

**2010 No. 1892 (W. 185)**

**AGRICULTURE, WALES**

**The Common Agricultural Policy  
Single Payment and Support  
Schemes (Wales) Regulations 2010**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision, in relation to Wales, for the administration of Council Regulation (EC) No 73/2009 (OJ No L 30, 31.1.2009, p 16), and other associated EU (European Union) instruments, in relation to direct support schemes under the Common Agricultural Policy.

They continue the arrangements which applied under the Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2005, S.I. 2005/360 (W. 29) as amended.

Regulation 3 provides that Wales is a single region for the purposes of the direct support schemes.

Regulation 4 specifies the minimum size of a holding in respect of which the establishment of entitlements may be requested.

Regulation 5 sets the minimum area in respect of which a claim may be made and in some cases the minimum claim value.

Regulation 6 fixes the date on which parcels used as the basis for a claim under the Single Payment Scheme must be at the disposal of farmers.

Regulation 7 specifies the total voluntary modulation deductions which will be made from direct payments payable to farmers.

Regulation 8 designates the short rotation coppice tree species eligible under the single payment scheme and sets the maximum harvest cycle.

Regulation 9 provides that payment entitlements established in Wales are only used and transferred within Wales.

Regulation 10 revokes the Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2005, S.I. 2005/360 (W. 29) and its amendments, and the Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) Regulations 2005, S.I. 2005/45 (W. 4) and its amendments.

A Regulatory Impact Assessment has not been prepared as the provisions covered by these Regulations either continue the existing arrangements or, in the case of the new provision on short rotation coppice, will have a negligible additional cost to business.

**2010 No. 1892(W.185)**

**AGRICULTURE, WALES**

**The Common Agricultural Policy  
Single Payment and Support  
Schemes (Wales) Regulations 2010**

*Made* 22 July 2010

*Laid before the National Assembly for Wales*  
23 July 2010

*Coming into force* 16 August 2010

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SCHEDULE Specified proportion of  
voluntary modulation

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Union.

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(1) S.I. 2005/2766. By virtue of sections 59 and 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006, functions conferred upon the National Assembly for Wales are exercisable by the Welsh Ministers.

(2) 1972 c.68.

These Regulations make provision for a purpose mentioned in that section and it appears to the Welsh Ministers that it is expedient for the references to the EU instruments in these Regulations to be construed as references to those instruments as amended from time to time.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

### **Title, application and commencement**

1.—(1) The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2010.

(2) These Regulations apply in relation to Wales, and come into force on 16 August 2010.

### **Interpretation**

2.—(1) In these Regulations—

“the Commission Regulation” (“*Rheoliad y Comisiwn*”) means Commission Regulation (EC) No 1120/2009 of 29 October 2009 laying down detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009(1); and

“the Council Regulation” (“*Rheoliad y Cyngor*”) means Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers(2).

(2) Any reference in these Regulations to an EU instrument is a reference to that instrument as amended from time to time.

### **Region**

3. Wales is a single region for the purposes of Article 46(2) of the Council Regulation.

### **Minimum size of holding to establish entitlements**

4. For the purposes of Article 25(4) of the Commission Regulation the minimum size of a

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(1) OJ No L 316, 2.12.2009, p 10.

(2) OJ No L 30, 31.1.2009, p 16 as last amended by Commission Regulation (EU) No 360/2010 (OJ No L 106, 28.4.2010, p. 1).

holding for which the establishment of payment entitlements may be requested is 0.3 hectares.

#### **Minimum claim**

5. For the purposes of Article 28(1) of the Council Regulation the minimum requirement for a claim is one hectare for farmers who do not hold special entitlements in accordance with that Article, and €100 for farmers who hold special entitlements.

#### **Date on which eligible land must be at the farmer's disposal**

6. In relation to any year in which the farmer makes a declaration in respect of parcels pursuant to Article 35(1) of the Council Regulation, the date on which those parcels must be at the farmer's disposal is the 15 May of that year.

#### **Voluntary modulation**

7. The rates in the third column of the Schedule are the voluntary modulation referred to in Article 1 of Council Regulation (EC) No 378/2007 of 27 March 2007 laying down rules for voluntary modulation of direct payments<sup>(1)</sup>.

#### **Short rotation coppice**

8. For the purposes of Article 2(n) of the Commission Regulation—

(a) the list of tree species is—

Alder (*Alnus spp.*);

Birch (*Betula spp.*);

Hazel (*Corylus avellana*);

Ash (*Fraxinus excelsior*);

Lime (*Tilia cordata*);

Sweet chestnut (*Castanea sativa*);

Sycamore (*Acer pseudoplatanus*);

Willow (*Salix spp.*);

Poplar (*Populus spp.*);

Hornbeam (*Carpinus spp.*); and

(b) the maximum harvest cycle is 20 years.

#### **Payment entitlements**

9. Pursuant to the third sub-paragraph of Article 43(1) of the Council Regulation, payment entitlements under the single payment scheme attributable to and

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(1) OJ No L95, 5.4.2007, p 1 as last amended by Council Regulation (EC) No 73/2009 (OJ No L 30, 31.1.2009, p 16).

established in Wales, may only be used or transferred within Wales.

### **Revocation**

**10.** The following Regulations are revoked—

- (a) The Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2005(1);
- (b) The Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations 2006(2);
- (c) The Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations 2008(3);
- (d) The Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations 2009(4);
- (e) The Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) Regulations 2005(5);
- (f) The Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) (Amendment) Regulations 2006(6).

*Elin Jones*

Minister for Rural Affairs, one of the Welsh Ministers

22 July 2010

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(1) S.I. 2005/360 (W. 29).  
(2) S.I. 2006/357 (W. 45).  
(3) S.I. 2008/2500 (W. 218).  
(4) S.I. 2009/3129 (W. 272).  
(5) S.I. 2005/45 (W. 4).  
(6) S.I. 2006/3101 (W. 285).

## SCHEDULE      Regulation 7

### Voluntary modulation rates

**For amounts up to and including €5,000:**

<i>Year</i>	<i>EU compulsory modulation</i>	<i>Voluntary modulation</i>	<i>Total modulation</i>
2009	0 %	4.2 %	4.2 %
2010	0 %	5.8 %	5.8 %
2011	0 %	6.5 %	6.5 %
2012	0 %	6.5 %	6.5 %

**For amounts over €5,000 and up to and including €300,000:**

<i>Year</i>	<i>EU compulsory rates of modulation provided for in Article 7 of the Council Regulation</i>	<i>Voluntary modulation</i>	<i>Total modulation</i>
2009	7%	2.2 %	9.2 %
2010	8%	2.8 %	10.8 %
2011	9%	2.5 %	11.5 %
2012	10%	1.5 %	11.5 %

**For amounts over €300,000:**

<i>Year</i>	<i>EU compulsory rates of modulation provided for in Article 7 of the Council Regulation</i>	<i>Voluntary modulation</i>	<i>Total modulation</i>
2009	11 %	0 %	11 %
2010	12 %	0 %	12 %
2011	13 %	0 %	13 %
2012	14 %	0 %	14 %