
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

2019 No. 000

EXITING THE EUROPEAN UNION

AGRICULTURE

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

Made - - - -

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) and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(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.

Citation and commencement

1. These Regulations may be cited as the Rural Development (Rules and Decisions) (Amendment) (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.

Amendment of Regulation (EU) No 807/2014

2.—(1) Commission Delegated Regulation (EU) No 807/2014 supplementing Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and introducing transitional provisions is amended as follows.

(2) In Article 1—

(a) in paragraph 2—

(i) omit “, or, in the case of Croatia, under Regulation (EC) No 1085/2006,”;

(ii) omit “, including, in the case of Croatia, for technical assistance”;

(3) at the end insert—

- “3. In these Regulations 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 2018.”.
- (4) In Article 2(1) and (2), for “Member State” substitute “constituent nation”.
- (5) In Article 3, for “Member States” substitute “The relevant authority”.
- (6) In Article 5(2)—
- (a) for “Member States” substitute “The relevant authority”;
 - (b) for “as defined in Article 5 of Commission Regulation (EC) No 1242/2008, or an equivalent.” substitute “calculated in accordance with Article 4 of Commission Delegated Regulation (EU) No 1198/2014 supplementing Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union.”.
- (7) In Article 6—
- (a) in point (a), for “Member State’s authority in charge of implementing Natura 2000” substitute “relevant authority”;
 - (b) in points (b) and (d), for “Member States”, in each place it occurs, substitute “the relevant authority”;
 - (c) in point (c)—
 - (i) for “applicable national legislation” substitute “law as it applies in the constituent nation”;
 - (ii) for “Member State” substitute “relevant authority”.
- (8) In Article 8(2)(b)—
- (a) omit “Union”;
 - (b) for “the Member States” substitute “other countries”.
- (9) In Article 9(2) omit “in the Member State or region”.
- (10) In Article 11(3), after “Commission Recommendation 2003/361/EC” insert “as it had effect immediately before exit day”;
- (11) In Article 13—
- (a) the existing text becomes paragraph 1;
 - (b) in that paragraph—
 - (i) in points (b) and (c), for “Member States” substitute “The relevant authority”;
 - (ii) in point (d), for “Member States” substitute “relevant authority”;
 - (iii) in point (e)—
 - (aa) for “Member States” substitute “The relevant authority”;
 - (bb) for “Union legislation including in” substitute “retained direct EU legislation and in”;
 - (c) after paragraph 1, insert—

“(2) For the purposes of Article 13(e), Article 17 of Directive 2009/28/EC is to be read as if—

 - (a) Article 17(3)(b)(ii) is omitted;
 - (b) “Community” includes the United Kingdom.”
- (12) In Article 14, for “Member States”, in each place it occurs, substitute “the relevant authority”.
- (13) In Article 15(1), for “Member States” substitute “the relevant authority”.
- (14) In Article 16—
- (a) for “an EAFRD contribution”, in both places it occurs, substitute “support for rural development”;

- (b) for “EAFRD contribution rate” substitute “core contribution”;
- (c) for “Member States ensure” substitute “the relevant authority ensures”.
- (15) Omit Article 17.
- (16) Omit Article 18.
- (17) In Article 19 omit the fourth and fifth paragraphs.
- (18) After Article 20 omit the words from “This Regulation” to “Member States”.

Amendment of Regulation (EU) 808/2014

3.—(1) Commission Implementing Regulation (EU) No 808/2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) is amended as follows.

(2) In Article 1—

- (a) the existing text becomes paragraph 1;
- (b) in that paragraph omit the words from “and national” to “programmes”;
- (c) after that paragraph insert—

“2. In these Regulations 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 2018.”.

(3) For Article 2 substitute—

“Article 2

Content of rural development programmes

The presentation of the content of rural development programmes as referred to in Article 27 of Regulation (EU) No 1303/2013 and Article 8 of Regulation (EU) No 1305/2013 shall be established in accordance with Annex 1 to this Regulation.”

(4) Omit Article 3.

(5) In Article 4—

- (a) in paragraph 1 omit point (e);
- (b) in the first subparagraph of paragraph 2, for “proposed” substitute “made”;
- (c) in the second subparagraph of paragraph 2—
 - (i) in point (a) omit “proposal” in both places it occurs;
 - (ii) in points (a) and (b), for “submitted”, in each place it occurs”, substitute “made”;
 - (iii) in point (b), for “amendment proposals” substitute “amendments”;
- (d) in the third subparagraph of paragraph 2—
 - (i) in point (a)—
 - (aa) omit “national”;
 - (bb) for “the Member State” substitute “the constituent nation”;
 - (ii) in point (b) for “Union legal framework” substitute “the law as it applies in the constituent nation”;
 - (iii) omit point (c);
 - (iv) in point (d)—
 - (aa) for “EAFRD” substitute “core”;
 - (bb) omit “by Member State”;
- (e) for paragraph 3 substitute—

“3. No programme amendments of the type referred to in Article 11(a)(iii) of Regulation (EU) No 1305/2013 may be made after 30 September 2020.

No other types of programme amendments may be made after 30 September 2023.”.

(f) omit paragraph 4.

(6) Omit Article 5.

(7) In Article 6 for “Member States”, in both places it occurs, substitute “the relevant authority”.

(8) In Article 8—

(a) for “Member States” substitute “the relevant authority”;

(b) for “a Member State” substitute “the relevant authority”.

(9) In Article 9(2)—

(a) for “Member States” in the first place it occurs, substitute “the relevant authority”;

(b) for “the Member States” substitute “the relevant authority”;

(c) for “EAFRD support” substitute “support for rural development”.

(10) In Article 10 for “Member States”, in both places it occurs, substitute “The relevant authority”.

(11) In Article 11 for “Member States”, in the first place it occurs, substitute “The relevant authority” and in the second and third places it occurs, substitute “the relevant authority”.

(12) In Article 12—

(a) in paragraph 1—

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

(ii) omit the words from “at the latest” to the end;

(b) in paragraph 3 for “a Member State” substitute “the relevant authority”.

(13) Omit Article 13.

(14) In Article 14—

(a) in paragraph 2 omit the words from “For the purpose” to the end;

(b) omit paragraph 3;

(c) after paragraph 4 insert—

“5. In this Article “third-country” means any country other than the United Kingdom.”

(15) After Article 17 omit the words from “This Regulation” to “Member States”.

(16) In Annex 1, Part 1—

(a) in paragraph 2 omit “Member State or”;

(b) in paragraphs 3, 4, 9, 16, 17, 18, and 19, in each place it occurs, omit “Not applicable to national programmes dedicated to joint instruments implemented by the EIB referred to in Article 28 of Regulation (EU) No 1303/2013”;

(c) in paragraph 4, omit “Union”;

(d) in paragraph 5, in points (a) and (d), omit the second sentence;

(e) in paragraph 6(b)(ii) omit the second sentence;

(f) omit paragraph 7;

(g) in paragraph 8(2)(e)—

(i) in point 3, in the second indent—

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

(bb) omit “the Union”;

- (ii) in point 4, in the sixth indent, for “Union legislation” substitute “retained direct EU legislation”;
- (iii) in point 9—
 - (aa) in the first indent for “national law” substitute “the law as it applies in the constituent nation”;
 - (bb) in the second indent, after “Directive 2009/128/EC of the European Parliament and of the Council” insert “(reading Article 3(10)(b) of the Directive as if, for the words from “Directive 98/8/EC” to the end there were substituted “Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products”.
- (iv) in point 11 in the third indent, for “Article 13 of Directive 2000/60/EC of the European Parliament and of the Council (‘WFD’)” substitute “Part 6 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017^(a) or Chapter 2 of Part 1 to the Water Environment and Water Services (Scotland) Act 2003^(b)”;
- (v) in point 12 for “Member State calculates degressivity of payments” substitute “degressivity of payments is calculated”;
- (vi) in point 13 omit “and the Union”;
- (vii) in point 14 for “national legislation” substitute “law as it applies in the constituent nation”;
- (viii) in point 16 omit the words from “Income stabilisation tool” to “financial contribution”;
- (ix) in point 17, omit the sixth indent;
- (h) in paragraph 9(3)(a)—
 - (i) for “RDP Union priority” substitute “priority for rural development”;
 - (ii) omit “, including sub-programmes”;
- (i) in paragraph 10—
 - (i) in point (a) —
 - (aa) in the opening words, for “EAFRD” substitute “core”;
 - (bb) omit “the amounts referred to in Article 59(4)(f) of Regulation (EU) No 1305/2013, and”;
 - (cc) for “the EAFRD” substitute “support for rural development”;
 - (dd) omit point (iii);
 - (ii) in point (b) for “EAFRD” substitute “core”;
 - (iii) in point (c)—
 - (aa) for “EAFRD”, in each place it occurs, substitute “core”;
 - (bb) for “Union”, in each place it occurs, substitute “core”;
 - (cc) omit the last subparagraph before point (d);
 - (iv) omit point (d);
- (j) in paragraph 12 for “within the scope of Article 42 of the Treaty” substitute “for the production of and trade in agricultural products”;
- (k) in paragraph 13—
 - (i) for “fall outside the scope of Article 42 of the Treaty” substitute “are not for the production of and trade in agricultural products”;

^(a) S.I. 2017/407

^(b) 2003 asp 3

- (ii) for “EAFRD” substitute “core”;
 - (iii) omit the word “Union”;
 - (iv) for “Member State” substitute “relevant authority”;
- (l) omit paragraph 14;
- (m) in paragraph 15—
 - (i) omit “For national programmes dedicated to joint instruments implemented by the EIB referred to in Article 28 of Regulation (EU) No 1303/2013 only points (a),(b) and (c) of this point are applicable”;
 - (ii) in point (a)—
 - (aa) for “Member State” substitute “relevant authority”;
 - (bb) omit “and arrangements under Article 74(3) of Regulation (EU) No 1303/2013”;
 - (iii) in point (d), for “ESI funds” substitute “support for rural development and support for the fishing and aquaculture industries under Regulation 508/2014 of the European Parliament and of the Council”;
 - (iv) omit point (e);
- (n) omit paragraph 20.
- (17) Omit Annex 1, Part 2.
- (18) In Annex 1, Part 3—
 - (a) in paragraph 2 omit “Member State or”;
 - (b) in paragraph 5—
 - (i) for “EAFRD”, in both places it occurs, substitute “core”;
 - (ii) for “Union” substitute “core”;
 - (c) in paragraph 6(a), for “The designation by the Member State” substitute “The details”;
 - (d) in paragraph 7—
 - (i) omit point (a);
 - (ii) in point (b) omit the second paragraph.
- (19) Omit Annex 1, Part 4.
- (20) In Annex 1, Part 5 in the table—
 - (a) omit the row commencing “Article 40 of Regulation (EU) No 1305/2013”;
 - (b) in the entry in the first column of the final row, for “to” substitute “and”;
- (21) In Annex 1, Part 6 in the heading to the table, omit “Union”.
- (22) Omit Annex 3.
- (23) In Annex 5—
 - (a) in the unnumbered paragraph before paragraph 1, for the words from “reports” to the end substitute “report (hereafter ‘AIR’) submitted in 2019”;
 - (b) in the unnumbered paragraph immediately before paragraph 19, for the words from “AIRs submitted” to the end, substitute “AIR submitted in 2019”;
 - (c) in the heading “Evaluation questions related to Union level objectives” for “Union” substitute “European Union”;
 - (d) in the unnumbered paragraph immediately after that heading “omit “, and in the ex-post evaluation report”;
 - (e) in paragraph 26 omit “EU”;
 - (f) in paragraphs 27, 28 and 29 omit “CAP”.
- (24) Omit Annex 6.

(25) In Annex 7—

- (a) in paragraph 1 (a) for “Member States” substitute “relevant authority”;
- (b) in paragraph 3—
 - (i) for “Managing Authority” substitute “relevant authority”;
 - (ii) omit “, notably in response to comments made by the Commission”;
- (c) omit paragraph 4(b);
- (d) in paragraph 5 for “Member States” substitute “the relevant authority”;
- (e) in paragraph 6, 7 and 8, for “The AIRs submitted in 2017 and 2019” in each place it occurs substitute “The AIR submitted in 2019”;
- (f) in paragraph 7, in the fourth paragraph, omit the words from “and its” to “growth”;
- (g) in paragraph 8(b)—
 - (i) for “EAFRD” substitute “support for rural development”;
 - (ii) for the words from “Union’s promotion” to “Treaty” substitute “aim of preserving, protecting and improving the environment, as set out in Article 11 and Article 91(1) of the Treaty on the Functioning of the EU”;
- (h) in paragraph 9—
 - (i) for “the EAFRD” substitute “support for rural development”;
 - (ii) omit “Union”.

Amendment of Implementing Decision C(2015) 855

4.—(1) Commission Implementing Decision C(2015) 855 approving the rural development programme of England (UK) for support from the European Agricultural Fund for Rural Development is amended as follows.

(2) In Article 1, at the end, insert—

“In this Decision 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 2018.”.

(3) In Article 2(1)—

- (a) for “contribution from the EAFRD” substitute “core contribution”;
- (b) for “Union”, substitute “core”;
- (c) for “EAFRD contribution”, substitute “core contribution”.

(4) In Article 4 omit “national” in both places it occurs.

(5) Omit Article 5.

(6) In Part 1 of the Annex—

- (a) for “EAFRD contribution”, in each place it occurs, substitute “core contribution”;
- (b) for the words from “Article 59(3)(a)” to “Regulation (EEC) No 2019/93”, in each place they occur , substitute “Article 59(3)(a) of Regulation (EU) No 1305/2013 – Less developed regions”;
- (c) for the words from “Article 59(4)(e)” to “Regulation (EU) No 1307/2013”, in each place they occur , substitute “Article 59(4)(e) of Regulation (EU) No 1305/2013 – Operations receiving funding from funds transferred to the core contribution in application of Article 7(2) of Regulation (EU) No 1307/2013, and Article 14(1) of Regulation (EU) No 1307/2013 as it had effect immediately before exit day”;
- (d) for “M20 – Technical assistance Member States (Article 51-54 of Regulation (EU) No 1305/2013)” substitute “M20 – Technical assistance Member States (Article 51 and 54 of Regulation (EU) No 1305/2013)”;
- (e) omit the last row of table 1.

- (7) In Part 3 of the Annex, in the table—
 - (a) in the heading omit “national”;
 - (b) For “M20 – Technical assistance Member States (Article 51-54 of Regulation (EU) No 1305/2013)” substitute “M20 – Technical assistance Member States (Article 51 and 54 of Regulation (EU) No 1305/2013)”.

Amendment of Commission Implementing Decision C(2015) 3488

5.—(1) Commission Implementing Decision C(2015) 3488 approving the rural development programme of Wales for support from the European Agricultural Fund for Rural Development is amended as follows.

- (2) In Article 1, at the end, insert—

“In this Decision 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 2018.”.
- (3) In Article 2(1)—
 - (a) for “contribution from the EAFRD” substitute “core contribution”;
 - (b) for “Union contribution ” substitute “core contribution”;
 - (c) for “EAFRD contribution” substitute “core contribution”.
- (4) Omit Article 4.
- (5) In Part 1 of the Annex—
 - (a) for “EAFRD contribution”, in each place it occurs, substitute “core contribution”;
 - (b) for the words from “Article 59(3)(a)” to “Regulation (EEC) No 2019/93”, in each place they occur , substitute “Article 59(3)(a) of Regulation (EU) No 1305/2013 – Less developed regions”;
 - (c) for the words from “Article 59(4)(e)” to “Regulation (EU) No 1307/2013”, in each place they occur , substitute “Article 59(4)(e) of Regulation (EU) No 1305/2013 – Operations receiving funding from funds transferred to the core contribution in application of Article 7(2) of Regulation (EU) No 1307/2013, and Article 14(1) of Regulation (EU) No 1307/2013 as it had effect immediately before exit day”;
 - (d) for “M20 – Technical assistance Member States (Article 51-54 of Regulation (EU) No 1305/2013)” substitute “M20 – Technical assistance Member States (Article 51 and 54 of Regulation (EU) No 1305/2013)”;
 - (e) omit the last row of table 1.

Amendment of Commission Implementing Decision C(2015) 6018

6.—(1) Commission Implementing Decision C(2015) 6018 approving the rural development programme of Northern Ireland for support from the European Agricultural Fund for Rural Development is amended as follows.

- (2) In Article 1, at the end, insert—

“In this Decision 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 2018.”.
- (3) In Article 2(1)—
 - (a) for “contribution from the EAFRD” substitute “core contribution”;
 - (b) for “Union contribution ” substitute “core contribution”;
 - (c) for “EAFRD contribution” substitute “core contribution”.
- (4) In Article 4 omit “national” in each place it occurs.

- (5) Omit Article 5.
- (6) In Part 1 of the Annex—
 - (a) for “EAFRD contribution”, in each place it occurs, substitute “core contribution”;
 - (b) for the words from “Article 59(3)(c)” to “occur”, in each place they occur , substitute “Article 59(3)(c) of Regulation (EU) No 1305/2013 – Transition regions”;
 - (c) for “M20 – Technical assistance Member States (Article 51-54 of Regulation (EU) No 1305/2013)” substitute “M20 – Technical assistance Member States (Article 51 and 54 of Regulation (EU) No 1305/2013)”;
 - (d) omit the last row of table 1.
- (7) In Part 3 of the Annex, in the table—
 - (a) in the heading omit “national”;
 - (b) For “M20 – Technical assistance Member States (Article 51-54 of Regulation (EU) No 1305/2013)” substitute M20 – Technical assistance Member States (Article 51 and 54 of Regulation (EU) No 1305/2013)”.

Amendment of Commission Implementing Decision C(2015) 3489

7.—(1) Commission Implementing Decision C(2015) 3489 approving the rural development programme of Scotland for support from the European Agricultural Fund for Rural Development is amended as follows.

- (2) In Article 1, at the end, insert—

“In this Decision 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 2018.”.
- (3) In Article 2(1)—
 - (a) for “contribution from the EAFRD” substitute “core contribution”;
 - (b) for “Union contribution ” substitute “core contribution”;
 - (c) for “EAFRD contribution” substitute “core contribution”.
- (4) In Article 4 omit “national” in each place it occurs.
- (5) Omit Article 5.
- (6) In Part 1 of the Annex—
 - (a) for “EAFRD contribution”, in each place it occurs, substitute “core contribution”;
 - (b) for the words from “Article 59(3)(c)” to “occur”, in each place they occur , substitute “Article 59(3)(c) of Regulation (EU) No 1305/2013 – Transition regions”;
 - (c) for the words from “Article 59(4)(e)” to “Regulation (EU) No 1307/2013”, in each place they occur , substitute “Article 59(4)(e) of Regulation (EU) No 1305/2013 – Operations receiving funding from funds transferred to the core contribution in application of Article 7(2) of Regulation (EU) No 1307/2013, and Article 14(1) of Regulation (EU) No 1307/2013 as it had effect immediately before exit day”;
 - (d) for “M20 – Technical assistance Member States (Article 51-54 of Regulation (EU) No 1305/2013)” substitute “M20 – Technical assistance Member States (Article 51 and 54 of Regulation (EU) No 1305/2013)”;
 - (e) omit the last row of table 1.
- (7) In Part 3 of the Annex, in the table—
 - (a) in the heading omit “national”;
 - (b) for “M20 – Technical assistance Member States (Article 51-54 of Regulation (EU) No 1305/2013)” substitute “M20 – Technical assistance Member States (Article 51 and 54 of Regulation (EU) No 1305/2013)”.

Date

Name
Minister of State
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 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 United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of subordinate legislation in the field of rural development in relation to the United Kingdom.

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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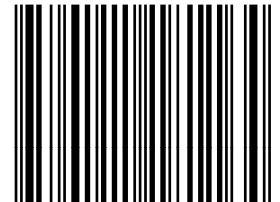
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