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STATUTORY INSTRUMENTS

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**2019 No. 785**

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

**PART 3**

Amendments to retained direct EU legislation

**Amendment of Title 7 of Part 2**

**11.**—(1) Omit Article 60.

(2) In Article 61—

- (a) in paragraph 2, for “the ESI Funds” substitute “support for rural development and support under Regulation (EU) No 508/2014”;
- (b) for “Member State”, in each place it occurs, substitute “relevant authority”;
- (c) omit paragraph 4;
- (d) in paragraph 5, for “Union co-financing rate” substitute “core contribution”;
- (e) in paragraph 6, for “Commission” substitute “relevant authority”;
- (f) in paragraph 7—
  - (i) omit point (a);
  - (ii) in point (h)—
    - (aa) for “the EAFRD Regulation” substitute “Regulation (EU) No 1305/2013”;
    - (bb) for “the EMFF Regulation” substitute “Regulation (EU) No 508/2014”.

(3) In Article 62, for “The ESI Funds” substitute “Support for rural development or support under Regulation (EU) No 508/2014”.

(4) In Article 63—

- (a) in paragraph 1, point (b), for “a Member State” substitute “a relevant authority”;
- (b) in paragraph 2, for “the ESI Funds” substitute “support for rural development or support under Regulation (EU) No 508/2014”.

(5) In Article 64—

- (a) in paragraph 1—
  - (i) in the first subparagraph, for “included in a payment application to the Commission” substitute “eligible for support for rural development and support under Regulation (EU) No 508/2014”;
  - (ii) in point (b), omit “Union and”;
- (b) in paragraph 2 omit “included with a payment application”.

(6) In Article 65—

- (a) for “the ESI Funds”, in each place it occurs, substitute “support for rural development or support under Regulation (EU) No 508/2014”;
- (b) in paragraph 2—
  - (i) for “the ESI Funds” substitute “support for rural development or support under Regulation (EU) No 508/2014”;
  - (ii) for “a contribution from the EAFRD” substitute “support for rural development”;
- (c) omit paragraphs 3, 5 and 7;
- (d) in paragraph 8—
  - (i) in the second subparagraph, for “to be co-financed from the ESI Funds” substitute “receiving support for rural development or support under Regulation (EU) No 508/2014”;
  - (ii) in point (h)—
    - (aa) for “the EAFRD Regulation” substitute “Regulation (EU) No 1305/2013”;
    - (bb) for “the EMFF Regulation”, in both places it occurs, substitute “Regulation (EU) No 508/2014”;
- (e) in paragraph 9—
  - (i) for “Commission” substitute “relevant authority”;
  - (ii) omit “or, in the event of application of Article 96(11), from the date of entry into force of the decision amending the programme”;
  - (iii) for “The Fund-specific rules for the EMFF” substitute “Regulation (EU) No 508/2014”;
- (f) in paragraph 10, for “the EAFRD Regulation”, substitute “Regulation (EU) No 1305/2013”;
- (g) for paragraph 11 substitute—
 

“11. An operation may receive support for rural development or support under Regulation (EU) No 508/2014 or both of them or from one or more programmes and from CMO support or direct payment support or support under other retained direct EU legislation, provided that the expenditure declared is not declared more than once.”.
- (7) In Article 66—
  - (a) in the first subparagraph, for “The ESI Funds shall be used to provide support” substitute “Support for rural development and support under Regulation (EU) No 508/2014 may be provided”;
  - (b) in the second subparagraph, omit “of the Member State”.
- (8) In Article 67—
  - (a) in paragraph 2, for “the EMFF Regulation” substitute “Regulation (EU) No 508/2014”;
  - (b) in paragraph 2a—
    - (i) omit the first and fourth subparagraphs;
    - (ii) in the third subparagraph, for “supported by the EAFRD, ERDF or the ESF” substitute “receiving support for rural development”;
  - (c) in paragraph 5—
    - (i) in point (aa), for “EAFRD” substitute “support for rural development”;
    - (ii) omit point (b);
    - (iii) in point (c) for “the Member State” substitute “the relevant authority”.

- (9) In Article 68—
- (a) for “Member State”, in both places it occurs, substitute “relevant authority”;
  - (b) omit “Union”.
- (10) In Article 68a—
- (a) in paragraph 1 for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 3 omit the second subparagraph.
- (11) In Article 68b—
- (a) for “Member State” substitute “relevant authority”;
  - (b) for “supported by the ESF, the ERDF or the EAFRD,” substitute “receiving support for rural development”.
- (12) In Article 69—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “the ESI Funds” substitute “support for rural development and support under Regulation (EU) No 508/2014”;
      - (bb) in point (d), for “a single unit of the currency of the Member States” substitute “one pound”;
  - (b) in paragraph 3—
    - (i) for “the ESI Funds” substitute “support for rural development and support under Regulation (EU) No 508/2014”;
    - (ii) omit “and from the amount of support transferred from the Cohesion Fund to the CEF as referred to in Article 92(6)”.
- (13) In Article 70—
- (a) in paragraph 1—
    - (i) for “the ESI Funds” substitute “support for rural development and support under Regulation (EU) No 508/2014”;
    - (ii) for “Member State”—
      - (aa) in the first place it occurs, substitute “relevant authority”;
      - (bb) in the second place it occurs, substitute “constituent nation”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph, omit “but within the Union,”;
    - (ii) for point (b) substitute—
      - “(b) the total amount allocated under the programme to operations located outside the programme area does not exceed 15% of the support for rural development or support under Regulation (EU) No 508/2014 at the level of the priority at the time of the adoption of the programme;”;
    - (iii) in the second subparagraph omit “financed from the Funds and the EMFF”;
    - (iv) omit the third subparagraph;
  - (c) in paragraph 3, for “the Union” substitute “the constituent nations”;
  - (d) omit paragraph 4.
- (14) In Article 71—

- (a) for “the ESI Funds”, in each place it occurs, substitute “support for rural development and support under Regulation (EU) No 508/2014”;
- (b) in paragraph 1—
  - (i) in the second subparagraph, for “Member State” substitute “relevant authority”;
  - (ii) in the third subparagraph, for “Member States” substitute “The relevant authority”;
- (c) in paragraph 2, for “the Union” substitute “the United Kingdom and its territorial sea”;
- (d) for paragraph 3 substitute—

“(3) Support for rural development or support under Regulation (EU) No 508/2014 must only be repaid in respect of operations that are not investments in infrastructure or productive investments where the operations are subject to an obligation for maintenance of investment under the applicable State aid rules and where they undergo a cessation or relocation of a productive activity within the period laid down in those rules.”;
- (e) omit paragraph 5.