



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>The European Structural and Investment Funds Common Provisions and Common Provision Rules etc. (Amendment) (EU Exit) Regulations 2019</b>
<b>DATE</b>	<b>31 January 2019</b>
<b>BY</b>	<b>Rebecca Evans AM, Minister for Finance and Trefnydd</b>

### **Title of the SI**

The European Structural and Investment Funds Common Provisions and Common Provision Rules etc. (Amendment) (EU Exit) Regulations 2019

### **Policy Overview of the SI**

The SI maintains the operability of the structural fund programmes in the event of a 'no-deal' exit scenario. It creates the necessary provisions to ensure that European Regional Development Fund (ERDF) and European Social Fund (ESF) projects started before exit can continue to operate under a domestic framework that mirrors pre-exit structures, allowing payments to be made to the relevant beneficiaries. It also ensures that all projects started before exit will continue to comply with EU Regulations, mitigating against the risk of non-compliance with any survivable obligations.

The SI creates the payment powers necessary for all Devolved Administrations to administer the UK Government Treasury Guarantee for European Territorial Cooperation (ETC) Programmes.

The SI also preserves Welsh Ministers' powers and the designation of WEFO as a Managing and Certifying Authority, and of the Welsh Government as an Audit Authority, for structural funds.

### **The [retained EU] Law which is being amended**

- Commission Regulation (EU) No 1303/ 2013 of the European Parliament and of the Council of 17 December 2013
- Commission Delegated Regulation (EU) No 240/ 2014 of 7 January 2014
- Commission Delegated Regulation (EU) No 480/ 2014 of 3 March 2014
- Commission Delegated Regulation (EU) 2015/ 616 of 13 February 2015
- Commission Delegated Regulation (EU) 2015/1076 of 28.4.2015

- Commission Delegated Regulation (EU) 2015/1516 of 10 June 2015
- Commission Delegated Regulation (EU) 2015/ 1970 of 8 July 2015
- Commission Delegated Regulation (EU) 2016/ 568 of 29 January 2016
- Commission Implementing Regulation (EU) No 184/ 2014 of 25 February 2014
- Commission Implementing Regulation (EU) No 288/ 2014 of 25 February 2014
- Commission Implementing Regulation (EU) No 215/ 2014 of 7 March 2014
- Commission Implementing Regulation (EU) No 1011/ 2014 of 22 September 2014
- Commission Implementing Regulation (EU) No 1232/ 2014 of 18 November 2014
- Commission Implementing Regulation (EU) 2015/ 207 of 20 January 2015
- Commission Implementing Regulation (EU) 2015/ 1974 of 8 July 2015
- 2014/190/EU: Commission Implementing Decision of 3 April 2014
- 2014/660/EU: Commission Implementing Decision of 11 September 2014
- Commission Regulation (EU) No 1299/2 013 of the European Parliament and of the Council of 17 December 2013
- Commission Regulation (EU) No 1301/ 2013 of the European Parliament and of the Council of 17 December 2013
- Commission Regulation (EU) No 1302/ 2013 of the European Parliament and of the Council of 17 December 2013
- Commission Delegated Regulation (EU) No 481/ 2014 of 4 March 2014
- Commission Delegated Regulation (EU) No 522/ 2014 of 11 March 2014
- Commission Delegated Regulation (EU) 2015/ 2195 of 9 July 2015
- 2014/266/EU: Commission Implementing Decision of 16 June 2014
- 2014/805/EU: Commission Implementing Decision of 17 November 2014
- 2014/388/EU: Commission Implementing Decision of 16 June 2014

### **The purpose of the amendments**

The purpose of the amendments is to correct deficiencies in legislation arising from the UK leaving the European Union relating to the common and fund-specific regulations governing the European Regional Development Fund, European Territorial Cooperation, the European Social Fund and the Cohesion Fund.

The SI intends to:

- Repeal the Structural Funds regulations listed in Schedule 1 and Schedule 2 of the Regulations, either in whole or in part, given that they will be inoperable upon exit day
- Preserve and retain all references to the Structural Funds regulations in existing offers of funding, so that the regulations will continue to apply to survivable obligations created pre EU Exit
- For ETC, create the necessary payment powers for a Secretary of State or Devolved Authority to pay beneficiaries or Managing Authorities involved in ETC, or the European Commission, the appropriate funds from the guarantee.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://beta.parliament.uk/work-packages/OY5198LA>

**Any impact the SI may have on the Welsh Ministers' executive competence**

There is no effect on the Welsh Minister's executive competence

**Any impact the SI may have on the legislative competence of the National Assembly for Wales**

The SI has no impact on the National Assembly for Wales' legislative competence.

**Why consent was given**

There is no divergence between the Welsh Government and the UK Government on the policy for the correction. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK which promotes clarity and accessibility during this period of change. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.