



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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

DATE **16 October 2019**

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

The Common Agricultural Policy (Market Measures, Notifications and Direct Payments) (Miscellaneous Amendments) (EU Exit) Regulations 2019

The Law which is being amended

European Directly Applicable instruments amended by the 2019 Regulations

- Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors;
- Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors;
- Commission Implementing Regulation (EU) 2017/892 of 13 March 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors;
- Commission Implementing Regulation (EU) 2017/1185 laying down rules for the application of Regulation (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents.

Domestic EU exit instruments amended by the 2019 Regulations

- Agriculture (Legislative Functions) (EU Exit) Regulations 2019.

The purpose of the amendments

The 2019 Regulations amend provisions of European Union (“EU”) legislation relating to the EU Common Agricultural Policy (“CAP”). This legislation will be retained after the

withdrawal of the United Kingdom (“UK”) from the EU in a ‘no deal’ scenario, and so these instruments make amendments to ensure that the provisions remain operable after EU Exit. One domestic regulation concerning part of the retained EU CAP legislation is further amended by these instruments.

The Common Organisation of the Markets in Agricultural Products (Producer Organisations) (Amendment) (EU Exit) Regulations 2019 amends reserved provisions relating to a part of the CAP called the Common Organisation of Agricultural Markets (“CMO”).

The Common Organisation of the Markets in Agricultural Products (Market Measures and Notifications) (Amendment) (EU Exit) Regulations 2019 amends devolved CMO provisions and makes further amendments to domestic law relating to the financial discipline mechanism

The 2019 Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments are available here: <https://beta.parliament.uk/work-packages/ho90Co5B>

Impact the SI may have on the Welsh Ministers’ executive competence

The 2019 Regulations transfer administrative functions so that they are exercisable by the Welsh Ministers without encumbrance.

They do not transfer legislative functions.

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

The 2019 Regulations have no impact on the National Assembly for Wales’ legislative competence.

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.

The 2019 Regulations will follow the ‘urgent made affirmative procedure’ which is set out in paragraph 5 of Schedule 7 to the European Union (Withdrawal) Act 2018. In accordance with this procedure, the 2019 Regulations may be made without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament, provided a declaration is made by the relevant Minister that as a result of urgency, it is necessary to make the regulations without a draft being laid and approved.