

**AGRICULTURAL SUBSIDIES AND GRANTS SCHEMES (APPEALS) (WALES) REGULATIONS 2006
INDEPENDENT APPEAL PANEL - REPORT OF CONCLUSIONS AND RECOMMENDATIONS**

Name of appellant:		CRN:
Hearing date:	11 March 2016	Location of hearing:
Panel Members:		
Written documentation before the Panel: Appeal Pack dated: 24 February 2016 The written note of the hearing is attached to the submission documents.		

THE APPEAL

X appealed against the Welsh Government decision not to allocate Basic Payment Scheme (BPS) Entitlements under the New Entrant Category of the National Reserve (NR).

THE APPELLANT'S CASE

X's NR application was received 11 May 2015 and a supporting letter from his accountant was received 12 May 2015. The letter stated that, prior to 1 January 2014 all X's land was let under naked acres.

Additional supporting information was also submitted in July 2015 and with the second stage appeal in February 2016.

THE RELEVANT LEGISLATION

The Community legislation and Scheme Rules that are relevant to this appeal are:

BPS NR Form Guidance Notes;
 E C Advice regarding the submission of additional evidence;
 Regulation (EU) No 1307 / 2013;
 Commission Implementing Regulation (EU) No 809 / 2014;
 Commission Delegated Regulation (EU) No 640 / 2014;
 Welsh Statutory Instrument 2014 No. 3223 (W.328);
 Welsh Statutory Instrument 2015 No. 1252 (W.84).

THE PANEL'S FINDINGS

The Panel considered the rules relating to the New Entrant category of the BPS NR and the appellant's evidence and found that the appellant has not demonstrated that they have met the eligibility requirements of the BPS NR. The Panel found that:

- X had applied for entitlements under the New Entrant category of the NR but had failed on the basis that he did not satisfy the criteria for that category. The Welsh Government had concluded that X was in production as he had responsibility of the land for 7 months of the year.
- X had submitted insufficient information with his NR application form to allow his application to show if he was eligible under the new entrant category.
- Additional evidence that may have aided his application was submitted with the stage 2 appeal but, unfortunately, this was received after the deadline for submission of such evidence.
- Had he submitted all the evidence prior to 15 May 2015 it could have been used in support of his application and the requirement to submit evidence by 15 May (or 9 June with the application of penalties) was detailed in the NR guidance booklet.
- The Panel felt that there was insufficient evidence in the accountant's letter (which had been submitted before the deadline) to confirm that X was not engaged in agricultural activity before 1 January 2013.
- The Panel agreed that their recommendation had to be that the appeal should not be allowed in view of there having been insufficient evidence provided by X in advance of the 9 June deadline.

THE PANEL'S RECOMMENDATION

The Panel therefore recommend that the Deputy Minister for Farming and Food rejects the appeal.

	Name	Signature
Panel chair		
Panel member		
Panel member		