

2016 No. 217 (W. 86)

AGRICULTURE, WALES

**The Common Agricultural Policy
(Amendment) (No. 2) (Wales)
Regulations 2016**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015 (S.I. 2015/1252) (W. 84) (“the Basic Payment Regulations”) and the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014 (S.I. 2014/3223) (W. 328) (“the Cross Compliance Regulations”).

Regulation 2(2) makes a minor amendment to regulation 16(3)(a) of the Basic Payment Regulations to incorporate wooded strips. Regulation 2(3) revokes regulation 17 of the same Regulations.

Regulation 2(4) amends the Basic Payment Regulations by inserting provisions which provide that there will be a national reserve established by the Welsh Ministers setting out, in priority order, how funds in that reserve will be used. Regulation 2(4) also inserts a provision setting out the application of the “greening” component of direct payments, linking payments to agricultural practices beneficial for the climate and environment.

Regulation 2(5) revokes Part 2 of the Schedule to the Basic Payment Regulations.

Regulation 3 amends regulation 6 of, and paragraphs 4 and 5 of Schedule 1 to, the Cross Compliance Regulations. Regulation 3(2) amends regulation 6 in respect of how the rate of interest applicable will be calculated. Regulation 3(3) and (4) make amendments to the Schedule to permit a beneficiary to leave rough surface cover post harvest provided the requisite risk assessment has been undertaken and notified to the Welsh Ministers.

Regulation 4 revokes The Common Agricultural Policy (Amendment) (Wales) Regulations 2016 (S.I. 2016/131) (W. 64).

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Department of Natural Resources, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.gov.wales.

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AGRICULTURE, WALES

**The Common Agricultural Policy
(Amendment) (No. 2) (Wales)
Regulations 2016**

Made 23 February 2016

*Laid before the National Assembly
for Wales* 25 February 2016

Coming into force 18 March 2016

The Welsh Ministers are 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 Union.

These Regulations make provision for a purpose mentioned in that section and it appears to the Welsh Ministers that it is expedient for any reference in these Regulations to EU instruments to be construed as a reference to those instruments as amended from time to time.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

Title, application and commencement

1.—(1) The title of these Regulations is the Common Agricultural Policy (Amendment) (No. 2) (Wales) Regulations 2016.

(2) These Regulations apply in relation to Wales.

(1) S.I. 2010/2690.
(2) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

(3) These Regulations come into force on 18 March 2016.

Amendment to the Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015

2.—(1) The Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015⁽¹⁾ are amended as follows.

(2) In regulation 16(3)(a) after “hedges” insert “and wooded strips”.

(3) Regulation 17 is revoked.

(4) After regulation 16 insert—

□National reserve

18.—(1) The Welsh Ministers will establish a national reserve, in accordance with Article 30(1) of the Direct Payments Regulation.

(2) The Welsh Ministers will use the national reserve, in the following priority order, to—

- (a) allocate payment entitlements to young farmers and to farmers commencing their agricultural activity, in accordance with Article 30(6) of the Direct Payments Regulation;
- (b) allocate payment entitlements to farmers who were prevented from being allocated payment entitlements under the basic payment scheme as a result of force majeure or exceptional circumstances, in accordance with Article 30(7)(c) of the Direct Payments Regulation;
- (c) cover the yearly needs for payments to young farmers, in accordance with Article 30(7)(f) of the Direct Payments Regulation; and
- (d) permanently linearly increase the value of all payment entitlements under the basic payment scheme if the national reserve exceeds 0.5% of the annual national ceiling for the basic payment scheme, in accordance with Article 30(7)(e) of the Direct Payments Regulation.

Payment for agricultural practices beneficial for the climate and the environment

19.—(1) The Welsh Ministers will grant the payment for agricultural practices beneficial for

(1) S.I. 2015/1252 (W. 84).

the climate and the environment as a percentage of the total value of the payment entitlements that the farmer has activated in accordance with article 33(1) of the Direct Payments Regulation for each relevant year, in accordance with the third sub-paragraph of article 43(9) of the Direct Payments Regulation.

(2) The percentage referred to in paragraph (1) will be calculated in accordance with the fourth sub-paragraph of article 43(9) of the Direct Payments Regulation.□

(5) Part 2 of the Schedule is revoked.

Amendment to the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014

3.—(1) The Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014⁽¹⁾ are amended as follows.

(2) In regulation 6, for “that day”, substitute “the first working day of each calendar month”.

(3) In paragraph 4(1) of Schedule 1 replace “mean breaching” with “conflict with”.

(4) For paragraph 5(2) of Schedule 1 substitute—

□(2) Where site specific conditions minimise risk of soil erosion and where a beneficiary leaves land without a covering of crops, stubbles, residues or other vegetation post cultivation, a beneficiary must:

- (a) leave a rough surface cover; and
- (b) not allow soil erosion down slope or off-site; and
- (c) complete a rough surface soil risk assessment and submit it to the Welsh Ministers on or before the day the land is cultivated to leave a rough surface.

(3) In this paragraph—

“off-site” (“*oddi ar y safle*”) means any area beyond the boundary of a field on a holding, including another field that is part of the same holding.□

Revocation

4. The Common Agricultural Policy (Amendment) (Wales) Regulations 2016⁽²⁾ are revoked.

(1) S.I. 2014/3223 (W. 328).
(2) S.I. 2016/131 (W. 64).

Rebecca Evans

Deputy Minister for Farming and Food, under the
authority of the Minister for Natural Resources, one of
the Welsh Ministers

23 February 2016