

SCHEDULE 1

Regulation 7(1)

Amendments to retained EU law

PART 1

Amendments to EU regulations

Amendments to Regulation (EC) No 1184/2006

1.—(1) Council Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of and trade in certain agricultural products⁽¹⁾ is amended as follows.

- (2) In Article 1, omit “and of Article 108(1) and (3)”.
- (3) Omit Article 3.

Amendments to Regulation (EC) No 1370/2007

2.—(1) Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) No. 1191/69 and 1107/70⁽²⁾ is amended as follows.

- (2) In Article 5a, in paragraph 2—
 - (a) omit the comma after “decide”;
 - (b) omit “in compliance with State aid rules.”

Amendments to Regulation (EU) No 575/2013

3.—(1) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012⁽³⁾ is amended as follows.

- (2) In Article 31—
 - (a) in paragraph 1(b), for “are considered State aid by the Commission”, substitute “amount to financial support provided by the state”;
 - (b) in paragraph 1(c), for “pursuant to State aid- rules existing at the time”, substitute “amounting to financial support provided by the state in the United Kingdom, or pursuant to state aid rules in a third country, at the time”.
- (3) In Article 242(19), omit “subject to any applicable rules relating to State aid (as defined in the law of the United Kingdom after exit day)”.

Amendment to Regulation (EU) No 1305/2013

4.—(1) Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005⁽⁴⁾ is amended as follows.

- (2) Omit Article 81.

(1) EUR 1184/2006.

(2) EUR 1370/2007, as amended by S.I. 2020/504.

(3) EUR 575/2013, as amended by S.I. 2018/1401, S.I. 2019/264, S.I. 2019/710 and S.I. 2019/1232.

(4) EUR 1305/2013, as amended by S.I. 2019/748, S.I. 2019/764 and S.I. 2019/1422.

Amendment to Regulation (EU) No 1307/2013

5.—(1) Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009⁽⁵⁾ is amended as follows.

(2) Omit Article 13.

Amendment to Regulation (EU) No 1308/2013

6.—(1) Regulation 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007⁽⁶⁾ is amended as follows.

(2) Omit Article 211.

Amendments to Regulation (EU) No 1303/2013

7.—(1) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006⁽⁷⁾ is amended as follows.

(2) In Article 37—

- (a) in paragraph (1), omit “State aid and”;
- (b) in paragraph (2), in point (b), omit “possible State aid implications,”;
- (c) in paragraph (4)—
 - (i) omit “without prejudice to applicable Union State aid rules, and”;
 - (ii) omit “within the limits of applicable Union State aid rules and”;
- (d) in paragraph (7), omit “applicable Union State aid rules shall be respected and”;
- (e) in paragraph (9), omit “, subject to applicable Union State aid rules,”;
- (f) omit paragraph (12).

(3) In Article 42(3), omit “State aid rules are complied with and that”.

(4) In Article 43a, omit paragraph (4).

(5) In Article 61, omit paragraph (8).

(6) In Article 62, omit “State aid and”.

(7) In Article 65(8), omit point (e).

(8) In Article 71—

- (a) in paragraph (1), omit “or within the period of time set out in State aid rules, where applicable,”;
- (b) in paragraph (2), omit the final sentence;

⁽⁵⁾ EUR 1307/2013, as amended by section 5 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) and by S.I. 2019/207 and S.I. 2020/91.

⁽⁶⁾ EUR 1308/2013, as amended by S.I. 2019/821, S.I. 2019/831 and S.I. 2019/1422.

⁽⁷⁾ EUR 1303/2013, as amended by S.I. 2019/748, S.I. 2019/785 and S.I. 2019/1422.

(c) omit paragraph (3).

(9) In Annex 11, in the table in Part 2, omit row 5.

Amendment of Commission Regulation (EU) 808/2014

8.—(1) Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of 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)(**8**) is amended as follows.

(2) In Annex 1, omit paragraph 13.

Amendment to Regulation (EU) No 1144/2014

9.—(1) Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008(**9**) is amended as follows.

(2) Omit Article 27.

Amendments to Regulation (EU) 2019/943

10.—(1) Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast)(**10**) is amended as follows.

(2) In Article 5, in paragraph 2—

(a) in point (c)—

(i) after “the Commission”, insert “before IP completion day”;

(ii) after “Articles 107, 108, and 109 TFEU”, insert “as those Articles had effect in EU law immediately before IP completion day”.

(b) in the final sentence, omit “, without prejudice to Articles 107 and 108 TFEU,”.

(3) In Article 12—

(a) in paragraph 2, omit “Without prejudice to Articles 107, 108 and 109 TFEU,”;

(b) in paragraph 3, in the last sentence, omit “Without prejudice to Articles 107, 108 and 109 TFEU,”;

(c) in paragraph 4, omit “Without prejudice to Articles 107, 108 and 109 TFEU,”.

(4) In Article 20, in paragraph 3, omit “as a part of the State aid process”.

(5) In Article 21, in paragraph 1, omit “in accordance with Article 107, 108 and 109 of the TFEU”.

(**8**) EUR 808/2014, as amended by [S.I. 2019/770](#).

(**9**) EUR 1144/2014, as amended by [S.I. 2019/821](#) and [S.I. 2019/831](#).

(**10**) EUR 2019/943, as amended by [S.I. 2020/1006](#).

PART 2

Amendments to Transparency Regulations

Amendments to the Financial Transparency (EC Directive) Regulations 2009

11.—(1) The Financial Transparency (EC Directive) Regulations 2009⁽¹¹⁾ are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “compensation”, for “Article 87”, substitute “Article 107(1)”;
- (b) in the definition of “entrusted”, for “Article 86(2)”, substitute “Article 106(2)”;
- (c) in the definition of “Financial Transparency Directive”, after “certain undertakings”, insert “(as that Directive applies to the United Kingdom under Article 10 of the Northern Ireland Protocol)”;
- (d) after the definition of “Financial Transparency Directive”; insert —
““Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”;
- (e) in the definition of “public undertaking operating in the manufacturing sector”, after “Community”, insert “(as that Regulation had effect in EU law immediately before IP completion day)”;
- (f) in the definition of “services of general economic interest”, for “Article 86(2)”, substitute “Article 106(2)”;
- (g) in the definition of “Treaty”, for “establishing the European Community”, substitute “on the Functioning of the European Union”.

(3) In regulation 2(2), for “Article 296”, substitute “Article 346(1)”.

(4) After regulation 2(2), insert—

“(3) In these Regulations a reference to Article 106(2), Article 107(1) or Article 346(1) of the Treaty is a reference to that Article as it applies to the United Kingdom under Article 10 of the Northern Ireland Protocol.”.

(5) For regulation 3(5)(b), substitute—

- “(b) in relation to any public funds which—
 - (i) were received by a public undertaking prior to IP completion day in relation to services supplied by a public undertaking which were not liable to affect trade between Member States (within the meaning of the Treaty as it applied to the United Kingdom prior to IP completion day) to an appreciable extent; or
 - (ii) are received by a public undertaking on or after IP completion day in relation to activities carried out by a public undertaking which are not liable to affect that trade between Northern Ireland and the European Union which is subject to the Northern Ireland Protocol (within the meaning of Article 10 of the Northern Ireland Protocol) to an appreciable extent.”.

(6) In regulation 6(3)—

- (a) in sub-paragraph (a), for “the European Union”, substitute “retained EU law”;
- (b) for sub-paragraph (b), substitute—
 - “(b) in relation to —

⁽¹¹⁾ S.I. 2009/2331, amended by S.I. 2011/1043 and S.I. 2011/1275.

- (i) services which were supplied by an undertaking prior to IP completion day and which were not liable to affect trade between Member States (within the meaning of the Treaty as it applied to the United Kingdom prior to IP completion day) to an appreciable extent; or
 - (ii) activities carried out by an undertaking on or after IP completion day and which are not liable to affect that trade between Northern Ireland and the European Union which is subject to the Northern Ireland Protocol (within the meaning of Article 10 of the Northern Ireland Protocol) to an appreciable extent.”;
- (c) in sub-paragraph (e), for “Article 86(2)”, substitute “Article 106(2)”.