
STATUTORY INSTRUMENTS

2019 No. 207

The Common Agricultural Policy (Direct Payments to Farmers) (Amendment) (EU Exit) Regulations 2019

Amendment of Title 1 (Scope and definitions)

- 3.—(1) In Article 1, in point (b)—
- (a) in point (i), omit “and a transitional” to the end;
 - (b) omit points (ii), (v), (viii), (ix) and (x).
- (2) Omit Article 3.
- (3) In the first subparagraph of Article 4(1)—
- (a) in point (a)—
 - (i) omit “by national law”;
 - (ii) for the words from “territorial” to “TFEU” substitute “United Kingdom”;
 - (b) in point (b), for “territory of the same Member State” substitute “United Kingdom”;
 - (c) in point (c)—
 - (i) in point (ii), for the words from “Member States” to “Commission” substitute “the relevant authority on the basis of the framework set out in Article 4 of Regulation (EU) 639/2014”;
 - (ii) in point (iii) for “Member States” substitute “the relevant authority”;
 - (d) in point (d), omit “as well as cotton”;
 - (e) in point (h)—
 - (i) for “as well as, where Member States so decide”, substitute “and, where the relevant authority so decides”;
 - (ii) for “Member States so decide”, in the second place it occurs, substitute “the relevant authority so decides”;
 - (iii) for “Member States”, in the last place it occurs, substitute “The relevant authority”;
 - (f) in point (i), for “Member State” substitute “United Kingdom”;
 - (g) in point (k)—
 - (i) omit “of CN code 0602 90 41”;
 - (ii) omit “to be” in both places it occurs;
 - (iii) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
 - (iv) for “Member States”, in the second place it occurs, substitute “relevant authority”;
 - (h) after point (n) insert—
 - “(o) “constituent nation” means England, Wales, Scotland or Northern Ireland, as the case may be;
 - (p) “national reserve” means a reserve established by the relevant authority at the level of the constituent nation;

- (q) “regional reserves” means reserves established by the relevant authority at regional level;
 - (r) “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) In the second subparagraph of Article 4(1)—
- (a) for “Member States” substitute “a relevant authority”;
 - (b) for “have”, in the first place it occurs, substitute “has”.
- (5) In Article 4(2)—
- (a) for the first subparagraph substitute—

“For the purposes of point (c) of paragraph 1:

 - (a) the criteria to be met by farmers in order to fulfil the obligation to maintain an agricultural area in a state suitable for grazing or cultivation, as referred to in point (c)(ii) are the criteria set by the relevant authority prior to exit day;
 - (b) where applicable in a constituent nation, the minimum activity to be carried out on agricultural areas naturally kept in a state suitable for grazing or cultivation, as referred to in point (c)(iii) is as defined by the relevant authority prior to exit day.”;
 - (b) in the second, third and fourth subparagraphs, for “Member States”, in each place it occurs, substitute “The relevant authority”;
 - (c) for the last subparagraph substitute—

“This paragraph only applies where the decisions to which it refers were made and notified to the Commission by:

 - (a) 31st January 2015, in the case of a decision taken under the second subparagraph;
 - (b) 31st March 2018, in the case of a decision taken under the third or fourth subparagraph.”.