
STATUTORY INSTRUMENTS

2019 No. 763

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

PART 2

Regulation (EU) 1306/2013

Title 5 (Control systems and penalties)

7.—(1) For the heading of Article 58 substitute— “ Financial Management ”.

(2) In Article 58—

(a) in paragraph 1—

(i) for the words from “Member States” to “Union”, in the first place it occurs, substitute “ The relevant authority must take all measures necessary to ensure proper management of public money ”;

(ii) in point (a), for “the Funds” substitute “ agricultural support ”;

(iii) for point (d) substitute—

“(d) enforce penalties through legal proceedings, as necessary;”;

(b) in paragraph 2—

(i) for “Member States” substitute “ The relevant authority ”;

(ii) for “Union”, in the first place it occurs, substitute “ agricultural ”;

(iii) for the words from “minimising” to “Union” substitute “ ensuring proper management of public money ”;

(c) for paragraph 3 substitute—

“3. Any conditions established by the relevant authority to supplement conditions for receiving agricultural support contained in retained direct EU legislation shall be verifiable.”;

(d) omit paragraph 4.

(3) In Article 59—

(a) in paragraph 1, for “Member States” substitute “ relevant authority ”;

(b) in paragraph 4, for “Union rules” substitute “ retained direct EU legislation ”;

(c) in paragraph 5 for “Member States”, in both places it occurs, substitute “ The relevant authority ”;

(d) in paragraph 6—

- (i) omit “to be”;
 - (ii) omit “by the Commission”.
- (4) Omit Article 61.
- (5) In Article 63—
- [^{F1}(a) in paragraph 1—
 - (i) in the first subparagraph, omit the words from “and, where relevant” to the end;
 - (ii) in the second subparagraph, omit “national or Union”;
 - (b) in paragraph 2, for “Member States” substitute “ the relevant authority ”.
 - [^{F2}(c) in paragraph 3, omit “and payment entitlements,”.]
- (6) In Article 64, in paragraph 2—
- (a) in point (e), for “to be set by the Commission” substitute “ set ”;
 - (b) in point (f), for “to be defined by the Commission” substitute “ defined ”;
- (7) Omit Article 65.
- (8) In Article 66(1) for “Member States” substitute “ relevant authority ”.
- (9) In Article 67—
- (a) in paragraph 1, for “Each Member State shall set up and” substitute “ The relevant authority must ”;
 - [^{F3}(b) in paragraph 2—
 - (i) omit “to the support schemes listed in Annex I of Regulation (EU) No 1307/2013 and”;
 - (ii) for “34 and 40” substitute “ and 34 ”;
 - (c) in paragraph 4—
 - (i) in point (a), for [^{F4}the words from “where” to] “Member States may lay” substitute “ nothing in this Regulation prevents the relevant authority from laying ”;
 - [^{F5}(ii) omit point (b).]
- [^{F6}(10) In Article 68—
- (a) in paragraph 1, omit point (c);
 - (b) omit paragraphs 3 and 4.]
- (11) In Article 69—
- (a) in paragraph 1—
 - (i) in the second subparagraph, for “Member State” substitute “ constituent nation ”;
 - (ii) omit the third subparagraph;
 - (b) for paragraph 2, substitute—

“2. A decentralised computerised database may be set up in each constituent nation on condition that these, and the administrative procedures for recording and accessing data must be designed to be homogenous throughout the United Kingdom and are compatible with one another to allow for cross checks.”.
- (12) In Article 70—
- (a) in paragraph 1—

- (i) in the first subparagraph, omit the last sentence;
 - (ii) in the second subparagraph, for “Member States” substitute “ the relevant authority ”;
- [^{F7}(b) omit paragraph 2.]
- [^{F8}(13) Omit Article 71.]
- (14) In Article 72—
 - (a) in paragraph 1—
 - [^{F9}(zi) omit “an application for direct payments or”];
 - [^{F9}(zai) omit point (b);]
 - (i) in point (c), for “Member State” substitute “ relevant authority ”;
 - (ii) in the second subparagraph, for the words from “each” to the end substitute “ the minimum size shall be the size set in the legislation applying in the constituent nation and shall not exceed 0.3 ha ”;
 - (b) in paragraph 2—
 - (i) for “Member States” substitute “ the relevant authority ”;
 - [^{F10}(ia) in point (a), omit the words from “ , and/or may decide” to the end of the sentence.]
 - (ii) omit point (b);
 - (c) in paragraph 3—
 - (i) in the first subparagraph, for “Member States” substitute “ The relevant authority ”;
 - (ii) in the second subparagraph, for “A Member State” substitute “ The relevant authority ”;
 - (iii) omit the third subparagraph;
 - (d) in paragraph 4, for “A Member State” substitute “ The relevant authority ”.
- (15) In Article 74—
 - (a) in paragraph 1—
 - (i) for “Member States” substitute “ the relevant authority ”;
 - (ii) for “them” substitute “ the relevant authority ”;
 - (b) in paragraph 2, for “Member States” substitute “ the relevant authority ”;
 - (c) in paragraph 3, for “Member States” substitute “ The relevant authority ”.
- (16) In Article 75—
 - (a) in paragraph 1—
 - (i) for “Member States” substitute “ the relevant authority ”;
 - [^{F11}(ii) omit point (a);]
 - (b) in paragraph 2, for “Member States” substitute “ relevant authority ”.
- [^{F12}(17) In Article 77—
 - (a) in paragraph 2—
 - (i) in point (e), for “to be set by the Commission” substitute “ set ”;
 - (ii) in point (f), for “to be defined by the Commission” substitute “ as defined ”;
 - (b) omit paragraph 6.]
- (18) In Article 79—

- (a) in paragraph 1, for “by the EAGF”, in both places it occurs, substitute “ of CMO support ”;
 - (b) in paragraph 3, in point (b), for “financing system by the EAGF” substitute “ system of financing of CMO support ”.
- (19) In Article 80—
- (a) in paragraph 1, for “Member States”, in both places it occurs, substitute “ The relevant authority ”;
 - (b) omit paragraph 3.
- (20) In Article 81—
- (a) in paragraph 1, in point (c), for “financing system by the EAGF” substitute “ system of financing of CMO support ”;
 - (b) in paragraph 2, for “Union or national provisions” substitute “ the law applying in the constituent nation ”.
- (21) In Article 82—
- (a) in paragraph 3—
 - (i) in the first subparagraph, for “Member State” substitute “ relevant authority ”;
 - (ii) in the second subparagraph, for “Member States” substitute “ The relevant authority ”;
 - (iii) in the third subparagraph —
 - (aa) for “territory of the Union” substitute “ United Kingdom ”;
 - (bb) for “Member States” substitute “ relevant authority ”;
 - (b) in paragraph 4—
 - (i) for “Member States” substitute “ The relevant authority ”;
 - (ii) for “relevant national provisions” substitute “ law applying in the constituent nation ”.
- (22) Omit Article 83.
- (23) In Article 84—
- (a) in paragraph 1, for “Member States” substitute “ The relevant authority ”;
 - (b) in paragraph 2—
 - (i) for “Member States” substitute “ the relevant authority ”;
 - (ii) for “Commission” substitute “ relevant accounting officer ”.
 - (c) in paragraph 3—
 - (i) for “Member States”, in both places it occurs, substitute “ relevant authority ”;
 - (ii) for “Commission”, in both places it occurs, substitute “ relevant accounting officer ”;
 - (d) in paragraph 4 for “Member States” substitute “ relevant authority ”;
 - (e) in paragraph 5—
 - (i) for “Commission” substitute “ relevant accounting officer ”;
 - (ii) for “a Member States” substitute “ the relevant authority ”.
- (24) In Article 85—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “In each Member State, a” substitute “ A ”;

- (bb) after “Chapter” insert “ in each constituent nation. Where the relevant authority so decides, instead of establishing a special department, it may allow the functions of the special department to be carried out by a special department established in a different constituent nation ”;
- (cc) for “Those departments” substitute “ The special department ”;
- (ii) for the second subparagraph substitute—
 - “Scrutiny to be carried out pursuant to this Chapter may be allocated between the special department and other departments, provided that the special department is responsible for its coordination.”;
- (b) in paragraph 3, omit “by the Member State concerned”;
- (c) omit paragraph 4.
- (25) In Article 86—
 - (i) in paragraph 1—
 - (aa) for “Member States” substitute “ the relevant authority ”;
 - (bb) for “Commission” substitute “ relevant accounting officer ”;
 - (ii) omit paragraph 2.
- (26) Omit Article 87.
- (27) In Article 89—
 - [^{F13}(a) in paragraph 1—
 - (i) for “Member States” substitute “ The relevant authority ”;
 - (ii) at the end, insert the following subparagraph—
 - “In this paragraph and in paragraph 4, ‘relevant authority’ means:
 - (a) in England, the Secretary of State;
 - (b) in Wales, the Welsh Ministers;
 - (c) in Scotland, the Scottish Ministers.”;]
 - (b) in paragraph 2—
 - (i) for “which may be adopted by the Commission” substitute “ in retained direct EU legislation ”;
 - (ii) for “Union” substitute “ United Kingdom ”;
 - (c) in paragraph 3, for “Member States” substitute “ The relevant authority ”;
 - (d) in paragraph 4, for the first sentence substitute “ Without prejudice to provisions regarding the wine sector made under, or adopted on the basis of, Article 64, in the event of infringement of rules in the wine sector, the relevant authority shall apply penalties in accordance with the law applying in the constituent nation. ”.
- (28) In Article 90—
 - (a) for “Member States”, in the first [^{F14}place] it occurs, substitute “ The relevant authority ”;
 - [^{F15}(aa) for “Member State” substitute “ The relevant authority ”;]
 - [^{F16}(ab) at the end of paragraph 2, insert the following subparagraph—
 - “In this Article, ‘relevant authority’ means:
 - (a) in England, the Secretary of State;
 - (b) in Wales, the Welsh Ministers;

(c) in Scotland, the Scottish Ministers.”;]

[^{F17}(b) for “the Union” substitute “ Great Britain ”.]

Textual Amendments

- F1** Reg. 7(5)(a) substituted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(a)(i)**
- F2** Reg. 7(5)(c) inserted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(a)(ii)**
- F3** Reg. 7(9)(b) substituted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(b)(i)**
- F4** Words in reg. 7(9)(c)(i) inserted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(b)(ii)(aa)**
- F5** Reg. 7(9)(c)(ii) substituted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(b)(ii)(bb)**
- F6** Reg. 7(10) substituted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(c)**
- F7** Reg. 7(12)(b) substituted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(d)**
- F8** Reg. 7(13) substituted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(e)**
- F9** Reg. 7(14)(a)(zi)(zai) inserted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(f)(i)**
- F10** Reg. 7(14)(b)(ia) inserted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(f)(ii)**
- F11** Reg. 7(16)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(g)**
- F12** Reg. 7(17) substituted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(h)**
- F13** Reg. 7(27)(a) substituted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(i)**
- F14** Word in reg. 7(28)(a) substituted (31.12.2020 immediately before IP completion day) by The Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/812), regs. 1, **3(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Reg. 7(28)(aa) inserted (31.12.2020 immediately before IP completion day) by The Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/812), regs. 1, **3(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Reg. 7(28)(ab) inserted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(j)(i)**
- F17** Reg. 7(28)(b) substituted (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1(2)(b), **3(7)(j)(ii)**

Commencement Information

- I1** Reg. 7 in force at 31.12.2020 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1**

Changes to legislation:

There are currently no known outstanding effects for the The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019, Section 7.