

EXPLANATORY MEMORANDUM TO
THE COMMON AGRICULTURAL POLICY SINGLE PAYMENT AND
SUPPORT SCHEMES (CROSS COMPLIANCE) (ENGLAND) (AMENDMENT)
REGULATIONS 2005

2005 No. 918

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments

2. **Description**

- 2.1 This instrument amends the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004 (SI 2004/3196), which came into force on 1 January 2005 and which is available on the HMSO website at:

<http://www.legislation.hmso.gov.uk/si/si2004/20043196.htm>

- 2.2 The purpose of SI 2004/3196 is to set the standards of good agricultural and environmental condition, which are part of “cross compliance”, and which must be met by farmers under the new system of direct support schemes (including the Single Payment Scheme) under the Common Agricultural Policy (CAP). The standards were introduced in January 2005 and largely relate to the protection of soils, habitats and landscape features.

- 2.3 The detailed standards and requirements for Good Agricultural and Environmental Condition (GAEC) are set out in the *Cross Compliance Handbook for England*, which has been sent to all known farmers and is available at: <http://www.defra.gov.uk/farm/capreform/pubs/pdf/Cross-compliance-3011.pdf>

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 This instrument makes several amendments to SI 2004/3196, including correcting drafting errors as reported by the JCSI in its Sixth Report of Session 2004-5 and addressed in the Memorandum of 17 January 2005 from Defra Legal, which is available at:

<http://www.publications.parliament.uk/pa/jt200405/jtselect/jtstatin/34/3408.htm>

4. **Legislative Background**

- 4.1 This instrument is being made to amend SI 2004/3196, which came into force on 1 January 2005. This instrument sets out the standards of good agricultural and environmental condition, which are part of “cross compliance”, which must be met by farmers under the new system of direct support schemes (including the Single Payment Scheme) under the Common Agricultural Policy (CAP) to be

introduced in January 2005. The standards largely relate to the protection of soils, habitats and landscape features. The amendments are intended to:

- update the references to the Community instruments in SI 2004/3196 as amended at the date these Regulations are made;
- correct certain drafting errors in SI 2004/3196; and
- amend the standards of Good Agricultural and Environmental Condition (GAEC) to exclude the harvesting of all varieties of potato, sugar beet, mangel, swede, turnip and fodder beet from the exclusion which allows the harvesting of crops of “fruit or vegetables” on waterlogged soil (this is a clarification rather than a change to the existing provision).

5. Extent

5.1 This instrument applies to England only.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 The policy background to the Explanatory Memorandum to SI 2004/3196 is laid out at paragraph 2.2.

7.2 The amendments contained within this instrument do not represent a change in policy, but are intended to correct drafting errors, update references to EC legislation to cover recent amendments, and add clarification in relation to the GAEC standard on waterlogged soils (see 7.3 below).

7.3 Paragraph 3(1) of the Schedule to SI 2004/3196 states:

“A farmer must not carry out a mechanical field operation on waterlogged soil unless ... (c) the mechanical field operation is necessary ... (iv) in order to harvest a crop of fruit or vegetables—

(aa) in order to meet contractual obligations, or

(bb) where the quality of the crop would not deteriorate if it was not harvested.”

7.4 Stakeholders have requested clarification of the term “fruit or vegetables”, and in particular whether it includes potato, sugar beet, mangel, swede, turnip and fodder beet. We have discussed the issue with policy leads and industry representatives, and have agreed that it is not appropriate to include any of these items in the definition for the purposes of this GAEC standard. The amendment is intended to clarify this position.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument because no impact on the private, voluntary or public sector is foreseen. A full Regulatory Impact Assessment was completed for the Common Agricultural

Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004 and is available on the HMSO website at:
http://www.legislation.hmso.gov.uk/si/em2004/uksiem_20043196_en.pdf

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