

# SL(5)553 – The Payments to Farmers (Controls and Checks) (Wales) (Coronavirus) Regulations 2020

## Background and Purpose

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In response to the COVID-19 pandemic, the Payments to Farmers (Controls and Checks) (Wales) (Coronavirus) Regulations 2020 (“the Regulations”) reduce the minimum inspection and control rates in respect of applications for various payments under the 2020 Basic Payment Scheme (“BPS”) in line with EU law.

In light of the pandemic, the EU published Commission Implementing Directive (EU) 2020/532, derogating from the current requirements in EU law for the BPS and Rural Development Programme (“RDP”) for 2020 regarding certain administrative and on-the-spot checks applicable within the Common Agricultural Policy (“CAP”).

The Regulations reflect the derogations, insofar as they are relevant to BPS in Wales for claim year 2020. The Regulations modify Commission Implementing Regulation (EU) No. 809/2014 (“the Implementing Regulation”) (which lays down the rules for the application of Regulation (EU) No. 1306/2013) with regard to the integrated administration and control system, rural development measures and cross compliance for claim year 2020 for payments to farmers.

Unlike other EU law relating to the CAP, changes to EU Direct Payments legislation do not automatically apply during the Implementation Period. Domestic legislation is therefore required to reduce the minimum inspection and control rates for the BPS 2020. EU law still governs other elements of CAP, including the RDP.

The Regulations:

- a) make administrative changes to the way in which technology may be used when carrying out checks; and
- b) reduce the minimum rate of the on-the-spot checks compared to the normal rates for Greening, cross-compliance, BPS, redistributive and young farmers obligations.

## Procedure

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Negative.

## Technical Scrutiny

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No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

## Merits Scrutiny

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No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Implications arising from exiting the European Union

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The BPS in Wales is no longer governed by EU law as a result of Article 137 of the Withdrawal Agreement. The Direct Payments to Farmers (Legislative Continuity) Act 2020 incorporated the EU



legislation governing the 2020 CAP Direct Payment schemes into domestic law on Exit Day. Unlike other EU law relating to the CAP, changes to EU Direct Payments legislation do not automatically apply during the Implementation Period, and domestic legislation is therefore required to reduce the minimum inspection and control rates for the BPS 2020 in line with Commission Implementing Regulation 2020/532. EU law still governs the other elements of CAP including the RDP.

## Government Response

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A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**9 June 2020**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament

**Legislation, Justice and Constitution Committee**