
DRAFT STATUTORY INSTRUMENTS

2020 No.

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

PART 2

CAP Horizontal Legislation

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⁽¹⁾ 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⁽²⁾,”

(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;

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

(2) 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⁽³⁾ 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⁽⁴⁾ 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”;

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

(4) 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(5).”;
 - (b) in paragraph (4), before sub-paragraph (a) insert—
 - “(za) in the heading, omit “of Member States”;

- (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.