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EXITING THE EUROPEAN UNION

AGRICULTURE

FISHERIES

**The European Structural and Investment Funds Common
Provisions Rules etc (Amendment etc) (EU Exit) Regulations
2018**

Sift requirements satisfied ***

Made - - - - ***

Laid before Parliament ***

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).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the European Structural and Investment Funds Common Provisions Rules etc (Amendment etc) (EU Exit) Regulations 2018 and come into force on exit day.

Interpretation

2. In these Regulations—

“Regulation 184/2014” means Commission Implementing Regulation (EU) No 184/2014 laying down pursuant to Regulation (EU) No 1303/2013 of the European Parliament and of the Council 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, the terms and conditions applicable to the electronic data exchange system between the Member States and the Commission and adopting pursuant to Regulation (EU) No 1299/2013 of the European Parliament and of the Council on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal, the nomenclature of the categories of intervention for support from the European Regional Development Fund under the European territorial cooperation goal;

“Regulation 215/2014” means Commission Implementing Regulation (EU) No 215/2014 laying down rules for implementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council 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 with regard to methodologies for climate change support, the determination of milestones and targets in the performance framework and the nomenclature of categories of intervention for the European Structural and Investment Funds;

“Regulation 240/2014” means Commission Delegated Regulation (EU) No 240/2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds;

“Regulation 480/2014” means Commission Delegated Regulation (EU) No 480/2014 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council 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;

“Regulation 821/2014” means Commission Implementing Regulation (EU) No 821/2014 laying down rules for the application of Regulation (EU) No 1303/2013 of the European Parliament and of the Council as regards detailed arrangements for the transfer and management of programme contributions, the reporting on financial instruments, technical characteristics of information and communication measures for operations and the system to record and store data;

“Regulation 964/2014” means Commission Implementing Regulation (EU) No 964/2014 laying down rules for the application of Regulation (EU) No 1303/2013 of the European Parliament and of the Council as regards standard terms and conditions for financial instruments;

“Regulation 1011/2014” means Commission Implementing Regulation (EU) No 1011/2014 laying down detailed rules for implementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council as regards the models for submission of certain information to the Commission and the detailed rules concerning the exchanges of information between beneficiaries and managing authorities, certifying authorities, audit authorities and intermediate bodies;

“Regulation 2015/1076” means Commission Delegated Regulation (EU) No 2015/1076 laying down, pursuant to Regulation (EU) No 1303/2013 of the European Parliament and of the Council, additional rules on the replacement of a beneficiary and on the related responsibilities, and minimum requirements to be included in Public Private Partnership agreements funded by the European Structural and Investment Funds;

“Regulation 2015/1516” means Commission Delegated Regulation (EU) No 2015/1516 establishing, pursuant to Regulation (EU) No 1303/2013 of the European Parliament and of the Council, a flat rate for operations funded by the European Structural and Investment Funds in the Research, Development and Innovation sector;

“Commission Decision 2014/660” means Commission Implementing Decision (EU) No 2014/660 on the model of funding agreement for the contribution of the European Regional Development Fund and the European Agricultural Fund for Rural Development to joint uncapped guarantee and securitisation financial instruments in favour of small and medium-sized enterprises.

PART 2

Amendment of retained direct EU legislation

Amendment of Regulation 215/2014

3.—(1) Regulation 215/2014, to the extent that it applies to the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund, is amended as follows.

(2) Before Article 1 insert—

“Article 11

Interpretation

In this Regulation, a reference to Regulation (EU) No 1303/2013 or any provision of that Regulation is a reference to that Regulation as it applies for the purpose of support for rural development and support under Regulation 508/2014.”.

(3) In the heading of Chapter 1, for “for each of the ESI Funds” substitute “under support for rural development and support under Regulation 508/2014”.

(4) Omit Article 1.

(5) In Article 2—

(a) in the heading, for “by the EAFRD” substitute “for rural development”;

(b) in paragraph 1—

(i) after “support” insert “for rural development”;

(ii) omit “by the EAFRD”.

(6) In Article 3—

(a) in the heading, for “by the EMFF” substitute “under Regulation 508/2014”;

(b) in paragraph 1—

(i) in the first subparagraph, for “the EMFF”, in both places it occurs, substitute “funding under Regulation 508/2014”;

(ii) in the second subparagraph, for “Support by the EMFF” substitute “Support under Regulation 508/2014”;

(iii) in point (a), for “by the EMFF” substitute “under Regulation 508/2014”;

(iv) in point (b), for “the EMFF” substitute “funding under Regulation 508/2014”;

(v) in points (c) and (d), for “Member States”, in both places it occurs, substitute “the relevant authority”;

(c) in paragraph 2, for “A Member State” substitute “The relevant authority”.

(7) Omit Chapters 2 to 4.

(8) Omit Annex 1.

(9) In Annex 3, in the entry for Article 78, for “Member States” substitute “relevant authority”.

Amendment of Regulation 240/2014

4.—(1) Regulation 240/2014, to the extent that it applies to the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund, is amended as follows.

- (2) In Article 1—
 - (a) omit “European”;
 - (b) omit “Partnership Agreements and”;
 - (c) for “supported by the European Structural and Investment Funds” substitute “funded by support for rural development or support under Regulation 508/2014”.

- (3) After Article 1 insert—

“Article 1A
Interpretation

In this Regulation, a reference to Regulation (EU) No 1303/2013 or any provision of that Regulation is to be read as a reference to that Regulation as it applies for the purpose of support for rural development and support under Regulation 508/2014.”.

- (4) In Article 2, for “Member States” substitute “The relevant authority”.
- (5) Omit Article 3.
- (6) In Article 4—
 - (a) in paragraph 1—
 - (i) for “Member States” substitute “the relevant authority”;
 - (ii) in points (a) to (c), for “the ESI Funds contributing to the programme”, in each place it occurs, substitute “support for rural development and support under Regulation 508/2014”;
 - (b) omit paragraph 2.
- (7) In the heading of Chapter 3, omit “Partnership Agreement and”.
- (8) In Article 5—
 - (a) in the heading, omit “Partnership Agreement and”;
 - (b) in paragraph 1—
 - (i) for “Member States and managing authorities” substitute “the relevant authority”;
 - (ii) omit “Partnership Agreement and”;
 - (c) in paragraph 2—
 - (i) for “Member States” substitute “the relevant authority”;
 - (ii) in point (b), omit “on the draft Partnership Agreement and”;
 - (d) in paragraph 3, for “Member States” substitute “the relevant authority”;
 - (e) in paragraph 4, for “Member State” substitute “relevant authority”.
- (9) Omit Articles 6 and 7.
- (10) In Articles 8 and 9, for “Member States” substitute “The relevant authority”.
- (11) In Article 10—
 - (a) in paragraph 1, for “Member States” substitute “the relevant authority”;
 - (b) omit paragraph 2.
- (12) In Article 12, for “Member States” substitute “The relevant authority”.
- (13) Omit Article 14.
- (14) Omit Article 16(2).
- (15) In the heading of Chapter 6—
 - (a) for “ESI Funds” substitute “support for rural development and support under Regulation 508/2014”;
 - (b) omit “and the role of the Commission in dissemination of good practices”.
- (16) In Article 17, omit paragraphs 4 and 5.

(17) Omit Articles 18 and 19.

(18) After Article 19, omit the words from “This Regulation” to “Member States”.

Amendment of Regulation 480/2014

5.—(1) Regulation 480/2014, to the extent that it applies to the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund, is amended as follows.

(2) In Article 1—

(a) in point (a)—

(i) omit “the ERDF, the ESF, the Cohesion Fund,” and “(hereinafter referred to as the ‘ESI Funds’)”;

(ii) for “the EAFRD and the EMFF” substitute “support for rural development and support under Regulation 508/2014”;

(iii) omit point (i);

(iv) in point (iv), omit “Union”;

(b) omit points (b) and (c).

(3) After Article 1 insert—

“Article 1A

Interpretation

In this Regulation, a reference to Regulation (EU) No 1303/2013 or any provision of that Regulation is a reference to that Regulation as it applies for the purpose of support for rural development and support under Regulation 508/2014.”.

(4) In the heading of Chapter 2 for “the ESI Funds” substitute “support for rural development and support under Regulation 508/2014”.

(5) Omit Section 1 of Chapter 2.

(6) In Article 4(1)—

(a) omit “the ERDF, the Cohesion Fund and”;

(b) for “the EAFRD” substitute “support for rural development”.

(7) Omit Article 6(1)(b).

(8) In Article 7—

(a) in paragraph 1—

(i) in point (a), omit “Union and”;

(ii) for point (f) substitute—

“(f) agreement to be audited by audit bodies.”;

(b) in paragraph 3, omit “including the EIB,”.

(9) In Article 9—

(a) in paragraph 1—

(i) in point (c)—

(aa) omit “the ERDF, the ESF, the Cohesion Fund and”;

(bb) for “the EMFF” substitute “support under Regulation 508/2014”;

(cc) omit “and (2)”;

(dd) for “the EAFRD” substitute “support for rural development”;

(ii) in point (d)(ii), omit “declared to the Commission”;

(iii) in point (e)—

(aa) omit “Union and”;

- (bb) in point (ii), for “the ESI Funds and re-use of resources attributable to the ESI Funds” substitute “, and re-use of resources attributable to, support for rural development and support under Regulation 508/2014”;
 - (b) in paragraph 2—
 - (i) in the first subparagraph, for “the ERDF, the ESF, the Cohesion Fund and the EMFF” substitute “support under Regulation 508/2014”;
 - (ii) in the second subparagraph, for “the EAFRD” substitute “support for rural development”;
 - (c) omit paragraphs 3 and 4.
- (10) In Article 10—
- (a) for “Member States and managing authorities” substitute “The relevant authority”;
 - (b) omit the words from “point (a)” to “referred to in”;
 - (c) for the words from “However, as” to “the EMFF” substitute “However, as regards support under Regulation 508/2014”.
- (11) In Article 12(1)(a), omit “ESI Funds”.
- (12) In Article 19—
- (a) in paragraph 3, for “co-financed by the ESI Funds” substitute “funded by support for rural development or support under Regulation 508/2014”;
 - (b) in paragraph 4, for “Member States” substitute “The relevant authority”;
 - (c) in paragraph 5(a), for “Member State’s” substitute “constituent nation’s”;
 - (d) in paragraph 6, for “Member States” substitute “the relevant authority”.
- (13) In the heading of Section 4, omit “Union”.
- (14) In Article 20—
- (a) omit points (a) and (b);
 - (b) in point (c)—
 - (i) for “supported by the EAFRD” substitute “funded by support for rural development”;
 - (ii) omit “Union”;
 - (c) in point (d), for “supported by the EMFF” substitute “funded by support under Regulation 508/2014”.
- (15) In Article 21—
- (a) omit points (a) and (b);
 - (b) in point (c)—
 - (i) for “supported by the EAFRD” substitute “funded by support for rural development”;
 - (ii) omit “Union”;
 - (c) in point (d), for “supported by the EMFF” substitute “funded by support under Regulation 508/2014”.
- (16) Omit Chapters 3 and 4.
- (17) Omit Annexes 2 to 4.

Amendment of Regulation 821/2014

6.—(1) Regulation 821/2014, to the extent that it applies to the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund, is amended as follows.

- (2) Before Article 1 insert—

“Article A1
Interpretation

In this Regulation, a reference to Regulation (EU) No 1303/2013 or any provision of that Regulation is a reference to that Regulation as it applies for the purpose of support for rural development and support under Regulation 508/2014.”.

- (3) Omit Chapters 2 and 3.
- (4) After Article 12, omit the words from “This Regulation” to “Member States”.
- (5) In Annex 1—
- (a) in the heading of point 1, for “from the ESI funds is” substitute “for rural development and support under Regulation 508/2014 are”;
 - (b) in rows 1 and 1.1, omit “ESI Fund”;
 - (c) in row 2, for “ESI Fund(s)” substitute “programme(s)”;
 - (d) omit rows 4 and 4.1;
 - (e) in row 6, omit “country and”;
 - (f) omit rows 7.1 and 7.1.1;
 - (g) in row 7.2, omit “ESI Fund”;
 - (h) in the heading of point 3—
 - (i) for “Articles” substitute “Article”;
 - (ii) omit “38(1)(a),”;
 - (i) in row 11.1—
 - (i) omit “the European Investment Bank; the European Investment Fund;”;
 - (ii) for “Member State” in both places it occurs, substitute “constituent nation”;
 - (j) in row 11.1.2, omit “country and”;
 - (k) omit rows 14.1, 15.1 to 15.2.2 and 16;
 - (l) in the heading of point 5, omit “ESI Funds”;
 - (m) omit rows 24.1 and 25.1 to 25.3;
 - (n) in the heading of point 7, for “from the ESI Funds” substitute “for rural development and support under Regulation 508/2014”;
 - (o) in row 35, for “payments from ESI Funds” substitute “support for rural development and support under Regulation 508/2014”;
 - (p) in row 36, for “from ESI Funds” substitute “for rural development and support under Regulation 508/2014”;
 - (q) in row 37, for “ESI Funds” substitute “support for rural development and support under Regulation 508/2014”;
 - (r) in row 37.1, for “from the ESI Funds” substitute “for rural development and support under Regulation 508/2014”;
 - (s) in rows 38, 38.1, 38.2 and 38.3, for “ESI Funds”, in each place it occurs, substitute “support for rural development and support under Regulation 508/2014”.
- (6) Omit Annex 2.

Amendment of Regulation 964/2014

7.—(1) Regulation 964/2014, to the extent that it applies to the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund, is amended as follows.

- (2) After Article 1 insert—

“Article 1A
Interpretation

In this Regulation, a reference to Regulation (EU) No 1303/2013 or any provision of that Regulation is a reference to that Regulation as it applies for the purpose of support for rural development and support under Regulation 508/2014.”.

(3) In Article 3(1), for “the ESI Funds contribution to the instrument” substitute “the contribution to the instrument from support for rural development or support under Regulation 508/2014”.

(4) In Article 8a, omit “European Structural and Investment Funds (ESIF)”.

(5) Omit Article 8b.

(6) Omit Article 9.

(7) In Annex 1—

(a) in paragraph 1—

(i) in the first row, omit “Country”;

(ii) in the sixth row, for “ESIF” substitute “programme”;

(iii) in the tenth row, for “ESIF” substitute “the programme”;

(b) in paragraph 11—

(i) omit “and (8)”;

(ii) omit “of the Member State, Commission auditors and the European Court of Auditors”;

(c) in paragraph 12—

(i) omit the words from “the European Regional” to “the Cohesion Fund,”;

(ii) for the words from “the European Agricultural” to the end substitute “support for rural development and support under Regulation 508/2014”;

(d) in paragraph 17—

(i) for “from ESIF” substitute “for rural development or support under Regulation 508/2014”;

(ii) for “the support of the ESI Funds”, in both places it occurs, substitute “support for rural development and support under Regulation 508/2014”;

(e) in paragraph 23, omit the first subparagraph.

(8) In Annex 2—

(a) in the entry for “structure of the financial instrument”, omit “co-funded by the relevant ESIF”;

(b) in the entry for “aim of the instrument”, omit “ESIF” in each place it occurs;

(c) in the entry for “state aid implication”—

(i) for “ESIF” substitute “programme”;

(ii) for “supported by the EAFRD” substitute “funded by support for rural development”;

(d) in the entry for “lending policy”—

(i) for “the support of the ESIF” substitute “support for rural development and support under Regulation 508/2014”;

(ii) for “from the ESI Funds” substitute “for rural development and support under Regulation 508/2014”;

(e) in the entry for “programme contribution to financial instrument (activities)—

(i) for “Union” substitute “national”;

(ii) for “Member State or region” substitute “constituent nation”;

- (f) in the entry for “eligible financial intermediaries”, for “Member State” substitute “constituent nation”;
 - (g) in the entry for “final recipients eligibility”—
 - (i) omit “EU and”;
 - (ii) for “Member State”, in the first place it occurs, substitute “constituent nation”;
 - (iii) for “Member State and Region/Jurisdiction” substitute “constituent nation”;
 - (iv) omit “of the ESIF”;
 - (h) in the entry for “reporting and targeted results”—
 - (i) for “Member States” substitute “The relevant authority”;
 - (ii) omit “ESIF” in both places it occurs.
- (9) In Annex 3—
- (a) in the entry for “structure of the financial instrument”, omit “co-funded by the European Structural and Investment Funds (ESIF) and defined”;
 - (b) in the entry for “aim of the instrument”—
 - (i) for “ESIFs” substitute “programmes”;
 - (ii) omit “ESIF” in each place it occurs;
 - (c) in the entry for “state aid implication”—
 - (i) for “ESIF” substitute “programme”;
 - (ii) for “supported by the EAFRD” substitute “funded by support for rural development”;
 - (d) in the entry for “guarantee to financial institution (activities)—
 - (i) for “Union” substitute “national”;
 - (ii) omit “in the relevant country or region”;
 - (e) in the entry for “eligible financial intermediaries and financial institutions”—
 - (i) for “Member State” substitute “constituent nation”;
 - (ii) for “Member States” substitute “constituent nation”;
 - (f) in the entry for “final recipient (final recipients) eligibility”—
 - (i) omit “Union and”;
 - (ii) for “Member State”, in the first place it occurs, substitute “constituent nation”;
 - (iii) for “Member State and Region/Jurisdiction” substitute “constituent nation”;
 - (iv) omit “of the ESIF”;
 - (g) in the entry for “reporting and targeted results”—
 - (i) for “Member States” substitute “The relevant authority”;
 - (ii) omit “ESIF” in both place it occurs.
- (10) In Annex 4—
- (a) in the entry for “structure of the financial instrument”, omit “funded by the ESIF”;
 - (b) in the entry for “aim of the instrument”—
 - (i) for “ESIF support” substitute “support for rural development and support under Regulation 508/2014”;
 - (ii) omit “ESIF” in each place it occurs;
 - (c) in the entry for “state aid implication”, for “ESIF” substitute “programme”;
 - (d) in the entry for “lending policy”—
 - (i) for “the support of the ESIF” substitute “support for rural development and support under Regulation 508/2014”;

- (ii) for “from the ESI Funds” substitute “for rural development and support under Regulation 508/2014”;
 - (e) in the entry for “programme contribution to financial instrument (activities)”—
 - (i) for “the Union” substitute “national”;
 - (ii) omit “Union and”;
 - (f) in the entry for “eligible financial intermediaries”, for “Member State” substitute “constituent nation”;
 - (g) in the entry for “final recipient eligibility”—
 - (i) omit “Union and”;
 - (ii) omit “and Union”;
 - (iii) for “Member State” substitute “constituent nation”;
 - (iv) for “Member State and Region/Jurisdiction” substitute “constituent nation”;
 - (v) omit “of the ESIF programme”;
 - (h) in the entry for “reporting and targeted results”—
 - (i) for “Member States” substitute “The relevant authority”;
 - (ii) omit “ESIF” in both places it occurs.
- (11) In Annex 5—
- (a) in the entry for “structure of the financial instrument”—
 - (i) omit “ESIF”;
 - (ii) omit “funded by the ESIF Funds”;
 - (b) in the entry for “aims of the instrument”, omit “ESIF” in each place it occurs;
 - (c) in the entry for “state aid implication”, for “supported by the EAFRD” substitute “funded by support for rural development”;
 - (d) in the entry for “programme contribution to financial instrument (activities)”—
 - (i) for “Union” substitute “national”;
 - (ii) omit “ESIF”;
 - (e) in the entry for “eligible financial intermediary and co-investors”—
 - (i) omit “in the Member States” in the first place it occurs;
 - (ii) omit “established in the Member States”;
 - (iii) for “Union” substitute “national”;
 - (f) in the entry for “final recipient eligibility”—
 - (i) omit “Union and”;
 - (ii) omit “ESIF”;
 - (g) in the entry for “characteristics of the product for the final recipients”, omit “of the ESI Funds” and “ESIF”;
 - (h) in the entry for “reporting and targeted results”—
 - (i) for “Member States” substitute “The relevant authority”;
 - (ii) omit “ESIF”.
- (12) Omit Annex 6.

Amendment of Regulation 2015/1076

8.—(1) Regulation 2015/1076, to the extent that it applies to the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund, is amended as follows.

(2) In the heading of Chapter 1, for “European Structural and Investment Funds” substitute “support for rural development and support under Regulation 508/2014”.

(3) Before Article 1 insert—

“Article A1

Interpretation

In this Regulation, a reference to Regulation (EU) No 1303/2013 or any provision of that Regulation is a reference to that Regulation as it applies for the purpose of support for rural development and support under Regulation 508/2014.”.

(4) In Article 3(b), for “the ESI Funds” substitute “support for rural development and support under Regulation 508/2014”.

(5) In the heading of Chapter 2, for “European Structural and Investment Funds” substitute “support for rural development and support under Regulation 508/2014”.

(6) Omit Article 5(2).

(7) Omit Article 6.

(8) After Article 6, omit the words from “This Regulation” to “Member States”.

Amendment of Regulation 2015/1516

9.—(1) Regulation 2015/1516, to the extent that it applies to the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund, is amended as follows.

(2) After Article 1 insert—

“Article 1A

In this Regulation, a reference to Regulation (EU) No 1303/2013 or any provision of that Regulation is a reference to that Regulation as it applies for the purpose of support for rural development and support under Regulation 508/2014.”.

(3) Omit Article 3.

(4) After Article 3, omit the words from “This Regulation” to “Member States”.

PART 3

Revocation of retained direct EU legislation

Revocations

10. The following retained direct EU legislation is revoked to the extent that it applies to the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund—

- (a) Regulation 184/2014;
- (b) Regulation 1011/2014;
- (c) Commission Decision 2014/660.

Name

Minister of State

Date

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in 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), (c), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to retained direct EU legislation as they relate to financial support for rural development and financial support granted under Regulation (EU) No 508/2014. Part 2 makes amendments and Part 3 makes revocations.

An 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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