



Environment and Rural Affairs Department

Pentland House
47 Robb's Loan
Edinburgh EH14 1TY

Telephone: 0131-244 6578
Fax: 0131-244 5656
Appealssecretariat@scotland.gsi.gov.uk

29 June 2001

Dear Producer

**EU AGRICULTURAL SUBSIDIES APPEALS PROCEDURE
YOUR RIGHT TO APPEAL**

1. The EU Agricultural Appeals procedure became operational on 9 November 2000 and covered appeals against decisions on schemes covered by the Integrated Administration and Control System (IACS).
2. From 29 June the appeals procedure is being extended to cover:
 - Agri-environment and Afforestation schemes administered by SEERAD; and
 - Suckler Cow Premium Scheme and Sheep Annual Premium Scheme quota allocation arrangements.
3. I am enclosing for your information:
 - [an information leaflet \(AP\(EL\) June 2001\)](#) – this updates the leaflet sent to IACS producers in November last year describing the appeals procedure for farmers penalised in relation to their European Union agricultural subsidies claims; and
 - [an application form \(API\)](#) for access to Stage 1 of the process. **NB: you should only complete this form if you wish to appeal.**
4. The key features of the system are set out below:
 - The appeals process consists of 3 distinct stages:
 - i. an internal SEERAD review panel;
 - ii. an external advisory panel; and

iii. appeal to the Scottish Land Court (an independent judicial court – **(please note, the current position on this stage for quota arrangements set out in the leaflet).**

- Each stage of the appeals procedure will consider the relevant European and UK legislation, and also consider whether SEERAD's decision is consistent with this.
- If your appeal is successful at any stage, the decision **may** result in payment of the subsidy concerned (or part of it), but not interest or compensation.
- For the first two stages, you may opt for an oral or a written review. An oral review gives you the opportunity to attend part of the review meeting, present your case to the panel and answer their questions. There is no requirement for legal representation.
- The Scottish Land Court is a formal court of law. Involvement of a solicitor or counsel in presenting the case is advisable. Depending on your circumstances, you may be eligible for legal aid.
- The internal review is free of charge. A deposit of £100 is required for review by the external panel. This will be refunded if the appeal decision is in your favour. The Scottish Land Court charges £100 per application, plus £120 per day of oral hearing.

5. If you have a problem with any of your IACS, agri environment or afforestation claims, you should firstly discuss the matter with your local SEERAD Area Office. In quota cases, you should contact the Quota Management Section in Pentland House. If you are not satisfied with the outcome, you can then make a formal appeal using the application form (AP1) enclosed with this letter. Additional copies are available from SEERAD Area Offices or the SE website: <http://www.scotland.gov.uk> . Please note that all formal appeals should be addressed to the SEERAD EU Agricultural Subsidies Appeals Secretariat, Room 028 Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

Yours faithfully



R Lamb
Appeals Secretariat