

Annex E

SUB-PROGRAMME ON AGRICULTURE AND RURAL DEVELOPMENT

Good Farming Practice (GFP)

Agenda 2000

Under the Agenda 2000 Agreement, the integration of environmental concerns is central to the CAP Reform element and, in future, all farmers receiving EU aid under CAP or under the Structural Funds must practice farming in accordance with minimum EU and national environmental requirements.

(a) Specifically under Council Regulation (EC) No. 1257/1999 on Support for Rural Development, the following is the position:

- Article 5 states, inter alia, that all farmers receiving capital investment aid must comply with “minimum standards regarding the environment, hygiene and animal welfare”
- Article 14 states that all farmers in receipt of Compensatory Allowances must “apply usual good farming practice compatible with the need to safeguard the environment and maintain the countryside, in particular by sustainable farming”
- Article 23 states that all farmers receiving agri-environmental aid (REPS) must demonstrate that their REPS Plan “shall involve more than usual good farming practice”

(b) Commission Regulation (EC) No. 1750/1999 which lays down detailed rules for the implementation of the above Regulation makes the following provisions:

- Article 19 states “A farmer who gives an agri-environmental commitment as to one part of a farm shall adhere to at least the standard of usual good farming practice throughout the farm
- Article 28 states “For the purposes of Council Regulation (EC) No. 1257/99 and of this Regulation, ‘usual good farming practice’ is the standard of farming which a reasonable farmer would follow in the region concerned.
Member States shall set out verifiable standards in their rural development plans. In any case, these standards shall entail compliance with general mandatory requirements.”

Implementation of Good Farming Practice

The proposed manner of implementation by the DAFRD of the requirements at (a) and (b) above in relation to the Regional Operational Programmes are set down in the following Table. The DAFRD will also prepare a publication which will set out Good Farming Practice in more detail and which will be supplied to all farmers to ensure that they are fully informed of the requirements of GFP.

Implementing Bodies

Ireland has a considerable volume of legislation on air, soil, water and biodiversity, that impinges on, or is directly applicable to, farming and good farming practice (see list attached of the most relevant items of national legislation). Much of this legislation is very complex and as such can only be implemented by officers of the relevant responsible Implementing Bodies, who have the required competence. For this reason Ireland proposes to monitor compliance with GFP as follows:

- (a) Direct scheme controls carried out by Department of Agriculture, Food and Rural Development (DAFRD) staff as indicated by "DAFRD" in the following Table, column 4
- (b) Internal cross reporting from/to other sections of the DAFRD
- (c) External cross reporting from/to the relevant responsible Implementing Bodies.

Good Farming Practice must be compatible with environmental sustainability. In the light of the increasing awareness and importance of the relationship between agriculture and the environment, and in the light of on-going environmental research, standards for good farming practice may change over the period 2000-2006. Such changes as may occur will supersede the standards existing previously and shall be binding on all participants in the relevant measures.

Sanctions

Appropriate sanctions will be applied by the Department of Agriculture, Food and Rural Development to breaches of Good Farming Practice.

Definition of Good Farming Practice

Measure	Standard ¹	Check	Control
1. Nutrient Management	Conform with Teagasc recommendations ² on the use of organic manures, chemical fertilisers (N, P and K) and lime. Comply with the recommendations for the management, provision of adequate storage and spreading of organic manures and effluents as set out in the Nitrate Code ³ .	<ol style="list-style-type: none"> 1. Discharge of waste into water sources, watercourses, and drains. 2. Wastes (slurry, farmyard manure, dungstead manure, soiled water, poultry manure, dairy washings, silage effluent, spent mushroom compost, sheep dip, farm chemicals, oil, non-farm organic waste, sewage sludge and industrial waste and residues), collected or stored in a manner liable to cause pollution. 3. Non-compliance with Action Plans applicable to Nitrate Vulnerable Zones. 4. Non-compliance with local Bye-Laws on the regulation of agricultural practice in river catchment areas. 5. Severe poaching or severe overgrazing with possible pollution risk 6. Burning of growing vegetation on non-cultivated land between 15 April and 31 August. 	<p>DAFRD⁴ & External cross-reporting.</p> <p>DAFRD & Internal cross reporting. & External cross-reporting.</p> <p>External cross-reporting.</p> <p>External cross-reporting.</p>
2. Grassland Management	The management of animals out-doors shall not result in severe poaching or severe over grazing with possible pollution risk. Burning of vegetation shall be in compliance with The Wildlife Act, 1976.		<p>DAFRD.</p> <p>DAFRD & External cross-reporting.</p>

Measure	Standard'	Check	Control
3. Protect watercourses and wells	Comply with recommended buffer zones as specified in the Nitrate Code, for the protection of water sources and watercourses when spreading chemical fertilisers or organic waste.	7. Chemical fertiliser being spread within 1.5m of a watercourse. 8. Organic fertiliser being spread within 50m of a domestic well or public water supply source or 10 m of a watercourse. 9. Organic or chemical fertiliser being spread on wet, waterlogged, frozen or on land sloping steeply towards a watercourse.	DAFRD & External cross-reporting. DAFRD & External cross-reporting. DAFRD & External cross-reporting.
4. Wildlife Habitats	Comply with the requirements applicable to NHAs 5, NATURA 2000 sites (viz. SACs 6 and SPAs 7) Commonage Land and The Wildlife Act, 1976.	10. Non-compliance with requirements of NHAs, SACs, SPAs, Commonage Land and The Wildlife Act, 1976.	Internal cross-reporting & External cross-reporting.
5. Maintain farm boundaries	External boundaries or roadside fences of fields (excluding Commonage Land) occupied by livestock shall be stockproof.	11. External boundaries or roadside fences of fields (excluding Commonage Land) occupied by livestock not stockproof.	DAFRD & Internal cross-reporting.
6. Use of pesticides and chemicals	Safe storage and use of pesticides and chemicals. Use in accordance with product label instructions and Statutory Code of Good Plant Protection Practice. Comply with statutory maximum pesticide residue limits.	12. Non-compliance with the safe storage and handling of pesticides or chemicals. 13. Pesticides not used in accordance with the product label instructions or Statutory Code of Good Plant Protection Practice.	External cross-reporting. Internal cross-reporting.
7. Features of historical and archaeological interest	Comply with National Monuments Act, 1994. Do not damage or remove archaeological monuments and sites listed on the Record of Monuments and Places.	14. Non-compliance with the National Monuments Act, 1994 which requires the protection of features of historical and archaeological interest listed on the Record of Monuments and Places.	External cross-reporting.

Measure	Standard'	Check	Control
8. Visual appearance of farm and farmyard	Comply with The Litter Pollution Act, 1997.	15. Non-compliance with The Litter Pollution Act, 1997.	External cross-reporting.
9. Tillage	Comply with applicable elements of Good Farming Practice as referred to in column 1.		
10. Become familiar with GFP	Become familiar with the details of Good Farming Practice		
11. Maintain Records as specified	Maintain the following records: Herd Register, Flock Register and Animal Remedies Record as required by DAFRD. Record of date, type and quantity of chemical fertilisers, organic waste and pesticides brought onto or leaving the farm.	16 Herd Register, Flock Register and Animal Remedies Record not Maintained. Record of date, type and quantity of chemical fertilisers, organic waste and pesticides brought onto or leaving the farm not maintained.	DAFRD & Internal cross-reporting.

Measure	Standard ¹	Check	Control
12. Animal welfare	<p>Housing of livestock should provide adequate space to meet the animal's requirements.</p> <p>Comply with the requirements of the Care and Welfare of Poultry (Laying Hens) Regulations, 1990.</p> <p>Comply with the requirements of the European Communities (Welfare of Pigs) Regulations, 1995.</p> <p>Comply with the requirements of the European Communities (Welfare of Calves) Regulations, 1998.</p> <p>Comply with the requirements of the European Communities (Protection of animals kept for farming purposes) Regulations, 2000.</p> <p>Ensure that animals are adequately nourished and are not exposed to unnecessary suffering.</p>	<p>17. Non-compliance with the following legislation:</p> <p>Care and Welfare of Poultry (Laying Hens) Regulations, 1990.</p> <p>European Communities (Welfare of Pigs) Regulations, 1995.</p> <p>European Communities (Welfare of Calves) Regulations, 1998.</p> <p>European Communities (Protection of animals kept for farming purposes) Regulations, 2000.</p> <p>18. Evidence of malnutrition or animal suffering.</p>	<p>Internal cross-reporting.</p> <p>DAFRD & Internal cross-reporting.</p>
13. Hygiene	<p>Comply with the requirements of the European Communities (Hygienic Production and Placing on the Market of Raw Milk, Heat-Treated Milk and Milk- Based Products) Regulations, 1996.</p>	<p>19. Non-compliance with the requirements of the European Communities (Hygienic Production and Placing on the Market of Raw Milk, Heat-Treated Milk and Milk- Based Products) Regulations, 1996.</p>	<p>Internal cross-reporting.</p>

EXPLANATORY NOTES:

- ⁽¹⁾ Compliance with national legislation relating to the environment, hygiene and animal welfare not specifically referred to in Good Farming Practice is assumed.
- ⁽²⁾ Teagasc Soil Analysis & Fertiliser, Lime, Animal Manure & Trace Element Recommendations (1994) and any subsequent updates of these recommendations.
- ⁽³⁾ Code of Good Agricultural Practice to Protect Waters from Pollution by Nitrates.
- ⁽⁴⁾ Department of Agriculture, Food and Rural Development.
- ⁽⁵⁾ Natural Heritage Areas.
- ⁽⁶⁾ Special Areas of Conservation.
- ⁽⁷⁾ Special Protection Areas.

National Legislation

Environment

Statutory Provision	Implementing Body	Penalties
<p>Air Pollution Act, 1987 The Act provides for control of air pollution which may be injurious to public health, have a deleterious effect on flora or fauna or which may impair or interfere with amenities or the environment.</p>	Local Authorities	Fine, a) on summary conviction, not exceeding £1,000 and £100 per day the offence is committed and b) on conviction or indictment, a fine not exceeding £10,000 and £1,000 per day on every day the offence is committed.
<p>Fisheries Acts, 1959 to 1999 These Acts inter-alia provide for the establishment of the Central Fisheries Board and the Regional Fisheries Boards and define their functions.</p>	Fisheries Boards	A fine, on conviction on indictment not exceeding £2,000 or 2 years imprisonment or both.
<p>Local Government (Water Pollution) Act, 1977 and Amendment Act, 1990 Under the legislation it is an offence to pollute waters by chemicals, fertilisers, animal slurries, manures, silage effluent or other organic fertilisers.</p>	Local Authorities	Contravention of bye laws relating to water pollution carry a fine, on conviction, not exceeding £1,000 and/or 6 months imprisonment and in certain cases a fine not exceeding £25,000 and /or imprisonment for up to 5 years.
<p>Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorus) Regulations, 1998 These Regulations provide for specified improvements in water quality conditions in rivers and lakes based on phosphorus concentrations or related water quality classifications. They give effect to certain requirements under Council Directive 76/464/EEC.</p>	Local Authorities	
<p>Council Directive 91/676/EEC of 12th December 1991 concerning the protection of waters against pollution caused by Nitrates from agriculture. This directive is currently being transposed into national legislation.</p>	Local Authorities	Fines similar to those applied under the Local Government (Water Pollution) Acts, 1977 and 1990 are likely to be introduced under the proposed new legislation.
<p>Local Government (Planning and Development) Acts, 1963 to 1998 Under the legislation, planning permission is required for certain on-farm building and structures. Planning permission is not granted unless adequate waste storage facilities are provided.</p>	Local Authorities	Contravention of the statutory requirements carries a fine, on conviction, of £1,500 to £10m and/or up to 2 years imprisonment.
<p>Waste Management Act, 1996 The Act relates to the prevention, management and control of waste and provides Local Authorities with the powers to require the preparation of a farm Nutrient Management Plan where it is considered necessary. The Act also makes arrangements for the collection and disposal of recyclable waste material, including farm plastics.</p>	Local Authorities	Fine, a) on summary conviction, not exceeding £1,500 and/or imprisonment for a term not exceeding 10 years or b) on conviction or indictment, not exceeding £10m and/or imprisonment for a term not exceeding 10 years.

Statutory Provision	Implementing Body	Penalties
<p>Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 These Regulations prescribe standards for use of sewage sludge in agriculture. The Regulations give effect to Council Directive 86/278 EEC of 12 June, 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture.</p>	Local Authorities	Fine, a) on summary conviction, not exceeding £1,500 and/or imprisonment for a term not exceeding 10 years or b) on conviction or indictment, not exceeding £10m and/or imprisonment for a term not exceeding 10 years.
<p>Litter Pollution Act, 1997 This Act provides for the prevention and control of litter pollution and the prevention of the defacement of certain places and matters relating thereto.</p>	Local Authorities	(1) Fine on summary conviction, not exceeding £1,500 and (2) on conviction £100 /day for each day during which the contravention continues.
<p>Environmental Protection Agency Act, 1992 In addition to the establishment of the Environmental Protection Agency, the Act provides for the protection of the environment and the control of pollution. An Integrated Pollution Control Licensing requirement has been introduced in respect of the intensive rearing of pigs and poultry.</p>	Environmental Protection Agency	Fines, on conviction, from £1,000 to £10m.
<p>European Communities (Environmental Impact Assessment) Regulations, 1989 and 1999 The Regulations require an Environmental Impact Assessment to be carried out in relation to intensive pig and poultry rearing installations above specified size thresholds. The requirement may also apply where the thresholds are not exceeded but where the planning authority considers that the project concerned would be likely to have significant effects on the environment.</p>	Local Authorities	Fine, on conviction, from £1,500 to £10m.
<p>European Communities (Authorization, Placing On The Market, Use And Control Of Plant Protection Products) Regulations, 1994 to 1999 These Regulations specify the requirements and conditions for the authorization of plant protection products, which must be complied with in relation to their placing on the market and use, in accordance with Council Directive 91/414/EEC as amended, as well as introducing relevant enforcement and financial provisions.</p>	Department of Agriculture, Food and Rural Development	A fine of up to £1,000 or up to six months imprisonment or both.
<p>European Communities (Prohibition Of Certain Active Substances In Plant Protection Products) Regulations, 1981 to 1990 These Regulations provide that plant protection products containing certain active substances may not be placed on the market or used except in certain specified cases.</p>	Department of Agriculture, Food and Rural Development	A fine of up to £1,000 or up to six months imprisonment or both.

Statutory Provision	Implementing Body	Penalties
<p>Wildlife Acts, 1976 and 1999 These Acts provide for the conservation of wildlife (including game) and for the protection of certain wild creatures and flora. The 1976 Act enables inter-alia a body known as the Wildlife Advisory Council to be established and defines its functions and enables wildlife reserves to be established and maintained.</p>	<p>Department of Arts, Heritage, Gaeltacht and the Islands</p>	<p>On summary conviction a fine not exceeding £1,500 or 12 months imprisonment or both.</p>
<p>European Communities (Natural Habitats) Regulations, 1997 These Regulations give effect to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive). The Regulations empower the Minister to designate special areas of conservation (endangered species and habitats of endangered species) as a contribution to an EU Community network known as NATURA 2000.</p>	<p>Department of Arts, Heritage, Gaeltacht and the Islands</p>	<p>On summary conviction a fine not exceeding £1,500 or 6 months imprisonment or both.</p>
<p>National Monuments Acts, 1930 to 1994 These Acts make provision for the protection and preservation of national monuments and for the preservation of archaeological objects in Ireland.</p>	<p>Department of Arts, Heritage, Gaeltacht and the Islands</p>	<p>Fine, (a) on summary conviction, not exceeding £1,000 and/or imprisonment for a term not exceeding 12 months or (b) on conviction on indictment, not exceeding £50,000 and/or imprisonment for a term not exceeding 5 years.</p>
<p>European Communities (Hygienic Production and Placing on the Market of Raw Milk, Heat-Treated Milk and Milk-Based Products) Regulations, 1996</p>	<p>Department of Agriculture, Food and Rural Development</p>	<p>A fine of up to £1,500 or up to six months imprisonment or both.</p>
<p>Diseases of Animals Act, 1966 This Act provides the basic legislation for the control and eradication of animal diseases. The Act also provides for compulsory notification of a number of specified diseases.</p>	<p>Department of Agriculture, Food and Rural Development</p>	
<p>Protection of Animals Kept for Farming Purposes Act, 1984 This Act extends the law relating to the protection of animals and, in particular, regulates the care and welfare of animals kept in intensive units.</p>	<p>Department of Agriculture, Food and Rural Development</p>	<p>A fine of up to £500 and/or 6 months imprisonment on summary conviction.</p>
<p>European Communities (Protection of Animals Kept for Farming Purposes) Regulations, 2000 These Regulations give effect to Council Directive 98/58/EC concerning the protection of animals kept for farming purposes and require owners and keepers to ensure the welfare of their animals.</p>	<p>Department of Agriculture, Food and Rural Development</p>	<p>A fine of up to £1,500 and/or 12 months imprisonment on summary conviction.</p>

Statutory Provision	Implementing Body	Penalties
<p>Care and Welfare of Poultry (Laying Hens) Regulations, 1990 These Regulations, which lay down the minimum requirements for the protection of laying hens kept in battery cages and other intensive systems, give effect to Council Directive 88/166/EEC.</p>	<p>Department of Agriculture, Food and Rural Development</p>	<p>Penalties similar to those made under the Protection of Animals Kept for Farming Purposes Act, 1984.</p>
<p>European Communities (Welfare of Pigs) Regulations, 1995 These Regulations lay down the standards for the protection of pigs kept in intensive or other systems of breeding, rearing or fattening and give effect to Council Directive No. 91/630/EEC of 19 November 1991. The Regulations set down the rules for the accommodation of pigs and the general condition to be met to assure the health and welfare of the pigs.</p>	<p>Department of Agriculture, Food and Rural Development</p>	<p>A fine of up to £1,500 and/or 12 months imprisonment on summary conviction.</p>
<p>European Communities (Welfare of Calves) Regulations, 1998 These Regulations give effect to Council Directive No. 91/629/EEC, as amended by Council Directive No. 97/2/EC and Commission Decision No. 97/182/EC. They specify the accommodation requirements for the rearing and fattening of calves. They also lay down rules regarding appropriate diet and inspection of the calves to ensure their health and welfare.</p>	<p>Department of Agriculture, Food and Rural Development</p>	<p>A fine of up to £1,500 and/or 12 months imprisonment on summary conviction.</p>