

## SCOTTISH STATUTORY INSTRUMENTS

# 2021 No. 398

## The Private Storage Aid Scheme (Pigmeat) (Scotland) Regulations 2021

### Citation, commencement and extent **S**

1.—(1) These Regulations may be cited as the Private Storage Aid Scheme (Pigmeat) (Scotland) Regulations 2021 and come into force on 8 November 2021.

(2) These Regulations extend to Scotland.

#### Commencement Information

**I1** Reg. 1 in force at 8.11.2021, see [reg. 1\(1\)](#)

### Interpretation **S**

2. In these Regulations—

“CMO Regulation” means [Regulation \(EU\) No. 1308/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No. 922/72, (EEC) No. 234/79, (EC) No. 1037/2001 and (EC) No. 1234/2007,

“pigmeat” means pigmeat products which fall within CN code 0203 as provided for in Part XVII of Annex I of the CMO Regulation,

“Regulation (EU) No. 2016/1238” means Commission Delegated Regulation (EU) No. 2016/1238 supplementing [Regulation \(EU\) No. 1308/2013](#) of the European Parliament and of the Council with regard to public intervention and aid for private storage(1), and

“Regulation (EU) No. 2016/1240” means Commission Implementing Regulation (EU) No. 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and the Council with regard to public intervention and aid for private storage(2).

#### Commencement Information

**I2** Reg. 2 in force at 8.11.2021, see [reg. 1\(1\)](#)

(1) EUR 2016/1238, incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c. 16) and relevantly amended by S.I. 2019/823.  
(2) EUR 2016/1240, incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c. 16) and relevantly amended by 2019/823.

### Aid for Private Storage **S**

3.—(1) The Scottish Ministers may grant private storage aid for pigmeat<sup>(3)</sup> in accordance with the conditions specified in these Regulations.

(2) The private storage aid may be granted for storage periods of—

- (a) 60 days,
- (b) 90 days,
- (c) 120 days,
- (d) 150 days, or
- (e) 180 days.

(3) The amount of aid payable by storage period per tonne of product stored is set out in Table 1 in the schedule.

(4) The categories of pigmeat for which aid may be granted are set out in Table 2 in the schedule.

(5) No aid may be granted for pigmeat which has been placed into storage before the date on which these Regulations come into force.

(6) The overall maximum quantity of pigmeat for which the Scottish Ministers may grant private storage aid under these Regulations is 1000 tonnes.

(7) The requirements and conditions set out in—

- (a) Regulation (EU) No. 2016/1238, and
- (b) Regulation (EU) No. 2016/1240,

apply, save as otherwise provided in these Regulations, to the private storage aid referred to in paragraph (1).

#### Commencement Information

**I3** Reg. 3 in force at 8.11.2021, see [reg. 1\(1\)](#)

### Procedure to be followed **S**

4.—(1) A person who wishes to apply for private storage aid referred to in regulation 3(1) must—

- (a) be established in Scotland,
- (b) manage premises situated in Scotland at which pigmeat is stored, and
- (c) apply in the period beginning on the day after the day on which these Regulations come into force and ending on [<sup>F</sup>31 March] 2022.

(2) An application must—

- (a) relate to a storage period of 60, 90, 120, 150 or 180 days,
- (b) relate only to the categories of pigmeat set out in Table 2 in the schedule, and
- (c) cover a minimum quantity of 15 tonnes of pigmeat (which may be bone in or bone out).

(3) A person may make more than one application for private storage aid referred to in regulation 3(1).

(4) This regulation is subject to Article 45 of Regulation (EU) No. 2016/1240<sup>(4)</sup> (decisions on applications for aid for private storage fixed in advance) as modified by regulation 6.

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<sup>(3)</sup> Article 17(h) of the CMO Regulation provides that aid for private storage may be granted in respect of pigmeat.

<sup>(4)</sup> Relevantly amended by [S.I. 2019/823](#).

#### Textual Amendments

- F1** Words in [reg. 4\(1\)\(c\)](#) substituted (15.1.2022) by [The Private Storage Aid Scheme \(Pigmeat\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/492\)](#), regs. [1\(1\)](#), [2\(2\)](#)

#### Commencement Information

- I4** Reg. 4 in force at 8.11.2021, see [reg. 1\(1\)](#)

### Waiver of security requirement **S**

5. A person making an application for private storage aid referred to in regulation 3(1) is not required to lodge a security in favour of the relevant paying agency in accordance with Section 2 of Chapter IV of Commission Delegated [Regulation \(EU\) No. 907/2014](#) of 11 March 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<sup>(5)</sup>.

#### Commencement Information

- I5** Reg. 5 in force at 8.11.2021, see [reg. 1\(1\)](#)

### Decisions on applications **S**

6.—(1) Article 45 of Regulation (EU) No. 2016/1240 (decisions on applications for aid for private storage aid fixed in advance) has effect in connection with decisions on applications for private storage aid referred to in regulation 3(1) with the modifications specified in paragraph (2).

(2) The modifications mentioned in paragraph (1) are—

- (a) paragraph 1 is omitted,
- (b) in paragraph 2, for the words from “appropriate authority” to “paragraph 3” there is substituted “PSA threshold has not been met”,
- (c) after paragraph 2 there is inserted—

“**2A.** For the avoidance of doubt, PSA applications submitted after the PSA threshold is met must not be accepted.

“**2B.** The appropriate authority must reject PSA applications made before the PSA threshold is met the acceptance of which would have been decided after that threshold is met.”, and

- (d) for paragraph 3 there is substituted—

“**3.** Paragraph 4 applies where a PSA application is submitted which, if accepted by the appropriate authority in the form in which it is submitted, would mean that the PSA threshold was exceeded.

4. Where this paragraph applies, the appropriate authority—

- (a) may reduce the quantity in the PSA application to not less than 15 tonnes, if—
  - (i) the quantity in the application as submitted is more than 15 tonnes, and
  - (ii) making the reduction would mean that the PSA threshold is not exceeded;

(5) EUR 2014/907, incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c. 16) and relevantly amended by [S.I. 2019/765](#).

(b) otherwise, must reject the application.

By way of derogation from Article 2(6), the person who made the relevant PSA application may, if the appropriate authority reduces the quantity in the application, withdraw the application by the end of the relevant day.

For the purposes of this paragraph “the relevant day” is the next working day after the day on which the appropriate authority notifies the applicant that the appropriate authority has decided to make the reduction.

**5. In this Article—**

- (a) “PSA application” has the meaning given in the Private Storage Aid Scheme (Pigmeat) (Scotland) Regulations 2021;
- (b) “the PSA threshold” means the threshold specified in regulation 3(6) of those Regulations.”.

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**Commencement Information**

**I6** Reg. 6 in force at 8.11.2021, see [reg. 1\(1\)](#)

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**Changes to legislation:**

There are currently no known outstanding effects for the The Private Storage Aid Scheme (Pigmeat) (Scotland) Regulations 2021.