

**Control and Enforcement in
Agriculture:
Learning from the CNASEA
experience**

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Structure of the presentation

- The CNASEA activity in a few words
- A benchmarking exercise:
 1. selection process for controls: random / risk analysis / implications
 2. Control procedure (incl. automatic checklist and sanction)
 3. Towards a new contract in fisheries

1. Selection process for controls

- Selection rate
 - contracts / beneficiaries / public expense ?
- Distribution of selections:
 - 25 % random
 - 75 % risk analysis (including 10 % oriented)

(IACS : Commission Regulation No 2419/2001 of 11 December 2001)

1. Selection process for controls

- Risk Analysis
 - R.A. at beneficiary level
 - Risk profile (Austrian experiment)
 - R.A. at selection level

2. Control procedure

- Discernment on-the-spot

Numéro de dossier : 9985000334

	Nombre	Superficie totale déclarée
Parcelles A	10	51,37
Parcelles I	8	25,26
Parcelles X	3	3,40
Total	21	80,03
Parcelles contrôlées par télédétection	13	

Obj. Plan	Priorité	Éléments à contrôler	Valeur déclarée	Valeur contrôlée	Justificatif	Correction graphique
P5	1	<u>Parcelle 5</u>	<i>Culture = 84(X) - Superficie graphique = 0.65 (2005)</i>			
		Respect des conditions d'exploitation	OK	KO	<input type="checkbox"/>	<input type="checkbox"/>
		Adventices maîtrisées	OK	KO	<input type="checkbox"/>	<input type="checkbox"/>
		Respect de la période de semis	OK	OK	<input type="checkbox"/>	<input type="checkbox"/>
P19	1	<u>Parcelle 19</u>	<i>Culture = 84(X) - Superficie graphique = 0.87 (2005)</i>			
		Respect des conditions d'exploitation	OK	OK	<input type="checkbox"/>	<input type="checkbox"/>
		Adventices maîtrisées	OK	OK	<input type="checkbox"/>	<input type="checkbox"/>
		Respect de la période de semis	OK	OK	<input type="checkbox"/>	<input type="checkbox"/>

2. Control procedure

- Automatic checklist :
 - positive effect : reduces contestation from beneficiary to sign field inspection report
 - negative effect : it can't be adapted to individual situations

Inspector feel less involved to appreciate a situation.

2. Control procedure

- Discernment in sanctions

TAO Compliance Checklist						
NAME _____		REPS NO _____		REPS 2 <input type="checkbox"/> REPS 3 <input type="checkbox"/>		
COMMENCEMENT DATE OF CONTRACT _____		DATE OF RECEIPT OF RELEVANT PLAN _____		DATE OF INSPECTION _____		
		N/A	YES	NO	R2	R3
Measure 1	Have the planned silage storage facilities and any planned remedial works been carried out/provided before silage making season?	<input type="checkbox"/>	<input type="checkbox"/>	2 <input checked="" type="radio"/>	20%	20%
	Have the planned animal housing facilities and any planned remedial works been carried out/provided before first winter?	<input type="checkbox"/>	<input type="checkbox"/>	3 <input checked="" type="radio"/>	20%	20%
	Have the planned waste storage facilities and any planned remedial works been carried out/provided before first winter?	<input type="checkbox"/>	<input type="checkbox"/>	4 <input checked="" type="radio"/>	20%	20%
	Is there visual evidence that organic manure/effluent is discharging into watercourses?	<input type="checkbox"/>	<input checked="" type="radio"/>	5 <input type="checkbox"/>	100%	100%
Measure 9	Do field margins for tillage crops comply with REPS requirements?	<input type="checkbox"/>	<input type="checkbox"/>	19 <input checked="" type="radio"/>	10%	10%
Biodiversity Undertakings	Is there evidence of non compliance with the requirements of Option 1 (Report on TAO 1 Form)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="radio"/>	N/A	5%
	Is there evidence of non compliance with the requirements of Option 2 (Report on TAO 1 Form)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="radio"/>	N/A	5%
Supplementary Measures 2, 4 & 5	Are area(s) stockproofed?	<input type="checkbox"/>	<input type="checkbox"/>	24 <input checked="" type="radio"/>	50% ^c	50% ^c
WHERE PENALTY IS TO APPLY TICK <input checked="" type="radio"/> OPPOSITE THE MEASURE WHERE NO PENALTY ISSUE TICK <input type="checkbox"/> OPPOSITE THE MEASURE		Comments/Observations - Is separate report attached? Yes <input type="checkbox"/> No <input type="checkbox"/>		N/A = not applicable/not relevant on date of visit b = Under Measure 2 a tolerance of 20% is permitted c = applies only to supplementary payment		
I have carried out the above Compliance Check in accordance with the current REPS Procedures Manual I have examined this report		Signed _____ (TAO)		Date _____		
		Signed _____ (DS)		Date _____		

2. Control procedure

- Example : Areas sanction system
- under 3 % of difference : subsidy regularization but no penalties
- From 3 to 20 % of difference: regularization and penalties. Penalties are equal to the regularisation (100eur regularization + 100eur penalties = 200eur sanction)
- More than 20 % of difference: withdrawal of subsidies for the year. Eventually: refunding precedent years.

2. Control procedure

- Integrated information systems
 - Accessibility
 - Paper exchange and storage
 - Selection process
 - Sanction
 - Data production

3. Towards a new contract in fisheries

- Current situation:
 - feeling of “imposed” regulation
 - lack of understanding / trust
 - strong economic incentives to fraud (low profitability, excess capacities...)
 - large public spending on control
 - “little” impact on compliance
 - Endless race between controllers and defrauders
→ no more fish and no more fishers

The “green contracts” in Agriculture

- Financial supports granted under the 2nd pillar of the CAP
- “deal”: the community helps farmers in improving their profit but:
 - beneficiaries comply with rules
 - If not → sanction: decrease of the supports

“Blue contracts” in Fisheries (1/2)?

- Existing proposals – Axe 4 of the EFF
 - guardian of the sea
 - collection of marine debris
 - fishers as observers of the marine ecosystem

“Blue contracts” in Fisheries (2/2)?

- Why not following the agriculture route?
- For those receiving financial aid (most of the “survivors”)
 - training, economic expertise...
 - enhancing eco performance
- Controls: more prepared / accepted
- Sanction if non compliance: reduction / suppression of the aid
 - probably more effective