Department for Environment, Food and Rural Affairs

Strengthening cross compliance TB controls – financial penalties for overdue TB tests

Bovine TB information note 07/13

November 2013

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Introduction

Timely bovine TB testing of cattle herds is a key biosecurity and disease control. Cattle keepers who fail to complete their TB tests on time increase disease risks for all their neighbours. For that reason, we will be putting in place new processes that will see financial reductions applied as a matter of course for farm businesses in England that do not comply with certain TB testing requirements.

The Animal Heath and Veterinary Laboratories Agency (AHVLA) set and carry out statutory bovine TB testing regimes. The Rural Payments Agency (RPA) ensures cross compliance standards under EU rules are met. AHVLA also monitor overdue TB testing.

What’s changing?

We are enhancing the existing cross compliance process for overdue TB tests. With effect from January 2014 AHVLA will provide RPA with details of all farmers who have not arranged for TB surveillance and check tests to be carried out by the due date.

This will increase the amount of data shared between AHVLA and RPA so that cross compliance rules can be used more effectively to better support the control and eradication of bovine TB.

Using the existing cross compliance rules, RPA will apply a percentage reduction to CAP Scheme payments claimed by those farmers who have not complied with their TB testing requirements. The level of reduction will depend on the length of time the test was overdue before completion.

It is the farmer’s responsibility to notify AHVLA in writing of any extenuating circumstances for failing to complete a test within the prescribed timeframe. This information will be considered as part of the referral process to RPA.

Should anyone feel that they have had reductions applied incorrectly, RPA operate an appeals process for CAP Scheme issues. For more information see the RPA website: www.rpa.defra.gov.uk

AHVLA notify farmers in writing of their TB testing window for all tests. Cattle keepers should contact their local AHVLA office if they require further information on TB testing or look on the AHVLA website: http://www.defra.gov.uk/ahvla-en/publication/ag-tbyh-testing/.
Q&A

1. Why are you making this change?

We are strengthening existing rules to improve disease controls by making sure that farmers carry out their TB testing on time. Cattle keepers who fail to complete TB tests increase disease risks for neighbouring herds.

2. Who is affected?

Only those cattle keepers who fail to complete relevant TB tests on time and who claim CAP Scheme payments will be affected.

3. Why are you making this change now? Farmers already have to comply with lots of cattle controls, isn’t this going to make things even harder for them?

This isn’t introducing a new or fundamentally changed rule: it enhances something which already applies to cattle keepers who don’t stick to the rules. If farmers test on time, they won’t be affected.

4. I’m a cattle keeper: what do I have to do?

You must make sure your TB testing is carried out within the testing window prescribed for your herd. AHVLA will write to you with details.

5. What happens if I’m overdue with my TB test?

AHVLA will apply cattle movement restrictions to your holding from the day after the test was due.

From January 2014, the AHVLA Specialist Service Centre (SSC) will notify RPA of all overdue TB surveillance and ‘check’ tests. This will apply to tests which are overdue by one day or more. If you claim CAP Scheme payments and you do not test on time, you will have a reduction applied to your claim under the cross compliance rules.

6. How will I be notified if a reduction is to be applied to my CAP Scheme payments?

Once RPA receives confirmation of an overdue test from AHVLA, they will calculate the level of reduction to be applied. RPA will inform you and explain the reason for the level of reduction resulting from the TB test breach.

Where a test is overdue by between one and ten days, a 1% reduction will generally be applied. Where a test is overdue by between eleven and thirty days, a 3% reduction will generally be applied. Tests overdue by more than 30 days will result in a 5% reduction.
Significantly higher reductions will be applied if the breach is considered to have been caused intentionally.

7. What if I’m not at fault?

You must speak to your local AHVLA office if you think you won’t be able to carry out your TB testing by the due date. If there are extenuating circumstances, you should write in explaining what these are. AHVLA will take this into account when assessing which cases are referred to RPA.

8. What is cross compliance?

Cross compliance refers to the requirement for farming practices to meet certain standards. These apply to you if you receive direct payments under Common Agricultural Policy (CAP) support schemes, or through certain Rural Development Schemes. This includes the Single Payment Scheme (SPS) - the EU’s main agricultural subsidy scheme (this is also sometimes referred to as the Single Farm Payment - SFP).

If you receive payments under one or more of these schemes, you face reductions if you don’t meet your cross compliance obligations.

9. How do I know what standards I need to meet?

For TB testing, it’s clear - you must have TB tests carried out on time.

The standards that have to be met are known as Statutory Management Requirements (SMRs) and Good Agricultural and Environmental Conditions (GAECs). The controls for TB are under SMR 11, requirement D10, which is on page 67 of the online version of the 2013 Guide to Cross Compliance in England. Further information can be found here.

Most cross compliance requirements are underpinned by standalone legislation that was in place before the cross compliance rules came in. Therefore farmers that don’t comply with cross compliance rules may also face enforcement action and even prosecution as well as a reduction to CAP Scheme payments.

10. What about cattle keepers who don’t claim CAP Scheme payments? Will they get away with having overdue tests?

All cattle keepers have to test on time as a legal requirement whether they claim farm subsidies or not. AHVLA place holdings with overdue TB tests under immediate movement restrictions and notify Local Authorities. Local Authorities are responsible for enforcing TB legislation and undertake a range of enforcement action including prosecution.
11. What is surveillance, or ‘routine’ TB testing, and what are ‘check’ tests?

TB surveillance testing intervals are set according to the regional risks of bovine TB and comply with EU legislation. The surveillance testing interval will in most cases be the default frequency at which you are required to carry out routine testing of your herd. However, specific herds may be given a more frequent testing interval in response to an identified higher risk, such as the type of business, or due to an increased disease threat in the local area.

‘Check’ tests are carried out for a number of reasons, including determining the herd disease status when there is a suspicion of infection, within potential ‘hotspot’ areas which have previously been free of TB, and for new or re-formed herds.

You can contact your local AHVLA office for further information or if you have queries about types of TB testing.

12. How do I know what surveillance testing area my holding is in, and how do I know if other TB tests need to be carried out?

AHVLA will write to you about the TB testing which is required for your holding, including notifying you every year of your surveillance testing window. You can also enter your holding number in the interactive tool on the AHVLA website to see which surveillance testing interval applies: http://ahvla.defra.gov.uk/tb-test/index.asp.

How can I find out more?

If you have any further questions on how these changes will affect you, please contact your local AHVLA office or RPA:

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<td>AHVLA SSC Cardiff: 02920 768 555</td>
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Text Relay 18001 0845 603 7777
Email: CSC@rpa.gsi.gov.uk |

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