

2006 No. 3282

EUROPEAN COMMUNITIES, WALES

**The Structural Funds (National Assembly for Wales)
Regulations 2006**

<i>Made</i>	- - - -	<i>7th December 2006</i>
<i>Laid before Parliament</i>		<i>11th December 2006</i>
<i>Coming into force</i>	- -	<i>1st January 2007</i>

The Secretary of State, being a Minister designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the operation of the Structural Funds, makes the following Regulations:

Title and Commencement

1. These Regulations may be cited as the Structural Funds (National Assembly for Wales) Regulations 2006 and shall come into force on 1st January 2007.

Interpretation

2. In these Regulations—

“the 2006 European Regional Development Fund Regulation” means Regulation (EC) No. 1080/2006 of the European Parliament and of the Council of 5 July 2006(c) on the European Regional Development Fund and repealing Regulation (EC) No. 1783/1999(d);

“the 2006 Structural Funds Regulation” means Council Regulation (EC) No. 1083/2006 of 11 July 2006(e) laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No. 1260/1999(f);

“the Assembly” means the National Assembly for Wales;

“the specified Structural Funds” means the European Regional Development Fund and the European Social Fund; and

“Wales” includes the sea adjacent to Wales out as far as the boundary of the territorial sea, and the boundary between those parts of the sea within the Severn and Dee Estuaries which are to be treated as adjacent to Wales and those which are not shall be, in each case, a line drawn between the co-ordinates set out in Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999(g).

(a) S.I. 1999/2788.

(b) 1972 c.68.

(c) O.J. No. L 210, 31.7.06, p.1.

(d) O.J. No. L 213, 13.8.99, p.1.

(e) O.J. No. L 210, 31.7.06, p.25.

(f) O.J. No. L 161, 26.6.99, p.1.

(g) S.I. 1999/672.

Functions under the 2006 Structural Funds Regulation

3.—(1) In relation to the specified Structural Funds, the Assembly may exercise in relation to Wales—

- (a) the functions of an authority designated by a Member State for the purpose of participating in a partnership organised pursuant to Article 11,
- (b) the functions of a managing authority, certifying authority or audit authority for the purposes of the 2006 Structural Funds Regulation, or
- (c) the functions of an authority designated by a Member State for the purpose of Article 32(2).

(2) In relation to the specified Structural Funds, the Assembly shall exercise in relation to Wales, the functions of a body designated by a Member State for the purpose of Article 76(2).

(3) In relation to the specified Structural Funds, the Assembly may exercise in relation to Wales the functions conferred on a Member State by Articles 71, 98 and 100.

(4) In relation to the specified Structural Funds, the Assembly may exercise in relation to Wales the functions conferred on a Member State by Article 59(2).

(5) In relation to the specified Structural Funds, the Assembly shall exercise in relation to Wales the functions conferred on a Member State by Articles 32(3), 47, 48, 56(4), 63 and 69.

(6) In this regulation, a reference to an article is a reference to an article of the 2006 Structural Funds Regulation.

Functions under the 2006 European Regional Development Fund Regulation

4.—(1) In relation to the European Regional Development Fund, the Assembly shall exercise in relation to Wales the functions conferred on a Member State by Articles 14, 16 and 17.

(2) In this regulation, a reference to an article is a reference to an article of the 2006 European Regional Development Fund Regulation.

Concurrent powers

5. The functions conferred on the Assembly by paragraph 3 of regulation 3 shall be exercisable by a Minister of the Crown as well as by the Assembly.

Transfer of property, rights and liabilities

6.—(1) There shall be transferred to and vest in the Assembly by virtue of this paragraph all property, rights and liabilities to which the Secretary of State is entitled or subject, at the coming into force of these Regulations, in connection with any function exercisable by the Secretary of State which is made exercisable by the Assembly by these Regulations.

(2) There may be continued by or in relation to the Assembly anything (including legal proceedings) which relates to—

- (a) any function exercisable by the Secretary of State which is made exercisable by the Assembly by these Regulations,
- (b) any property, rights or liabilities transferred by paragraph (1) as the result of any such function being made so exercisable,

and which is in the process of being done by or in relation to the Secretary of State immediately before these Regulations come into force.

(3) Anything which was done by or on behalf of the Secretary of State for the purpose of or in connection with—

- (a) any function exercisable by the Secretary of State which is made exercisable by the Assembly by these Regulations, or

(b) any property, rights or liabilities transferred by paragraph (1) as the result of any such function being made exercisable by the Assembly by these Regulations, and which is in effect immediately before these Regulations come into force shall have effect as if done by the Assembly on its own behalf.

7th December 2006

Margaret Hodge
Minister for Industry and the Regions
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the National Assembly for Wales (“the Assembly”) to exercise in relation to Wales certain functions under Council Regulation (EC) No. 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No. 1260/1999 (“the 2006 Structural Funds Regulation”). The functions concerned are in respect of the European Regional Development Fund and the European Social Fund and comprise:

<i>Article of the 2006 Structural Funds Regulation</i>	<i>Brief description of function</i>
Article 11	Being a participant in partnership involving the Commission, the Member State and authorities and bodies designated by the Member State.
Article 32(2)	Preparing an operational programme.
Article 32(3)	Submitting a proposal for an operational programme to the Commission.
Articles 47 and 48	Functions in relation to evaluating operational programmes.
Article 56(4)	Laying down expenditure eligibility rules.
Articles 63	Setting up operational programme monitoring committees.
Article 69	Providing information and publicising operational programmes.
Article 71	Submitting descriptions of management and control of operational programmes to the Commission.
Article 76(2)	Receiving payments from the Commission.
Articles 98 and 100	Functions in relation to financial corrections.

Provision is also made for the designation with regard to Wales of the Assembly as a managing authority, certifying authority and an audit authority under the 2006 Structural Funds Regulation (in relation to the European Regional Development Fund and the European Social Fund). The Assembly will also be empowered to designate others to carry out managing or certifying authority functions.

In respect of the functions conferred on a Member State by Articles 71, 98 and 100 of the 2006 Structural Funds Regulation, the functions are exercisable in relation to Wales by a Minister of the Crown as well as by the Assembly.

Additionally, these Regulations enable the Assembly to exercise in relation to Wales certain functions under Regulation (EC) No. 1080/2006 of the European Parliament and of the Council on the European Regional Development Fund and repealing Regulation (EC) No. 1783/1999 (“the 2006 Regional Development Fund Regulation”). These functions are applicable in cases where the Assembly will participate in European Regional Development Fund operational programmes under the so-called European Territorial Co-operation Objective (in general terms, the objective of strengthening cross-border and inter-regional co-operation). The functions concerned are:

<i>Article of the 2006 Regional Development Fund Regulation</i>	<i>Brief description of function</i>
Article 14	Various management related functions including jointly appointing a managing authority, a certifying authority and an audit authority; and appointing monitoring committee representatives.
Article 16	Setting up control systems and designating controllers.
Article 17	Financial management functions.

Where a function is made exercisable by the Assembly under the Regulations, there is transferred to the Assembly from the Secretary of State, the property and rights to which he is entitled and any liabilities to which he is subject in connection with the function.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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