

2014 No. 3260

AGRICULTURE

**The Common Agricultural Policy (Competent Authority and
Coordinating Body) Regulations 2014**

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| <i>Made</i> | - - - - | <i>8th December 2014</i> |
| <i>Laid before Parliament</i> | | <i>11th December 2014</i> |
| <i>Coming into force</i> | - - | <i>1st January 2015</i> |

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the common agricultural policy(b) and makes these Regulations under the powers conferred by that section.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Agricultural Policy (Competent Authority and Coordinating Body) Regulations 2014 and come into force on 1st January 2015.

(2) In these Regulations—

“the Horizontal Finance Delegated Regulation” means Commission Delegated Regulation (EU) No. 907/2014 supplementing 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, securities and use of euro(c);

“the Horizontal Finance Implementing Regulation” means Commission Implementing Regulation (EU) No. 908/2014 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(d);

“the Horizontal Regulation” means Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy(e);

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- (a) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).
- (b) S.I. 1972/1811, to which there are amendments not relevant to these Regulations. The power of the Secretary of State to make regulations that extend to Scotland and Northern Ireland and apply in Wales remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (c. 46), article 3(2) of the European Communities (Designation) (No. 3) Order 2000 (S.I. 2000/2812) and article 6 of the European Communities (Designation) (No. 5) Order 2010 (S.I. 2010/2690), respectively.
- (c) OJ No. L 255, 28.8.2014, p. 18.
- (d) OJ No. L 255, 28.8.2014, p. 59.
- (e) OJ No. L 347, 20.12.2013, p.549, as last amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (OJ No. L. 347, 20.12.2013, p. 865).

“the Ministers” means the Secretary of State for Environment, Food and Rural Affairs, the Scottish Ministers, the Welsh Ministers and the Department of Agriculture and Rural Development in Northern Ireland.

Competent authority

2.—(1) The functions of the competent authority are exercisable by the Ministers acting jointly.

(2) In paragraph (1), “the competent authority” means the authority responsible, in the United Kingdom, for—

- (a) the accreditation and review and withdrawal of accreditation of paying agencies, as described in—
 - (i) Article 7 of the Horizontal Regulation;
 - (ii) Articles 1(1) to (4) and 2 of the Horizontal Finance Implementing Regulation; and
 - (iii) Article 1(2) of the Horizontal Finance Delegated Regulation;
- (b) the designation and, as regards the processing of financial information, accreditation of the coordinating body, as described in Article 7(4) of the Horizontal Regulation;
- (c) the designation of any certification body, as described in Article 5(1) of the Horizontal Finance Implementing Regulation; and
- (d) the nomination, under Article 62(3) of the Horizontal Finance Implementing Regulation, of the body in charge of setting up and maintaining the single website referred to in Article 59(1) of that Regulation.

Coordinating body

3. For the purposes of Article 7(4) of the Horizontal Regulation, the functions of the coordinating body are exercisable by the Ministers acting jointly.

Review

4.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review, the Secretary of State must, so far as is reasonable, have regard to how the European Regulations are implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first review period is the period of five years beginning with the date on which these Regulations come into force.

(5) Each subsequent review period is a period of five years beginning with the date on which the report of the preceding review was published.

(6) In paragraph (2), “the European Regulations” means—

- (a) the Horizontal Regulation;
- (b) the Horizontal Finance Delegated Regulation; and
- (c) the Horizontal Finance Implementing Regulation.

Revocation

5. The Common Agricultural Policy (Paying Agencies: Competent Authority and Co-ordinating Body) Regulations 2001(a) are revoked.

8th December 2014

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the administration in the United Kingdom of certain provisions of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy (OJ No. L 347, 20.12.2013, p. 549) and two other associated EU Regulations referred to in regulation 1(2).

Regulations 2 and 3 prescribe that in respect of the common agricultural policy the Ministers (that is, the Secretary of State for Environment, Food and Rural Affairs, the Scottish Ministers, the Welsh Ministers and the Department of Agriculture and Rural Development in Northern Ireland), acting jointly, are to—

- (a) exercise the functions of the competent authority with responsibilities for and relating to the accreditation of paying agencies; the designation and accreditation of the coordinating body; the designation of any certification body and the nomination of the body in charge of setting up and maintaining a single website containing information relating to the beneficiaries of Common Agricultural Policy funds; and
- (b) exercise the functions of the coordinating body which is assigned tasks relating to collecting and supplying information to the European Commission, coordinating the resolution of any common deficiencies and the harmonised application of EU rules between paying agencies.

Regulation 4 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after 1st January 2015 and within every five years after that.

No impact assessment has been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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