
WELSH STATUTORY INSTRUMENTS

2008 No. 2500

The Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations 2008

Title and commencement

1. The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations 2008. They apply in relation to Wales and come into force on 21 October 2008.

Amendments

2. The Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2005⁽¹⁾ are amended as follows.

3. For regulation 2 substitute the following—

“Interpretation

2.—(1) In these Regulations—

“Commission Regulation 795/2004” means Commission Regulation [\(EC\) No. 795/2004](#) laying down detailed rules for the implementation of the single payment scheme provided for in the Council Regulation⁽²⁾;

“Commission Regulation 796/2004” means Commission Regulation [\(EC\) No. 796/2004](#) laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in the Council Regulation⁽³⁾;

“Commission Regulation 1973/2004” means Commission Regulation [\(EC\) No. 1973/2004](#) laying down detailed rules for the application of Council Regulation [\(EC\) No. 1782/2003](#) as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials⁽⁴⁾;

“the Council Regulation” means Council Regulation [\(EC\) No. 1782/2003](#) establishing common rules for direct support under the common agricultural policy and establishing certain support schemes for farmers⁽⁵⁾;

“direct payment” has the meaning given by Article 2(d) of the Council Regulation;

“farmer” has the meaning given by Article 2(a) of the Council Regulation;

“holding” has the meaning given by Article 2(b) of the Council Regulation;

(1) S.I.2005/360 (W.29), amended by S.I. 2006/357 (W.45).

(2) OJ No. L141, 30.4.2004, p.1, last amended by Commission Regulation [\(EC\) No 319/2008](#) (OJ No. L95, 8.4.2008, p.63-65).

(3) OJ No. L141, 30.4.2004, p.18, last amended by Commission Regulation [\(EC\) No. 319/2008](#) (OJ No. L95, 8.4.2008, p.63-65).

(4) OJ No. L345, 20.11.2004, p.1, last amended by Commission Regulation [\(EC\) No. 829/2008](#) (OJ No. L 224, 22.8.2008, p. 3).

(5) OJ No. L270, 21.10.2003, p.1, last amended by Commission Regulation [\(EC\) No. 674/2008](#) (OJ No. L189, 17.7.2008, p.5-13).

“the IACS Regulations” means the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2005(6);

“relevant competent authority” has the meaning given by regulation 5 of the IACS Regulations;

“single application” has the meaning given by Article 2(11) of Commission Regulation 796/2004;

“single payment scheme” means the support scheme established under Title III of the Council Regulation;

“sugar quota” has the same meaning as it has in Council Regulation (EC) Regulation No. 318/2006 on the common organisation of the markets in the sugar sector(7);

(2) Other expressions used in these Regulations that are also used in the Council Regulation, Commission Regulation 795/2004, Commission Regulation 796/2004 or Commission Regulation 1973/2004 have the meaning they bear in those instruments.

(3) Any reference in paragraph (1) to a Community instrument is a reference to that instrument as amended from time to time.”

4. For Regulation 6 (10 month period), substitute—

“Date on which eligible land must be at the farmer’s disposal

6. In relation to any year in which the farmer makes a declaration in respect of parcels pursuant to article 44(3) of the Council Regulation, the date on which those parcels must be at the farmer’s disposal is 15 May.”

5. After regulation 7 (dairy premium and additional payments), insert the following—

“The reference amount in relation to sugar beet

7A.—(1) For the purposes of paragraph 1, point K of Annex VII to the Council Regulation, the Welsh Ministers will determine the amount to be included in the reference amount of each farmer in accordance with the criteria set out in this regulation.

(2) The amount in relation to a farmer (in this regulation “the claimant farmer”) will be determined by reference to the original contracted tonnage of sugar beet to be supplied under a relevant contract, relative to the original contracted tonnage of all relevant contracts.

(3) A contract is a relevant contract if—

- (a) it provides for the claimant farmer or a linked farmer to supply sugar beet to British Sugar(8) in the representative period; and
- (b) the sugar beet to be supplied under the contract was part of British Sugar’s sugar quota for the representative period.

(4) In relation to a relevant contract—

- (a) the “original contracted tonnage” is the amount so identified in the last dated document entitled “2005 Sugar Beet Contract Confirmation” issued by British Sugar in relation to that contract prior to 22 November 2006;
- (b) the “representative period” is the marketing year 2005/2006.

(6) S.I. 2005/218.

(7) OJ No. L58, 28.2.2006, last amended by Commission Regulation (EC) No. 1260/2007 OJ No. L283, 27.10.2007, p. 1-7).

(8) British Sugar is a public limited company trading as British Sugar plc; it was previously the British Sugar Corporation Limited, created pursuant to section 3 of the Sugar Industry (Reorganisation Act 1936 (c. 18)).

- (5) A linked farmer is a farmer who:
- (a) is—
 - (i) the landlord of the claimant farmer;
 - (ii) the tenant of the claimant farmer;
 - (iii) a farmer for whom the claimant farmer (under a sub-contract with the linked farmer) grew the sugar beet to be supplied under the relevant contract;
 - (iv) a firm or company of which the claimant farmer (now being a sole trader) was formerly a member, officer or employee; or
 - (v) a subsidiary company of a parent company which is the claimant farmer;
 - (b) does not rely on the relevant contract for the purposes of inclusion in any reference amount applying to him or her; and
 - (c) agrees in writing that the claimant farmer may so rely in his or her place.

(6) The Welsh Ministers may only include an amount in the reference amount for a claimant farmer under this regulation if that farmer held qualifying entitlements as provided for in Article 58 of the Council Regulation on 15 May 2006.

(7) A qualifying entitlement under paragraph (6) does not include set-aside entitlements.”.

6. Regulation 8 (Horticulture) is revoked.

7. For paragraph (2) of regulation 10 (additional modulation) substitute the following—

“(2) In this regulation—

“the relevant amount” means the amount which would have been granted to the farmer in respect of the year concerned but for the application of Article 10(1) of the Council Regulation;

“the relevant purposes” means the purposes of any payment made pursuant to the measures under rural development programming financed by the European Agricultural Fund for Rural Development in accordance with Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(9);

“the specified proportion” means in respect of 2008, 2.5%.”.

22 September 2008

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers.

(9) OJ No. L277, 21.10.2005, p.1, last amended by Council Regulation (EC) No 146/2008 (OJ No. L 46, 21.2.2008, p.1-6).