
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st January 2015 make provision, in relation to Wales, for the implementation of the European Regulations (as defined in regulation 2(1)) relating to the administration of the Common Agricultural Policy of the European Union. Any reference in this Note to a Regulation is a reference to that EU Regulation as defined in regulation 2(1).

Part 2 (regulations 3 to 12) sets out provisions on control and enforcement in relation to payments granted directly to farmers under the Direct Payments Regulation (“direct payments”) and rural development payments under the Rural Development Regulation (“RD payments”).

Regulation 3 specifies that the final date on which a single application, aid application or payment claim may be submitted to the Welsh Ministers is 15th May or the following working day if 15th May is a Saturday, Sunday, Bank Holiday or other public holiday.

Regulation 4 prescribes the minimum size of agricultural parcel in respect of which a single application may be made.

Regulation 5 provides that a repayment due from the beneficiary of a direct payment is recoverable as a debt and regulation 6 provides for the rate of interest that may be charged on that repayment.

Regulations 7 and 8 confer powers of entry and inspection on persons authorised by the Welsh Ministers for enforcement purposes. Regulation 9 requires certain persons to assist authorised persons on request.

Regulation 10 creates offences and penalties. Regulation 11 contains provisions relating to the liability of directors and regulation 12 relates to proceedings against bodies corporate, partnerships and unincorporated associations.

Part 3 implements Articles 91 to 101 (cross-compliance) of the Horizontal Regulation, and associated Regulations made under Article 101, and sets out further requirements on beneficiaries of direct payments and certain RD payments relating to the maintenance of standards for good agricultural and environmental condition as prescribed by Schedule 1. Schedule 2 lists exceptions from those requirements. These provisions replace the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004 (S.I. 2001/3280 (W. 284)), as amended, which are revoked by regulation 15(1) and Schedule 3.

Part 4 makes provision for revocations and savings (regulation 15 and Schedule 3). Paragraphs (1) to (4) of regulation 15, and Schedule 3, revoke with savings previous Regulations which make provision for the enforcement of the Common Agricultural Policy.

A Regulatory Impact Assessment has been prepared, of the effects of these Regulations on the costs to farm businesses in Wales. Copies can be obtained from the Department of Sustainable Futures, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.