

Lesley Griffiths AC / AM
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Minister for Local Government and Government Business



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref LF/AD/0022/14

18 February 2014

Dear Rosemary,

The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2014

In accordance with guidance I am notifying you that Section 11A(4) of the Statutory Instruments Act 1946, as inserted by Sch.10 para 3 of the Government of Wales Act 2006, which affords the rule that statutory instruments come into force at least 21 days from the date of laying, will be breached for the introduction of the above amending Regulations. The Explanatory Memorandum is attached for your information.

Background

The European Regulations establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy apply from 1 January 2014. However, insufficient time was available for the administrative and practical arrangements needed for the lodging of applications by farmers in 2014 to be set up in time by Member States. Accordingly, the European Union has provided Transitional Regulations enabling the current payment regimes to continue until 1 January 2015.

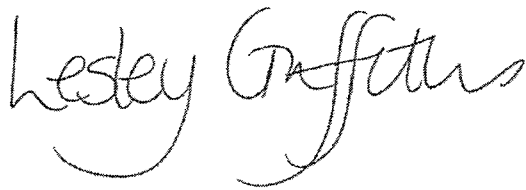
The European Transitional Regulation also removes the current Cross Compliance groundwater Statutory Management Requirement (SMR) and replaces it with a requirement for a minimum standard of Good Agricultural and Environmental Condition (GAEC) in relation to groundwater. These Regulations therefore establish such a GAEC.

A breach of the 21 day rule is necessary in this case on the basis that until these Regulations do come into force there is an enforcement gap in terms of cross compliance breaches. As a result, if upon inspection a farmer is found to be breaching their cross compliance obligations in respect of the new groundwater GAEC, they will not be able to be penalised by the Rural Inspectorate Wales in accordance with the current Single Payment Scheme Rules. It is therefore necessary to limit this period to as short a time as possible order to comply with EU requirements under the single payment scheme and to ensure, where appropriate, farmers can be correctly penalised for any non-compliance.

There is also risk of challenge from the European Commission for not having implemented the groundwater requirements domestically by 1 January 2014 as until such time as the Regulations come into force, enforcement of Groundwater cross compliance requirements is not possible. While the risk is perceived as limited given the final version of the Transitional Regulation was not published until 20 December 2013, the amending Regulations will breach the 21 day rule to further minimise that risk.

A copy of this letter and enclosures also goes to Chris Warner, Head of Policy and Legislation Committee Service.

Yours sincerely

A handwritten signature in black ink, reading "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Minister for Local Government and Government Business