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Groupement Européen d'Intérêt Economique

**EVALUATION OF THE APPLICATION OF CROSS
COMPLIANCE AS FORESEEN UNDER REGULATION
1782/2003**

PART I: DESCRIPTIVE REPORT

FINAL

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MEMBER STATE ABBREVIATIONS

AT	= AUSTRIA
BE (F)	= BELGIUM (FLANDERS)
BE (W)	= BELGIUM (WALLONIA)
CY	= CYPRUS
CZ	= CZECH REPUBLIC
DE	= GERMANY
DK	= DENMARK
EE	= ESTONIA
EL	= GREECE
ES	= SPAIN
FI	= FINLAND
FR	= FRANCE
HU	= HUNGARY
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LV	= LATVIA
MT	= MALTA
NL	= NETHERLANDS
PL	= POLAND
PT	= PORTUGAL
SE	= SWEDEN
SK	= SLOVAKIA
SL	= SLOVENIA
UK (E)	= UNITED KINGDOM (ENGLAND)
UK (S)	= UNITED KINGDOM (SCOTLAND)
UK (NI)	= UNITED KINGDOM (NORTHERN IRELAND)
UK (W)	= UNITED KINGDOM (WALES)

GLOSSARY OF TERMS AND ACRONYMS

Annex III	Annex of Regulation 1782/2003 establishing SMRs
Annex IV	Annex of Regulation 1782/2003 establishing GAEC
Breach	A non-compliance with a control point
CAP	Common Agricultural Policy
CCA	Competent Control Authority
Control Points	Points to be checked during controls (administrative or on-the-spot-checks) concerning the farmers' obligations
EU	European Union
FAS	Farm Advisory System
Farmers' obligations	Concrete actions to be undertaken at farm level to ensure compliance with SMR or GAEC
GAEC	Good Agricultural and Environmental Conditions as referred to in article 5 of. Council Regulation (EC) No 1782/2003
GAEC issue	The issues as referred to in the left column of Annex IV of Council Regulation (EC) No 1782/2003
GAEC standard	The standards as referred to in the right column of Annex IV of. Council Regulation (EC) No 1782/2003
GFP	Good Farming Practice
IACS	Integrated Administration and Control System
MTR	Mid Term Review (of the CAP)
NVZ	Nitrate Vulnerable Zones
PA	Paying Agency
Regulation 1782/2003	Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers
Regulation 796/2004	Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation

of cross-compliance, modulation and the integrated administration and control system provided for in of Council Regulation (EC) No 1782/2003.(O.J. L 141 , 30/04/2004, p. 18.)

SAC	Special Area of Conservation
SAPS	Single Area Payment Scheme
SCB	Specialised Control Body
SPA	Special Protection Area
SPS	Single Payment Scheme
SMR	Statutory Management Requirement: the provisions as derived from the application of the relevant articles of the legislations included in Annex III of. Council Regulation (EC) No 1782/2003

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EXECUTIVE SUMMARY

The reform of the Common Agricultural Policy (CAP) in 2003 introduced a number of adjustments to agricultural support. A primary objective of this change in policy was to promote a more market orientated, sustainable agriculture, reflecting the concerns of European citizens.

Cross compliance was introduced as a compulsory measure and its scope extended from its original environmental focus to one dealing with a wider range of public concerns. As from the first of January 2005, following Regulation 1782/2003, farmers benefiting from direct payments under the first pillar of the CAP may be subject to reduction or withdrawal of those payments in the case of non-compliance with certain standards in the areas of the environment, public, animal and plant health and animal welfare. This approach was extended from the first of January 2007 to beneficiaries receiving aid with regard to eight measures under ‘axis 2’ of the second pillar of the CAP (art. 51 of Council Regulation 1698/2005). In order to avoid any possible reduction in the total level of direct aid received under these aid schemes, farmers must comply with 19 Statutory Management Requirements (SMRs referred to in Annex III of Regulation 1782/2003)¹ and a number of requirements for ensuring the ‘good agricultural and environmental condition’ (GAEC) of agricultural land, to be defined by the Member States on the basis of the framework given under Annex IV of Regulation 1782/2003. Member States must also ensure that the extent of permanent pasture (as at a specified reference year) is maintained and that a comprehensive advisory system to support cross compliance is established (obligatory from the first of January 2007).

The SMRs are based on pre-existing EU Directives and Regulations such as the Nitrates Directive. Keeping agricultural lands in GAEC concerns new obligations that aim, inter alia, to prevent abandonment and severe under-management of land.

The approach to implementation of cross compliance in the EU 25 is the subject of this report. The report describes the methods of implementation, and seeks to highlight any common trends at Community level, in relation to: 1) SMRs; 2) GAEC; 3) permanent pasture; 4) competent control authorities; 5) systems of management and controls; 6) systems of reductions and exclusion of payments; and, 7) the provision of information to farmers.

Approaches to implementation of statutory management requirements

Member States adopted a variety of approaches to defining farmers’ obligations² for SMRs. In the case of SMRs arising from EU Directives, farmers’ obligations are defined on the basis of the national transpositions of those Directives, which may

¹ A transitional derogation (applicable until 31/12/2008) from the application of SMRs was granted to the new Member States applying the single area payment scheme (SAPS). All new Member States applying the SAPS (i.e. all new Member States except Malta and Slovenia) have made use of this derogation which applies to both first and second pillar.

² Concrete action to be undertaken at farm level to ensure compliance with SMR or GAEC.

differ in the different Member States. The majority of Member States established formal working groups bringing together various authorities to develop the farmers' obligations (similarly for GAEC). Rather fewer Member States, consulted stakeholders when developing SMR farmers' obligations; some countries consulted only agricultural organisations while in other countries there was much wider public consultation.

In most Member States and for most SMRs, the actions required at farm level were already established requirements based on previously existing national legislation. In a number of cases, Member States introduced new legislation in order to be able to define farmers' obligations. The level of harmonisation of established farmers' obligations is variable from SMR to SMR. The SMRs that show the greatest degree of harmonisation, in relation to the farmers' obligations established by Member States, are: SMR 3; SMR 4; SMRs 6-8a; SMR 9; SMR 12; SMR 13-15. For these SMRs, farmers' obligations, as defined by the Member States, are rather similar and require farmers to undertake the same or similar actions at farm level. The farmers' obligations are expressed in similar language and clearly have the same intention in terms of farming activity. Not only are the established farmers' obligations for these SMRs similar but there are relatively fewer omissions in farmers' obligations in relation to these SMRs (apart from SMRs 6-8a and 12 – see below). The majority of Member States have defined farmers' obligations relevant to all, or mostly all, of the articles of the legislation listed in Annex III. Farmers' obligations for SMR 10 are somewhat less harmonised than for other SMRs in this grouping but, like these SMRs, omissions in farmers' obligations are relatively few.

The SMRs which are least harmonised in terms of how the farmers' obligations are defined and for which there are the greatest number of omissions in farmers' obligations are SMRs 1, 2, 5 and 11. SMR 11 on food law is notable in that more Member States appear to have omissions in farmers' obligations than the number of Member States that have comprehensively applied farmers' obligations for all relevant Articles. In relation to SMR 11, many Member States appear to have had difficulty in defining actions that should be undertaken at farm level in order to ensure compliance with the SMR. The lack of harmonisation in farmers' obligations established at the beginning of 2006, suggest that there was, initially at least, a lack of clarity among Member State authorities as to what constituted appropriate farmers' obligations. In June 2006, a guidance document on hygiene rules for cross compliance was issued by the Commission. This working document of the Commission services sought to clarify the implementation of this SMR at Member State level. SMRs 6-8a, although harmonised in terms of how farmers' obligations are defined, show a significant number of omissions in farmers' obligations in five Member States. SMR 12 is also notable in that where farmers' obligations have been defined, these are rather similar or harmonised across Member States but a significant number of Member States have not defined farmers' obligations for all relevant Articles.

The extent to which Member States have comprehensively applied farmers' obligations relevant to all articles of the legislation as listed in Annex III or appear to have omitted certain farmers' obligations have been summarised. Relatively few Member States have established farmers' obligations for all relevant articles of the legislation i.e. for all SMRs. In a small number of Member States, there are omissions in farmers' obligations in relation to some articles of at least 5 SMRs. The majority of

Member States have mostly established farmers' obligations in relation to most articles of 10 or more of the SMRs. Some 3 Member States have established farmers' obligations for all relevant articles of all Annex III legislation.

Approaches to implementation of GAEC

Annex IV lists four issues in relation to GAEC: soil erosion; soil organic matter; soil structure; and, minimum level of maintenance. For each of these issues, a number of standards are listed. Member States have defined a wide range of farmers' obligations relevant to Annex IV issues and standards. It should be noted that due to the way in which Member States present farmers' obligations e.g. in farm handbooks or on websites, it is not always clear which of the GAEC issues and standards these farmers' obligations relate to. It is also worth noting that, while in many cases, farmers' obligations are entirely new for farmers, in some cases, they are derived from requirements in existing national legislation or from Codes of Good Farming Practice.

Two Member States have no farmers' obligations aimed at minimising *soil erosion* while five Member States have established at least four farmers' obligations. The majority of Member States have between one and three farmers' obligations. However, it should be noted that there is a great deal of variation in the farmers' obligations set by Member States. Some 9 Member States have defined farmers' obligations which relate to soil erosion but do not directly relate to the standards listed against this issue in Annex IV. These farmers' obligations relate to: landscape features; irrigation; cultivation of nitrogen binding crop species; burning of crop residues; presence of erosion gullies; obligation to implement specified anti-erosion plans and for green manuring; a general requirement to avoid soil erosion; and, a range of soil erosion management measures.

A total of 4 Member States have no GAEC farmers' obligations that specifically address the issue of *soil organic matter*. Some 7 Member States have farmers' obligations for both crop rotations and arable stubble management whilst the rest have farmers' obligations addressing one of these two standards. A total of 8 Member States have additional farmers' obligations for maintaining soil organic matter, which do not relate to the two specified standards of crop rotation and arable stubble management specified in Annex IV.

The majority of Member States have not defined farmers' obligations for *soil structure*; this is the issue for which the greatest number of Member States (14 in total) has not defined farmers' obligations. However, in a few Member States some of the GAEC farmers' obligations developed for soil erosion and soil organic matter are considered to have positive effects on soil structure. A few Member States have developed GAEC farmers' obligations to address soil structure which do not relate to the main standard indicated in Annex IV of appropriate machinery use.

The issue of *minimum level of maintenance* lists 5 possible standards. Member States have defined a range of farmers' obligations for these 5 standards. Some 6 Member States do not have GAEC farmers' obligations relating to *minimum livestock stocking rates and/or appropriate regimes*. On the other hand 11 Member States have developed GAEC farmers' obligations which require farmers to maintain pasture by grazing or appropriate mowing regimes. The majority of Member States specify rules

for the *protection of permanent pasture*. In a few cases, ploughing up of permanent pasture is not allowed without authorisation. Almost half of all Member States have GAEC farmers' obligations that protect a range of *landscape features* including unproductive natural habitats on farms and man-made structures. The remaining Member States have not defined farmers' obligations for landscape features. There are GAEC farmers' obligations in place in many Member States to control the *encroachment of unwanted vegetation on agricultural land*. A few Member States have specific farmers' obligations aimed at controlling weeds such as wild oats or scrub and woody growth on agricultural land. A total of 4 Member States do not have farmers' obligations specifically aimed at preventing the encroachment of unwanted vegetation on agricultural land but have established rules for the maintenance of arable land, permanent pasture and land not in agricultural production. In fact, many Member States have set additional farmers' obligations which relate to the management of arable land and land not in agricultural production, including set aside. A total of 3 Member States have designated GAEC farmers' obligations for the *maintenance of olive groves in good vegetative condition*.

Many Member States have developed *additional GAEC farmers' obligations* which do not readily relate to the standards specified for minimum levels of maintenance. Examples of such farmers' obligations include: tillage must take place within specified distances from watercourses; farmers must not cultivate or apply applications within 2 m of the centre of a hedge or within 1 m of a watercourse; non-agricultural profit-making activities must not take place on agricultural land; rules for the diversity of crop cultivations; rules for public rights of way; felling of trees and Tree Preservation Orders.

Overall, the GAEC issues on which most emphasis is placed are soil erosion and minimum levels of maintenance. Least emphasis is given to the issue of soil structure.

Approaches to the maintenance of land under permanent pasture

The majority of Member States appear to follow closely the requirements of Regulation 1782/2003 and 796/2004 regarding establishing a reference year for calculating the ratio of permanent pasture and the way in which the calculation is done. In 11 Member States, the area of permanent pasture has increased in recent years. In four Member States, small decreases in permanent pasture have been observed, whilst the level is reportedly stable in one Member State.

Paragraph 2 of Article 3 of Regulation 796/2004 states that the ratio of permanent pasture shall not decrease to the detriment of land under permanent pasture by more than 10% relatively to the ratio for the relevant reference year. In order to respect this rule, Member States have introduced a set of 'trigger levels' (i.e. the point at which action is taken in order to restrict or prohibit the conversion of permanent pasture). Trigger levels vary across the Member States but in most countries, they take the form of one at a lower level where precautionary action is taken and another at an upper level where more substantial action is taken. Many Member States place obligations on farmers applying for direct aids to not convert land under permanent pasture without prior authorisation, if the ratio of permanent pasture to total agricultural area is decreasing (either at all or by 5%). Some 15 Member States require farmers to reconvert land into land under permanent pasture where it was previously converted into land for other uses, or establish an amount of area as land under permanent

pasture, when a 10% decline has been reached. A few Member States require re-conversion before a 10% decline is reached e.g. 7.5%. In most of these Member States the land that was converted from permanent pasture is the land that must be re-established as permanent pasture. Various derogations apply in some Member States including land that was converted under agri-environment agreements being exempt from re-conversion.

Approaches to the designation of competent control authorities

Many Member States have made use of the derogation allowing the Paying Agency to act as a competent control authority (CCA). In a few Member States, the PA is the only CCA. These are primarily new Member States which need to control GAEC only due to implementing the SAPS. Some 9 Member States use a combination of both the Paying Agency and specialised control bodies to control cross compliance. These represent a mix of both EU 15 and new Member States. Some 11 Member States have designated only specialised control bodies as the CCA. The number and type of bodies responsible for controls varies from Member State to Member State but agricultural, environmental, veterinary and food safety authorities are most frequently involved.

Approaches to the system of management and controls

The system adopted by the Member States appears largely to reflect the systems that were in place pre-cross compliance. In many Member States, cross compliance has resulted in the need for greater co-ordination between existing control bodies and the designation of an overall co-ordinating authority charged with ensuring the system works.

The most centralised management systems are found in those few Member States where the Paying Agency is also the control body. Where the Paying Agency and specialised control bodies share responsibility for controls (9 Member States), control systems are more decentralised. The exact nature of the management systems between the different bodies responsible for controls is not clear in all cases but a number of Member States have set up some sort of central co-ordinating body or committee to ensure the co-ordination of activities and effective exchange of information. The Paying Agency or Agriculture Ministry usually takes the lead in this process. Both inspectors of the Paying Agency and the specialised bodies submit control reports to the central Paying Agency for the calculation of payment reductions. In another group of Member States (11 in total), all controls are carried out by specialised control bodies which report their findings to the Paying Agency. Again, in the majority of these countries, some form of co-ordinating body has been established or is in the process of being established.

All Member States comply with the requirement to carry out controls on at least 1% of all farmers submitting aid applications. Many Member States select the control sample using both a random and risk-based approach. The proportion selected randomly varies from 16-25%. A few Member States rely entirely on a risk-based approach. There is no consistent approach in relation to the risk criteria used and whether Member States weight these criteria. The most common time period for inspections is the summer months (June to September/October) but inspections relating to livestock e.g. animal identification and registration, tend to be spread more throughout the year. The average number of inspectors is two per farm in most

Member States. The time taken for inspections depends very much on farm size and the standards to be checked. The range is 1 hour to 1 week or more (e.g. in Greece where inspectors may be required to visit several islands). The average reported across most Member States is 1 day, usually including travel time and paper work. Member States are fairly evenly divided between those which give notice of an inspection to a farmer and those which do not. In those Member States which do, the maximum notice is usually 48 hours. In all Member States, inspectors use a checklist of farmers' obligations to guide the inspection. Inspections usually take the form of visual field checks and administrative checks of records and paperwork. A small number of Member States appear to use methods such as GIS, remote sensing or photographs for checking some requirements. There is some degree of harmonisation of the reporting systems operating in most Member States. Generally, the inspector produces a control report and submits this directly to the central Paying Agency or, in countries that use specialised control bodies, to these bodies which then, in turn, submit reports to the Paying Agency where payment reductions are calculated.

Approaches to the system of reduction and exclusions of payments

The majority of Member States have developed an evaluation matrix or scoring system whereby each type of non-compliance or breach, as determined by the control body, is assigned a score or rating. These matrices or scoring systems vary from the relatively simple to quite complex. Such scoring systems appear to take account of the severity, extent and permanence of the non-compliance. In addition, non-compliances are judged in terms of whether they arise from negligence, repeated negligence or are intentional. These scores or ratings are then used to calculate the percentage reduction of payment.

It has been extremely difficult to obtain meaningful data regarding cross compliance breaches due to the way in which data is collated and presented by Member States. Where data is available it refers to non-compliances in 2005 only. The main conclusion that can be drawn from the figures as they stand is in relation to which SMRs and GAEC were most commonly breached by farmers in 2005. SMRs for the animal identification and registration were the ones most commonly inspected as well as showing the highest number of breaches per SMR. In most cases the number of breaches for these SMRs far exceeded the number of breaches of other SMRs. A significant number of Member States identified breaches for GAEC minimum level of maintenance farmers' obligations and in many cases these were the most common type of GAEC breaches. Breaches for soil erosion farmers' obligations were reported by 8 Member States.

When applying payment reductions, some 10 Member States issue warning letters for minor, negligent non-compliances or, where sanctions are applied, apply reductions at the lower end of the permissible levels (1-3%). The majority of Member States generally apply payment reductions of between 3 and 5% for negligent non-compliances. Payment reductions for intentional non-compliances are generally 20% although rose to the maximum 100% in some cases (see Table 7.4). Two Member States apply more severe payment reductions (100%) immediately for intentional non-compliances or if inspections are refused.

Approaches to the provision of information to farmers

All Member States provide farmers with information regarding their obligations to meet cross compliance requirements. The range of media used to convey this information is variable e.g. handbooks, websites, training events, press releases etc. By using some forms of media e.g. websites or telephone helplines, some Member States ensure that information is constantly available to farmers and can be readily updated. The applicability of the information for farmers is also variable.

Some 10 Member States use a limited range of media (1-3 different methods) to convey information to farmers. The use of websites and telephone helplines are less common in these Member States than others. There are concerns in a few Member States regarding the applicability of the information e.g. it may be lacking in detail or too complicated for farmers to understand. A total of 8 Member States use an average number of different types of media (4-5 different methods) to convey information to farmers. The use of websites is relatively common. The information is generally applicable for farmers and comprehensive. The remaining 7 Member States use a wide range of media (>5 different methods) to communicate information to farmers. Continuous information sources such as websites are always used. The information provided to farmers is detailed, clear and comprehensive.

In the majority of Member States, the Ministry of Agriculture or its equivalent is responsible for establishing the Farm Advisory System (FAS). In a small number of Member States advice will be provided by both public and private bodies but in many Member States only private bodies will be involved. The FAS in the majority of Member States will use a website, produce written information and/or hold information events. Many Member States plan to offer one-to-one advice. In the majority of Member States (for which information was available) farmers will have to pay to receive advice through the FAS. In the majority of Member States, advice from the FAS will be prioritised for farmers receiving more than €15,000 in direct payments per year. At the time of preparing this report, Member States appeared to be in the process of planning for the introduction of FAS but implementation had not yet started.

Conclusion

The approaches taken by Member States to the implementation of cross compliance are rather variable but some patterns emerge in terms of similarities and differences across the Member States. Some key issues to emerge are:

- Some SMRs give rise to a greater number of omissions in farmers' obligations in more Member States than others and show the least harmonisation in terms of how farmers' obligations are defined. These are SMRs 1, 2, 5 and 11. SMRs 6-8a and 12 also have considerable omissions in farmers' obligations but the definition of farmers' obligations is more harmonised. SMRs 3, 4, 9, 12 and 13-15 have relatively harmonised farmers' obligations and have fewer omissions in farmers' obligations than other SMRs. Farmers' obligations for SMR 10 are somewhat less harmonised than for other SMRs in this latter grouping but, like these SMRs, omissions in farmers' obligations are relatively few.
- Many Member States have not defined farmers' obligations for all of the issues and standards included in Annex IV. Farmers' obligations are most commonly defined in relation to soil erosion and minimum level of maintenance and least defined in relation to soil structure.
- The rules for maintaining permanent pasture levels are treated rather similarly across the Member States although some take a more precautionary approach than others.
- The designation of competent control authorities and systems of management and control are often a reflection of the systems that were in place in Member States pre-cross compliance. However, the introduction of cross compliance appears to have encouraged a more systematic approach to controls to be adopted in some Member States.
- It has been difficult to obtain meaningful data on cross compliance breaches (non-compliance). Data for 2005 appears to indicate that breaches for SMRs are most common in relation to SMRs 6-8a (animal identification and registration) and in relation to farmers' obligations for minimum level of maintenance and soil erosion for GAEC.
- The majority of Member States have introduced an evaluation matrix or scoring system to calculate reductions in payments. These vary from the simple to the more complex. The level of payment reductions which Member States apply, within the terms of the cross compliance legislation, is variable.
- All Member States provide farmers with information regarding cross compliance farmers' obligation that must be met but the media used and the content and applicability of this information is rather variable across Member States.
- At the time of preparing this report, Member States appeared to be in the process of planning for the introduction of FAS but implementation had not yet started.

1 INTRODUCTION

The reform of the Common Agricultural Policy (CAP) in 2003 introduced a number of adjustments to agricultural support, with the primary objective of promoting a more market orientated, sustainable agriculture, reflecting the concerns of European citizens. One of the most substantive changes was the introduction of a decoupled system of payments per farm (Single Farm Payment). In addition, recipients failing to meet a series of environmental, animal health and welfare and food safety requirements may be subject to reductions in CAP direct payments (cross compliance).

1.1 Background to cross compliance: 1970s to 2000

The concept of cross compliance originated in the United States of America. It was used from the 1970s onwards in agriculture policy, to refer to conditions that farmers must meet in order to be eligible for assistance under government support schemes for agriculture, notably commodity ‘programs’. In the US, farmers claiming support under one programme had to meet both the rules of that program and certain obligations of other federal programs: thus making a link ‘across programmes’ which gave rise to the term ‘cross compliance’. The use of the term has been extended since then, both within the US and elsewhere, to refer to linkages between agricultural and environmental (and other) policies.

In Europe, the discussion about the relevance of cross compliance to EC agricultural policy began only in the late 1980s along with the growing commitment within the EC to integrating environmental considerations into agricultural policy. The 1992 reforms of the CAP under Commissioner MacSharry, with their greater focus on ‘direct payments’, further increased the potential relevance of cross compliance. The greater transparency of these payments prompted a debate about the wider purpose of agricultural support and the possibility of requiring farmers to meet higher environmental standards and to provide society with tangible social or environmental benefits in return for such payments. These ideas were part of an emerging view that production could no longer be the main goal of public support for agriculture. At the same time there was growing evidence that the level of compliance with a range of EU environmental standards was lower than in some other sectors and that environmental damage was arising. There was a concern that farmers were receiving public funds while failing to respect legislative requirements.

As part of the MacSharry reforms, elements of environmental cross compliance were introduced into the CAP. Member States were obliged to apply ‘appropriate environmental conditions’ to the management of compulsory set-aside in arable cropping, and were allowed to introduce environmental conditions on the direct payments offered as headage subsidies for beef cattle and sheep. The UK was one of the few Member States to apply conditions to livestock subsidies and threaten withdrawal of subsidy if the conditions were breached. This approach was used in the UK to address problems related to over grazing.

The Agenda 2000 agreement on reform of the CAP extended the use of cross compliance. Article 3 of the common rules (or ‘horizontal’) Regulation 1259/1999

applied to all direct payments under the European Agricultural Guidance and Guarantee Fund. It required Member States to take measures to ensure that agricultural activity within the scope of the common rules Regulation was compatible with ‘environmental protection requirements’. But it gave Member States a number of options for meeting such requirements including:

- Support in return for agri-environment commitments;
- General mandatory environmental requirements;
- Specific environmental requirements constituting a condition for direct payments.

Member States were able to decide on the penalties that would be ‘appropriate and proportionate to the seriousness of the ecological consequences of not observing’ those measures, which could include withdrawal or cancellation of direct payments. Only a limited number of Member States set down conditions for direct payments including Denmark, France, Greece, the Netherlands and the UK. Whilst there appeared to be some progress in improving compliance with environmental legislation during this period, several measures, such as the Nitrates Directive, continued to cause concern.

1.2 The Mid Term Review of the CAP (2003) and the introduction of compulsory cross compliance

Today, cross compliance must be seen within the context of wider sustainable development goals. The Council of the European Union, in its conclusions from the Göteborg Council on the European Union’s Strategy for Sustainable Development in 2001, stressed the need for the EU to integrate environmental objectives into its internal policies and to improve the sustainable management of natural resources. The Agriculture Council underlined these requirements by stating that:

‘Farmers have the obligation to produce in accordance with good agricultural practices and environmental legislation, thus contributing to minimise the negative effects of production.’

The Commission’s first Communication in relation to the MTR of the CAP³ made several references to cross compliance. It stated that ‘*a number of adjustments are necessary to fully deliver Sustainable Agriculture and Rural Development*’. These included integrating food safety into the CAP through cross compliance and further steps in the field of environment to reinforce compliance, reduce negative pressures of support mechanisms, and strengthen the provision of services. It also stated that animal health and welfare concerns must be fully integrated within the CAP. The clearest statement as to the purpose of cross compliance was given as follows:

³ Communication from the Commission to the Council and the European Parliament. Mid-Term Review of the Common Agricultural Policy. Brussels. COM (2002)

‘Cross compliance will be applied as a whole farm approach with conditions attached to both used and unused agricultural land including the possibility, where Member States consider this necessary, to apply conditions to prevent the conversion of pasture land to arable land. On used and unused land, cross compliance will involve the respect of statutory management requirements and the obligation to maintain land in good agricultural condition. A whole farm approach follows directly from the logic of decoupling and will emphasise the main purpose of cross compliance: to support the implementation of environmental, food safety and animal health and welfare legislation. In the case of non-respect of cross compliance requirements, direct payments should be reduced while maintaining proportionality with respect to the risk or damage concerned’

Following the publication of specific CAP reform proposals and subsequent negotiations, EU farm ministers adopted a fundamental reform of the CAP on 26 June 2003. Cross compliance was introduced as a compulsory measure and its scope extended from its original environmental focus to one dealing with a wider range of public concerns. As from the first of January 2005, following Regulation 1782/2003, farmers benefiting from direct payments under the first pillar of the CAP may be subject to reduction or withdrawal of those payments in the case of non-compliance with certain standards in the areas of the environment, public, animal and plant health and animal welfare. This approach was extended from the first of January 2007 to eight measures under ‘axis 2’ of the second pillar of the CAP (art. 51 of Council Regulation 1698/2005). In order to avoid any possible reduction in the total level of direct aid received under these aid schemes, farmers must comply with 19 Statutory Management Requirements (SMRs referred to in Annex III of Regulation 1782/2003)⁴ and a number of minimum requirements for ensuring the ‘good agricultural and environmental condition’ (GAEC) of agricultural land, to be defined by the Member States on the basis of the framework given under Annex IV of Regulation 1782/2003. Member States must also ensure that the extent of permanent pasture (as at the level of the reference year) is maintained and that a comprehensive advisory system to support cross compliance is established (obligatory from the first of January 2007).

The SMRs are based on pre-existing EU Directives and Regulations such as the Nitrates Directive. Keeping agricultural lands in GAEC is a new requirement which aims, inter alia, to prevent abandonment and severe under-management.

In short, cross compliance is a mechanism for promoting the sustainability of EU agriculture through increasing the respect of mandatory standards by farmers receiving direct payments. It is a system of reduction of aid accompanying existing obligations in Annex III rather than a new set of standards per se. Only Annex IV and the obligations with respect to permanent pastures are new requirements of the agriculture sector and these can be seen as safeguards to counter some potentially negative effects arising from decoupling. Cross compliance has not been proposed as

⁴ A transitional derogation (applicable until 31/12/2008) from the application of SMRs was granted to the new Member States applying the single area payment scheme (SAPS). All new Member States applying the SAPS (i.e. all new Member States except Malta and Slovenia) have made use of this derogation which applies to both first and second pillar.

a tool for introducing substantive new obligations. Nor is it a rationale for decoupled payments which are based on other considerations.

The approach to implementation of cross compliance in the EU 25 is the subject of this report. The report describes the methods of implementation, and seeks to highlight any common trends at Community level, in relation to:

- SMRs;
- GAEC;
- permanent pasture;
- competent control authorities;
- systems of management and controls;
- systems of reductions and exclusion of payments;
- the provision of information to farmers.

1.3 Methodology

The information contained in this report has been collated by experts appointed by the evaluators in each of the 25 Member States of the EU. Each expert has produced a national report. The information was collated through literature review (including cross compliance handbooks and published studies and reports), web based research (including official cross compliance websites) and through telephone interviews with key stakeholders (representatives of national administrations, farmers' representatives, inspectors, advisors and NGOs).

This report has been subject to comment by the European Commission Steering Group overseeing this evaluation and revisions incorporated. Efforts have been made to provide accurate and comprehensive information on the subject of cross compliance implementation however this is a developing policy area and Member States have been adapting implementation throughout the course of the data collection. Any inaccuracies are likely to be the result of this fast moving development of policy and its implementation. Where information is not known, this has been stated but this does not necessarily imply that no implementation has taken place rather that information could not be obtained at the time of preparing this report.

2 STATUTORY MANAGEMENT REQUIREMENTS

2.1 Introduction

This section describes the methods and processes by which SMR standards and farmers' obligations⁵ have been established in the EU 15 plus Malta and Slovenia. It does not consider the remaining 8 new Member States which are not yet required to apply SMRs having made use of the possibility for the transitional derogation from applying SMRs under cross compliance until 31 of January 2008 linked with the implementation of the SAPS. Of the 19 SMRs listed in Annex III of Regulation 1782/2003, only SMRs 1-15⁶ applied and required actions at farm level during 2006. SMRs 16-18 came into force on 1 January 2007 and information on farm level requirements was not available at the time of preparing this report. As a result, only SMRs 1-15 are considered in this report.

Each item of EU legislation listed in Annex III gives rise to a number of requirements or standards which farmers must comply with. These requirements are communicated to farmers as actions that must be undertaken at farm level. Section 8 describes the way in which information about cross compliance has been communicated to farmers. The actions to be undertaken at farm level have been reviewed for all 16 SMRs in the 17 Member States⁷ in which they apply and an effort made to identify common trends. The very large number of actions cannot be presented in their entirety due to their length but an effort has been made to summarise the actions required for each SMR for all Member States in Annex 1.

2.2 General approach to defining farmers' obligations

Member States adopted a variety of approaches to defining farmers' obligations for SMRs. These approaches are summarised in Table 2.1. In the majority of Member States, the Ministry of Agriculture or its equivalent took the lead in developing and defining farmers' obligations. Notable exceptions include: Belgium (W) where the paying agency of the Ministry of the Walloon Region took the lead; and, MT where responsibility was devolved to the relevant authorities. The majority of Member States established formal working groups bringing together various authorities to develop the farmers' obligations, (AT, BE (F, W), DE, DK, EL, ES, IT, MT, NL, PT, SI, UK (E)). Where formal working groups were not established, consultation appears to have taken place in any case with relevant authorities in the development of farmers' obligations. Information was not available at the time of preparing this report on the process undertaken in FI and FR.

⁵ Actions to be undertaken at farm level, as defined by Member States, aiming to ensure compliance with SMRs.

⁶ There were actually 16 items of legislation applied as SMRs in 2006 due to the introduction of SMR 8a in 2004 by the EC Regulation 21/2004.

⁷ 15 'old' Member States and 2 'new' Member States (Malta and Slovenia).

Rather fewer Member States, (DK, EL, IE, IT, UK (E, NI, W)), consulted stakeholders when developing SMR farmers' obligations although PT and SE did carry out public consultation on GAEC. In DK, EL and ES only agricultural organisations were consulted while in other countries there was much wider public consultation. Information on whether stakeholder consultation was undertaken was not available at the time of preparing this report for FI, FR, LU, MT, NL and SI.

Table 2.1 Approach to defining SMR farmers’ obligations EU-17

Member State	Lead Ministry/body	Working group/s established	Stakeholder consultation	Other comments
AT	Federal Ministry of Agriculture, Forestry, Environment and Water Management	Y	N	Working groups comprised experts of federal and regional authorities as well as the paying agency. Some farmers’ obligations vary depending on region.
BE (F)	Ministry of Agriculture and Fisheries	Y	N	Food safety, animal health and welfare is a federal responsibility and regional Ministries co-operated with the Federal Organisation for Food Safety
BE (W)	Paying Agency (Ministry of the Walloon Region)	Y	N	Food safety, animal health and welfare is a federal responsibility and regional Ministries co-operated with the Federal Organisation for Food Safety
DE	Conference of Agricultural Ministers (AMK)	Y	N	Farmers’ obligation defined at national level in consultation with the Länder
DK	Directorate for Food, Fisheries and Agri-business	Y	Y	Working group comprised relevant responsible authorities including control authorities. Only agricultural stakeholders consulted.
EL	Ministry of Agriculture	Y	Y	Working Group included Ministry of Planning and Environment and other relevant Ministries. Only agricultural stakeholders consulted.
ES	Ministry of Agriculture, Fisheries and Food	Y	Y	National Ministry worked with Regional Governments. SMRs implemented at national level but some Regions introducing more specific SMR farmers’ obligation. Only agricultural stakeholders consulted.
FI	Ministry of Agriculture and Forestry	-	-	Further detail on approach to defining farmers’ obligations not known.
FR	Ministry for Agriculture	-	-	Ministry for Agriculture worked with Ministry for Environment in establishing farmers’ obligations for Birds and Habitats Directives
IE	Department of Agriculture and Food	N	Y	Department of Environment, Heritage and Local Government consulted on farmers’ obligation. Public consultation.
IT	Ministry of Agriculture and Forestry Policies	Y	Y	National framework approved by State-Regions Conference established farmers’ obligation and regional governments adapted these to regional conditions. Agriculture, producer, food chain and environmental groups consulted.

Table 2.1 (continued) Approach to defining SMR farmers’ obligations EU-17

Member State	Lead Ministry/body	Working group/s established	Stakeholder consultation	Other comments
LU	Ministry of Agriculture, Wine Growing and Rural Development	N	-	Administrations of Ministry of Agriculture, Wine Growing and Rural Development, Ministry of Environment and SANITEL service developed farmers’ obligation. No information on whether consultation was undertaken.
MT	No lead	Y	-	Malta Environment and Planning Authority, Malta Resources Authority, Veterinary Affairs and Fisheries Division and Rural Affairs and Paying Agency each led on developing farmers’ obligation in relation to competency. No information on whether consultation was undertaken.
NL	Ministry of Agriculture, Nature and Food Quality	Y	-	Wide range of authorities participated in working group. No information on whether consultation was undertaken.
PT	Ministry of Agriculture Rural Development and Fisheries and the Ministry of Environment, Land Planning and Regional Development	Y	N*	Wide range of authorities participated in working groups. * Consultation on GAEC.
SE	Swedish Board of Agriculture	N	N*	SBA consulted with Swedish Environmental Protection Agency, Swedish National Food Administration, Swedish Chemicals Inspectorate and Swedish Animal Welfare Agency. * Consultation on GAEC
SI	Ministry of Agriculture, Forestry and Food	Y	-	Wide range of relevant authorities participated in developing farmers’ obligation. No information on whether consultation was undertaken.
UK (E)	Department for Environment, Food and Rural Affairs	Y	Y	Wide range of relevant authorities participated in working groups
UK (NI)	Department of Agriculture and Rural Development	N	Y	Public consultation undertaken
UK (S)	Scottish Executive Environment and Rural Affairs Department	N	N*	* Consultation on GAEC
UK (W)	National Assembly Wales Agriculture Department	N	Y	Public consultation undertaken

Y = Yes, working group/s established/stakeholder consultation undertaken
N = No, working group/s not established/stakeholder consultation not undertaken
- = Information not available at time of preparation

2.3 Legal basis of farmers' obligations

In most Member States and for most SMRs, the actions required at farm level were already established and based on previously existing national legislation. In a number of cases, Member States introduced new legislation in order to be able to define farmers' obligations, as follows:

EL – existing national legislation in relation to the Birds and Habitats Directives needed to be made more specific for the purposes of applying cross-compliance. No further information was available at the time of preparing this report.

ES – new national legislation was introduced on 29th July 2005 (RD 947/2005) in relation to sheep and goat identification. Some Regional Governments have also introduced new legislation to establish more specific SMR farmers' obligation than those found in State legislation, for example in relation to the Birds and Habitats Directives. No further information was available at the time of preparing this report.

FI - animal registration SMRs that were introduced in 2005 were based on existing legislation with the exception of sheep and goats, for which a new regulation was introduced. The public health and animal diseases SMRs, introduced in 2006, had an existing legal base in most cases, but some implementing regulations were introduced to comply with the Union Directives and Regulations. No further information was available at the time of preparing this report.

FR - cross compliance implementation has mainly concerned some adaptation of national regulations. With regard to environmental legislation, the Ministry of Agriculture and the Ministry of Environment worked together in order to elaborate the implementation of the SMRs relating to the Birds and Habitats Directives as well as Natura 2000 implementation in agricultural areas. No further information was available at the time of preparing this report.

IE - with the exception of SMR 4, relating to Nitrates, all other SMRs were based on previous legislation. The regulations for Nitrates were introduced by Statutory Instrument No. 378 of 2006.

UK (NI) - All the SMRs were based on existing legislation with the exception of SMR 9 (Sheep and/or Goat Identification and Registration Requirements) which required the introduction of new legislation. No further information was available at the time of preparing this report.

2.4 Farmers' obligations for SMRs 1-15

The following description and analysis is based on the summary of farmers' obligations presented in Annex 1. It establishes where farmers' obligations are most harmonised across the Member States and where there is a similarity in approach. This section also identifies, where known, omissions in defining farmers' obligations.

SMR 1 – Birds Directive

In relation to the birds Directive, Member States must:

- Create protected areas & biotopes, management of habitats to preserve, maintain & re-establish sufficient diversity/habitats for wild birds (Article 3).
- Designate Special Protection Areas for Annex I species and for migratory species not in Annex I and take steps to prevent the pollution or deterioration of these areas (Article 4 (1), (2) and (4)).
- Prohibit the deliberate capture, killing, disturbance of wild birds, & destruction/damage to nests (Article 5).
- Permit hunting of certain wild birds without jeopardizing conservation efforts (Article 7).
- Prohibit use of certain methods to hunt birds e.g. snares (Article 8).

The approach to establishing farmers' obligations in relation to SMR 1 is variable across Member States. Requirements are the most harmonised in relation to Articles 5, 7 and 8 with almost all Member States having established relevant farmers' obligations. EL and IT are the two exceptions with no farmers' obligations specified in relation to the protection of birds or regarding controls on hunting.

The majority of Member States identify farmers' obligations in relation to Articles 3 and 4. Farmers' obligations take the form either of requiring compliance with management plans for such sites or of complying with specific restrictions on agricultural activities (AT, BE (W), DK, FR, IE, MT, PT, SE, SI and UK). EL lists a very limited number of farmers' obligations corresponding to Article 3 only and primarily with regard to not destroying natural native vegetation where agricultural areas border roads and natural bodies of water. IT requires that where no specific Regional Acts and Management Plans for SPA areas exist, farmers must adopt a number of specific GAEC farmers' obligation relating to: arable stubble management and vegetable residues management; protection of permanent pasture; management of areas no longer in agricultural use; and, maintenance of landscape features. BE (F) and NL also do not appear to have any farmers' obligations in relation to Natura 2000 sites. In ES farmers are required to ask the Regional Authorities if their farm is in an SPA and, if so, comply with the conservation measures applied in the site by the Authorities. However, Regional Governments are responsible for the proposal and designation of SPAs, and are establishing regional legislation to introduce requirements on farmers emanating from the Birds Directive. Most SPAs in Spain do not yet have management plans or conservation measures.

Overall, the definition of farmers' obligations in relation to SMR 1 appears to be least comprehensive in BE (F), EL, ES, IT and NL. This may be partially a reflection of the delayed transposition of the birds Directive in a number of these countries.

The Birds Directive appears to present some difficulties for Member States in defining specific farmers' obligations, especially in relation to Articles 3 and 4. Most Member States require farmers to comply with the requirements of management plans which are site specific. The requirements on farmers are therefore likely to be highly variable from site to site and inspections for compliance must be site specific. In addition, the state of implementation of the Birds Directive itself, in terms of whether Member States have designated protected areas, is highly variable. Where Natura 2000 sites have not yet been designated, no action can be required of farmers in relation to cross compliance. This means some farmers, who should be facing controls were site designation complete, are currently not facing controls.

SMR 2 – Groundwater Directive

The purpose of this Directive is to prevent the pollution of groundwater by substances belonging to the families and groups of substances in lists I or II in the Annex of the Directive. Member States shall take the necessary steps to:

- (a) prevent the introduction into groundwater of substances in list I ; and
- (b) limit the introduction into groundwater of substances in list II so as to avoid pollution of this water by these substances.

Article 4 requires Member States to prohibit all direct discharges of substances in list I. Article 5 requires Member States to make subject to prior investigation all direct discharge of substances in list II, so as to limit such discharges.

The farmers' obligations established in relation to SMR 2 appear to be somewhat variable across the Member States. A large number of Member States (AT, BE (F, W), DE, ES, FR, IE, MT, SE and UK) make specific reference to list I and II substances and prohibit the discharge of these substances into groundwater. This is the most harmonised action point. In some cases (AT, BE (F), DE, MT, NL, UK), reference is made to authorisation or permits being required for the disposal of some substances e.g. sheep dip. BE (F, W), DE and IT specify farmers' obligations relating to leak free storage tanks or facilities for substances such as oil and pesticides. Additional requirements include 3 yearly checks on pesticide equipment (BE (F)) and all silage and slurry pits to be structurally sound (IE). A number of other Member States have rather different farmers' obligations. In FI, manure stacks must not be placed in groundwater areas and restricted use of pesticides in groundwater areas must be complied with. In the case of SI, the farmers' obligations relate to rules regarding the disposal of waste water and individual dangerous substances. An unusual approach has been adopted in France whereby the authorities check to see if there is any official report of underground water pollution. If there is, a farmer can only be judged non-compliant if the pollution was due to one of the listed substances and the offence was committed or was noted in the current calendar year. DK prohibits the burying of substances, products and materials (or containers of these) which can pollute the groundwater, top and sub-soils.

Two Member States do not appear to have defined standards and farmers' obligations for SMR 2. In LU, the minimum requirements in the area of water protection are regulated via different regulations, especially the nitrate and sewage sludge regulations. In PT, the issue is dealt with through GAEC and the SMR for Directive 91/676/EEC (SMR 4: Nitrate Directive).

SMR 3 – Sewage Sludge Directive

The purpose of this Directive is to regulate the use of sewage sludge in agriculture in such a way as to prevent harmful effects on soil, vegetation, animals and man, thereby encouraging the correct use of such sewage sludge. The Directive lays down limit values for concentrations of heavy metals in the soil, in sludge and for the maximum annual quantities of heavy metals which may be introduced into the soil. The Member States must take the measures necessary to ensure that these limit values are not exceeded through the use of sludge. Article 3 applies in relation to SMR 3.

There is a close degree of harmonisation in the farmers' obligations relating to the use of sewage sludge as it applies to farmers (Article 3). Farmers' obligations covering the way in which sewage sludge is used are found in all Member States. Additionally, a number of Member States require farmers to have some kind of permit, certificate, licence or documentation for spreading in addition to other controls on use (BE (F, W), DE, EL, ES, FR, IT, PT, SE). Soil testing is required in AT (some regions), BE (W), DE, IE, LU, NL, PT, SE, SI and UK. A number of Member States require farmers to keep records of sewage sludge use and/or to record use of sludge in manure or Nutrient Management Plans BE (W), DK, FI, IE, MT, UK (NI, S).

SMR 4 – Nitrates Directive

This Directive has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and preventing further such pollution. Waters affected by pollution and waters which could be affected by pollution if action pursuant Article 5 is not taken shall be identified by the Member States in accordance with the criteria set out in Annex I. With the aim of providing for all waters a general level of protection against pollution, Member States shall establish a code or codes of good agricultural practice (Article 4). Article 5 requires Member States to establish action programmes in respect of designated vulnerable zones; measures to be included in action programmes are listed in Annex III and include, for example, rules for manure application.

Farmers' obligations in relation to the Nitrates Directive show a strong degree of harmonisation across all Member States (except IT) and cover the following aspects:

- Closed periods for manure and fertiliser applications;
- Rules for storage of manures and requirements for storage capacity;
- Rules for application of manures e.g. distances from watercourses, on slopes etc;
- Nitrogen application limits.

SE is an exception to the above in relation to some rules regarding the application of manures. Although SE has established national legislation controlling the application of manures close to water bodies and on sloping ground, it has not defined farmers' obligations in relation to these for the purposes of cross compliance. The authorities consider that these requirements are not suitable as rules for cross compliance as they need to be assessed in relation to the particular circumstances on each farm.

A number of Member States specify additionally that farmers must keep records or complete a nitrogen balance or manure/fertiliser plan or account (BE F, W), DE, DK, ES, FI, FR, IE, MT, SI and UK).

IT appears to be an exception in relation to the Nitrates Directive. The implementation of Nitrate Vulnerable Zones (NVZ) or action programmes has to be implemented in all the Regions, excluding Piemonte. The Ministry for Agricultural and Forestry Policies Decree dealing with the guidelines for the drawing up of the action plans for Nitrate Vulnerable Zones was approved in April 2006. At the moment, due the lack of action programmes, SMR 4 is applied in NVZs by imposing a number of GAEC farmers' obligation. These are:

- Temporary channelling of surface water on sloping ground;
- Management of areas no longer in agricultural use.

Moreover, holdings with animals have to store liquid manure in impermeable basins and manure in suitable structures. Some Regions have already issued their own action plans, which should be the basis for cross compliance control indicators in application of Directive 91/676/EEC. Most Regions are likely to complete their own action plans by 2007. Hence, the farmers' obligations and the verifiable standards will be specified in those programmes.

SMR 5 – Habitats Directive

This Directive seeks to contribute towards the maintenance of biodiversity within the EU through the conservation of natural habitats and of wild flora and fauna. Many habitat types in Europe have deteriorated and a growing number of species have become threatened or increasingly rare. The Directive aims at establishing a 'favourable conservation status' for habitat types and species selected as being of Community interest. Articles 6, 13, 15 and 22 (b) apply in relation to SMR 5.

Article 6 requires Member States to establish necessary conservation measures for special areas of conservation, including, if necessary appropriate management plans or statutory, administrative or contractual measures. Article 13 requires Member States to take requisite measures to protect plant species in Annex IV. Article 15 requires Member States to apply rules regarding the capture or killing of species of wild fauna listed in Annex V. Article 22 (b) requires Member States to ensure that the deliberate introduction into the wild of any species which is not native to their territory to be regulated.

The approach to defining farmers' obligations for the Habitats Directive is not dissimilar to the approach taken in relation the Birds Directive in as much as many Member States require farmers to comply with management plans for protected sites or specify restrictions on agricultural activities (AT, BE (F, W), DE, DK, EL, ES, FI, FR, IE, LU, MT, PT, SE, SI and UK).

In IT, failing specific Regional Acts and Management Plans for SPA areas, farmers must adopt the following GAECs farmers' obligation:

- Arable stubble and vegetable residues management;
- Protection of permanent pasture;
- Management of areas no longer in agricultural use;
- Maintenance of landscape distinguishing features.

In addition, structural interventions require public authorisation based on impact environmental assessment.

Information on farmers' obligations regarding protected sites in the Netherlands was not available at the time of producing this report. In ES farmers are required to ask the Regional Authorities if their farm is in an SAC and, if so, comply with the conservation measures applied in the site by the Authorities. However, Regional Governments are responsible for the proposal and designation of SACs, and are

establishing regional legislation to introduce requirements on farmers emanating from the Birds Directive. Most SACs in Spain do not yet have management plans or conservation measures.

Similar farmers' obligations regarding the protection of certain plant species are noted in AT, BE (F), DE, ES, FI, FR, IE, LU, MT, NL, PT, SI, SE and UK. Farmers' obligations do not appear to have been defined in BE (W), DK, EL and IT.

Similar farmers' obligations regarding rules for hunting or trapping of animals are noted in AT, DE, DK, ES, FI, FR, LU, MT, NL, PT, SE, SI and UK. Farmers' obligations do not appear to have been defined in BE (F, W), EL, IE and IT.

Similar farmers' obligations regarding rules prohibiting the introduction of non-native species are noted in AT, DE, DK, ES, FI, FR, IE, LU, MT, NL, PT and UK. In SE, there is national legislation relevant to Article 22 but a farmers' obligation has not been defined since the authorities do not consider it necessary to apply such rules at farm level. Similarly, farmers' obligations do not appear to have been defined in BE (F, W), EL, SI.

Based on this analysis, the Member States which have defined the most comprehensive and harmonised list of farmers' obligations for all aspects of the relevant Articles of the Directive are: AT, DE, DK, ES, FI, FR, IE, LU, MT, PT, SI and UK. The remaining Member States cover some but not all aspects of the legislative requirements in terms of farmers' obligations, as indicated above.

Similar comments apply here as in relation to the Birds Directive; the actual requirements at farm level are likely to be highly variable given that the general farmers' obligation is compliance with management plans which themselves will vary from site to site.

SMRs 6, 7, 8 and 8a – Identification and registration of animals

Council Directive 92/102/EEC (SMR 6) sets out minimum requirements for the identification and registration of animals (this no longer applies to cattle, sheep and goats but only to pigs). Articles 3, 4 and 5 apply in relation to SMR 6. Article 3 requires Member States to ensure that competent authorities have up-to-date lists of all holdings that keep animals and that information is accessible to certain authorities. Article 4 requires Member States to ensure that keepers of livestock have livestock registers and that the movement of animals is documented and information made available. Article 5 requires Member States to ensure that various principles are respected including the need for identification marks or tags on livestock.

Council Regulation 911/2004 (SMR 7) lays down detailed rules for the implementation of Regulation 1760/2000 as regards eartags, holding registers and passports in relation to the identification and registration of bovine animals. Articles 6 and 8 apply in relation to SMR 7. Article 6 specifies the information to be contained in passports while Article 8 specifies the information to be contained in registers.

Regulation 1760/2000 (SMR 8) establishes a system for the identification and registration of bovine animals and regards the labelling of beef and beef products. Articles 4 and 7 apply in relation to SMR 8. Article 4 specifies requirements

regarding eartags. Article 7 applies to the keepers of animals, with the exception of transporters, and relates to requirements for animal registers and passports.

Council Regulation 21/2004 (SMR 8a) establishes a system for the identification and registration of ovine and caprine animals and amends Regulations 1782/2003 and Directives 92/102/EEC and 64/432/EEC. Articles 3, 4 and 5 apply in relation to SMR 8a. Article 3 states that the system for the identification and registration of animals must comprise certain elements namely: means of identification to identify each animal; up-to-date registers kept on each holding; movement documents; and, a central register or a computer database. Article 4 states specific requirements for identification. Article 5 states specific requirements for the register.

There are strong similarities and a high degree of harmonisation in relation to farmers' obligations established for SMRs 6, 7, 8 and 8a across the Member States. All Member States apply controls in relation to:

- The keeping of a livestock register including movement of livestock, deaths, births etc;
- Livestock identification e.g. requirement for livestock to have eartags.

Farmers' obligations regarding cattle passports are less clear. Specific mention of the requirement for cattle passports is noted in BE (F, W), DE, FI, FR, IE, IT, PT, SI and UK. By way of derogation from article 6 of Regulation (EC) 1760/2000, Member States which have a computerised database the Commission deems to be fully operational, may determine that a passport is to be issued only for animals intended for intra-Community trade. Respective decisions have been adopted as regards the databases in AT, BE, DK, FI, LU, NL, SE, FR, DE, CY, MT, IT, UK (NI).

In SE, a number of farmers' obligations have not been established for specific articles of the legislation as follows:

- SMR 6: Identification and registration of animals. Art. 4(2) of Directive 92/102/EEC: in accordance with the procedure laid down in Article 18 of Directive 90/425/EEC, a simplified registration procedure shall be established before 1 January 1993 for buffalo and before 1 October 1994 for sheep and goats in transhumance and for all the abovementioned animals kept on common pasture or raised in regions which are isolated geographically. The reason for not implementing the SMR is that there are neither buffalo, nor transhumance sheep or goat in Sweden. NB: bovine animals, sheep and goats are covered by specific legislation and no longer by Directive 92/102/EEC
- SMR 7: Identification and registration of bovine animals (cattle). Art. 8(e) of Regulation (EC) No 911/2004: The register kept on each holding shall contain the name and signature of the representative of the competent authority checking the register and the dates on which such checks are carried out. The reason for not implementing the SMR by legislation is that it has been considered more appropriate to instead inform the farmers about the directive.
- SMR 8a: Identification and registration of animals (sheep and goats). Art. 4(4) of Regulation (EC) No 21/2004 Second paragraph: The original identification established by the third country shall be recorded in the holding register provided for in Article 5 together with the identification code allocated to it by

the Member State of destination. The reason for not implementing the SMR is that it is not considered as feasible for cross compliance, but rather in general, national legislation.

SMR 9 – Plant protection products

Directive 91/414/EEC (SMR 9) concerns the placing of plant protection products on the market. Article 3 applies in relation to SMR 9. Article 3 states that Member States shall: prescribe that plant protection products may not be placed on the market and used in their territory unless the product has been authorized in accordance with the Directive; shall not impede the production, storage or movement of non-authorized products in their territory if intended for use in another Member State; prescribe that plant protection products are used properly; and, prescribe that products shall not be placed on the market unless they are classified, packaged and labelled according to Directive 67/584/EEC.

There is a strong degree of harmonisation in relation to farmers' obligations for SMR 9. There are two main aspects to the farmers' obligations, applied by all Member States, namely:

- Only authorised plant protection products must be used;
- Plant protection products must be used correctly e.g. according to instructions.

Some Member States additionally make reference to correct storage of plant protection products (AT, BE (W), IE, IT, LU, MT, UK (NI, W)). BE (F, W) refer to spraying equipment; in F spraying equipment must be kept 'in good order' while in W spraying machines must be checked once every three years. A few Member States require farmers to keep records of the use of plant protection products (IT, NL, UK (S, W)). Other notable requirements include: farmers must dispose of packaging and washings safely (LU); no aerial spraying (SE); the operator must have a valid certificate when spraying (BE (W)).

In SE, a number of farmers' obligations have not been established for specific articles of the legislation, as follows:

- SMR 9: Restrictions on the use of plant protection products. Art. 3(2): Member States shall not, on the grounds that a plant protection product is not authorized for use in their territory, impede the production, storage or movement of such products intended for use in another Member State, provided that: the product is authorized in another Member State, and the inspection requirements laid down by the Member States in order to ensure compliance with paragraph 1 are satisfied. The reason why this SMR is not implemented is that it is not applicable as cross compliance for farmers receiving a payment according to the single payment scheme. This article can only be implemented by legislation of the member state in a process where farmers are not directly involved. Hence, it is not suitable as cross compliance. It is, however, implemented by national legislation in "Förordning (2006:1010) om växtskyddsmedel 38 §".
- SMR 9: Restrictions on the use of plant protection products. Art. 3(4): Member States shall prescribe that active substances may not be placed on the

market unless they are classified, packaged and labelled in accordance with Directive 67/548/EEC, and ---. The reason why this SMR is not implemented is that it is not applicable as cross compliance for farmers receiving a payment according to the single payment scheme. This article can only be implemented by legislation of the member state in a process where farmers are not directly involved. Hence, it is not suitable as cross compliance. It is, however, implemented by national legislation in “Förordning (2006:1010) om växtskyddsmedel 37 §”.

SMR 10 – Prohibition of use of certain substances in stockfarming

Directive 96/22/EEC (SMR 10) concerns the prohibition of the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists. Articles 3, 4, 5 and 7 apply in relation to SMR 10. Article 3 states that Member States must prohibit the administration to animals of specified substances, the holding of animals to which such substances have been administered, the placing on the market of animals or meat which have received such substances and the processing of meat which has received such substances. Article 4 allows Member States to authorise the administration by vets of certain substances for therapeutic purposes but requires a register of use to be established. Article 5 allows Member States to authorise the administration by vets of certain substances for the purpose of zootechnical treatment. Article 7 imposes rules on the placing on the market of animals treated with certain substance and specifies minimum withdrawal periods.

There is some variation in the farmers’ obligations established in relation to SMR 10. Farmers’ obligations appear to relate to different aspects of Articles 3, 4, 5 and 7 that apply in relation to cross compliance but not in a consistent way. Most Member States require farmers to comply with the prohibitions or restrictions on certain substances. Several countries (AT, DE, DK, LU and UK) have more comprehensive farmers’ obligations, typified by the following example:

AT – the use of certain substances (listed) is prohibited. Farmers must keep records of the medical treatment of animals. Medicinal drugs must be authorised by a veterinarian and must be stored safely away from food. When animals are treated with medicinal drugs, specified waiting periods must be observed before slaughtering or consumption of animal products e.g. dairy products.

Farmers’ obligations that apply in EL, MT and PT were not known at the time of producing this report. In ES, SMR 10 was not covered in the Farmers Conditionality Guide in 2006 although national legislation was in force⁸. In relation to Article 3 (1) (a) however, it appears that inspections check for no presence on the holding, except for justified reasons, of specific hormonal and thyrostatic substances, and beta-agonists and that such substances have not been administered other than in the exceptional circumstances provided for by the Directive.

⁸ According to Commission sources farmers' obligations for SMRs 10 to 15 have been defined in Spain under the National implementing rules, in particular Circular FEAGA 4/2006 of 28.3.2006 as amended by Circular FEAGA 19/2006.

SMR 11 – Food and feed law

Regulation 178/2002 (SMR 11) lays down the general principles and requirements of food law, establishes the European Food Safety Authority and lays down procedures in matters of food safety. Articles 14, 15, 17 (1), 18, 19 and 20 apply in relation to SMR 11. Article 14 sets out food safety requirements while Article 15 sets out feed safety requirements. Article 17 (1) places responsibility on food and feed business operators to ensure that food or feed satisfies the requirements of food law and to verify that such requirements are met. Article 18 sets out requirements regarding the traceability of food, feed, food-producing animals and any other substance intended to be, or expected to be incorporated into a food or feed. Article 19 places responsibilities for food on food business operators e.g. a responsibility to withdraw unsafe food and notify relevant authorities. Article 20 places responsibilities regarding feed on feed business operators e.g. a responsibility to withdraw unsafe feed and notify relevant authorities.

There is some degree of variation in the farmers' obligations established in relation to SMR 11. Three main farmers' obligations are commonly defined, albeit with some variations in wording:

- Food or feed placed on the market must be safe (DE, EL, FI, IE, NL, SE, UK)
- Farmers must keep records of incoming and outgoing products (AT, BE (F, W), DE, EL, FI, FR, IE, NL, SE, UK)
- Food or feed thought to be unsafe must be withdrawn and authorities notified (AT, DE, DK, FI, IE, SE, UK)

A few countries give particular emphasis to controls on dairy farms (DE, FI, FR) and in IT, only farmers' obligations for dairy farms are defined.

The farmers' obligations in a number of Member States (LU, MT, PT) were not known at the time of compiling this report.

SMR 11 appears to have presented Member States with some difficulties in relation to defining farmers' obligations. The variation in farmers' obligations indicates there is no overall consistent approach across Member States. This may indicate that the authorities are unclear as to what constitutes appropriate farmers' obligations at farm level in relation to the articles specified in Annex III. Where farmers' obligations have been defined they tend to be rather general in nature e.g. the requirement that food or feed placed on the market must be safe. While a few Member States attempt to define what is meant by safe food or feed, it is not always clear how the term 'safe' is to be judged either by the farmers or the control bodies (see additional comments in Section 2.5).

SMR 12 – Prevention and control of TSEs

Regulation 999/2001 (SMR 12) lays down rules for the prevention, eradication and control of certain Transmissible Spongiform Encephalopathies (TSEs). Articles 7, 11, 12, 13 and 15 apply in relation to SMR 12. Article 7 establishes certain prohibitions concerning animal feeding including prohibiting the feeding of protein derived from mammals to ruminants. Article 11 requires Member States to ensure that any animal

suspected of being infected with a TSE is notified to the competent authorities, that Member States inform each other and the Commission of notified TSEs and take steps set out in Article 12 without delay. Article 12 specifies certain measures that must be followed with respect to suspect animals e.g. the placing of movement restrictions and the killing and destruction of suspect animals where a TSE cannot be ruled out. Article 13 sets out measures to be followed when the presence of a TSE is confirmed e.g. movement controls and the destruction of infected animals. Article 15 places conditions on the placing on the market or export/import of bovine, ovine or caprine animals and their semen, embryos and ova including animal health certificates for live animals or their embryos or ova. The placing on the market of first generation progeny, semen, embryos and ova of TSE suspect or confirmed animals is subject to conditions.

There is a strong degree of harmonisation in the farmers' obligations established in relation to SMR 12 across most Member States. Two main farmers' obligations are commonly defined, albeit with some variations in wording:

- Farmers must not feed animal proteins (AT, BE (F, W), DE, DK, EL, FR, IE, LU, NL, SE and UK)
- Farmers must notify the competent authority if a TSE is suspected (AT, BE (W), DE, DK, EL, FR, IE, LU, NL, SE and UK)

A number of Member States define farmers' obligations in relation to export or import of animals (AT, DE, DK, EL and SE). FI is notable in not having implemented this SMR due to the rarity of TSEs in Finland and the absence of any special control programme.

The farmers' obligations in a number of Member States (IT, PT, SI) were not known at the time of compiling this report.

SMRs 13-15 – Control of foot and mouth disease (SMR 13), certain animal diseases (SMR 14) and control of Bluetongue (SMR 15)

Council Directive 85/511 (SMR 13) introduces Community measures for the control of foot and mouth disease. Article 3 applies in relation to SMR 13. Article 3 states that Member States shall ensure that the presence, or suspected presence, of foot and mouth disease is compulsorily and immediately notifiable to the competent authority.

Council Directive 92/119 (SMR 14) introduces general Community measures for the control of certain animal disease and specific measures relating to swine vesicular disease. Article 3 applies in relation to SMR 14. Article 3 states that Member States shall ensure it is compulsory for the suspected presence of any of the diseases referred to in Annex 1 to be notified immediately to the competent authority.

Council Directive 2000/75 (SMR 15) lays down specific provisions for the control and eradication of bluetongue. Article 3 applies in relation to SMR 15. Article 3 states that Member States shall ensure the immediate, compulsory notification to the competent authority if circulation of the bluetongue virus is suspected or confirmed.

The farmers' obligations established for SMRs 13-15 appear to be largely consistent and harmonised across the majority of Member States. The main farmers' obligation for all three SMRs is that farmers must notify the competent authorities of any suspected outbreaks of the relevant diseases. This is consistently applied in AT, BE (F, W), DE, DK, EL, FR, IE, IT, LU, NL, SE, SI and UK.

The farmers' obligation established for these SMRs in EL is the most comprehensive and a good example of how the farmers' obligation might best be expressed:

'The farmer-owner or any person taking care of animals is obliged to announce to the relevant veterinary authorities, the existence or suspicion of foot and mouth, and a range of other diseases. The suspected animal should be kept separately, all other animals restricted and the suspected animal should not come into contact with other animals outside the farm. Farmers must comply with decisions, measures and indications of the relevant veterinary authorities.'

FI is notable in not having implemented farmers' obligations for these SMRs due to the rarity of these diseases in Finland and the absence of any special control programmes.

The farmers' obligations for these SMRs were not known at the time of compiling this report for two Member States (MT and PT).

2.5 Conclusions regarding the establishment of farmers' obligations for SMRs

The level of harmonisation of established farmers' obligations is variable from SMR to SMR. The SMRs that show the greatest degree of harmonisation, in relation to the farmers' obligations established by Member States, are:

- SMR 3
- SMR 4
- SMRs 6-8a
- SMR 9
- SMR 12
- SMR 13-15

For these SMRs, farmers' obligations, as defined by the Member States, are rather similar and require farmers to undertake the same or similar actions at farm level, across the Member States. The farmers' obligations are expressed in similar language and clearly have the same intention in terms of farming activity. Not only are the established farmers' obligations for these SMRs similar but there are relatively fewer omissions in farmers' obligations in relation to these SMRs (apart from SMRs 6-8a and 12 – see below). The majority of Member States have defined farmers' obligations relevant to all, or mostly all, of the articles of the legislation listed in Annex III. Farmers' obligations for SMR 10 are somewhat less harmonised than for other SMRs in this grouping but, like these SMRs, omissions in farmers' obligations are relatively few.

The SMRs which are least harmonised in terms of how the farmers' obligations are defined and for which there are the greatest number of omissions in farmers'

obligations are SMRs 1, 2, 5 and 11. SMR 11 on food law is notable in that more Member States (AT, BE (F, W), DK, EL, FR, IT, LU, MT, NL, PT) appear to have omissions in farmers' obligations than the number of Member States (DE, FI, IE, SE, UK) that have comprehensively applied farmers' obligations for all relevant Articles. In relation to SMR 11, many Member States appear to have had difficulty in defining actions that should be undertaken at farm level in order to ensure compliance with the SMR. The lack of harmonisation in farmers' obligations established at the beginning of 2006, suggest that there was, initially at least, a lack of clarity among Member State authorities as to what constituted appropriate farmers' obligations. In June 2006, a guidance document on hygiene rules for cross compliance was issued by the Commission⁹. This working document of the Commission services sought to clarify the implementation of this SMR at Member State level and lists hygiene obligations which are relevant to cross compliance for the farmer. SMRs 6-8, although harmonised in terms of how farmers' obligations are defined, show a significant number of omissions in farmers' obligations in five Member States (AT, EL, LU, MT, SE). SMR 12 is also notable in that where farmers' obligations have been defined, these are rather similar or harmonised across Member States but a significant number of Member States (BE (F), FI, IT, MT, PT, SI) have not defined farmers' obligations for all relevant Articles.

The extent to which Member States have comprehensively applied farmers' obligations relevant to all articles of the legislation as listed in Annex III or appear to have omitted certain farmers' obligations is summarised in Table 2.2. It can be seen that relatively few Member States (DE, IE and UK) have established farmers' obligations for all relevant articles of the legislation i.e. for all SMRs. In a small number of Member States (EL, MT and PT), there are omissions in farmers' obligations in relation to some articles of at least 5 SMRs. The majority of Member States (AT, BE (F, W), DK, ES, FI, FR, IT, LU, NL, SE, SI) have mostly established farmers' obligations in relation to most articles of 10 or more of the SMRs.

⁹ DS/2006/16-final. Working Document: Guidance Document of the Commission Services 'on the hygiene provisions relevant for cross compliance'. Management Committee for Direct Payments.

Table 2.2 Summary of extent to which farmers’ obligations have been established by Member State and SMR

Member State	SMR							
	Birds (SMR 1)		Groundwater (SMR 2)		Sewage Sludge (SMR 3)		Nitrates (SMR 4)	
	Comprehensive	Omissions	Comprehensive	Omissions	Comprehensive	Omissions	Comprehensive	Omissions
AT	✓		✓		✓		✓	
BE (F)		✓	✓		✓		✓	
BE (W)	✓		✓		✓		✓	
DE	✓		✓		✓		✓	
DK	✓			✓	✓		✓	
EL		✓	✓		✓		✓	
ES		✓	✓		✓		✓	
FI	✓			✓	✓		✓	
FR	✓			✓	✓		✓	
IE	✓		✓		✓		✓	
IT		✓	✓		✓			✓
LU	✓			✓	✓		✓	
MT	✓		✓		✓		✓	
NL		✓	✓		✓		✓	
PT	✓			✓	✓		✓	
SE	✓		✓		✓			✓
SI	✓		✓		✓		✓	
UK	✓		✓		✓		✓	

Key:

Comprehensive

= farmers’ obligations have been established for all relevant articles of the SMR

Omissions

= farmers’ obligations have not been established for all relevant articles of the SMR/information on farmers’ obligations was not available at the time of preparation

Table 2.2 (continued): Summary of extent to which farmers' obligations have been established by Member State and SMR

Member State	SMR							
	Habitats (SMR 5)		Animal Identification and Registration (SMRs 6-8)		Plant protection (SMR 9)		Use of certain substances (SMR 10)	
	Comprehensive	Omissions	Comprehensive	Omissions	Comprehensive	Omissions	Comprehensive	Omissions
AT	✓			✓	✓		✓	
BE (F)		✓	✓		✓		✓	
BE (W)		✓	✓		✓		✓	
DE	✓		✓		✓		✓	
DK		✓	✓		✓		✓	
EL		✓		✓	✓			✓
ES		✓	✓		✓		✓	
FI	✓		✓		✓		✓	
FR	✓		✓		✓		✓	
IE	✓		✓		✓		✓	
IT	✓		✓		✓		✓	
LU	✓			✓	✓		✓	
MT	✓			✓	✓			✓
NL		✓	✓		✓		✓	
PT	✓		✓		✓			✓
SE		✓		✓		✓	✓	
SI	✓		✓		✓		✓	
UK	✓		✓		✓		✓	

Table 2.2 (continued): Summary of extent to which farmers' obligations have been established by Member State and SMR

Member State	SMR					
	Food Law (SMR 11)		Transmissible Spongiform Encephalopathies (SMR 12)		Notification of diseases (SMR 13-15)	
	Comprehensive	Omissions	Comprehensive	Omissions	Comprehensive	Omissions
AT		✓	✓		✓	
BE (F)		✓		✓	✓	
BE (W)		✓	✓		✓	
DE	✓		✓		✓	
DK		✓	✓		✓	
EL		✓	✓		✓	
ES	✓		✓		✓	
FI	✓			✓		✓
FR		✓	✓		✓	
IE	✓		✓		✓	
IT		✓		✓	✓	
LU		✓	✓		✓	
MT		✓		✓		✓
NL		✓	✓		✓	
PT		✓		✓		✓
SE	✓		✓		✓	
SI		✓		✓	✓	
UK	✓		✓		✓	

3 GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION

3.1 Introduction

There is wide variation in the approach taken by Member States to the definition of farmers' obligations¹⁰ for GAEC. As specified by Article 5 of Regulation (EC) 1782/2003, Member States have used Annex IV as a framework to guide the development of requirements for GAEC. Annex IV identifies four issues in relation to GAEC (Soil Erosion, Soil Organic Matter, Soil Structure and Minimum Level of Maintenance). For each issue, a number of standards are listed. For example, for the issue of 'soil erosion', three standards are listed: minimum soil cover; minimum land management reflecting site-specific conditions; and, retain terraces. These standards have then been used by Member States as the basis for developing more specific and detailed farmers' obligations. In presenting information about farmers' obligations e.g. in handbooks or on websites, Member States have not always made it clear which GAEC issue and standard a specific farmers' obligation relates to. A degree of interpretation has therefore been necessary in order to undertake the following analysis. Where a farmers' obligation does not appear to be derived from any of the issues or standards in Annex IV, it is referred to as 'other'.

For the four main issues identified in Annex IV only 12 out of 25 Member States have defined farmers' obligations corresponding to all four issues (AT, BE (W), CY, EL, ES, FI, FR, IE, IT, MT, SI, UK (E, S, W)). Estonia has only developed farmers' obligations in relation to Minimum Level of Maintenance, while several other Member States, including Denmark, Hungary, Latvia, and the UK (NI), have only developed farmers' obligations corresponding to 2 of the issues identified. The remaining Member States have developed farmers' obligations corresponding to at least 3 Annex IV issues (BE (F), CZ, DE, LT, LU, NL, PL, PT, SE, SK). Additional farmers' obligations have also been developed outside of the 4 main issues. In many cases these farmers' obligations appear to address agricultural and environmental issues that are of national concern. In Portugal and Malta, for example, a farmers' obligation is included relating to the disposal of farm plastics and tyres while France and Spain have introduced farmers' obligations relating to irrigation. The management of farm waste or water usage are not issues included in Annex IV

Table 3.2, Table 3.3, Table 3.4, & Table 3.5 illustrate the number of GAEC farmers' obligations defined by each Member State according to the issues identified in Annex IV.

Overall, for all 25 Member States, farmers' obligations have been most commonly developed in relation to Minimum Level of Maintenance (25 Member States) followed by Soil Erosion (24 Member States) with the fewest farmers' obligations developed in relation to Soil Organic Matter (22 Member States) and Soil Structure (14 Member States).

¹⁰ Actions to be undertaken at farm level, as defined by the Member States, aiming to ensure compliance with GAEC.

A review of the GAEC farmers' obligations introduced shows further variability. The obligations chosen to implement a GAEC standard varies from the very basic to the more complex. Some Member States have chosen one simple obligation to apply to an Annex IV standard, others have adopted one, more complex obligation, and others have chosen several farmers' obligations for one GAEC standard.

3.2 Development of GAEC Farmers' obligations

The lead body for developing GAEC farmers' obligations in most Member States was the government Ministry of Agriculture or equivalent. In some cases the GAEC farmers' obligations were developed by the Paying Agency (AT, BE (W), MT). In some Member States, there is regional variation in the farmers' obligations that apply within a Member State. For example, regional government administrations have developed their own farmers' obligations in Belgium & the UK. In the UK, there was consultation between the four regional administrations of England, Northern Ireland, Scotland and Wales and as a result many of the farmers' obligations are similar. In other Member States, national farmers' obligations exist but there is scope for regional variation depending on local conditions (DE, ES, IT). See Table 3.1 for more details.

The majority of Member States set up a working group to develop farmers' obligations. In some cases, this was an internal group within the Ministry of Agriculture (BE (W), CY, CZ, FR, IE, IT, LT, LU, LV, UK (NI, S, W)), whilst in other Member States the working groups included personnel from other Ministries or government bodies (AT, B(F), DE, DK, EL, ES, HU, MT, NL, PL, PT, SE, SI, SK, UK (E)). There is no information available on the type of working groups established in a few Member States (EE and FI).

Member States adopted a variety of approaches for consultation procedures with stakeholder organisations, such as farming groups and environmental NGOs, and research institutions. Full public consultations with a range of stakeholders and research organisations were reported in a few Member States (IE, IT, UK (E, W, S)). Consultation procedures with farming groups were widespread amongst Member States (BE, CZ, DE, DK, EL, EE, ES, NL, PT, SE, SI, SK) and environmental NGOs were also consulted (DE, NL, PT, SE), as well as research organisations (CY, EE, MT, NL, PL, SI, SK). In some Member States there was no consultation with stakeholder farming and environmental groups (CY, HU, MT), whilst in others it is unclear what level of public consultation, if any, took place (AT, LT, LU, LV, PL).

GAEC farmers' obligations are often based on or adapted from previously existing standards of Good Farming Practice. In many cases, farmers' obligations are based on the requirements of pre-existing national legislation.

Table 3.1 Approach to defining GAEC farmers’ obligations

Member State	Lead Ministry or Government Body	Working Group established	Stakeholder consultation	Other comments
AT	Paying Agency plus relevant federal and regional authorities	Y	-	Farmers’ obligations were developed in working groups made up of experts from relevant federal and regional authorities and the Paying Agency. No information is available on any possible public consultations
BE (F)	Ministry of Agriculture and Fisheries	Y	Y	In cooperation with the Ministry of Environment, Nature and Energy (Department of Environment, Nature, Soil and Water Management). Farmer organisations were also consulted.
BE (W)	Paying Agency (Division des Aides à l’Agriculture)	Y	Y	Workshops and meetings were organised with the others departments of the Directorate General of Agriculture as well as farmer unions.
CY	Ministry of Agriculture, Natural Resources and Environment	Y	N	There was cooperation with the State Institute of Agricultural Research when developing the GAEC farmers’ obligation. No consultation procedures were reported.
CZ	Ministry of Agriculture of the (Czech Republic)	-	Y	Farmers’ obligations were developed by Ministry of Agriculture officials. Farmers’ organisations were consulted.
DE	Federal Ministry of Food, Agriculture and Consumer Protection, (BMELV)	Y	Y	Proposals for national farmers’ obligations were developed by BMELV. These were discussed by the cross compliance working group. The farmers’ obligations leave scope for different obligations and exceptions depending on regional conditions. Hearings with representatives of NGOs and farmers’ organisations took place.
DK	Directorate for Food, Fisheries and Agri-Business	Y	Y	Working groups comprised relevant responsible authorities including control authorities. Only agricultural stakeholders were consulted. Similar process to SMR development.
EL	Ministry of Agriculture	Y	(Y)	Ministry of Agriculture and the Ministry of Planning and Environment set up a committee to work on the introduction of GAECs. Farmers’ obligations already implemented through Good Farming Practices. Only agricultural stakeholders were consulted.
EE	Ministry of Agriculture	-	Y	Consultation took place with Plant Protection Inspectorate, Agricultural Registers and Information Board (ARIB, Paying Agency) and Agriculture and Rural Development Council (farming representatives).
ES	Ministry of Agriculture, Fisheries and Food (MAPA)	Y	(Y)	Farmers’ obligations were drawn up by MAPA. Meetings were also held between MAPA and the Regional Governments, and with the national farming organisations. There was no direct consultation with environmental NGOs or independent experts, and no process of public consultation.
FI	Ministry of Agriculture and Forestry	-	-	Further detail on approach to defining GAEC farmers’ obligations not known.

Table 3.1 (continued) Approach to defining GAEC farmers’ obligations

Member State	Lead Ministry or Government Body	Working Group established	Stakeholder consultation	Other comments
FR	Ministry of Agriculture	Y	-	Ministry of agriculture created a working group. Farmers’ obligations based on previous codes of good farming practice as well as regional rules from the management of set aside and less favoured areas payments. AUP (Agence Unique de Paiement) in charge of controls since 2006. Previously controls were done at regional level by ONIC (Office national Interprofessionnel des Céréales).
HU	Ministry of Agriculture and Rural Development (MARD)	(Y)	N	GAEC farmers’ obligations were developed in 2003. Majority of the measures were based on the Land Act (1994 LV). The legislation was prepared by two units within MARD in co-operation with a unit in ARDA (Agricultural and Rural Development Agency). No consultation has been reported.
IE	Department of Agriculture and Food	Y	Y	Farmers’ obligations were developed by an internal working group within the Department of Agriculture and Food. Department of Environment, heritage and Local Government consulted on farmers’ obligation. Public consultation.
IT	Ministry of Agriculture and Forestry Policies (MiPAF)	-	-	Farmers’ obligations developed by a working group made up of MiPAF, Ministry of Environment, Paying Agencies, Regional Governments, research institutes, farmers unions, producer associations and environmental organisations. Derogations or modifications to the national farmers’ obligations can be made at regional level in Italy.
LT	Ministry of Agriculture	-	-	Farmers’ obligations developed by Ministry of Agriculture and introduced in 2005. Further detail on approach to defining GAEC farmers’ obligations not known
LU	Ministry of Agriculture, Wine Growing and Rural Development	-	-	Farmers’ obligations developed by administrations within Ministry of Agriculture, Wine Growing and Rural Development. No information on whether a consultation took place or not.
LV	Ministry of Agriculture	Y	-	Farmers’ obligations developed by working group from Ministry of Agriculture and mainly targeted at avoiding land abandonment. No information on whether a consultation took place or not.
MT	Rural Affairs and Paying Agency (IACS Directorate)	Y	N	Working group was set up with input from relevant agencies such as other internal Ministry departments and MEPA (Malta Environment & Planning Authority). Soil and landscape GAEC farmers’ obligations were developed in consultation with the National Soil Unit. Retention of landscape features with MEPA. Farmers’ obligations largely based on Good Farming Practice (GFP). There was no public consultation as part of the process.
NL	Ministry of Agriculture, Nature and Food Quality	Y	Y	Farmers’ obligations developed by working group responsible for the preparation and implementation of all cross compliance farmers’ obligation. A wide range of organisations were consulted including research organisations environmental NGOs and farmer groups.

Table 3.1 (continued) Approach to defining GAEC farmers' obligations

Member State	Lead Ministry or Government Body	Working Group established	Stakeholder consultation	Other comments
PL	Ministry of Agriculture and Rural Development (MARD)	Y	-	Working group set up by MARD and included Department for Accession Assistance and Structural Funds and experts from Institute of Soil Science and Plant Cultivation (ISSPC). Based on Good Farming Practice. No information on whether a consultation took place or not.
PT	Ministry of Agriculture, Rural Development and Fisheries (GPPAA)	Y	Y	Working group set up by GPPAA included relevant government departments and bodies. Farmer groups and environmental NGO were consulted.
SE	Swedish Board of Agriculture	Y	Y	Swedish Board of Agriculture developed farmers' obligations in consultation with Swedish Environmental Protection Agency and the County administrative boards. NGOs, farmer organisations and public authorities given the opportunity to comment.
SI	Ministry of Agriculture, forestry and Food (MAFF)	Y	Y	Farmers' obligations developed by MAFF in collaboration with Ministry of the Environment and Spatial Planning and Ministry of Health. A range of farmer representatives and research organisations and government bodies were consulted.
SK	Ministry of Agriculture	Y	Y	Working group consisted of Ministry of Agriculture, Paying Agency and several research organisations. Proposals were discussed with representatives of the Slovak Agriculture Chamber.
UK (E)	Department for Environment, Food and Rural Affairs (Defra)	Y	Y	Defra set up an overarching group and then sub groups which looked at farmers' obligations. Groups included experts from Defra and government agencies. Process was more open than for SMRs, with a full public consultation, a Regulatory Impact Assessment, and farmer workshops.
UK (NI)	Department for Agriculture and Rural Development (DARD)	-	-	Farmers' obligations developed by DARD in consultation with the other UK regions and based around the GFP standards. Fewer farmers' obligations than other UK regions due to desire to minimise burden on farming community. Also soil erosion and soil organic matter issues not seen as so relevant to NI. No information on whether a consultation took place.
UK (S)	Scottish Executive Environment and Rural Affairs Department (SEERAD)	-	Y	Farmers' obligations developed by SEERAD after working closely with stakeholders from the environmental and land management sectors. Cross Compliance consultation carried out in 2004.
UK (W)	National Assembly for Wales Agriculture and Rural Affairs Department	-	Y	Farmers' obligations developed by in consultation with the other UK regions. A consultation was conducted in 2004 which resulted in less demanding requirement on soil management plans.

Y = Yes, working group(s) established/stakeholder consultation undertaken
(Y) = Limited working group(s) established/partial stakeholder consultation undertaken
N = No, working group(s) not established/stakeholder consultation not undertaken
- = Information not available at time of preparation of this report

3.3 GAEC Farmers' obligations

3.3.1 Soil Erosion

Member States have introduced a wide variety of GAEC farmers' obligations aimed at minimising soil erosion. The situation ranges from those Member States with no farmers' obligations specifically aimed at minimising soil erosion (EE, LV), to Member States with at least four farmers' obligations (EL, ES, FI, NL, UK (S)). The majority of Member States have between one and three farmers' obligations (AT, BE, CY, CZ, DE, DK, FR, HU, IE, IT, LT, LU, LV, MT, PL, SE, SI, SK, UK (E, NI, W)). However, it should be noted that there is a great deal of variation in the farmers' obligations set by Member States. For example, in the UK, farmers are required to develop and update a soil management plans to show that soil erosion is being actively managed, whilst in other Member States the controls check for the evidence of soil erosion. Please refer to Table 3.2 for more information.

Of the three stated standards for soil erosion some Member States have farmers' obligations in relation to one standard (DK, FR, HU, LT, MT, SE, SK, UK (NI)), some Member States have farmers' obligations relating to two standards (AT, BE, CZ, FI, IE, IT, NL, PT, UK (E, S)), and other Member States have farmers' obligations relating to all three standards (CY, DE, EL, ES, LU, PL). In addition, a number of soil erosion farmers' obligations do not readily or only partially relate to the three main standards (CZ, EL, FI, FR, MT, NL, SI, SK, UK) and these are included in the *other farmers' obligations* section.

Minimum land management reflecting site-specific conditions

17 Member States have farmers' obligations for minimum land management (BE, CY, CZ, DE, EL, ES, FI, HU, IE, IT, LU, MT, NL, PL, PT, SK, UK). Farmers' obligations for minimum land management tend to be targeted at areas where soil erosion is most likely to occur. In some Member States, slope criteria are specified (BE (F, W), CY, CZ, DE, EL, ES, HU, LU, NL, PL, SK). Other farmers' obligations refer to ploughing along contours (CY, MT), grazing on common land (IE), the use of a national soil erosion index (PT) and avoidance of soil erosion channels on sloping land (IT). In the UK, there is a range of farmers' obligations aimed at minimising soil erosion due to site-specific conditions. This includes the Soil Protection Review in England, and farmers' obligations relating to soil capping and wind erosion in Scotland. In the Netherlands, farmers must report significant levels of soil erosion and draw up a plan to deal with it. In a number of Member States, it is not permitted to grow row crops (potatoes, root crops etc.) on soils prone to soil erosion (CZ, HU, PL, PT).

Minimum Soil Coverage

17 Member States have farmers' obligations for minimum soil coverage (AT, BE, CY, DE, DK, EL, ES, FI, FR, IE, LT, LU, NL, PL, PT, SE, UK). A number of Member States have farmers' obligations for establishing cover on arable land not in agricultural production or in set aside (AT, B (F), DE, DK, ES, FI, FR, IE, IT, LT, PL, PT, SE, UK (E)). In some Member States, there are farmers' obligations for cover on grassland or grassed strips (BE (W), ES, FI, FR, IE), as well as farmers' obligations for minimum cover on all soil types prone to erosion (CY, EL, ES, NL). In Luxembourg, farmers must choose a management option related to soil cover in order to prevent ditch erosion. In Ireland, soil can be rough ploughed as an alternative to

establishing a green cover. In Finland, there are several farmers' obligations related to minimum cover in NVZs.

Retain terraces

9 Member States have farmers' obligations relating to the retention of terraces (AT, CY, CZ, DE, EL, ES, IT, LU, PL). Most of the farmers' obligations require that terraces are not destroyed or removed, whilst in ES and IT there is a requirement to maintain them in good condition. In IT, this obligation is also considered as being related to the issue of 'minimum level of maintenance' and the standard of retention of landscape features'. In PL, there is a requirement for existing terraces to be used when cultivating perennial plants. The standard in CZ applies to a range of landscape features, which can contribute to minimising soil erosion.

Other farmers' obligations

There are 9 Member States which have developed farmers' obligations relating to soil erosion but which do not directly correspond to the three standards related to soil erosion in Annex IV. These farmers' obligations are related to landscape features (CZ), irrigation (EL), cultivation of nitrogen binding crop species (FI), burning of crop residues (FR, SK)¹¹, presence of erosion gullies (MT), obligation to implement specified anti-erosion plans and for green manuring (NL), general requirement to avoid soil erosion (SI), and a range of soil erosion management measures (UK).

¹¹ These obligations are more relevant to the GAEC issue of 'Soil Organic Matter' but are listed here as they are also considered to contribute to preventing soil erosion.

Table 3.2 GAEC Farmers’ obligations for Soil Erosion

Member State	Summary of GAEC control points	Summary of inspection checks (farmers’ obligations)	Other Comments
AT	1. Rules for green cover on arable land not in agricultural production. (b) 2. Terraces must not be cleared without authorisation. (c)	1. Green cover must be maintained over the vegetation period unless this conflicts with nature protection regulations or agreements. 2. Farmers must follow procedure if terraces are to be cleared.	Soil protection partly regulated previously by Federal Provinces, but not at national scale.
BE (F)	1. Farmers must implement at least one appropriate measure from a list against erosion on parcels at high risk of erosion. Areas at high risk of erosion are fixed by the competent administration. (a) 2. Rules for cover depend on the crop and its vulnerability to erosion. (b)	1. Check for signs for erosion and assess efficiency of the measure(s) implemented on affected plots. 2. Check rules for soil cover have been implemented.	There were no legal requirements with regard to soil erosion prior to introduction of cross compliance. The farmers’ obligations mainly target areas at high risk of soil erosion. In future, farmers’ obligations might be introduced on parcels with lower risk of soil erosion.
BE (W)	1. Rules apply for arable parcels considered at risk of soil erosion. (More than 50% of a parcel’s surface must have a higher slope equal to or greater than 10%). Restrictions for ploughing and root crops. (a) 2. Rules apply for grassed strips. No grazing or mowing after 1 July. (a) (b)	1. Check for soil erosion on arable plots. Assess measure put in place. 2. Check for soil erosion on grassed strips. Check for signs of grazing or mowing of grassed strips outside permitted periods.	Farmers’ obligations are new to cross compliance. No changes are planned to the GAEC farmers’ obligations for erosion.
CY	1. Cultivation should follow contour lines (ploughing on the level). (a) 2. Soil steps (terraces) should be protected. (c) 3. On steep slopes, green cover should be maintained during winter with no cultivation during wet winter months. (b)	No information on relevant inspection procedures was released by the Cyprus authorities.	Agriculture Department officials state that soil erosion is not a major problem in Cyprus except in mountainous and semi-mountainous areas.

KEY:

- (a) = Minimum land management reflecting site-specific conditions
- (b) = Minimum Soil Coverage
- (c) = Retain terraces
- (d) = Other farmers’ obligations

Table 3.2 (continued) GAEC Farmers' obligations for Soil Erosion

Member State	Summary of GAEC control points	Summary of inspection checks (farmers' obligations)	Other Comments
CZ	<p>1. No destruction of landscape features including field banks / hedgerows, terraces, windbreaks, grasslands in alluvial plains, field paths, surface water streams and water bodies. (c) (d)</p> <p>2. Exclusion of growing of crops prone to soil erosion on slopes greater than 12 degrees. (a)</p>	<p>1. Check for destruction of landscape features.</p> <p>2. Check crops such as maize, potatoes, beet, etc. not grown on slopes greater than 12 degrees.</p>	No similar provisions to GAEC prior to cross compliance although Nature Conservation Act applied 'significant landscape features'.
DE	<p>1. At least 40% of arable area of a farm must have green cover. Areas at low risk of soil erosion are excluded. (a) (b)</p> <p>2. Terraces must not be removed unless authorised. (c)</p>	<p>1. Check applicable arable land has green cover. It may not be ploughed after harvest unless sown again by 1 December. Exceptions can be made due to weather conditions. Systematically controlled.</p> <p>2. Check for authorisation if a terrace has been removed. Not systematically controlled.</p>	The farmers' obligations are not based on previously existing legislation. Original GAEC proposals had requirements for 50% green cover on arable land with no ploughing to take place later than 1 November each year but these requirements were considered to be too restrictive.
DK	<p>1. Rules for establishment of green cover on set-aside land and non-cultivated agricultural land. (b)</p>	<p>1. Set-aside land and non cultivated land should have permanent plant cover. Plant cover should be established within specified time limit using approved seeds. Land without sufficient plant cover must be sown again.</p>	The main objectives of these farmers' obligations are to: reduce leaching of pesticides, nitrate and phosphorus from agricultural areas; reduce soil erosion; secure the soil structure; and protect plant- and animal life. Soil erosion not considered a big problem in Denmark. No other farmers' obligations on soil erosion considered or planned for future.
EL	<p>1. Green cover must be maintained during the wet period on parcels with a slope greater than 10%. (b)</p> <p>2. On parcels with a slope greater than 10%, ploughing should be on the level, diagonally, or appropriate uncultivated buffer strips should be created. (a)</p> <p>3. Irrigation must not take the form of flooding. (d)</p> <p>4. Terraces or natural borders should not be destroyed. (c)</p>	<p>1. Inspect the green cover on land with slope over 10%. Appropriate preparation of soil (tilling) for next cultivation is permitted.</p> <p>2. Inspect how ploughing has taken place.</p> <p>3. Inspect for signs of flooding due to irrigation</p> <p>4. If there are terraces, inspect their condition.</p>	Soil erosion is considered a major problem in Greece particularly in mountainous and semi-mountainous areas. All GAEC farmers' obligations in Greece have a soil erosion dimension to some degree.

Table 3.2 (continued) GAEC Farmers’ obligations for Soil Erosion

Member State	Summary of GAEC control points	Summary of inspection checks (farmers’ obligations)	Other Comments
EE	No GAEC farmers’ obligation specifically aimed at soil erosion are defined in Estonia.	-	-
ES	<ol style="list-style-type: none"> 1. Minimum land management rules for permanent crops. (a) 2. Minimum land management rules for arable crops. (a) 3. Minimum soil coverage rules for arable crops. (b) 4. Minimum soil coverage rules for permanent crops. (b) 5. Minimum soil coverage rules for non-cropped land. (b) 6. Minimum soil coverage rules for areas with high risk of soil erosion. (a) (b) 7. Retention terraces should be kept in good condition. (c) 	<ol style="list-style-type: none"> 1. Vines, olives, nuts - no tillage when SIGPAC (Sistema de Información Geográfica de Parcelas Agrícolas) shows average slope of parcel is >15%. 2. & 3. Arable – no tillage when SIGPAC shows average slope of parcel is >10%. Winter arable crops – no tillage between harvest and 1st of September. 4. Permanent crops – no pulling-up of crop plants when SIGPAC shows average slope of parcel is >15%, in designated areas. Olive groves – maintenance of soil cover on rows between trees. 5. Fallow, set-aside and non-cropped land – traditional cultivation practices, minimum tillage and maintenance of an adequate soil cover. 6. Zones with high erosion risk – compliance with appropriate crop rotations and soil cover. 7. Retaining terraces are maintained in good condition. 	The farmers’ obligations are not based on previous national legislation, although similar but less detailed measures existed under Good Farming Practice. The Ministry of Agriculture, Fisheries and Food (MAPA) considers soil erosion to be a priority issue in Spain, due to the mountainous terrain, semi-arid Mediterranean climate with occasional intense rains
FI	<ol style="list-style-type: none"> 1. There must be 60-cm, untilled verge between fields and major ditches/watercourses. (a) (b) 2. In the Class I and II ground water areas fallow land must have green cover. (b) 3. In the ground water areas, new vegetation on the fallow or uncultivated fields must not be sown with more than 20 % nitrogen binding species. (b) (d) 4. Uncultivated fields must have a grass cover. (Game cover and landscape vegetation is permitted). (b) 	<ol style="list-style-type: none"> 1. Check for untilled verge and that fertilisers and pesticides have not been applied. 2. In groundwater areas, check fallow and uncultivated fields are covered by grass and seed mixture used contains less than 20% nitrogen binding species. 3. See above. 4. See above. 	-

Table 3.2 (continued) GAEC Farmers’ obligations for Soil Erosion

Member State	Summary of GAEC control points	Summary of inspection checks (farmers’ obligations)	Other Comments
FI (continued)	<p>5. Grass-covered uncultivated fields and green fallow must be cut once during the growing season. (a)</p> <p>6. The timing of the cut must take account of birds and mammals. (a) (d)</p> <p>7. Open and stubble fallow must be cut annually. If not, then steps must be taken to prevent the spreading of weeds. (a)</p>	<p>5. Check uncultivated fields have grass cover and are cut annually.</p> <p>6. Check cultivated fields are cultivated according to principles of good agricultural practice (a general standard).</p> <p>7. Obligatory fallow must be established and managed according to the requirements.</p>	-
FR	<p>1. Implementation of a minimum environmental surface (set-aside, pasture and grassland) at holding level. Small producers are not obliged to follow these rules. (b)</p> <p>2. Prohibition of stubble burning unless authorised. (d)</p>	<p>1. Implementation of minimum environmental surface and location of grass strips as a priority along water courses. Presence of a cover during the compulsory periods. Maintenance of the environmental covers.</p> <p>2. Check for evidence of stubble burning or a derogation if relevant.</p>	There has been research into the role of grass strips along rivers to limit the erosion of soil and pollution by fertilisers and pesticides. However, it is not thought this farmers’ obligation will deal with all erosion problems particularly in areas with severe erosion problems.
HU	<p>1. Cultivation of row crops (namely potatoes) is not allowed on agricultural parcels with slope higher than 12%. (a)</p>	<p>1. Data on the exact location of slopes greater than 12% is available on the national mapping system (known as MAPAR). Row crops (crops which are prone to soil erosion) are monitored through remote sensing and on the spot checks.</p>	One of the advantages of this farmers’ obligation is that it is easy to monitor. Other farmers’ obligations have been considered but have not been implemented. These include farmers’ obligations on: minimum soil cover; uncultivated green spaces (field margins, hedges, etc.); contour tillage in areas susceptible to erosion; and preservation of terraces).
IE	<p>1. Ensure that soil is covered by vegetation or else ploughed. Finely tilled bare (unsown) seedbeds are not permitted over the winter. (b)</p> <p>2. Prevent soil erosion through overgrazing on commonages, on sand dunes. Severe poaching should be avoided. (a)</p>	<p>1. Ensure that soil is covered by vegetation (crop cover, crop residue, stubble cover) or else ploughed. Ensure that finely tilled bare (unsown) seedbeds are not present over the winter.</p> <p>2. Check stocking requirements set out in the Commonage Framework Plan are followed. Check sand dunes are retained and not overgrazed or damaged. Check for signs of severe poaching.</p>	The main objective of these farmers’ obligations is to protect the soil through appropriate measures including minimum soil cover and land management practices reflecting site-specific conditions.

Table 3.2 (continued) GAEC Farmers’ obligations for Soil Erosion

Member State	Summary of GAEC control points	Summary of inspection checks (farmers’ obligations)	Other Comments
IT	1. Avoidance of temporary channelling of surface water on sloping land. Applies to arable and set aside land, but not pasture or permanent crops. (a) 2. Maintain terraces. (c)	1. Check for evidence of erosion evidence and the absence of temporary channelling or green bands when there is evidence of erosion. Check farmers have inserted temporary drainage furrow after sowing.	The temporary insertion of furrows is a well established practice which farmers are used to. The farmers’ obligation is also thought to be effective in terms of limiting soil erosion with relatively low implementation costs.
LT	1. Arable land must be sown with crops. If left fallow a green or black cover must be established. (b)	1. Check arable land has crops or fallow cover established. If black cover is established, then check that this is cultivated periodically to control weeds.	-
LU	1. Ditch erosion should be prevented using at least one of five specified management options. (b) 2. Meadows with a slope of over 12% with minimum length of 50 m must not be ploughed up. (a) 3. Present terraces have to be retained. (c)	1. Check for evidence of ditch erosion. Where erosion occurs, look for evidence of appropriate use of the specified management options. 2. Check for evidence of ploughing on relevant plots of land. 3. Check for evidence of destruction of terraces.	All of the GAEC farmers’ obligations were introduced for the first time with cross compliance.
LV	Latvia has not introduced any GAEC farmers’ obligation which specifically address soil erosion.	-	-
MT	1. No sheet, rill or erosion gullies must be present on site. (d) 2. Always plough parallel to the contours. (a)	1. Check for evidence of sheet, rill or erosion gullies. 2. Check for evidence of inappropriate ploughing on sloped fields.	-

Table 3.2 (continued) GAEC Farmers' obligations for Soil Erosion

Member State	Summary of GAEC control points	Summary of inspection checks (farmers' obligations)	Other Comments
NL	1. Steep slopes of more than 18 degrees must be covered by grass at all times. (b) 2. In areas with soil erosion farmers must follow specified rules. (a) 3. Obligation to report higher than normal levels of erosion stating the measures to be out in place to minimise erosion. (a) 4. Obligation to implement an approved anti-erosion plan for the farm if present and drawn up by the competent authority. (d) 5. Obligation to till a crop for green manuring (or biomass/energy crop, non-feed/non-food) on parcels no longer used for production purposes. Sowing periods and rules on ploughing and harvesting apply. (d)	1. Check that slopes greater than 18 degrees have a grass cover. 2. Check that farmers have implemented appropriate management where soil erosion occurs. 3. Check that unusual levels of erosion have been reported. 4. Check that anti-erosion plans have been implemented where relevant. 5. Check that greening manuring has taken place on land not in agricultural production. Check that sowing, ploughing and harvested periods have been respected on this land.	GAEC farmers' obligations for soil erosion are based on previous rules established under the Regulation HPA Erosion Control Agriculture 2001 and the PT Regulation Erosion Control Horticulture 1997. Both regulations were revised in 2003 and 2004 respectively. SMR farmers' obligations in the sewage sludge and nitrate Directives are also relevant to soil erosion issues.
PL	On the arable land located on slopes with a gradient exceeding 20°, the following rules apply: 1. When cultivating perennial plants, plant cover must be maintained or mulching should take place between rows. (a) (b) 2. Plants that require ridges along the slope must not be grown. Fallow land should be managed as black fallow. (a) 3. When cultivating perennial plants, terrace farming is recommended. (a) (c)	1. Check that plant cover has been maintained or that mulching has taking place. 2. Check that inappropriate crops have not been cultivated. Or that fallow land has been managed appropriately. 3. Check that terraces have been used where appropriate.	-

Table 3.2 (continued) GAEC Farmers’ obligations for Soil Erosion

Member State	Summary of GAEC control points	Summary of inspection checks (farmers’ obligations)	Other Comments
PT	<p>1. Arable soil must have a natural or sown cover from 15 November to 1 March. Exceptions apply if tillage for the following crop takes place during this period. (b)</p> <p>2. In arable plots where IQFP is 4, annual cultures are not allowed, except terraces or vineyards and in the areas located at the plains. Derogations may be given for shrub and tree plantations and permanent pasture establishment. (a)</p> <p>3. In arable plots where IQFP is 5, annual cultures and implementation of permanent pastures are not allowed, except in terraces or vineyards and in the areas located at the plains. Derogations are only possible if certain criteria are met. (a)</p>	<p>1. Check for appropriate soil cover during the specified period.</p> <p>2. Check that only permitted cultivations take place on arable crops where IQFP is 4.</p> <p>3. Check that only permitted cultivations take place on arable crops where IQFP is 5.</p>	<p>The IQFP (plot physiographic qualification index) is an indicator that provides the relationship between the plot morphology and the risk of erosion. It ranges from 1 to 5, which is the riskiest. It is included in the P1 model of the Agricultural Plot Identification System.</p>
SE	<p>1. Any land taken out of production or in set-aside must be maintained with a green cover. Closed periods for cultivation apply depending on crop and region. (b)</p>	<p>1. Check that land not in agricultural production and/or set aside has a green cover and closed periods for cultivation are respected.</p>	<p>The main objective of the farmers’ obligation is to reduce nutrient leaching; in particular of nitrogen into groundwater and of phosphorous to watercourses or lakes, rather than soil erosion per se. The farmers’ obligation is based partly on the Swedish implementation of the nitrates Directive, partly on previous rules for maintenance of fallow on set aside land.</p>
SI	<p>1. Agricultural land shall be cultivated in a manner minimizing soil erosion, applying agronomical measures to reduce occurrence of erosion. (d)</p>	<p>1. Check for signs of soil erosion and any measure in place to minimise erosion where relevant.</p>	<p>No details provided about specific actions that farmers should undertake in order to minimise erosion. .</p>
SK	<p>1. Arable crops should not be cultivated on slopes over 12° except for perennial fodder crops, grass cultivated on arable land and crops with rows no wider than 16cm. If the average slope of the field is between 7° to 12°, then tillage should be done in a way to avoid gully erosion. (a)</p> <p>2. Ban on burning arable stubble. (d)</p>	<p>1. Check for arable slopes over 12°. Check for evidence of erosion on slopes is between 7 degrees to 12 degrees.</p> <p>2. Check for evidence of arable stubble burning.</p>	<p>The farmers’ obligations are based on existing national legislation. Rule on row width excludes cultivation of maize, sunflower, sugar-beet and potatoes. Additional farmers’ obligations may be introduced in the future.</p>

Table 3.2 (continued) GAEC Farmers' obligations for Soil Erosion

Member State	Summary of GAEC control points	Summary of inspection checks (farmers' obligations)	Other Comments
UK (E)	<p>1. General Requirements (includes requirement for risk-based Soil Protection Review). (a) (d)</p> <p>2. Post-harvest management of land after combinable crops (from harvest to 1 March). (b)</p>	<p>1. Check farmer has retained a copy of the soil management booklet. Check that Soil Protection Review has been completed by 1 September 2006 and implemented by 1 January 2007.</p> <p>2. Where oilseeds, grain legumes and cereals have been harvested, check that the surface is in an acceptable state (based on the 5 options available under this standard).</p>	<p>New requirements. In England and Wales, the Department for Environment, Food and Rural Affairs (Defra) has estimated the on-farm soil erosion costs to be approximately £8 million whilst off-farm costs of soil erosion are estimated between £25 million and £50 million. Other farmers' obligations also have some relevance to the issue of soil erosion.</p>
UK (NI)	<p>1. Soil management rules to minimise erosion. (d)</p>	<p>1. Check for signs of heavy trampling, rutting or poaching causing soil erosion; evidence of finely tilled bare seedbeds during winter; evidence of cultivations occurring on waterlogged soils.</p>	<p>Soil erosion is not considered to be a major concern in NI due to the relatively low level of arable farming compared to other UK regions.</p>
UK (S)	<p>1. Post-harvest management of land. (b)</p> <p>2. Wind erosion. (a)</p> <p>3. Soil Capping. (a)</p> <p>4. Erosion caused by livestock. (a)</p> <p>5. Maintenance of functional field drainage systems. (d)</p> <p>6. Muirburn Code. (d)</p>	<p>1. Check for signs of soil erosion. Assess measures put in place to minimise erosion.</p> <p>2. Identify areas at risk of wind erosion. Assess measures put in place to minimise erosion.</p> <p>3. Check for capping.</p> <p>4. Check for evidence of erosion caused by livestock.</p> <p>5. Identify any drainage systems not being maintained. Check whether non-maintenance of drains will bring environmental gain.</p> <p>6. Check for soil erosion due to non-compliance with the Muirburn code.</p>	-
UK (W)	<p>1. Soil erosion management rules. (d) (a)</p>	<p>1. Check for: minimum requirements being met; evidence of soil run-off onto roads due to poaching; evidence of excessive bank erosion along watercourses; signs of heavy trampling, rutting or poaching due to supplementary feeding; completion of soil management checklist.</p>	-

3.3.2 *Soil Organic Matter*

4 Member States have no GAEC farmers' obligations that specifically address soil organic matter (DK, EE, HU, UK (NI)). 7 Member States have farmers' obligations relating to the two Annex IV standards for both crop rotations and arable stubble management (CY, DE, EL, IE, MT, SI, UK (S, W)), whilst the rest have farmers' obligations addressing one of these two standards. Please refer to Table 3.3 for more information.

Crop rotations

8 Member States have GAEC farmers' obligations for maintaining soil organic matter through crop rotations (CY, DE, EL, IE, LU, MT, SI, UK (S, W)). France has a farmers' obligation for maintaining crop diversity, which appears relevant to this GAEC standard, but it is included in the minimum level of maintenance section. In Germany, if crop rotation is carried out, then farmers must test arable soils for soil organic matter. In Greece, the crop rotation farmers' obligation initially required all farmers to cultivate grain legumes on 20% of the holding's arable land. However, this farmers' obligation has been temporarily suspended and is expected to be re-introduced in a more targeted form. In Luxembourg, the farmers' obligation only applies to arable farms with low manure inputs. In the UK, farmers' records are checked for use of organic materials in Scotland, and specifically for crop rotations in Wales.

Arable stubble management

Only 7 Member States have no farmers' obligations specifically targeted at arable stubble management (DK, EE, HU, LU, NL, SE, UK (NI)). Of the Member States, which do have farmers' obligations for arable stubble management, the majority of these relate to prohibitions or restrictions on the burning of arable stubbles and crop residues (AT, BE, CY, CZ, DE, EL, ES, FI, FR, IT, MT, PL, PT, SI, SK, UK (E, W)). Some Member State farmers' obligations state that crop residues or stubble must be ploughed back into the soil (CY, LT, LV, MT). In Greece, farmers can choose arable stubble management options suited to local conditions. In Spain, crop residues must be eliminated according to locally established rules. In Ireland, arable stubble management is only required where low levels of organic matter occur. In Poland, it is also prohibited to burn meadows and pastures as well as arable stubbles. In Italy, stubble burning is forbidden, though derogations are possible at regional level.

Other farmers' obligations

8 Member States have additional farmers' obligations relevant to the issue for maintaining soil organic matter, which do not relate directly to the two specified standards of crop rotation and arable stubble management (BE (F), FR, LU, NL, PL, SE, SK, UK (E, W)). In Flanders, arable soils must be tested for carbon content and acidity. In France, farmers must adhere to rules regarding minimum environmental surface¹². In Luxembourg, there are specified requirements for humus levels, which must be respected. In some Member States rules for set aside land are related to soil organic matter maintenance (NL, PL, SE). In Slovakia, rules for the use of sewage

¹² This farmers' obligation may be more relevant to the GAEC issue of 'Soil erosion'.

sludge are included in GAEC. In the UK, England has rules on the heather and grass burning, whilst in Scotland the Muirburn code applies. There were also restrictions on the storage and application of manures on land not in agricultural production (UK (E)).

Table 3.3 GAEC Farmers’ obligations for Soil Organic Matter

Member State	Summary of GAEC farmers obligations	Summary of Inspection Checks (control points)	Other Comments
AT	1. No burning of straw on stubble fields unless authorised. (b)	1. Check for signs of unauthorised stubble burning.	This obligation is not new; burning of straw was banned in Austria before the introduction of cross compliance.
BE (F)	1. Arable stubble burning is forbidden. (b) 2. Soils must be analysed for carbon content and acidity (not applicable for pasture and plots under permanent cover). (c)	1. Check for signs of stubble burning. 2. Check for evidence of valid analysis results.	The number of analyses depends on the size of the total area of agricultural land excluding grassland and permanent cover. Each analysis result is valid for three years.
BE (W)	1. It is forbidden to burn straw, stubble and other crop residues. (b)	1. Check for signs of burning.	Crop rotation obligations are not applied in the Walloon region, as they are not seen as relevant except for a minority of maize growers.
CY	1. Harvesting residues of should be incorporated into the soil and not burnt. (b) 2. Implementation of crop rotation. (a)	No information on relevant farmers’ obligations was released by the Cyprus authorities.	Loss of soil organic matter is considered a significant problem particularly on cereal land.
CZ	1. No burning of plant residues. (b)	1. Check for signs of burning of plant residues.	No further farmers’ obligations are planned.
DE	1. Arable farmers must comply with crop rotation requirements. If not they must produce a humus balance or carry out an analysis of soil organic matter for arable land. (a) 2. Stubble burning is not permitted. (b)	1. Check for crop rotation on arable land. Check for test results if required. Systematic control. 2. Check for evidence of stubble burning. Not systematically controlled.	The crop rotation farmers’ obligations are new. If soil test results do not meet requirements, steps must be taken to be compliant by the following year. The ban on stubble burning is based on existing legislation.
DK	No farmers’ obligations have been developed to specifically address loss of soil organic matter.	-	Some of the management requirements of the nitrate directive are relevant. Burning of straw has been regulated in Denmark since 1991 with few reported breaches.

Key:

- (a) = Crop rotations
- (b) = Arable stubble management
- (c) = Other farmers’ obligations

Table 3.3 (continued) GAEC Farmer’s obligations for Soil Organic Matter

Member State	Summary of GAEC farmers obligations	Summary of Inspection Checks (control points)	Other Comments
EL	1. Farmers must cultivate grain legumes and incorporate these into the soil on 20% of the arable area of their farm each year. (a) 2. Depending on the local conditions, farmers must choose from a range of options related to crop remains. (b) 3. Stubbles may only be burned in exceptional cases. (b)	1. Check IACS declaration. Check that 20% of land is cultivated with legumes. 2. Check that crops remains have been dealt with appropriately. 3. Check for signs of stubble burning.	The first obligation was suspended in 2006 as it imposed an ‘unjust’ cost on all farmers. It is expected that the farmers’ obligation will be re-introduced in a more targeted form once soil maps have been produced.
EE	No farmers’ obligations have been developed to specifically address loss of soil organic matter.	-	-
ES	1. Prohibition to burn stubble unless authorised. (b) 2. Management of remains of harvest and pruning must be eliminated in accordance with locally established rules. (b)	1. No stubbles burnt. 2. Elimination of crop and pruning residues according to the rules established locally.	The farmers’ obligations are not based on previous national legislation, although similar but less detailed measures existed under Good Farming Practice.
FI	1. Straw in fields should not be burned. Straw may be burned only if it is essential for successful sowing or to destroy wild oats, diseases or vermin. (b)	1. If straw is burned, the farmer can present a grounded reason for it.	-
FR	1. Implementation of a minimum environmental surface at holding level is partially dedicated to this problem as well. (c) 2. Prohibition of stubble burning. (b)	1. Check that rules for minimum environmental surface have been respected. 1. Check of the evidence of stubble burning unless authorised.	The rules for minimum environmental surface distinguish between crop rotation and monocultures. These farmers’ obligations are new in France at the national level (previously some Départements had banned stubble burning).
HU	No farmers’ obligations have been developed to specifically address loss of soil organic matter.		Farmers’ obligations for crop rotation, prohibition of stubble burning, and stubble management have been considered but not implemented.
IE	1. Use of appropriate cropping rotations or cropping practices where necessary. (a) 2. Arable stubble management should be introduced where necessary. (b)	1. Check adequate levels of soil organic matter are maintained by means of appropriate cropping rotations or cropping practices where necessary. 2. A suitable break crop must be grown or organic materials incorporated in cases of low levels of organic matter.	-

Table 3.3 (continued) GAEC Farmer’s obligations for Soil Organic Matter

Member State	Summary of GAEC farmers obligations	Summary of Inspection Checks (control points)	Other Comments
IT	1. Prohibition on stubble burning on arable land and pasture unless authorised. (b)	1. Check for evidence of stubble burning.	Derogations possible for rice fields, in regions where stubble burning is regulated, and phyto-sanitary emergencies. Derogations are not possible in Natura 2000 sites. Historically, most stubble burning takes place in the south of Italy and in 2003 affected approximately 7% of the holdings.
LT	1. On arable land, remnants of plants and stubble must be ploughed into the soil or used for the production of fertilizers. (b)	1. Check that crop residues have been treated according to requirements.	Farmers’ obligations mentioned in Annex 3 but not National Report.
LU	1. Obligation for crop rotation (at least three crops). Applies to farms with less than 0.75 manure units/ha and at least 50% of land in arable. (a) 2. The humus balance must meet certain specified requirements. (c)	1. Check for proof of crop rotation or availability of approved humus balance. 2. Check for proof of corrective measures when humus balance is too low.	These farmers’ obligations are intended to address both loss of soil organic matter and soil structure issues. The farmers’ obligations were newly introduced by cross compliance. 1. One manure unit contains 85 kg of N.
LV	1. Crop residues or stubble must be incorporated into soil. (b)	1. Check for evidence of crop residue incorporation.	This obligation was newly introduced in 2004 by cross compliance.
MT	1. In crop rotation practices, crops belonging to the same botanical family should not be grown successively in the same year. (a) 2. Stubble should not be burnt in the field. (b) 3. On land cultivated with cereals, stubble should not be ploughed before mid-August. (b)	1. Check for evidence of successive cultivations from the same botanical family. 2. Check for signs of burning of crop residues in the field. 3. On land that has been registered as grown with cereals, the stubble should still be present on the field until mid-August.	-

Table 3.3 (continued) GAEC Farmer’s obligations for Soil Organic Matter

Member State	Summary of GAEC farmers obligations	Summary of Inspection Checks (control points)	Other Comments
NL	1. All agricultural parcels on which set-aside entitlements are claimed must have a specific green cover crop between 31 May and 3 August. (c)	1. Check that set aside requirements for green cover have been met.	This obligation was newly introduced with cross compliance. Exemptions apply if pest outbreaks occur and for organic farmers.
PL	1. Land should not be set aside longer than 5 years. (c) 2. Meadows, pastures and stubbles should not be subject to burning. (b) (c)	1. Check that land has not been in set side for more than 5 years. 2. Check for evidence of burning.	-
PT	1. Stubble burning is only permitted when authorised. Burning must take place with technical advice and in periods of low fire risk. (b)	1. Check for signs of stubble burning.	This obligation is based on existing national legislation, which seeks to restrict stubble burning.
SE	1. Any land taken out of production or in set-aside must be maintained with a green cover. Closed periods for cultivation apply depending on crop and region. (c)	1. Check that land not in agricultural production and/or set aside has a green cover and closed periods for cultivation are respected.	The main objective of the obligation is to reduce nutrient leaching; in particular of nitrogen into groundwater and of phosphorous to watercourses or lakes, rather than loss of soil organic matter per se. The farmers’ obligation is based partly on the Swedish implementation of the nitrates Directive, partly on previous rules for maintenance of fallow on set aside land.
SI	1. 3 year crop rotation is obligatory on at least 50% of the arable land of an individual farm. (a) 2. Burning of crop harvest residues is prohibited. (b)	1. Check for evidence of required crop rotation practices. 2. Check for evidence of crop residue burning.	Grass, clover and their mixtures, fallow land, additional and supplementary crops can be treated as part of crop rotation. Maize cannot be grown in monoculture for more than 3 years.
SK	1. Ban on arable stubble burning. (b) 2. Conditions apply for use of sewage sludge. (c)	1. Check for evidence of stubble burning. 2. Check for compliance with sewage sludge application rules where relevant	It is not clear whether the rules for applying sewage sludge are officially part of GAEC. They are relevant to soil organic matter though and appear to correspond to obligations under the sewage sludge Directive.

Table 3.3 (continued) GAEC Farmer’s obligations for Soil Organic Matter

Member State	Summary of GAEC farmers obligations	Summary of Inspection Checks (control points)	Other Comments
UK (E)	1. Burning of crop residues (includes prohibitions and restrictions on burning). (b) 2. Heather and grass burning. (c) 3. Eligible land which is not in agricultural condition (restrictions on application and storage of organic manures and slurries). (c)	-	Rules based on the Crop Residues (Burning) Regulations 1993. Rules based on the Heather and Grass etc (Burning) Regulations 1986 and outlined in the Heather and Grass Burning Code. These farmers’ obligations are designed to minimise nutrient run-off problems, where there is a significant risk of water pollution.
UK (NI)	There are no farmers’ obligations specifically targeted at maintaining soil organic matter.	-	Other farmers’ obligations will have some relevance to this issue such as that for soil management
UK (S)	1. Arable crop rotation (a) 2. Arable stubble management. (b)	1. Check for records of the use of organic materials. 2. Visually check that a break crop or organic materials have been used. 3. Visual check that manure has been incorporated within two weeks over a range of areas.	-
UK (W)	1. Soil Organic Matter. (a) (b) (c)	1. Check IACS data for field use over last five years; check there has been no prohibited burning; check crop rotations and use of farmyard manure.	-

3.3.3 Soil Structure

14 Member States have not developed GAEC farmers' obligations, which specifically address the issue of maintenance of soil structure (BE (F), CZ, DE, DK, EE, HU, LT, LU, LV, NL, PL, PT, SE, SK). However, some of the farmers' obligations developed for soil erosion and soil organic matter in some Member States are considered to have positive effects on soil structure (LU, PT, SE). This may also be the case in other Member States but has not been explicitly stated. Please refer to Table 3.4 for more information.

Appropriate machinery use

9 Member States have developed farmers' obligations relating to the standard for appropriate machinery use in order to maintain soil structure (AT, CY, EL, ES, FI, IE, MT, SI, UK). In some cases, the farmers' obligations state that machinery may not be used on waterlogged or frozen soils although derogations may be possible in some circumstances (AT, EL, ES, FI, IE, MT, SI, UK (E, NI, S)). In Malta, farmers must also avoid unnecessary compaction with machinery at all times. In Cyprus, the farmers' obligation states that ploughing should only be done in 'acceptable' conditions. In Slovenia, vehicle tracks must not exceed 20cm in depth. In the UK, farmers in Scotland and Wales must avoid compaction due to poaching by livestock. In England the farmers' obligation prevents harvesting of vegetables from waterlogged soils in order to meet contractual deadlines but this excludes root crops (including potatoes).

Other farmers' obligations

4 Member States have developed farmers' obligations to address soil structure other than through appropriate machinery use. In Belgium, farmers in Wallonia must test irrigated soils for deficiencies and take steps to address these where they occur. In Cyprus, the fine grading of soils must be avoided. In France, farmers must have proof of authorisation to extract water for use on irrigated crops. In Italy, farmers must maintain drainage systems.

Table 3.4 GAEC Farmers' obligations for Soil Structure

Member State	Summary of GAEC farmers' obligations	Summary of Inspection Checks (control points)	Other Comments
AT	1. Land that is soil frozen, waterlogged, flooded or with full snow cover (5cm) must not be worked with machinery. (a)	1. Check for signs of inappropriate machinery use on soils.	-
BE (F)	There are no farmers' obligations specifically aimed at soil structure in Flanders.	-	Soil testing is obligatory on arable land though and this may lead to soil structure benefits.
BE (W)	1. Irrigated soil deficiencies (acidity, salinity) must be corrected according to the last soil analysis results. (b)	1. Farmers must present upon request the report of the last soil analysis updated every 2 years.	If the analysis shows deviations on acidity or salinity the farmer is obliged to proof the measures taken such as liming.
CY	1. Mechanical cultivation with deep plough should only be done in acceptable conditions. The fine grading of soils should be avoided. (a) (b)	No information on relevant inspection procedures was released by the Cyprus authorities.	The deterioration of soil structure is considered an important problem in Cyprus, especially on cereal land, land covered by trees, vegetables and vineyards.
CZ	There is no farmers' obligation specifically directed at soil structure.	-	No farmers' obligations are planned in the near future.
DE	There is no farmers' obligation specifically directed at soil structure.	-	The requirements for maintenance of soil organic matter are seen as sufficient to address the issue of soil structure at the same time.
DK	There is no farmers' obligation specifically directed at soil structure.	-	There are not considered to be widespread problems with soil structures in Denmark
EL	1. A farmer must not carry out a mechanical field operation on waterlogged or frozen soil. (a)	1. Inspect the farm's diary of work. See if ploughing took place during winter.	No other farmers' obligations likely to be introduced.
EE	There is no farmers' obligation specifically directed at soil structure.	-	-
ES	1. Vehicles must not pass or tillage take place on saturated soils as well as flooded areas unless authorised. (a)	1. Appropriate use of machinery in waterlogged soils.	The farmers' obligations are not based on previous national legislation.
FI	1. Driving heavy machinery on wet fields should be avoided in order to not compact the soil. (a)	1. Check for evidence of driving heavy machines on wet fields.	-

Key:

- (a) = Appropriate machinery use
- (b) = Other farmers' obligations

Table 3.4 (continued) GAEC Farmer’s obligations for Soil Structure

Member State	Summary of GAEC farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
FR	1. Rules relating to irrigated crops. All the farmers asking for "irrigated aids" are concerned by this GAEC. (b)	1. Proof of authorization to extract water and presence of means allowing the quantity of water extracted to be measured.	The farmers’ obligation was introduced with voluntary cross compliance. Farmers’ obligations on stubble burning and crop rotation are also considered relevant.
HU	There is no GAEC standard specifically directed at soil structure.	-	Other farmers’ obligations on appropriate use of machinery and deep tillage have been considered but not implemented.
IE	1. The use of machinery on land where soil is saturated with water (waterlogged) must be avoided. (a)	1. Check for evidence of use of machinery on land on waterlogged soils.	-
IT	1. Maintenance of an efficient surface water drainage system (b)	1. Check: efficiency of water drainage system and existing water channels; for possible presence of underground drainage and blocked drains; and provisions in Natura 2000 plans.	Introduced in 2000 (1259/1999). Farmers’ obligation aims to have positive side effect also towards the protection against soil erosion and biodiversity conservation and avoid flooding.
LT	There is no farmers’ obligation specifically directed at soil structure.	-	-
LU	See Soil organic matter farmers’ obligations.	-	-
LV	There is no farmers’ obligation specifically directed at soil structure.	-	-
MT	1. Machinery should not be used on the soil when it is flooded or water saturated. (a) 2. Unnecessary trampling of the soil with heavy machinery should be avoided at all times. (a)	1. & 2. Check for signs of soil compaction by wheel tracks as a result of the repeated passage of heavy machinery.	-
NL	There is no farmers’ obligation specifically directed at soil structure.	-	Measures to prevent soil compaction when applying fertilisers are included in the SMRs. It is forbidden to use sewage sludge, animal manure or mineral fertiliser on frozen land or land covered in snow or on waterlogged land.
PL	There is no farmers’ obligation specifically directed at soil structure.	-	-

Table 3.4 (continued) GAEC Farmer’s obligations for Soil Structure

Member State	Summary of GAEC farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
PT	There is no farmers’ obligation specifically directed at soil structure.	-	The soil erosion farmers’ obligations are also related to protection soil structure (see above).
SE	There is no farmers’ obligation specifically directed at soil structure.	-	Farmers’ obligation about vegetation on fallow land (see above) may have positive effects on soil structure.
SI	1. Farmers must take account of climatic conditions including water logging. Vehicle tracks must not exceed 20 cm. (a)	1. Check for signs of inappropriate vehicle or machinery use.	-
SK	There is no farmers’ obligation specifically directed at soil structure.	-	-
UK (E)	1. Waterlogged soil (rules for use of machinery and harvesting of vegetables and root crops). (a)	1. Check for mechanical operations on waterlogged soils e.g. harvesting, cultivations or spreading, or vehicular use.	-
UK (NI)	See farmers’ obligations in soil erosion section. (a)	-	-
UK (S)	1. Appropriate machinery use. (a)	1. Check that no cultivations have been carried out on saturated soils.	-
UK (W)	1. Soil Structure. (a) (b)	1. Check standing water in tramlines and on headlands indicating compaction. Check for heavy poaching around feeders.	-

3.3.4 *Minimum Level of Maintenance*

Please refer to Table 3.5 for more details.

There are five standards related to the GAEC issue ‘minimum level of maintenance’. These are: minimum livestock stocking rates and/or appropriate regimes; protection of permanent pasture; retention of landscape features including where appropriate the grubbing up of olive trees; avoiding encroachment of unwanted vegetation on agricultural land; and, maintenance of olive groves in good vegetative condition.

Minimum livestock stocking rates and/or appropriate regimes

6 Member States do not have farmers’ obligations which address stocking levels or management appropriate regimes (AT, BE (W), CY, CZ, FI, MT). On the other hand 11 Member States have developed farmers’ obligations which require farmers to maintain pasture by grazing or appropriate mowing regimes (EL, ES, FR, IE, LT, LU, LV, PL, SE, SK, UK). Spain and Greece have set national minimum stocking levels with regional variations possible, although appropriate mowing regimes are also possible. In France, stocking density criteria are set at local level. In Ireland, specified stocking levels are only set in targeted areas including commonages. In Luxembourg, abandonment of agricultural land is prohibited. In the UK, there are farmers’ obligations for overgrazing, undergrazing and unsuitable supplementary feeding but no stocking densities are specified.

A number of Member States have set farmers’ obligations which relate to the management of arable land and land not in agricultural production, including set aside (BE (F), DE, DK, EE, FR, HU, IE, IT, LU, NL, PL, SI, SK, UK (E)). In addition, Portugal has a farmers’ obligation which specifies that 3 m buffer strips must be maintained around fallow land, set aside and water meadows. The majority, if not all, of these control are aimed at avoiding land abandonment and as a result inspections tend to be linked to checking for the encroachment of unwanted vegetation, if appropriate grazing or management regimes are not in place. These farmers’ obligations could therefore be considered under a number of possible headings.

Protection of permanent pasture

7 Member States do not specify farmers’ obligations which directly address the protection of permanent pasture (AT, BE (F), CY, HU, MT, PT, SI). However, this does not mean that there are no farmers’ obligations in place within these Member States to protect permanent pasture. All 7 of these Member States listed above have farmers’ obligations to avoid the encroachment of unwanted vegetation, which will be relevant to the protection of permanent pasture.

A number of Member States have introduced farmers’ obligations for the protection of permanent pasture (BE (W), DE, DK, ES, FI, FR, IT, IE, LT, LU, LV, PL, SE, SI). In some cases, ploughing up of permanent pasture is not allowed without authorisation (CZ, DE, EL, ES, IT)¹³. In the Netherlands, farmers must declare the area of permanent pasture. In the UK, there are measures in place to prevent the

¹³ This farmers’ obligation is also a measure to maintain the permanent pasture ratio.

ploughing up of ecologically valuable natural and semi-natural permanent pasture as well as unsuitable grazing practices.

Retention of landscape features including where appropriate the grubbing up of olive trees

13 Member States do not have farmers' obligations specifically aimed at retaining landscape features (BE, DK, EE, FR, HU, LT, LU, LV, NL, PL, PT, SI, SK). Several other Member States have farmers' obligations which protect a range of landscape features including unproductive natural habitats on farms and man-made structures (AT, CY, CZ, DE, EL, ES, FI, IT, IE, MT, SE, UK). Many of these farmers' obligations are based on previously existing national laws, although there are some exceptions. Within this group, some farmers' obligations contain specific requirements for: protection of watercourses (AT, UK); protection of stone walls (CY, MT, UK); protection of on-farm trees and natural vegetation (DE, FI, IE, MT, UK); protection of olive trees (ES); protection of on-farm historical and archaeological monuments (IE, UK); maintenance of existing terraces (IT), terrain structure (ES) and existing drainage (SE). Some of the farmers' obligations are quite general (AT, CY, CZ, DE). The UK, in particular, has detailed farmers' obligations for the management of hedges and field boundaries. Ireland has farmers' obligations for the maintenance of external farm boundaries on livestock farms as well as burning regulations intended to protect hedges and ditches.

Avoiding encroachment of unwanted vegetation on agricultural land

There are farmers' obligations in place in many Member States to control the spread of all types of unwanted vegetation (BE, CY, DK, EL, ES, HU, IE, LT, LU, LV, MT, PT, SI, SK, UK) as well as specific farmers' obligations aimed at controlling weeds such as wild oats (EE, FI), or scrub and woody growth on agricultural land (AT, PL, SE). In Slovenia, the proportion of agricultural land naturally regenerating is not allowed to increase, whilst newly acquired land must be cleared within two years. In most cases the inspections for these farmers' obligations require a visual check of the land to verify that unwanted vegetation has been managed appropriately.

4 Member States do not have farmers' obligations specifically aimed at preventing the encroachment of unwanted vegetation on agricultural land (CZ, DE, IT, NL). However, Germany has rules for the maintenance of arable land, permanent pasture and land not in agricultural production, whilst the Netherlands and Italy have rules for the maintenance of permanent pasture and land not in agricultural production.

A number of Member States have set farmers' obligations which relate to the management of arable land and land not in agricultural production, including set aside (BE (F), DE, DK, EE, FR, HU, IE, IT, LU, NL, PL, SI, SK, UK (E)). In addition, Portugal has a farmers' obligation which specifies that 3 m buffer strips must be maintained around fallow land, set aside and water meadows. The majority, if not all, of these obligations are aimed at avoiding land abandonment and as a result inspections tend to be linked to checking for the encroachment of unwanted vegetation, if appropriate grazing or management regimes are not in place.

Maintenance of olive groves in good vegetative condition

3 Member States have established farmers' obligations which require the maintenance of olive groves in good vegetative condition (ES, IT, MT).

Other farmers' obligations

10 Member States have developed additional farmers' obligations which do not readily relate to the five standards for minimum level of maintenance (AT, BE (F), CZ, DK, ES, FR, LV, MT, PT, UK). In Austria, tillage must take place within specified distances from watercourses, whilst in the UK (E), farmer must not cultivate or apply applications within 2 m of the centre of a hedge or within 1 m of a watercourse. In Belgium (Flanders), non-agricultural profit-making activities must not take place on agricultural land. In Spain, there are rules for the storage of manures and slurries, irrigation and input applications on waterlogged and frozen soils. In France, there are rules for the diversity of crop cultivations. In Latvia, farmers must ensure that soil moisture levels are maintained. In Malta, farmers must comply with Rural Development standards for the disposal of non-biodegradable refuse, negligent water spillages, and manure storage. There is also a requirement which prohibits the dumping of soil on garigue habitats. In Portugal, there are rules for the storage of fertilisers, plant protection products and agro-chemicals. In the UK, there are rules for public rights of way (E), felling of trees and Tree Preservation Orders (E, W), protection of Sites of Special Scientific Interest (E, S, W), Heather and grass burning (E, NI, S, W), and compliance with Environmental Impact Assessment (EIA) regulations (E, NI, S, W).

3.4 Relative Importance of GAEC Issues

In some cases, Member States have chosen to develop a wide range of farmers' obligations to address a variety of GAEC issues and no individual issue appears to have been prioritised over the remaining issues (BE (F), EL, IT, LU, MT, UK). However, despite this apparent lack of emphasis in the issues themselves, sometimes the focus of inspections can indicate a degree of emphasis. For example, in the case of Greece, farmers' obligation for soil erosion are the most checked.

In other Member States, particular GAEC issues appear to have been emphasised, either in the number of farmers' obligations or the importance of individual farmers' obligations, as follows: soil erosion (BE (W), CZ, ES, FI, PT, SK); soil organic matter (CY, (DE), ES, LV, NL); Soil structure (CY, ES); and minimum levels of maintenance (AT, DE, DK, EE, HU, LV, LT, PL, PT, SE, SI, SK). It is not possible to indicate the relative importance of GAEC issues, or otherwise, in the remaining Member States (FR, IE).

In some Member States there can be great variation in the number of farmers' obligations which apply to an individual farm holding, depending up on farm type, location etc. In addition, some farmers' obligations may not require any active change in management except in a few cases, whilst other obligations may require significant changes in farm management and/or apply to a wide range of farms. Examples of the former could be the prohibition on stubble burning, where this practice was already enforced. Examples of the latter might include general management requirements for arable land and permanent pasture, as well as specific requirements, such as the requirement for farmers to prepare and implement a Soil Protection Review in England. It should also be taken into account that many of the farmers' obligations are inter-related and an individual farmers' obligation may be capable of making a positive contribution to more than one of the four GAEC issues.

Table 3.5 GAEC Farmers’ obligations for Minimum Levels of Maintenance

Member State	Summary of farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
AT	<p>1. Management of scrub and trees (grazing or harvesting of vegetation; mulching allowed on max. 50% of holding). (d)</p> <p>2. Landscape features protected under nature protection regulations must not be removed. (c)</p> <p>3. Minimum distance for tillage near stagnant water bodies (10 m) and watercourses (5m). (f)</p>	<p>1. Check for management of scrub or natural regeneration on land not in agricultural production.</p> <p>2. Check landscape features have not been removed without authorisation.</p> <p>3. Check for minimum distances for tillage.</p>	<p>1. Some regional variation in farmers’ obligations. Derogations possible. New requirement. Aim is to limit the area of land out of production due to decoupling.</p> <p>2. Landscape features were protected by legislation before.</p>
BE (F)	<p>1. Unwanted vegetation and undergrowth must be controlled especially thistle. (b) (d)</p> <p>2. Woody growth of more than 1.5 m must be managed by mowing or other appropriate measures. (b) (d)</p> <p>3. Uncultivated fields must be sown no later than 31 May. (a)</p> <p>4. On plots used for non-agricultural purposes, soil cover must be mowed, crushed or managed in such a way to avoid the spread of weeds. (d)</p> <p>5. No profit making activities unconnected with agriculture on agricultural land. (f)</p>	<p>1. Check for presence of unwanted vegetation.</p> <p>2. Check for management of woody growth on land not in agricultural production.</p> <p>3. Check that uncultivated fields are sown by 31 May.</p> <p>4. Check for appropriate management to prevent the spread of weeds.</p> <p>5. Check for unauthorised activities on agricultural land.</p>	<p>4. Derogations from this obligation may be permitted with a view to certain environmental objectives or management agreements.</p>
BE (W)	<p>1. On grassland taken out of production, mowing or crushing must be done at least once a year between 1 July and 31 August. (b)</p> <p>2. Farmers must avoid the spread of unwanted vegetation, undergrowth and ligneous plant encroachment. (d)</p> <p>3. Control of weeds. (d)</p> <p>4. On arable land taken out of production, a farmer must establish grassland or fallow cover. (a)</p>	<p>1. Check management of grassland taken out of production, e.g. cutting periods.</p> <p>2. Check for presence of unwanted vegetation particularly on land not in agricultural production.</p> <p>3. Check for management to control weeds where relevant.</p> <p>4. Check management of arable land taken out of production.</p>	<p>3. Based on existing national legislation.</p>

Key:

- (a) = Minimum livestock stocking rates and/or appropriate regimes
- (b) = Protection of permanent pasture
- (c) = Retention of landscape features including where appropriate the grubbing up of olive trees
- (d) = Avoiding encroachment of unwanted vegetation on agricultural land
- (e) = Maintenance of olive groves in good vegetative condition
- (f) = Other farmers’ obligations

Table 3.5 (continued) GAEC Farmers’ obligations for Minimum Levels of Maintenance

Member State	Summary of farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
CY	1. Farmers to protect the main characteristics of the rural landscape including trees, bushes, stone walls, paths, etc. (c) 2. Management of unwanted vegetation. (d)	No information on relevant inspection procedures was released by the Cyprus authorities.	-
CZ	1. No destruction of landscape features including field banks / hedgerows, terraces, windbreaks, grasslands in alluvial plains, field paths, surface water streams and water bodies. (c) 2. No conversion of grassland to the arable land on cultivated land blocks. (b) 3. Applications of liquid manure must be incorporated into soil. (f)	1. Check for destruction of landscape features. 2. Check that permanent pasture has not been converted into arable. 3. Check manures are incorporated within 24 hours on uncultivated soils on slopes greater than 3 degrees.	1. No similar provisions prior to cross compliance although Nature Conservation Act applied to ‘significant landscape features’ a few of which correspond to GAEC. 3. Linked to Nitrates Directive.
DE	1. Arable land taken out of production has to be greened unless authorised. (a) 2. Rules for maintenance of arable land. (a) 3. Rules for maintenance of grassland (cutting and mulching). (b) Above requirements must be carried out between 1 April and 30 June. 4. Certain landscape features must be retained unless authorised. (c)	1. Check arable land not in production has been maintained appropriately. 2. Check arable land has been maintained appropriately. 3. Check management has taken place according to specifies dates. 4. Check landscape features have been retained, such as hedges, rows of trees, individual trees, field woods and wetlands.	Main focus of farmers’ obligations is to prevent the woody growth. 1. Not based on existing national legislation. 4. Most Landscape features not previously protected in legislation (some federal and regional for protected wetland and single trees. Hedges protected in some Länder).
DK	1. Maintenance of set-aside land and non-cultivated agricultural land. (a) (d) 2. Plant cover on set-aside land and non-cultivated agricultural land. (a) 3. Plant protection, fertilization and irrigation on set-aside land and non cultivated agricultural land. (f) 4. Maintenance of permanent pasture. (b)	1. Check for unwanted vegetation on agricultural land and check mowing dates. 2. Check plant cover on set-aside & non-cultivated land. 3. Check for signs of inappropriate applications on set-aside & non-cultivated land. 4. Check permanent pasture is being maintained.	In Denmark there are no specific farmers’ obligations for retention of landscape features except in Natura 2000 areas. The farmers’ obligations regarding unwanted vegetation are not included as part of the GAECs as such type of vegetation is primarily found on non-arable land and it is therefore not affected by cross compliance.

Table 3.5 (continued) GAEC Farmers’ obligations for Minimum Levels of Maintenance

Member State	Summary of farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
EL	<p>1. Minimum stocking density for pasture land (0.2 LU/hectare) Maximum stocking density of 3 LU/hectare. Regional rules possible. Shrub vegetation can also be cut and removed from pasture land. (a)</p> <p>2. Permanent pasture land must not be ploughed without authorisation. (b)</p> <p>3. Encroachment of unwanted vegetation is not permitted. (d)</p> <p>4. Terraces, walls, dykes and natural banks bordering parcels must not be destroyed. (c)</p>	<p>1. Check if stocking rates (maximum and minimum) are respected.</p> <p>2. Inspect for signs of ploughing on permanent pastures.</p> <p>3. Check for unwanted vegetation.</p> <p>4. Check terraces, walls, dykes and river banks are well maintained.</p>	<p>These farmers’ obligations are a combination of previously existing ones in the Codes of Good Farming Practice (minimum stocking density rules and prohibition of ploughing permanent pastures) and new additions.</p>
EE	<p>1. On arable land, crops must be sown or established by June 15 or the land must be kept under black fallow. (a)</p> <p>2. Grassland must be mown or grazed by July 31. Hay must be collected or chopped by July 31. (b)</p> <p>3. Management rules apply for land temporarily out of agricultural production. (a)</p> <p>4. Farmers must prevent wild oats spreading and report occurrences. (d)</p>	<p>1. Check crops are sown at right time.</p> <p>2. Required activities have to be visually identifiable.</p> <p>3. Check crop established by July 1, or land under black fallow, or mechanical weed treatment by 31 July.</p> <p>4. Check for wild oats. Check that report has taken place where relevant.</p>	<p>Farmers’ obligations have been introduced with cross compliance, except that related to wild oats which existed before and is based on national legislation.</p>
ES	<p>1. Protection of permanent pasture against under- and overgrazing. Minimum stocking density of at least 0.1 LU/ha. Regional variation possible. (a) (b)</p> <p>2. Protection of permanent pasture against burning or ploughing. (b)</p> <p>3. Maintenance of terrain structure. (c)</p> <p>4. Control of unwanted spontaneous vegetation is compulsory. (d)</p> <p>5. Maintenance of olive groves in working vegetative order. (e)</p> <p>6. Farms with livestock sheds must have sealed manure or slurry storage facilities. (f)</p> <p>7. Farmers must have authorisation to irrigate from aquifers and install water measurement systems. (f)</p> <p>8. No input applications to waterlogged or snow covered soils. Some exceptions. (f)</p>	<p>1. Appropriate livestock density for preventing scrub invasion, or other techniques used (e.g. tillage).</p> <p>2. No permanent pastures ploughed or burnt without permission, and only for regeneration.</p> <p>3. Check terrain structures and topographic features.</p> <p>4. Prevention of invasive species, according to the lists and rules established by regional authorities.</p> <p>5. No pulling-up of olives except in areas and according to the rules established by regional authorities. Olives are maintained in good vegetative condition.</p> <p>6. Check storage facilities are watertight & large enough.</p> <p>7. Check water extraction from over-exploited aquifers and that water metering systems are installed and maintained.</p> <p>8. Check for unauthorised applications of pesticides, fertilisers, compost or manure.</p>	<p>The farmers’ obligations are not based on previous national legislation, although similar but less detailed measures existed under Good Farming Practice. Fire prevention and biodiversity conservation are important objectives.</p> <p>6. Similar measure under Good Farming Practice.</p> <p>7. & 8. Based on existing national legislation. (Ley de Aguas and Reglamento del Dominio Publico Hidráulico).</p>

Table 3.5 (continued) GAEC Farmers’ obligations for Minimum Levels of Maintenance

Member State	Summary of farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
FI	1. Rules for management of permanent pasture. (b) 2. Small groups of trees and bushes as well as patches of rocks located in fields must be retained. (c) 3. Prevent wild oats spreading. (d)	1) Check permanent pastures have been grazed, cut or cleared from bushed, when necessary. 2) When small groups of trees and bushes or patches of rocks located in fields have been retained. Exceptions possible. 3) Check wild oats have been controlled.	3. Based on existing national legislation.
FR	1. Rules for maintenance of land in production. (a) (d) 2. Rules for maintenance of pasture. Criteria defined at local level based on stocking density, or obligation to graze or mow. (a) (b) 3. Rules for maintenance of set aside (compulsory or voluntary). (a) (d) 4. Diversity of crop cultivations. (f)	1. Maintenance of cultivated land subject to single payment. 2. Check for maintenance of pasture. 3. Check for maintenance of set aside and land not in production. 4. Check at least two crop families or three different crops grown on arable land. Some exceptions.	Some of these farmers’ obligations are new in France and as such not based on a previous regulation. Aim of farmers’ obligations is to avoid invasion of weeds, pests and shrubs. 4. Specialised systems or monocultures (i.e. when >95% of arable land is cultivated with one non-permanent crop) must have winter cover.
HU	1. Keep arable land in good agricultural condition, avoid weed infestation. (a) (d) 2. Avoid the existence or encroachment of weed and scrubs on areas in agricultural production. (d)	1. Check for weed infestations. 2. Check for weeds and scrub on land in agricultural production.	Farmers’ obligations are easy and cheap to monitor through remote sensing and on the spot checks. Other farmers’ obligations were considered but not implemented for grazing, management of pasture and preservation of landscape elements;

Table 3.5 (continued) GAEC Farmers’ obligations for Minimum Levels of Maintenance

Member State	Summary of farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
IE	<ol style="list-style-type: none"> 1. Rules for maintenance of non-tillage land/grassland. Undergrazing to be avoided. Specified dates for cutting. (a) 2. Rules for maintenance of tillage land. Natural regeneration is permitted provided it is topped at least once between 16 July and 15 September. (a) 3. In target areas stocking levels and/or appropriate minimum levels of maintenance specified in approved plans take priority. (a) 4. Rules for maintenance of permanent pasture. (b) 5. Archaeological sites and Monuments protected under National and EU legislation must not be damaged or removed. (c) 6. Habitats designated under national and EU legislation must not be damaged. (c) 7. No burning of vegetation on uncultivated land or in any hedge or ditch between the dates of 1 March to 31 August. (c) 8. External farm boundaries on land occupied by livestock must be maintained. Exceptions apply. (c) 9. Rules for management of invasive species on forage/arable area. (d) 10. Rules to minimise the spread of noxious weeds. (d) 	<ol style="list-style-type: none"> 1. Check for appropriate grazing and/or cutting management practices. 2. Check natural regeneration is managed according to set-aside management rules. 3. In target areas, check stocking levels and for appropriate management. 5. Check archaeological sites and protected monuments are not damaged or removed. 6. Check protected habitats are not damaged. 7. Check that burning rules have been respected. 8. Check that all external farm boundaries on enclosed land occupied by livestock are maintained. 9. Check for appropriate measures to prevent the establishment of invasive species 10. Check for appropriate measures to minimise the spread of noxious weeds. 	<ol style="list-style-type: none"> 3. Target areas are National Heritage Areas (NHAs), Special Areas for Conservation (SACs), Special Protection Areas (SPAs), LFA, AES and Commonages. 6. Designated habitats are NHAs, SACs, SPAs. 7. External farm boundaries are walls, hedges or post and wire fences. 10. Based on existing national legislation.
IT	<ol style="list-style-type: none"> 1. Protection of permanent pasture. (b) 2. Maintenance of green cover on lands no longer in agricultural use. (a) 3. Maintenance of olive groves in good vegetative condition. (e) 4. Maintenance of existing terraces. (c) 	<ol style="list-style-type: none"> 1. Check permanent pasture has not been ploughed up without authorisation. 2. Check green cover on land not in agricultural production. 3. Check olive groves are in good condition 4. Check terraces. 	The farmers’ obligations are designed to avoid encroachment of unwanted vegetation on retired land due to decoupling and safeguard wildlife on non-productive land during the reproductive season.
LT	<ol style="list-style-type: none"> 1. Grassland must be maintained by grazing animals or by cutting at least once a year. (a) (b) 2. Cuttings should be removed by 1 August but can be stacked in the field. (a) 3. Agricultural land must be kept free of woody growth and scrubs. (d) 4. Agricultural land should be kept free of unwanted vegetation (weeds). (d) 	<ol style="list-style-type: none"> 1. Check grassland is maintained. 2. Check cutting have been removed from filed by date. 3. & 4. Check land is kept free of, woody growth, shrubs and weeds. 	-

Table 3.5 (continued) GAEC Farmers’ obligations for Minimum Levels of Maintenance

Member State	Summary of farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
LU	<ol style="list-style-type: none"> 1. Farmers must prevent spread of unwanted vegetation and encroachment of through grazing or mowing. (a) (d) 2. Agricultural land must not be abandoned. (a) (b) 3. Plant cover on all arable land including set-aside needs to be cut once a year. (a) 4. Minimum livestock density is 0.5 LU/ha forage area. All land in fodder production but not grazed the fodder must be harvested. Grass must be cut and removed at least once a year. (a) (b) (d) 5. On arable land taken out of production the ground cover must be mown once a year. (a) (d) 	<ol style="list-style-type: none"> 1. & 2. Check for areas of unwanted vegetation. 3. Check appropriate cutting ahs taken place. 4. Check management of forage area. 5. Check if >20% of area is covered with undergrowth. 	<p>Farmers’ obligations are based on existing national legislation concerning the conservation of natural resources and nature (2004)</p> <p>GAEC standards (with the exception of GAEC 1) for minimum levels of maintenance can be superseded by obligations under measures such as agri-environment schemes and biodiversity programmes, where differences between obligations under these programmes and GAEC obligations occur.</p>
LV	<ol style="list-style-type: none"> 1. Grassland and meadows should be grazed or used for feed production. First cut no later than 1 August. (a) (b) 2. Agricultural land should be kept free from invasive plant species and bushes. (d) 3. Farmers must ensure regulation of soil moisture. (f) 	<ol style="list-style-type: none"> 1. Check grassland management. 2. Check land for invasive plant species and bushes. 3. Check regime in place to maintain soil moisture. 	<p>These farmers’ obligations were introduced with cross compliance in 2004. Land abandonment is a major problem (21.1% of agricultural land in Latvia). Abandonment linked to poor soil, unfavourable climatic conditions and small scale of farms.</p>
MT	<ol style="list-style-type: none"> 1. Terraced rubble walls should be preserved and maintained in good state. (c) 2. Indigenous trees listed in the “Guidelines on trees, shrubs and plants for planting and landscaping in the Maltese Islands” should not be uprooted. (c) 3. There should be no depositing of soil or dumping of sub-layer material on garigue habitats lying within the perimeter of the holdings. (f) 4. Unwanted vegetation on agricultural land should be controlled through the use of appropriate weed control measures. (d) 5. Olive groves should be maintained in good condition and suckers should be removed from olive trees. (e) 6. Controls related to AES and LFA on non-biodegradable refuse, negligent water spillages, and manure storage. (f) 	<ol style="list-style-type: none"> 1. There should be no sign of negligence and breaches in rubble walls on site. 2. Trees should not be uprooted without a permit from the competent authority. 3. Farmers should not dump or deposit soil on areas of garigue habitat 4. Check for signs of land abandonment. 5. Check olive trees are in good condition. 6. Check for non-biodegradable refuse on parcels, signs of water wastage, and storage of manure on parcels. 	<ol style="list-style-type: none"> 1. Based on existing national legislation. 3. Garigue habitats also relevant to habitats Directive. 4. Based on existing national legislation. 5. Based on existing national legislation.

Table 3.5 (continued) GAEC Farmers’ obligations for Minimum Levels of Maintenance

Member State	Summary of farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
NL	<ol style="list-style-type: none"> 1. Farmers must declare their area of permanent pasture. (b) 2. Pasture can be re-sown with grass. Specified dates for re-seeding on sandy, clay and peat soils. (b) 3. All plots taken out of production must have a green cover, non-food/non-feed crop, crops for energy/biomass or forage legumes. (a) 	<ol style="list-style-type: none"> 1. Check area of permanent pasture. 2. Check rules for re-seeding have been respected. 3. Check cover requirements have been met. 	Rules for retention of landscape features and encroachment of unwanted vegetation covered by agri-environment schemes and some existing national legislation.
PL	<ol style="list-style-type: none"> 1. Arable land has to be cultivated with crops or set aside. (a) 2. Set aside must be cut by July 15, or other types of field cultivations completed before July 15. (a) 3. Grassland must be grazed or cut and hay removed at least once a year before 31 July or 30 September. (a) (b) 4. Agricultural land should not be grown with trees or shrubs, except in specific circumstances. (d) 	<ol style="list-style-type: none"> 1. & 2. Check arable land and set aside is managed appropriately. 3. Check grassland managed appropriately. 4. Check unwanted vegetation is managed appropriately. 	-
PT	<ol style="list-style-type: none"> 1. Encroachment of unwanted vegetation on agricultural land must be avoided. (d) 2. 3 m wide cleaning strips, around fallow land, set aside and water meadows must be kept clean. (a) 3. Storage of agricultural waste products. (f) 4. Storage of fertiliser, plant protection products and agro-chemicals. (f) 	<ol style="list-style-type: none"> 1. Check for presence of unwanted vegetation and appropriate management. 2. Cleaning strips should be managed according to requirements. 3. Plastic wastes, oil or tyres must be disposed of appropriately. 4. Products must be covered 10 m from water bodies. 	These farmers’ obligations are aimed at farms where the agricultural productive functions have been abandoned.
SE	<ol style="list-style-type: none"> 1. Pastures and meadows must be maintained free from invasion of brushwood, bushes or trees. (b) (d) 2. Pasture must be grazed annually or managed by mowing and harvesting for a single year. (a) (b) 3. Meadows (traditional hay-fields) have to be managed annually by mowing and harvesting. (a) (b) 4. Arable land must be kept clear of scrub and woody growth. (d) 5. Existing drainage on arable land must be maintained. (c) 	<ol style="list-style-type: none"> 1. Check pastures for signs of unwanted vegetation. 2. Check management regime for pasture. 3. Check management regime for hay meadows. 4. Check arable land is managed appropriately. Energy crops and individual trees permitted. 5. Check arable drainage is maintained. 	The farmers’ obligations correspond to two requirements in existing national legislation. Farmers’ obligations aim to maintain agricultural production capacity and open landscape scenery. 1-3. The county administrative board may decide to make exceptions if it does not impair the environmental or cultural qualities of the land.
SI	<ol style="list-style-type: none"> 1. The proportion of naturally regenerating land on a holding shall not increase. (d) 2. Agricultural land shall be cultivated at least once a year. (a) 3. Newly acquired land that is overgrown shall be cleared within a two year period. (d) 	<ol style="list-style-type: none"> 1. Check proportion of land not in agricultural production. 2. Check for signs of cultivation. 3. Check relevant land has been cleared. 	-

Table 3.5 (continued) GAEC Farmers’ obligations for Minimum Levels of Maintenance

Member State	Summary of farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
SK	1. Maintenance of permanent pasture by mowing, grazing and/or mulching. (a) (b) (d) 2. Maintenance of arable land not in agricultural production by moving and/or mulching. (a) (d)	1. Check for signs of natural regeneration. 2. Check for signs of weeds spreading.	These farmers’ obligations are based on the ‘Act No. 220/2004 on protection and using the agricultural land’.
UK (E)	1. Overgrazing and unsuitable supplementary feeding on natural and semi-natural grassland. (a) (b) 2. Control of weeds. (d) 3. Eligible land, which is not in agricultural condition (rules for scrub management, closed periods for cutting vegetation, rules for ‘bare fallow’, and rules preventing non-farm vehicular use). (a) (b) (d) 4. Stone walls (rules for protection of stone walls). (c) 5. Protection of hedgerows and watercourses (rules for 2 metre margins). (c) 6. Hedgerows (rules on protection and management i.e. closed periods for hedge cutting). (c) 7. Environmental Impact Assessment (EIA) (uncultivated land and semi-natural areas, forestry). (b) (f) 8. Sites of Special Scientific Interest (SSSI). (f) 9. Scheduled monuments. (c) 10. Public rights of way. (f) 11. Felling of trees. (f) 12. Tree Preservation Orders (TPOs). (f)	1. Check for evidence of overgrazing and unsuitable supplementary feeding. 2. Check for injurious weeds and compliance with Weed Control or Enforcement Notices. 3. Check that land is maintained by cutting/grazing regime,. Check green cover. 4. Check for evidence that a stone wall or stone from stone wall has been removed. 5. Check for evidence of cultivation, or input applications on 2 m buffer strips. 6. Check for evidence of unauthorised removal of hedgerows and compliance with cutting dates. 7. Check for authorised operations on uncultivated land and semi-natural areas, and forestry. 8. Check that farmer has complied with any Management Agreements/Notices/Schemes or Restoration Orders. Check for evidence of damage, destruction or destruction of special interest or fauna. 9. Check for evidence of damage or destruction to scheduled monuments. 10. Check that public rights of way are well maintained and not obstructed 11. Check for evidence of unauthorised tree felling. 12. When TPOs have been issued by Local Authorities, check that conditions have been complied with.	2. Based on existing national legislation. 5. The principal intended benefit of this obligation is to minimise pollution of watercourses and to enhance the wildlife value of hedgerows. 6. Based on existing national legislation. 7. Based on existing national legislation. 8. Based on existing national legislation. 9. Based on existing national legislation. 10. Based on existing national legislation. 11. Based on existing national legislation. 12. Based on existing national legislation.

Table 3.5 (continued) GAEC Farmers’ obligations for Minimum Levels of Maintenance

Member State	Summary of farmers’ obligations	Summary of Inspection Checks (control points)	Other Comments
UK (NI)	<ol style="list-style-type: none"> 1. Supplementary Feeding. (a) (b) 2. Overgrazing. (a) (b) 3. Undergrazing. (b) (d) 4. Field Boundaries. (c) 5. Protection of Habitats, Archaeological Sites and Permanent Pasture. (c) 	<ol style="list-style-type: none"> 1. Check for evidence of unauthorised supplementary feeding. 2. Check for evidence of overgrazing (poaching). 3. Check for evidence of undergrazing by looking for spread of unwanted vegetation. 4. Check for evidence of field boundary removal without DARD permission. Check for compliance with hedge cutting rules. 5. Check for evidence of removal of semi-natural habitats, archaeological and earth sites, breach of EIA regulations or unauthorised burning. 	<ol style="list-style-type: none"> 3. Based on existing national legislation. 5. Based on existing national legislation.
UK (S)	<ol style="list-style-type: none"> 1. Undergrazing. (a) (d) 2. Overgrazing. (a) 3. Ploughing pasture of a high environmental or archaeological value (EIA). (b) (f) 4. Protection of rough grazings/semi-natural areas. (b) 5. Application of lime and fertiliser on rough grazings/semi-natural areas. (b) 6. Field Boundaries. (c) 7. Non-productive landscape features. (c) 8. Historic features. (c) 9. Encroachment of unwanted vegetation. (d) 	<ol style="list-style-type: none"> 1. Check for undergrazing and appropriate management regime. 2. Check for overgrazing and appropriate management regime. 3. Check for evidence of unauthorised damage to works and pasture of high environmental/archaeological value. 4. Check for damage to rough grazing and other semi-natural areas. 5. Check that pesticides, lime or fertiliser have not been applied to rough grazing and semi-natural areas. 6. Check for any recent damage to/removal of field boundaries and compliance with hedge cutting rules. 7. Check functional stock proof fences around shelter belts and coppices have been maintained and ponds. 8. Check Scheduled Monuments, Listed Buildings, Historic Gardens and Designed Landscapes for damage or destruction. 9. Check land for infestation with unwanted vegetation. 	-
UK (W)	<ol style="list-style-type: none"> 1. Overgrazing. (a) 2. Undergrazing. (a) (b) (d) 3. Supplementary Feeding. (a) (b) 4. Boundaries. (c) 5. Historical Features. (c) 6. Permanent Pasture. (b) 7. Heather & Grass Burning Code. (f) 8. EIA Regulations for use of Uncultivated Land & Semi-Natural Areas. (b) (f) 9. Tree Preservation & Felling. (f) 10. Sites of Special Scientific Interest. (f) 	<ol style="list-style-type: none"> 1. Check for overgrazing and appropriate management regime. 2. Check for scrub, bracken and invasive weed encroachment. 3. Check for feeder locations and unacceptable practices. 4. Check retention of field boundaries (e.g. hedges and stone walls) and rules for hedge management. 5. Check scheduled historical features for unauthorised damage. 6. Check IACS data against 2003 baseline. 7. Check only authorised burning carried out. 8. Check for compliance with EIA Regulations. 9. Check for compliance with Tree Protection Order. 10. Check for compliance with SSSI management requirements. 	-

3.5 Conclusions regarding the establishment of farmers' obligations for GAEC

Annex IV lists four issues in relation to GAEC: soil erosion; soil organic matter; soil structure; and, minimum level of maintenance. For each of these issues, a number of standards are listed. Member States have defined a wide range of farmers' obligations relevant to Annex IV issues and standards. It should be noted that due to the way in which Member States present farmers' obligations e.g. in farm handbooks or on websites, it is not always clear which of the GAEC issues and standards these farmers' obligations relate to. It is also worth noting that, while in many cases, farmers' obligations represent entirely new obligations for farmers, in some cases, farmers' obligations are derived from requirements in existing national legislation or from Codes of Good Farming Practice.

Two Member States have no farmers' obligations aimed at minimising soil erosion while five Member States have established at least four farmers' obligations. The majority of Member States have between one and three farmers' obligations. However, it should be noted that there is a great deal of variation in the farmers' obligations set by Member States. Some 9 Member States have defined farmers' obligations not directly related to the standards listed in Annex IV. These farmers' obligations relate to: landscape features; irrigation; cultivation of nitrogen binding crop species; burning of crop residues; presence of erosion gullies; obligation to implement specified anti-erosion plans and for green manuring; a general requirement to avoid soil erosion; and, a range of soil erosion management measures.

A total of 4 Member States have no GAEC farmers' obligations that specifically address the issue of *soil organic matter*. Some 7 Member States have farmers' obligations for both crop rotations and arable stubble management whilst the rest have farmers' obligations addressing one of these two standards. A total of 8 Member States have additional farmers' obligations for maintaining soil organic matter, which do not relate to the two specified standards of crop rotation and arable stubble management.

The majority of Member States have not defined farmers' obligations for *soil structure*; this is the issue for which the greatest number of Member States (14 in total) has not defined farmers' obligations. However, in a few Member States some of the GAEC farmers' obligations developed for soil erosion and soil organic matter are considered to have positive effects on soil structure. A few Member States have developed GAEC farmers' obligations to address soil structure which do not relate to the main standard indicated in Annex IV of appropriate machinery use.

The issue of *minimum level of maintenance* lists 5 possible standards. Member States have defined a range of farmers' obligations for these 5 standards. Some 6 Member States do not have GAEC farmers' obligations relating to *stocking levels or appropriate regimes*. On the other hand 11 Member States have developed GAEC farmers' obligations which require farmers to maintain pasture by grazing or appropriate mowing regimes. The majority of Member States specify rules for the *protection of permanent pasture*. In a few cases, ploughing up of permanent pasture is not allowed without authorisation. Almost half of all Member States have GAEC farmers' obligations which protect a range of *landscape features* including unproductive natural habitats on farms and man-made structures. The remaining

Member States have not defined farmers' obligations for landscape features. There are GAEC farmers' obligations in place in many Member States to control the spread of all types of unwanted vegetation. A few Member States have specific farmers' obligations aimed at controlling weeds such as wild oats or scrub and woody growth on agricultural land. A total of 4 Member States do not have farmers' obligations specifically aimed at preventing the encroachment of unwanted vegetation on agricultural land but have established rules for the maintenance of arable land, permanent pasture and land not in agricultural production. In fact, many Member States have set additional farmers' obligations which relate to the management of arable land and land not in agricultural production, including set aside. A total of 3 Member States have designated GAEC farmers' obligations for the *maintenance of olive groves in good vegetative condition*.

Many Member States have developed *additional GAEC farmers' obligations* which do not readily relate to the standards specified for minimum levels of maintenance. Examples of such farmers' obligations include: tillage must take place within specified distances from watercourses; farmers must not cultivate or apply applications within 2 m of the centre of a hedge or within 1 m of a watercourse; non-agricultural profit-making activities must not take place on agricultural land; rules for the diversity of crop cultivations; rules for public rights of way; felling of trees and Tree Preservation Orders.

Overall, the GAEC issues on which most emphasis is placed are soil erosion and minimum levels of maintenance. Least emphasis is given to the issue of soil structure.

4 MINIMUM PERMANENT PASTURE LEVELS

4.1 Regulatory Obligations

Article 5 (1) of Regulation 1782/2003 requires Member States to keep all agricultural land in good agricultural and environmental condition. Member States must define minimum requirements for GAEC on the basis of the Annex IV framework. Under the GAEC issue of ‘Minimum Level of Maintenance’ there is a standard for the ‘protection of permanent pasture’. The implementation of this requirement by the Member States is dealt with in Chapter 3 of this report. Article 5 (2) of Regulation 1782/2003 requires Member States to ensure that land that was under permanent pasture in 2003 (as determined by area aid applications), or 1 May 2004 for the new Member States, is maintained under permanent pasture. Derogations are permitted as long as the Member State takes action to prevent any significant decrease in its total area of permanent pasture. This requirement does not apply to land under permanent pasture to be afforested, if that afforestation is for environmental purposes and not for plantations of Christmas trees and fast growing species cultivated in the short term. This Chapter considers the implementation by the Member States of Article 5 (2).

Permanent pasture is defined (Article 2 (2)) as land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that is not included in the crop rotation of the holding for five years or longer. Article 3 of Regulation 796/2004 states that the Member States shall ensure the maintenance of the ratio of land under permanent pasture in relation to the total agricultural area. This obligation can apply at a national or regional level. Paragraph 2 states that the ratio shall not decrease by more than 10% relative to the ratio of the relevant reference year. Article 4 of the same Regulation enables Member States, at national or regional level, to place obligations on farmers applying for direct aids to not convert land under permanent pasture without prior authorisation, if the ratio of permanent pasture to total agricultural area is decreasing. Farmers can also be required to reconvert land into land under permanent pasture where it was previously converted into land for other uses, or establish an amount of area as land under permanent pasture. The percentage of land to be reconverted needs to be based on the amount of land converted and the amount needed to re-establish the balance. Various derogations apply in some Member States including land that was converted under agri-environment agreements being exempt from re-conversion.

4.1.1 Development of rules for maintenance of minimum pasture levels

In most Member States examined, rules for maintaining the area of permanent pasture at or above a threshold level have been introduced as a result of Regulation 1782/2003 and Regulation 796/2004. Rules for maintaining pasture at a given ratio have no precedent in national legislation, although there are rules governing the conversion of permanent pasture in a number of Member States. For example, in several Member States national nature conservation law may restrict the conversion of permanent pasture (e.g. AU, BE (F)). In Greece it was part of GFP not to convert permanent pasture into other forms of agricultural land.

4.1.2 Objectives of rules for maintenance of minimum pasture levels

When asked if the rules for maintaining the area of permanent pasture at or above a threshold level are regarded as having an environmental or agronomic objective, respondents in the majority of Member States stated that the objective was environmental. There are a number of deviations from this common position. In the UK (E) the perceived objective is to satisfy EU legislative requirements. In Sweden, the rules are seen to respond to cultural heritage in addition to environmental concerns.

In many Member States, the potential environmental benefit of the permanent pasture rules is considered weak, despite the apparent environmental objective of the rules as stated in paragraph 4 of the preamble to Regulation 1782/2003. In some Member States this is because the land to be maintained and returned to permanent pasture is not prioritised according to its biodiversity value or its potential to reduce certain environmental pressures, (e.g. EE and IE). In other Member States, this is because the decision of which land to reconvert to permanent pasture is left to the individual farmer, who may or may not take account of environmental priorities (e.g. DK, LU). It is also the case that the definition of a ratio at national level does not take into account the fact that, in some areas, even a slight decrease of permanent pasture could have negative effects on the environment.

4.2 Summary of rules for maintenance of minimum pasture levels

In most Member States, the rules established by Member States for maintaining the area of permanent pasture at or above a threshold level follow the rules as provided by Article 5 (2) of Regulation 1782/2003 and Articles 3 and 4 of Regulation 796/2004. There are some variations in terms of the level at which a decline in the ratio of permanent pasture triggers a response by the Member State. Rules have not been established by the authorities in Cyprus and Malta. Officials in these two Member States, interviewed for this evaluation, asserted that they have no permanent pasture and therefore regard the rules as irrelevant. Italy and Slovakia have yet to define rules. Table 4.2 summarises the reference year, the level at which a decline in the ratio of permanent pasture triggers a response by the Member State and a brief summary of the rule itself.

Reference Year

All but one of the EU-15 Member States appear to have used a reference year of 2003 for calculating the ratio of permanent pasture, as required by Regulation 1782/2003. The exception appears to be France, where the reference year used seems to be 2005. Information on the reference year used is available for six of the EU-10 Member States (CZ, EE, HU, LT, LV and PL). These Member States apply SAPS and, in accordance with Regulation 796/2004, use 2005 as the reference year for calculating the ratio of permanent pasture.

The level at which a decline in the ratio of permanent pasture triggers a response by the Member State

Paragraph 2 of Article 3 of Regulation 796/2004 states that the ratio of permanent pasture shall not decrease to the detriment of land under permanent pasture by more than 10% relatively to the ratio for the relevant reference year. In order to respect this rule, Member States have introduced a set of ‘trigger levels’. The trigger level is a

level of permanent pasture decline which prompts action in order to prevent the ratio of permanent pasture decreasing by more than 10%. In four Member States (EL, ES, HU and NL) action is taken only when a 10% decrease is observed, although additional GAEC obligations have been defined in EL, according to which conversion of PP is only allowed in case of an environmental or archaeological need, and in ES, where ploughing is generally only allowed for renewal of PP. In SL action is taken if an 8% reduction is observed, and in Northern Ireland if a 5% reduction occurs. In SK farmers have been informed that they have to apply for permission to plough up PP. IT has GAEC obligations in place, that generally allow ploughing of PP only for renewal. Further action has not been defined in those two countries. In a further two Member States (AT, FR) different actions are taken, firstly if any reduction is observed, and secondly, if a 10% reduction is reached. The same is true for LV, but with the upper trigger level set at 5%. In seven Member States, plus England, Scotland and Wales in the UK, different actions are taken at the 5% and 10% trigger levels. In DE, additional action may be taken at the interim level of an 8% reduction. In BE (W) the trigger levels are 5% and 7.5%, whilst in BE (F) 0% trigger level is set because farmers must maintain their land under permanent pasture independently of the ratio at national level. In CZ, there are no specific obligations taking into account different levels of decrease of the permanent pasture ratio, but farmers are not allowed to convert permanent pasture which can only be ploughed up once every five years for re-sowing grass in order to improve the pasture. Also, in PT, generally permission for ploughing has generally to be sought and is only granted for certain types of land use. In PL, trigger points are not defined. Farmers undertake to retain an unchanged area of permanent pasture on their farms when they submit their aid claims. In general however, these 'trigger levels' therefore mostly take the form of one at a lower level where precautionary action is taken and another at an upper level where more substantial action is taken. These actions are elaborated further next.

Article 4 of Regulation 796/2004 enables Member States, at national or regional level, to place obligations on farmers applying for direct aids to not convert land under permanent pasture without prior authorisation, if the ratio of permanent pasture to total agricultural area is decreasing. AT follows the rule literally by requiring authorisation to be sought in order to convert permanent pasture to another use if any decrease is observed. In eight Member States (DE, DK, EE, FI, IE, LT, LU, SE) and the regions of BE (W), and UK (S, W) this rule only applies when a 5% reduction has been observed. In seven Member States (CZ, EL, ES, FR, HU, LV, NL, PL and SI), plus the regions of BE (F) and UK (E, NI) the rule has not been applied, according to the evidence collected in the national reports, although in the case of BE (F), CZ, EL, ES, LV and PL, PP has either to be maintained at farm level or further restrictions on ploughing exist under cross compliance rules. EL is a unique example whereby further examination takes place on each individual farm if the 10% trigger point is reached.

Where more than a 10% decrease occurs at Member State level, Article 4 of Regulation 796/2004 also requires that Member States oblige farmers to reconvert land into land under permanent pasture where it was previously converted into land for other uses, or establish an amount of area as land under permanent pasture. In 15 Member States and the regions UK (E, W, S), this rule is applied once a 10% decline has been reached. In LV, the re-establishment of previously converted permanent pasture takes place when the 5% threshold is reached, in SL at 8%. In BE (W) an

equivalent area to that converted must be established once the 7.5% decline is reached. In most of these Member States the land that was converted from permanent pasture is the land that must be re-established as permanent pasture. The precise details of which farmers must re-establish permanent pasture are less clear. In DE and FI the area converted in the previous two years must be re-established, and in FR and UK (E, S) it is the area converted in the previous three years. In EE and LU the amount to be re-converted is calculated for each farmer, whilst in DK any farmer who has reduced the area of permanent pasture on their holding (or requested to do so, as in HU) must re-establish it. The establishment of an equivalent area of permanent pasture as an alternative to re-converting land that was previously permanent pasture is only specified for BE (W). In BE (W), LU, and UK (E, S) newly established permanent pasture must be kept as such for five years. Other Member States either fail to make this a requirement, or do not make the requirement clear.

Derogations

Derogations are permitted from Article 5 of Regulation 1782/2003 as long as the Member State takes action to prevent any significant decrease in its total area of permanent pasture. This section describes the derogations established by AT, DE, FI, LU, LV and PT and the regions of BE (F) and UK (E, NI, S).

In BE (F) and LU permanent pasture can be ploughed up in certain circumstances, such as land consolidation, where this is justified by the official authority (BE (F)), or considered not to have a negative environmental impact (LU). Similarly, in the UK regions permanent pasture may be converted to another land-use, such as woodland so long as Environmental Impact Assessment is conducted first and approved by the authority.

In AT conversion of grassland (note this might not necessarily include permanent pasture) is not normally permitted on slopes greater than 15%. However, conversion may occur in order to establish a permanent or perennial crop if the area of conversion is no greater than 0.5ha and the share of permanent pasture on the holding remains greater than 80% (although this is not permitted for certain mountain pastures). In PT, the authority may permit the conversion of permanent pasture to allow for the production of permanent crops, irrigated land uses and forestry, so long as the ratio of permanent pasture does not fall by 5%. If the ratio looks likely to fall close to this level, preference is given to the establishment of olive groves and forestry on permanent pasture. Conversion of permanent pasture is only permitted in LV on 'exceptional occasions' where the farm converts entirely to crop farming or significantly reduces its animal herd.

In DE grassland that has been established as part of an agri-environment scheme is exempt from the rules. Similarly, in FI, two categories of land of a 'higher environmental value' are excluded.

4.2.1 Measurement of permanent pasture levels

Regulation 796/2004 requires that the level of permanent pasture is calculated annually using the information provided by farmers in their annual aid application to the SPS or SAPS. Most Member States appear to follow this approach (AT, BE (F, W), EE, FR, DE, EL, HU, IE, LV, NL, PL, PT, SI, ES, SE and UK (E)). The method of calculation is not provided in the national reports for DK, FI, LT, LU, UK (NI, W).

Whilst this might indicate that these Member States and regions have not put in place a calculation method, a more likely assumption is that they are also basing their calculation on the annual declarations of farmers. In UK (S), the CCA classifies fields as permanent pasture and stipulates this in a record system; it is not known if this classification is based on the annual declarations of farmers. In CZ, the level of permanent pasture is registered in the ‘evidence of agricultural land usage’ (LPIS) database.

The method for calculating the ratio of permanent pasture was clarified by the Commission in a working document in 2006¹⁴, as follows:

For Member States other than new Member States (+ MT & SI)

$\text{Reference ratio} = \frac{\text{PP reference}}{\text{TAA reference}} = \frac{\text{PP declared 2003} + \text{PP not declared 2003} - \text{PP silage} - \text{PP aff}}{\text{total agricultural area declared}}$

PP declared 2003:	Land under permanent pasture declared by farmers in 2003
PP not declared 2003:	Land under permanent pasture declared in 2005 in accordance with Article 14 (1) of Regulation 796/2004 [IACS] and that has not been declared for any use other than grassland in 2003, unless the farm can demonstrate that such land was not under permanent pasture in 2003
PP silage:	Areas declared in 2005 as land under permanent pasture and that in 2003 were eligible for the arable crops area payment in accordance with Article 1 (3) of Council Regulation No 1251/1999 ¹⁵
PP aff:	Land that was under permanent pasture in 2003 and that has been afforested since 2003 or yet to be afforested in accordance with the third subparagraph of Article 5 (2) of Regulation (EC) No 1782/2003
TAA reference:	The total agricultural area declared by the farmers in 2005

NB: for MT and SI, replace year 2003 by year 2004 in the calculation and delete the reference to ‘land that was under permanent pasture in 2003 and that has been afforested since 2003’.

For new Member States (other than MT & SI)

¹⁴ Working document for the Management Committee for Direct Payment. Calculation of the reference ratio for permanent pastures pursuant to Article 5(2) of regulation No 1782/2003.

¹⁵ Art 1(3) of Council Regulation (EC) No 1251/1999 establishes a system of area payments for producers of arable crops: Member States where maize is not a traditional crop may make grass silage eligible for the arable crops payments. Base areas for grass silage were attributed to Finland and Sweden (Annex IV to Commission Regulation (EC) No 1973/2004)

Reference ratio =	$\frac{\text{PP reference}}{\text{TAA reference}}$	=	$\frac{\text{PP declared 2005}}{\text{total agricultural area declared}}$
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The Commission states: ‘It is clear that the method of calculation of the reference ratio for permanent pastures fixed in Article 3 of Regulation 796/2004 does not perfectly reflect the real situation in 2003, as, since some data were not (or not exhaustively) at disposal in the 2003 declaration, it has to combine information for both years 2003 and 2005. However, the set of rules fixed in Article 3, including the 10% margin between the reference ratio and the annual ratio, shall be considered as a whole and shall be exactly applied by Member States to ensure they are in conformity with the obligation of maintaining permanent pastures fixed in Articles 5(2) of Regulation 1782/2003.’

The Commission requested Member States to supply relevant data and confirm that they had conformed to the calculation formulas as just described. The following table provides data on the reference year for permanent pasture and the ratio for the year 2006 (data is not complete for all Member States). These data were provided by the Member States in September 2006.

Table 4.1 Figures from communications by the Member States on reference ratio Permanent Pasture

Communications under Article 76(2) second sentence of Regulation (EC) No 796/2004

Member States	2006-ref ratio/ref ratio * 100	Total land declared under permanent pasture 2006 (ha)	Total agricultural land declared 2006 (ha)	ratio 2006	ref ratio	PP reference* (ha)	TAA reference* (Total agricultural area) (ha)
BE	1.01	459,181.67	1,353,895.55	33.92	33.58	454,292.08	1,353,009.23
WALLONIA	1.77	311,908.75	755,811.27	41.27	40.55	306,144.48	754,938.93
FLANDERS	-0.59	147,272.92	598,084.28	24.62	24.77	148,147.60	598,070.30
CZ	-2.50	752,133.61	3,500,870.83	21.48	22.04	771,052.10	3,499,205.48
DK **	2.65	225,377.11	2,764,800.47	8.15	7.94	222,241.90	2,798,522.97
DE	-1.81	4884525.35	16909625.09	28.89	29.42	5,024,490.00	17,079,429.00
Brandenburg & Berlin	-2.33	287104.00	1336579.00	21.48	21.99	295,249.00	1,342,423.00
Baden-Württemberg	-0.10	565560.00	1426249.00	39.65	39.69	566,810.00	1,427,933.00
Bayern	-0.33	1144519.00	3219602.00	35.55	35.67	1,151,205.00	3,227,670.00
Hessen	1.48	298856.00	797750.00	37.46	36.92	299,457.00	811,154.00
Mecklenburg-Vorpommern	-3.82	266879.00	1365675.00	19.54	20.32	278,299.00	1,369,734.00
Niedersachsen & Bremen	-1.75	745324.00	2613830.00	28.51	29.02	763,890.00	2,631,982.00
Nordrhein-Westfalen	-3.68	442582.00	1536573.00	28.80	29.90	462,643.00	1,547,068.00
Rheinland-Pfalz	-2.38	238285.00	649654.00	36.68	37.57	250,720.00	667,318.00
Schleswig-Holstein & Hamburg	-2.49	352641.00	1034781.00	34.08	34.95	362,649.00	1,037,696.00
Saarland	-	-	-	-	51.12	41,522.00	81,220.00
Sachsen	-0.80	189944.00	915798.00	20.74	20.91	192,400.00	920,185.00
Sachsen-Anhalt	-2.63	174144.00	1207197.00	14.43	14.81	178,918.00	1,207,715.00
Thüringen	-0.96	178687.00	805937.00	22.17	22.39	180,728.00	807,331.00
EE	1.93	233,500.08	860,374.93	27.14	26.62	229,639.88	862,507.58

Table 4.1 (continued) Figures from communications by the Member States on reference ratio Permanent Pasture

Member States	2006-ref ratio/ref ratio * 100	Total land declared under permanent pasture 2006 (ha)	Total agricultural land declared 2006 (ha)	ratio 2006	ref ratio	PP reference* (ha)	TAA reference* (Total agricultural area) (ha)
EL	4.67	2,740,014.00	5,842,469.85	46.90	44.81	2,475,173.76	5,524,299.94
ES	12.00	5,694,891.57	23,304,003.77	24.44	21.82	4,977,007.90	22,810,688.73
FR	0.23	8,103,190.00	27,256,528.00	29.73	29.66	8,065,062.00	27,191,897.00
IE	-1.12	4,264,220.00	4,745,983.00	89.85	90.87	4,306,615.00	4,739,370.00
IT	6.10	2,303,437.59	11,437,146.18	20.14	18.98	1,949,256.14	10,268,869.47
CY	3777.04	7,076.00	167,587.37	4.22	0.11	153.70	141,132.80
LV	4.66	408,137.42	1,610,088.61	25.35	24.22	371,539.30	1,534,045.76
LT	3.09	441,287.50	2,630,766.65	16.77	16.27	417,962.00	2,568,705.71
LU	10.41	65,723.88	124,099.94	52.96	47.97	58,929.00	122,858.00
HU	-4.05	129,230.12	5,100,672.62	2.53	2.64	134,446.88	5,091,878.08
MT	0.00		9,087.68	0.00	-	n/a	4,417.12
NL	74.13	813,121.60	1,937,417.30	41.97	24.10	470,382.57	1,951,644.52
AT	-0.93	1,437,055.68	2,871,062.71	50.05	50.52	1,458,766.18	2,887,353.42
PL	5.35	2,488,579.51	14,172,257.28	17.56	16.67	2,352,294.29	14,112,797.23
PT	25.84	1,036,815.13	3,392,294.85	30.56	24.29	815,453.87	3,357,551.56
SI	1.23	268,433.71	461,732.79	58.14	57.43	243,808.15	424,530.25
SK	1.76	516,574.51	1,866,330.21	27.68	27.20	504,401.91	1,854,457.63
FI	2.45	21,860.31	2,365,775.75	0.92	0.90	20,883.66	2,315,450.06
SE	41.19	800,463.88	3,201,714.86	25.00	17.71	564,182.06	3,186,163.42
United Kingdom	-			-	-		
*For definitions of PP reference and TAA reference: see explanations given on page 74							
** PP reference calculated from the ratio in the communication of the MS and the TAA reference (see page 74)							

4.3 Trends in permanent pasture levels

Evidence was collected of the observed trends in the level of permanent pasture since 2003. It must be noted that these are trends in the level of permanent pasture rather than the ratio of permanent pasture relative to total agricultural land. Following our investigations, in 11 Member States (CZ, DK, EE, ES, FI, EL, LUX, NL, PL, SV and SE) and the region of BE (W) the area of permanent pasture has increased in recent years. In four Member States (AT, BE (F), HU and LT) small decreases in permanent pasture have been observed, whilst the level is reportedly stable in IE and UK (S). LT provides a unique example because the area of agricultural land has been reported as increasing at a greater rate than the area of permanent pasture, meaning the relative share of permanent pasture is declining. This situation would mean that the obligation could be considered as being complied with, according to Article 3 (1) of Regulation 796/2004. In principle however, the SAPS area is designated in 2003 and does not change so this situation requires clarification. In ES the share of permanent pasture was underrepresented in 2003 due to inaccurate aid applications, leading to the impression of an increase in the area of permanent pasture.

4.4 Conclusions regarding the establishment of rules for the maintenance of permanent pasture

All but one of the EU-15 Member States seem to have established a reference year of 2003, as required by Regulation 1782/2003. The exception is France, where the reference year used appears to be 2005. Information on the reference year is available for six of the EU-10 Member States (CZ, EE, HU, LT, LV and PL). These Member States apply SAPS and, in accordance with Regulation 796/2004, use 2005 as the reference year for calculating the ratio of permanent pasture. In most Member States the level of permanent pasture is calculated annually, as required by the Regulation, using the information provided by farmers in their annual aid application to the SPS or SAPS. In 11 Member States, the area of permanent pasture has increased in recent years. In four Member States, small decreases in permanent pasture have been observed, whilst the level is reportedly stable in one Member State.

Paragraph 2 of Article 3 of Regulation 796/2004 states that the ratio of permanent pasture shall not decrease to the detriment of land under permanent pasture by more than 10% relatively to the ratio for the relevant reference year. In order to respect this rule, Member States have introduced a set of ‘trigger levels’ (i.e. the point at which action is taken in order to restrict or prohibit the conversion of permanent pasture). Trigger levels vary across the Member States but in most countries, they take the form of one at a lower level where precautionary action is taken and another at an upper level where more substantial action is taken. Many Member States place obligations on farmers applying for direct aids to not convert land under permanent pasture without prior authorisation, if the ratio of permanent pasture to total agricultural area is decreasing (either at all or by 5%). Some 15 Member States requires farmers to reconvert land into land under permanent pasture where it was previously converted into land for other uses, or establish an amount of area as land under permanent pasture, when a 10% decline has been reached. A few Member States require re-conversion before a 10% decline is reached e.g. 7.5%. In most of these Member States the land that was converted from permanent pasture is the land that must be re-established as permanent pasture. Various derogations apply in some Member States

including land that was converted under agri-environment agreements being exempt from re-conversion.

Table 4.2 Designation of permanent pasture

Member State	Reference Year	Percentage reduction in area of PP relative to total agricultural area at which Member State takes action	Summary of rule
AT	2003	5%	Authorisation required for converting PP.
		10%	Re-establishment of previously converted PP necessary.
BE (F)	2003	No threshold is set.	Each farmer must maintain their 'individually assigned area' of PP.
BE (W)	2003	5% - 7.5%	Authorisation required for converting PP. By compensation another parcel must be converted to PP and maintained as such for 5 years.
		>7.5%	Prohibition of conversion of PP to another use. An equivalent area of PP must be maintained for 5 years if conversion does take place.
CY	--	--	No rules apply because there is no PP in Cyprus.
CZ	2005	10%	Rules are under discussion. A separate GAEC standard forbids the conversion of grassland into arable land.
DE	2003	5%	Authorisation required for converting PP.
		>8%	Länder may require farmers who have converted PP in the previous year to re-establish PP.
		>10%	Länder must force farmer to re-establish PP. The area converted in the past 24 months must be re-established.
DK	2003	5%	Authorisation required for converting PP.
		10%	Re-establishment of PP by farmers who have reduced their area of PP.
EL	2003	10%	Further examination takes place at level of individual farm.
EE	2005	5%	Authorisation required for converting PP.
		10%	Re-establishment of PP. Calculated for each farmer.
ES	2003	10%	Re-establishment of PP by farmers in the regions which have experienced a decline.
FI	2003	5%	Authorisation required for converting PP.
		10%	Re-establishment of PP converted in the last 2 years.
FR	2005	<10% (i.e. any decrease observed)	Individual or general management measures could be implemented.
		10%	Re-establishment of PP converted in the last 3 years may be required.
HU	2005	10%	Farmers are informed that if a 10% decrease occurs, they will have to re-establish PP which has been converted into arable land.
IE	2003	5%	Authorisation required for converting PP.
		10%	Re-establishment of PP.
IT	--	--	No rules have been established yet.

Table 4.2 (continued) Designation of permanent pasture

Member State	Reference Year	Percentage reduction in area of PP relative to total agricultural area at which Member State takes action	Summary of rule
LT	2005	5%	Authorisation required for converting PP.
		10%	Re-establishment of previously converted PP.
LU	2003	5%	Authorisation required for converting PP, so long as equivalent area put into PP. Newly created PP must be kept as such for 5 years.
		10%	Re-establishment of previously converted PP. Calculated for each farmer. Newly created PP must be kept as such for 5 years.
LV	2005	<5% (i.e. any decrease observed)	Area declared as PP in 2006 must be kept as PP in 2007.
		5%	Re-establishment of previously converted PP.
MT	--	--	No rules apply because there is no PP in Malta.
NL	2003	10%	Specific measures are not specified. 10% rule applies as stipulated in Art. 3 of Reg. 796/2004.
PL	2005	10%	In claims submitted in 2005 farmers undertook to retain an unchanged area of PP on their farms.
PT	2003		Authorisation required for converting PP. Conversion of PP only possible if the national reference ratio remains above 95%.
		10%	Re-establishment of previously converted PP in order to reach a level of 92% of the national reference.
SE	2003	5%	Authorisation required for converting PP.
		10%	Re-establishment of previously converted PP.
SI	--	8%	Re-establishment of PP.
SK	--	--	Farmers have been informed that they must apply for permission to plough up permanent pastures.
UK (E)	2003	5%	Unspecified actions to be taken.
		10%	Re-establishment of previously converted PP among those farmers who converted in the three previous years. Must be retained as PP for 5 years.
UK (NI)	2003	5%	Unspecified restrictions to be applied to ensure a 10% decrease avoided.
UK (S)	2003	5%	Authorisation required for converting PP.
		10%	Re-establishment of previously converted PP among those farmers who converted in the three previous years. Must be retained as PP for 5 years.
UK (W)	2003	5%	Farmers need to apply for permission to convert permanent pasture
		10%	Farmers need to apply for permission to convert permanent pasture

5 COMPETENT CONTROL BODIES

5.1 Regulatory requirements for designating competent control authorities

Commission Regulation (EC) No 796/2004 lays down detailed rules for establishing control systems for cross compliance. Article 42 states that specialised control bodies bear the responsibility to carry out controls and the Paying Agency bears responsibility for fixing the reductions or exclusions in individual cases. A derogation allows Member States to designate the Paying Agency as the control body where it can guarantee that the effectiveness of the controls would be equal to controls carried out by a specialised control body.

5.2 Member State approaches to the designation of the competent control authority

Table 5.1 summarises the competent control authorities designated for each of the 25 Member States. It is clear that many Member States have made use of the derogation allowing the Paying Agency to act as a competent control authority. In some Member States, the PA is responsible for all cross compliance controls (CY, CZ, EE, ES (some regions), LT and PL). It is notable that these are primarily new Member States which need to control GAEC only due to implementing the SAPS.

Some Member States use a combination of both the Paying Agency and specialised control bodies to control cross compliance (AT, DK, FI, IE, IT, MT, PT, SK, SI, UK). These represent a mix of both EU 15 and new Member States. Which SMRs and GAEC are controlled by the PA and the specialised bodies respectively, tends to vary from Member State to Member State. For example, in AT, the PA controls all environmental and animal identification and registration SMRs and GAEC. Feed and food safety and animal disease SMRs are the responsibility of the Federal Provinces and controls are carried out by veterinary administrations.

Finally, in a number of Member States, only specialised control bodies are responsible for carrying out controls (BE (F, W), DE, EL, ES (some regions), FR, HU, LU, LV, NL, SE). The number and type of bodies responsible for controls varies from Member State to Member State but agricultural, environmental, veterinary and food safety authorities are most frequently involved.

The system adopted by the Member States appears largely to reflect the systems that were in place pre-cross compliance. In many cases, cross compliance has resulted in the need for greater co-ordination between existing control bodies and the designation of an overall co-ordinating authority charged with ensuring the system works.

5.3 Conclusions on the designation of competent control bodies

Many Member States have made use of the derogation allowing the Paying Agency to act as a competent control authority (CCA). In a few Member States, the PA is the only CCA. These are primarily new Member States which need to control GAEC only due to implementing the SAPS. Some 9 Member States use a combination of both the Paying Agency and specialised control bodies to control cross compliance. These

represent a mix of both EU 15 and new Member States. Some 11 Member States have designated only specialised control bodies as the CCA. The number and type of bodies responsible for controls varies from Member State to Member State but agricultural, environmental, veterinary and food safety authorities are most frequently involved.

Table 5.1 Summary of Competent Control Authorities in EU-25

Member State	Paying Agency (PA)	Competent Control Authority	Comments
AT	Agrarmarkt Austria	PA plus some specialised bodies at regional level	PA controls all environmental and animal identification and registration SMRs and GAEC. Feed and food safety and animal disease SMRs are the responsibility of the Federal Provinces and controls are carried out by veterinary administrations.
B (F)	Ministry of the Community	4 specialised bodies covering different areas of legislation	PA responsible for co-ordination. Specialised bodies select and control farms and report to PA
B (W)	Ministry of the Walloon region	3 specialised bodies covering different areas of legislation	PA responsible for co-ordination. Specialised bodies select and control farms and report to PA.
CY	Cyprus Agricultural Paying Organization	Controls carried out by PA	PA responsible for all cross compliance controls.
CZ	State Agriculture Intervention Fund (SZIF) – an agency of Ministry of Agriculture	Controls carried out by PA	SZIF carries out controls through regional departments
DE	Regional Paying Agencies	Regional specialised control bodies	Länder assign specialized authorities (agricultural, veterinary or nature protection administration) from lower administration levels
DK	Directorate for Food, Fisheries and Agri-Business	5 specialised bodies for different areas of legislation + counties and municipalities	PA is over-arching co-ordinating body. Specialised bodies select and control farms.
EE	Agricultural Registers and Information Board (ARIB)	Controls carried out by PA	ARIB co-operates with Plant Production Inspectorate regards requirements concerning wild oats (GAEC standard).
EL	The Paying and Inspection Agency for Community Guidance and Guarantee Aid (OPEKEPE)	Prefectural Authorities implement primary checks, through Inspection Committees with appropriate specialisation.	OPEKEPE is the co-ordinating body and selects the sample for on-the-spot checks. Inspection reports submitted to Prefectural Authorities and then PA.
ES	Regional Paying Agencies	In some regions PA is also the control body but in other regions control delegated to relevant authority	FEGA – the national paying agency and part of the Ministry of Agriculture is the overall co-ordinating body.

Table 5.1 (Continued): Summary of Competent Control Authorities in EU-25

Member State	Paying Agency (PA)	Competent Control Authority	Comments
FI	Part of Ministry of Agriculture and Forestry	PA responsible for environmental SMRs and GAEC. The Finnish Food Authority (EVIRA) is responsible for control of SMRs 6-18. Provincial Veterinary Officers responsible for animal I&R	At the farm level the implementation of the control is delegated to the regional Employment and Economic Development Centres (T&E Centres) and the Provincial and Municipal Veterinarians (for Food Law issues and animal diseases)
FR	Ministry of Agriculture and Fisheries	4 specialised control bodies covering different areas of legislation	Controls are coordinated by the local representation of the Ministry of Agriculture (DDAF) in each Department
HU	Agricultural and Rural Development Agency	Institute for Geodesy, Cartography and Remote Sensing	PA selects farms and specialised body carries out on-the-spot checks and remote sensing
IE	Department of Agriculture and Food (DAF)	Divisions of PA and Department of Environment, Heritage and Local Government	Almost all of the inspections are carried out by the DAF inspection service. Common inspection report forms have been developed
IT	National PA + 6 regional PAs	Controls carried out mainly by PAs with some delegated to specialised bodies	Some controls carried out by private bodies under contract to the National and Regional PAs
LU	Paying Agency of Luxembourg	Control Unit of the Ministry of Agriculture plus specialised bodies covering different legislation	Rural Economy Service, delegated by PA, to co-ordinate controls and apply sanctions
LT	National PA of the Ministry of Agriculture	Controls carried out by the PA	Regional offices are responsible for controls.
LV	Treasury of the Ministry of Finance	Control Department of the Rural Support Service	The RSS is instructed by the PA
MT	Ministry for Rural Affairs and the Environment	Control Unit of the PA	On-the-spot checks delegated to four specialised bodies: Malta Environment and Planning Authority (MEPA), the Malta Resource Authority (MRA) and the Agriculture Services and Rural Development (AS & RD) and the Food and Veterinary Regulatory Division within the Ministry for Rural Affairs and the Environment
NL	4 Paying Agencies	General Inspection Service plus regional authorities with different responsibilities	10% of SMRs and GAEC inspected by specialised bodies of other national, regional or local government departments

Table 5.1 (Continued): Summary of Competent Control Authorities in EU-25

Member State	Paying Agency (PA)	Competent Control Authority	Comments
PL	Agency for Restructuring and Modernization of Agriculture (ARMA)	Controls carried out by national PA and through regional branches	Area checks performed by ARMA field inspectors, seasonal field inspectors and external contractors
PT	National Institute of Agricultural Guarantee	Controls carried out by PA + range of specialised bodies covering different areas of legislation e.g. General Veterinarian Direction	Controls are co-ordinated in an integrated fashion through the Board of Co-ordination and Permanent Follow Up of the Cross Compliance Control
SE	Swedish Board of Agriculture	21 county administrative boards and 290 municipalities carry out controls depending on legislation	Other checks carried out by a range of bodies e.g. Swedish National Food Administration carries out the checks on the rules on hormones and certain medicinal products
SI	Agency of the Republic of Slovenia for Agricultural Markets and Rural Development	PA delegates controls to Inspectorate of RS for Agriculture, Forestry and Food at regional level + 3 specialised bodies	On-the-spot controls delegated to Inspectorate of RS for Agriculture, Forestry and Food (IAFF), which is organised in eight regional units
SK	Agricultural Paying Agency	Controls carried out by departments of the PA plus specialised bodies e.g. The Soil Science and Conservation Research Institute	-
UK (E)	Rural Payments Agency	RPA plus specialised bodies e.g. Veterinary Medicines Directorate and State Veterinary Service	Environment Agency is a delegated agent of the RPA for controls on SMRs 2, 3 and 4
UK (S)	Scottish Executive Environment and Rural Affairs Department	SEERAD + specialised bodies e.g. Scottish Natural Heritage and Scottish Environment Protection Agency	-
UK (NI)	Department of Agriculture and Rural Development (DARD)	DARD + Department of Environment and Environment and Heritage Service	-
UK (W)	National Assembly for Wales (NAW)	NAW + Countryside Council for Wales and Environment Agency	-

6 CROSS COMPLIANCE CONTROLS

6.1 Management system for controls

Management systems for controls vary from Member State to Member State. Annex 2 provides a summary of the systems in place in each of the 25 EU Member States.

The most simplified management systems are found in those Member States where the Paying Agency is also the control body (CY, CZ, EE, ES (some regions), LT and PL). In general, in these Member States, the PA identifies the sample for control and inspectors, usually working at regional or local level, receive information regarding this sample. Inspections are carried out, a control report completed and this report returned to the Paying Agency which is responsible for calculating reductions in payments.

In a number of Member States, both the Paying Agency and specialised control bodies share responsibility for controls (AT, FI, IE, IT, MT, PK, SI, SK, and UK). The exact nature of the management systems between the different bodies responsible for controls is not clear in all cases but a number of countries have set up some sort of central co-ordinating body or committee to ensure the co-ordination of activities and effective exchange of information. The Paying Agency or Agriculture Ministry usually takes the lead in this process. Both inspectors of the Paying Agency and the specialised bodies submit control reports to the central Paying Agency for the calculation of payment reductions.

In FI, at national level, the Coordination Group for Cross Compliance was set up by the Ministry of Agriculture and Forestry in April 2006. The tasks of this group include dissemination of information within administrations, planning of the control activities and follow up of the inspections regarding their appropriate conduct and respect of legal obligations. There are 12 members in the Co-ordination group, representing the central administrative bodies involved. This group is expected to meet 5 to 6 times per year. The control of cross compliance at the farm level is combined with the inspection of other subsidies (i.e. at the same farm visit) to the maximum extent possible.

In IE, the Department of Agriculture and Food coordinates the overall aspects of cross compliance. When setting up systems for cross compliance controls, consultation meetings were held between the Department of Agriculture and Food and other specialised control bodies to establish standardised procedures for cross reporting and an integrated inspection process.

In PT, the Instituto Nacional de Garantia Agraria (INGA) is the responsible body for the co-ordination of controls. This is achieved through the Board of Co-ordination and Permanent Follow Up of the Cross Compliance Control (Comissão de Coordenação e Acompanhamento Permanente do Controlo da Condicionabilidade). This Board meets when it is considered necessary to settle any issue related with its functions. In the UK (E), there is an overarching co-ordinating body led by the Rural Payments Agency (as the Paying Agency).

In IT, the National Paying Agency (AGEA) and the Regional Paying Agency (OPR), where they are operative, are the competent authorities for control activities on cross compliance (both SMR and GAEC) and sanctions. There is not a proper overarching co-ordinating body, but this function is carried out by a division of AGEA called "Area Coordinamento" which also gives indication to the OPRs on how controls must be organized.

In another group of Member States, all controls are carried out by specialised control bodies which report their findings to the Paying Agency (BE (F, W), DE, DK, EL, ES (some regions), FR, HU, LU, LV, NL and SE). Similar to the above grouping, in the majority of these countries, some form of co-ordinating body has been established or is in the process of being established.

In BE (F), the Paying Agency is responsible for co-ordination with the specialised control bodies. The modalities of the co-operation are fixed in protocols. These protocols describe the competences, agreements about decision making on farmers' obligation, the exchange of data and information, possible joint controls and the reporting of ad hoc non-compliances found by the specialised control bodies. In BE (W), the paying agency itself is responsible for cross-compliance in general but meetings are organized periodically with the specialized control bodies.

In DE, systems and procedures for cross compliance controls vary from region to region. Most Länder based control of cross compliance on their existing control system and assigned the specialised authorities (agricultural, veterinary, water or nature protection administration) from the lower administration levels of the *Kreise* or *kreisfreie Städte*.

In DK, the Directorate for Food, Fisheries and Agri-business (DFFE) is the overall co-ordinating body. They ensure that the control authorities inspect at least 1% of farms and that the results are reported. There are 5 control authorities which coordinate their own controls within their regions but there is no coordination between the CCAs.

In EL, OPEKEPE (the Greek Paying Agency) is the coordinating authority for the inspections of cross-compliance. OPEKEPE chooses the sample for cross-compliance inspections and submits it electronically to the Prefectural Authorities which are responsible for carrying out the on-the-spot checks and visits.

In ES, the system varies according to the Region. In some cases there is one body only involved in the control process – the PA. In some other Regions there is also a Specialised Control Agency and in some Regions there is a Co-ordinating Agency.

In FR, controls are coordinated by the local representation of the Ministry of Agriculture (DDAF) in each Department to ensure good coherence and sharing of information by inspection bodies. This coordinating role includes the final decision on the reduction to be applied for farmers. The DDAF checks that several controls will not be done successively by different bodies at different periods on the same farm using specific software.

In HU, the Central Office of the Agricultural and Rural Development Agency – the Directorate for Direct Payments and the Directorate for On-the-spot checks - is the

main body co-ordinating controls. These directorates liaise with territorial and county offices and specialised bodies such as the Institute of Geodesy, Cartography and Remote Sensing.

In LU, the control unit of the Ministry of Agriculture coordinates the controls and meets twice a year with the other responsible control bodies. It facilitates exchange of information between control bodies. The Ministry aims to set up a common control database shared by all responsible control bodies and the control unit is now working on this issue. Until a common database is created, it is planned to centralize the input of control results in one single database.

In LV, the Rural Support Service is designated to be the Competent Control Authority that is a single authority for all GAEC farmers' obligation. There is no overarching co-ordinating body in place.

In NL, the General Inspection Service (Algemene Inspectiedienst, AID) is assigned by the Minister of LNV as the Coordinating Control Authority (CCA) and controls 90% of all farmers' obligation. The enforcement of some national legislation regarding SMRs and GAECs is the responsibility of other specialised bodies of national, regional or local governments e.g. Public Work & Water Management. The minister of LNV has no direct supervision competence of specialised bodies; as a result the previously existing collaboration model between control bodies was continued in relation to cross compliance.

In SE, the Competent Control Authorities (CCA) are the Swedish Board of Agriculture, Swedish National Food Administration, the respective County Administrative Boards, and the respective municipalities i.e. existing control bodies. There is no integrated, co-ordinating structure yet established between the responsible authorities for control, but there are plans to develop such functions. There is, however, an advisory group with various representatives which meets regularly over the year.

6.2 Sample selection

All Member States comply with the requirement to carry out controls on at least 1% per competent control authority of all farmers submitting aid applications (Article 44 of Regulation 796/2004) and select this sample from the 5% sample selected for on-the-spot checks. Higher rates (5%) are applied in relation to bovine identification and registration, as provided for in the specific legislation. Many Member States select the control sample using both a random and risk-based approach. Exceptions are EL, ES (some regions), FR, MT, PT, SE and SI which use only a risk-based approach. Where part of the sample is selected randomly, the proportion varies from 16 – 25%. In those Member States where specialised control bodies undertake controls, it appears that they are responsible for selecting the sample of farmers to be checked in relation to the areas for which the specialised body is competent.

Various approaches can be noted in relation to risk criteria and whether Member States weight these criteria. In BE (F), for example, ten risk factors are considered; five factors focus on particular SMR farmers' obligation and five on GAEC farmers' obligation. All ten risk factors are given a different weight. In ES, a range of risk-factors are used in the sampling e.g. holdings receiving payments above certain levels,

farm in Natura 2000 area. The Regional Governments may also take account of information from other sources. In FI, in 2006, prior breaches, location on NATURA area or on groundwater area or the use of sewage sludge were regarded as risk factors. The risk assessment is more focused on SMRs than on GAEC farmers' obligation, for which the prior breaches dominate as a risk factor. The approach of weighting prior breaches as a higher risk in the assessment is noted in a number of Member States. Some Member States appear to weight risk criteria (BE (F), CZ, DE, HU, IE, IT, LU, NL and PL) while others do not (EE, FI, SE). The situation regarding weighting in other Member States is not clear.

6.3 Timing of controls

The most common time period for inspections is the summer months (June to September/October). This corresponds to the main growing season when crop relevant or other vegetation related requirements can be checked. PT is unusual in that the May – September period is avoided by some control bodies as during this period staff are focused on forest fire prevention and surveillance. Farmers' obligations relating to livestock e.g. animal identification and registration tend to be spread more throughout the year. In AT, for example, it is noted that livestock cannot be inspected during the summer months because they are away grazing and hence checks tend to occur in winter or spring.

Some Member States conduct controls year round e.g. BE (F, W). DK carries out controls year round but aims to complete them all by 15th November. In FI, GAEC and environmental SMRs are checked in summer with the remainder of controls carried out throughout the year. The UK (E) would like to spread controls throughout the year but the control sample is not ready until May or June which means controls cannot be carried out until then. IT and MT also noted this issue of farmers' claims, and hence the sample data, not being ready until June meaning controls had to wait.

6.4 Inspection information

The number of inspectors required per inspection and the time taken is rather variable across the Member States. The average number of inspectors is two per farm in most Member States (BE (F, W), CY, CZ, FI, LU, NL, PL, PT) with a number of Member States reporting that the number varies on the size of the farm (AT, EE, IE). In other Member States there is usually just one inspector. The time taken for inspections depends very much on farm size and the farmers' obligation to be checked. The range is 1 hour to 1 week or more; the latter is notable in EL where farmers being inspected can often have different parcels of land on different islands. The average reported across most Member States is 1 day, usually including travel time and paper work.

Member States are split between those which give notice of an inspection to a farmer¹⁶ (CY, DE, DK, IT (GAEC only), LV, MT, PL, SE, SI, UK) and those Member States which do not (BE (F, W), CZ, EE, EL, ES, HU, (SMR only) LU, NL).

¹⁶ Although following the relevant legislation checks at farm level should remain in principle unannounced.

In IT, notice is not given for first inspections of GAEC but notice is given for SMRs inspections and for second inspections following the detection of non-compliances regarding GAEC. In those Member States which do not give notice, this is generally the case although several note that notice is given in some circumstances and in those cases, notice is usually a maximum of 48 hours. In SI, notice is only 24 hours. There are a number of notable differences. IE gives 48 hours for inspections where bovines are involved and up to 14 days for other inspections. FI generally does not give notice but does in some cases as travelling distances to the farms can be large. ES notes that inspections without notice can be problematic as the farmer may not be there at the time the inspector visits.

In all Member States, inspectors use a checklist of control points to guide the inspection. Inspections usually take the form of visual field checks and administrative checks of records and paperwork. A small number of Member States appear to use methods such as GIS, remote sensing or photographs for checking some requirements (BE (F, W), CY, CZ, DE, EL, FR, HU, IT, LT, NL, PT, SI).

Control of the permanent pasture rules is treated as either part of the cross compliance inspection or the IACS eligibility controls. Two Member States also use GIS/aerial photography to check the area of permanent pasture. In CZ, DK, EE, EL, LV and PT checks on the area of permanent pasture are conducted during the overall inspection visit for cross compliance. In DE, the ratio is monitored by the Länder paying agencies during IACS controls. The area of permanent pasture is checked through a combination of administrative controls and GIS in NL. In SE, the area is checked by the inspector during a combined eligibility and cross compliance inspection. In FR, the control of the ratio of permanent pasture commences in 2007. There are four farmers' obligations, two regarding whether the farmer has received authorisation to plough up permanent pasture, and two regarding the re-establishment of permanent pasture. Similar farmers' obligations have been established in IE, and one less substantial farmers' obligation is checked by the ES regional paying agency or CCA. In addition to the checks that take place in cross compliance inspections, EL uses aerial photography to monitor any changes in the area of permanent pasture at the NUTS 3 level. If serious deviations from the area reported in IACS are observed, compulsory 'Rapid Field Visits' take place to verify the discrepancy and implement 'appropriate corrective actions.' Other Member States check the GAEC farmers' obligation relating to the protection of permanent pasture, but not the area of permanent pasture (e.g. PL).

A number of problems relating to monitoring the area of permanent pasture have been experienced by EL, ES and HU. In EL, not all farmers grazing animals on a permanent pasture of a specific commune are registered in IACS, which may create problems during control visits. In HU, there was not a code for permanent pasture on the application form for the SAPS in 2004, meaning a farmer had to select an alternative category such as 'grassland'. In ES, the ratio of permanent pasture is apparently increasing. However, this trend may be misleading because the area of permanent pasture was under-represented in 2003 as a result of the area not being linked to support payments and farmers making inaccurate declarations.

6.5 Reporting system

There is some degree of harmonisation of the reporting systems operating in Member States although information is incomplete for some countries. Generally, the inspector produces a control report and submits this directly to the central Paying Agency or, in countries that use specialised control bodies, to these bodies which then, in turn, submit reports to the Paying Agency. The following is a typical example of the reporting system. In BE (W), the specialised control bodies write a control report within one month of the inspection. Non-compliances are notified to the farmer as soon as possible. Data on non-compliances (date of report of non-compliance, number of the statement of report, codes corresponding to infractions) are communicated to the paying agency. The paying agency is responsible for collecting the results from all the specialized control bodies. These results are incorporated in a database by means of e-files, where available. Before an aid calculation occurs for a given year, reductions are calculated for each farmer on the basis of results in the database.

A few Member States report that photographic evidence of non-compliances is taken during the inspection (IT, MT, UK).

Article 48 of Regulation 796/2004 requires that farmers be informed of any non-compliance found. Several Member States confirm that the farmer is notified (AT, BE (F, W), CZ, DE, DK, EL, FI, FR, IE, LV, NL) and in many cases, receives a copy of the control report. In DE, DK, EL, LV and NL, the farmer has the opportunity to comment on the control report. The approach adopted in other Member States was not known at the time of preparing this report.

6.6 Conclusions regarding control systems for cross compliance

The system adopted by the Member States appears largely to reflect the systems that were in place pre-cross compliance. In many Member States, cross compliance has resulted in the need for greater co-ordination between existing control bodies and the designation of an overall co-ordinating authority charged with ensuring the system works.

The most simplified management systems are found in those few Member States where the Paying Agency is also the control body. Where the Paying Agency and specialised control bodies share responsibility for controls (9 Member States), more complex systems are found. The exact nature of the management systems between the different bodies responsible for controls is not clear in all cases but a number of Member States have set up some sort of central co-ordinating body or committee to ensure the co-ordination of activities and effective exchange of information. The Paying Agency or Agriculture Ministry usually takes the lead in this process. Both inspectors of the Paying Agency and the specialised bodies submit control reports to the central Paying Agency for the calculation of payment reductions. In another group of Member States (11 in total), all controls are carried out by specialised control bodies which report their findings to the Paying Agency. Again, in the majority of these countries, some form of co-ordinating body has been established or is in the process of being established.

All Member States comply with the requirement to carry out controls on at least 1% per competent control authority of all farmers submitting aid applications. Many

Member States select the control sample using both a random and risk-based approach. The proportion selected randomly varies from 16-25%. A few Member States rely entirely on a risk-based approach. There is no consistent approach in relation to the risk criteria used and whether Member States weight these criteria. The most common time period for inspections is the summer months (June to September/October) but inspections relating to livestock e.g. animal identification and registration, tend to be spread more throughout the year. The average number of inspectors is two per farm in most Member States. The time taken for inspections depends very much on farm size and the farmers' obligation to be checked. The range is 1 hour to 1 week or more. The average reported across most Member States is 1 day, usually including travel time and paper work. Member States are fairly evenly divided between those which give notice of an inspection to a farmer and those which do not. In those Member States which do, the maximum notice is usually 48 hours. In all Member States, inspectors use a checklist of farmers' obligations to guide the inspection. Inspections usually take the form of visual field checks and administrative checks of records and paperwork. A small number of Member States appear to use methods such as GIS, remote sensing or photographs for checking some requirements. There is some degree of harmonisation of the reporting systems operating in most Member States. Generally, the inspector produces a control report and submits this directly to the central Paying Agency or, in countries that use specialised control bodies, to these bodies which then, in turn, submit reports to the Paying Agency where payment reductions are calculated.

7 CROSS COMPLIANCE INFRINGEMENTS AND REDUCTIONS OF PAYMENTS

The following information is based on information contained in the national reports and received from Member States. The data is available only for 2005 and is incomplete. Caution must therefore be used in the interpretation of this data.

7.1 Criteria and methods to calculate reductions of payments

The majority of Member States have developed an evaluation matrix or scoring system whereby each type of non-compliance or breach, as determined by the control body, is assigned a score or rating. Table 7.1 provides a summary of the main systems and methods for calculating reductions of payments. Information was not available at the time of preparing this report for CY, LV and SK and only very limited information was available for FI. Information on the exact criteria used in the matrices or scoring systems was also generally lacking for many Member States. However, in general, as required by the legislation, such scoring systems appear to take account of the severity, extent and permanence of the non-compliance. In addition, non-compliances are judged in terms of whether they arise from negligence, repeated negligence or are intentional. These scores or ratings are then used to calculate the percentage reduction of payment. Some examples of the guidance for non-compliance criteria and their relationship with payment reductions are given below:

In DE, (Mecklenburg-West-Pomerania):

- Missing documentation normally results in a payment reduction of only 1%
- Leaching from mineral oil or plant protection products storage in a water protection zone leads to 5% deduction, outside such a zone it results in 3% reduction
- Non-compliance with farmers' obligation related to the Sewage Sludge Directive results in payment deduction of at least 3%
- Concerning the Nitrates-Directive, missing documentation means generally 1% payment reduction, whereas penalties for exceeding the allowed maximum of application of farmyard manure depend on the degree of non-compliance: 1% if up to 20kg N/ha; 5% if over 50kg N/ha. The same is true for insufficient storage capacity.
- Concerning plant protection, non-compliances, apart from one standard, normally mean a reduction of at least 3%.
- For farmers' obligation related to the Habitats and Birds Directives no such clear matrix exists. For each breach severity, extent and permanence of the non-compliance have to be considered. Suggestions for 1 or 5% reduction must be justified in detail. The total result for compliance with those directives results from the most severe breach of a requirement.
- For non-compliance with farmers' obligation related to GAEC in most cases 3% reduction is suggested, only in case an arable area out of production the vegetation is mowed but not removed from the field it would only be 1%.

In EL, breaches are characterized according to their importance, their extent and their permanency. Importance is characterized as low, medium or high. For example, loss of one of the two identification tags on an otherwise correctly registered animal is characterized as a breach of low importance. If both identification tags are missing

this is a breach of high importance. The severity (extent) of a breach is characterized as ‘no effect’, ‘effects within the farm holding’ or ‘effects beyond the borders of the farm holding’. Permanency is characterized as either permanent or non-permanent. Intentional breaches are those breaches that are repeated despite notice by the authorities. Intentional breaches are also those that are illegal under legislation not covered by cross-compliance e.g., illegal trade of animals.

In IE, the scoring system for non-compliances results in the following payment reductions:

Points attained	Sanction to be applied
<11	Minor not negligent
11-30	Negligent- 1%
31-50	Negligent- 3%
>51	Negligent- 5%
Extent(E),Severity(S), Permanence(P)	+10 points
Repetition	Sanction of 1 st inspection x 3
Intent examine- E,S,P	15%, 20% and 100%
Intent-repetition	Exclusion for more than a year

In LU, for each control point a pre-set number of points are fixed using a weighting system. Depending on the total number of points per farm, different sanctions are applied (see table below). Less than 10 points results in only a warning given to the farmer.

Number of points	Category	Sanction
$0 \leq P < 10$	Warning	0%
$10 \leq P < 30$	Weak	1%
$30 \leq P < 100$	Average	3%
$P \geq 100$	Serious	5%

MT is another Member State which issues only a warning for minor negligence while IE takes the view that some very minor non-compliances should not be sanctioned although the farmer should be notified of the infringement. However, the majority of Member States apply payment reductions for minor negligence; several Member States (DE, DK, EL, ES, FR, PL, SE) apply low reductions starting at 1% although the average reduction for a minor, negligent non-compliance is 3%.

The exact percentage of payment reductions that apply for different types of non-compliances are variable across the Member States but all appear to adhere to the requirements of EU legislation as specified in Article 7 of regulation 1782/2003 and Articles 66 and 67 of Regulation 796/2004. Percentage reductions in cases of negligence range from 1% to 5%; for repeated non-compliance, a maximum 15% reduction is applied and for intentional non-compliance, percentage reductions range from 15% - 100%.

Table 7.1 Summary of system of reductions and exclusions of payments – EU-25

Member State	Summary of System
AT	Each type of non-compliance is assigned a score depending on its severity, extent and permanence (Matrix not available but likely to be changed as complicated). Negligence normally results in a reduction of payments by 3% per areas (the four areas are environment, health, animal welfare and GAEC together with requirements for permanent pasture) but can be reduced to 1% or increased to 5% depending on rating. In case of repeated breaching within three years, these percentages are tripled up to a reduction by 15%. If 15 % is reached the farmer is notified that any further breach is considered as intentional. In this case a reduction of payments of 20% results, which may be reduced to 15% or increased up to 100%, depending on the assessment. <u>In case of extreme or repeated intentional breaches a farmers might be excluded from receiving direct payments in the following year.</u>
BE (F)	All SMR and GAEC obligations are included in an evaluation matrix to evaluate each non-compliance on severity, extent, permanence and intentional character. The non-compliances found are grouped per SMR or GAEC and the highest payment reduction percentage in that group is used in the calculation. Cumulation is possible between the different SMRs and GAECs to a ceiling of 5%. In case of repetition of non-compliance in two subsequent years, the individual reduction percentage will be multiplied with a factor 3. For intentional non compliance the reduction percentages 15%, 20% and 100% apply.
BE (W)	A penalty code is determined based on severity, extent, permanence and intentional character. Non-compliance by negligence results in a maximum 5% reduction. Negligence with repetition is limited to 15% unless the sum of several non-compliances exceeds 15% in which case the non-compliance is judged as intentional. The reduction for each intentional non-compliance is summed and added to the total rate of reduction for non-compliance by negligence to give a % reduction which can be a maximum of 100%.
CZ	In the case of unintentional breaches, in the 2005, there was a unified sanction of 5%. In the year 2006, the sanction has been differentiated to 3,4,5 % according to the seriousness of the breach. The percentage is dependent on the size of agricultural area on which the breach has been determined. In the next few years, a shift into 1,3,5 % range is being considered. A repeated breach in 2006 resulted in the sanction being tripled to a maximum of 15%. So far, all breaches of GAEC have been considered as unintentional breaches and no system is in place for intentional breaches.
CY	Information not available.
DE	A matrix is used to determine payment reductions for non-compliances. Depending on the standard and the extent, severity and duration of the breach, deductions of payments are suggested from 1 to 5%. Several non-compliances during one year within one area are treated as one non-compliance only, and the highest percentage of recommended payment reductions connected to the detected breaches is applied. In cases where several non-compliances occur in more than one area the resulting percentages of reductions add up only up to a maximum of 5% altogether in case of breaches out of negligence. In case of a repeated breach of the same requirement within three years, the previous percentage for a reduction is tripled every time, but only up to a maximum of 15% in case of negligence. If these 15% are reached, the farmer receives a warning that any further non-compliances will be treated as intentional and will result in a reduction of direct payments 20% or higher.

Table 7.1 (continued): Summary of system of reductions and exclusions of payments – EU-25

Member State	Summary of System
DK	A matrix is used to determine payment reductions for non-compliances. A score of 6-7 results in a reduction of 1%, a score of 8-10 results in a reduction of 3% and a score of 11-12, a reduction of 5%. Further repeated non-compliance can result in a maximum 15% reduction and intentional non-compliance can result in a 15-100% reduction depending on individual circumstances. All SMRs and GAECs are treated equally using the system described above. No specific SMR (GAEC) can give higher penalties than other SMRs (GAECs).
EE	Breaches are analysed centrally and there is a standardised approach used for calculating the penalty deduction taking into account the range of the breach (e.g. on how large an area a breach is found). There is no difference in the level of penalty applied for infringements of different GAEC farmers' obligation.
EL	Penalty deduction system has been developed. Unintentional breaches: 1% deduction when the breach of an SMR or a GAEC is considered as being non permanent, of little importance and without having effect outside the area; 5% maximum deduction when the breach of an SMR and a GAEC is considered as being non permanent, of small importance and without effects outside the farm; 5% deduction when the breach of an SMR or GAEC is considered as permanent, serious and with effects spreading outside the holding's borders; 3% deduction for all other breach whose seriousness and extent is between these two limits (1% and 3%); 15% maximum deduction when repeated breaches are considered (repeated breaches cause triple deduction and are additive). Intentional breaches: 20% deduction for each SMR or GAEC; 100% deduction for the current and next financial years if repeated intentional breaches are reported
ES	The criteria used for calculating the reductions are highly complicated and vary according to the cross-compliance area. In the area of environmental SMRs, the system is relatively simple, the percentage reduction being based on the number of farmers' obligations not complied with: 1-2 points = 1% reduction; 3-4 points = 3% reduction; 5 or more points = 5% reduction. In other areas of SMR and for GAEC, the gravity, reach and persistence of non-compliance with each individual control point are assessed using formulae developed by the Paying Agency and circulated to the Regional Authorities. These formulae produce a number of points which in turn correspond to a percentage reduction of between 1% and 5%. Once the points are calculated for a given case, the percentage reduction will vary depending on the specific farmers' obligations of individual SMR and GAEC farmers' obligation that have been infringed.
FI	The breaches are analysed in each regional T&E Centre according to fixed sanction rates. The sanctions are the same for all the farmers' obligation. No further information available at the time of preparation of this report.

Table 7.1 (continued): Summary of system of reductions and exclusions of payments – EU-25

Member State	Summary of System
FR	A grid of non-compliances exists for each SMR and GAEC. Thresholds are set for all GAEC and for SMRs individually and used to calculate payment reductions between 1 and 3%. Additionally, non compliances are classified into 4 categories: "minor", "medium", "major" and "intentional" which can result in a final reduction of 5 % and more in case of recidivism. For intentional non-compliance, the reduction can be increased up to 15 %. In the case of repeated non-compliance, the percentage of reduction of the aid is multiplied by 3. If several anomalies are recorded and repeated, the percentage of reduction of the aid is summed up and cannot be higher that 15 %. Once this rate of 15 % is reached, the repeated anomaly is considered as intentional. If a farmer refuses to be inspected, the reduction of the aid is 100 %.
HU	No special standardised approach is applied for calculating the GAEC penalty deduction. The deductions are uniformly applied due to the statements for any of GAEC farmers' obligation but differentiated based on the fact of intention or negligence. Negligence results in a 3% reduction and intentional non-compliance in a 20% (although this has not yet been applied).
IE	For each non-compliance the farmer is "awarded" points. These points become higher as the non-compliance is considered more "severe, permanent or extensive". All points thus accumulated by the farmer are added in a "ready-reckoner document" and depending on the figure "achieved" the sanction is fixed in line with EU legislation.
IT	For each GAEC and SMR standard for which the inspector finds non-compliance, a score (low=1, medium=3, high=5) is given, in order to compute an arithmetic average score for "areas of cross compliance". The single areas of cross compliance scores are then added to obtain a total score which corresponds to a class of payment reduction. The partial or complete withdraw of payments depends on the amount of this final score. Different classes are fixed in relation to the area of cross compliance, depending on the type of farmers' obligation and the number included in the area of cross compliance.
LT	In a case of non-intentional breaches, sanctions applied range from 3 % to 5 %. When the same breach is repeated in the same area, the sanction is multiplied by 3, but cannot exceed 15%. If the breach is repeated a third time it is considered as intentional. For intentional non-compliance, reductions in payments can be 20 to 100 %, depending on the degree and consistency of non-compliance. When the area of beaches exceeds 50 % of the declared area, payments are not given in the current and following year.
LU	For each control point a preset number of points is fixed using a weighting system. According to the total number of points per farm, an infringement is regarded differently. On a farm where less than 10 points are given a warning is given. The other categories are weak non-compliance, average non-compliance or serious non-compliance. Each of the four categories has its own sanction percentage or payment reduction.

Table 7.1 (continued): Summary of system of reductions and exclusions of payments – EU-25

Member State	Summary of System
LV	Information not available at time of preparation
MT	Penalties will depend on whether the breach was caused intentionally or by negligence. In addition levels of severity of breach, permanence of breach, on-farm or off-farm impact are also taken into account when deciding what penalty to impose. A matrix is used to decide which penalty to apply. In the case of minor negligence cases with low severity, low permanence etc., the first penalty will be a warning letter. If the breach reoccurs on a second inspection then the farmers will have 1% of his direct payments deducted. If this happens again the deduction will be 3% fine, etc. Intentional breaches of SMR farmers' obligation are subject to a minimum 15% payment reduction. When a GAEC breach is found, payment deductions are enforced for the parcel (field) where the breach occurred. All AES and LFA payments are withheld for the parcel of land where the breach occurs, not for the entire holding. Where the breach is considered to be caused by negligence (unintentional) and relatively minor in nature, farmers will be sent a warning letter and direct payments will be withheld if a repeat of the breach occurs.
NL	The Netherlands has chosen for an ex ante standardisation of the criteria for extent, severity and permanence of every SMR/GAEC, and also for a standardised reduction percentage based on the number of points for determined non-compliances.
PL	For GAEC breaches, the reductions of direct payments are calculated as follows: in the first year, if non-compliance is on an area less than 0.1 ha – no sanctions are imposed but farmer receives a warning letter; if the non-compliance is on an area equal to or more than 0.1 ha, a 1% reduction of payment for each irregularity within the framework of the given standard is applied but the sum of all reductions that year cannot exceed 5% of direct payment; in the second year, if the same non-compliance occurs a 3 % payment reduction is issued but the sum of all reductions cannot be higher than 15% of direct payment. In the third year, repeated non-compliance results in a 9% reduction of direct payment but not more than 15%. The payment reduction for intentional non-compliance is 20%.
PT	Each breach is evaluated according to the degree of non compliance, scale and time of non compliance, which gives rise to a score. Payment reductions for negligence can be between 1 and 5% but are usually 3%. When farmer is obliged to comply with more than one SMR area and GAEC the reduction will be determined area by area; the percentages of reduction established (environment, animal health, GAEC) are added. However the total reduction cannot exceed 5% of the total amount. For repeated non-compliance, a reduction of 5% is added to the reduction for negligence. Intentional non-compliance results in a 100% reduction.
SE	The importance of a breach is calculated from the inspector's assessment of its gravity, extent and permanence, all three given evaluation values 1, 2 or 3 (1 %, 3 %, 5 %). The average value for gravity, extent and permanence is calculated and the final percentage for reductions are calculated.

Table 7.1 (continued): Summary of system of reductions and exclusions of payments – EU-25

Member State	Summary of System
SI	A scoring system has been implemented for non-compliances. The following rules apply for deduction of payments: if the sum of marks given by inspection within one standard is less or equal 99 points the total sum is deduced for 1%; if the sum of marks given by inspection within one standard is more or equal 100 points the total sum is deduced for 3%; the total deduction across all farmers' obligation may not exceed 5%, if there is no deliberate breach and the breaches are not repeated; if the breach is repeating or it is deliberate the normal deduction is multiplied by a factor of 3, where the total deduction cannot exceed 15%.
SK	Information not available at the time of preparation.
UK	Matrices have been developed to assist in determining the appropriate and proportionate penalty should cross compliance farmers' obligation and/or requirements be breached. Negligent non-compliance usually results in a 3% reduction (min 1%, max 5%). More than one breach for different SMRs/GAECs are treated as one breach. A repeated breach within 3 years results in the reduction multiplied by 3 up to a maximum 15% reduction. Once 15% is reached, a non-compliance in the same area is treated as intentional. Intentional non-compliance usually results in a 20% reduction (min 15%, max 100%) and may result in exclusion from the payment scheme in the following calendar year.

7.2 Main types of detected infringements

There is a wide variety in systems for the reduction of aid between Member States. This is apparent in both the number of checks carried out and the proportion of inspected farms where breaches were identified in 2005. In some Member States, there has been a systematic approach to cross compliance controls, where a number of farms have been selected for inspection and then all the cross compliance farmers' obligations relevant to a particular holding have been checked. The system in place in England in 2005 is a good example of this approach. In other Member States, the inspections appear to have been targeted only at farms where SMR and GAEC farmers' obligations are relevant. For example, data for the inspections for SMR concerning animal identification and registration are presented by individual SMR. The result is that in some Member States it is not possible to calculate the precise number of farm holdings where inspections took place. This is because an individual holding may have had several inspections and it is not possible to distinguish where this is the case. This approach appears to have been adopted in Member States such as AT, DE, ES and IE. Another factor that has to be taken into account is that in some Member States data on detected breaches obtained from specific 1% cross compliance inspections has been combined with data from additional 'standalone' inspections conducted by the relevant competent control authority. It is not always clear however where this has occurred and as a result it is very difficult to make any comparison between Member States.

As a result of the above difficulties in obtaining consistent data, extreme caution should be applied to the use or interpretation of any of the figures presented in Tables 7.2-7.4. The data presented refers to 2005 only. The main conclusion that can be drawn from the figures as they stand is in relation to which SMRs and GAEC were most commonly breached by farmers in 2005.

SMR breaches (2005)

The most common breaches identified by Member States from inspections for SMRs are related to the animal identification and registration SMRs (6, 7, 8 & 8a). This was the case in 14 of the Member States where SMR farmers' obligations have been developed (AT, BE, DE, DK, EL, ES, FI, IE, LU, MT, NL, PT, SE, UK). In these Member States, breaches for the animal identification and registration SMRs were the most common both as a proportion of inspections relative to other SMRs and in terms of the number of breaches per SMR. In most cases the number of breaches for these SMRs far exceeded the number of breaches of other SMRs. Breaches of SMRs for bovine livestock (7 & 8) were the most common (BE (F), DE, DK, ES, IE, NL, SE, UK (E, W)), followed by SMR 8a for sheep and goats (AT, BE (W), EL) followed by SMR 6 (LU, UK (NI)). In some Member States no distinction has been made between the SMRs for animal identification and registration (FI, MT, PT, UK (S)). In France, it has not been possible to obtain data on the SMR inspections as yet.

In the two other Member States where SMR farmers' obligations have been developed, the most common breaches as a proportion of inspections were for the Nitrates Directive (SMR 4). In Sweden, the number of SMR breaches for the Nitrates Directive was high in numerical terms, whilst in Italy the highest number of breaches was for the SMRs 7 & 8, but a much higher number of inspections took place for these SMRs than for the Nitrates Directive. Overall, breaches of the Nitrates Directive

were identified in 13 Member States (AT, BE, DE, DK, ES, FI, IT, LU, NL, PT, SE, SI, UK). No breaches were reported in Greece. The Nitrates Directive (SMR 4) had not been implemented in Ireland and Malta in 2005, whilst no information is available on the breaches in France.

In addition, breaches were reported for the wild birds and/or habitats Directives (SMRs 1 & 5) in 8 Member States (AT, BE, DE, ES, IT, MT, NL, UK (NI)), for the groundwater Directive in 7 Member States (AT, BE (W), DE, FI, IE, IT, UK), and for the sewage sludge Directive in 4 Member States (AT, DE, PT, UK (NI)). In Sweden, no inspections were carried out for the wild birds and habitats Directives. In Portugal, no data is currently available on breaches of the groundwater Directive. See for Table 7.2 more information.

Table 7.2 SMR breaches for 2005

Member State	Total no. of SMR inspections in 2005	Total no. of SMR breaches in 2005	Breaches as a percentage of inspected farms	Other Comments
AT*	-	1,675	-	Proportion of breaches by SMR: 8a (30.5%), 7&8 (24.1%), 6 (15.9%), 4 (5.5%), 2 (2.3%), 3 (0.35%), 1 (0.28%), 5 (0.14%).
BE (F)	1,209	90	7.4%	Proportion of breaches by SMR: 8 (6.1%), 8a (3.0%), 7 (0.3%), 4 (0.2%), 1 (0.1%), 5 (0.1%).
BE (W)**	-	1,144	38%	Proportion of breaches by SMR: 8a (85.5%), 6 (38.8%), 1&5 (32.7%), 7&8 (29.1%), 2 (2.2%), 4 (0.6%).
DE*	-	4,486	-	Proportion of breaches by SMR: 7&8 (33.0%), 8a (27.2%), 6 (19.5%), 4 (8.3%), 3 (2.2%), 2 (0.2%), 1&5 (0.01%).
DK	n/a	n/a	n/a	Most common breach for SMR 7&8 (226), then manure accounts (NVZ) SMR (119).
EL	1,459	578	39.6%	Proportion of breaches by SMR: 8a (49.9%), 7&8 (18.6%).
ES*	-	744	-	Proportion of breaches by SMR: 7&8 (11.7%), 4 (11.6%), 8a (4.8%), 6 (3.9%), 5 (1.1%), 1 (0.04%).
FI	1,842	787	42.7%	Proportion of breaches by SMR: 6,7&8 (41.2%), 4 (24.7%), 2 (8.7%).
FR	23,216	9,765	42%	Proportion of breaches by SMR: 4 (9.7%), 6 (9.6%), 7 (48.1%), 8a (30.3%),
IE*	-	1,330	-	Proportion of breaches by SMR: 7&8 (20.6%), 8a (14.7%), 6 (12%), 2 (3.9%). Nitrates Directive not implemented.
IT	15,389 (10,225)***	152	1.5%	Proportion of breaches by SMR: 4 (3.4%), 7&8 (2.8%), 8a (0.4%), 2 (0.2%), 1 (0.1%). Most number of breaches for 7&8 but highest proportion of breaches for Nitrates Directive.
LU	207	97	47%	Proportion of breaches by SMR: 6 (137.5%), 7&8 (86%), 8a (62.5%), 2 (48%), 4 (20%), 5 (9.5%).
MT	49	5	10.2%	Proportion of breaches by SMR: 6,7,8,8a (20%), 5 (7.7%).

Table 7.2 (continued) SMR breaches for 2005

Member State	Total no. of SMR inspections in 2005	Total no. of SMR breaches in 2005	Breaches as a percentage of inspected farms	Other Comments
NL	1,209	90	7.4%	Proportion of breaches by SMR: 8 (6.1%), 8a (3.0%), 7 (0.3%), 4 (0.2%), 1&5 (0.1%).
PT	12,744	2,737	21%	Proportion of breaches by SMR: 6,7,8,8a (25%), 3 (7%), 4 (3%). No data on Groundwater Directive.
SE	6,388	1,358	21.3%	Proportion of breaches by SMR: 8 (41.3%), 7 (19.2%), 8a (4.1%), 4 (3.0%), 6 (1.1%). No inspections for birds and habitats SMRs.
SI	1,359	633	46.6%	Most breaches for Nitrates Directive (346). Then SMR 6, then 7, then 8, then 8a.
UK (E)	1,203	104	8.7%	Proportion of breaches by SMR: 7&8 (6.3%), 8a (1.3%), 4 (0.8%), 2 (0.3%), 6 (0.1%).
UK (NI)*	-	258	-	Proportion of breaches by SMR: 6 (29%), 3 (28%), 2 (20%), 7&8 (17%), 1 (10%), 4 (8%), 8 (7%). Highest number of breaches for SMR 7&8 (223).
UK (S)*	-	867	-	Proportion of breaches by SMR: 6,7,8,8a (47.7%), 4 (26.4%), 2 (14.7%).
UK (W)*	-	609	-	Proportion of breaches by SMR: 7&8 (39.4%), 6 (17%), 8a (12%), 4 (6%), 2 (5%).

* Data on number of inspections and breaches only available individually by SMR not as a total.

** Inspections done as either administrative controls or on the spot controls.

*** The total number of inspections does not coincide with the number of applications (farms) that were inspected (10,225) because each farm was controlled for more than one SMR

GAEC breaches

Again there was huge variation between Member States in the inspection approach to GAEC farmers' obligation in terms of the type and number of inspections carried out. As a result it is very difficult to compare the inspection results for GAEC breaches between Member States. In addition it has not been possible to obtain data on GAEC inspections in 6 Member States (DK, FR, LT, LV, PL, SK). In the Member States where data has been made available, in most cases it is possible to identify which GAEC issues (soil erosion, soil organic matter, soil structure, minimum level of maintenance) have led to breaches. 14 Member States identified breaches for minimum level of maintenance farmers' obligation and in many cases these were the most common type of GAEC breaches (AT, BE (W), CY, CZ, EE, EL, ES, HU, IT, LU, MT, NL, SE, UK). 8 Member States identified breaches for soil erosion farmers' obligation (BE (W), CY, EL, ES, HU, IT, NL, UK (E, NI, W)). 6 Member States identified breaches for soil organic matter farmers' obligation (BE (W), CY, EL, ES, IT, MT). 3 Member States identified breaches for soil structure farmers' obligation (CY, ES, IT). In 5 Member States, data were available on the number of GAEC breaches but there were no data available on the nature of the breaches (DE, FI, IE, PT, SI). See Table 7.3 for further details.

Table 7.3 GAEC breaches for 2006

Member State	Total no. of farm inspections for GAEC in 2005	Total no. of GAEC breaches in 2005	Breaches as a percentage of inspected farms	Other Comments
AT	1,499	299	20.0%	Problems occurred in relation to grazing or harvesting at least 50% of the agricultural land of a holding.
BE (F)	335	0	0%	335 inspections for green cover crop GAEC. 6 inspections for soil erosion standard.
BE (W)	313	28	8.9%	Most breaches for minimum level of maintenance, then soil erosion, then soil organic matter.
DE	4,772	95	2.0%	
CY	35,752 (parcels of land inspected)	383	1.1%	Most breaches for minimum level of maintenance, then soil structure, then soil erosion, then soil organic matter.
CZ	1,125	486	43.2%	Most breaches for protection of pasture, then landscape elements then row crops on slopes (soil erosion).
DK	n/a	n/a	n/a	
EL	4,784	1,191	24.9%	Most common breaches for soil organic matter, then minimum levels of maintenance, then soil erosion.
EE	1,357	414	30.5%	Most breaches for management of grassland, then management of arable and land not in production. Inspection information available for 2004.
ES*	-	376	-	Main breaches for preventing habitat deterioration, then minimum level of maintenance, then soil organic matter, then soil erosion, then soil structure.
FI	492	11	2.2%	No information available on type of breaches.
FR	4110	303	7.4%	Most common breaches for minimum level of maintenance
IE	1,437	2	0.14%	No information available on type of breaches.
HU	14,936	659	4.4%	Most common breaches for encroachment of unwanted vegetation and weeds. 2 breaches for cultivation of row crops on steep slopes.
IT	40,786 (10,225)**	152	1.0% (1.5%)	Most breaches for minimum level of maintenance, then soil erosion, then soil organic matter, then soil structure.
LT	n/a	n/a	n/a	No data.
LU	21	1	4.7%	Breach for minimum level of maintenance.

Table 7.3 (continued) GAEC breaches for 2006

Member State	Total no. of farm inspections for GAEC in 2005	Total no. of GAEC breaches in 2005	Breaches as a percentage of inspected farms	Other Comments
LV	n/a	n/a	n/a	No data.
MT	399	51	13%	Main breaches for soil organic matter GAEC related to crop rotations and poor maintenance of rubble walls.
NL	335	0	0%	Problems with requirement for a green cover crop on fallow land.
PL	n/a	n/a	n/a	No data provide by ARMA.
PT	1,922	187	12%	No data available on specific types of breaches.
SE	4,246	1,240	7.3%	Main breaches for maintenance of permanent pasture and arable land then unwanted vegetation, then management of fallow land.
SI	1,359	1	0.01%	No data available on type of breach.
SK				No data available
UK (E)	1,203	18	1.5%	Most breaches under minimum level of maintenance, then soil erosion.
UK (NI)*	422	46	11%	Most breaches for filed boundaries and protection habitats, then soil management and supplementary feeding.
UK (S)*	228	1	0.4%	Breach for field boundaries.
UK (W)*	1,086	13	1.2%	Main breaches for minimum level of maintenance, then soil management.

* Data on number of inspections and breaches only available individually by SMR not as a total.

** Inspections done as either administrative controls or on the spot controls.

*** The total number of inspections does not coincide with the number of applications (farms) that were inspected (10,225) because each farm was controlled for more than one GAEC farmers' obligation.

Cross compliance aid reductions applied in 2005

In 6 Member States no data have been made available on the number and type of cross compliance reductions in aid applied based on inspections for 2005 (CY, FR, LT, LV, PL, SK). In some Member States, data are available on the number of cross compliance breaches and the aid reductions applied for those breaches, however, it is not possible to calculate the percentage of non-compliant farms with the data currently available (DE, DK, EL, IE, LU, SE).

When comparing the percentages of non-compliant farms, the rates vary from 4% non-compliance to 47%. It is likely that this reflects the variety of control systems and risk analysis used to select farms for inspection. For example in Belgium, two cross compliance control systems are in place. The percentage of non-compliant farms was 7.4% in Flanders yet in Wallonia it was 27.1%.

In terms of the aid reductions applied, farmers in 7 Member States received a warning letter rather than aid reduction for minor cross compliance breaches (AT, BE, DE, EL, ES, NL, UK (E, S)). 15 Member States applied a deduction of 1-2% for cross compliance breaches (AT, BE, DE, DK, EE, EL, ES, FI, IE, IT, LU, NL, PT, SE, UK). 15 Member States applied a deduction of 3-4% for cross compliance breaches (AT, BE (W), DE, DK, EE, EL, ES, FI, HU, IE, IT, LU, PT, SE, UK). 13 Member States applied a deduction of 5-10% for cross compliance breaches (BE (W), CZ, DE, DK, EE, EL, ES, FI, IE, LU, PT, SE, UK (S, W)). 9 Member States applied a deduction of 15-20% for cross compliance breaches (DE, DK, EE, ES, FI, IE, MT, SE, UK (NI, W)). 11 Member States applied aid reduction greater than 20% (AT, DE, DK, EL, EE, ES, IE, MT, SE, UK (E, W)). In some of these Member States, 100% payment reductions were applied (AT, (2 farms), DE (3 farms), EE (105 farms), EL (5 farms), IE (21 farms)). See for Table 7.4 further details.

The Commission has recently published some additional data on inspections and aid reductions for 2005¹⁷, as follows:

On-the-spot checks (240 898 in total) were carried out on 4.9% of farmers affected by cross compliance. The rate for the Member States applying full cross compliance (4.4%) stems from the specific control rate for identification and registration of cattle (5 or 10% of holdings). The rate for Member States covered by the single area payment scheme (SAPS) (5.7%) which apply on the GAECs, arises from the fact that in most Member States joint checks were carried out for cross compliance and eligibility;

Reductions were applied for 11.9% of farmers subject to on-the-spot checks: this rate is higher for Member States applying full cross compliance (16.4%) than for other Member States (6.1%) as the latter had only to check for respect of GAEC. Across the EU, total reductions applied amounted to €9.84 million;

¹⁷ COM (2007) 147 final. Report from the Commission to the Council on the application of the system of cross compliance (under Article 8 of Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers)

In Member States applying full cross compliance, most (71%) detected instances of non compliance related to the identification and registration of cattle, while the remaining cases mainly concern the GAEC (13%) and the Nitrates Directive (10%); Most reductions (68% overall – up to 98% in some Member States) were applied at the minimum level of 1% of direct payments. Some 14% were applied at a 3% level and 12% at a 5% level.

7.3 Conclusions regarding infringements and reductions of payments

The majority of Member States have developed an evaluation matrix or scoring system whereby each type of non-compliance or breach, as determined by the control body, is assigned a score or rating. These matrices or scoring systems vary from the relatively simple to quite complex. Such scoring systems appear to take account of the severity, extent and permanence of the non-compliance. In addition, non-compliances are judged in terms of whether they arise from negligence, repeated negligence or are intentional. These scores or ratings are then used to calculate the percentage reduction of aid payments.

It has been extremely difficult to obtain meaningful data regarding cross compliance breaches due to the way in which data is collated and presented by Member States. Where data is available it refers to non-compliances in 2005 only. The main conclusion that can be drawn from the figures as they stand is in relation to which SMRs and GAEC were most commonly breached by farmers in 2005. Breaches for the animal identification and registration SMRs were the most common both as a proportion of inspections relative to other SMRs and in terms of the number of breaches per SMR. In most cases the number of breaches for these SMRs far exceeded the number of breaches of other SMRs. A significant number of Member States identified breaches for minimum level of maintenance farmers' obligations and in many cases these were the most common type of GAEC breaches. Breaches for soil erosion farmers' obligations were reported by 8 Member States.

When applying aid reductions, some 10 Member States issue warning letters for minor, negligent non-compliances or, where sanctions are applied, apply reductions at the lower end of the permissible levels (1-3%). The majority of Member States generally apply aid reductions of between 3 and 5% for negligent non-compliances. Aid reductions for intentional non-compliances are generally 20% although may rise to the maximum 100% in some circumstances. Two Member States apply more severe aid reductions (100%) immediately for intentional non-compliances or if inspections are refused.

Table 7.4 Cross Compliance penalties based on breaches in 2005

Member State	Percentage of non-compliant farms	Number of reductions applied (as a % of inspected farms in brackets)					
		No reductions (warning letter)	1-2%	3-4%	5-10%	15-20%	>20%
AT	27.7%	81 (1.2%)	1,775 (25.4%)	81 (1.2%)	0	0	2
BE (F)	7.4%	1 (0.1%)	89 (7.3%)	0	0	0	0
BE (W)	27.1%	153 (10.7%)	63 (4.4%)	55 (3.9%)	115 (8.1%)	0	0
DE	n/a	28	3,175	720	658	5	5
CY	No data provided by Cypriot authorities.						
CZ	13.5%	0	0	0	197 (13.5%)	0	
DK	n/a	0	160	320	53	12	1
EL	n/a	535 (11.2%)	816 (17.1%)	390 (8.2%)	14 (0.3%)	0	5 (0.1%)
EE	25.2%	0	13 (0.9%)	34 (2.5%)	105 (7.7%)	30 (2.2%)	160 (11.8%)
ES*	1.7%	190 (2.2%)	565 (6.4%)	92 (1.02%)	14 (0.1%)	5 (0.05%)	1 (0.01%)
FI	31.9%	0	125 (5.4%)	118 (5.1%)	63 (2.7%)	2 (0.1%)	0
FR	36.98%	6987 (25%)	3252 (11.6%)	12 (0.04%)	13 (0.05%)	19 (0.07%)	2 (0.007%)
IE	n/a	0	561 (6%)	257 (2.8%)	489 (5.2%)	4 (0.04%)	21 (0.23%)
HU	4.4%	0	0	659 (4.4%)	0	0	0
IT	4.0%	0	406 (4.0%)	1 (0.01%)	0	0	0
LT	No data currently available.						

Table 7.4 (continued) Cross Compliance penalties based on breaches in 2005

Member State	Percentage of non-compliant farms	Number of reductions applied (as a % of inspected farms in brackets)					
		No reductions (warning letter)	1-2%	3-4%	5-10%	15-20%	>20%
LV	No data currently available.						
MT	12.5%	n/a	n/a	n/a	n/a	1 (0.2%)	1 (0.2%)
NL	7.4%	1 (0.1%)	89 (7.3%)				
PL	No data made available by ARMA.						
PT	23%	0	1,708 (13%)	836 (7%)	356 (3%)	0	0
SE	n/a	0	509 (6.7%)	320 (4.2%)	698 (9.2%)	34 (0.4%)	14 (0.2%)
SI	46.7%.	n/a	n/a	n/a	n/a	n/a	n/a
SK	No data currently available.						
UK (E)	10.1%	31 (2.6%)	74 (6.2%)	16 (1.3%)	1 (0.1%)	0	0
UK (NI)*	15.1% (DARD)	0	158 (12%)	24 (2%)	0	10 (0.8%)	8 (0.6%)
	23.6% (EHS)	0	12 (22%)	1 (2%)	0	0	0
UK (S)*	n/a	454	333	65	3	0	0
UK (W)*	n/a	0	355	30	1	14	3

8 THE PROVISION OF INFORMATION AND ADVICE ABOUT CROSS COMPLIANCE TO FARMERS

8.1 Cross compliance information provision since 2005

Member States have used a variety of methods to deliver information on cross compliance to farmers as summarised in Table 8.1. In the majority of Member States, the Ministry of Agriculture or its equivalent is responsible for this information delivery with the exception of Germany where the responsibility is given to regional authorities. Austria and Spain also have regional bodies involved in information provision. In Spain and France, the farming unions also produce information on cross compliance for farmers.

Each Member State uses a range of mechanisms to deliver cross compliance information, with the combination of methods used differing between Member States. The vast majority distribute printed information to farmers on the cross compliance farmers' obligation (except BE (W), LT, SI and SK), have information about the farmers' obligation on websites (usually the website of the Ministry of Agriculture or its equivalent) (except CY and LT) and hold information events for farmers such as workshops, meetings, presentations and seminars (except FR, HU, SE, SI, SK, NI).

The majority of Member States (AT, BE (F, W), CY, DE, DK, FI, IE, IT, LV, MT, PL, SI, and UK (E, NI, W)) have also made use of the farming and national press to distribute information on cross compliance, for example in the form of articles in farming magazines and national newspapers and national and local radio and television broadcasts.

There are also a number of more novel approaches taken by a few of the Member States to provide cross compliance information. In BE (F), DE, ES, HU, IE, LU, MT, NL, PT and UK (E) farmers can obtain information and advice on cross compliance from telephone and/or email help desks. Farmers in BE (F, W), HU and IT are informed of the cross compliance farmers' obligation on their single payment application forms. In CY, EE, HU, LT, LV, NL, PT and UK (NI) training events are held for farmers on the cross compliance farmers' obligation. In a small number of Member States (BE (F), IE, LU, and UK (NI, W)) annual agricultural fairs are used as an opportunity to deliver information on cross compliance via talks on cross compliance and advice and information distribution. In Cyprus, Italy and Malta farmers can visit local agriculture department offices to obtain advice on cross compliance. Northern Ireland and Denmark take the novel approach of giving farmers a water-proof checklist that they can put up in their barns as an easy way for them to check they are complying with the cross compliance farmers' obligation.

Table 8.1 Cross compliance information delivery mechanisms

Member State	Body Responsible	Information delivery mechanisms										Other comments
		Leaflets/ handbook	SP application form	Farm Press releases	Website	Help desk	Agricultural fairs	Local offices	Training events	CC checklist	Information events	
AT	PA & relevant federal & regional authorities	✓		✓	✓						✓	
BE (F)	MoAF (Flanders)	✓	✓	✓	✓	✓	✓				✓	
BE (W)	PA (Division des Aides à l'Agriculture, Wallonia)		✓	✓	✓						✓	
CY	Agriculture Department	✓		✓				✓	✓		✓	
CZ	MoA supported by Institute for Agricultural & Food Information	✓			✓						✓	
DE	PA in the Länder	✓		✓	✓	✓				✓	✓	
DK	Directorate for Food, Fisheries & Agri-Business	✓		✓	✓						✓	

Table 8.1 (continued) Cross compliance information delivery mechanisms

Member State	Body Responsible	Information delivery mechanisms										Other comments
		Leaflets/ handbook	SP application form	Farm Press releases	Website	Help desk	Agricultural fairs	Local offices	Training events	CC checklist	Information events	
EE	ARIB & MoA	✓			✓				✓		✓	
ES	MAPA & regional governments	✓			✓	✓					✓ (some regions)	NFU produce own CC material
FI	Ministry of Agriculture & Forestry	✓		✓	✓						✓	Other bodies involved e.g. Food Authority, MoE
FR	MoAF	✓			✓							Farmers unions & professional bodies have provided information
HU	Department of Rural Development	✓	✓		✓	✓			✓			
IE	Department of Agriculture & Food	✓		✓	✓	✓	✓				✓	
IT	MiPAF	✓	✓	✓	✓			✓			✓	
LT	MoA	✓							✓			

Table 8.1 (continued) Cross compliance information delivery mechanisms

Member State	Body Responsible	Information delivery mechanisms										Other comments
		Leaflets/ handbook	SP application form	Farm Press releases	Website	Help desk	Agricultural fairs	Local offices	Training events	CC checklist	Information events	
LV	Rural Support Service	✓		✓	✓				✓		✓	
MT	PA	✓		✓		✓		✓				
NL	Department of Agriculture, National Regulation Agency, General Inspection Service	✓			✓	✓			✓		✓	
PL	ARMA with regional branches	✓		✓	✓						✓	Only information on GAEC
PT	INGA & GPPAA	✓			✓	✓			✓	✓	✓	
SE	Board of Agriculture	✓			✓							
SI	Chamber of Agriculture & Forestry			✓	✓			✓				
SK	MoA				✓							

Table 8.1 (continued) Cross compliance information delivery mechanisms

Member State	Body Responsible	Information delivery mechanisms										Other comments
		Leaflets/ handbook	SP application form	Farm Press releases	Website	Help desk	Agricultural fairs	Local offices	Training events	CC checklist	Information events	
UK (NI)	Department Agriculture & Rural Development	✓		✓	✓		✓		✓	✓		
UK (S)	SEERAD	✓			✓						✓	
UK (W)	Department for Environment, Planning & Countryside	✓		✓	✓		✓				✓	Farmers can contact Farm Liaison Team for 1:1 advice

✓ =method used by Member State

ARIB = Agricultural Registers and Information Boards
 ARMA = Agency for Restructuring and Modernisation of Agriculture
 Defra = Department for Environment, Food and Rural Affairs
 INGA = Instituto Nacional de Garantía Agraria
 GPPAA = Ministry of Agriculture, Rural Development and Fisheries
 MAPA = Spanish Ministry of Agriculture, Fisheries and Food
 MoA = Ministry of Agriculture
 MoAF = Ministry of Agriculture and Fisheries
 MoE = Ministry of Environment
 MiPAF = Italian Ministry of Agriculture and Forestry
 NFU = National Farmers Union
 PA = Paying Agency
 SEERAD = Scottish Executive Environment and Rural Affairs Department

8.2 Administrative and financial effort allocated towards cross compliance information provision

Information on the proportion of effort and cost that has been put into the different methods of cross compliance information provision is not available for the majority of Member States (see Table 8.2). This is only data from Austria, Belgium and the Netherlands on the actual monetary expenses of cross compliance information provision and from Denmark and the Netherlands on the number of staff used. As such it is not possible to compare these figures across the Member States although many have commented that considerable effort was involved.

In EL, ES, FI and UK (S) production of the cross compliance handbook involved the most resources in terms of effort. In comparison, in Cyprus the most effort went into setting up information events for farmers. In Slovenia, 50% of the effort went towards the production of written information, 20% to personal advice and 30% to information events. In Ireland resources were equally distributed between written publications, meetings and press releases.

In terms of frequency of advice delivery, a continuous information source is provided for farmers in the Member States that utilise websites, helpdesks and regional office to provide a information on cross compliance. Table 8.2 details the frequency of other information provision, particularly written information and workshops. The majority of Member States deliver written cross compliance information (in the form of handbooks and leaflets) at least once a year (no data for ES, FR, LV, MT). BE (F), IE, and UK (NI, S, W) update this information every time a new standard is introduced, whereas the other Member States update the information on an annual basis. In some cases there is more frequent information provision, for example Wales and Slovenia produce a monthly magazine containing cross compliance articles and England produces quarterly cross compliance newsletters.

Slovakia is the only Member State where a regular system for cross compliance information provision does not exist.

Table 8.2 shows that in the majority of Member States, information on cross compliance is delivered to all farmers receiving direct payments (CY, DK, EL, EE, FI, IE, PL, PT, SI, SW, UK (E, S, W)). In BE (F, W), DE, LU, and NL all farmers are provided with cross compliance information. In Austria 2/3 of farmers receive the information whilst in the Czech Republic it is thought that a minimum of 10% receive the information.

In Wales, all farmers known to the administration receive the official farming magazine which contains regular articles on cross compliance, whilst only the single payment applicants receive the cross compliance guidance leaflets. In Italy, according to the national report, it is estimated that only 15% of the single payment recipients have received the cross compliance booklet produced by the paying agency, although there is regional variation with 100% of farmers in some regions receiving the booklet.

Information was not available at the time of preparing this report for ES, FR, HU, LT, LV, MT and SK.

8.3 Level of information provided to farmers in official cross compliance literature

Table 8.2 demonstrates that in the vast majority of Member States, all current SMR farmers' obligation are explained in the official cross compliance literature¹⁸. The only exceptions for this are Greece, where the 2006 guide to cross compliance does not include the newest farmers' obligation, but the 2007 guide will, and Italy where the national literature does not include all the SMR farmers' obligation, but the information produced at the regional level does. The new Member States, with the exception of Slovenia and Malta, do not yet have to implement SMRs and thus only provide information on GAEC obligations.

In the majority of Member States (AT, BE (F, W), CZ, DE, DK, EE, ES, FI, FR, IE, IT, LU, MT, NL, PL, PT, SE, SI, and UK), it appears that the official cross compliance literature is detailed and clear. However, in Greece and Cyprus there is concern from the farmer representatives and unions that the information is not comprehensive enough. The Greek national farmer's union is very critical of information provided to farmers stating that it is ineffective as farmers are not used to reading and there are not enough workshops. The farmer's union believe less than 20% of Greek farmers understand the new requirements. In Spain and Portugal there is concern among farmers' organisations that the information may be too technical for farmers to understand. In France, some farmers' organisations and Chambers of Agriculture consider that the cross compliance rules are difficult for farmers to understand and, in particular, that the permanent pasture rules are not explained in sufficient detail.

There was no information on the level of information provision for HU, LT, LV and SK at the time of preparing this report.

8.3.1 Environmental explanation of the cross compliance obligations

In BE (F), CY, CZ, DK, ES, FI, FR, IE, IT, LU, SE, SI and the UK the cross compliance literature explains the environmental reasons behind the farmers' obligations. However, there is a lot of variation between Member States in terms of which obligations have environmental explanations. In general, the SMRs tend to be explained more in terms of what the farmer is required to do rather than giving an environmental explanation as this is often implicit in the standard. It is the GAEC obligations that are generally explained more in terms of environmental benefits. In Greece the authorities claim that there is an environmental explanation of the farmers' obligation but the NGOs and farming unions disagree. In the Czech Republic and Spain, some stakeholders consider that more environmental explanation is needed and in Sweden there is not an environmental explanation for every standard.

¹⁸ The judgement on the completeness of this information given in table 8.2 has been made by national experts on the basis of information collated for this evaluation.

The cross compliance farmers' obligation are not explained in environmental terms in the literature produced in BE (W), DE, EE, HU, NL.

There was no information available on this issue for AT, LT, MT, PL, SK, and UK (E) at the time of preparing this report.

Table 8.2 Administrative and financial effort of cross compliance information provision and level of information provided

Member State	Proportion of effort/cost	Frequency of advice delivery	Proportion of farmers receiving advice	All current SMR obligations explained in literature	Level of information provided	Environmental explanation of obligations
AT	Campaign budget €130,000 in 2006	Leaflet updated & sent annually	2/3 of all farmers (95,000)	Y	Clear information	-
BE (F)	€33,438 costs of leaflet distribution	Leaflet updated when new obligations apply	All active farmers (27,000)	Y	Clear information	Y
BE (W)	-	Leaflets annually Frequent press releases	All farmers	Y	Clear information	N
CY	70% effort into information meetings	Daily basis (provincial offices)	All SAPS farmers	-	Farmer reps say information not comprehensive	Y (according to authorities)
CZ	-	Irregular basis	At least 10% of farmers (unsure)	N/A	GAEC literature clear	Very little
DE	-	Leaflets annually	All farmers	Y	Clear information	N
DK	7.5 full time equivalents involved	Handbook annually Meetings at least annually	All farmers receiving direct payments	Y	Clear information	Y
EL	Major effort into handbook. Highest cost to workshops	Annual handbook & workshops	All farmers receiving direct payments (1% did not receive).	2006 guide does not, 2007 guide will	Clear information according to authorities Farmer Union claims information is poor	Y (according to authorities) N (according to NGOs & farmer unions)
EE	-	Continuously	All SAPS applicants (19,000 in 2005)	N/A	GAEC requirements clear	N
ES	Main effort into handbook production	-	-	Y	Clear guide but may be too technical	Y (more detail needed)
FI	Main effort into handbook production	Annual handbook	All farmers receiving direct payments	Y	Clear information	Y
FR	-	-	-	Y	Clear information except permanent pasture rules	Y

Table 8.2 (continued) Administrative and financial effort of cross compliance information provision and level of information provided

Member State	Proportion of effort/cost	Frequency of advice delivery	Proportion of farmers receiving advice	All current SMR obligations explained in literature	Level of information provided	Environmental explanation of obligations
HU	-	Depends on contract between farmer & FAS advisory body	-	N/A	-	N
IE	Meetings/seminars 33.3%, Publications 33.3%, Press releases 33.3%	Ongoing basis & at critical times e.g. introduction of new obligations	All farmers receiving direct payments	Y	Clear information (but may not be practical enough)	Y
IT	-	Annually when apply for SP	15% of SP recipients receive handbook (with regional variation)	N (at national level) Y (at regional level)	Clear information	Y
LT	-	Annual leaflet publication	-	N/A	-	-
LU	-	Monthly newsletter	All farmers	Y	Clear information	Y
LV	-	-	-	N/A	-	No information on pollution reductions
MT	-	-	-	Y	Clear information	-
NL	Overall cost €1mill 2 full time equivalents	Annually	All farmers known by the National Regulation Agency (90,000)	Y	Clear information	N
PL	-	Several times a year	All farmers applying for SAPS	N/A	Clear information	-
PT	-	At least once a year when apply for SP	All farmers receiving direct payments	Y	Clear information (but may be too complicated)	Unclear
SE	-	Handbook once a year	All farmers applying for SP	Y	Clear information	Y (but not for every standard)
SI	50% resources to written information, 20% to personal advice, 30% to seminars, lectures	Monthly articles, regular seminars & personal advice	All farmers receiving direct payments get newsletter, 80% more active information provision (seminars, personal advice)	Y	Clear information	Y

Table 8.2 (continued) Administrative and financial effort of cross compliance information provision and level of information provided

Member State	Proportion of effort/cost	Frequency of advice delivery	Proportion of farmers receiving advice	All current SMR obligations explained in literature	Level of information provided	Environmental explanation of obligations
SK	-	Regular system for cross compliance information not in place	-	-	-	-
UK (E)	-	Annual handbook updates Quarterly newsletters	All farmers receiving direct payments	Y	Clear information	-
UK (NI)	-	Updated when amendment/new standard Annual farmers show	All farmers receiving direct payments	Y	Clear information	Y
UK (S)	Main effort into guidance leaflet	Updated when amendment/new standard	All farmers receiving direct payments	Y	Clear information	N (Scottish Executive Environment and Rural Affairs Department claim farmers know environmental reasons)
UK (W)	-	Monthly magazine Guidance produced annually and when needed	All known farmers receive magazine All SP applicants receive leaflets	Y	Clear information	N (assume farmers respect their land)

Y = Yes

N = No

- = information not available at time of preparation

N/A = new Member States have not applied SMR farmers' obligation and therefore not produced information explaining them (except Slovenia and Malta).

8.4 Description of Farm Advisory System (FAS)

In the majority of Member States, the Ministry of Agriculture or its equivalent is responsible for establishing the FAS (see Table 8.3). Notable exceptions include: Germany and Italy where each region is responsible for setting up the FAS; Belgium (Flanders) where multiple bodies are involved; and Malta where the paying agency is responsible.

In CY, DE, IE, IT, LT, LV, PL, SE, and UK (E, W) advice will be provided through both public and private bodies. In Austria and Slovenia, advice will solely be provided by the semi-public chambers of agriculture. Public bodies alone will be involved in FAS advice provision in Northern Ireland (Department of Agriculture and Rural Development) and Spain. In BE (F), CZ, DK, EL, EE, FI, HU, LU, MT, NL, PT, and SK advice will be provided solely through private bodies. Information was not available at the time of preparing this report on the establishment of the FAS in Belgium (Wallonia) and Lithuania.

A number of Member States have not yet named the bodies that will be responsible for delivering the advice. Of the private bodies named these include agricultural consultants (CY, DK, NL, PL and SE), farmer cooperatives and unions (EL, FR, IT, PL, PT and SE). Estonia will use county level information centres and Ireland will use private planning agencies.

In all of the Member States, the FAS advisors will need to be trained and certified. However, in Greece there is concern from NGOs that the FAS training plans are incomplete. Information was not available at the time of preparing this report on the FAS training provision in BE (W), LT and MT.

In the majority of Member States, the FAS will be based on the current system of advice with the exception of Greece and Finland. Information was not available at the time of preparing this report for AT, BE (W), DE, ES, IE, IT,

There is very little information available on the target number of farmers to receive advice through the FAS. For those Member States that we have data for at the time of preparing this report, the target number and the number as a percentage of farmers receiving the single payment varies greatly.. Available figures are: Greece (20-25% - 30,000 farmers); Luxembourg (12.4% - 250 farmers); and the Czech Republic 10%, whilst in Flanders, Denmark, Finland, Hungary, Latvia and Sweden the target percentage is less than 10% of single payment recipients. In England, 20,000 farmers will be targeted and in Poland, 80,000 farmers in 2007 rising to 240,000 in 2008.

As with the current information delivery systems, the FAS of all the Member States will utilise a range of methods to advise farmers on cross compliance (see Table 8.4). The FAS in the majority of Member States will use a website, produce written information and/or hold information events. In AT, BE (F), CY, CZ, EL, EE, HU, IT, NL, SK and UK (E, S, W) the FAS will utilise one-to-one advice, for example via farm visits. The FAS in BE (F), CY, EL, FI, IE, LU, LV, SE, SI and UK (NI, W) will use press articles and broadcasts to give farmers advice. In CY, DK, EL, SE and UK (NI) specialised computer software will be available to farmers to provide them with information and advice on various aspects of cross compliance. The FAS in EL, IE,

LV, MT, NL, SE, SI and UK will set up a telephone and/or email helpline for farmers to obtain answers to cross compliance queries. Farmers in Italy and Latvia will be provided with training courses on cross compliance through the FAS.

Table 8.3 Establishment of the Farm Advisory System

Member State	Body responsible for establishing FAS	Advice provision			FAS based on current system of advice	Target number of farmers (per year)	Target number as % of farmers receiving SP
		Public bodies	Private bodies	Staff Training			
AT	Ministry of Agriculture, Forestry, Environment & Water Management	Chambers of agriculture (semi-public)	N	Y	-	-	-
BE (F)	Monitoring & Research Dept & Agriculture & Fishery Policy Dept of Regional MoAF & Paying Agency		Y	One day training event (plus will identify further training needs)	Y (more extensive)	1,200	4.4 (NB farmers not receiving SP can apply for advice)
BE (W)	-	-	-	-	-	-	-
CY	Service for Agricultural Extension of Agriculture Dept.	Y	Agricultural consultants	Y	More efficient	-	-
CZ	MoA		Y		Y	-	10
DE	Depends on each Land	Y (depends on the Land)	Y (depends on the Land)	Depends on each Land	-	-	-
DK	Directorate for Food, Fisheries & Agriculture		Agricultural consultants	Y	Y	4,000	5.7
EL	DG Extension & Research of MoA		Farmer cooperatives, companies	Y (NGO claims incomplete training plans)	N	30,000	20-25

Table 8.3 (continued) Establishment of the Farm Advisory System

Member State	Body responsible for establishing FAS	Advice provision			FAS based on current system of advice	Target number of farmers (per year)	Target number as % of farmers receiving SP
		Public bodies	Private bodies	Staff Training			
EE	Chamber of Agriculture & Commerce		County level Advisory and Information Centres	Y	Y		50 (individual advice by 2013)
ES	DG for Rural Development of MAPA	Y	N	Y	-	-	-
FI	MoA	N	Y	Y	N	3,000	4
FR	MoA	Chamber of agriculture	Cooperatives, unions, technical institutes at regional level	Y		-	-
HU	MARD		Territorial Advisory Centres	Y	Y	12,000	7
IE	Dept Agriculture & Food	State farm advisory service	Private REPS Planning Agencies	Y	-	-	-
IT	Regional bodies	Y	Farmer & producer organisations, agronomists.	Y	-	-	-
LT	MoA	-	-	-	-	-	-
LU	MoA		Chambre d'Agriculture, Societe Cooperative	Y	Y	250	12.4
LV	MoA	Rural Advisory and Training Centre	Private advisory offices	Y	Y	820	1
MT	Paying Agency		Y	-	-	-	-

Table 8.3 (continued) Establishment of the Farm Advisory System

Member State	Body responsible for establishing FAS	Advice provision			FAS based on current system of advice	Target number of farmers (per year)	Target number as % of farmers receiving SP
		Public bodies	Private bodies	Staff Training			
NL	National Regulation Agency		Agricultural consultants	Y	Y	Varies with form of advice	
PL	MARD	Agricultural Advisory System	Agricultural Consultants, farmer's unions	Y		All farmers	100
PT	MARD		Farmer associations	Y	Y	-	-
SE	Board of Agriculture	N	County agricultural societies, LRF-consulting, Swedish Milk etc.	Y	Y	2,700	3.5
SI	MAFF	Chamber of Agriculture & Forestry		Y	Y	-	-
SK	MoA		Agro-institute	Y		-	-
UK (E)	Defra	Defra	Y	Y	Y	All farmers	100
UK (NI)	Dept Agriculture & Rural Development	DARD	N	Y	Y	3,000	
UK (S)	SEERAD		Y	Y	Y	-	-
UK (W)	Welsh Assembly Government	Y	Y	Y	Y	-	-

MoA = Ministry of Agriculture

MoAF = Ministry of Agriculture and Fisheries

MARD = Ministry of Agriculture and Rural Development

MAFF = Ministry of Agriculture, Forestry and Food

Y = Yes Under the advice provision – where it only says ‘Y’ the bodies have not yet been named

N = No

- = information not available at time of preparation

Table 8.4 Methods used to communicate advice via the FAS

Member State	Methods used to communicate advice							
	One-one advice	Information events	Press articles/broadcasts	Website	Booklets	Computer software	Helpline	Training courses
AT	Y	Y						
BE (F)	Y		Y	Y				
BE (W)								
CY	Y	Y	Y		Y			
CZ	Y	Y		Y	Y			
DE						Y		
DK				Y	Y			
EL	Y	Y	Y	Y	Y	Y	Y	
EE	Y	Y		Y	Y	Y		
ES	-	-	-	-	-	-	-	
FI			Y	Y	Y			
FR	-	-	-	-	-	-	-	
HU	Y	Y		Y	Y			
IE		Y	Y	Y	Y		Y	
IT	Y	Y						Y
LT		Y			Y			Y
LU			Y	Y	Y			
LV		Y	Y	Y	Y		Y	
MT		Y					Y	
NL	Y			Y	Y		Y	
PL				Y	Y			
PT	-	-	-	-	-	-	-	-
SE		Y	Y	Y	Y	Y	Y	
SI		Y	Y	Y	Y		Y	
SK	Y			Y	Y			
UK (E)	Y	Y		Y	Y		Y	
UK (NI)		Y	Y	Y	Y	Y	Y	
UK (S)	Y	Y		Y	Y		Y	
UK (W)	Y	Y	Y	Y	Y		Y	

Y = method utilised
 - = information not provided at time of preparation
 Information events = presentations, workshops, meetings, seminars

8.5 Funding of Farm Advisory System

The national agriculture ministry in all the Member States, except Malta and France (no information for Wallonia and Portugal) will provide funding for FAS advice delivery (see Table 8.5). In AT, FI, UK (E, NI, S) 100% of the funds for the FAS will be nationally sourced. In comparison, in BE (F), CY, CZ, DE, DK, EE, HU, IT, LU, LV, NL, PL, SE, SK and UK (W) rural development (EAFRD) funds will be used to part-fund the FAS. In France, all costs of the FAS are to be borne by the private advisory bodies.

The proportion of funding to be provided by the EAFRD is not known in all Member States where these funds will be available for the FAS. Sweden will have the highest proportion of FAS funding from EAFRD (providing 80% of funds for 1:1 advice and 100% for county education). The FAS of DE, DK and EI will be 50% funded by the EAFRD, whilst in BE (F) the ratio of national to EAFRD funding will be 70:30. In Slovakia and Wales €1500 of EAFRD funds will be available per farm receiving farm advice each year.

In the majority of Member States (for which this information is available) farmers will have to pay to receive advice through the FAS. In BE (F), CZ, DK, EL, EE, HU, IT, LV, PL, SE, SK, UK (W) farmers will pay 20% of the cost of advice and in Slovenia and Luxembourg they will pay 30%. In Luxembourg this sum will increase to 50% after the first year of advice. In Belgium (Flanders), farmers receiving advice over €1500 will be required to pay the total cost. In Finland the farmer will pay, but can claim back €300 per farm per year. The ministry of agriculture in Greece perceives that once competition among farm advisors grows, the 20% private contribution will be paid by the private farm advisors in order to attract farmers to their businesses. In the Netherlands, Malta and Scotland farmers will pay for one-one advice but the proportion they must pay is unknown at the time of preparing this report.

Farmers in Austria, Cyprus, England and Wales will not be required to pay a fee.

Information on the fees was not available for Portugal, Lithuania, Estonia and Belgium (Wallonia) at the time of preparing this report.

Table 8.5 Funding of the FAS

Member State	National Agriculture Ministry funding the FAS	EAFRD funds available for advice	Fee paid by farmer for advice
AT	Y	N	Nil
BE (F)	Y (70% FAS budget)	Y (30% of FAS budget)	1:1 advice farmers pay 20%, advice over €1500 farmers pay all
BE (W)	-	-	-
CY	Y	Y	Nil
CZ	Y	Y	Pay 20%
DE	Y (30% national, 20% regional)	Y (50%)	Depends on region
DK	Y (50%)	Y (50%)	Pay 20%
EL	Y (50%)	Y (50%)	Pay 20%
EE	Y	Y	Pay 20-25%
ES	Y	Unknown	
FI	Y	N	Farmer pays but can claim back €300 per farm per year
FR	N	N	
HU	Y	Y	Pay 20%
IE	Y	N	Pay fee
IT	Y	Y	Pay 20%
LT	Y (65-70%)	-	-
LU	Y	Y	First year pay 30% €300 ceiling; subsequent years pay 50% with €500 ceiling
LV	Y	Y	Pay 20%
MT	N	Y	Pay for in depth technical advice
NL	Y	Y	Pay proportion for 1:1 advice
PL	Y	Y	Pay 20%
PT	-	-	-
SE	Y	Y (80% of 1:1 advice, 100% of county education)	Pay 20% for 1:1 advice
SI	Y	Y	Pay up to 30% for special services
SK	Y	Y (€1500 per farm per year)	Pay 20% of €1500
UK (E)	Y	N	Nil
UK (NI)	Y	N	Nil
UK (S)	Y	N	Pay for 1:1 advice
UK (W)	Y	Y (€1500 per farm per year)	Pay up to 20%

Y = provide FAS funding

N = no funds available for FAS

- = information not provided at time of preparation

8.6 Targeting of advice

In the majority of Member States, advice from the FAS will be prioritised for farmers receiving more than €15,000 in direct payments per year (CZ, DK, EL, ES, FI, HU, IE, IT, LU, LV, NL, PT, SE, SK, UK (NI, S, W)) (see Table 8.6). In comparison, the FAS in AT, BE (F), DE, EE, MT, PL, SI and UK (E) will not prioritise advice towards these particular farmers. In Malta this is the case because there are so few farmers receiving over €15,000 in direct payments. Information was not available on FAS funding for Belgium (Wallonia) and Portugal at the time of preparing this report.

In terms of other factors used to prioritise advice from the FAS, Cyprus will target those farmers committing the most infringements, especially nitrate and fertiliser pollution and animal welfare farmers' obligation. Similarly, in Scotland the FAS will be prioritised towards those farmers most at risk of breaching cross compliance obligations. The FAS in Spain and Italy (depending on the region) will target priority holdings such as those in LFAs or Natura 2000 sites or NVZs. Malta will also target Natura 2000 sites. Northern Ireland, Spain and Italy will also prioritise farms in agri-environment schemes. The FAS in Slovenia will be prioritised towards holdings in ESAs and those with high stocking densities or large holdings. Spain, Wales and Italy (region dependent) the FAS will also prioritise advice towards young farmers. In England, advice provision will be targeted at local needs.

In the majority of Member States it does not appear that advice from the FAS will be targeted at particular cross compliance farmers' obligation. Notable exceptions include Austria, England and Scotland Malta (possibly) where advice will be targeted on those farmers' obligation that have the highest rates of non-compliance. In Scotland, advice will be area-specific based on where most non-compliances occur. In Poland, the FAS will focus on the newest farmers' obligation; in Finland, farmers can chose combinations of farmers' obligation to receive advice on and in Slovenia and Northern Ireland the FAS will put an emphasis on information about the Nitrates SMR standard.

In AT, CY, EE, HU, PL, SE, SI, SK, and UK (E, NI, S) advice and control will be kept separate but there will be information exchange between the two bodies such that the FAS can obtain data on the number of breaches for each cross compliance standard. In Denmark the FAS advisors will be trained on the most problematic farmers' obligation. In Malta and Poland it has yet to be decided whether the advice and control bodies will share information.

Table 8.6 Targeting of advice from the FAS

Member State	Priority to farmers receiving >€15,000 direct payments per year	Other factors for prioritisation of advice	Linkage of advice and control bodies	Advice targeted at particular obligations
AT	N	-	Y	Target advice based on non-compliance
BE (F)	N	None	N	N
BE (W)	-	-	-	-
CY	-	Farmers committing most infringements, esp nitrate & fertiliser pollution and animal welfare	Y	
CZ	Y	-	N	N
DE	N	None	Y	-
DK	Y	None	Advisors trained about most problematic obligations	N
EL	Y (but very few farmers)	None	N	N
EE	N	None	Y	N
ES	Y	Priority holdings; holdings in LFA & Natura 2000 sites; young farmers; farms in agri-environment schemes	-	N
FI	Y	None	N	Farmers can chose which obligations to receive advice on
FR	-	-	-	-
HU	Y	None	Information exchange	N
IE	Y	None	N	N
IT	Y	Depends on region but includes: farms in NVZ & Natura 2000 sites; young farmers; women; farms in FADN; farms in agri-environment schemes.	N	N
LT	-	-	-	-
LU	Y	None	N	N
LV	Y	None	-	N
MT	N (too few)	Possibly arable sector, Natura 2000 sites	Undecided	May focus advice on obligations most breached.

Table 8.6 (continued) Targeting of advice from the FAS

Member State	Priority to farmers receiving >€15,000 direct payments per year	Other factors for prioritisation of advice	Linkage of advice and control bodies	Advice targeted at particular obligations
NL	Y	None	N	N
PL	N	None	Information exchange	New obligations
PT	Y	Undecided	Undecided	N
SE	Y	None	Information exchange	N
SI	N	Holdings in ESAs, high stocking densities, large holdings	Information exchange	Nitrates SMR
SK	Y	Undecided	Information exchange	N
UK (E)	N	Advice tailored to local needs	Information exchange	Target advice based on non-compliance
UK (NI)	Y	Farmers in agri-environment schemes	Information exchange	Nitrates SMR
UK (S)	Y	Based on risk of breaching obligations	Y	Target advice based on non-compliance (& focus at areas where most breaches occurring)
UK (W)	Y	New entrants & young farmers	-	-

Y = Yes
 N = No
 - = no information at time of preparation

8.7 Conclusions regarding information and advisory systems

All Member States provide farmers with information regarding cross compliance farmers' obligation that must be met. The range of media used to convey this information is variable e.g. handbooks, websites, training events, press releases etc. By using some forms of media e.g. websites or telephone helplines, some Member States ensure that information is constantly available to farmers and can be readily updated. The applicability of the information for farmers is also variable.

Some 10 Member States use a limited range of media (1-3 different methods) to convey information to farmers. The use of websites and telephone helplines are less common in these Member States than others. There are concerns in a few Member States regarding the applicability of the information e.g. it may be lacking in detail or too complicated for farmers to understand. A total of 8 Member States use an average number of different types of media (4-5 different methods) to convey information to farmers. The use of websites is relatively common. The information is generally applicable for farmers and comprehensive. The remaining 7 Member States use a wide range of media (>5 different methods) to communicate information to farmers. Continuous information sources such as websites are always used. The information provided to farmers is detailed, clear and comprehensive.

In the majority of Member States, the Ministry of Agriculture or its equivalent is responsible for establishing the Farm Advisory System (FAS). In a small number of Member States advice will be provided by both public and private bodies but in many Member States only private bodies will be involved. The FAS in the majority of Member States will use a website, produce written information and/or hold information events. Many Member States plan to offer one-to-one advice. In the majority of Member States (for which information was available) farmers will have to pay to receive advice through the FAS. In the majority of Member States, advice from the FAS will be prioritised for farmers receiving more than €15,000 in direct payments per year. At the time of preparing this report, Member States appeared to be in the process of planning for the introduction of FAS but implementation had not yet started.

ANNEX 1: SUMMARY OF FARMERS' OBLIGATIONS SMRS 1 -15 (EU-17)

Summary of farmers' obligations for SMR 1 – Birds Directive

Country	Summary of farmers' obligations
AT	Implemented at regional level by nature protection laws with some variations across regions. Constraints on agricultural activities for Natura 2000 sites according to site objectives plus constraints outside Natura 2000 sites e.g. no damage or removal of landscape features. The killing and capturing of wild birds is forbidden as is the collection or destruction of eggs and nests.
BE (F)	Changes to vegetation and small landscape elements are subject to special conditions (which are either forbidden or permitted only after prior authorisation). The killing and capturing of wild birds is forbidden as is the collection or destruction of eggs and nests. An exception is permitted for game birds and some birds considered to be pests. There is total protection for 4 species of plants and a number of animals.
BE (W)	Prohibition of certain activities on Natura 2000 sites without prior authorisation e.g. field drainage, ploughing of meadows, use of weedkillers. The killing and capturing of wild birds is forbidden as is the collection or destruction of eggs and nests
DE	Certain landscape features e.g. hedgerows, wetlands of certain size cannot be removed without prior authorisation. It is prohibited to hunt, kill or injure wild birds or to collect or destroy their nests or eggs. Wild birds must not be hunted without official authorisation. For birds that can be hunted no banned methods must be used. Mandatory prescriptions in a bird protection area must be complied with. Protected biotopes must not be subject to lasting damage or destruction.
DK	2 meter wide strips around natural lakes and water courses must be in place; changes are not permitted to protected nature types in Natura 2000 areas, protected dunes in Natura 2000 areas, protected beaches in Natura 2000 areas, the 'outer areas' in Tonder Marshes in Natura 2000 areas; trees used for nesting must not be felled illegally and the nests of dike-swallows destroyed illegally; traps must meet the demands on construction and location and not used in periods where it is not allowed to use traps; in listed forest reserves in Natura 2000 areas, bans on the keeping of animals and new buildings and other restrictions on changing the forests must be complied with.
EL	Farmers must incorporate granular agrochemicals properly into the soil. Farmers should not destroy sections of natural native vegetation where agricultural areas border on roads and natural bodies of water. The minimum width of the conservation area: - for bushes 0.50 m around the root of the bush, and - for trees, the surface area corresponding to the radius of the crown.
ES	<ol style="list-style-type: none"> 1. No damage to natural structural elements on the ground. 2. No use of products that are not biodegradable. 3. No killing, injury or capture of any wild bird. 4. No destruction or retention of nests or eggs. 5. No intentional disturbance of wild birds during breeding and raising period. 6. No retention of birds whose hunting and capture is prohibited. 7. No hunting in closed season. 8. No use of large-scale non-selective methods of killing or capture.
FI	(1) The general provisions concerning protected species must be followed, specifically: protected species must not be intentionally killed or caught, their nests or eggs must not be intentionally damaged, moved or collected. Intentional disturbance is forbidden, especially during the mating season, in the main migration resting places or otherwise significant areas; farmers have to comply with the Hunting act that contains the provisions for mating seasons (especially refers to birds). (2) The bird species or their habitats, used as a basis for establishment of Natura 2000 site on the farm, must not be damaged.

Summary of farmers' obligations for SMR 1 (continued) – Birds Directive

Country	Summary of farmers' obligations
FR	<p>1 : Non destruction of the habitats mapped or designed by the DDAF</p> <p>2 : respect of the measures relating to protected species as written in the environmental code. The farmer must not have received an official report on his lack of compliance with the protective measures of the animal and plant species and of the natural habitats envisaged in the environment code. He has also to observe the conditions established by the environment code on the introduction of an animal or vegetable non domestic species.</p> <p>3: Respect of the procedures of authorization of activities: these procedures are applicable only in the Natura 2000 sites. This involves in particular the assessment of the impact in relation to the aims of conservation of the site.</p>
IE	<p>Farmers must comply with the general requirements listed for Special Protection Areas (SPAs) and other land. The Inspecting Office will have a list of 'notifiable actions' for the SPA and will check compliance with these actions at the inspection. In addition, they will be required to report on any activity contrary to the hunting of wild birds.</p> <p>On all lands, farmers: must observe the Wild Life Act regarding hunting and shooting of birds. Specific checks will be carried out to ensure that: there is no: cutting, grubbing, burning or destroying growing vegetation on land that is not cultivated during the period 1 March to 31 August (except vegetation normally harvested for hay or silage or isolated bushes or clumps of gorse or the mowing of growths of fern); killing or capturing of any wild birds (other than those permitted by the Ministry of Environment, Heritage and Local Government); destruction, damage, removal or keep any nest or egg of any wild bird; deliberately disturbing wild birds while they are breeding or rearing young; snares, traps (not including larssen traps) or poisonous bait other than those licensed by DEHLG have been used; use of blind or mutilate live birds as decoys; use of the following to capture or kill wild birds: artificial light sources, mirrors or other dazzling devices; nets or traps which are non-selective; poisons; gas or smoke.</p>
IT	<p>Where no specific Regional Acts and Management Plans for SPA areas exist, farmers must adopt GAECs farmers' obligation 2.1, 4.1, 4.2 and 4.4:</p> <p>2.1 Arable stubble and vegetable residues management</p> <p>4.1 Protection of permanent pasture</p> <p>4.2 Management of areas no longer in agricultural use</p> <p>4.4 Maintenance of landscape distinguishing features</p> <p>Structural interventions require public authorisations based on impact environmental assessment.</p>
LU	<p>19 standards and associated farmers' obligations concerning restrictions on agricultural activities or prohibition of activities related to the protection of species and habitats.</p>
MT	<p>Checks carried out for: evidence of activities likely to damage an SPA including development which requires consent from MEPA; evidence of non-compliance with management agreements/plans/considerations in SPAs or activities counter to protection regime set by Development Planning Act, 1992; evidence of killing, taking, disturbance or possession of protected bird species or any bird species outside of applicable closed season without a permit from MEPA; evidence of prohibited means of capturing or killing wild birds; compliance with measures designed to regulate the introduction of non-native invasive bird species; evidence of destruction, damage, removal or keeping of bird nests or eggs, or disturbance of nesting birds without a permit from MEPA.</p>
NL	<p>Ban on the killing, disturbing, possession, sale, etc. of protected indigenous animals; ban on the disturbing, removing or destruction of birds nests; ban on the collection and possession of eggs; hunting is only allowed during designated periods and times and outside designated areas; ban on the hunting of designated species; hunting is only allowed with permitted means of hunting.</p>

Summary of farmers' obligations for SMR 1 (continued) – Birds Directive

Country	Summary of farmers' obligations
PT	Applies to national sites, special areas of conservation and special protection areas. Prohibition of deliberate destruction or killing of birds. Rules for hunting birds. Prohibition of non-selective capture and killing of birds or causing local disappearance of species. Farmers' obligations relating to buildings and infrastructure?
SE	Farmers must comply with Natura 2000 site management plans and seek permission for those activities which may damage the site; farmers must not undertake any measures that may lead to failure or reduced success of breeding of wild birds. Hunters must comply with Swedish Natural Protection Agency rules.
SI	Management requirements for protected areas. Requirement to maintain balance of habitats. Rules for protected bird species. Law on Wildlife and Hunting.
UK	<i>England:</i> farmers must not: kill, injure or take wild birds; damage or destroy nests or take eggs; possess wild bird; disturb protected species whilst nesting; kill or take game birds during the closed season; use prohibited means of killing or taking wild birds without authorisation. Farmers must comply with requirements for SPAs. <i>N. Ireland:</i> farmers must not damage fauna or the interest of an SPA where they apply; must comply with the Wildlife Order 1985; obligation to follow rules protecting wild birds their nests and their eggs. <i>Scotland:</i> farmers must comply with nature conservation order, management agreement, byelaw for protection of SSSI; must not unlawfully hunt, kill or possess wild birds; must not possess or use pesticides against the regulations. <i>Wales:</i> farmers must not flail, lay or coppice hedges within the prohibited period; must not poison or use non selective methods of catching/killing birds; must not burn land that may contain active bird nests.

Summary of farmers' obligations for SMR 2 – Groundwater Directive

Country	Summary of farmers' obligations
AT	1. No direct discharge of substances according to annex I and II of Council Directive 80/68/EEC into the groundwater. 2. Indirect discharge of substances according to annex I and II of Council Directive 80/68/EEC into the groundwater only allowed with authorization according to water protection legislation
BE (F)	An annex in the guidance material states two lists of products that cannot be spilt and lists two further products that may be spread after a special permit has been issued. Pesticide equipment must be checked every three years Fuel tanks must be leak free. There are conditions for disused wells in order to avoid the pollution of groundwater
BE (W)	The direct discharge of dangerous substances into groundwater is forbidden. Direct discharge means the introduction of substances into groundwater without passing through the soil or subsoil e.g. through artificial points of entry such as catchment points. Dangerous substances include pesticides and hydrocarbons. Sealing of fuel oil tanks: the owner must provide evidence of the sealing of heating fuel oil tanks of 3,000 litres or more, which are used for professional activity. In the event of non-sealing and/or in the event of accidental flow, certain measures must be followed, in particular the owner must warn the competent authority, namely the Division of the Police force of the Environment - DPE.
DE	The deposit, storage and disposal of Annex I and II substances require authorisation. Farmers must ensure that storage facilities for pesticides and mineral oils and fuels are leak-proof and are placed on a solid ground. When handling dangerous substances (in agriculture these are mainly mineral oil, fuels and pesticides) direct and indirect discharge into ground water in the course of storage, filling and disposing of remaining quantities has to be avoided.
DK	- Substances, products and materials which can pollute the groundwater, top and subsoil must not be buried in the ground without permission. - Containers with substances, products and materials which can pollute the groundwater, top and subsoil must not be buried in the ground without permission.
EL	Farmers must: comply with the rules on the application of plant-protection preparations; rinse their spraying equipment at a distance of more than 30 metres from boreholes, ditches and bodies of water; clear the vegetation from inside the components of their irrigation and drainage networks to ensure the necessary capacity, with mechanical, not chemical means; set aside and clearly mark out an area on their holding for the collection of and removal of waste, where all pollutants and packaging of agrochemicals are collected; keep all kinds of farm equipment in good condition to ensure that pollutants do not escape into the environment
ES	No direct discharges of substances indicated in list I in the Annex, with two exceptions. Any activity related to storage, dumping and elimination of substances indicated in list I in the Annex that might lead to indirect discharge, is not permitted without a previous investigation and authorisation from the Authorities.
FI	(1) The manure stacks have not been placed in groundwater areas, (2) The restricted use of pesticides in groundwater areas has been followed.

Summary of farmers' obligations for SMR 2 (continued) – Groundwater Directive

Country	Summary of farmers' obligations
FR	All the farmers who use products aimed by the Directive (plant protection products, pesticides, fuels and lubricants, disinfection and health, ammoniacal fertilizer products) are concerned. A documentary check is carried out by the competent authorities. They check the existence of underground water pollution noted by a report. The farmer who was the subject of the official report is in anomaly only if the two following conditions are met: - Pollution is due to one of the substances aimed by the Directive - The offence was committed or was noted in the current calendar year.
IE	Farmers must not: discharge list I and list II substances directly into groundwater. The spreading of organic matter containing List II substances should be done in accordance with good farming practice. All silage and slurry pits should be structurally sound. Clean water run-off should be channelled away from dirty water collection points.
IT	All farms must have correct storage facilities e.g. a closed room or a protected container on a impermeable floor for Annex I substances (plant protection products, oil, fuel, etc.), in order to avoid groundwater pollution. In addition, agro-industrial farms need specific authorization for the substances specified in Annex 5 of the Decree 152/99. The authorization contains requirements that must be respected by the farmer.
LU	The minimum requirements in the area of water protection are regulated via different regulations, especially the nitrate and sewage sludge regulations. General rules apply: Fertilization with nitrogen is only allowed to cover the nitrogen requirements of the crops. At the same time the loss of nutrients has to be minimized by considering the availability of nitrogens in the soil. The overall amount of organic fertilizer must not exceed 170 kg. On principle fertilization between 1 September and 1 March is restricted. Fertilization has to be carried out in a way that prevents the discharge of nitrates into surface and groundwater. In drinking water protection areas specific provisions apply. The overall amount of organic fertilizer must not exceed 130 kg. On principle fertilization between 1 August and 1 March is restricted. Contamination of water through direct or indirect excretion of livestock has to be avoided. Farmers have to ensure themselves appropriate facilities to store and spread organic fertilizer. When storing manure on the fields, contamination of water has to be avoided. Rules on the use of mobile silos have to be complied with. When using PPP discharge into water has to be avoided. When filling or cleaning spreading facilities, direct or indirect discharge of plant protection product remainings into surface and groundwater has to be avoided. Only sewage sludge that meets hygiene rules and does not exceed the limits of heavy metal may be used. Land application must not put public, animals and the environment on risk.
MT	1. No unauthorised discharges of List 1 substances with potential to pollute groundwater 2. authorised discharges must be carried out correctly
NL	The discharge of other fluids (other than domestic waste water or cooling water) in or on the soil without a valid permit is prohibited
PT	No SMRs established. Issue dealt with through GAEC and SMRs for Directive 91/676/EEC
SE	It is the responsibility of the farmer to see that the following substances do not risk to contaminate groundwater: organic halogen compounds and substances that can make such compounds in aquatic environments, organic phosphorous compounds, organic tin compounds, substances that may cause cancer, mutations or foetal damage in or by the aquatic environment, mercury and its compounds, cadmium and its compounds, mineral oils and hydrocarbons, cyanides

Summary of farmers' obligations for SMR 2 (continued) – Groundwater Directive

Country	Summary of farmers' obligations
SI	Farmers must comply with the rules for disposal of waste water and rules for individual dangerous substances.
UK	<p><i>England:</i> Farmers must not permit the disposal of listed substances or allow them to contaminate groundwater. Farmers must comply with notices served by the EA for the protection of groundwater. Disposal of Annex II substances requires permit. <i>N Ireland:</i> Authorisation is required to dispose of any listed substances to land. Records must be kept. Sheep dippers must be suitably located. <i>Scotland:</i> authorisation is required to dispose of any listed substances to land. Records must be kept. Sheep dippers must be suitably located. <i>Wales:</i> Authorisation is required before disposing of listed substances to land. Farmers must comply with good codes of practice</p>

Summary of farmers' obligations for SMR 3 – Sewage Sludge Directive

Country	Summary of farmers' obligations
AT	1.General ban to apply sewage sludge on agricultural areas in Salzburg, Tyrol and Vienna. 2. Suitability of sewage sludge or soil (Burgenland, Carinthia, Lower Austria, Upper Austria, Styria, Vorarlberg): quality of sewage sludge and soil has to be proved 3. Rules for maximum limits (Burgenland, Carinthia, Lower Austria, Upper Austria, Styria, Vorarlberg) 4.Restrictions for application of sewage sludge (Burgenland, Carinthia, Lower Austria, Upper Austria, Styria, Vorarlberg)
BE (F)	Use of sewage sludge requires a permit issued by OVAM (Public Flemish Waste product group). Farmers must keep copies of all permits. Rules for land use after sewage application.
BE (W)	Sludge must be covered by a valid certificate of use and the farmer must have a purchase order and producer number. Restrictions on the use of sludge must be complied with. The farmer must update his registers which contain the bulletins of soil analyses and the compartmental summary sheets that he fills out after each spreading and that has been signed by an agricultural engineer
DE	Controls on application of sewage sludge depending on pH, heavy metal concentrations, location, etc. Rules for storage of manures. Obligation to test sewage sludge and soil for nutrients and pH. Restriction on levels of phosphates in sewage sludge. Restrictions on amounts that can be applied.
DK	Rules on use of waste for agricultural purposes. Waste used for agricultural purposes must appear in the manure planning/accounts. Rules on distribution of waste for agricultural purposes. Restrictions on spreading of animal waste. Hygienic restrictions on use of animal waste.
EL	Farmers must have a permit for use of sewage sludge; conditions governing use are contained within the permit
ES	There can be no use of sewage sludge without the corresponding documents from the treatment plant.
FI	Farmers who spread treated sewage sludge on their land must ensure that it meets all requirements concerning: processing treatment, hygiene, analysis for pH and heavy metal concentrations. Records of use must be kept. Restrictions on the use of sludge must be complied with. In Finland the limit values for heavy mental concentrations in soil are more stringent than those laid down in Annex IA of the Directive.
FR	Existence of a contract between the farmer and the producer of sludge mentioning the condition of use and the conformity with local and national regulations
IE	Rules for application sewage sludge. Farmers must follow relevant national legislation. Farmers must have a Nutrient Management Plan and sludge be used in accordance with it. Soils must be tested.
IT	Rules for producers and users of sewage sludge. Rules for application of sewage sludge and conditions of use.
LU	Limits for heavy metal concentrations. Rules for application of sewage sludge including per hectare limits, by crop type and obligation to test soils for nutrients and pH.
MT	Farmers must comply with regulations for use of sewage sludge. Records must be kept of amounts, application dates, areas and supplier.
NL	Prohibitions on the use of sewage sludge. Obligation to sample sewage sludge and soils and adjust applications accordingly. Obligation to spread sewage sludge evenly.
PT	Rules for use and application of sewage sludge. Farmers must have a licence for use and an application map. Obligatory standards at farm level. Soil analysis is required.
SE	Sewage sludge must be treated. Limits for heavy metal concentrations and other toxic compounds. Rules on application of sewage sludge. Soils must be tested. Limits for phosphate applications in sewage. Farmers must be authorised to spread sewage sludge.
SI	Mud, silt or compost can only be applied in accordance with corresponding legislation on the basis of an issued permission. Holdings must follow decree on the application of hazardous substances and plant nutrients to soil. Soil analysis is required.

Summary of farmers' obligations for SMR 3 (continued) – Sewage Sludge Directive

Country	Summary of farmers' obligations
UK	<p><i>England:</i> Sewage sludge must be tested and limits for certain elements must not be exceeded. Rules for application of sewage sludge must not be exceeded. Soils must be tested and applications adjusted according to crop needs. <i>N Ireland:</i> Farmers must keep records of sewage applications. Sewage sludge and soil must be tested. Rules for sewage sludge application related to crops. Applications must take into account crop requirements. Heavy metals and other elements must be within specified limits. <i>Scotland:</i> Farmers must comply with Sludge (Use in Agriculture) Regulations 1989. Sludge and soils should be tested (usually by sludge supplier). In NVZs farmers must record sludge use in fertiliser and manure plan and observe closed periods. <i>Wales:</i> Sewage sludge requirements laid down in guidelines for Safe Sludge Matrix. Rules for application of sewage sludge. Producers of sludge are responsible for keeping to legal requirements for contaminants.</p>

Summary of farmers' obligations for SMR 4 – Nitrates Directive

Country	Summary of farmers' obligations
AT	Closed periods for nitrate applications. Maximum limits for application of fertilisers and livestock manures. Rules for applying fertilisers on slopes, waterlogged soils etc. Fertiliser application not allowed within specified distances for watercourses. Applications above these limits have to be justified in writing. Rules for temporary and longer term storage of manures. Rules for incorporation of liquid manures and sewage sludge on bare ground.
BE (F)	Closed period for manure and fertiliser applications. Special rules apply in vulnerable areas. Rules for storage of manures. Rules on application of manures including measure to protect watercourses. Manure balancing sheets must be kept up-to-date.
BE (W)	Closed periods for nitrate applications. Requirements re storage capacity. Rules on application of manures and fertilisers. Manure balancing sheets must be kept up to date.
DE	Requirements for storage and handling of manures. Restrictions on application of manures. Closed period for fertiliser application. Maximum limits for nitrate applications. Restrictions on spreading fertilisers or manures in adverse conditions on slopes or near watercourses. Obligation to avoid runoff into groundwater. N content of soils must be calculated and an annual N-balance must be produced.
DK	Closed periods for manure spreading. Rules on storage of solid manures and compost. Rules for storage of liquid manure, silage and wastewater. Rules on maximum storage capacity of manure and storage conditions. Farms must complete a 'manure account' each year and send copy to Ministry. Rules for trading of manure and maintaining balance between nitrogen supply and demand. Limits for manure spreading. Periods for manure spreading. Restrictions on where and how manure is spread. Rules on organisation of livestock housing. Methods for spreading manure on non-cultivated land. Rules for plant cover.
EL	In NVZs (established by JMDs) obligations to: take account of crop requirements; meet storage requirements; limits on N applications; avoid N application close to watercourses; or restrict applications on slopes.
ES	Farmers must comply with rules defined in regional legislation for each NVZ. Rules for storage and application of manures. Maximum N limits. Farmers must keep records.
FI	Rules for manure storage include general requirement for 12 months storage and location sited so as to minimise potential groundwater contamination. Closed periods for manure spreading. Nitrogen application should take into account crop requirements. Specific limits on nitrogen application for certain crops. Restrictions on applications of manures. Surface application of manures prohibited on slopes greater than 10 per cent. No application of Nitrogen fertilisers on frozen, waterlogged ground or within 5 m of a watercourse. Farmers must keep records on the application of fertilisers and crop yield; an analysis of the manure must be done at least every five years. Manures stacks must be approved.
FR	Closed periods in Vulnerable Zones (VZs) defined at departmental level. Limit on organic nitrogen applications. Rules for storage facilities. In VZs restrictions on spreading distance of manures near surface water defined at departmental level. Requirement for a spreading map. In areas with high nitrate pollution special obligations apply. In VZs requirement for fertiliser plan and register of fertiliser applications.
IE	Closed periods for fertiliser and manure application according to county. Nitrogen limits. Restrictions on application due to climate, geography, proximity to watercourses, etc. Rules on storage of manures and minimum levels of vegetation cover. Requirement to keep records.
IT	Regional Acts and management plans for Nitrate Vulnerable Zones. Some GAEC farmers' obligation also relevant. Rules for storage of manures. Nitrogen application limits.
LU	Nitrogen application must not exceed crop requirements. Limits for organic and mineral fertiliser application. Surplus manure must be spread on other farms. Closed periods for manure applications. Restrictions on application of organic and mineral fertilisers according to land type, slope, or due to adverse weather conditions. Rules for manure storage and applications near watercourses. Overgrazing to be avoided.

Summary of farmers' obligations for SMR 4 (continued) – Nitrates Directive

Country	Summary of farmers' obligations
MT	Farmers must comply with measures specified in the Code of Good Agricultural Practice. Farmers must comply with the Action Programme Measures including: closed periods, steeply sloping fields, water saturated fields, watercourse, storage and storage capacity of livestock manure and other effluents, application rate and uniformity of spreading, record keeping, crop requirement limitations, farm based limit for manure.
NL	Closed periods for fertiliser and manure applications. Application limits. Rules for applying manures and fertilisers. Requirements for storage capacity.
PT	Rules for storage of manures. Closed periods for application of manures or fertilisers. Rules for application of manures. Measures to prevent pollution by run-off. Reference to Good Farming Practices Code.
SE	Closed period for fertilisers. Rules for storage of manure. In established Sensitive Areas nitrogen application must not exceed crop requirements. Restrictions on fertiliser applications. Rules on crop cover and fallow fields. In sensitive areas livestock densities exist.
SI	Closed period for manure applications. Rules for storage of manures. Limits on livestock N applications. Rules for applying fertilisers on slopes and in adverse conditions. Additional measures in water protection zones. Requirement for annual plan for livestock manure disposal.
UK	<i>England:</i> On land located with an NVZ, farmers must comply with NVZ Action Programme Measures. Closed periods. Rules for manure and slurry storage. N application limits. Restrictions on fertiliser and manure applications near watercourses and on slopes, waterlogged, frozen ground etc. Applications must take crop requirements into account. Farmers must keep records of livestock numbers, manure and fertiliser applications etc. <i>N Ireland:</i> All of Northern Ireland is designated as an NVZ. Farmers must follow NVZ action programmes. Closed periods. Rules for manure storage. N limits apply. Rules for application of fertilisers and manures. Farm records must be kept. <i>Scotland:</i> Farmers within NVZs must follow guidelines. Closed periods for nitrogen applications. Rules for storage of manures. Rules for application of nitrogen (fertilisers and manures). N limits. No N applications to steep slopes in adverse weather conditions. Farms records. <i>Wales:</i> Farmers in NVZs (3% of Wales) must follow the Action Programme. Rules for slurry storage. N applications limited to crop requirement. Limit on organic manure N. Record keeping.

Summary of farmers' obligations for SMR 5 – Habitats Directive

Country	Summary of farmers' obligations
AT	No national farmers' obligation. Obligations implemented at a regional level by nature conservation laws. Constraints on agricultural activities for Natura 2000 sites according to site objectives plus constraints outside Natura 2000 sites e.g. no damage or removal of landscape features.
BE (F)	List of protected species. Special management schemes exist in some areas. Changes to vegetation and small landscape elements are subject to special conditions (which are either forbidden or permitted only after prior authorisation).
BE (W)	Ban on destroying native trees and hedge alignments except town planning licenses. Prohibition of field drainage located in a Natura 2000 site without prior agreement of the DGRNE. Prohibition of modification of the relief of the soil by ground contribution or earthwork in a Natura 2000 site except town planning licenses. In meadow, prohibition of use of weed killers in a Natura 2000 site, without prior agreement of the DGRNE. Nettles are not concerned, the protection of the electric fences and the uses located for the fight against the thistles and rumex. Ban on ploughing the meadows in a Natura 2000 site prior without the authorization of the DGRNE. Respect of the assignments listed in the sector plan, in particular the forest belt.
DE	Natura 2000 sites designated by each Land and conservation measures then specified. Certain Plant species are strictly protected. Restrictions of prohibitions on capture and killing of certain animal species. Non-authorized introduction of non-native species is prohibited.
DK	Detailed rules for the protection of Natura 2000 areas by type (dunes, nature type, beaches, Tonder marshes ('Toendermarsken), forests, natural lakes and watercourses). Rules for use of traps.
EL	Obligation to avoid destruction of natural vegetation within agricultural areas. Within Natura 2000 zones, farmers must comply with management requirements.
ES	Protected areas designated at regional level. Farmers must avoid deterioration of habitats and ask regional authorities before undertaking work likely to cause damage in these areas. Rules for protected plant species. No non-selective killing of mammals and fish. No introduction of non-native species.
FI	Farmers must follow management plans for protected sites based on the Nature Conservation Act. Farmers having NATURA 2000 areas have detailed special provisions based on this framework. The picking, collecting, cutting, uprooting and destruction of protected plant species their seeds and protected fungi are prohibited. Plant species referred to in Annex IV b of the Habitats Directive must not be taken, removed or sold. Farmers must comply with the Hunting Act. Special provisions for the introduction of non-native species into the wild.
FR	Destructive practices defined in departmental notices. In Natura 2000 areas authorisation is required before undertaking work likely to impact on the habitat. To be eligible for AES farmers must not have been fined for destruction of plant or animal species or their habitats or for introducing non-native species.
IE	Obligation to observe management requirements on protected areas or in commonages. Farmers must comply with notification measures when protected plant species occur.
IT	Farmers must comply with regional acts and management plans for protected areas. Some GAEC farmers' obligation also relevant (as in SMR 1). Structural interventions require public authorisation based on EIA.
LU	Natural habitats and landscape features to be protected. Management restrictions apply. Certain plant species are protected. Protected animal species must not be disturbed. Prohibition of introduction of non-native species.
MT	Farmers must: not damage a Natura 2000 site and have consent from MEPA for certain development; comply with management agreements/plans/considerations and not undertake activities counter to protection regime set by Development Planning Act, 1992; not destroy, damage, pick, cut or uproot protected plant species without a permit from MEPA; not use prohibited means of killing or taking wild species; comply with measures designed to regulate the introduction of non-native species.

Summary of farmers' obligations for SMR 5 (continued) – Habitats Directive

Country	Summary of farmers' obligations
NL	Protection rules apply for certain plant and animal species. Prohibition of deliberate introduction into wild of non-native animals and plants.
PT	Statutory measures under management plans. Rules for protected plant species. Rules for killing and capture of wild fauna. Prohibition of introduction of non-native species.
SE	Rules for management of pasture and traditional meadows. Rules for protected plant species.
SI	Management requirements for protected areas. Requirement to maintain balance of habitats. Rules for protected bird species. Law on Wildlife and Hunting.
UK	<i>England:</i> In protected areas farmers must comply with requirements. Protected plant species requirements must be respected on all holdings. No indiscriminate means of killing an animal. Releasing non-native species is prohibited. <i>N Ireland:</i> In protected areas farmers must avoid damaging the habitats and follow management measures. Rules for protected plant and animal species. Farmers must not use prohibited hunting methods or release non-native species. <i>Scotland:</i> Within protected areas farmers must avoid causing damage and meet terms of management agreements and other conditions. Rules for protected plant and animal species. Prohibition on release of non-native species. <i>Wales:</i> Farmers must not carry out activities likely to damage protected areas. Farmers must comply with management agreements. Rules for protection of plants and animals.

Summary of farmers' obligations for SMRs 6, 7, 8, 8a – Identification and registration of animals

Country	Summary of farmers' obligations
AT	Pig and sheep keepers must be registered and keep up-to-date registers concerning farm animals. Rules for marking sheep and pigs. Bovine farmers must keep up to date register on livestock. Rules on eartags for cattle. Farmers must inform central database of any changes to bovine livestock (births, deaths etc.) with 7 days. Bovine register must be kept in form determined by competent authority for at least 4 years.
BE (F)	Obligation to keep records of all farm animals which include a farm register. Cattle passports. Rules for livestock identification including ear tags.
BE (W)	Obligation to keep records of all farm animals which include a farm register. Rules for livestock identification including ear tags. Cattle passports. All animals registered in Sanitel (official central database for cattle, pigs, sheep, goats and deer. Newly purchased animals to be inspected by a vet within 3 days.
DE	All livestock farmers must be registered and keep an up-to-date register of all animals, movements etc. Obligations for identification of all livestock. Cattle must have passports. Central database must be informed of animal movements, births, deaths etc.
DK	Any livestock herd with cattle, pigs, sheep or goats shall register with the CHR (Central Livestock Registration unit). The following information about the herd should be registered in CHR: 1. Name and phone number of user. 2. Name, address and phone number of the herd owner. 3. Address where the herd is situated. 4. Animal species. Farmers with sheep and goat herds should keep updated records for at least 5 years. Animal movements should be reported within 7 days. Denmark is exempted from using cattle passports as Denmark has a very effective working central livestock registration unit (CHR). Cattle, sheep and goats must wear eartags in both ears, marked with 'DK'. Further separate rules for tagging cattle, goats and sheep are in place
EL	Obligation to comply with national legislation. Livestock farmers must register with veterinary authorities, inform the authorities of any changes on their holding and meeting animal registration and identification requirements.
ES	Farmers must keep a register of all farm animals and provide it to authorities on request. Farmers must follow rules for identification of livestock.
FI	Farmers must register as a keeper of animals (local rural authority), sign the animals, keep a record stating the number of animals present on the holding (basic data, purchase, removals and transfers) and supply the regular information on their numbers (dairy and beef cattle, pigs, sheep and goats). Rules for identification marks to animals. Rules for cattle passports. For cattle the information on the farm register must be provided within three days of the changes (birth etc.) and the information to the national database must be provided within seven days. Eartags for cattle must be attached at the age of 20 days at the latest.
FR	Requirement for up-to-date register. Requirement for cattle passport. Rules for identification of cattle including eartags.
IE	Obligation to register livestock with Department of Agriculture and Food. Must keep up-to-date register including movements, births deaths etc. Cattle passports. Rules for identification of animals including eartags.
IT	Obligation to keep register of all livestock on holding including details of animal movements, births, deaths, etc. Obligation to follow rules on animal identification including eartags. Cattle passports.
LU	Obligation to maintain register of farm animals including details of movements, births and deaths. Rules for identification of animals including eartags.
MT	No information for requirements re pigs, sheep and goats. Cattle must carry appropriate eartags, the farmer keep an up-to-date Herd Register and farm records and animals must be registered in the livestock database.
NL	Obligation for farmers to obtain a Unique farm Number and maintain up-to-date register of animal movements, births, deaths, etc. Rules for identification of animals including eartags. Export rules.
PT	Obligation to keep register of animals on holding including details of movements, births and deaths. Rules for identification of animals including eartags. Cattle passports.

**Summary of farmers' obligations for SMRs 6, 7, 8, 8a (continued) –
 Identification and registration of animals**

Country	Summary of farmers' obligations
SE	Farmers must maintain a register of all farm animals with the Swedish Board of Agriculture. Rules for identification of animals.
SI	Farmers must supply information to central livestock register, keep on farm registers, identify livestock with eartags and ensure cattle passports are in place.
UK	<i>England:</i> Up-to-date records must be kept for all livestock including movements, deaths and births. Cattle passports. Rules for animal identification including eartags. <i>N Ireland:</i> Livestock owners should be registered and keep a farm register of all animal movement, births, deaths etc. Cattle passports. Farmers must comply with all livestock identification rules. <i>Scotland:</i> Farmers must comply with domestic legislation on keeper registration, registration of animals, ear tag identification, record keeping and recording of animal movements. <i>Wales:</i> farmers must comply with rules for registration of animals, farm register and record keeping, and movement documents and rules for animal identification including ear tags.

Summary of farmers' obligations for SMR 9 – Plant protection products

Country	Summary of farmers' obligations
AT	Plant protection products must be authorised by the plant protection law (1997). Rules set out restrictions on application, preparation of products, protective clothing to be used and storage facilities.
BE (F)	Plant protection products must be authorised. Obligation to keeping spraying equipment in good order.
BE (W)	Farmers must not buy, store or use unauthorized plant protection products. Spraying machines should be checked once every three years and the operator have a valid certificate when spraying.
DE	Plant protection products must be authorised and used for their intended purpose according to their instructions.
DK	Only approved plant protection products can be used and possessed. Plant protection products should be used on crops for which their use is permitted. Plant protection products should be used in the recommended dosages.
EL	The farmer should be aware of the terms and conditions concerning the use of plant protection substances
ES	Farmers must use products correctly according to regional authority control programmes.
FI	Plant protection products must be authorised. Plant products should be used properly as specified on the instructions.
FR	Only authorised plant protection products may be used. Use must comply with national rules.
IE	Plant protection and biocidal products must be authorised. Farmers must follow advice on storage, handling and use of plant protection products.
IT	Only authorised plant protection products must be used. Farmers must fulfil a 'Register of treatments' with data on each pesticide application. Plant protection products must be used and stored according to labelling.
LU	Plant protection products must be authorised and stored safely (under lock and key). Use of PPPs must follow good practice guidelines and farmers must dispose of packaging and washings safely.
MT	Plant protection products must be authorised and stored and used appropriately.
NL	Plant production products must be authorised and used for intended purpose. Farmers must keep a log of plant protection product use.
PT	Plant protection products must be authorised and used properly.
SE	Plant protection products must be approved by the Swedish Chemicals Inspectorate. PPPs must be used according to instructions. No aerial spraying.
SI	Plant protection products must be authorised. These should be used in accordance with instructions on labels based on principles of good agricultural practice.
UK	<i>England:</i> Plant protection products must be authorised and used in accordance with instructions and principles of good plant protection practice. <i>N Ireland:</i> All plant protection products must be authorised and used in accordance with the principles of good plant protection practice. Rules for storage of pesticides on farms. <i>Scotland:</i> Farmers must only use authorised plant protection products. Such products should be used in their intended manner according to instructions. Record keeping requirements for pesticides. <i>Wales:</i> Plant protection products must be authorised, used for their intended purpose, and stored in a safe place. Requirement for records of pesticide applications.

Summary of farmers' obligations for SMR 10 – Prohibition of use of certain substances in stockfarming

Country	Summary of farmers' obligations
AT	Restrictions on the use of hormones. Obligation to keep records of medical treatment of animals. Medical drugs must be authorised by a veterinarian and must be stored safely away from food. When animals are treated with medical drugs, specified waiting periods must be observed before slaughtering or consumption animal products e.g. dairy products.
BE (F)	Medicinal substances with a hormonal or thyrostatic action or containing beta-agonists may be authorised only in certain circumstances. Prohibition from keeping/placing on the market farm animals treated with certain substances unless under official monitoring.
BE (W)	Only for the purpose of certain zootechnical treatments or therapeutical treatments administering veterinary medicinal products with a hormonal or thyrostatic action or containing Beta-agonists may be authorized. Prohibition of keeping and/or placing on the market of farm animals, processed products or meat derived from such animals to which by any means whatsoever substances with thyrostatic, oestrogenic, androgenic or gestagenic action or Beta-agonists have been administered. Except under official monitoring by the competent authority.
DE	Prohibition on use of certain substances. Farmers must comply with spot tests. Certain pharmaceutical products may only be applied in specific circumstances when authorised by a veterinarian. Obligation to keep records. Waiting periods after application of pharmaceutical products must be observed.
DK	The use of thyrostatica, male and female sex hormones and beta-agonists on farm animals is prohibited. When animals are treated with medical drugs, specified waiting periods must be observed before the animals can be sold or transferred. Livestock which have been given prohibited medicines should be under public inspection and cannot be sold or transferred. Meat or products from livestock which have been given prohibited medicine cannot be sold or processed for consumption.
EL	Requirements not known
ES	Not covered by the farmers' Conditionality Guide 2006, although national legislation is in force.
FI	Restrictions and prohibitions are in place on the use of certain substances. A farmer must keep books about the medication applied and follow the safety instructions provided by the veterinarian.
FR	Use of certain substances is prohibited or strictly controlled.
IE	Farmers must comply with the EU hormone ban. Farmers must comply with withdrawal periods after using authorised hormonal substances.
IT	Holdings must respect the requirements provided by the Legislative Decree 4 August 1999, no. 336 which forbids the use, storage and trade of certain substances listed in the decree.
LU	Prohibition or restriction of use of certain products. Trade restrictions when certain authorised products used. Waiting time must be observed. Rules for applying and administering certain products.
MT	Requirements not known
NL	All medicinal products must be authorised. Prohibition of administering certain products. No animals or food products may be placed on the market if certain products have been administered.
PT	Requirements not known
SE	It is forbidden to give hormones and some other medicals to food producing animals except when authorised by a veterinarian.
SI	Regulations on prohibition of use of certain hormonal substances and beta agonists.

Summary of farmers' obligations for SMR 10 (continued) – Prohibition of use of certain substances in stockfarming

Country	Summary of farmers' obligations
UK	<i>England:</i> Restrictions on certain hormonal substances and beta-agonists. Medicinal products must be authorised and records kept. Withdrawal periods must be observed after use of products. <i>N Ireland:</i> Restrictions on the use of certain substances. Farmers must only use authorised products according to instructions, observing withdrawal periods and other measures. <i>Scotland:</i> Prohibitions and restrictions of the use or storage of certain substances. Must use only medicines authorised by a veterinarian. Record keeping. <i>Wales:</i> Rules for use or prohibition of certain products. Medicinal products must be authorised by a veterinarian and used in the appropriate manner. Record keeping. Obligation to follow withdrawal period after application of medicines.

Summary of farmers' obligations for SMR 11 – Food and feed law

Country	Summary of farmers' obligations
AT	Equipment for production, storage and transport of food and feed products must be adequately clean before use. Dangerous substances (medical drugs, vermin, feed etc.) must be kept away from food and feed. The traceability of food and feed must be ensured and requires documentation and records. If food or feed is thought to be unsafe then it must be withdrawn from the market and all relevant suppliers or buyers as well as competent authorities must be informed.
BE (F)	Requirement for record keeping of incoming and outgoing products on farm. Use of plant protection products and medicinal products must be recorded.
BE (W)	Each farmer has to keep a record of all incoming and outgoing products on the holding. Incoming products are breeding material (sperm, ova), plant protection products, biocides, fertilizers, feed and fodder, veterinary medicinal products and animals. Outgoing products are breeding material and all plant and animal products and animals. Also the use of plant protection products and medicinal products must be recorded. No specific measures are taken on the recording of these data. Minimal data the farmer is obliged to present when asked: 1) record of type and identification of the product; 2) quantity of the product; 3) date of delivery or arrival; 4) name of recipient or supplier. On farm sold products need not to be recorded.
DE	General hygiene requirements. Special requirements for dairy farmers. Food and feed must be safe. If unsafe it must be removed from market and authorities notified. Farmers must keep record to suppliers and buyers.
DK	Feed must not exceed the safe limit values of the following chemicals: arsenic, lead, flour, mercury, cadmium, aflatoxin B1 and antibiotics. If the farmer thinks that the feed does not keep the limit values, he should stop using the feed, inform the competent authorities (the Danish Plant Directorate) and recall any sold feed. If a farmer suspects that the animal feed contains animal protein, they should immediately stop using it and inform the relevant authorities (the Danish Plant Directorate) and recall any resold feed.
EL	Farmer to obey to all safety rules concerning food, feedstuffs and avoid selling products that may be dangerous or inappropriate for consumption. For complying with traceability requirements farmers should keep an input-output registry that should be accompanied with receipts of purchase and sale and the labels of all substances used. If GMO feedstuff is used a 5 year register should be kept and the name and unique identifier should be recorded. Drug feedstuffs must be kept separate from conventional feedstuffs.
ES	Not covered by the farmers' Conditionality Guide 2006, although national legislation is in force.
FI	Food and feed shall not be used or put on the market if thought to be unsafe. A farmer must keep records of all feed purchases and sales. Farmers should withdraw all food or feed products from the market if it is thought not to meet food safety requirements. : <i>Dairy farms</i> : (1) There must be a separate facility for the cooling and storage of milk (milk room), which is not in direct contact to the facility where animals are kept or other facility from which any dirt could be transported to the milk room, (2) Milk room should only be used for the handling of milk and equipment and supplies used in handling milk, (3) The quality of the water used in milking and cleaning the equipment and instruments must be analysed, (4) The farm must have at least one year's records of milk separated by the automatic milking equipment; <i>Salmonella control</i> : (5) The samples needed for salmonella control must have been taken (the programme has been implemented since 1995).
FR	Farm register must list medical treatments, animal feeds etc. Traceability requirement in poultry sector. Obligation to follow disease prevention and sanitary requirements. Extra hygiene requirements for dairy and slaughterhouses. Obligation to mark eggs.
IE	Farmers must ensure that relevant food and feed safety requirements of food law are met at all stages within the business. Obligation to maintain traceability systems and withdraw/recall food thought to be unsafe as well as notifying the competent authorities.

Summary of farmers' obligations for SMR 11 (continued) – Food and feed law

Country	Summary of farmers' obligations
IT	The farmer must respect the rules concerning the traceability of milk production. A specific "Farm Handbook for the traceability of milk production" and other documents must be available in the farm.
LU	Requirements not clear
MT	Requirements not known
NL	All food and feed products used or sold must be safe. Obligation for traceability of every stage of production, etc.
PT	Requirements not known
SE	Farmers must ensure all food and feed products bought or sold are safe. Rules for use of substances. Farmers must keep records for traceability. Farmers must notify authorities when they suspect that food or feed does not comply with food safety requirements.
SI	Law on veterinary farmers' obligation. Regulation on drinking water. Law on feedstuffs and hygiene regulations.
UK	<i>England:</i> All food and feed must be safe. Rules for handling waste and hazardous substances must be observed. Traceability systems must be in place. Food or feed that is suspected not to meet food safety requirements must be withdrawn/recalled and the authorities notified. Other measures must then be followed. <i>N Ireland:</i> Farmers must not place food or feed on the market if it is unsafe. Adequate records must be kept for traceability. Obligation to inform authorities in case of suspicion that food or feed is unsafe and then to withdraw/recall it. More specific requirements for some sectors e.g. dairy. <i>Scotland:</i> Farmers must not place food or feed on the market if it is unsafe. Obligation to inform authorities if a food or feed is thought to be injurious to human health. Food or feed must be recalled by notifying buyers and sellers. Requirement to maintain traceability system in place through record keeping. <i>Wales:</i> Farmers must not place unsafe food or feed on the market. Records of supplier and supplies for traceability reasons. Obligation to withdraw food or feed if it is not in compliance with safety requirements.

Summary of farmers' obligations for SMR 12 – Prevention and control of TSEs

Country	Summary of farmers' obligations
AT	Feeding of meat and bone meal is prohibited. Fishmeal may be fed under certain conditions. Farmers must report any suspicion of a TSE ASAP. Rules for exporting and importing animals to and from other Member States and third countries. Official animal health certificates are required.
BE (F)	Prohibition of feeding animal protein products to ruminants.
BE (W)	The feeding to ruminants of protein derived from animals is prohibited. Any animal suspected of being infected by a TSE is notified immediately to the veterinarian bound to the holding. This veterinarian notifies the competent authority i.e. The Federal Agency for Safety of the Food Chain (FAVV).
DE	Restrictions or prohibition on use of animal protein. Obligation to report suspected TSE and follow official instructions from competent authority. Rules for import/export of livestock.
DK	It is forbidden to feed animals for production with fodder containing animal protein from land animals. It is forbidden to feed ruminants with fodder containing fishmeal. It is forbidden to feed ruminants with fodder having a printed warning that it might contain fishmeal. Farmers should call a veterinarian if they suspect BSE in their herd and if certain specified symptoms are observed. Sheep and goats and ruminants put under public inspection due to the suspicion of a TSE are only allowed to be moved if they are moved to slaughter or to a category 1 processing plant as directed by the Regional Veterinary and Food Administration. Fodder and other material potentially infected by BSE cannot be moved from holdings with herds under public inspection. Severe restrictions apply when sheep and goats are imported from Member States which have had scrapie within the last 3 years.
EL	Farmers wishing to use animal proteins of annex IV of Regulation 999/2001 for producing composite feedstuff should apply for permit to the prefectural services of Rural Development. Farmers must tell relevant vet services of any suspected animal for BSE. Isolate the animal and restrict the rest so they do not come in touch with animals outside the farm up to the point when laboratory results are provided. If BSE is detected the farmer should provide all information to the relevant authorities (articles 11 and 12 of 999/2001. Farmers should not buy or sell products coming from first generation BSE infected or suspected for infection animals. In the case of purchase or sale of animals these should be followed by appropriate hygienic and vet certificates according to the national and community legislation. The farmer is obliged to keep a record of all these papers.
ES	Not covered by the farmers' Conditionality Guide 2006, although national legislation is in force.
FI	A special control programme for these rare diseases (in Finland) is not established and, therefore, no specific farmers' obligations are defined because no specific control programme for these diseases is envisaged.
FR	Prohibitions on use of animal protein as feed. Obligation to notify authorities of a suspected TSE infection and to provided all requested documents if the infection is confirmed.
IE	Restrictions on use of animal protein. Farmers must notify Departure of Agriculture and Food of suspected TSE cases and fully comply with movement restrictions or other notices.
IT	Farmers must comply with specified obligations
LU	Restrictions or prohibition on feeding of animal protein products. Farmers must notify competent authority if a TSE is suspected and then follow subsequent orders. When a TSE is confirmed certain measures must be taken.
MT	Requirements not known

Summary of farmers' obligations for SMR 12 (continued) – Prevention and control of TSEs

Country	Summary of farmers' obligations
NL	Prohibitions on feeding mammal protein products to ruminants. Obligation to inform competent authority of suspected case of BSE.
PT	Requirements not known
SE	Rules for feeding farm animals with animal protein products. Obligation to report any suspected case of TSEs and comply with subsequent measures. Rules for importing goats and sheep.
SI	Regulations on prevention measures for TSEs. Regulation on sanitary adequacy of feed, feed mixtures and additives.
UK	<i>England:</i> Restrictions on use of products containing animal proteins. Obligation to notify Divisional Veterinary Manager of animals suspected of having a TSE and then comply with any further measures. <i>N Ireland:</i> Restrictions on use of products containing animal proteins. Farmers must notify the Divisional Veterinary Officer of any animal suspected of a TSE and comply with subsequent measures. <i>Scotland:</i> Rules on use of products containing animal protein. Obligation to inform Divisional Veterinary manager if an animal is suspected of having a TSE. Obligation to follow subsequent measures. <i>Wales:</i> Prohibition on feeding animal protein to ruminants. Obligation to notify authorities if an animal is suspected of a TSE infection. Farmers must obey subsequent movement restrictions. Cattle over 24 months and sheep over 18 months for consumption to be tested at post mortem.

Summary of farmers' obligations for SMR 13 –Control of foot and mouth disease

Country	Summary of farmers' obligations
AT	Farmers have to report any suspected breakout of foot and mouth as fast as possible.
BE (F)	Farmers must notify a veterinarian if an animal is suspected of having a TSE.
BE (W)	Obligation to notify without delay the veterinarian bound to the holding of any knowledge of the presence or suspected presence of foot-and-mouth disease in bovine animals
DE	Obligation to notify authorities of suspected case of foot and mouth disease.
DK	In areas where foot and mouth disease is suspected, farmers should immediately call a veterinarian if certain specified symptoms can be identified.
EL	The farmer-owner or any person taking care of animals is obliged to announce to the relevant vet authorities the existence or suspicion of foot and mouth, and a range of other diseases. The suspected animal should be kept separately, all other animals restricted and not coming in touch with other animals outside the farm. Farmers must comply with decisions, measures and indications of relevant vet authorities.
ES	Not covered by the farmers' Conditionality Guide 2006, although national legislation is in force.
FI	A special control programme for these rare diseases (in Finland) is not established and, therefore, no specific farmers' obligations are defined because no specific control programme for these diseases is envisaged.
FR	Obligation to notify the competent authorities of any suspected outbreaks of foot and mouth disease.
IE	Farmers must notify authorities of suspected cases of foot and mouth.
IT	Any keeper of animals must immediately notify the competent authority about the suspected presence of the relevant disease.
LU	Obligation to inform competent authority if foot and mouth disease is suspected.
MT	Requirements not known
NL	Obligation to notify competent authority of suspected cases of foot and mouth.
PT	Requirements not known
SE	Obligation to report any suspected case of foot and mouth disease and comply with subsequent measures.
SI	Suspected case of foot and mouth disease must be reported and the infected animals isolated.
UK	<i>England:</i> Obligation to notify Divisional Veterinary Manager of animals suspected of having foot and mouth disease. Animals suspected of infection must be isolated. <i>N Ireland:</i> Farmers must notify the Divisional Veterinary Officer of any animal suspected of foot and mouth disease. <i>Scotland:</i> Obligation to inform Divisional Veterinary manager if an animal is suspected of having foot and mouth disease. Animals suspected of infection must be isolated. <i>Wales:</i> Obligation to report cases of Foot and Mouth immediately to State Veterinary Service. Prohibition on feeding waste food to animals. Farmers must observe 6 day standstill rule for cattle and sheep and 21 days for pigs. Farmers must obey all movement restrictions and other rules in place.

Summary of farmers' obligations for SMR 14 – Control of certain animal diseases

Country	Summary of farmers' obligations
AT	Farmers have to report any suspected infection of certain diseases to a veterinarian, the mayor of the municipality or the police as fast as possible. In case of an outbreak of such a disease, the support of the farmer or the person ordered to supervise the animals is compulsory.
BE (F)	Farmers must notify a veterinarian if an animal is suspected of having certain diseases.
BE (W)	Obligation to notify without delay the veterinarian bound to the holding of any knowledge of a presence or suspected presence of an outbreak of one of the following diseases: cattle plague, plague in small ruminants, swine vesicular disease, epizootic haemorrhagic disease of deer, smallpox in sheep and goat (Capripox), vesicular stomatitis, Teschen disease, Dermatitis nodularis, Rift Valley fever.
DE	Obligation to notify authorities of suspected case of certain diseases.
DK	In areas where swine fever is suspected, farmers should immediately call a veterinarian if certain specified symptoms can be identified.
EL	The farmer-owner or any person taking care of animals is obliged to announce to the relevant vet authorities the existence or suspicion of foot and mouth, and a range of other diseases. The suspected animal should be kept separately, all other animals restricted and not coming in touch with other animals outside the farm. Farmers must comply with decisions, measures and indications of relevant vet authorities.
ES	Not covered by the farmers' Conditionality Guide 2006, although national legislation is in force.
FI	A special control programme for these rare diseases (in Finland) is not established and, therefore, no specific farmers' obligations are defined because no specific control programme for these diseases is envisaged.
FR	Obligation to notify the competent authorities of any suspected outbreaks of certain disease.
IE	Farmers must notify authorities of suspected cases of notifiable diseases.
IT	Any keeper of animals must immediately notify the competent authority about the suspected presence of the relevant disease.
LU	Obligation to inform competent authority if certain diseases are suspected.
MT	Requirements not known
NL	Obligation to notify competent authority of suspected cases of swine fever.
PT	Requirements not known
SE	Obligation to report any suspected case of certain animal diseases and comply with subsequent measures.
SI	Suspected cases of Swine fever must be reported to the national veterinary authority.
UK	<i>England:</i> Obligation to notify Divisional Veterinary Manager of animals suspected of having certain animal diseases. <i>N Ireland:</i> Farmers must notify the Divisional Veterinary Officer of any animal suspected of infection with certain diseases. <i>Scotland:</i> Obligation to inform Divisional Veterinary manager if an animal is suspected of having certain animal diseases. <i>Wales:</i> Obligation to report cases of Swine fever immediately to State Veterinary Service.

Summary of farmers' obligations for SMR 15 –Control of Bluetongue

Country	Summary of farmers' obligations
AT	Farmers have to report any suspected breakout of the bluetongue virus as fast as possible.
BE (F)	Farmers must notify a veterinarian if an animal is suspected of having bluetongue.
BE (W)	Obligation to notify without delay the veterinarian bound to the holding of any knowledge of the presence or suspected presence of blue tongue
DE	Obligation to notify authorities of suspected case of bluetongue
DK	In areas where bluetongue is suspected, farmers should immediately call a veterinarian if certain specified symptoms can be identified.
EL	The farmer-owner or any person taking care of animals is obliged to announce to the relevant vet authorities the existence or suspicion of foot and mouth, and a range of other diseases. The suspected animal should be kept separately, all other animals restricted and not coming in touch with other animals outside the farm. Farmers must comply with decisions, measures and indications of relevant vet authorities.
ES	Not covered by the farmers' Conditionality Guide 2006, although national legislation is in force.
FI	A special control programme for these rare diseases (in Finland) is not established and, therefore, no specific farmers' obligations are defined because no specific control programme for these diseases is envisaged.
FR	Obligation to notify the competent authorities of any suspected outbreaks of bluetongue.
IE	Farmers must notify authorities of suspected cases of bluetongue.
IT	Any keeper of animals must immediately notify the competent authority about the suspected presence of the relevant disease.
LU	Obligation to inform competent authority if bluetongue is suspected.
MT	Requirements not known
NL	Obligation to notify competent authority of suspected cases of bluetongue.
PT	Requirements not known
SE	Obligation to report any suspected case of bluetongue and comply with subsequent measures.
SI	Suspected cases of bluetongue must be reported to the national veterinary authority.
UK	<i>England</i> : Obligation to notify Divisional Veterinary Manager of animals suspected of having bluetongue. <i>N Ireland</i> : Farmers must notify the Divisional Veterinary Officer of any animal suspected of infection with bluetongue. <i>Scotland</i> : Obligation to inform Divisional Veterinary manager if an animal is suspected of having bluetongue. <i>Wales</i> : Obligation to report cases of Bluetongue immediately to State Veterinary Service.

**ANNEX 2: SUMMARY OF SYSTEMS OF MANAGEMENT AND CONTROLS
FOR CROSS COMPLIANCE (EU-25)**

(AT) AUSTRIA
System of management
AMA (the PA) is responsible for overall co-ordination of controls. Since 2006 AMA controls all farmers' obligation related to the environment and identification and registration of animals. Control of the requirements connected to feed and food hygiene and to animal diseases is under the responsibility of the Federal Provinces, and is predominantly carried out by the veterinary administrations.
System of controls
<i>Selection of sample</i> Farms to be controlled for cross compliance are selected by the PA from the 5% IACS sample, thus these farms have already been pre-selected according to general risk factors. 20% of this sample is chosen for cross compliance controls (apart for animal identification, where a higher percentage is selected and inspected by the specialised control bodies). Farms not compliant in 2005 were deemed higher risk in 2006. In 2005, 7,002 farms were controlled by the PA and the Federal Provinces; 5.346% of the 130,973 farms received direct payments.
<i>Timing of controls</i> Controls are mainly carried out in the summer but livestock controls are carried out in the autumn as animals are often grazing away from the farm in the summer. Additional controls concerning pigs are carried out in autumn (as inspections during summer normally do not cover enough farms keeping pigs). Due to a higher control rate required, some farms are only inspected for the identification and registration of animals. The remaining farms (due to the higher control rate) to be inspected for identification and registration of cattle are inspected in winter and spring.
<i>No. of inspectors and time for controls</i> The number of inspectors can vary from just one to more, depending on the size of the farm. On-the-spot checks can take two days even for smaller farms.
<i>Notification of controls</i> Not known
<i>Nature of controls</i> The PA controls all farmers' obligation they are responsible for during one visit. The specialised controls bodies of the Federal Provinces control all farmers' obligation they are responsible for during one visit on the farms, although requirements connected to animal diseases are not controlled during systematic inspections, but become relevant only in the case of an outbreak. SMRs and GAEC are controlled according to checklists, which have been developed at national level (with some adaptations for different Federal Provinces).
<i>Reporting System</i> The inspector produces a control report and the farmer is informed of the findings. He receives detailed feedback about the detected non-compliance. A validation of the results happens centrally at the PA. Control reports on checks carried out by specialised authorities of the Federal Provinces in respect to further cross compliance requirements are also transmitted to the paying agency.

(BE- F) BELGIUM (FLANDERS)
System of management
The PA is responsible for co-ordination with the specialised control bodies. The modalities of the co-operation are fixed in protocols. These protocols describe the competences, agreements about decision making on farmers' obligation, the exchange of data and information, possible joint controls and the reporting of ad hoc non-compliances found by the specialised control bodies
System of controls
<p><i>Selection of sample</i></p> <p>The specialised control bodies select farms for on-the-spot checks according to their own risk assessment. This selection is communicated to the PA. Data sources for the sample of farms for inspection are the GBCS data source, Sanitel, information of the Manure bank (Mestbank) and the soil erosion map of Flanders. In 2005 the sample selection was based on risk analysis (83,9%) and 16,1% on random selection. Ten risk factors are considered; five factors focus on particular SMR obligations and five on GAEC obligations. All ten risk factors are given a different weight, varying from 3% to 14.7%. In 2005, 299 farmers were selected for inspection in Flanders. This is about 1.11% of the total population of farmers in 2005 who applied for direct payments. In parallel, 668 cattle farmers were inspected on identification and registration of cattle in the framework of the (still coupled) cattle regime. In 2005 a total number of 982 farmers in Flanders were inspected by the MIB. This is about 3.62% of the total number of farmers.</p> <p><i>Timing of controls</i></p> <p>Inspections occur year-round.</p> <p><i>No. of inspectors and time for controls</i></p> <p>Usually two inspectors are involved. The length of one inspection is dependent on the size of the farm and the number and type of animals. Inspections frequently take more than one day.</p> <p><i>Notification of controls</i></p> <p>Farmers do not receive notification of control visits</p> <p><i>Nature of controls</i></p> <p>SMRs and GAEC are controlled according to checklists of verifiable control points. During on-the-spot controls it is double checked if the notified parcels of permanent pasture are indeed grassland.</p> <p><i>Reporting System</i></p> <p>The inspector fills in the control report and sends a copy of the control report to the farmer and registers the data of the control report in the central data source of cross compliance (CRC)</p>

(BE – W) BELGIUM (WALLONIA)
System of management
The paying agency itself is responsible for cross-compliance in general and controls in particular. Meetings are organized periodically with the specialized control bodies.
System of controls (Data missing)
<p><i>Selection of sample</i> Farms are selected for on-the-spot checks according to risk assessment. In 2005, 1,429 farmers were inspected. That is 7,95% of the total number of applicant farmers. There were 15,184 administrative controls (84,47%) in the framework of the Nitrates Directive</p> <p><i>Timing of controls</i> Inspections occur year-round</p> <p><i>No. of inspectors and time for controls</i> Farms are inspected by 1 to 5 inspectors, but most of the time there are 2 inspectors The length of one inspection varies between 2 hours to several days</p> <p><i>Notification of controls</i> Farmers do not receive notification of control visits</p> <p><i>Nature of controls</i> GAEC: The selection of a farm by risk assessment imposes the on-the-spot controls of all other verifiable control points.</p> <p>SMRs: <u>For the public health</u> : The AFSCA checks the majority of SMRs in its competence at the time of each control.</p> <p><u>For environment</u> : The requirements relating to the Bird and habitat directives are inspected separately from the 3 other environmental directives by another inspection department of the DGRNE (Division de la Nature et des Forêts) than the other three (Division de la Police de l'Environnement).</p> <p>Permanent pasture is controlled using GIS</p> <p><i>Reporting System</i> The specialised control bodies write a control report within one month of the inspection. Non-compliances are notified to the farmer as soon as possible. Data of non-compliances (date of report of non-compliance, number of the statement of report, codes infraction corresponding) are communicated to the paying agency. The paying agency is responsible for collecting the results from all the specialized control bodies. These results are incorporated in a data base by means of e-files, where available. Before an aid calculation occurs for a given year, reductions are calculated for each farmer on the basis of results in the data base</p>

(CY) CYPRUS
System of management
The PA is responsible for all cross compliance controls which relate only to GAEC.
System of controls
<i>Selection of sample</i> The sample for controls is selected from the population of farmers engaged in agri-environmental schemes. Around 20% of the sample is selected at random, while the rest is risk-based. Risk factors considered are exclusively previous non-compliance with a particular standard. Risk assessment in Cyprus mostly focuses on minimum level of maintenance and soil structure obligations. No weight is placed on suspected breaches from other authorities. In 2005, around 5% of farms were selected for inspection and eventually inspected. There were 35,752 parcels of land inspected in 2005.
<i>Timing of controls</i> Inspections are concentrated in specific months, according to each cultivation inspected. For example, for potato growing and cereals, inspections are carried out during spring and autumn.
<i>No. of inspectors and time for controls</i> One or two inspectors are involved in each farm inspection. The average length of one inspection is 2 hours.
<i>Notification of controls</i> Farmers receive 3 days notice for each inspection
<i>Nature of controls</i> Inspectors inspect farms against a checklist of control points. All control points are checked on inspected farms.
<i>Reporting System</i> Not known

(CZ) CZECH REPUBLIC
System of management
The PA is responsible for all cross compliance controls which relate only to GAEC.
System of controls
<i>Selection of sample</i> The source of the data for the sample selection is the administrative database for direct payments. 20 % of farms selected are done so at random and 80 % through risk analysis. Factors used in the risk analysis are weighted. There were 1,125 inspections carried out in 2005.
<i>Timing of controls</i> Inspections are concentrated to summer and early autumn months, when it is possible to check most conditions.
<i>No. of inspectors and time for controls</i> There are mostly two inspectors carrying out an inspection. This is considered adequate considering the size of the farms, number and combinations of conditions and measures checked during the inspection. There is no information available on the time taken to carry out controls.
<i>Notification of controls</i> The on-the-spot controls are principally carried out without notice, as required by Reg. 796/2004. Notice is given in exceptional and defined cases, 48 hrs in advance at maximum.
<i>Nature of controls</i> Most of the GAEC obligations are checked by remote control sensing. Where necessary, this is complemented by on-the-spot farm controls. For on-the-spot controls, the inspector has a checklist of control indicators.
<i>Reporting System</i> At the end of the inspection process, the results of the control are evaluated in the information system, the sanction is calculated and the farmer receives a notice about his/her subsidy claim. The farmer has an opportunity to present an appeal, or other legal instruments, of the Czech legal system.

(DE) GERMANY
System of management
Systems and procedures for cross compliance controls vary from region to region. Most Länder based control of cross compliance on their existing control system and assigned the specialised authorities (agricultural, veterinary, water or nature protection administration) from the lower administration levels of the <i>Kreise</i> or <i>kreisfreie Städte</i> . These authorities already carry out specialised controls (<i>Fachrechtskontrollen</i>), and in this way can make use of their specialised knowledge about the subjects they are responsible for and the region. Controls can also be carried out by the paying agency e.g. in Lower Saxony. In Bavaria, a Central Control Service of the Staatliche Führungsakademie Landshut (FÜAK) was introduced in 2005 and took over sovereign tasks of the regional Authorities for Agriculture and carries out controls of all environmental SMRs and GAECs on behalf of the Bavarian Ministry for Agriculture and Forestry. .
System of controls
<p><i>Selection of sample</i> The sample for the systematic on-the-spot controls is gained via risk analysis, carried out by the control bodies or in their order. An integrated risk analysis for several obligations is seen as a precondition for bundled controls. Farms where the same obligations apply can be combined. Generally 20-25% of the sample has to be selected randomly. The rest has to be chosen according to risk criteria. Generally two procedures are possible: first a total risk factor is determined resulting from all risk criteria for each farm and a procedure is applied that preferentially selects farms with a higher risk factor or second each risk criterion can result in a farm being selected for control. As the control system is under the responsibility of the Länder, they can add own criteria (e.g. geographic criteria or farms without on-the-spot control in the previous year) and adapt the weighing of the different criteria.</p> <p><i>Timing of controls</i> Variable depending on controls. Mainly in summer months but some obligations controlled in winter.</p> <p><i>No. of inspectors and time for controls</i> Variable in Hesse – from half a day up to 1 day or slightly more. Approximately one day in Bavaria.</p> <p><i>Notification of controls</i> Farmers get a maximum of 48 hours notice before the inspection.</p> <p><i>Nature of controls</i> Procedures for on-the-spot controls differ from Land to Land. Inspectors focus on documentation and visual control for systematic on-the-spot controls.</p> <p><i>Reporting System</i> The control reports are composed of a general part and a specialised one for each SMR and the GAEC. The specialised part includes detailed questions that correspond to the points to be checked by the inspectors. Controls are carried out by means of these reports and documented by these reports. Farmers are informed of the results. The bodies carrying out controls for cross compliance feed the results of controls into a central database within one month of the control. The paying agency retrieves the data from this database.</p>

(DK) DENMARK
System of management
The Directorate for Food, Fisheries and Agri-business (DFFE) is the overall co-ordinating body. They ensure that the control authorities inspect at least 1% of farms and that the results are reported. There are 6 control authorities which coordinate their own controls within their regions but there is no coordination between the CCAs.
System of controls
<i>Selection of sample</i> The control authorities have access to a historical database of the previous year's applicants for farm support, which is compiled by DFFE. Once all the applicants for the year have registered then they will appear in the database as being active. Each control authority makes its own risk analysis. The proportion of the sample which is selected at random then depends on each individual risk analysis. The risk analysis is tied to the specific demands, which the controlling body is responsible for controlling. DFFE is responsible for GAEC obligations and these demands are therefore not considered when other governmental bodies select their control population. DFFE received 4,837 control reports for 2005. As there were 69,878 applicants for payments in 2005, this means that 4.9 % of the applicants were controlled.
<i>Timing of controls</i> The control year covers the entire calendar year. However, DFFE has requested that the controlling authorities conduct and report inspections by the 15 th of November in the control year.
<i>No. of inspectors and time for controls</i> The local government authority estimates that it takes approximately one hour to check for cross compliance as long as there is nothing to report. If there is an infringement that has to be reported then the process takes approximately 4 to 10 hours which includes the inspection, issuing of the warning, the hearing and reporting.
<i>Notification of controls</i> Controls can be conducted with and without prior notification. If notice is given beforehand it will typically be 14 days prior to the control.
<i>Nature of controls</i> DFFE has compiled a guide on cross compliance control. This states exactly what should be controlled under each demand and how lack of compliance should be assessed in relation to seriousness, extent and length (of the offence). Furthermore, control guides are available, which have been developed by the appropriate governmental departments on every single area, which the controlling body should also use. Compliance with each GAEC standard on each inspected farm is verified by physical control.
<i>Reporting System</i> When an inspector identifies a breach of a cross compliance obligation it is reported to DFFE in a control report (every control visit is reported regardless of whether there has been a breach or not). Before the directorate gets the information the farmer has the possibility to comment on the report from the control body. The control report should be submitted to the Directorate at latest 2 months after the control visit.

(EE) ESTONIA
System of management
Competent Control Authority (CCA) is the Estonian Agricultural Registers and Information Board (ARIB), which is responsible for all control procedures. There is co-operation with Plant Protection Inspectorate concerning one GAEC (spreading of wild oats).
System of controls
<i>Selection of sample</i> The data source for drawing the sample of farms for inspection is ARIBs data on applications and results of inspections from previous years. 20-25% of the overall sample is selected randomly, 80-75% is risk-based. Many different risk factors are considered in the selection of the risk sample e.g. applicants sanctioned previously. Risk assessment is integrated and does not focus on particular GAEC farmers' obligation. There were 19,136 SAPS applicants in year 2005 of which 1,357 (7.1%) of them were inspected on-the-farm.
<i>Timing of controls</i> SAPS inspections are conducted in summer and autumn, because inspection of most of the requirements is possible only during this time of the year. However, inspections are conducted year-round, if necessary.
<i>No. of inspectors and time for controls</i> Number of inspectors inspecting each farm depends on the size of the farm. Larger farms are inspected in most of the cases by several inspectors. Length of the inspection depends on application (how many fields applicant has, infringements, how many inspectors are involved etc) and might take from 1 hour up to several weeks.
<i>Notification of controls</i> It is possible to give notice before inspection visit, but not more than 48 hours in advance. In most of the cases inspections are made without notice.
<i>Nature of controls</i> All GAEC farmers' obligation are checked on all inspected farms. Obligations are verified on each field of the inspected farm. Check-list is used, and if non-compliance is found, certain code will be marked on check-list.
<i>Reporting System</i> Inspection is done field-by-field by county level inspector and all breaches are marked on a check-list. All information from on-the-farm inspections is sent to the central office of ARIB.

(EL) GREECE
System of management
OPEKEPE is the coordinating authority for the inspections of cross-compliance. OPEKEPE chooses the sample for cross-compliance inspections according to the clauses of Regulation 796/04 and submits it electronically to the Prefectural Authorities which are responsible for carrying out the on-the-spot checks and visits.
System of controls
<i>Selection of sample</i> On-the-spot controls are carried out on a sample of 20% of holdings which have been selected from the sample of 5% of all farmers for controls of eligibility of farm payments. If the sample for eligibility controls is 10% the cross compliance controls are carried out on 10% of this sample instead of 20%. Risk analysis is carried out on the whole sample (100%) of farms selected for eligibility controls. Fourteen factors are considered for risk analysis e.g. amount of support, total number of animals etc. In 2005 there were 4,784 farms inspected for GAECs and 1,459 for SMRs cross compliance.
<i>Timing of controls</i> Usually, cross compliance inspections coincide with inspections for eligibility of single payment and are carried out around June and no later than the 20 th of September each year. Controls are carried out year round if there is a need.
<i>No. of inspectors and time for controls</i> There are usually three inspectors (two agriculturalists and one vet). The time needed for inspections depends on the size of the farm and its complexity, i.e., coexistence of plant cultivation and animal raising or milking, land fragmentation (number of parcels and their spatial disposition), etc. It is estimated that the average inspection does not take more than one day.
<i>Notification of controls</i> Farmers do not get any notice before an inspection visit. In exceptional cases, 2 days notice is given.
<i>Nature of controls</i> In general, all SMRs and GAECs are inspected. However, there are cases where SMRs or GAECs are not checked due to the period of the year that the inspection takes place (for example in June there is no way to check if frozen land was ploughed). Inspectors have a check list that has to be completed. Compliance with permanent pasture rules is primarily checked through aerial photo inspections but may also be inspected.
<i>Reporting System</i> When the on spot inspection finishes, the inspector completes a pre-formatted report. The inspected farmer has the right to add his/her own comments and the report is signed by both the inspectors and the farmer. Appeals can be lodged within 7 working days to the prefectural services which sets up another committee to consider the appeal. This committee makes a final decision on the report and the appeal. Then the report is electronically transmitted to OPEKEPE to be centrally filed and treated.

(ES) SPAIN
System of management
The PA and part of MAPA is the State authority charged with co-ordination of cross-compliance controls. Controls are executed at regional level by authorities of the Regional Governments. The system varies according to the Region. In some cases there is one body only involved in the control process – the PA. In some other Regions there is also a Specialised Control Agency and in some Regions there is a Co-ordinating Agency.
System of controls
<p><i>Selection of sample</i></p> <p>The data source for the sample selection is the Data Base of Payments of the Regional Paying Agencies, co-ordinated by FEAGA. Control inspections are carried out on a minimum of 1% of applicants for direct payments. In 2005, the national approach was 100% risk-based, although in practice some Regional Authorities used a random approach. For 2006, FEAGA has established in its National Plan for the Control of Conditionality that a maximum of 25% of the sample should be on the random basis. A range of risk-factors are used in the sampling e.g. holdings receiving payments above certain levels, farm in Natura 2000 area. The Regional Governments may also take account of information from other sources. In 2005 a total of 8,857 holdings were selected, representing a sample of approximately 1.80%.</p> <p><i>Timing of controls</i></p> <p>The timing of inspections depends on the region. As an example, in Extremadura they are carried out from June to December; prior to these dates the authorities do not have the completed data base of applicants for the year.</p> <p><i>No. of inspectors and time for controls</i></p> <p>No data at national level. In Extremadura, a minimum of 2 and maximum of 3 are usually involved (trained in agronomy, veterinary science and environment).. The time varies greatly depending on the holding (size, complexity), and can vary approximately from 3 hours to 2 days.</p> <p><i>Notification of controls</i></p> <p>Wherever possible inspections are undertaken without notice. Where notice is necessary for practical reasons and does not affect the control objective, a maximum of 48 hours' notice may be given, or more in exceptional and justified circumstances. Visits without notice are reported to be problematic, as the farmer may not be on the holding.</p> <p><i>Nature of controls</i></p> <p>The inspectors use tables of control points produced by FEAGA. These are the points that are checked on the holding. For permanent pasture, the inspector checks compliance with the GAEC control points. There is no use of GIS.</p> <p><i>Reporting System</i></p> <p>The inspector reports to the specialised body. There may be more than one report in the case of holdings with different types of production, e.g. livestock and crops. The specialised body produces a report based on the inspectors' report, including an assessment of the gravity of the alleged breaches and the factors that could give rise to an increase or decrease in the penalty. This report is produced within one month, but may be extended to three months, for example if physical or chemical analysis needs to be undertaken. The report is then transmitted to the PA or Co-ordinating Body (depending on the Region)</p>

(FI) FINLAND
System of management
At the national level, the Coordination Group for Cross Compliance was set up by the Ministry of Agriculture and Forestry in April 2006. The tasks of this group include dissemination of information within administration, planning of the control activities and follow up of the inspections regarding their appropriate conduct and respect of legal obligations. There are 12 members in this group, representing central administrative bodies involved. This group is expected to meet 5 to 6 times per year. The control of cross compliance at the farm level is combined with the inspection of other subsidies (i.e. at the same farm visit) to the extent possible
System of controls
<i>Selection of sample</i> The sample is drawn from aid application data. 80 % of the inspected farms are selected on the basis of risk-based sample and 20 % on the basis of random sample. In 2006, the prior breaches, location on NATURA area or on groundwater area or the use of sewage sludge were regarded as risk factors. The risk assessment is more focused on SMRs than on GAEC farmers' obligation, for which the prior breaches dominate as a risk factor. A sub-section of sample is made by each established risk category for that year and these categories have an equal weight within the risk sample. In 2005, 2 334 farms were inspected for the Cross Compliance on the basis of sampling. Out of these 698 were inspected for the GAEC and environmental SMRs and 1 680 for the animal registration. In addition, 159 farms were inspected based on other information received (suspected breaches).
<i>Timing of controls</i> The GAEC farmers' obligation and the environmental SMRs are inspected during the growth seasons, whereas the other SMRs are inspected year-around.
<i>No. of inspectors and time for controls</i> Normally two inspectors will visit the farm. Including the office work, the inspection will take one working day per farm (including also other subsidies).
<i>Notification of controls</i> The farmer may receive max. 48 hours before the inspection, when it does not risk the inspection and when it is relevant for the inspectors (in many parts of Finland the distances are long).
<i>Nature of controls</i> All the GAEC and SMR farmers' obligation relevant for the farm will be inspected on the selected farms. The inspector has a list of farmers' obligations that are to be inspected (those that are relevant for the farm, which depends whether it has animals or not, for example).
<i>Reporting System</i> The inspector gives the farmer a copy of the inspection protocol. When all the inspections have been finished, the regional T&E Centre will send the farmer a final inspection protocol, if there have been any breaches. In this protocol the final reduction rate of the payments is indicated. This document is the legal document against which the farmer may raise official claim in the courts.

(FR) FRANCE
System of management
Controls are coordinated by the local representation of the Ministry of Agriculture (DDAF) in each Department to ensure good coherence and sharing of information by inspection bodies. This coordinating role includes the final decision on the reduction to be applied for farmers. The DDAF checks that several controls will not be done successively by different bodies at different periods on the same farm using specific software.
System of controls
<i>Selection of sample</i> 1 % of the holdings which benefit from single payment is controlled each year. Some specific higher rates are applied (i.e. between 5 % for bovine identification and registration). The selection of farms to be controlled is done by each of the bodies specialised in the matter to be controlled (i.e. DDSV for veterinary checks). In practical terms each body makes the risk analysis to select the farm it controls. The sample selection is based on the result of the previous year. In case of double selection of a farm by various inspection bodies, the coordination body can decide to focus the control on the more risky field, unless all the selections are based on a high level of suspicion of anomalies. The risk analysis is led by each specialised body according to a pre established list of risks by type of farm and SMR or GAEC. When a selection is done manually (linked to a suspicion for example), it has to be accompanied by a comment which is given to the controller before the control.
<i>Timing of controls</i> No information
<i>No. of inspectors and time for controls</i> No information
<i>Notification of controls</i> No information
<i>Nature of controls</i> Controls are focussed on the points mentioned in the information leaflets and are done directly in the holding. The controller verifies all the points which correspond to his (her) competency and which are checkable the day of the control.
<i>Reporting System</i> At the end of the control, the controller makes a minute of the control where anomalies are stipulated. A copy of this paper is dedicated to the farmer and a second one to the DDAF. Possibilities exist for farmers to contest the anomalies. The DDAF is the last authority to decide.

(HU) HUNGARY
System of management
The Central Office of the Agricultural and Rural Development Agency – the Directorate for Direct Payments and the Directorate for On-the-spot checks - is the main body co-ordinating controls. These liaise with territorial and county offices and specialised bodies such as the Institute of Geodesy, Cartography and Remote Sensing.
System of controls
<p><i>Selection of sample</i></p> <p>The data source for selecting the sample is the list of farmers receiving SAPS. 25% of farms receiving on-the-spot check in SAPS were selected at random, and 75% through risk analysis. 100% of farms controlled under SAPS are controlled for GAEC too. Risk factors include previous infringements, the size of the individual envelope, number of parcels within farm, closeness to limiting values – to the 0.3 ha size, for example. Factors are weighted. Suspected breaches from other authorities are not part of the risk analysis, these suspicions are dealt with individually. In 2005, on- the-spot controls were undertaken on 14,500 farms, which is 5.2% of beneficiaries.</p> <p><i>Timing of controls</i></p> <p>Inspections are normally conducted from June to September, which is the main productive period for Hungarian agriculture.</p> <p><i>No. of inspectors and time for controls</i></p> <p>The average time for one farm is some 3 hours (nevertheless, this is together with SAPS check).</p> <p><i>Notification of controls</i></p> <p>Producers are normally not notified about on-spot-checks in advance, and if they are, according to legislation, it cannot be more than 48 hours before the inspection is undertaken.</p> <p><i>Nature of controls</i></p> <p>About 80% of the total control sample is checked by Remote S. All GAEC farmers' obligation are checked on all inspected farms. For GAEC farmers' obligation (minimum maintenance of land) the inspector checks visually the amount of scrub and weed on the land, and decides on the spot about compliance (according to the interviews, there is no check list of verifiable control points for this.) For the standard on soil erosion, the national mapping system (MAPAR) indicates slopes over 12%. During on-spot-checks they simply check if there are any row crops (namely potatoes) planted on the area with more than 12% slope or not.</p> <p><i>Reporting System</i></p> <p>Breaches of GAEC are noted down in the on-spot-check report, then the data is introduced into the IIER (Integrated Management and Control System) coupled with the physical parcel.</p>

(IE) IRELAND
System of management
The Department of Agriculture and Food coordinates the overall aspects of cross compliance. Consultation meetings were held between the Department of Agriculture and Food and other specialised control bodies to establish standardised procedures for cross reporting and an integrated inspection process.
System of controls
<p><i>Selection of sample</i></p> <p>The Cross Compliance sample is selected based on risk from the 5% eligibility sample which has a 25% random element. To obtain the required 5% bovine sample a further component is selected from the remaining bovine population on risk based criterion. The cross-compliance risk criteria outlined in the regulation is used but Ireland also has additional risk criteria derived from information held on various databases. Queries are designed to extract the required information from the database and a matrix of risk is created. These criteria are also designed to extract 1% of farmers who must be inspected under each SMR other than bovines. When a farmer is selected under any SMR he is then controlled in respect of each SMR applicable to him/her. The different risk factors are weighted according to seriousness and then sampled. The risk criteria are agreed with the various competent control authorities (thereby taking account on suspected breaches from other authorities). In 2005, some 7,183 farms were selected for cross-compliance checks representing some 5.6% of farmers eligible for the Single Payment.</p> <p><i>Timing of controls</i></p> <p>In 2006, the inspections were mainly in the autumn/winter months but when the system is fully operational, the inspections will occur all year.</p> <p><i>No. of inspectors and time for controls</i></p> <p>In general one inspector is involved in the farm inspection with the exception of very large farms where more than one might be involved. Inspections are usually completed in one day (extra time for follow-up paperwork and data entry)</p> <p><i>Notification of controls</i></p> <p>The current procedure is to provide up to 48 hours notice only where bovines are included in the control and to inspect at least 5% of bovine applicants without any prior notification. Up to 14 days notice is provided where there are no bovine or feed risks to be checked</p> <p><i>Nature of controls</i></p> <p>All SMRs and GAEC farmers' obligation with the exception of hormones and diseases are checked on inspected farms against a checklist. Compliance with Permanent Pasture rules is verified by cross checking the declarations on the application forms with the actual situation at the time of inspection.</p> <p><i>Reporting System</i></p> <p>Inspectors follow a standard reporting system for inspections. The inspector completes a control report form following each inspection. The report must be finalised within one month of the inspection and referred to the Department within a further month. If a breach of compliance is found, the farmer is informed on the day of inspection</p>

(IT) ITALY
System of management
The National Paying Agency (AGEA) and the Regional Paying Agency (OPR), where they are operative, are the competent authorities for control activities on cross compliance (both SMR and GAEC) and sanctions. There is not a proper overarching co-ordinating body, but this function is carried out by a division of AGEA called "Area Coordinamento" that also gives indication to OPRs on how control must be organized.
System of controls
<i>Selection of sample</i> In 2005, the control sample for inspection was selected by AGEA for all the Regions, while in the 2006 the regional paying agencies provided the samples from the eligibility sample for direct payments. The sample was based on 25% random selection and 75% risk-assessment criteria. The risk analysis was performed at nation level, by using different risk factors. In 2006, AGEA adapted the risk analysis, by using weighting according to the importance of each factor in the overall risk assessment. In 2005, the overall sample for cross compliance was 24.368 farms representing 2,7 % of all farms eligible for the single payment.
<i>Timing of controls</i> Inspections are concentrated in the months from June to December. This is because controls can only start after the sample selection (which usually happens in late May or early June, after the presentation of SFP applications).
<i>No. of inspectors and time for controls</i> Number of inspectors per farm not known. The average time for an inspection is 4.4-6 hours but could be as much as 8 hours depending on the farm.
<i>Notification of controls</i> Farmers do not necessarily receive notice before an inspection visit. On-the-spot checks for GAEC are unannounced. If some non-compliance emerges, a further visit is planned and the presence of farmer is required. For SMR, the 48 hours maximum rule is applied so that controls are carried out in the farmer's presence.
<i>Nature of controls</i> GAEC farmers' obligation are assessed through aero-photographs, cadastral surveys and an inspection of the farm. The farms are inspected only for relevant SMRs and GAEC that are applicable in their specific situation. The relevance of the requirements is established by checking the SFP application. In addition, payment applications contains a section in which the farmer must declare cross compliance farmers' obligation he has to comply with. The inspection is carried out by using check lists (one for each standard) that relates some general information on farm and the lists of indicators to be verified for each relevant requirement.
<i>Reporting System</i> The data collected with checklists by the inspectors during the control visits are transcribed into reports (minutes) that contain details (severity, extent, permanence) on breaches identified. In case of any breaches, the control body must provide photos to the paying agency, showing evidences of the non-compliance. These reports are then delivered to AGEA or OPRs and their information are input into specific data base systems that allow the calculation of payment reductions, if needed.

(LT) LITHUANIA
System of management
Lithuanian competent control authority is National Paying Agency under Ministry of Agriculture and performs all controls regarding Good Agricultural and Environmental Conditions. The PA selects the sample and sends data to regional offices which carry out the controls.
System of controls
<i>Selection of sample</i> After all the application data have been entered into the database the Control Department in NPA makes control samples 5% (includes random selection and risk analysis). Risk criteria include e.g. the number of parcels, amount of aid etc. In 2005, 1,08 % of all Direct payments applications were controlled.
<i>Timing of controls</i> No information available
<i>No. of inspectors and time for controls</i> No information available
<i>Notification of controls</i> In most cases, farmers are informed about controls the day before.
<i>Nature of controls</i> The inspector has a checklist and carried out visual checks for compliance.
<i>Reporting System</i> No information available

(LU) LUXEMBOURG
System of management
The control unit of the ministry of agriculture coordinates the controls and meets twice a year with the other responsible control bodies. It facilitates exchange of information between control bodies. One important aspect of coordination and communication is to set up a common control database shared by all responsible control bodies. The control unit is working on this issue. Until a common database is created, it is planned to centralize the input of control results in one single database
System of controls
<i>Selection of sample</i> The sample is drawn from the sample of 5% of farmers submitting a payment application. The sample for controls was partly identified based on random sampling, risk analysis and direct selection but the % for each of these varies depending on what is being controlled. Risk factors are weighted. On the basis of statistics provided, 146 farms were inspected for I&R that is 7% of the total 2008 farms that claimed the SPS (141 for cattle, 8 for sheep, goats and pigs (including mixed farms)); 21 farms were inspected for GAECs that is 1% of 2008 total farms that claimed the SPS and 110 farms were eligible for this control; 35 farms were inspected for water protection that is 3% of 2008; 21 farms were inspected for nature conservation/wild birds that is 1% of 2008.
<i>Timing of controls</i> Animal-related controls are performed all over the year. Area-related controls are carried out May until November because they are combined with the control of other area-related measures besides cross compliance. Controls triggered by complaints are done year-round.
<i>No. of inspectors and time for controls</i> Two inspectors are involved in each farm inspection. One inspector is responsible for the inspection, the other as a witness. The reason is that findings by one single inspector may be disputed by farmers. The average length of one inspection for area-related controls is two days and for animal related controls half a day.
<i>Notification of controls</i> Farmers are not given advance notice of area related controls.
<i>Nature of controls</i> Inspectors have checklists of control points against which compliance is checked.
<i>Reporting System</i> The report of control is transmitted by the competent control authority to the Service of Rural Economy which analyses it and encodes the noted infringements.

(LV) LATVIA
System of management
The Rural Support Service is designated to be the Competent Control Authority that is a single authority for all GAEC farmers' obligation. There is no an overarching co-ordinating body in place.
System of controls
<p><i>Selection of sample</i></p> <p>The farms to be inspected are selected from the applications submitted until the set deadline for the particular calendar year. The selection is either at random or risk based. The following criteria is used for the risk based selection:</p> <ul style="list-style-type: none"> • size of the requested Single Payment; • control results of the last year. <p>The data sources are a) submitted application, b) results of previous inspections. The weight of the risk criteria is not precisely defined. Mostly a case by case based approach is applied. The risk criteria do not focus on particular SMRs or GAEC farmers' obligation. Every year the Rural Support Service inspects at least 5% of farms that request the Single Payment. Approx. 4,000 farms were inspected in 2005.</p> <p><i>Timing of controls</i></p> <p>On–farm–inspections take place in June -September every year.</p> <p><i>No. of inspectors and time for controls</i></p> <p>Typically one inspector is involved in the on-farm-inspection controlling and verifying all information presented in the application. No information was available on the average length of inspections.</p> <p><i>Notification of controls</i></p> <p>Before the on-farm-inspection an inspector may inform the farmer, but not more than 48 hours before the visit, and he/she has right to be present during the inspection</p> <p><i>Nature of controls</i></p> <p>The inspector verifies the areas of a permanent pasture declared in the application, compliance with the maintenance rules of a permanent pasture. Inspection is based on visual observations. To check declared areas inspector uses GIS.</p> <p><i>Reporting System</i></p> <p>The inspector makes a report about each on-farm-inspection, a copy of which is sent to the farmer. The farmer may send comments or additional information within 5 days from receiving the report. If any breaches are identified during the on-farm-inspection they are described in the report giving the justification for the decision taken.</p>

(MT) MALTA
System of management
The IACS directorate was delegated by the Paying Agency as the Competent Control Authority. Since August 2006, this role has been taken over by the Control unit of the Paying Agency within the Ministry for Rural Affairs and the Environment.
System of controls
<i>Selection of sample</i> The Paying Agency selects the sample. Following this each delegated body checks the SMR and GAEC farmers' obligation for which it is responsible. In 2005, there was no risk analysis. In 2006 the following risk analysis was applied: 1% of applicants receiving arable aid/direct aids were chosen for inspections. The sample was divided into categories: amount of aid received, smallest holding, largest holding, no. of livestock and a random selection. Additional 4% chosen at random from bovine / dairy beneficiaries. When a breach of cross compliance is found, the farm is automatically selected for selection the following year. Cross compliance breaches detected through routine inspections can also lead to a cross compliance check. Approximately 5,000 arable farms. 4,869 applications in 2006 for Arable aid and LFA. In 2005, 49 SMR inspections and 399 GAEC inspections.
<i>Timing of controls</i> In 2006, cross compliance checks are taking place between June and December. The Paying Agency only receives claims from farmers between March and May. If this date changes then it might be possible to have year-round inspections. This may happen when the SPS is introduced.
<i>No. of inspectors and time for controls</i> Inspection time depends on the number of parcels. Larger, scattered farms take longer to inspect. No information is available on the amount of time individual or groups of farmers' obligation take to inspect.
<i>Notification of controls</i> Cross compliance inspections are either announced or unannounced (maximum 48 hours notice when announced).
<i>Nature of controls</i> Inspectors are provided with checklists for farm inspections. These include information on the verifiable control points for each GAEC or SMR. See SMR and GAEC sections of this report for more information. Documents used by inspectors including the following: The Malta Environment and Planning Authority cross-compliance assessment checklists – Guidance for environmental inspectors (October 2005) Good Agricultural & Environmental Conditions – Inspectors' Notes Compliance with SMRs - Notes for inspectors
<i>Reporting System</i> When an inspector finds a breach he/she will take photos if appropriate (mainly for GAECs). In the case of SMRs documentary evidence will be collected. A report will then be sent to the Paying Agency for assessment of non-compliance. Standardised approach is used.

(NL) NETHERLANDS
System of management
The General Inspection Service (Algemene Inspectiedienst, AID) is assigned by the Minister of LNV as the Coordinating Control Authority (CCA) and controls 90% of all farmers' obligation. The enforcement of some national legislation regarding SMRs and GAECs is the responsibility of other specialised bodies of national, regional or local governments e.g. Public Work & Water Management. Because the minister of LNV has no direct supervision competence of specialised bodies, the already existing collaboration model between control bodies is fully exploited.
System of controls
<i>Selection of sample</i> The AID selects the annual 1% sample on the basis of an integrated risk analysis. The specialised control bodies provide their technical knowledge and experience in this risk analysis. The selection is sent to all specialised control bodies concerned. The sample selection is based on a risk analysis (80%) and 20% is selected at random. Risks are either general (based on inspection history of farm) or specific (based on SMRs and GAEC). Risks are weighted as 'no risk', 'normal risk' or 'high risk'. The selection process tries to ensure every farming type is adequately represented. In 2005 a total number of 1.209 farmers were inspected. This is about 1,7% of the total population of 71.964 farmers in 2005 who applied for a payment.
<i>Timing of controls</i> Inspections occur year-round. The planning of the control visits is based on the optimal control moment that is identified for each SMR/GAEC. In some cases, follow-up inspections occur.
<i>No. of inspectors and time for controls</i> In general inspections by the AID require – as a consequence of the depth and the increasing amount of SMRs and GAECs to be checked - the presence of two inspectors. Inspections by AID, including full preparation, registration, validation and reporting of control results, took about 20 hours in 2005. In 2006 this was increased to 30 hours due to the increased number of SMR's. The time for specialised controls is not known.
<i>Notification of controls</i> The farmer or Single Payment recipient does not receive any advanced notice
<i>Nature of controls</i> The farmers' obligations have been formulated as a 'checkpoints' with the aim to give the farmer a concise summary of the given farmers' obligation, prohibitions and orders. The maintenance of permanent pasture is not an item in the farm inspections as far as cross compliance is concerned.
<i>Reporting System</i> The inspector informs the farmer of his findings when he has completed the control visit. If the farmer wishes so, he can make a written comment on the control report. Then the farmer is asked to endorse the control report. The inspector registers his findings for every checked SMR or GAEC into the central database of the General Inspection Service (AID). The EU-desk of the AID also collects and registers all other findings of other specialised control bodies in this central database. The EU-desk of the AID verifies all registered control results before reporting them to the National Regulation Agency (DR).

(PL) POLAND
System of management
In Poland inspections in respect of compliance with GAEC farmers' obligation are carried out by a single institution: Agency for Restructuring and Modernization of Agriculture (ARMA).
System of controls
<i>Selection of sample</i> The sample for on-the-spot checks is drawn from data source of the Integrated Administrative and Control System (IACS). Some 81.25% of the 5.2% sample was drawn on the basis of a risk analysis and 18.75% were selected randomly. The risk factors are defined in accordance with legislation and also take into account the results of checks in previous year. The risk factors, threshold limits value and weights given to the different risk factors are established individually for each voivodship and defined in Annual On-the-spot Scheme. The risk assessment focuses on all GAEC farmers' obligation in the same degree. The inspections are also carried on the basis of manual selection if suspicion of breaches is reported by other authorities or if during the cross-check any discordance occurred in application. In 2005 ARMA inspected 93 808 farms, which is 5.33 % of all farms eligible for the single payments and 6.31% of all polish farmers who submitted applications.
<i>Timing of controls</i> Controls for single payments occur from 1 June to 31 August.
<i>No. of inspectors and time for controls</i> Usually two inspectors per farm due to equipment necessary but the main reason for a second person is as a witness if a farmer refuses to provide control or sign a control report. The average length of an inspection is about 4 hours including the drive to the farm. It is no possible to specify the amount of time spent on the checks for the GAEC farmers' obligation.
<i>Notification of controls</i> The control visit is announced to the farmer a maximum of 48 hours before. The farmer is usually informed by telephone, fax or personally by inspectors.
<i>Nature of controls</i> On-the-spot controls in 2005 were carried out by ARMA field inspectors, seasonal field inspectors and external contractors (contracted by regional tenders). Compliance with each GAEC standard is verified visually according to a check list of 8 requirements and recorded in a control report. Compliance with the permanent pasture rules is monitored by IACS (ZSZiK) at the central level.
<i>Reporting System</i> When an inspector identifies a breach of GAEC farmers' obligation during the field control he is obliged to: <ul style="list-style-type: none">• Define the area on which the GAEC farmers' obligation are not comply;• Measure that area;• Report a breach in a Control report;• Take the picture of the non-complied area.
The control report is sent to ARMA

(PT) PORTUGAL
System of management
INGA is the responsible body for the co-ordination of controls. This is achieved through the Board of Co-ordination and Permanent Follow Up of the Cross Compliance Control (Comissão de Coordenação e Acompanhamento Permanente do Controlo da Condicionalidade). This Board meets when it is considered necessary to settle any issue related with its functions. Various specialised bodies are involved in controls.
System of controls
<i>Selection of sample</i> The sample of farms for inspection comes from different INGA data bases, but INGA is going to unify all data bases after 2006. The selection of the sample is essentially risk-based. Each SMR and GAEC has its specific sample with its specific risk assessments. Risk assessment for selection is based on the local knowledge of the regional services that supervise the controls, namely previous information about risk situations and high risk farms. In future, data from previous controls is to be used systematically. Due to delays in establishing the control system, no inspections took place in 2005. In 2006 inspections covered 12,744 farms corresponding to 6.8 % of the farms that received the single payment and the other aids that are subject to cross compliance.
<i>Timing of controls</i> Some inspection bodies such as ICN avoid the May-September period since during this period staff are focused on forest fire prevention and surveillance.
<i>No. of inspectors and time for controls</i> Each inspection is composed at least by two inspectors for each inspecting body. Inspection times depend largely on farm size and on the type of inspection, animal identification and registration being the most time consuming.
<i>Notification of controls</i> Farmers are notified about inspections to ensure they can accompany the inspectors and to have ready all the documents needed for the inspection.
<i>Nature of controls</i> Controls have two levels: a control based on the existing data bases and on the photo interpretation of the cover of the eligible surfaces for single payment and the local inspection level. According to the type of SMR, inspectors follow different reports control models that list the indicators defined in the legislation. GAEC follows the same procedure. The inspector has to measure the surface covered by permanent pasture using photo-interpretation and verification on farm.
<i>Reporting System</i> Not known.

(SE) SWEDEN
System of management
The Competent Control Authorities (CCA) are Swedish Board of Agriculture, Swedish National Food Administration, the respective County Administrative Boards, and the respective municipalities i.e. existing control bodies. There is no integrated, co-ordinating structure yet between the responsible authorities for control, but there are plans to develop such functions. There is, however, an advisory group with various representatives which meets regularly over the year.
System of controls
<p><i>Selection of sample</i></p> <p>The control sample is drawn from IACS and identified by risk assessment. The risk assessment focuses particularly on the GAECs for maintaining pastureland and on SMRs 6 – 8a concerning pigs. There is no specific risk analysis for SMR 1 or 5. No weights are given to the risk factors. In 2005, 7 580 farms were controlled with respect to cross compliance in Sweden. This corresponds to 8.9 % of the eligible farms. There were no inspections in 2005 or 2006 concerning the habitat or bird directives, since Swedish Environmental Protection Agency did not provide the rules until late in 2006. Nor have any controls of the fodder rules been performed, because the procedures and the division of responsibility between the authorities have not yet been settled.</p> <p><i>Timing of controls</i></p> <p>Some of the controls are concentrated to selected months. It is mainly the controls that have to be performed during the vegetation period that are concentrated to some months, normally July – October. For cattle inspections, the period of control is January – March and October 15 – December 1.</p> <p><i>No. of inspectors and time for controls</i></p> <p>Usually, just one inspector carries out each control. Not all farmers' obligation are checked at each farm inspection. The time of the inspections varies widely from farm to farm, depending on size, conditions, etc. An average inspection of a crop farm takes one full day, including travel time. The field inspections take about four of these hours, while office work accounts for the rest. The smallest farms involve just one hour of field inspections. Farms having animal husbandry require about three additional hours for the cross compliance inspections.</p> <p><i>Notification of controls</i></p> <p>Controls can be announced or un-announced. If they are announced, it is normally done a maximum of 48 hours before the inspection.</p> <p><i>Nature of controls</i></p> <p>Compliance or non-compliance is verified by the inspector marking the relevant box in the control protocol. Compliance with each GAEC standard on each inspected farm is verified by control of all the respective fields and pastures. Inspections include visual checks and records. Urine and blood samples may be taken for SMR 10.</p> <p><i>Reporting System</i></p> <p>Inspectors complete the control protocol. The 21 County Boards of Administration are in all cases the responsible bodies for deciding upon payment reductions in the respective regions. In order to make the system uniform throughout the country, Swedish Board of Agriculture provides the county boards with a national guideline for the CC reductions and an IT-system common for all the county boards.</p>

(SI) SLOVENIA
System of management
Competent authority is Agency of the Republic of Slovenia for Agricultural Markets and Rural Development responsible for all aspects of control.
System of controls
<i>Selection of sample</i> The data for inspection is drawn from the applicants' data base regarding the farm's risk assessment, received amounts and region where the farms are located. For inspection at least 1 % of total number of farms receiving the single payment is selected. In 2005, 1,356 farms were checked for cross compliance. In addition, on all eligible farms (43,053) applying for the single payment, administrative checks on nitrogen input (max. 170 kg/ha) were carried out.
<i>Timing of controls</i> Generally, inspections are carried out throughout the year; on-the-spot inspections are performed between June and September when the crops are in the fields.
<i>No. of inspectors and time for controls</i> The checking of a single farm is usually done only by one inspector and each inspection usually takes up to one day.
<i>Notification of controls</i> The farmer receives notice about the inspectors visit a maximum of 24 hours in advance.
<i>Nature of controls</i> The inspections are performed by the agricultural, veterinary and phytosanitary inspectors. All applicable SMR and GAEC farmers' obligation are checked. Compliance with the permanent pastures rules is partly checked on the ground by measuring the fields (GPS) and partly administrative by checking the application and graphically on the ortophoto images.
<i>Reporting System</i> The inspector must write a report on each inspection noting all the findings, and fill in a questionnaire with farmers' obligations. The results of the questionnaire are entered into the application for calculating the single payments where all the breaches are then considered according to the rules set in the Specifikacija za izracun navzkrizne skladnosti (specification for calculating cross compliance).

(SK) SLOVAKIA (Information not available)
System of management
Competent Control Authorities are: Central Controlling and Testing Institute in Agriculture; Soil Science and Conservation Research Institute; Slovak Agricultural and Food Inspection; and, State Veterinary Administration of the Slovak Republic.
System of controls
<i>Selection of sample</i> Information not available
<i>Timing of controls</i> Information not available
<i>No. of inspectors and time for controls</i> Information not available
<i>Notification of controls</i> Information not available
<i>Nature of controls</i> Information not available
<i>Reporting System</i> Information not available

<p>(UK) UK- England. Similar systems in other 3 regions.</p>
<p>System of management</p> <p>In 2005, Rural Payment Agency (RPA) was the sole CCA for all GAEC and SMR farmers' obligation with assistance from its Delegated Agent (the Environment Agency) which inspects for Nitrates, Sewage Sludge and Groundwater SMRs. From 2006 the Veterinary Medicines Directorate (VMD) has been the CCA for SMR 10 and State Veterinary Service (SVS) for SMRs 13, 14, 15 with the RPA in charge of SMR 12. There is an overarching co-ordinating body led by RPA as the Paying Agency.</p>
<p>System of controls</p> <p><i>Selection of sample</i></p> <p>Each CCA does its own checks (i.e. can choose different farms to another CCA). Must check 1% of all farms for which the farmers' obligation it checks are relevant. Cross compliance inspections carried out by the RPA include a proportion of 20% chosen at random as a control, 68% according to scored risk and 12% according to targeted risk via referrals from other agencies. Farms are selected on the basis of combined risk score. The selection of farms is tipped in favour of livestock farms due to the additional livestock farmers' obligation In 2005, 1203 farms were chosen for CC inspections.</p> <p><i>Timing of controls</i></p> <p>RPA (and PA) would like to spread inspections throughout the year. Some farmers' obligation can only be checked at certain times, e.g. hedgerow GAEC on cutting periods. Problem is that claimant data is only available from May sometimes June.</p> <p><i>No. of inspectors and time for controls</i></p> <p>Generally, only 1 inspector per CCA (RPA inspections also have EA inspectors) per farm. Some specific inspections might require a generalist and a specialist such as for dairy hygiene checks (SMR 9 & 11). An average inspection takes 36 working hours in total (about a week). This is expected to increase in the future as more farmers' obligation are introduced. This figure does not include time spent by EA, VMD and SVS, although this will be less. The RPA estimates that checking the SMRs on animal identification, plant protection products, food and feed law, and prevention and control of TSEs take up 24 hours of the total inspection process.</p> <p><i>Notification of controls</i></p> <p>No more than 48 hours notice is given for inspections. More notice possible in the case of land eligibility or cattle ID checks.</p> <p><i>Nature of controls</i></p> <p>Controls a combination of visual checks, field inspections and checking of records.</p> <p><i>Reporting System</i></p> <p>If a breach or a suspected breach of cross compliance is detected on a cross compliance inspection, the inspector will record this in their notes along with the reason for the breach. Where necessary or appropriate an inspector will take evidence of the breach such as a photograph or details of records which have not been completed depending on the SMR or GAEC and the breach in question. The inspector will then submit a report to their Competent Control Authority or delegated body, which will be made available to the Paying Agency (RPA).</p>