

EXPLANATORY MEMORANDUM TO
THE COMMON AGRICULTURAL POLICY SINGLE PAYMENT AND SUPPORT
SCHEMES (INTEGRATED ADMINISTRATION AND CONTROL SYSTEM)
REGULATIONS 2009

2009 No. 3263

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations make provision for the implementation of the integrated administration and control system for direct support schemes under the Common Agricultural Policy (CAP), including the Single Payment Scheme (SPS). They continue the arrangements which are already in place. These new Regulations are required to update references to the EU scheme legislation which was produced following the EU review of the CAP (the ‘CAP Health Check’).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 These Regulations revoke, with savings, and replace the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2005 (SI 2005/218). The 2005 Regulations provided for the administration of Council Regulation (EC) No 1782/2003 and Commission Regulation (EC) No 796/2004 in relation to the establishment of an integrated administration and control system for direct support schemes under the CAP. They are available on the OPSI website, together with the accompanying Explanatory Memorandum (at <http://www.opsi.gov.uk/si/si2005/20050218.htm>).

4.2 Following the CAP Health Check, Council Regulation (EC) No 1782/2003 and Commission Regulation (EC) No 796/2004 were replaced by Council Regulation (EC) No 73/2009 and Commission Regulation 1122 /2009] respectively. The 2009 Regulations update references to this EC legislation and remove redundant provisions.

4.3 A related statutory instrument is The Common Agricultural Policy Single Payment and Support Schemes Regulations 2009 SI No. 3102/2009.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 The Single Payment Scheme, which forms part of the Common Agricultural Policy, is the main support paid to farmers in the EU and was established as part of the 2003 CAP Reform. In England it was introduced in 2005. The 2003 CAP Reform also introduced other new direct payment schemes for farmers growing particular crops, such as proteins.

7.2 Farmers wishing to apply for payment under the direct payment schemes must submit an application form in each year that they wish to claim payment.

7.3 During 2008 there was a scheduled review of the CAP, known as the CAP Health Check. These Regulations reflect the new EC legislation which was introduced in 2009 following the Health Check. They continue the existing arrangements and do not introduce any new provisions.

7.4 This instrument sets out how, where and when applications for payment are made by farmers.

7.5 By submitting a single application for SPS and other direct payment schemes, a farmer will be obliged to meet the general conditions of the schemes and the instrument provides for the enforcement of these conditions. It also sets out the sanctions, if any, which are to be applied if the farmer does not comply with the enforcement conditions, such as if the farmer intentionally obstructs an authorised enforcement officer.

- *Consolidation*

7.5 As this instrument does not amend another instrument, no consolidation of legislation is necessary.

8. Consultation outcome

8.1 A series of public consultations, and discussions with farming stakeholders, were carried out before the introduction of the SPS in 2005 to seek views on how the scheme should be implemented in England. No consultation has been undertaken for the 2009 Regulations as they continue the existing provisions.

9. Guidance

9.1 Guidance on the Single Payment Scheme and other direct payments is sent annually to farmers. These Regulations do not contain any substantive changes from the existing arrangements for farmers.

10. Impact

10.1 There is no new impact on business, charities or voluntary bodies.

10.2 There is no new impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 There will be no additional burden to small businesses as the Regulations do not introduce any new burdens for business.

12. Monitoring & review

12.1 The SPS will be subject to the wider review of the Common Agricultural Policy at the end of 2012.

13. Contact

Cathy Duggan at the Department for Environment, Food and Rural Affairs Tel: 0207 238 1829 or email: cathy.duggan@defra.gsi.gov.uk can answer any queries regarding the instrument.