

2019 No. 477

EXITING THE EUROPEAN UNION

TRANSPORT

ENERGY

TELECOMMUNICATIONS

**The Connecting Europe Facility (Revocation) (EU Exit)
Regulations 2019**

<i>Sift requirements satisfied</i>	<i>22nd January 2019</i>
<i>Made - - - -</i>	<i>1st March 2019</i>
<i>Laid before Parliament</i>	<i>7th March 2019</i>
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes the following 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^(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation and commencement

1.—(1) These Regulations may be cited as the Connecting Europe Facility (Revocation) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

Revocations

2. The retained direct EU legislation listed in the Schedule (Revocations) is revoked.

Transitional provision and savings

3.—(1) The Secretary of State may make a grant to a person to whom paragraph (2) applies.

(2) This paragraph applies to a person if—

- (a) the person has been awarded grant funding under the Connecting Europe Facility established by Article 1 of Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010, as it has effect in EU law(a); and
 - (b) the Secretary of State is satisfied that—
 - (i) the person would have been entitled to receive a payment in respect of that award, if the United Kingdom had not withdrawn from the European Union; and
 - (ii) the European Commission(b) will not make the payment because of the United Kingdom’s withdrawal from the European Union.
- (3) For the purposes of paragraph (2), a person has been awarded grant funding if, before the end of 2020 (whether before or after exit day)—
- (a) the person has entered into a grant agreement with the European Commission; or
 - (b) the following criteria are met—
 - (i) the European Commission has informed the person of a decision to award grant funding to the person; and
 - (ii) the Secretary of State considers that the European Commission would have entered into a grant agreement with the person in respect of that funding if the United Kingdom had not withdrawn from the European Union.
- (4) A grant made under paragraph (1) may be on such terms and conditions as the Secretary of State considers appropriate.
- (5) The terms and conditions may, in particular—
- (a) enable the Secretary of State to require the repayment, in whole or in part, of sums paid by the Secretary of State if any of the terms and conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period during which in accordance with any of the terms and conditions a sum due to the Secretary of State remains unpaid; and
 - (c) require a person to whom financial support is given to provide the Secretary of State with any information the Secretary of State requests for the purpose of the exercise of any of the Secretary of State’s functions.
- (6) The revocation of Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 does not affect the amendments made by that Regulation to Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight.
- (7) In this regulation references to the European Commission include the Innovation and Networks Agency or any other executive agency of the European Commission from time to time given functions in relation to the implementation of the Connecting Europe Facility(c).

(a) OJ No L348, 20.12.2013, p.129, as amended by Regulation (EU) 2015/1017 (OJ No L169, 1.7.2015, p1), Regulation (EU) 2017/1953 (OJ No L286, 1.11.2017, p1), Regulation (EU) 2017/2396 (OJ No L345, 27.12.2017, p34) and Regulation (EU,Euratom) 2018/1046, L193, 30.7.2018, p1.

(b) The European Commission is an institution of the EU under Article 13 of the Treaty on European Union (OJ N C 326, 26.10.2012, p13).

(c) The Innovation and Networks Executive Agency is established under Commission Implementing Decision of 23 December 2013 establishing the Innovation and Networks Executive Agency and repealing Decision 2007/60/EC as amended by Decision 2008/59/EC (OJ No L 352, 24.12.2013, p65). Under Article 3 of the Decision, the Agency is entrusted with, among other things, implementation of parts of the Connecting Europe Facility. The establishment of executive agencies is provided for under Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes (OJ No L11, 16.1.2003, p1).

Signed by authority of the Secretary of State for Transport

1st March 2019

Sugg
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Regulation 2

Revocations

The following instruments are revoked—

- (a) Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010;
- (b) Commission Delegated Regulation (EU) 2016/1649 of 8 July 2016 supplementing Regulation (EU) No 1316/2013 of the European Parliament and of the Council establishing the Connecting Europe Facility.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in 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 sections 8(2)(a) and (b)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations revoke two EU instruments. The first (Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010) (the “CEF Regulation”) established the detailed conditions, methods and procedures for the provision of EU financial assistance to trans-European networks in order to support projects in the transport, energy and telecommunications sectors. The second (Commission Delegated Regulation (EU) 2016/1649 of 8 July 2016 supplementing Regulation EU No 1316/2013 of the European Parliament and of the Council establishing the Connecting Europe Facility) is supplemental to the CEF Regulation.

Regulation 2 sets out, with reference to the Schedule, the EU instruments revoked by these Regulations.

Regulation 3 sets out transitional provisions, which will allow the Secretary of State to give financial assistance if the European Commission does not fund UK projects in accordance with the CEF Regulation from exit day, and sets out savings provisions in relation to amendments made by the CEF Regulation to a separate EU Regulation (Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight).

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

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

UK201903061024 03/2019 19585

<http://www.legislation.gov.uk/id/uksi/2019/477>

ISBN 978-0-11-118310-6



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