STATUTORY INSTRUMENTS

2010 No. 540

AGRICULTURE, ENGLAND

The Common Agricultural Policy Single Payment and Support Schemes Regulations 2010

Made - - - -	*2nd March 2010*
Laid before Parliament	*4th March 2010*
Coming into force - -	*4th April 2010*

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SCHEDULE — Specified proportion of additional modulation

The Secretary of State is designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Union.

The Secretary of State makes these Regulations in exercise of the powers in that section.

Title, application and commencement

1.—(1) These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes Regulations 2010.

(2) They apply in England.

(**a**) S.I. 1972/1811.
(**b**) 1972 c. 68.

(3) They come into force on 4th April 2010.

Regions

2.—(1) For the purposes of Article 46(2) of Council Regulation (EC) No 73/2009 (establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers(**a**)), there are three regions in England, which are—

(a) moorland;

(b) the severely disadvantaged area, excluding moorland;

(c) all other land.

(2) For these purposes—

"moorland" means all the land that is both—

(a) in the severely disadvantaged area, and

(b) shown coloured brown in the three volumes of maps entitled "Moorland Map of England 2009" each volume being marked with the number of the volume, dated 29th January 2010, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and deposited at the offices of the Department for Environment, Food and Rural Affairs at Ergon House, Horseferry Road, London SW1P 2AL;

"the severely disadvantaged area" means all the land, excluding the Isles of Scilly, shown coloured pink in the four volumes of maps entitled "Less Favoured Area Map of England 2009", each volume being marked with the number of the volume, dated 29th January 2010, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and deposited at the offices of the Department for Environment, Food and Rural Affairs at Ergon House, Horseferry Road, London SW1P 2AL.

Minimum size of holding to establish entitlements

3. For the purposes of Article 25(4) of Commission Regulation 1120/2009 (laying down detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009(**b**)) the minimum size of a holding for which the establishment of payment entitlements may be requested is 0.3 hectares.

Minimum claim

4. For the purposes of Article 28(1) of Council Regulation (EC) No 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 €200 for farmers who hold special entitlements.

Date on which eligible land must be at the farmer's disposal

5. In relation to any year in which the farmer makes a declaration in respect of parcels pursuant to Article 35(1) of Council Regulation (EC) No 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 (EC) No 1122/2009 (laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 (**c**)).

(**a**) OJ No L 30, 31.1.2009, p 16 as last amended by Council Regulation (EC) No 1250/2009 (OJ No L 338, 19.12.2009, p 1).
(**b**) OJ No L 316, 2.12.2009, p 1.
(**c**) OJ No L 316, 2.12.2009, p 65, as amended by Commission Regulation (EU) No 146/2010 (OJ No. L 47, 24.2.2010, p 1).

Progressive modifications of entitlements

6.—(1) In accordance with Article 48(2), fourth subparagraph, of Council Regulation (EC) No 73/2009 the annual progressive modifications for the purposes of Article 63(3) of Council Regulation (EC) No 1782/2003 (establishing common rules for direct support under the common agricultural policy and establishing certain support schemes for farmers(**a**)) are as set out in the following table, where—

(a) column 2 is the proportion of the farmer's entitlement consisting of the regional unit value of the entitlement calculated in accordance with Article 59(3) first sub-paragraph of Council Regulation (EC) No 1782/2003; and

(b) column 3 is the proportion of the farmer's entitlement consisting of the farmer's reference amounts where the farmer is entitled to receive entitlements calculated in accordance with Article 59(3) second sub-paragraph of Council Regulation (EC) No 1782/2003.

(2) Entitlements for the fruit and vegetable sector as referred to in Article 30 of Regulation (EC) No 1120/2009, or wine as referred to in Article 33 of that Regulation, are valued at the regional unit value in accordance with the table without the reference amount percentage.

Progressive modifications

Year	*Regional unit value percentage*	*Reference amount percentage*
2009—		
sugar funding[(a)]	33%	67%
other	60%	40%
2010	75%	25%
2011	90%	10%
2012	100%	0%

[(a)] Sugar funding is the funding specified in Tables 1 and 2 of point K of Annex VII to Council Regulation (EC) No 1782/2003.

Transfers

7. For the purposes of Article 12(3) of Commission Regulation (EC) No 1120/2009, a transferor of a payment entitlement must notify the transfer to the competent authority that allocated that entitlement at least six weeks before—

(a) the transfer is to take place; and

(b) the last day for lodging an application under the single payment scheme.

Additional modulation

8. The rates in the third column of the Schedule are the voluntary modulation referred to in Article 1 of Council Regulation (EC) No 378/2007 (laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003(**b**)) (the rates in the second column are the compulsory rates of modulation provided for in Article 7 of Council Regulation (EC) No 73/2009 and are provided for the sake of completeness).

(**a**) OJ No L 270, 21.10.2003, p 1. This Regulation was repealed by Council Regulation (EC) No 73/2009, but in accordance with Article 48(2) of that Regulation decisions on progressive modifications taken under the repealed Regulation may be continued by a member State.

(**b**) OJ No L 95, 5.4.2007, p 1 as last amended by Council Regulation (EC) No 73/2009 (OJ No L 30, 31.1.2009, p 16).

Short rotation coppice

9. For the purposes of Article 2(n) of Commission Regulation (EC) No 1120/2009—

(a) the list of tree species is—

Alder (*Alnus spp.*);

Birch (*Betula spp.*);

Hazel (*Corylus avellana*);

Ash (*Fraxinus excelsior*);

Lime (*Tilia cordata*);

Sweet chestnut (*Castanea sativa*);

Sycamore (*Acer pseudoplatanus*);

Willow (*Salix spp.*);

Poplar (*Populus spp.*);

Hornbeam (*Carpinus spp.*); and

(b) the maximum harvest cycle is 20 years.

Revocation

10. The Common Agricultural Policy Single Payment and Support Schemes Regulations 2009(**a**) are revoked.

Jim Fitzpatrick
Minister of State
2nd March 2010 Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 8

Specified proportion of additional modulation

Amounts up to and including €5,000:

Year	*EU modulation*	*Additional modulation*	*Total modulation*
2009	0%	14%	14%
2010	0%	14%	14%
2011	0%	14%	14%
2012	0%	14%	14%

(**a**) S.I. 2009/3102.

Amounts over €5,000 and up to and including €300,000:

Year	*EU modulation*	*Additional modulation*	*Total modulation*
2009	7%	12%	19%
2010	8%	11%	19%
2011	9%	10%	19%
2012	10%	9%	19%

Amounts over €300,000:

Year	*EU modulation*	*Additional modulation*	*Total modulation*
2009	11%	8%	19%
2010	12%	7%	19%
2011	13%	6%	19%
2012	14%	5%	19%

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in England for the administration of Council Regulation (EC) No 73/2009 (OJ No L 30, 31.1.2009, p 16), and other associated Community instruments, in relation to direct support schemes under the Common Agricultural Policy.

They continue the arrangements which applied under the Common Agricultural Policy Single Payment and Support Schemes Regulations 2009 (S.I. 2009/3102), but also:

- reflect the updating of the maps referred to in regulation 2;
- reflect the replacement of Commission Regulation (EC) No 795/2004 (OJ No L 141, 30.4.2004, p 1, as amended) by Commission Regulation (EC) No 1120/2009 (OJ No L 316, 2.12.2009, p 1);
- reflect the replacement of Commission Regulation (EC) No 796/2004 (OJ No L 141, 30.4.2004, p 18) by Commission Regulation (EC) No 1122/2009 (OJ No L 316, 2.12.2009, p 65);
- designate short rotation coppice tree species eligible under the single payment scheme and set the maximum harvest cycle.

Regulation 2 provides that there are three regions of England for the purposes of the single payment scheme.

Regulation 3 specifies the minimum size of a holding in respect of which the establishment of entitlements may be requested.

Regulation 4 sets the minimum area in respect of which a claim may be made and in some cases the minimum claim value.

Regulation 5 fixes the date on which parcels used as the basis for a claim under the single payment scheme must be at the disposal of farmers.

Regulation 6 makes provision for progressive modifications of entitlements.

Regulation 7 provides that transfer of payment entitlements must be communicated by the transferor to the relevant competent authority within the time limits specified.

Regulation 8 specifies the additional modulation deductions which will be made from direct payments payable to farmers.

Regulation 9 designates the short rotation coppice tree species eligible under the single payment scheme and sets the maximum harvest cycle.

Regulation 10 revokes the Common Agricultural Policy Single Payment and Support Schemes Regulations 2009 (S.I. 2009/3102).

An impact assessment has not been prepared as the provisions covered by these Regulations either continue the existing arrangements or, in the case of the updated maps and the new provision on short rotation coppice, will have a negligible additional cost to business.

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