
STATUTORY INSTRUMENTS

2019 No. 1344

Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (expired—not approved)

PROSPECTIVE

[^{X1}PART 3

Interpretation of legacy provisions of retained direct EU legislation

[^{X1}Interpretation of Commission Implementing Regulation (EU) No 543/2011

6.—(1) To the extent that Articles 2, 19 to 35 and 50 to 148 of, and Annexes 6 to 18 to, Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors^{M1} continue to operate by virtue of the savings provision in Article 80(1)(a) of Commission Delegated Regulation (EU) 2017/891, those provisions are to be read in accordance with this regulation.

(2) The provisions listed in paragraph 1 are to be read as if Article 2 were omitted.

(3) Article 19(1) is to be read as if—

(a) in point (a), for “referred to in Article 2(2)(a) of Regulation (EC) No 1234/2007” there were substituted “ within the meaning of Article 4(1)(a) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council ”;

(b) in point (b), there were omitted “or association of producer organisations”;

(c) in point (c) there were omitted—

(i) “or associations thereof”;

(ii) “or the association of producer organisations”;

(d) points (d) to (f) were omitted;

(e) in point (g)—

(i) for point (vi) there were substituted—

“(vi) any of the crisis prevention and management measures listed in Article 33(3) of Regulation (EU) No 1308/2013;”;

(ii) in point (vii), for “Article 103c(3) of Regulation (EC) No 1234/2007” there were substituted “ Article 33(5) of Regulation (EU) No 1308/2013 ”;

(iii) in point (viii), for “Article 103c(1) of Regulation (EC) No 1234/2007” there were substituted “ Article 33(1) of Regulation (EU) No 1308/2013 ”;

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- (f) in point (h), for “Article 103c(1) of Regulation (EC) No 1234/2007” there were substituted “ Article 33(1) of Regulation (EU) No 1308/2013 ”;
 - (g) point (k) were omitted;
 - (h) in point (l)—
 - (i) point (i) were omitted;
 - (ii) in points (ii) and (iii), “a national strategy or” were omitted.
 - (i) at the end there were inserted—
 - “(m) ‘appropriate authority’ has the same meaning as in Article 2A of Regulation (EU) 2017/891;
 - (n) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;
 - (o) ‘public funds’ means moneys provided by Parliament, the Welsh Assembly, the Scottish Parliament, the Northern Ireland Assembly or a body exercising public functions within the United Kingdom;
 - (p) ‘relevant authority’ means:
 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Wales, the Welsh Ministers;
 - (iii) in relation to Scotland, the Scottish Ministers;
 - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.
- (4) Section 1 of Chapter 1 of Title 3 is to be read as if at the end there were inserted—

“Article 19A

Head office of a producer organisation

1. Where a producer organisation implements an operational programme to which this Regulation applies, the head office of that producer organisation must be maintained in the same constituent nation until the end of the implementation of that programme.

2. If at the end of the implementation of that operational programme, the majority of the value of marketed production is achieved or the majority of the producer organisation's members are located in a constituent nation other than that where the head office is currently located, the head office must be transferred to that other constituent nation, unless the appropriate authorities for both constituent nations agree that the location of the head office will not be changed.

3. The appropriate authority for the constituent nation in which the head office of the producer organisation is located:

- (a) may:
 - (i) approve amendments to the producer organisation's operational programme;
 - (ii) grant financial assistance in accordance with Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013;
- (b) must:

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- (i) organise checks on the producer organisation and apply any administrative penalties in accordance with Article 143A; and
 - (ii) provide, on the request of the appropriate authority for a constituent nation in which members are located, all relevant documentation.”.
- (5) Article 51 is to be read as if—
- (a) in paragraph 1—
 - (i) for “Article 103d(2) of Regulation (EC) No 1234/2007” there were substituted “Article 34(2) of Regulation (EU) No 1308/2013 ”;
 - (ii) for “Member States” there were substituted “ appropriate authority for the constituent nation in which the producer organisation has its head office ”;
 - (b) in paragraph 2, in the words before point (a), for “Member States” there were substituted “ appropriate authority ”;
 - (c) in paragraph 4, for “competent authority of the Member State concerned” there were substituted “ appropriate authority for the constituent nation in which the producer organisation has its head office ”;
 - (d) paragraph 6 were omitted;
 - (e) in paragraph 7, the second subparagraph were omitted.
- (6) Article 52 is to be read as if for “Member States” there were substituted “ The appropriate authority ”.
- (7) Article 53(1) is to be read as if for “Article 103b(1) of Regulation (EC) No 1234/2007” there were substituted “ Article 32(1)(a) of Regulation (EU) No 1308/2013 ”.
- (8) Article 54(1) is to be read as if—
- (a) in the first subparagraph—
 - (i) for “their Member State” there were substituted “ the appropriate authority ”;
 - (ii) for “Union contribution” there were substituted “ financial assistance ”;
 - (b) in the second subparagraph, for “Member States may set” there were substituted “ Nothing in this Regulation prevents the appropriate authority from setting ”.
- (9) Article 55 is to be read as if—
- (a) paragraphs 1 to 4 were omitted;
 - (b) in paragraph 5—
 - (i) for “Member States shall set out in the national strategy the” there were substituted “ The ”;
 - (ii) after “different measures” there were inserted “ are as set out in the relevant authority's strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 ”.
- (10) Article 56 is to be read as if—
- (a) paragraph 1 were omitted;
 - (b) for paragraph 2 there were substituted—

“2. Environmental actions selected under an operational programme must fulfil the requirements on complementarity, consistency and conformity set out in the relevant section of the framework referred to in Article 36(1) of Regulation (EU) No 1308/2013 for the constituent nation concerned.

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A non-exhaustive list of environmental actions, the conditions they must meet for the purposes of Article 33(5) of Regulation (EU) No 1308/2013 and the specific commitment or commitments they entail is as set out in the framework.”;

- (c) in paragraph 3—
 - (i) in the first subparagraph, for “Member States” there were substituted “ the appropriate authority ”;
 - (ii) in the second subparagraph—
 - (aa) “national framework shall indicate the” were omitted;
 - (bb) after “operational programme” there were inserted “ are as indicated in the framework referred to in Article 36(1) of Regulation (EU) No 1308/2013 ”.
- (11) Article 57 is to be read as if—
 - (a) in the heading, “Member State” were omitted;
 - (b) for the words from “Member States” to “1234/2007” there were substituted “ Nothing in this Regulation prevents the appropriate authority from adopting rules complementing Regulation (EU) No 1308/2013 ”.
- (12) Article 58 is to be read as if—
 - (a) in paragraph 1—
 - (i) for “Member State's” there were substituted “relevant authority's”;
 - (ii) after “1698/2005” there were inserted “ or Regulation (EU) No 1305/2013 ”;
 - (b) in paragraph 2—
 - (i) for the first subparagraph there were substituted—
 - “2. Where support under the relevant authority's rural development programme or programmes has been granted to measures which would be potentially eligible under this Regulation, the appropriate authority for the constituent nation concerned must ensure that a beneficiary may receive support for a given action only under one scheme.”;
 - (ii) the second subparagraph were omitted;
 - (c) in paragraph 3, for “Articles 103a(3), 103d(1) and (3) and 103e of Regulation (EC) No 1234/2007” there were substituted “ Article 34(1) and (3) and Article 35 of Regulation (EU) No 1308/2013 ”;
 - (d) in paragraph 4—
 - (i) for “the Annex I to Regulation (EC) No 1698/2005” there were substituted “ Annex 2 to Regulation (EU) No 1305/2013 ”;
 - (ii) in the second sentence, for the words from “to be” to “this Regulation” there were substituted “ justified in the strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation in which the producer organisation has its head office ”;
 - (iii) the third sentence were omitted.
- (13) Article 59 is to be read as if—
 - (a) in point (b)—

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- (i) for “national strategy”, in the first place it occurs, there were substituted “ strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation in which the producer organisation has its head office ”;
 - (ii) “national” were omitted in the second and third places it occurs;
 - (b) in point (c)(i) and (ii) for “Union” there were substituted “ public ”.
- (14) Article 60 is to be read as if—
- (a) in paragraph 2, the words from “However” to the end were omitted;
 - (b) in paragraph 6—
 - (i) “or association of producer organisations” were omitted, in both places it occurs;
 - (ii) for “Member States”, in both places it occurs, there were substituted “ the appropriate authority ”;
 - (c) in paragraph 7—
 - (i) for “Article 103c(1) of Regulation (EC) No 1234/2007” there were substituted “ Article 33 of Regulation (EU) No 1308/2013 ”;
 - (ii) for “point (c) of the first paragraph of Article 122” there were substituted “ Article 160 ”;
 - (iii) for “national strategy referred to in Article 103f(2) of Regulation (EC) No 1234/2007” there were substituted “ strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation in which the producer organisation has its head office ”.
- (15) Article 61 is to be read as if—
- (a) in point (b), for “Regulation (EC) No 1234/2007” there were substituted “ Regulation (EU) No 1308/2013 ”;
 - (b) in point (c), for “Union or national” there were substituted “ European Union or public ”.
- (16) The provisions listed in paragraph 1 are to be read as if Articles 62 and 63 were omitted.
- (17) Article 64 is to be read as if—
- (a) in paragraph 1—
 - (i) in the words before point (a), for “competent authority of the Member State” there were substituted “ appropriate authority for the constituent nation in which the producer organisation has its head office ”;
 - (ii) in point (a), for “Regulation (EC) No 1234/2007” there were substituted “ Regulation (EU) No 1308/2013 ”;
 - (b) in paragraph 2—
 - (i) for “competent authority of the Member State”, in both places it occurs, there were substituted “ appropriate authority ”;
 - (ii) for “Member States” there were substituted “ The appropriate authority ”.
- (18) Article 65 is to be read as if—
- (a) in paragraph 1, in the second subparagraph, for “Member States may postpone” there were substituted “ nothing in this Regulation prevents the appropriate authority from postponing ”;
 - (b) in paragraph 3, for “competent authority of the Member State”, in both places it occurs, there were substituted “ appropriate authority ”.
- (19) Article 66 is to be read as if—

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- (a) in paragraph 1, for “Member States” there were substituted “ The appropriate authority ”;
 - (b) in paragraph 2, for “competent authority of the Member State” there were substituted “ appropriate authority ”;
 - (c) in paragraph 3—
 - (i) in the words before point (a), for “competent authority of the Member State” there were substituted “ appropriate authority ”;
 - (ii) in point (c)—
 - (aa) for “a percentage to be fixed by Member States” there were substituted “ a maximum of 25% ”;
 - (bb) for “Member States”, in the second place it occurs, there were substituted “ The appropriate authority ”;
 - (iii) point (d) were omitted;
 - (d) in paragraph 4—
 - (i) for “Member States” there were substituted “ The appropriate authority ”;
 - (ii) for the words from “prior” to “Member State” substitute “ its prior approval ”;
 - (iii) for “competent”, in the second place it occurs, there were substituted “ appropriate ”.
- (20) Article 68 is to be read as if—
- (a) for paragraph 1 there were substituted—

“1. The appropriate authority must notify producer organisations of the approved amount of aid by 15 December of the year preceding the year for which aid is requested.”;
 - (b) in paragraph 2, for “Member States” there were substituted “ the appropriate authority ”.
- (21) Article 69 is to be read as if—
- (a) in paragraph 1, for “competent authority of the Member State” there were substituted “ appropriate authority ”;
 - (b) in paragraph 2—
 - (i) for point (g), there were substituted—

“(g) compliance with Article 33(3), the first subparagraph of Article 33(5) and Article 34 of Regulation (EU) No 1308/2013; and”;
 - (ii) in point (h), for “Union or national” there were substituted “ European Union or public ”;
 - (iii) point (i) and the “; and” which precedes it were omitted;
 - (c) in paragraph 4, in the second subparagraph, for “competent authority of the Member State” there were substituted “ appropriate authority ”;
 - (d) paragraph 5 were omitted.
- (22) Article 70 is to be read as if—
- (a) in the first subparagraph, for “Member States” there were substituted “ The appropriate authority ”;
 - (b) the second subparagraph were omitted.
- (23) Article 71 is to be read as if—
- (a) in paragraph 1—

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- (i) for “Member States may permit producer organisations to apply” there were substituted “ A producer organisation may apply to the appropriate authority for the constituent nation in which the producer organisation has its head office ”;
- (ii) for “three or four-month period” there were substituted “ quarter ”;
- (b) in paragraph 2—
 - (i) for “as decided by the Member State, either on” there were substituted “ on a ”;
 - (ii) “or on a four-monthly basis in January, May and September” were omitted;
- (c) in paragraph 3—
 - (i) in the first subparagraph, for “Commission Regulation (EEC) No 2220/85” there were substituted “ Commission Delegated Regulation (EU) No 907/2014 ”;
 - (ii) for the second subparagraph there were substituted—

“A producer organisation applying for an advance payment must demonstrate to the satisfaction of the appropriate authority, and the appropriate authority must verify, that:

 - (a) financial contributions to the producer organisation's operational fund have been levied in accordance with Articles 52 and 53;
 - (b) the corresponding producer organisation contribution has actually been spent; and
 - (c) any previous advance payments received by the producer organisation have actually been spent.”;
- (d) in paragraph 5—
 - (i) the first subparagraph were omitted;
 - (ii) in the second subparagraph, for “primary requirement” there were substituted “ operational programme ”;
- (e) in paragraph 6, for “Member States may set” there were substituted “ Nothing in this Regulation prevents the appropriate authority from setting ”;
- (f) after paragraph 6 there were inserted—

“7. In this Article ‘quarter’ means a period of three months ending with the last day of March, June, September or December.”.

- (24) Article 72 is to be read as if—
 - (a) in the first paragraph, for “Member States may permit producer organisations to apply” there were substituted “ A producer organisation may apply to the appropriate authority for the constituent nation in which the producer organisation has its head office ”;
 - (b) in the third paragraph, for “Member States may set” there were substituted “ Nothing in this Regulation prevents the appropriate authority from setting ”.
- (25) Chapter 3 is to be read as if Sections 1 to 3 were omitted.
- (26) Article 86(1) is to be read as if in its place there were substituted—

“1. Promotion and communication measures implemented by producer organisations in relation to crisis prevention or crisis management may be applied rapidly when required.”.
- (27) Article 87 is to be read as if in its place there were substituted—

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“Article 87

Implementation of training actions

Training measures and exchanges of better practices cannot constitute crisis prevention and management measures unless they are additional to any ongoing training actions not related to crisis prevention and management being applied by the producer organisation concerned in its operational programme.”.

(28) Article 89 is to be read as if—

(a) for paragraph 1 there were substituted—

“1. Harvest insurance actions must be managed by the producer organisation. Harvest insurance actions do not have to cover all of the members of the producer organisation, and can be targeted at specific producer members.

Harvest insurance actions are not permitted to cover contracts of insurance that are not effected and carried out as principal by an authorised person.

In this Article, “contracts of insurance”, “effected and carried out as principal” and “authorised person” have the same meanings as in the Financial Services and Markets Act 2000.”;

(b) in paragraph 2—

(i) in the first subparagraph, in the words before point (a)—

(aa) for “Member States” there were substituted “ The appropriate authority for the constituent nation in which the producer organisation has its head office ”;

(bb) “national” were omitted;

(ii) in the second subparagraph—

(aa) “Union” were omitted;

(bb) for “Article 103d(3) of Regulation (EC) No 1234/2007” there were substituted “ Article 34(3) of Regulation (EU) No 1308/2013 ”;

(c) in paragraph 4, for “Article 2(8) of Commission Regulation (EC) No 1857/2006” there were substituted “ Article 3(5)(b) of Regulation (EU) No 1308/2013 ”.

(29) The provisions listed in paragraph 1 are to be read as if Article 89a were omitted.

(30) Article 90 is to be read as if—

(a) for paragraph 1 there were substituted—

“1. A producer organisation may apply for support for the administrative cost of setting up mutual funds.”;

(b) in paragraph 2—

(i) for “contribution from the Union” there were substituted “ financial assistance referred to in Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013 ”;

(ii) for “the following proportion” there were substituted “ 5%, 4% or 2% ”;

(iii) for the words from “operation:” to the end there were substituted “ operation, respectively ”;

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- (c) in paragraph 3, for the words from “be:” to the end there were substituted “ be 4% or 2% of the contribution of the producer organisation to the fund in the second and third year of its operation, respectively ”;
 - (d) in paragraph 4, for “Member States may fix” there were substituted “ Nothing in this Regulation prevents the appropriate authority from fixing ”.
- (31) Title 3 is to be read as if Chapter 4 were omitted.
- (32) Article 96 is to be read as if—
- (a) in the heading, “groups and producer” were omitted;
 - (b) paragraph 1 (which has no continuing effect) were omitted;
 - (c) in paragraph 3—
 - (i) for “national strategy”, in both places it occurs, there were substituted “ strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation concerned ”;
 - (ii) in the second subparagraph, for “Article 103c(5) of Regulation (EC) No 1234/2007” there were substituted “ Article 33(6) of Regulation (EU) No 1308/2013 ”;
 - (d) in paragraph 5 ^{M2}, the second subparagraph were omitted.
- (33) The provisions listed in paragraph 1 are to be read as if Articles 97 to 99 (which have no continuing effect) were omitted.
- (34) Article 100 is to be read as if in its place there were substituted—

“Article 100

Submission procedures

Without prejudice to specific provisions of this Regulation, the procedures for the submission of aid applications, requests for approval of operational programmes, and payment claims are those published from time to time by the appropriate authority.”.

(35) Article 101 is to be read as if for “Member States” there were substituted “ the appropriate authority ”.

(36) Article 103(4) is to be read as if for “Union” there were substituted “ retained EU ”.

(37) The provisions listed in paragraph 1 are to be read as if Article 104 (which has no continuing effect) were omitted.

(38) Article 105 is to be read as if—

- (a) in paragraph 1, for “Member States” there were substituted “ the appropriate authority ”;
- (b) in paragraph 3—
 - (i) “, association of producer organisations” were omitted;
 - (ii) for “Member State approval” there were substituted “ approval by the appropriate authority ”;
 - (iii) “, association of producer organisation” were omitted.

(39) Article 106 is to be read as if—

- (a) in paragraph 1—
 - (i) in the first subparagraph, for “Member States” there were substituted “ the appropriate authority ”;
 - (ii) in the second subparagraph, point (c) were omitted;

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- (b) in paragraph 2, in the first subparagraph, the words from “, in Member States” to the end were omitted;
 - (c) in paragraph 3, in the second subparagraph, for “Member State” there were substituted “ appropriate authority ”;
 - (d) in paragraph 4—
 - (i) in the first subparagraph, for “Member State” there were substituted “ appropriate authority ”;
 - (ii) in the second subparagraph, in point (d), for “Member States” there were substituted “ the appropriate authority ”.
- (40) Article 107 is to be read as if—
- (a) in paragraph 1—
 - (i) in the words before point (a), for “Member States” there were substituted “ the appropriate authority ”;
 - (ii) in point (c), for “Union” there were substituted “ applicable ”;
 - (b) in paragraph 2—
 - (i) in the first subparagraph, for “national law” there were substituted “ the law as it applies in the relevant constituent nation ”;
 - (ii) in the second subparagraph, for “Member States” there were substituted “ appropriate authority ”;
 - (c) in paragraph 3, in the second subparagraph, for “Member States” there were substituted “ the appropriate authority ”.
- (41) The provisions listed in paragraph 1 are to be read as if Articles 108 to 110 were omitted.
- (42) The provisions listed in paragraph 1 are to be read as if Articles 111 and 112 (which have no continuing effect) were omitted.
- (43) The provisions listed in paragraph 1 are to be read as if Article 113 were omitted.
- (44) Article 114 ^{M3} is to be read as if—
- (a) in paragraph 1, in the second sentence, for “is established, Member States” there were substituted “ of a producer organisation to respect one of the recognition criteria linked to the requirements of the provisions listed in Article 59(1) of Regulation (EU) 2017/891 is established, the appropriate authority ”;
 - (b) in paragraph 2, in the second subparagraph, after “recognition”, in the first place it occurs, there were inserted “ of a producer organisation in accordance with Article 59(2) of Regulation (EU) 2017/891 ”;
 - (c) in paragraph 3, for the third sentence there were substituted—

“Where recognition of a producer organisation is withdrawn in accordance with Article 59(3) of Regulation (EU) No 2017/891:

 - (a) no aid is to be paid in relation to the period starting from the moment on which the failure described in paragraph 1 is established; and
 - (b) any unduly paid aid in relation to such period must be recovered.”;
 - (d) in paragraph 5—
 - (i) for “paragraph 4” there were substituted “ Article 59(4) of Regulation (EU) 2017/891 ”;
 - (ii) for “by the Member State” there were substituted “ in accordance with that Article ”;

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- (iii) “horizontal national” were omitted;
- (e) in paragraph 7—
 - (i) “, 4” were omitted;
 - (ii) for “Member States” there were substituted “ the appropriate authority ”;
 - (iii) after “this Article” there were inserted “ and Article 59 of Regulation (EU) 2017/891 ”.
- (45) Article 115 is to be read as if—
 - (a) in paragraph 1 ^{M4}—
 - (i) for the words before point (a) there were substituted—

“1. Where a producer organisation is found to have committed fraud in respect of aid covered by this Regulation and Regulation (EU) No 1308/2013, the responsible authority must, without prejudice to any other sanctions or penalties applicable in law:”;
 - (ii) in points (b) and (c), “or recognition plan” were omitted;
 - (iii) in point (c), “, association of producer organisations or producer group” were omitted;
 - (iv) after point (c), the following subparagraph were inserted—

“In this paragraph, the ‘responsible authority’ is the appropriate authority for the constituent nation in which the producer organisation has its head office.”;
 - (b) for paragraph 2 ^{M5} there were substituted—

“2. The appropriate authority may suspend payments to a producer organisation that is suspected of having committed fraud in respect of aid covered by this Regulation and Regulation (EU) No 1308/2013.”.
- (46) The provisions listed in paragraph 1 are to be read as if Article 116 (which has no continuing effect) were omitted.
- (47) Article 117 is to be read as if—
 - (a) in paragraph 2, for “Member State” there were substituted “ appropriate authority ”;
 - (b) in paragraph 3, “or producer group” were omitted.
- (48) The provisions listed in paragraph 1 are to be read as if Articles 118 to 121 were omitted
- (49) Article 123 is to be read as if—
 - (a) in paragraph 1—
 - (i) in the first subparagraph there were omitted “, associations of producer organisations, producer groups”;
 - (ii) in the second subparagraph, in point (b), for the words from “rate” to “*European Union* and” there were substituted “ Bank of England base rate ”;
 - (b) after paragraph 1 there were inserted—

“1A. In paragraph (1), “Bank of England base rate” for any particular day means—

 - (a) except where point (b) applies, the rate as last announced at a meeting of the Monetary Policy Committee of the Bank of England held prior to that day as

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- the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short-term liquidity in the money markets; or
- (b) if an order under section 19 (reserve powers) of the Bank of England Act 1998 is in force, any equivalent rate determined by the Treasury under that section.”;
- (c) in paragraph 2, for “European Agricultural Guarantee Fund” there were substituted “relevant authority that provided the aid”;
- (50) Section 3 of Chapter 5 of Title 3 is to be read as if after Article 123 there were inserted—

“Article 123A

Apportionment of recovered aid, interest and penalties

1. Aid recovered under this Regulation, together with any interest payable thereon in accordance with this Regulation, must be apportioned between the relevant authorities in accordance with the proportion of that aid that was provided by each authority.

2. For the purpose of paragraph 1, aid provided from European Union funds is deemed to have been provided by the relevant authority for the constituent nation in which the head office of the producer organisation was located when the aid was paid.

3. Penalties imposed under this Regulation must be paid to the relevant authority for the constituent nation in which the head office of the producer organisation was located during the period to which the penalty relates.”.

- (51) The provisions listed in paragraph 1 are to be read as if Article 124 were omitted.
- (52) The heading of Section 4 is to be read as if “and of national strategies” were omitted.
- (53) Article 125 is to be read as if—
- (a) in paragraph 1, for “Both the national strategies and the” there were substituted “The”;
- (b) paragraph 3 were omitted.
- (54) Article 126 is to be read as if—
- (a) in paragraph 1, in the first subparagraph, the words from “and, where” to the end were omitted;
- (b) in paragraph 2, in the second subparagraph, for “National Authority in charge of the management of the national strategy” there were substituted “appropriate authority”.
- (55) The provisions listed in paragraph 1 are to be read as if Article 127 (which has no continuing effect) were omitted.
- (56) Article 143^{M6} is to be read as if in its place there were substituted—

“Article 143

Checks

1. Without prejudice to specific provisions of this Regulation or other retained EU law, the appropriate authority must conduct checks and take measures in so far as they are necessary to ensure the proper application of Regulation (EU) No 1308/2013 and this Regulation. Those

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checks and measures must be effective, proportionate and dissuasive in order to ensure proper management of public funds.

2. In particular, they must ensure that:

- (a) all eligibility criteria established by applicable legislation or the strategy and framework referred to in Article 36 of Regulation (EU) No 1308/2013 of the constituent nation concerned can be checked;
- (b) they have a sufficient number of suitably qualified and experienced staff to carry out the checks effectively; and
- (c) provision is made for checks to avoid irregular duplicated financing of measures under this Regulation and other schemes funded in whole or in part by European Union or public funds.”;

(57) Title 5 is to be read as if after Article 143 there were inserted—

“Article 143A

Checks on producer organisations

1. The appropriate authority for the constituent nation in which a producer organisation has its head office must:

- (a) organise checks on that organisation in respect of the operational programme and operational fund; and
- (b) apply administrative penalties where such checks demonstrate that the relevant obligations have not been met.

2. The appropriate authorities for the other constituent nations in which the producer organisation's members are located must, within any reasonable period provided by the appropriate authority in which the producer organisation has its head office:

- (a) provide such administrative assistance and carry out such administrative and on-the-spot checks as are required by that authority; and
- (b) report the results of those checks to that authority.

3. In respect of environmental and phytosanitary questions and crisis prevention and management measures, a producer organisation must comply with the rules of the constituent nation where the respective actions take place. In respect of all other matters in relation to the producer organisation and the operational programme and operational fund, the producer organisation must comply with the rules applicable in the constituent nation in which its head office is located”.

(58) The provisions listed in paragraph 1 are to be read as if Article 144 were omitted.

(59) Article 145 is to be read as if for “Regulation (EC) No 1234/2007” there were substituted “Regulation (EU) No 1308/2013 ”.

(60) The provisions listed in paragraph 1 are to be read as if Article 146 were omitted.

(61) Article 147^{M7} is to be read as if—

- (a) for “a Member State” there were substituted “ the appropriate authority ”;
- (b) “or Regulation (EC) No 1234/2007” were omitted;

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- (c) for “competent authority of the Member State” there were substituted “ appropriate authority ”.
- (62) Article 148 is to be read as if—
- (a) in the first subparagraph—
- (i) “or Regulation (EC) No 1234/2007” were omitted;
- (ii) “or recognition” were omitted;
- (iii) for “Article 31 of Regulation (EC) No 73/2009” there were substituted “ Article 2(2) of Regulation (EU) No 1306/2013 ”;
- (b) in the second subparagraph, for “competent authority of the Member State” there were substituted “ appropriate authority ”.
- (63) The provisions listed in paragraph 1 are to be read as if Annex 7 (which has no continuing effect) were omitted.
- (64) Annex 8 is to be read as if—
- (a) in the first paragraph, “, associations of producer organisations” were omitted;
- (b) in the table in section 1, in the row headed “Crisis prevention and management measures”, in the second column, points (a) and (b) were omitted;
- (c) in the table in section 2, in the row headed “Crisis prevention and management measures”, rows (a) and (b) were omitted;
- (d) in the table in section 3, in the section headed “Crisis prevention and management measures”, rows (a) and (b) were omitted;
- (e) in the table in section 4, “/APO” were omitted, in each place it occurs;
- (f) in section 5—
- (i) in the words before the table—
- (aa) in the second sentence, “/APO” were omitted;
- (bb) the third sentence were omitted;
- (ii) in the table—
- (aa) in the row headed “Improving competitiveness”, in the third column, “/ association of POs (APO)” were omitted;
- (bb) “/APO” were omitted, in each place it occurs (including in the footnotes);
- (cc) in footnote 3, for “a Member State” there were substituted “ the appropriate authority ”;
- (dd) in the notes at the end, “; APO means association of producer organisations;” were omitted;”;
- (65) Annex 9 is to be read as if—
- (a) in point 1—
- (i) in the first paragraph—
- (aa) the third indent were omitted;
- (bb) in the fifth indent, for the words from “The competent” to the end there were substituted “ Experimental production can include the trialling of new breeds of plants, however costs related to plant breeding are not eligible ”;
- (ii) the last paragraph were omitted;
- (b) in point 2(a)—

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- (i) in the first paragraph, for “EU contribution” there were substituted “ financial assistance referred to in Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013 ”;
- (ii) the second paragraph were omitted;
- (iii) in the third paragraph—
 - (aa) for “Member States may restrict” there were substituted “ Nothing in this Regulation prevents the appropriate authority from restricting ”;
 - (bb) for “they” substitute “ it ”;
- (c) in point 2(b)—
 - (i) in the first paragraph, “ , association of producer organisation” were omitted;
 - (ii) the third and fourth paragraphs were omitted;
- (d) in point 2(c), the words from “ , as well” to “associations of producer organisations” were omitted;
- (e) in point 5, the words from “other than” to the end were omitted;
- (f) in point 7, “ , where appropriate, on a flat-rate basis” were omitted;
- (g) in point 8, for “Union” there were substituted “ United Kingdom ”;
- (h) in point 10, for “Union or national support” there were substituted “ support from European Union or public funds ”;
- (i) in point 11(a), for “concerned Member State” there were substituted “ appropriate authority ”;
- (j) in point 12, for “Member State” there were substituted “ appropriate authority ”;
- (k) in point 14—
 - (i) in point (a), for the words from “the first” to the end there were substituted “ Article 45(2) of Regulation (EU) No 1305/2013 and point (a) of Article 13 of Regulation (EU) No 807/2014 ”;
 - (ii) in point (b), for “Union or national support” there were substituted “ support from European Union or public funds ”;
- (l) in point 15—
 - (i) in the first paragraph, in the first indent, “ , associations of producer organisations” were omitted;
 - (ii) in the second paragraph, in point (a), for “Council Regulation (EC) No 510/2006” there were substituted “ Regulation (EU) No 1151/2012 of the European Parliament and of the Council ”;
 - (iii) the third paragraph were omitted;
- (m) in point 17, the words from “as referred” to the end were omitted;
- (n) in point 18, “national or regional” were omitted;
- (o) in point 20, for “Union or national support” there were substituted “ support from European Union or public funds ”;
- (p) in point 22, “and associations of producer organisations or their producer members” were omitted;
- (q) in point 23, for “association of producer organisations, or their” there were substituted “ or its ”;
- (r) in point 24, for “Union” there were substituted “ United Kingdom ”.

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(66) The provisions listed in paragraph 1 are to be read as if Annexes 10 to 13 were omitted.

(67) The provisions listed in paragraph 1 are to be read as if Annexes 14 and 15 (which have no continuing effect) were omitted.]

Editorial Information

- X1** This statutory instrument was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.

Marginal Citations

- M1** [Articles 2, 19 to 35](#) and 50 to 148 of, and Annexes 6 to 18 to, Commission Implementing Regulation (EU) No 543/2011 were deleted by Article 79 of Commission Delegated Regulation (EU) 2017/891, but under Article 80 of Regulation (EU) 2017/891 a producer organisation or association of producer organisations may request that an operational programme approved under Regulation (EU) No 543/2011 continue to operate until its end under the conditions applicable under that Regulation.
- M2** The first subparagraph of Article 96(5) is amended by the Common Organisation of the Markets in [Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1343\)](#).
- M3** Article 114 is also amended by the Common Organisation of the Markets in [Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1343\)](#).
- M4** Article 115(1) is also amended by the Common Organisation of the Markets in [Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1343\)](#).
- M5** Article 115(2) is also amended by the Common Organisation of the Markets in [Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1343\)](#).
- M6** Article 143 is also amended by the Common Organisation of the Markets in [Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1343\)](#).
- M7** Article 147 is also amended by the Common Organisation of the Markets in [Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1343\)](#).

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (expired—not approved), Section 6.