
WELSH STATUTORY INSTRUMENTS

2021 No. 400

The Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

PART 3

Rural Development: Retained Direct Legislation

Amendment of Regulation (EU) No. 1305/2013

7.—(1) 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 repealing Council Regulation (EC) No 1698/2005⁽¹⁾ is amended, insofar as it relates to domestic support for rural development, as follows.

(2) In Article 1(1), omit the final sentence.

(3) In Article 2—

(a) in paragraph 1—

(i) in the first subparagraph, omit ““public expenditure”, “SMEs”,”;

(ii) in point (f), omit “permanent pasture or”;

(iii) omit point (o);

(iv) omit point (p);

(v) for point (v) substitute—

““appropriate authority” means the relevant authority for the constituent nation in which the regulations apply.”;

(b) omit paragraph 4.

(4) For Article 3 substitute—

“Article 3

Aim

Support for rural development shall contribute to the development of rural economies and sectors that are more resilient, competitive and innovative and which support the achievement of the well-being goals as set out in section 4 of the Well-being of Future Generations (Wales) Act 2015⁽²⁾, the sustainable management of natural resources as set out in Part 1 of the Environment (Wales) Act 2016⁽³⁾ and climate resilience.”

(5) For Article 4 substitute—

⁽¹⁾ EUR 2013/1305, amended by [S.I. 2019/748](#), [S.I. 2019/764](#), and [S.I. 2019/1422](#).

⁽²⁾ 2015 c. 2.

⁽³⁾ 2016 c. 3.

“Article 4

Objectives

Support for rural development, must contribute to achieving the following objectives:

- (a) fostering the competitiveness of agriculture;
 - (b) contributing towards the sustainable management of natural resources as set out in Part 1 of the Environment (Wales) Act 2016;
 - (c) ensuring climate resilience;
 - (d) achieving a balanced territorial development of rural economies and communities including the creation and maintenance of employment.”
- (6) For Article 5 substitute—

“Article 5

Priorities for rural development

Support for rural development must support the following priorities:

- (1) fostering knowledge transfer and innovation in agriculture, forestry, and rural areas;
- (2) enhancing farm viability and competitiveness of all types of agriculture in all regions and promoting innovative farm technologies and the sustainable management of forests;
- (3) promoting food chain organisation, including processing and marketing of agricultural products, animal welfare and risk management in agriculture;
- (4) restoring, preserving and enhancing ecosystems dependent on agriculture and forestry;
- (5) promoting resource efficiency and supporting the shift towards a low carbon and climate resilient economy in the agriculture, food and forestry sectors;
- (6) promoting social inclusion, poverty reduction and economic development in rural areas.

Each of these priorities shall contribute to the cross-cutting objectives of innovation, environment and climate change mitigation and adaptation.”

- (7) For Article 6 substitute—

“Article 6

The rural development programme

Support for rural development must be provided in accordance with the rural development programme. This programme shall implement a strategy to meet the priorities for rural development through a set of measures as defined in Title III. Support for rural development must be provided to further the objectives and the priorities of rural development.”

- (8) Omit Articles 8 to 12.
- (9) In Article 13, omit the final sentence.
- (10) In Article 14(2)—
 - (a) after “land managers” insert “, animal health and welfare sector”;
 - (b) for “SMEs” substitute “businesses”.
- (11) In Article 15—
 - (a) in paragraph 1—
 - (i) in point (a), for “SMEs” substitute “businesses”;
 - (ii) in paragraph 1(b), for “Articles 12 to 14” substitute “Article 12”;

- (b) in paragraph 3, omit the final subparagraph;
 - (c) omit paragraph 3a;
 - (d) in paragraph 4—
 - (i) in point (b), omit “the agricultural practices beneficial for the climate and the environment as laid down in Chapter 3 of Title III of Regulation (EU) No 1307/2013 and”;
 - (ii) in the final subparagraph, omit “as laid down in Annex I to Regulation (EU) No 1306/2013”;
 - (e) in paragraph 6, for “SMEs” substitute “businesses”;
 - (f) in paragraph 8, omit the first sentence.
- (12) In Article 16—
- (a) in paragraph 1—
 - (i) for “shall” substitute “may”;
 - (ii) after “groups of farmers” insert “and food processors”;
 - (b) in paragraph 3, omit the final subparagraph;
 - (c) omit paragraph 4.
- (13) In Article 17—
- (a) in paragraph 1—
 - (i) for “shall” substitute “may”;
 - (ii) in point (a), after “holding” insert “, or those involved in food processing”;
 - (iii) in point (c), at the end, omit “or”;
 - (iv) after point (d) insert—
 - “; or
 - (e) are investments linked to activities to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations.”;
 - (b) in paragraph 2, after “groups of farmers” insert “or those involved in food processing”;
 - (c) omit paragraphs 3 and 4.
- (14) Omit Article 18(5).
- (15) In Article 19—
- (a) omit paragraph 1(c);
 - (b) in paragraph 2, omit the final subparagraph;
 - (c) in the third subparagraph of paragraph 4, omit “, as applicable in the relevant authority concerned,”;
 - (d) in paragraph 6, omit the first sentence;
 - (e) omit paragraph 7.
- (16) In Article 20—
- (a) in paragraph 1—
 - (i) in point (g), after “conversion” insert “and adaptive reuse”;
 - (ii) after point (g) insert—

- (b) in paragraph 2, omit “It shall be limited to producer groups and organisations that are SMEs.”;
 - (c) omit paragraph 4.
- (23) In Article 28—
- (a) in paragraph 1—
 - (i) for “their territories” substitute “Wales”;
 - (ii) omit “their” in the second place it occurs;
 - (iii) for “rural development programmes” substitute “the rural development programme”;
 - (iv) omit “at national and/or regional level”;
 - (b) in paragraph 5—
 - (i) for “their rural development programmes” substitute “the rural development programme” in both places it occurs;
 - (ii) omit the third to fifth subparagraphs;
 - (c) in paragraph 6, omit the second subparagraph;
 - (d) in paragraph 8, omit the first sentence;
 - (e) omit paragraph 11.
- (24) In Article 29—
- (a) in paragraph 1, omit “and who are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013, as applicable in the relevant authority concerned”;
 - (b) in paragraph 3, for “their rural development programmes” substitute “the rural development programme” in each place it occurs;
 - (c) in paragraph 4, omit the final subparagraph;
 - (d) omit paragraphs 5 and 6.
- (25) In Article 30—
- (a) in paragraph 1, omit the final subparagraph;
 - (b) in paragraph 4—
 - (i) in point (a), omit “as it applies in the constituent nation”;
 - (ii) in point (c), omit “as it applied in the constituent nation existing”;
 - (c) omit paragraphs 7 and 8.
- (26) In Article 31—
- (a) in paragraph 1, omit “, taking into account payments pursuant to Chapter 4 of Title III of Regulation (EU) No 1307/2013”;
 - (b) in paragraph 2, omit “and are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013”;
 - (c) omit paragraph 3;
 - (d) in paragraph 4—
 - (i) omit “, except if the grant covers only the minimum payment per hectare per year as laid down in Annex II”;
 - (ii) in point (a), omit “as it applies in the constituent nation”;
 - (e) omit paragraph 5.
- (27) In Article 32, in paragraph 4, omit the final subparagraph.

- (28) In Article 33—
- (a) for “animal welfare” substitute “animal health and welfare” in the heading and in each place it occurs;
 - (b) in paragraph 1, omit “and who are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013,”;
 - (c) in paragraph 3, omit the final subparagraph.
- (29) In Article 34—
- (a) for the heading substitute “Forest-environmental, climate commitments and forest historic environment commitments”;
 - (b) in paragraph 1—
 - (i) for “forest environment and climate commitments” substitute “forest-environmental, climate commitments and forest historic environment commitments”;
 - (ii) for “their rural development programmes” substitute “the rural development programme”;
 - (c) in paragraph 3, in the first subparagraph, omit the final sentence.
- (30) In Article 35—
- (a) omit paragraph 1(c);
 - (b) in paragraph 5(b), omit “or a project to be carried out by an operational group of the EIP for Agricultural Productivity and Sustainability as referred to in Article 56”;
 - (c) in paragraph 6, omit “or support under Regulation 508/2014, CMO support or direct payment support”.
- (31) Omit Article 36(2) and (5).
- (32) Omit Article 37(5).
- (33) In Article 38—
- (a) in paragraph 3, for the second subparagraph substitute—

“Support under point (b) of Article 36(1) shall only be granted to cover for loss caused by the outbreak of adverse climatic events, an animal or plant disease, a pest infestation, or a measure adopted in accordance with [Directive 2000/29/EC](#) to eradicate or contain a plant disease or pest or an environmental incident, which destroy more than 30% of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year.”;
 - (b) omit paragraph 5.
- (34) In Article 39—
- (a) for paragraph 1 substitute—

“1. Support under point (c) of Article 36(1) shall only be granted where the drop in income exceeds 30% of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (c) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. Payments by the mutual fund to farmers shall compensate for less than 70% of the income lost in the year the producer

becomes eligible to receive this assistance. Indexes may be used to calculate the annual loss of income of the farmer.”;

- (b) in paragraph 5, omit the first sentence.
- (35) Omit Article 39b.
- (36) In Article 41(c), omit “other than those used in Annex II,”.
- (37) In Article 42, for paragraph 1 substitute—
 - “1. In addition to the tasks referred to in Article 34 of Regulation (EU) No 1303/2013 local action groups may also perform additional tasks delegated to them by the Managing Authority and/or the paying agency.”
- (38) Omit Article 43.
- (39) In Article 45(5), for “EUR 200 000” substitute “£200 000”.
- (40) In Article 46(2)—
 - (a) omit “in each of the constituent nations”;
 - (b) omit “, or, before IP completion day, to the Commission,”.
- (41) In Article 47(6), after “public money,” insert “the”.
- (42) In Article 48—
 - (a) omit the last sentence of the first subparagraph;
 - (b) omit the second subparagraph.
- (43) In Article 49—
 - (a) in paragraph 1, omit “following consultation with the Monitoring Committee” in both places that it occurs;
 - (b) in paragraph 2, for “39b” substitute “39a”.
- (44) Omit Articles 51 to 59.
- (45) In Article 60—
 - (a) in paragraph 2, omit “an” in the first subparagraph;
 - (b) omit paragraph 3.
- (46) In Article 63(1), in the first sentence, for “shall” substitute “may”.
- (47) Omit Articles 65 to 80.
- (48) In Article 82, omit “as provided for in paragraph 1(j) of Article 8”.
- (49) For the heading of Chapter I of Title IX substitute “Powers”.
- (50) In Article 86—
 - (a) in paragraph 1, omit “respective”;
 - (b) omit paragraph 2.
- (51) Omit Articles 88 to 90.
- (52) Omit Annexes I, Ia and II.
- (53) In Annex III, for “Member States” substitute “The relevant authority”.
- (54) Omit Annexes V and VI.