

*This Statutory Instrument has been made to correct errors in [S.I. 2019/764](#), [2019/823](#), [2019/831](#), [2019/1402](#), [2019/1422](#) and substantially replaces provision made in [S.I. 2019/1344](#), the scrutiny period for which expired on 7 January 2020 without the instrument having been approved, and is being issued free of charge to all known recipients of those Statutory Instruments.*

*Draft Regulations laid before Parliament under paragraphs 1(1) and 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

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## DRAFT STATUTORY INSTRUMENTS

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**2020 No. 000**

# **EXITING THE EUROPEAN UNION AGRICULTURE**

## **The Agriculture (Payments) (Amendment, etc) (EU Exit) Regulations 2020**

*Made - - - - 2020*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 8C(1) and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(1)</sup> and section 6(1) of the Direct Payments to Farmers (Legislative Continuity) Act 2020<sup>(2)</sup>.

In accordance with paragraphs 1(1) and 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 6(5) of the Direct Payments to Farmers (Legislative Continuity) Act 2020, the Secretary of State has obtained consent from the Scottish Ministers, Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

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(1) [2018 c.16](#). Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act [2020 \(c. 1\)](#) and paragraph 21 of Schedule 7 was amended by paragraph 53(2) of Schedule 5 to that Act. Section 8C was inserted by section 21 of that Act and paragraph 8F of Schedule 7 was inserted by paragraph 51 of Schedule 5 to that Act.

(2) [2020 c. 2](#).

## PART 1

### Introductory

#### Citation and commencement

1.—(1) These Regulations may be cited as the Agriculture (Payments) (Amendment, etc) (EU Exit) Regulations 2020.

(2) These regulations come into force—

- (a) as regards Part 3 on IP completion day;
- (b) otherwise immediately before IP completion day.

## PART 2

### CAP Horizontal Legislation

#### Treatment of CAP Horizontal Legislation

2.—(1) On IP completion day, each of the Regulations listed in paragraph (2) is to be treated as though section 3 of the European Union (Withdrawal) Act 2018 resulted in that Regulation forming part of domestic law in the form in which it applied on exit day, but—

- (a) insofar as it applies to the CAP direct payment schemes—
  - (i) excluding any Articles or parts of Articles which were not incorporated by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020; and
  - (ii) insofar as it applies in each constituent nation, amended in accordance with any amendments in force in the constituent nation immediately before IP completion day;
- (b) in all other cases, amended in accordance with any amendments made to the Regulation as it had effect in EU law by the European Commission or the European Parliament and the Council between exit day and the coming into force of this regulation.

(2) The Regulations referred to in paragraph (1) are—

- (a) Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy<sup>(3)</sup>;
- (b) Commission Delegated Regulation (EU) No 907/2014 supplementing 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, securities and use of euro<sup>(4)</sup>;
- (c) 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<sup>(5)</sup>;
- (d) 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

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(3) EUR 2013/1306, amended in relation to direct payment schemes by [S.I. 2020/90](#) and 576. EUR 2013/1306 is also amended prospectively with effect from IP completion day by [S.I. 2019/748](#) (as amended by [S.I. 2019/831](#)), 763 (as amended by [S.I. 2019/812](#)), 831 and 1402.

(4) EUR 2014/907, amended in relation to direct payment schemes by [S.I. 2020/90](#). EUR 2014/907 is also amended prospectively with effect from IP completion day by [S.I. 2019/765](#).

(5) EUR 2014/908, amended in relation to direct payment schemes by [S.I. 2020/90](#). EUR 2014/908 is also amended prospectively with effect from IP completion day by [S.I. 2019/765](#).

Council with regard to the integrated administration and control system, rural development measures and cross compliance(6);

- (e) 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(7).

(3) In this regulation “constituent nation” means England, Wales, Scotland or Northern Ireland, as the case may be.

### **The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019**

3.—(1) The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019(8) is amended as follows.

(2) In regulation 2, after “amended” insert “, insofar as it relates to common organisation of the markets and rural development measures(9),”

(3) In regulation 3, in paragraph (2)(a)—

(a) before paragraph (i) insert—

“(ai) omit point (e)”;

(b) in paragraph (i), in the substituted text, after “means” insert “, insofar as it relates to agricultural support”;

(c) in paragraph (iii), for points (h) to (n) in the substituted text, substitute—

“(h) “constituent nation” means England, Wales, Scotland or Northern Ireland, as the case may be;

(i) “agricultural support” means support for rural development and CMO support;

(j) “economic operator” means any person or public entity or group of such persons or entities, including any temporary association of undertakings, which offers the execution of works or a work, the supply of products or the provision of services on the market;

(k) “relevant authority”, unless otherwise defined in this Regulation, means:

(i) in England, the Secretary of State;

(ii) in Wales, the Welsh Ministers;

(iii) in Scotland, the Scottish Ministers;

(iv) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(6) 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 direct payment schemes in England by [S.I. 2020/510](#) and 575, in relation to direct payment schemes in Wales by [S.I. 2020/473](#) and 531, in relation to direct payment schemes in Scotland by [S.S.I. 2020/244](#) and in relation to direct payment schemes in Northern Ireland by [S.R. 2020/81](#) and 105. EUR 2014/809 is also amended prospectively with effect from IP completion day by [S.I. 2019/765](#).

(7) EUR 2014/640, amended in relation to direct payment schemes by [S.I. 2020/90](#), in relation to direct payment schemes in England by [S.I. 2020/551](#) and in relation to direct payment schemes in Northern Ireland by [S.R. 2020/94](#). EUR 2014/640 is also amended prospectively with effect from IP completion day by [S.I. 2019/765](#).

(8) [S.I. 2019/763](#); amended by [S.I. 2019/812](#).

(9) The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 1306/2013 with effect from exit day insofar as it relates to direct payment schemes and that Regulation has been amended in relation to direct payment schemes. Under Article 138 of the withdrawal agreement and section 7A of the European Union (Withdrawal Agreement) Act 2018 certain programmes and activities committed under the MFF 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law. This affects rural development and the common organisation of the markets.

- (l) “relevant accounting officer” means:
- (i) in England, the accounting officer for the Department for Environment, Food and Rural Affairs;
  - (ii) in Wales, the Permanent Secretary of the Welsh Government;
  - (iii) in Scotland, the Permanent Secretary of the Scottish Government;
  - (iv) in Northern Ireland, the Permanent Secretary of the Department of Agriculture, Environment and Rural Affairs;
- (n) “CMO support” means financial support granted under:
- (i) Regulation (EU) No 1308/2013<sup>(10)</sup> or any regulations made under, or delegated or implementing acts adopted on the basis of, that Regulation;
  - (ii) any delegated or implementing acts adopted on the basis of Regulation (EC) No 1234/2007;
  - (iii) Regulation (EU) No 1144/2014<sup>(11)</sup> or any regulations made under, or delegated or implementing acts adopted on the basis of, that Regulation;”.
- (4) In regulation 4, for paragraph (3) substitute—
- “(3) In Article 7, for paragraphs 1 to 6 substitute—
- “1. Paying agencies shall be departments or bodies designated by the relevant authority, which have an administrative organisation and a system of internal control that provide sufficient guarantees that payments are legal and regular, and properly accounted for.
2. The number of paying agencies shall be restricted to no more than one per constituent nation. However, the relevant authorities may jointly designate a single paying agency for the UK to manage aid schemes which, by their nature, have to be managed at UK level.
3. Paying agencies shall be responsible for the management and control of expenditure on agricultural support. With the exception of payment, the carrying out of those tasks may be delegated.
4. The relevant authorities shall have joint responsibility for the following tasks:
- (a) to take or coordinate, as the case may be, actions with a view to resolving deficiencies of a common nature;
  - (b) to promote and, where possible, ensure harmonised application of sectoral agricultural legislation.
5. The paying agencies shall manage and ensure the control of the operations linked to public intervention for which they are responsible and they shall retain overall responsibility in that field.”.
- (5) In regulation 5(1)(b)—
- (a) the words from “for points” to the end become paragraph (ii) of that sub-paragraph;
  - (b) before that paragraph, insert—
    - “(i) omit point (b);”.
- (6) In regulation 6—
- (a) in paragraph (2), omit “Direct payment support and”;

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<sup>(10)</sup> EUR 2013/1308, amended prospectively with effect from IP completion day by S.I. 2019/821, 828, 831, 1402, 1422.

<sup>(11)</sup> EUR 2014/1144, amended prospectively with effect from IP completion day by S.I. 2019/821 and 831.

(b) in paragraph (5), for “25” substitute “29”;

(c) omit paragraphs (6) and (7);

(d) for paragraph (17) substitute—

“(17) In Article 50—

(a) for the heading, substitute—

“Powers”;

(b) omit paragraph 1.”;

(e) in paragraph (20), in the substituted heading and text, in both places it occurs, omit “direct payment support and”.

(7) In regulation 7—

(a) in paragraph (5)—

(i) for sub-paragraph (a) substitute—

“(a) in paragraph 1—

(i) in the first subparagraph, omit the words from “and, where relevant” to the end;

(ii) in the second subparagraph, omit “national or Union”;;

(ii) after sub-paragraph (b) insert—

“(c) in paragraph 3, omit “and payment entitlements,”.”;

(b) in paragraph (9)—

(i) for sub-paragraph (b) substitute—

“(b) in paragraph 2—

(i) omit “to the support schemes listed in Annex I of Regulation (EU) No 1307/2013 and”;

(ii) for “34 and 40” substitute “and 34”;;

(ii) in sub-paragraph (c)—

(aa) in paragraph (i), after “for” insert “the words from “where” to”;

(bb) for paragraph (ii) substitute—

“(ii) omit point (b).”;

(c) for paragraph (10) substitute—

“(10) In Article 68—

(a) in paragraph 1, omit point (c);

(b) omit paragraphs 3 and 4.”;

(d) in paragraph (12), for sub-paragraph (b) substitute—

“(b) omit paragraph 2.”;

(e) for paragraph (13) substitute—

“(13) Omit Article 71.”;

(f) in paragraph (14)—

(i) in sub-paragraph (a), before paragraph (i) insert—

“(zi) omit “an application for direct payments or”;

(zai) omit point (b).”

- (ii) in sub-paragraph (b), after paragraph (i) insert—
  - “(ia) in point (a), omit the words from “, and/or may decide” to the end of the sentence.”;
- (g) in paragraph (16)(a), for paragraph (ii) substitute—
  - “(ii) omit point (a).”;
- (h) for paragraph (17) substitute—
  - “(17) In Article 77—
    - (a) in paragraph 2—
      - (i) in point (e), for “to be set by the Commission” substitute “set”;
      - (ii) in point (f), for “to be defined by the Commission” substitute “as defined”;
    - (b) omit paragraph 6.”;
- (i) in paragraph (27), for sub-paragraph (a) substitute—
  - “(a) in paragraph 1—
    - (i) for “Member States” substitute “The relevant authority”;
    - (ii) at the end, insert the following subparagraph—
      - “In this paragraph and in paragraph 4, ‘relevant authority’ means:
        - (a) in England, the Secretary of State;
        - (b) in Wales, the Welsh Ministers;
        - (c) in Scotland, the Scottish Ministers.”;
- (j) in paragraph (28)—
  - (i) after sub-paragraph (aa) insert the following sub-paragraph—
    - “(ab) at the end of paragraph 2, insert the following subparagraph—
      - “In this Article, ‘relevant authority’ means:
        - (a) in England, the Secretary of State;
        - (b) in Wales, the Welsh Ministers;
        - (c) in Scotland, the Scottish Ministers.”;
  - (ii) for sub-paragraph (b) substitute—
    - “(b) for “the Union” substitute “Great Britain”.”.
- (8) In regulation 8—
  - (a) for paragraph (2) substitute—
    - “(2) In Article 92—
      - (a) in the first paragraph, omit the words from “direct payments” to “1308/2013 and”;
      - (b) for second paragraph substitute—
        - “However, Article 91 shall not apply to the support referred to in Article 28(9) of Regulation (EU) No 1305/2013(12).”;
  - (b) in paragraph (4), before sub-paragraph (a) insert—
    - “(za) in the heading, omit “of Member States”;

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(12) EUR 1305/2013, amended prospectively with effect from IP completion day by S.I. 2019/748 and 764.

- (c) for paragraph (7) substitute—
  - “(7) In Article 97—
    - (a) in paragraph 1, omit the second subparagraph;
    - (b) in paragraph 3—
      - (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
      - (ii) in the second subparagraph, for “a Member State” substitute “the relevant authority”.”.
- (9) In regulation 9(5)—
  - (a) for point (b) substitute—
    - “(b) omit paragraph 3.”;
  - (b) in sub-paragraph (c)(i), omit “direct payment support and”.
- (10) In regulation 10—
  - (a) in paragraph (3)—
    - (i) for sub-paragraph (a) substitute—
      - “(a) in paragraph 1—
        - (i) for “Member States and the Commission” substitute “The relevant authority”;
        - (ii) after “Title IV,” insert “and”;
        - (iii) omit “and Chapter III of Title VII”;
      - (aa) in paragraph 2, omit the words from “for monitoring” to “well as”.”;
  - (b) for paragraph (4) substitute—
    - “(4) Omit Articles 118 to 121.”;
  - (c) omit paragraph (5).
- (11) In regulation 11—
  - (a) in the heading, for the words from “1 and” to the end substitute “1 to 3 (Information, rules on cross-compliance and correlation table)”;
  - (b) after paragraph (2) insert—
    - “(3) Omit Annex 3.”.
- (12) Omit Part 3.

**The Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019**

4. The Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019(13) are amended in accordance with regulations 5 to 9.

5. In regulation 2, in paragraphs (2), (3)(a)(i) and (8)(a)(iii)(aa), omit “direct payments and”.

6.—(1) Regulation 3 is amended as follows.

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(13) [S.I. 2019/765](#); amended by [S.I. 2019/1405](#).

(2) In paragraph (1), after “amended” insert “, insofar as it relates to common organisation of the markets and rural development measures(14),”.

(3) In paragraph (5)(a)(i) omit “direct payments and”.

(4) In paragraph (6), for “and 13” substitute “, 13 and 14”.

(5) In paragraphs (9)(b)(ii) and (11)(c), before “national” insert “the applicable”.

(6) For paragraph (24) substitute—

“(24) In Article 45, omit the second paragraph.”.

(7) After paragraph (24) insert—

“(24A) After Article 45 omit the words from “This Regulation” to “States.”.

(8) In paragraph (28), for “Annex 5” substitute “Annexes 5 and 6”.

7.—(1) Regulation 4 is amended as follows.

(2) In paragraph (1), after “amended” insert “, insofar as it relates to common organisation of the markets and rural development measures(15),”.

(3) In paragraphs (7)(a)(ii), (7)(d) and (11)(b)(iii)(bb), omit “direct payment and”.

(4) For paragraph (29)(b) substitute—

“(b) in paragraph 2, for the words from “expressed” to the end substitute “to be expressed in sterling”,.”.

(5) For paragraph (35) substitute—

“(35) Omit Articles 63 and 64.”.

(6) After paragraph (35) insert—

“(35A) After Article 64, omit the words from “This Regulation” to “States.”.

(7) In paragraph (37), omit “direct payment and” in each place it occurs.

(8) In paragraph (38)(b)—

(a) omit “direct payment and” in each place it occurs;

(b) in paragraph (ii)(bb), omit “direct payments and”.

(9) After paragraph (38), insert—

“(39) In Annex 13, omit paragraphs 1, 5 and 6.”.

8.—(1) Regulation 5 is amended as follows.

(2) In paragraph (1), after “amended” insert “, insofar as it relates to common organisation of the markets and rural development measures(16),”.

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(14) The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 907/2014 with effect from exit day insofar as it relates to direct payment schemes and that Regulation has been amended in relation to direct payment schemes only. Under Article 138 of the withdrawal agreement and s7A of the European Union (Withdrawal Agreement) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the MFF 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.

(15) The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 908/2014 with effect from exit day insofar as it relates to direct payment schemes and that Regulation has been amended in relation to direct payment schemes. Under Article 138 of the withdrawal agreement and s7A of the European Union (Withdrawal Agreement) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the MFF 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.

(16) The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 809/2014 with effect from exit day insofar as it relates to direct payment schemes and that Regulation has been amended in relation to direct payment schemes. Under Article 138 of the withdrawal agreement and s7A of the European Union (Withdrawal Agreement) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the MFF 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.



- (3) In paragraph (2)(a)—
- (a) in paragraph (iii) for “point (g)” substitute “points (f) and (g);
  - (b) after paragraph (iii) insert—
    - “(iia) in point (h), omit “aid applications and”;
    - (iib) in point (j), omit “as well as of unduly allocated payment entitlements”;;
  - (c) for paragraph (iv) substitute—
    - “(iv) for point (m) substitute—
      - “(m) payment claims, including the final date for the submission of applications, requirements as to the minimum amount of information to be included in applications and provisions which allow a relevant authority to apply simplified procedures”;;
  - (d) after paragraph (iv) insert—
    - “(v) in point (n), omit “aid application or”.”.
- (4) In paragraph (3)(a)—
- (a) before paragraph (i) insert—
    - “(ai) omit “aid schemes and”;;
  - (b) after paragraph (ii) insert—
    - “(iia) omit “direct payments and”;;
  - (c) after paragraph (iii) insert—
    - “(iv) omit “aid applications,”;.”.
- (5) For paragraph (4) substitute—
  - “(4) In Article 3, in paragraph 1—
    - (a) in the first subparagraph, omit “aid application,”;
    - (b) in the second subparagraph, in both places it occurs, for “Member State” substitute “relevant authority”.”.
- (6) After paragraph (4) insert—
  - “(4A) In Article 4, for “Aid applications, applications” substitute “Applications”.”.
- (7) For paragraph (5) substitute—
  - “(5) In Article 5—
    - (a) in the first paragraph, omit “direct payment schemes or”;
    - (b) in the second paragraph, for “Union or national law” substitute “the law applying in the constituent nation”.”.
- (8) For paragraph (6) substitute—
  - “(6) In Article 6—
    - (a) omit paragraph 1;
    - (b) in paragraph 2—
      - (i) omit the words from “each”, in the first place it occurs, to “and for”;
      - (ii) omit point (f);
    - (c) omit paragraph 3;
    - (d) in paragraph 4, for “paragraph 3” substitute “paragraph 2”.”.
- (9) In paragraph (10)—

- (a) for sub-paragraphs (a) to (c) substitute—
  - “(a) in paragraph 1—
    - (i) for “No 1305/2013,” substitute “No 1305/2013 and”;
    - (ii) omit “and (EU) No 1307/2013”;
    - (iii) in points (b) and (c), omit “direct payment scheme or” in each place it occurs;
  - (b) in paragraph 2—
    - (i) omit “aid applications or”;
    - (ii) for “Member States”—
      - (aa) in the first it occurs, substitute “the relevant authority”;
      - (bb) in the second place it occurs, substitute “The relevant authority”;
    - (iii) for “an aid application or payment” substitute “a payment”;
    - (iv) omit “direct payment scheme or”;
    - (v) omit “national”;
    - (vi) omit “aid applications and”;
    - (vii) for “Member State” substitute “The relevant authority”;
  - (c) in paragraph 3, omit “aid application or”;
- (b) after paragraph (c) insert—
  - “(ca) in paragraph 4—
    - (i) for “Member States”—
      - (aa) in the first place it occurs, substitute “the relevant authority”;
      - (bb) in the second place it occurs, substitute “The relevant authority”;
    - (ii) in the first subparagraph, omit “, aid application”;
- (10) In paragraph (11)(a)—
  - (a) after “States” insert “decide”;
  - (b) after “authority” insert “decides”.
- (11) In paragraph (12)(a)—
  - (a) after paragraph (i) insert—
    - “(ia) omit “, aid applications”;
  - (b) for paragraph (iii) substitute—
    - “(iii) in the second subparagraph—
      - (aa) for “Member States” substitute “the relevant authority”;
      - (bb) omit “aid and/or”;
- (12) For paragraph (13) substitute—
  - “(13) In Article 14—
    - (a) in paragraph 1—
      - (i) in points (b) and (g), omit “direct payment schemes and/or” in both places it occurs;
      - (ii) omit points (c) and (h);
    - (b) omit paragraphs 2 and 3.”.

(13) For paragraph (15) substitute—

“(15) In Article 15—

- (a) in paragraph 1, in the first subparagraph—
  - (i) omit “or individual payment entitlements”;
  - (ii) omit “direct payment schemes or”;
- (b) in paragraph 1, in the second subparagraph—
  - (i) omit “direct payment scheme or”;
  - (ii) omit “or in respect of payment entitlements”;
- (c) in paragraph 1b—
  - (i) omit “direct payment schemes or”;
  - (ii) omit the last sentence;
- (d) in paragraph 2—
  - (i) in the first subparagraph, omit the words from “, except in the case of” to the end;
  - (ii) in the second and third subparagraphs, for “Member States”, in each place it occurs, substitute “the relevant authority”;
  - (iii) in the third subparagraph, omit the words from “the payment for agricultural practices beneficial” to “Regulation (EU) No 1307/2013 or”;

(14) After paragraph 15 insert—

“(15A) In Article 16, omit the words from “, in particular” to “No 1307/2013,”.

(15) In paragraph (16)—

(a) for sub-paragraphs (b) to (d) substitute—

“(b) in paragraph 4—

- (i) in the first subparagraph, omit “basic payment scheme, the single area payment scheme and/or”;
- (ii) in the second subparagraph, omit the last sentence.

(c) in paragraph 5, for the first and second subparagraphs substitute—

“**5.** The beneficiary shall unambiguously identify and declare the area of each agricultural parcel. For this purpose, the beneficiary may confirm the information already provided in the pre-established form. However, where the information on the area, location or boundary of the agricultural parcel is not correct or is incomplete, the beneficiary shall correct or make changes to the pre-established form.”;

(d) in paragraph 6, omit the third subparagraph;”;

(b) after sub-paragraph (d) insert—

“(e) omit paragraphs 7 to 9.”.

(16) In paragraph (17), for “Article 19” substitute “Articles 18 to 20”.

(17) Omit paragraph (18).

(18) In paragraph (19)—

(i) for sub-paragraphs (a) and (b) substitute—

“(a) in paragraph 1—

- (i) for the words from “livestock aid application” to “that Regulation” substitute “payment claim under animal related support measures as defined in point (14) of the second subparagraph of Article 2(1) of Delegated Regulation (EU) No 640/2014”;
  - (ii) omit “aid and/or”;
  - (iii) in point (c), omit “a livestock aid application or”;
  - (iv) in point (d), for “Member State” substitute “relevant authority”;
  - (v) in point (e) omit “scheme or”;
  - (vi) in point (f) omit “aid and/or”;
- (ab) in paragraph 2, omit “livestock aid application or”;
- (b) in paragraph 3—
  - (i) for “Member States” substitute “A relevant authority”;
  - (ii) omit “livestock aid application or”;
- (ii) in sub-paragraph (c), for paragraphs (i) to (iii) substitute—
  - “(i) in the first subparagraph—
    - (aa) for “Member States” substitute “A relevant authority”;
    - (bb) omit “livestock aid application or”;
    - (cc) omit “aid schemes or”;
  - (ii) in the second subparagraph—
    - (aa) omit “aid and/or” in both places it occurs;
    - (bb) for “Member State” substitute “relevant authority”;
  - (iii) in the third subparagraph—
    - (aa) for “Member States” substitute “the relevant authority”;
    - (bb) in point (a), omit “aid scheme and/or”;
- (19) For paragraphs (20) and (21) substitute—
  - “(20) Omit Article 22.
  - (21) Omit Article 23.”.
- (20) For paragraphs (22) to (24) substitute—
  - “(22) In Article 24—
    - (a) in paragraph 1—
      - (i) in point (a), omit “aid application,”;
      - (ii) in point (b)—
        - (aa) omit “aid scheme and/or”;
        - (bb) omit “aid and/or”;
    - (b) in paragraph 2—
      - (i) for “Member States”—
        - (aa) in the first place it occurs, substitute “The relevant authority”;
        - (bb) in the second place it occurs, substitute “relevant authority”;
      - (ii) for “Union law or laid down in relevant national law” substitute “the law applying in the constituent nation”.

- (22A) In Article 25, in the second subparagraph, omit “livestock aid applications or”.
- (23) In Article 26—
- (a) in paragraph 1, for “Union law” substitute “the law applying in the constituent nation”;
  - (b) in paragraph 3, omit “aid schemes or”;
  - (c) in paragraph 4, omit the second subparagraph.
- (24) In Article 27, in the second paragraph—
- (a) for “Member States” substitute “The relevant authority”;
  - (b) omit “schemes listed in Annex I to Regulation (EU) No 1307/2013”;
  - (c) omit the last sentence.”.
- (21) For paragraph (25)(b) substitute—
- “(b) in paragraph 2—
- (i) omit “animal aid schemes and”;
  - (ii) for “Member States” substitute “a relevant authority”.”.
- (22) For paragraphs (26) to (28) substitute—
- “(26) In Article 29—
- (a) in paragraph 1—
    - (i) in point (a), omit “and Annex VI to Council Regulation (EC) No 73/2009,”;
    - (ii) omit point (b);
    - (iii) in point (c), omit “direct payment scheme and/or”;
    - (iv) omit point (d);
    - (v) in point (e), omit “aid and/or” in both places it occurs;
    - (vi) omit points (f) and (g);
  - (b) in paragraph 3—
    - (i) for “an”, in the first place it occurs, substitute “a”;
    - (ii) omit “aid application and/or”;
    - (ii) omit “under the same aid scheme or”;
    - (iii) for “Member State” substitute “a relevant authority”.
- (27) Omit Article 30.
- (28) Omit Article 31.”.
- (23) After paragraph (29) insert—
- “(29A) Omit Article 33.
- (29B) In Article 33a, omit “aid scheme or” in each place it occurs.”.
- (24) For paragraphs (30) to (32) substitute—
- “(30) In Article 34—
- (a) omit paragraph 2;
  - (b) in paragraph 3—
    - (i) for “Articles”, in both places it occurs, substitute “Article”;
    - (ii) omit “and 33” in both places it occurs;

- (ii) in the third subparagraph, for “Member States” substitute “the relevant authority”;
- (c) in paragraph 4, for “Articles 30 to 33” substitute “Article 32”;
- (d) in paragraph 4a—
  - (i) for “Articles 30 to 33” substitute “Article 32”;
  - (ii) omit “aid scheme or”;
  - (iii) omit “aid schemes or”;
- (e) in paragraph 5, in point (c), for “Member State” substitute “relevant territory”;
- (f) in paragraph 7, omit “aid applications or”.
- (30A) In Article 35, omit “aid scheme or”.
- (31) In Article 36—
  - (a) in paragraph 1, omit “aid schemes or”;
  - (b) omit paragraphs 2 and 3;
  - (c) in paragraph 4, for “Member States” substitute “the relevant authority”;
  - (d) in paragraph 5—
    - (i) for “Paragraphs 2, 3 and 4” substitute “Paragraph 4”;
    - (ii) omit the words from “or the conditions” to “this Article”;
    - (iii) for “Member States” substitute “the relevant authority”;
    - (iv) omit “Articles 30(a), (b) and (f) and/or”;
    - (v) omit “aid schemes or”;
  - (e) omit paragraph 6.
- (32) In Article 37—
  - (a) in paragraph 1, in the first subparagraph, omit the words from “for which aid” to “and/or”;
  - (b) in paragraph 2—
    - (i) omit “aid schemes and/or”;
    - (ii) omit the second subparagraph.
  - (c) omit paragraph 3.”.
- (25) In paragraph (33)—
  - (a) before sub-paragraph (a) insert—
    - “(za) in paragraph 1—
      - (i) for “an aid application or” substitute “a”;
      - (ii) omit “area-related aid schemes or”;
  - (b) for sub-paragraph (c) substitute—
    - “(c) omit paragraph 6;
    - (d) in paragraph 8, omit “or the single area payment scheme”;
    - (e) in paragraph 9—
      - (i) for “paragraphs 1 to 8”, where those words appear for the first time, substitute “this Article”;
      - (ii) omit “paragraphs 1 to 8 of”;

- (iii) omit “aid or”.”.
- (26) For paragraphs (34) to (36) substitute—
  - “(34) In Article 39—
    - (a) in paragraph 1—
      - (i) for “an aid application or” substitute “a”;
      - (ii) omit “area-related aid schemes or”;
    - (b) omit paragraphs 2 and 3.
  - (35) In Article 40—
    - (a) for “Member State” substitute “relevant authority”;
    - (b) in point (a), omit “aid application and/or”;
  - (36) In Article 40a—
    - (a) in paragraph 2—
      - (i) in point (a), omit “30, 31,”;
      - (ii) omit point (b);
    - (c) in paragraph 3, in the first subparagraph—
      - (i) omit “area-related aid scheme or”;
      - (ii) omit the words from “or to defined groups of beneficiaries” to the end;
    - (d) in paragraph 4—
      - (i) omit “direct payment schemes,” in both places it occurs;
      - (ii) omit “30, 31,”.”.
- (27) In paragraph (38), before sub-paragraph (a) insert—
  - “(za) in paragraph 1—
    - (i) in point (a) and (f), omit “aid schemes or” in both places it occurs;
    - (ii) in point (a), omit “, aid applications”;
    - (iii) in point (h), omit “aid schemes,”.”.
- (28) For paragraph (39) substitute—
  - “(39) In Article 42—
    - (a) in paragraph 1—
      - (i) in the first subparagraph—
        - (aa) omit “aid applications or”;
        - (bb) omit “animal aid schemes or”;
      - (ii) in the second subparagraph—
        - (aa) for “Member State” substitute “relevant authority”;
        - (bb) omit “or Article 33”;
        - (cc) omit “respective animal aid scheme or”;
        - (dd) for “an aid application or” substitute “a”;
        - (ee) for “Member States” substitute “the relevant authority”;
        - (ff) omit “or 33”;
      - (iii) in the third subparagraph, for “Member State” substitute “relevant authority”;

- (iv) in the fourth subparagraph, omit “aid applications and/or”;
- (b) in paragraph 2, omit “aid applications or”.”.
- (29) In paragraph (40), before sub-paragraph (a) insert—
  - “(za) in paragraph 1—
    - (i) in point (a)—
      - (aa) omit “animal aid schemes and/or”;
      - (bb) omit “livestock aid applications and/or”;
    - (ii) in point (e), omit “animal aid schemes and/or”.”.
- (30) After paragraph (40) insert—
  - “(40A) Omit Article 44.”.
- (31) For paragraph (51) substitute—
  - “(51) In Article 64—
    - (a) in point (a), omit “national”;
    - (b) in point (d), omit the words from “and the maintenance of permanent pasture” to the end.”.
- (32) In paragraph (54), for sub-paragraph (a) substitute—
  - “(a) in paragraph 1—
    - (i) for the first subparagraph substitute—
      - “1. The competent control authority shall, with regard to the requirements and standards for which it is responsible, carry out on-the-spot checks on at least 1% of the total number of the beneficiaries receiving annual premia referred to in Article 92 of Regulation (EU) No 1306/2013 and the other beneficiaries receiving direct payment support.”;
    - (ii) in the fourth subparagraph, for “Member States” substitute “the relevant authority”.”.
- (33) For paragraph (55) substitute—
  - “(55) In Article 69—
    - (a) in paragraph 1, in the third subparagraph, for “A Member State” substitute “The relevant authority”;
    - (b) in paragraph 5, omit the last sentence;
    - (c) for paragraph 6 substitute—
      - “6. By way of derogation from Article 68(1), the samples of beneficiaries to be checked on the spot may be selected at the minimum rate of 1% of the beneficiaries receiving annual premia under Article 21(1)(a) and (b) and Articles 28 to 31, 33 and 34 of Regulation (EU) No 1305/2013.”.
- (34) After paragraph (55) insert—
  - “(55A) In Article 70a, in paragraph 3—
    - (a) omit “direct payment schemes.”;
    - (b) for “Articles 30, 31, 32 and 68 for on-the-spot checks of direct payments schemes,” substitute “Articles 32 and 68 for on-the-spot checks of”.
  - (55B) Omit Article 70b.”.
- (35) In paragraph (56), after sub-paragraph (d) insert—



- “(e) in paragraph 6—
  - (i) omit “aid applications, and/or”;
  - (ii) omit the words from “or, as regards to the applications” to the end.”.
- (36) For paragraph (58) substitute—
  - “(58) In Article 73—
    - (a) in paragraph 1—
      - (i) for the words from “different schemes listed” to “Member States”, in the first place it occurs, substitute “measures referred to in Article 21(1)(a) and (b) and Articles 28 to 31, 33 and 34 of Regulation (EU) No 1305/2013, the relevant authority”;
      - (ii) for “Member States”, in the second place it occurs, substitute “The relevant authority”;
    - (b) in paragraph 4—
      - (i) in point (a), omit “aid applications or”;
      - (ii) omit point (b) and the preceding “and/or”;
      - (iii) omit the second subparagraph;
    - (c) in paragraph 5, for “Member States” substitute “the relevant authority”.”.
- (37) For paragraph (59) substitute—
  - “(59) Omit Article 76.”.

**9.—(1)** Regulation 6 is amended as follows.

- (2) In paragraph (1), after “amended” insert “, for the purposes of common organisation of the markets and rural development measures<sup>(17)</sup>”.
- (3) After paragraph (1) insert—
  - “(1A) In Article 1, omit points (g) and (m).”.
- (4) In paragraph (2)—
  - (a) before sub-paragraph (a) insert—
    - “(za) in paragraph 1, in the first subparagraph, omit “in Article 4(1) of Regulation (EU) No 1307/2013 and”;
  - (b) in sub-paragraph (a), before paragraph (i) insert—
    - “(ai) in point (1), omit the words from “a farmer” to “that Regulation,”;
  - (c) after sub-paragraph (a)(iii), insert—
    - “(iiia) omit points (13) and (15);
    - (iiib) in point (16), omit the words from “subject”, in the first place it occurs, to “scheme or”;
    - (iiic) in point (17), omit “the aid under the animal aid scheme or”;
    - (iiid) in point (18), omit point (a);”;
  - (d) for sub-paragraph (a)(iv) substitute—

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<sup>(17)</sup> The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) incorporated Regulation (EU) 640/2014 with effect from exit day insofar as it relates to direct payment schemes and the Regulation has subsequently been amended in relation to direct payment schemes. Under Article 138 of the withdrawal agreement and s7A of the European Union (Withdrawal Agreement) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the MFF 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.

- “(iv) omit point (20);”;
  - (e) after sub-paragraph (a)(iv) insert—
    - “(iva) omit point (22);
    - (ivb) in point (23), omit point (a) and the “or” which follows it;”.
- (5) For paragraph (4) substitute—
  - “(4) In Article 4, in paragraph 1—
    - (a) omit the first subparagraph;
    - (b) in the third subparagraph, for “Member States” substitute “the relevant authority”.”.
- (6) In paragraph (5)—
  - (a) for sub-paragraph (a) substitute—
    - “(a) in paragraph 1—
      - (i) in the first subparagraph, omit the words from “areas” to “No 1307/2013 and”;
      - (ii) in the second subparagraph, for “Member States” substitute “The relevant authority”.”;
  - (b) in sub-paragraph (b)—
    - (i) after paragraph (ii) insert—
      - “(iia) omit point (a);”;
    - (ii) for paragraphs (iii) and (iv) substitute—
      - “(iii) omit point (c);
      - (iv) in point (d)—
        - (aa) for “2000 areas,” substitute “2000 areas and”;
        - (bb) omit the words from “, agricultural land authorised” to “Article 48 of that Regulation”.”.
- (7) For paragraphs (6) and (7) substitute—
  - “(6) Omit Article 6.
  - (7) Omit Article 7.”.
- (8) In paragraph (8)(b)(ii), before “relevant” omit “the”.
- (9) In paragraph (9), before “relevant” insert “the”.
- (10) After paragraph (9) insert—
  - “(9A) In Article 12—
    - (a) in the first subparagraph—
      - (i) for the words from the beginning to “where” substitute “Where”;
      - (ii) omit point (b);
    - (b) omit the second subparagraph.”.
- (11) For paragraph (12) substitute—
  - “(12) Omit Article 14.”.
- (12) For paragraph (13) substitute—
  - “(13) In Article 16—

- (a) in paragraph 1, in the first subparagraph, omit “area-related direct payments and/or”;
  - (b) omit paragraph 3.”.
- (13) For paragraph (14) substitute—
  - “(14) In Article 17—
    - (a) in paragraph 1—
      - (i) omit points (a) to (d);
      - (ii) in point (e), omit “aid scheme or”;
    - (b) in paragraph 2—
      - (i) for “an aid application and/or” substitute “a”;
      - (ii) omit “aid scheme or”;
      - (ii) omit “aid schemes or”.”.
- (14) For paragraph (15) substitute—
  - “(15) In Article 18—
    - (a) omit paragraphs 1 to 4;
    - (b) in paragraph 5—
      - (i) omit “aid applications and/or”;
      - (ii) omit “aid schemes or”;
    - (c) in paragraph 6—
      - (i) omit “aid applications and/or”
      - (ii) omit “aid schemes or”;
      - (iii) omit the words from “the total area declared for payment under the direct” to “No 1307/2013 or”;
    - (d) omit paragraph 7.”.
- (15) After paragraph (15) insert—
  - “(15A) In Article 19—
    - (a) in paragraph 1, in the first subparagraph, omit “aid schemes or”;
    - (b) omit “aid or” in each place it occurs.”.
- (16) For paragraph (16) substitute—
  - “(16) In Article 19a—
    - (a) in the heading, omit the words from “the basic” to “small farmers scheme”;
    - (b) in paragraph 1, omit the words from “the aid schemes” to “Regulation (EU) No 1307/2013 and”;
    - (c) in paragraphs 2 and 3, omit “aid scheme or” in both places it occurs.”.
- (17) For paragraph (17) substitute—
  - “(17) Omit Articles 20 to 29.”.
- (18) Omit paragraph (18).
- (19) In paragraph (19)—
  - (a) before sub-paragraph (a) insert—
    - “(za) in paragraph 1—

- (i) omit “aid or”;
    - (ii) omit “in the aid application or”;
  - (b) in sub-paragraph (a)—
    - (aa) before paragraph (i) insert—
      - “(ai) omit “in the aid application or”;
      - (bi) omit “aid or”;
      - (ci) omit “application or”;
    - (bb) after paragraph (ii) insert—
      - “(iii) omit “applications or”;
  - (c) after sub-paragraph (a) insert—
    - “(aa) in paragraph 3—
      - (i) for “an aid application or” substitute “a”;
      - (ii) omit “aid or”;
  - (d) after paragraph (b) insert—
    - “(c) in paragraph 4(c), for the words from “other than that” to “aid scheme or” substitute “under the”.
- (20) For paragraph (20) substitute—
  - “(20) In Article 31—
    - (a) in paragraph 1—
      - (i) omit the words from “in respect” to “aid scheme or”, in the first place it occurs;
      - (ii) omit “aid or”;
      - (iii) omit “aid scheme or”;
    - (b) in paragraph 2—
      - (i) omit “aid or”, in each place it occurs;
      - (ii) omit “aid scheme or”, in both places it occurs;
      - (iii) in the fourth subparagraph, for “Member States”, in both places it occurs, substitute “the relevant authority”;
    - (c) in paragraph 3—
      - (i) in the first subparagraph—
        - (aa) omit “animal aid scheme or”, in the first place it occurs;
        - (bb) omit “aid scheme or”, in the second place it occurs;
        - (cc) omit “aid application or”;
      - (ii) in the second subparagraph—
        - (aa) for “Member State” substitute “relevant authority”;
        - (bb) omit the words from “, irrespectively of their status” to the end;
    - (d) in paragraph 4—
      - (i) omit “aid or” in both places it occurs;
      - (ii) for “an aid scheme or” substitute “a”.
- (21) In paragraph (21)—

- (a) after sub-paragraph (a)(ii) insert—
  - “(iii) omit “aid or”;
- (b) in sub-paragraph (b)(iii) after “national” insert “legislation”.
- (22) After paragraph (21) insert—
  - “(21A) In Article 34, omit “aid application or”.
- (23) For paragraphs (27) to (29) substitute—
  - “(27) Omit Articles 42 to 44.”.

### **The Agriculture (Legislative Functions) (EU Exit) Regulations 2019**

**10.**—(1) The Agriculture (Legislative Functions) (EU Exit) Regulations 2019(**18**) are amended as follows.

- (2) In regulation 3—
    - (a) for “point (o)” substitute “point (l)”;
    - (b) for the substituted text substitute—
      - “(m) ‘appropriate authority’ means:
        - (i) subject to point (ii), the relevant authority for the constituent nation in which the regulations apply;
        - (ii) the Secretary of State:
          - (aa) in relation to regulations made under Article 66(3) or (4), where the subject matter is outside devolved competence;
          - (bb) in relation to Wales, for regulations made under Article 8, 20, 79(2), 84(6), 88 or 106(5) or (6) of this Regulation, if consent is given by the Welsh Ministers;
          - (cc) in relation to Scotland, if consent is given by the Scottish Ministers;
          - (dd) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs;
- For the purposes of point (ii)(aa), it is outside devolved competence to make any provision by subordinate legislation which would be outside the legislative competence of:
- (i) in relation to Wales, Senedd Cymru, if it were included in an Act of Senedd Cymru (see section 108A of the Government of Wales Act 2006);
  - (ii) in relation to Scotland, the Scottish Parliament if it were included in an Act of the Parliament (see section 29 of the Scotland Act 1998);
  - (iii) in relation to Northern Ireland, the Northern Ireland Assembly if it were included in an Act of the Assembly (see section 6 of the Northern Ireland Act 1998).”.
- (3) In regulation 5, before sub-paragraph (a) insert—
    - “(za) for the heading substitute—
      - “Powers”;
  - (4) Omit regulations 7 and 8.
  - (5) For regulation 12 substitute—

“12. In Article 62—

(a) for the heading substitute—

*“Powers as regards checks”;*

(b) in paragraph 2—

(i) for “Commission shall adopt implementing acts” substitute “appropriate authority may make regulations”;

(ii) in point (a)—

(aa) for “Member States” substitute “relevant authority”;

(bb) omit the words from “resulting” to the end;

(iii) omit points (e) and (f);

(iv) omit the second subparagraph.”.

(6) In regulation 13, after sub-paragraph (b)(i) insert—

“(ia) in point (b), omit “in respect of unduly allocated payment entitlements and”.”.

(7) In regulation 17—

(a) after sub-paragraph (a)(ii) insert—

“(iia) in point (a), omit the words from “, in addition to those” to the end;”.

(b) after sub-paragraph (b)(i) insert—

“(ia) omit point (b);”.

(8) In regulation 18, after sub-paragraph (a)(i) insert—

“(ia) for “paragraphs 5 and 6” substitute “paragraph 5”;”.

(9) In regulation 19, for sub-paragraph (b) substitute—

“(b) in point (b)—

(i) omit “and applications for payment entitlements,”;

(ii) for the words from “Member” to the end substitute “for the application of simplified procedures or correction of obvious errors”;”.

(10) In regulation 27, in the substituted text—

(a) omit paragraphs 2 and 7 of Article 115A;

(b) omit paragraph 6 of Article 115B;

(c) omit paragraph 6 of Article 115C;

(d) omit paragraph 6 of Article 115D.

(11) Omit Part 3.

## PART 3

### Amendment of subordinate legislation

#### **The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019**

**11.**—(1) The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019(**19**) are amended as follows.

- (2) Omit regulation 4.
- (3) In regulation 5—
  - (a) omit paragraph (2)(b);
  - (b) in paragraph (9), omit “direct payments and”;
  - (c) after paragraph (9), insert the following paragraph—

“(10) Omit regulation 36(2).”.
- (4) After regulation 6, insert—

#### **“Saving provisions**

**7.** The Environmental Stewardship Regulations 2005(**20**) apply in respect of any programme or activity to which Article 138 of the withdrawal agreement applies as if the amendments made by regulation 2 had not been made.

**8.** The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014(**21**) apply in respect of any programme or activity to which Article 138 of the withdrawal agreement applies as if the amendments made by regulation 5 had not been made and any reference to a Regulation originating from the European Union in those Regulations is to be read as a reference to that Regulation as it has effect in EU law.

**9.** Regulations 1 to 3 of the Common Agricultural Policy (Competent Authority and Coordinating Body) Regulations 2014(**22**) continue to apply in respect of any programmes or activities to which Article 138 of the withdrawal agreement applies as if the revocation made by regulation 6 had not been made.”.

#### **The Rural Development (Amendment) (EU Exit) Regulations 2019**

**12.**—(1) The Rural Development (Amendment) (EU Exit) Regulations 2019(**23**) are amended as follows.

- (2) In regulations 3(2) and 6(2), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (3) In regulation 5, after paragraph (24) insert—

“(24A) In Article 39b—

  - (a) in paragraph 3—
    - (i) for “Member States” substitute “The relevant authority”;

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(19) [S.I. 2019/733](#).

(20) [S.I. 2005/621](#), amended by [S.I. 2019/733](#); there are other amending instruments but none is relevant.

(21) [S.I. 2014/3263](#), amended by [S.I. 2019/733](#); there are other amending instruments but none is relevant.

(22) [S.I. 2014/3260](#), amended by [S.I. 2019/733](#).

(23) [S.I. 2019/764](#).

- (ii) for “Member State” substitute “relevant authority”;
- (b) in paragraph 4, omit the second sentence;
- (c) in paragraph 6—
  - (i) for “Member States” substitute “the relevant authority”;
  - (ii) for “other national or Union support instruments” substitute “Regulation 508/2014 or direct payment support”.”.
- (4) In regulation 6(9), at the end insert as a new sub-paragraph—
  - “(c) omit paragraph 4.”.
- (5) In regulation 7(5), after sub-paragraph (f) insert—
  - “(fa) in paragraph 6a—
    - (i) omit “EAFRD” in the first place it occurs;
    - (ii) for “EAFRD”, in the second place it occurs, substitute “core”.”.
- (6) In regulation 8(2)(b), after paragraph (ii) insert—
  - “(iii) in point (b) for “accredited” substitute “designated”;
  - (iv) omit point (c);”.

#### **The Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2019**

**13.**—(1) The Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2019<sup>(24)</sup> are amended as follows.

- (2) In regulation 2(10), for “exit day” substitute “IP completion day”.
- (3) In regulation 3—
  - (a) in paragraph (5)(d)(i), after sub-paragraph (bb), insert—
    - “(cc) for the words from “proposal” to “Commission” substitute “amendment made in response to the COVID-19 crisis is made”.”;
  - (b) in paragraph (14), before sub-paragraph (a) insert—
    - “(za) in paragraph 1, omit point (g);”.

#### **The European Structural Investment Funds (Common Provisions) (Amendment) (EU Exit) Regulations 2019**

**14.**—(1) The European Structural Investment Funds (Common Provisions) (Amendment) (EU Exit) Regulations 2019<sup>(25)</sup> is amended as follows.

- (2) In regulation 4(2), for “exit day”, in each place it occurs, substitute “IP completion day”.

#### **The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019**

**15.**—(1) The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019<sup>(26)</sup> are amended as follows.

- (2) In regulation 5, after paragraph (4) insert—
  - “(4A) In Article 4(b)—

<sup>(24)</sup> [S.I. 2019/770](#).

<sup>(25)</sup> [S.I. 2019/785](#).

<sup>(26)</sup> [S.I. 2019/823](#).



- (a) omit “an Implementing Regulation opening”;
  - (b) after “procedure or” insert “the Regulations”;
  - (c) for “provides” substitute “provide”.
- (4B) Omit Article 5(3)(c).”.
- (3) In regulation 6—
  - (a) in paragraph (10), after sub-paragraph (a), insert—
    - “(ab) omit “as provided for in Article 3(6)(a) of that Regulation”,”;
  - (b) for paragraph (25)(a), substitute—
    - “(a) in paragraph 1—
      - (i) for “tenders notified in accordance with Article 42” substitute “admissible tenders received within the time limits set down in the published tendering procedure”;
      - (ii) omit “, as provided for in Article 4(2)(a) of Regulation (EU) No 1370/2013”,”.

#### **The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019**

**16.**—(1) The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019(27) are amended as follows.

- (2) In regulation 4, at the end of substituted Article 14, insert as a new subparagraph—

“Regulations under point (b) may provide for the quantitative limitation to be 0.”.
- (3) For regulation 6(c) substitute—

“(c) omit paragraph 3.”.
- (4) In regulation 39, omit “for the constituent nation in which the regulations apply” in both places it occurs.
- (5) In regulation 42—
  - (a) for paragraph (a) substitute—
    - “(a) in paragraph 1—
      - (i) omit “point (a) of”;
      - (ii) after “limitations” insert “(applicable to the United Kingdom as a whole)”;
  - (ab) in paragraph 2—
    - (i) for “Article 13(1)” substitute “Article 13”;
    - (ii) omit “and shall be fixed by means of implementing acts”,”;
- (b) in paragraph (b)—
  - (i) in point (a) of the substituted text, at the beginning insert “where public intervention is carried out by way of tendering,”;
  - (ii) in point (b) of the substituted text, at the beginning insert “where buying-in is carried out at a fixed price,”;
- (c) for paragraph (c) substitute—
  - “(c) in paragraph 4, for “The Commission shall adopt implementing acts” substitute “The appropriate authority may make regulations”,”;

- (d) for paragraph (e) substitute—  
“(e) omit paragraph 6.”.
- (6) In regulation 43—
  - (a) for “4” substitute “4(2)”;
  - (b) after sub-paragraph (a) insert—  
“(ab) omit point (a);”.
- (7) In regulation 58(a)(i)—
  - (a) for “Article 13” substitute “Article 13(2)”;
  - (b) after “2013” insert “or Article 3(2) of Regulation (EU) No 1370/2013”.
- (8) In regulation 60(a), for the substituted wording substitute “Any tendering procedure (where tendering applies) or Regulations”.
- (9) Omit regulation 62.

#### **The Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019**

**17.** In the Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019(28), in regulation 5(13)(a), for “laying down” substitute “Article 227”.

#### **The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019**

**18.** In the Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019(29), in regulation 3, omit paragraphs (4)(a) and (5).

#### **The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019**

**19.** In the Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No.2) Regulations 2019(30), in regulation 4(11)(a), in the substituted text, for “marketing” substitute “marking”.

## **PART 4**

### **Amendment of retained direct EU legislation**

#### **Commission Implementing Regulation (EU) No 543/2011**

**20.** In 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(31), in Title 3, in Chapter 1, omit Section 4 (*Producer groups*).

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(28) [SI. 2019/1402](#).

(29) [S.I. 2019/1405](#).

(30) [S.I. 2019/1422](#).

(31) EUR 2011/543, amended by [S.I. 2019/822](#) and [S.I. 2019/828](#).

## Commission Delegated Regulation (EU) 2017/891

**21.**—(1) Commission Delegated Regulation (EU) 2017/891 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors<sup>(32)</sup> is amended as follows.

(2) In Article 2<sup>(33)</sup>—

- (a) in point (k), for “Member State” substitute “appropriate authority”;
- (b) in point (l)—
  - (i) in point (i)—
    - (aa) omit “national”;
    - (bb) after “operational programmes” insert “as referred to in Article 36(2) of Regulation (EU) No 1308/2013”;
  - (ii) in points (ii) and (iii), for “national strategy” substitute “strategy as referred to in Article 36(2) of Regulation (EU) No 1308/2013”;
- (c) after point (m), insert—
  - “(n) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;
  - (o) ‘public funds’ means moneys provided by Parliament, the Welsh Parliament, the Scottish Parliament, the Northern Ireland Assembly or a body exercising public functions within the United Kingdom. References to ‘public funding’ are to be construed accordingly;
  - (p) ‘relevant authority’ means:
    - (i) in relation to England, the Secretary of State;
    - (ii) in relation to Wales, the Welsh Ministers;
    - (iii) in relation to Scotland, the Scottish Ministers;
    - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (q) ‘third country’ means any country or territory other than:
    - (i) the United Kingdom;
    - (ii) the Bailiwick of Jersey;
    - (iii) the Bailiwick of Guernsey;
    - (iv) the Isle of Man.”.

(3) After Article 2, insert—

### *“Article 2A*

#### *Definition of appropriate authority*

**1.** For the purposes of this Regulation, ‘appropriate authority’ means:

- (a) in relation to England, the Secretary of State;

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<sup>(32)</sup> Under Article 138 of the withdrawal agreement (as defined in s39(1) of the European Union (Withdrawal Agreement) Act 2020 (c. 1)) and s7A of the European Union (Withdrawal) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the multiannual financial framework 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.

<sup>(33)</sup> Article 2 is also amended by S.I. 2020/XXX.

- (b) in relation to Wales, the Welsh Ministers;
  - (c) in relation to Scotland, the Scottish Ministers;
  - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
2. But the appropriate authority is the Secretary of State:
- (a) in relation to Scotland, at any time that the Secretary of State and the Scottish Ministers so agree;
  - (b) in relation to Northern Ireland, at any time that the Secretary of State and the Department of Agriculture, Environment and Rural Affairs so agree.
3. The relevant authorities for Scotland and Northern Ireland must each ensure that a statement identifying the appropriate authority for their constituent nation is published on a website maintained by them on or on their behalf.”.
- (4) After Article 14, insert—

*“Article 14A*

*Head office of a producer organisation*

1. The head office of a producer organisation must be located in the constituent nation in which the organisation achieves the majority of the value of marketed production calculated in accordance with Articles 22 and 23.

But the head office may be established in the constituent nation where the majority of producer members are located, if both the appropriate authority for that constituent nation and the appropriate authority for the constituent nation referred to in the first subparagraph consent.

2. Notwithstanding paragraph 1, the head office:
- (a) may not move to another constituent nation until the end of the implementation of an ongoing operational programme; and
  - (b) may be maintained in a particular constituent nation for as long as the appropriate authority for that constituent nation and the appropriate authorities referred to in paragraph 1 consent.
3. The appropriate authority for the constituent nation in which the head office of the producer organisation is located:
- (a) may:
    - (i) subject to paragraph 4, approve the producer organisation’s operational programme;
    - (ii) grant financial assistance in accordance with Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013;
  - (b) must:
    - (i) organise checks on the producer organisation and apply any administrative penalties in accordance with Article 34A of Regulation (EU) 2017/892; and
    - (ii) provide, on the request of the appropriate authority for a constituent nation in which members are located, all relevant documentation.
4. Notwithstanding paragraph 3(a)(i), where the producer organisation is implementing an operational programme at the time of applying for a new operational programme, the appropriate authority that may approve the new programme is the appropriate authority for the constituent nation in which the producer organisation will have its head office at the time that

the new programme will be implemented, to be determined in accordance with paragraphs 1 and 2 on the basis of the new operational programme.”.

(5) In Article 15(2), for “Member States” substitute “the appropriate authority or authorities (as the case may be)”.

(6) Before the heading “Chapter II Operational funds and operational programmes”, insert—

*“Article 21A*

*Head office of an association of producer organisations*

1. The head office of an association of producer organisations must be located in the constituent nation in which the member producer organisations achieve the majority of the value of marketed production.

But the head office may be established in the constituent nation where the majority of member producer organisations are located, if both the appropriate authority for that constituent nation and the appropriate authority for the constituent nation referred to in the first subparagraph consent.

2. Notwithstanding paragraph 1, the head office:

- (a) may not move to another constituent nation until the end of the implementation of an ongoing operational programme; and
- (b) may be maintained in a particular constituent nation for as long as the appropriate authority for that constituent nation and the appropriate authorities referred to in paragraph 1 consent.

3. The appropriate authority for the constituent nation in which the head office of the association of producer organisations is located:

- (a) may:
  - (i) subject to paragraph 4, approve the association’s operational programme;
  - (ii) grant financial assistance in accordance with Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013;
- (b) must:
  - (i) organise checks on the association of producer organisations and apply any administrative penalties in accordance with Article 34B of Regulation (EU) 2017/892; and
  - (ii) provide, on the request of the appropriate authority for a constituent nation in which members are located, all relevant documentation.

4. Notwithstanding paragraph 3(a)(i), where the association of producer organisations is implementing an operational programme at the time of applying for a new operational programme, the appropriate authority that may approve the new programme is the appropriate authority for the constituent nation in which the association will have its head office at the time that the new programme will be implemented, to be determined in accordance with paragraphs 1 and 2 on the basis of the new operational programme.”.

(7) In Article 23(34)—

- (a) in the heading, omit “Union”;
- (b) in paragraph 1, in the first subparagraph, for “Member States” substitute “The appropriate authority”;

- (c) in paragraph 2, omit “Union”;
  - (d) omit paragraph 3;
  - (e) in paragraph 4, in the first and second subparagraphs, for “competent authority of the Member State concerned” substitute “appropriate authority”.
- (8) In Article 24—
- (a) for “Member States shall ensure that producer organisations comply” substitute “The appropriate authority for the constituent nation in which a producer organisation has its head office must ensure that the producer organisation complies”;
  - (b) for “national standards of cost-based accounting” substitute “standards of cost-based accounting applicable in the constituent nation concerned”.
- (9) In Article 26(1)—
- (a) in the first subparagraph—
    - (i) for “Member State, which has granted the recognition,” substitute “appropriate authority for the constituent nation in which their head office is located”;
    - (ii) omit “Union”;
    - (iii) after “financial assistance” insert “referred to in Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013”;
  - (b) in the second subparagraph, for “Member States may set” substitute “nothing in this Regulation prevents the appropriate authority from setting”.
- (10) In Article 27—
- (a) for the heading, substitute “**Strategy**”;
  - (b) in paragraph 1—
    - (i) omit “national” in each place it occurs;
    - (ii) in the first subparagraph, omit the words from “after having”, in the first place it occurs, to the end;
  - (c) for paragraph 2 substitute—
 

“**2.** In addition to the elements referred to in Article 36(2) of Regulation (EU) No 1308/2013, the strategy must integrate all the decisions taken and provisions adopted for the purposes of Articles 152 to 163 of that Regulation that apply in the constituent nation concerned”;
  - (d) in paragraph 3—
    - (i) for the first subparagraph substitute—
 

“**3.** The relevant authority must carry out an analysis of the initial situation as part of the process of drawing up the strategy.”;
    - (ii) in the second and third subparagraphs, for “It” substitute “This analysis”;
  - (e) in paragraph 4—
    - (i) in the first subparagraph, for “Member States” substitute “The relevant authority”;
    - (ii) omit “national” in both places it occurs;
  - (f) in paragraph 5—
    - (i) for “Member States” substitute “The relevant authority”;
    - (ii) omit “national”.
- (11) Omit Article 28.

(12) In Article 29—

- (a) in the heading, omit “Member State”;
- (b) for “Member States may adopt” substitute “Nothing in this Regulation prevents the appropriate authority from adopting”.

(13) In Article 30—

- (a) in paragraph 1—
  - (i) in the first subparagraph—
    - (aa) for “Member State’s” substitute “relevant authority’s”;
    - (bb) for “that Member State” substitute “the appropriate authority for the constituent nation concerned”;
  - (ii) in the second subparagraph—
    - (aa) for “a Member State” substitute “the relevant authority”;
    - (bb) for “national strategy” substitute “strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013”;
- (b) in paragraph 2, for “Member State concerned” substitute “appropriate authority”;
- (c) in paragraph 4, for “national strategy” substitute “strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013”;
- (d) in paragraph 6, for “Member States” substitute “the appropriate authorities”.

(14) In Article 31(35)—

- (a) in paragraph 2, omit the words from “However” to the end;
- (b) omit paragraph 3;
- (c) in paragraph 5—
  - (i) in the first subparagraph, in point (b), for “national property rules” substitute “property rules as they apply in the relevant constituent nation”;
  - (ii) in the second subparagraph—
    - (aa) for “Member States” substitute “the appropriate authority”;
    - (bb) for “their national strategy” substitute “the strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013”;
- (d) in paragraph 6—
  - (i) in the first subparagraph, for “Member States” substitute “The appropriate authority”;
  - (ii) in the fourth subparagraph—
    - (aa) for “the Union” substitute “any European Union”;
    - (bb) after “(EAGF)” insert “and any aid paid to finance the investment from public funds shall be recovered by or on behalf of the relevant authority or authorities that provided the aid, in both cases”;
- (e) in paragraph 7, in the second and third subparagraphs, for “Member States” substitute “the appropriate authority”;
- (f) in paragraphs 8 and 9, omit “national”.

(15) In Article 32(1)—

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(35) Article 31 is also amended by S.I. 2020/XXX.

- (a) for “Member States may authorise that producer members of associations of producer organisations” substitute “Associations of producer organisations may make provision in their members’ agreements and statutes for producer members”;
  - (b) before “finance” insert “to”.
- (16) In Article 33—
- (a) in paragraph 1, for “Member States” substitute “The appropriate authority”;
  - (b) in paragraph 2, for “Member States”, in both places it occurs, substitute “The appropriate authority”.
- (17) In Article 34—
- (a) in paragraph 1—
    - (i) in the first subparagraph, for “Member States” substitute “The appropriate authority”;
    - (ii) in the second subparagraph, for “Member States” substitute “the appropriate authority”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) for “Member States” substitute “The appropriate authority”;
      - (bb) for “them” substitute “the appropriate authority”;
    - (ii) in the second subparagraph—
      - (aa) in the words before point (a), for “Member States” substitute “the appropriate authority”;
      - (bb) in point (c), for “percentage to be fixed by Member States” substitute “maximum of 25%”;
      - (cc) in point (d), for “national” substitute “additional”;
    - (iii) in the third subparagraph—
      - (aa) for “Member States” substitute “The appropriate authority”;
      - (bb) for “the competent”, in both places it occurs, substitute “that”;
      - (cc) omit “of the Member State”;
      - (dd) for “competent” in the second place it occurs, substitute “appropriate”;
    - (iv) in the fourth subparagraph, for “Member States” substitute “The appropriate authority”.
- (18) In Article 35—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Member States may permit producer organisations to apply” substitute “A producer organisation may apply to the appropriate authority for the constituent nation in which the producer organisation has its head office”;
      - (bb) for “three or four-month period” substitute “quarter”;
    - (ii) for the second subparagraph substitute—
 

“A producer organisation applying for an advance payment must demonstrate to the satisfaction of the appropriate authority, and the appropriate authority must verify, that:



- (a) financial contributions to the producer organisation's operational fund have been levied and paid in accordance with Articles 24 and 25;
    - (b) the corresponding producer organisation contribution has actually been spent; and
    - (c) any previous advance payments received by the producer organisation have actually been spent.”;
  - (b) after paragraph 3, insert—
    - “4. In this Article ‘quarter’ means a period of three months ending with the last day of March, June, September or December.”.
- (19) In Article 36—
- (a) in paragraph 2(b)—
    - (i) for “Union” substitute “European Union”;
    - (ii) after “EAGF” insert “and any aid paid to finance those investments from public funds shall be recovered by or on behalf of the relevant authority or authorities that provided the aid”;
  - (b) in paragraph 3—
    - (i) for “Union” substitute “European Union”;
    - (ii) at the end insert the following subparagraph—
      - “Any aid paid from public funds for multiannual commitments, such as environmental actions, where their long term objectives and expected benefits cannot be realised because of the interruption of the measure shall be recovered by or on behalf of the relevant authority or authorities that provided the aid.”.
- (20) Omit Article 37.
- (21) Omit Section 2 of Chapter III of Title II.
- (22) In Article 40—
- (a) for paragraph 1, substitute—
    - “1. A producer organisation may apply for support for the administrative cost of setting up mutual funds and the replenishment of mutual funds, as referred to in point (d) of the first subparagraph of Article 33(3) of Regulation (EU) No 1308/2013.”;
  - (b) in paragraph 2—
    - (i) omit “referred to in paragraph 1”;
    - (ii) omit “Union”;
    - (iii) after “financial assistance” insert “referred to in Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013”;
  - (c) in paragraph 3, omit “referred to in paragraph 1”;
  - (d) in paragraph 4, for “Member States may fix” substitute “Nothing in this Regulation prevents the appropriate authority from fixing”.
- (23) Omit Sections 4 to 6 of Chapter III of Title II.
- (24) In Article 51—
- (a) for paragraph 1, substitute—
    - “1. Harvest insurance actions must be managed by the producer organisation. Harvest insurance actions do not have to cover all of the members of the producer organisation, and can be targeted at specific producer members.

Harvest insurance actions are not permitted to cover contracts of insurance that are not effected and carried out as principal by an authorised person in accordance with the Financial Services and Markets Act 2000(36).”;

- (b) in paragraph 2—
  - (i) in the first subparagraph—
    - (aa) for “Member States” substitute “The appropriate authority for the constituent nation in which the producer organisation has its head office”;
    - (bb) omit “national”;
  - (ii) in the second subparagraph, omit “Union”.
- (25) Omit Section 8 of Chapter III of Title II.
- (26) In the heading of Chapter 4, for “National” substitute “Additional”.
- (27) In Article 52—
  - (a) in the heading, for “national” substitute “additional”;
  - (b) omit paragraphs 1 and 2;
  - (c) in paragraph 3—
    - (i) for “region” substitute “regions”;
    - (ii) for “national financial assistance” substitute “additional financial assistance referred to in Article 35 of Regulation (EU) No 1308/2013”;
  - (d) in paragraph 4—
    - (i) for the first subparagraph substitute—
 

“4. Regulations under Article 35(1) of Regulation (EU) No 1308/2013 must specify the regions to which the regulations apply.

The regions must be a distinct part of the territory of the constituent nation concerned and data must be available in order to calculate the degree of organisation of producers in the fruit and vegetables sector in those regions.

The appropriate authority must determine the regions where the degree of organisation of producers in the fruit and vegetables sector is particularly low on the basis of objective and non-discriminatory criteria, such as those regions’—

      - (a) agronomic and economic characteristics;
      - (b) agricultural and fruit and vegetable potential; and
      - (c) institutional or administrative structure.”;
    - (ii) in the second subparagraph—
      - (aa) for “defined” substitute “specified”;
      - (bb) for “a Member State” substitute “such regulations”;
  - (e) omit paragraph 5.
- (28) In Article 53, for “national” substitute “additional”.
- (29) For Article 54, substitute—

*“Article 54*

*Publications concerning producer organisations and associations of producer organisations*

Each appropriate authority must each ensure that the following information and documents are published on a website maintained by them or on their behalf, starting in 2022:

- (a) by 31 January each year:
  - (i) the total amount of the operational funds approved that year for operational programmes;
  - (ii) the total amount of financial assistance granted under Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013 for that year;
  - (iii) the allocations of the amounts referred to in points (i) and (ii) between:
    - (aa) crisis prevention and management measures;
    - (bb) other measures;
- (b) by 15 November each year, an annual report on producer organisations and associations of producer organisations, and operational funds and operational programmes in operation during the previous year. This annual report must contain the information set out in Annex V to this Regulation. Where the appropriate authorities agree, the annual report may be a single annual report in respect of the United Kingdom as a whole.

Where the appropriate authorities agree, the information and documents may instead be published in respect of the United Kingdom as a whole.”

(30) In the heading of Section 2 of Chapter 5, omit “national”.

(31) In Article 56(1), for “national strategies” substitute “strategies referred to in Article 36(2) of Regulation (EU) No 1308/2013”.

(32) In Article 57(3)—

- (a) in the first subparagraph—
  - (i) after “report” insert “to be sent by the producer organisation or association of producer organisations concerned to the appropriate authority”;
  - (ii) omit “as referred in Article 21(4) of Implementing Regulation (EU) 2017/892”;
- (b) in the last subparagraph for “Article 21” substitute “Article 9(2)(j)”.

(33) In Article 58—

- (a) omit “national” in each place it occurs (including the heading);
- (b) in paragraph 1—
  - (i) for “Member States” substitute “Each appropriate authority”;
  - (ii) for “they” substitute “each appropriate authority”;
  - (iii) at the end, insert “Where the appropriate authorities agree, the system may be a single system in respect of the United Kingdom as a whole.”;
- (c) in paragraph 3, omit the second subparagraph.

(34) In Article 59—

- (a) in paragraph 1(37), for “Member States” substitute “the appropriate authority”;
- (b) in paragraph 7, for “Member States” substitute “the appropriate authorities”;
- (c) in paragraph 8, for “Member State” substitute “appropriate authority”.

(35) In Article 60—

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(37) Article 59(1) is also amended by S.I. 2020/XXX.

- (a) in paragraph 1(38)—
  - (i) for “Member States” substitute “The appropriate authority”;
  - (ii) for “national authority” substitute “public authority within the United Kingdom”;
- (b) in paragraph 2(39)—
  - (i) in the words before point (a)—
    - (aa) for “Member States” substitute “the responsible authority”;
    - (bb) for “under Union and national legislation” substitute “in law”;
  - (ii) after point (c), insert—
 

“In this paragraph, the ‘responsible authority’ is the appropriate authority for the constituent nation in which the producer organisation has its head office”.
- (36) In Article 61(2), for “Member State” substitute “appropriate authority”.
- (37) Omit Articles 62 to 65.
- (38) In Article 67—
  - (a) for paragraph 1(b) substitute—
    - “(b) at the following rates—
      - (i) if the undue payment was made from European Union funds, at the rate applied by the European Central Bank to its main refinancing operations published in the ‘C’ series of the *Official Journal of the European Union* and in force on the date on which the undue payment is made, plus three percentage points;
      - (ii) if the undue payment was made from public funds, at the Bank of England base rate in force on the date on which the undue payment is made, plus three percentage points.”;
  - (b) after paragraph 1 insert—
 

“1A. In paragraph 1, “Bank of England base rate” for any particular day means—

    - (a) except where point (b) applies, the rate as last announced at a meeting of the Monetary Policy Committee of the Bank of England held prior to that day 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(40) is in force, any equivalent rate determined by the Treasury under that section.”;
  - (c) for paragraph 2 substitute—
 

“2. Payments recovered, and interest and penalties imposed in relation to aid paid from European Union funds must be paid to the EAGF. Payments recovered, and interest and penalties imposed in relation to aid paid from public funds must be paid to the relevant authority that provided the aid.”.
- (39) After Article 67, insert—

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(38) Article 60(1) is also amended by S.I. 2020/XXX.

(39) Article 60(2) is also amended by S.I. 2020/XXX.

(40) 1998 c. 11.

*“Article 67A*

*Apportionment of recovered aid, interest and penalties*

1. Aid paid from public funds that is recovered under this Regulation, together with any interest payable thereon in accordance with this Regulation, must be apportioned between the relevant authorities in accordance with the proportion of that aid that was provided by each authority.

2. Penalties imposed under this Regulation in relation to aid paid from public funds must be paid to the relevant authority for the constituent nation in which the head office of the producer organisation was located during the period to which the penalty relates.”.

(40) Omit Articles 76 and 77.

(41) In Article 78, for “competent authority of the Member State” substitute “appropriate authority”.

(42) Omit Article 80.

(43) After Article 81, omit the words from “This Regulation” to “Member States.”.

(44) In Annex 2—

(a) in point 14, for “national” substitute “applicable”;

(b) in point 15, omit “national or regional”.

(45) In Annex 3—

(a) in point 1, omit the third paragraph;

(b) in point 2(a)—

(i) in the first paragraph, for “Union financial assistance” substitute “financial assistance referred to in Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013”;

(ii) in the third paragraph—

(aa) for “Member States may restrict” substitute “Nothing in this Regulation prevents the appropriate authority from restricting”;

(bb) for “they” substitute “it”;

(c) in point 2(b)—

(i) in the first paragraph, for “Member States’ approval” substitute “approval by the appropriate authority”;

(ii) omit the third and fourth paragraphs;

(d) in point 3, omit the words from “, where applicable” to the end;

(e) in point 4, omit the last paragraph;

(f) omit point 5;

(g) in point 7, for “Union or national support” substitute “support from European Union or public funds”;

(h) in point 8, for “Member State concerned” substitute “appropriate authority”;

(i) in point 9, for “Union or national support” substitute “support from European Union or public funds”;

(j) in point 10, for “Member State” substitute “appropriate authority”;

(k) omit point 12;

(l) in point 14, omit “, European”.

(46) Omit Annex IV.

- (47) In the heading of Annex V, omit “of Member States”.
- (48) In Annex V, in Part A(41)—
- (a) omit point 1;
  - (b) in point 2—
    - (i) omit “, and producer groups”, in each place it occurs;
    - (ii) in point (e)—
      - (aa) omit “/groups”;
      - (bb) omit “/recognition plan”;
  - (c) in point 3—
    - (i) in point (a)—
      - (aa) omit “national”;
      - (bb) after “financial assistance” insert “referred to in Articles 32(1)(b), 34 and 35 of Regulation (EU) No 1308/2013”;
    - (ii) omit points (c) and (d);
  - (d) in point 4—
    - (i) in the words before point (a), omit “and recognition plans”;
    - (ii) omit point (b).
- (49) In Annex V, in Part B, in point (a), for “Member State” substitute “appropriate authority”.

### **Commission Implementing Regulation (EU) 2017/892**

**22.**—(1) Commission Implementing Regulation (EU) 2017/892 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors(42) is amended as follows.

- (2) After Article 1, insert—

#### *“Article 1A(43)*

#### *Definitions*

For the purposes of this Regulation, the following definitions apply:

- (a) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;
- (b) ‘public funds’ means moneys provided by Parliament, the Welsh Parliament, the Scottish Parliament, the Northern Ireland Assembly or a body exercising public functions within the United Kingdom. References to ‘public funding’ are to be construed accordingly;
- (c) ‘relevant authority’ means:
  - (i) in relation to England, the Secretary of State;
  - (ii) in relation to Wales, the Welsh Ministers;

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(41) Part A of Annex V is also amended by S.I. 2020/XXX.

(42) Under Article 138 of the withdrawal agreement (as defined in s39(1) of the European Union (Withdrawal Agreement) Act 2020 (c. 1)) and s7A of the European Union (Withdrawal) Act 2018 (c. 16) certain common organisation of the markets and rural development measures committed under the multiannual financial framework 2014-20 and previous financial perspectives continue to be governed by directly applicable EU law.

(43) Article 1A is amended by S.I. 2020/XXX.

- (iii) in relation to Scotland, the Scottish Ministers;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (d) ‘third country’ means any country or territory other than:
  - (i) the United Kingdom;
  - (ii) the Bailiwick of Jersey;
  - (iii) the Bailiwick of Guernsey;
  - (iv) the Isle of Man.

### *Article 1B*

#### *Definition of appropriate authority*

1. For the purposes of this Regulation, ‘appropriate authority’ means:
    - (a) in relation to England, the Secretary of State;
    - (b) in relation to Wales, the Welsh Ministers;
    - (c) in relation to Scotland, the Scottish Ministers;
    - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
  2. But the appropriate authority is the Secretary of State:
    - (a) in relation to Scotland, at any time that the Secretary of State and the Scottish Ministers so agree;
    - (b) in relation to Northern Ireland, at any time that the Secretary of State and the Department of Agriculture, Environment and Rural Affairs so agree.
  3. The relevant authorities for Scotland and Northern Ireland must ensure that a statement identifying the appropriate authority for their constituent nation is published on websites maintained by them on or on their behalf.”
- (3) In Article 2—
- (a) in the heading, for “National strategy” substitute “Strategy”;
  - (b) omit “national”.
- (4) In Article 3—
- (a) in the heading, for “National framework” substitute “Framework”;
  - (b) in paragraph 1—
    - (i) omit “national”, in each place it occurs;
    - (ii) in the second subparagraph, for “Member State” substitute “constituent nation or the United Kingdom (as the case may be)”;
    - (iii) in the third subparagraph, in point (a), for “Member State concerned” substitute “constituent nation concerned or the rural development programmes of the constituent nations concerned (as the case may be)”;
  - (c) in paragraph 2, in the second subparagraph, for “Member States” substitute “The appropriate authority”;
  - (d) in paragraph 4—
    - (i) in the second subparagraph, for “Member States” substitute “the appropriate authority”;

- (ii) in the third subparagraph, for “Member State” substitute “appropriate authority”;
- (e) in paragraph 6, in the second subparagraph, for “national competent” substitute “appropriate”.
- (5) In Article 4—
  - (a) in paragraph 1(b), for “national strategy” substitute “strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation in which the producer organisation has its head office”;
  - (b) in paragraph 2, for “Union”, in both places it occurs, substitute “public”.
- (6) In Article 5(c), for “Union or national” substitute “European Union or public”.
- (7) In Article 6—
  - (a) in paragraph 1—
    - (i) for “programmes” substitute “programme”;
    - (ii) for “competent authority of the Member State” substitute “appropriate authority of the constituent nation”;
    - (iii) for “headquarters” substitute “head office”;
    - (iv) for “Member States may set” substitute “nothing in this Regulation prevents the appropriate authority from setting”;
  - (b) in paragraph 2, omit “a producer group formed pursuant to Article 125e of Regulation (EC) No 1234/2007 or”.
- (8) In Article 8—
  - (a) for “Member States”, in the first place it occurs, substitute “The appropriate authority”;
  - (b) for “Member States”, in the second place it occurs, substitute “the appropriate authority”.
- (9) Omit Article 8a.
- (10) In Article 9—
  - (a) in paragraph 1, for “competent authority of the Member State” substitute “appropriate authority”;
  - (b) in paragraph 2—
    - (i) in point (h)—
      - (aa) for “Union or national” substitute “European Union or public”;
      - (bb) at the end insert “and”;
    - (ii) omit point (i);
    - (iii) for point (j), substitute—
      - “(j) an annual report on the execution of the operational programme.”;
  - (c) in paragraph 4, for “competent authority of the Member State” substitute “appropriate authority”;
  - (d) in paragraph 5, for “same Member State which recognised the association of producer organisations” substitute “United Kingdom”;
  - (e) after paragraph 5, insert—
    - “**5A.** An application for aid by an association of producer organisations must relate to actions implemented at the level of the association and must be submitted to the appropriate authority for the constituent nation where that association has its head office. The appropriate authorities must ensure that there is no double funding risk.”;



- (f) in paragraph 6(**44**), for “in the Member State where they are recognised” substitute “to the appropriate authority for the constituent nation in which the producer organisation’s head office is located.”.
- (11) In Article 10, for “Member States” substitute “The appropriate authority”.
- (12) In Article 11—
  - (a) in paragraph 1—
    - (i) omit “as decided by the Member State, either”;
    - (ii) omit “or on a four-monthly basis in January, May and September”;
  - (b) in paragraph 3, for “Member States may set” substitute “Nothing in this Regulation prevents the appropriate authority from setting”.
- (13) In Article 12—
  - (a) in paragraph 1, for “Member States may permit producer organisations to apply” substitute “A producer organisation may apply to the appropriate authority for the constituent nation in which the producer organisation has its head office”;
  - (b) in paragraph 3, for “Member States may set” substitute “Nothing in this Regulation prevents the appropriate authority from setting”.
- (14) For Article 13, substitute—

### *“Article 13*

#### *Training measures and exchanges of better practices*

Training measures and exchanges of better practices cannot constitute crisis prevention and management measures unless they are additional to any ongoing training actions not related to crisis prevention and management being applied by the producer organisation concerned in its operational programme.”.

- (15) In Article 14(1)—
  - (a) for the first subparagraph substitute—

“**1.** Promotion and communication measures implemented by producer organisations in relation to crisis prevention or crisis management, including actions and activities aimed at diversification and consolidation on the fruit and vegetable markets, may be applied rapidly when required.”;
  - (b) in the third subparagraph for “Union”, in each place it occurs, substitute “United Kingdom”.
- (16) Omit Articles 15 to 17.
- (17) In Article 21(**45**)—
  - (a) in the heading—
    - (i) omit “and annual reports”, in the first place it occurs;
    - (ii) for “Member States” substitute “the appropriate authorities”;
  - (b) in the first subparagraph—
    - (i) for the words from “a competent authority” to “Regulation (EC) No 1234/2007” substitute “the appropriate authority”;

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(44) Article 9(6) is also amended by S.I. 2020/XXX.

(45) Article 21 is also amended by S.I. 2020/XXX.

- (ii) after “producer groups”, in the second place it occurs, insert “referred to in Article 27 of Regulation (EU) No 1305/2013”;
  - (c) in the second subparagraph, for “Member States” substitute “The appropriate authority”.
- (18) For Article 23(46), substitute—

*“Article 23*

*Submission procedures*

Without prejudice to Articles 9, 24 and 25, the procedures for the submission of aid applications, requests for approval of operational programmes, and payment claims are those published from time to time by the appropriate authority.”.

- (19) In Article 25—
- (a) in paragraph 1—
    - (i) for “Member States” substitute “the appropriate authority”;
    - (ii) in point (b), for “national strategy and the national framework” substitute “strategy and framework referred to in Article 36 of Regulation (EU) No 1308/2013 of the constituent nation concerned”;
  - (b) in paragraph 2(b)—
    - (i) omit “national and Union”;
    - (ii) omit “national”, in the second place it occurs;
    - (iii) for “national strategy” substitute “strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation concerned”.
- (20) In Article 26—
- (a) in paragraph 2, for “Member States” substitute “the appropriate authority”;
  - (b) in paragraph 4, for “Member State approval”, in both places it occurs, substitute “approval by the appropriate authority”.
- (21) In Article 27—
- (a) in paragraph 1, for “Member States” substitute “The appropriate authority”;
  - (b) in paragraph 3—
    - (i) in the words before paragraph (a), for “Member States” substitute “The appropriate authority”;
    - (ii) in paragraph (d), for “Member States” substitute “the appropriate authority”;
  - (c) in paragraph 5—
    - (i) in point (c), for “Union” substitute “applicable”;
    - (ii) omit point (f);
  - (d) in paragraph 6—
    - (i) in the first subparagraph, for “national law” substitute “the law as it applies in the relevant constituent nation”;
    - (ii) in the second subparagraph, for “Member States” substitute “appropriate authority”;
  - (e) in paragraph 7, in the second subparagraph, for “Member States” substitute “the appropriate authority”;
  - (f) in paragraph 9, for “Member State” substitute “appropriate authority”.

(22) In Article 28(1), for “A detailed report shall be made” substitute “The appropriate authority must produce a detailed report”.

(23) Omit Articles 29 to 31.

(24) In Article 34(47)—

(a) in the first subparagraph—

(i) for “Union legislation, Member States shall introduce” substitute “retained EU law, the appropriate authority must conduct”;

(ii) before “measures”, in the first place it occurs, insert “take”;

(iii) for the words from “so that” to the end substitute “in order to ensure proper management of public funds”;

(b) in the second subparagraph—

(i) in the words before point (a), for “Member States” substitute “the appropriate authority”;

(ii) for point (a) substitute—

“(a) all eligibility criteria established by applicable legislation or by the strategy and framework referred to in Article 36 of Regulation (EU) No 1308/2013 of the constituent nation in which the producer organisation or association of producer organisations (as the case may be) has its head office can be checked;”;

(iii) in point (b), for “the competent authorities of the Member State responsible for carrying out checks have” substitute “it has”;

(iv) in point (c), for “Union or national schemes” substitute “schemes funded in whole or in part by European Union or public funds”.

(25) After Article 34, insert—

#### *“Article 34A*

##### *Checks on producer organisations*

1. The appropriate authority for the constituent nation in which a producer organisation has its head office must:

(a) organise checks on that organisation in respect of the operational programme and operational fund; and

(b) apply administrative penalties in accordance with Section 3 of Chapter 5 of Title 2 of Regulation (EU) 2017/891 where such checks demonstrate that the relevant obligations have not been met.

2. The appropriate authorities for any other constituent nations in which the producer organisation’s members are located must, within any reasonable period provided by the appropriate authority in which the producer organisation has its head office:

(a) provide such administrative assistance and carry out such administrative and on-the-spot checks as are required by that authority; and

(b) report the results of those checks to that authority.

3. In respect of environmental and phytosanitary measures and crisis prevention and management measures, a producer organisation must comply with the rules of the constituent nation where the respective measures and actions take place. In respect of all other matters

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(47) Article 34 is also amended by S.I. 2020/XXX.

in relation to the producer organisation and the operational programme and operational fund, the producer organisation must comply with the rules applicable in the constituent nation in which its head office is located

### *Article 34B*

#### *Checks on associations of producer organisations*

1. The appropriate authority for the constituent nation in which a producer organisation which is a member of an association has its head office must:

- (a) organise checks in respect of actions of the operational programme implemented in that constituent nation and of the operational fund;
- (b) apply administrative penalties in accordance with Section 3 of Chapter 5 of Title 2 of Regulation (EU) 2017/891 where such checks demonstrate that the relevant obligations have not been met;
- (c) provide such administrative assistance as is requested by the appropriate authority for the constituent nation in which the association of producer organisations has its head office; and
- (d) notify the results of checks it has carried out and administrative penalties it has applied without delay to the appropriate authority for the constituent nation in which the association of producer organisations has its head office.

2. The appropriate authority for the constituent nation in which the association of producer organisations has its head office must:

- (a) organise checks in respect of actions of the operational programme implemented at the level of the association and of the operational fund of the association;
- (b) apply administrative penalties in accordance with Section 3 of Chapter 5 of Title 2 of Regulation (EU) 2017/891 where such checks demonstrate that the relevant obligations have not been met; and
- (c) co-ordinate checks and payments in respect of the actions of the operational programme of the association implemented outside the constituent nation where its head office is located.

3. The actions of the operational programmes must comply with the rules and strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation where, in accordance with Article 9(6), the application for aid is submitted.

But environmental and phytosanitary measures and crisis prevention and management measures must comply with the rules of the constituent nation where these measures and actions are actually carried out.”.

(26) In Article 35(48)—

- (a) for “competent authority of the Member State” substitute “appropriate authority”;
- (b) for “a Member State” substitute “an appropriate authority”.

(27) After Article 42, omit the words from “This Regulation”, in the second place it occurs, to “Member States.”.

(28) In Annex I—

- (a) in the heading, omit “national”;
- (b) in point 1—

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(48) Article 35 is also amended by S.I. 2020/XXX.

- (i) in the heading, omit “national”;
    - (ii) for “Member State” substitute “relevant authority”;
  - (c) in point 2.2—
    - (i) in the third indent, for “Union” substitute “public”;
    - (ii) in the fourth indent, for “Union” substitute “the constituent nation’s”;
  - (d) in the heading of point 2.3 omit “national”;
  - (e) in point 3.1—
    - (i) in the first paragraph—
      - (aa) for “Member States”, in the first place it occurs, substitute “The relevant authorities”;
      - (bb) omit “national” in both places it occurs;
      - (cc) after “framework” insert “referred to in Article 36 of Regulation (EU) No 1308/2013”;
      - (dd) omit the third sentence;
    - (ii) in the second paragraph—
      - (aa) for “Member States” substitute “The relevant authorities”;
      - (bb) for “national or regional schemes” substitute “schemes funded in whole or in part by public funds”;
      - (cc) omit the words from “, for ensuring” to the end;
  - (f) in point 4—
    - (i) for “Member State” substitute “relevant authority”;
    - (ii) omit “national” in both places it occurs;
  - (g) in point 5, omit “national” in the first and second places it occurs;
  - (h) in point 5.2, omit “national” in both places it occurs (including the heading).
- (29) In Annex II(49), in the words before Section 1 (*Administrative Information*)
- (a) in the section entitled “Structure of the Annual Report – Part A”—
    - (i) in the words before point 1, in the first paragraph—
      - (aa) for “competent authorities of the Member States are” substitute “appropriate authority is”;
      - (bb) for “transmit to the European Commission” substitute “publish”;
      - (cc) after “each year” insert “starting in 2022,”;
    - (ii) omit point 1;
    - (iii) in point 2—
      - (aa) in the heading, omit “and producer groups”;
      - (bb) omit the row beginning “Table 2.5.”;
    - (iv) in point 3, omit the rows beginning “Table 3.3.” and “Table 3.4.”;
    - (v) in point 4—
      - (aa) in the heading, omit “/recognition plans”;
      - (bb) omit the row beginning “Table 4.2.”;

- (b) in the section entitled “Explanatory Notes”—
  - (i) in the subsection entitled “Abbreviations”, omit the rows beginning “Producer group” and “Member State”;
  - (ii) in the subsection entitled “Country codes”, omit all rows except the header and the row beginning “United Kingdom”;
  - (iii) omit the subsection entitled “Region codes”;
  - (iv) in the subsection entitled “Code number (ID) of POs, TPOs, APOs, TAPOs and PGs”—
    - (aa) in the heading, omit “and PGs”;
    - (bb) omit “or PG”, in both places it occurs;
  - (v) omit the subsection entitled “Monetary values”;
- (c) in the section entitled “Contact point for communication”, in the first table—
  - (i) for “Member State” substitute “Constituent nation”;
  - (ii) omit the second row;
- (d) in the section entitled “Annual Report – Part A”, in the table—
  - (i) for “Member State” substitute “Constituent nation”;
  - (ii) omit the second row.
- (30) In Annex II, omit Section 1 (*Administrative Information*).
- (31) In Annex II, in Section 2 (Information Related to POs, TPOs, APOs, TAPOs and PGs)—
  - (a) in the heading, omit “AND PGs”;
  - (b) in Table 2.3., omit footnote 1;
  - (c) omit Table 2.5.;
  - (d) in the section entitled “Annual Report – Part A”, in the table, for “Member State” substitute “Constituent nation”.
- (32) In Annex II, in Section 3 (*Expenditures Information*)—
  - (a) in Table 3.1.—
    - (i) for “Union financial assistance”, in both places it occurs, substitute “financial assistance referred to in Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013”;
    - (ii) for “National”, in the first and second places it occurs, substitute “Additional”;
    - (iii) omit the row containing the words “Estimated amount of the National financial assistance actually paid to be reimbursed by the EU”;
  - (b) after Table 3.1. omit “(Data in Euro or national currency)”;
  - (c) in Table 3.2.—
    - (i) omit “(Euro or national currency)”;
    - (ii) in the group of rows headed “Investments”, omit the row headed “Crisis prevention and management”;
    - (iii) in the row headed “Quality schemes (EU and national) and measures related to quality improvement” omit “(EU and national)”;
    - (iv) omit the rows from the row headed “Replanting of orchards” to the row headed “Non-harvesting”;
    - (v) omit the row headed “Coaching”;
    - (vi) in the Note, for “33(3)(a)” substitute “33(3)”;

- (d) omit Tables 3.3. and 3.4.;
- (e) after Table 3.4., in the section entitled “Annual Report – Part A”, in the table—
  - (i) for “Member State” substitute “Constituent nation”;
  - (ii) omit the second row.
- (33) In Annex II, in Section 4 (Monitoring of Operational Programmes)—
  - (a) in the words before Table 4.1.—
    - (i) in the first paragraph—
      - (aa) omit “and producer groups”;
      - (bb) omit “/recognition plan”, in both places it occurs;
      - (cc) for “programme/plan’s” substitute “programme’s”;
    - (ii) omit the second paragraph;
  - (b) in Table 4.1.—
    - (i) in the group of rows headed “Investments”—
      - (aa) in the group of rows headed “Boosting products’ commercial value”, for “Euro or national currency” substitute “pounds sterling”;
      - (bb) omit the group of rows headed “Crisis prevention and management”;
    - (ii) in the row headed “Quality schemes (EU and national) and measures related to quality improvement” omit “(EU and national)”;
    - (iii) omit the rows from the row headed “Replanting of orchards” to the row headed “Non-harvesting”;
    - (iv) omit the row headed “Coaching”;
    - (v) in footnote 5, for “a Member State” substitute “the appropriate authority”;
  - (c) omit Table 4.2.
- (34) Omit Annexes III to VI.

### **Commission Implementing Regulation (EU) 2017/1185**

**23.—**(1) Commission Implementing Regulation (EU) 2017/1185 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents is amended as follows.

- (2) In Article 7(3), for the second sentence substitute—

“Economic operators must provide the relevant authorities with such information at their disposal and specified in Annexes I, II or III as the relevant authorities request. The relevant authorities may specify the manner in which, and the period within which, such information is to be provided. If no such period is specified, the information must be provided within a reasonable time.”.

- (3) After Article 16, insert—

#### *“Article 16a*

#### *Definitions*

In this Regulation:

- (a) ‘relevant authority’ means:
  - (i) in relation to England, the Secretary of State;

- (ii) in relation to Wales, the Welsh Ministers;
  - (iii) in relation to Scotland, the Scottish Ministers;
  - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (b) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be.”.
- (4) After Article 17, omit the words from “This Regulation” to “Member States.”.
- (5) In Annex I—
  - (a) in the heading, for “notifications referred to in Article 11” substitute “information”;
  - (b) for “Content of the notification”, in each place it occurs, substitute “Information”;
  - (c) in section 1, in the first paragraph, for “Union market” substitute “market in the United Kingdom”;
  - (d) omit sections 2 and 3;
  - (e) in section 4, in the first paragraph—
    - (i) for “Part A of Annex XV to Implementing Regulation (EU) No 543/2011”, substitute “Annex VI of Regulation (EU) 2017/891”;
    - (ii) for “to that Regulation” substitute “to Implementing Regulation (EU) No 543/2011”;
  - (f) in section 6, in the first paragraph, for “Union rules” substitute “legislation made”;
  - (g) in section 7, in the third paragraph, for “notified” substitute “provided”;
  - (h) in section 8, in the third paragraph—
    - (aa) for “notified” substitute “provided”;
    - (bb) for “Member State concerned shall notify” substitute “information must contain”;
  - (i) in section 9, in the third paragraph—
    - (aa) for “notified” substitute “provided”;
    - (bb) for “its market structure” substitute “the market structure of the constituent nation concerned”;
    - (cc) for “Member State concerned may notify” substitute “information may contain”.
- (6) In Annex II—
  - (a) in the heading, for “notifications as referred to in point (a) of Article 12” substitute “information”;
  - (b) for “Content of the notification”, in each place it occurs, substitute “Information”;
  - (c) in section 3—
    - (i) in the first paragraph—
      - (aa) for “; or” substitute “.”;
      - (bb) omit point (b);
    - (ii) in the fourth paragraph—
      - (aa) for “points”, substitute “point”;
      - (bb) omit “and (b)”;
      - (cc) for “Member States concerned” substitute “relevant authority”;
  - (d) in section 4, in point (a), in the fourth paragraph, for “territory of the Member State” substitute “constituent nation concerned”.



- (7) In Annex III—
- (a) in the heading, omit “notifications as referred to in point (b) of Article 12”;
  - (b) for “Content of the notification”, in each place it occurs, substitute “Information”;
  - (c) omit section 1;
  - (d) in section 2—
    - (i) in subsection A, omit the words from “Member States” in the first place it occurs, to “question.”;
    - (ii) in subsection B—
      - (aa) omit “(30 June for the French departments of Guadeloupe and Martinique)”;
      - (bb) omit the words from “Member States”, in the first place it occurs, to “produced.”;
    - (iii) omit subsection C;
    - (iv) in subsection D—
      - (aa) in the heading, omit “and isoglucose”;
      - (bb) in the first and third paragraphs, omit point (b);
      - (cc) in the fourth paragraph, for the words from “on Union territory” to “points B and C” substitute “in the United Kingdom and to sugar production as defined in point B”;
      - (dd) in the fifth paragraph, omit the third indent;
      - (ee) omit the sixth paragraph;
  - (e) in section 3, in the each of the three paragraphs, omit points (c) to (e);
  - (f) omit sections 5 to 7;
  - (g) in section 8, in the first paragraph—
    - (i) in point (a), for “on the territory of the Member State” substitute “in the constituent nation concerned”;
    - (ii) in point (b), for “Article 9 of Regulation (EC) No 436/2009” substitute “Article 31 of Regulation (EU) No 2018/273”;
    - (iii) in point (c), for Article 11 of Regulation (EC) No 436/2009” substitute “Article 32 of Regulation (EU) No 2018/273”;
  - (h) in section 9, in the fourth paragraph—
    - (i) for “territory of the Member State” substitute “constituent nation concerned”;
    - (ii) for “Member States” substitute “The relevant authorities”;
    - (iii) omit “to the competent national authority”;
    - (iv) omit “so as to comply with this requirement”.

## PART 5

### Revocations

#### Revocations

24. The following are revoked—

- (a) the Common Agricultural Policy (Direct Payments to Farmers) (Amendment) (EU Exit) Regulations 2019(**50**);
- (b) the Common Agricultural Policy (Rules for Direct Payments) (Amendment) (EU Exit) Regulations 2019(**51**);
- (c) regulation 2 of the Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019(**52**);
- (d) Part 4 of the Food and Farming (Amendment) (EU Exit) Regulations 2019(**53**).

Date

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

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(50) [S.I. 2019/207](#), amended by [S.I. 2019/759](#), 812.  
(51) [S.I. 2019/208](#), amended by [S.I. 2019/759](#).  
(52) [S.I. 2019/812](#).  
(53) [S.I. 2019/759](#).

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## EXPLANATORY NOTE

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

These Regulations are made in exercise of the powers conferred by section 6(1) of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) and sections 8(1) and 8C(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), (c), (d) and (g) of the 2018 Act) arising from the withdrawal of the United Kingdom from the European Union and to reflect the Protocol on Ireland/Northern Ireland in the withdrawal agreement.

Regulation 2 makes provision as to the status of the position of certain EU Regulations which were incorporated into domestic law with effect from exit day insofar as relating to direct payments and incorporated with effect from IP completion day for remaining purposes.

Regulations 3 to 10 make amendments to the Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), the Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/765) and the Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748) to reflect that these amendments will not apply in relation to direct payments following the withdrawal agreement and the Direct Payments to Farmers (Legislative Continuity) Act 2020 including regulations made under that Act. Regulation 18 makes consequential amendments to the Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/1405).

Regulation 11 amends the Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/733) to reflect the withdrawal agreement.

Regulations 12 to 14 respectively amend the Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), the Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/770) and the European Structural Investment Funds (Common Provisions) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/785) to reflect the withdrawal agreement. Regulations 13 and 14 also insert additional operability amendments.

Regulations 15 and 16 make amendments to correct errors identified in the Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/823) and the Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831). Regulation 16 makes a consequential amendment to an amendment in Regulation 10.

Regulations 17 and 19 respectively amend the Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/1402) and the Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No.2) Regulations 2019 (S.I. 2019/1422) to make some small corrections.

Regulations 20 to 22 make amendments to Commission Implementing Regulation (EU) No 543/2011, Commission Delegated Regulation (EU) 2017/891 and Commission Implementing Regulation (EU) 2017/892 concerning producer groups, producer organisations and notifications in the fruit and vegetables and processed fruit and vegetables sectors.

Regulation 23 amends provisions of Commission Implementing Regulation (EU) 2017/1185 relating to notifications of agricultural market information to domestic authorities.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory  
Instrument: *The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 No. 1445*

Regulation 24 revokes Regulations and parts of Regulations which have been superseded by the Direct Payments to Farmers (Legislative Continuity) Act 2020 and the Regulations made under that Act.

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