

**EXPLANATORY MEMORANDUM TO**  
**THE STRUCTURAL FUNDS (NATIONAL ASSEMBLY FOR WALES)**  
**(ADMENDMENT) REGULATIONS 2010**

**2010 No. 2567**

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 This statutory instrument amends the power given to the National Assembly for Wales, in relation to Wales, to administer European Structural Funds money for the period 2007 to 2013. The amendment reflects a change made by Regulation (EU) No 539/2010 of the European Parliament and of the Council of 16 June 2010 amending Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund as regards simplification of certain requirements and as regards certain provisions relating to financial management.

- 2.2 European Structural Funds money is used to promote regional development and employment across the EU Member States

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Context**

- 4.1 The Structural Funds (National Assembly for Wales) Regulations 2006 (“S.I. 2006/3282”) confer powers upon the National Assembly for Wales relating to the exercise of various functions regarding the European Structural Funds. These functions originate from Council Regulation (EC) No.1083/2006 of 11 July 2006 and Regulation (EC) No.1080/2006 of the European Parliament and of the Council of 5 July 2006.

- 4.2 Regulation (EU) No 539/2010 of the European Parliament and of the Council amended Article 48 of Council Regulation (EC) No.1083/2006, which is referred to in S.I. 2006/3282. As S.I. 2006/3282 is not ambulatory, it does not

automatically reflect the amendment made by Regulation (EU) No 539/2010 of the European Parliament and of the Council.

- 4.3 A new S.I is required to reflect the change to Council Regulation (EC) No.1083/2006 made by Regulation (EU) No.539/2010 of the European Parliament and of the Council.

## **5. Territorial Extent and Application**

- 5.1 This instrument applies to Wales.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- 7.1 The Government's policy on Structural Funds spending is that it is appropriate for England, Scotland, Wales and Northern Ireland to take responsibility for their own expenditure. This statutory instrument gives the National Assembly for Wales the same responsibilities, with regard to administering the Structural Funds' from 2007 in relation to Wales, as are given to the Scottish Executive in relation to Scotland under the Scotland Act 1998.
- 7.2 The Government of Wales Act 1998 did not give the National Assembly for Wales the same level of autonomy as in Scotland and therefore a statutory instrument is needed to confer the appropriate powers upon the National Assembly for Wales.
- 7.3 The instrument is politically important in that it shows that the Government is committed to devolving powers, where appropriate, to the National Assembly for Wales and demonstrates its commitment to regional spending being controlled at a regional level.
- 7.4 Regulation (EU) No.539/2010 amended Article 48 of Council Regulation (EC) No.1083/2006. Article 48 refers to the evaluation of the programmes and the amendment to Article 48 requires the evaluations to include implementation difficulties and to assess the impact of changes to the programme
- 7.5 These changes affect the administration of Structural Funds and not the implementation of structural fund allocation or implementation.

## **8. Consultation outcome**

- 8.1 No Consultation is required on this issue.

**9. Guidance**

9.1 None.

**10. Impact**

10.1 There is no impact on business, charities or voluntary bodies

10.2 The impact on the public sector is changed reporting procedures for evaluation reports for the Welsh Assembly in regards to their SCF programme.

10.3 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

**11. Regulating small business**

11.1 The legislation does not apply to small business.

**12. Monitoring & review**

12.1 None.

**13. Contact**

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