

Collection: Bovine TB: controlling the risk of bovine TB from badgers

Updated: New document added

This collection brings together information on what Defra is doing to control the risk of bovine TB from badgers, as part of our wider [measures to control bovine TB](#).

Detailed guide: BPS 2017

Updated: We have included information for farmers with a 2017 BPS claim worth more than €2,000 as they will receive a reimbursement from the 2016 Financial Discipline Mechanism fund.

Latest news

Financial Discipline Mechanism (FDM) reimbursement

Farmers with a 2017 BPS claim worth more than €2,000 will receive a reimbursement from the 2016 FDM fund. Read the '[Financial Discipline Mechanism Reimbursement](#)' section below for more information about the reimbursement.

The information on this page relates to the BPS 2017 scheme year.

For the latest news and information about BPS 2018, click [here](#).

For the latest news and information about BPS 2019, click [here](#).

20 December – BPS 2017 payments update

More than 71,000 farmers have now received their BPS 2017 payments.

Payments have been made to just under 84% of eligible claimants, worth some £1.3bn in total so far. More BPS payments will be released in the next few days and during next week.

7 December – Commons eligibility checks

These are checks on the eligibility of land cover on common land. For more information about these checks please see [commons eligibility checks](#).

15 November – ‘An update on the Basic Payment scheme’ is published

2017 payments: payments for BPS 2017 will start on 1 December. To find out more, read

[An update on the Basic Payment Scheme](#)

(PDF, 607KB, 4 pages)

which explains:

- why some claims may not be paid in December
- important updates about greening
- cross compliance update
- preparing for BPS 2018

15 November – Greening Administrative Penalties

These are additional penalties that will be applied to the greening part of Basic Payment Scheme payments from 2017 onwards. For more information about these penalties please see [greening administrative penalties](#).

How BPS 2017 payments are calculated

To find out how payments are calculated, read the ‘Payments, Reductions and Penalties’ section of the [Basic Payment Scheme: rules for 2017](#). Page 89 explains how RPA calculates payments.

You may also need to read information about [greening administrative penalties](#) that apply from BPS 2017.

[Common land grazing rights](#)

(PDF, 636KB, 54 pages)

– to find out how the value of the common land part of the BPS payment is calculated read the [example below](#).

The BPS 2017 exchange rate is: €1 = £0.89470.

Entitlement values for 2017

Payment region	Entitlement value
Non-SDA (Severely Disadvantaged area)	€180.46
SDA	€178.90

Payment region	Entitlement value
SDA moorland	€49.63

Greening payment rates for 2017

Payment region	Greening payment rate
Non-SDA (Severely Disadvantaged area)	€77.69
SDA	€76.92
SDA moorland	€21.32

Payment queries from previous years

If you have a query about a BPS payment that you've received, please fill in a [BPS payment query form](#) and send it to RPA.

Commons eligibility checks 2017

RPA regularly checks and [updates its digital maps](#). This includes common land. Land cover eligibility on common land is checked using the latest enhanced satellite images and a limited number of supplementary physical land checks. These checks are different from RPA's usual land eligibility checks. The main differences are:

- RPA is checking the eligibility of the land cover on commons and not land boundaries
- RPA is surveying the eligible area of a common separately to the enclosed land farmed by the common land graziers who declared grazing rights on the common for BPS
- Graziers claim for a common by declaring their grazing rights rather than applying directly for an area of land. This means that there will be no penalties for over-declaring if RPA discovers the eligible area is less than previously used

When and where to check for changes

RPA needs to make sure that all land data on their systems is no more than 3 years old. These checks are carried out on an ongoing basis. This means each common will not be checked every year.

After a common is checked, if the eligible area has changed, RPA will write to those customers who declare rights on it. RPA will publish the [new eligible area and updated information on these checks](#) on GOV.UK.

The changes might affect the value of customers' BPS 2017 and agri-environment and woodland claims and payments.

This is because the 'notional area' used to calculate a customer's 2017 BPS payment may be less than last year. Therefore, their 2017 BPS payment may be lower than they are expecting.

Read more information about how the 'notional area' of the common is calculated on page 28 of the

[Basic Payment Scheme: rules for 2017](#)

(PDF, 4.33MB, 118 pages)

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What to do if you do not agree with the updates

Customers who want to query the revised eligible area need to discuss their query with the other commoners, and relevant Commons Association or equivalent organisation, to reach an agreed view.

It is important that individual customers do not make any changes to the land cover on the common, such as removing scrub, without discussing it with the other graziers/commoners. This is because it might affect the scheme agreements in place with other commoners.

Once customers have reviewed and discussed the findings with the other commoners, if they still want to query or disagree with RPA's findings, they can call RPA on 03000 200 301.

RPA will focus on making payments using the updated eligible areas and then will review any queries received. This is to avoid delays in making payments.

Example calculation:

How the value of the common land part of the BPS payment is calculated.

The common has:

- an eligible area of 300ha; and
- grazing rights being claimed under BPS for 200 sheep and 70 cattle.

RPA must calculate the livestock unit (LU) value of all the rights being claimed for the common:

- Each sheep is equivalent to 0.15 LU, so the calculation for the sheep grazing rights being claimed is:
 $200 \text{ sheep} \times 0.15 \text{ LU} = 30 \text{ LU}$
- Each adult cow is 1 LU, so the calculation for the cattle grazing rights being claimed is: $70 \text{ cattle} \times 1 \text{ LU} = 70 \text{ LU}$
- The total LU being claimed for the common is therefore:

$$30 \text{ LU} + 70 \text{ LU} = 100 \text{ LU}$$

- The area to be allocated for each LU claimed for the common is calculated as: $300\text{ha} / 100 \text{ LU} = 3.0\text{ha/LU}$
- If the farmer declared 40 LU of rights to activate entitlements on their BPS 2017 application they would be allocated $3.0\text{ha/LU} \times 40 \text{ LU} = 120\text{ha}$ of the total eligible area of the common.
- This area will be used to activate entitlements in the same way as any other land declared by the farmer on their application. The examples shown above under 'Main BPS payment' and 'Average entitlement value' show how this is done.

The above examples are based on a single common and do not take account of any split rights.

Rural Payments service

You can use the [Rural Payments service](#) to:

- Register for rural payments
- View your BPS 2017 application summary
- Update your personal and business details
- Give someone else (like an agent) permission to act on your behalf
- View your BPS entitlements
- See and print digital maps of your land parcels

Now the 2017 application period is over, you cannot use the service to:

- edit land use
- add or delete common rights
- make an active farmer declaration for BPS 2017

RPA will let you know when you can do this for BPS 2018.

From 15 May, it was not possible to:

- transfer entitlements to use in the BPS 2017 scheme year – either online or using an RLE1 form
- transfer land using the Rural Payment service (You can use an RLE1 form

for land changes during the BPS 2017 scheme year, as long as the land was at your disposal on 15 May)

RPA will let you know when you can do this for BPS 2018 using the Rural Payments service, so you don't need to send an RLE1 form.

How to use the Rural Payments service – help is available

There's help onscreen in the service to guide you if you get stuck (you can also

[download a copy of the onscreen help](#)

(PDF, 2.45MB, 55 pages)

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Updates to digital maps on the Rural Payments service

The Rural Payments Agency (RPA) is making a number of updates to digital maps, this started in August 2017 and will continue through into autumn 2017. For more information on these updates please see the [RLE1 page](#).

To view your individual land parcels, go to:

www.ruralpayments.service.gov.uk/. From the 'Business overview' screen, click 'Land' then 'View land'.

We will use these land updates to calculate BPS 2017 payments.

Financial Discipline Mechanism Reimbursement

Each year the European Commission uses some of the BPS budget to create a 'crisis reserve'. This is used to support the farming industry in times of crisis, such as disease outbreak. To do this – and to make sure that the overall European budget for BPS is not exceeded – a mechanism called 'financial discipline' is used. 'Financial discipline' means BPS payments across all Member States are reduced.

If the FDM funds have not been used to relieve a crisis, they are reimbursed to eligible farmers in the following scheme year. Farmers with a 2017 BPS claim worth more than €2,000 will receive a reimbursement from the 2016 FDM fund.

Payments will start from early October 2018. The payment is called 'FDM reimbursement' on the remittance advice, which is being sent after a payment is made.

The rate to use to calculate the reimbursement for 2017 is 1.310%. RPA takes a farmer's claim value, removes the first €2,000 and any reductions if they apply (but not cross compliance penalties), then multiplies this by 1.310%. They take the resulting amount and remove any cross compliance penalties from it.

Here's an example:

A farmer has a claim value of €10,000

The reimbursement does not apply
to the first €2,000:

$$€10,000 - €2,000 = €8,000$$

The reductions (not including any cross compliance penalties, for example, a late claim penalty) that apply to the 2017 claim = €200

$$€8,000 - €200 = €7,800$$

FDM reimbursement is $€7800 \times 1.310\% = €102.18$

A 5% cross compliance penalty applies:

$$€102.18 - 5\% = €97.07$$

The FDM reimbursement is €97.07

Some farmers may receive a further payment under FDM for previous years.

Planned maintenance of the Rural Payments service

There will be times when the Rural Payments service is unavailable because of essential planned maintenance and updates.

Check [‘Rural Payments: registering and updating your details’](#) to keep updated about availability of the Rural Payments service.

Forgotten your online password?

If you’re logging in with a Customer Reference Number (CRN) and have forgotten your password, you can create a new one from the [sign-in page](#).

Click ‘Having trouble signing in?’ then ‘create a new one’.

If you can’t remember your CRN, call RPA on 03000 200 301.

Scheme rules and other guidance

- [Basic Payment Scheme: rules for 2017](#)
(PDF, 4.33MB, 118 pages)

find out how the scheme works

Other guidance and forms you may need

- [Active farmer certificate – 2017](#).
- [Active farmer readmission: accountant certificate – 2017](#)

- [Rural Payments: land use codes](#)
 - [Greening workbook for 2017](#)
(PDF, 287KB, 10 pages)
 - [The guide to cross compliance in England 2017](#)
 - [Winter varieties of Brassica crops for 'crop diversification'](#)
(PDF, 112KB, 3 pages)
 - [Young and new farmer form](#)
(PDF, 231KB, 8 pages)
- (including applications for entitlements) and
[guidance on completing the Young and new farmer form](#)
(PDF, 669KB, 11 pages)

Read the [RLE1 form and guidance](#) if you need to use an RLE1 form to change your online maps, or to transfer entitlements by paper.

Guidance to help you apply

- [How to claim BPS online in 2017](#)
(PDF, 3.26MB, 46 pages)
- gives extra information about claiming online
- [How to apply using a paper form](#)
(PDF, 907KB, 60 pages)
- gives extra information about applying on paper
- [Not applied online before?](#)
(PDF, 2.49MB, 2 pages)
- leaflet gives paper customers information to help apply online
- [BPS 2017: Hints and tips](#)
(PDF, 1MB, 24 pages)
- to help you make your application

Continuation booklets

- [BP5 continuation booklet – Part C: Field data sheet](#)
(PDF, 171KB, 12 pages)

- [BP5 continuation booklet – Part D: Greening: ecological focus areas \(EFA\)](#)
(PDF, 174KB, 8 pages)
- [BP5 continuation booklet – Part E: Common land grazing rights](#)
(PDF, 162KB, 8 pages)

Contact RPA

Email

ruralpayments@defra.gsi.gov.uk

Helpline

03000 200 301

[News story: IP and BREXIT: The facts](#)

This guide offers information on the future of intellectual property (IP) laws following the decision that the UK will leave the European Union (EU).

The Intellectual Property Office (IPO) continues to contribute fully to the government's work towards exiting the EU. It has a clear goal of ensuring an effective IP regime that supports UK innovation and creativity. The UK will remain one of the best places in the world to obtain and protect your IP.

In March 2017 the Prime Minister formally started the process of the UK's withdrawal from the EU.

The government has published the Withdrawal Agreement and Political Declaration on the future relationship between the UK and the EU. This has been endorsed by leaders at a special meeting of the European Council on 25 November 2018. As set out in the Withdrawal Agreement, we will continue to protect all existing registered European Union Trade Marks, Registered Community Designs, and Unregistered Community Designs as we leave the EU. We will do so by creating over 1.7 million comparable UK rights, which will be granted automatically and free-of-charge.

The European Union (Withdrawal) Act received Royal assent on 26 June 2018 and is now law. The Withdrawal Act will ensure that the UK exits the EU with certainty, continuity, and control. It is in no one's interests for there to be a cliff edge, and so the laws and rules that we have now will, so far as possible, continue to apply. The government has been clear that the

Withdrawal Act and any further secondary legislation made under the Act will not aim to make major changes to policy or legislation beyond those which are necessary to ensure the law continues to work properly on day one.

The government published a White Paper on the Future Relationship Between the United Kingdom and the European Union on 12 July 2018, setting out an important vision for elements of the future relationship between the UK and EU on intellectual property. In particular, the White Paper proposes that the UK should continue to participate in the unitary patent system and the Unified Patent Court that underpins it.

Furthermore, the UK looks forward to exploring other arrangements on IP cooperation that will provide mutual benefits to UK and EU rights holders. This will all require negotiation with the EU and we look forward to discussing the possibilities with our European partners.

A scenario in which the UK leaves the EU without an agreement (a 'no deal' scenario) is highly unlikely. However, in the event of a 'no deal' scenario, the government has published a series of technical notices. This information helps businesses and citizens understand what they need to do, so they can make informed plans and preparations.

The technical notices on intellectual property were published on 24 September 2018:

The notices cover the government's plans for continued recognition of existing rights in the UK by recreating protections in UK law. This applies both to registered and unregistered rights. They also cover wider mechanisms and arrangements relating to IP, such as cross-border copyright and exhaustion.

For these mechanisms and arrangements, the government intends to provide continuity where possible. However, businesses and other stakeholders might need to consider whether and how the changes required will affect them.

Statutory legislation and business guidance

To prepare the UK's statute book for its exit from the EU the UK government will be passing technical changes through statutory legislation in Parliament over the coming months, using powers under the EU Withdrawal Act 2018.

Where appropriate, the government may publish detailed guidance alongside these legislative changes and will work closely with business representatives, trade associations and stakeholders on the implications.

To ensure UK copyright law functions properly if the UK leaves the EU without a deal, we have introduced [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2018](#). This legislation was laid in Parliament on 26 October 2018.

We have published guidance on the [changes to UK law in the event of no deal](#). This complements the recent 'technical notice' on copyright and EU exit and

covers the impacts on UK right holders, businesses, cultural heritage institutions and other organisations, and consumers. (insert hyperlink to document when available)

Please note this document is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

Trade marks

The existing UK system for protecting trade mark rights will remain largely unaffected by the UK's decision to leave the EU. While the UK remains a full member of the EU then EU Trade Marks (EUTM) continue to be valid in the UK. When the UK leaves the EU, in any scenario, an EUTM will continue to be valid in the remaining EU Member States and UK businesses will still be able to register an EU trade mark, which will cover all remaining EU Member States.

We recognise that owners of existing EU trade marks want clarity over the coverage of those rights when the UK leaves the EU. In any scenario, including one which does not involve a deal between the UK and the EU, the government will seek to minimise disruption for business and to provide for a smooth transition. For existing EU trade marks, this means that for all scenarios, the government aims to ensure continuity of protection and avoid the loss of those rights. In doing so, our overall objective is to provide maximum clarity and legal certainty for right holders and third parties. The government is looking at various options and is discussing the best way forward with users of the system.

In addition, the UK is a member of the international trade mark system called the Madrid System. This allows users to file one application, in one language, and pay one set of fees to protect trade marks in up to 113 territories including the EU.

UK businesses will continue to have access to the Madrid System when looking to protect their trade marks.

For our future relationship with the EU, the UK looks forward to exploring arrangements on IP cooperation that will provide mutual benefits to UK and EU rights holders. Such arrangements will all require negotiation with the EU and we look forward to discussing the possibilities with them, including on trade marks.

Designs

The UK system for protecting registered and unregistered designs is not affected by the decision to leave the EU.

While the UK remains a full member of the EU, Registered Community Designs (RCD) continue to be valid in the UK. When the UK leaves the EU, an RCD will cover the remaining EU Member States.

We recognise that owners of existing RCDs want clarity over the coverage of

those rights when the UK leaves the EU. In any scenario, including one which does not involve a deal between the UK and the EU, the government will seek to minimise disruption for business and to provide for a smooth transition. For existing RCDs this means that in all scenarios, the government will aim to ensure continuity of protection and avoid the loss of those rights. In doing so, our overall objective is to provide maximum clarity and legal certainty for right holders and third parties. The government is looking at various options and is discussing the best way forward with users of the system.

Once the UK leaves the EU, UK businesses will still be able to register a Community Design, which will cover all remaining EU Member States.

The government has ratified the Hague Agreement and has joined this international system in a national capacity. The Hague System for the International Registration of Industrial Designs allows for registration of up to 100 designs in over 68 territories through filing one single international application.

UK businesses will continue to have access to the Hague System when looking to protect their designs.

Unregistered designs

While the UK remains a member of the EU, designs, two- and three-dimensional designs (including, for example, clothing designs and patterns) can be automatically protected in the EU as 'unregistered Community designs'. This gives a design 3 years protection from copying.

Once the UK leaves the EU, unregistered protection for designs will continue to exist through the UK unregistered design right which provides a longer term of protection for a different scope of design features. In addition to this, where the UK does not have existing domestic legislation to protect certain types of rights, it will establish new schemes, which will preserve the full scope of the unregistered Community design right in the UK.

Rights of representation

The UK government recognises the concerns IP professionals have about their future rights to represent clients before the EU Intellectual Property Office. We welcome views on how to address these concerns and are involving stakeholders in consideration of these issues.

In the meantime, the UK and EU have agreed that UK practitioners who are representing clients before the CJEU and EUIPO in cases that are pending at the end of the implementation period will be able to continue acting in those cases until their conclusion.

As set out in our White Paper, the UK will be seeking to establish a joint practice arrangement whereby UK and EU legal representatives will be able to jointly support clients with cases before EU institutions, including before the EUIPO and the CJEU.

For our future relationship with the EU, the UK looks forward to exploring arrangements on IP cooperation that will provide mutual benefits to UK and EU rights holders. Such arrangements will all require negotiation with the EU and we look forward to discussing the possibilities with them, including on registered and unregistered designs.

Patents

European patents

The UK's exit from the EU will not affect the current European patent system, which is governed by the (non-EU) European Patent Convention.

UK businesses can continue to apply to the European Patent Office for patent protection which will include the UK. Existing European patents covering the UK are also unaffected.

European patent attorneys based in the UK will continue to be able to represent applicants before the EPO [see EPO and CIPA: no impact of Brexit on UK membership of EPO](#) for more information.

Supplementary Protection Certificates

While the UK remains a full member of the EU, businesses can continue to apply for and be granted Supplementary Protection Certificates (SPCs) for patented pharmaceutical and plant protection products using the current SPC system. Existing UK SPCs granted under that system continue to be valid.

Once the UK leaves the EU, UK businesses will still be able to apply for SPCs in all remaining EU Member States under the existing system.

As far as the UK's own SPC regime is concerned, our intention is to provide maximum certainty and clarity for businesses operating in this important area of innovation. We will do this by maintaining the current SPC legal framework in the UK as we leave the EU.

Unified Patent Court

The UK ratified the Unified Patent Court Agreement (UPCA) on 26 April 2018. Our ratification brings the international court one step closer to reality.

The UK intends to stay in the Unified Patent Court and unitary patent system after we leave the EU. The UPC and unitary patent project are an important means of simplifying the protection of innovative products throughout Europe. This Agreement sets the bar for the level of constructive cooperation that the UK seeks with European partners in the future.

The Agreement on the Unified Patent Court (UPC) is an international treaty. The international court will have jurisdiction over patent disputes across its contracting states.

It will deliver a single judgment in cross-border disputes between private

parties over patents granted under the current intergovernmental system, including the future Unitary Patent.

Copyright

While the UK remains in the EU, our copyright laws will continue to comply with the EU copyright directives, and we will continue to participate in EU negotiations.

The UK is a member of a number of international treaties and agreements protecting copyright. This means that the majority of UK copyright works (such as music, films, books and photographs) are protected around the world. This will continue to be the case following our exit from the EU. When we leave the EU, certain cross-border copyright mechanisms will no longer work in the way they are intended.

For our future relationship with the EU, the UK looks forward to exploring arrangements on IP cooperation that will provide mutual benefits to UK and EU rights holders. Such arrangements will all require negotiation with the EU and we look forward to discussing the possibilities with them, including copyright.

Enforcement

The UK is widely seen as a world leader in enforcement of IP. By working in partnership with law enforcement and industry, the government can deliver an IP environment where legitimate businesses thrive and consumers are protected.

For the time being the UK's enforcement framework remains unchanged. We are still part of the EU and we continue to play a part at the EU Observatory, and in bodies like Europol. The process for intercepting counterfeits and other infringing goods at the border remains unchanged. We also continue to play an active role in the follow up to the review of the Enforcement Directive, and the Commission's work on tackling commercial-scale infringement.

The UK is ready to engage constructively to establish an approach to enforcement cooperation that best suits the needs of the UK and EU and facilitates frictionless trade in goods to avoid a hard border between Northern Ireland and Ireland. This may involve sharing information and research on IPR enforcement, working closely with the EU Observatory on the infringement of IP Rights.

Exhaustion of IP rights

While the UK remains a full member of the EU, intellectual property rights remain exhausted after the first sale of a good, with the right holders permission, within the territory of the European Economic Area (EEA).

The UK looks forward to exploring arrangements on IP cooperation that will

provide mutual benefits to UK and EU rights holders and we are ready to discuss issues the EU wishes to raise in the negotiations on our future relationship, including exhaustion of IP rights.

The IPO is keen to hear your views on these issues. Please speak to your usual contact or email EUenquiries@ipo.gov.uk and we will ensure your comments are taken onboard.

Corporate report: Waste Forecasting Form: WSC-FOR-WFO

Updated: Updated to version 4.0 (August 2018)

Form to be completed by customers wishing to use LLWR's Waste, Logistics or Characterisation services.

Research and analysis: Carrier bag charge: summary of data in England

Updated: Updated following further checks with retailers. The total voluntary donation figure for 2017 to 2018 has been revised due to errors in reporting. Other minor revisions have been made to the donation, gross and net proceeds figures for 2016 to 2017 only.

Since 5 October 2015, large shops in England have been required by law to charge 5p for all single-use plastic carrier bags. They are required by law to report certain information to Defra, and they provide other information on a voluntary basis.

These publications summarise the data collected by Defra for:

- the second year – from 7 April 2017 to 6 April 2018
- the first full year – from 7 April 2016 to 6 April 2017
- the first 6 month reporting period – from 5 October 2015 to 6 April 2016

We publish the [full datasets on data.gov.uk](#) including:

- [Single-use plastic carrier bags charge, England methodological summary](#)

(2017-18)

- Single-use plastic carrier bags charge, England data (2016-18)