WELSH STATUTORY INSTRUMENTS

2009 No. 3129 (W.272)

AGRICULTURE, WALES

The Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations 2009

Made - - - -	*30 November 2009*
Laid before the National Assembly for Wales - -	*30 November 2009*
Coming into force - -	*1 December 2009*

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 Community, and they make the following Regulations in exercise of the powers conferred by that section.

Title, application and commencement

1.—(1) The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations 2009.

(2) These Regulations apply in relation to Wales, and come into force on 1 December 2009.

Amendments

2. The Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2005(**3**) are amended as follows.

3. In Regulation 2 (Interpretation) insert in the appropriate place the following definitions—

> ""Council Regulation 378/2007" means Council Regulation (EC) No 378/2007 laying down rules for the voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and amending Regulation (EC) No 1290/2005(**4**);
>
> "Council Regulation 73/2009" means Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common support schemes

(**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.
(**3**) S.I. 2005/360 (W. 29), amended by S.I. 2006/357 (W. 45) and S.I. 2008/2500 (W. 218).
(**4**) OJNo. L 95, 5.4.2007, p. 1.

for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003(**5**).".

4. After Regulation 5 (Minimum size of holding), insert the following —

"**Minimum claim**

5A. For the purposes of Article 28(1) of Council Regulation 73/2009 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.".

5. For Regulation 6 (Date on which eligible land must be at the farmer's disposal), substitute—

"**6.** In relation to any year in which the farmer makes a declaration in respect of parcels pursuant to Article 35(1) of Council Regulation 73/2009, the date on which those parcels must be at the farmer's disposal is the last day the single application may be submitted to the competent authority in accordance with Article 11 of Commission Regulation 796/2004".

6. For Regulation 10 (Additional modulation), substitute—

"**10.** The rates specified in the third columns of the following tables, are the voluntary modulation referred to in Article 1 of Council Regulation 378/2007—

Amounts up to and including €5,000:

Year	EU compulsory modulation (Article 7 of Council Regulation 73/2009)	Voluntary modulation	Total modulation
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:

Year	EU compulsory modulation (Article 7 of Council Regulation 73/2009)	Voluntary modulation	Total modulation
2009	7%	2.2%	9.2%
2010	8%	2.8%	10.8%
2011	9%	2.5%	11.5%
2012	10%	1.5%	11.5%

(**5**) OJ No. L 30, 31.1.2009, p. 16.