

Objections to Reductions/Penalties imposed by the Agriculture and Rural Payments Agency (ARPA)

Guidance Document

Q. What reductions/penalties may be imposed by the Agriculture and Rural Payments Agency (ARPA)?

R: When ARPA detects non-compliance or breaches of contractual obligations by beneficiaries under a funding scheme it administers, it is required to apply penalties/reductions to payments due to such beneficiaries as provided under Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013

Q. If I do not agree with the basis upon which a reduction/penalty was imposed, what can I do?

R. In instances where beneficiaries do not agree with ARPA's decision to apply a reduction/penalty to their payments, they may submit a reasoned objection to this decision within the timeframe specified in the reduction/penalty letter sent by ARPA and in the prescribed manner.

Q. What is the procedure for Objections to Reductions/Penalties imposed by the Agriculture and Rural Payments Agency (ARPA)?

R. In instances where beneficiaries do not agree with the basis upon which ARPA arrived at the decision to apply a reduction/penalty to their payments including where they believe this was based upon incomplete or incorrect information or data, they are to submit a duly-filled Objection Form, along with mandatory supporting documentation/evidence/photographs, detailing the reason/s for their objection. The form may be accepted within 60 days from the date of the First Debt Notification Letter or from the date of the payment being objected to.

Q. Where can I find the Objection Form?

R. The Objection Form may be accessed via ARPA's website www.arpa.gov.mt. Alternatively, a copy of the Objection Form may be provided by hand when visiting our Front Office, or via email upon request sent to arpa.mafa@gov.mt

Q. How must the Objection Form be filled in?

R. All sections are to be filled-in completely, as incomplete forms or those without any supporting evidence will not be considered. It is in the client's interest to submit as comprehensive and clearly stated an objection, with valid reasons supported by evidence as possible. Supporting documentation substantiating such objection must be submitted along with the filled-in form. Such supporting documentation may include photographs, letters, contracts, certificates, etc. Clients are to note that the primary findings of ARPA's own verifications and controls form the basis of the

decisions taken which may be contested, and that for successful outcomes the Board requires compelling evidence to be provided which rebuts or sheds new light upon such findings. Decisions which are contested and shown to have been based on mistaken, erroneous or incomplete information or data, will be redressed by the Board.

Q. Where can I find support in submitting an objection?

R. For assistance and support with respect to the objection's procedure and submission of the Objection Form, you may contact ARPA's Front Office via telephone 22 926 148.

Q. Where do I submit my filled-in Objection Form?

R. The original signed Objection Form, along with the necessary supporting documentation, are to be submitted at ARPA's Front office by hand or by post at one of the following addresses:

Malta Office:

Front Office
Agriculture and Rural Payments Agency (ARPA)
Pitkali Markets
Ta' Qali, Limits of Attard, Malta

Opening hours: Monday to Friday 07:30-15:00 (1st October – 15th June)
 Monday to Friday 07:30-12:30 (16th June – 30th September)

Gozo Office:

Government Experimental Farm,
Mgarr Road,
Xewkija, Gozo
Opening hours: Monday to Friday 07:00-12:30

Q. Who decides on accepting/rejecting my objection? Can I appeal the Board's decision?

R. Final decisions are taken by ARPA. In instances where objections are referred to the ARPA Objections Board, decisions are taken on the basis of the recommendation provided by the Board. The final verdict will be communicated via an official letter sent by ARPA to the person who submitted the objection and are to be considered as final and thus cannot be appealed.

Q. What are the types of Objections which are considered by the Objection Board?

R. Objections should be submitted when beneficiaries feel aggrieved at decisions taken by ARPA concerning their funding applications and payments and are in a position to present evidence that may provide a different perspective to the facts established by ARPA. Such objections, if valid, are referred to the ARPA Objection Board for its consideration and recommendation on the contested case. Such evidence may include:

- Official documentation/certificates issued by other official bodies which may rebut ARPA's findings;

- Documentation which demonstrates administrative errors or misinterpretation by ARPA or any other body upon whose outcomes the decision was based;
- Material evidence which confirms how/where/when an activity relevant to the decision was carried out.
- An explanatory letter from the beneficiary explaining their objection

Q. What are the types of Objections which are NOT considered by the Objection Board?

R. Lack of evidence presented – Objection Forms submitted with uncorroborated statements, ie. without any evidence will not be considered. Furthermore, the validity of such evidence may also be verified prior to referral to the ARPA Objections Board. Objections Forms with evidence which is deemed invalid or irrelevant to the case in question shall not be considered.

R. Requests for information – Objection Forms submitted for the purpose of requesting information will not be considered. Requests for information are to be requested separately through ARPA's Front Office (Tel: 22 926 148) or via email sent to arpa.mafa@gov.mt.

R. Recurring objections – Objection Forms submitted concerning cases for which a final decision had already been issued shall not be considered. This includes final decisions already issued in Force Majeure proceedings where the same substantive facts or original decision was involved.

R. Incorrect/fraudulent information – ARPA will not consider objections submitted along with incorrect/fraudulent information/documentation.

R. Lack of new evidence – ARPA may not consider objections if the evidence submitted clearly does not provide additional information related to the case and/or which may substantiate the reasons for the objection.

R. Instances where no minimum maintenance or waste is detected on a parcel – Unless the objection contains evidence which contradicts ARPA's findings, it will not be considered by ARPA.

R. Objections to decisions which concern sums that fall below the minimum threshold of €50.00 (fifty euro) shall not be considered and such objections shall not be accepted by the receiving officer.

R. Objections to decisions which concern sums which exceed the maximum threshold of €5000.00 (five thousand euro) in the case of non-IACS based measures or €10,000 (ten thousand euro) for IACS based measures shall not be considered and such objections shall not be accepted by the receiving officer.

R. Objections submitted after the elapse of sixty (60) days from the first notification of a debt or from the date of receipt of payment on which the objection is being made shall not be considered and such objections shall not be accepted by the receiving officer.

Q. How should photographic evidence be provided?

R. The best method to submit photographic evidence is through the use of ARPA's Mobile APP 'BiedjaCam', which allows you to capture geo-tagged photos through the use of the in-app camera. These provide an audited assurance of the date and location through which such photos were

taken. Photos which are not taken through the app may also be submitted but may not be as conclusive and may require some interpretation for validation purposes, particularly where date and time are uncertain. Photographic evidence needs to be clear, well focused, and where possible not taken facing the sun and should not contain too much sky but contain mostly the land in question. Screenshots taken of the SITI-AGRI system should not be submitted, as the IACS system itself is accessed directly as the official source for such information.

Q. Does the Board consider legal or procedural matters?

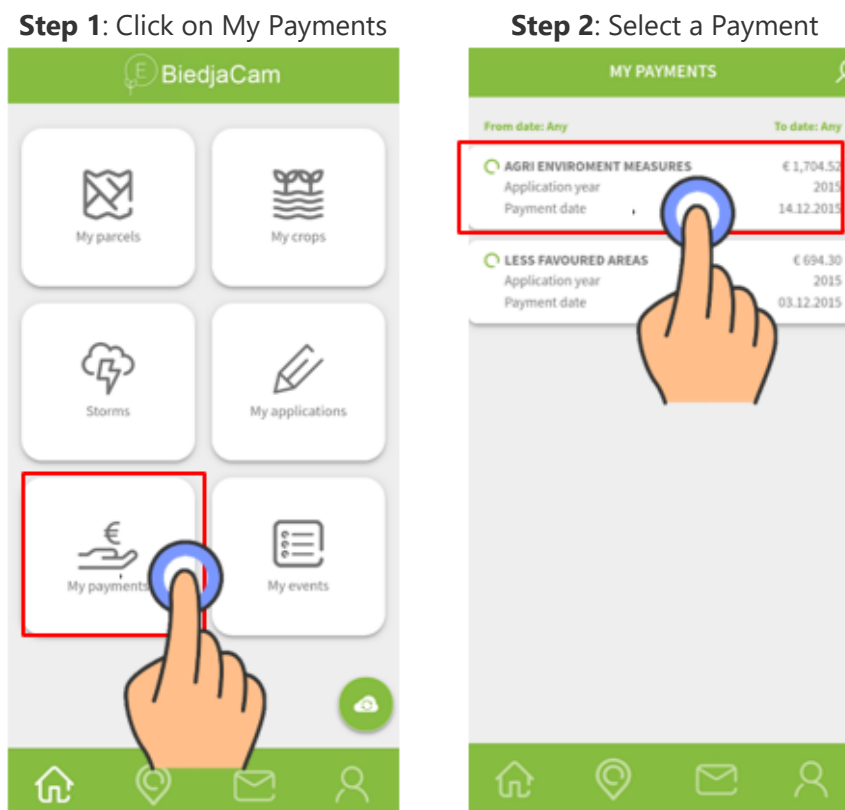
R. The Objections Board is set up within the administrative framework of ARPA in order to provide clients with an additional opportunity to make their voice heard and be able to improve the decision-making process with regards to their payments within a given financial threshold in a highly transparent, rapid and participative manner. It is not a judicial or quasi-judicial body and will not entertain legal or procedural representations such as prescription of actions, or objections to decisions on payments exceeding the stated financial threshold. The decision of the Objection Board is to be considered as the final decision of the Agriculture and Rural Payments Agency. Once such a decision is issued, the Agency is not in a position to consider any further representations by the clients or clients’ lawyers. Other remedies at law remain available to clients.

Q. How is the Board composed?

R. The Objections Board is set up of members from different units within ARPA that are independent from the Authorising Unit that applied the deduction/penalty.

Q. How can I determine which parcels led to a reduction in payment?

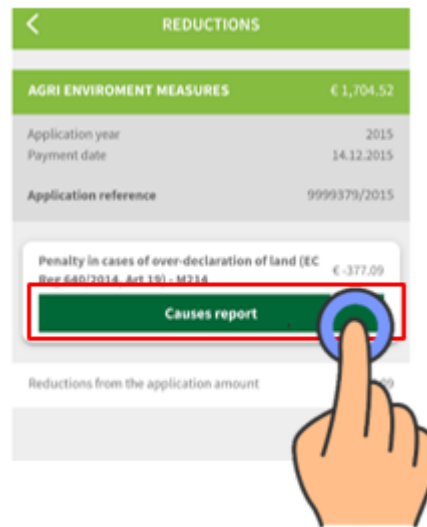
Follow the steps below:



Step 3: Click on the deducted value



Step 4: Click the button to download report



In step 4 the app will download a report that is referred to as the Control Map. This report has been designed in a way to easily pinpoint the cause of deductions in payments. The report will only display the parcels that had an area over-declaration and is composed of 6 key elements:

1. Legend of eligible areas within the parcel as declared by the farmer for the specific year.
2. Farmer and parcel details
3. Table showing the area declared, area found and discrepancy
4. Effected parcel or farmers parcel block on current year satellite image
5. Parcel or farmers block showing the declared eligible area
6. Parcel or farmers block showing the found eligible area (if any) in hatched yellow.

2015 Control Map Report - Area Aid ARPA

Eligible land use - GSAA declaration
 ARABLE LAND

Full name:
 ID Card No:
 Dossier No:
 Application No:
 Farmer Block ID:
 Scheme:
 Sub-Scheme:

Declared (ha)	Measured (ha)	Diff (ha)	Perimeter (m)	Tolerance (ha)	Determined (ha)
0.1904	0	0.1904	null	0	0

Eligible area measured

Q. Where can I download ARPA's Mobile APP 'BiedjaCam'?

R. The direct link to download ARPA's Mobile App 'BiedjaCam' may be accessed through ARPA's website homepage: <https://agrikultura.gov.mt/en/arpa/Pages/ARPAhome.aspx> by clicking on the relevant buttons at the bottom of page. BiedjaCam is also downloadable directly from the Apple App or Google Play stores.

R. For support with downloading ARPA's Mobile APP 'BiedjaCam' you may contact the Agency via telephone on 22 926 148, or email at arpa.mafa@gov.mt.