

# Cross compliance – further advice for cattle keepers on financial penalties for overdue TB tests

## Bovine TB information note 01/15

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### Contents

Introduction .....	2
What is cross compliance?.....	2
What constitutes late testing? .....	2
Does the two-part TB skin test have to be completed within the testing window?.....	3
So what has changed?.....	3
Am I affected by cross compliance?.....	3
Why is timely TB testing important? .....	3
How will I know if a TB test is due on my herd? .....	4
What should I do if I know I will have a problem completing the test on time? .....	4
How will I be notified if a reduction is to be applied to my CAP Scheme payments and how much do I stand to lose?.....	4
What can I do if I disagree with the reduction to my claim? .....	5
How can I find out more?.....	5
Annex A: TB tests subject to zero tolerance cross compliance controls .....	6

## Introduction

Timely TB testing of cattle herds is a fundamental requirement if we are to achieve official TB free status for England. That is why since 1 January 2014 failure to complete some types of test within the testing window provided by the Animal and Plant Health Agency (APHA) has resulted in Common Agricultural Policy (CAP) scheme claimants being penalised by the application of cross compliance reductions to subsidy payments administered by the Rural Payments Agency (RPA).

This approach has resulted in a big reduction in the number of late TB tests. To reinforce the benefits, further TB test types were added to the list on 1 January 2015. A full list of test types can be found at Annex A. There has, however, been some confusion about the triggering of cross compliance penalties which has resulted in a decision to make a minor change to the detail – one which we hope will help cattle keepers.

This TB Information Note supplements the note published on 5 December 2014 ([TBIN 05/14](#)). **It is intended to clarify the requirements on cattle keepers in England.**

## What is cross compliance?

Cross compliance refers to the requirement for recipients of certain CAP subsidy payments to meet a range of agricultural and environmental standards and certain statutory requirements (including TB testing requirements). These apply to you if you receive direct payments under the Single Farm Payment Scheme (SPS) and/or through certain Rural Development Schemes. Cross compliance rules will also have to be met by recipients of subsidy from the Basic Payments Scheme (BPS) when it replaces SPS later in 2015.

## What constitutes late testing?

If your herd is required to have a TB test you must ensure the Official Veterinarian (OV) nominated by you to carry out the test starts the test and injects all your eligible cattle before the expiry of the test window notified to you by APHA. You must also ensure the reading of all the eligible cattle tested is completed 72 hours after the injection, as set out in EU legislation. Otherwise you may face cross compliance penalties. [See below for further information on this point.](#)

Under existing cross compliance rules, RPA apply a percentage reduction to CAP Scheme payments (Pillar 1 and Pillar 2) claimed by those cattle keepers who have not met their TB testing obligations. The level of reduction depends on by how long the test is overdue, and other relevant criteria, such as repeated instances of late testing.

## Does the two-part TB skin test have to be completed within the testing window?

No, but all eligible cattle must be injected within the testing window and the reading completed 72 hours after the injection, as set out in EU legislation<sup>1</sup>. This is an important point as the TB skin test is comprised of two parts: the injection date ('TT1') and the reading and interpretation date ('TT2'). It is permitted to have the TT1 and TT2 dates straddling the testing deadline, as long as all eligible cattle are tested and the two parts are carried out by 72 hours of each other.

If the TT1 date is after the testing window or TT2 is done outside of the period laid down in EU legislation (or both) the case will be referred to RPA, unless it has been agreed with APHA that the reason for not completing it is beyond the farmer's control, and the farmer has taken all reasonable action to carry out the test. So, **cattle keepers must contact their APHA office before the closure of the testing window if they are unable to meet these deadlines.**

TB movement restrictions will still be imposed automatically when the test results are not available by the end of the testing window. This policy has been in place since 2005.

## So what has changed?

Previously, the intention was that cattle keepers would be penalised if the reading of the TB test on their cattle was after the test window. It is now only the injection that must always take place within the window, although the reading of the test must still take place after 72 hours of the injection date, as required by EU legislation. The change will be retrospective, so some cattle keepers will have their cross compliance penalties reimbursed.

## Am I affected by cross compliance?

These rules apply to all cattle keepers who claim CAP Scheme payments. It is the claimant's responsibility to make sure cross compliance requirements are met.

## Why is timely TB testing important?

To reduce the risk of the spread of TB – delays to TB testing increases the disease risk for your herd and for your neighbours' herds and undermines the efforts being made by the livestock industry and government to achieve [officially TB free status](#).

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<sup>1</sup> Council Directive 64/432/EEC

## How will I know if a TB test is due on my herd?

APHA notify cattle keepers in writing of their TB testing window for all tests. If you are at all unsure, contact your local APHA office or look on the APHA pages of the [GOV.UK](https://www.gov.uk) website.

Book your test as soon as you hear from APHA. Don't put your business, or those of your neighbours, at risk. It is the cattle keeper's responsibility under TB legislation to make sure that TB tests are carried out on time. The test must be started within the notified testing window and must be completed as set out in EU legislation.

## What should I do if I know I will have a problem completing the test on time?

**Cattle keepers should contact their local APHA office as soon as they think they will not be able to complete their herd test on time.**

If there are extenuating circumstances preventing the completion of the testing within the notified testing window evidence of these circumstances must be provided in writing to APHA as soon as possible. Do not wait until your test is overdue since this may result in cross compliance penalties. This timely evidence and the steps that you have taken to make alternative arrangements will be considered in APHA's assessment of cases before referral to the RPA for cross compliance processing.

## How will I be notified if a reduction is to be applied to my CAP Scheme payments and how much do I stand to lose?

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 generally result in a 5% reduction.

Penalties can be increased if there are repeat occurrences of the breach or it is considered intentional.

Further information on cross compliance reductions can be found here:

<https://www.gov.uk/cross-compliance-inspections#cross-compliance-reductions>

# What can I do if I disagree with the reduction to my claim?

The letter from RPA informing you of the level of reduction will have information on who to contact if you disagree, and what you should do next.

If your appeal relates to the TB testing process or reasons why you could not start your test within the testing window, APHA will consider your case including taking into account any further evidence supplied. It is in your interest to provide evidence supporting your extenuating circumstances for not testing on time.

If the appeal is accepted, APHA will notify RPA to arrange for reimbursement of the penalty amount.

## How can I find out more?

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

<b>APHA</b>	
For contact details of your local APHA office use the postcode search tool on the APHA website:  <a href="http://ahvla.defra.gov.uk/tb-test/index2015.asp">http://ahvla.defra.gov.uk/tb-test/index2015.asp</a>	APHA Specialist Service Centre (Cardiff) – Overdue Testing Team:  Tel: 02920 768 555
<b>RPA</b>	
<a href="https://www.gov.uk/government/organisations/rural-payments-agency">https://www.gov.uk/government/organisations/rural-payments-agency</a>  <a href="https://www.gov.uk/government/collections/cross-compliance">https://www.gov.uk/government/collections/cross-compliance</a>	RPA helpline: 0345 603 7777  Text Relay: 18001 0845 603 7777  Email: <a href="mailto:CSC@rpa.gsi.gov.uk">CSC@rpa.gsi.gov.uk</a>
<b>Farming Advice Service (FAS)</b>	
The Farming Advice Service is funded by Defra to help farmers understand and meet the requirements of Cross Compliance: <a href="https://www.gov.uk/government/groups/farming-advice-service">https://www.gov.uk/government/groups/farming-advice-service</a>	Tel: 0345 345 1302  Email: <a href="mailto:advice@farmingadvice.org.uk">advice@farmingadvice.org.uk</a>

## Annex A: TB tests subject to zero tolerance cross compliance controls

<b>Tests subject to zero tolerance from 1 January 2014</b>	
<b>APHA test code</b>	<b>Description</b>
RHT	Routine Herd Test (4 yearly TB testing area)
WHT	Whole Herd Test (annual TB testing area and in individual herds requiring annual testing)
CON	Contiguous to OTFW herds outside their regular test frequency
CON12	Carried out 12 months after a CON
CT-NH1	Test carried out when a new or reformed herd has been identified, within 12 months of arrival of the first animal
CT-NH2	Test carried out 12 months after a CT-NH1 test on reformed herds following depopulation for TB reasons.
CT-HS1	Test carried out if a holding is within a 3km radius of an incident, which triggers a potential hotspot area
CT-HS2	Test carried out 12 months after the CT-HS1 test.
CT(EM)	Check test
6M	Carried out 6 months from the date of the clear short interval test which led to the lifting of restrictions except in OTFS herds in 4 yearly testing areas.
12M	Carried out 12 months after 6M if that test was clear, or 6-12 months after the last SI of a breakdown where the OTF status of the herd was only suspended in 4 yearly testing areas.
<b>Tests subject to zero tolerance from 1 January 2015</b>	
IR	Inconclusive Reactor Retest
SIT	Short Interval Test
PSI	Partial Short Interval Test
DTG	Delayed Testing Group
ASG	Approved Segregated Group
CT(I&I)	Check Test
RAD RAD6 RAD12	Radial Herd Tests
TBU	TB Unit Test
POSTMT	Post-Movement Test
PII	Post Import (Irish) Test
PIO	Post Import (Other) Test

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This document/publication is also available on our website at:

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/series/bovine-tb-information-notes>

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