

**DEPARTMENT OF AGRICULTURE AND FOOD**  
**CONSULTATION PAPER ON CROSS COMPLIANCE**  
**Responses required by 19th November 2004**

The attached consultation paper takes account of the requirements laid down in the Commission implementing Regulations and sets out the proposed approach of the Department of Agriculture and Food to the Cross Compliance obligations that must be respected in Ireland by farmers receiving direct payments under the Single Payment Scheme. The objective of this discussion document is to highlight the salient features of the new system of cross compliance both in terms of the standards that must be met and the control requirements. It is also intended to bring together, in a practical way, the various strands of the new system in a single document, stimulate reflection and discussion and provide an opportunity for comment on these proposals.

In addition the paper provides general background on the proposed approach to inspection and sanctions. The consultation document is available on the Department of Agriculture and Food website [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

The closing date for this consultation exercise is **Friday 19th November 2004**. Please send or e-mail your responses to:

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At the end of the consultation period, we intend to make copies of the comments received publicly available on request. We will assume that your reply may be made available unless you indicate in your response that you wish part or all of it to be excluded from this arrangement.

**The Data Protection Act:** Information provided by respondents to this consultation exercise will be held and used for the purposes of the administration of this current exercise.

Yours sincerely

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Liam Burke

**CROSS COMPLIANCE  
CONSULTATION PAPER**

**October 2004**

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1. Statutory Management Requirements referred to in Articles 3 and 4 and Annex III of Council Regulation (EC) No 1782/2003 – **(Pages 14-16)**.
2. Good Agricultural and Environmental Conditions referred to in Article 5 and Annex IV of Council Regulation (EC) No 1782/2003 – **(Page 17)**.
3. Proposed standards for Statutory Management Requirements applicable from 1.1.2005 referred to at Annex III of Council Regulation (EC) No 1782/2003) – **(Pages 18 – 32)**.
4. Proposed standards for Good Agricultural And Environmental Condition referred to at Annex IV of Council Regulation (EC) No 1782/2003 – **(Pages 33-36)**.

## 1. INTRODUCTION

This consultation document seeks the views of interested parties on the control arrangements that are necessary to implement the Cross Compliance elements of the new Single Payment Scheme introduced as part of Mid Term Review of the Common Agricultural Policy. An important part of this reform is the decoupling of direct payment from production and the creation of an effective link between EU support for agriculture and measures aimed at protecting the environment and improving the countryside as well as achieving high standards in food safety and in animal health and welfare. In pursuit of this objective it is necessary to put in place adequate checking and control arrangements to ensure adherence to the required standards

The Council of Ministers of the European Union has clearly recognised that farmers in receipt of subsidies have important responsibilities towards the protection of the environment, animal health and welfare, and public health. The Mid-Term CAP Reform Agreement (implemented by Council Regulation (EC) No 1782/2003) requires farmers to observe certain conditions in these areas in return for payments under the Single Payment Scheme. This is known as ‘Cross Compliance’. This strategy is in line with the European model of agriculture which has been defined by the Agriculture Council in the following terms;

*European agriculture as an economic sector must be versatile, sustainable, competitive and spread throughout Europe (including the less-favoured and mountainous regions). It must be capable of maintaining the countryside, conserving nature and making a key contribution to the vitality of rural life and must be able to respond to consumer concerns and demands regarding food quality and safety, environmental protection and the safeguarding of animal welfare.*

The European Council at its meeting in Gothenburg on 15/16 June 2001 concluded that the Common Agricultural Policy and its future development should, among its objectives, contribute to achieving sustainable development by increasing its emphasis on encouraging healthy, high quality products and environmentally sustainable production methods.

## **2. BACKGROUND**

2.1. The concept of linking farming to observance of statutory standards and good practice is not new. Farmers have long been aware of the benefits flowing from the 'clean green' image which our food industry has. This clean image together with our adherence to quality in food production has stood Irish agriculture well over the years. If we are to further build on this image and consolidate our share of an increasingly competitive and demanding national and international consumer market then we must continue to adhere to the highest standards.

2.2. It should be recalled that as part of the McSharry CAP reform in 1992 Ireland was successful in securing enhanced EU support for more extensive and more environmentally friendly farming. The whole direct payments system introduced as part of that reform has been of major benefit to Irish farmers. This together with the introduction of the Rural Environment Protection Scheme has achieved many positive results in terms of guarding the countryside and underpinning the rural economy. With the revisions to the Common Agricultural Policy as part of Agenda 2000, Good Farming Practice was introduced and with it the linkage to direct payments.

2.3. Good Farming Practice, as pointed out in the booklet launched by the Minister for Agriculture and Food in 2001, is common sense farming which cares for the environment and meets minimum hygiene and animal welfare standards. This involves complying with the law on the environment, food safety, hygiene, animal identification, registration and animal health and welfare requirements. Since its inception only a very small minority of farmers in Ireland to-date have been found to be non-compliant with the requirements of Good Farming Practice.

2.4. The Mid-Term CAP reform merely builds on the environmentally linked foundations laid down in Agenda 2000. Under the new Single Payment Scheme, respect for basic standards for the environment, public, animal and plant health and animal welfare and for good agricultural and environmental condition is now incorporated as a condition of the scheme.

### 3. CROSS COMPLIANCE

3.1. Cross compliance will involve 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, food safety, animal health, and welfare, and plant health,

and

- A requirement to maintain land in good agricultural and environmental condition (GAEC). In addition there will be an obligation on the Member State to ensure that there is no significant reduction in the amount of land under permanent pasture.

A Cross Compliance Booklet will be published and issued later in the year to all farmers eligible to apply for direct payments.

3.2. The Directives and Regulations referred to in Cross Compliance are in place for many years now. Producers are generally familiar with them and are complying with the standards set in implementing them in Ireland. In one case, the Nitrates Directive, final implementing provisions are, now being drawn up.

3.3. The Cross Compliance conditions consist of respecting Statutory Management Requirements (SMRs) in addition to maintaining the land in Good Agricultural and Environmental Condition (GAEC). If an applicant is found non-compliant sanctions will be applied under the Single Payment Scheme.

3.4. The various SMRs will be phased in over three years, starting on 1 January 2005. The list of the 19 regulatory requirements listed in Annex III of Council Regulation (EC) No 1782/2003 together with their effective dates for Cross Compliance purposes is set out in **Annex 1** of this document. The effective date for the first 8 of the regulatory requirements is 1 January 2005 and the

detailed standards in these cases are set out in **Annex 3**. Consultation on the standards for the SMRs with effective dates in 2006 and 2007 will be arranged in 2005.

3.5. It will be 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 Regulatory standards and issues which Member States must address in defining GAEC listed in Annex IV of Council Regulation (EC) No 1782/2003 are set out in **Annex 2** of this document. Member States are permitted to define GAEC within this framework and the proposed standards for Ireland are outlined in **Annex 4** of this document.

**3.6 Permanent Pasture:** The general underlying principle is that there should not be a decrease in total area under permanent pasture. As part of cross-compliance Member States will be obliged to ensure the ratio between permanent pasture and total agricultural area in the state shall not decrease to the detriment of permanent pasture by more than 10%. The ratio must be established each year on the basis of the Area Aid declarations. The benchmark ratio will be based mainly on land declared in 2003. In Ireland's case it means that there is considerable scope for rotating arable land within the limit as over 90% of agricultural land in Ireland is under permanent pasture. Monitoring of the ratio of permanent pasture to total agricultural area will be carried out at national level. If there is a 5% decrease in the level of permanent pasture it will be necessary to introduce an authorisation system prior to ploughing. 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.

#### **4. CONTROL SYSTEM - ORGANISATION OF ON-FARM INSPECTIONS**

4.1. In the first instance it is a requirement to carry out standard **eligibility** checks. The requirements for checking eligibility of the area declared are similar to the arrangements currently in place for area aid inspections and the sanctions are generally the same as applied under the existing rules.

These checks will be carried out to;

- ❑ Verify that the actual area claimed in the Single Payment application form corresponds with the area held by the farmer and ensure there are no overlapping claims, or duplicate claims;
- ❑ Confirm that the lands declared for set-aside purposes are maintained in accordance with the provisions of the EU Regulations and the set-aside obligations are observed;
- ❑ Confirm 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 in the application form does not contain land used for fruit and vegetable production or potatoes in the year of application;
- ❑ Confirm that lands declared as eligible hectares have not been afforested or used for the production of other permanent crops in the year of application.

At least 5% of applicants will receive on-farm eligibility checks. .

- 4.2. The rate of on-farm inspection required for **cross-compliance** is normally 1% of those farmers to whom the relevant Statutory Management Requirement 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 relevant Regulations.
- 4.3. The Department of Agriculture and Food, as the EU accredited Paying Agency, will have primary responsibility to ensure that the required level of cross compliance inspections is carried out and for fixing any sanctions to be applied. At the same time the Competent Control Authorities are responsible for ensuring compliance with the standards and requirements defined under the SMRs and Good Agricultural and Environmental Condition. For example the Competent Control Authority responsible for compliance with identification and registration of cattle is the National Beef Assurance Division of the Department of Agriculture and Food while the body responsible for ensuring compliance with the Habitats Directive is the National Parks and Wildlife Service Section of the Department of Environment, Heritage and Local

Government. Local Authorities have responsibility for compliance with the requirements defined in the Sewage Sludge, Nitrates and Protection of Groundwater Directives.

- 4.4. 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. This could 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.
- 4.5. Currently the Department of Agriculture and Food is in consultation with all Competent Control Authorities to ensure the maximum level of integration of inspections across all areas. This approach should minimise the level of inconvenience to farmers. However in certain instances it will not be possible to avoid more than one inspection of the same holding.
- 4.6. In regard to notification of inspection, the regulations state that notification may be given where the purpose of the inspection is not jeopardised but such notification must be limited to 48 hours where eligibility checking is part of the inspection. The European Commission has been approached at various levels, regarding proposals to increase the notification limit, without success.
- 4.7. Under the Single Payment Scheme there will be a significant reduction on the current number of on-farm checks, which are approaching 20,000 per year.

## **5. REPORTING CROSS COMPLIANCE CHECKS:**

- 5.1 Inspectors visiting a holding to examine compliance with the specified cross compliance standards will be following a standardised reporting system to ensure consistency of decision making and fairness of treatment for all clients visited notwithstanding that the checking approach will vary depending on the

requirement under scrutiny. The inspecting officer will complete a control report form following each inspection.

- 5.2 The report must be finalised within one month of each on-the-spot check and that report must be referred to the Paying Agency within one further month of inspection. An applicant will be given an opportunity to sign the report and if non-compliance is found the applicant will be given details of the non-compliance on the day of the inspection.
- 5.3 If non-compliance is found it will be necessary to report on the 'severity' i.e. the importance of the issue taking account of the aims of the Measure, 'extent' i.e. whether the non-compliance has far-reaching impact or is confined to the farm itself, and 'permanence' of the breach i.e. the length of time the effect lasts relative to the possibility of rectifying the result by reasonable means, and 'repetition' i.e. whether or not such a breach occurred previously. On this basis the level of sanction will be determined.

## **6. CROSS COMPLIANCE - SANCTIONS;**

- 6.1 If non-compliance is due to negligence then, normally, the penalty is 3% of the aid for the year in question. However, on examination of the control report and taking account of the permanence, extent or severity of the non-compliance the 3% may be reduced to 1% or increased to 5%. If repeated non-compliance is found then the penalty established will be multiplied by 3 up to a maximum of 15% of the aid.
- 6.2 If intentional non-compliance is found then the penalty is 20% of the direct payments referred under Council Regulation 1782/93 for the year in question. However, on examination of the control report and taking account of the permanence, extent or severity of the non-compliance the 20% may be reduced to 15% or increased to 100%.
- 6.3 The cross compliance checks are separate from eligibility checks and any cross compliance sanctions will be applied after eligibility has been established. It is a requirement that all eligibility checks are complete prior to payment. However,

payment will not be delayed where the cross compliance inspection is not finalised provided all eligibility checks are in order.

## **7. RELATIONSHIP BETWEEN CROSS COMPLIANCE AND GOOD FARMING PRACTICE**

7.1. 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 Environmental Protection Scheme
- Scheme of Early Retirement from Farming (transferees)

7.2 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 Department of Agriculture and Food to develop and implement a unified Code of Good Practice to incorporate the existing Good Farming Practice and the finalised Cross Compliance measures, subject to the adoption of appropriate provisions in the new EU Rural Development Regulations post 2006.

## **8. FARM ADVISORY SYSTEM**

8.1 The purpose and scope of the Farm Advisory System is outlined in Article 13, Paragraph 2 of Regulation 1782/2003. It will assist the farmer in identifying changes required to the physical farm or farm management practices in view of his/her legal obligations to the Statutory Management Requirements outlined in Annex III of Regulation 1782/2003 and the obligation to maintain the land in good

agricultural and environmental condition. The Farm Advisory System must be operational by January 1<sup>st</sup> 2007 at the latest. Participation by farmers will be voluntary. Article 21d of **Council Regulation (EC) No 1783/2003** on support for rural development provides that support may be granted (from the Modulated funds) to farmers to help them meet the costs arising from the use of the farm advisory services. However no decision has been taken, as yet, regarding the distribution of these funds.

8.2 The Council is to decide before 31 December 2010, on the basis of a Commission report, whether to make the advisory system compulsory for certain categories of farmers.

## **9. DATA PROTECTION;**

9.1 In order to facilitate control checks and to ensure that compliance with the control requirements is adequately addressed, it will be necessary in certain circumstances to exchange data between the Competent Control Authority and the Paying Agency.

## **10. CONCLUSION**

10. 1 This consultation document has been prepared with the objective of ensuring that Irish farmers are fully aware of what is expected of them in the area of Cross Compliance so that they can maximise their return from the Single Payment Scheme. Your comments are invited on or before **Friday, 19 November 2004**.

## CONSULTATION QUESTIONS

You may find the following questions useful in helping to structure your response.

### **A. Statutory Management Requirements (Annex 3)**

- 1) Are the standards set out in Column 4 of Annex 3 readily understood?
- 2) Are there more appropriate measures of adherence to the requirements? What are they and why?
- 3) Have you suggestions in relation to the best arrangements for informing farmers of the Cross Compliance requirements?

### **B. GAEC Measures (Annex 4)**

- 4) Are the proposed standards set out in Column 3 of Annex 4 readily understood?
- 5) Are there more appropriate standards and supporting guidelines, which might be used? What are they and why?

### **C. General:**

6. What information should an applicant receive following an inspection where: (a) full compliance is found and (b) non-compliance is found?
7. Have you views on how inspections should be carried out taking account of the various requirements being checked?

# Annex 1

## 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)]

| <b>A. Applicable from 1.1.2005</b> |  |  |
|------------------------------------|--|--|
|                                    | <b>Environment</b>   | <b>Applicable Articles</b>               |
| 1.                                 | * Council Directive 79/409/EEC on the conservation of wild birds.  | Articles 3<br>4 (1, 2, 4), 5, 7<br>and 8 |
| 2.                                 | * Council Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances  | Articles 4<br>and 5                      |
| 3.                                 | * Council Directive 86/278/EEC on the protection of the environment, an 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<br>5                      |
| 5.                                 | * Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna  | Articles 6, 13,<br>15 and<br>22(b)       |
|                                    | <b>Public and animal health</b>  |  |
|                                    | <b>Identification and registration of animals</b>  |  |
| 6.                                 | *Council Directive 92/102/EEC on identification and registration of animals  | Articles 3,<br>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<br>6 and 8                      |
| 8.                                 | * Council Regulation (EC) No 1760/2000 of the European Parliament  | Articles 4 and 7                         |

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|-----|--|---------------------|
|     | and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef producers  |                     |
| 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>B. Applicable from 1.1.2006</b> |  |                                       |
|                                    | <b>Public, animal and plant health</b>   |                                       |
| 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  | Articles 14, 15, 17(I), 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 transmissible spongiform encephalopathies | Articles 7, 11, 12, 13 and 15         |
|                                    | <b>Notification of diseases</b>  |                                       |
| 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                             |

| <b>C. Applicable from 1.1.2007</b> |   |                     |
|------------------------------------|---|---------------------|
|                                    | <b>Animal welfare</b>   |                     |
| 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(I) |
| 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:<br>- Protect soil through appropriate measures   | <ul style="list-style-type: none"> <li>- Minimum soil cover</li> <li>- Minimum land management reflecting site-specific conditions</li> <li>- Retain terraces</li> </ul>   |
| Soil organic matter:<br>- Maintain soil organic matter levels through appropriate practices                      | <ul style="list-style-type: none"> <li>- Standards for crop rotations where applicable</li> <li>- Arable stubble management</li> </ul>   |
| Soil structure:<br>- Maintain soil structure through appropriate measures  | <ul style="list-style-type: none"> <li>- Appropriate machinery use</li> </ul>  |
| Minimum level of maintenance:<br>- Ensure a minimum level of maintenance and avoid the deterioration of habitats | <ul style="list-style-type: none"> <li>- Minimum livestock stocking rates or/and appropriate regimes</li> <li>- Protection of permanent pasture</li> <li>- Retention of landscape features</li> <li>- Avoiding the encroachment of unwanted vegetation on agricultural land</li> </ul> |

## Annex 3

### 1. ENVIRONMENT (79/409/EEC) – CONSERVATION OF WILD BIRDS

| Directive  | Directive requirements   | National Legislation  | Standard   |
|--|--|---|--|
| <p><a href="#">Council Directive 79/409/EEC on the conservation of birds. Articles 3, 4(1), (2), (4), 5, 7 and 8</a></p> | <p><b>Article 3</b> requires Member States to preserve, maintain or re-establish sufficient diversity and area of habitats for all species of naturally occurring wild birds in the wild. This includes primarily the creation of protected areas, upkeep and management of the ecological needs of habitats inside and outside the protected zones; re-establishment of destroyed biotopes and the creation of biotopes.</p> <p><b>Article 4</b> requires Member States to take conservation measures for species in danger of extinction, species vulnerable to changes in their habitat, species considered rare because of small populations or restricted distribution and other species requiring particular attention for reasons of the specific nature of their habitats. Member States must take appropriate steps to avoid pollution or deterioration of habitats or any disturbance affecting birds.</p> | <p>Section 19 of Wildlife Act 1976</p> <p>Section 22 of Wildlife Act 1976 as amended by Section 30 of Wildlife Amendment Act 2000.</p> <p>Section 40 of Wildlife Act 1976 as amended by Section 46 of Wildlife Amendment Act 2000.</p> <p>S.I. 291/1985 European Communities (Conservation of Wilds Birds) Regulations, 1985.</p> <p>S.I. No. 94 of 1997 European Communities (Natural Habitats) Regulation 14, 15, 16, 17, 18 &amp; 19</p> | <p>Farmers (all citizens) must observe the general provisions of the Wildlife Acts for protection of birds within the State. The provisions generally concern the actions that should be avoided so as to ensure wild birds are protected.</p> <p>It is an offence to cut, grub, burn or destroy growing vegetation on land not cultivated during the period 1<sup>st</sup> March to 31<sup>st</sup> of August. This does not apply to vegetation growing in a hedge or ditch which may have to be cut in the ordinary course of farming. It also does not apply to the cutting or grubbing of isolated bushes of gorse or the mowing of isolated growths of fern in the ordinary course of farming</p> <p><b>Farming standards within a Special Protection Area (SPA):</b></p> <p>1. A farmer must implement any agreed management prescriptions applicable within a particular SPA, and adhere to the following key rules;</p> <p style="margin-left: 20px;">(a) keep grazing within a sustainable level, especially in coastal sandy areas and on peat and thin peaty soils. Supplementary feeding is</p> |

|  |   |   |  |
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|  |   |   | <p>allowed only if provided for in the approved farm plan or with the written consent of NPWS</p> <p>(b) do not cut turf by 'sausage' machine in bog areas of the farm</p> <p>(c) do not engage in the following operations unless provided for in the approved farm plan or with written consent from NPWS</p> <ul style="list-style-type: none"> <li>➤ Alter watercourses</li> <li>➤ Reclamation or re-seeding</li> <li>➤ Dumping/burning, including burning of hill areas.</li> <li>➤ Wide scale tree cutting or clearance of waterside vegetation.</li> </ul> <p>2. If a farm plan is in place either under REPS or the NPWS scheme, all provisions of the Plan must be implemented.</p> |
| <p><b>Council Directive 79/409/EEC on the conservation of birds.</b></p> | <p><b>Article 5</b> requires Member States to establish a general system of protection for all wild bird species prohibiting in particular:</p> <ul style="list-style-type: none"> <li>(a) deliberate killing or capture by any method</li> <li>(b) deliberate destruction, damage or removal of their nests,</li> <li>(c) taking their eggs in the wild,</li> <li>(d) deliberate disturbance of wild birds during the breeding or rearing or</li> <li>(e) keeping wild birds the hunting and capture of which is prohibited</li> </ul> <p><b>Article 7</b> stipulates that species listed in Annex 11 of the Directive may be hunted under national legislation in the Member States.</p> <p><b>Article 8</b> requires Member States to prohibit the use of all means of the large scale or non-selective capture or killing of birds.</p> | <p>Section 22 of Wildlife Act 1976 as amended by Section 30 of Wildlife Amendment Act 2000.</p> | <p>Farmers/all citizens must comply with national legislation in regard to hunting of birds.</p> <p>The deliberate killing or capture of wild birds, the deliberate destruction, damage or removal of their nests or the deliberate disturbance of wild birds during breeding is not allowed.</p>  |

|  |  |  |  |
|--|--|--|--|
|  |  | <p>Section 24 of Wildlife Act 1976 as amended by Section 33 of Wildlife Amendment Act 2000.</p> <p>Section 34 of the Wildlife Act 1976 as amended by Section 42 of the Wildlife Amendment Act 2000 &amp; Section 36 of WA 1976 as amended by Section 44 of the WAA 2000.</p> | <p>Hunting of birds on the farm outside relevant open seasons is not allowed</p> <p>Do not use snares, traps or poisonous bait other than those licensed by National Park &amp; Wildlife Service</p> |
|--|--|--|--|

## 2. ENVIRONMENT (80/68/EEC) –PROTECTION OF GROUNDWATER AGAINST POLLUTION.

| <b>Directive</b>  | <b>Directive requirements</b>   | <b>National Legislation</b>  | <b>Standard</b>   |
|---|---|--|---|
| <p>Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution by certain dangerous substances (OJ L 20, 26.1.80 P 44) Article 4</p> | <p><b>Article 4</b> requires Member States -</p> <ul style="list-style-type: none"> <li>- to prohibit the direct discharge into groundwater of List I substances (e.g. sheep dip, other pesticides, fungicides, and insecticides) (with possible exceptions in the case of groundwater which is permanently unsuitable for other uses or in the case of re-injection into the same aquifer of groundwater taken from that aquifer )</li> <li>- to cause prior investigation to be carried out in relation to any disposal or tipping for disposal of List 1 substances which might lead to indirect discharges of such substances to groundwater.</li> <li>- to take all appropriate measures they deem necessary to prevent any indirect discharges of List 1 substances from any other activities on or in the ground.</li> </ul> | <ul style="list-style-type: none"> <li>- Section 3 of the Local Government (Water Pollution) Acts 1977 and 1990 provides that a person shall not cause or permit any polluting matter to enter waters and Section 32 of the waste Management Act 1996 states that a person shall not hold, transport, recover or dispose of waste in a manner which causes or is likely to cause environmental pollution.</li> <li>- Section 4 of the Local Government Water Pollution Acts 1977 and 1990 provides that a person shall not (after the 1<sup>st</sup> of October 1978) discharge or cause or permit the discharge or any trade effluent or sewage effluent of any waters except under and in accordance with a licence issued under this section</li> </ul> | <p>Prior authorisation (license) is required to discharge substances such as pesticides, fungicides etc. into waters either directly or indirectly. Application for licences are available in the Local Authority Office</p> <p>Farmers should ensure that silage and slurry pits are properly built and maintained in a leak proof and structurally sound condition. Ensure that wastewater run off from farmyards and rainwater from roofing are properly dealt with.</p> |

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|  | <p><b>Article 5</b> of the Directive requires Member States to cause prior investigation to be carried out in relation to –</p> <ul style="list-style-type: none"> <li>- any direct discharge of List II substances (metals such as lead, iron or other substances such as Phosphorous, Dairy Detergents, Ammonia or Silicon), so as to limit such discharges, and</li> <li>- the disposal or tipping for disposal of any such substances which might lead to an indirect discharge.</li> </ul> | <ul style="list-style-type: none"> <li>- In the event of a pollution or potential pollution local authorities can issue section 12 notices (under the Water Pollution Acts 1977 as amended by the Water Pollution Act 1990) on holders of polluting material specifying measures to be taken within a prescribed period for the purpose of preventing or controlling the pollution of waters including groundwater.</li> </ul> | <ul style="list-style-type: none"> <li>- <a href="#">Adhere to Section 12 notices issued by Local Authorities in relation to pollution or potential pollution.</a></li> </ul> |
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**3. ENVIRONMENT (86/278/EEC) –PROTECTION OF THE ENVIRONMENT AND SOIL WHEN SEWAGE SLUDGE IS USED.**

| <b>Directive</b>  | <b>Directive requirements</b>  | <b>National Legislation</b>   | <b>Standard</b>  |
|---|--|---|--|
| <p><a href="#">Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture</a></p> <p><b>Article 3.</b></p> | <p>Article 3</p> <ol style="list-style-type: none"> <li>1. Sludge referred to in Article 2(A)(i) may only be used in Agriculture in accordance with this Directive</li> <li>2. Without prejudice to Directives 75/443/EEC and 78/319/EEC               <ul style="list-style-type: none"> <li>-the sludge referred to in Article 2(a) (ii) may be used in agriculture subject to any conditions that the Member State concerned may deem necessary for the protection of human health and the environment,</li> <li>- the sludge referred to in Article 2(a)(iii) may be used in agriculture only if its use is regulated by the Member State concerned.</li> </ul> </li> </ol> <p>[Article 2(a)</p> <ol style="list-style-type: none"> <li>(i). residual sludge from sewage plants treating domestic or urban waste waters...</li> <li>(ii). Residual sludge from septic tanks and other similar installations ....</li> <li>(iii). Residual sludge from sewage plants other than those referred to in (i) and (ii)]</li> </ol> | <p><b>Article 3 SI 148 of 1998 as amended by SI 267 of 2001</b><br/>           Sludge shall not be used or supplied for use except in accordance with the Regulations<br/>           Only treated sludge may be used in agriculture except it is previously injected or otherwise worked into land.<br/>           Residual sludge from septic tanks may be used on grassland provided that the grassland is not grazed within six months following such use.</p> <p><b>Article 4 SI 148 of 1998 as amended</b><br/>           A person shall in using sludge in agriculture<br/>           -Take account of nutrient needs of plants,<br/>           -Ensure that the quality of soil, of surface water and of groundwater is not impaired,<br/>           -Have regard to the increased mobility and availability to crops of heavy metals where sludge is used on land of which the pH is less than 6,<br/>           -Ensure that sludge is not used except in accordance with a nutrient management plan.</p> <p><b>Article 7 SI 148 of 1998 as amended</b><br/>           Before sludge is used on agricultural land the soil of such land shall be analysed in accordance with the conditions set out in the Schedules to the Regulations.</p> | <p>Sludge use on agricultural land must be in accordance with the National legislation</p> <p>Sludge can only be used where a nutrient management plan is in place.</p> <p>Sludge must be used in accordance with a nutrient management plan.</p> <p>The soil must be analysed to establish if the agricultural land is suitable for sludge.</p> |

**Article 8 SI 148 of 1998 as amended**

A supplier of sludge for use in agriculture shall regularly provide users of the sludge with the results of sludge analyses carried out in accordance with the Regulations.

Each local authority is required to establish a sludge register and the supplier of sludge for use in agriculture must notify the local authority in whose functional area the sludge is to be used details on the quantity, analysis, treatment, name of recipients and locations.

**Article 10 SI 148 of 1998 as amended**

A local authority shall be responsible for the supervision of the supply and use of sludge in agriculture in their functional area.

**4. ENVIRONMENT (91/676/EEC) –PROTECTION OF WATER AGAINST POLLUTION CAUSED BY NITRATES.**

| <b>Directive</b>   | <b>Directive requirements</b>  | <b>National Legislation</b>                          | <b>Standard</b>  |
|--|--|--|--|
| <p>Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters from pollution caused by nitrates from agricultural sources (OJ L 375 31.12.1991, P. 1) Article 4 and 5,</p> | <p><b>Article 4</b> of the Directive provides that Member States shall establish, within a two-year period following the entry into force of the Directive;</p> <ul style="list-style-type: none"> <li>• a code or codes of good agricultural practice to be implemented by farmers on a voluntary basis, including some of the measures mentioned in Annex IIA of the Directive</li> <li>• a programme, including training and information provision, for farmers promoting the application of good agricultural practice, where necessary.</li> </ul> <hr/> <p><b>Article 5</b> of the Directive provides that Member States:</p> <ul style="list-style-type: none"> <li>• within a two-year period following the initial designation (within one year of each additional designation) of nitrates vulnerable zones, establish action programmes for these zones.</li> <li>• action programmes shall be implemented within 4 years of their establishment and include the following mandatory measures: <ul style="list-style-type: none"> <li>▪ measures in Annex III of the Directive</li> <li>▪ measures which Member States have prescribed</li> </ul> </li> </ul> | <p>Arrangements are under discussion at present.</p> | <p>Standards will be defined to reflect forthcoming legislation.</p> |

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|  | <p>in the code of good agricultural practice</p> <ul style="list-style-type: none"><li>• draw up and implement suitable monitoring programmes to assess the effectiveness of action programme</li><li>• review and if necessary revise their action programmes at least every 4 years.</li></ul> |  |  |
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**5. ENVIRONMENT (92/43/EEC) – CONSERVATION OF NATURAL HABITATS AND OF WILD FLORA AND FAUNA**

| <b>Directive</b>   | <b>Directive requirements</b>   | <b>National Legislation</b>   | <b>Standard</b>   |
|--|---|---|---|
| <p>Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna. Articles 6, 13, 15 and 22 (b).</p> | <p><b>Article 6</b> requires Member States to establish necessary conservation measures for special areas of conservation involving appropriate management plans specifically designed for the sites.</p> <p><b>Article 13</b> requires Member States to take the requisite measures for the protection of protected plant species.</p> | <p>Regulations 14, 15, 16, 17, 18 &amp; 19 of European Communities (Natural Habitats) Regulation, S.I. 94 of 1997.</p> <p>Section 21 of Wildlife Act 1976 as amended by Section 29 of Wildlife Amendment Act 2000</p> | <p>Farmers (all citizens) must observe the general provisions of the Wildlife Acts for protection of wild flora and fauna within the State. The provisions generally concern the actions that should be avoided so as to ensure habitats are protected.</p> <p><b>Farming standards within a Special Area of Conservation (SAC):</b></p> <p>1. A farmer must implement any agreed management prescriptions applicable within a particular SAC, and adhere to the following key rules;</p> <ul style="list-style-type: none"> <li>a) keep grazing within a sustainable level, especially in coastal sandy areas and on peat and thin peaty soils. Supplementary feeding allowed only if provided for in the approved farm plan or with the written consent of NPWS</li> <li>b) do not cut turf by ‘sausage’ machine in bog areas of the farm</li> <li>c) do not engage in the following operations unless provided for in the approved farm plan or with written consent from NPWS <ul style="list-style-type: none"> <li>➤ Alter watercourses</li> <li>➤ Reclamation or re-seeding</li> <li>➤ Dumping/burning, including burning of hill areas.</li> <li>➤ Wide scale tree cutting or clearance of waterside vegetation.</li> </ul> </li> </ul> <p>2. If a farm plan is in place either under REPS or the NPWS scheme, all provisions of the Plan must be</p> |

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|  | <p><b>Article 15</b> requires Member States to prohibit the use of indiscriminate means capable of causing local disappearance or serious disturbance to protected species.</p> <p><b>Article 22</b> requires Member States to regulate the deliberate introduction of non-native species so as not to prejudice natural habitats within their natural range or the wild flora or fauna.</p> | <p>Flora Protection Order 1999 S.I. No 94 of 1999<br/>Sections ,33, 34, 35, 36 &amp; 38 of Wildlife Act 1976 as amended by Sections 41, 42, 43, 44 &amp; 45 of Wildlife Amendment Act 2000</p> <p>Regulation 36 (2) of European Communities (Natural Habitats) Regulation, 1997</p> | <p>implemented.<br/>If notified of the presence of a plant species protected under Article 13, not to cut, uproot or damage these in any way, or offer them for sale or alter, damage or interfere in any way with their habitats.</p> <p>Farmer must comply with national legislation in regard to hunting.</p> <p>Not currently relevant at farm level.</p> |
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6. ANIMALS (Sheep/Pigs) (92/102/EEC) –IDENTIFICATION AND REGISTRATION.

| Directive   | Directive requirements  | National Legislation  | Standard  |
|---|---|---|---|
| <p><b>Council Directive 92/102/EEC</b></p> <p><b>Article 3</b></p> <p><i>Identification of holdings of bovine, sheep, pigs and goats</i></p> <p><b>Article 4</b></p> <p><i>Register of animals</i></p> <p><b>Article 5</b></p> <p><i>Eartags and identification marks</i></p> | <p><b>Sheep</b><br/>Individual identification of all sheep on holdings after 15 December each year.<br/>All sheep moving off a farm must be identified.<br/>The tags must contain an individual number with a flock identifier in specified format.<br/>A flock register must be maintained on farm.</p> <p><b>Pigs</b><br/>All pig herds must be registered.<br/>Pigs must be tagged or tattooed at movement.<br/>A register of events must be maintained.</p> | <p><b>Statutory Instrument No. 281 of 2001</b></p> <p><b>Statutory Instrument No. 341 of 2002</b></p> | <p><b>Sheep</b><br/>Flocks must be registered.<br/>All sheep must be tagged.<br/>Movement documents must be retained.<br/>Tag the right ear of bought in sheep.<br/>Missing tags must be replaced.<br/>Old and new tags of bought in sheep must be correlated.<br/>Stock numbers must be reconciled annually.</p> <p><b>Pigs</b><br/>Holdings must be registered for pigs.<br/>Approved eartags must be used.<br/>Visible slap marks must be used where pig is moved from herd of origin to slaughter.<br/>Dispatch documents must accompany each consignment of pigs being moved.<br/>Pig movement records must be maintained.</p> |

**7. ANIMALS (Bovines) (Commission Regulation 2629/97) –IDENTIFICATION AND REGISTRATION.**

| <b>Directive</b>  | <b>Regulation requirements</b>   | <b>National Legislation</b>  | <b>Standard</b>   |
|---|--|--|---|
| <p><b>Commission Regulation (EC) No 2629/97</b></p> <p><b>Article 6</b></p> <p><b>Article 8</b></p> | <p>Cattle passports and herd register must be in required format.</p> <p>Premium status of male cattle must be included on passport.</p> | <p><b>S.I. No. 103 of 1996</b><br/><b>S.I. No. 104 of 1996</b></p> <p><b>S.I. No. 276 of 1999</b><br/><b>S.I. No. 46 of 2000</b></p> | <p>Birth of calves must be registered within 7 days of tagging.</p> <p>Purchased cattle must have the correct ear tags and passports.</p> <p>Cattle moving off the holding must be correctly tagged and accompanied with proper documentation.</p> <p>Passports must be checked when received (name and address details must be entered and the passport must be signed).</p> <p>Lost, incomplete or defaced passports must be replaced immediately.</p> <p>Births, on-farm deaths, sales and purchases must be entered in herd register within 7 days.</p> <p>The Herd Register must be kept up to date.</p> |

**8. ANIMALS (Bovines) (Council Regulation 1760/2000) –IDENTIFICATION AND REGISTRATION.**

| <b>Directive</b>                           | <b>Regulation requirement</b>   | <b>National Legislation</b>   | <b>Standard</b>   |
|--|---|---|---|
| <p><b>Regulation (EC) No 1760/2000</b></p> | <p><b>Article 4</b><br/>Approved eartags (in both ears) for animals born after 31 Dec 1997.</p> <p>Eartags to be applied within a specified time from date of birth or before movement.</p> <p>Imported animals must retain details of original identity.</p> <p><b>Article 7</b><br/>Up to date Herd Register in approved format.</p> <p>Notification of births, deaths and movements of bovines to computerised database.</p> <p>Requirement to sign passports.</p> | <p>S.I. No. 103 of 1996<br/>S.I. No. 104 of 1996<br/>S.I. No. 276 of 1999<br/>S.I. No. 46 of 2000<br/>S.I. No. 83 of 2002<br/>S.I. No. 258 of 1999<br/>S.I. No. 327 of 1999<br/>S.I. No. 328 of 1999<br/>S.I. No. 5 of 2000<br/>NBAS Act 2000 (No. 2 of 2000)<br/>S.I. No. 130 of 2000<br/>S.I. No. 308 of 2001<br/>S.I. No. 383 of 2001<br/>S.I. No. 655 of 2003</p> | <p>Calves must be tagged within 20 days of birth and in any event before they leave the holding if earlier than 20 days.</p> <p>Births of calves must be registered within 7 days of tagging.</p> <p>Purchased cattle must have correct ear tags and passports.</p> <p>Cattle moving off the holding must be correctly tagged and accompanied with proper documentation.</p> <p>Lost tags must be replaced immediately.</p> <p>Passports must be checked when received (name and address details must be entered and the passport must be signed).</p> <p>Lost, incomplete or defaced passports must be replaced immediately.</p> <p>Births, on-farm deaths, sales and purchases must be entered in herd register within 7 days.</p> <p>A certificate of database compliance must be obtained in advance for all direct purchases from and sales to other farmers/ dealers/agents.</p> <p>On-farm deaths and method of disposal of animals must be notified in the specified format within 7 days of death.</p> |

**8A. ANIMALS (Sheep/Goats) (Council Regulation 21/2004) –IDENTIFICATION AND REGISTRATION.**

| <b>Directive</b>                              | <b>Regulation requirement</b>  | <b>National Legislation</b>                        | <b>Standard</b>   |
|---|--|--|---|
| <p><b>Council Regulation (EC) 21/2004</b></p> | <p><b>Article 3</b><br/>Identify each animal.<br/>Keep up-to-date register on each holding.<br/>Movement Documents.<br/>A centralised register or a computer database.</p> <p><b>Article 4</b><br/>Sheep born after 9 July 2005 must be individually identified within a specified period of birth.</p> <p><b>Article 5</b><br/>Each keeper of sheep must keep an up-to-date register.</p> | <p><b>Statutory Instrument No. 281 of 2001</b></p> | <p>All sheep must be tagged with approved eartags on movement off the farm or by 15/12 in year of birth.</p> <p>Movement documents must accompany sheep.</p> <p>Bought in sheep must be tagged in the right ear-correlate to farm of origin (tag number in the left ear).</p> <p>Lost tags must be replaced.</p> <p>Flock register must be kept up to date.</p> |



| Issue   | Standard  | Proposed GAEC Minimum Standard for Ireland  |
|---|---|---|
| <p><b><u>Soil Organic Matter</u></b><br/> <b>Maintain soil organic matter levels through appropriate practices</b></p>                  | <p><b>Standards for crop rotations where applicable</b></p> <p><b>Arable stubble management</b></p> | <p><b>3.</b> Maintain an adequate level of soil organic matter by means of appropriate cropping rotations where necessary</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> In general current cropping practices are adequate to maintain soil organic matter levels. These practices should not be changed significantly without consultation with an agricultural advisor</li> </ul> <p><b>4.</b> Management of stubble must not lead to the depletion of soil organic matter levels</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> In general current stubble management practices maintain adequate soil organic matter levels e.g.. ploughing in stubble is one method to maintain soil organic levels</li> </ul>  |
| <p><b><u>Soil Structure</u></b><br/> <b>Maintain soil structure through appropriate measures</b></p>                                    | <p><b>Appropriate machinery use</b></p>   | <p><b>5.</b> Do not use machinery on land where surface water is present and/or where soil is saturated with water.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The owner or occupier of land shall take all reasonable steps to ensure that soils are not unduly rutted or compacted.</li> </ul>   |
| <p><b><u>Minimum level of maintenance</u></b><br/> <b>Ensure a minimum level of maintenance and avoid deterioration of habitats</b></p> | <p><b>Minimum stocking rates or/and appropriate regimes</b></p>                                     | <p><b>6.</b> Maintain land in a readily utilisable condition i.e. in a state that permits agricultural production to continue and prevent abandonment of land. Undergrazing must be avoided by using appropriate grazing and/or cutting management, except where it is deemed necessary by DAF or DEHLG for environmental protection purposes.</p> <p>*Stocking levels and/or appropriate minimum levels of maintenance regimes for designated target areas<sup>1</sup> or agri-environmental schemes take priority over any of the options outlined below.</p> <p>Farmers may, by means of a written application to DAF, seek permission to follow alternative management plans outside the options outlined below for minimum level of maintenance on environmental or conservation grounds.</p> <p><b>On Non-tillage land:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> In LFA areas a min. stocking rate of 0.15LU/ha is required to qualify for Compensatory Allowances.</li> </ul> |

| Issue   | Standard  | Proposed GAEC Minimum Standard for Ireland   |
|---|---|--|
| <p><b><u>Minimum level of maintenance (continued)</u></b><br/> <b>Ensure a minimum level of maintenance and avoid deterioration of habitats (continued)</b></p> | <p><b>Minimum stocking rates or/and appropriate regimes (continued)</b></p> | <p>☐ Where the stocking rate is inadequate to prevent under grazing inside or outside LFA areas, one of the following options must apply:</p> <p>a) Increase the stocking rate to a level sufficient to maintain the existing state of vegetation in good agricultural and environmental condition across the total forage area,</p> <p><b><u>or</u></b></p> <p>b) where it is not possible to achieve an adequate stocking rate the land must be harvested for hay or silage, <b>or</b> the land must be topped at least once between the 1<sup>st</sup> June and the 30<sup>th</sup> July to leave a covering of vegetation not exceeding 10cm in height and topped in a way that provides an escape route for wildlife. <b><u>or</u></b></p> <p>c) where the land is not grazed it must <b>either</b> be topped at least once between the 1<sup>st</sup> June and the 30<sup>th</sup> July to leave a covering of vegetation not exceeding 10cm in height and topped in a way that provides an escape route for wildlife <b>or</b> the land must be harvested for hay or silage.</p> <p><b>1 Target areas include NHAs, SACs, SPAs and Commonage Land</b></p> <p><b>On Tillage Land:</b></p> <p>☐ On tillage land in and outside LFA areas a crop (including grassland) must be grown in the relevant Single Payment Scheme Year unless it is set-aside which must be managed according to set-aside management conditions as outlined in the Single Payment Scheme Terms and Conditions.</p> |



## **Recommendations received by DAF to Cross Compliance Consultative Documents**

- [Barryroe Co. Op Ltd](#)
- [Birdwatch Ireland](#)
- [CAIR](#)
- [Cork Co. Op. Mart Ltd](#)
- [EPA](#)
- [ICMSA](#)
- [ICOS](#)
- [ICSA](#)
- [IFA](#)
- [John Geraghty Agri-Consultant](#)
- [Nth Tipperary County Council](#)
- [Sth Tipperary County Council](#)
- [Westmeath County Council](#)
- [Woodland Contractors](#)