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WELSH STATUTORY INSTRUMENTS

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**2020 No. 473 (W. 109)**

**AGRICULTURE, WALES**

**The Common Agricultural Policy (Payments to Farmers) (Coronavirus) (Wales) Regulations 2020**

*Made* - - - - 29 April 2020  
*Laid before the National Assembly for Wales* 30 April 2020

*Coming into force* - - 30 April 2020

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy, and make these Regulations in exercise of the powers conferred by that section and in exercise of the powers conferred on them by Article 78(b) of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy<sup>(3)</sup>, and Article 34(5) of 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<sup>(4)</sup>, make the following Regulations.

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(1) [S.I. 2010/2690](#).

(2) 1972 c. 68. The European Communities Act 1972 (“the 1972 Act”) was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) with effect from exit day. “Exit day” is defined in section 20 of the 2018 Act as 31 January 2020 at 11pm. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). “IP completion day” is defined in section 1A as 31 December 2020 at 11pm (the meaning given in section 39 of the 2020 Act). Section 2(2) of the 1972 Act was previously amended by section 27(1) 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).

(3) Regulation (EU) No. 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No. 352/78, (EC) No. 165/94, (EC) No. 2799/98, (EC) No. 814/2000, (EC) No. 1290/2005 and (EC) No. 485/2008 (OJ No L 347, 20.12.2013, p. 549). In so far as relating to the CAP direct payment schemes for claim year 2020, Regulation (EU) No. 1306/2013, has been incorporated into domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) (see footnote for Regulation (EU) No. 1307/2013 below for discussion about how the direct payment scheme for claim year 2020 has been incorporated into domestic legislation). Article 78(b) of Regulation (EU) No. 1306/2013 has been amended by regulation 7(16)(b) of the Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90). In particular, the function in Article 78(b) has been amended so that it is exercisable by the Welsh Ministers (see Article 2(1)(k) and (m) of Regulation (EU) No. 1306/2013 for the definitions of “relevant authority” and “appropriate authority”). There are other amendments to Regulation (EU) No. 1306/2013 but they are not relevant to these Regulations.

(4) 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 and repealing Council Regulation (EC) No. 637/2008 and Council Regulation (EC) No. 73/2009 (OJ No L 347, 20.12.2013, p. 608). Regulation (EU) No. 1307/2013 has been incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2), but only for claim year 2020 (see section 1(2)(a) of that Act and section 1(7) of that Act for the definition of “claim year”). The Direct Payment to Farmers (Legislative Continuity) Act 2020 provides the legal basis to continue paying direct payments to farmers for claim year 2020 (Article 137 of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union (19 October 2019) provided that Regulation

### **Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Common Agricultural Policy (Payments to Farmers) (Coronavirus) (Wales) Regulations 2020.

(2) These Regulations come into force on 30 April 2020.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations, “claim year 2020” is to be interpreted in accordance with section 1(7) of the Direct Payments to Farmers (Legislative Continuity) Act 2020<sup>(5)</sup>.

### **Amendment of Commission Implementing Regulation (EU) No. 809/2014**

2. For the purposes of claim year 2020, the Commission Implementing Regulation (EU) No. 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance<sup>(6)</sup> applies as if—

(a) in Article 13(1), for “15 May each year” there were substituted “15 June 2020”;

(b) in Article 15(2), for “31 May of the year concerned” there were substituted “30 June 2020”;

(c) in Article 22(1), for “15 May of the relevant calendar year” there were substituted “15 June 2020”.

### **Amendment of Commission Implementing Regulation (EU) No. 641/2014**

3. For the purposes of claim year 2020, Article 8(1) of the Commission Implementing Regulation (EU) No. 641/2014 of 16 June 2014 laying down rules for the application of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy<sup>(7)</sup> applies as if the words “prior to exit day” were omitted.

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(EU) No. 1307/2013 does not apply to the UK for claim year 2020. Article 34(5) of Regulation (EU) No. 1307/2013 has been amended by regulation 5 of the Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91). The amendments made by the Regulations addressed the failures in Regulation (EU) No 1307/2013 to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union. In particular, the Regulations amended Article 34(5) of Regulation (EU) No. 1307/2013 so that the power to lay down the rules governing the notification by farmers of transfers of entitlements is exercisable by the Welsh Ministers (see Article 4(1)(r) and (s) of Regulation (EU) No. 1307/2013 for the definitions of “relevant authority” and “appropriate authority”). There are other amendments to Regulation (EU) No. 1307/2013 but they are not relevant to these Regulations.

(5) 2020 c. 2.

(6) Commission Implementing Regulation (EU) No. 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ No L 227, 31.7.2014, p. 69). In so far as relating to the direct payment schemes for claim year 2020, Commission Implementing Regulation (EU) No. 809/2014 has been incorporated into domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (see footnote for Regulation (EU) No. 1307/2013 above for discussion about how the direct payment scheme for claim year 2020 has been incorporated into domestic legislation). Commission Implementing Regulation (EU) No. 809/2014 has been amended by regulation 14 of the Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90). There are other amending instruments but none are relevant.

(7) Commission Implementing Regulation (EU) No. 641/2014 of 16 June 2014 laying down rules for the application of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (OJ No L 181, 20.6.2014, p. 74). Commission Implementing Regulation (EU) No. 641/2014 has been incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 but only in relation to claim year 2020 (see footnote for Regulation (EU) No. 1307/2013 above for discussion about how the direct payment scheme for claim year 2020 has been incorporated into domestic legislation). Article 8 of Commission Implementing Regulation (EU) No. 641/2014 has been amended by regulation 21 of the Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91).

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

4. For the purposes of claim year 2020, regulation 3(1) of the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014<sup>(8)</sup> applies as if for “15th May”, in both places where it occurs, there were substituted “15 June 2020”.

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

5. For the purposes of claim year 2020, the Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015<sup>(9)</sup> apply as if—

- (a) in regulation 10(1), for “15 May of the relevant calendar year” there were substituted “15 June 2020”;
- (b) in regulation 11(3), for the words “of the preceding calendar year” to the end, there were substituted “2019 to 15 May 2020”.

29 April 2020

*Lesley Griffiths*  
Minister for Environment, Energy and Rural  
Affairs, one of the Welsh Ministers

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<sup>(8)</sup> S.I. 2014/3223 (W. 328), to which there are amendments not relevant to these Regulations.

<sup>(9)</sup> S.I. 2015/1252 (W. 84), to which there are amendments not relevant to these Regulations.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 modifies the application of Commission Implementing Regulation (EU) No. 809/2014 (“Regulation 809/2014”) laying down rules for the application of Regulation (EU) No. 1306/2013 with regard to the integrated administration and control system, rural development measures and cross compliance for claim year 2020.

Article 13 of Regulation 809/2014 sets out the final date of submission of the single application, aid applications and payment claims. Regulation 2(a) modifies Article 13(1) so that for claim year 2020 the deadline is extended from 15 May 2020 to 15 June 2020.

Regulation 2(b) modifies Article 15(2) to extend the deadline for making amendments to a single application or payment claim from 31 May 2020 to 30 June 2020.

Regulation 2(c) modifies Article 22(1) so that the final date for submitting an application for the allocation or increase in value of payment entitlements aligns with the amended deadlines. This is extended from 15 May 2020 to 15 June 2020.

Regulation 3 modifies the application of Article 8(1) of Commission Implementing Regulation (EU) No. 641/2014 laying down rules for the application of Regulation (EU) No. 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy. This modification removes the reference to exit day.

Regulation 4 modifies the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014 (“the 2014 Regulations”) for claim year 2020. Regulation 3(1) of the 2014 Regulations is modified to extend the deadline for submitting a single application, aid application or payment claim to the Welsh Ministers from 15 May 2020 to 15 June 2020.

Regulation 5 modifies the Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015 (“the 2015 Regulations”) for claim year 2020. The 2015 Regulations make provisions in relation to the administration of Regulation (EU) No. 1307/2013.

Regulation 5(a) modifies regulation 10(1) of the 2015 Regulations to align the deadline for applications for allocation of payment entitlements under the basic payment scheme with the revised dates in Regulation 809/2014.

Regulation 5(b) modifies regulation 11(3) of the 2015 Regulations so that the deadline by which the transferor of payment entitlements must notify the Welsh Ministers of the transfer is extended from 30 April 2020 to 15 May 2020.

The Welsh Ministers’ Code of Practice on the carrying out of a Regulatory Impact Assessment was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.