
WELSH STATUTORY INSTRUMENTS

2007 No. 970 (W.87)

AGRICULTURE, WALES

**The Common Agricultural Policy Single Payment
and Support Schemes (Cross-compliance)
(Wales) (Amendment) Regulations 2007**

Made - - - - 21 March 2007
Coming into force - - 31 March 2007

The National Assembly for Wales is designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the Common Agricultural Policy of the European Community. In exercise of the powers conferred on it by that section, it makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (Wales) (Amendment) Regulations 2007.

(2) These Regulations come into force on 31 March 2007 and apply in relation to Wales.

Amendments to the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (Wales) Regulations 2004

2. The Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (Wales) Regulations 2004⁽³⁾ are amended as set out in these Regulations.

3. In regulation 2(1) (interpretation)—

(a) for the definition of “agri-environment commitment” substitute—

““agri-environment commitment” means a commitment under—

(a) a scheme established under Council Regulation (EC) No 2078/92 on agricultural production methods compatible with the requirements of the

(1) S.I. 2005/2766.

(2) 1972 c. 68.

(3) S.I. 2004/3280 (W. 284).

- protection of the environment and the maintenance of the countryside⁽⁴⁾, as last amended by Council Regulation (EC) No 2772/95⁽⁵⁾;
- (b) a scheme established under Articles 22, 23, 24 or 31 of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)⁽⁶⁾, as last amended by Council Regulation (EC) No 583/2004⁽⁷⁾;
 - (c) a management agreement entered into with the Countryside Council, pursuant to section 15 of the Countryside Act 1968⁽⁸⁾;
 - (d) a management agreement entered into with the Countryside Council, pursuant to section 16 of the National Parks and Access to the Countryside Act 1949⁽⁹⁾;
 - (e) an approved project in respect of which financial assistance is paid under the Energy Crops Regulations 2000⁽¹⁰⁾; or
 - (f) a measure listed in Article 36 of Council Regulation (EC) No 1698/2005⁽¹¹⁾;
- (b) in the definition of “authorised person”, after the words “any person authorised by the National Assembly” insert “or the Secretary of State”;
 - (c) in the definition of “the Commission Regulation”, for “Commission Regulation (EC) No 1187/2006” substitute “Commission Regulation (EC) No 2025/2006⁽¹¹⁾”.
 - (d) in the definition of “the Council Regulation”, for “Commission Regulation (EC) No 1156/2006” substitute “Council Regulation (EC) No 2013/2006⁽¹²⁾”.
 - (e) after the definition of “the Council Regulation”, insert—
“Council Regulation (EC) No 1698/2005” means Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)⁽¹³⁾.
4. After regulation 2(1) (interpretation) insert—
“(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended from time to time.”
5. In regulation 6(2) (competent control authorities), for “numbers 10, 13, 14 and 15” substitute “numbers 10 and 13 to 18”.
6. In regulation 7(3) (powers of authorised persons)—
- (a) in sub-paragraph (a), after “examination” insert “, measurement”;
 - (b) in sub-paragraph (d), for “or kept on it” substitute “, or any livestock or any other thing kept on it”;
 - (c) in sub-paragraphs (f) and (g), for “records” (each time it appears) substitute “documents or records”;
 - (d) in sub-paragraph (g), for “record” (each time it appears) substitute “document or record”;
 - (e) at the end, add—

(4) O.J. L 215, 30.07.1992, p.85. This Council Regulation has been repealed but agri-environment commitments entered into under it remain extant.

(5) O.J. L 288, 01.12.1995, p. 35.

(6) O.J. L 160, 26.06.1999, p.80. This Council Regulation has been repealed, with effect from 1 January 2007, except for certain provisions which continue in force beyond that date.

(7) O.J. L 91, 30.03.2004, p.1.

(8) 1968 c. 41.

(9) 1949 c. 97.

(10) S.I. 2000/3042, amended by S.I. 2001/3900.

(11) O.J. L 384, 29.12.2006, p. 81.

(12) O.J. No L 384, 29.12.2006, p. 13.

(13) O.J. No L277, 20.09.2005, p.1.

“;

- (h) remove a carcass found on the land for the purpose of carrying out a post-mortem examination on it;
- (i) take a photograph of anything on the land; and
- (j) remove anything which he or she reasonably believes to be evidence of any non-compliance.”.

7. For paragraph 2(1)(c) of the Schedule, substitute—

- “(c) the land is prepared as a seedbed for a crop, and
 - (i) the crop is sown within a period of 10 days beginning with the day after final seedbed preparation, or
 - (ii) if sowing within that 10-day period would mean breaching the requirement in paragraph 3(1), the crop is sown as soon as is practicable after it ceases to be waterlogged, or
 - (iii) if there are severe weather conditions making it impracticable to sow within that 10-day period, the crop is sown as soon as is practicable after the severe weather conditions cease;”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(14)

21 March 2007

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (Wales) Regulations 2004 (S.I.2004/3280 (W. 284)). Those Regulations make provision in Wales for the administration and enforcement of cross-compliance under Regulation (EC) No 1782/2003 (OJ No L270, 21.10.2003, p.1) (“the Council Regulation”) and Commission Regulation (EC) No 796/2004 (OJ No L141, 30.04.2004, p.18) (“the Commission Regulation”) in relation to the system of income support schemes which came into force on 1 January 2005.

These Regulations:

- (a) define the list of agri-environment commitments (which take precedence over cross-compliance standards and requirements) to include all relevant commitments (regulation 3(a));
- (b) amend the definition of “authorised person” (regulation 3(b));
- (c) update the definitions of the Council and Commission Regulations to take into account amendments to those Regulations, and add a definition of Council Regulation (EC) No 1698/2006 (regulation 3(c — e));
- (d) amend the interpretation provisions so that a reference to a Community instrument is a reference to that instrument as may be amended at any point in the future (regulation 4),
- (e) designate the Secretary of State as the competent control authority in relation to statutory management requirements numbers 16 to 18 of Annex III of the Council Regulation on animal welfare (regulation 5);
- (f) add to the powers of inspectors in order to provide for inspections relating to animal welfare requirements which apply to farmers from 1st January 2007 (regulation 5);
- (g) amend the provisions as to post-harvest management of land (regulation 6).

A regulatory appraisal has been prepared for this statutory instrument. Copies can be obtained from the Department of Environment, Planning and Countryside, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.