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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 33**

**EXITING THE EUROPEAN UNION  
AGRICULTURE**

**The Rural Development (Miscellaneous  
Amendment) (Scotland) Regulations 2021**

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|--|---------|--------------------------|
| <i>Made</i>                                    | - - - - | <i>21st January 2021</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>25th January 2021</i> |
| <i>Coming into force</i>                       | - -     | <i>15th March 2021</i>   |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018<sup>(1)</sup> and section 2 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020<sup>(2)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These regulations may be cited as the Rural Development (Miscellaneous Amendment) (Scotland) Regulations 2021 and come into force on 15 March 2021.

**Amendment of the Rural Development Regulation**

2.—(1) The Rural Development Regulation<sup>(3)</sup> is amended as follows.

(2) In Article 8(1)(h)(ii) (content of rural development programmes), omit—  
“for the type of operation referred to in Article 38(3) and Article 39(1) when a Member State applies a percentage less than 30%”.

(3) In Article 28(5) (agri-environment-climate), omit the second to fourth subparagraphs.

(4) In Article 29(3) (organic farming), omit the second to fourth subparagraphs.

(5) In Article 33(2) (animal welfare), omit the third to fifth subparagraphs.

(6) In Article 38(3) (mutual funds for adverse climatic events, animal and plant diseases, pest infestations and environmental incidents), in the second subparagraph omit the final sentence.

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(1) 2018 c.16.

(2) 2020 asp 17.

(3) EUR 1305/2013; relevant amending instruments are *S.I. 2019/764* and *S.S.I. 2020/477*. See section 1(4) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 for the definition of “Rural Development Regulation”.

- (7) In Article 39(1) (income stabilisation tool for farmers of all sectors), omit the final sentence.
- (8) In Article 42(1) (LEADER local action groups), omit “and in Article 4 of Regulation (EU) 2020/2220.”.
- (9) In Article 51(2) (funding technical assistance), omit the fourth subparagraph.
- (10) In Article 59(6a) (fund contribution), omit the words from “for the years” to the end.
- (11) In Article 75(1) (annual implementation report), for “2026” substitute “2025”.

#### **Amendment of Commission Implementing Regulation (EU) No 808/2014**

**3.—**(1) Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(4) is amended as follows.

(2) In Annex I, Part I, paragraph 10, point (c) (presentation of the content of rural development programmes – financing plan), for the second subparagraph substitute—

“When a measure or a type of operation with specific core contribution rate contributes to the financial instruments referred to in Article 38(1) of Regulation (EU) No 1303/2013, the table shall indicate separately the contribution rates for financial instruments and for other operations and an indicative core contribution amount corresponding to the planned contribution to the financial instrument.”.

#### **Amendment of Regulation (EU) 2020/2220**

**4.—**(1) Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022(5) is amended as follows.

(2) Omit Articles 1 to 4 and 6.

St Andrew’s House,  
Edinburgh  
21st January 2021

*BEN MACPHERSON*  
Authorised to sign by the Scottish Ministers

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(4) EUR 808/2014, amended by [S.I. 2019/770](#) and [S.S.I. 2020/477](#).  
(5) EUR 2020/2220.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments for securing the simplification and improvement of retained EU law governing rural support schemes in Scotland and to correct deficiencies resulting from EU exit.

EU legislation governing rural development schemes became domestic law on IP completion day under the European Union (Withdrawal) Act 2018 (c.16) (the “2018 Act”). “IP completion day” means 31 December 2020 at 11.00pm (see section 1A(6) of the 2018 Act and section 39(1) to (5) of the European Union (Withdrawal Agreement) Act 2020 (c.1)).

No business or regulatory impact assessment has been prepared in relation to these Regulations as no, or no significant, impact upon business, charities or voluntary bodies is foreseen.