

2014 No. 1835 (W. 189)

AGRICULTURE, WALES

**The Common Agricultural Policy
Basic Payment Scheme (Provisional
Payment Region Classification)
(Wales) Regulations 2014**

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 1307/2013 (OJ No L 347, 20.12.2013, p 608), in relation to direct payments to farmers under support schemes of the Common Agricultural Policy.

They make arrangements for the Welsh Ministers to inform farmers of the provisional payment region classification of their field parcels for the purposes of claiming support under the basic payment scheme.

Regulation 3 provides that there are three regions in Wales for the purposes of the basic payment scheme and provides farmers with a mechanism to appeal a determination by the Welsh Ministers of a provisional payment region classification.

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

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**The Common Agricultural Policy
Basic Payment Scheme (Provisional
Payment Region Classification)
(Wales) Regulations 2014**

Made 11 July 2014

Laid before the National Assembly for Wales
14 July 2014

Coming into force 4 August 2014

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

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 the Council Regulation 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 Basic Payment Scheme

(1) S.I. 2010/2690.
(2) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

(Provisional Payment Region Classification) (Wales) Regulations 2014.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 4 August 2014.

Interpretation

2.—(1) In these Regulations—

“arable crops” (“*cnydau âr*”) means cereals, linseeds, oilseed, root crops, fruit crops or protein crops, including vining peas;

“provisional payment region classification” (“*dosbarthiad rhanbarthau talu dros dro*”) means a determination of a reference parcel as part of a payment region by the Welsh Ministers pursuant to regulation 3 and “reference parcel” (“*parsel cyfeirio*”) has the same meaning as in Article 2(25) of the Commission Regulation;

“the Commission Regulation” (“*Rheoliad y Comisiwn*”) means Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance⁽¹⁾;

“the Council Regulation” (“*Rheoliad y Cyngor*”) means Council Regulation (EC) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy⁽²⁾.

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

Regions

3.—(1) For the purposes of Article 23 of the Council Regulation, there are three payment regions in Wales, which are—

- (a) moorland;
- (b) the severely disadvantaged area;
- (c) all other land.

(2) For these purposes—

“moorland” (“*rhostir*”) means any land which—

(1) OJ No L 181, 20.6.2014, p 48.

(2) OJ No L 347, 20.12.2013, p 608.

- (a) is classified by the Welsh Ministers as moorland on the Wales 1992 Moorland Map deposited at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ, and
- (b) has an altitude of 400 metres or above, and
- (c) has predominantly semi-natural upland vegetation, or comprising predominantly rock outcrops and semi-natural upland vegetation, used primarily for rough grazing, and
- (d) does not have more than 40% of those improved agricultural species listed in the Schedule, and
- (e) arable crops are not being grown upon;

“the severely disadvantaged area” (“*yr ardal dan anfantais ddifrifol*”) means land which—

- (a) is inherently suitable for extensive livestock production but, not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land whose agricultural production is restricted in its range by, or by a combination of soil, relief, aspect or climate, and
- (b) is marked as severely disadvantaged area on the Payment Region Classification Map of Wales 2014 deposited at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ;

“all other land” (“*pob tir arall*”) means all other land which does not fall within the definition of moorland or the severely disadvantaged area and marked as such on the Payment Regions Classification Map of Wales 2014 deposited at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

(3) Regulation 3 of the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006⁽¹⁾ (provision of appeals procedure) applies to a provisional payment region classification as if it was a relevant determination.

Rebecca Evans

Deputy Minister for Agriculture and Fisheries under authority of the Minister for Economy, Science and Transport, one of the Welsh Ministers
11 July 2014

(1) S.I. 2006/3342 (W. 303), as amended by S.I. 2007/2900 (W. 251) and S.I. 2010/1807 (W. 175).

SCHEDULE

Regulation 3(2)(d)

Improved Agricultural Species

Perennial Ryegrass (*Lolium perenne*)

Italian Ryegrass (*Lolium multiflorum*)

White Clover (*Trifolium repens*)

Red Clover (*Trifolium pratense*)

Timothy grass (*Phleum pratense*)