STATUTORY INSTRUMENTS

2009 No. 3102

AGRICULTURE, ENGLAND

The Common Agricultural Policy Single Payment and Support Schemes Regulations 2009

Made - - - -	*26th November 2009*
Laid before Parliament	*30th November 2009*
Coming into force - -	*1st December 2009*

The Secretary of State is 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, and makes these Regulations in exercise of the powers in that section.

Title, application and commencement

1. These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes Regulations 2009, they apply in England and come into force on 1st December 2009.

Regions

2.—(1) For the purposes of Article 46(2) of Council Regulation (EC) No 73/2009 (establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers(**3**)), there are three regions in England, which are—

(a) moorland;

(b) the severely disadvantaged area, excluding moorland;

(c) all other land.

(2) For these purposes—

"moorland" means all the land that is both—

(a) in the severely disadvantaged area, and

(b) shown coloured pink in the three volumes of maps entitled "Moorland Map of England 2006" each volume being marked with the number of the volume, dated 7th October

(**1**) S.I. 1072/1811.
(**2**) 1972 c. 68.
(**3**) OJ No L 30, 31.1.2009, p. 16 as last amended by Commission Regulation (EC) No 992/2009 (OJ No L 278, 23.10.2009, p. 7).

2007, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and deposited at the offices of the Department for Environment, Food and Rural Affairs at Ergon House, Horseferry Road, London SW1P 2AL;

"the severely disadvantaged area" means all the land, excluding the Isles of Scilly, shown coloured pink in the three volumes of maps entitled "Volume of maps of less-favoured areas in England", each volume being marked with the number of the volume, dated 20th May 1991, signed and sealed by the Minister of Agriculture, Fisheries and Food and deposited at the offices of the Department for Environment, Food and Rural Affairs at Ergon House, Horseferry Road, London SW1P 2AL.

Minimum size of holding to establish entitlements

3. For the purposes of Article 12(6) of Commission Regulation 795/2004 (laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003(**4**)) the minimum size of a holding for which the establishment of payment entitlements may be requested is 0.3 hectares.

Minimum claim

4. For the purposes of Article 28(1) of Council Regulation (EC) No 73/2009 the minimum requirement for a claim is one hectare for farmers who do not hold special entitlements in accordance with that Article, and €200 for farmers who hold special entitlements.

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

5. In relation to any year in which the farmer makes a declaration in respect of parcels pursuant to Article 35(1) of Council Regulation (EC) No 73/2009, the date on which those parcels must be at the farmer's disposal is the last day the single application may be submitted to the competent authority in accordance with Article 11 of 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 Council Regulations (EC) No 1782/2003 and (EC) No 73/2009, as well as for the implementation of cross compliance provided for in Council Regulation (EC) No 479/2008(**5**)).

Progressive modifications of entitlements

6.—(1) In accordance with Article 48(2), fourth sub-paragraph, of Council Regulation (EC) No 73/2009 the annual progressive modifications for the purposes of Article 63(3) of Council Regulation (EC) No 1782/2003 establishing common rules for direct support under the common agricultural policy and establishing certain support schemes for farmers(**6**) are as set out in the following table, where—

(a) column 2 is the proportion of the farmer's entitlement consisting of the regional unit value of the entitlement calculated in accordance with Article 59(3) first sub-paragraph of Council Regulation (EC) No 1782/2003; and

(b) column 3 is the proportion of the farmer's entitlement consisting of the farmer's reference amounts where the farmer is entitled to receive entitlements calculated in accordance with Article 59(3) second sub-paragraph of Council Regulation (EC) No 1782/2003.

(**4**) OJ No L 141, 30.4.2004, p. 1 as last amended by Commission Regulation (EC) No 370/2009 (OJ No L 114, 7.5.2009, p. 3).
(**5**) OJ No L 141, 30.4.2004, p 18 as last amended by Commission Regulation (EC) No 380/2009 (OJ No L 116, 9.5.2009, p 9).
(**6**) OJ No L270, 21.10.2003, p. 1. This Regulation was repealed by Council Regulation (EU) No 73/2009, but in accordance with Article 48(2) of that Regulation decisions on progressive modifications taken under the repealed Regulation may be continued by a member State.

(2) Entitlements for the fruit and vegetable sector as referred to in Article 48f of Commission Regulation (EC) No 795/2004(**7**), or wine as referred to in Article 48i of that Regulation(**8**), are valued at the regional unit value in accordance with the table without the reference amount percentage.

Progressive modifications

Year	*Regional unit value percentages*	*Reference amount percentage*
2009—		
sugar funding[(a)]	33%	67%
other	60%	40%
2010	75%	25%
2011	90%	10%
2012	100%	0%

(a) Sugar funding is the funding specified in Tables 1 and 2 of point K of Annex VII to Council Regulation (EC) No 1782/2003.

Transfers

7. For the purposes of Article 25(3) of Commission Regulation (EC) No 795/2004, a transferor of a payment entitlement must notify the transfer to the competent authority that allocated that entitlement at least six weeks before—

(a) the transfer is to take place; and

(b) the last day for lodging an application under the single payment scheme.

Additional modulation

8. The rates in the third column of the Schedule are the voluntary modulation referred to in Article 1 of Council Regulation (EU) No 378/2007 (laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003(**9**)) (the rates in the second column are the compulsory rates of modulation provided for in Article 7 of Council Regulation (EC) No 73/2009 and are provided for the sake of completeness).

Revocations

9. The following are revoked—

(a) the Common Agricultural Policy Single Payment and Support Schemes Regulations 2005(**10**);

(b) the Common Agricultural Policy Single Payment and Support Schemes (Amendment) Regulations 2005(**11**);

(c) the Common Agricultural Policy Single Payment and Support Schemes (Amendment) Regulations 2006(**12**);

(**7**) Article 48f was inserted by Commission Regulation (EC) No 1522/2007 (OJ No L 335, 20.12.2007, p.27).
(**8**) Article 48i was inserted by Commission Regulation (EC) No 370/2009 (OJ L 114, 7.5.2009, p. 3).
(**9**) OJ No L 95, 5.4.2007, p. 1 as last amended by Council Regulation (EC) No 73/2009 (OJ L 30, 31.1.2009, p 16).
(**10**) S.I. 2005/219.
(**11**) S.I. 2005/1087.
(**12**) S.I. 2006/239.

(d) the Common Agricultural Policy Single Payment and Support Schemes (Amendment No 2) Regulations 2006(**13**);

(e) the Common Agricultural Policy Single Payment and Support Schemes (Amendment) (No 3) Regulations 2005(**14**);

(f) the Common Agricultural Policy Single Payment and Support Schemes (Amendment) Regulations 2007(**15**);

(g) the Common Agricultural Policy Single Payment and Support Schemes (Amendment) Regulations 2008(**16**);

(h) the Common Agricultural Policy Single Payment Scheme (Set-aside) (England) Regulations 2004(**17**);

(i) the Common Agricultural Policy Single Payment Scheme (Set-aside) (England) (Amendment) Regulations 2005(**18**);

(j) the Common Agricultural Policy Single Payment Scheme (Set-aside) (England) (Amendment) Regulations 2007(**19**).

Jim Fitzpatrick
Minister of State
Department for Environment, Food and Rural Affairs

26th November 2009

(**13**) S.I. 2006/301.
(**14**) S.I. 2006/989.
(**15**) S.I. 2007/3182.
(**16**) S.I. 2008/1139.
(**17**) S.I. 2004/3385.
(**18**) S.I. 2005/3460.
(**19**) S.I. 2007/633.

SCHEDULE Regulation 8

Specified proportion of additional modulation

Amounts up to and including €5,000:

Year	*EU modulation*	*Additional modulation*	*Total modulation*
2009	0%	14%	14%
2010	0%	14%	14%
2011	0%	14%	14%
2012	0%	14%	14%

Amounts over €5,000 and up to and including €300,000:

Year	*EU modulation*	*Additional modulation*	*Total modulation*
2009	7%	12%	19%
2010	8%	11%	19%
2011	9%	10%	19%
2012	10%	9%	19%

Amounts over €300,000:

Year	*EU modulation*	*Additional modulation*	*Total modulation*
2009	11%	8%	19%
2010	12%	7%	19%
2011	13%	6%	19%
2012	14%	5%	19%

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in England for the administration of Council Regulation (EC) No 73/2009 (OJ No L 30, 31.1.2009, p 16), and other associated Community instruments, in relation to direct support schemes under the Common Agricultural Policy. These largely continue the arrangements which applied under the Common Agricultural Policy Single Payment and Support Schemes Regulations 2005, and its amendments, which are revoked by these regulations.

Regulation 2 provides that there are three regions of England for the purposes of these Regulations.

Regulation 3 specifies the minimum size of a holding in respect of which the establishment of entitlements may be requested.

Regulation 4 sets the minimum claim size.

Regulation 5 fixes the date on which parcels used to claim SPS must be at the disposal of farmers.

Regulation 6 makes provision for progressive modifications of entitlements.

Regulation 7 provides that transfer of payment entitlements must be communicated by the transferor to the relevant competent authority within the time limits specified.

Regulation 8 specifies the additional modulation deductions which will be made from direct payments payable to farmers.

Regulation 9 revokes the Common Agricultural Policy Single Payment Scheme (Set-aside) (England) Regulations 2004 and its amendments.

An impact assessment on the minimum claim size is available from the Defra Information Resource Centre, Lower Ground Floor, Ergon House, c/o Nobel House, 17 Smith Square, London SW1P 3JR. The other provisions covered by these Regulations either continue the existing arrangements or, in the case of the additional modulation deductions, do not lead to a new cost to business.