
STATUTORY INSTRUMENTS

2019 No. 1422

The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019

PART 2

Amendment of retained direct EU legislation

CHAPTER 3

Payment Schemes Amendments

SECTION 1

Apiculture

Amendment of Commission Delegated Regulation (EU) 2015/1366

9.—(1) Commission Delegated Regulation (EU) 2015/1366 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to aid in the apiculture sector is amended as follows.

(2) After Article 1 insert—

“Article 1A

Appropriate authority

For the purposes of this Regulation, ‘appropriate authority’ means:

- (a) in relation to:
 - (i) England, the Secretary of State;
 - (ii) Wales, the Welsh Ministers;
 - (iii) Scotland, the Scottish Ministers;
 - (iv) Northern Ireland, the Department of Agriculture, Environment and Rural Affairs; or
- (b) the Secretary of State:
 - (i) in relation to Scotland, if consent is given by the Scottish Ministers;
 - (ii) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs.”.
- (3) Omit Articles 2 to 4.
- (4) In Article 5 for “Member States” substitute “ The appropriate authority ”.
- (5) Omit Article 8.

(6) After Article 9, omit the words from “This Regulation” to “Member States.”.

Commencement Information

II Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Amendment of Commission Implementing Regulation (EU) 2015/1368

10.—(1) Commission Implementing Regulation (EU) 2015/1368 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to aid in the apiculture sector is amended as follows.

- (2) In Article 1—
 - (a) omit “Union”;
 - (b) omit “national”.
- (3) After Article 1 insert—

“Article 1A

Appropriate authority and constituent nation

For the purposes of this Regulation:

- (a) ‘appropriate authority’ means:
 - (i) in relation to:
 - (aa) England, the Secretary of State;
 - (bb) Wales, the Welsh Ministers;
 - (cc) Scotland, the Scottish Ministers;
 - (dd) Northern Ireland, the Department of Agriculture, Environment and Rural Affairs; or
 - (ii) the Secretary of State:
 - (aa) in relation to Scotland, if consent is given by the Scottish Ministers;
 - (bb) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs;
 - (b) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be.”.
- (4) Omit Article 3.
 - (5) For Article 5 substitute—

“Article 5

Publication of Apiculture Programmes

The appropriate authority must:

- (a) make apiculture programmes available to the public on its website at the latest on 15 June which precedes the start of the first apiculture year of the apiculture programme in question, and

- (b) update the website within 21 days of any amendments made to apiculture programmes in accordance with Article 6.”.
- (6) In Article 6—
 - (a) in paragraph 1—
 - (i) in the first subparagraph, for “Without prejudice to paragraph 2, Member States” substitute “ The appropriate authorities ”;
 - (ii) in the second subparagraph, omit the words from “and that the Union” to the end;
 - (b) omit paragraphs 2 and 3.
- (7) For the heading to Chapter 3, substitute “ PAYMENTS ”.
- (8) In Article 7—
 - (a) for the heading, substitute “ Payments ”;
 - (b) omit the first paragraph;
 - (c) in the second paragraph, for “Member States” substitute “ appropriate authority ”.
- (9) In Article 8—
 - (a) in paragraph 1—
 - (i) for “Member States” substitute “ The appropriate authority ”;
 - (ii) omit “Union”;
 - (b) in paragraph 2, for “Member States” substitute “ the appropriate authority ”;
 - (c) in paragraph 3—
 - (i) in the first subparagraph for “Member States” substitute “ The appropriate authority ”;
 - (ii) in the second subparagraph, in point (b)(iv), for “Member States” substitute “ appropriate authority ”.
- (10) In the heading to Chapter 5, omit “notifications and”.
- (11) In Article 10(1), for “2018, the participating Member States shall notify to the Commission” substitute “ exit day, the participating appropriate authorities must prepare ”.
- (12) Omit Articles 11 and 12.
- (13) For Article 13 substitute—

“Article 13

Publication of annual implementation reports

The appropriate authority must make publicly available on its website its annual implementation reports prepared in accordance with Article 10.”.

- (14) After Article 14, omit the words from “This Regulation” to “Member States.”.
- (15) In the Annex—
 - (a) omit point (2);
 - (b) in point (3)—
 - (i) in the words before point (i)—
 - (aa) for “Member State” substitute “ appropriate authority ”;
 - (bb) for “notification of the apiculture programme for approval” substitute “ publication of the apiculture programme ”;

- (ii) for point (v) substitute—
 - “(v) the annual production of honey in the constituent nation concerned in kg in the last two calendar years preceding the publication of the apiculture programme;”;
- (iii) in point (x), for the words from “notification of” to the end substitute “ publication of the apiculture programme ”;
- (c) in point (4), omit the words “in the Member State”;
- (d) in point (7), for “Member States” substitute “ appropriate authority ”;
- (e) in point (8), for “Member States” substitute “ The appropriate authority ”;
- (f) in point (9)—
 - (i) in point (i), for “Member State” substitute “ appropriate authority ”;
 - (ii) in point (iv) omit “in the Member State”;
 - (iii) in point (vi) omit “of the Member State concerned”.

Commencement Information

- I2** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

SECTION 2

Educational establishments

Amendment of Commission Implementing Regulation (EU) 2017/39

11.—(1) Commission Implementing Regulation (EU) 2017/39 on rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply of fruit and vegetables, bananas and milk in educational establishments is amended as follows.

- (2) In Article 1—
 - (a) in paragraph 1, omit “Union”;
 - (b) after paragraph 2, insert—
 - “**3.** In this Regulation—
 - (a) ‘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;
 - (b) ‘school scheme aid’ means aid granted under Article 23(1) of Regulation 1308/2013.”.
- (3) In Article 2—
 - (a) in the heading, for “Member States” substitute “ School scheme ”;

- (b) in paragraph 1—
 - (i) in the words before point (a), for “Member State's” substitute “relevant authority's”;
 - (ii) in point (g), for “(4), (5) and, if applicable, (7)” substitute “ (4) and (5) ”;
 - (iii) in point (h), for “Union” substitute “ school scheme ”;
 - (iv) in point (m), for “Union aid under the school scheme” substitute “ school scheme aid ”;
- (c) omit paragraphs 2 and 3.
- (4) Omit Article 3.
- (5) In Article 4—
 - (a) in paragraph 1, for “Member States” substitute “ The relevant authority ”;
 - (b) in paragraph 2(a), for “4, 5 and, if applicable, 7” substitute “ 4 and 5 ”;
 - (c) in paragraph 6, for “Member States” substitute “ The relevant authority ”.
- (6) In Article 5—
 - (a) in paragraph 1(b), for “Member State” substitute “ relevant authority ”;
 - (b) in paragraph 2—
 - (i) for “competent” substitute “ relevant ”;
 - (ii) for “Member State” substitute “ relevant authority ”;
 - (c) in paragraph 3, for “competent” substitute “ relevant ”;
 - (d) omit paragraph 4.
- (7) Omit Articles 6 and 7.
- (8) In Article 8—
 - (a) in paragraph 1, for the second subparagraph substitute—

“The relevant authority must publish online the results of the monitoring exercise by 31 January following the end of the school year concerned.”;
 - (b) in paragraph 2—
 - (i) in the first subparagraph, for “Member States shall submit to the Commission” substitute “ the relevant authority must publish online ”;
 - (ii) in the second subparagraph, for “submitted” substitute “ published ”;
 - (c) omit paragraph 3.
- (9) In Article 9, for “Member States”, in each place it occurs, substitute “ The relevant authority ”.
- (10) In Article 10—
 - (a) in paragraph 3—
 - (i) in the first subparagraph, for the words from “The total” to “national level” substitute “ The relevant authorities must jointly ensure that on-the-spot checks in the United Kingdom cover at least 5% of the aid claimed in the United Kingdom ”;
 - (ii) in the second and third subparagraphs—
 - (aa) for “a Member State” substitute “ the United Kingdom ”;
 - (bb) for “on-the-spot checks shall be” substitute “ the relevant authorities must jointly ensure that on-the-spot checks are ”;
 - (iii) in the second subparagraph, after “five” insert “ of these ”;
 - (iv) in the fifth subparagraph, for “Member States” substitute “ the relevant authority ”;

- (b) in paragraph 4—
 - (i) for “competent”, in both places it occurs, substitute “ relevant ”;
 - (ii) in the second subparagraph, omit point (a);
- (c) in paragraph 6, for “competent control” substitute “ relevant ”;
- (d) omit paragraph 7.
- (11) In Article 12—
 - (a) in paragraph 1—
 - (i) for “Member States decide” substitute “ the relevant authority decides ”;
 - (ii) for “Union's” substitute “relevant authority's”;
 - (b) in paragraph 2—
 - (i) omit “exhibit the European flag and”;
 - (ii) for “Union” substitute “ relevant authority ”;
 - (c) in paragraph 3—
 - (i) for “Union” substitute “ relevant authority ”;
 - (ii) omit “Member State's”;
 - (d) omit paragraph 4.
- (12) Omit Article 13.
- (13) After Article 14, omit the words from “This Regulation” to “Member States.”.

Commencement Information

- I3** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Amendment of Commission Delegated Regulation (EU) 2017/40

12.—(1) Commission Delegated Regulation (EU) 2017/40 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply of fruit and vegetables, bananas and milk in educational establishments and amending Commission Delegated Regulation (EU) No 907/2014 is amended as follows.

- (2) In Article 1—
 - (a) in paragraph 1, omit “Union”;
 - (b) after paragraph 2, insert—
 - “**3.** In this Regulation—
 - (a) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;
 - (b) ‘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;

- (c) ‘school scheme aid’ means aid granted under Article 23(1) of Regulation 1308/2013.”.
- (3) In Article 2—
- (a) in the heading, for “Member States” substitute “ School scheme ”;
 - (b) omit paragraph 1;
 - (c) in paragraph 2—
 - (i) for “a Member State” substitute “ the relevant authority ”;
 - (ii) after “its strategy” insert “ (as referred to in Article 23(8) of Regulation (EU) No 1308/2013) ”;
 - (iii) for “Union aid under the school scheme” substitute “ school scheme aid ”;
 - (d) for paragraph 3 substitute—

“3. The relevant authority must publish its strategy online by 30 April preceding the first school year covered by the strategy, or as soon as reasonably practicable thereafter.”;
 - (e) omit paragraph 4.
- (4) In Article 4—
- (a) in paragraph 1—
 - (i) in the words before point (a), for “Union” substitute “ school scheme ”;
 - (ii) in point (a), omit “of the Member State”;
 - (iii) in point (e)—
 - (aa) for “Member States” substitute “ the relevant authority ”;
 - (bb) for “their” substitute “ its ”;
 - (b) omit paragraph 2;
 - (c) in paragraph 3, for “Union” substitute “ school scheme ”;
 - (d) omit paragraph 4.
- (5) In Article 5—
- (a) in paragraph 1—
 - (i) for “Aid granted to a Member State under the school scheme” substitute “ School scheme aid ”;
 - (ii) omit “for aid”;
 - (iii) for “competent authority of the Member State” substitute “ relevant authority ”;
 - (b) in paragraph 2, for “Member States” substitute “ The relevant authority ”.
- (6) In Article 6—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) in the words before point (a), for “competent authority of the Member State” substitute “ relevant authority ”;
 - (bb) in point (a), for “the Union under the school scheme” substitute “ school scheme aid ”;
 - (cc) in point (c), for “Union” substitute “ school scheme ”;
 - (dd) in points (e) and (f), for “competent” substitute “ relevant ”;

- (ii) in the second subparagraph, for “Member States” substitute “ the relevant authority ”;
- (b) in paragraph 3, for “Competent authorities” substitute “ The relevant authority ”;
- (c) omit paragraph 5.
- (7) In Article 7(1) and (3), for “competent” substitute “ relevant ”;
- (8) In Article 9—
 - (a) in paragraphs 1 and 2, for “Member States” substitute “ The relevant authority ”;
 - (b) in paragraphs 3 and 4, for “Member States” substitute “ the relevant authority ”;
 - (c) omit paragraph 5.
- (9) In Article 10(1) and (2), for “Member States” substitute “ the relevant authority ”.
- (10) In Article 11—
 - (a) in the first subparagraph—
 - (i) for “Member States consider” substitute “ the relevant authority considers ”;
 - (ii) for “they” substitute “ it ”;
 - (iii) for “Union aid under the school scheme” substitute “ school scheme aid ”;
 - (b) in the second subparagraph, for “Member States” substitute “ the relevant authority ”.
- (11) In Article 12, for “Member States” substitute “ the relevant authority ”;
- (12) In Article 14, omit the second sentence.
- (13) After Article 15, omit the words from “This Regulation” to “Member States.”.
- (14) In the Annex—
 - (a) for “European Union ‘School Scheme’”, in both places it occurs, substitute “England/ Scotland/ Wales/ Northern Ireland [delete as appropriate] ‘School Scheme’”;
 - (b) for “European Union”, in the third place it occurs, substitute “ Department for the Environment, Food and Rural Affairs/ Scottish Government/ Welsh Government/ Department of Agriculture, Environment and Rural Affairs [delete as appropriate] ”;
 - (c) omit “The poster shall bear the emblem of the Union”.

Commencement Information

- I4** Reg. 12 in force at 31.12.2020 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 Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019, CHAPTER 3.