

## **Constitutional and Legislative Affairs Committee**

### **Draft Report**

#### **CLA**

#### **Title: The Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015**

These Regulations make provision, in relation to Wales, for the administration of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (OJ No. L 347, 20.12.2013, p. 608) (“the Direct Payments Regulation”) and the three other associated EU Regulations referred to in regulation 2(1).

#### **Procedure: Negative**

#### **Technical Scrutiny**

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Regulation 17 purports to revoke the Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2010 and the Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations 2012. Those Regulations were previously revoked by the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014 (‘the 2014 Regulations’). Both Regulation 17 and the 2014 Regulations contain saving provisions, but the combined effect of a duplicated revocation and two sets of saving provisions is unclear. [Standing Order 21.2 (v) and (vi) – needs further explanation due to defective drafting.]

#### **Merits Scrutiny**

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

2. The Regulations come into force on 14 May 2015 and regulation 10(1) requires applications to be submitted to the Welsh Ministers by the 15<sup>th</sup> May. Neither the Regulations nor the Explanatory Memorandum explain how applicants are expected to comply with that very limited window. The Explanatory Memorandum should have explained what steps had been taken by the Welsh Ministers in advance of the coming into force of the Regulations to enable applications to be submitted by that deadline. [Standing Order 21.3(ii) – that it gives rise to an issue of public importance likely to be of interest to the Assembly].

**Legal Advisers**

**Constitutional and Legislative Affairs Committee**

**May 2015**