

Explanatory Memorandum to the Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2010

This Explanatory Memorandum has been prepared by Rural Payments Division of the Department for Rural Affairs and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2010.

Elin Jones

Minister for Rural Affairs

22 July 2010

1. Description

The Common Agricultural Policy Single Payment Scheme (Wales) Regulations 2010 replaces the Common Agricultural Policy Single Payment Scheme (Wales) Regulations 2005 (as amended in 2006, 2008 and 2009).

2. Matters of special interest to the Constitutional Affairs Committee

The 2010 Regulations are being made in English and in Welsh and revoke previous legislation made in English only. The Common Agricultural Policy Single Payment Scheme (Wales) (Amendment) Regulations 2009, SI 2009/3129 (W. 272) were reported upon for being made in English only, and the making of the 2010 Regulations fulfils the commitment given to revoking SI 2009/3129 during 2010.

3. Legislative background

Welsh Ministers have the powers under section 2 (2) of the European Communities Act 1972 to implement EU law in relation to the Common Agricultural Policy by virtue of the designation of the National Assembly for Wales under European Communities (Designation) (No3) Order 2005 (SI2005/2766). By virtue of sections 59(1) and 162 of paragraphs 28 and 30 of schedule 11 to the Government of Wales Act 2006, functions conferred by the National Assembly for Wales SI 2005/2766 are now exercisable by the Welsh Ministers. This SI is subject to the negative resolution procedure.

4. Purpose & intended effect of the legislation

The Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2010 (“the 2010 Regulations”) will continue to provide the domestic legal basis to make single payments to farmers in Wales in accordance with European Union legislation.

The 2010 Regulations incorporate the following changes to existing statutory provision:

- i) Prescribing that the date on which eligible land must be at the farmer’s disposal is the 15 May in the year in which a claim for single payment is made.
- ii) Deletion of references to “Aid for Energy Crops” as this scheme is no longer available from 2010 onwards.

- iii) Deletion of references to “Dairy Premium”, which has been fully integrated with the SPS.
- iv) Deletion of references to “Sugar Beet”, which for the two claimants in Wales has been fully integrated with the SPS.
- v) Updating the reference to the European Commission direct payment regulation.

5. Consultation

The European Commission’s “Health Check” proposals offered proposed changes to the Common Agricultural Policy. Widespread consultation on these proposals has taken place and this consultation ultimately influenced the final draft of the new EU regulations.

The Welsh Assembly Government has engaged with key stakeholders throughout the Health Check process. The views of the stakeholders have been used to influence negotiations which led to the making of the new EU regulations. This ensured that the needs of Wales and Welsh Farming are fully recognised.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been prepared as the provisions covered by these Regulations either continue the existing arrangements or, in the case of the new provision on short rotation coppice will have a negligible additional cost to business.