



Mick Antoniw AM
Chair,
Constitutional and Legislative Affairs Committee
Mick.Antoniw@assembly.wales

12 February 2020

Dear Mick,

UK Wide Statutory Instrument - The Financing, Management and Monitoring of Direct Payments (Amendment) Regulations 2020

I am writing to notify you that the UK Government has made the above statutory instrument under powers set out in the Direct Payment for Farmers (Legislative Continuity) Act 2020.

This urgent made affirmative procedure SI addresses the failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU.

The 2020 Regulations make the modifications necessary to continue to ensure that the financing, management and monitoring of the Common Agricultural Policy ("CAP") Direct Payment Schemes remain operable for scheme year 2020 once the UK withdraws from the EU.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

In respect of any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence, I confirm that the CAP and its implementation in Wales is a devolved subject.

The law being amended is as follows:

- Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008.
- Commission Implementing Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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.
- 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 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.


Save for **four**, all administrative functions are being transferred to the Welsh Ministers in relation to Wales without encumbrance.

There are four administrative functions which can only be exercised by the “relevant authorities” (England, Wales, Scotland and Northern Ireland) jointly – these are Articles 7 and 111(1) of Regulation (EU) 1306/2013, and Article 4(1) and (3) of Commission Implementing Regulation (EU) 908/2014. These functions are considered to be transitional whilst consideration is being given to establishing a common framework for agriculture.

The Welsh Ministers have provided consent 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.

I am copying this letter to the Counsel General and Brexit Minister and the Minister for Environment, Energy and Rural Affairs.

Yours sincerely,



Rebecca Evans AC/AM
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd