

EXPLANATORY MEMORANDUM TO

**THE COMMON AGRICULTURAL POLICY SINGLE PAYMENT AND
SUPPORT SCHEMES (CROSS COMPLIANCE) (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2010**

2010 No. 174

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations amend the existing Northern Ireland Cross-Compliance Regulations to enable the Department of Agriculture and Rural Development to introduce a new Good Agricultural and Environmental Condition measure entitled Irrigation Authorisations. The Regulations also make minor changes to a number of the other GAEC requirements. These changes are technical in nature and do not increase the administrative burden of the requirements.

3. Background

- 3.1. The European Union has established that those in receipt of direct agricultural support have important responsibilities towards the protection of the environment, animal health and welfare, and public health. The Common Agricultural Policy Reform Agreement therefore requires applicants to observe certain conditions in these areas in return for receipt of direct agricultural support (this includes Single Farm Payment). This is known as Cross Compliance.
- 3.2. One element of Cross Compliance is that applicants must keep their land in Good Agricultural and Environmental Condition. As part of the CAP Health Check reforms, the European Commission increased the scope of the Good Agricultural and Environmental Condition (GAEC) element of Cross-Compliance to include a requirement relating to irrigation authorisations. The introduction of this requirement is compulsory if domestic legislation already contains a requirement for authorisations. As this requirement is already included within the Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 it is necessary to amend the domestic Cross-Compliance legislation to introduce the irrigation authorisations as a GAEC measures.
- 3.3. The aim of the new GAEC is to manage the use of water for irrigation. It will apply to anyone abstracting or impounding water for irrigation. It requires that those abstracting or impounding more than 10m³ but less than 20m³ in any 24 hour period have an authorisation and adhere to this

authorisation. It also requires that those abstracting or impounding more than 20m³ in any 24 hour period hold an abstraction license and adhere to this licence.

4. Consultation

4.1. There has been no consultation specific to these amended Regulations. As they are already included in domestic legislation, there is no option other than to include them in our GAEC measures.

5. Equality Impact

5.1. The Regulations have been screened using DARD's Equality and Human Rights Screening procedure. The legislation has no impact on equality or human rights and an Equality Impact Assessment is not required.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been prepared for these Regulations as they have no impact in terms of costs on business, charities or voluntary bodies.

7. Financial Implications

7.1. There are no financial or resource implications involved in the making of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations are deemed to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The Northern Ireland GAEC requirements were developed from a framework laid down by the European Commission. As long as all the mandatory elements of the Commission framework are implemented Northern Ireland has regional discretion about how these elements are enforced.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. None.