
WELSH STATUTORY INSTRUMENTS

2004 No. 2662 (W.233)

AGRICULTURE, WALES

**The Common Agricultural Policy Support Schemes
(Modulation)(Wales) (Amendment) Regulations 2004**

Made - - - - - *12 October 2004*

Coming into force - - - - - *16 October 2004*

The National Assembly for Wales, being 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 the said section 2(2) hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Common Agricultural Policy Support Schemes (Modulation) (Wales)(Amendment) Regulations 2004 and shall come into force on 16 October 2004.

Amendment of the Common Agricultural Policy Support Schemes (Modulation) (Wales) Regulations 2000

2. The Common Agricultural Policy Support Schemes (Modulation) (Wales) Regulations 2000⁽³⁾ are amended as follows —

- (a) in regulation 2(2) the word “IACS” is deleted;
- (b) in regulation 3(1) —
 - (i) the definitions of “IACS support scheme” and “LFA supplement” are deleted;
 - (ii) in the definition of “the Council Regulation”, after the word “Community” the following words are inserted, “, as last amended by Commission Regulation (EC) 41/2004”⁽⁴⁾;

(1) By virtue of the [European Communities \(Designation\) \(No. 3\) Order 1999 \(1999/2788\)](#).
(2) [1972 c. 68](#).
(3) [S.I. 2000/3294 \(W.216\)](#), amended by [S.I. 2001/3680 \(W.301\)](#).
(4) [O.J. No. L006, 10.01.2004, p.19](#).

- (iii) in the definition of “Council Regulation 3508/92”, after the word “schemes” the following words are inserted, “, as last amended by Commission Regulation (EC) 495/2001”(5);
- (iv) in the definitions of “farmer” and “holding”, for the words “Article 1(4)” substitute the words “Article 1(3)”;
- (v) in the definition of “relevant purposes”, for the words “Articles 13 to 24 (inclusive)” substitute the words “Articles 13 to 20, Articles 22 to 24”; and
- (vi) in the definition of “the Rural Development Regulation”, after the word “Regulations” the following words are inserted “, as last amended by Council Regulation (EC) 1783/2003”(6).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7)

12 October 2004

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

(5) O.J. No. L072, 14.3.2001, p.6. Council Regulation (EEC) No. 3508/92 was repealed by Article 153(1) of Council Regulation (EC) No. 1782/2003 (O.J. No. L270, 21.10.2003, p.1), but continues to apply to applications for direct payments in respect of the calendar years preceding 2005 by virtue of that Article.

(6) O.J. No. L270, 21.10.2003, p.70.

(7) 1998 c. 38.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations, which come into force on 16th October 2004, amend the Common Agricultural Policy Support Schemes (Modulation) (Wales) Regulations 2000 (S.I.2000/3294 (W.216) as amended by S.I. 2001/3680 (W.301)) (“the principal Regulations”).

“Modulation” involves the making of a deduction from payments due under Common Agricultural Policy direct support schemes and the reallocation of the amount so deducted as support for rural development measures. The percentage deduction for direct support scheme payments is set out in regulation 4(3) of the principal Regulations.

These amendment Regulations reflect the amendment of Council Regulation (EC) 1259/1999 (O.J. No. L160, 26.6.1999, p.113) by Commission Regulation (EC) 41/2004 (O.J. No. L006, 10.01.2004, p.19), which replaces the Annex to that Council Regulation.

The effect is that payments under the direct support schemes introduced by Title IV of Council Regulation (EC) 1782/2003 (O.J. No. L270, 21.10.2003, p.1) (dairy premium and additional payments, durum wheat, protein crops, potato starch, nuts and energy crops) will be subject to modulation in Wales, in addition to the direct support schemes that are already subject to modulation.

These Regulations also make amendments to update the principal Regulations to reflect recent minor and technical amendments to other Community instruments.

A regulatory appraisal has been prepared in respect of these Regulations and is available from the National Assembly for Wales, Department for Environment, Planning and Countryside, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.