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STATUTORY INSTRUMENTS

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**2019 No. 765**

**EXITING THE EUROPEAN UNION  
AGRICULTURE**

**The Common Agricultural Policy (Financing,  
Management and Monitoring Supplementary Provisions)  
(Miscellaneous Amendments) (EU Exit) Regulations 2019**

*Made - - - - 28th March 2019*

*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) of, and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

In accordance with paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and paragraph 1(1) 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 Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (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 [Commission Delegated Regulation \(EU\) 906/2014](#)**

2.—(1) [Commission Delegated Regulation No 906/2014](#) supplementing [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council with regard to public intervention expenditure is amended as follows.

(2) In Article 1, for “the European Agricultural Guarantee Fund (EAGF)” substitute “direct payments and CMO support”;

(3) In Article 3—

(a) in paragraph 1—

(i) for “the EAGF” substitute “direct payments and CMO support”;

- (ii) omit points (a) to (d);
- (b) in paragraph 2—
  - (i) omit the first subparagraph;
  - (ii) in the second subparagraph, for “period referred to in point (a) of Article 3(3) of [Delegated Regulation \(EU\) No 907/2014](#)” substitute “United Kingdom financial year”.
- (4) In Article 4—
  - (a) in paragraph 3—
    - (i) for “Fund for European Aid to the Most Deprived” substitute “scheme for food distribution to the most deprived in the UK”;
    - (ii) omit the words from “For the Member States whose currency is not the euro” to “of that year.”;
    - (iii) in the second subparagraph, for “Member State”, in each place it occurs, substitute “relevant authority”;
  - (b) omit paragraph 4;
  - (c) in paragraph 6, omit the second subparagraph;
  - (d) omit paragraph 8.
- (5) In Article 5, omit the second paragraph.
- (6) Omit Annexes 1 to 3.
- (7) In Annex 5—
  - (a) in paragraph 3, for “Commission” in both places it occurs, substitute “relevant authority”;
  - (b) in paragraph 4—
    - (i) in the first subparagraph—
      - (aa) for “Commission” substitute “relevant authority”;
      - (bb) for “Member State” substitute “the relevant authority who owns the product”;
    - (ii) in the second subparagraph for “Member State”, in both places it occurs, substitute “the relevant authority who owns the product”;
  - (c) in paragraph 5—
    - (i) for “and by Member State shall be based on a notification from the Member States, sent to the Commission no later than 7 September of year n+1, relating to products in storage at 30 September of that year, including” substitute “shall be drawn up by the relevant authorities and will include”;
    - (ii) in the third and sixth indents, after “euro” insert “or sterling”;
  - (d) in paragraph 6—
    - (i) for “national currency” substitute “sterling”;
    - (ii) for “Member States” substitute “relevant authority”;
    - (iii) omit “whose currency is not the euro”;
  - (e) omit paragraph 7.
- (8) In Annex 6—
  - (a) in point (b)—
    - (i) in the first subparagraph—

- (aa) for “Member State of storage” substitute “United Kingdom”;
  - (bb) for “Member State” substitute “relevant authority who owns the product”;
  - (ii) in the second subparagraph—
    - (aa) for “Member State” substitute “relevant authority who owns the product.”;
    - (bb) omit the words from “on the basis” to “the Commission”;
  - (iii) in the third subparagraph, for “the EAGF”, in both places it occurs, substitute “direct payments and CMO support”;
  - (b) in point (c), for “Union legislation” substitute “the law applying in the constituent nation”.
- (9) In Annex 7—
- (a) in paragraph 1, for “Union rules provide” substitute “sectoral agricultural legislation provides”;
  - (b) in paragraph 2, in points (b) and (d), omit “of the Commission”.
- (10) Omit Annex 8.

#### **Amendment of Commission Delegated Regulation (EU) 907/2014**

**3.—(1)** Commission Delegated Regulation (EU) No 907/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro is amended as follows.

- (2) Omit Articles 1 and 2.
- (3) In Article 3—
- (a) in paragraph 3—
    - (i) in point (c), for “to make available to the Commission the” substitute “to keep”;
    - (ii) in point (e), for “Union and national legislation” substitute “the law applying in the constituent nation”;
    - (iii) omit the second subparagraph;
  - (b) in paragraph 4, in point (a), omit “Union”;
  - (c) omit paragraphs 5 to 7.
  - (d) In Article 4, in paragraph 1, omit “Union”.
- (4) Omit Articles 5 to 10.
- (5) In Article 11—
- (a) in paragraph 1—
    - (i) for “EAGF” substitute “direct payments and CMO support”;
    - (ii) for “Member States which have not adopted the euro” substitute “the relevant authority may choose to express it in either euro or sterling and”;
    - (iii) omit the words from “For the clearance decisions referred in Article 51” to the end;
  - (b) omit paragraph 2.
- (6) Omit Articles 12 and 13.
- (7) In Article 15, omit the second paragraph.
- (8) In Article 19, in paragraph 3, omit “Member State of the”.
- (9) In Article 20—

- (a) in paragraph 1, after “euro” insert “or sterling”;
- (b) in paragraph 2—
  - (i) omit “If the security is accepted in a Member State which has not adopted the euro”;
  - (ii) for “national currency”, substitute “sterling”;
  - (iii) in the last sentence, after “euro” insert “or sterling”.
- (10) In Article 21—
  - (a) in paragraph 1—
    - (i) for “Union,” substitute “United Kingdom”;
    - (ii) omit “, subject to the provisions of the Treaty concerning freedom to supply services,”;
    - (iii) omit “of the Member State in which the security is given”.
- (11) In Article 23—
  - (a) in paragraph 3, in the second subparagraph, in point (b), for “Union” substitute “United Kingdom”;
  - (b) in paragraph 4, in the second subparagraph, for “Union” substitute “United Kingdom”;
  - (c) in paragraph 5, for “national currency”, substitute “sterling”.
- (12) In Article 24—
  - (a) in paragraph 1, for “Union rules” substitute “sectoral agricultural legislation”;
  - (b) in paragraph 2, for “Member State” substitute “relevant authority”.
- (13) In Article 25, in paragraph 2, omit “national”.
- (14) In Article 26, for “Union rules provide” substitute “sectoral agricultural legislation provides”.
- (15) In Article 27—
  - (a) in paragraph 1, in point (b), for “Union rules” substitute “sectoral agricultural legislation”;
  - (b) in paragraph 2, in the second subparagraph, omit “where specific Union rules so provide,”.
- (16) In Article 28—
  - (a) in paragraph 1—
    - (i) omit “by Union law”;
    - (ii) for “the common agricultural policy” substitute “agricultural support”;
    - (iii) for “by the Member States in national currency”, substitute “in sterling”;
  - (b) in paragraph 2, for “Union agricultural legislation” substitute “the law applying in the constituent nation”.
- (17) In Article 29, in paragraph 1, for “Union legislation”, substitute “sectoral agricultural legislation”.
- (18) In Article 34, in paragraph 1, in the second subparagraph, omit “under Union rules,”.
- (19) Omit Article 35.
- (20) In Article 36, in the first paragraph, omit “in Union legislation”.
- (21) In Article 39, for “national currencies” substitute “sterling”.
- (22) In Article 40, in the first paragraph, omit “under Union legislation”.
- (23) Omit Article 41.
- (24) In Article 45—

- (a) omit the second paragraph;
  - (b) omit the third paragraph.
- (25) Omit Annex 1.
- (26) In Annex 2—
- (a) in section A—
    - (i) in sub-section 2—
      - (aa) in paragraph 4, omit “and be available to Commission staff and persons authorised by the Commission”;
      - (bb) in paragraph 5, in the third subparagraph omit “It shall be sent to the Commission at the same time as the annual accounts referred to in Article 7 (3)(a) of [Regulation \(EU\) No 1306/2013](#).”;
    - (b) in section B, in the title, for “the common agricultural policy” substitute “agricultural support”.
- (27) In Annex 3—
- (a) in the first paragraph, omit “Union”;
  - (b) in section 4—
    - (i) in the first paragraph, for “Union legislation” substitute “the law applying in the constituent nation”;
    - (ii) in the second paragraph, in the fourth indent, for “Commission” substitute “relevant authorities”;
  - (c) in section 5, for “Article 104 of [Regulation \(EU\) No 1306/2013](#) substitute “sectoral agricultural legislation”;
  - (d) in section 6, for “Article 104 of [Regulation \(EU\) No 1306/2013](#)” for the clearance of accounts procedures, without prejudice to the relevant national provisions” substitute “sectoral agricultural legislation including the exercise of existing or repatriated powers, and without prejudice to any other provisions”.
- (28) Omit Annex 5.

#### **Amendment of [Commission Implementing Regulation \(EU\) 908/2014](#)**

**4.—(1)** [Commission Implementing Regulation 908/2014](#) laying down rules for the application of [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency is amended as follows:

- (2) Omit Articles 1 to 3.
- (3) In Article 4—
  - (a) in the heading, for “Coordinating body” substitute “Relevant authorities acting jointly”;
  - (b) for paragraph 1 substitute—

“In accordance with Article 7(4) of [Regulation \(EU\) No 1306/2013](#) the relevant authorities will act jointly on the following:

    - (i) operating a monthly early warning and monitoring system;
    - (ii) publishing beneficiary data on a single website;
    - (iii) meeting international commitments;

- (iv) all of the information set out in Article 7 of [Regulation \(EU\) No 1306/2013](#).”;
- (c) omit paragraph 2;
- (d) in paragraph 3—
  - (i) for “its tasks” substitute “their tasks”;
  - (ii) for “coordinating body” substitute “relevant authorities acting jointly”;
  - (iii) for “national procedures,” substitute “the procedures applying in the constituent nation,”;
- (e) omit paragraphs 4 and 5.
- (4) Omit Articles 5 to 7.
- (5) In Chapter 2, in the title, omit “of the funds”.
- (6) Omit Articles 8 to 10.
- (7) In Article 11—
  - (a) in paragraph 1—
    - (i) for “assigned revenue declared” substitute “declared revenue”;
    - (ii) in the second subparagraph, for “EAGF budget” substitute “direct payment and CMO support”;
    - (iii) omit the third subparagraph;
  - (b) in paragraph 2, for “assigned revenue” substitute “declared revenue”;
  - (c) in paragraph 3, omit the first subparagraph;
  - (d) in paragraph 5, for “the EAGF” substitute “direct payment and CMO support”;
  - (e) omit paragraph 6.
- (8) In Article 12, in paragraph 2, in the second subparagraph, omit point (a).
- (9) Omit Articles 13 to 15.
- (10) In Article 16—
  - (a) in paragraph 1, in point (b)—
    - (i) for “Fund for European Aid to the Most Deprived” substitute “scheme for food distribution to the most deprived in the UK”;
    - (ii) omit “, distinguishing those which are the subject of a transfer to another Member State”.
- (11) In Article 17—
  - (a) in paragraph 1, omit “or for the values and amounts calculated on the basis of the standard amounts established by the Commission”;
  - (b) in paragraph 2—
    - (i) in point (b)—
      - (aa) for “Member States” substitute “constituent nations”;
      - (bb) for “Member State” substitute “constituent nation”;
    - (ii) in point (c) for “the Union rules” substitute “any provision”;
    - (iii) in point (d)—
      - (aa) for “Union rules provide” substitute “sectoral agricultural legislation provides”;

- (bb) for “EAGF” substitute “direct payment and CMO support”;
- (c) omit paragraph 3.
- (12) In Article 18, in paragraph 1, in point (b), omit “, where such costs are not covered by standard amounts”.
- (13) Omit Articles 19 to 26.
- (14) In Article 27, in paragraph 1, for “Member States” substitute “A relevant authority”.
- (15) In Article 28—
  - (a) for “national law”, substitute “the law applying in the constituent nation”;
  - (b) for “Member States” substitute “the relevant authority”.
- (16) Omit Articles 29 to 40.
- (17) In Article 41—
  - (a) for paragraph 1 substitute—

“The relevant authorities may decide to reduce the minimum level of on-the-spot checks in accordance with Article 59 (5) of [Regulation \(EU\) No 1306/2013](#) (the relevant authority may use the certification audit results from 2017 to apply the reduced control rate until the scheme year 2019). Thereafter, for the reduced control rate to apply, the relevant constituent nation shall:

    - (i) conduct an applicable audit that is appropriate in order to deliver an opinion (on the completeness, accuracy and veracity of the annual accounts);
    - (ii) the opinion must validate both that the internal control system is functioning properly and that the error rate for the population concerned was below the materiality threshold of 2.0%;
    - (iii) the opinion must cover at least the two consecutive financial years preceding the year in which the reduced rate is intended to apply.”;
  - (b) in paragraph 2—
    - (i) for “Member States” substitute “The relevant authority”;
    - (ii) omit the second subparagraph;
  - (c) in paragraph 3, for “Member States” substitute “the relevant authority”.
- (18) In Article 42—
  - (a) in the heading, for “Member States” substitute “the relevant authorities”;
  - (b) in paragraph 1—
    - (i) for “by the EAGF” substitute “of the direct payment and CMO support”;
    - (ii) for “for the EAGF financial year” substitute “in the United Kingdom financial year”;
  - (c) in paragraph 2—
    - (i) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
    - (ii) for “Member States”, in the second place it occurs, substitute “A relevant authority”;
    - (iii) omit the words from “The proposal” to “Annex V to this Regulation”;
    - (iv) for “Member States”, in the third place it occurs, substitute “relevant authority”;
    - (v) for “Commission” substitute “Accounting Officer”;
    - (vi) for “Commission’s” substitute “Accounting Officer’s”;
  - (d) in paragraph 3—

- (i) for “Member State” substitute “relevant authority”;
- (ii) for “by the EAGF” substitute “of the direct payment and CMO support”;
- (e) in paragraph 4, for “Member State” substitute “relevant authority”.
- (19) In Article 43, for “Member States” substitute “The relevant authority”.
- (20) Omit Articles 44 and 45.
- (21) In Article 46, omit paragraph 4.
- (22) In Article 47—
  - (i) in paragraph 2, for “Member States” substitute “a relevant authority”;
  - (ii) in paragraph 3, for “Member States” substitute “A relevant authority”.
- (23) In Article 48, omit the second paragraph.
- (24) In Article 50, omit paragraph 4.
- (25) In Article 51, in paragraph 2, in point (c)—
  - (a) for “the Member State”, substitute “the constituent nation”,
  - (b) for “that Member State”, substitute “the relevant authority”.
- (26) In Article 54, in the first paragraph, for “Union rules do” substitute “sectoral agricultural legislation does”.
- (27) In Article 55—
  - (a) in paragraph 2—
    - (i) in point (a), for “national law” substitute “the law applying in the constituent nation”;
    - (ii) in point (b), for “Member State” substitute “relevant authority”;
    - (iii) in point (c), for “national law” substitute “the law applying in the constituent nation”;
    - (iv) omit point (d);
    - (v) in point (e), for “Member States” substitute “A relevant authority”;
  - (b) omit paragraph 3.
- (28) In Article 56—
  - (a) in paragraph 1—
    - (i) for “Member States” substitute “A relevant authority”;
    - (ii) omit “available for the Commission”;
    - (iii) omit “, distinguishing in either case between those credited to the national budgets and those credited to the budget of the Union”;
    - (iv) omit the second occurrence of “Union”;
  - (b) in paragraph 2—
    - (i) for “Member States” substitute “A relevant authority”;
    - (ii) omit “at the Commission’s disposal”.
- (29) In Article 57—
  - (a) in paragraph 1, in point (b), for “Funds” substitute “agricultural support”;
  - (b) in paragraph 2, omit “in Member States which have adopted the euro and in the national currency in other Member States”;
  - (c) in paragraph 3, for “Member States” substitute “A relevant authority”.
- (30) In Article 58, for “Member State” substitute “relevant authority”.



- (31) In Article 59, in paragraph 1, omit the words from “That information shall be provided” to the end.
- (32) In Article 60—
- (a) in the first paragraph, for “the Funds” substitute “agricultural support”;
  - (b) omit the second paragraph.
- (33) Omit Article 61.
- (34) In Article 62—
- (a) in the heading, for “Cooperation between the Commission and Member States” substitute “The Single Website”;
  - (b) omit paragraphs 1 and 2;
  - (c) in paragraph 3—
    - (i) for “Member States” substitute “The relevant authorities”;
    - (ii) for “inform the Commission” substitute “keep records”.
- (35) In Article 64—
- (a) in the second paragraph—
    - (i) in point (a), for “Member States” substitute “a relevant authority”;
    - (ii) in point (d) for “Member States” substitute “a relevant authority”;
  - (b) omit the third paragraph.
- (36) Omit Annexes 1 to 10.
- (37) In Annex 11—
- (a) in Sheet A, in paragraph 1 for “EAGF” substitute “direct payment and CMO support”;
  - (b) in Sheet B—
    - (i) in the sub-title for “EAGF” substitute “direct payment and CMO support”;
    - (ii) in the second sub-title omit “EAGF”;
    - (iii) in the table, for “EAGF”, in each place it occurs, substitute “direct payment and CMO support”;
  - (c) in Sheet C—
    - (i) for “Commission” substitute “Accounting Officer”;
    - (ii) in the table, for “EAGF” substitute “direct payment and CMO support”;
  - (d) in Sheet D—
    - (i) in the first paragraph omit “EAGF”;
    - (ii) in the table for “EAGF” substitute “direct payment and CMO support”.
- (38) In Annex 12—
- (a) in Part 1—
    - (i) in paragraph 3, for “Commission”, substitute “relevant accounting officer”;
    - (ii) omit paragraph 6.
  - (b) in Part 2—
    - (i) in Sheet B, for “EAGF”, in each place it occurs, substitute “direct payment and CMO support”;
    - (ii) in Sheet C—

- (aa) in the sub-title, for “EAGF”, in both places it occurs, substitute “direct payment and CMO support”;
- (bb) in the table, for “EAGF” substitute “direct payments and CMO support”.

#### **Amendment of Commission Implementing Regulation (EU) 809/2014**

5.—(1) Commission Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance is amended as follows.

(2) In Article 1—

(a) in the first paragraph—

- (i) omit point (a);
- (ii) in point (b), for “Member States”, substitute “relevant authority”;
- (iii) omit point (g);
- (iv) in point (m), for “Member States”, substitute “a relevant authority”.

(3) In Article 2—

(a) in paragraph 1—

- (i) for “, within a Member State,” substitute “a relevant authority has”;
- (ii) after “more than one paying agency” omit “is”;
- (iii) for “Member State” substitute “relevant authority”;

(b) in paragraph 2, for “Member State” substitute “relevant authority”.

(4) In Article 3, in paragraph 1, in the second subparagraph, in both places it occurs, for “Member State” substitute “relevant authority”.

(5) In Article 5, in the second paragraph, for “Union or national law” substitute “the law applying in the constituent nation”.

(6) In Article 6—

(a) in paragraph 1—

- (i) for “Member States” substitute “relevant authority”;
- (ii) omit the words from “and with the programmes” to the end;

(b) in paragraph 2, in point (f), omit sub-point (iii) and (iv);

(c) in paragraph 3, omit point (c).

(7) In Article 7, in paragraph 2, in the second subparagraph—

- (a) for “national law” substitute “the law applying in the constituent nation”;
- (b) for “national provisions” substitute “those provisions”.

(8) In Article 8—

- (a) in paragraph 3, in point (a), for “Member States” substitute “relevant authority”;
- (b) in paragraph 4, in point (b), for “Union rules” substitute “sectoral agricultural legislation”;
- (c) in paragraph 5—
  - (i) for “Member States”, in the first place it occurs substitute “The relevant authority”;
  - (ii) for “Member States”, in the second place it occurs substitute “the relevant authority”.

(9) Omit Articles 9 and 10.

- (10) In Article 11—
- (a) in paragraph 1, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 2—
    - (i) for “Member States”, in the first place it occurs, substitute “the relevant authority” and in the second place it occurs, substitute “The relevant authority”;
    - (ii) omit “national”;
    - (iii) for “Member State”, in the third place it occurs, substitute “the relevant authority”;
  - (c) in paragraph 4, for “Member States” in the first place it occurs, substitute “the relevant authority” and in the second place in occurs, substitute “The relevant authority”;
  - (d) in paragraph 5—
    - (i) in the first subparagraph, for “Member State” substitute “relevant authority”;
    - (ii) in the third subparagraph, for “Member States” substitute “the relevant authority”.
- (11) In Article 12—
- (a) in paragraph 1, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 3, for “Member States” substitute “The relevant authority”.
- (12) In Article 13—
- (a) in paragraph 1—
    - (i) for “Member States” substitute “The relevant authority”;
    - (ii) omit the words from “However, Estonia, Latvia” to “15 June.”;
    - (iii) in the second subparagraph, for “Member States” substitute “the relevant authority”;
  - (b) omit paragraph 2.
- (13) In Article 14—
- (a) omit paragraph 3;
  - (b) in paragraph 4, for “Member States” in the first place it occurs, substitute “the relevant authority” and in the second place it occurs, substitute “The relevant authority”.
- (14) In Article 14a—
- (a) in paragraph 1, for “Member State” substitute “relevant authority”;
  - (b) in paragraph 4, for “Member States” substitute “the relevant authority”;
  - (c) in paragraph 5, for “Member States” substitute “The relevant authority”.
- (15) In Article 15, in paragraph 2—
- (a) omit the words from “, except in the case of” to “year concerned”;
  - (b) in the third subparagraph, for “Member States” substitute “the relevant authority”.
- (16) In Article 17—
- (a) in paragraph 2, omit points (a) and (b);
  - (b) in paragraph 4, omit “, the single area payment scheme”;
  - (c) in paragraph 7—
    - (i) in point (c), for “Member State” substitute “relevant authority”;
    - (ii) in the second subparagraph—
      - (aa) for “Member States”, in both places it occurs, substitute “relevant authority”;
      - (bb) omit “national”;

- (d) omit paragraph 8.
- (17) Omit Article 19.
- (18) In Article 20, in the third paragraph, for “Member States” substitute “the relevant authority”.
- (19) In Article 21—
  - (a) in paragraph 1, in point (d), for “Member State” substitute “relevant authority”;
  - (b) in paragraph 3, for “Member States” substitute “A relevant authority”;
  - (c) in paragraph 4—
    - (i) in the first subparagraph, for “Member States” substitute “A relevant authority”;
    - (ii) in the second subparagraph, for “Member State” substitute “relevant authority”;
    - (iii) in the third subparagraph, for “Member States” substitute “the relevant authority”;
  - (d) in paragraph 4a—
    - (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
    - (ii) in the second subparagraph, for “Member State” substitute “relevant authority”;
    - (iii) in the third subparagraph, for “Member States” substitute “the relevant authority”;
  - (e) in paragraph 5, for “Member States” substitute “A relevant authority”.
- (20) In Article 22—
  - (a) in paragraph 1—
    - (i) omit “Article 20,”;
    - (ii) omit “, and Article 39”;
    - (iii) for “Member States” substitute “relevant authority”;
    - (iv) omit the second subparagraph;
  - (b) in paragraph 2, for “Member States” substitute “A relevant authority”.
- (21) In Article 23—
  - (a) in paragraph 1, for “national reserve or regional” substitute “entitlement”;
  - (b) in paragraph 2—
    - (i) after “Article 26(2) of that Regulation”, insert “(as it had effect immediately before exit day)”;
    - (ii) after “Article 26(3) of that Regulation” insert “(as it had effect immediately before exit day)”;
    - (iii) after “Article 26(5) of that Regulation” insert “(as it had effect immediately before exit day)”;
    - (iv) omit the words from “, or the total value of aid received by a beneficiary” to “Article 40(3) of that Regulation”;
  - (c) in paragraph 3, for “national reserve or regional” substitute “entitlement”;
  - (d) in paragraph 5, for “Member States” substitute “The relevant authority”.
- (22) In Article 24, in paragraph 2—
  - (a) for “Member States” in the first place it occurs, substitute “The relevant authority” and in the second place it occurs, substitute “relevant authority”;
  - (b) for “Union law or laid down in relevant national law” substitute “the law applying in the constituent nation”.

(23) In Article 26, in paragraph 1, for “Union law” substitute “the law applying in the constituent nation”.

(24) In Article 27, in the second paragraph, in both places it occurs, for “Member States” substitute “The relevant authority”.

(25) In Article 28—

- (a) in paragraph 1, in point (b) omit “Union”;
- (b) in paragraph 2 for “Member States” substitute “a relevant authority”.

(26) In Article 29—

- (a) in paragraph 1, omit points (f) and (g);
- (b) in paragraph 3, for “Member State” substitute “a relevant authority”.

(27) In Article 30, in the first paragraph—

- (a) in point (a)—
  - (i) omit “or the single area payment scheme”;
  - (ii) for “Member States” substitute “The relevant authority”;
- (b) omit points (f) and (h).

(28) In Article 31—

- (a) in paragraph 1—
  - (i) in point (b), in sub-point (ii), omit “in a Member State”;
  - (ii) in point (c), omit “national or regional”;
  - (iii) in point (d), omit “a regional”;
- (b) in paragraph 2, omit “or who participate in the small farmers scheme in accordance with Article 61 of that Regulation”.

(29) In Article 32—

- (a) in paragraph 2a, for “Member State” substitute “relevant authority”;
- (b) in paragraph 3—
  - (i) for “Member States” substitute “relevant authority”;
  - (ii) in the third subparagraph, for “Member State” substitute “relevant authority”.

(30) In Article 34—

- (a) in paragraph 2, in the second subparagraph, for “Member States” substitute “the relevant authority”;
- (b) in paragraph 3, in the third subparagraph, for “Member States” substitute “the relevant authority”;
- (c) in paragraph 5, in point (c), for “Member State” substitute “relevant territory”.

(31) In Article 36—

- (a) in paragraph 2—
  - (i) in the first subparagraph—
    - (aa) for “Member States” substitute “the relevant authority”;
    - (bb) for “, the single area payment scheme,” substitute “and”;
    - (cc) omit “and the small farmers scheme”;
  - (ii) omit the third and fourth subparagraphs;
- (b) in paragraph 3—

- (i) in the first subparagraph—
  - (aa) for “Member States” substitute “the relevant authority”;
  - (bb) for “, the single area payment scheme,” substitute “and”;
  - (cc) omit “and the small farmers scheme”;
- (ii) in the second subparagraph, for “Member States”, in both places it occurs, substitute “the relevant authority”;
- (iii) in the third subparagraph, for “Member States” substitute “the relevant authority”;
- (iv) omit the seventh subparagraph;
- (c) in paragraphs 4 and 5, for “Member States” substitute “the relevant authority”;
- (d) in paragraph 6—
  - (i) in the first subparagraph, for “Member State” substitute “relevant authority”;
  - (ii) omit the second subparagraph.
- (32) In Article 37—
  - (a) in paragraph 3—
    - (i) in the first subparagraph, omit “national or regional”;
    - (ii) in the second subparagraph—
      - (aa) omit “a regional”;
      - (bb) for “Member State” substitute “relevant authority”;
    - (iii) in the third subparagraph, in point (c), for “Member State” substitute “relevant authority”.
- (33) In Article 38—
  - (a) in paragraph 2, for “at Union level” substitute “in the relevant constituent nation”;
  - (b) in paragraph 4, in the third subparagraph, for “Member States” substitute “the relevant authority”;
  - (c) in paragraph 8, omit “or the single area payment scheme”.
- (34) In Article 39, in paragraph 4, for “Member States” in the first place it occurs, substitute “relevant authority” and in the second place it occurs, substitute “The relevant authority”.
- (35) In Article 40, for “Member State” substitute “relevant authority”.
- (36) In Article 40a, in paragraph 2, in point (b), for “Member State” substitute “relevant authority”.
- (37) Omit Article 40b.
- (38) In Article 41—
  - (a) in paragraph 2—
    - (i) in the first subparagraph, for “Member States make” substitute “the relevant authority makes”;
    - (ii) in the second subparagraph, for “Member State”, in both places it occurs, substitute “relevant authority”;
    - (iii) in the third subparagraph for “Member States” substitute “relevant authority”.
- (39) In Article 42, in paragraph 1—
  - (a) in the second subparagraph—
    - (i) for “Member State” substitute “relevant authority”;

- (ii) for “Member States” substitute “the relevant authority”;
- (b) in the third subparagraph, for “Member State” substitute “relevant authority”.
- (40) In Article 43—
  - (a) in paragraph 2, for “Member States make” substitute “the relevant authority makes”;
  - (b) in paragraph 3, for “Member States carry” substitute “the relevant authority carries”.
- (41) In Article 47, in paragraph 1, for “Member States” substitute “The relevant authority”.
- (42) In Article 48—
  - (a) in paragraph 2, for “Union or national law” substitute “the law applying in the constituent nation”;
  - (b) in paragraph 4, for “Union or national schemes” substitute “schemes in the constituent nations”.
- (43) In Article 49, in paragraph 1, for “Member States” substitute “The relevant authority”.
- (44) In Article 50—
  - (a) in paragraph 1, for “the European Agricultural Fund for Rural Development (EAFRD)” substitute “rural development support”;
  - (b) in paragraph 4, in point (b), omit “national or Union”;
  - (c) in paragraph 6—
    - (i) in the first subparagraph—
      - (aa) for “Member States” substitute “The relevant authority”;
      - (bb) for “EAFRD” substitute “the rural development support”;
    - (ii) in the second subparagraph—
      - (aa) for “Member States” substitute “The relevant authority”;
      - (bb) omit “by the Commission”;
    - (iii) in the third subparagraph, for “Member States” substitute “the relevant authority”.
- (45) In Article 51, in paragraph 1, for “an EAFRD” substitute “rural development”.
- (46) In Article 52, in paragraph 2, for “EAFRD”, in both places it occurs, substitute “rural development support”.
- (47) In Article 53, in paragraph 3, for “Member States make” substitute “the relevant authority makes”.
- (48) In Article 60—
  - (a) in paragraph 1, for “Member States” substitute “The relevant authority”;
  - (b) in paragraph 2, for “Member States”, in both places it occurs, substitute “the relevant authority”.
- (49) In Article 61, in paragraph 2, for “Union law” substitute “the law applying in the constituent nation”.
- (50) In Article 62, in the heading, for “Member State” substitute “relevant authorities”.
- (51) In Article 64, in point (a), omit “national”.
- (52) In Article 65, in paragraphs 1 and 2, for “Member States”, in both places it occurs, substitute “The relevant authority”.
- (53) In Article 67, in paragraph 2—
  - (a) for “Member States” substitute “the relevant authority”;

- (b) for “Member State” substitute “relevant authority”.
- (54) In Article 68—
  - (a) in paragraph 1, in the fourth subparagraph, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph, for “Member State” substitute “relevant authority”;
    - (ii) in the second subparagraph, for “Member State” substitute “relevant authority”;
  - (c) in paragraph 5, for “Member State” substitute “relevant authority”.
- (55) In Article 69, in paragraph 1, in the second subparagraph, for “A Member State” substitute “The relevant authority”.
- (56) In Article 71—
  - (a) in paragraph 1, in the fourth subparagraph, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 2, in the third subparagraph, for “Member States” substitute “relevant authority”;
  - (c) in paragraph 4, for “Member State” substitute “the relevant authority”;
  - (d) in paragraph 5, for “Member States” substitute “relevant authority”.
- (57) In Article 72, in paragraph 4, in the third subparagraph, for “a Member State” substitute “the relevant authority”.
- (58) In Article 73—
  - (a) in paragraph 1, in the first subparagraph, for “Member States”, in the first place it occurs, substitute “the relevant authority” and in the second place it occurs, substitute “The relevant authority”;
  - (b) in paragraph 5, for “Member States” substitute “the relevant authority”.
- (59) In Article 76, omit the third paragraph.

#### **Amendment of Commission Delegated Regulation (EU) 640/2014**

**6.—(1)** Commission Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance is amended as follows.

- (2) In Article 2—
  - (a) in paragraph 1, in the second subparagraph—
    - (i) in point (2), in sub-point (b)—
      - (aa) for “Union legislation” substitute “the law applying in the constituent nation”;
      - (bb) omit “by the Member States”;
      - (cc) omit from the words “, or with the maintenance” to the end;
    - (ii) in point (4), for “national authorities” substitute “relevant authority”;
    - (iii) in point (6), omit “and 40”;
    - (iv) in point (20), omit from the words “, excluding specific measures” to the end;
    - (v) in point (26) for “Member States” substitute “relevant authority”;



- (b) in paragraph 2, in the second subparagraph—
  - (i) for “Member States” substitute “relevant authority”;
  - (ii) omit from the words “as well as the obligations” to the end.
- (3) In Article 3, for “national law”, substitute “the law applying in the constituent nation”.
- (4) In Article 4, in paragraph 1, in the third subparagraph, for “Member States”, substitute “the relevant authority”.
- (5) In Article 5—
  - (a) in paragraph 1, in the second subparagraph, for “Member States”, substitute “The relevant authority”;
  - (b) in paragraph 2—
    - (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
    - (ii) for “Member States”, in the second place it occurs, substitute “the relevant authority”;
    - (iii) in point (c)—
      - (aa) for “Member State” substitute “relevant authority”;
      - (bb) for “Member States” substitute “the relevant authority”;
    - (iv) in point (d)—
      - (aa) omit the words “agricultural land authorised for cotton production pursuant to Article 57 of [Regulation \(EU\) No 1307/2013](#),”;
      - (bb) for “Member States”, in both places it occurs, substitute “the relevant authority”;
      - (cc) omit “areas which have been notified to the Commission in accordance with Article 20 of [Regulation \(EU\) No 1307/2013](#),”;
      - (dd) omit “in accordance with Article 48 of that Regulation apply”;
  - (c) in paragraph 3, for “Member States”, substitute “The relevant authority”;
  - (d) in paragraph 4, for “Member States”, substitute “the relevant authority”;
  - (e) in paragraph 5, for “Member State”, substitute “relevant authority”.
- (6) In Article 6—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Member States” substitute “The relevant authority”;
      - (bb) omit “and the single area payment scheme”;
      - (cc) after “classes.” insert “The assessment of sample reference parcel shall be in accordance with published guidance on quality assurance”;
    - (ii) in the fourth subparagraph, for “Member State” substitute “relevant authority”;
  - (b) in paragraph 2—
    - (i) for “Member States” substitute “The relevant authority”;
    - (ii) for “and provided by the Commission” substitute “by the constituent nations in accordance with the published guidance on quality assurance”;
  - (c) for paragraph 3 substitute—

“An assessment report and, where appropriate, the remedial actions and the timetable for their implementation shall be drawn up by the relevant authority by the 31 January following the calendar year in question.”

- (7) In Article 7—
- (a) in paragraph 1, for “Member State”, substitute “United Kingdom”;
  - (b) for paragraph 2, substitute —
 

“Where there is more than one paying agency across the constituent nations, the electronic register may be operated at paying agency level. The relevant authority will ensure that its register is compatible with the registers of the other paying agencies”.
- (8) In Article 9—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Member States” substitute “the relevant authority”;
      - (bb) for “Member State” substitute “relevant authority”;
    - (ii) in the second subparagraph, for “Member States”, substitute “the United Kingdom”;
    - (iii) in the third subparagraph, for “Member State”, substitute “the relevant authority”;
  - (b) in paragraph 3—
    - (i) in the second subparagraph—
      - (aa) for “Member States”, substitute “the relevant authority”;
      - (bb) omit “and notified”;
    - (ii) in the third subparagraph, for “Member State”, substitute “the relevant authority”.
- (9) In Article 10, in paragraph 1, for “Member States”, substitute “relevant authority”.
- (10) In Article 11, omit “or the single area payment scheme”.
- (11) In Article 13—
- (a) in paragraph 1—
    - (i) in the first subparagraph, for “the Commission on the basis of Article 78(b) of [Regulation \(EU\) No 1306/2013](#)”, substitute “Article 13 of [Regulation \(EU\) No 809/2014](#)”;
    - (ii) in the second subparagraph, for “Member States” substitute “relevant authority”;
  - (b) in paragraph 3, for “the Commission on the basis of Article 78(b) of [Regulation \(EU\) No 1306/2013](#)” substitute “Article 13 of [Regulation \(EU\) No 809/2014](#)”.
- (12) In Article 14, in the first paragraph, for “this purpose by the Commission on the basis of Article 78(b) of [Regulation \(EU\) No 1306/2013](#)”, substitute “by Article 22 of [Regulation \(EU\) No 809/2014](#)”.
- (13) In Article 16, omit paragraph 3.
- (14) In Article 17, in paragraph 1, in point (a), omit “or for the purpose of being granted the single area payment”.
- (15) In Article 18—
- (a) in paragraph 1—
    - (i) omit “the small farmers scheme,”;
    - (ii) for “Member State” substitute “relevant authority”;
    - (iii) omit the second subparagraph;

- (b) in paragraph 2—
  - (i) for “Member State”, in both places it occurs, substitute “relevant authority”;
  - (ii) omit “or the single area payment scheme”;
- (c) in paragraph 3—
  - (i) omit “or the single area payment scheme”;
  - (ii) for “Member State” substitute “relevant authority”;
- (d) in paragraph 4—
  - (i) for “Member State”, in both places it occurs, substitute “relevant authority”;
  - (ii) omit “or the single area payment scheme”.
- (16) In Article 19a, in the heading, omit “the single area payment scheme”.
- (17) Omit Article 20.
- (18) In Article 23—
  - (a) in the heading, omit “or the single area payment scheme”;
  - (b) in paragraph 1, for “Member State”, substitute “relevant authority”;
  - (c) in paragraph 2—
    - (i) in the first subparagraph, omit “or the single area payment”;
    - (ii) in the second subparagraph, omit “or the single area payment scheme”.
- (19) In Article 30—
  - (a) in paragraph 2—
    - (i) for “Member State”, substitute “relevant authority”;
    - (ii) omit “by the Commission”;
  - (b) in paragraph 3a, for “Member State” substitute “relevant authority”.
- (20) In Article 31—
  - (a) in paragraph 2, in the fourth subparagraph, in both places it occurs, for “Member States”, substitute “the relevant authority”;
  - (b) in paragraph 3, in the second subparagraph, for “Member State”, substitute “relevant authority”.
- (21) In Article 33—
  - (a) in paragraph 1—
    - (i) for “Member States”, substitute “The relevant authority”;
    - (ii) omit “national”;
  - (b) in paragraph 2—
    - (i) omit “the Commission on the basis of”;
    - (ii) for “Member State”, substitute “relevant authority”;
    - (iii) for “national” substitute “the law applying in the constituent nation”.
- (22) In Article 35—
  - (a) in paragraph 2, in point (b), for “Union or national law”, substitute “the law applying in the constituent nation”;
  - (b) in paragraph (3), for “Member State”, substitute “relevant authority”.
- (23) In Article 36, in the first paragraph, for “Member States”, substitute “relevant authority”.

- (24) Omit Article 37.
- (25) In Article 39, in paragraphs 2 and 3, for “Member State” substitute “relevant authority”.
- (26) In Article 41, omit “by the Commission”.
- (27) In Article 42, in paragraph 1, omit “by the Commission”.
- (28) In Article 43, in the second subparagraph, omit point (c).
- (29) In Article 44, omit the third paragraph.

### **Revocation of EU Regulations**

7. The following Regulations are revoked—
- (a) [Commission Implementing Regulation \(EU\) No 834/2014](#) laying down rules for the application of the common monitoring and evaluation framework of the common agricultural policy;
  - (b) [Commission Delegated Regulation \(EU\) No 2015/1971](#) supplementing [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development and repealing [Commission Regulation \(EC\) No 1848/2006](#);
  - (c) [Commission Implementing Regulation \(EU\) No 2015/1975](#) setting out the frequency and the format of the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for the Rural Development, under [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council;
  - (d) [Commission Implementing Regulation \(EU\) No 367/2014](#) setting the net balance available for EAGF expenditure.
  - (e) [Commission Implementing Regulation \(EU\) 2017/1758](#) laying down form and content of the accounting information to be submitted to the Commission for the purpose of the clearance of the accounts of the EAGF and the EAFRD as well as for monitoring and forecasting purposes.

*Robert Goodwill*  
Minister of State

Department for Environment, Food and Rural  
Affairs

28th March 2019

## 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), (d) and (g) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to the Common Agricultural Policy in relation to the United Kingdom. In particular, these Regulations amend legislation supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council.

An impact assessment has not been produced for this instrument as no, or no significant impact on the private or voluntary sector is foreseen.