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STATUTORY INSTRUMENTS

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**2019 No. 208**

**EXITING THE EUROPEAN UNION  
AGRICULTURE**

**The Common Agricultural Policy (Rules for Direct  
Payments) (Amendment) (EU Exit) Regulations 2019**

<i>Sift requirements satisfied</i>	<i>15th January 2019</i>
<i>Made - - - -</i>	<i>31st January 2019</i>
<i>Laid before Parliament</i>	<i>11th February 2019</i>
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**PART 1**

**Introductory**

**Citation and commencement**

1. These Regulations may be cited as the Common Agricultural Policy (Rules for Direct Payments) (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

**Interpretation**

2. In these Regulations—

“Regulation 639/2014” means Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing 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 and amending Annex X to that Regulation;

“Regulation 641/2014” means Commission Implementing Regulation (EU) No 641/2014 of 16 June 2014 laying down rules for the application of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy.

## PART 2

### Amendment of Regulation 639/2014

#### Amendment of Regulation 639/2014

3. Regulation 639/2014 is amended in accordance with regulations 4 to 12.

#### Amendment of Chapter 1 (scope and general principles)

- 4.—(1) Omit Article 1(c), (g) and (h).
- (2) In Article 2, for “Member States”, in each place it occurs, substitute “The relevant authority”.
- (3) In Article 4—
- (a) in paragraph 1—
    - (i) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
    - (ii) in point (a) —
      - (aa) for “Member States require” substitute “the relevant authority requires”;
      - (bb) for “Member States”, in the second place it occurs, substitute “the relevant authority”;
    - (iii) in point (b), for “Member States set” substitute “the relevant authority sets”;
  - (b) in paragraph 2, for “Member States” substitute “the relevant authority”.
- (4) In Article 5—
- (a) for “Member States”, in the first place it occurs, substitute “relevant authority”;
  - (b) for “Member States”, in the second place it occurs, substitute “the relevant authority”.
- (5) For Article 7 substitute—

#### *“Article 7*

##### *Established local practices in case of permanent grassland*

For the purposes of Article 4(1)(h) of Regulation (EU) No 1307/2013, established local practices shall be practices for areas for livestock grazing which are traditional in character and are commonly applied on the areas concerned.”.

- (6) In Article 8—
- (a) for “Member States” substitute “the relevant authority”;
  - (b) at the end insert “, provided that such a decision was made and notified to the Commission no later than 31 January 2015”.
- (7) In Article 9—
- (a) in paragraph 1, for the words from “the ‘Common’ to the end substitute “Annex IV”;
  - (b) in paragraph 2, for “Member States” substitute “The relevant authority”;

- (c) in paragraph 3, for “competent authority of the Member State” substitute “relevant authority”;
  - (d) in paragraph 4, for “Member States” substitute “the relevant authority”;
  - (e) omit paragraph 5;
  - (f) in the second subparagraph of paragraph 7, for “Member States” substitute “the relevant authority”.
- (8) In Article 11—
- (a) in the first subparagraph of paragraph 1, omit the words from “, except complementary” to the end;
  - (b) omit paragraph 3.
- (9) In Article 12—
- (a) in paragraph 2—
    - (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
    - (ii) in the second subparagraph—
      - (aa) for the words from “national ceiling” to “1307/2013” substitute “relevant authority’s share of the national ceiling”;
      - (bb) for “that Member State” substitute “the constituent nation”;
    - (iii) in the third subparagraph—
      - (aa) for “national ceiling” substitute “relevant authority’s share of the national ceiling for the United Kingdom”;
      - (bb) for “that Member State” substitute “the constituent nation”;
  - (b) in paragraph 3, omit the second subparagraph;
  - (c) in paragraph 4—
    - (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
    - (ii) in the second subparagraph—
      - (aa) for the words from “national ceiling” to “1307/2013” substitute “ relevant authority’s share of the national ceiling”;
      - (bb) for “that Member State” substitute “the constituent nation”;
    - (iii) omit the third and fourth subparagraphs;
  - (d) omit paragraph 5.
- (10) In Article 13—
- (a) in paragraph 1—
    - (i) omit the second subparagraph;
    - (ii) in the third subparagraph—
      - (aa) for “and second subparagraphs” substitute “subparagraph”;
      - (bb) for “Member States may establish” substitute “the relevant authority may use”;
      - (cc) at the end insert “, provided those criteria were established by the relevant authority prior to exit day”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—

- (aa) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
- (bb) for “method” substitute “methods”;
- (cc) omit point (b);
- (ii) omit the second subparagraph;
- (c) in paragraph 3—
  - (i) in the first subparagraph, for “a Member State” substitute “the relevant authority”;
  - (ii) in the second subparagraph, for “Member States” substitute “the relevant authority”;
  - (iii) in the third subparagraph, for “Member States may establish alternative criteria according to which” substitute “the relevant authority may, applying such criteria as the authority established prior to exit day, determine whether”.

#### **Amendment of Chapter 2 (basic payment scheme and single area payment scheme)**

- 5.—(1) In Article 14—
  - (a) in the second subparagraph of paragraph 1, omit “or 39(1)”;
  - (b) omit the second subparagraph of paragraph 3.
- (2) In Article 15(1), for “Articles 24(2) and 39(2)” substitute “Article 24(2)”.
- (3) In Article 16—
  - (a) at the end of paragraph 1, insert “, provided that such a decision was made and notified to the Commission no later than 1 August 2014”;
  - (b) in paragraph 2, for “Member States” substitute “the relevant authority”.
- (4) Omit Articles 17 to 19.
- (5) In Article 20—
  - (a) in paragraph 1—
    - (i) for “Member States may decide” substitute “If the relevant authority has decided prior to exit day”;
    - (ii) omit “by the Commission”;
    - (iii) after “1306/2013,” insert “then the farmer may”;
    - (iv) after “1307/2013” insert “, as it applied in the United Kingdom immediately prior to exit day,”;
  - (b) omit paragraph 2.
- (6) In Article 21—
  - (a) in paragraph 1—
    - (i) for “Member States may decide” substitute “If the relevant authority has decided”;
    - (ii) for “. In that case,” substitute “, then”;
    - (iii) after “1307/2013” insert “, as it applied in the United Kingdom immediately prior to exit day,”;
  - (b) omit paragraph 2.
- (7) In Article 22, for “potatoes of CN code 0701” substitute “fresh or chilled potatoes”.
- (8) In Article 23—
  - (a) in paragraph 2, omit “ or 40”;

- (b) in paragraph 3—
  - (i) for “Member States” substitute “The relevant authority”;
  - (ii) omit “or 40”.
- (9) In Article 24(1)—
  - (a) in the second subparagraph, omit “by the Commission”;
  - (b) in the third subparagraph, omit “by the Commission” in both places it occurs.
- (10) In Article 25(2)—
  - (a) for “a Member State” substitute “the relevant authority”;
  - (b) for “Member State”, in the second place it occurs, substitute “relevant authority”.
- (11) In Article 26—
  - (a) in the first paragraph, for “a Member State” substitute “the relevant authority”;
  - (b) in the second paragraph, for “Member States” substitute “the relevant authority”;
  - (c) at the end insert a new subparagraph—

“In this subsection references to “national or regional reserve” are to be construed in accordance with the definitions contained in Article 4 of Regulation (EU) No 1307/2013.”.
- (12) Omit Article 27.
- (13) In Article 28—
  - (a) in paragraph 1, omit “by the Commission”;
  - (b) in the third subparagraph of paragraph 2—
    - (i) for “in Member States applying” substitute “if the relevant authority applies”;
    - (ii) omit “in that Member State”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph—
      - (aa) for “In Member States applying” substitute “If the relevant authority applies”;
      - (bb) omit “or (7)”;
    - (ii) in the second and fifth subparagraphs, for “Member States”, in both places it occurs, substitute “the relevant authority”;
    - (iii) in the sixth subparagraph, for “Member States” substitute “The relevant authority”.
- (14) In Article 29—
  - (a) in paragraph 1, for “Member State” substitute “relevant authority”;
  - (b) in paragraph 4—
    - (i) for “Member States” substitute “the relevant authority”;
    - (ii) for “Member State” substitute “relevant authority”.
- (15) In Article 30—
  - (a) in paragraph 1, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 2—
    - (i) for “Member States” substitute “the relevant authority”;
    - (ii) for “Member State” substitute “relevant authority”.
- (16) In Article 31—

- (a) in paragraph 1—
    - (i) omit “or 39(1)”;
    - (ii) for “Member States” substitute “The relevant authority”;
    - (iii) omit “or 40”;
    - (iv) for “Member State” substitute “relevant authority”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph, for “Member States may decide” substitute “The relevant authority may decide prior to exit day”;
    - (ii) in the second subparagraph, for “Member State”, in both places it occurs, substitute “constituent nation”;
    - (iii) in the fourth subparagraph, for “Member States” substitute “the relevant authority”;
    - (iv) in the fifth subparagraph, for “Member States” substitute “The relevant authority”.
- (17) Omit Articles 32 to 37.

### **Amendment of Chapter 3 (greening)**

- 6.—(1)** In Article 38—
- (a) in paragraph 1, for “Member States” substitute “The relevant authority”;
  - (b) omit the second subparagraph of paragraph 2;
  - (c) omit paragraph 3.
- (2) In Article 39—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Member States” substitute “the relevant authority”;
      - (bb) for “Member State” substitute “constituent nation”;
    - (ii) in the second subparagraph—
      - (aa) for “Member State” substitute “constituent nation”;
      - (bb) after the words “average of the” insert “relevant authority’s share of the”;
      - (cc) omit “set out in Annex II to that Regulation”;
      - (dd) omit “or Article 36”;
      - (ee) for “Member States” substitute “The relevant authority”;
  - (b) in paragraph 2, for “Member States” substitute “the relevant authority”.
- (3) In Article 40—
- (a) in the second subparagraph of paragraph 1, for “Member States” substitute “The relevant authority”;
  - (b) in the third and fourth subparagraphs of paragraph 3, for “Member States”, in each place it occurs, substitute “the relevant authority”.
- (4) In Article 41—
- (a) in first paragraph, omit point (f);
  - (b) omit the second paragraph.
- (5) In Article 42—
- (a) in the first paragraph, for “Member State” substitute “relevant authority”;

- (b) in the second paragraph, omit the words from “, or in the case” to the end.
- (6) In Article 43—
  - (a) in paragraph 1, omit “participating in the small farmer scheme referred to in Title V of Regulation (EU) No 1307/2013, as well”;
  - (b) in paragraph 3—
    - (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
    - (ii) omit the words from “or a change” to the end.
- (7) In Article 44—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Member States” substitute “The relevant authority”;
      - (bb) for “Member State” substitute “relevant authority”;
    - (ii) in the second subparagraph, omit the words from “, or, if” to the end;
  - (b) in paragraph 2—
    - (i) in the first subparagraph, for “Member State” substitute “relevant authority”;
    - (ii) in the second subparagraph, for “Member States” substitute “The relevant authority”;
    - (iii) in the fourth subparagraph, for “Member States” substitute “the relevant authority”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
    - (ii) in the second subparagraph—
      - (aa) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
      - (bb) for “Member States”, in the second place it occurs, substitute “the relevant authority”;
    - (iii) in the fourth subparagraph, omit from “, or in the case” to the end;
    - (iv) in the fifth subparagraph, for “Member State” substitute “relevant authority”.
- (8) In Article 45—
  - (a) in paragraph 2—
    - (i) after “production” insert “during the period fixed by the relevant authority”;
    - (ii) omit the words from “Member State” to “6 months”;
  - (b) omit paragraph 3;
  - (c) in paragraph 4—
    - (i) in the second subparagraph—
      - (aa) for “Member States may decide to limit” substitute “Where the legislation applying in the constituent nation so provides,”;
      - (bb) after “features” insert “shall be limited”;
    - (ii) in the fifth subparagraph;
      - (aa) for “Member States may set a” substitute “the”;
      - (bb) at the end of the first sentence insert “is as set by the relevant authority prior to exit day”;

- (cc) for “Member States”, in the second place it occurs, substitute “The relevant authority”;
  - (iii) in the sixth subparagraph—
    - (aa) for “Member States shall establish” substitute “the”;
    - (bb) after “width” insert “is as established by the relevant authority prior to exit day.”;
  - (d) in paragraph 5—
    - (i) in the second subparagraph, for “Member States” substitute “The relevant authority”;
    - (ii) in the third subparagraph, for the first sentence substitute “Nothing in this Article shall prevent the relevant authority from establishing, using any power the relevant authority has, the minimum width of buffer strips and field margins.”;
  - (e) in paragraph 6, omit “or the single area payment scheme”;
  - (f) in paragraph 7—
    - (i) omit the first subparagraph;
    - (ii) in the second subparagraph, for “Member States decide”, in both places it occurs, substitute “the relevant authority decides”;
  - (g) in paragraph 8—
    - (i) for the first sentence substitute “The species that may be used for areas with short rotation coppice with no use of mineral fertiliser or plant protection products or both, are those species which have been selected by the relevant authority prior to exit day, from the list established pursuant to Article 4(2)(c) of Regulation (EU) No 1307/2013, as being the most suitable from an ecological perspective.”;
    - (ii) for “Member States shall also establish the requirements” substitute “The relevant authority must also apply any requirements established by them prior to exit day”;
    - (iii) for “Member States authorise” substitute “the relevant authority authorises”;
  - (h) in paragraph 9, in the second subparagraph—
    - (i) omit “Member States shall set up”;
    - (ii) omit “fix”;
    - (iii) after “place” insert “is as fixed by the relevant authority prior to exit day”;
    - (iv) for “Member States may establish” substitute “Nothing in this Article prevents the relevant authority from establishing, using any power the relevant authority has,”;
  - (i) in paragraph 10—
    - (i) for “Member State”, in the first place it occurs, substitute “relevant authority prior to exit day”;
    - (ii) for “Member State”, in the second place it occurs, substitute “relevant authority”;
    - (iii) for “Member States may establish” substitute “Nothing in this Article prevents the relevant authority from establishing, using any power the relevant authority has,”;
  - (j) in paragraph 10a, in the second subparagraph—
    - (i) for the word “However” substitute “Nothing in this Article prevents the relevant authority, using any power the relevant authority has,”;
    - (ii) for “may allow” substitute “allowing”.
- (9) Omit Articles 46 to 48.



#### **Amendment of Chapter 4 (payment for young farmers)**

7. In Article 49—
- (a) in paragraph 1—
    - (i) in point (a), omit “or the single area payment scheme”;
    - (ii) in point (c)—
      - (aa) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
      - (bb) for “Member States have” substitute “the relevant authority has”;
  - (b) in paragraph 1a—
    - (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
    - (ii) in the second and third subparagraphs, for “Member States use” substitute “the relevant authority uses”;
  - (c) in paragraph 3—
    - (i) in point (a), for “to (10)” substitute “, (5), (6), (8) and (9)”;
    - (ii) in point (b), omit “or single area payment scheme”.

#### **Amendment of Chapter 5 (coupled support)**

- 8.—(1) In Article 52—
- (a) in paragraph 1, for “shall be defined by the Member States” substitute “are the regions defined by the relevant authority prior to exit day, ”;
  - (b) in paragraph 2, for “Member States” substitute “the relevant authority”.
- (2) In Article 53—
- (a) in paragraph 1, for the words from “Member States” to “in compliance” substitute “The eligibility criteria for coupled support measures means the criteria defined by the relevant authority”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph, for “fixed by the Member States” substitute “jointly agreed by the relevant authorities for each constituent nation”;
    - (ii) in the third subparagraph, for “Member States may decide” substitute “the relevant authority may decide, prior to exit day,”;
  - (c) omit paragraph 3;
  - (d) in paragraph 4—
    - (i) in the first subparagraph—
      - (aa) omit the words from “Member States” to “support”;
      - (bb) after “respectively” insert “shall apply”;
    - (ii) omit the second and third subparagraphs;
  - (e) in paragraph 5—
    - (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
    - (ii) omit the last sentence.
- (3) In Article 53a—
- (a) in the first subparagraph of paragraph 1—

- (i) for the words from “Member States” to “this Regulation” substitute “the relevant authority may decide, if jointly agreed by the relevant authorities for each constituent nation, to use the amounts fixed in accordance with Article 53 of Regulation (EU) No 1307/2013”;
  - (ii) for “Regulation (EU) No 1307/2013” substitute “that Regulation”;
  - (b) in paragraph 4, for “Member States grant” substitute “the relevant authority grants”;
  - (c) in paragraph 6, for “competent authority of the Member State” substitute “relevant authority”.
- (4) In Article 54—
- (a) in paragraph 1, omit “Union”;
  - (b) in paragraph 2—
    - (i) for “Member States”, in both places it occurs, substitute “The relevant authority”;
    - (ii) in point (a), omit “Union”;
  - (c) in paragraph 3—
    - (i) omit “Union”;
    - (ii) for “Member States” substitute “the relevant authority”.
- (5) Omit Articles 55 to 61.

**Amendment of Chapter 6 (notifications)**

- 9.—(1) Omit Articles 62 to 76.
- (2) In Article 79, omit the third paragraph.

**Amendment to Annex I (content of the information to be submitted to the Commission pursuant to Article 67(1))**

- 10. Omit Annex I.

**Amendment to Annex III (union method for the quantitative determination of the A9-tetrahydrocannabinol content in hemp varieties)**

- 11. In Annex III—
  - (a) in the title, omit “Union”;
  - (b) in the second paragraph of subparagraph 2.1.1, for “Member States” substitute “The relevant authority”;
  - (c) in the fourth paragraph of subparagraph 2.2, for “Member State” substitute “relevant authority”.

**Insertion of Annex IV (permitted hemp varieties)**

- 12. After Annex III insert—

“Annex IV

Permitted Hemp Varieties

- Adzelvieši
- Antal

- Armanca
- Asso
- Austa SK
- Beniko
- Białobrzeskie
- Cannakomp
- Carma
- Carmagnola
- Carmaleonte
- Chamaeleon
- Codimono
- CS
- Dacia Secuieni
- Delta-405
- Delta-Ilosa
- Denise
- Diana
- Dioica 88
- Earlina 8 FC
- Eletta Campana
- Epsilon 68
- Fedora 17
- Felina 32
- Férimon
- Fibranova
- Fibrante
- Fibrol
- Fibror 79
- Finola
- Futura 75
- Glecia
- Gliana
- Glyana
- Henola
- Ivory
- KC Bonusz
- KC Dora
- KC Virtus
- KC Zuzana
- KCA Borana

- Kompolti hibrid TC
- Kompolti
- Lipko
- Lovrin 110
- Marcello
- Markant
- Monoica
- Rajan
- Ratz
- Santhica 23
- Santhica 27
- Santhica 70
- Secuieni Jubileu
- Silvana
- Succesiv
- Szarvasi
- Tiborszallasi
- Tisza
- Tygra
- Uniko B
- Uso-31
- Villanova
- Wielkopolskie
- Wojko
- Zenit.”.

## Part 3

### Amendment of Regulation 641/2014

#### **Amendment of Regulation 641/2014**

13. Regulation 641/2014 is amended in accordance with regulations 14 to 18.

#### **Amendment of the Chapter 1 (scope and general principles)**

14.—(1) Omit Article 1 (e) and (f).

(2) In Article 2, for “Member States” substitute “The relevant authority”.

#### **Amendment of Chapter 2 (basic payment scheme)**

15.—(1) In Article 3—

(a) in point (a), for “Member State” substitute “relevant authority”;

- (b) in the second paragraph, for “Member States” substitute “the relevant authority”.
- (2) In Article 4—
  - (a) in paragraph 1(a), for “Member State” substitute “relevant authority”;
  - (b) in paragraph 2—
    - (i) for “A Member State” substitute “The relevant authority”;
    - (ii) for “Member State”, in the second place it occurs, substitute “relevant authority”.
- (3) In Article 5—
  - (a) in paragraph 1(a), for “Member State” substitute “relevant authority”;
  - (b) in paragraph 2—
    - (i) for “A Member State” substitute “The relevant authority”;
    - (ii) for “Member State”, in the second place it occurs, substitute “relevant authority”.
- (4) In Article 6—
  - (a) in paragraph 1—
    - (i) for “In Member States applying” substitute “If the relevant authority applies”;
    - (ii) after “1307/2013”, in the second place it occurs, insert “, as it applied in the United Kingdom immediately prior to exit day,”;
  - (b) omit paragraph 2.
- (5) In Article 7(2) and (3), for “Member State”, in both places it occurs, substitute “relevant authority”.
- (6) In Article 8(1)—
  - (a) omit “to be”;
  - (b) for “Member State” substitute “relevant authority prior to exit day”.
- (7) In Article 9—
  - (a) in paragraph 1, for “Commission” substitute “relevant authority”;
  - (b) omit paragraph 2.

### **Amendment of Chapter 3 (greening)**

- 16. Omit Article 10.

### **Amendment of Chapters 4 (coupled support) and 5 (rules on notification)**

- 17. Omit Articles 12 to 18.

### **Amendment of Chapter 6 (final provisions)**

- 18. In Article 19, omit the third paragraph.

*George Eustice*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

31st January 2019

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (d) and (g)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to Commission Delegated Regulation (EU) No 639/2014 supplementing Regulation (EU) No 1307/2013 and Commission Implementing Regulation (EU) No 641/2014 laying down rules for the application of Regulation (EU) No 1307/2013. Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishes rules for direct payments to farmers under support schemes within the framework of the common agricultural policy.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.