

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 000

**EXITING THE EUROPEAN UNION
AGRICULTURE**

**The Common Agricultural Policy and
Agriculture and Horticulture Development Board
(Amendment etc.) (EU Exit) Regulations 2019**

Made - - - - *****

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(1).

In accordance with paragraph 1(1) of Schedule 7 to that Act, 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 and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

Amendment to the Environmental Stewardship (England) Regulations 2005

2. In regulation 3(3) of the Environmental Stewardship (England) Regulations 2005(2), for “the EU Treaties” substitute “retained EU law”.

Amendments to the Agriculture and Horticulture Development Board Order 2008

3. In Schedule 3 to the Agriculture and Horticulture Development Board Order 2008(3)—
(a) in paragraph 4(1), for “from another member State” substitute “into the United Kingdom”;

(1) 2018 c. 16.

(2) S.I. 2005/621, amended by S.I. 2011/1043; there are other amending instruments but none is relevant.

(3) S.I. 2008/576, to which there are amendments not relevant to these Regulations.

- (b) in paragraph 16(2), for “another” substitute “a”.

Amendments to the Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014

4.—(1) The Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014(4) are amended as follows.

(2) In regulation 8—

(a) for paragraph (1) substitute—

“(1) For the purposes of Article 8(1) of the Direct Payments Implementing Regulation, the period within which the transferor of payment entitlements must notify the Secretary of State of the transfer is one year beginning with the 16th May of the preceding calendar year to 15th May of the first calendar year in which the transferee may include those entitlements in the transferee’s application for direct payments.”;

(b) for paragraph (3) substitute—

“(3) Applications for the allocation of payment entitlements may be submitted on or before 15th May of the relevant calendar year for the purposes of—

(a) Article 22(1) of the Horizontal Implementing Regulation;

(b) Article 3 of Commission Implementing Regulation (EU) 2015/747 as regards the final date of submission of the single application, aid applications or payment claims, the final date for notification of amendments to the single application of payment claim and the final date for applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme for the year 2015.”.

(3) For regulation 12 substitute—

“12.—(1) For the purposes of the first subparagraph of Article 45(1) of the Direct Payments Regulation, permanent grasslands which are sites of special scientific interest in the areas referred to in that sub-paragraph are designated as permanent grasslands which are environmentally sensitive.

(2) In paragraph (1) “site of special scientific interest” has the meaning given in section 52(1) of the Wildlife and Countryside Act 1981(5).”.

Amendments to the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014

5.—(1) The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014(6) are amended as follows.

(2) In regulation 2(1)—

(a) after the definition of “beneficiary”, insert—

““CMO support” means financial support granted under—

(a) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (“Regulation 1308/2013”);

(4) S.I. 2014/3259, amended by S.I. 2015/1325; there are other amending instruments but none is relevant.

(5) 1981 c. 69; the definition of “site of special scientific interest” in section 52(1) was inserted by the Countryside and Rights of Way Act 2000 (c. 37), Schedule 9, paragraph 5(1) and (2).

(6) S.I. 2014/3263, to which there are amendments not relevant to these Regulations.

- (b) any regulations made under, or delegated or implementing acts adopted on the basis of, Regulation 1308/2013;
 - (c) any delegated or implementing acts adopted on the basis of Council Regulation (EC) No1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;
 - (d) Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries (“Regulation 1144/2014”);
 - (e) any regulations made under, or delegated or implementing acts adopted on the basis of, Regulation 1144/2014;”;
- (b) for the definition of “direct payments” substitute—
- ““direct payments” means financial support granted under any of the support schemes listed in Annex I to the Direct Payments Regulation;”;
- (c) omit the definitions of “EAFRD” and “EAGF”.
- (3) In regulation 10, for paragraph (7) substitute—
- “(7) An authorised person entering any land or premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (1).”.
- (4) In regulation 20—
- (a) in the definition of “authorised person”, in paragraph (b), omit “EU”;
 - (b) for the defined term “EU debt” substitute “debt”;
 - (c) for the definition of “EU requirement” substitute—
- ““EU requirement” means, in relation to a regulated transaction, a requirement specified by or in pursuance of—
- (a) EU law prior to exit day;
 - (b) retained EU law;”;
- (d) in the definitions of “regulated transaction”, “specified beneficiary” and “specified contributor”, for “the EAGF” substitute “CMO support”.
- (5) In regulation 21, for paragraph (6) substitute—
- “(6) An authorised person entering any land or premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (1).”.
- (6) In regulation 22(2)(a), omit “EU”.
- (7) In regulation 25(10)(a)(i), for “the EAGF” substitute “CMO support”.
- (8) For regulation 29 substitute—
- “**29.** The competent authority may recover from any specified person any debt owing to the authority by that person.”.
- (9) In regulation 30—
- (a) in the definition of “Pillar 1 decision”—
- (i) for “the EAGF” substitute “direct payments and CMO support”;
 - (ii) omit “European”;
- (b) in the definition of “Pillar 2 decision”—

- (i) for “the EAFRD” substitute “rural development support granted under Title III of the Rural Development Regulation or Title III, Chapter 2 of the Common Provisions Regulation”;
- (ii) in paragraph (a), omit “European”.

Revocation

6. The Common Agricultural Policy (Competent Authority and Coordinating Body) Regulations 2014(7) are revoked.

Date

Name
Minister of State
Department for Environment, Food and Rural
Affairs

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) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to, or in the case of regulation 6 revoke, domestic legislation that is concerned with the implementation and administration of the common agricultural policy. These Regulations also make amendments, in regulation 3, to the Agriculture and Horticulture Development Board Order 2008 (S.I. 2008/576).

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