

## Cross Compliance Inspection Process

### SUMMARY

- A Cross Compliance inspection checks that you are meeting the rules relating to Statutory Management Requirements and Good Agricultural and Environmental Conditions.
- At least 1% of farmers who claim Common Agricultural Policy (CAP) support payments will be selected for a Cross Compliance inspection.
- Depending on the Cross Compliance requirements that apply to your farm business the inspector will check your land, livestock and records.
- Be prepared; know what rules are relevant to your business and ensure your records are up-to-date.

### Introduction

Cross Compliance is a set of rules made up of Statutory Management Requirements (SMRs) and Good Agricultural and Environmental Conditions (GAECs) that farmers and crofters must adhere to in order to receive Common Agricultural Policy

(CAP) support payments<sup>1</sup>. Under the 2015-2020 CAP there are 13 SMRs and 7 GAECs that apply in Scotland covering environment and climate change, public health, plant health, animal health and animal welfare.



<sup>1</sup> Applicants to the following schemes are required to meet the requirements of Cross Compliance - Basic Payment Scheme, Scottish Suckler Beef Support Scheme, Scottish Upland Sheep Support Scheme, National Reserve, LFASS, Forestry Grant Scheme, Agri-Environment Climate Scheme and Beef Efficiency Scheme.

Environment and climate change	
GAEC 1	Buffer strips along watercourses
GAEC 2	Abstraction of water for irrigation
GAEC 3	Protection of groundwater against pollution
GAEC 4	Minimum soil cover
GAEC 5	Minimum land management reflecting site specific condition to limit erosion
GAEC 6	Maintenance of soil organic matter
GAEC 7	Retention of landscape features
SMR 1	Nitrate Vulnerable Zones
SMR 2	Conservation of wild birds
SMR 3	Conservation of flora and fauna
Public health, animal health and plant health	
SMR 4	Food and feed law
SMR 5	Restrictions on the use of substances having hormonal or thyrostatic action and beta-agonists in farm animals
SMR 6	Pig identification and registration
SMR 7	Cattle identification and registration
SMR 8	Sheep and goat identification
SMR 9	Prevention and control of transmissible spongiform encephalopathies (TSEs)
SMR 10	Restriction on the use of plant protection products
Animal welfare	
SMR 11	Welfare of calves
SMR 12	Welfare of pigs
SMR 13	Welfare of farmed animals

Each SMR and GAEC has its own rules; to check that farmers and crofters are complying with these, inspections are carried out.

Cross Compliance inspections are carried out mainly by Rural Payments and Inspections Division (RPID) inspectors but in some cases, other bodies will carry out an inspection, for example the Animal and Plant Health Agency will inspect the animal welfare part of Cross Compliance.

### Selection process

Under EU law at least 1% of all CAP support scheme claimants are required to be selected for a Cross Compliance inspection. However, for 'pig, cattle, sheep or goat identification and traceability' inspections (SMRs 6, 7 and 8) the inspection rate increases to 5%.

Farmers selected for a Cross Compliance inspection are selected on a random basis for 25% of inspections and on a risk basis for 75% of inspections, whereby the risk is the administrative risk of not complying with the requirements. Each Cross Compliance requirement has its own risk criteria and for each criteria there is a list of bands and associated weightings that are used to score the risk. Farmers are scored against all the risk criteria and those with the highest scores are selected for inspection.

An example of the risk criteria for 'Minimum land management reflecting site specific conditions to limit erosion' (GAEC 5) and its associated checks, bands and weightings that are used in the scoring process are shown below for illustration.



GAEC 5 risk criteria	What is checked and weightings
Determines whether land is at risk from soil erosion due to livestock or late harvest of crops.	<ul style="list-style-type: none"> <li>– Livestock information from the SAF (base form) i.e. if <b>outdoor pigs, cattle and sheep are present</b> at any time (Column A) or numbers at 1 March (Column B).</li> <li>– Crop information from the SAF (field data sheets) i.e. if <b>carrots, leeks, parsnips, spring beans for human consumptions, spring field beans, seed potatoes, shopping turnips, shopping swedes or ware potatoes</b> have been declared.</li> </ul> <p>Set band to:</p> <ul style="list-style-type: none"> <li>• <b>No</b> - if the business hasn't declared any relevant livestock or crops (apply weighting of 0)</li> <li>• <b>Yes</b> - if the business has declared relevant livestock or crops (apply weighting of 20)</li> </ul>

### What to expect

At a Cross Compliance inspection the inspector will visit your farm to check that you are complying with the rules relating to SMRs and GAECs that apply to your farm business. Depending on the requirements to be checked, the inspector will:

- Check your land – this could involve checking boundaries and features or looking for any erosion.
- Check your livestock – this could involve making sure animals are properly tagged and well cared for.
- Examine your records – this could involve checking that your herd/flock registers and movement, medicine, pesticide or Nitrate Vulnerable Zone (NVZ) records are complete and up-to-date.

The inspector will however let you know at the start of the visit, what exactly they will be checking and approximately how long the inspection will take.

During the inspection the inspector will record their findings onto relevant inspection control report forms.

### Inspection findings

If a breach is found, the level of penalty that may be applied to your support scheme payments depends on the following:

- Intent – was it a negligent or intentional breach?
- Extent – is the breach confined to your farm or does it have wider implications?
- Severity – what is the significance of the breach?
- Permanence – does the breach have a lasting effect?
- Reoccurrence – has the same breach previously been found?

Minor negligent breaches can result in a warning letter being issued, however penalties of up to 5% can be applied if the negligent breach is more serious.

If a breach is deemed to be intentional penalties of 20% are typically applied; if the intentional breach is deemed to be severe and permanent, penalties of 100% can be applied, however this is not common.

If you are in breach of any of the Cross Compliance requirements, RPID will write to you to confirm this. The letter will provide information about the breach and advise you of any proposed payment reductions. If you are unsure about the findings of your inspection you should contact your local RPID office to discuss it with them. If you do not agree with the findings and outcomes you can ask RPID to formally review their decision via an appeals process.

### Be prepared

Although most inspections are unannounced there are still things you can do to help ensure the inspection process goes smoothly.

- Ensure that you know what SMR and GAEC requirements apply to you and the associated rules.
- Ensure all claims and declarations are accurate.
- Keep copies of your applications and declarations for reference.
- Ensure your records and documents are up-to-date and close at hand, including any letters issued by relevant authorities that permit you to carry out certain activities on your land i.e. exemptions, licenses or notices/letters of consent.
- Be prepared to present your animals to the inspector; having suitable and well maintained livestock handling facilities will assist with this.

If you have adhered to the requirements and your records are up to date a Cross Compliance inspection should not be something to worry about.

### Further information on Cross Compliance can be found at:

<https://www.ruralpayments.org/publicsite/futures/topics/inspections/all-inspections/cross-compliance/>.

Handy checklists and a calendar of key dates can be downloaded from: [http://www.sruc.ac.uk/homepage/784/cross\\_compliance](http://www.sruc.ac.uk/homepage/784/cross_compliance)

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