
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in Wales for the administration and enforcement of Council Regulation (EC) No. 1782/2003 (OJ No. L 270, 21.10.2003, p.1) (“the Council Regulation”) and Commission Regulation (EC) No. 796/2004 (OJ No. L 141, 30.4.2004, p18) (“the Commission Regulation”), in relation to the “cross compliance” aspects of the new system of direct support schemes (including the Single Payment Scheme) under the Common Agricultural Policy (“CAP”) which comes into force on 1 January 2005.

“Cross compliance” is the term which reflects the requirements of Articles 3 to 7 of the Council Regulation which make receipt of direct payments under the CAP conditional upon compliance with a range of laws and standards.

The laws are set out in Annex III to the Council Regulation, which contains a list of “statutory management requirements” in areas of Community law on the environment, public and animal health and animal welfare. Additionally under Article 5(1) of the Council Regulation, Member States must set out standards of “good agricultural and environmental condition” which will apply to all farmers, within the framework of Annex IV to that Regulation.

Within the context of the above, these Regulations provide as follows:

Regulation 3 designates the National Assembly for Wales (“the National Assembly”) as the competent national authority responsible for providing farmers with a list of the statutory management requirements and standards of good agricultural and environmental condition on his or her land.

Regulation 4, by reference to the Schedule, sets out the standards of good agricultural and environmental condition which will apply in Wales. The standards in the Schedule cover the following areas—

- Retention of guidance on soils (paragraph 1)
- Post-harvest management of land after combinable crops (paragraph 2)
- Waterlogged soil (paragraph 3)
- Burning of crop residues (paragraphs 4 and 5)
- Overgrazing and unsuitable supplementary feeding methods (paragraph 6)
- Management of land which is not in agricultural production (paragraph 7)
- Control of weeds (paragraphs 8 and 9)
- Boundary Features (paragraph 10)
- Hedgerows (paragraphs 11 to 13)
- Environmental impact assessment (paragraphs 14 and 15)
- Heather and grass burning (paragraph 16)
- Sites of special scientific interest (paragraphs 17 to 21)
- Tree preservation orders (paragraph 22)
- Felling of trees (paragraph 23)
- Scheduled monuments (paragraph 24)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 5 gives the National Assembly the power to prohibit farmers from converting land under permanent pasture and to also require farmers to reconvert land to permanent pasture, where the exercise of such a power is necessary in order for the United Kingdom to meet the requirements of Article 5(2) of the Council Regulation and Articles 3 and 4 of the Commission Regulation.

Regulation 6 gives effect to a derogation granted under Article 42 of the Commission Regulation which permits the National Assembly to be designated as the Competent Control Authority (“CCA”). The CCA bears responsibility for carrying out the controls and checks on the requirements or standards referred to above. However Regulation 6 enables the National Assembly to require the Environment Agency and the Countryside Council for Wales (“a relevant authority”), to carry out cross compliance controls and checks and subsequently submit to it a provisional report of their findings. A relevant authority is also under a general duty to notify the National Assembly of any non-compliance established as a consequence of any kind of check.

Regulation 7 provides powers of entry for an authorised person. These powers are in addition to any existing power of entry and are for the purpose of providing a control report or establishing whether there has been a non-compliance or ascertaining whether an offence under these Regulations has been or is being committed.

Regulations 8 provides for an authorised person to request assistance.

Regulation 9 establishes offences for obstructing and failing to provide assistance to an authorised person.

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