



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019**

DATE **10 April 2019**

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

The Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019

The law which is being amended

The Common Agricultural Policy and Market Measures (Miscellaneous Amendments) (EU Exit) Regulations 2019 (“the 2019 Regulations”) amend the following domestic instruments:

- The Common Agricultural Policy (Direct Payments to Farmers) (Amendment) (EU Exit) Regulations 2019 (“the Direct Payments Regulations”);
- The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (“the Financing Regulations”);
- The Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019 (“the Agricultural Products Regulations”);
- The Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019 (“Marketing Standards”); and
- The Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) 2019 (“the Market Measures Regulations”).

While the Market Measures Regulations do make amendments to legislation applicable in Wales, the amendments made to the Market Measures Regulations by the 2019 Regulations relate to the Marketing of Fresh Horticultural Produce Regulations 2009 and the Milk and Milk Products (Pupils in Educational Establishments) (England and Northern Ireland) Regulations 2017, neither of which apply in relation to Wales. It is for this reason that the Market Measures Regulations are not referred to again elsewhere in this statement.

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

The amendment to the Financing Regulations made by regulation 3(2)(b) of the 2019 Regulations has the effect of substituting the reference to "Member State" in Article 90(2) of Regulation (EU) 1306/2013 for a reference to the "relevant authority". The relevant authority for the purpose of Regulation (EU) 1306/2013 is the Welsh Ministers.

That amendment, in turn, therefore transfers an administrative function to the Welsh Ministers without encumbrance. The result of that transfer is to impose a duty on the Welsh Ministers to designate the competent authority responsible for carrying out checks in respect of obligations laid down in Section 2 of Chapter 1 of Title 2 of Part 2 of Regulation (EU) 1308/2013 in accordance with criteria laid down in Article 4 of Regulation (EC) 882/2004. It also similarly imposes a duty to ensure that any operator complying with those obligations is entitled to be covered by a system of checks.

The purpose of the amendments

The 2019 Regulations make amendments under section 8(1) of the European Union (Withdrawal) Act 2018 to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(b) and (g)) arising from the withdrawal of the UK from the European Union..

The amendments made to the Direct Payments Regulations take account of subsequent changes made to Regulation (EU) 1307/2013 by Regulation (EU) 1305/2013 and 1307/2013. The amendments to the Direct Payments Regulations result in operability changes to the retained EU law version of Regulation 1307/2013.

The amendments made to the Financing Regulations result in corrective, operability changes to the retained EU law version of Regulation (EU) 1306/2013.

The amendments made to the Agricultural Products Regulations also result in corrective, operability changes to the retained EU law version of Regulation (EU) 1308/2013.

The amendments made in the Marketing Standards Regulations take account of subsequent amendment made to Regulation (EU) 543/2011 by Regulation (EU) 543/2011, or are simply corrective in nature. The amendments to the Marketing Standards Regulations result in operability changes to the retained EU law version of Regulation (EU) 543/2011.

The 2019 Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/DjwMqkoD>

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 fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU.