

2019 No. 764

EXITING THE EUROPEAN UNION

AGRICULTURE

**The Rural Development (Amendment) (EU Exit) Regulations
2019**

Made - - - - - *28th March 2019*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018^(a).

In accordance with paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Rural Development (Amendment) (EU Exit) Regulations 2019 and come into force on the later of exit day or the day after the day on which they are made.

PART 2

Amendment of Regulations governing the 2014-2020 rural development programmes

Introductory

2. Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) is amended as follows.

Amendment of Title 1 (objectives and strategy)

3.—(1) For Article 1(1) substitute—

“(1) This Regulation lays down general rules governing support for rural development. It sets out the objectives to which rural development policy is to contribute and the relevant priorities for rural development. It outlines the strategic context for rural development policy and defines the measures to be adopted in order to implement rural development policy. In addition, it lays down rules on programming, networking, management, monitoring and evaluation.”.

(2) In Article 2—

(a) in paragraph 1—

(i) in the first subparagraph, after “Regulation (EU) No 1303/2013” insert “as it had effect immediately before exit day”;

(ii) in the second subparagraph—

(aa) in point (a) for “joint action by the Union” to the end substitute “action to achieve the priorities for rural development”;

(bb) in point (b), at the end insert “as it had effect immediately before exit day”;

(cc) in point (c) omit “Union”;

(dd) at point (i) for “the Annex to Council Decision 2009/470/EC” substitute “Annex II of Regulation (EU) No 652/2014”;

(ee) after point (s) insert—

“(t) “Directive 2000/29” means Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(a);

(u) “Directive 2009/147” means Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds(b);”

(b) in paragraph 2—

(i) for “A Member State” substitute “The relevant authority”;

(ii) for “Member States” substitute “relevant authorities”;

(c) at the end insert—

“4. In these Regulations, references to Regulation (EU) No 1303/2013 are references to Regulation (EU) No 1303/2013, as amended by the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2018.”.

(3) For Article 3 substitute—

“Article 3

Mission

Support provided through rural development programmes shall contribute to promoting sustainable rural development in a manner that complements other support provided to the agriculture and fisheries sectors and to less developed regions. It shall contribute to the development of an agricultural sector that is more territorially and environmentally balanced, climate-friendly and resilient and competitive and innovative. It shall also contribute to the development of rural territories.”.

(4) In Article 4, for “the CAP” substitute “agricultural support”.

(5) In Article 5—

(a) OJ L 169, 10.7.2000, p. 1, as last amended by Commission Implementing Directive (EU) 2017/1920 of 19 October 2017 amending Annex IV to Council Directive 2000/29/EC (OJ L 271, 20.10.2017, p. 34).

(b) OJ No L 20, 26.1.2010, p. 7, as last amended by Council Directive 2013/17/EU (OJ No L 158, 10.6.2013, p. 193).

- (a) for the first paragraph substitute—

“The achievement of the objectives of rural development shall be pursued through the following six priorities for rural development, which reflect the relevant Thematic Objectives of the CSF.”;

- (b) in the penultimate paragraph, omit from “When a Member State” to “four priorities”.

Amendment of Title II (programming)

- 4.—(1) For Article 6 substitute—

“Article 6

Rural development programmes

Support for rural development shall be provided in accordance with rural development programmes. These programmes shall implement a strategy to meet the priorities for rural development through a set of measures as defined in Title III. Support for rural development must be provided to further the objectives and the priorities of rural development.”;

- (2) Omit Article 7.

- (3) In Article 8—

- (a) in paragraph 1—

(i) omit point (a);

(ii) omit “Union” in each place it occurs;

(iii) in point (c)—

(aa) in point (ii) omit from “supported by” to “in point (a) and”;

(bb) in point (iv) omit “or thematic sub-programmes”;

(iv) in point (d) —

(aa) omit “the Partnership Agreement and”;

(bb) omit “in accordance with the summary submitted in the Partnership Agreement”;

(v) omit point (e);

(vi) in point (g) for “Member States” substitute “relevant authority”;

(vii) in point (h)—

(aa) for “EAFRD” substitute “core” in the first, second, fourth, fifth, sixth and seventh places it occurs and “support for rural development” in the third place it occurs;

(bb) omit the last sentence of point (i);

(viii) for point (l) substitute—

“(l) information on the complementarity with other support provided to the agricultural and fisheries sectors.”;

(ix) in point (m)—

(aa) in point (i) omit “by the Member State”;

(bb) in point (iv), for “Member States” substitute “the relevant authority”;

- (b) omit paragraph 2.

- (4) In Article 9 omit “EAFRD”.

- (5) Omit Article 10.

- (6) In Article 12, omit point (a).

Amendment of Chapter I (measures) of Title III (rural development support)

- 5.—**(1) In Article 13, omit “Union”, in both places it occurs.
- (2) In Article 15—
- (a) for “Member States”, in both places where it occurs, substitute “the relevant authority”;
 - (b) in paragraph 4—
 - (i) omit the word “Union”;
 - (ii) for points (d) and (e) substitute—

“(d) requirements arising from any programme of measures for river basin districts which has been implemented in consequence of Article 11(3) of Directive 2000/60/EC establishing a framework for Community action in the field of water policy (‘the Water Framework Directive’)(a), which is to be construed as if references to “Community legislation” were references to “the law as it applies in the constituent nation” and references to “Member States” were references to “The competent authority”;
 - (e) requirements which apply by virtue of Article 55 of Regulation (EC) No 1107/2009, in particular any requirement which applies as a consequence of the implementation of Articles 14(1), (2), (4) and (5) of Directive 2009/128/EC of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides(b), which are to be construed as if references to “Member States” were references to “the competent authority”.”;
 - (c) for the first sentence of paragraph 5 substitute “Advice to forest holders shall cover, as a minimum, the relevant requirements which have been implemented as a consequence of Directives 92/43, 2009/147 and 2000/60.”.
- (3) In Article 16—
- (a) in paragraph 1—
 - (i) in points (b) and (c), for “Member States” in both places it occurs substitute “relevant authority”;
 - (ii) in point (c) omit “Union”;
 - (b) in paragraph 2 omit the last sentence;
 - (c) in paragraph 3, in the fourth subparagraph omit “, as applicable in the Member State concerned”.
- (4) In Article 17—
- (a) in each place it occurs, omit “Union”;
 - (b) in paragraph 2, for “Member States” substitute “the relevant authority”;
 - (c) in paragraph 6, for “Union law” substitute “the law as it applies in the constituent nation”.
- (5) In Article 18—
- (a) in paragraph 3—
 - (i) omit “of Member States”;
 - (ii) for “measures adopted in accordance with Council Directive 2000/29/EC” substitute “requirements which apply by virtue of Council Directive 2000/29/EC”;
 - (b) in paragraph 4—
 - (i) for “Member States” substitute “The relevant authority”;
 - (ii) for “other national or Union support instruments” substitute “support under Regulation 508/2014 or direct payment support”.
- (6) In Article 19—

(a) OJ No L 327, 22.12.2000, p. 1, as last amended by Commission Directive 2014/101 (OJ No L 311, 31.10.2014, p. 32).

(b) OJ No L 309, 24.11.2009, p. 71, as last amended by Regulation (EU) No 652/2014 (OJ No L 189, 27.6.2014, p. 1).

- (a) for “Member States”—
 - (i) in the first and fifth places it occurs, substitute “the relevant authority”;
 - (ii) in the second, third and fourth places it occurs, substitute “The relevant authority”;
 - (b) in the third subparagraph of paragraph 4, for “Member State” substitute “relevant authority”.
- (7) In Article 20(2)—
- (a) for “Member State” substitute “relevant authority”;
 - (b) for “Union instruments” substitute “support under Regulation 508/2014 or direct payment support”.
- (8) In Article 21(2)—
- (a) omit the first subparagraph;
 - (b) in the second subparagraph, for “Member States” substitute “relevant authority”.
- (9) In Article 23(2), for “Member States” substitute “relevant authority”.
- (10) In Article 24—
- (a) in paragraph 2, for “Member States”, in each place where it occurs, substitute “relevant authority”;
 - (b) in paragraph 3 —
 - (i) for “Member States” substitute “the relevant authority”;
 - (ii) for “measures adopted in accordance with Directive 2000/29/EC” substitute “requirements which apply as a consequence of the implementation of Council Directive 2000/29/EC”;
 - (c) in paragraph 4—
 - (i) for “Member States” substitute “The relevant authority”;
 - (ii) omit “national or Union”.
- (11) In Article 26(1) omit the second sentence.
- (12) In Article 27—
- (a) in paragraph 2, for “a Member State’s” substitute “the”;
 - (b) in paragraph 2, for “Member States” substitute “The relevant authority”;
 - (c) in paragraph 3, for “Member States” in the first place it occurs, substitute “The relevant authority” and in the second place it occurs, substitute “the relevant authority”;
 - (d) in paragraph 5, for “Member States” substitute “The relevant authority”.
- (13) In Article 28, for “Member States”—
- (a) in paragraphs 1 and 4, and the last sentence of the second subparagraph of paragraph 6, substitute “The relevant authority”;
 - (b) in the remaining places where it occurs, substitute “the relevant authority”;
- (14) In Article 29—
- (a) in paragraph 1, for “Member State” substitute “relevant authority”;
 - (b) in the second subparagraph of paragraph 4, for “Member States”, in the second place it occurs, substitute “The relevant authority”;
 - (c) for “Member States” in the remaining places it occurs, substitute “the relevant authority”.
- (15) In Article 30—
- (a) in paragraph 1—
 - (i) for “the implementation” to “Water Framework Directive” substitute “requirements on beneficiaries which apply as a consequence of the implementation of Directives 92/43/EEC and 2009/147/EC and the Water Framework Directive”;
 - (ii) for “Member States”—

- (aa) in the first place it occurs, substitute “the relevant authority”;
 - (bb) in the second place it occurs, substitute “The relevant authority”;
 - (b) in paragraph 4—
 - (i) in point (a), for “Union law” substitute “law as it applies in the constituent nation”;
 - (ii) in point (c), for “Union law” substitute “law as it applied in the constituent nation” and omit “as laid down in Article 4(9) of that Directive”.
- (16) In Article 31—
- (a) in paragraph 1, for “Member States” substitute “the relevant authority”;
 - (b) in paragraph 4—
 - (i) for “Member States”—
 - (aa) in the first place it occurs, substitute “The relevant authority”;
 - (bb) in the second place it occurs, substitute “the relevant authority”;
 - (ii) in point a, for “national law” substitute “the law as it applies in the constituent nation”;
 - (c) in paragraph 5—
 - (i) for “Member States” substitute “the relevant authority”;
 - (ii) for “Member State” substitute “relevant authority”;
 - (d) omit paragraph 6.
- (17) In Article 32—
- (a) in paragraph 1, for “Member States” substitute “The relevant authority”;
 - (b) in paragraph 2, omit the last sentence.
 - (c) in paragraph 3 for “Member States”, substitute “the relevant authority”;
 - (d) in paragraph 4—
 - (i) for “Member State” substitute “constituent nation”;
 - (ii) for “Member States”, in the first place it occurs substitute “the relevant authority” and in the second place it occurs substitute “constituent nations”;
 - (e) in paragraph 5, for “Member States” substitute “The relevant authorities”.
- (18) In Article 33, in paragraph 1 omit “, as applicable in the Member State concerned”.
- (19) In Article 34—
- (a) for “Member States”, in both places it occurs, substitute “the relevant authority”;
 - (b) in paragraph 2, omit “the national forestry act or other”.
- (20) In Article 35—
- (a) in paragraph 1, omit “Union”;
 - (b) in paragraph 2, in point (i) omit “Union”;
 - (c) in paragraph 6—
 - (i) for “Member States” substitute “the relevant authority”;
 - (ii) for “other Union funds” substitute “support under Regulation 508/2014, CMO support or direct payment support”;
 - (d) in paragraph 7 omit “or Member States”;
 - (e) for paragraph 9 substitute—

“9. Co-operation under this measure may be combined with projects supported by support under Regulation 508/2014 or CMO support or direct payment support. The relevant authority shall ensure that overcompensation as a result of the combination of this measure with other sources of support is avoided.”.
- (21) In Article 36—

- (a) in paragraphs 2 and 3, for “Member State” substitute “relevant authority”;
 - (b) in paragraph 4—
 - (i) for “Member States” substitute “The relevant authority”;
 - (ii) omit “national or Union”.
- (22) In Article 37—
- (a) in paragraph 2—
 - (i) for “Member State” substitute “relevant authority”;
 - (ii) for “Member States” substitute “The relevant authority”;
 - (b) in paragraph 3, for “the Annex to Decision 2009/470/EC” substitute “Annex II of Regulation (EU) No 652/2014”;
 - (c) in paragraph 4, for “Member States” substitute “The relevant authority”.
- (23) In Article 38—
- (a) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) for “Member States”, in both places it occurs, substitute “The relevant authority”;
 - (bb) after “shall define” insert “in the programme”;
 - (cc) after “fund arrangements” insert “as set out in the programme”;
 - (ii) in the second subparagraph, for “Member State” substitute “relevant authority”;
 - (b) in paragraph 4, for “the Annex to Decision 2009/470/EC” substitute “Annex II of Regulation (EU) No 652/2014”;
 - (c) in paragraph 5, for “Member States” substitute “The relevant authority”.
- (24) In Article 39(3)—
- (a) for “Member States”, in both places it occurs, substitute “The relevant authority”;
 - (b) after “shall define” insert “in the programme”;
 - (c) after “fund arrangements” insert “as set out in the programme”;
- (25) Omit Article 40.
- (26) In Article 44—
- (a) in paragraph 1, for point (a) substitute—
 - “(a) co-operation projects within or between constituent nations (inter-territorial co-operation) or co-operation projects with territories in third countries (transnational co-operation);”;
 - (b) in paragraph 2—
 - (i) for “under the EAFRD” substitute “funded by support for rural development”;
 - (ii) omit “within or outside the Union”;
 - (c) in paragraph 3, for “Member States” substitute “the relevant authority”;
 - (d) omit paragraph 4.

Amendment of Chapters II (common provisions for several measures) and III (technical assistance and networking) of Title III

6.—(1) In Article 45, for “EAFRD support”, in both places it occurs, substitute “support for rural development”.

(2) For Article 46(2) substitute—

“2. A river basin management plan, as required under the terms of the Water Framework Directive and as defined by legislation implementing the Water Framework Directive in

each of the constituent nations, shall have been notified to the appropriate authority, or, before exit day, to the Commission, for the entire area in which the investment is to take place, as well as in any other areas whose environment may be affected by the investment. The requirements which apply under the river basin management plan by virtue of Article 11 of the Water Framework Directive and of relevance to the agricultural sector shall have been specified.”.

(3) In Article 47(3), for “Member States” substitute “the relevant authority”.

(4) In Article 48, for “of the following programming period” substitute “in force after the current programming period”.

(5) In Article 49—

(a) in paragraph 1 omit “Union”;

(b) in paragraph 2, for “Member State authority” substitute “relevant authority”.

(6) In Article 50, for “Member States” substitute “The relevant authority”.

(7) In Article 51—

(a) omit paragraph 1;

(b) in paragraph 2, for “Member States” substitute “relevant authority”.

(c) in paragraph 3, for “EAFRD” substitute “core”.

(8) Omit Articles 52 and 53.

(9) In Article 54—

(a) in paragraph 1—

(i) for “Each Member State” substitute “The relevant authority”;

(ii) omit the second subparagraph;

(b) in paragraph 3—

(i) for “EAFRD support” substitute “Support for rural development”;

(ii) omit point (b)(vii).

Amendment of Titles IV (EIP for agricultural productivity and sustainability) and V (financial provisions)

7.—(1) In Article 55(3)—

(a) for “The EAFRD” substitute “Support for rural development”;

(b) omit “and the EIP network referred to in Article 53”.

(2) In Article 56(3), for “Member States” substitute “relevant authority”.

(3) In Article 57(3) omit “, in particular through the EIP network”.

(4) In Article 58—

(a) for paragraph 1 substitute—

“1. Without prejudice to paragraphs 5, 6 and 7 of this Article, the core contribution to rural development under this Regulation (‘the core contribution’) for the period from 1 January 2014 to 31 December 2020 shall be EUR 5,195,417,491, in 2011 prices.”;

(b) omit paragraphs 2 and 3;

(c) in paragraph 4, for “by Member State of the amounts referred to in paragraph 1, after deduction of the amount referred to in paragraph 2” substitute “of the core contribution”;

(d) for paragraph 5 substitute—

“5. Funds transferred under Article 14(2) of Regulation (EU) No 1307/2013 shall be subtracted from the core contribution.”;

(e) in paragraph 6, for “EAFRD”, in both places it occurs, substitute “core contribution”;

- (f) omit paragraph 8.
- (5) In Article 59—
- (a) in paragraph 1, for “maximum contribution from the EAFRD” substitute “core contribution”;
 - (b) in paragraph 2, for “EAFRD” substitute “core”;
 - (c) in paragraph 3—
 - (i) for the introductory wording of the first subparagraph substitute—

“(3) The rural development programmes shall establish a single core contribution rate applicable to all measures. Where applicable, a separate core contribution rate shall be established for less-developed regions, as well as for transition regions. The maximum core contribution rate shall be:”;
 - (ii) in point (a) omit “, in the outermost regions and in the smaller Aegean islands within the meaning of Regulation (EU) No. 229/2013”;
 - (iii) in the second subparagraph, for “EAFRD” substitute “core”;
 - (d) in paragraph 4—
 - (i) in the words before point (a), for “EAFRD” substitute “core”;
 - (ii) in point (a) omit “, of the outermost regions, of the smaller Aegean islands within the meaning of Regulation (EU) No 229/2013,”;
 - (iii) omit point (c);
 - (iv) in point (e), for “EAFRD” substitute “core contribution”;
 - (v) omit points (f) to (h);
 - (e) in paragraph 5—
 - (i) omit “, and in the case of Croatia 2,5%,”;
 - (ii) for “EAFRD” substitute “core”;
 - (f) in paragraph 6—
 - (i) for “EAFRD” substitute “core”;
 - (ii) omit the second subparagraph;
 - (g) omit paragraph 7;
 - (h) for paragraph 8, substitute—

“8. An expenditure receiving support for rural development shall not be co-financed by way of a contribution from under Regulation 508/2014 or CMO support or direct payment support.”.
- (6) In Article 60—
- (a) in paragraph 1, for “Member State” substitute “constituent nation”;
 - (b) in paragraph 2—
 - (i) for “an EAFRD contribution” substitute “rural development support”;
 - (ii) in the second subparagraph—
 - (aa) for “falling within the scope of Article 42 TFEU” substitute “in relation to the production of, and trade in, agricultural products”;
 - (bb) for “Member States”, in the first place it occurs, substitute “relevant authorities” and in the second place it occurs, substitute “The relevant authorities”;
 - (cc) for “Member State” substitute “constituent nation”;
 - (iii) in the third subparagraph, for “Member States” substitute “Relevant authorities”.
- (7) In Article 62—
- (a) for paragraph 1, substitute—

“1. The relevant authority must ensure that all the rural development measures that they intend to implement are verifiable and controllable. The Managing Authority and paying agency must also undertake the assessment of the verifiability and controllability of measures during the implementation of the rural development programme. Assessment during the implementation period must take into account the results of controls in the previous and current programming period. Where the assessment reveals that the requirements of verifiability and controllability are not met, the measures concerned must be adjusted accordingly.”;

(b) in paragraph 2, for “Member States” substitute “the relevant authority”.

Amendment of Titles VI (management, control and publicity), VII (monitoring and evaluation), VIII (competition provisions) and IX (common provisions and transitional and final provisions)

8.—(1) Omit Article 64.

(2) In Article 65—

(a) omit paragraph 1;

(b) in paragraph 2—

(i) for the words above point (a) substitute “The relevant authority shall ensure each rural development programme is administered by the following bodies:”;

(ii) in point (a), for “Member State” substitute “relevant authority”;

(c) in paragraphs 3 and 4, for “Member States”, in each place it occurs, substitute “The relevant authority”.

(3) In Article 66—

(a) in paragraph 1 —

(i) omit point (d);

(ii) in point (e) omit “and the Commission”;

(iii) in point (g) for “, and, after approval by the Monitoring Committee, submitting it to the Commission” substitute “and submitting it to the Monitoring Committee for approval”;

(iv) omit point (i);

(b) in paragraph 2 omit “Member State or the”;

(c) omit paragraph 3;

(d) for paragraph 4 substitute—

“4. Subject to the role of the paying agencies and other bodies as set out in Regulation (EU) No 1306/2013, a co-ordinating body may be designated with the purpose of ensuring consistency in the management of the programmes between constituent nations.”;

(e) omit paragraph 5.

(4) In Article 69—

(a) in paragraph 1 omit “at Union level”;

(b) in paragraph 2 omit “Union,”.

(c) in paragraph 3 omit the second sentence.

(5) Omit Article 73.

(6) In Article 74(e), omit from “before they are sent to the Commission”.

(7) In Article 75—

(a) in paragraph 1—

(i) for “Member State” substitute “Managing Authority”;

(ii) for “Commission” substitute “Monitoring Committee”.

- (b) omit paragraph 3;
- (c) in paragraph 4—
 - (i) omit from “, a description” to “programme and”;
 - (ii) omit “the EAFRD and other EU”.
- (8) Omit Articles 76 to 79.
- (9) For Article 82 substitute—

“Article 82

Additional financing

Payments in relation to operations for the production of, and trade in, agricultural products, and intended to provide additional financing for rural development for which support is granted at any time during the programming period, shall be included by relevant authorities in the rural development programme as provided for in paragraph 1(j) of Article 8 and, where they comply with the criteria under this Regulation, shall be approved by the relevant authority.”.

- (10) In the heading to Title IX, omit “COMMISSION POWERS,”.
- (11) Omit Articles 83 to 85.
- (12) In Article 86—
 - (a) for “Member States”, in each place it occurs, substitute “The relevant authority”;
 - (b) in paragraph 1 omit “and the Commission”;
 - (c) in paragraph 3, for “applicable national and Union law” substitute “law as it applies in the constituent nation”;
 - (d) in paragraph 4, for “national and Union” substitute “public”.
- (13) After Article 90 omit the third paragraph.

Amendments to Annexes

- 9.—(1) For Annex 1 substitute—

“Annex 1

Art. 58

Breakdown of Support for Rural Development (2014-2020) in EUR

<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>TOTAL</i>
							<i>2014 -</i>
							<i>2020</i>
475 531	848 443	850 859	754 569	754 399	755 442	756 171	5 195 417
544	195	320	938	511	113	870	491”

- (2) In Annex 2—
 - (a) in the row for Article 17(3)—
 - (i) in each place it occurs, omit “75%”;
 - (ii) in the fourth column—
 - (aa) in both places it occurs, omit from “Of the amount” to “outermost regions”;
 - (bb) in the third row, omit from “Of the amount” to “that Directive”;
 - (cc) in both places it occurs, omit from “Of the amount” to “Aegean islands”;
 - (b) in the row for Article 26(4)—
 - (i) in each place it occurs, omit “75%”;
 - (ii) in the fourth column—
 - (aa) in the second row omit from “Of the amount” to “outermost regions”;

- (bb) in the third row omit from “Of the amount” to “Aegean islands”.
- (3) Omit Annex 4.
- (4) In Annex 5—
 - (a) in the heading to the first column, omit “EU”;
 - (b) for “supported by the EAFRD” substitute “funded by support for rural development”;
 - (c) for “Member State”, in both places it occurs, substitute “relevant authority”;
 - (d) omit “Union” in both places it occurs.
- (5) In Annex 6, in both places it occurs, including in the heading, omit “Union”.

Amendment of Regulation (EU) No 1310/2013

10.—(1) Regulation (EU) No 1310/2013 of the European Parliament and Council laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) is amended as follows.

- (2) In Article 1—
 - (a) for “Member States”, in both places it occurs, substitute “relevant authorities”;
 - (b) omit the second subparagraph of paragraph 1;
 - (c) after paragraph 2 insert—
 - “3. In this Article, “relevant authority” means—
 - (a) in England, the Secretary of State;
 - (b) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
 - (c) in Scotland, the Scottish Ministers;
 - (d) in Wales, the Welsh Ministers;”.
- (3) In Article 3—
 - (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) omit from “without prejudice to Point E” to “Regulation (EC) No 718/2007”;
 - (bb) for “EAFRD” substitute “support for rural development”;
 - (ii) in point (a) omit—
 - (aa) from “and, in the” to “31 December 2016”;
 - (bb) “or Regulation (EC) No 718/2007”;
 - (iii) in point (b) omit “and, in the case of Croatia, after 31 December 2016”;
 - (b) after paragraph 2 insert—
 - “3. In this Article, “support for rural development” means financial support granted under Title 3 of Regulation (EU) No 1305/2013 or Title 3, Chapter 2 of Regulation (EU) No 1303/2013, as amended by the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2018.”.
- (4) After Article 11 omit from “This Regulation” to “Member States.”

PART 3

Interpretation of legacy Regulations

Interpretation of Regulation (EEC) No 2078/1992

11. To the extent that Regulation (EEC) No 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside(**a**) continues to apply by virtue of the savings contained in Article 55 of Regulation (EC) No 1257/1999(**b**), Article 93 of Regulation (EC) 1698/2005(**c**) and Article 88 of Regulation (EU) No 1305/2013, Regulation (EEC) No 2078/1992 is to be read as if—

- (a) Articles 1, 3, 6, 7, 9 and 10(2) (which have no continuing operative effect) were omitted;
- (b) in Article 2, after paragraph 2, there were inserted—

“3. In these Regulations, “relevant authority” means—

- (i) in England, the Secretary of State;
 - (ii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
 - (iii) in Scotland, the Scottish Ministers;
 - (iv) in Wales, the Welsh Ministers.”;
- (c) in Article 4—
 - (i) paragraph 5 were omitted;
 - (ii) in paragraph 6, for “Member States” there were substituted “The relevant authority”;
 - (d) in Article 5—
 - (i) for “Member States”, in both places it occurs, there were substituted “the relevant authority”;
 - (ii) in paragraph 2, “Community” were omitted;
 - (e) in Article 8—
 - (i) for “Community part-financing” there were substituted “core contribution, as defined in Article 58(1) of Regulation (EU) No 1305/2013”;
 - (ii) after “Regulation (EEC) No 2052/88” there were inserted “as it had effect immediately before its repeal”.
 - (f) in Article 10, for “Member States there were substituted “relevant authorities”.

Amendment of Regulation (EC) No 746/1996

12. To the extent that Regulation (EC) No 746/1996 laying down detailed rules for the application of Regulation (EEC) 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside(**d**) continues to apply by virtue of the savings contained in Article 49 of Regulation (EC) No

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- (a) Regulation (EEC) No 2078/1992 was repealed by Article 55 of Regulation (EC) No 1257/1999, but under Article 55(3) of Regulation (EC) No 1257/1999, Regulation (EEC) No 2078/1992 continues to apply to actions approved by the European Commission under Regulation (EEC) No (E/1992 before 1st January 2000.
 - (b) Regulation (EC) No 1257/1999 was repealed by Article 93 of Regulation (EC) No 1698/2005, but under Article 93(1) of Regulation (EC) No 1698/2005, Regulation (EC) No 1257/1999 continues to apply to actions approved by the European Commission under Regulation (EC) No 1257/1999 before 1st January 2007.
 - (c) Regulation (EC) No 1698/2005 was repealed by Article 88 of Regulation (EU) No 1305/2013, but under Article 88 of Regulation (EU) No 1305/2013, Regulation (EC) No 1698/2005 continues to apply to operations implemented pursuant to programmes approved by the European Commission under Regulation (EC) No 1698/2005 before 1st January 2014.
 - (d) Regulation (EC) No 746/1996 was repealed by Article 49 of Regulation (EC) No 1750/1999, but under Article 49(1) of Regulation (EC) No 1750/1999, Regulation (EC) No 746/1999 continues to apply to the actions approved by the Commission before 1 January 2000, under the Regulations referred to in Article 55(1) of Council Regulation (EC) No 1257/1999.

1750/1999(a), Article 55 of Regulation (EC) No 1257/1999(b), Article 93 of Regulation (EC) No 1698/2005(c) and Article 88 of Regulation (EU) No 1305/2013, Regulation (EEC) No 2078/1992 is to be read as if—

- (a) Articles 8, 17, 18, 19(1) and (5), 20(2), 21-23 (which have no continuing operative effect) were omitted;
- (b) in Article 2—
 - (i) for “Member States”, in the first place it occurs, there were substituted “The relevant authority” and in the second place it occurs, there were substituted “the relevant authority”;
 - (ii) for “Community rules”, in each place it occurs, there were substituted “the law as it applies in the constituent nation”;
 - (iii) in paragraph 1, for “They” there were substituted “The relevant authority”;
 - (iv) in paragraph 2, for “specific Community provisions” there were substituted “the law as it applies in the constituent nation”;
 - (v) after paragraph 2 there were inserted—
- “3. In these Regulations—
- (a) “constituent nation” means England, Wales, Scotland or Northern Ireland, as the case may be;
- (b) “relevant authority” means—
 - (i) in England, the Secretary of State;
 - (ii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
 - (iii) in Scotland, the Scottish Ministers;
 - (iv) in Wales, the Welsh Ministers.”;
- (c) in Article 4—
 - (i) for “Member State” there were substituted “the relevant authority”;
 - (ii) for “Member States” there were substituted “The relevant authority”.
- (d) in Article 6, for “Member States” there were substituted “the relevant authority”.
- (e) in Article 9—
 - (i) for “Member States” substitute “The relevant authority”;
 - (ii) for “Member State” there were substituted “relevant authority”.
- (f) in Article 10, for “Community aid”, in both places, there were substituted “agricultural support”.
- (g) in Article 11—
 - (i) for “Member States”, in the first two places it occurs, there were substituted “The relevant authority”;
 - (ii) for “Member States”, in the third place it occurs, there were substituted “the relevant authority”.

(a) Commission Regulation (EC) No 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (Official Journal L 214 , 13/08/1999 P. 0031).

(b) Regulation (EC) No 1257/1999 was repealed by Article 93 of Regulation 1698/2005, but under Article 93(1) of Regulation 1698/2005, Regulation (EC) No 1257/1999 continues to apply to actions approved by the European Commission under Regulation (EC) No 1257/1999 before 1st January 2007.

(c) Regulation (EC) No 1698/2005 was repealed by Article 88 of Regulation (EU) No 1305/2013, but under Article 88 of Regulation (EU) No 1305/2013, Regulation (EC) No 1698/2005 continues to apply to operations implemented pursuant to programmes approved by the European Commission under Regulation (EC) No 1698/2005 before 1st January 2014.

- (h) in Articles 12 and 13, for “Member States”, in both places it occurs, there were substituted “The relevant authority”.
- (i) in Articles 14, for “Member State”, there were substituted “relevant authority”;
- (j) Article 15 were omitted;
- (k) in Article 16—
 - (i) for “Member States”, there were substituted “The relevant authority”;
 - (ii) paragraph 4 were omitted;
- (l) in Article 19, for “Member State”, there were substituted “relevant authority”;
- (m) in Article 20—
- (n) in paragraph 1—
 - (i) for “Member State” there were substituted “relevant authority”;
 - (ii) for “Member States”—
 - (aa) in the first place it occurs, there were substituted “the relevant authority”;
 - (bb) in the second place it occurs, there were substituted “The relevant authority”;
 - (iii) for “their national law” there were substituted “the law as it applies in the constituent nation”;
- (o) in paragraph 2, for “Member States” there were substituted “The relevant authority”.

Amendment of Regulation (EC) No 1257/1999

13. To the extent that Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) continues to apply to virtue of continues to apply by virtue of the savings contained in Article 49 of Regulation (EC) No 1750/1999(a), Article 55 of Regulation (EC) No 1257/1999(b), Article 93 of Regulation (EC) No 1698/2005(c) and Article 88 of Regulation (EU) No 1305/2013, Regulation (EEC) No 2078/1992 is to be read as if—

- (a) Articles 1(1), 4-21, 25-28, 34-36, 39(2), 49-56 (which have no continuing operative effect) were omitted;
- (b) in Article 1—
 - (i) for paragraph 2 there were substituted as follows—

“2. Rural development measures must accompany and complement direct payment support and CMO support.”;
 - (ii) in paragraph 3, the last subparagraph were substituted as follows—

“in the regions concerned, taking into account the specific targets of support under these objectives.”.
 - (iii) at the end were inserted—

“4. In these Regulations—

 - (a) “CMO support” means financial support granted under Regulation 1308/2013 or under any of the delegated or implementing acts adopted on the basis of that regulation or on the basis of Regulation 1234/2007;

(a) Commission Regulation (EC) No 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (Official Journal L 214 , 13/08/1999 P. 0031).

(b) Regulation (EC) No 1257/1999 was repealed by Article 93 of Regulation (EC) No 1698/2005, but under Article 93(1) of Regulation (EC) No 1698/2005, Regulation (EC) No 1257/1999 continues to apply to actions approved by the European Commission under Regulation (EC) No 1257/1999 before 1st January 2007.

(c) Regulation (EC) No 1698/2005 was repealed by Article 88 of Regulation 1305/2013, but under Article 88 of Regulation (EU) No 1305/2013, Regulation (EC) No 1698/2005 continues to apply to operations implemented pursuant to programmes approved by the European Commission under Regulation 1698/2005 before 1st January 2014.

- (c) “direct payment support” means financial support granted under any of the support schemes listed in Annex I to Regulation 1307/2013;
- (d) “relevant authority” means—
 - (i) in England, the Secretary of State;
 - (ii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
 - (iii) in Scotland, the Scottish Ministers;
 - (iv) in Wales, the Welsh Ministers;
- (e) “support for rural development” means financial support granted under Title 3 of Regulation 1305/2013 or Title 3, Chapter 2 of Regulation (EU) No 1303/2013, as amended by the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2018.”.
- (c) in Article 22, for “Community’s policy objectives” there were substituted “the policy objectives in Article 1”.
- (d) in Article 24(2), for “Community support” there were substituted “support for rural development”.
- (e) in Article 29—
 - (i) in paragraph 4 for “Community and the Member States” there were substituted “United Kingdom”;
 - (ii) in paragraph 5—
 - (aa) for “the Community” there were substituted “European Union”;
 - (bb) for “Member States” there were substituted “relevant authorities”.
- (f) in Article 31(4), for “Community support” there were substituted “support for rural development”;
- (g) in Article 33—
 - (i) for “Regulation (EC) No 1782/2003,” there were substituted “Articles 93 and 94 of and Annex 2 to Regulation 1306/2013”;
 - (ii) the last sentence were omitted;
- (h) Articles 33a-33m were omitted;
- (i) in Article 37—
 - (i) in paragraph 1, for “Community law” there were substituted “the law as it applies in England, Wales, Scotland or Northern Ireland, as the case may be”;
 - (ii) in paragraph 2, in both places it occurs, “Community” were omitted;
 - (iii) in paragraph 3, for “other instruments of the common agricultural policy” there were substituted “CMO support and direct payment support”;
 - (iv) in paragraph 4—
 - (v) for “Member States” there were substituted “The relevant authority”;
 - (vi) “Community” were omitted.
- (j) in Article 38(1), “Community” were omitted.
- (k) in Article 39, for “Member States” there were substituted “The relevant authority”.

Amendment of Regulation (EC) No 1698/2005

14. To the extent that Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(a) continues to apply by virtue of the savings provision in Article 88 of Regulation (EU) No 1305/2013, Regulation (EC) No 1698/2005 is to be read as if—

- (a) Articles 1(3) and (5), 5(3), 7, 9-35a, 50, 51(3), 52-71, 73-75, 77-93 and Annex 2 (which have no continuing operative effect) were omitted;
- (b) in Article 1—
 - (i) for paragraph 1 there were substituted—

“1. lays down the general rules governing support for rural development;”;
- (c) in Article 2, at the end, insert—

“(l) “constituent nation” means England, Wales, Scotland or Northern Ireland, as the case may be;

 - (n) “relevant authority” means—
 - (i) in England, the Secretary of State;
 - (ii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
 - (iii) in Scotland, the Scottish Ministers;
 - (iv) in Wales, the Welsh Ministers;
 - (o) “support for rural development” means financial support granted under Title 3 of Regulation 1305/2013 or Title 3, Chapter 2 of Regulation (EU) No 1303/2013, as amended by the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2018.”;
- (d) for Article 3 there were substituted—

“Article 3

Missions

Support for rural development shall contribute to the promotion of sustainable rural development in a complementary manner to the market and income support policies for the agriculture sector and support under Regulation 508/2014.”;

- (e) in Article 5—
 - (i) in paragraph 1—
 - (aa) for “The EAFRD” there were substituted “Support for rural development”;
 - (bb) for “Community’s” there were substituted “relevant authority’s”;
 - (ii) for paragraph 2 there were substituted—

“2. The relevant authority must ensure that support for rural development is provided consistently with support under Regulation (EU) No 508/2014 on the European Maritime and Fisheries Fund.”;

 - (iii) for paragraph 4 there were substituted—

“4. The relevant authority must ensure that there is coordination between the provision of support for rural development and the provision of support under Regulation 508/2014.”;

(a) Regulation (EC) No 1698/2005 was repealed by Article 88 of Regulation (EU) No 1305/2013, but under Article 88 of Regulation (EU) No 1305/2013, Regulation (EC) No 1698/2005 continues to apply to operations implemented pursuant to programmes approved by the European Commission under Regulation (EC) No 1698/2005 before 1st January 2014.

- (iv) in paragraph 5, for “the European Agricultural Guarantee Fund” there were substituted “financial support granted under any of the support schemes listed in Annex I to Regulation 1307/2013”;
 - (v) paragraph 7 were omitted;
 - (f) in Article 6—
 - (i) in paragraph 1—
 - (ii) for “EAFRD assistance” there were substituted “Support for rural development”;
 - (iii) for “Commission and the Member State and with” there were substituted “relevant authorities and”;
 - (iv) for “Member State”, in both places it occurs (following the amendment in paragraph (ii), there were substituted “relevant authority”;
 - (g) in paragraph 3, for “Member States” there were substituted “The relevant authority”.
- (2) In Article 8, for “Member States and the Commission” there were substituted “The relevant authority”.
- (3) In Article 39—
- (a) for paragraph 1 there were substituted—
 - “1. The relevant authority must make available support provided for in Article 36(a)(iv) throughout its constituent nation, in accordance with the specific needs of the constituent nation.”;
 - (b) in paragraph 3, for “Articles 4” to “Regulation (EC) No 1782/2003” substitute “Articles 93 and 94 of and Annex 2 to Regulation 1306/2013”.
- (4) In Article 42—
- (a) for paragraph 1 there were substituted—
 - “1. Support under this subsection shall be granted only for forests and wooded areas owned by private owners or by their associations or by municipalities.”;
 - (b) in paragraph 2—
 - (i) for “Community” there were substituted “European Union”;
 - (ii) “by the Member States” were omitted.
 - (c) in Article 51(2), for “Member States” there were substituted “the relevant authority” and for “Member State” there were substituted “relevant authority”;
 - (d) in Article 72(1) for the first subparagraph there were substituted—
 - “1. The relevant authority must ensure that an investment operation retains the support for rural development if that operation does not, within five years of the relevant authority’s funding decision, undergo a substantial modification that:
 - (a) affects its nature or implementation conditions or gives undue advantage to a firm or public body;
 - (b) results either from a change in the nature of ownership of an item of infrastructure, or the cessation or relocation of a productive activity.”;
 - (e) Article 76 were omitted;
 - (f) in Annex 2, rows 12 and 13 were omitted.

Amendment of Regulation 1974/2006

15. To the extent that Commission Regulation (EC) No 1974/2006 laying down detailed rules for the application of Council Regulation (EC) 1698/2005 on support for rural development by the

European Agricultural Fund for Rural Development (EAFRD)(a) continues to operate by virtue of the savings provision in Article 19 of Regulation (EU) No 807/2014, Regulation 1974/2006 is to be read as if—

- (a) Articles 2(3), 3-25, 35-41b, 48-53, 55-57, 59-64, Annexes 1-5 and 7 (which have no continuing operative effect) were omitted;
- (b) in Article 2—
 - (i) in paragraph 1, for point (a) there were substituted—

“(a) between support for rural development on the one hand, and direct payment support, support under Regulation (EU) No 508/2014 and CMO support measures on the other hand;”;
 - (ii) in paragraph 2, for “Member States”, in both places it occurs, substitute “the relevant authority”;
 - (iii) at the end were inserted—
- “4. In these Regulations—
 - (a) “CMO support” means financial support granted under Regulation 1308/2013 or under any of the delegated or implementing acts adopted on the basis of that regulation or on the basis of Regulation 1234/2007;
 - (c) “direct payment support” means financial support granted under any of the support schemes listed in Annex I to Regulation 1307/2013;
 - (d) “relevant authority” means—
 - (i) in England, the Secretary of State;
 - (ii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
 - (iii) in Scotland, the Scottish Ministers;
 - (iv) in Wales, the Welsh Ministers;
 - (e) “support for rural development” means financial support granted under Title 3 of Regulation 1305/2013 or Title 3, Chapter 2 of Regulation (EU) No 1303/2013 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, as amended by the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2018.”;
- (c) in Article 26, after “as regards the” there were inserted “requirements arising from the”;
- (d) in Article 26a—
 - (i) in paragraph 1, after “concerns” there were inserted “requirements arising from”;
 - (ii) in paragraph 2, for “Union legislation existing” there were substituted “law as it applied in the constituent nation”;
- (e) in Article 27—
 - (i) in paragraph 9—
 - (aa) for “Member States”, in both places it occurs, there were substituted “relevant authority”;
 - (bb) for “Member State” there were substituted “relevant authority”;

a Regulation (EC) No 1974/2006 was repealed by Article 19 of Regulation (EU) No 807/2014, but under Article 19 of Regulation (EU) No 807/2014, but under Article 19 of Regulation (EU) No 807/2014 continues to apply to operations implemented pursuant to programmes approved by the Commission under Regulation (EC) No 1698/2005 before 1 January 2014.

- (f) in paragraphs 10 to 13, for “Member States”, in each place it occurs, there were substituted “The relevant authority”.
- (g) in Article 28(3)(b)—
 - (i) “Community” were omitted;
 - (ii) for “Member States” there were substituted “constituent nations”;
- (h) Articles 32 and 32a, for “Member States”, in each place it occurs, there were substituted “the relevant authority”;
- (i) in Article 44, for “Member States”—
 - (i) in the first place it occurs, there were substituted “The relevant authority”;
 - (ii) in the second place it occurs, there were substituted “the relevant authority”.
- (j) in Article 45, for “Member States”, in both places it occurs, there were substituted “the relevant authority”.
- (k) in Article 47, for “Member States” there were substituted “The relevant authority”.
- (l) in Article 54(2), for “Public expenditure co-financed by the EAFRD,” there were substituted “Support for rural development”;
- (m) Article 58 were omitted;
- (n) Annex VI were omitted.

Amendment of Regulation 65/2011

16. To the extent that Commission Regulation (EU) No 65/2011 laying down detailed rules for the implementation of Council Regulation (EC) 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures(a) continues to operate by virtue of the savings provision in Article 43 of Regulation (EU) No 640/2014, Regulation (EU) No 65/2011 is to be read as if—

- (a) Articles 3(1) and (2), 4(1)-(5) and (7), 8-10, 12-15, 17, 19-20, 23-33 and Annex 1 (which have no continuing operative effect) were omitted;
- (b) in Article 2—
 - (i) at point (b), for “national authorities” there were substituted “relevant authority”;
 - (ii) at the end insert—
 - “(f) “relevant authority” means—
 - (i) in England, the Secretary of State;
 - (ii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
 - (iii) in Scotland, the Scottish Ministers;
 - (iv) in Wales, the Welsh Ministers.”;
- (c) in Article 7, for “Member States” there were inserted “relevant authority”;
- (d) In Article 4(9), for “Union or national law” there were substituted “the law as it applies in the constituent nation”.
- (e) In Article 18(2), for “Member State” there were substituted “relevant authority”.

Robert Goodwill
Minister of State

28th March 2019

Department for Environment, Food and Rural Affairs

(a) Regulation (EU) 65/2011 was repealed by Article 43 of Regulation 640/2014, but under Article 43 of Regulation (EU) No 640/2014, Regulation (EU) No 65/2011 continues to apply payment claims made and application for support relating to the year 2014 and earlier years and payment claims relating to the year 2015 under Article 66(2) of Regulation (EC) No 1698/2005.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to retained direct EU legislation in the field of rural development. Part 2 amends Regulation (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD). Part 3 amends legacy Regulations which have been repealed but which continue to operate by virtue of various savings provisions.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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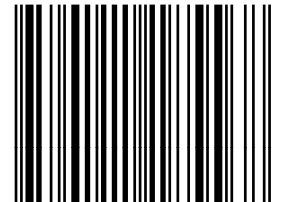
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