

Rural Payments Agency
**Department for Environment, Food and Rural
Affairs**
**Non-qualifying regulatory provision assurance
statement: confirmed**

The Regulatory Policy Committee (RPC) is content that, on the basis of the summary information provided, none of the measures or activities covered in the summary document should be considered as a qualifying regulatory provision for the purposes of the business impact target. This statement does not provide a detailed view of any specific activity in the regulator's summary document. Nor does it comment on any activities not included in the summary. Some activities might, however, have been the subject of separate assessments of qualifying regulatory provisions.

Comments on the non-qualifying regulatory provision summary

The department has provided an adequate description. It would have been helpful if the assessment had noted whether items under the *de minimis* would have been qualifying if they were over *de minimis*. It would also have been helpful if the assessment gave some information to support their assertion that these items are *de minimis*, such as a description of impacts.

Regulatory Policy Committee

Regulator: Rural Payments Agency (RPA)

Business Impact Target Reporting Period Covered: 8 June 2017 to 20 June 2018

Excluded Category*	Summary of measure(s), including any impact data where available
<p>European Union Regulations, Decisions and Directives (and other international obligations)</p>	<p>The RPA implemented the following measures during the reporting period which fall into the excluded category of EU regulation.</p> <p>Mandatory changes to rules for the Basic Payment scheme on Active Farmer and greening requirements via changes to the delegated EU regulations through the Omnibus regulation. Scheme guidance updated in line with the new requirements for 2018. This is a change as a result of changes to EU regulation.</p> <p>In relation to cross-compliance the following changes were made:</p> <p>1- SMR 7 and SMR 8 (Cattle and sheep & goat ID)</p> <p>i. Implement 20% threshold for single missing ear tags and apply penalties to farmers above this threshold.</p> <p>ii. Implement process for determining whether farmers at or below the threshold have not replaced missing tags within 28 days of noticing loss and apply penalties if not.</p> <p>2 - SMR 7 (Cattle ID)</p> <p>i Use Cattle Tracing System data from the start of the calendar year to the date of inspection to determine the number of historic late cattle birth, movement and death notifications and include discrepancies found in the penalty calculation.</p> <p>ii. Implement the Commission's 'Human Error Approach' to exempt 'good' farmers with small numbers of notification deadline breaches from cross compliance sanctions.</p> <p>3 - GAEC 5 (Soil erosion)</p>

Date of issue: 27 June 2018
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Excluded Category*	Summary of measure(s), including any impact data where available
	<p>Implement a policy that correctly reflects the requirement in European legislation (i.e. assess compliance by determining whether farmers have put in place site-specific measures to limit erosion, rather than assess compliance on whether erosion has occurred).</p> <p>4 - SMR 7 and SMR 8 (Cattle and sheep & goat ID)</p> <p>To ensure the respective inspection selections include a minimum of 3% of keepers who also claim subsidy payments.</p> <p>All of these changes were made following a DG Agri audit of cross compliance to ensure that the regulations were being implemented correctly in England.</p> <p>In addition, RPA published new guidance on a range of schemes administered under the Rural Development Programme for England including:</p> <p>Growth Programme – Business Development Handbook</p> <p>Growth Programme – Food Processing Handbook</p> <p>Growth Programme – Rural Tourism Infrastructure Handbook</p> <p>Countryside Productivity – Improving Farm Productivity</p> <p>Countryside Productivity – Adding value to Agri-food Handbook</p> <p>Countryside Productivity – Small Grant Scheme</p> <p>These are all schemes administered under EU regulation so fall into this exempted category.</p>
De minimis (measures with an EANDCB below +/- £5 million)	The RPA implemented the following measures during the reporting period which have an EANDCB below £5million

Excluded Category*	Summary of measure(s), including any impact data where available
	<p>Liability in cross compliance.</p> <p>Changes our policy on liability in cross compliance so that claimants are no longer held vicariously liable for the actions of their employees. Instead, we should treat them in the same way as we do third parties i.e. we should assess the state of mind of the claimant in respect of the selection of the employee and the instructions, controls and monitoring thereon. This policy change is a consequence of a Judicial Review. RPA are currently updating the relevant guidance to reflect this decision</p>

*This column will be updated with the other exemption categories once the Business Impact Target has been announced. Complete the summary box as 'Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.' where this is appropriate.