EXPLANATORY MEMORANDUM TO

THE EUROPEAN STRUCTURAL AND INVESTMENT FUNDS COMMON PROVISIONS RULES ETC. (AMENDMENT ETC.) (EU EXIT) REGULATIONS 2019

2019 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs ("DEFRA") and is laid before Parliament by Act.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This instrument amends and revokes retained European Union ("EU") legislation made under Regulation (EU) No 1303/2013 of the European Parliament and 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 and repealing Council Regulation (EC) No 1083/2006 ("Regulation 1303/2013"), to the extent that it applies to support for rural development and support under Regulation (EU) No 508/2014 in order to correct deficiencies created by the United Kingdom ("UK") leaving the EU.

2.2 "Support for rural development" means financial support granted under Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 ("Regulation 1305/2013") or Regulation 1303/2013.

2.3 "Support under Regulation (EU) No 508/2014" means financial support granted under Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council ("Regulation 508/2014").

2.4 Regulation 1305/2013 is the fund-specific regulation for the European Agricultural Fund for Rural Development ("EAFRD") and Regulation 508/2014 is the fund-specific regulation for the European Maritime and Fisheries Fund ("EMFF"). Further information on fund-specific regulations and how they interact with the legislation amended by this instrument is provided in paragraphs 6.6 and 6.7.

2.5 This will ensure that the UK programmes currently supported by a combination of Exchequer funding and funding from the EAFRD and the EMFF will be able to continue to operate effectively until their closure after the end of the current 2014 to 2020 programming period. Payments will be able to be made to beneficiaries using

domestic funding under HM Government's funding guarantee in the event of a non-negotiated UK withdrawal from the EU.

2.6 A separate instrument, the European Union Structural and Investment Funds Common Provisions and Common Provisions Rules etc. (Amendment) (EU Exit) Regulations 2019, prepared by the Department for Business, Energy and Industrial Strategy, addresses Regulation 1303/2013 and legislation made under it, insofar as it applies to the European Regional Development Fund ("ERDF"), the European Social Fund ("ESF") and the Cohesion Fund.

Explanations

What did any relevant EU law do before exit day?

2.7 The legislation being amended by this instrument laid down additional provisions supplementing and implementing those found in the parent Regulation 1303/2013 and was applicable to the ERDF, the ESF, the Cohesion Fund, the EAFRD and the EMFF, which operated under a common framework as the European Structural and Investment Funds ("ESI Funds") for the 2014 to 2020 programming period.

2.8 It set out technical requirements, terms and conditions, and provided templates for reports outlined in Regulation 1303/2013 as well as frameworks to aid Member States in implementing Regulation 1303/2013. In particular, the additional provisions concerned financial instruments, financing arrangements, data handling and partnership; for example, the legislation provided a code of conduct on partnership and set out the minimum technical requirements for the data exchange system a Member State used to submit data to the Commission.

2.9 Each ESI Fund was also governed by fund-specific regulations, which set out additional rules and requirements. Further information on how these are being addressed is given in paragraphs 6.5, 6.6 and 6.7 of this Explanatory Memorandum.

Why is it being changed?

2.10 In the event of a non-negotiated withdrawal of the UK from the EU, the legislation will contain inoperable provisions and other deficiencies, which will have implications for the ongoing management of the programmes, including making payments to beneficiaries.

What will it now do?

2.11 This instrument will continue to lay down additional provisions supplementing and implementing those found in Regulation 1303/2013, which currently govern the EAFRD and the EMFF.

2.12 Together with the fund-specific regulations for the EAFRD and the EMFF, outlined in paragraphs 6.6 and 6.7 of this Explanatory Memorandum, this will ensure that the programmes currently supported by the EAFRD and the EMFF will be able to continue to operate effectively until their closure after the end of the current 2014 to 2020 programming period. It will also ensure that payments can be made to beneficiaries using domestic funding under HM Government's funding guarantee for projects signed up to during this time.

2.13 The appropriate legislative amendments introduced by these instruments will maintain a status quo position as far as possible. They ensure the continuation of programmes

currently funded by the EAFRD and the EMFF in a domestic framework and remove obligations towards the European Commission that will be redundant following the UK's withdrawal from the EU.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The European Structural and Investment Funds Common Provisions Rules etc. (Amendment etc.) (EU Exit) Regulations 2018 were presented to the Sifting Committees on 21 November 2018. The Lords Sifting Committee agreed with the Government that this instrument would not have to have a debate in Parliament. However, the Commons Sifting Committee disagreed with the Government and recommended that this instrument should be debated in Parliament. This recommendation was published on gov.uk on 6 December 2018.

3.2 The Commons Sifting Committee believes that the issue of future funding is important and that it considers the substance of the amendments and interest in the subject is such that the additional safeguard of affirmative resolution is appropriate.

3.3 Consequently, George Eustice MP, Minister of State for Agriculture, Fisheries and Food, has agreed for this instrument to be made subject to the affirmative procedure.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.4 The territorial application of this instrument includes Scotland and Northern Ireland.

3.5 This instrument applies to all of the United Kingdom.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

5.1 George Eustice MP has made the following statement regarding Human Rights:

"In my view the provisions of the European Structural and Investment Funds Common Provisions Rules etc. (Amendment etc.) (EU Exit) Regulations 2019 are compatible with the Convention rights."

6. Legislative Context

6.1 This instrument is being made to amend and revoke Regulations and Commission Decisions made under Regulation 1303/2013, to the extent that they apply to support for rural development and support under Regulation (EU) No 508/2014, in order to address operability issues created by the UK's withdrawal from the EU.

6.2 The following Regulations are being amended:

- Commission Implementing Regulation (EU) No 215/2014 of 7 March 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;

- Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds;
- Commission Delegated Regulation (EU) No 480/2014 of 3 March 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;
- Commission Implementing Regulation (EU) No 821/2014 of 28 July 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;
- Commission Implementing Regulation (EU) No 964/2014 of 11 September 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; and
- Commission Delegated Regulation (EU) 2015/1516 of 10 June 2015 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.

6.3 The following Regulations and Commission Decision are being revoked:

- Commission Implementing Regulation (EU) No 184/2014 of 25 February 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;

- Commission Implementing Regulation (EU) No 1011/2014 of 22 September 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; and
- 2014/660/EU: Commission Implementing Decision of 11 September 2014 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.

6.4 The parent Regulation 1303/2013, to the extent that it applies to support for rural development and support under Regulation (EU) No 508/2014, is being amended in a related instrument, the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019.

6.5 A separate instrument, the European Union Structural Funds (EU Exit) Regulations 2019, prepared by the Department for Business, Energy and Industrial Strategy addresses Regulation 1303/2013 and legislation made under it, insofar as it applies to the ERDF, ESF and Cohesion Fund. This instrument also addresses the fund-specific regulations for each of these funds.

6.6 Additional fund-specific regulations which govern the EAFRD are being amended in two separate instruments: the Rural Development (Amendment) (EU Exit) Regulations 2019 and the Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2019. The regulations being amended apply only to the EAFRD and set out more specific requirements for rural development programmes, for example, the requirements of an agri-environment scheme and the criteria a beneficiary must meet to be considered a "young farmer".

6.7 Additional fund-specific regulations which govern the EMFF are being amended in a separate instrument: the Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019. The regulations being amended apply only to the EMFF and set out more specific requirements for the delivery of the EMFF programme, for example, how support may be provided to improve the working conditions for fishers and to improve the energy efficiency of fishing vessels.

7. Policy background

What is being done and why?

7.1 The effect of this instrument is limited to correcting deficiencies in order to allow the legislation to operate effectively following a non-negotiated UK withdrawal from the EU, to the extent that it applies to support for rural development and support under Regulation (EU) No 508/2014. This is being done to enable existing programmes in the UK currently funded by the EAFRD or the EMFF to continue operating for the remainder of the 2014 to 2020 programming period, maintaining the status quo for these programmes as far as is feasibly possible.

7.2 The EAFRD currently provides support for four rural development programmes in the UK: the Rural Development Programme for England, the Rural Development Programme for Scotland, the Rural Development Programme for Wales and the Rural Development Programme for Northern Ireland. Each programme has a managing authority which decides which projects are supported within these programmes. Each programme can provide funding for agriculture, the environment and rural life with the aim of improving the environment, growing the rural economy and increasing the productivity of forestry and farming. Applicants are wide-ranging and can apply for funding if they are a farmer, grower or forester, managing land or woodland, a business owner in a rural area, a food business or living in a rural community.

7.3 The two key themes of the EMFF are: implementation of the Common Fisheries Policy ("CFP") and promoting growth in the sector. This is achieved through six different priorities: 1) sustainable fisheries; 2) sustainable aquaculture; 3) implementing the CFP through data collection and control and enforcement; 4) increasing employment and territorial cohesion; 5) fostering marketing and processing; and 6) implementation of the Integrated Maritime Policy. The fund is managed by one centralised UK managing authority, a role that is delivered by the Marine Management Organisation. Each of the Devolved Administrations are then designated as an intermediate body and are responsible for delivering the fund at a local level.

7.4 The nature of the projects supported means that it is the Government's intention to enable the programmes currently funded under the EAFRD and the EMFF to continue operating in the UK for the remainder of the 2014 to 2020 programming period. In the event of a non-negotiated UK withdrawal from the EU, the EAFRD and the EMFF will be domestically funded after 29 March 2019 and there will be no contributions to the EU budget under the Multiannual Financial Framework ("MFF"). The MFF of the EU is a seven-year framework regulating its annual budget. It is laid down in a unanimously adopted Council Regulation with the consent of the European Parliament.

7.5 Consequently, the UK Government has guaranteed that any EAFRD and EMFF projects whose funding has been agreed before the end of 2020 will be funded for their full lifetime. This means that the UK Government will fund any remaining payments due after March 2019, ensuring continued funding for these projects until their end. The guarantee also ensures that new projects can continue to be signed under the current programmes after the UK leaves the EU during 2019 and 2020.

7.6 In addition, the Government has pledged to continue to commit the same cash total in funds for farm support until the end of this Parliament, expected in 2022. This includes all funding provided for farm support under the EAFRD and applies to the whole of the UK.

7.7 The estimated value of the EU funds to be replaced is c£132.7m for the remainder of the programme period for the EMFF and c£400m-c£450m a year for the EAFRD, depending on exchange rates. This is based on the average MFF allocation.

7.8 This instrument omits the following provisions which will be deficient following the UK's withdrawal from the EU:

- The requirements for the data exchange system used to transfer information from Member States to the Commission;

- Additional requirements for the partnership agreement, an agreement between a Member State and the Commission which encompasses all of the ESI Funds;
- Additional requirements for financial instruments which are implemented by the European Investment Bank; and
- Articles determining the level of financial corrections the Commission may apply under the performance framework, using the established milestones and targets.

7.9 Other amendments correct deficient references in Regulation 1303/2013 to "Member States" and "the Commission" by replacing them with "relevant authority". "Relevant authority" is defined as, for the rural development programmes, the Secretary of State, the Department of Agriculture, Environment and Rural Affairs, the Scottish Ministers and the Welsh Ministers. "Relevant authority" is defined as, for the maritime and fisheries operational programme, the managing authority for that programme.

7.10 In some cases, this has the effect of transferring requirements or obligations that were previously for Member States or, in a limited number of areas, shared between Member States and the Commission to the relevant authority. Although responsibility for these obligations is at a Member State level, in practice, it is currently the authorities outlined in paragraph 7.9 who ensure that the requirements are met in each of the rural development programmes and the maritime and fisheries operational programme. None of the functions being transferred are legislative.

7.11 The requirements and obligations being transferred are:

- Identifying partners and ensuring that those selected are representative of stakeholders;
- Consulting and involving partners when preparing programmes and the procedure for doing this;
- Promoting equality between men and women and non-discrimination when formulating the rules of membership for the monitoring committee; and
- Ensuring that partners are aware of their obligations relating to data protection, confidentiality and conflict of interest.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument is being made using the powers conferred by section 8 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the UK from the EU. In accordance with the requirements of that Act, the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

9.1 There are no plans for consolidation.

10. Consultation outcome

10.1 In terms of rural development, DEFRA met with the Rural Payments Agency's Industry Partnership Group ("IPG") on 25 September 2018 to discuss the Government's plans for the UK's withdrawal from the EU with farming and land

management stakeholders. At the meeting, stakeholders were informed of the plans to make retained EU Common Agricultural Policy ("CAP") legislation fully operable at the point of the UK's withdrawal from the EU, to enable DEFRA and the Devolved Administrations to continue to deliver ongoing CAP Pillar 1 and Pillar 2 (i.e. rural development) commitments to the agriculture sector in 2019, following the UK's withdrawal from the EU. No concerns were raised. Stakeholders present were: Tenant Farmers Association; Countryside Land and Business Association; Farming Community Network; Institute of Agricultural Secretaries and Agents; British Institute of Agricultural Consultants and; National Farmers Union. A subsequent meeting was held on 26 November 2018 between DEFRA and the Rural Payments Agency's IPG, detailed above, to update stakeholders further on legislative progress in preparing for the UK's withdrawal from the EU.

10.2 In terms of fisheries, a targeted engagement was carried out on the approach to the amendments, involving key stakeholders from the fisheries sector, food industry and environmental non-governmental bodies. In addition, a ten-week consultation was conducted through the Fisheries White Paper. Stakeholders were broadly supportive of the approach being taken.

11. Guidance

11.1 DEFRA is not producing any specific guidance on this instrument because it amends technical deficiencies arising from the UK's withdrawal from the EU. However, the Government has published technical notices on the gov.uk website to ensure that citizens and businesses have the information available to prepare for the UK's withdrawal from the EU.

11.2 A technical notice titled "Guidance: Receiving rural development funding if there's no Brexit deal" was updated on 19 December 2018. (https://www.gov.uk/government/publications/receiving-rural-development-funding-if-theres-no-brexit-deal/receiving-rural-development-funding-if-theres-no-brexit-deal)

11.3 A technical notice titled "Guidance: Commercial fishing and marketing of seafood if there's no Brexit deal" was published on 10 January 2019. (https://www.gov.uk/government/publications/commercial-fishing-if-theres-no-brexit-deal/commercial-fishing-if-theres-no-brexit-deal)

11.4 A technical notice titled "Guidance: The government's guarantee for EU-funded programmes if there's no Brexit deal" was updated on 3 December 2018. (https://www.gov.uk/government/publications/the-governments-guarantee-for-eu-funded-programmes-if-theres-no-brexit-deal/the-governments-guarantee-for-eu-funded-programmes-if-theres-no-brexit-deal)

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies. Beneficiaries will continue to receive funding similarly to before the UK's withdrawal from the EU. The UK's involvement in the European Investment Bank would be inoperable as a result of the UK's withdrawal from the EU; however, domestic finance mechanisms would still be accessible to those seeking funding.

12.2 There is no, or no significant, impact on the public sector. There may be a negligible increase in administration cost as notification may go to responsible bodies within the UK rather than European institutions.

12.3 An Impact Assessment has not been prepared for this instrument because there is expected to be no significant impact on business. The instrument relates to the maintenance of existing funding streams.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise regulatory burdens on small businesses.

13.3 The basis for the final decision on what action to take to assist small business is that no disproportionate impacts are expected to affect small and micro businesses.

14. Monitoring & review

14.1 As this instrument is made under the EU Withdrawal Act 2018, no review clause is required. DEFRA and its agencies will monitor and review the impact of the instrument as part of its standard policy-making procedures.

15. Contact

15.1 Jenny Hewlett at the Department for Environment, Food and Rural Affairs Telephone: 02078 955438 or email: jenny.hewlett@defra.gov.uk can be contacted with any queries regarding the instrument.

15.2 Fiona James and Elen Shepard, Deputy Directors for the Common Agricultural Policy EU Exit Preparedness at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

15.3 George Eustice MP, Minister of State for Agriculture, Fisheries and Food at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.

Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and 23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

1. Appropriateness statement

1.1 The Minister of State for Agriculture, Fisheries and Food, George Eustice MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view the European Structural and Investment Funds Common Provisions Rules etc. (Amendment etc.) (EU Exit) Regulations 2019 does no more than is appropriate."

1.2 This is the case because: the amendments made are predominantly technical in nature and are limited to making the retained EU legislation operable once UK has left the EU.

2. Good reasons

2.1 The Minister of State for Agriculture, Fisheries and Food, George Eustice MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action."

2.2 These are outlined in section 2 of this Explanatory Memorandum.

3. Equalities

3.1 The Minister of State for Agriculture, Fisheries and Food, George Eustice MP, has made the following statements:

"The draft instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts."

3.2 The Minister of State for Agriculture, Fisheries and Food, George Eustice MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In relation to the draft instrument, I, George Eustice, have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010."

4. Explanations

4.1 The explanations statement has been made in section 2 of the main body of this Explanatory Memorandum.