STATUTORY INSTRUMENTS

2014 No. 3263

AGRICULTURE

The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014

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

These Regulations make provision for a purpose mentioned in that section and it appears to the Secretary of State that it is expedient for the references in these Regulations to the SCMO Regulations (as defined in regulation 2(1)) to be construed as references to those Regulations as amended from time to time.

The Secretary of State makes these Regulations under the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**c**) and, with the consent of the Treasury, section 56(1) of the Finance Act 1973(**d**).

PART 1

INTRODUCTION

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 and come into force on 1st January 2015.

(2) Subject to paragraphs (3) and (4), these Regulations apply in England only.

(3) A revocation of a statutory instrument by regulation 35 and Schedule 5 has the same application and extent as the statutory instrument being revoked.

(4) The following provisions extend to the United Kingdom—

(a) regulations 3, 4, 9(1) and 34;

(b) regulations 20 to 29 and, so far as relevant to regulation 21, regulation 33;

(c) paragraphs (2) and (7) and, so far as relevant to paragraph (2), paragraph (10) of regulation 35; and

(d) regulation 2 so far as relevant to any of the regulations mentioned in sub-paragraphs (a) and (b).

Interpretation

2.—(1) In these Regulations—

"the Common Provisions Regulation" means Regulation (EU) No. 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc(**e**);

(**a**) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(**b**) S.I. 1972/1811. The power of the Secretary of State to make regulations that extend to Scotland and Northern Ireland and apply in Wales remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (c. 46), article 3(2) of the European Communities (Designation) (No. 3) Order 2000 (S.I. 2000/2812) and article 6 of the European Communities (Designation) (No. 5) Order 2010 (S.I. 2010/2690), respectively.

(**c**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51), and amended by Part 1 of the Schedule.to the European Union (Amendment) Act 2008 (c.7).

(**d**) 1973, c. 51. Section 56(1) was amended by article 6(1)(e) of S.I. 2011/1043.

(**e**) OJ No. L 347, 20.12.2013, p. 320.

"the Direct Payments Delegated Regulation" means Commission Delegated Regulation (EU) No. 639/2014 supplementing the Direct Payments Regulation(**a**);

"the Direct Payments Implementing Regulation" means Commission Implementing Regulation (EU) No. 641/2014 laying down rules for the application of the Direct Payments Regulation(**b**);

"the Direct Payments Regulation" means 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(**c**);

"the European Regulations" means—

(a) the Common Provisions Regulation;

(b) the Direct Payments Delegated Regulation;

(c) the Direct Payments Implementing Regulation;

(d) the Direct Payments Regulation;

(e) the Horizontal Delegated Regulation;

(f) the Horizontal Finance Implementing Regulation;

(g) the Horizontal Implementing Regulation;

(h) the Horizontal Regulation;

(i) the Rural Development Delegated Regulation;

(j) the Rural Development Implementing Regulation;

(k) the Rural Development Regulation; and

(l) the SCMO Regulations.

"the Horizontal Delegated Regulation" means Commission Delegated Regulation (EU) No. 640/2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance(**d**);

"the Horizontal Finance Implementing Regulation" means Commission Implementing Regulation (EU) No. 908/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency(**e**);

"the Horizontal Implementing Regulation" means Commission Implementing Regulation (EU) No. 809/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance(**f**);

"the Horizontal Regulation" means Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy(**g**);

"Regulation 1698/2005" means Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) etc(**h**);

(**a**) OJ No. L 181, 20.6.2014, p. 1.
(**b**) OJ No. L 181, 20.6.14, p. 74.
(**c**) OJ No. L 347, 20.12.2013, p. 608, as amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (OJ No. L 347, 20.12.2013, p. 865).
(**d**) OJ No. L 181. 20.6.2014, p.48.
(**e**) OJ No. L 255, 28.8.2014, p. 59.
(**f**) OJ No. L 227, 31.7.2014, p. 69.
(**g**) OJ No. L 347, 20.12.2013, p.549, amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (OJ No. L 347, 20.12.2013, p. 865).
(**h**) OJ No. L 277, 21.10.2005, p. 1, as last amended by Regulation (EU) No 1312/2011 of the European Parliament and of the Council (OJ No. L 339, 21.12.2011, p. 1).

"the Rural Development Delegated Regulation" means Commission Delegated Regulation (EU) No. 807/2014 supplementing the Rural Development Regulation(**a**);

"the Rural Development Implementing Regulation" means Commission Implementing Regulation (EU) No. 808/2014 laying down rules for the application of the Rural Development Regulation(**b**);

"the Rural Development Regulation" means Regulation (EU) No. 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development(**c**);

"the SCMO Regulations" means the Regulations listed in Schedule 1, as amended from time to time;

"accountable body", except in regulation 9(2), means a body other than the Secretary of State administering rural development payments;

"area-related aid schemes" has the meaning given by Article 2(20) of the Horizontal Delegated Regulation;

"authorised person", except in Part 4, means any person who is authorised by the Secretary of State, the Forestry Commissioners or Natural England, either generally or specifically, whether or not an officer or employee of that authority, to act in relation to matters arising under these Regulations;

"beneficiary", except in Schedule 2, has the meaning given by sub-paragraph (1) of Article 2(1) of the Horizontal Delegated Regulation;

"commitment", except in regulation 35(3) and (4), means an undertaking to the Secretary of State or other delivery body to comply with any requirement which is a condition of receiving a rural development payment;

"competent authority", except as otherwise provided by regulation 3, means—

(a) in England, the Secretary of State;

(b) in Northern Ireland, the Department of Agriculture and Rural Development;

(c) in Scotland, the Scottish Ministers;

(d) in Wales, the Welsh Ministers;

"delivery body" means—

(a) the Forestry Commissioners;

(b) Natural England;

(c) the Secretary of State; or

(d) any local action group and, where relevant, its accountable body;

"direct payments" has the meaning given by Article 2(e) of the Horizontal Regulation;

"EAFRD" means the European Agricultural Fund for Rural Development set up under Article 2(1) of Council Regulation (EC) No 1290/2005 on the financing of the common agricultural policy(**d**);

"EAGF" means the European Agricultural Guarantee Fund set up under Article 2(1) of Council Regulation (EC) No 1290/2005 on the financing of the common agricultural policy;

"farmer" has the meaning given by Article 4(1)(a) of the Direct Payments Regulation;

"local action group" means a group which has been selected to implement a local development strategy in accordance with Article 34 of the Common Provisions Regulation;

(**a**) OJ No. L 227, 31.7.2014, p. 1.
(**b**) OJ No. L 227, 31.7.2014, p. 18.
(**c**) OJ No. L 347, 20.12.2013, p.487, amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (OJ No L. 347, 20.12.2013, p. 865).
(**d**) OJ No. L 209, 11.8.2005, p. 1, repealed by Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy (OJ No. L 347, 20.12.2013, p. 549).

"non-compliance" has the meaning given by Article 2(2)(b) of the Horizontal Delegated Regulation;

"officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body or any person purporting to act in such capacity;

"officer" or "member", in relation to an unincorporated association, includes any person purporting to act in such capacity;

"partner" includes any person purporting to act in such capacity;

"partnership" does not include a limited liability partnership;

"rural development applicant" means any person who makes a rural development application;

"rural development application" means an application to the Secretary of State or other delivery body to enter into a commitment;

"rural development beneficiary" means a person who has entered into a commitment;

"rural development payment", except in regulations 9(2)(b) and 35(4), means any payment by the Secretary of State or an accountable body under Title III of the Rural Development Regulation;

"single application", except in regulations 3(3)(b) and 35(2), means an application for direct payments in relation to area-related aid schemes;

"unincorporated association" does not include a partnership.

(2) Other terms used in these Regulations that are also used in any of the European Regulations have the meaning they bear in those Regulations.

PART 2

CONTROL AND ENFORCEMENT

Competent authority

3.—(1) A competent authority must—

(a) determine a single application submitted in respect of a holding; and

(b) remain the competent authority in respect of that application.

(2) Where a holding is situated in more than one territory on the last date on which the single application may be submitted, the competent authority is the competent authority for the territory in which the greater part of the holding is situated.

(3) But a farmer who has a holding situated in more than one territory on the last date on which the single application may be submitted, may submit their application to—

(a) the competent authority who determined the farmer's most recent single application in accordance with these Regulations, or

(b) if there was no such determination, the competent authority who determined the farmer's most recent single application in accordance with the 2009 Regulations.

(4) In this regulation—

(a) "holding" has the meaning given by Article 4(1)(b) of the Direct Payments Regulation;

(b) "territory" means England, Northern Ireland, Scotland or Wales;

(c) "the 2009 Regulations" means the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009(**a**); and

(**a**) S.I. 2009/3263, amended by S.I. 2012/66.

(d) in paragraph (3)(b), "single application" has the meaning given by regulation 2(1) of the 2009 Regulations.

Agency arrangements

4.—(1) A competent authority may make an arrangement with another competent authority for any of its relevant functions to be exercised by that other competent authority as its agent.

(2) Such an arrangement must be in writing and signed by or on behalf of the competent authorities concerned and may be subject to conditions.

(3) In this regulation, "relevant functions" means any functions of the competent authority in relation to the support schemes listed in Annex I to the Direct Payments Regulation or support under Title III of the Rural Development Regulation.

Applications

5.—(1) For the purposes of Article 13(1) of the Horizontal Implementing Regulation and Article 12 of the Horizontal Delegated Regulation, the final date on which a single application, aid application or payment claim may be submitted to the Secretary of State is 15th May or, if that date is a Saturday, Sunday, Bank Holiday or other public holiday, the next working day.

(2) In paragraph (1)—

"Bank Holiday" means a day specified in paragraph 1 of Schedule 1 to the Banking and Financial Dealings Act 1971(**a**);

"payment claim" means a claim for support under the integrated system as provided by Article 67(2) of the Horizontal Regulation;

"working day" means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

Minimum size of agricultural area

6. For the purposes of Article 72(1) of the Horizontal Regulation, the minimum size of an agricultural parcel in respect of which a single application may be made is 0.1 hectare.

Recovery of undue payments

7.—(1) Where a beneficiary is liable to repay all or part of a direct payment or rural development payment in accordance with Article 7(1) of the Horizontal Implementing Regulation, the amount of the repayment, together with the interest on that amount calculated in accordance with regulation 8, is recoverable as a debt.

(2) In any legal proceedings brought pursuant to paragraph (1), a certificate of the Secretary of State which—

(a) sets out the Bank of England base rate applicable during a specified period; and

(b) includes a statement that the Bank of England or the coordinating body notified the Secretary of State of that rate for that period,

is evidence of the rate applicable during that period.

(3) In this regulation, "the coordinating body" means the coordinating body referred to in Article 7(4) of the Horizontal Regulation.

(**a**) 1971, c.80.

Interest

8.—(1) Interest may be charged in respect of each day of the period referred to in Article 7(2) of the Horizontal Implementing Regulation and for this purpose the rate of interest applicable on any day is one percentage point above the Bank of England base rate.

(2) In this regulation, "Bank of England base rate" means—

(a) except where sub-paragraph (b) applies, the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short-term liquidity in the money markets; or

(b) if an order under section 19 (reserve powers) of the Bank of England Act 1998(**a**) is in force, any equivalent rate determined by the Treasury under that section.

Set-off

9.—(1) The Secretary of State acting as principal or agent for another competent authority may set off any debt and interest due from a farmer in accordance with Article 7(1) of the Horizontal Implementing Regulation to that other competent authority against any direct payment due to that farmer.

(2) The amount of—

(a) any rural development payment payable by the Secretary of State or an accountable body;

(b) any rural development payment payable by the Secretary of State or an accountable body under the Rural Development (Enforcement) (England) Regulations 2007(**b**); or

(c) any sum payable by the Secretary of State under the Direct Payments Regulation, Council Regulation 73/2009 or Council Regulation 1782/2003,

may be set off against the amount of any sum recoverable by the Secretary of State or an accountable body under regulation 8(1) or 15(1).

(3) In paragraph (2)—

"accountable body" and "rural development payment" have the meanings given by regulation 2(1) of the Rural Development (Enforcement) (England) Regulations 2007;

"Council Regulation 1782/2003" means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers(**c**);

"Council Regulation 73/2009" means 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(**d**);

Powers of entry

10.—(1) Subject to paragraph (2), an authorised person may exercise any of the powers specified in this regulation for the purpose of enforcing the European Regulations except for a purpose mentioned in regulation 21(1).

(2) The Forestry Commissioners may not authorise any person to exercise any of the powers specified in this regulation for the purpose of enforcing the Direct Payments Regulation, the Direct Payments Delegated Regulation or the Direct Payments Implementing Regulation.

(**a**) 1998, c.11.
(**b**) S.I. 2007/75, amended by S.I. 2010/2078 and 2012/666.
(**c**) OJ No L 270, 21.10.2003, p. 1, as last amended by Council Regulation (EC) No 1009/2008 (OJ No L 276, 17.10.2008, p. 1) and repealed on 1st January 2009 by Council Regulation (EC) No 73/2009 (OJ No L 30. 31.1 2009, p. 16).
(**d**) OJ No L 30, 31.1.2009, p. 16, as last amended by Commission Implementing Regulation (EU) No 320/2104 (OJ No L 93, 28.3.2014, p. 81) and repealed on 1st January 2015 by Article 72(2) of the Direct Payments Regulation.

(3) An authorised person, on producing, if so required, a duly authenticated document showing that person's authority, may at any reasonable hour enter any land or premises other than premises used wholly or mainly as a private dwelling.

(4) A justice of the peace may by signed warrant permit an authorised person to enter any land or premises, if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that—

(a) there are reasonable grounds for an authorised person to enter the land or premises for any purpose mentioned in paragraph (1); and

(b) one or more of the conditions in paragraph (5) is met.

(5) The conditions are that—

(a) entry to the land or premises has been refused, or is likely to be refused, and—

(i) notice of the intention to apply for a warrant has been served on the occupier, or

(ii) no such notice has been served on the occupier because serving such a notice would interfere with the purpose or effectiveness of the entry;

(b) entry is required urgently;

(c) the premises are unoccupied or the occupier is temporarily absent.

(6) A warrant is valid for three months.

(7) An authorised person entering any land or premises by virtue of this regulation may be accompanied by—

(a) any representative of the European Commission; and

(b) such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (1).

(8) An authorised person who enters any unoccupied premises must leave them as effectively secured as they were before entry.

Powers of inspection etc

11.—(1) An authorised person who has entered any land or premises in exercise of a power conferred by regulation 10 may—

(a) carry out any inquiries, checks, examinations, measurements and tests;

(b) take samples;

(c) inspect the land, whether it is farmed or is withdrawn from agricultural production, or premises;

(d) inspect any livestock, crops, machinery or equipment;

(e) mark any animal or other thing for identification purposes;

(f) have access to, inspect, copy and print any documents or records (in whatever form they are held) or remove such documents to enable them to be copied or retained as evidence;

(g) have access to, inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the documents or records;

(h) take a photograph, or a record in digital form, of anything on the land;

(i) remove anything reasonably believed to be evidence of any non-compliance;

(j) remove a carcase on the land or premises for the purpose of carrying out a post-mortem examination on it.

(2) An authorised person who enters any land or premises under a power under other legislation may exercise any of the powers specified in this regulation for the purposes of enforcing these Regulations.

(3) Paragraph (1) applies in relation to a person referred to in regulation 10(7)(b) when such person is acting under the instructions of an authorised person, as if such person were an authorised person.

Assistance to authorised persons

12. The beneficiary in respect of any land or premises entered by an authorised person in exercise of a power conferred by regulation 10 and any employee or agent of that beneficiary, must give an authorised person ("AP") such assistance as AP may reasonably request so as to enable AP to exercise any power conferred on AP by regulation 10 or 11 and must arrange for the collection, penning and securing of any animal if requested.

Transfers of holdings

13. For the purposes of Article 8(3)(a) of the Horizontal Implementing Regulation, the period within which the transferee must inform the Secretary of State of the transfer and request payment of the aid or support, or both, is 90 days beginning with the first day after the date of the transfer.

Breaches of commitments etc

14.—(1) A delivery body may determine, in relation to commitments made to that body, that—

(a) the rural development beneficiary has furnished false or misleading information to that body;

(b) the rural development beneficiary is in breach of any of the terms of a commitment;

(c) the rural development beneficiary is in breach of any requirement to which that beneficiary is subject under—

(i) Article 14(2) of Regulation 1257/1999,

(ii) Regulation 1698/2005,

(iii) Regulation 1974/2006,

(iv) Regulation 65/2011,

(v) the Common Provisions Regulation;

(vi) the Horizontal Delegated Regulation,

(vii) the Horizontal Implementing Regulation,

(viii) the Horizontal Regulation, excluding Title VI,

(ix) the Rural Development Delegated Regulation,

(x) the Rural Development Implementing Regulation,

(xi) the Rural Development Regulation, or

(xii) these Regulations;

(d) the whole or any part of the sum paid or payable in relation to a commitment duplicates assistance provided or to be provided out of monies made available by—

(i) the European Union,

(ii) Parliament, or

(iii) a body exercising public functions within the United Kingdom;

(e) there has been a material change in the nature, scale, costs or timing of the operation or project in relation to which a commitment has been made; or

(f) the operation or project in relation to which a commitment has been made, has been or is being delayed, or is unlikely to be completed.

(2) Before a delivery body makes a determination under paragraph (1), that body must—

(a) give the beneficiary a written explanation of the reasons for proposing to make the determination; and

(b) afford that beneficiary the opportunity of making written representations within such period as that body considers reasonable ("the prescribed period").

(3) If on the expiry of the prescribed period, the delivery body has not received any written representations from the beneficiary, that body must make the determination as proposed.

(4) If the delivery body has received written representations from the beneficiary in the prescribed period, that body must consider any such representations in deciding whether to make any determination.

(5) In paragraph (1)(c)—

"Regulation 1257/1999" means Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)(**a**);

"Regulation 1974/2006" means Commission Regulation (EC) No. 1974/2006 laying down detailed rules for the application of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(**b**); and

"Regulation 65/2011" means Commission Regulation (EU) No. 65/2011 laying down detailed rules for the implementation of Council Regulation (EC) No. 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures(**c**).

Powers of recovery etc in relation to rural development payments

15.—(1) Where a delivery body makes a determination under regulation 14(1), the Secretary of State or the appropriate accountable body may—

(a) withhold the whole or part of any rural development payment payable to the beneficiary; and

(b) recover on demand the whole or part of any rural development payment already paid to the beneficiary.

(2) Where a delivery body makes a determination under regulation 14(1), that body may terminate the agreement containing the commitment, and any entitlement of the beneficiary to payment in respect of the unexpired period of the agreement shall consequently be terminated.

(3) Where a delivery body terminates an agreement under paragraph (2), that body may also prohibit the beneficiary from making any new commitment with the body under the same measure, for such period (not exceeding two years) from the date of the termination as the body may specify.

(4) The powers conferred on the delivery bodies by paragraphs (2) and (3) are exercisable by a notice served on the beneficiary.

Offences and penalties

16.—(1) It is an offence for any person to—

(a) intentionally obstruct any person acting in the execution of these Regulations;

(b) without reasonable cause, proof of which lies with that person, fail to give any person acting in the execution of these Regulations any assistance or information that that person may reasonably require under these Regulations; or

(c) knowingly or recklessly furnish to any person acting in the execution of these Regulations any information that is false or misleading in any material particular.

(**a**) OJ No. L 160, 26.6.1999, p. 80, as last amended by Council Regulation (EC) No. 2223/2004 (OJ No. L 379, 24.12.2004, p.1).

(**b**) OJ No. L 368, 23.12.2006, p. 15, as last amended by Commission Implementing Regulation (EU) No. 335/2013 (OJ No. L. 105, 13.4.2013, p. 1).

(**c**) OJ No. L 25, 28.1.2011, p.8, as last amended by Commission Implementing Regulation (EU) No. 937/2012 (OJ No. L 280, 13.10.2012, p.1).

(2) A person guilty of an offence under paragraph (1)(a) or (b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person guilty of an offence under paragraph (1)(c) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or both; or

(b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or both.

(4) Subject to paragraph (5), for an offence under paragraph (1) proceedings must be brought within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings came to the prosecutor's knowledge.

(5) No proceedings for an offence under paragraph (1) may begin more than two years after the date of the commission of the offence.

(6) For the purposes of this regulation, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient, in the opinion of the prosecutor, to justify the proceedings came to their knowledge is conclusive of that fact.

Offences by bodies corporate, partnerships or unincorporated associations

17.—(1) Proceedings for an offence under regulation 16 alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

(a) rules of court relating to the service of documents have effect as if the partnership or association were a body corporate, and

(b) section 33 of the Criminal Justice Act 1925(**a**) (procedure on charge of offence against corporation) and Schedule 3 to the Magistrates' Courts Act 1980(**b**) (corporations) apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) If an offence under regulation 16 committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer, or

(b) to be attributable to the negligence of an officer,

the officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) If the affairs of a body corporate are managed by its members, paragraph (4) applies to the acts and omissions of a member in connection with the member's functions of management as it applies to an officer of a body corporate.

(6) If an offence under regulation 16 committed by a partnership is proved—

(a) to have been committed with the consent or connivance of a partner, or

(b) to be attributable to the negligence of a partner,

(**a**) 1925 c. 86. Subsections (1), (2) and (5) were repealed by the Magistrates' Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, Part 2, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71, and Schedule 10.

(**b**) 1980 c. 43. Paragraph 2(a) of Schedule 3 was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13, and was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, Part 2, paragraph 51(1) and (13)(a), and Schedule 37, Part 4 (partly commenced by S.I. 2012/1320 and S.I. 2012/2574 and with full effect from a date to be appointed): paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53) sections 25(2) and 101(2) and Schedule 13; paragraph 6 was repealed by the Criminal Justice Act 2003, section 41, Schedule 3, Part 2, paragraph 51(1) and (13)(b) (partly commenced by S.I. 2012/1320 and S.I. 2012/2574 and with full effect from a date to be appointed).

that partner, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) If an offence under regulation 16 committed by an unincorporated association is proved—

(a) to have been committed with the consent or connivance of an officer or member of the governing body of the association or other person having management responsibilities in respect of the association, or

(b) to be attributable to the negligence of that officer, member or other person,

that officer, member or other person, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.

PART 3

CROSS-COMPLIANCE

Standards for good agricultural and environmental condition

18.—(1) The standards for good agricultural and environmental condition set out in Schedule 2 apply as minimum requirements for the purposes of Article 94 of, and Annex II to, the Horizontal Regulation.

(2) But the provisions of Schedule 3 set out the circumstances in which breach of a provision of Schedule 2 does not constitute a non-compliance.

Competent control authorities

19.—(1) The Secretary of State is the competent control authority for the purposes of Article 67 of the Horizontal Implementing Regulation.

(2) Natural England must carry out controls for the purposes of Articles 65 to 72 of the Horizontal Implementing Regulation if directed by the Secretary of State.

(3) The Secretary of State enforces this Part of these Regulations, and the Secretary of State or Natural England (if Natural England are acting under paragraph (2)) may authorise in writing persons to enforce this Part of these Regulations.

(4) The Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under these Regulations.

PART 4

SCRUTINY OF EUROPEAN AGRICULTURAL GUARANTEE FUND TRANSACTIONS

Interpretation

20. In this Part—

"authorised person" means any person who is authorised in writing, either generally or specifically—

(a) by the competent authority to act in matters arising under this Part of these Regulations, or

(b) for the purposes of any action taken by that authority under this Part of these Regulations in relation to a EU debt, in a case where that debt was paid or is payable by that authority;

"EU debt" means—

(a) any amount of money paid by the competent authority to a specified beneficiary in relation to a regulated transaction—

(i) in connection with which that person has made a statement or furnished any information which is false or misleading in any material particular; or

(ii) which that person has failed to carry out or to carry out in accordance with any EU requirement relating to that regulated transaction;

(b) any amount of money which a specified beneficiary or specified contributor has become liable to pay to the competent authority in relation to a regulated transaction;

"EU requirement" means a requirement specified by or in pursuance of EU law in relation to a regulated transaction;

"regulated transaction" means a transaction forming part of the system of financing by the EAGF to which Chapter III of Title V of the Horizontal Regulation applies;

"specified beneficiary" means any person who, in the course of a trade or business in, or in the production of, a specified commodity, has applied for or received the whole or any part of any sum financed by the EAGF;

"specified commodity" means—

(a) any of the products that are subject to the provisions of Articles 39 to 44 of the Treaty on the Functioning of the European Union (which are listed in Annex I to that Treaty);

(b) any goods listed in Annex II to Council Regulation (EC) No 1216/2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products(**a**) and in Annexes B and C to Commission Regulation (EC) 1222/94 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products etc(**b**),

and includes oils the release of which into free circulation is subject to destination of end use controls under Commission Regulation (EEC) No 2828/93 laying down common rules on verification of the use and/or destination of imported products etc(**c**);

"specified contributor" means any person who, in the course of a trade or business in, or in the production of, a specified commodity, has paid or incurred a liability to pay, the whole or any part of any sum for the account of the EAGF;

"specified person" means any person who is a specified beneficiary or a specified contributor.

Powers of entry

21.—(1) An authorised person, on producing, if so required, a duly authenticated document showing that person's authority, may exercise the powers specified in this regulation for the purpose of ascertaining whether, in respect of any regulated transaction—

(a) the regulated transaction has been carried out in accordance with any EU requirement relating to that regulated transaction; or

(b) an offence under regulation 25(1)(a), (b) or (d), (3), (4) or (9) has been or is being committed.

(2) An authorised person may at any reasonable hour enter any land or premises which that person has reasonable cause to believe to be occupied by, or in the possession of, any specified person or employee or agent of that person, other than premises used wholly or mainly as a private dwelling.

(**a**) OJ No. L 328, 15.12.2009, p.10.

(**b**) OJ No. L 136, 31.5.1994, p.5. Annex B was substituted by Commission Regulation (EC) No. 1341/97 (OJ No. L 184, 12.7.1997, p. 12) and amended by Commission Regulation (EC) No. 1909/97 (OJ No. L258, 1.10.1997, p. 20). Annex C was substituted by Commission Regulation (EC) No. 229/96 (OJ No. L 30, 8.2.1996, p. 24) and amended by Commission Regulation (EC) No. 1341/97 (OJ No. L 184, 12.7.1997, p. 12). Annex B was substituted by Commission Regulation (EC) No. 1341/97 (OJ No. L 184, 12.7.1997, p. 12) and amended by Commission Regulation (EC) No. 1909/97 (OJ No. L258, 1.10.1997, p. 20). Annex C was substituted by Commission Regulation (EC) No. 229/96 (OJ No. L 30, 8.2.1996, p. 24) and amended by Commission Regulation (EC) No. 1341/97 (OJ No. L 184, 12.7.1997, p. 12).

(**c**) OJ No L 258, 16.10.1993, p. 15, as last amended by Commission Regulation (EC) No. 592/95 (OJ No. L 60, 18.3.1995, p. 1).

(3) A justice of the peace may by signed warrant permit an authorised person to enter any land or premises, if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that—

(a) there are reasonable grounds for an authorised person to enter the land or premises for a purpose mentioned in paragraph (1); and

(b) one or more of the conditions in paragraph (4) is met.

(4) The conditions are that—

(a) entry to the land or premises has been refused, or is likely to be refused, and—

(i) notice of the intention to apply for a warrant has been served on the occupier; or

(ii) no such notice has been served on the occupier because serving such a notice would interfere with the purpose or effectiveness of the entry;

(b) entry is required urgently; or

(c) the premises are unoccupied or the occupier is temporarily absent.

(5) A warrant is valid for three months.

(6) An authorised person entering any land or premises by virtue of this regulation may be accompanied by—

(a) any representative of the European Commission; and

(b) such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (1).

(7) An authorised person who enters any unoccupied premises must leave them as effectively secured as they were before entry.

(8) In this regulation—

(a) in Scotland, a reference to a justice of the peace means a sheriff, and the reference to sworn information in writing is a reference to evidence on oath; and

(b) in Northern Ireland, a reference to a justice of the peace is a reference to a lay magistrate, and the reference to sworn information in writing is a reference to a sworn complaint in writing.

Powers of inspection etc

22.—(1) An authorised person who has entered any land or premises in exercise of a power conferred by regulation 21 may—

(a) inspect the land or premises;

(b) inspect any animal or equipment found on the land or premises which is, or which the authorised person reasonably suspects to be, an animal or equipment to which a regulated transaction relates;

(c) inspect and take samples of any specified commodity or other substance found on the land or premises which the authorised person reasonably suspects to be a specified commodity or any substance which, in accordance with any EU requirement, may be used with a specified commodity.

(2) An authorised person may—

(a) require any specified person or employee or agent of the specified person to produce any commercial document and to supply such additional information in that person's possession or under that person's control relating to a EU debt or to a trade or business in a specified commodity as the authorised person may reasonably request;

(b) inspect any such commercial document and, where any such document is kept by means of a computer, have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with that document;

(c) require that copies of, or extracts from, any commercial document be produced;

(d) seize and retain any commercial document which the authorised person has reason to believe may be required as evidence in proceedings under this Part of these Regulations and, where any such document is kept by means of a computer, require it to be produced in a form in which it may be taken away.

(3) In paragraph (2), "commercial document" has the meaning given by Article 79(3)(a) of the Horizontal Regulation.

Assistance to authorised persons

23. A specified person or employee or agent of that person must give to an authorised person ("AP") such assistance as AP may reasonably request so as to enable AP to exercise any power conferred by regulation 21 or 22 and must arrange for the collection, penning and securing of any animal if requested.

Scrutiny for the purposes of the Horizontal Regulation

24.—(1) An authorised person is an officer responsible for scrutiny for the purposes of Articles 79 to 90 of the Horizontal Regulation and has the powers conferred on such officials by the following paragraphs of Article 82 of that Regulation—

(a) paragraph (1) (which relates to the supply of commercial documents and additional information);

(b) paragraph (2) (which relates to the supply of extracts or copies of documents referred to in paragraph (1); and

(c) paragraph (4) (which deals with the seizure of commercial documents).

(2) The powers conferred on member States by Article 82(3) of the Horizontal Regulation must be exercised by the competent authority.

Offences and penalties

25.—(1) It is an offence for any person—

(a) to fail to comply with Article 82(1) of the Horizontal Regulation (which relates to the supply of commercial documents and additional information);

(b) to fail to comply with a requirement under Article 82(2) of the Horizontal Regulation (which relates to the supply of extracts or copies of commercial documents);

(c) to fail to comply with a requirement under the third sub-paragraph of Article 82(3) of the Horizontal Regulation (which enables the determination of the place and time at which an undertaking must, in certain circumstances, make available for inspection commercial documents required for scrutiny pursuant to Articles 79 to 90 of that Regulation);

(d) intentionally to obstruct an authorised person (or a person accompanying the authorised person and acting under the authorised person's instructions) acting in the exercise of a power conferred by regulation 21 or 22 or by virtue of regulation 24; or

(e) to fail to comply with a request made under regulation 23.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) It is an offence for a specified beneficiary or a specified contributor to fail to comply with—

(a) Article 43 of the Horizontal Finance Implementing Regulation (which lays down requirements relating to the retention of commercial documents);

(b) a direction under the first sub-paragraph of Article 82(3) of the Horizontal Regulation (which enables an undertaking to be directed to maintain future records for scrutiny); or

(c) a determination under the second sub-paragraph of Article 82(3) (which enables the determination of the date from which records referred to in the first sub-paragraph are to be established).

(4) A person guilty of an offence under paragraph (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) Proceedings in England and Wales and in Northern Ireland for an offence under paragraph (1), (3) or (9) may be brought within a period of six months from the date of which evidence sufficient in the opinion of the competent authority to justify proceedings comes to its knowledge, and in any case within twelve months from the commission of the offence.

(6) Summary proceedings in Scotland for an offence under paragraph (1), (3) or (9) may be commenced within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to the prosecutor's knowledge, and in any case within twelve months from the commission of the offence.

(7) For the purposes of paragraph (6), proceedings are deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted, if such a warrant is executed without undue delay.

(8) A certificate purporting to be signed—

(a) for the purpose of paragraph (5), by or on behalf of the competent authority, or

(b) for the purpose of paragraph (6), by the prosecutor,

is conclusive evidence of the date on which evidence sufficient to justify proceedings came to the knowledge of that authority or prosecutor, as the case may be.

(9) It is an offence for any person—

(a) to fail to comply with Article 103(2) of the Horizontal Regulation (which restricts the communication of information collected in the course of scrutiny); or

(b) for a relevant purpose, to knowingly or recklessly—

(i) furnish any information,

(ii) make or sign any document,

(iii) deliver any document,

(iv) make in a record, register or document any entry,

which is false or misleading in any material particular.

(10) In paragraph (9)(b)—

(a) "a relevant purpose" means—

(i) the purpose of obtaining for that person or any other person the whole or any part of any sum by or for the account of the EAGF; or

(ii) the purpose of evading payment of the whole or any part of such a sum for which that person or any other person is liable;

(b) "document" includes any declaration, notice or certificate;

(c) the references to furnishing information, to making or signing any document, to delivering any document and to making any entry, in each case, include a reference to causing or permitting that act to be done;

(d) the reference to knowingly or recklessly delivering a document which is false or misleading in any material particular includes a reference to transmitting such a document with the intent to secure that the false or misleading information is recorded by the machine to which it is transmitted so as to be accessible for subsequent reference, in the knowledge that the information as recorded is false or misleading in any material particular, or being reckless as to the possibility that it may be so.

(11) A person guilty of an offence under paragraph (9) is liable—

(a) on summary conviction to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding three months, or both; or

(b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or both.

Offences by bodies corporate, partnerships and unincorporated associations

26.—(1) Proceedings for an offence under regulation 25 alleged to have been committed by a partnership or unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

(a) rules of court relating to the service of documents have effect as if the partnership or association were a body corporate, and

(b) the following provisions apply in relation to the partnership or association as they apply in relation to a body corporate—

(i) section 33 of the Criminal Justice Act 1925(**a**) (procedure on charge of offence against corporation) and Schedule 3 to the Magistrates' Courts Act 1980(**b**) (corporations), and

(ii) section 18 of the Criminal Justice Act (Northern Ireland) 1945(**c**) (procedure on charge) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981(**d**) (corporations).

(3) A fine imposed on a partnership or association on its conviction of an offence under regulation 25 is to be paid out of the funds of the partnership or association.

(4) If an offence under regulation 25 committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer, or

(b) to be attributable to the negligence of an officer,

that officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) If the affairs of a body corporate are managed by its members, paragraph (4) applies to the acts and omissions of a member in connection with the member's functions of management as it applies to an officer of a body corporate.

(6) If an offence under regulation 25 committed by a partnership is proved—

(a) to have been committed with the consent or connivance of a partner, or

(b) to be attributable to the negligence of a partner,

that partner, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) If an offence under regulation 25 committed by an unincorporated association is proved—

(a) to have been committed with the consent or connivance of an officer or member of the governing body of the association or other person having management responsibilities in respect of the association, or

(b) to be attributable to the negligence of that officer, member or other person,

that officer, member or other person, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.

(**a**) 1925 c. 86. Subsections (1), (2) and (5) were repealed by the Magistrates' Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, Part 2, paragraph 19;subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71, and Schedule 10.

(**b**) 1980 c. 43. Paragraph 2(a) of Schedule 3 was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13, and was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, Part 2, paragraph 51(1) and (13)(a), and Schedule 37, Part 4 (partly commenced by S.I. 2012/1320 and S.I. 2012/2574 and with full effect from a date to be appointed): paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53) sections 25(2) and 101(2) and Schedule 13; paragraph 6 was repealed by the Criminal Justice Act 2003, section 41, Schedule 3, Part 2, paragraph 51(1) and (13)(b) (partly commenced by S.I. 2012/1320 and S.I. 2012/2574 and with full effect from a date to be appointed).

(**c**) 1945 c. 15 (N.I.). Section 18 was amended by the Magistrates Courts Act 1964 (c. 21) and by the Justice (Northern Ireland) Act 2002 (c. 26), Schedule 12.

(**d**) S.I. 1981/1675 (N.I. 26).

Prosecutions

27. Proceedings for an offence under regulation 25 may not be instituted in England, Wales or Northern Ireland except by a competent authority.

Defence of due diligence

28. In any proceedings for an offence under regulation 25(1)(a), (b) or (c), (3) (4) or (9), it is a defence for the person charged ("A") to prove that A took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by A or by a person under A's control.

Recovery powers

29.—(1) The competent authority may recover from any specified person, or person who has paid, or incurred a liability to pay, the whole or any part of any sum forming part of the European Union's agricultural levy own resources otherwise than in respect of imports from any country outside the European Union, any EU debt owing to the authority by that person.

(2) In paragraph (1), "European Union's agricultural levy own resources" means levies, premiums, compensatory amounts, additional amounts or factors and other duties established or to be established by the institutions of the European Union in respect of trade with countries outside the European Union within the framework of the common agricultural policy, and also contributions and other duties provided for within the framework of the common organisation of the market in sugar.

PART 5

APPEALS

Interpretation

30. In this Part—

"appellant" means a Pillar 1 appellant or a Pillar 2 appellant;

"appointed person" means a person or persons (not exceeding three) appointed by the Secretary of State in relation to an appeal;

"Pillar 1 appellant" means a farmer in respect of whom or in relation to whose holding, or other person in respect of whom, an initial Pillar 1 decision has been made, who wishes to have that initial decision reconsidered by the Secretary of State;

"Pillar 1 decision" means, in relation to the EAGF, a decision made by or on behalf of the Secretary of State under any of the following European instruments—

(a) the Direct Payments Delegated Regulation,

(b) the Direct Payments Implementing Regulation,

(c) the Direct Payments Regulation,

(d) the Horizontal Delegated Regulation,

(e) the Horizontal Implementing Regulation,

(f) the Horizontal Regulation,

(g) the SCMO Regulations;

"Pillar 2 appellant" means a rural development applicant aggrieved by any initial Pillar 2 decision who wishes to have that initial decision reconsidered by the Secretary of State;

"Pillar 2 decision" means, in relation to the EAFRD—

(a) a decision made by or on behalf of the Secretary of State under any of the following European instruments—

(i) the Common Provisions Regulation,

(ii) the Horizontal Delegated Regulation,

(iii) the Horizontal Implementing Regulation,

(iv) the Horizontal Regulation,

(v) the Rural Development Delegated Regulation,

(vi) the Rural Development Implementing Regulation,

(vii) the Rural Development Regulation; or

(b) a determination made by a delivery body under regulation 14;

"sum in dispute" means, in relation to any decision to make a payment, the sum which represents the difference between the sum the Secretary of State has determined to pay under the decision and the sum which the appellant claims to be due.

Application to Pillar 1 decisions made under the SCMO Regulations

31. This Part of these Regulations only applies to an appeal against a Pillar 1 decision made by or on behalf of the Secretary of State under any of the SCMO Regulations if the Pillar 1 appellant's trading address or, where there is more than one such address, principal trading address, was in England on the date of the decision.

Appeals

32.—(1) A Pillar 1 appellant may appeal in writing to the Secretary of State against a Pillar 1 decision.

(2) A Pillar 2 appellant may appeal in writing to the Secretary of State against a Pillar 2 decision providing the appeal—

(a) is on the grounds that—

(i) the decision was based on an error of fact;

(ii) the decision was wrong in law;

(iii) the delivery body made a procedural error;

(b) sets out the grounds; and

(c) is received within sixty days of notification of the decision.

(3) The appointed person must consider any appeal under this regulation and report in writing to the Secretary of State with the person's conclusions on it and a recommendation as to the manner in which the matter should be finally determined by the Secretary of State.

(4) The Secretary of State may—

(a) pay to the appointed person such reasonable remuneration in respect of that person's functions in this regard, and such travelling and other allowances, as the Secretary of State may determine; and

(b) charge an appellant an appeal fee payable when the appeal is lodged.

(5) For the purposes of paragraph (4)(b), the appeal fee is—

(a) £100 if there is no sum in dispute; or

(b) determined by reference to the sum in dispute in accordance with the applicable level as set out in Schedule 4.

(6) Following receipt of a report pursuant to paragraph (3), the Secretary of State must make a final determination.

(7) The Secretary of State must refund the appeal fee (if any) to the appellant if, as a result of the appeal, the Secretary of State revises the decision that was the subject of the appeal.

PART 6

Final provisions

Notices

33.—(1) For the purposes of regulations 10, 15, and 21, any notice required to be served on a person may be served by—

(a) delivering it to that person;

(b) leaving it at that person's proper address;

(c) sending it by post or fax to that person's proper address; or

(d) sending it by email to that person's last known email address.

(2) For the purposes of paragraph (1)(a), a notice is delivered to—

(a) a body corporate where it is given to an officer of that body;

(b) a partnership where it is given to a partner or person having control or management of the partnership;

(c) an unincorporated association where it is given to an officer or member of the governing body of the association or other person having management responsibilities in respect of the association.

(3) For the purposes of paragraph (1)(d), a notice is sent by email to—

(a) a body corporate, where it is sent to an email address of—

(i) the body corporate; or

(ii) an officer of that body,

where that address is supplied by that body for the conduct of the affairs of that body;

(b) a partnership, where it is sent to an email address of—

(i) the partnership; or

(ii) a partner or person having control or management of the partnership,

where that address is supplied by that partnership for the conduct of the affairs of that partnership;

(c) an unincorporated association where it is sent to an email address of an officer or member of the governing body of the association, or other person having management responsibilities in respect of the association, where that address is supplied by that association for the conduct of the affairs of that association.

(4) In paragraph (1)(b) and (c), "proper address" means, in the case of—

(a) a body corporate, the registered office (if it is in the United Kingdom) or the principal office of the body in the United Kingdom;

(b) a partnership, the principal office of the partnership in the United Kingdom;

(c) an unincorporated association, the principal office of the association in the United Kingdom;

(d) any other person, that person's last known address.

Exchange rate for direct payments

34. For the purposes of Article 106(3) of the Horizontal Regulation, the amount of aid expressed in euro is to be converted into sterling on the basis of the average of the exchange rates set by the European Central Bank during the month prior to 1st October of the year in respect of which the aid is granted.

Revocations and savings

35.—(1) The instruments listed in Schedule 5 are revoked subject to the following savings.

(2) The IACS Regulations and regulation 3 of the Agriculture (Miscellaneous Amendments) Regulations 2012(**a**) continue to apply in relation to a single application within the meaning of regulation 2(1) of the IACS Regulations.

(3) The ERDP Enforcement Regulations, the ERDP Enforcement Amendment Regulations and regulation 14 of the RD Enforcement Regulations continue to apply in relation to any application or commitment within the meaning of regulation 2(1) of the ERDP Enforcement Regulations.

(4) Regulations 1 to 13 of the RD Enforcement Regulations and the RD Enforcement Amendment Regulations continue to apply in relation to any application, commitment or rural development payment within the meaning of regulation 2(1) of the RD Enforcement Regulations.

(5) Any appointment of an authorised person by the Secretary of State for the purposes of the IACS Regulations in effect immediately before 1st January 2015 continues to have effect as if it were an appointment of that person as an authorised person for the purposes of these Regulations.

(6) Any appointment of an authorised person for the purposes of the RD Enforcement Regulations or the Agriculture (Cross compliance) (No. 2) Regulations 2009(**b**) in effect immediately before 1st January 2015 continues to have effect as if it were an appointment of that person as an authorised person by the Secretary of State, Forestry Commissioners or Natural England (as the case may be) for the purposes of these Regulations.

(7) Any appointment of an authorised officer by a competent authority for the purposes of the Common Agricultural Policy (Protection of Community Arrangements) Regulations 1992(**c**) in effect immediately before 1st January 2015 continues to have effect as if it were an appointment of that person as an authorised person by that competent authority for the purposes of these Regulations.

(8) The Rural Development Programme (Transfer and Appeals) (England) Regulations 2011(**d**) continue to apply in relation to any appeal against a decision within the meaning of regulation 3(1) of those Regulations.

(9) The Common Agricultural Policy Single Payment and Support Schemes (Appeals) Regulations 2010(**e**) continue to apply in relation to any appeal against an initial determination within the meaning of regulation 2(1) of those Regulations.

(10) In this regulation—

"the ERDP Enforcement Amendment Regulations" means the England Rural Development Programme (Enforcement) (Amendment) Regulations 2001(**f**);

"the ERDP Enforcement Regulations" means the England Rural Development Programme (Enforcement) Regulations 2000(**g**);

"the IACS Regulations" means the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009(**h**);

"the RD Enforcement Amendment Regulations" means the Rural Development (Enforcement) (England) (Amendment) Regulations 2010(**i**);

"the RD Enforcement Regulations" means the Rural Development (Enforcement) (England) Regulations 2007(**j**).

(**a**) S.I. 2012/66.
(**b**) S.I. 2009/3365, amended by S.I. 2010/2941, 2012/66 and 2897 and 2013/3231.
(**c**) S.I. 1992/314, amended by S.I. 2001/ 3198 and 2011/1043 and also amended, in relation to England, Wales and Northern Ireland, by S.I. 2001/3686, and, in relation to Scotland, by S.S.I. 2001/390.
(**d**) S.I. 2011/1433.
(**e**) S.I. 2010/39.
(**f**) SI. 2001/431.
(**g**) S.I. 2000/3044, amended by S.I. 2001/431, 2002/271, 2003/289 and 1235, 2004/145, 2005/154 and 621, 2006/225, 2007/75, and 2011/1043.
(**h**) S.I. 2009/3263, amended by S.I. 2012/66.
(**i**) S.I. 2010/2078.
(**j**) S.I. 2007/75, amended by S.I. 2010/2078 and 2012/666.

Review

36.—(1) Before the end of each review period, the Secretary of State must—

(a) carry out a review of these Regulations as they apply in England;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) In carrying out the review, the Secretary of State must, so far as is reasonable, have regard to how the European Regulations are implemented in other member States.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first review period is the period of five years beginning with the date on which these Regulations come into force.

(5) Each subsequent review period is a period of five years beginning with the date on which the report of the preceding review was published.

George Eustice
Parliamentary Under Secretary of State
8th December 2014 Department for Environment, Food and Rural Affairs

We consent

David Evennett
Gavin Barwell
9th December 2014 Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1

Regulation 2(1)

The SCMO Regulations

Regulation (EEC) No. 100/72 of the Commission laying down detailed rules on the denaturing of sugar for animal feed(**a**)

Commission Regulation (EEC) No. 1361/76 laying down certain detailed rules for applying the export refund on rice and on mixtures of rice(**b**)

Commission Regulation (EEC) No. 189/77 laying down detailed rules for the application of the system of minimum stocks in the sugar sector(**c**)

Commission Regulation (EEC) No. 1842/81 laying down detailed rules for implementing Regulation (EEC) No. 1188/81 relating to general rules for granting refunds adjusted in the case of cereals exported in the form of certain spirituous beverages(**d**)

(**a**) OJ No. L 12, 15.1.1972, p. 15, as last amended by Commission Regulation (EC) No. 260/96 (OJ No. L 34, 13.2.1996, p. 16).
(**b**) OJ No. L 154, 15.06.1976, p. 11.
(**c**) OJ No. L 25, 29.1.1977, p. 27, as last amended by Commission Regulation (EC) No. 986/97 (OJ No. L 141, 31.5.1997, p. 65).
(**d**) OJ No. L 183, 4.7.1981, p. 10.

Commission Regulation (EEC) No. 2180/81 laying down rules implementing restrictions on investment aids for pig production(**a**)

Commission Regulation (EEC) No. 3423/81 on communication by the Member States of data concerning exports of cereal and rice products as food aid(**b**)

Commission Regulation (EEC) No. 3556/87 laying down additional detailed rules for the application of the system of advance-fixing certificates in the case of certain cereal sector products exported in the form of pasta falling within subheadings 19021100 and 190219 of the combined nomenclature(**c**)

Commission Regulation (EEC) No. 3164/89 laying down detailed rules for the application of special measures in respect of hemp seed(**d**)

Commission Regulation (EC) No. 3330/94 on the tariff classification of certain poultry cuts and amending Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff(**e**)

Commission Regulation (EC) No. 1439/95 laying down detailed rules for the application of Council Regulation (EEC) No. 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector(**f**)

Commission Regulation (EC) No. 1517/95 laying down detailed rules for the application of Regulation (EEC) No. 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No. 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice(**g**)

Commission Regulation (EC) No. 2810/95 on the tariff classification of pig carcases and half-carcases and amending Council Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff(**h**)

Commission Regulation (EC) No. 440/96 opening and providing for the administration of Community tariff quotas for certain mixtures of malt sprouts and barley screenings(**i**)

Commission Regulation (EC) No. 1831/96 opening and providing for the administration of Community tariff quotas bound under GATT for certain fruit and vegetables and processed fruit and vegetable products from 1996(**j**)

Commission Regulation (EC) No. 2390/98 laying down detailed rules for the application of Council Regulation (EC) No. 1706/98 as regards the arrangements for importing certain cereal substitute products and processed cereal and rice products originating in the African, Caribbean and Pacific States or in the overseas countries and territories and repealing Regulation (EEC) No. 2245/90(**k**)

(**a**) OJ No. L 211, 31.7.1981, p. 28.
(**b**) OJ No. L 345, 1.12.1981, p. 50.
(**c**) OJ No. L 337, 27.11.1987, p. 57, as last amended by Commission Regulation (EEC) No. 1613/92 (OJ No. L 170, 25.6.1992, p. 14).
(**d**) OJ No. L 307, 24.10.1989, p. 22, as last amended by Commission Regulation (EC) No. 1913/2006 (OJ No. L 365, 21.12.2006, p. 52).
(**e**) OJ No. L 350, 31.12.1994, p. 52.
(**f**) OJ No. L 143, 27.6.1995, p. 7, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**g**) OJ No. L 147, 30.6.1995, p. 51.
(**h**) OJ No. L 291, 6.12.1995, p. 24
(**i**) OJ No. L 61, 12.3.1996, p. 2.
(**j**) OJ No. L 243, 24.9.1996, p. 35.
(**k**) OJ No. L 297, 6.11.1998, p. 7, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).

Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(**a**)

Commission Regulation (EC) No. 1825/2000 laying down detailed rules for the application of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products(**b**)

Commission Regulation (EC) No. 1488/2001 laying down rules for the application of Council Regulation (EC) No. 3448/93 as regards the placement of certain quantities of certain basic products listed in Annex I to the Treaty establishing the European Community under the inward processing arrangements without prior examination of the economic conditions(**c**)

Commission Regulation (EC) No. 2133/2001 opening and providing for the administration of certain Community tariff quotas and tariff ceilings in the cereals sector etc(**d**)

Commission Regulation (EC) No. 2298/2001 laying down detailed rules for the export of products supplied as food aid(**e**)

Commission Regulation (EC) No. 2535/2001 laying down detailed rules for applying Council Regulation (EC) No. 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas(**f**)

Commission Regulation (EC) No. 315/2002 on the survey of prices of fresh or chilled sheep carcasses on representative markets in the Community(**g**)

Commission Regulation (EC) No. 2004/2002 relating to the procedure for determining the meat and fat content of certain pigmeat products(**h**)

Commission Regulation (EC) No. 546/2003 on certain notifications regarding the application of Council Regulations (EEC) No. 2771/75, (EEC) No. 2777/75 and (EEC) No. 2783/75 in the eggs and poultrymeat sectors(**i**)

Commission Regulation (EC) No. 1082/2003 laying down detailed rules for the implementation of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals(**j**)

Commission Regulation (EC) No. 1342/2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice(**k**)

(**a**) OJ No. L 204, 11.8.2000, p. 1, as last amended by Commission Regulation (EU) No. 517/2013 (OJ No. L 158, 10.6.2013, p. 1).
(**b**) OJ No. L 216, 26.8.2000, p. 8, as last amended by Commission Regulation (EC) No. 275/2007 (OJ No. L 76, 16.3.2007, p. 12).
(**c**) OJ No. L 196, 20.7.2001, p. 9, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**d**) OJ No. L 287, 31.10.2001, p. 12, as last amended by Commission Regulation (EC) No. 1381/2007 (OJ No. L 309, 27.11.2007, p. 24).
(**e**) OJ No. L 308, 27.11.2001, p, 16, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**f**) OJ No. L 341, 22.12.2001, p. 29, as last amended by Commission Implementing Regulation (EU) No. 415/2014 (OJ No. L 121, 23.4.2014, p. 49).
(**g**) OJ No. L 50, 21.2.2002, p. 47.
(**h**) OJ No. L 308, 09.11.2002, p. 22.
(**i**) OJ No. L 81, 28.3.2003, p. 12, as last amended by Commission Regulation (EU) No. 41/2010 (OJ No. L 12, 19.1.2010, p. 1).
(**j**) OJ No. L 156, 25.6.2003, p. 9, as last amended by Commission Regulation (EU) No. 1034/2010 (OJ No. L 298, 16.11.2010, p. 7).
(**k**) OJ No. L 189, 29.7.2003, p. 12, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).

Commission Regulation (EC) No. 2305/2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries(**a**)

Commission Regulation (EC) No. 2336/2003 introducing certain detailed rules for applying Council Regulation (EC) No. 670/2003 laying down specific measures concerning the market in ethyl alcohol of agricultural origin(**b**)

Commission Regulation (EC) No. 595/2004 laying down detailed rules for applying Council Regulation (EC) No. 1788/2003 establishing a levy in the milk and milk products sector(**c**)

Commission Regulation (EC) No. 917/2004 on detailed rules to implement Council Regulation (EC) No. 797/2004 on measures improving general conditions for the production and marketing of apiculture products(**d**)

Commission Regulation (EC) No. 1345/2005 laying down detailed rules for the application of the system of import licences for olive oil(**e**)

Commission Regulation (EC) No. 1993/2005 on the adjustment of the export refunds on malt under Article 15(4) of Council Regulation (EC) No. 1784/2003(**f**)

Commission Regulation (EC) No. 937/2006 opening and providing for the administration of a Community tariff quota of corn gluten originating in the United States of America(**g**)

Commission Regulation (EC) No. 952/2006 laying down detailed rules for the application of Council Regulation (EC) No. 318/2006 as regards the management of the Community market in sugar and the quota system(**h**)

Commission Regulation (EC) No. 967/2006 laying down detailed rules for the application of Council Regulation (EC) No. 318/2006 as regards sugar production in excess of the quota(**i**)

Commission Regulation (EC) No. 969/2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries(**j**)

Commission Regulation (EC) No. 972/2006 laying down special rules for imports of Basmati rice and a transitional control system for determining their origin(**k**)

(**a**) OJ No. L 342, 30.12.2003, p. 7, as last amended by Commission Implementing Regulation (EU) No. 1253/2011 (OJ No. L 319, 2.12.2011, p. 47).
(**b**) OJ No. L 346, 31.12.2003, p. 10, as last amended by Commission Regulation (EU) No. 74/210 (OJ No. L 23, 27.1.2010, p. 28).
(**c**) OJ No. L 94, 31.3.2004, p. 22, as last amended by Commission Implementing Regulation (EU) No. 760/2012 (OJ No. L 226, 22.8.2012, p. 1).
(**d**) OJ No. L 163, 30.4.2004, p. 83, as last amended by Commission Implementing Regulation (EU) No. 768/2013 (OJ No. L 214, 09.8.2013, p. 7).
(**e**) OJ No. L 212, 17.8.2005, p. 13, as last amended by Commission Implementing Regulation (EU) No. 1333/2013 (OJ No. L 335, 14.12.2013, p. 8).
(**f**) OJ No. L 320, 8.12.2005, p. 26.
(**g**) OJ No. L 172, 24.6.2006, p. 9.
(**h**) OJ No. L 178, 1.7.2006, p. 39, as last amended by Commission Implementing Regulation (EU) No. 994/2013 (OJ No. L 276, 17.10.2013, p. 1).
(**i**) OJ No. L 176, 30.6.2005, p. 22, as last amended by Commission Implementing Regulation (EU) No. 994/2013 (OJ No. L 276, 17.10.2013, p. 1).
(**j**) OJ No. L 176, 30.6.2006, p. 44, as last amended by Commission Implementing Regulation (EU) No. 1253/2011 (OJ No. L 319, 2.12.2011, p. 47).
(**k**) OJ No. L 176, 30.6.2006, p. 53, as last amended by Commission Implementing Regulation (EU) No. 706/2014 (OJ No. L 186, 26.6.2014, p. 54).

Commission Regulation (EC) No. 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences(**a**)

Commission Regulation (EC) No. 1505/2006 implementing Council Regulation (EC) No. 21/2004 as regards the minimum level of checks to be carried out in relation to the identification and registration of ovine and caprine animals(**b**)

Commission Regulation (EC) No. 1557/2006 laying down detailed rules for implementing Council Regulation (EC) No. 1952/2005 as regards registration of contracts and the communicaiton of data concerning hops(**c**)

Commission Regulation (EC) No. 1643/2006 laying down detailed rules for the application of granting of assistance for the export of beef and veal products which may benefit from a special import treatment in a third country(**d**)

Commission Regulation (EC) No. 1670/2006 laying down certain detailed rules for the application of Council Regulation (EC) No. 1784/2003 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks(**e**)

Commission Regulation (EC) No. 1731/2006 on special detailed rules for the application of export refunds in the case of certain preserved beef and veal products(**f**)

Commission Regulation (EC) No. 1741/2006 laying down the conditions for granting the special export refund on boned meat of adult male bovine animals placed under the customs warehousing procedure prior to export(**g**)

Commission Regulation (EC) No. 1850/2006 laying down detailed rules for the certification of hops and hop products(**h**)

Commission Regulation (EC) No. 1918/2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia(**i**)

Commission Regulation (EC) No. 1964/2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No. 3491/90(**j**)

Commission Regulation (EC) No. 1979/2006 opening and providing for the administration of tariff quotas for preserved mushrooms imported from third countries(**k**)

(**a**) OJ No. L 238, 1.9.2006, p. 13, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**b**) OJ No. L 280, 12.10.2006, p. 3, as amended by Commission Regulation (EU) No. 1033/2010 (OJ No. L 298, 16.11.2010, p. 5).
(**c**) OJ No. L 288, 19.10.2006, p. 18, as amended by Commission Regulation (EU) No. 173/2011 (OJ No. L 49, 24.2.2011, p. 16).
(**d**) OJ No. L 308, 8.11.2006, p. 7.
(**e**) OJ No. L 312, 11.11.2006, p. 33, as amended by Commission Regulation (EU) No. 1913/2006 (OJ No. L 365, 21.12.2006, p. 52).
(**f**) OJ No. L 325, 24.11.2006, p. 12, as last amended by Commission Implementing Regulation (EU) No. 565/2013 (OJ No. L 167, 19.6.2013, p. 26).
(**g**) OJ No. L 329, 25.11.2006, p. 7, as last amended by Commission Regulation (EU) No. 173/2011 (OJ No. L 49, 24.2.2011, p. 16).
(**h**) OJ No. L 355, 15.12.2006, p. 72, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**i**) OJ No. L 365, 21.12.2006, p. 84, as amended by Commission Regulation (EU) No. 514/2008 (OJ No. L 150, 10.6.2008, p. 7).
(**j**) OJ No. L 408, 30.12.2006, p. 18, as amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**k**) OJ No. L 368, 23.12.2006, p. 91, as last amended by Commission Implementing Regulation (EU) No. 637/2014 (OJ No. L 175, 14.6.2014, p. 20).

Commission Regulation (EC) No. 88/2007 laying down special detailed rules for the application of the system of export refunds on cereals exported in the form of pasta products falling within CN codes 19021100 and 190219(**a**)

Commission Regulation (EC) No. 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries(**b**)

Commission Regulation (EC) No. 433/2007 laying down the conditions for granting special export refunds for beef and veal(**c**)

Commission Regulation (EC) No. 445/2007 laying down certain detailed rules for the application of Council Regulation (EC) No. 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products(**d**)

Commission Regulation (EC) No. 504/2007 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector(**e**)

Commission Regulation (EC) No. 533/2007 opening and providing for the administration of tariff quotas in the poultrymeat sector(**f**)

Commission Regulation (EC) No. 536/2007 opening and providing for the administration of a tariff quota for poultrymeat allocated to the United States of America(**g**)

Commission Regulation (EC) No. 539/2007 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin(**h**)

Commission Regulation (EC) No. 616/2007 opening and providing for the administration of Community tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries(**i**)

Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products(**j**)

Commission Regulation (EC) No. 1299/2007 on the recognition of producer groups for hops(**k**)

Commission Regulation (EC) No. 1359/2007 laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals(**l**)

Commission Regulation (EC) No. 1375/2007 on imports of residues from the manufacture of starch from maize from the United States of America(**m**)

(**a**) OJ No. L 21, 30.1.2007, p. 16, as amended by Commission Regulation No. 2861/2010 (OJ No. L 87, 7.4.2010, p. 21).
(**b**) OJ No. L 90, 30.3.2007, p. 12, as last amended by Commission Implementing Regulation No. 628/2014 (OJ No. L 174, 10.6.2008, p. 31).
(**c**) OJ No. L 104, 21.10.2007, p. 3.
(**d**) OJ No. L 106, 24.4.2007, p. 24.
(**e**) OJ No. L 119, 09.5.2007, p. 7, as last amended by Commission Regulation (EU) No. 248/2010 (OJ No. L 79, 25.3.2010, p. 1).
(**f**) OJ No. L 125, 15.5.2007, p. 9, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**g**) OJ No. L 128, 16.5.2007, p. 6, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**h**) OJ No. L 128, 16.5.2007, p. 19, asamended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**i**) OJ No. L 142, 5.6.2007, p. 3, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**j**) OJ No. L 299, 16.11.2007, p. 1, as last amended by Council Regulation (EU) No. 517/2013 (OJ No. L 158, 10.6.2013, p. 1).
(**k**) OJ No. L 289, 7.11.2007, p. 4, as last amended by Commission Regulation (EU) No. 557/2010 (OJ No. L 159, 25.6.2010, p. 13).
(**l**) OJ No. L 304, 22.11.2007, p. 21, as amended by Commission Regulation (EU) No. 173/2011 (OJ No. L 49, 24.2.2011, p. 16).
(**m**) OJ No. L 307, 24.11.2007, p. 5.

Commission Regulation (EC) No. 1384/2007 laying down detailed rules for the application of Council Regulation (EC) No. 2398/96 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Israel(**a**)

Commission Regulation (EC) No. 1385/2007 laying down detailed rules for the application of Council Regulation (EC) No. 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat(**b**)

Commission Regulation (EC) No. 1454/2007 laying down common rules for establishing a tender procedure for fixing export refunds for certain agricultural products(**c**)

Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries(**d**)

Commission Regulation (EC) No. 133/2008 on imports of pure-bred breeding animals of the bovine species from the third countries and the granting of export refunds thereon(**e**)

Commission Regulation (EC) No. 273/2008 laying down detailed rules for the application of Council Regulation (EC) No. 1255/1999 as regards methods for the analysis and quality evaluation of milk and milk products(**f**)

Commission Regulation (EC) No. 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products(**g**)

Commission Regulation (EC) No. 382/2008 on rules of application for import and export licences in the beef and veal sector(**h**)

Commission Regulation (EC) No. 412/2008 opening and providing for the administration of an import tariff quota for frozen beef intended for processing(**i**)

Commission Regulation (EC) No. 431/2008 opening and providing for the administration of an import tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 02062991(**j**)

Commission Regulation (EC) No. 507/2008 laying down detailed rules for the application of Council Regulation (EC) No. 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre(**k**)

Commission Regulation (EC) No. 508/2008 on the definition, applicable to the granting of export refunds, of hulled grains and pearled grains of cereals(**l**)

(**a**) OJ No. L 309, 27.11.2007, p. 40, as amended by Commission Regulation (EC) No. 1153/2009 (OJ No. L 313, 28.11.2009, p. 50).
(**b**) OJ No. L 309, 27.11.2007, p. 47, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**c**) OJ No. L 325, 11.12.2007, p. 69, as amended by Commission Implementing Regulation (EU) No. 1333/2013 (OJ No. L 335, 14.12.2013, p. 8).
(**d**) OJ No. L 003, 5.1.2008, p. 1, as last amended by Council Regulation (EC) No. 153/2009 (OJ No. L 51, 24.2.2009, p. 1).
(**e**) OJ No. L 41, 15.2.2008, p. 11.
(**f**) OJ No. L 88, 29.3.2008, p. 1, as amended by Commission Implementing Regulation (EU) No. 565/2013 (OJ No. L 167, 19.6.2013, p. 26).
(**g**) OJ No. L 114, 26.4.2008, p. 3, as last amended by Commission Delegated Regulation (EU) No. 907/2014 (OJ No. L 255, 28.8.2014, p. 18).
(**h**) OJ No. L 115, 29.4.2008, p. 10, as last amended by Commission Implementing Regulation (EU) No, 1212/2012 (OJ No. L 348, 18.12.2012, p. 7).
(**i**) OJ No. L 125, 9.5.2008, p. 7, as last amended by Commission Implementing Regulation (EU) No. 1059/2012 (OJ No. L 313, 13.11.2012, p. 16).
(**j**) OJ No. L 130, 20.5.2008, p. 3.
(**k**) OJ No, L 149, 7.6.2008, p. 38.
(**l**) OJ No. L 149, 7.6.2008, p. 55.

Commission Regulation (EC) No. 543/2008 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing standards for poultrymeat(**a**)

Commission Regulation (EC) No. 566/2008 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less(**b**)

Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs(**c**)

Commission Regulation (EC) No. 617/2008 laying down detailed rules for implementing Regulation (EC) No. 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks(**d**)

Commission Regulation (EC) No. 657/2008 laying down detailed rules for applying Council Regulation (EC) No. 1234/2007 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments(**e**)

Commission Regulation (EC) No. 748/2008 on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 02062991(**f**)

Commission Regulation (EC) No. 826/2008 laying down common rules for the granting of private storage aid for certain agricultural products(**g**)

Commission Regulation (EC) No. 903/2008 on special conditions for granting export refunds on certain pigmeat products(**h**)

Commission Regulation (EC) No. 951/2008 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty(**i**)

Commission Regulation (EC) No. 1041/2008 laying down certain detailed rules for granting of assistance for the export of beef and veal which may benefit from a special import treatment in Canada(**j**)

Commission Regulation (EC) No. 1067/2008 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007(**k**)

Commission Regulation (EC) No. 1249/2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcases and the reporting of prices thereof(**l**)

(**a**) OJ No. L 157, 17.6.2008, p. 46, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**b**) OJ No. L 160, 19.6.2008, p. 22, as amended by Commission Implementing Regulation (EU) No. 565/2013 (OJ No. L 167, 19.6.2013, p. 26).
(**c**) OJ No. L 163, 24.6.2008, p. 6, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**d**) OJ No. L 168, 28.6.2008, p. 5, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**e**) OJ No. L 183, 11.7.2008, p. 17, as last amended by Commission Implementing Regulation (EU) No. 756/2013 (OJ No. L 211, 7.8.2013, p. 1).
(**f**) OJ No. L 202, 31.7.2008, p. 28, as last amended by Commission Implementing Regulation (EU) No. 1212/2012 (OJ No. L 348, 18.12.2012, p. 7).
(**g**) OJ No. L 223, 21.8.2008, p. 8, as last amended by Commission Delegated Regulation (EU) No. 501/2014 (OJ No. L 145, 16.5.2014, p. 14).
(**h**) OJ No. L 249, 18.9.2008, p. 3.
(**i**) OJ No. L 258, 26.9.2008, p. 66.
(**j**) OJ No. L 281, 24.10.2008, p. 3.
(**k**) OJ No. L 290, 31.10.2008, p. 3, as amended by Commission Implementing Regulation (EU) No. 1253/2011 (OJ No. L 319, 2.12.2011, p. 47).
(**l**) OJ No. L 337, 16.12.2008, p. 3, as last amended by Commission Implementing Regulation (EU) No. 148/2014 (OJ No. L 46, 18.2.2014, p. 1).

Commission Regulation (EC) No. 1276/2008 on the monitoring by physical checks of exports of agricultural products receiving refunds or other amounts(**a**)

Commission Regulation (EC) No. 1295/2008 on the importation of hops from third countries(**b**)

Commission Regulation (EC) No. 1312/2008 fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing(**c**)

Commission Regulation (EC) No. 147/2009 of 20 February 2009 on defining the destination zones for exports refunds, export levies and certain export licences for cereals and rice(**d**)

Commission Regulation (EC) No. 296/2009 on detailed rules for administrative assistance with the exportation of certain cheeses subject to quota restrictions that qualifies for special treatment on importation into the United States of America(**e**)

Commission Regulation (EC) No. 388/2009 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the import and export system for products processed from cereals and rice(**f**)

Commission Regulation (EC) No. 437/2009 opening and providing for the administration of a Community import tariff quota for young male bovine animals for fattening(**g**)

Commission Regulation (EC) No. 438/2009 opening and providing for the administration of Community tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds(**h**)

Commission Regulation (EC) No. 442/2009 opening and providing for the administration of Community tariff quotas in the pigmeat sector(**i**)

Commission Regulation (EC) No. 610/2009 laying down detailed rules for the application of the tariff quota for beef and veal originating in Chile(**j**)

Commission Regulation (EC) No. 612/2009 on laying down common detailed rules for the application of the system of export refunds on agricultural products(**k**)

Commission Regulation (EC) No. 828/2009 laying down detailed rules of application for the marketing years 2009/2010 to 2014/2015 for the import and refining of sugar products of tariff heading 1701 under preferential agreements(**l**)

Commission Regulation (EC) No. 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector(**m**)

(**a**) OJ No. L 339, 18.12.2008, p. 53, as last amended by Commission Implementing Regulation (EU) No. 996/2011 (OJ No. L 264, 8.10.2011, p. 25).
(**b**) OJ No. L 340, 19.12.2008, p. 45, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.06.2013, p. 74).
(**c**) OJ No. L 344, 20.12.2008, p.56.
(**d**) OJ No. L 50, 21.2.2009, p. 5, as amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**e**) OJ No. L 95, 09.4.2009, p. 9.
(**f**) OJ No. L 118, 13.5.2009, p. 72.
(**g**) OJ No. L 128, 27.5.2009, p. 54, as amended by Commission Regulation (EU) No. 291/2010 (OJ No. L 88, 08.4.2010, p. 9).
(**h**) OJ No. L 128, 27.5.2009, p. 57, as amended by Commission Regulation (EU) No. 291/2010 (OJ No. L 88, 08.4.2010, p. 9).
(**i**) OJ No. L 129, 28.5.2009, p. 13, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**j**) OJ No. L 180, 11.7.2009, p. 5, as amended by Commission Implementing Regulation (EU) No. 1212/2012 (OJ No. L 348, 18.12.2012, p. 7).
(**k**) OJ No. L 186, 17.7.2009, p. 1, as last amended by Commission Delegated Regulation (EU) No. 907/2014 (OJ No. L 255, 28.8.2014, p. 18).
(**l**) OJ No. L 240, 11.9.2009, p. 14, as last amended by Commission Implementing Regulation (EU) No. 1048/2013 (OJ No. L 285, 29.10.2013, p. 2).
(**m**) OJ No. L 254, 26.9.2009, p. 82, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).

Commission Regulation (EC) No. 933/2009 laying down detailed rules for the application of Council Regulation (EC) No 779/98 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Turkey(**a**)

Commission Regulation (EC) No. 1064/2009 opening and providing for the administration of a Community import tariff quota for malting barley from third countries(**b**)

Commission Regulation (EC) No. 1130/2009 laying down common detailed rules for verifying the use and/or destination of products from intervention(**c**)

Commission Regulation (EC) No. 1187/2009 laying down special detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards export licences and export refunds for milk and milk products(**d**)

Commission Regulation (EU) No. 1272/2009 laying down common detailed rules for the implementation of Council Regulation (EC) No. 1234/2007 as regards buying-in and selling of agricultural products under public intervention(**e**)

Commission Regulation (EU) No. 234/2010 laying down certain detailed rules for the application of Council Regulation (EC) No. 1234/2007 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals(**f**)

Commission Regulation (EU) No. 479/2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States' notifications to the Commission in the milk and milk products sector(**g**)

Commission Regulation (EU) No. 578/2010 on the implementation of Council Regulation (EC) No. 1216/2009 as regards the system of granting export refunds for certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds(**h**)

Commission Regulation (EU) No. 642/2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No. 1234/2007(**i**)

Commission Regulation (EU) No. 817/2010 laying down detailed rules pursuant to Council Regulation (EC) No. 1234/2007 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport(**j**)

Commission Regulation (EU) No. 1085/2010 opening and providing for the administration of certain annual tariff quotas for importing sweet potatoes, manioc, manioc starch and other products falling within CN codes 0714 90 11 and 0714 90 19 and amending Regulation (EU) No. 1000/2010(**k**)

(**a**) OJ No. L 263, 7.10.2009, p. 9.
(**b**) OJ No. L 291, 7.10.2009, p. 14, as amended by Commission Regulation (EU) No. 291/2010 (OJ No. L 88, 8.4.2010, p. 9).
(**c**) OJ No. L 310, 25.11.2009, p. 5, as amended by Commission Implementing Regulation (EU) No. 1333/2013 (OJ No. L 335, 14.12.2013, p. 8).
(**d**) OJ No. L 318, 4.12.2009, p. 1, as last amended by Commission Implementing Regulation (EU) No. 1990/2013 (OJ No. L 275, 16.10.2013, p. 3).
(**e**) OJ No. L 349, 29.12.2009, p. 1, as last amended by Commission Regulation (EU) No. 340/2014 (OJ No. L 99, 2.4.2014, p. 10).
(**f**) OJ No. L 72, 20.3.2010, p. 3, as amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**g**) OJ No. L 135, 2.6.2010, p. 26, as amended by Commission Implementing Regulation (EU) No. 1333/2013 (OJ No. L 335, 14.12.2013, p. 8).
(**h**) OJ No. L 171, 6.7.2010, p. 1, as last amended by Commission Implementing Regulation (EU) No. 599/2013 (OJ No. L 172, 25.6.2013, p. 11).
(**i**) OJ No. L 187, 21.7.2010, p. 5, as last amended by Commission Regulation (EU) No. 265/2014 (OJ No. L 76, 15.3.2014, p. 26).
(**j**) OJ No. L 245, 17.9.2010, p. 16, as last amended by Commission Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**k**) OJ No. L 310, 28.11.2010, p. 3.

Commission Regulation (EU) No. 1178/2010 laying down detailed rules for implementing the system of export licences in the egg sector(**a**)

Commission Regulation (EU) No. 1255/2010 laying down detailed rules for the application of the import tariff quotas for 'baby beef' products originating in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia(**b**)

Commission Regulation (EU) No. 90/2011 of 3 February 211 laying down detailed rules for implementing the system of export licences in the poultrymeat sector(**c**)

Commission Implementing Regulation (EU) No. 543/2011 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors(**d**)

Commission Implementing Regulation (EU) No. 789/2011 opening the procedure for the allocation of export licences for cheese to be exported to the United States of America in 2012 under certain GATT quotas(**e**)

Commission Implementing Regulation (EU) No. 1273/2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice(**f**)

Commission Implementing Regulation (EU) No. 1288/2011 on the notification of wholesale prices for bananas within the common organisation of agricultural markets(**g**)

Commission Implementing Regulation (EU) No. 1333/2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector(**h**)

Commission Implementing Regulation (EU) No. 1354/2011 opening annual Union tariff quotas for sheep, goats, sheepmeat and goatmeat(**i**)

Commission Implementing Regulation (EU) No. 480/2012 opening and providing for the management of a tariff quota for broken rice of CN code 10064000 for production of food preparations of CN code 19011000(**j**)

Commission Implementing Regulation (EU) No. 481/2012 laying down rules for the management of a tariff quota for high-quality beef(**k**)

Commission Implementing Regulation (EU) No. 511/2012 on notifications concerning producer and interbranch organisations and contractual negotiations and relations provided for in Council Regulation (EC) No. 1234/2007 in the milk and milk products sector(**l**)

(**a**) OJ No. L 328, 14.12.2010, p. 1, as amended by Commission Implementing Regulation (EU) No. 1379/2011 (OJ No. L 343, 23.12.2011, p. 20).
(**b**) OJ No. L 342, 28.12.2010, p. 1, as last amended by Commission Implementing Regulation (EU) No. 666/2012 (OJ No. L 194, 21.7.2012, p. 3).
(**c**) OJ No. L 30, 4.02.2011, p. 1, as amended by Commission Implementing Regulation (EU) No. 1379/2011 (OJ No. L 343, 23.12.2011, p. 20).
(**d**) OJ No. L 157, 15.6.2011, p. 1, as last amended by Commission Delegated Regulation (EU) No. 499/2014 (OJ No. L 145, 16.5.2014, p. 5).
(**e**) OJ No. L 203, 6.8.2011, p. 26.
(**f**) OJ No. L 325, 8.12.2011, p. 6, as amended by Commission Implementing Regulation (EU) No. 519/2013 (OJ No. L 158, 10.6.2013, p. 74).
(**g**) OJ No. L 328, 10.12.2011, p. 41.
(**h**) OJ No. L 336, 20.12.2011, p. 23, as amended by Commission Implementing Regulation (EU) No. 565/2013 (OJ No. L 167, 19.6.2013, p. 26).
(**i**) OJ No. L 338, 21.12.2011, p. 36.
(**j**) OJ No. L 148, 8.6.2012, p. 1.
(**k**) OJ No. L 148, 8.6.2012, p. 9, as amended by Commission Implementing Regulation (EU) No. 238/2013 (OJ No. L 74, 16.3.2013, p. 24).
(**l**) OJ No. L 156, 16.6.2014, p. 39.

Commission Delegated Regulation (EU) No. 880/2012 supplementing Council Regulation (EC) No. 1234/2007 as regards transnational cooperation and contractual negotiations of producer organisations in the milk and milk products sector(**a**)

Commission Implementing Regulation (EU) No. 1223/2012 laying down detailed rules for the application of an import tariff quota for live bovine animals of a weight exceeding 160 kg and originating in Switzerland provided for in the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (**b**)

Commission Implementing Regulation (EU) No. 82/2013 laying down detailed rules for the application of an import tariff quota of dried boneless beef originating in Switzerland(**c**)

Commission Implementing Regulation (EU) No. 456/2013 laying down transitional measures as regards milk import quotas under Regulation (EC) No. 2535/2001, and beef import quotas under Regulations (EC) No. 412/2008 and (EC) No. 431/2008, by reason of the accession of Croatia to the European Union(**d**)

Commission Implementing Regulation (EU) No. 457/2013 derogating from Regulations (EC) No. 412/2008 and (EC) No. 431/2008 as regards beef import quotas for the period running from 1 July 2013 to 30 June 2014(**e**)

Commission Implementing Regulation (EU) No. 593/2013 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat(**f**)

Commission Implementing Regulation (EU) No. 807/2013 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the survey of prices of certain bovine animals on representative Union markets(**g**)

Regulation (EU) No. 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products(**h**)

Council Regulation (EU) No. 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products(**i**)

Commission Implementing Regulation (EU) No. 1373/2013 laying down detailed rules for implementing the system of export licences in the pigmeat sector(**j**)

Commission Implementing Regulation (EU) No. 266/2014 on the division between deliveries and direct sales of national milk quotas fixed for 2013/2014 in Annex IX to Council Regulation (EC) No. 1234/2007(**k**)

Commission Implementing Regulation (EU) No. 411/2014 opening and providing for the administration of a Union import tariff quota for fresh and frozen beef and veal originating in Ukraine(**l**)

Commission Implementing Regulation (EU) No. 412/2014 opening and providing for the administration of Union import tariff quotas for eggs, egg products and albumins originating in Ukraine(**m**)

(**a**) OJ No. L 263, 28.9.2012, p. 8.
(**b**) OJ No. L 349, 19.12.2012, p. 39.
(**c**) OJ No. L 28, 30.1.2013, p. 3.
(**d**) OJ No. L 133, 17.5.2013, p. 13.
(**e**) OJ No. L 133, 17.5.2013, p. 15.
(**f**) OJ No. L 170, 22.6.2013, p. 32.
(**g**) OJ No. L 228, 27.8.2013, p. 5.
(**h**) OJ No. L 347, 20.12.2013, p. 671.
(**i**) OJ No. L 346, 20.12.2013, p. 12.
(**j**) OJ No. L 346, 20.12.2013, p. 29.
(**k**) OJ No. L 76, 15.3.2014, p. 31.
(**l**) OJ No. L 121, 24.4.2014, p. 27.
(**m**) OJ No. L 121, 24.4.2014, p. 32.

Commission Implementing Regulation (EU) No. 413/2014 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine(**a**)

Commission Implementing Regulation (EU) No. 414/2014 opening and providing for the administration of Union import tariff quotas for fresh and frozen pigmeat originating in Ukraine(**b**)

Commission Implementing Regulation (EU) No. 416/2014 opening and providing for the administration of import tariff quotas for certain cereals originating in Ukraine(**c**)

Regulation (EU) No. 510/2014 of the European Parliament and of the Council laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products etc(**d**)

Commission Implementing Regulation (EU) No. 776/2014 fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2014/2015 marketing year(**e**)

Commission Implementing Regulation (EU) No. 1033/2014 fixing the representative prices and additional import duties applicable to molasses in the sugar sector from 1 October 2014(**f**)

SCHEDULE 2

Regulation 18(1)

Standards for Good Agricultural and Environmental Condition

Interpretation

1. In this Schedule—

"beneficiary" means a beneficiary to whom Article 91 of the Horizontal Regulation applies;

"earth bank" means a mound, without a hedgerow, which is distinct from the surrounding land form, is or was once used as a boundary and has—

(a) a continuous length of at least 10 metres;

(b) a continuous length of less than 10 metres which meets (whether by intersection or junction) another boundary at each end; or

(c) a continuous length of less than 10 metres which forms an enclosure;

"hedgerow" means, except as otherwise provided in paragraph 5(1)(b), a hedgerow to which the Hedgerows Regulations 1997(**g**) apply;

"holding" has the meaning given by Article 91(3)(a) of the Horizontal Regulation;

"land" means land on a holding;

"weed" means any of the following—

(a) broad-leaved dock (*Rumex obtusifolius*);

(b) creeping or field thistle (*Cirsium arvense*);

(c) curled dock (*Rumex crispus*);

(d) giant hogweed (*Heracleum mantegazzianum*);

(e) Himalayan balsam (*Impatiens glandulifera*);

(f) Japanese knotweed (*Reynoutria japonica*);

(**a**) OJ No. L 121, 24.4.2014, p. 37.
(**b**) OJ No. L 121, 24.4.2014, p. 44.
(**c**) OJ No. L 121, 24.4.2014, p. 53.
(**d**) OJ No. L 150, 20.5.2014, p. 1.
(**e**) OJ No. L 210, 17.7.2014, p. 11.
(**f**) OJ No. L 284, 30.9.2014, p. 42.
(**g**) S.I. 1997/1160, amended by S.I. 2003/2155.

(g) ragwort (*Senecio jacobaea*);

(h) rhododendron (*Rhododendron ponticum*);

(i) spear thistle (*Cirsium vulgare*).

Specified provisions

2. Breach of any of the following provisions constitutes a non-compliance.

Provision	*Subject*
The Forestry Act 1967(a)	
section 9	Felling trees
section 24	Failure to comply with a notice
The Ancient Monuments and Archaeological Areas Act 1979(b)	
section 2	Carrying out works on a scheduled monument
The Highways Act 1980(c)—	
section 131A	Disturbance of surface of a footpath or other specified highway[(1)]
section 134(3)	Failing to restore a footpath or bridleway after ploughing, etc[(1)]
section 137	Obstructing a footpath or other specified highway[(1)]
section 146	Maintenance of stiles etc
The Wildlife and Countryside Act 1981(d)	
section 28E(1)	Carrying out specified operation on a site of special scientific interest
section 28P(6A)	Destroying or damaging flora, fauna or features, or disturbing fauna, on a site of a special scientific interest
section 28P(8)	Failure to comply with a management notice
section 31(5)	Failure to comply with a

(**a**) 1967 c. 10. Section 9 was amended by Schedules 1 and 2 to the Forestry Act 1979 (c. 21), paragraph 13 of Schedule 16 to the Electricity Act 1989 (c. 29), paragraph 14(1) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), regulation 2 of S.I. 1985/1958 and paragraph 2 of Schedule 4 to the Countryside and Rights of Way Act 2000 (c. 37). The provisions of section 24 were extended to restocking notices by section 1 of the Forestry Act 1986 (c. 30), which inserted sections 17A to 17C into the Forestry Act 1967 (c. 10). Section 24 was amended by article 5(2) and (3) of S.I. 2006/780.

(**b**) 1979 c. 46. Section 2(1) was amended by paragraphs 16 and 17 of Schedule 2 to the Planning Act 2008 (c. 29). Section 2(5) was amended by section 33(3) and paragraph 27 of Schedule 4 to the National Heritage Act 1983 (c.47).

(**c**) 1980 c. 66. Section 131A was inserted by section 1(2) of the Rights of Way Act 1990 (c.24). Section 134 was substituted by section 1(3) of the Rights of Way Act 1990. Section 137 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), and sections 26(1) and 119 of, and Part 1 of Schedule 7 to, the Police and Criminal Evidence Act 1984 (c. 60). Section 146 was amended by paragraph 25 of Schedule 4 to the Local Government Act 1985 (c.51), regulation 2 and Part 1 of the Schedule to S.I. 2006/1177. Section 146(5)(aa) was inserted by section 69(4) of the Countryside and Rights of Way Act 2000.

(**d**) 1981 c. 69. Sections 28E(1), 28P and 31 were substituted by section 75(1) of and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000. Section 28E(1) was amended by paragraph 79 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c.16). Section 28P(6A) was inserted by section 55(1) and (3) of the Natural Environment and Rural Communities Act 2006. Section 31(5) was amended by sections 37 and 46 of the Criminal Justice Act 1982.

Provision	*Subject*
	restoration order
The Town and Country Planning Act 1990(a)	
section 210(1)	Failure to comply with a tree preservation order
section 211	Act which might be prohibited by tree preservation regulations
The Water Resources Act 1991(b)	
section 24(1), so far as it relates to irrigation purposes	Abstracting water without, or in breach of, a licence
The Crop Residues (Burning) Regulations 1993(c)	
regulation 4(b)	Crop burning
regulation 4(c)	Crop burning[(3)]
regulation 5	Crop burning
The Hedgerows Regulations 1997	
regulation 5	Removing a hedgerow
The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999(d)	
regulation 4(1)	Carrying out a relevant project
regulation 22	Failure to comply with an enforcement notice
The Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations 2006(e)	
regulation 4, so far as it relates to an uncultivated land project	Carrying out an uncultivated land project, etc
regulation 9, so far as it relates to an uncultivated land project	Carrying out a significant project
regulation 26	Breach of a stop notice
regulation 28	Failure to comply with a remediation notice
The Heather and Grass etc Burning (England) Regulations 2007(f)	
regulation 5(2)	Burning specified vegetation
regulation 6(1)(a)	Burning specified vegetation
The Nitrate Pollution Prevention Regulations 2008(g)[(2)]	
regulation 20	Spreading manufactured fertiliser near surface water
regulation 21	Spreading organic manure near surface water, boreholes, springs or wells

(**a**) 1990 c. 8. Section 210 was amended by paragraphs 7, 13(1), 13(2)(a),(b) and (c) and 4 of Schedule 8 to the Planning Act 2008. Section 211 was amended by paragraphs 14(a) and (b) of Schedule 8 and paragraph 36(2) and (3) of Schedule 2 to the Planning Act 2008, and section 86 of the Planning and Compulsory Purchase Act 2004 (c. 5).
(**b**) 1991 c. 57. Section 24(1) was amended by S.I. 1996/593 and 2013/755.
(**c**) S.I. 1993/1366. Section 24(1) was amended by paragraph 8 of Schedule 2 to S.I. 1996/593.
(**d**) S.I. 1999/2228, amended by S.I. 2006/3106.
(**e**) S.I. 2006/2522.
(**f**) S.I. 2007/2003.
(**g**) S.I. 2008/2349. Regulation 20 was substituted by S.I. 2009/3160. Regulation 21 was amended by S.I. 2013/1001.

Provision	*Subject*
The Environmental Permitting (England and Wales) Regulations 2010(a)	
regulation 12(1)(b), so far as it relates to groundwater activity	Causing or knowingly permitting a groundwater activity except under and to the extent authorised by an environmental permit
regulation 35(2)(p) and Schedule 22	Failure to comply with requirements relating to groundwater activities

(1) This is restricted to visible footpaths and other highways to which this section applies.

(2) This must be complied with by all beneficiaries whether or not the holding is in a nitrate vulnerable zone in accordance with those Regulations.

(3) The exception in regulation 4(c) to the prohibition on burning crop residue of a kind specified in Schedule 1 to those Regulations applies only if the burning of straw stack remains or broken bales does not result in the burning of arable stubble.

Soil protection

3.—(1) A beneficiary must take all reasonable steps to ensure that land is covered by crops, stubbles, residues or other vegetation to protect the soil unless—

(a) the beneficiary has an agronomic justification for not taking such steps, or

(b) taking such steps would conflict with the requirements of sub-paragraph (3).

(2) A beneficiary has an agronomic justification for not taking such steps if and for as long as—

(a) the absence or removal of such cover is—

(i) permitted under the terms of any commitment,

(ii) permitted under Chapter 3 of Title III of the Direct Payments Regulation,

(iii) permitted under Chapter 3 of the Direct Payments Delegated Regulation;

(iv) for the purpose of establishing habitat conditions beneficial for biodiversity or wildlife;

(v) for the purpose of removing turf for use otherwise than as a fuel;

(b) the land is being prepared as a seedbed for sowing the subsequent crop and is sown with a crop within 14 days of having been so prepared or, if that is not reasonably practicable due to weather conditions, as soon as reasonably practicable thereafter;

(c) the land is being managed for the control of pests, diseases or weeds;

(d) the land is being used for the installation and maintenance of field drains;

(e) the land is heathland to which restoration techniques are being applied;

(f) the land is not so covered due to the burning of "specified vegetation" within the meaning of regulation 2 of the Heather and Grass etc Burning (England) Regulations 2007, in accordance with regulation 5(2) or 6(1)(a) of those Regulations;

(g) the land is used for outdoor pig or poultry production or out-wintered livestock where it is not reasonably practicable to maintain such cover due to the actions of the animals;

(h) the action of frost on the land over the winter is being used to break down the soil naturally to create a seedbed for spring cropping;

(i) the land is peat land, to the extent that the soil is already bare provided that the beneficiary did not cause it to be in that condition; or

(**a**) S.I. 2010/675, amended by S.I. 2012/630; there are other amending instruments but none is relevant.

(j) the Secretary of State has, in order to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production, given the beneficiary written permission not to take such steps.

(3) A beneficiary must take all reasonable steps to prevent excessive soil erosion on the land.

(4) In sub-paragraph (3), "excessive soil erosion" means soil loss or degradation—

(a) over a single area, crossing permanent boundary features (if any), of at least 1 hectare, or

(b) caused by livestock trampling alongside a watercourse over a single stretch, crossing permanent boundary features (if any), which is at least 2 metres wide for a continuous length of 20 metres.

Protection of watercourses

4.—(1) A beneficiary must take all reasonable steps to maintain a green cover on, and must not cultivate, or apply fertilisers or pesticides to land—

(a) within 2 metres of the centre of a watercourse or field ditch; or

(b) from the edge of the watercourse or field ditch to 1 metre on the landward side of the top of the bank of the watercourse or field ditch.

(2) Sub-paragraph (1) does not apply—

(a) in relation to the use of pesticides, if the only application of pesticides is the spot-application of herbicides to control the spread of any weeds;

(b) to land forming part of a parcel of 2 hectares or less, as measured within permanent boundary features;

(c) to the extent that the Secretary of State has, in order to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production, given the beneficiary written permission to do so.

(3) A beneficiary may cultivate the land referred to in sub-paragraph (1) in order to establish a green cover if that land does not already have a green cover, and is—

(a) part of a field that has been created by the merger of two or more fields;

(b) land created by the division of a field; or

(c) land previously excluded from the provisions of cross-compliance.

(4) A beneficiary must produce and keep a map (which may be the map produced for the purposes of regulation 18 of the Nitrate Pollution Prevention Regulations 2008) showing—

(a) the holding,

(b) all surface waters on the holding and land within 10 metres of them,

(c) all boreholes, springs and wells on the holding or within 50 metres of the holding boundary and land within 50 metres of them,

and if circumstances change, the beneficiary must update the map within three months of the change.

Hedgerows and trees

5.—(1) A beneficiary must take all reasonable steps to maintain a green cover on, and must not cultivate, or apply fertilisers or pesticides to land—

(a) within 2 metres of the centre of a hedgerow; or

(b) on the side of any hedgerow, whether or not a hedgerow to which the Hedgerows Regulations 1997 apply, which is facing away from a dwelling where the hedgerow marks a boundary of the curtilage of the dwelling.

(2) Sub-paragraph (1) does not apply—

(a) to land on either side of a hedgerow mentioned in sub-paragraph (1)(a) or (b) that is less than 5 years old;

(b) in relation to the use of pesticides, if the only application of pesticides is the spot-application of herbicides to control the spread of any weeds;

(c) to cultivation for the purposes of casting up a traditional hedgebank between and including 1st September and the last day of February;

(d) to land forming part of a parcel of 2 hectares or less, as measured within permanent boundary features;

(e) to the extent that the Secretary of State has, in order to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production, given the beneficiary written permission to do so.

(3) For the purposes of paragraph (2)(d), a traditional hedgebank is an earth bank faced with turf or stone and topped with hedge plants.

(4) A beneficiary may cultivate the land referred to in sub-paragraph (1) in order to establish a green cover if that land does not already have a green cover, and is—

(a) part of a field that has been created by the merger of two or more fields;

(b) land created by the division of a field; or

(c) land previously excluded from the provisions of cross-compliance.

(5) Cutting or trimming a hedgerow or tree is not permitted in the cutting ban period except in accordance with sub-paragraph (6), (7), (8) or (9).

(6) Cutting or trimming a hedgerow or tree in the cutting ban period is permitted if—

(a) the hedgerow or tree—

(i) overhangs a highway, other way to which the public have access, easement or surfaced track so as to endanger or obstruct the passage of vehicles, pedestrians or horse-riders;

(ii) obstructs or interferes with the view of drivers of vehicles or the light from a public lamp; or

(iii) is dead, diseased, damaged or insecurely rooted, and because of its condition it poses a risk to human safety;

(b) the tree is in an orchard; or

(c) the Secretary of State has, in order to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production, given the beneficiary written permission to do so.

(7) Cutting or trimming a hedgerow, or a tree growing in a hedgerow, in August is permitted if—

(a) the hedgerow is in a field which in that month is—

(i) sown with a crop of oil seed rape; or

(ii) re-seeded with temporary grass; and

(b) the Secretary of State has, in order to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production, given the beneficiary written permission to do so.

(8) Hedgerow-laying and hedgerow and tree coppicing are permitted from 1st March to 30th April (both those dates included).

(9) Trimming a hedgerow by hand is permitted for six months after the hedgerow is laid.

(10) In this paragraph—

"the cutting ban period" means 1st March to 31st August (both those dates included);

"tree" means a tree with a diameter exceeding 8 centimetres or, in the case of coppice or underwood, with a diameter exceeding 15 centimetres.

Stone walls, stone banks and earth banks

6.—(1) The following is prohibited—

(a) removing a stone wall or stone from a stone wall;

(b) removing a stone bank or any earth or stone from a stone bank;

(c) removing an earth bank or any earth from an earth bank.

(2) Sub-paragraph (1) does not apply—

(a) to widening an existing gateway in a wall to no more than 10 metres in order to provide access to the land for machinery or livestock, and in that case the ends of the wall created by the widening operation must be finished with a vertical face;

(b) to removing a stone wall or stone from a stone wall to use it to repair another stone wall on the holding which is in better condition than the stone wall which is removed or from which the stone is removed;

(c) to removing stone or earth from a stone bank or earth bank to use it to repair another stone bank or earth bank on the holding which is in better condition than the stone bank or earth bank which is removed or from which the stone or earth is removed; or

(d) if the Secretary of State has, in order to enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production, given the beneficiary written permission to do so.

(3) In this paragraph—

"stone bank" means an earth bank faced with natural stone;

"stone wall" means a stone wall that is or was once used as a boundary which has—

(a) a continuous length of at least 10 metres;

(b) a continuous length of less than 10 metres which meets (whether by intersection or junction) another boundary at each end; or

(c) a continuous length of less than 10 metres which forms an enclosure.

SCHEDULE 3

Regulation 18(2)

Circumstances where a breach of Schedule 2 is not a non-compliance

1. Any obligation, restriction or action carried out under—

(a) a management agreement entered into under—

(i) section 16 of the National Parks and Access to the Countryside Act 1949(**a**);

(ii) section 15 of the Countryside Act 1968(**b**);

(**a**) 1949 c. 97 The Nature Conservancy's powers under section 16 of this Act to enter into agreements with owners, lessees or occupiers of land within nature reserves were transferred to the Natural Environment Research Council by section 3 of the Science and Technology Act 1965 (c.4). They were then transferred to the Nature Conservancy Council by section 1 of the Nature Conservancy Council Act 1973 (c.54), and then to the Nature Conservancy Council for England by section 132 of the Environmental Protection Act 1990 (c.43). That body was renamed English Nature by section 73 of the Countryside and Rights of Way Act 2000 (c.37). Section 26 of the Natural Environment and Rural Communities Act 2006 (c.16) provided for the transfer of English Nature's functions in relation to such agreements to Natural England. Section 16 of the 1949 Act was amended by section 105(1) of, and paragraph 14 of Part 1 of Schedule 11 to, the 2006 Act, with the result that, from 1 October 2006, no new agreements can be entered into under section 16 with regard to England.

(**b**) 1968 c. 41 The Natural Environment Research Council's powers under section 15 of this Act to enter into agreements with owners, lessees or occupiers of land within areas of special scientific interest were transferred to the Nature Conservancy Council by section 1 of the Nature Conservancy Council Act 1973 (c.54), and then to the Nature Conservancy Council for England by section 132 of the Environmental Protection Act 1990 (c.43). That body was renamed English Nature by section 73 of the Countryside and Rights of Way Act 2000 (c.37). Section 26 of the Natural Environment and Rural Communities Act 2006 (c.16) provided for the transfer of English Nature's functions in relation to such agreements to Natural England. Section 15 of the 1968 Act was amended by section 105(1) of, and paragraph 14 of Part 1 of Schedule 11 to, the 2006 Act, with the result that, from 1 October 2006, no new agreements can be entered into under section 15 with regard to England

(iii) section 39 of the Wildlife and Countryside Act 1981(**a**); or

(iv) section 7 of the Natural Environment and Rural Communities Act 2006(**b**);

(b) a measure—

(i) listed in Article 36 of Regulation 1698/2005;

(ii) under Articles 28 to 31, 33 or 34 of the Rural Development Regulation; or

(iii) relating to the annual premia under points (a) and (b) of Article 21(1) of the Rural Development Regulation.

2. Any action carried out on the land—

(a) by virtue of, or in connection with, any power or authorisation by or under any enactment, provided that following completion of the action the agricultural land will be in good agricultural and environmental condition for the purposes of Article 94 of the Horizontal Regulation;

(b) in the interests of human or animal health or safety;

(c) either to enable a serious cause of harm to plant health or serious infestation of any pest or weed to be treated, or to permit measures to be taken to prevent the development of any such cause of harm or infestation.

SCHEDULE 4

Regulation 32(5)

Appeal fee for sum in dispute

Sum in dispute	*Fee*
Less than £2,000	£100
£2,000 or more up to and including £10,000	£250
More than £10,000	£450

SCHEDULE 5

Regulation 35

Revocations

(1)	*(2)*
Regulations revoked	*References*
The Set-Aside Regulations 1988	S.I. 1988/1352
The Set-Aside (Amendment) Regulations 1989	S.I. 1989/1042
The Set-Aside (Amendment) Regulations 1990	S.I. 1990/1716
The Set-Aside (Amendment) Regulations 1991	S.I. 1991/1993
The Common Agricultural Policy (Protection of Community Arrangements) Regulations 1992	S.I. 1992/314
The Energy Crops Regulations 2000	S.I. 2000/3042
The Rural Enterprise Regulations 2000	S.I. 2000/3043

(**a**) 1981 c. 69. Section 39(1) was amended by sections 96(a) and 102 of, and Part VI of Schedule 16 to, the Countryside and Rights of Way Act 2000 (c. 37) . In section 39(5), paragraph (a) was repealed by section 120 of, and Schedule 24 to, the Environment Act 1995 (c. 25); paragraph (aa) was inserted by section 2(5) and (6) of, and Part I of Schedule 3 to, the Norfolk and Suffolk Broads Act 1988 (c. 4); paragraph (b) was repealed by sections 7 and 102 of, and paragraph 7 of Schedule 3 and Schedule 17 to, the Local Government Act 1985 (c. 43); and paragraphs (d) to (f) were inserted by section 96(b) of the Countryside and Rights of Way Act 2000. Section 39(5)(d) was subsequently repealed by section 105 of, and paragraph 87 of Schedule 11 and Schedule 12 to, the Natural Environment and Rural Communities Act 2006 (c. 16). Section 39 has also been modified with the effect that as respects any National Park for which a National Park authority is the local planning authority, that authority is the relevant authority for the purposes of section 39, by virtue of section 65 of the Environment Act 1995.

(**b**) 2006 c. 15.

The England Rural Development Programme (Enforcement) Regulations 2000	S.I. 2000/3044
The Vocational Training Grants (Agriculture and Forestry) Regulations 2000	S.I. 2000/3045
The Agricultural Processing and Marketing Grants Regulations 2000	S.I. 2000/3046
The England Rural Development Programme (Enforcement) (Amendment) Regulations 2001	S.I. 2001/431
The Organic Farming (England Rural Development Programme) (Amendment) Regulations 2001	S.I. 2001/3139
The Common Agricultural Policy (Protection of Community Arrangements) (Amendment) Regulations 2001	S.I. 2001/3198
The England Rural Development Programme (Project Variations) Regulations 2001	S.I. 2001/3900
The Common Agricultural Policy Support Schemes (Appeals) Regulations 2002	S.I. 2002/646
The Entry Level Agri-Environment Scheme (Pilot) (England) Regulations 2003	S.I. 2003/838
The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (England) Regulations 2004	S.I. 2004/590
The England Rural Development Programme (Closure of Project-Based Schemes) Regulations 2006	S.I. 2006/2298
The Rural Development (Enforcement) (England) Regulations 2007	S.I. 2007/75
The Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009	S.I. 2009/3263
The Agriculture (Cross compliance) (No. 2) Regulations 2009	S.I 2009/3365
The Common Agricultural Policy Single Payment and Support Schemes (Appeals) Regulations 2010	S.I. 2010/39
The Rural Development (Enforcement) (England) (Amendment) Regulations 2010	S.I. 2010/2078
The Agriculture (Cross compliance) (No. 2) Regulations 2009 (Amendment) Regulations 2010	S.I. 2010/2941
The Rural Development Programme (Transfer and Appeals) (England) Regulations 2011	S.I. 2011/1433
The Agriculture (Miscellaneous Amendments) Regulations 2012	S.I. 2012/66
The Agriculture (Cross compliance) (No. 2) (Amendment) Regulations 2013	S.I. 2013/3231

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the implementation in England and, for certain purposes, the United Kingdom, of the European Regulations (as defined in regulation 2(1)) relating to the administration of the common agricultural policy ("the CAP") of the European Union. Except as otherwise stated, these Regulations apply in England only. Any reference in this Note to a Regulation is a reference to that EU Regulation as defined in regulation 2(1).

Part 2 sets out provisions on control and enforcement in relation to direct payments to farmers and rural development payments. Regulations 3 and 4 extend to the United Kingdom. Regulation 3 specifies which competent authority may determine a single application for direct payments and regulation 4 permits competent authorities to enter into agency arrangements with each other. Regulation 5 specifies the final date for submission of a single application, aid application or payment claim. Regulation 6 prescribes the minimum size of qualifying agricultural parcel. Regulation 7 provides that a repayment due from a beneficiary is recoverable as a debt and regulation 8 provides for the rate of interest on that repayment.

Regulation 9(1), which extends to the United Kingdom, enables set-off between sums due to competent authorities and direct payments due to a farmer. Regulation 9(2) enables set-off between sums due to and from a beneficiary. Regulations 10 and 11 confer powers of entry and

inspection for enforcement purposes. Regulation 13 provides for the period in which the transferee of a holding must inform the Secretary of State of the transfer and request payment. Regulation 14 confers on the Secretary of State and others the power to determine that a rural development beneficiary has breached the terms of a commitment or other requirement. Regulation 15 confers powers of recovery and other powers on the Secretary of State and others where there has been such a determination. Regulation 16 creates offences and penalties.

Part 3 implements Articles 91 to 101 (cross-compliance) of the Horizontal Regulation, and associated Regulations, and sets out further requirements on beneficiaries relating to the maintenance of standards for good agricultural and environmental condition (Schedule 2). Schedule 3 lists exceptions from those requirements. These provisions replace the Agriculture (Cross compliance) (No. 2) Regulations (S.I. 2009/3365) which are revoked (Schedule 5).

Part 4, which extends to the United Kingdom, implements Articles 79 to 88 of the Horizontal Regulation and relates to the scrutiny of commercial documents and transactions financed by the European Agricultural Guarantee Fund ("EAGF"), excluding payments granted directly to farmers under the Direct Payments Regulation. These provisions replace the Common Agricultural Policy (Protection of Community Arrangements) Regulations 1992 (S.I. 1992/314) which are revoked (Schedule 5). Regulations 21 and 22 confer powers of entry and inspection for enforcement purposes. Regulation 24 further provides for the powers of authorised persons and the competent authority in relation to scrutiny. Regulation 25 creates offences and penalties. Regulation 28 provides for a due diligence defence. Regulation 29 confers a power on the competent authority to recover any money paid by or payable to the authority in relation to a relevant transaction.

Part 5 provides for appeals to the Secretary of State in respect of decisions made under the European Regulations in relation to the EAGF ("Pillar 1 decisions") and European Agricultural Fund for Rural Development ("Pillar 2 decisions") and determinations under regulation 14. Regulation 32(4) confers a power on the Secretary of State to charge an appeal fee of £100 if there is no sum in dispute or it is less than £2,000, £250 if it is £2,000 or more up to £10,000, or £450 if it exceeds £10,000 (regulation 32(5) and Schedule 4). The £250 and £450 fees are new in relation to Pillar 1 decisions. All the fees are new in relation to Pillar 2 decisions.

Part 6 provides for the service of notices (regulation 33), the calculation of the exchange rate for amounts of aid expressed in euro (regulation 34, which extends to the United Kingdom) revocations and saving provisions (regulation 35 and Schedule 5) and the review of these Regulations (regulation 36).

An evidence summary on the implementation of changes to cross-compliance in England was published on 16th June 2014. It is available on the following website, www.gov.uk/government/cross-compliance-evidence-summary.pdf, or from the Common Agricultural Policy direct payments team at the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR. The administration and enforcement measures in this instrument are, for the most part, a continuation of existing measures which will not have any new or additional impact on businesses, charities or voluntary sector. An impact assessment has therefore not been prepared.

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