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WELSH STATUTORY INSTRUMENTS

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**2007 No. 844 (W.76)**

**FOOD, WALES**

**The Dairy Produce Quotas (Wales)  
(Amendment) Regulations 2007**

*Made* - - - - 13 March 2007

*Coming into force* - - 31 March 2007

The National Assembly for Wales has been designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community.

The National Assembly for Wales makes the following Regulations under the powers conferred by that section.

**Title, commencement and application**

1. The title of these Regulations is the Dairy Produce Quotas (Wales) (Amendment) Regulations 2007. They come into force on 31 March 2007 and apply in relation to Wales.

**Amendment of the Dairy Produce Quotas (Wales) Regulations 2005**

2.—(1) The Dairy Produce Quotas (Wales) Regulations 2005<sup>(3)</sup> are amended as follows.

(2) In regulation 2(1)—

- (a) at the end of the definition of “the Commission Regulation” add “, as last amended by Commission Regulation (EC) No. 1468/2006 (OJ No. L274, 5.10.2006, p 6)”;
- (b) omit the definition of “Commission Regulation 1756/93”;
- (c) in the definition of “the Community legislation”, for “, the Commission Regulation and Commission Regulation 1756/93” substitute “and the Commission Regulation”;
- (d) at the end of the definition of “the Council Regulation” add “, as last amended by Council Regulation (EC) No. 1406/2006 (OJ No. L265, 26.9.2006, p 8)”.

(3) In regulation 7(a), for sub-paragraphs (i) to (iii) substitute—

“(i) is the quota holder identified in that entry, or

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(1) S.I. 2005/2766.

(2) 1972 c. 68.

(3) S.I. 2005/537 (W.47), as amended by S.I. 2006/762 (W.72).

- (ii) gives the National Assembly a statement in writing that he or she has an interest in the holding of the quota holder identified in that entry; or”.
- (4) In regulation 9(3), for the words after “National Assembly” to the end of the paragraph substitute “no later than 31 March in the quota year in which the transfer takes place.”.
- (5) In regulation 31(5), for “1 September” substitute “30 September”.
- (6) In regulation 36—
- (a) in paragraph (1), for “(2) and (3)” substitute “(2A) and (3)”;
  - (b) omit paragraph (2);
  - (c) in paragraph (5), for “paragraphs (2) to (4)” substitute “paragraphs (2A), (3), (4) and (6A)”;
  - (d) for paragraph (6), substitute—
 

“(6) Subject to Article 8(5) of the Commission Regulation, if a purchaser fails to submit a summary required to be submitted under Article 8(2) of the Commission Regulation, by the end of the period specified in Article 8(4), he or she is liable to pay to the National Assembly a penalty equivalent to the theoretical amount of levy that would be due on 0.01% of the quantity by volume of milk covered by that declaration for each day of the period of the delay in the submission reaching the National Assembly.”;
  - (e) after paragraph 6 insert—
 

“(6A) Subject to paragraphs (5) and (7), where a purchaser fails to provide or submit to the National Assembly—

    - (a) an application, statement or declaration concerning the adjustment of purchaser quota in accordance with regulation 23(2) to (4);
    - (b) information in accordance with regulation 33(2) to (4); or
    - (c) a confirmation or amendments relating to a revised version of a summary in accordance with regulation 35(2),

he or she is liable to pay to the National Assembly a penalty equivalent to the theoretical amount of levy that would be due on 0.01% of the quantity by volume of milk covered by that application, statement, declaration or revised version, or that information, for each day of the period of delay in the submission reaching the National Assembly.”.
- (7) In paragraph 7, for “(6)” substitute “(6A)”.
- (8) In regulation 38, omit paragraph (2).
- (9) In regulation 39(2)(a)(ii), for “by virtue of regulation 38(2)” substitute “under article 11(4) of the Commission Regulation”.
- (10) In paragraph 2(1) of Schedule 2, at the beginning of both sub-paragraph (h) and (i) insert “if he or she holds 4,855 or more litres of direct sales quota,”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4).

13 March 2007

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 31 March 2007, amend the Dairy Produce Quotas (Wales) Regulations 2005 (SI 2005/537 (W.47)) (“the 2005 Regulations”).

The 2005 Regulations implement Council Regulation (EC) No 1788/2003 establishing a levy in the milk and milk products sector (OJ No L270, 21.10.2003, p 123), as last amended by Council Regulation (EC) No 1406/2006 (OJ No. L265, 26.9.2006, p 8), and Commission Regulation (EC) No 595/2004 laying down detailed rules for applying Council Regulation (EC) No 1788/2003 establishing a levy in the milk and milk products sector (OJ No L94, 31.3.2004, p 22), as last amended by Commission Regulation (EC) No. 1468/2006 (OJ No. L274, 5.10.2006, p 6) (“the Commission Regulation”).

Regulation 2—

- (i) updates the references to Community legislation.
- (ii) removes the reference to the agent of a quota holder in respect of inspection of registers.
- (iii) amends the requirement to submit a notice to the National Assembly, on the transfer of quota with the transfer of land, by lease and otherwise, on two different dates, to require submission by a single date, 31 March, in both cases.
- (iv) amends the date from when unpaid levy may be recovered.
- (v) amends the administrative penalty procedure on late submission of summaries of deliveries by milk purchasers in accordance with changes to the Commission Regulation.
- (vi) amends the administrative penalty procedure on late submission of declarations of direct sales to remove the provision on confiscation of quota since this is fully set out in the amended Commission Regulation.
- (vii) amends the record keeping requirements for direct sellers of milk and milk products.

A regulatory appraisal of the effect which this instrument will have on the costs of business has been prepared and copies can be obtained from the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.