

**2016 No. 1076**

**AGRICULTURE**

**The Single Common Market Organisation (Emergency Aid for Milk Producers) (Amendment) Regulations 2016**

<i>Made</i>	- - - -	<i>7th November 2016</i>
<i>Laid before Parliament</i>		<i>9th November 2016</i>
<i>Coming into force</i>	- -	<i>1st December 2016</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the common agricultural policy(b).

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

**Citation and commencement**

1. These Regulations may be cited as the Single Common Market Organisation (Emergency Aid for Milk Producers) (Amendment) Regulations 2016 and come into force on 1st December 2016.

**Amendment of the Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015**

2. The Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015(c) are amended as follows.

**Amendment of regulation 2**

3. In regulation 2(1) (interpretation) insert at the appropriate place—

““Commission Regulation (EU) 2016/1612” means Commission Delegated Regulation (EU) 2016/1612 providing aid for milk production reduction(d);”;

““milk reduction payment” means a payment due to any person under Article 5 of Commission Regulation (EU) 2016/1612;”.

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(a) 1972 c.68; section 2 was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1.  
(b) S.I. 1972/1811. The power of the Secretary of State to make regulations that extend to Scotland and Northern Ireland and apply in Wales remains exercisable by virtue of the Scotland Act 1998 (c.46), section 57(1), the European Communities (Designation) (No. 3) Order 2000 (S.I. 2000/2812), article 3(2) and the European Communities (Designation) (No. 5) Order 2010 (S.I. 2010/2690), article 6, respectively.  
(c) S.I. 2015/1896.  
(d) OJ No L 242, 9.9.2016, p 4.

## **Amendment of regulation 6**

4. In regulation 6(1) (recovery of undue payments)—
- (a) in paragraph (a) omit “or”;
  - (b) after (b) insert—  
“ (c) any milk reduction payment, ”;
  - (c) at the end insert “or Commission Regulation (EU) 2016/1612”.

## **Amendment of regulation 8**

5. For regulation 8 (set-off) substitute—
- “8. The Secretary of State may set off—
- (a) any sum payable under these Regulations or Commission Regulation (EU) 2016/1612 against any sum recoverable by any of the competent authorities under Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy(a);
  - (b) any sum recoverable under regulation 6(1) (including any interest charged in accordance with regulation 7(1)) against any sum payable by any of the competent authorities under the Direct Payments Regulation(b) or Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(c).”.

## **Amendment of regulation 15**

6. In regulation 15(2) (review of implementation in other member States), for “Commission Regulation (EU) 2015/1853 is” substitute “Commission Regulation (EU) 2015/1853 and Commission Regulation (EU) 2016/1612 are”.

*George Eustice*  
Minister of State

7th November 2016

Department for Environment, Food and Rural Affairs

### **EXPLANATORY NOTE**

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

These Regulations make provision for the implementation in the United Kingdom of Commission Delegated Regulation (EU) 2016/1612 providing aid for milk production reduction (OJ No L 242, 9.9.2016, p 4) (“Commission Regulation (EU) 2016/1612”) by amending the Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015 (S.I. 2015/1896).

Regulation 4 provides that any payments made in excess of any milk reduction payment due to a person under Commission Regulation (EU) 2016/1612 may be recovered on demand as a debt.

Regulation 5 provides for the set-off of any debts incurred under this instrument or under Commission Regulation (EU) 2016/1612 against rural development payments or direct payments payable; and any payments due under this instrument or under Commission Regulation (EU) 2016/1612 may be set off against any recoverable Common Agricultural Policy payments.

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(a) OJ No L 347, 20.12.2013, p 549, as last amended by Regulation (EU) No 2016/791 (OJ No L 135, 24.5.2016, p 1).  
(b) OJ No L 347, 20.12.2013, p 608, as last amended by Commission Delegated Regulation (EU) 2016/142 (OJ No L 28, 4.2.2016, p 8).  
(c) OJ No L 347, 20.12.2013, p 487, as last amended by Commission Delegated Regulation (EU) 2016/142.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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