



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019**

DATE **15 February 2019**

BY **Rebecca Evans AM, Minister for Finance and Trefnydd**

The Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019.

The law which is being amended

- Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance;
- Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance;
- Commission Implementing Regulation (EU) No 906/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure;
- Commission Implementing Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of the euro;
- Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency; The following Regulations have been revoked;
- Commission Implementing Regulation (EU) No 834/2014 laying down rules for the application of the common monitoring and evaluation framework of the common agricultural policy;

- Commission Delegated Regulation (EU) No 2015/1971 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development and repealing Commission Regulation (EC) No 1848/2006;
- Commission Implementing Regulation (EU) No 2015/1975 setting out the frequency and the format of the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for the Rural Development, under Regulation (EU) No 1306/2013 of the European Parliament and of the Council;
- Commission Implementing Regulation (EU) No 367/2014 setting the net balance available for EAGF expenditure.
- Commission Implementing Regulation (EU) 2017/1758 laying down form and content of the accounting information to be submitted to the Commission for the purpose of the clearance of the accounts of the EAGF and the EAFRD as well as for monitoring and forecasting purposes.

Any impact the SI may have on the Assembly’s legislative competence and/or the Welsh Ministers’ executive competence

This instrument confers functions on the Welsh Ministers without encumbrance. There are also two functions which are being transferred to the Welsh Ministers, Secretary of State and other Devolved Authorities which can only be exercised by them jointly.

Functions transferred to the Secretary of State so that they are exercisable jointly with the Welsh Ministers constitute functions of a Minister of the Crown for the purposes of Schedule 7B to Government of Wales Act 2006. This may be a relevant consideration in the context of the Assembly’s competence to legislate in the future in these areas.

The purpose of the amendments

The instrument will ensure that the retained EU CAP “Horizontal” legislation will operate effectively throughout the UK after EU Exit. The appropriate legislative “fixes” introduced by the instrument will maintain a status quo position, as far as possible, and will have no noticeable impacts on the ground for farmers or land managers.

Agriculture is a devolved subject, and this instrument reflects the UK devolution settlements. The relevant authorities in England, Northern Ireland, Scotland and Wales will continue to be able to operate “Horizontal” CAP provisions within their respective territories.

The amendments made by these Regulations do not amount to a change in policy but ensure that retained EU law continues to operate effectively after the UK leaves the EU.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/aJuu1576>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical

nature of the amendments. The amendments have been considered and present no divergence of policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.