

SCHEDULES

SCHEDULE 5

PROVISION RELATING TO WALES

PART 2

INTERVENTION IN AGRICULTURAL MARKETS

Declaration relating to exceptional market conditions

- 7 (1) The Welsh Ministers may make and publish a declaration in accordance with this paragraph if the Welsh Ministers consider that there are exceptional market conditions which justify making the powers conferred by or referred to in paragraph 8 available for use.
- (2) In this Part “exceptional market conditions” exist where—
- (a) there is a severe disturbance in agricultural markets or a serious threat of a severe disturbance in agricultural markets, and
 - (b) the disturbance or threatened disturbance has, or is likely to have, a significant adverse effect on agricultural producers in Wales in terms of the prices achievable for one or more agricultural products.
- (3) A declaration must—
- (a) state that the Welsh Ministers consider that there are exceptional market conditions which justify making the declaration,
 - (b) describe the exceptional market conditions in question, in particular by specifying—
 - (i) the disturbance or threatened disturbance in agricultural markets,
 - (ii) any agricultural product which is or is likely to be affected by the disturbance or threatened disturbance, and
 - (iii) the grounds for considering that the conditions in sub-paragraph (2) (a) and (b) are met in relation to that disturbance or threatened disturbance,
 - (c) describe the grounds for considering that the exceptional market conditions justify making the powers conferred by or referred to in paragraph 8 available for use, and
 - (d) state that the powers conferred by or referred to in paragraph 8 are (unless the declaration is revoked sooner) available for use in relation to the exceptional market conditions until such day as the declaration may specify.
- (4) A declaration has effect from when it is published until the end of the day specified under sub-paragraph (3)(d) (which may not be later than the last day of the period of three months beginning with the day on which it is published).

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- (5) The Welsh Ministers may revoke a declaration by making and publishing a further declaration stating that the declaration is revoked.
- (6) If at any time during the period of 7 days ending with the day specified under sub-paragraph (3)(d) the Welsh Ministers consider that—
 - (a) there continue to be exceptional market conditions, and
 - (b) they justify extending the availability of the powers conferred by or referred to in paragraph 8,
 the Welsh Ministers may make and publish a further declaration extending the effect of the original declaration for such period (not exceeding three months) as the further declaration may specify.
- (7) The fact that a declaration under this paragraph has expired or been revoked does not prevent the Welsh Ministers from making and publishing another declaration relating in whole or part to the same exceptional market conditions.
- (8) A copy of any declaration made and published under this paragraph must be laid before Senedd Cymru by the Welsh Ministers as soon as practicable after it is published.
- (9) In this paragraph and paragraph 8 a reference to agricultural markets, agricultural producers or agricultural products includes horticultural markets, horticultural producers or horticultural products (as the case may be).

Exceptional market conditions: powers available to Welsh Ministers

- 8 (1) This paragraph applies during the period for which a declaration under paragraph 7 has effect.
- (2) The Welsh Ministers may give, or agree to give, financial assistance to agricultural producers in Wales whose incomes are being, or are likely to be, adversely affected by the exceptional market conditions described in the declaration.
- (3) The Welsh Ministers may also make such use as the Welsh Ministers consider appropriate of any available powers under retained direct EU legislation which provides for the operation of public intervention and aid for private storage mechanisms, in response to a declaration under paragraph 7.
- (4) Financial assistance under sub-paragraph (2) may be given by way of grant, loan or guarantee or in any other form.
- (5) The financial assistance may be given subject to such conditions as the Welsh Ministers consider appropriate.
- (6) The conditions may (among other things) include provision under which the financial assistance is to be repaid or otherwise made good (with or without interest).
- (7) Nothing in sub-paragraph (1) or (2) prevents the Welsh Ministers from giving, or agreeing to give, financial assistance under sub-paragraph (2)—
 - (a) after the end of the period for which the declaration has effect, but
 - (b) in response to an application duly made during that period.

Power to modify retained direct EU legislation relating to public market intervention and private storage aid

- 9 (1) The Welsh Ministers may by regulations modify retained direct EU legislation relating to public market intervention or aid for private storage, for the purpose of altering the operation of provisions of such legislation so far as they have effect in relation to Wales in connection with exceptional market conditions which are the subject of a declaration under paragraph 7.
- (2) The Welsh Ministers may by regulations modify retained direct EU legislation relating to public market intervention or aid for private storage, for either or both of the following purposes—
- (a) securing that provisions of such legislation cease to have effect in relation to Wales, otherwise than in connection with exceptional market conditions which are the subject of a declaration under paragraph 7;
 - (b) altering the operation of provisions of such legislation, so far as they have effect in relation to Wales otherwise than in connection with such market conditions (pending the achievement of the purpose in paragraph (a) in relation to those provisions).
- (3) The power conferred by sub-paragraph (1) includes power to make modifications that apply only in relation to the exceptional market conditions which are the subject of a particular declaration specified in the regulations.
- (4) The powers conferred by sub-paragraphs (1) and (2) include power to change the agricultural products that are eligible for public market intervention or aid for private storage.
- (5) Regulations under this paragraph are subject to negative resolution procedure (unless section 50(5) applies).
- (6) In this paragraph “retained direct EU legislation relating to public market intervention or aid for private storage” includes—
- (a) Articles 8 to 18 of the CMO Regulation;
 - (b) [Council Regulation \(EU\) No 1370/2013](#) of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (so far as relating to public market intervention and aid for private storage);
 - (c) the following Commission Regulations (so far as relating to public market intervention and aid for private storage)—
 - (i) [Commission Delegated Regulation \(EU\) 2016/1238](#) of 18 May 2016 supplementing the CMO Regulation with regard to public intervention and aid for private storage;
 - (ii) [Commission Implementing Regulation \(EU\) 2016/1240](#) of 18 May 2016 laying down rules for the application of the CMO Regulation with regard to public intervention and aid for private storage;
 - (iii) [Commission Delegated Regulation \(EU\) 2017/1182](#) of 20 April 2017 supplementing the CMO Regulation as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals.
- (7) Until paragraph 2 of Schedule 7 (amendment of Articles 219, 220, 221 and 222 of the CMO Regulation) is in force, any reference in this paragraph to exceptional

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market conditions which are the subject of a declaration under paragraph 7 includes a reference to circumstances which are the subject of measures under any of those Articles.