

**2014 No. 92**

**EUROPEAN COMMUNITIES, WALES**

**The Structural Funds (Welsh Ministers) Regulations 2014**

*Made* - - - - *17th January 2014*

*Laid before Parliament* *21st January 2014*

*Coming into force* - - *11th February 2014*

The Secretary of State is a Minister designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the operation of the Structural Funds. The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

**Citation and commencement**

1. These Regulations may be cited as the Structural Funds (Welsh Ministers) Regulations 2014 and shall come into force on 11th February 2014.

**Interpretation**

2. In these Regulations—

“the 2013 Structural Funds Regulation” means Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013(c) 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(d);

“the specified Structural Funds” means the European Regional Development Fund and the European Social Fund; and

“Wales” has the same meaning as in the Government of Wales Act(e).

**Functions under the 2013 Structural Funds Regulation**

3.—(1) In relation to the specified Structural Funds, the Welsh Ministers may exercise in relation to Wales—

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(a) S.I. 1999/2788.

(b) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a), and by the European Union (Amendment) Act 2008 (c.7), Schedule Part I.

(c) O.J. No L 347, 20.12.2013, p.320.

(d) O.J. No L 210, 31.7.06, p.25.

(e) 2006, c.32.

- (a) the functions of an authority designated by a Member State for the purpose of participating in a partnership organised by a Member State pursuant to Article 5, and
- (b) the functions of an authority designated by a Member State for the purpose of Articles 4(4) and 26(2).

(2) In relation to the specified Structural Funds, the Welsh Ministers may exercise in relation to Wales the functions conferred on a Member State by Articles 123(3), 123(6) and 123(7).

(3) In relation to the specified Structural Funds, the Welsh Ministers shall exercise in relation to Wales the functions conferred on a Member State by Articles 4(9), 4(10), 26(3), 26(4), 47, 50(1), 51(1), 54, 55, 56, 57, 65(1), 74(1), 74(2), 74(3), 114, 122, 123(1), 123(2), 123(4), 129, 138, 139(1) and 141(1).

(4) In relation to the specified Structural Funds, the Welsh Ministers shall exercise in relation to Wales the functions conferred on a Member State by Articles 124(1), 124(4), 124(5) and 124(6), 143 and 146.

(5) In this regulation, a reference to an article is a reference to an article of the 2013 Structural Funds Regulation.

### **Concurrent powers**

4. The functions conferred on the Welsh Ministers by paragraph 4 of regulation 3 shall be exercisable by a Minister of the Crown as well as by the Welsh Ministers.

### **Transfer of property, rights and liabilities**

5.—(1) There shall be transferred to and vest in the Welsh Ministers by virtue of this paragraph all property, rights and liabilities to which the Secretary of State is entitled or subject, at the coming into force of these Regulations, in connection with any function exercisable by the Secretary of State which is made exercisable by the Welsh Ministers by these Regulations.

(2) There may be continued by or in relation to the Welsh Ministers anything (including legal proceedings) which relates to—

- (a) any function exercisable by the Secretary of State which is made exercisable by the Welsh Ministers by these regulations, or
- (b) any property, rights or liabilities transferred by paragraph (1) as the result of any such function being made so exercisable,

and which is in the process of being done by or in relation to the Secretary of State immediately before these Regulations come into force.

(3) Anything which was done by or on behalf of the Secretary of State for the purpose of or in connection with—

- (a) any function exercisable by the Secretary of State which is made exercisable by the Welsh Ministers by these Regulations, or
- (b) any property, rights or liabilities transferred by paragraph (1) as the result of any such action being made exercisable by the Welsh Ministers by these Regulations,

and which is in effect immediately before these Regulations come into force shall have effect as if done by the Welsh Ministers on their own behalf.

17th January 2014

*Michael Fallon*  
Minister of State for Business and Energy  
Department for Business, Innovation and Skills

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations enable the Welsh Ministers to exercise in relation to Wales certain functions under Regulation (EU) No. 1303/2013 (“the 2013 Structural Funds Regulation”) of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social 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. The functions concerned are in respect of the European Regional Development Fund and the European Social Fund and comprise:

<i>Article of the 2013 Structural Funds Regulation</i>	<i>Brief description of function</i>
Articles 4(4), 4(9), 4(10), 26(2) and 26(3)	Preparing and implementing operational programmes, including effective monitoring, evaluation, reporting, and actions to reduce administrative burdens on beneficiaries.
Article 5	Being a participant in a partnership for the Partnership Agreement organised by the Member State with the competent regional and local authorities and organising partnerships for each operational programme with the competent regional and local authorities.
Article 26(4)	Submitting a proposal for an operational programme to the Commission.
Article 47	Setting up operational programme monitoring committees.
Articles 50(1) and 141(1)	Submitting annual and final implementation reports to the Commission.
Article 51(1)	Participating in annual review meetings with the Commission to examine programme performance and annual implementation reports.
Articles 54, 55, 56, 57 and 114	Functions in relation to evaluating operational programmes.
Article 65(1)	Laying down national expenditure eligibility rules.
Article 74(1) and 74(2)	Obligations relating to management, control and audit.
Article 74(3)	Setting up arrangements for the effective examination of complaints.
Article 122	Setting up management and control systems for operational programmes in accordance with Articles 72 and 74. Preventing, detecting and correcting irregularities and recovering amounts unduly paid, together with any interest on late payments. Reporting irregularities to the Commission where required. No later than 31 December 2015, ensuring that all exchanges of information between beneficiaries and a managing authority, a certifying authority, an audit authority and intermediate bodies can be carried out by means of electronic data exchange systems.
Articles 123(1), 123(2), 123(3), 123(4) 123(6), 123(7), 124(1), 124(4), 124(5) and 124(6)	Designating, for each operational programme, a managing authority, an audit authority and, if applicable, a certifying authority and intermediate bodies. Ending the above designations, including determining periods of probation and setting out remedial actions. Submitting designations of management and control of operational programmes to the Commission.
Article 129	Ensuring that by the closure of the operational programme, the

<i>Article of the 2013 Structural Funds Regulation</i>	<i>Brief description of function</i>
	amount of public expenditure paid to beneficiaries is at least equal to the contribution from the Funds paid by the Commission.
Article 138 and 139(1)	Submitting documents to the Commission by the deadline set out in Regulation 966/2012 on the financial rules applicable to the general budget of the Union and providing necessary information to the Commission to enable it to determine whether the accounts are complete, accurate and true.
Articles 143 and 146	Functions in relation to financial corrections and the obligation to pursue recoveries.

In respect of the functions conferred on a Member State by Articles 124(1), 124(4), 124(5) and 124(6), 143 and 146 of the 2013 Structural Funds Regulation, the functions are exercisable in relation to Wales by a Minister of the Crown as well as by Welsh Ministers.

Where a function is made exercisable by the Welsh Ministers under the Regulations, there is transferred to the Welsh Ministers from the Secretary of State, the property and rights to which he is entitled and any liabilities to which he is subject in connection with the function.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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