

Response to the NI Agri-Food Better Regulation and Simplification Review

May 2010



Department of
**Agriculture and
Rural Development**

www.dardni.gov.uk

AN ROINN
**Talmhaíochta agus
Forbartha Tuaithe**

MÁNNYSTRIE O
**Fairms an
Kintra Fordèrin**



**INVESTORS
IN PEOPLE**

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SECTION 1: INTRODUCTION

- 1.1 The Executive is keen to deliver more efficient and effective public services, and bring government closer to the citizen. DARD is particularly concerned to reduce costs and cut out bureaucracy and among other things in our Programme for Government 2008-2011 there is a commitment to reduce by 25% the administrative burden on farmers and agri-food businesses by 2013. Moreover, included in PSA4, there is a target to cut administrative burden (red tape) in the agri-food sector by 25% by 2013 (15% by 2011).
- 1.2 The Department for Agriculture and Rural Development and Department for the Environment gave an independent panel the task of reviewing the regulations applying to the farm and wider agri-food sectors with a view to recommending simplification, suggesting measures to reduce the administrative burdens involved and identifying areas where policy change was required. DARD offers sincere thanks to Michael Dowling, David Graham and Brian Jack for the diligence with which they approached their task as Members of the Panel. They have produced a comprehensive report, which not only sets out how the administrative burden can be measured, but also comes up with a number of positive recommendations.
- 1.3 The panel reported in April 2009 and DARD published their report and sought additional comments through an informal consultation which ended in September. This paper sets out the DARD response to the Independent Review; the Department of the Environment (DOE) will publish its response separately.
- 1.4 DARD is committed to respond positively to the vast bulk of the recommendations set out in the Better Regulation and Simplification Review. The panel put forward 85 recommendations of which DARD has specific input to 77. The department has accepted or accepted in principle 62 out of the 77 recommendations (81%), 15 recommendations (19%) have been rejected for various reasons including legal obstacles and disproportionate costs. Part of this response will include the development of an action plan to implement, monitor and review the accepted recommendations. The full set of recommendations and their responses are set out in Annex A, however a short summary of the key issues are set out below.

SECTION 2: ANIMAL DISEASE CONTROL

- 2.1 This section covers animal disease control which includes the Tuberculosis (TB) control programme and the Brucellosis (BR) control programme (recommendations 1 – 7). All of the recommendations put forward in relation to animal disease control are accepted. It is anticipated, however, that for recommendations relating to TB and BR testing, resourcing and consultations with trade unions will also have to be taken into consideration. Also, a system of charging would have to be introduced, which would require resourcing, and as additional costs may have to be met by the herd keeper, a cost benefit analysis will have to be completed.
- 2.2 In taking forward its TB control programme, DARD continues to work closely with colleagues in the south of Ireland and in Britain. DARD's TB Eradication Plan 2010 has received EU Commission approval, which enables DARD to secure part of the total €10 million co-funding which has been allocated to England, Wales and the north of Ireland from the EU TB Veterinary Fund.

SECTION 3: LIVESTOCK, IDENTIFICATION, REGISTRATION AND MOVEMENT

- 3.1 DARD very much welcomes the majority of the recommendations made by the Better Regulation and Simplification Review Panel in relation to IRM. Many of the recommendations can be accepted, or indeed have already been implemented by the Department. Where DARD cannot accept a recommendation it is because of constraints by EU legislation; or the belief that enforcement procedures may be at risk; or because after consultation with stakeholders a more acceptable alternative has been found. For example, in relation to the introduction of an electronic identification (EID) system for sheep and goats, an approach has been put in place which has been supported and welcomed by the industry.
- 3.2 The Report made a number of recommendations on sheep and goat identification and movement and there are a number of areas where the new sheep EID rules implement the recommendations of the Report, for example:
- (a) We have adopted the Holding Register derogation which means that keepers, who choose to, can use APHIS-Online as their holding register rather than

maintaining a paper register on-farm. They do not have to record any information in the register where sheep are moved to or from markets or abattoirs, as this information will be sent directly to APHIS on their behalf.

- (b) We have adopted the Movement Document derogation which allows keepers, who choose to, to notify movements through APHIS-Online, either themselves or through an agent, and thus avoid the need to complete a paper movement document.
- (c) We have adopted the derogation to allow goats to avoid compulsory EID, which means that goat keepers can use two conventional tags only, although they can choose to apply an EID device if they want to.
- (d) We adopted the Better Regulation Executive's Regulatory Impact Assessment Guidance when considering the costs and benefits of implementation options.

3.3 In July 2009, DARD secured a very important derogation from Brussels which will benefit flock-keepers as the new sheep EID system is rolled out during 2010. The concession provides for the establishment of Central Points of Recording which allows the Department to approve markets, meat plants, slaughter collection centres and export assembly centres to read tags on behalf of keepers, thus reducing the administrative burden on keepers. Industry here has been keen to adopt this derogation, and doing so has influenced the design of the new system.

3.4 The system introduced here is significantly simpler because the Slaughter Derogation has not been adopted. As a result of full EID, including for older animals, industry here can make full use of the Central Point of Recording Derogation, which will significantly reduce the burden of recording tag numbers on keepers. Keepers will not need to buy EID readers, which is a very important benefit of the new system. The simplicity of the new system should greatly enhance compliance levels and help to reduce the compliance costs for keepers and the likelihood of keepers suffering penalties under the cross-compliance regime.

3.5 The Department has fully engaged with key stakeholders on all elements of the new Sheep EID System. The new System has been introduced with the support and agreement of the industry including the Ulster Farmers' Union, the NI Agricultural

Producers' Association, the National Sheep Association (NI Region), Livestock Auctioneers and Markets and Meat Plants.

- 3.6 During 2011, the European Commission is expected to bring forward proposals on the electronic identification of cattle. DARD welcomes this as it will provide an opportunity to propose changes to EU legislation in this area. It is possible that many of the derogations that are currently rolling out for sheep may also be introduced for cattle; and lessons learned in the introduction of sheep EID can be taken on board.
- 3.7 The department is also planning to consolidate and update the existing domestic legislation on Cattle Identification and Registration (5 separate pieces of legislation) which are the bedrock of our Cattle IRM system. As part of the review of this legislation officials will take the opportunity, within the constraints of EU law, to take account of the Panel's recommendations and to take them on board as far as possible both in departmental policy development and in any future IRM legislation.
- 3.8 Recommendations 8 and 11 have been rejected. Both of these recommendations relate to omitting the colour when registering or moving a bovine animal. Whilst DARD accepts that it is not an EU requirement within the IRM legislation to record animal colour and breed, the department require that both are recorded. The reason for this is that both colour and breed can be subjective and both together provide a much enhanced description of the animal. This information is vital as it can be used in prosecution cases and in the past has proved to be a valuable tool in taking cases for non-compliance with IRM legislation.

SECTION 4: THE COMMON AGRICULTURAL POLICY

- 4.1 This section covers The Single Farm payment (recommendations 31 – 38) and Cross-Compliance (recommendations 39 – 48). Recommendations 31 – 38 and 44 – 48 are accepted either in whole or in principle. As far as SFP application and cross-compliance inspection processes are concerned work has been undertaken from 2005 to streamline these. The majority of the accepted recommendations will build on our

developments in these areas and, indeed, in some instances were actions that we had already considered and had started work on ourselves.

- 4.2 Regrettably recommendations 39 – 43 cannot be accepted either because of legislative provisions or because experience suggests that the acceptance of these would lead to a greater level of administrative or on-farm checks. This, in turn would increase the burden on farmers rather than reducing it.

SECTION 5: NITRATES ACTION PROGRAMME AND PHOSPHORUS USE IN AGRICULTURE

- 5.1 This section covers the nitrates action programme (recommendation 49). This recommendation is accepted by both DARD and DOE. Both departments will be working over the coming months on the review of the current Nitrates Action Programme Regulations (NI) 2006 (NAP Regulations). The review will include a full consultation with stakeholders on the existing NAP Regulations and as part of this process the Departments will be seeking feedback from farmers on any difficulties they experience in complying with the requirements of the legislation. The new Action Programme for 2011-2014 will, where practicable and without compromising the aims of the Nitrates Directive, take account of the comments from stakeholders.
- 5.2 In line with recommendation 49, the review of the current NAP Regulations will be taken forward using the 'Five Principles of Good Regulation', namely Proportionality, Accountability, Consistency, Transparency and Targeting. The implementation plan will consider the scope for reducing the administrative burden on farmers under the Nitrates Action Programme for 2011-2014.

SECTION 6: VETERINARY MEDICINE AND TRADE IN ANIMALS AND ANIMAL PRODUCTS

- 6.1 This section covers veterinary medicines regulation and animal and animal products (recommendations 50 – 53). Recommendations 50 – 52 have been accepted. Recommendation 52 is currently in place and operational.

- 6.2 Recommendation 53 is rejected as the export of cattle to EU Member States is governed by Council Directive 64/432. The application of this Directive is in accordance with EU Law and cannot be changed.
- 6.3 Recommendation 54 is accepted. The Code of Practice on the welfare of meat chickens (Broilers) is currently being taken forward with the intention of publishing it in the summer of 2010.

SECTION 7: STRUCTURES, OVERSIGHT AND POLICY DEVELOPMENT

- 7.1 This section covers recommendations covering structures, oversight and policy development (Recommendations 60 – 85). This includes organisational structures, monitoring and assessment arrangements, resourcing better regulation and advice and regulatory impact assessment.
- 7.2 DARD accepts these recommendations and is committed to the principles of better regulation. A dedicated Better Regulation Unit will be established to co-ordinate the implementation, monitoring and review of the DARD Action Plan to progress the recommendations accepted in this Report. This Unit will also play a role in ensuring that DARD staff have access to the relevant advice, support and training as specified by the Department of Enterprise Trade and Industry (DETI) who have the key policy lead in the area of Better Regulation. This Report includes the DETI responses to appropriate Recommendations and DARD will play a full role in contributing to the overall NICS approach to Better Regulation.

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REVIEW RECOMMENDATION	RECOMMENDED RESPONSE
Section 5.1 Policy Area: Tuberculosis Control Programme	
<p>Recommendation 1</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>Accepted.</p> <p>All DARD policy options are subject to assessment and consideration of administrative burdens.</p>
<p>Recommendation 2</p> <p>That DARD should eliminate herd size as a factor when deciding whether to synchronise annual TB and Brucellosis surveillance tests.</p>	<p>Accepted.</p> <p>Smaller herds will be considered for possible synchronisation. However, due to resource constraints it is currently not possible to synchronise all tests.</p>
<p>Recommendation 3</p> <p>That DARD consider offering Brucellosis tests outside business hours on weekdays to accommodate 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>Accepted.</p> <p>However, this recommendation is likely to require TUS consultation and will require introduction of a system of charging, which will require resourcing. Legislation would also be needed. An analysis of costs will be carried out to assess likely charges, but herd keepers may not find it attractive.</p>
<p>Recommendation 4</p> <p>That DARD should work on the premise that, in principle, information checked during the TB test should not require further</p>	<p>Accepted in principle.</p> <p>A working group will be established to see how this recommendation might be taken forward without risk to Single</p>

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checking for CII purposes.	Farm Payment or compromise to the integrity and effectiveness of the CII regime.
Section 5.2 Policy Area: Brucellosis Control Programme	
<p>Recommendation 5</p> <p>That DARD examine the factors which led to the successful eradication of brucellosis in the Republic of Ireland with a view to adjusting, as appropriate, policy and operational practice in Northern Ireland in light of lessons learnt.</p>	<p>Accepted.</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 relating to the effectiveness of the Brucellosis control/eradication programmes. This work will be reviewed on an on-going basis.</p>
<p>Recommendation 6</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>Accepted in principle.</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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	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.
<p>Recommendation 7</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 bio security.</p>	<p>Accepted.</p> <p>We will review the most efficient mechanism for improving awareness.</p> <p>There is already extensive work promoting bio security awareness among herd keepers. For example, in 2009, Animal Health and Welfare Inspectors (AHWIs) carried out bio security advisory visits to herds which may have had contact with Brucellosis. These are to remind farmers of good bio security practices and the disease risks in relation to brucellosis.</p> <p>We are also planning to make bio security discussions a routine part of Brucellosis testing, i.e. a requirement for AHWIs to set aside time to discuss bio security with herd keepers at the time of their annual or biennial Brucellosis tests. Supporting literature is already available.</p> <p>In addition, there is an ongoing communications and advertising strategy for delivering the Brucellosis bio security message to farmers, which has included:</p> <ul style="list-style-type: none"> ○ Press advertising ○ Sponsorship of farming reports with the 'report abortions' message ○ In-depth brucellosis articles in the farming press ○ Detailed bio security advice sent to 26000 farmers

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	<p>individually</p> <ul style="list-style-type: none"> ○ Building on the communications above, DARD is committed to reinforcing the bio security message. <p>There are plans to advise PVPs in writing and at local meetings, of the important role they can play with their clients.</p> <p>The Diseases of Animals Act (NI) 2010, when enacted in March 2010, will give DARD the power to prepare and publish statutory biosecurity guidance which will contain measures to prevent the introduction and spread of the disease and which will be binding on all farmers. It will also make 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</p> <p>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 will provide an important additional tool to use in intensifying our efforts to push for Brucellosis freedom for the north of Ireland.</p> <p>DARD is currently working with industry and veterinary representatives, through the Brucellosis Stakeholder Working Group, to draft 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.</p> <p>This is a more inclusive way of proceeding and is preferable to</p>
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	<p>DARD formulating a Code and seeking stakeholder amendment. The intention is to have Guidance that is clear and unambiguous and that will set standards that everyone will be able to comply with.</p> <p>Subject to securing agreement with the Brucellosis Stakeholder Working Group and the Agriculture and Rural Development Committee, it is envisaged commencing a 12-week public consultation on the proposals in June 2010.</p>
Section 6.1 Policy Area: Cattle Identification, Registration and Movement	
<p>Recommendation 8</p> <p>That providing the colour of an animal should not be a data requirement when creating a record in the herd book or registering cattle with DARD.</p>	<p>Rejected.</p> <p>The reason that we require recording of both colour and breed is that as both colour and breed can be subjective, both together provide a much better description of the animal than either one on its own. This is of benefit when there is an identity query.</p> <p>Evidence would indicate that when considering eligibility for slaughter for cattle with an identity query, colour is one of the contributing characteristics used to decide acceptability or otherwise for the food chain. In all cases where there is a query over the animal's identity, breed and colour along with sex and dentition are considered when trying to resolve these. Where animals are presented with only one ear tag then the Food Business Operator must check and document that the animal matches its APHIS (DARD official database for animal health</p>

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	<p>movements) description before it can progress to slaughter. Colour discrepancy has the potential to be the first indication that there is something wrong with the traceability of an animal and is one of the factors considered during an investigation into fraud involving cattle or tag switching. While not all potentially fraudulently presented animals have colour mismatch, not having the colour characteristic available would increase the potential for fraud to occur and reduce the indicators available for fraud detection.</p>
<p>Recommendation 9</p> <p>That, subject to positive evaluation of the pilot project, the telephone registration service should be extended from Fermanagh to the rest of Northern Ireland as soon as practicable.</p>	<p>Accepted.</p> <p>Subject to a positive evaluation of the telephony pilot project, amendments will be needed to the Cattle IRM legislation to provide a statutory basis for the telephone registration service.</p>
<p>Recommendation 10</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>Accepted.</p> <p>This recommendation will be considered further by the DARD/Industry IRM Working Group and as part of the DARD Channel Management Strategy. An opportunity may be presented by the Commission's proposals on cattle EID to amend EU legislation in support of this recommendation. It should be noted that when a similar proposal was made for sheep and we had the opportunity to remove the need for the Flock Register this was supported by the Industry only if introduced on a voluntary basis. It is believed that many flock-keepers here will still wish to retain their Flock Register in paper</p>

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<p>Recommendation 11</p> <p>For the same reasons as applied in the case of birth notifications, providing the colour of an animal should not be a data requirement when recording cattle movements.</p>	<p>form as they view it as a very useful business tool.</p> <p>Rejected.</p> <p>As stated at recommendation 8 DARD requires that both breed and colour are recorded. The reason for this requirement is that both colour and breed can be very subjective and both together provide a much better description of the animal than either one on its own. This is of benefit when there is an identity query.</p> <p>Evidence would indicate that when considering eligibility for slaughter for cattle with an identity query, colour is one of the contributing characteristics used to decide acceptability or otherwise for the food chain. In all cases where there is a query over the animal's identity, breed and colour along with sex and dentition are considered when trying to resolve these. Where animals are presented with only one ear tag then the Food Business Operator must check and document that the animal matches its APHIS description before it can progress to slaughter.</p> <p>Colour discrepancy has the potential to be the first indication that there is something wrong with the traceability of an animal and is one of the factors considered during an investigation into fraud involving cattle or tag switching. While not all potentially fraudulently presented animals have colour mismatch, not having the colour characteristic available would increase the potential for fraud to occur and reduce the indicators available for fraud detection.</p>
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<p>Recommendation 12</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>Accepted.</p> <p>This recommendation will be taken forward as part of the DARD Channel Management Strategy</p>
<p>Recommendation 13</p> <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>Accepted in principle.</p> <p>The IRM Working Group, which comprises DARD and industry representatives, will take forward this recommendation and will issue appropriate guidance in due course.</p>
<p>Recommendation 14</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 carcase of an animal's death. The agent should be made responsible for updating APHIS on taking possession of the carcase, using the same links available to markets and meat plants when receiving stock onto their premises.</p>	<p>Accepted in principle</p> <p>Any change to the death notification regime would require a legislative amendment. DARD intends to discuss this recommendation with the IRM Working Group. If, after discussion and research, the recommendation is accepted it will be taken forward as part of the consolidation of the IRM legislation.</p>

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<p>Recommendation 15</p> <p>That DARD should give at least 24 months advance notice of the date when tags in use can no longer be applied to cattle for birth registration</p>	<p>Rejected.</p> <p>EU legislation (Article 1 of Commission Regulation 911/2004) provides that keepers can order in advance a supply of tags proportionate to their needs for up to one year. Keepers should therefore be able, in most cases, to use tag stocks in one year. However, DARD will seek to give the industry as much notice as possible of changes to the tagging system, recognising that we are often obliged to follow timescales proscribed in EU legislation. This was achieved, for example, in the case of the Regulation to require sheep to be electronically identified, as it was introduced by the Commission in 2004 and became law on 31 December 2009.</p>
<p>Recommendation 16</p> <p>DARD should seek confirmation 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>Accepted.</p> <p>The expectation is that the European Commission will bring forward proposals for the electronic identification of cattle in 2011. DARD welcomes this as it may mean that we will have the option, on a voluntary basis at the least, to adopt electronic identifiers as an official means of identification.</p>
<p>Recommendation 17</p> <p>Should electronic identification of cattle be recognised as an alternative means of identification to ‘flag’ tags in Northern Ireland, the option not to use electronic identification should remain available to herd keepers during a transition period.</p>	<p>Rejected.</p> <p>Like the introduction of electronic identification for sheep, DARD will help to assist in the smooth transition from one system to another. However, it is unlikely that the benefits of EID could be delivered with two systems - EID and non EID - running</p>

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	simultaneously, as this would make it more difficult for markets, meat plants and others to make full use of EID reading technology.
<p>Recommendation 18</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>Accepted in part.</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>In recent information sessions with Keepers we have asked that any concerns about eartags are brought to DARD's attention and that we will raise any issues with eartag manufacturers and suppliers.</p> <p>Ear tags suppliers already provide instructions to keepers on how to insert tags properly with the eartag applicator.</p> <p>It should be noted that keepers have the discretion to choose whatever type of tag they want as long as it is approved by the Competent Authority (DARD) and that this is purely a commercial decision for the keeper.</p>
<p>Recommendation 19</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>Accepted in principle.</p> <p>The expectation is that the European Commission will bring forward proposals for the electronic identification of cattle in 2011. We may have the opportunity to adopt derogations from herdbooks and potentially, movement documents, as part of this</p>

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	process.
<p>Recommendation 20</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>Accepted in part.</p> <p>This will be taken forward as part of the move to electronic identification for cattle. However, it should be noted that for sheep EID, keepers felt very strongly that they should be allowed to retain their flock registers and movement documents.</p>
<p>Recommendation 21</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>Accepted in principle.</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. However, as stated at Recommendation 8, DARD will not be taking steps to eliminate the colour requirement for the registration of births and movements.</p>
<p>Recommendation 22</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>Accepted.</p> <p>The IRM Working Group will consider amendments to the herdbook. Guidance will then issue to all herdkeepers to ensure that the level of inadvertent mistakes is minimised.</p>
<p>Recommendation 23</p> <p>Should DARD seek to introduce full cost recovery for meat inspection services, it should do so at the lowest possible cost to</p>	<p>Rejected</p> <p>The competent authority for Official Controls in meat hygiene for the north of Ireland and Britain is the Food Standards Agency</p>

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industry. If this is achievable through the use of private contractors, supervised by official veterinarians, every effort should be made to persuade the European Commission that this approach is compliant with the existing regulatory framework.	(FSA). DARD Veterinary Service officials are participating with the FSA in efforts to modernise meat inspection at EU level.
Recommendation 24 That DARD promotes the cessation of dentition checks at United Kingdom level and implements any change as soon as possible.	Rejected. Dentition checks are a matter for the Food Business Operator and not DARD. Dentition checks determine the categories of animals to be slaughtered and which SRM (Specified Risk Material) material is to be removed.
Section 6.2: Policy Area: Sheep Identification, Registration and Movement	
Recommendation 25 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.	Accepted. 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 fully consulted industry on this aspect of the new system, and it formed the main focus of our Regulatory Impact Assessment. The benefit of this derogation is that it 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

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	<p>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.</p> <p>With the agreement of industry we have 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.</p> <p>It should also be noted that the Minister has provided £250k to enable Markets, Meat Plants, Export Assembly Centres and Collection Centres to operate as Central Points of Recording. The Minister is also anxious to secure funding to assist keepers with the purchase of Sheep EID Tags and she has asked officials to explore this as a matter of urgency.</p>
<p>Recommendation 26</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>Accepted.</p> <p>DARD has worked extremely closely with the industry in an attempt to bring forward a Sheep EID system which is easy to understand and reduces 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</p>

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	and movement of sheep and goats; and when the systems beds down we believe it will provide effective traceability.
<p>Recommendation 27</p> <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:</p> <ul style="list-style-type: none"> • 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. 	<p>Accepted in part.</p> <p>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).</p> <p>We have also adopted another very important derogation which was secured after the Report was published. The concession provides for the establishment of Central Points of Recording which allows the Department to approve Markets, Meat Plants, lamb group collection centres 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 will not need to buy EID readers.</p>
<p>Recommendation 28</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</p>	<p>Accepted (Already in place)</p> <p>DARD adopted the Better Regulation Executive's Regulatory Impact Assessment Guidance when considering the costs and</p>

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<p>Recommendation 28</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.⁵⁷ This requires measurement of the administrative burden using the Standard Cost Model and inclusion of the administrative burden within the aggregate cost.</p>	<p>Accepted (Already in place)</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>Recommendation 29</p> <p>That, subject to agreement on the final form of the regulation and the derogations to be sought by Northern 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 ongoing support to industry throughout the implementation phase and beyond.</p>	<p>Accepted in principle.</p> <p>Arrangements will take account of the outcome of the EID consultation process and the legislation that has been introduced. Subject to resourcing, CAFRE will be able to contribute to implementing this recommendation</p>
<p>Recommendation 30</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 <u>Frequently Asked Questions</u> section</p>	<p>Accepted.</p> <p>CAFRE staff have started to develop content for the website. It is available at www.ruralni.gov.uk/eid.</p>

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Section 7.1 The Single Farm Payment Scheme	
<p>Recommendation 31</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 in the overall administrative burden created by the SFP regulations by 2013. Efforts should focus on simplifying guidance materials and instructions.</p>	<p>Accepted.</p> <p>From 2005, 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> <p>This simplification process should include consideration of whether IACS guide needs to be sent (in current format) to all SFP applicants or whether there are alternative ways of handling (CD/Summary/Hard copy to selected groups).</p>
<p>Recommendation 32</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 Republic 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 discrimination.</p>	<p>Accepted.</p> <p>Recent discussions indicate that our on-line facility compares reasonably well with RPA and SEERAD.</p> <p>Both regions have dedicated resources and a year round marketing strategy. Our product is workable but does not fully support users or facilitate subsequent administration. Further marketing as proposed may not be all that productive in the absence of being able to deliver a first class product. This will require a significant resource to develop and maintain the system, support users, and market the channel.</p> <p>This offers potential efficiency gains but will need investment.</p>

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	While development work continues for 2010, the focus should be on 2011.
Recommendation 33 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.	Accepted. We recognise that there was some confusion in early years due to newness of trading. Forms and guidance has been improved year-on-year. 900 Trading applications are received per year.
Recommendation 34 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.	Accepted. Recognised benefits but uncertainty of staff continuity could end up confusing customers.
Recommendation 35 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.	Accepted in part. Current practice is to clear “clean” cases for payment as quickly as possible. We need to ensure that the return of forms to H/Q is not delayed.
Recommendation 36	Accepted in principle.

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<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 complexity and severity of the problem.</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>At this stage it is not practical to set targets. There are procedural issues to be resolved before targets can be set.</p>
<p>Recommendation 37</p> <p>That DARD aim by 2013 to match the commitment to farmers in the Republic 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 Republic of Ireland. Only if the image is unclear or gives rise to suspicion of a breach should on-farm inspection be undertaken.</p>	<p>Accepted.</p> <p>We will evaluate the usefulness of satellite imagery amongst other remote sensing techniques</p>
<p>Section 7.2 Cross Compliance</p>	
<p>Recommendation 38</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 letters. The Rural Payments Agency is a comparable organisation where Crystal</p>	<p>Accepted in principle.</p> <p>All guidance material has been plain English proofed as part of wider DARD initiative.</p> <p>Links back to 31. We are not convinced that having Crystal Mark</p>

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Mark status is being adopted to good affect.	would encourage more applicants to read guidance and thus be cost effective.
<p>Recommendation 39</p> <p>That DARD adopts a policy of up-skilling inspectors, so that over time a single cadre of staff becomes qualified to undertake on-farm assessment of compliance against all Statutory Management Requirements (SMRs). As a first step, staff undertaking SFP eligibility and GAEC inspections should be trained to assess compliance with SMRs 10 and 11, thus eliminating the need for two teams to carry out on-farm inspections.</p>	<p>Rejected.</p> <p>While we are sensitive to the principle, at this stage we do not feel that this recommendation is practicable. Inspectors who would be capable of dealing with multifaceted inspections are likely to be graduate staff. Present staff profile does not have sufficient staff or financial resources to accommodate such a request.</p>
<p>Recommendation 40</p> <p>To complement the partial or complete integration of the inspection teams, the Panel recommends that a single DARD CCA and a single DARD risk assessment process should be established so that a single list of farms is identified for cross-compliance inspection. Farms identified for inspection, could then be visited in a coordinated manner, by one or more inspectors.</p>	<p>Rejected.</p> <p>Not considered practicable or in farmer's interest.</p> <p>This approach increases the risk of higher disallowance on an individual basis.</p> <p>More important to make sure that non-compliances found are within the inspection tolerances.</p> <p>In an attempt to combine a host of different requirements as part of a single risk assessment, this tends to target the larger farmers.</p> <p>By keeping to existing risk assessment structure, this provides a</p>

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	more targeted approach, within various SMR's.
<p>Recommendation 41</p> <p>That DARD sets an objective of replacing on-the-spot checks with administrative checks wherever feasible and reserving farm inspections for those cases where a problem is detected or suspected. Where on-the-spot farm checks cannot be eliminated by the use of administrative data, then the latter should be employed to reduce the scope and duration of farm inspections. For example, that information held in APHIS is used to meet some or all of the requirements of SMRs 7 and 8 on the identification and registration of cattle.</p>	<p>Rejected.</p> <p>This approach would lead to 100% checks on APHIS and would be extremely unfair to farmers as we are only required to inspect 1% of SFP population for SFP purposes.</p> <p>Current practice is that APHIS information is utilised in the risk analysis.</p> <p>The use of Ortho-imagery has potential in identifying areas of land for land eligibility inspections.</p>
<p>Recommendation 42</p> <p>As an interim measure, and to avoid duplication of effort, DARD should recognise the identification and inspection of cattle during recent TB and Brucellosis tests as satisfying equivalent IRM cross-compliance requirements.</p>	<p>Rejected.</p> <p>TB and Brucellosis tests are announced in advance. This approach would place the Department in breach of the regulatory requirement for unannounced inspections. This issue of announcing animal inspections has been the raised in a recent Commission audit report.</p> <p>Where practicable we will take account of a planned test.</p>
<p>Recommendation 43</p>	<p>Accepted.</p>

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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.	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.
Recommendation 44 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.	Accepted in Principle. DARD understands that NIEA will publish a table of all its risk factors and criteria each August for the selection process for that year. DARD is considering its approach to this recommendation.
Recommendation 45 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.	Accepted This is current practice, in the risk analysis we allow positive weightings for membership of, for example FQAS, Organic schemes. These are reviewed and adjusted annually. Would have no impact on random selection as applications cannot be deselected for inspection.
Recommendation 46 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	Accepted. Already in progress.

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<p>Recommendation 46</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 adopted in existing DARD publications such as ‘Your Environmental Responsibilities under Cross-Compliance: A Guide to Farmers.’</p>	<p>Accepted.</p> <p>Already in progress.</p>
<p>Recommendation 47</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>Accepted.</p> <p>Linked to recommendation 38. All guidance material has been plain English tested as part of wider DARD initiative. Also, linked back to 31. However, it must be recognised that the cost of testing to “Crystal Mark” standard is likely to be very high and may not be justifiable in all cases.</p>
<p>Recommendation 48</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 the United Kingdom to understand what is needed to comply with environmental law, provides guidance on environmental Northern Ireland cross-compliance</p>	<p>Accepted.</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 will be updated to include any new information on Cross-Compliance and articles relating to Cross-Compliance issues.</p>

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<p>Recommendation 49</p> <p>That the forthcoming review of the Nitrates Action Programme by DARD and DOE should incorporate assessment using better regulation principles.</p>	<p>Accepted by both DARD and DOE.</p> <p>Both departments will be working over the coming months on the review of the current Nitrates Action Programme Regulations (NI) 2006 (NAP Regulations). The review will include a full consultation with stakeholders on the existing NAP Regulations and as part of this process the Departments will be seeking feedback from farmers on any difficulties they experienced in complying with the requirements of the legislation. The new Action Programme for 2011-2014 will, where practicable and without compromising the aims of the Nitrates Directive, take account of the comments from stakeholders.</p>
<p>Section 9.1 Veterinary Medicines Regulations</p>	
<p>Recommendation 50</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>Accepted.</p> <p>This is trying to achieve the same objective as Recommendation 51 using a different method of delivery. The industry will have to choose which recommendation to pursue after consultation re Recommendation 51.</p>
<p>Recommendation 51</p>	<p>Accepted.</p>

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That DARD should accept a veterinary medicine record book in any format that meets the requirements of EU legislation. For example, the Northern Ireland Food Chain Certification provides a veterinary medicine record book to all participants of the Northern Ireland Beef and Lamb Farm Quality Assurance Scheme.	This is trying to achieve the same objective as Recommendation 50 using a different method of delivery. The industry will have to present the formats that they wish to have “approved”. If these are satisfactory then they will have to choose between Recommendations 50 and 51.
Section 9.2 Animals And Animal Products	
Recommendation 52 The Panel welcomes the initiative recently begun by DARD to simplify import/export arrangements and recommends that discussions with the industry are actively pursued.	Accepted. The delivery of this is in place and is operational.
Recommendation 53 The Panel recommends that if, following the European Commission’s review of Council Directive 64/432/EEC, the Republic of Ireland derogation is extended then DARD should liaise with counterparts there and in Great Britain to seek a similar derogation for Northern Ireland, allowing the free movement of animals throughout the island of Ireland.	Rejected. The export of cattle to EU member states is governed by EU Council Directive 64/432. Our interpretation of this Directive is in accordance with EU law and this has been verified by the Food and Veterinary Office, EU Auditors. It is highly unlikely that any of the south’s derogations will be renewed by the EU Commission. The All Island Animal Health and Welfare Strategy was agreed at the NSMC in March. The ultimate aim of the Strategy is to facilitate the free movement of animals on the Island of Ireland.
Recommendation 54	Accepted.

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That DARD ensures that the new Northern Ireland code of practice on the welfare of meat chickens meets the Plain English Campaign's 'Crystal Mark' standard.	All guidance material has been plain English tested as part of wider DARD initiative. However, it must be recognised that the cost of testing to "Crystal Mark" standard is likely to be very high and may not be justifiable in all cases.
Recommendation 55 – 59	DOE will respond to these recommendations in a separate Report.
Section 15.2 Organisational Structures	
Recommendation 60 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.	Accepted. DARD will establish a Better Regulation Unit to assist policy developers implement Better Regulation principles.
Recommendation 61 That DETI's Better Regulation Team should be properly resourced to enable it to perform fully its function as a central driver of better regulation policy initiatives across Government in Northern Ireland.	Accepted. (DETI comment) DETI continues to work closely with its better regulation contacts in all Departments and has structures in place to exchange information and views with stakeholders on wider better regulation matters. Collectively Departments are committed to maintaining a high standard of regulation in NI for the benefit of the wider business community.
Recommendation 62	Accepted.

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<p>Recommendation 62</p> <p>That the Minister for Agriculture and Rural Development, the Minister for the Environment, and the Northern Ireland Assembly Agriculture and Environment Committees should 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>Accepted.</p> <p>DARD officials already report regularly on progress to the Minister and through DETI input into the Better Regulation Annual Report</p>
<p>Recommendation 63</p> <p>That non-executive board members should play a more active role in monitoring progress on better regulation within each Department.</p>	<p>Accepted.</p> <p>DARD officials report regular progress to the Departmental Board which includes two non-executive members.</p>
<p>Recommendation 64</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>Accepted.</p> <p>DARD's Better Regulation Unit will coordinate advice, support and training for managers as appropriate.</p>
<p>Recommendation 65</p> <p>Stakeholder forums on better regulation established by each Department should be directly involved in evaluating the administrative burden posed by regulations not considered in this report and in identifying measures by which that burden might be reduced. In addition, those forums should oversee and evaluate the steps taken by each Department to embed better regulation principles.</p>	<p>Rejected</p> <p>DARD already participates in the Better Regulation Stakeholders Forum (chaired by DETI) which brings together legislators, regulators, policy makers and representatives of the north of Ireland business community, including the voluntary and social economy sectors. This is an open forum to all interested parties.</p>

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Section 15.3 An Independent Monitoring and Assessment Body	
Recommendation 66 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	Accepted in principle DARD will participate as appropriate in the DETI review of the NI Better Regulation Strategy and will consider, along with all Departments the issue of external or independent scrutiny and monitoring of the better regulation work being undertaken.
Recommendation 67 That the audit function should be conducted by a DETI Better Regulation Team with enhanced resource, as long as sufficient safeguards are in place to guard against conflicts of interest between its role as an advisor and as an auditor, and that it is sufficiently independent of the Government departments that it is called upon to audit.	Rejected Each NICS Department is responsible for ensuring their processes and policy developments are within NICS guidelines and have audit capacity built into their respective performance monitoring arrangements.
Section 15.4 Resourcing Regulation and Advice	
Recommendation 68 DETI should ensure that the principles set out in the Regulatory Compliance Code, introduced in England, should also apply to	Accepted in principle DETI is undertaking a review of the NI Better Regulation Strategy and along with all Departments will consider the extent

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regulators in Northern Ireland.	of application of the principles of the Regulatory Compliance Code to regulators in NI and will take necessary action as considered appropriate.
Recommendation 69 DOE should take steps to become more accessible to those seeking advice on particular regulations through the introduction of dedicated telephone helplines and possibly through maintaining an advisory presence in DARD Direct offices or other regional offices.	DOE will respond to this recommendation in a separate Report
Recommendation 70 Both Departments should review their web pages to improve content, structure and ease of reference. All advice and guidance should comply with the BERR Code of Practice on Guidance on Regulation.	Accepted in principle DETI is currently drafting and consulting on a NI Code of Practice on Guidance on Regulation for all NICS Departments to sign up to. It will be available in 2010.
Recommendation 71 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	Accepted in principle 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.

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<p>Recommendation 72</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>Accepted in principle</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>Recommendation 73</p> <p>DOE should consider the development of integrated environmental permitting.</p>	<p>DOE will respond to this recommendation in a separate Report.</p>
<p>Recommendation 74</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>Accepted in principle</p> <p>DETI is undertaking a review of the NI Better Regulation Strategy and along with all Departments and collectively will consider the web presence needs for better regulation activities to provide a customer focused service, taking into account wider NICS policy on web development and service delivery online, in particular the business web service – www.nibusinessinfo.co.uk.</p>
<p>Recommendation 75</p> <p>DARD should, in consultation with Stakeholders, devise and implement a Charter of Farmers’ Rights similar to that in operation in the Republic of Ireland.</p>	<p>Rejected.</p> <p>There has been no demand for this from stakeholders and many issues raised are covered by DARD Customer Service standards and by process and procedures in our customer service programmes.</p>
<p>Recommendation 76</p>	<p>Accepted in principle</p>

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Both Departments should adopt the principle that new regulations should come into force on common commencement dates, such as 6 April and 1 October.	DARD will aim to bring new regulations into operation on as few commencement 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.
Recommendation 77 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.	Accepted in principle Although the production of consolidated legislation would be beneficial to regulators and operators alike, the resource implications could be prohibitive. Where it is practicable and not prohibitively expensive, DARD will consider the potential to consolidate the legislation.
Recommendation 78 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.	Accepted in principle DETI has devised along with NICS training providers a course on completion of a Regulatory Impact Assessment. DARD staff will attend this course as appropriate.
Recommendation 79 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.	Accepted DETI publishes, with input from the Departments a Better Regulation Annual Report.
Section 15.5 Regulatory Impact Assessment	
Recommendation 80	Accepted

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Regulatory Impact Assessments should always be used and should act as a key measure in minimising the administrative burden posed by new regulations.	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.
Recommendation 81 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 document published upon the website of the Department concerned.	Accepted in principle The Regulatory Impact Assessment process is used to identify the <u>most appropriate</u> method of applying a necessary regulation or policy, in line with Better Regulation Principles of Proportionate, Accountable, Consistent, Transparent and Targeted. All policies and regulations are 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.
Recommendation 82 Better Regulation Units should assist policy makers in conducting RIAs as part of their role in promoting better regulation measures in each Department.	Accepted DARD Better Regulation Unit will provide support and advice in line with DETI guidance.
Recommendation 83 Consultations with stakeholders, small firms and other Government departments and regulators should normally occur on the basis of a full RIA document. Where this is not the case, this should be justified within the full RIA document published on the web-site of the Department concerned.	Rejected There is a requirement in the NI Regulatory Impact Assessment Guidance to formally consult with stakeholders. Departments are encouraged as good practice to have dialogue with stakeholders throughout the process. Current DARD practice is to complete the RIA in accordance with the DETI document "Better Policy Making & Regulatory Impact Assessment: A Guide For Northern Ireland", which

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<p>Recommendation 83</p> <p>Consultations with stakeholders, small firms and other Government departments and regulators should normally occur on the basis of a full RIA document. Where this is not the case, this should be justified within the full RIA document published on the web-site of the Department concerned.</p>	<p>Rejected</p> <p>There is a requirement in the NI Regulatory Impact Assessment Guidance to formally consult with stakeholders. Departments are encouraged as good practice to have dialogue with stakeholders throughout the process.</p> <p>Current DARD practice is to complete the RIA in accordance with the DETI document “Better Policy Making & Regulatory Impact Assessment: A Guide For Northern Ireland”, which advocates consultation on the basis of a partial RIA. It is not generally feasible to consult on the basis of a full RIA document because a very important part of the RIA process is the input from stakeholders which helps to shape the full RIA. Furthermore, policy changes as a result of consultation responses will have an impact on the full RIA. However, the Department agrees that the partial RIA should be as complete and detailed as possible.</p>
<p>Recommendation 84</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</p>	<p>Accepted</p> <p>The Regulatory Impact Assessment Guidance covers Ministerial sign off on RIA's. DETI propose to consider this as part of its review of the NI Better Regulation Strategy.</p>