

**Carwyn Jones AM/AC**  
**Y Cwnsler Cyffredinol ac Arweinydd y Tŷ**  
**Counsel General and Leader of the House**



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Lord Dafydd Elis – Thomas AM  
Presiding Officer  
National Assembly Wales

30 November 2009

Dear Dafydd

**The Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations 2009**

I am writing to inform you that in order to bring the Common Agricultural Policy Single Payment and Support Scheme (Wales) (Amendment) Regulations 2009 into force in Wales, and to allow the opening of the Single Payment Scheme window, it has become necessary to breach the 21 day rule. These Regulations were made and laid on 30 November 2009 and will come into force on 1 December 2009.

These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2005 ("the principal Regulations"). The principal Regulations make provision in relation to Wales for the administration of Council Regulation (EC) No 73/2009 and other associated Community instruments relating to direct support under the Common Agricultural Policy. The amendments set the minimum claim requirements in terms of size or payment value depending upon whether or not a farmer has special payment entitlements, confirms the deadline of the Single Application Form / date on which parcels used to claim under the Single Payment Scheme must be at the disposal of the farmers and confirms the additional modulation deductions which will be made from direct payments payable to farmers.

Further to the Common Agricultural Policy ("CAP") Health Check, the European Commission have been revoking and/or amending European Regulations relating to Direct Payments. It was anticipated that certain key regulations would be revoked and remade in late September/early October, but unfortunately we were informed in late November that the new European Regulations would not be in force to meet the opening of the Single Payment Scheme payment window. It had been hoped to revoke and replace the principal Regulations to give effect to the new European Regulations. Instead, amendments have to be made to the principal Regulations on an urgent basis.

The payment window for the Single Payment Scheme opens each year on 1 December. The Single Payment Scheme is the largest CAP Direct Payment scheme in the UK and pays in the region of 17,000 farmers a total of €318,000,000 per year. In Wales we have a

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record of making over 90% of payments by the close of the year. Lawyers have confirmed it is not possible to open the payment windows until the appropriate amendments to the principal Regulations have been made.

Due to the delays experienced in the European Commission, combined with the necessity to have in place sufficient legal basis to open the Welsh Single Payment Scheme window on 1 December 2009, it has become necessary to breach the 21 day rule so that the Regulations can come into force on 1 December 2009.

For the reasons outlined above, the Minister for Rural Affairs has deemed that it would not be reasonably practicable for the Regulations to be made bilingually. However, a Welsh translation will be available shortly.

These Regulations have been subject to a Regulatory Impact Assessment. An Explanatory Memorandum has also been prepared, which includes the Regulatory Impact Assessment and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes Janet Ryder, Chair of the Subordinate Legislation Committee and Stephen George, Clerk to the Subordinate Legislation Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written in a cursive style.

**Carwyn Jones AC/AM**  
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Counsel General and Leader of the House