

D R A F T   S T A T U T O R Y   I N S T R U M E N T S

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**2019 No.**

**EXITING THE EUROPEAN UNION**

**AGRICULTURE**

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

*Made*       -       -       -       -

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*Coming into force in accordance with regulation 1*

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

In accordance with paragraph 1(3) 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.

**PART 1**

**Introductory**

**Citation and commencement**

**1.** These Regulations may be cited as the Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 and come into force on the later of exit day or the day after the day on which they are made.

## PART 2

### Regulation (EU) 1306/2013

#### **Amendment of Regulation (EU) 1306/2013**

2. Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy is amended in accordance with regulations 3 to 11.

#### **Title 1 (Scope and Definitions)**

##### **3.—(1) In Article 1—**

- (a) in point (a), for the words from “under” to the end substitute “on agricultural support”;
- (b) in point (c), for “Member States” substitute “relevant authority”;
- (c) omit point (e).

##### **(2) In Article 2—**

- (a) in paragraph 1—

- (i) for point (f), substitute—

“(f) ‘sectoral agricultural legislation’ means:

- (i) any applicable acts adopted within the framework of the common agricultural policy on the basis of Article 43 TFEU;
    - (ii) any delegated or implementing acts adopted on the basis of acts referred to in point (i);
    - (iii) regulations made in the exercise of powers under any act referred to in point (i);
    - (iv) Part Two of Regulation (EU) No 1303/2013 insofar as it applies to support for rural development;”;

- (ii) for point (g), substitute—

“(g) ‘irregularity’ means any infringement of a provision of sectoral agricultural legislation resulting from an act or omission by an economic operator, where the infringement results, or would result, in a reduction or loss of public revenue or an unjustified item of expenditure;”;

- (iii) after point (g), insert—

“(h) ‘agricultural support’ means direct payment support, support for rural development and CMO support”;

- (i) ‘CMO support’ means financial support granted under:

- (i) Regulation (EU) No 1308/2013 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 (EU) No 1234/2007;
  - (iii) Regulation (EU) No 1144/2014 or any regulations made under, or delegated or implementing acts adopted on the basis of, that Regulation;

- (j) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;

- (k) ‘direct payment support’ means financial support granted under any of the support schemes listed in Annex I to Regulation (EU) No 1307/2013;

- (l) ‘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;

- (m) ‘relevant authority’ means:
  - (i) in England, the Secretary of State;
  - (ii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (iii) in Scotland, the Scottish Ministers;
  - (iv) in Wales, the Welsh Ministers;
- (n) ‘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;
- (o) ‘support for rural development’ means financial support granted under Title III of Regulation (EU) No 1305/2013 or Title III, Chapter II of Regulation (EU) No 1303/2013;”;
- (b) in paragraph 2—
  - (i) for “the CAP” substitute “expenditure on agricultural support and for the purposes of sectoral agricultural legislation”;
- (c) after paragraph 2 insert—
 

“3. In this Regulation, references to Regulation (EU) No 1303/2013 are references to that Regulation as amended by the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019(a).”.

## **Title 2 (General Provisions on Agricultural Funds)**

- 4.—**(1) Omit Articles 3 to 6.
- (2) For the heading of Article 7 substitute—
 

**“Designation of paying agencies and coordinated action by relevant authorities”.**
- (3) In Article 7—
  - (a) in paragraph 1—
    - (i) for “Member States” substitute “relevant authority”;
    - (ii) for “referred to in Article 4(1) and Article 5” substitute “on agricultural support”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) for “Member States shall accredit” substitute “The relevant authority shall designate”;
      - (bb) omit the words from “To this end” to the end;
    - (ii) for the second subparagraph substitute—
 

“The number of paying agencies shall be restricted to 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.”;
  - (iii) omit the third and fourth subparagraphs;
- (c) omit paragraph 3;

- (d) in paragraph 4—
  - (i) in the first subparagraph—
    - (aa) for the words preceding point (a), substitute “The relevant authorities shall have joint responsibility for the following tasks:”;
    - (bb) omit point (a);
    - (cc) in point (b), omit “and keep the Commission informed of any follow-up”;
    - (dd) in point (c), for “the Union rules” substitute “sectoral agricultural legislation”;
  - (ii) omit the second subparagraph;
- (e) omit paragraph 5.
- (4) Omit Articles 9 and 10.
- (5) In Article 11, omit “for in Union law”.

### **Title 3 (Farm Advisory System)**

- 5.—(1) In Article 12—
  - (a) in paragraph 1, for “Member States shall establish” substitute “The relevant authority must have in place”;
  - (b) in paragraph 2, for points (d) and (e) substitute—
    - “(d) requirements on beneficiaries which apply as a consequence of the implementation of Article 11(3) of Directive 2000/60/EC;
    - (e) requirements on beneficiaries which apply by virtue of Article 55 of Regulation (EC) No 1107/2009, in particular any requirement which applies as a consequence of the implementation of Article 14 of Directive 2009/128/EC.”;
  - (c) in paragraph 3, in point (c), for “national law” substitute “the law applying in the constituent nation”.
- (2) In Article 13—
  - (a) in paragraph 1, for “Member States” substitute “The relevant authority”;
  - (b) in paragraph 2—
    - (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
    - (ii) for “national law”, in the first place it occurs, substitute “the law applying in the constituent nation”;
    - (iii) for “Member States”, in the second place it occurs, substitute “the relevant authority”;
    - (iv) omit “Union or national”;
  - (c) in paragraph 3 for “national authority concerned” substitute “relevant authority”.
- (3) In Article 14—
  - (a) in the first paragraph, for “support under the CAP” substitute “agricultural support”;
  - (b) in the second and third paragraphs, for “Member States” substitute “the relevant authority”.

### **Title 4 (Financial Management)**

- 6.—(1) In the heading of Title 4, omit “of the Funds”;
- (2) For the heading of Chapter 1 substitute—
  - “Direct payment support and CMO support”.**
- (3) Omit Articles 16 to 19.
- (4) Omit Article 20(1) and (4).

- (5) Omit Articles 21 to 25.
- (6) Omit Article 27.
- (7) Omit Article 29.
- (8) For the heading of Chapter 2 substitute—  
**“Support for rural development”.**
- (9) For the heading of Section 1 substitute—  
**“General provisions relating to support for rural development”.**
- (10) In Article 30—
  - (a) for “Expenditure financed under the EAFRD” substitute “Measures financed by support for rural development”;
  - (b) for “financing under the Union’s budget” substitute “agricultural support”.
- (11) Omit Article 31.
- (12) For Article 32 substitute—

*“Article 32*

**Core contribution**

The core contribution referred to in Article 58(1) of Regulation (EU) No 1305/2013 shall be determined for each programme, within the ceilings established by Annex 1 to Regulation (EU) No 1305/2013.”.

- (13) Omit Articles 33 to 45.
- (14) Omit Article 46(1) to (4).
- (15) Omit Articles 47 and 48.
- (16) In Article 49—
  - (a) in the first paragraph—
    - (i) omit “accredited”;
    - (ii) for the words from “Union” to the end substitute “the law applying in the constituent nation”;
  - (b) in the second paragraph omit “accredited”.
- (17) Omit Article 50(1).
- (18) Omit Articles 51 to 53.
- (19) In Article 54—
  - (a) in paragraph 1 for “Member States” substitute “the relevant authority”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
    - (ii) in point (a)(ii)—
      - (aa) for “Member State” substitute “relevant authority”;
      - (bb) for “its national law” substitute “the law applying in the constituent nation”;
    - (iii) in point (b), for “national law” substitute “the law applying in the constituent nation”;
    - (iv) omit the last subparagraph;
  - (d) omit paragraphs 4 and 5.
- (20) For Article 55 substitute—

*“Article 55*

**Provisions specific to direct payment support and CMO support**

Sums recovered following the occurrence of irregularity or negligence and the interest thereon must be made over to the paying agency and booked by it as revenue collected in connection with direct payment support and CMO support.”.

(21) For Article 56 substitute—

*“Article 56*

**Provisions specific to support for rural development**

Where irregularities or negligence are detected in rural development operations or programmes, the relevant authority must make financial adjustments by totally or partially cancelling the funding concerned. In making the financial adjustments, the relevant authority must take into consideration the nature and gravity of the irregularities detected and the loss to public funds.

Amounts which are cancelled and amounts which are recovered, together with any interest, must be reallocated to the rural development programme to which they relate, but may not be allocated to operations which have been subject to a financial adjustment under paragraph 1. Where such amounts are received after the closure of the rural development programme to which they relate, they must either be allocated to other agricultural support measures or returned to the relevant consolidated fund.

For the purposes of the second paragraph, the ‘relevant consolidated fund’ is:

- (a) in relation to England, the consolidated fund;
- (b) in relation to Wales, the Welsh consolidated fund;
- (c) in relation to Scotland, the Scottish consolidated fund;
- (d) in relation to Northern Ireland, the Northern Ireland consolidated fund.”.

**Title 5 (Control systems and penalties)**

7.—(1) For the heading of Article 58 substitute—

**“Financial Management”.**

(2) In Article 58—

(a) in paragraph 1—

(i) for the words from “Member States” to “Union”, in the first place it occurs, substitute “The relevant authority must take all measures necessary to ensure proper management of public money”;

(ii) in point (a), for “the Funds” substitute “agricultural support”;

(iii) for point (d) substitute—

“(d) enforce penalties through legal proceedings, as necessary;”;

(b) in paragraph 2—

(i) for “Member States” substitute “The relevant authority”;

(ii) for “Union”, in the first place it occurs, substitute “agricultural”;

(iii) for the words from “minimising” to “Union” substitute “ensuring proper management of public money”;

(c) for paragraph 3 substitute—

“3. Any conditions established by the relevant authority to supplement conditions for receiving agricultural support contained in retained direct EU legislation shall be verifiable.”;

(d) omit paragraph 4.

- (3) In Article 59—
- (a) in paragraph 1, for “Member States” substitute “relevant authority”;
  - (b) in paragraph 4, for “Union rules” substitute “retained direct EU legislation”;
  - (c) in paragraph 5 for “Member States”, in both places it occurs, substitute “The relevant authority”;
  - (d) in paragraph 6—
    - (i) omit “to be”;
    - (ii) omit “by the Commission”.
- (4) Omit Article 61.
- (5) In Article 63—
- (a) in paragraph 1, in the second subparagraph, omit “national or union”;
  - (b) in paragraph 2, for “Member States” substitute “the relevant authority”.
- (6) In Article 64, in paragraph 2—
- (a) in point (e), for “to be set by the Commission” substitute “set”;
  - (b) in point (f), for “to be defined by the Commission” substitute “defined”;
- (7) Omit Article 65.
- (8) In Article 66(1) for “Member States” substitute “relevant authority”.
- (9) In Article 67—
- (a) in paragraph 1, for “Each Member State shall set up and” substitute “The relevant authority must”;
  - (b) in paragraph 2, for “34 and 40” substitute “and 34”;
  - (c) in paragraph 4—
    - (i) in point (a), for “Member States may lay” substitute “nothing in this Regulation prevents the relevant authority from laying”;
    - (ii) in point (b)—
      - (aa) omit “the single area payment scheme and”;
      - (bb) for “Chapters 1 and” substitute “Chapter”;
      - (cc) omit the words from “; the crop” to the end.
- (10) In Article 68, omit paragraphs 3 and 4.
- (11) In Article 69—
- (a) in paragraph 1—
    - (i) in the second subparagraph, for “Member State” substitute “constituent nation”;
    - (ii) omit the third subparagraph;
  - (b) for paragraph 2, substitute—
 

“2. A decentralised computerised database may be set up in each constituent nation on condition that these, and the administrative procedures for recording and accessing data must be designed to be homogenous throughout the United Kingdom and are compatible with one another to allow for cross checks.”.
- (12) In Article 70—
- (a) in paragraph 1—
    - (i) in the first subparagraph, omit the last sentence;
    - (ii) in the second subparagraph, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 2, for “Member States” substitute “The relevant authority”.
- (13) In Article 71(2), for “Member State” substitute “constituent nation”.

(14) In Article 72—

- (a) in paragraph 1—
  - (i) in point (c), for “Member State” substitute “relevant authority”;
  - (ii) in the second subparagraph, for the words from “each” to the end substitute “the minimum size shall be the size set in the legislation applying in the constituent nation and shall not exceed 0.3 ha”;
- (b) in paragraph 2—
  - (i) for “Member States” substitute “the relevant authority”;
  - (ii) omit point (b);
- (c) 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”;
  - (iii) omit the third subparagraph;
- (d) in paragraph 4, for “A Member State” substitute “The relevant authority”.

(15) In Article 74—

- (a) in paragraph 1—
  - (i) for “Member States” substitute “the relevant authority”;
  - (ii) for “them” substitute “the relevant authority”;
- (b) in paragraph 2, for “Member States” substitute “the relevant authority”;
- (c) in paragraph 3, for “Member States” substitute “The relevant authority”;

(16) In Article 75—

- (a) in paragraph 1—
  - (i) for “Member States” substitute “the relevant authority”;
  - (ii) for “of up to 50% for direct payments” substitute “for direct payments, such advances to be limited, in the case of England, to no more than 50%”;
- (b) in paragraph 2, for “Member States” substitute “relevant authority”.

(17) In Article 77(2)—

- (a) in point (e), for “to be set by the Commission” substitute “set”;
- (b) in point (f), for “to be defined by the Commission” substitute “as defined”.

(18) In Article 79—

- (a) in paragraph 1, for “by the EAGF”, in both places it occurs, substitute “of CMO support”;
- (b) in paragraph 3, in point (b), for “financing system by the EAGF” substitute “system of financing of CMO support”.

(19) In Article 80—

- (a) in paragraph 1, for “Member States”, in both places it occurs, substitute “The relevant authority”;
- (b) omit paragraph 3.

(20) In Article 81—

- (a) in paragraph 1, in point (c), for “financing system by the EAGF” substitute “system of financing of CMO support”;
- (b) in paragraph 2, for “Union or national provisions” substitute “the law applying in the constituent nation”.

(21) In Article 82—

- (a) in paragraph 3—



- (i) in the first subparagraph, for “Member State” substitute “relevant authority”;
    - (ii) in the second subparagraph, for “Member States” substitute “The relevant authority”;
    - (iii) in the third subparagraph —
      - (aa) for “territory of the Union” substitute “United Kingdom”;
      - (bb) for “Member States” substitute “relevant authority”;
  - (b) in paragraph 4—
    - (i) for “Member States” substitute “The relevant authority”;
    - (ii) for “relevant national provisions” substitute “law applying in the constituent nation”.
- (22) Omit Article 83.
- (23) In Article 84—
- (a) in paragraph 1, for “Member States” substitute “The relevant authority”;
  - (b) in paragraph 2—
    - (i) for “Member States” substitute “the relevant authority”;
    - (ii) for “Commission” substitute “relevant accounting officer”.
  - (c) in paragraph 3—
    - (i) for “Member States”, in both places it occurs, substitute “relevant authority”;
    - (ii) for “Commission”, in both places it occurs, substitute “relevant accounting officer”;
  - (d) in paragraph 4 for “Member States” substitute “relevant authority”;
  - (e) in paragraph 5—
    - (i) for “Commission” substitute “relevant accounting officer”;
    - (ii) for “a Member States” substitute “the relevant authority”.
- (24) In Article 85—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “In each Member State, a” substitute “A”;
      - (bb) after “Chapter” insert “in each constituent nation. Where the relevant authority so decides, instead of establishing a special department, it may allow the functions of the special department to be carried out by a special department established in a different constituent nation”;
      - (cc) for “Those departments” substitute “The special department”;
    - (ii) for the second subparagraph substitute—
 

“Scrutiny to be carried out pursuant to this Chapter may be allocated between the special department and other departments, provided that the special department is responsible for its coordination.”;
  - (b) in paragraph 3, omit “by the Member State concerned”;
  - (c) omit paragraph 4.
- (25) In Article 86—
- (i) in paragraph 1—
    - (aa) for “Member States” substitute “the relevant authority”;
    - (bb) for “Commission” substitute “relevant accounting officer”;
  - (ii) omit paragraph 2.
- (26) Omit Article 87.
- (27) In Article 89—
- (a) in paragraph 1, for “Member States” substitute “The relevant authority”;

- (b) in paragraph 2—
    - (i) for “which may be adopted by the Commission” substitute “in retained direct EU legislation”;
    - (ii) for “Union” substitute “United Kingdom”;
  - (c) in paragraph 3, for “Member States” substitute “The relevant authority”;
  - (d) in paragraph 4, for the first sentence substitute “Without prejudice to provisions regarding the wine sector made under, or adopted on the basis of, Article 64, in the event of infringement of rules in the wine sector, the relevant authority shall apply penalties in accordance with the law applying in the constituent nation.”.
- (28) In Article 90—
- (a) for “Member States”, in the first two places it occurs, substitute “The relevant authority”;
  - (b) for “Union” substitute “United Kingdom”.

## **Title 6 (Cross-Compliance)**

- 8.—**(1) In Article 91(3)—
- (a) in point (a), for “territory of the same Member State” substitute “United Kingdom”;
  - (b) in point (b), omit “under Union law”.
- (2) In Article 92, for the second paragraph substitute—
- “However, Article 91 shall not apply to the support referred to in Article 28(9) of Regulation (EU) No 1305/2013.”.
- (3) In Article 93—
- (a) in paragraph 1—
    - (i) omit “under Union law”;
    - (ii) for “at national level” substitute “in the constituent nation”;
  - (b) in paragraph 2, for “by the Member States” substitute “in the constituent nation”;
  - (c) omit paragraphs 3 to 5.
- (4) In Article 94—
- (a) in the first paragraph—
    - (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
    - (ii) for the second sentence substitute “The minimum standards for beneficiaries for good agricultural and environmental conditions of land are as set out in the legislation applying in the constituent nation.”;
    - (iii) for “at national or regional level” substitute “for the whole or any part of the constituent nation”;
  - (b) in the second paragraph, for “Member States” substitute “The relevant authority”.
- (5) In Article 95 for “Member States” substitute “The relevant authority”.
- (6) In Article 96—
- (a) in paragraph 1—
    - (i) for “Member States”, in both places it occurs, substitute “The relevant authority”;
    - (ii) after “set up” insert “in the constituent nation”;
  - (b) in paragraph 2, for “Member States” substitute “the relevant authority”;
  - (c) in paragraph 3, for “Member States” substitute “The relevant authority”;
- (7) In Article 97(3)—
- (a) in the first subparagraph, for “Member States” substitute “the relevant authority”;
  - (b) in the second subparagraph, for “a Member State” substitute “the relevant authority”.

- (8) Omit Article 98.
- (9) In Article 99(2)
  - (a) for “Member States”, in both places it occurs, substitute “The relevant authority”;
  - (b) for “a Member State” substitute “the relevant authority”.
- (10) Omit Article 100.

## **Title 7 (Common Provisions)**

- 9.**—(1) Omit Article 102.
- (2) In Article 103—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Member States and the Commission” substitute “The relevant authority”;
      - (bb) omit “and clearance of accounts”;
    - (ii) omit the second subparagraph;
  - (b) in paragraph 2—
    - (i) for “national provisions relating” substitute “the law applying in the constituent nation in relation”;
    - (ii) omit “in the Member States or in the institutions of the Union”.
- (3) Omit Article 104.
- (4) For Article 105 substitute—

### *“Article 105*

#### **General principles**

1. The amounts in declarations of expenditure by the relevant authority may be expressed in either euro or sterling.
2. The prices and amounts fixed in sectoral agricultural legislation may be expressed in either euro or sterling. Subject to Article 108, they shall be granted or collected in sterling.”

- (5) In Article 106—
  - (a) for paragraph 1 substitute—
 

“1. Where the prices or amounts referred to in Article 105(2) are expressed in euro, they shall be converted into sterling by means of an exchange rate.”;
  - (b) for paragraph 3 substitute—
 

“3. Where a direct payment as provided for in Regulation (EU) No 1307/2013 is made to a beneficiary in sterling and the ceiling in Annex I of that Regulation for the year to which the payment relates is expressed in euro, the relevant authority must convert the amount of aid expressed in euro into sterling on the basis of the average of the exchange rates set by the European Central Bank in September of the year for which the aid is granted. The relevant authority must publish the average rate before 1 December of the year in question.”
  - (c) in paragraph 4—
    - (i) for “EAGF” substitute “direct payment support and CMO support”;
    - (ii) for “Member States which have not adopted the euro” substitute “the relevant authority”.
- (6) Omit Article 107.
- (7) In the heading of Article 108, omit “by non-euro Member States”.

(8) In Article 108—

(a) in paragraph 1—

- (i) for “a Member State which has not adopted the euro” substitute “the relevant authority”;
- (ii) for “its national currency” substitute “sterling”;
- (iii) for “Member State”, in the second place it occurs, substitute “relevant authority”;
- (iv) for “national currency”, in the second place it occurs, substitute “sterling”;

(b) omit paragraph 2.

(9) Omit Articles 109 and 110.

(10) In Article 111—

(a) in paragraph 1—

- (i) for “Member States” substitute “The relevant authority”;
- (ii) for “the Funds” substitute “agricultural support”;
- (iii) in point (a)(ii), for “of the Member State concerned” substitute “applying in the constituent nation”;
- (iv) in point (c), for “financed by the Funds” substitute “under which agricultural support is granted”;
- (v) in point (d), for “financed by either of the Funds” substitute “under which agricultural support is granted”;
- (vi) in the last paragraph, for “per Member State” substitute “for the United Kingdom administered jointly by the relevant authorities”;

(b) in paragraph 2—

- (i) for “financed by the EAFRD” substitute “under which support for rural development is granted”;
- (ii) omit the words from “, including” to the end.

(11) In Article 112—

(a) for the first and second paragraphs substitute—

“The relevant authority shall not publish the name of a beneficiary as provided for in point (a) of the first subparagraph of Article 111(1) of this Regulation where the amount of aid received in one year by a beneficiary is equal to or less than EUR 1250.”;

(b) in the third paragraph—

- (i) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
- (ii) for “Member States”, in the second place it occurs, substitute “The relevant authority”.

(12) In Article 113—

(a) in the first paragraph—

- (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
- (ii) omit “of the Union and the Member States”;
- (iii) for “safeguarding the Union’s financial interests” substitute “ensuring proper management of public funds”;

(b) in the second paragraph—

- (i) for “Directive 95/46/EC” substitute “Regulation (EU) No 2016/679 and the Data Protection Act 2018(a)”;

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(a) 2018 c. 12.

- (ii) for “Member States” substitute “relevant authority”.

#### **Title 8 (Final Provisions)**

- 10.**—(1) Title 8 of the Horizontal Regulation is amended as follows.
- (2) Omit Article 116.
- (3) In Article 117—
- (a) in paragraph 1, for “Member States and the Commission” substitute “The relevant authority”;
- (b) in paragraph 3—
- (i) for “Directive 95/46/EC and Regulation (EC) No 45/2001” substitute “Regulation (EU) No 2016/679 and the Data Protection Act 2018”;
- (ii) omit “national and Union”;
- (c) in paragraph 4—
- (i) for “Member States” substitute “The relevant authority”;
- (ii) omit “and Union”;
- (iii) for “Directive 95/46/EC and Regulation (EC) No 45/2001” substitute “Regulation (EU) No 2016/679 and the Data Protection Act 2018”;
- (4) Omit Article 118.
- (5) Omit Articles 119a to 121.
- (6) After Article 121, omit the words from “This” to “States”.

#### **Annexes 1 and 2 (Information and rules on cross-compliance)**

- 11.**—(1) In Annex 1, in the first paragraph, in the second indent, for “Union funds” substitute “financial support”.
- (2) In Annex 2, in the requirements and standards for SMR4, in the last column, for “17(1)” substitute “17”.

## **PART 3**

### **Direct Payments Regulations**

#### **Amendment of Regulation (EU) 639/2014**

**12.**—(1) Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy is amended as follows.

(2) In Article 11(1), for the words from “the Union” to “any” substitute “agricultural support, as defined in Regulation (EU) 1306/2013, and any other”.

	<i>Name</i>
	Minister of State
Date	Department for Environment, Food and Rural Affairs

## **EXPLANATORY NOTE**

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

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

These Regulations make amendments to legislation relating to the common agricultural policy and, in particular, amend Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy. Part 2 amends Regulation (EU) 1306/2013 and Part 3 makes consequential amendments to Commission Delegated Regulation (EU) No 639/2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy.

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

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£6.90

UK201902131007 02/2019 19585

<http://www.legislation.gov.uk/id/ukdsi/2019/9780111181133>

ISBN 978-0-11-118113-3



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