

2004 No. 590

AGRICULTURE, ENGLAND

**The Common Agricultural Policy Non-IACS Support
Schemes (Appeals) (England) Regulations 2004**

Made - - - - - 4th March 2004

Laid before Parliament 8th March 2004

Coming into force - - - 1st April 2004

The Secretary of State for Environment, Food and Rural Affairs, being a Minister 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 Community, in exercise of the powers conferred on her by that section, hereby makes the following Regulations—

Title and commencement

1. These Regulations may be cited as the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (England) Regulations 2004 and shall come into force on 1st April 2004.

Interpretation

2. In these Regulations—

“appellant” means a person in respect of whom an initial determination has been made by or on behalf of the Secretary of State in connection with the administration of any of the Schemes listed in the Schedule to these Regulations and who wishes to have that initial determination reconsidered by or on behalf of the Secretary of State;

“relevant date” means the date on which the initial determination was made; and

“the Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs.

Application

3. These Regulations shall apply in relation to appellants whose trading address or, where there is more than one such address, whose principal trading address, was in England at the relevant date.

Provision of appeals procedure

4.—(1) The Secretary of State may establish a procedure, to be applied at the request of any appellant, for the further consideration on her behalf of an initial determination made in relation to the appellant in respect of the administration of any of the Schemes listed in the Schedule, such procedure operating by way of appeal from the initial determination.

(a) S.I. 1972/1811.

(b) 1972 c. 68.

(2) Any such procedure so established may provide for consideration of the initial determination by such persons (not exceeding three) as the Secretary of State may appoint for that purpose, with a view to their making a report of their conclusions in relation to the initial determination and a recommendation as to the manner in which the matter should be finally determined by her.

(3) Where the Secretary of State establishes any such procedure as is mentioned in paragraph (2), she may—

- (a) pay to the persons so appointed such reasonable remuneration in respect of their functions under that procedure, and such travelling and other allowances, as she may determine; and
- (b) charge any appellant whose appeal is considered under the procedure so established such fee (not exceeding £100) as the Secretary of State may determine in respect of the costs incurred by her by virtue of the operation of that procedure in relation to the appeal in question.

4th March 2004

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

SCHEDULE

Regulations 2 and 4(1)

SCHEMES IN RESPECT OF WHICH THE SECRETARY OF STATE MAY
ESTABLISH AN APPEALS PROCEDURE

<i>Scheme</i>	<i>Council Regulation establishing the Scheme</i>
GENERAL	
Aid for Concentrated Grape Must	(EC) No. 1493/1999(a) on the common organisation of the market in wine (Article 34))
Aid for Dehydrated Fodder	(EC) No. 1786/2003(b) on the common organisation of the market in dried fodder
Apple Consumption Aid	(EC) No. 2826/2000(c) on information and promotion actions for agricultural products on the internal market
Beef Information Programme	(EC) No. 2826/2000(d) on information and promotion actions for agricultural products on the internal market (Articles 1 and 2)
Butter for Manufacture	(EC) No. 1255/1999(e) on the common organisation of the market in milk and milk products (Article 13(1)(c)–(d))
Butter for Non-Profit Making Organisations	(EC) No. 1255/1999(f) on the common organisation of the market in milk and milk products (Article 13(1)(a))
Control of Casein in Cheese Making	(EC) No. 1255/1999(g) on the common organisation of the market in milk and milk products (Article 12) (EEC) No. 2204/90(h) laying down additional general rules on the common organisation of the market in milk and milk products as regards cheese as last amended by (EC) No. 2583/2001(i)
Casein Production Subsidy	(EC) No. 1255/1999(j) on the common organisation of the market in milk and milk products (Article 12)
Citrus Processing Aid	(EC) No. 2202/96(k) introducing a Community aid scheme for producers of certain citrus fruits (Article 1)
Concentrated Butter for Direct Consumption	(EC) No. 1255/1999(l) on the common organisation of the market in milk and milk products (Article 13(1)(e))
End Use Control of Certain Fruit and Vegetables	(EC) No. 2202/96(m) introducing a Community aid scheme for producers of certain citrus fruits (Article 30)
Fibres Processing Aid	(EC) No. 1673/2000(n) on the common organisation of the markets in flax and hemp grown for fibre as last amended by (EC) No. 1782/2003(o)

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- (a) OJ No. L179, 14.7.1999, p. 1.
 (b) OJ No. L270, 21.10.2003, p. 114.
 (c) OJ No. L328, 23.12.2000, p. 2.
 (d) OJ No. L328, 23.12.2000, p. 2.
 (e) OJ No. L160, 26.6.1999, p. 48.
 (f) OJ No. L160, 26.6.1999, p. 48.
 (g) OJ No. L160, 26.6.1999, p. 48.
 (h) OJ No. L201, 31.7.90, p. 7.
 (i) OJ No. L345, 29.12.2001, p. 6.
 (j) OJ No. L160, 26.6.1999, p. 48.
 (k) OJ No. L297, 21.11.96, p. 49.
 (l) OJ No. L160, 26.6.1999, p. 48.
 (m) OJ No. L297, 21.11.96, p. 49.
 (n) OJ No. L193, 29.7.2000, p. 16.
 (o) OJ No. L270, 21.10.2003, p. 1.

<i>Scheme</i>	<i>Council Regulation establishing the Scheme</i>
GENERAL	
Fish Carry-Over Aid	(EC) No. 104/2000(a) on the common organisation of the markets in fishery and aquaculture products (Article 23)
Fish Flat-Rate Aid	(EC) No. 104/2000(b) on the common organisation of the markets in fishery and aquaculture products (Article 24)
Fish Flat-Rate Premium	(EC) No. 104/2000(c) on the common organisation of the markets in fishery and aquaculture products (Article 24)
Fish Private Storage Aid	(EC) No. 104/2000(d) on the common organisation of the markets in fishery and aquaculture products (Article 25)
Fish Withdrawals Compensation	(EC) No. 104/2000(e) on the common organisation of the markets in fishery and aquaculture products (Article 21)
Fresh Fruit and Vegetables Withdrawals	(EC) No. 2200/96(f) on the common organisation of the market in fruit and vegetables (Articles 23 and 24) as last amended by (EC) No. 2699/2000(g)
Fruit and Vegetable Operational Programme	(EC) No. 2200/96(h) on the common organisation of the market in fruit and vegetables (Articles 15 and 16) as last amended by (EC) No. 2699/2000(i)
Fruit and Vegetable Producer Organisation Recognition	(EC) No. 2200/96(j) on the common organisation of the market in fruit and vegetables (Articles 11–14) as last amended by (EC) No. 1881/2002(k)
Grape Juice Aid	(EC) No. 1493/1999(l) on the common organisation of the market in wine (Article 35) as last amended by (EC) No. 2826/2000(m)
Herbage Seed Production Aid	(EEC) No. 2358/71(n) of the Council on the common organisation of the market in seeds (Article 1) as last amended by (EEC) No. 3695/92(o) (EEC) No. 1674/72(p) of the Council laying down general rules for granting and financing aid for seed (Article 1) as last amended by (EEC) No. 3795/85(q)
Milk Quotas Scheme	(EC) No. 1788/2003(r) establishing a levy in the milk and milk products sector
Over Thirty Month Scheme	(EC) No. 1254/1999(s) on the common organisation of the market in beef and veal (Article 39)

- (a) OJ No. L17, 21.1.2000, p. 22.
(b) OJ No. L17, 21.1.2000, p. 22.
(c) OJ No. L17, 21.1.2000, p. 22.
(d) OJ No. L17, 21.1.2000, p. 22.
(e) OJ No. L17, 21.1.2000, p. 22.
(f) OJ No. L297, 21.11.96, p. 1.
(g) OJ No. L311, 12.12.2000, p. 9.
(h) OJ No. L297, 21.11.96, p. 1.
(i) OJ No. L311, 12.12.2000, p. 9.
(j) OJ No. L297, 21.11.96, p. 1.
(k) OJ No. L285, 23.10.2002, p. 13.
(l) OJ No. L179, 14.7.1999, p. 1.
(m) OJ No. L328, 23.12.2000, p. 2.
(n) OJ No. L246, 5.11.71, p. 1.
(o) OJ No. L374, 22.12.1999, p. 40.
(p) OJ No. L177, 4.8.72, p. 1.
(q) OJ No. L367, 31.12.85, p. 21.
(r) OJ No. L270, 21.10.2003, p. 123.
(s) OJ No. L160, 26.6.1999, p. 21.

<i>Scheme</i>	<i>Council Regulation establishing the Scheme</i>
GENERAL	
Promotions to Internal Market	(EC) No. 2826/2000 (a) on information and promotion actions for agricultural products on the internal market (Article 1)
Promotions to Third Countries	(EC) No. 2702/1999 (b) on measures to provide information on, and to promote, agricultural products in third countries
School Milk Scheme	(EC) No. 1255/1999 (c) on the common organisation of the market in milk and milk products (Article 14) as last amended by (EC) No. 1787/2003 (d)
Selective Cull Scheme	(EC) No. 1254/1999 (e) on the common organisation of the market in beef and veal (Article 39)
Skimmed Milk Powder for Animal Feed	(EC) No. 1255/1999 (f) on the common organisation of the market in milk and milk products (Article 11)
Starch for Prescribed End Users	(EEC) No. 1766/92 (g) on the common organisation of the market in cereals (Articles 7 and 8) as last amended by (EC) No.1253/1999 (h)
INTERVENTION SCHEMES	
Beef	(EC) No. 1254/1999 (i) on the common organisation of the market in beef and veal (Title I) as last amended by (EC) No. 1782/2003 (j)
Cereals	(EEC) No. 1766/92 (k) on the common organisation of the market in cereals (Chapter 1 of Title I) as last amended by (EC) No. 1253/1999 (l)
Dairy	(EC) No. 1255/1999 (m) on the common organisation of the market in milk and milk products (Chapter II) as last amended by (EC) No. 1787/2003 (n)
PRIVATE STORAGE AID SCHEMES	
Beef	(EC) No. 1254/1999 (o) on the common organisation of the market in beef and veal as last amended by (EC) No. 1782/2003 (p)
Dairy	(EC) No. 1255/1999 (q) on the common organisation of the market in milk and milk products (Articles 9 and 10 (b))

- (a) OJ No. L325, 23.12.2000, p. 2.
(b) OJ No. L327, 21.12.1999, p. 7.
(c) OJ No. L160, 26.6.1999, p. 48.
(d) OJ No. L270, 21.10.2003, p. 121.
(e) OJ No. L160, 26.6.1999, p. 21.
(f) OJ No. L160, 26.6.1999, p. 48.
(g) OJ No. L181, 1.7.92, p. 21.
(h) OJ No. L160, 26.6.1999, p. 18.
(i) OJ No. L160, 26.6.1999, p. 21.
(j) OJ No. L270, 21.10.2003, p. 1.
(k) OJ No. L181, 1.7.92, p. 21.
(l) OJ No. L160, 26.6.1999, p. 18.
(m) OJ No. L160, 26.6.1999, p. 48.
(n) OJ No. L270, 21.10.2003, p. 121.
(o) OJ No. L160, 26.6.1999, p. 21.
(p) OJ No. L270, 21.10.2003, p. 1.
(q) OJ No. L160, 26.6.1999, p. 48.

<i>Scheme</i>	<i>Council Regulation establishing the Scheme</i>
PRIVATE STORAGE AID SCHEMES	
Pigmeat	(EEC) No. 2759/75(a) on the common organisation of the market in pigmeat as last amended by (EC) No. 1365/2000(b)
Sheepmeat and Goatmeat	(EC) No. 2529/2001(c) on the common organisation of the market in sheepmeat and goatmeat as last amended by (EC) No. 1782/2003(d)
SUGAR, OILS and STARCH	
Cane Sugar Refining	(EC) No. 1260/2001(e) on the common organisation of the markets in the sugar sector (Articles 35 and 38)
End Use Control of Certain Vegetable Oils	Regulation No. 136/66/EEC(f) of the Council on the establishment of a common organisation of the market in oils and fats (Title I) as last amended by (EC) No. 3290/94(g)
Isoglucose Quotas and Production Levies	(EC) No. 1260/2001(h) on the common organisation of the markets in the sugar sector (Title I)
Olive Oil Production Aid	Regulation No. 136/66/EEC(i) of the Council on the establishment of a common organisation of the market in oils and fats (Title II) as last amended by (EC) No. 1513/2001(j)
Production Refund on sugar used in the Chemical Industry	(EC) No. 1260/2001(k) on the common organisation of the markets in the sugar sector (Title I)
Starch Refunds—Cereals	(EEC) No. 1766/92(l) on the common organisation of the market in cereals (Article 13) as last amended by (EC) No. 2377/2002(m)
Starch Refunds—Rice	(EC) No. 3072/95(n) on the common organisation of the market in rice (Article 7)
Sugar Quotas and Production Levies	(EC) No. 1260/2001(o) on the common organisation of the markets in the sugar sector (Title I)
EXTERNAL TRADE	
Bananas	(EEC) No. 404/93(p) on the common organisation of the market in bananas as last amended by (EC) No. 2587/2001(q)
Beef and Veal	(EC) No. 1254/1999(r) on the common organisation of the market in beef and veal (Article 1 and Title II)
Beef Import Tariff Quota	(EC) No. 1254/1999(s) on the common organisation of the market in beef and veal (Article 1 and Title II)

- (a) OJ No. L282, 1.11.75, p. 1.
(b) OJ No. L156, 29.6.2000, p. 5.
(c) OJ No. L341, 22.12.2001, p. 3.
(d) OJ No. L270, 21.10.2003, p. 1.
(e) OJ No. L178, 30.6.2001, p. 1.
(f) OJ 172, 30.9.66, p. 3025 (OJ/SE 1965–66 p. 221).
(g) OJ No. L349, 31.12.94, p. 105.
(h) OJ No. L178, 30.6.2001, p. 1.
(i) OJ 172, 30.9.66, p. 3025 (OJ/SE 1965–66 p. 221).
(j) OJ No. L201, 26.7.2001, p. 4.
(k) OJ No. L178, 30.6.2001, p. 1.
(l) OJ No. L181, 1.7.92, p. 21.
(m) OJ No. L358, 31.12.2002, p. 95.
(n) OJ No. L329, 30.12.95, p. 18.
(o) OJ No. L178, 30.6.2001, p. 1.
(p) OJ No. L47, 25.2.93, p. 1.
(q) OJ No. L345, 29.12.2001, p. 13.
(r) OJ No. L160, 26.6.1999, p. 21.
(s) OJ No. L160, 26.6.1999, p. 21.

<i>Scheme</i>	<i>Council Regulation establishing the Scheme</i>
EXTERNAL TRADE	
Cereals	(EEC) No. 1766/92 (a) on the common organisation of the market in cereals (Title II) as last amended by (EC) No. 2377/2002
Eggs	(EEC) No. 2771/75 (b) on the common organisation of the market in eggs as last amended by (EC) No. 806/2003 (c)
Ethyl Alcohol	(EC) No. 670/2003 (d) laying down specific measures concerning the market in ethyl alcohol of agricultural origin (Article 4)
Fish	(EC) No. 104/2000 (e) on the common organisation of the markets in fishery and aquaculture products (Title V)
Floriculture (live plants and flowers)	(EEC) No. 234/68 (f) on the establishment of a common organisation of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage as last amended by (EC) No. 806/2003 (g)
Fruit and Vegetables	(EC) No. 2200/96 (h) on the common organisation of the market in fruit and vegetables (Title V) as last amended by (EC) No. 2699/2000 (i)
Milk/Milk Products	(EC) No. 1255/1999 (j) on the common organisation of the market in milk and milk products (Title II) as last amended by (EC) No. 1040/2000 (k)
Oils/Fats	Regulation No. 136/66/EEC (l) of the Council on the establishment of a common organisation of the market in oils and fats (Articles 13 to 20, 28 and 29) as last amended by (EC) No. 1513/2001 (m)
Oilseeds/Seeds	(EEC) No. 2358/71 (n) on the common organisation of the market in seeds (Articles 4, 5 and 7) as last amended by (EC) No. 3290/94 (o)
Pigmeat	(EEC) No. 2759/75 (p) on the common organisation of the market in pigmeat as last amended by (EC) No. 1365/2000 (q)
Poultrymeat	(EEC) No. 2777/75 (r) on the common organisation of the market in poultrymeat as last amended by (EC) No. 806/2003 (s)
Processed Goods	(EC) No. 3448/93 (t) laying down the trader arrangements applicable to certain goods resulting from the processing of agricultural products as last amended by (EC) No. 2580/2000 (u)

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- (a)** OJ No. L181, 1.7.92, p. 21.
(b) OJ No. L282, 1.11.75, p. 49.
(c) OJ No. L122, 16.5.2003, p. 1.
(d) OJ No. L97, 15.4.2003, p. 6.
(e) OJ No. L17, 21.1.2000, p. 22.
(f) OJ No. L55, 2.3.1968, p. 1 (OJ/SE 1968(I) p. 26).
(g) OJ No. L122, 16.5.2003, p. 1.
(h) OJ No. L297, 21.11.96, p. 1.
(i) OJ No. L311, 12.12. 2000, p. 9.
(j) OJ No. L160, 26.6.1999, p. 48.
(k) OJ No. L118, 19.5.2000, p. 1.
(l) OJ 172, 30.9.66, p. 3025 (OJ/SE 1965–66 p. 221).
(m) OJ No. L201, 26.7.2001, p. 4.
(n) OJ No. L246, 5.11.71, p. 1.
(o) OJ No. L349, 31.12.94, p. 105.
(p) OJ No. L282, 1.11.75, p. 1.
(q) OJ No. L156, 29.6.2000, p. 5.
(r) OJ No. L282, 1.11.75, p. 77.
(s) OJ No. L122, 16.5.2003, p. 1.
(t) OJ No. L318, 20.12.93, p. 18.
(u) OJ No. L298, 25.11.2000, p. 5.

<i>Scheme</i>	<i>Council Regulation establishing the Scheme</i>
EXTERNAL TRADE	
Rice	(EC) No. 3072/95 (a) on the common organisation of the market in rice (Title II) as last amended by (EC) No. 192/98 (b)
Sheepmeat and Goatmeat	(EC) No. 2529/2001 (c) on the common organisation of the market in sheepmeat and goatmeat as last amended by (EC) No. 1782/2003 (d)
Sugar, Isoglucose and Insulin Syrup	(EC) No. 1260/2001 (e) on the common organisation of the markets in the sugar sector (Title II)
Tobacco	(EEC) No. 2075/92 (f) on the common organisation of the market in raw tobacco as last amended by (EC) No. 806/2003 (g)
Whisky refunds	(EEC) No. 1766/92 (h) on the common organisation of the market in cereals (Article 13) as last amended by (EC) No. 2377/2002 (i)
Wine	(EC) No. 1493/1999 (j) on the common organisation of the market in wine (Title VII)

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- (a)** OJ No. L358, 31.12.2002, p. 95.
(b) OJ No. L20, 27.1.98, p. 16.
(c) OJ No. L341, 22.12.2001, p. 3.
(d) OJ No. L270, 21.10.2003, p. 1.
(e) OJ No. L178, 30.6.2001, p. 1.
(f) OJ No. L215, 30.7.92, p. 70.
(g) OJ No. L122, 16.5.2003, p. 1.
(h) OJ No. L181, 1.7.92, p. 21.
(i) OJ No. L358, 31.12.2002, p. 95.
(j) OJ No. L179, 14.7.1999, p. 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the Secretary of State for Environment, Food and Rural Affairs (“the Secretary of State”) to establish a procedure for the further consideration of an initial determination made under any of the Common Agricultural Policy (“CAP”) support schemes listed in the Schedule to the Regulations. An appeal system for CAP support schemes administered under the Integrated Administration and Control System (“IACS”) has already been established by the Secretary of State using powers in the Common Agricultural Policy Support Schemes (Appeals) Regulations 2002 (S.I. 2002 No. 646).

The procedure will operate by way of appeal from the initial determination made in relation to the appellant in respect of the administration of any of the Schemes listed in the Schedule to these Regulations (regulation 4). The procedure may take the form of consideration by persons appointed by the Secretary of State with a view to their making a recommendation to her as to how the matter should be determined.

The Regulations confer power to pay remuneration and allowances to any such persons appointed, and to charge a fee in respect of the costs of the procedure.

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

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