
WELSH STATUTORY INSTRUMENTS

2020 No. 1556

**The Direct Payments to Farmers and Rural
Affairs (Miscellaneous Amendments
etc.) (Wales) (EU Exit) Regulations 2020**

PART 3

Direct Payments: Retained Direct Legislation

Amendment of Regulation (EU) No. 1307/2013

7.—(1) Regulation (EU) No. 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy⁽¹⁾ is amended as follows.

(2) In Article 1, omit point (b)(iv).

(3) In Article 4—

(a) in paragraph (1)—

(i) in points (a), (b) and (i), for “the United Kingdom”, in each place that it occurs, substitute “Wales”;

(ii) in point (e), omit “and permanent pasture”;

(iii) in point (g)—

(aa) omit “and permanent pasture”;

(bb) for “occupy” substitute “occupies”;

(iv) in point (h), for ““permanent grassland and permanent pasture” (together referred to as “permanent grassland”)” substitute ““permanent grassland””;

(v) for point (s) substitute—

“(s) “appropriate authority” means the relevant authority for the constituent nation in which the regulations apply.”;

(vi) after point (s) insert—

“(t) “total ceiling” means the amount determined in accordance with Article 5A.”;

(b) in paragraph 2, omit the final subparagraph.

(4) After Article 5 insert—

⁽¹⁾ EUR 2013/1307, amended by [S.I. 2020/91](#), [S.I. 2020/576](#) and [S.I. 2020/760](#). This Regulation was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

“Article 5A

The total ceiling for Wales

1. The Welsh Ministers must determine the total ceiling for Wales.
 2. The Welsh Ministers must determine the total ceiling before the start of the relevant year.
 3. The Welsh Ministers must publish the total ceiling as soon as practicable after they have determined it under paragraph 1.
 4. The total ceiling, for any relevant year, must be distributed among all claimed payment entitlements, including the national reserve or the regional reserves, and ceilings set in accordance with Articles 42 and 51 and the amount allocated under Article 53.
 5. In this Article, “relevant year” has the same meaning as in paragraph 3(4) of Schedule 5 to the Agriculture Act 2020.”
- (5) Omit Articles 6, 7 and 7A.
- (6) In Article 9—
- (a) omit paragraphs 2 to 4;
 - (b) omit paragraph 5(b), (c) and (d);
 - (c) omit paragraphs 6 to 8.
- (7) In Article 10(2), for “EUR 100” substitute “£100”.
- (8) In Article 11—
- (a) in paragraph 1, for “EUR 150 000” substitute “£150,000”;
 - (b) in paragraph 3—
 - (i) omit “of its share” in both places that it occurs;
 - (ii) for “annual national”, in both places that it occurs, substitute “total”.
- (9) Omit Article 14.
- (10) In Article 22—
- (a) omit paragraph 1;
 - (b) for paragraph 2 substitute—

“2. The basic payment scheme ceiling in Wales for any given year is the amount which remains for the basic payment scheme after deducting, from the total ceiling, the ceilings set in accordance with Articles 42 and 51 for that year, and the amount allocated under Article 53.”;
 - (c) omit paragraph 3;
 - (d) for paragraph 4 substitute—

“4. The total value of all claimed payment entitlements in the constituent nation must equal the basic payment scheme ceiling in Wales.”;
 - (e) for paragraph 5 substitute—

“5. If the ceiling calculated pursuant to paragraph 2 of this Article is different from the relevant authority’s share of the basic payment scheme ceiling in claim year 2020 as a result of any decision taken by the relevant authority, or the total value of all claimed payment entitlements (including those allocated and claimed from the national reserve or regional reserve) is different from the total value of claimed payment entitlements in claim year 2020, the relevant authority shall linearly reduce or increase the value of all claimed payment entitlements in order to ensure compliance with paragraph 4 of this Article.”

- (11) In Article 25—
 - (a) omit paragraphs 1 and 2;
 - (b) omit paragraph 8.
- (12) In Article 30—
 - (a) in paragraph 7—
 - (i) omit points (a) and (b);
 - (ii) in point (e), for “relevant authority’s share of the basic payment scheme ceiling” substitute “basic payment scheme ceiling in Wales”;
 - (iii) in point (f), omit “and Article 65(1), (2) and (3)”;
 - (b) in paragraph 8—
 - (i) in the second subparagraph, for “relevant authority’s share of the basic payment scheme ceiling” substitute “basic payment scheme ceiling in Wales”;
 - (ii) omit the third subparagraph;
 - (c) in paragraph 11(a), omit “(3) and”.
- (13) Omit Article 31(1)(h).
- (14) In Article 32—
 - (a) in paragraph 1—
 - (i) omit “of financial discipline,”;
 - (ii) omit “Article 7 and”;
 - (b) omit paragraph 5.
- (15) In Article 34, omit paragraph 4.
- (16) In Article 35(1)—
 - (a) in point (g), omit “and 7”;
 - (b) omit point (h).
- (17) In Article 41—
 - (a) in paragraph 1, omit the words from “, provided that” to the end;
 - (b) in paragraph 3—
 - (i) omit “of financial discipline,”;
 - (ii) omit “, of linear reductions as referred in Article 7”;
 - (c) in paragraph 4, for the second sentence substitute—

“The number of such payment entitlements or hectares shall not exceed a maximum level to be set by the relevant authority which shall not be higher than 54 hectares.”
- (18) In Article 42—
 - (a) omit “, by the date referred to in Article 41(1)”;
 - (b) for “its share of the annual national” substitute “the total”.
- (19) Omit Chapter 3 of Title III.
- (20) In Article 50—
 - (a) omit paragraph 3;
 - (b) in paragraph 4, omit “of financial discipline,”;
 - (c) omit the second subparagraph of paragraph 5;

- (d) omit paragraphs 8 and 10A.
- (21) In Article 51—
 - (a) in the first subparagraph of paragraph 1, for “its share of the annual national” substitute “the total”;
 - (b) in paragraph 2, for “relevant authority’s share of the national” substitute “total”;
 - (c) in paragraph 3, for “its share of the annual national” substitute “the total”.
- (22) In Article 53—
 - (a) for paragraph 1 substitute—
 - “1. Up to 10% of the total ceiling may be used to finance the coupled support.”;
 - (b) omit paragraph 3;
 - (c) in paragraph 5—
 - (i) for “percentages set out in paragraphs 1 to 4” substitute “percentage set out in paragraph 1”;
 - (ii) for “EUR 3” substitute “£3”;
 - (d) omit paragraph 6.
- (23) In Article 71A—
 - (a) in paragraph 1, for “paragraphs 2” substitute “paragraphs 3”;
 - (b) omit paragraph 2.
- (24) In Annex I, omit the third entry in the table.
- (25) In Annex II, in the heading, for “Article 6” substitute “Article 5A”.
- (26) Omit Annexes III, IX and X.