

2004 No.2330

AGRICULTURE, ENGLAND

**The Common Agricultural Policy Support Schemes
(Modulation) (Amendment) Regulations 2004**

<i>Made</i> - - - -	<i>8th September 2004</i>
<i>Laid before Parliament</i>	<i>9th September 2004</i>
<i>Coming into force</i> - -	<i>16th October 2004</i>

The Secretary of State, being designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Communities, in exercise of the powers conferred upon her by that section, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Common Agricultural Policy Support Schemes (Modulation) (Amendment) Regulations 2004 and shall come into force on 16th October 2004.

Amendment of the Common Agricultural Policy Support Schemes (Modulation) Regulations 2000

2. The Common Agricultural Policy Support Schemes (Modulation) Regulations 2000^(c) shall be amended as follows—

- (a) in regulation 2(2), by the deletion of “IACS”;
- (b) in regulation 2(2), in the definition of “the relevant amount” in regulation 3(1), and in regulations 3(2)(b) and 4(1), by the substitution for the word “Minister” of the words “Secretary of State”^(d); and
- (c) in regulation 3(1)—
 - (i) by the deletion of the definitions of “IACS support scheme”, “LFA supplement” and “the Minister”;
 - (ii) by the insertion at the end of the definition of “the Council Regulation” of the words “, as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the

^(a) S.I. 1972/1811.

^(b) 1972 c.68.

^(c) S.I. 2000/3127, amended by S.I. 2001/3686.

^(d) The functions of the Minister of Agriculture, Fisheries and Food, were transferred to the Secretary of State by virtue of Article 2(4) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

- Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded^(a)”;
- (iii) by the insertion at the end of the definition of “Council Regulation 3508/92” of the words “, as last amended by Commission Regulation (EC) No 495/2001^(b)”;
 - (iv) in the definitions of “farmer” and “holding”, by the substitution for the words “Article 1(4)” of the words “Article 1(3)”;
 - (v) in the definition of “relevant purposes”, by the substitution for the words “Articles 13 to 24 (inclusive)” of the words “Articles 13 to 20, Articles 22 to 24”;
 - (vi) by the insertion at the end of the definition of “the Rural Development Regulation” of the words “, as last amended by Council Regulation (EC) No 583/2004^(c)”; and
 - (vii) by the substitution for the definition of “support scheme” of the following definition—

“ “support scheme” means any support scheme falling within Annex I to the Council Regulation, other than the Sheep and Wildlife Enhancement Scheme established under Article 11(1) and (2), first indent, of Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat^(d), as last amended by Council Regulation (EC) No 1782/2003^(e).”.

8th September 2004

Whitty
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 16th October 2004, amend the Common Agricultural Policy Support Schemes (Modulation) Regulations 2000 (S.I. 2000/3127, as amended by S.I. 2001/3686) (“the 2000 Regulations”).

“Modulation” involves the making of a deduction from payments due under Common Agricultural Policy direct support schemes (also known as ‘Pillar I schemes’), and the reallocation of the amount so deducted to agri-environment, afforestation and less-favoured areas support schemes (which are rural development measures, also known as ‘Pillar II schemes’). The proportion which is to be deducted is fixed by Member States; in England, the proportion for each year is set out in regulation 4(3) of the 2000 Regulations.

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- (a) O.J. L 236, 30.09.2003, p.33 (see, in particular, Annex II, part 6, paragraph 27). The only amendment to the Council Regulation of relevance to these Regulations was the replacement of the text of the original Annex by the text in the Annex to Commission Regulation (EC) No 41/2004 (O.J. No. L 006, 10.01.2004, p. 19); the amended Annex to the Council Regulation was subsequently renamed “Annex I” in the amendments made by the Act concerning the conditions of accession of the new Member States.
 - (b) O.J. No. L 072, 14.3.2001, p. 6. Council Regulation (EEC) No. 3508/92 was repealed by Article 153(1) of Council Regulation (EC) No. 1782/2003 (O.J. No. L 270, 21.10.2003, p.1), but continues to apply to applications for direct payments in respect of the calendar years preceding 2005 by virtue of that Article.
 - (c) O.J. No. L 091, 30.03.2004, p.1.
 - (d) O.J. No. L 341, 22.12.2001, p.3.
 - (e) O.J. No. L 270, 21.10.2003, p.1.

The amendments in these Regulations reflect the amendment of Council Regulation (EC) 1259/1999 (OJ No. L 160, 26.6.1999, p. 113) by Commission Regulation (EC) 41/2004 (OJ No. L 006, 10.01.2004, p. 19), which replaced the Annex to that Council Regulation.

The effect is that payments under the direct support schemes introduced by Title IV of Council Regulation (EC) 1782/2003 (OJ No. L 270, 21.10.2003, p. 1) (dairy premium and additional payments, durum wheat, protein crops, potato starch, nuts and energy crops), and under certain other direct payment schemes, will be subject to modulation in England, in addition to the direct support schemes that are already subject to modulation.

Payments under the Sheep and Wildlife Enhancement Scheme, a scheme (pursuant to Article 11(1) and (2), first indent, of Council Regulation (EC) No 2529/2001 (O.J. No. L 341, 22.12.2001, p.3)) under which payments are made to farmers to introduce and maintain sustainable levels of grazing on sites of special scientific interest, are excluded from modulation.

These Regulations also make amendments to update the 2000 Regulations to reflect recent minor and technical amendments to other Community instruments, and the dissolution of the Ministry of Agriculture, Fisheries and Food.

A full regulatory impact assessment has not been prepared for this instrument as it has no impact on the cost of business.

STATUTORY INSTRUMENTS

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£3.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1247 9/2004 141247T 19585

ISBN 0-11-049795-3



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