

Regulations made by the Welsh Ministers, laid before the National Assembly for Wales in accordance with Article 71A(3) of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing direct payments to farmers under support schemes within the framework of the common agricultural policy for approval by resolution of the National Assembly for Wales within twenty-eight days beginning on the day on which the Regulations were made, subject to extension for periods of dissolution, or recess for more than four days.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2020 No. 470 (W. 108)

AGRICULTURE, WALES

**The Direct Payments to Farmers
(Crop Diversification Derogation)
(Wales) Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a derogation from Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing direct payments to farmers under support schemes within the framework of the common agricultural policy. Under these Regulations, the crop diversification requirements are disapplied in Wales in respect of claim year 2020.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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2020 No. 470 (W. 108)

AGRICULTURE, WALES

**The Direct Payments to Farmers
(Crop Diversification Derogation)
(Wales) Regulations 2020**

Made 28 April 2020

*Laid before the National Assembly for
Wales* 29 April 2020

Coming into force 30 April 2020

The Welsh Ministers, in exercise of the powers conferred on them by Articles 69(1) and 70(4) of Regulation (EU) 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⁽¹⁾ make the following Regulations.

The Welsh Ministers consider that, in order to resolve problems arising from flooding in Wales, it is necessary and justifiable to derogate from the provisions in that Regulation for claim year 2020 as respects crop diversification requirements, the extent and period of that derogation being in the Welsh Ministers' opinion, strictly necessary.

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Direct Payments to Farmers (Crop Diversification Derogation) (Wales) Regulations 2020.

(2) These Regulations come into force on 30 April 2020.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations, “Regulation (EU) No. 1307/2013” means Regulation (EU) 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 and

(1) Regulation (EU) 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 and repealing Council Regulation (EC) No. 637/2008 and Council Regulation (EC) No. 73/2009 (OJ No L 347, 20.12.2013, p. 608). Regulation (EU) No. 1307/2013, has been incorporated into domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) but only for claim year 2020 (see section 1(2)(a) of that Act and section 1(7) of that Act for the definition of “claim year”). The Act also incorporated other EU legislation relating to the CAP direct payment scheme but they are not relevant to these Regulations. The Direct Payments to Farmers (Legislative Continuity) Act 2020 provides the legal basis to continue paying direct payments to farmers for claim year 2020 (Article 137 of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union (19 October 2019) provided that Regulation (EU) No. 1307/2013 does not apply to the UK for claim year 2020). Regulation (EU) No. 1307/2013 has been amended by regulations 2, 3(4) and 7 of the Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91). The amendments made by the Regulations addressed the failures in Regulation (EU) No. 1307/2013 to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union. In particular, the Regulations amended Article 69(1) of Regulation (EU) No. 1307/2013 so that the power to make derogations is exercisable by the Welsh Ministers (see Article 4(1)(r) and (s) of Regulation (EU) No. 1307/2013 for the definitions of “relevant authority” and “appropriate authority”). There are other amendments to Regulation (EU) No. 1307/2013 but they are not relevant to these Regulations.

repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ No L 347, 20.12.2013, p. 608), as it forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020⁽¹⁾.

(5) Expressions used in these Regulations have the same meaning as in Regulation (EU) No. 1307/2013.

Derogation from the crop diversification requirements

2. For the purposes of Article 43(1) (direct payments: requirement to observe agricultural practices beneficial for the climate and the environment) of Regulation (EU) No. 1307/2013—

- (a) the following provisions of Regulation (EU) No. 1307/2013 do not have effect in relation to eligible hectares in Wales—
 - (i) Article 43(2)(a) (crop diversification as an agricultural practice beneficial for the climate and environment);
 - (ii) Article 44 (crop diversification requirements);
 - (iii) Annex IX, Section I, paragraph (1) (list of practices equivalent to crop diversification);
- (b) the first subparagraph of Article 43(9) of Regulation (EU) No. 1307/2013 has effect in relation to eligible hectares in Wales as if the reference to 44 was omitted.

3.—(1) Regulation 2 has effect until the end of claim year 2020.

(2) In these Regulations, “claim year 2020” is to be interpreted in accordance with section 1(7) of the Direct Payments to Farmers (Legislative Continuity) Act 2020.

Lesley Griffiths

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers

28 April 2020

(1) 2020 c. 2.