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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 104**

**The Common Agricultural Policy (Direct Payments etc.) (Scotland) Amendment Regulations 2016**

**Amendment to the Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015**

3. After regulation 15 (national reserve), insert—

**“Obligations to comply with agricultural practices beneficial for the climate and the environment**

**15A.**—(1) For the purposes of Article 43(3) of, and the sixth sub-paragraph (fertiliser regime) of point II(1) of Annex IX to, the Direct Payments Regulation, a farmer must comply with the applicable obligations<sup>(1)</sup>.

(2) In paragraph (1), “the applicable obligations” means—

- (a) in relation to the cultivation of crops, the crop diversification obligation applicable under and in accordance with—
  - (i) Article 44 of the Direct Payments Regulation and Article 40 of the Direct Payments Delegated Regulation; and
  - (ii) regulation 16;
- (b) in relation to areas of permanent grassland, the obligation—
  - (i) not to convert or plough areas of permanent grassland designated as environmentally sensitive for the purposes of the first sub-paragraph of Article 45(1) of the Direct Payments Regulation and regulation 17(1); and
  - (ii) to prepare a plan in respect of the application of inorganic nitrogen fertiliser and lime in accordance with regulation 17A; and
- (c) in relation to arable land, the obligation to have ecological focus areas applicable under and in accordance with—
  - (i) Article 46 of the Direct Payments Regulation and Article 45 of the Direct Payments Delegated Regulation; and
  - (ii) regulation 18 and Schedule 2.”.

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<sup>(1)</sup> In accordance with Article 43(3)(b) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council (OJ L 347, 20.12.2013, p.608), the Scottish Ministers have established an environmental certification scheme in respect of compliance by farmers with the applicable obligations.