

# General information

Cross compliance requirements apply to you if you receive direct payments under Common Agricultural Policy (CAP) support schemes or if you receive payments under certain Rural Development schemes. **Your payments may be reduced if you do not comply with these requirements.**

There are three aspects of Cross Compliance requirements:

- specific European legal requirements, known as Statutory Management Requirements (SMRs);
- domestic legal requirements requiring you to keep your land in Good Agricultural and Environmental Condition (GAEC);
- requirements to maintain a level of permanent pasture not included in the crop rotation for 5 years or more. **This is not currently a cross compliance requirement for individual farmers, but may become one in future years.**

Cross compliance requirements apply **in addition to** your underlying obligations under European and UK legislation. Remember, you may face other penalties if you do not carry out those obligations, as well as losing CAP payments.

All agricultural activities are covered by cross compliance and you must comply with the requirements across the whole agricultural area of your holding, regardless of the amount of land you entered into the Single Payment Scheme (SPS). This includes common land over which you exercise or hold rights of common, including rights in gross. The only exception is that you do not need to produce a Soil Protection Review (SPR) for common land.

If there is a breach of cross compliance which is directly attributable to you, you may have **all** of your direct payments reduced. Rural Payments Agency (RPA) will advise you of any reduction to your payments.

Although land used to activate entitlements need only be at a claimant's disposal on 15 May, cross compliance requirements will still need to be met for the whole calendar year.

The claimant is responsible for making sure cross compliance requirements are met for the whole calendar year. This applies even if the claimant is not in occupation of the land for the entire year. For example, if you were to take on some agricultural land on 10 April and it forms part of your holding on 15 May, you would be liable for any cross compliance breaches that occurred since the start of the year, including, where relevant, any period between 1 January and the date you took on the land. Similarly, if you claimed on some land which you then transferred out after 15 May, you would remain responsible for ensuring that the cross compliance requirements relating to that land are met until the end of the calendar year. **For the 2008 Scheme year only**, the claimant will not be held liable for any breach which occurs prior to 1 April 2008 where they were not in occupation of the land at the time of the breach.

Therefore, if you are transferring land (either in or out) during the year, you should carefully consider the terms of any contractual arrangements between you and the transferor or transferee. This is so you can make sure that your interests are protected if a cross compliance breach occurred, or access to inspectors was prevented, before or after the land transfer. Similarly, you should bear in mind the risks of not having contractual arrangements agreed and in place.

You may be exempted from a cross compliance standard where the laying, construction or maintenance of a pipeline, cable or pylon under statutory authority is incompatible with meeting the standard. If you think such work might be incompatible with meeting a standard, you should make any request for an exemption to RPA in advance of the work being carried out. This should safeguard the position of both you and the statutory authority. In emergency situations where advance requests may not be possible, RPA would not expect such requests to be made in these circumstances. If however, you find the work is incompatible with a standard, you would be advised to write to RPA to safeguard your position.

RPA would not expect statutory bodies to undertake the process of using their statutory powers to obtain the required permission for access or to carry out work, where voluntary consent exists and where statutory consent would be granted if required.

Responsibility for ensuring compliance in relation to the identification and traceability of sheep, goats and pigs lies with the keeper - the person with day-to-day responsibility for the animals. This applies regardless of who owns the animals and whose land they are grazing on. Responsibility for ensuring compliance in relation to identification and traceability of cattle also lies with the keeper – in this case the person registered on the Cattle Tracing System (CTS). Responsibility for ensuring the welfare of all farmed animals lies with both the keeper, again, the person who has day-to-day responsibility for the animals - **and** the owner of the animals.

## **Relationship between GAEC and other environmental schemes**

The GAEC measures provide a baseline of environmental protection for soils, habitats and landscape features. If your requirements under certain land-based Rural Development schemes conflict with GAEC measures, the Rural Development scheme requirements will generally take precedence. If you are unsure you should contact RPA.

Guidance on GAEC requirements on habitats and landscape features has been provided as a separate publication *Management of Habitats and Landscape Features: Guidance for Cross Compliance in England*. This should help you to identify habitats and landscape features on your land and also provides recommendations on best practice, additional information and advice.

## **Exemptions**

In exceptional circumstances, you may be able to apply to the RPA for an exemption from certain cross compliance requirements. These might include instances when access is needed to utilities and services for repair and construction, when there are issues of human or animal health or safety, or when you need to control pest or weed infestations. You should not proceed with the activity until you have received written permission.

Information regarding exemptions can be sought by contacting the RPA's Customer Service Centre. Please ensure that any application is supported by adequate evidence, such as advice from an agronomist. Photographic evidence or explanatory diagrams could also support your applications. All letters and e-mails requesting exemptions should be clearly headed 'Cross Compliance Derogation'. E-mails regarding exemptions should be sent directly to [csc@rpa.gsi.gov.uk](mailto:csc@rpa.gsi.gov.uk)

## **Farm Advisory System**

EU Member States are required to set up a Farm Advisory System to advise farmers on cross compliance requirements. In England this is funded by Defra and operated by Momenta. Further information on the service Momenta provides, along with advice and guidance, can be found on their website at [www.crosscompliance.org.uk](http://www.crosscompliance.org.uk) or by calling the cross compliance advice line – **0845 345 1302**.