

# THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

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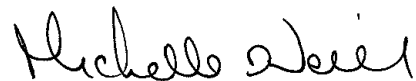
**19 June 2013**  
**24055/11-15**

**Dolores Kelly asked:**

To ask the Minister of Agriculture and Rural Development, pursuant to AQW 23334/11-15, to list the 63 recommendations of The Independent Review Panel accepted by her Department; and the actions taken to implement these recommendations.

**ANSWER**

The 63 accepted or accepted in principle recommendations from the NI Agri-Food Better Regulation and Simplification Review which my Department had input to are listed on the attached table (placed in library) together with the actions taken to implement them.



**MICHELLE O'NEILL MLA**

The 63 accepted or accepted in principle recommendations from the NI Agri-Food Better Regulation and Simplification Review which my Department had input to are listed on the attached table (placed in library) together with the actions taken to implement them.

**ANNEX A**

| <b>REVIEW RECOMMENDATION</b>  | <b>ACTION TAKEN</b>   |
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| <i>Policy Area: Tuberculosis Control Programme</i>  |   |
| <p><b>Recommendation 1</b></p> <p>That DARD should consider and quantify the administrative burden placed on herd keepers by different policy options and control measures as part of any future strategy on TB policy.</p> | <p><b>Accepted.</b></p> <p>All DARD policy options are subject to assessment and consideration of administrative burdens.</p>   |
| <p><b>Recommendation 2</b></p> <p>That DARD should eliminate herd size as a factor when deciding whether to synchronise annual TB and Brucellosis surveillance tests.</p>   | <p><b>Accepted.</b></p> <p>Smaller herds will be considered for possible synchronisation. However, due to resource constraints it is currently not possible to synchronise all tests. Over 85% synchronisation of TB and Brucellosis surveillance tests (smaller herds) was achieved in 2012-13 and over 90% in the case of larger herds.</p> |
| <p><b>Recommendation 3</b></p> <p>That DARD consider offering Brucellosis tests outside business hours on weekdays to accommodate</p>   | <p><b>Accepted.</b></p> <p>Veterinary Service staff have been encouraged to work flexibly in terms of starting time and do carry out</p>  |

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| <p>synchronised TB and Brucellosis testing of beef herds operated on a part-time basis. Additional costs to be met by the herd keeper on the basis of a fixed scale of charges.</p>         | <p>Brucellosis tests outside business hours within their expected weekly hours and without additional DARD or herd keeper cost.</p>   |
| <p><b>Recommendation 4</b></p> <p>That DARD should work on the premise that, in principle, information checked during the TB test should not require further checking for CII purposes.</p> | <p><b>Accepted in principle.</b></p> <p>There was consideration of how this recommendation might be taken forward without risk to Single Farm Payment or compromise to the integrity and effectiveness of the CII regime. It was concluded that it was not possible to use the TB test for CII purposes as the strict criteria for CIIs would not be met. However it was decided to synchronise as many CIIs as is possible within the rules with TB tests. This has been implemented and is an established VS procedure.</p> |
| <p><b><i>Policy Area: Brucellosis Control Programme</i></b></p>   |   |
| <p><b>Recommendation 5</b></p> <p>That DARD examine the factors which led to the successful eradication of brucellosis in the South of Ireland with a view to adjusting, as</p>             | <p><b>Accepted.</b></p> <p>DARD officials regularly meet their south of Ireland counterparts at both policy and field level to share and review statistical data and procedures</p>   |

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| <p>appropriate, policy and operational practice in the north of Ireland in light of lessons learnt.</p>   | <p>relating to the effectiveness of the Brucellosis control/eradication programmes. This work has been reviewed on an on-going basis and will continue at least until Official Brucellosis Freedom has been achieved.</p>   |
| <p><b>Recommendation 6</b></p> <p>The Panel recommends that DARD continues to incentivise the reporting of abortions by providing either a free or partially subsidised service for the collection of aborted material.</p> | <p><b>Accepted in principle.</b></p> <p>The 6 month trial of the free collection scheme for aborted material produced no significant increase in the reporting of abortions when compared with the same period in the previous year and therefore was demonstrated not to be an effective incentive.</p> <p>DARD will continue to look for ways to encourage herd-keepers to report abortions. Historically DARD has tried to encourage herd-keepers by keeping restrictions on their herd to the absolute minimum necessary, e.g. removing the whole herd restriction and merely having an individual animal restriction until the aborting animal is cleared.</p> |

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|  | <p>DARD has had in place for many years a publicity campaign on the importance for herd-keepers to report abortions. Since 2009 these efforts have intensified. Bio-security advice is now given routinely to all herd-keepers, including specific advice on how to handle and report abortions.</p>   |
| <p><b>Recommendation 7</b></p> <p>That DARD takes steps to improve farmers' awareness of the dangers of the Brucellosis contagion, perhaps by extending the terms of the PVP Tb contract to cover provision of advice on farm biosecurity.</p> | <p><b>Accepted.</b></p> <p>We will review the most efficient mechanism for improving awareness. There is already extensive work promoting bio-security awareness among herd-keepers. For example, in 2009, Animal Health and Welfare Inspectors (AHWIs) carried out biosecurity advisory visits to herds which may have had contact with Brucellosis. These are to remind farmers of good biosecurity practices and the disease risks in relation to Brucellosis.</p> <p>Biosecurity discussions have become a routine part of Brucellosis testing, i.e. it is a requirement for AHWIs to set aside time to discuss biosecurity with herd keepers at the time of their annual or</p> |

biennial Brucellosis tests. Supporting literature is already available.

In addition, there is an ongoing communications and advertising strategy for delivering the Brucellosis biosecurity message to farmers, which has included:

- Press advertising
- Sponsorship of farming reports with the ‘report abortions’ message
- In-depth brucellosis articles in the farming press
- Detailed biosecurity advice sent to 26000 farmers individually
- Building on the communications above, DARD is committed to reinforcing the biosecurity message.

PVPs have been advised in writing and at local meetings, of the important role they can play with their clients.

The Diseases of Animals Act (NI) 2010, gave DARD the power to prepare and publish statutory biosecurity guidance which contains measures to prevent the

introduction and spread of the disease and is binding on all farmers. It also made a link between compliance with new statutory Biosecurity Guidance for Brucellosis and payment of compensation for the slaughter of animals affected with this particular disease.

DARD has worked with industry and veterinary representatives, through the Brucellosis Stakeholder Working Group, to draw up Biosecurity Guidance for Brucellosis and to identify the key areas where “blatant or negligent disregard” will trigger consideration being given to the withholding of compensation.

Having a link between serious non-compliance with the most important elements of the Biosecurity Guidance and the withholding of compensation for the slaughter of diseased animals has provided an important additional tool to use in intensifying our efforts to push for Brucellosis freedom for the north of Ireland.



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|  | <p>In addition, an amendment to the Brucellosis Control Order has led to a cap in compensation being set for negative-in-contact animals as well as reactors and is seen by stakeholders, PVPs and the Department to be sending a strong message that there is no financial advantage to be gained by creating a fraudulent Brucellosis breakdown.</p>  |
| <p><b><i>Policy Area: Cattle Identification, Registration and Movement</i></b></p>   |   |
| <p><b>Recommendation 9</b></p> <p>That, subject to positive evaluation of the pilot project, the telephone registration service should be extended from Fermanagh to the rest of the north as soon as practicable.</p> | <p><b>Accepted.</b></p> <p>Following a positive evaluation of the telephony pilot project, the Cattle Identification (Notification of Births, Deaths and Movements) (Amendment) Regulations (NI) 2011 were made to permit the notification of births and deaths of animals by means of electronic communication, where such electronic communication is authorised by the Department. The telephone registration service has now been rolled out successfully across the north.</p> |

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| <p><b>Recommendation 10</b></p> <p>That DARD considers introducing additional incentives to encourage farmers to switch from paper MC1 registration to one of the IT options. For example subject to consultation with the European Commission, farmers who register cattle births and deaths on-line, and therefore have access to their herd details through APHIS, should no longer need to maintain a separate herdbook.</p> | <p><b>Accepted.</b></p> <p>This recommendation was considered further by the DARD/Industry Identification, Registration and Movement (IRM) Working Group and as part of the DARD Channel Management Strategy. We anticipate that these changes will be implemented through the Commission's proposals on Cattle Electronic Identification (EID). Proposals on cattle EID are being discussed at Trilogue (President, Council &amp; Commission) level and we are awaiting the outcome of this.</p> |
| <p><b>Recommendation 12</b></p> <p>DARD should investigate the feasibility of introducing electronic alternatives to all the paper based movement management processes currently in place. In considering the costs and benefits of an electronic alternative, any reduction in administrative burden should be fully reflected in the calculation.</p>  | <p><b>Accepted.</b></p> <p>This recommendation will be taken forward by the DARD/Industry IRM Working Group as part of the DARD Channel Management Strategy. We are awaiting the outcome of discussions in Brussels on proposals for Cattle EID to take this forward.</p>   |
| <p><b>Recommendation 13</b></p>  | <p><b>Accepted in principle.</b></p>  |

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| <p>That DARD reviews the need for MC2Ls for stock under restriction being transported to slaughter premises. However, any relaxation should be accompanied by clear guidance on the consequences of unauthorised movements for herd keepers and the advisability of checking, when in doubt, with local DVOs prior to moving stock.</p>  | <p>The IRM Working Group, which comprises DARD and industry representatives, will take forward this recommendation and will issue appropriate guidance.</p>  |
| <p><b>Recommendation 14</b></p> <p>The process of death notification for cattle should be changed so that the keeper is only required to inform the agent responsible for the disposal of the carcass of an animal's death. The agent should be made responsible for updating APHIS on taking possession of the carcass, using the same links available to markets and meat plants when receiving stock onto their premises.</p> | <p><b>Accepted in principle.</b></p> <p>The Cattle Identification (Miscellaneous Amendments) Regulations (NI) 2012 which came into operation 1 January 2013 allows an agent to notify the Department of births, deaths or movement of animals on behalf of a keeper. .</p> |
| <p><b>Recommendation 16</b></p> <p>DARD should seek confirmation</p>   | <p><b>Accepted.</b></p> <p>The European Parliament, Council and</p>  |

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| <p>from, or reach agreement with, the European Commission, that electronic identification of cattle is acceptable as an official means of identification for all statutory purposes.</p>  | <p>Commission are currently discussing proposals for the electronic identification of cattle. We are awaiting the decision from Brussels on Cattle EID to take this forward as it raises the possibility that keepers would have the option, on a voluntary basis at least, to adopt electronic identifiers as an official means of identification.</p> <p>We are awaiting the decision from Brussels on Cattle EID to take this forward.</p>                |
| <p><b>Recommendation 18</b></p> <p>DARD should investigate the problem of frequent ear tag loss and offer practical guidance on how this can be reduced. This may include the need to provide training or improve guidance on the application technique used by farmers. In addition, it may be necessary for farmers to change the choice of tag design depending on the type of cattle involved or production systems in use.</p> | <p><b>Accepted in part.</b></p> <p>All eartags must go through rigorous tests (Publicly Available Specification) and meet ISO standards before they can be approved for use in a Member State.</p> <p>Meetings were held in April 2013 with stakeholders from markets, Export Assembly Centres (EACs) and stakeholder representatives. These meetings were to give guidance and information to the industry. DARD reminded stakeholders that if they had</p> |

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|  | <p>any concerns about eartags to fill in the Complaint Form. DARD will then raise any issues with eartag manufacturers and suppliers.</p> <p>At these meetings DARD re-emphasised to stakeholders about the choice of eartag designs available.</p> <p>DARD issued Complaint forms to all markets and EACs. At the Balmoral Show in May 2013 DARD staff talked to farmers about the importance of eartags and their relation to the traceability of animals within the industry.</p> |
| <p><b>Recommendation 19</b></p> <p>As a matter of urgency, DARD should seek agreement from the European Commission that the use of APHIS data (supplemented as necessary by movement documents) is an acceptable substitute for the on-farm herd book.</p> | <p><b>Accepted in principle.</b></p> <p>This recommendation was considered further by the DARD/Industry IRM Working Group and as part of the DARD Channel Management Strategy. An opportunity was presented by the Commission's proposals on cattle EID to amend EU legislation in support of the recommendation. . We are awaiting the decision on cattle EID from Brussels to take this forward.</p>   |

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| <p><b>Recommendation 20</b></p> <p>Although various elements of the IRM regulations have been highlighted for simplification through electronic means, DARD should as a priority develop an integrated paperless system for all cattle IRM notification and record keeping activities.</p>  | <p><b>Accepted in part.</b></p> <p>This was taken forward as part of the move to electronic identification for cattle. However, for sheep EID, keepers felt very strongly that they should be allowed to retain their flock registers and movement documents. An opportunity was presented by the Commission's proposals on cattle EID to amend EU legislation in support of the recommendation. We are awaiting the decision on cattle EID from Brussels to take this forward.</p> |
| <p><b>Recommendation 21</b></p> <p>Independently of any initiative to introduce an optional APHIS based register, DARD should review the information required to be entered in herd books, with a view to eliminating unnecessary fields – such as colour. The layout of APHIS and the existing herd book should also be brought into line to ease the transfer of information from one to another.</p> | <p><b>Accepted in principle.</b></p> <p>The IRM Working Group will review the information fields in herd-books with a view to eliminating any administrative requirements that are not laid down in EU law and are not justified on traceability and enforcement grounds. This will be taken forward when we amend our existing cattle legislation.</p> <p>However, DARD will not be taking</p>   |

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|  | steps to eliminate the colour requirement for the registration of births and movements.   |
| <p><b>Recommendation 22</b></p> <p>In conjunction with revisions to the content and layout of herd books, DARD should provide guidance on how to complete herd book entries to reduce inadvertent mistakes and help avoid the imposition of penalties.</p> | <p><b>Accepted.</b></p> <p>The IRM Working Group will consider amendments to the herd-book and guidance will be issued to all herd-keepers to ensure that the level of “inadvertent” mistakes is minimised.</p>   |
| <p><i>Policy Area: Sheep Identification, Registration and Movement</i></p>   |   |
| <p><b>Recommendation 25</b></p> <p>That as a guiding principle, sheep EID should be implemented in a pragmatic way to ensure that it generates as little cost as possible for all stages of the supply chain, but particularly farmers.</p>                | <p><b>Accepted.</b></p> <p>When implementing Sheep EID, DARD considered the feasibility of implementing the Slaughter Derogation, which allows flock-keepers to apply only a single tag to lambs that will be slaughtered within 12 months of birth in the same Member State. We consulted the industry on this element of the new system, and it formed the main focus of our Regulatory Impact Assessment.</p> <p>The benefit of this derogation is that it</p> |

allows the tag costs to keepers to be minimised. However, there are a number of disadvantages. When lambs tagged under the Slaughter Derogation are moved, their flock number must be recorded on flock registers. Although the tags are less expensive, this creates a considerable administrative recording burden for keepers as markets and meat plants cannot perform the central point of recording function on behalf of keepers.

With the agreement of the industry we rejected taking the Slaughter Derogation here because it would create additional administrative burdens, markets and meat plants could not perform the Central Point of Recording role, and slaughter lambs tagged under the derogation could not be exported to the south, which is a critical trade element in that we export over 250,000 sheep to the south annually.



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| <p><b>Recommendation 26</b></p> <p>That the method of sheep EID adopted is easy to understand and comply with and delivers a level of identification and traceability that is proportionate but satisfies the EU requirements.</p> | <p><b>Accepted.</b></p> <p>DARD worked very closely with the industry in an attempt to bring forward a Sheep EID system which was easy to understand and reduced the administrative burden on flock-keepers. Not adopting the slaughter derogation, and adopting the central point of recording derogation, greatly simplifies the tagging rules, the rules for replacing lost tags, and the movement recording rules for keepers.</p> <p>The Sheep EID system, introduced on 31 December 2009 is in line with EU Council Regulation 21/2004 on the identification and movement of sheep and goats; and provides effective traceability for DARD and the industry.</p> <p>A Quick Guide and Guidance document was issued to all keepers to help them understand the identification and movement rules for sheep and goats.</p> |
| <p><b>Recommendation 27</b></p>  | <p><b>Accepted in part.</b></p>  |

That DARD, with the support of the industry, draws on its experience of implementing APHIS and considers the feasibility of introducing the appropriate elements from:

- The flock register and movement document derogations, whereby the burden of recording individual identities on movement documents and flock registers is removed from the flock owner and substituted by a central database linked to markets and slaughterhouses equipped with EID scanning technology ; and
- The slaughter derogation, exempting slaughter before 12 months from EID and individual recording requirements.

The flock register derogation and movement document derogation have both been adopted, albeit on a voluntary basis, while the slaughter derogation has not been adopted (for the reasons outlined at recommendation 25).

We have also adopted another very important derogation which provides for the establishment of Central Points of Recording which allows the Department to approve Markets, Meat Plants, and Export Assembly Centres to read tags on behalf of keepers. The Markets and Meat Plants have told us that in order for them to perform the central point of recording role, all sheep need to bear an EID device. As the vast majority of sheep movements here are to and from such premises, where the operators opt to perform this function, keepers will not need to list tag numbers on movement documents, thus reducing the administrative burden on keepers. More importantly, the concession also means that most flock-keepers do not need to buy EID readers.

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| <p><b>Recommendation 28</b></p> <p>In considering the costs and benefits of all implementation options, the impact assessment undertaken by DARD should adhere to the Better Regulation Executive's Regulatory Impact Assessment Guidance.<sup>57</sup> This requires measurement of the administrative burden using the Standard Cost Model and inclusion of the administrative burden within the aggregate cost.</p>  | <p><b>Accepted (Already in place).</b></p> <p>DARD adopted the Better Regulation Executive's Regulatory Impact Assessment Guidance when considering the costs and benefits of implementation options. A key feature of this is the requirement to undertake a Regulatory Impact Assessment on regulations.</p>  |
| <p><b>Recommendation 29</b></p> <p>That, subject to agreement on the final form of the regulation and the derogations to be sought by the north of Ireland, CAFRE urgently develops a programme incorporating: farmer meetings to raise awareness and provide basic information on new arrangements; provision of training to farmers, market and slaughterhouse operators in the use of EID technologies; promotion of the benefits of these technologies; and</p> | <p><b>Accepted in principle.</b></p> <p>This action is now complete. Training was delivered in the summer of 2010 at 13 sheep markets throughout the north. Over 1,100 farmers attended and the feedback was positive. In addition letters were sent to farmers and issues pertaining to EID were highlighted in articles in the farming press, interviews on the radio and a poster campaign in local DARD Offices. This action is now complete.</p> |

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| <p>ongoing support to industry throughout the implementation phase and beyond.</p>   |  |
| <p><b>Recommendation 30</b></p> <p>That DARD establishes a dedicated sheep EID webpage which is promptly updated as information becomes available and decisions taken. The site to contain: timetable for policy development and implementation; background information about sheep IRM policy proposals and decisions taken; impact assessments undertaken; links to EID research pilots; and Frequently Asked Questions section.</p> | <p><b>Accepted.</b></p> <p>CAFRE staff have developed and updated a dedicated sheep EID webpage, it is available at <a href="http://www.ruralni.gov.uk/eid">www.ruralni.gov.uk/eid</a>.</p>  |
| <p><b><i>The Single Farm Payment Scheme</i></b></p>  |  |
| <p><b>Recommendation 31</b></p> <p>That DARD scrutinise every aspect of the application process with the aim of reducing the average self-completion time by 60 minutes by 2011 and 90 minutes by 2013. This would achieve a 24 per cent reduction</p>   | <p><b>Accepted.</b></p> <p>From 2005 onwards, we have made significant changes to both the forms and the guidance material. We believe that forms have been refined to the point where no further substantive changes could be made.</p> |

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| <p>in the overall administrative burden created by the SFP regulations by 2013. Efforts should focus on simplifying guidance materials and instructions.</p>   | <p>Both are reviewed annually. Summary guidance is provided to applicants and a more detailed guidance is available on line.</p>   |
| <p><b>Recommendation 32</b></p> <p>That DARD investigates why take-up of on-line applications for the SFP is so low and implements lessons learnt from this exercise and experience in the South of Ireland. Consideration should be given to providing incentives to encourage uptake that do not contravene the EU requirement that there is no discrimination between farmers using electronic and non-electronic means of submission. The Panel believes that assistance such as specific training on completing on-line applications, access to computers in DARD offices and provision of real-time telephone ‘trouble shooting’ advice to on-line applicants would not constitute</p> | <p><b>Accepted.</b></p> <p>DARD has since bench-marked its Single Application Online Service with that of the Department of Agriculture, Food and the Marine (DAFM) in the South of Ireland. Whilst its service provides some features and benefits not associated with the Department’s online service, the DAFM facility is the vehicle solely for claims to Single Farm Payment. The Department’s Single Application, however, facilitates the receipt of claims to four area-based schemes, which inherently adds to the design complexity of its online service when contrasted to that of DAFM.</p> <p>The potential to introduce incentives has been explored, but the current EU</p> |

discrimination.

regulatory framework governing the administration of the SFP scheme explicitly prohibits more favourable treatment of one channel of application over another. In the absence of direct incentivization, the Department has sought, working with farmers and their representatives, to improve the service rendering it more efficient and attractive.

Each year the Department has delivered training on the completion of online applications to farmers and those who submit Single Applications on their behalf. Free-standing computer kiosks have also been installed across the Department's office network to provide customer Internet access and a dedicated team of staff is on hand, throughout the duration of the annual application window, to provide advice and guidance to those who elect to submit Single Applications online.

As a result of these measures, and others over the last four years, the Department has experienced a significant increase in online participation. In 2010, it

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|   | <p>attracted 9% of all Single Applications online, rising to just over 20% (7,685) in 2013.</p>  |
| <p><b>Recommendation 33</b></p> <p>That DARD review guidance material and application forms on the transfer of entitlements and related activities, with a view to improving clarity and ease of completion. As not all stakeholders are aware that DARD has a specialist team to deal with entitlement transfers, better signposting of this service on the web and elsewhere is needed.</p> | <p><b>Accepted.</b></p> <p>Forms and guidance has been improved on an ongoing basis each year. 1200 Trading applications were received in 2013.</p>  |
| <p><b>Recommendation 34</b></p> <p>As a further development of the ‘whole case approach’ to SFP processing, DARD should advise applicants of their case-worker’s name and how they can be contacted. This information could be incorporated into the acknowledgment letter sent to SFP applicants.</p>  | <p><b>Accepted.</b></p> <p>Implemented as far as practical. The whole case approach is used at the decision notice stage of the process. All decision notices identify the author and provide contact details.</p> |

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| <p><b>Recommendation 35</b></p> <p>In cases where SFP applicants have been selected for eligibility and cross compliance checks but inspections do not identify problems that result in the application of penalties, no delay should be incurred in receiving payment. Other things being equal, applicants in this situation should be paid in December.</p>   | <p><b>Accepted in part.</b></p> <p>The current procedure is that inspected claims that are “clean” are processed immediately subject to there being no other issues with the claim.</p>  |
| <p><b>Recommendation 36</b></p> <p>In situations where eligibility and cross-compliance checks have identified breaches or similar problems, DARD should amend post inspection procedures so that a transparent and time bounded process for the calculation and payment of SFP is introduced. The time permitted for payment to be made would be linked to the date on which a breach was detected and the length of the period would depend on the</p> | <p><b>Accepted in principle.</b></p> <p>We agree that it is important to make payments as quickly as possible. It is not practical to link the payment date to the date on which a discrepancy is detected.</p> <p>Where possible inspection results are applied to SFP claims in the order that inspections are carried out in the field.</p> |



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| <p>complexity and severity of the problem.</p>   |  |
| <p><b>Recommendation 37</b></p> <p>That DARD aim by 2013 to match the commitment to farmers in the South of Ireland that 80 per cent of eligibility checks are completed using remote sensing. In this connection, DARD should consider the option of screening farms selected for eligibility checks using real-time satellite photography, as occurs in the South of Ireland. Only if the image is unclear or gives rise to suspicion of a breach should on-farm inspection be undertaken.</p> | <p><b>Accepted.</b></p> <p>A trial of our business process in 2012, conducted a limited number of On-the-Spot Checks using satellite technology to determine land eligibility. The Department has committed to conducting at least 50% of On-the-Spot Checks using remote sensing for the 2013 Scheme year. The Department is using the standard methodology as laid down by the Commission for all Member States when conducting On-the-Spot checks remotely and as a result, on farm inspection will only be carried out within the scope of this methodology.</p> |
| <p><b><i>Cross Compliance</i></b></p>  |  |
| <p><b>Recommendation 38</b></p> <p>That DARD builds on current initiatives by seeking to secure the Plain English Campaign's Crystal Mark clarity status for scheme guidance notes and stock of standard</p>   | <p><b>Accepted in principle.</b></p> <p>All guidance material is plain English proofed before issue. In addition this guidance is sent for comment to Industry Representatives as part of the annual consultation process.</p>   |

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| <p>letters. The Rural Payments Agency is a comparable organisation where Crystal Mark status is being adopted to good affect.</p>  |  |
| <p><b>Recommendation 43</b></p> <p>That DARD Service Delivery Group and NIEA review the period of advance notice given for SFP eligibility or cross-compliance inspections, (other than those involving cattle) with a view to increasing these above current levels. Any increase to be consistent with maintaining control objectives and effectiveness.</p> | <p><b>Accepted.</b></p> <p>Regulations allow for up to 14 days notice provided the integrity of the inspection is not jeopardised. Current practice allows for a reasonable period of notice to be given.</p>              |
| <p><b>Recommendation 44</b></p> <p>Risk factors, evaluation criteria and weightings used to assess selection for cross-compliance and SFP eligibility checks by both DARD CCAs and NIEA should be made public.</p>   | <p><b>Accepted in Principle.</b></p> <p>DARD understands that NIEA publishes details of all its risk factors and criteria annually for the selection process for that year. DARD releases this information on request.</p> |
| <p><b>Recommendation 45</b></p>  | <p><b>Accepted</b></p>   |

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| <p>The weightings given to indicators of good practice, such as membership of a farm quality assurance scheme or receipt of agri-environment payments, should be reviewed to assess whether, at present, they sufficiently reflect the reduced risk that stakeholders argue farms with these characteristics possess. The assessment should be made by comparing inspection reports for farm businesses, with and without these features, selected for inspection as part of the annual random sampling process.</p> | <p>This continues to be the case, in the risk analysis we allow positive weightings for membership of, for example FQAS, Organic schemes. These are reviewed and adjusted annually.</p> <p>Would have no impact on random selection as applications cannot be deselected for inspection.</p> |
| <p><b>Recommendation 46</b></p> <p>The Panel considers that a stock take should be made of all the cross compliance verifiable standards and related guidance, with a view to simplification and consolidation of published material. As and when guidance information is revised, it should help farmers understand what they need to do to comply with regulations and build on the straightforward and clear approach</p>   | <p><b>Accepted.</b></p> <p>The Cross-Compliance verifiable standards and supporting guidance are reviewed annually. When changes are required Dear Producer Letters are issued and the Cross-Compliance area of the DARD website is updated to reflect the changes.</p>                      |

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| <p>adopted in existing DARD publications such as ‘Your Environmental Responsibilities under Cross-Compliance: A Guide to Farmers.’</p>   |  |
| <p><b>Recommendation 47</b></p> <p>As with IACS / SFP literature, any written communication on cross compliance issues not already Plain English tested to meet the Plain English Campaign’s ‘Crystal Mark’ standard, should undergo this process.</p>   | <p><b>Accepted.</b></p> <p>Linked to recommendation 38. All guidance material is plain English proofed before issue.</p>   |
| <p><b>Recommendation 48</b></p> <p>On-line guidance to farmers on GAEC and cross-compliance provided by DARD should be provided at a single, easily navigable location on the internet. The NetRegs site, which aims to help small business in Britain and the north of Ireland to understand what is needed to comply with environmental law,</p> | <p><b>Accepted.</b></p> <p>DARD has now introduced a single access point for Cross-Compliance on its website. This provides a link to Statutory Management Requirements and GAEC measures, the Verifiable Standards, penalty information and FAQs. This site is updated as required to include any new information on Cross-Compliance and articles relating</p> |

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| <p>provides guidance on environmental NI cross-compliance SMRs. However, the Panel is of the opinion that all aspects of cross compliance and GAEC should be brought together in a single DARD website with similar focus.</p> | <p>to Cross-Compliance issues.</p>  |
| <p><b><i>Nitrates Action Programme</i></b></p>   |   |
| <p><b>Recommendation 49</b></p> <p>That the forthcoming review of the Nitrates Action Programme by DARD and DOE should incorporate assessment using better regulation principles.</p>  | <p><b>Accepted by both DARD and DOE.</b></p> <p>The review of the Nitrates Action Programme 2007-2010 was completed by DARD and DOE in December 2009.</p> <p>A new Action Programme for 2011-2014 which has taken account of feedback from stakeholders following both informal and formal consultation during the review process is now in place.</p> <p>Revised and improved NAP 2011 - 2014 Guidance has been produced and is available on the DARD and DOE websites. A Summary Document setting out the requirements of the NAP was issued to all farmers in February 2011.</p> |

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|   | <p>DARD advisers will continue with the existing training programme which provides guidance and support for farmers on the Nitrates Action Programme including Nitrates Derogation and Nutrient Management Planning.</p>   |
| <p><b><i>Veterinary Medicines Regulations</i></b></p>   |  |
| <p><b>Recommendation 50</b></p> <p>The Panel recommends that DARD considers producing a veterinary medicines record book (both electronic and hard copy options) to the required format and providing it, free of charge, to farmers to aid compliance with the record keeping requirements under the Veterinary Medicines legislation.</p> | <p><b>Accepted.</b></p> <p>Information and a template on the records which should be retained for all veterinary medicines are available on the DARD Internet Site. The Veterinary Medicines Regulation is currently under review and we do not wish to produce a veterinary medicines record book until we know the outcome of the Review. The Department is committed to issuing a record book to all keepers here, free of charge. We will consult the industry and the veterinary profession before any book is finalised.</p> |
| <p><b>Recommendation 51</b></p> <p>That DARD should accept a veterinary medicine record book in</p>   | <p><b>Accepted.</b></p> <p>Information and a template on the records which should be retained for all</p>  |

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| <p>any format that meets the requirements of EU legislation. For example, the north of Ireland Food Chain Certification provides a veterinary medicine record book to all participants of the NI Beef and Lamb Farm Quality Assurance Scheme.</p> | <p>veterinary medicines are available on the DARD Internet Site. The Veterinary Medicines Regulation is currently under review and we do not wish to produce a veterinary medicines record book until we know the outcome of the Review. The Department is committed to issuing a record book to all keepers here, free of charge. We will consult the industry and the veterinary profession before any book is finalised.</p> |
| <p><i>Animals And Animal Products</i></p>   |   |
| <p><b>Recommendation 52</b></p> <p>The Panel welcomes the initiative recently begun by DARD to simplify import/export arrangements and recommends that discussions with the industry are actively pursued.</p>                                    | <p><b>Accepted.</b></p> <p>The delivery of this is in place and is operational.</p>   |
| <p><b>Recommendation 54</b></p> <p>That DARD ensures that the new NI code of practice on the welfare of meat chickens meets the Plain English Campaign's 'Crystal Mark' standard.</p>   | <p><b>Accepted.</b></p> <p>All guidance material has been plain English tested as part of a wider DARD initiative. However the "Crystal Mark" standard has not been applied to the Meat Chickens Code because following</p>   |

the introduction of the Welfare of Animals Act 2011 and the Welfare of Farmed Animals (Regulations) 2012 all welfare codes for farmed animal species were reviewed and updated to reflect the new legislative requirements. These included one for Meat Chickens. All 6 Codes were produced in consultation with the relevant stakeholders and are designed to make them easier to read, understand and are available in different formats if required, including easy read. The Ulster Farmers' Union commented that it was pleased to see that the legal obligations were more clearly defined as they had requested and that a significant number of points they made had been taken on board and implemented by DARD. We replaced the Cattle Code with new Codes specifically aimed at the beef and dairy sectors. These are more manageable for the keeper as the new Codes are shorter and easier to follow. Codes are also available on the DARD website and electronic access to the Codes is now accepted by DARD Inspection staff and most Scheme providers for inspections.



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| <p><b>Recommendation 55</b></p> <p>That DARD ensures that the new NI code of practice on pesticide use meets the Plain English Campaign’s ‘Crystal Mark’ standard.</p>  | <p><b>Accepted.</b></p> <p>The new Code is Plain English approved and has attained the Crystal Mark. To accompany the Code of Practice for using Plant Protection Products, DARD produced a “quick start” summary guide for ease of reference to assist industry with compliance.</p>   |
| <p><b>Recommendation 56</b></p> <p>In negotiations about the proposed European Commission framework directive on the Sustainable Use of Pesticides, DARD should lobby for the adoption of national action plans that encourage voluntary measures, rather than regulatory ones, to promote sustainable pesticide use.</p> | <p><b>Accepted.</b></p> <p>The UK National Action Plan was published in February 2013. The Plan aims for non-regulatory approaches to be adopted as much as possible and looks to stakeholder partners to deliver these. The two key stakeholder organisations in delivering the non-regulatory measures in the Plan are the Voluntary Initiative for Pesticides for Agriculture and Horticulture, and the Amenity Forum.</p> |
| <p><b>Recommendation 57</b></p> <p>In negotiations on revision of the EC Pesticides Authorisations Directive, DARD should lobby for</p>   | <p><b>Accepted.</b></p> <p>There will be up to 3 different zonal applications for a particular product, instead of 25 different EU national</p>   |

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| <p>the introduction of zonal authorisation of agricultural pesticide products, rather than authorisation at Member State level.</p>  | <p>authorisations.</p>   |
| <p><b><i>Organisational Structures</i></b></p>   |  |
| <p><b>Recommendation 60</b></p> <p>That both Departments should continue to utilise Better Regulation Units, with DOE establishing an equivalent unit within the policy section. Their working objectives should be such that, in each Department, they are tasked with assisting policy makers developing new policy/regulations or revising existing ones and with providing advice and training on better regulation to staff throughout each Department.</p> | <p><b>Accepted.</b></p> <p>DARD established a Better Regulation Unit in 2010 to assist policy developers implement Better Regulation principles.</p>                                 |
| <p><b>Recommendation 62</b></p> <p>That the Minister for Agriculture and Rural Development, the Minister for the Environment, and the NI Assembly Agriculture and Environment Committees should</p>  | <p><b>Accepted.</b></p> <p>DARD officials already report regularly on progress to the Minister through input into the Better Regulation Annual Report which is compiled by DETI.</p> |

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| <p>exercise their respective powers to ensure that officials report regularly on the progress being made by each Department towards attaining better regulation goals.</p>  |  |
| <p><b>Recommendation 63</b></p> <p>That non-executive board members should play a more active role in monitoring progress on better regulation within each Department.</p>  | <p><b>Accepted.</b></p> <p>DARD officials report regular progress to the Departmental Board which includes two non-executive members.</p>    |
| <p><b>Recommendation 64</b></p> <p>That each Department should make managers responsible for ensuring that better regulation techniques are embedded within policy and operational work programmes at all levels.</p> | <p><b>Accepted.</b></p> <p>DARD's Better Regulation Advisory Unit coordinate's advice, support and training for managers as appropriate.</p> |
| <p><i>An Independent Monitoring and Assessment Body</i></p>   |  |
| <p><b>Recommendation 66</b></p>   | <p><b>Accepted in principle.</b></p>   |

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| <p>That DARD and DOE, indeed all NICS departments, should be subject to external scrutiny and be required to account for the progress being made in implementing better regulation practices and achieving better regulation targets</p>   | <p>In 2011, DARD produced an interim report on the progress being made on reducing the regulatory burden on the industry. The interim report was validated independently by representatives of the industry and scrutinised by the Agriculture Committee.</p>   |
| <p><b>Resourcing Regulation and Advice</b></p>   |   |
| <p><b>Recommendation 71</b></p> <p>All guidance documents published by each Department should comply with Plain English guidelines and the BERR Code of Practice on Guidance on Regulation. Consideration should be given to gaining Plain English Crystal Mark status for key documents</p> | <p><b>Accepted in principle.</b></p> <p>DARD fully supports the aim of this recommendation and agrees that, where possible, the Department should aim to comply with both Plain English guidelines and the BERR Code of Practice. However, it must be noted that there would be significant legal and policy resource implications in achieving full compliance. For example, the requirement to issue guidance 12 weeks in advance of Regulations would be difficult to achieve in all cases. Consideration will be given to obtaining Crystal Mark status for key documents but, due to the cost involved, this is likely to be the exception rather than the norm.</p> |

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| <p><b>Recommendation 72</b></p> <p>All guidance documents published by each Department should be accompanied by a ‘quick-start summary’ identifying those affected by the regulations and providing a summary of the essential actions that they are required to take under those regulations.</p>  | <p><b>Accepted in principle.</b></p> <p>DARD supports this recommendation and already provides a similar summary to some of its main guidance documents. It will not be possible to provide a summary to all guidance documents.</p> |
| <p><b>Recommendation 74</b></p> <p>Each Department should establish a web portal through which farmers and agri-businesses can submit ideas for reducing administrative burdens and draw attention to inaccuracies or inconsistencies within guidance materials. Both Departments should have an obligation to reply within 90 days explaining how the issue will be taken forward or setting out why it is not appropriate to do so.</p> | <p><b>Accepted in principle.</b></p> <p>An on-line customer feedback facility has been developed by DETI and has been available through the DARD website since 2010.</p>   |
| <p><b>Recommendation 76</b></p> <p>Both Departments should adopt the principle that new regulations should</p>  | <p><b>Accepted in principle.</b></p> <p>DARD will aim to bring new regulations into operation on as few commencement</p>   |

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| <p>come into force on common commencement dates, such as 6 April and 1 October.</p>  | <p>dates as practicable. However, it must be recognised that this will not always be possible due to the need to comply with European Directives etc.</p>   |
| <p><b>Recommendation 77</b></p> <p>Where either Department wishes to introduce regulations to amend those already in force consolidated legislation should be published which clearly shows the effect of the amendment upon the previous legislation.</p> | <p><b>Accepted in principle.</b></p> <p>Although the production of consolidated legislation would be beneficial to regulators and operators alike, the resource implications are prohibitive. Where it is practicable and not prohibitively expensive, DARD will consider the potential to consolidate the legislation.</p> |
| <p><b>Recommendation 78</b></p> <p>Both Departments should ensure that all policy makers and regulators receive full training in better regulation principles and should benchmark their training programmes against those being provided by DEFRA.</p>    | <p><b>Accepted in principle.</b></p> <p>DETI has devised along with NICS training providers a course on completion of a Regulatory Impact Assessment. DARD staff have attended this course as appropriate.</p>  |
| <p><b>Recommendation 79</b></p>  | <p><b>Accepted.</b></p>   |

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| <p>Independent audit reports evaluating the progress made by each Department and highlighting the measures that each has taken should be prepared and published on a regular basis.</p>   | <p>The NI Better Regulation Annual Report is published each by DETI with input from DARD and other NI Departments.</p>  |
| <p><b><i>Regulatory Impact Assessment</i></b></p>   |   |
| <p><b>Recommendation 80</b></p> <p>Regulatory Impact Assessments should always be used and should act as a key measure in minimising the administrative burden posed by new regulations.</p>  | <p><b>Accepted.</b></p> <p>DARD has signed up to the NI Better Regulation Strategy. A key feature of this is the requirement to undertake a Regulatory Impact Assessment on regulations that potentially affect the wider business community in the north. There is supporting advice and guidance structures in place for officials to access.</p>     |
| <p><b>Recommendation 81</b></p> <p>A presumption should be adopted that regulatory proposals likely to result in increased administrative burdens should not proceed. Where this presumption is overturned, the increased administrative burden should be formally justified and the justification set out in full in the RIA</p> | <p><b>Accepted in principle.</b></p> <p>The Regulatory Impact Assessment process is used to identify the <u>most appropriate</u> method of applying a <b>necessary</b> regulation or policy, in line with Better Regulation Principles of Proportionate, Accountable, Consistent, Transparent and Targeted.</p> <p>All policies and regulations are</p> |

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| <p>document published upon the website of the Department concerned.</p>  | <p>considered in a wider context of the impact on the north of Ireland community and consultation with stakeholders and the public is undertaken as they are developed.</p>                              |
| <p><b>Recommendation 82</b></p> <p>Better Regulation Units should assist policy makers in conducting RIAs as part of their role in promoting better regulation measures in each Department.</p>  | <p><b>Accepted.</b></p> <p>DARD Better Regulation Unit will provide support and advice in line with DETI guidance.</p>   |
| <p><b>Recommendation 84</b></p> <p>Before a RIA is forwarded to a Minister for signature, it should first be recorded as approved by an official at Director level (Grade 5) or above in the Senior Civil Service who must confirm that the RIA process has been fully and adequately complied with.</p> | <p><b>Accepted.</b></p> <p>The Regulatory Impact Assessment Guidance covers Ministerial sign off on RIA's.</p>   |
| <p><b>Recommendation 85</b></p> <p>Each RIA should be open to scrutiny by the independent monitoring and assessment body.</p>  | <p><b>Accepted in principle.</b></p> <p>DETI is currently undertaking a review of the Regulatory Impact Assessment process and will consider, along with all Departments on the issue of external or</p> |



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|  | independent scrutiny and monitoring of the better regulation work being undertaken. |
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