- § Over-dec between 3% - 20% or more than 2Ha- twice the difference between area declared or no. of entitlements held if lower & found area is taken from the found area
- § 20% + - No payment for the year in question
- § 50% + - No payment plus an admin fine

Eligibility Sanctions

- § Intentional over-declaration up to 20% - No SPS payment for the year in question
- § Intentional over-dec greater than 20% - No SPS payment for the year in question plus an admin fine
- § Where there is more than 1 set of payment entitlements & where reductions apply payment is calculated on the average value of the entitlements held
- § The average is based on no. of hectares declared

**Thank you for your
Attention!**

