

Case Study Country A: 'Pyramids' for each Directive

WP6 Task 6.2 Phase 2 Braithwaite's Pyramid
 Directive: **Nitrates Directive**

<p>"Negligent" non-compliance</p> <p>Payments can be reduced by 3% (for each non-compliance). But could be either 1% or 5% depending on the extent, severity and permanence of the non-compliance. Where the extent, serenity and permanence are at their lowest and have not caused a risk to public or animal health, an 'early warning system' letter may be issued, with requirement to take action to correct the non-compliance</p>	<p>Reoccurrence</p> <p>Same rule more than once in 3 consecutive calendar years, the penalty will get increases. The second time a rule is broken, the resulting penalty is multiplied by 3, any further penalties will be 3 times the size of the previous one; the rule can be breached until the penalty reaches 15%, after which, non-compliance can be treated as "intentional".</p>	<p>"Intentional" non-compliance</p> <p>repeating the same "negligent" penalty also gets an intentional penalty for breaking a cross-compliance rule only once. For intentional cases, payments will normally be reduced by 20%. This may be reduced to 15% or increased up to 100%, depending on the extent, severity, reoccurrence and permanence of the non-compliance. In some extreme cases, you may not be paid for the Basic Payment Scheme and/or rural development schemes in the following year.</p>
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WP6 Task 6.2 Phase 2 Braithwaite's Pyramid
 Directive: **Drinking Water Directive**

<p>Satisfactory</p> <p>Everything is OK</p>	<p>Suggestion</p> <p>Drinking Water Inspectorate informs the water company that some aspects of their business can be done better... this can be ignored by the water company</p>	<p>Recommendation</p> <p>Water companies have, for example, not met a regulation requirement. Water companies need to justify and demonstrate good reason for not doing the activity; if this is not possible water companies need to comply and carry out the activity</p>	<p>Legal notice process</p>	<p>Consider enforcement action</p>	<p>Enforcement</p> <p>Water companies have failed to comply with the legal notice</p>	<p>Fines</p>	<p>Prosecution</p>	<p>Removal of license</p> <p>As recommended by DWI and carried out by OFWAT</p>
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WP6 Task 6.2 Phase 2 Braithwaite's Pyramid
 Directive: **Groundwater Directive**

<p>Advice, guidance</p> <p>offenders are persuaded to address the pollution incident</p>	<p>Second/ third visit</p> <p>To ensure the clean up process is in hand</p>	<p>Letter is served from an EA officer</p> <p>to ask resolution of pollution issues</p>	<p>Served with a legal notice</p> <p>e.g an anti-pollution works notice - outlines the work needed to be carried out</p>	<p>Second/ third letters</p> <p>provided with a second/ third chance - outline legal obligations</p>	<p>Interview/ caution</p> <p>Formal interview at EA office</p>	<p>Prosecution</p> <p>very rare - try to avoid this</p>	<p>Fines</p> <p>Up to £50,000 for groundwater; if a multiple water offence up to £20m</p>
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WP6 Task 6.2 Phase 2 Braithwaite's Pyramid
 Directive: **Non EU**

<p>Letter</p> <p>28 days to put right</p>	<p>Prosecution and fine</p> <p>up to £5,000 in a magistrate's court</p>	<p>Non-compliance leads to a conviction</p>
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