
WELSH STATUTORY INSTRUMENTS

2021 No. 400

**The Agricultural Support (Miscellaneous
Amendments) (Wales) (EU Exit) Regulations 2021**

PART 2

Rural Development: Horizontal Legislation

Amendment of Regulation (EU) No. 1306/2013

2.—(1) Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy⁽¹⁾, is amended, insofar as it relates to domestic support for rural development, as follows.

(2) For the heading of Article 8 substitute “Powers”.

(3) In Article 12—

(a) in paragraph 1—

(i) for “must” substitute “may”;

(ii) for “shall”, in the second sentence, substitute “may”;

(b) in paragraph 2—

(i) after point (a) insert—

“(aa) maintenance of the agricultural area as referred to in point (c) of Article 4(1) Regulation (EU) No 1307/2013;”;

(ii) omit point (e);

(c) omit paragraph 3.

(4) Omit Articles 13 to 15.

(5) Omit Article 32.

(6) Omit Article 46.

(7) In Article 54—

(a) in paragraph 1, omit “within 18 months”;

(b) in paragraph 3(a)—

(i) in point (i), for “EUR 100” substitute “£100”;

(ii) in point (ii)—

(aa) for “EUR 100” substitute “£100”;

(bb) for “EUR 250” substitute “£250”.

(8) Omit Article 56.

⁽¹⁾ EUR 2013/1306, amended in relation to support for rural development by [S.I. 2020/90](#) and [576](#). EUR 2013/1306 is amended by [S.I. 2019/748](#) (as amended by [S.I. 2019/831](#)), [763](#) (as amended by [S.I. 2019/812](#)), [831](#) and [1402](#). However, by virtue of the amendments in [S.I. 2020/1445](#), these amendments do not have effect in relation to rural development support.

- (9) In Article 59(4), for “retained direct EU legislation regarding agricultural aid and rural development support” substitute “sectoral agricultural legislation”.
- (10) In Article 67(4)(a), after “continuous area of land” insert “within Wales”.
- (11) In Article 69—
- (a) omit the final sentence of paragraph 1;
 - (b) omit paragraph 2.
- (12) In Article 70(1)—
- (a) omit “and, as from 2016, at a scale of 1:5 000,”;
 - (b) omit the second subparagraph.
- (13) In Article 72(5), for “By way of derogation from Council Regulation (EEC, Euratom) No 1182/71, the” substitute “The”.
- (14) In Article 84(6), for “EUR 40 000” substitute “£40 000”.
- (15) In Article 91(3)(a), for “the United Kingdom” substitute “Wales”.
- (16) In Article 97(3), for “EUR 100” substitute “£100”.
- (17) In Article 105(2), for the final sentence substitute “They shall be granted or collected in sterling.”
- (18) Omit Article 108.
- (19) Omit the final subparagraph of Article 111(1).
- (20) In Article 112, in the first paragraph, for “EUR 1250” substitute “£1250”.
- (21) In Article 114, for the heading substitute “Powers”.
- (22) Omit Annex I.
- (23) In Annex II, in the row “Landscape, minimum level of maintenance”, in the fourth column, after “measures for avoiding invasive plant species” insert—
- “. Restrictions on converting, ploughing or reseeded environmentally sensitive permanent grassland.”

Amendment of Commission Delegated Regulation (EU) No. 640/2014

3.—(1) 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⁽²⁾, is amended, insofar as it relates to domestic support for rural development, as follows.

- (2) Omit Article 1(j).
- (3) In Article 9—
 - (a) in paragraph 1, omit the final subparagraph;
 - (b) in paragraph 3, omit the final subparagraph.
- (4) Omit Article 10.
- (5) In Article 13—
 - (a) in paragraph 1—

(2) EUR 2014/640, amended in relation to rural support by [S.I. 2020/90](#) and in relation to England by [S.I. 2020/551](#). EUR 2014/640 is also amended by [S.I. 2019/765](#). However, by virtue of the amendments in [S.I. 2020/1445](#), these amendments do not have effect in relation to support for rural development.

- (i) omit the second subparagraph;
 - (ii) after the final subparagraph insert—
 - “All documents in support of an aid application or payment claim must be submitted by 31 December of that calendar year.”;
 - (b) in paragraph 3, in the final subparagraph, for “third” substitute “second”.
- (6) Omit the final subparagraph of Article 16(1).
- (7) In Article 19a—
- (a) in the heading, after “of areas for” insert “agri-environment climate, organic farming,”;
 - (b) in paragraph 1, after “Articles” insert “28, 29”;
 - (c) for paragraph 2 substitute—
 - “2. The administrative penalty referred to in paragraph 1 shall be reduced by 50% if the difference between the area declared and the area determined does not exceed 10% of the area determined.”;
 - (d) omit paragraphs 3 and 4.
- (8) In Article 35—
- (a) in paragraph 1, for “shall” substitute “may”;
 - (b) in paragraph 2—
 - (i) for “shall” substitute “may”;
 - (ii) omit “State aid”;
 - (c) in paragraph 3—
 - (i) in the first subparagraph—
 - (aa) for “shall” substitute “may”;
 - (bb) for “extent, duration and reoccurrence” substitute “extent and duration”;
 - (ii) omit the final subparagraph;
 - (d) in paragraph 5, omit the final sentence;
 - (e) omit paragraph 7.
- (9) Omit Chapter I of Title IV.
- (10) Omit the final sentence of Article 38(1).
- (11) Omit Title V.

Amendment of Commission Implementing Regulation (EU) No. 809/2014

4.—(1) 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⁽³⁾, is amended, in so far as it relates to domestic support for rural development, as follows.

- (2) In Article 4, omit the final paragraph.
- (3) In Article 6(2), in point (c), for “Articles 13 and 14” substitute “Article 13”.

(3) EUR 2014/809, amended in relation to direct payment schemes by [S.I. 2020/90](#) and [576](#). EUR 2014/809 is also amended in relation to rural development schemes in Wales by [S.I. 2020/510](#) and [575](#). EUR 2014/809 is also amended by [S.I. 2019/765](#). However, by virtue of the amendments in [S.I. 2020/1445](#), these amendments do not have effect in relation to rural development support.

- (4) In Article 15—
 - (a) omit paragraph 1b;
 - (b) omit paragraph 2b;
 - (c) in paragraph 3, omit the final subparagraph.
- (5) In Article 17—
 - (a) omit paragraph 2;
 - (b) omit paragraph 5;
 - (c) omit paragraph 6.
- (6) In Article 25, omit “and shall not exceed 14 days”.
- (7) In Article 26—
 - (a) omit paragraph 2;
 - (b) omit paragraph 4.
- (8) In Article 27, omit the second and third paragraphs.
- (9) In Article 32—
 - (a) in paragraph 1—
 - (i) in the first subparagraph, omit the last sentence;
 - (ii) omit the second subparagraph;
 - (b) omit paragraph 2;
 - (c) omit paragraph 2a;
 - (d) omit paragraph 4.
- (10) After Article 32 insert—

“Article 32a

For animal aid schemes, the control sample for on-the-spot checks carried out each year shall for each of the aid schemes cover at least 5% of all beneficiaries applying for that respective aid scheme.”

- (11) In Article 34—
 - (a) in paragraph 2, omit the final subparagraph;
 - (b) omit paragraphs 3, 4 and 4a;
 - (c) in paragraph 5—
 - (i) for “shall” substitute “may”;
 - (ii) in point (d), after “that” insert “may”.
- (12) In Article 35, omit “or in a region or part of a region”.
- (13) In Article 36(4), omit the second subparagraph.
- (14) In Article 38—
 - (a) omit the final sentence in paragraph 5;
 - (b) omit paragraph 9;
 - (c) in paragraph 10, omit “or permanent pastures”.
- (15) In Article 39, omit paragraph 4.
- (16) Omit Article 40a.
- (17) In Article 41—

- (a) omit the final subparagraph of paragraph 1;
- (b) in the final subparagraph of paragraph 2—
 - (i) omit “or by means of monitoring in accordance with Article 40a,”;
 - (ii) omit “or by monitoring” in both places that it occurs;
 - (iii) omit the final sentence.
- (18) In Article 42(1), in the second subparagraph—
 - (a) omit “at least 50% of”;
 - (b) for “shall”, in both places it occurs, substitute “may”.
- (19) In Article 43(2), for “shall” substitute “may” in the first place it occurs.
- (20) In Article 46, omit “, Article 39b and Article 51(2)”.
- (21) In Article 47(2), omit “and 19(1)(c),”.
- (22) In Article 48—
 - (a) in paragraph 2—
 - (i) in the first subparagraph, omit “State aid”;
 - (ii) in point (e)—
 - (aa) for “EUR 5 000” substitute “£5 000”;
 - (bb) omit “ex ante”;
 - (b) in paragraph 5—
 - (i) at the end of the first subparagraph insert—

“Those checks shall, to the extent possible, be carried out before the final payment is made for an operation.”;
 - (ii) omit point (a).
- (23) Omit Articles 49 to 51.
- (24) In Article 52(3), for the final sentence substitute “A sample shall be selected randomly.”
- (25) Omit Article 62.
- (26) In Article 63—
 - (a) in paragraph 1, for “calculated” substitute “adjusted”;
 - (b) omit paragraph 2.
- (27) In Article 68—
 - (a) in paragraph 1—
 - (i) in the first subparagraph, omit “and the other beneficiaries receiving direct payment support”;
 - (ii) omit the second and third subparagraphs;
 - (b) in paragraph 4, for “shall” substitute “may”.
- (28) In Article 69(1), omit the final sentence of the first subparagraph.
- (29) In Article 70—
 - (a) in paragraph 3, omit the words from “or by using” to the end;
 - (b) omit paragraph 4.
- (30) Omit Articles 70a and 70b.
- (31) In Article 72—

- (a) in paragraph 1, omit the final subparagraph;
- (b) in paragraph 2, omit “checked by monitoring in accordance with Article 70a,”;
- (c) in paragraph 3, omit the final sentence in the first subparagraph;
- (d) in paragraph 4, omit the second sentence of the first subparagraph.

Amendment of Commission Implementing Regulation (EU) No. 908/2014

5.—(1) 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⁽⁴⁾ is amended, insofar as it relates to domestic support for rural development, as follows.

(2) In Article 4(1)—

- (a) omit point (i);
- (b) in point (ii), omit “on a single website”.

(3) In Article 27(1), for “EUR 5” substitute “£5.00”.

(4) For Article 41(1) substitute—

“**1.** The relevant authorities may decide to reduce the minimum level of on-the-spot checks in accordance with Article 59(5) of Regulation (EU) No 1306/2013. For the reduced control rate to apply, the paying agency must confirm that—

- (a) the internal control system is functioning correctly; and
- (b) the error rate for the population concerned was below the materiality threshold of 2.0%.”

(5) In Article 42—

- (a) in paragraph 1, for “EUR 150 000” substitute “£150 000”;
- (b) in paragraph 3, for “EUR 350 000” substitute “£350 000”.

(6) In Article 56(1), for “EUR 1 000” substitute “£1 000”.

(7) Omit Article 62.

(8) In Annex XI—

- (a) for “EUR 150, 000” substitute “£150,000”;
- (b) for “EUR 350 000” substitute “£350 000” in each place it occurs;
- (c) for “EUR 40 000” substitute “£40 000” in each place it occurs;
- (d) in the table at sheet B—
 - (i) for “(EUR)” substitute “£” in each place it occurs;
 - (ii) for “40 000 EUR” substitute “£40 000”.

(4) EUR 2014/908, amended by [S.I. 2020/90](#).