
WELSH STATUTORY INSTRUMENTS

2004 No. 685 (W.73)

AGRICULTURE, WALES

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

Made - - - - *9th March 2004*

Coming into force - - *1st April 2004*

The National Assembly for Wales being designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by that section, hereby makes the following Regulations —

Marginal Citations

M1 By virtue of the [European Communities \(Designation\) \(No.3\) Order 1999 \(S.I. 1999/2788\)](#).

M2 [1972 c. 68](#).

Title and commencement

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

Interpretation

2. In these Regulations —

“appellant” (“*apelydd*”) means a person in respect of whom an initial determination has been made by or on behalf of the National Assembly 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 National Assembly;

“relevant date” (“*dyddiad perthnasol*”) means the date on which the initial determination was made; and

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales.

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004. (See end of Document for details)

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 Wales at the relevant date.

Provision of appeals procedure

4.—(1) The National Assembly may establish a procedure, to be applied at the request of any appellant, for the further consideration on its 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.

(2) Any such procedure so established may provide for consideration of the initial determination by such persons (not exceeding three) as the National Assembly 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 the National Assembly.

(3) When the National Assembly establishes any such procedure as is mentioned in paragraph (2), it 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 it may determine; and
- (b) charge any appellant whose appeal is considered under the procedure so established such fee (not exceeding £100) as the National Assembly may determine in respect of the costs incurred by it by virtue of the operation of that procedure in relation to the appeal in question.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 ^{M3}

9th March 2004

John Marek
The Deputy Presiding Officer of the National
Assembly

Marginal Citations

M3 1998 c. 38.

SCHEDULE

Regulations 2 and 4(1)

SCHEMES IN RESPECT OF WHICH THE NATIONAL ASSEMBLY
FOR WALES MAY ESTABLISH AN APPEALS PROCEDURE

| <i>Scheme</i> | <i>Council Regulation establishing the Scheme</i> |
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| GENERAL | |
| Aid for Concentrated Grape Must | (EC) No. 1493/1999 M4 on the common organisation of the market in wine (Article 34) |
| Aid for Dehydrated Fodder | (EC) No. 1786/2003 M5 on the common organisation of the market in dried fodder |
| Apple Consumption Aid | (EC) No. 2826/2000 M6 on information and promotion actions for agricultural products on the internal market |
| Beef Information Programme | (EC) No. 2826/2000 M7 on information and promotion actions for agricultural products on the internal market (Articles 1 and 2) |
| Butter for Manufacture | (EC) No. 1255/1999 M8 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 M9 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 ^{M10} on the common organisation of the market in milk and milk products (Article 12) (EEC) No. 2204/90 ^{M11} laying down additional general rules on the common as last amended by (EC) No.2583/2001 ^{M12} organisation of the market in milk and milk products as regards cheese |
| Casein Production Subsidy | (EC) No. 1255/1999 M13 on the common organisation of the market in milk and milk products (Article 12) |
| Citrus Processing Aid | (EC) No. 2202/96 M14 |

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004. (See end of Document for details)

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| Concentrated Butter for Direct Consumption | <p>introducing a Community aid scheme for producers of certain citrus fruits (Article 1)</p> <p>(EC) No. 1255/1999 M15</p> |
| End Use Control of Certain Fruit and Vegetables | <p>on the common organisation of the market in milk and milk products (Article 13(1)(e))</p> <p>(EC) No. 2202/96 M16</p> |
| Fibres Processing Aid | <p>introducing a Community aid scheme for producers of certain citrus fruits (Article 30)</p> <p>(EC) No. 1673/2000 M17</p> |
| Fish Carry-Over Aid | <p>on the common organisation of the markets in flax and hemp grown for fibre as last amended by (EC) No. 1782/2003 M18</p> |
| Fish Flat-Rate Aid | <p>(EC) No. 104/2000 M19</p> <p>on the common organisation of the markets in fishery and aquaculture products (Article 23)</p> |
| Fish Flat-Rate Premium | <p>(EC) No. 104/2000 M20</p> <p>on the common organisation of the markets in fishery and aquaculture products (Article 24)</p> |
| Fish Private Storage Aid | <p>(EC) No. 104/2000 M21</p> <p>on the common organisation of the markets in fishery and aquaculture products (Article 24)</p> |
| Fish Withdrawals Compensation | <p>(EC) No. 104/2000 M22</p> <p>on the common organisation of the markets in fishery and aquaculture products (Article 25)</p> |
| Fresh Fruit and Vegetables Withdrawals | <p>(EC) No. 104/2000 M23</p> <p>on the common organisation of the markets in fishery and aquaculture products (Article 21)</p> |
| Fruit and Vegetable Operational Programme | <p>(EC) No. 2200/96 M24</p> <p>on the common organisation of the market in fruit and 2699/2000 M25</p> <p>vegetables (Articles 23 and 24) as last amended by (EC) No.</p> <p>(EC) No. 2200/96 M26</p> |

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| | on the common organisation of the market in fruit No.2699/2000 M27 |
| | and vegetables (Articles 15 and 16) as last amended by (EC) |
| Fruit and Vegetable Producer Organisation Recognition | (EC) No. 2200/96 M28 |
| | on the common organisation of the market in fruit 1881/2002 M29 |
| | and vegetables (Articles 11 — 14) as last amended by (EC) No. |
| Grape Juice Aid | (EC) No. 1493/1999 M30 |
| | on the common organisation of the market in wine (Article 35) as last amended by (EC) No. 2826/2000 M31 |
| Herbage Seed Production Aid | (EEC) No. 2358/71 ^{M32} of the Council on the common organisation of the market in seeds (Article 1) as last amended by (EEC) No. 3695/92 ^{M33} (EEC) No. 1674/72 ^{M34} of the Council laying down general rules for granting and financing aid for seed: (Article 1) as last amended by (EEC) No. 3795/85 ^{M35} |
| Milk Quotas Scheme | (EC) No. 1788/2003 M36 |
| | establishing a levy in the milk and milk products sector |
| Over Thirty Month Scheme | (EC) No. 1254/1999 M37 |
| | on the common organisation of the market in beef and veal (Article 39) |
| Promotions to Internal Market | (EC) No. 2826/2000 M38 |
| | on information and promotion actions for agricultural products on the internal market (Article 1) |
| Promotions to Third Countries | (EC) No. 2702/1999 M39 |
| | on measures to provide information on, and to promote, agricultural products in third countries |
| School Milk Scheme | (EC) No. 1255/1999 M40 |

Status: Point in time view as at 01/04/2004.

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| | on the common organisation of the market in milk and milk products (Article 14) as last amended by (EC) No.1787/2003 M41 |
| Selective Cull Scheme | (EC) No. 1254/1999 M42 |
| | on the common organisation of the market in beef and veal (Article 39) |
| Skimmed Milk Powder for Animal Feed | (EC) No. 1255/1999 M43 |
| | on the common organisation of the market in milk and milk products (Article 11) |
| Starch for Prescribed End Users | (EEC) No. 1766/92 M44 |
| | on the common organisation of the market in cereals (Articles 7 and 8) as last amended by (EC) No.1253/1999 M45 |
| INTERVENTION SCHEMES | |
| Beef | (EC) No. 1254/1999 M46 |
| | on the common organisation of the market in beef and veal (Title I) as last amended by (EC) No. 1782/2003 M47 |
| Cereals | (EEC) No. 1766/92 M48 |
| | on the common organisation of the market in cereals (Chapter 1 of Title I) as last amended by (EC) No. 1253/1999 M49 |
| Dairy | (EC) No. 1255/1999 M50 |
| | on the common organisation of the market in milk and milk products (Chapter II) as last amended by (EC) No. 1787/2003 M51 |
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| PRIVATE STORAGE AID SCHEMES | |
| Beef | (EC) No. 1254/1999 M52 |
| | on the common organisation of the market in beef and veal as last amended by (EC) No. 1782/2003 M53 |
| Dairy | (EC) No. 1255/1999 M54 |

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| Pigmeat | on the common organisation of the market in milk and milk products (Articles 9 and 10(b)) (EEC) No. 2759/75 M55 |
| | on the common organisation of the market in pigmeat as last amended by (EC) No. 1365/2000 M56 |
| Sheepmeat/Goatmeat | (EC) No. 2529/2001 M57 |
| | on the common organisation of the market in sheepmeat and goatmeat as last amended by (EC) No. 1782/2003 M58 |
| SUGAR, OILS and STARCH | |
| Cane Sugar Refining | (EC) No. 1260/2001 M59 |
| | 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 M60 |
| | 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 M61 |
| Isoglucose Quotas and Production Levies | (EC) No. 1260/2001 M62 |
| | on the common organisation of the markets in the sugar sector (Title I) |
| Olive Oil Production Aid | Regulation No. 136/66/EEC M63 |
| | 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 M64 |
| Production Refund on sugar used in the Chemical Industry | (EC) No. 1260/2001 M65 |
| | on the common organisation of the markets in the sugar sector (Title I) |
| Starch Refunds — Cereals | (EEC) No. 1766/92 M66 |
| | on the common organisation of the market in cereals (Article 13) as last amended by (EC) No. 2377/2002 M67 |

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Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004. (See end of Document for details)

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| Starch Refunds — Rice | (EC) No. 3072/95 M68 on the common organisation of the market in rice (Article 7) |
| Sugar Quotas and Production Levies | (EC) No. 1260/2001 M69 on the common organisation of the markets in the sugar sector (Title I) |
| EXTERNAL TRADE | |
| Bananas | (EEC) No. 404/93 M70 on the common organisation of the market in bananas as last amended by (EC) No. 2587/2001 M71 |
| Beef and Veal | (EC) No. 1254/1999 M72 on the common organisation of the market in beef and veal (Article 1 and Title II) |
| Beef Import Tariff Quota | (EC) No. 1254/1999 M73 on the common organisation of the market in beef and veal (Article 1 and Title II) |
| Cereals | (EEC) No. 1766/92 M74 on the common organisation of the market in cereals (Title II) as last amended by (EC) No. 2377/2002 |
| Eggs | (EEC) No. 2771/75 M75 on the common organisation of the market in eggs as last amended by (EC) No. 806/2003 M76 |
| Ethyl Alcohol | (EC) No. 670/2003 M77 laying down specific measures concerning the market in ethyl alcohol of agricultural origin (Article 4) |
| Fish | (EC) No. 104/2000 M78 on the common organisation of the markets in fishery and aquaculture products (Title V) |
| Floriculture (live plants and flowers) | (EEC) No. 234/68 M79 on the establishment of a common organisation of the market in live trees and other plants, |

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| | bulbs, roots and the like, cut flowers and ornamental foliage as last amended by (EC) No. 806/2003 M80 |
| Fruit and Vegetables | (EC) No. 2200/96 M81 on the common organisation of the market in fruit and vegetables: (Title V) as last amended by (EC) No. 2699/2000 M82 |
| Milk/Milk Products | (EC) No. 1255/1999 M83 on the common organisation of the market in milk and milk products (Title II) as last amended by (EC) No. 1040/2000 M84 |
| Oils/Fats | Regulation No. 136/66/EEC M85 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 M86 |
| Oilseeds/Seeds | (EEC) No. 2358/71 M87 on the common organisation of the market in seeds (Articles 4, 5 and 7) as last amended by (EC) No. 3290/94 M88 |
| Pigmeat | (EEC) No. 2759/75 M89 on the common organisation of the market in pigmeat as last amended by (EC) No. 1365/2000 M90 |
| Poultrymeat | (EEC) No. 2777/75 M91 on the common organisation of the market in poultrymeat as last amended by (EC) No. 806/2003 M92 |
| Processed Goods | (EC) No. 3448/93 M93 laying down the trader arrangements applicable to certain goods resulting from the processing of agricultural products as last amended by (EC) No. 2580/2000 |

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Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004. (See end of Document for details)

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|-------------------------------------|---|
| | M94 |
| Rice | <p>(EC) No. 3072/95 M95</p> <p>on the common organisation of the market in rice (Title II) as last amended by (EC) No. 192/98 M96</p> |
| Sheepmeat and Goatmeat | <p>(EC) No. 2529/2001 M97</p> <p>on the common organisation of the market in sheepmeat and goatmeat as last amended by (EC) No. 1782/2003 M98</p> |
| Sugar, Isoglucose and Insulin Syrup | <p>(EC) No. 1260/2001 M99</p> <p>on the common organisation of the markets in the sugar sector (Title II)</p> |
| Tobacco | <p>(EEC) No. 2075/92 M100</p> <p>on the common organisation of the market in raw tobacco as last amended by (EC) No. 806/2003 M101</p> |
| Whisky refunds | <p>(EEC) No. 1766/92 M102</p> <p>on the common organisation of the market in cereals (Article 13) as last amended by (EC) No. 2377/2002 M103</p> |
| Wine | <p>(EC) No. 1493/1999 M104</p> <p>on the common organisation of the market in wine (Title VII)</p> |

Marginal Citations

- M4** OJ No. L179, 14.7.1999, p.1.
M5 OJ No. L270, 21.10.2003, p.114.
M6 OJ No. L328, 23.12.2000, p.2.
M7 OJ No. L328, 23.12.2000, p.2.
M8 OJ No. L160, 26.6.1999, p.48.
M9 OJ No. L160, 26.6.1999, p.48.
M10 OJ No. L160, 26.6.1999, p.48.
M11 OJ No. L201, 31.7.1990, p.7.
M12 OJ No. L345, 29.12.2001, p.6.
M13 OJ No. L160, 26.6.1999, p.48.
M14 OJ No. L297, 21.11.1996, p.49.

- M15** OJ No. L160, 26.6.1999, p.48.
- M16** OJ No. L297, 21.11.1996, p.49.
- M17** OJ No. L193, 29.7.2000, p.16.
- M18** OJ No. L270, 21.10.2003, p.1.
- M19** OJ No. L17, 21.1.2000, p.22.
- M20** OJ No. L17, 21.1.2000, p.22.
- M21** OJ No. L17, 21.1.2000, p.22.
- M22** OJ No. L17, 21.1.2000, p.22.
- M23** OJ No. L17, 21.1.2000, p.22.
- M24** OJ No. L297, 21.11.1996, p.1.
- M25** OJ No. L311, 12.12.2000, p.9.
- M26** OJ No. L297, 21.11.1996, p.1.
- M27** OJ No. L311, 12.12.2000, p.9.
- M28** OJ No. L297, 21.11.1996, p.1.
- M29** OJ No. L285, 23.10.2002, p.13.
- M30** OJ No. L179, 14.7.1999, p.1.
- M31** OJ No. L328, 23.12.2000, p.2.
- M32** OJ No. L246, 5.11.1971, p.1.
- M33** OJ No. L374, 22.12.1999, p.40.
- M34** OJ No. L177, 4.8.1972, p.1.
- M35** OJ No. L367, 31.12.1985, p.21.
- M36** OJ No. L270, 21.10.2003, p.123.
- M37** OJ No. L160, 26.6.1999, p.21.
- M38** OJ No. L325, 23.12.2000, p.2.
- M39** OJ No. L327, 21.12.1999, p.7.
- M40** OJ No. L160, 26.6.1999, p.48.
- M41** OJ No. L270, 21.10.2003, p.121.
- M42** OJ No. L160, 26.6.1999, p.21.
- M43** OJ No. L160, 26.6.1999, p.48.
- M44** OJ No. L181, 1.7.1992, p.21.
- M45** OJ No. L160, 26.6.1999, p.18.
- M46** OJ No. L160, 26.6.1999, p.21.
- M47** OJ No. L270, 21.10.2003, p.1.
- M48** OJ No. L181, 1.7.1992, p.21.
- M49** OJ No. L160, 26.6.1999, p.18.
- M50** OJ No. L160, 26.6.1999, p.48.
- M51** OJ No. L270, 21.10.2003, p.121.
- M52** OJ No. L160, 26.6.1999, p.21.
- M53** OJ No. L270, 21.10.2003, p.1.
- M54** OJ No. L160, 26.6.1999, p.48.
- M55** OJ No. L282, 1.11.1975, p.1.
- M56** OJ No. L156, 29.6.2000, p.5.
- M57** OJ No. L341, 22.12.2001, p.3.
- M58** OJ No. L270, 21.10.2003, p.121.
- M59** OJ No. L178, 30.6.2001, p.1.
- M60** OJ No. L172, 30.9.1966, p.3025 (OJ/SE 1965—66 p.221).
- M61** OJ No. L349, 31.12.1994, p.105.
- M62** OJ No. L178, 30.6.2001, p.1.
- M63** OJ No. L172, 30.9.1966, p.3025 (OJ/SE 1965—66 p.221).
- M64** OJ No. L201, 26.7.2001, p.4.
- M65** OJ No. L178, 30.6.2001, p.1.
- M66** OJ No. L181, 1.7.1992, p.21.
- M67** OJ No. L358, 31.12.2002, p.95.

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004. (See end of Document for details)

- M68** OJ No. L329, 30.12.1995, p.18.
- M69** OJ No. L178, 30.6.2001, p.1.
- M70** OJ No. L47, 25.2.1993, p.1.
- M71** OJ No. L345, 29.12.2001, p.13.
- M72** OJ No. L160, 26.6.1999, p.21.
- M73** OJ No. L160, 26.6.1999, p.21.
- M74** OJ No. L181, 1.7.1992, p.21.
- M75** OJ No. L282, 1.11.1975, p.49.
- M76** OJ No. L122, 16.5.2003, p.1.
- M77** OJ No. L97, 15.4.2003, p.6.
- M78** OJ No. L17, 21.1.2000, p.22.
- M79** OJ No. L55, 2.3.1968, p.1 (OJ/SE 1968(I) p.26).
- M80** OJ No. L122, 16.5.2003, p.1.
- M81** OJ No. L297, 21.11.1996, p.1.
- M82** OJ No. L311, 12.12, 2000, p.9.
- M83** OJ No. L160, 26.6.1999, p.48.
- M84** OJ No. L118, 19.5.2000, p.1.
- M85** OJ No. L172, 30.9.66, p.3025 (OJ/SE 1965—66 p.221).
- M86** OJ No. L201, 26.7.2001, p.4.
- M87** OJ No. L246, 5.11.1971, p.1.
- M88** OJ No. L349, 31.12.1994, p.105.
- M89** OJ No. L282, 1.11.1975, p.1.
- M90** OJ No. L156, 29.6.2000, p.5.
- M91** OJ No. L282, 1.11.1975, p.77.
- M92** OJ No. L122, 16.5.2003, p.1.
- M93** OJ No. L318, 20.12.1993, p.18.
- M94** OJ No. L298, 25.11.2000, p.5.
- M95** OJ No. L358, 31.12.2002, p.95.
- M96** OJ No. L20, 27.1.1998, p.16.
- M97** OJ No. L341, 22.12.2001, p. 3.
- M98** OJ No. L270, 21.10.2003, p.1.
- M99** OJ No. L178, 30.6.2001, p.1.
- M100** OJ No. L215, 30.7.1992, p.70.
- M101** OJ No. L122, 16.5.2003, p.1.
- M102** OJ No. L181, 1.7.1992, p.21.
- M103** OJ No. L358, 31.12.2002, p.95.
- M104** OJ No. L179, 14.7.1999, p.1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the National Assembly for Wales (“the National Assembly”) 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 National Assembly under the Agricultural Subsidies (Appeals) (Wales) Regulations 2001 (S.I. 2001 No. 2537 (W.212)). 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 National Assembly with a view to their making a recommendation to it 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 Regulatory Appraisal has been prepared in respect of these Regulations. Copies of this can be obtained from The National Assembly for Wales, Agriculture Department, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

Status:

Point in time view as at 01/04/2004.

Changes to legislation:

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