

2023 No. 150

AGRICULTURE

The Public Intervention and Private Storage Aid (Amendment and Suspension) (Scotland) Regulations 2023

<i>Made</i>	- - - -	<i>18th May 2023</i>
<i>Laid before the Scottish Parliament</i>		<i>22nd May 2023</i>
<i>Coming into force</i>	- -	<i>1st July 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(1) and 21(1) and (2) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020(a), and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Public Intervention and Private Storage Aid (Amendment and Suspension) (Scotland) Regulations 2023 and come into force on 1 July 2023.

Amendment of Regulation (EU) No 1306/2013 of the European Parliament and of the Council

2.—(1) Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No. 814/2000, (EC) No 1290/2005 and (EC) No 485/2008(b) is amended in accordance with paragraphs (2) to (6).

(2) In Article 7(c) (designation of paying agencies and coordinated action by relevant authorities), after paragraph 5A, insert—

“5B. Paragraph 5 ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(3) In Article 8(d) (commission powers), after paragraph 1A, insert—

“1B. Paragraph 1 ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate

(a) 2020 asp 17.
(b) EUR 2013/1306, relevantly amended by S.I. 2019/748, S.I. 2019/763, S.I. 2019/1402, S.I. 2020/90, S.I. 2020/576, S.I. 2020/1445.
(c) Article 7 is relevantly amended by S.I. 2019/763 and S.I. 2020/90. Article 7(5A) is inserted by S.I. 2023/124, which extends to England and Wales.
(d) Article 8 is relevantly amended by S.I. 2019/748. Article 8(1A) is inserted by S.I. 2023/124, which extends to England and Wales.

authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(4) In Article 20(a) (public intervention expenditure), after paragraph 3A, insert—

“3B. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(5) In Article 46(b) (commission powers), after paragraph 7, insert—

“8. Paragraph 6 ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(6) In Article 62(c) (powers as regards checks), after paragraph 3, insert—

“4. Point (i) of paragraph 2 ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

Amendment of Regulation (EU) No 1308/2013 of the European Parliament and of the Council

3.—(1) 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(d) is amended in accordance with paragraphs (2) to (11).

(2) In Article 9(e) (origin of eligible products), at the end, insert—

“In relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1), for a period of five years beginning on 1 July 2023, the first paragraph is to be read as if “for buying-in under public intervention or” were omitted.”.

(3) In Article 11(f) (products eligible for public intervention) at the end, insert—

“This Article ceases to apply in Scotland in relation to public intervention schemes, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1), for a period of five years beginning on 1 July 2023.”.

(4) In Article 12(g) (public intervention periods) at the end, insert—

“This Article ceases to apply in Scotland in relation to public intervention schemes, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1), for a period of five years beginning on 1 July 2023.”.

(a) Article 20 is relevantly amended by S.I. 2019/748 and S.I. 2019/763. Article 20(3A) is inserted by S.I. 2023/124, which extends to England and Wales.

(b) Article 46 is relevantly amended by S.I. 2019/748, S.I. 2019/763, S.I. 2020/90, and S.I. 2020/576. Article 46(7) is inserted by S.I. 2023/124, which extends to England and Wales.

(c) Article 62 is relevantly amended by S.I. 2019/748, S.I. 2020/90, S.I. 2019/1402 and S.S.I. 2020/349. Article 62(3) is inserted by S.I. 2023/124, which extends to England and Wales.

(d) EUR 1308/2013, relevantly amended by S.I. 2019/823, S.I. 2019/821, S.I. 2019/831, S.I. 2020/1445 and S.S.I. 2022/361.

(e) Article 9 is relevantly amended by S.I. 2019/821. Additional text is inserted by S.I. 2023/124, which extends to England and Wales.

(f) Article 11 is relevantly amended by S.I. 2019/821. Additional text is inserted by S.I. 2023/124, which extends to England and Wales.

(g) Additional text is inserted into Article 12 by S.I. 2023/124, which extends to England and Wales.

(5) After Article 13(6)(a) (public intervention) insert—

“7. This Article ceases to apply in Scotland in relation to public intervention schemes, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1), for a period of five years beginning on 1 July 2023.”.

(6) In Article 14(b) (buying-in at a fixed price or tendering), at the end, insert—

“This Article ceases to apply in Scotland in relation to public intervention schemes, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) for a period of five years beginning on 1 July 2023.”.

(7) In Article 15(c) (public intervention price), after paragraph 3, insert—

“4. This Article ceases to apply in Scotland in relation to public intervention schemes, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) for a period of five years beginning on 1 July 2023.”.

(8) In Article 16(d) (general principles on disposal from public intervention), after paragraph 4, insert—

“5. This Article ceases to apply in Scotland in relation to public intervention schemes, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) for a period of five years beginning on 1 July 2023.”.

(9) In Article 17(e) (eligible products), at the end, insert—

“The second paragraph ceases to apply in relation to Scotland on 1 July 2023.”.

(10) In Article 19(f) (delegated powers)—

(a) after paragraph 3A, insert—

“3B. Paragraphs 1 to 3 cease to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1), for a period of five years beginning on 1 July 2023.”.

(b) after paragraph 5B, insert—

“5C. Paragraph 5 ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1), for a period of five years beginning on 1 July 2023.

5D. In relation to private storage aid schemes in Scotland, paragraph 5 is to be read as if point (c) has no effect.”.

(c) after paragraph 7, insert—

“8. In relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1), for a period of five years beginning on 1 July 2023, the first paragraph is to be read as if, for “the market intervention measures”, there were substituted “aid for private storage”.”.

(a) Article 13 is substituted by S.I. 2019/831. Paragraphs 4A and 6 are inserted by S.I. 2023/124, which extends to England and Wales and S.I. 2022/361.

(b) Article 14 is substituted by S.I. 2019/831.

(c) Article 15 is substituted by S.I. 2019/831. Paragraph 3 is inserted by S.I. 2023/124, which extends to England and Wales.

(d) Article 16 is relevantly amended by S.I. 2019/831. Paragraph 4 is inserted by S.I. 2023/124, which extends to England and Wales.

(e) Article 17 is relevantly amended by S.I. 2019/831 and S.I. 2022/361. Additional text is inserted by S.I. 2023/124, which extends to England and Wales.

(f) Article 19 is relevantly amended by S.I. 2019/831. Paragraphs 3A, 5A, 5B and 7 are inserted by S.I. 2023/124, which extends to England and Wales.

(11) In Article 20(a) (implementing powers in accordance with the examination procedure), at the end, insert—

“This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1), for a period of five years beginning on 1 July 2023.

In relation to private storage aid schemes in Scotland, point (o) is to be read as if point (ii) were omitted.”.

Amendment of Council Regulation (EU) No 1370/2013

4.—(1) Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products is amended in accordance with paragraphs (2) to (4).

(2) In Article 1a(b) (reference thresholds), after paragraph 4, insert—

“5. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(3) In Article 2(c) (public intervention prices), after paragraph 4, insert—

“5. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(4) In Article 3(d) (buying-in prices and applicable quantitative limitations), after paragraph 4A, insert—

“4B. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

Suspension of Commission Delegated Regulation (EU) No 906/2014

5. Commission Delegated Regulation (EU) No 906/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure(e) ceases to apply in relation to public intervention schemes in Scotland for a period of five years beginning on 1 July 2023.

Amendment of Commission Delegated Regulation (EU) No 907/2014

6.—(1) 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(f) is amended in accordance with paragraphs (2) to (9).

(a) Article 20 is relevantly amended by S.I. 2019/831.

(b) Article 1a is relevantly amended by S.I. 2019/831 and S.I. 2019/1422. Paragraph 4 is inserted by S.I. 2023/124, which extends to England and Wales.

(c) Article 2 is relevantly amended by S.I. 2019/831. Paragraph 4 is inserted by S.I. 2023/124, which extends to England and Wales.

(d) Article 3 is relevantly amended by S.I. 2019/821 and S.I. 2019/831. Paragraph 4A is inserted by S.I. 2023/124, which extends to England and Wales.

(e) EUR 2014/906, relevantly amended by S.I. 2019/748 and S.I. 2019/765.

(f) EUR 2014/907, relevantly amended by S.I. 2019/765.

(2) In Article 3(a) (obligations of the paying agency as regards public intervention), after paragraph 4A, insert—

“4B. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(3) In Article 4(b) (inventory), after paragraph 3, insert—

“4. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(4) In Article 29(c) (production refunds and specific types of aid)—

(a) after paragraph 3A(d), insert—

“3B. Paragraph 3 ceases to apply in relation to Scotland.”,

(b) after paragraph 4A(e), insert—

“4B. In relation to Scotland, paragraph 4 is to be read as if for “paragraphs 2 and 3” there were substituted “paragraph 2”.”.

(5) In Article 36(f) (other amounts and prices), at the end, insert—

“This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(6) In Article 40(g) (determination of the exchange rate), at the end, insert—

“Point (b) of the second paragraph ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(7) In Annex 2(h) (obligations of the paying agencies and the physical inspection procedures), after point ZA (application), insert—

“ZB. This Annex ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(8) In Annex 3(i) (obligations and general principles relating to storers' responsibilities), at the beginning, insert—

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- (a) Article 3 is relevantly amended by S.I. 2019/765. Paragraph 4A is inserted by S.I. 2023/124, which extends to England and Wales.
- (b) Article 4 is relevantly amended by S.I. 2019/765. Paragraph 3 is inserted by S.I. 2023/124, which extends to England and Wales.
- (c) Article 29 is relevantly amended by S.I. 2019/765.
- (d) Paragraph 3A is inserted by S.I. 2023/124, which extends to England and Wales.
- (e) Paragraph 4A is inserted by S.I. 2023/124, which extends to England and Wales.
- (f) Article 36 is relevantly amended by S.I. 2019/765. Additional text is inserted by S.I. 2023/124, which extends to England and Wales.
- (g) Article 40 is relevantly amended by S.I. 2019/765. Additional text is inserted by S.I. 2023/124, which extends to England and Wales.
- (h) Annex 2 is relevantly amended by S.I. 2019/765. Point ZA is inserted by S.I. 2023/124, which extends to England and Wales.
- (i) Annex 3 is relevantly amended by S.I. 2019/765. Additional text is inserted by S.I. 2023/124, which extends to England and Wales.

“This Annex ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(9) In Annex 4(a) (tolerance limits), after paragraph A1, insert—

“A2. This Annex ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

Amendment of Commission Implementing Regulation (EU) No 908/2014

7.—(1) Commission Implementing Regulation (EU) No 908/2014 of 6 August 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(b) is amended in accordance with paragraphs (2) to (7).

(2) In Article 11(c) (general rules on the declaration of expenditure and on assigned revenue), after paragraph 5A, insert—

“5B. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(3) In Article 12(d) (special rules on declarations of expenditure relating to public storage), after paragraph 3, insert—

“4. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(4) In Article 16(e) (content of the public storage accounts to be kept by paying agencies) after paragraph 3, insert—

“4. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(5) In Article 17(f) (accounting related to public intervention), after paragraph 2A, insert—

“2B. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(a) Paragraph A1 is inserted by S.I. 2023/124, which extends to England and Wales.
(b) EUR 2014/908, relevantly amended by S.I. 2019/765 and S.I. 2020/90.
(c) Article 11 is relevantly amended by S.I. 2019/765 and S.I. 2020/90. Paragraph 5A is inserted by S.I. 2023/124, which extends to England and Wales.
(d) Article 12 is relevantly amended by S.I. 2019/765. Paragraph 3 is inserted by S.I. 2023/124, which extends to England and Wales.
(e) Article 16 is relevantly amended by S.I. 2019/765. Paragraph 3 is inserted by S.I. 2023/124, which extends to England and Wales.
(f) Article 17 is relevantly amended by S.I. 2019/765. Paragraph 2A is inserted by S.I. 2023/124, which extends to England and Wales.

(6) In Article 18(a) (dates for entering expenditure and revenue and product movements in the accounts for public intervention), after paragraph 3, insert—

“4. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(7) In Annex 13(b) (measures referred to in Article 57), after paragraph 2A, insert—

“2B. The first indent of paragraph 2 ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

Amendment of Commission Delegated Regulation (EU) 2016/1238

8.—(1) Commission Delegated Regulation (EU) 2016/1238 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage(c) is amended in accordance with paragraphs (2) to (14).

(2) In Article 2(d) (eligibility of operators), after paragraph 4, insert—

“5. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(3) In Article 3(e) (eligibility of products), after paragraph 4, insert—

“5. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(4) In Article 4(f) (security), at the end, insert—

“This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.

This Article ceases to apply in relation to private storage aid schemes in Scotland.”.

(5) In Article 5(g) (release and forfeiture of security), after paragraph 9, insert—

“10. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.

(a) Article 18 is relevantly amended by S.I. 2019/765. Paragraph 3 is inserted by S.I. 2023/124, which extends to England and Wales.

(b) Annex 13 relevantly amended by S.I. 2019/765. Paragraph 2A is inserted by S.I. 2023/124, which extends to England and Wales.

(c) EUR 2016/1238, relevantly amended by S.I. 2019/823.

(d) Article 2 is relevantly amended by S.I. 2019/823. Paragraph 4 is inserted by S.I. 2023/124, which extends to England and Wales.

(e) Paragraph 4 is inserted by S.I. 2023/124, which extends to England and Wales.

(f) Article 4 is relevantly amended by S.I. 2019/823. Additional text is inserted by S.I. 2023/124, which extends to England and Wales.

(g) Article 5 is relevantly amended by S.I. 2019/823. Paragraph 9 is inserted by S.I. 2023/124, which extends to England and Wales.

11. This Article ceases to apply in relation to private storage aid schemes in Scotland.”.

(6) In Article 6(a) (intervention storage places), after paragraph 3, insert—

“4. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(7) In Article 7(b) (requirements for storage places), after paragraph 4, insert—

“5. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(8) In Article 8(c) (payment of aid for private storage)—

(a) after paragraph 2A, insert—

“2B. In relation to Scotland, paragraph 2 is to be read as if “or the forfeiture of the security” were omitted.”,

(b) after paragraph 4A, insert—

“4B. In relation to Scotland, the first subparagraph of paragraph 4 is to be read as if “during storage or” were omitted.”.

(9) In Annex 1(d) (buying-in of cereals), after point A1, insert—

“A2. This Annex ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(10) In Annex 2(e) (buying-in of rice), after point A1, insert—

“A2. This Annex ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(11) In Annex 3(f) (buying-in of beef), after point A1, insert—

“A2. This Annex ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(12) In Annex 4(g) (buying-in of butter), after point A1, insert—

“A2. This Annex ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate

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- (a) Paragraph 3 is inserted into Article 6 by S.I. 2023/124, which extends to England and Wales.
(b) Article 7 is relevantly amended by S.I. 2019/823. Paragraph 4 is inserted by S.I. 2023/124, which extends to England and Wales.
(c) Article 8 is relevantly amended by S.I. 2019/823. Paragraphs 2A and 4A are inserted by S.I. 2023/124, which extends to England and Wales.
(d) Annex 1 is relevantly amended by S.I. 2019/823. Point A1 is inserted by S.I. 2023/124, which extends to England and Wales.
(e) Annex 2 is relevantly amended by S.I. 2019/823. Point A1 is inserted by S.I. 2023/124, which extends to England and Wales.
(f) Annex 3 is relevantly amended by S.I. 2019/823. Point A1 is inserted by S.I. 2023/124, which extends to England and Wales.
(g) Annex 4 is relevantly amended by S.I. 2019/823. Point A1 is inserted by S.I. 2023/124, which extends to England and Wales.

authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(13) In Annex 5(a) (buying-in of skimmed milk powder), after point A1, insert—

“A2. This Annex ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(14) In Annex 6(b) (quality requirements for aid for private storage), at the end of heading 5, insert—

“In relation to Scotland, the text under this heading is to be read as if—

- (a) the first and second paragraphs were omitted;
- (b) in the third paragraph, for “Furthermore, the cheese” there were substituted “Cheese”.”.

Amendment of Commission Implementing Regulation (EU) 2016/1240

9.—(1) Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage(c) is amended in accordance with paragraphs (2) to (16).

(2) In Article 2(d) (submission and admissibility of offers, tenders and applications), after paragraph 9, insert—

“10. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(3) In each of Articles 3 (intervention storage places), 15 (individual decisions on tenders), 17 (delivery order), 18 (specific provisions for the delivery of cereals and rice), 20 (specific provisions for the delivery of beef), 22 (delivery), 30 (submission and admissibility of tenders), 33 (individual decisions on tenders), 38 (removal of butter and skimmed milk powder) and 57(e) (specific provisions on checks relating to public intervention), after paragraph 4, insert—

“5. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(4) In each of Articles 4 (establishing the eligibility of products), 5 (minimum quantities of products offered or tendered), 7 (submission and admissibility of offers and tenders), 8 (verification of offers and tenders by the paying agency), 11 (measures for respecting the quantitative limitations), 13 (submission and admissibility of tenders), 14 (decisions on the buying-in price), 23 (the takeover record), 26 (price adjustments for cereals and rice), 27 (payments), 32 (decisions on the selling price), 37 (removal order), 58 (specific provisions on

(a) Annex 5 is relevantly amended by S.I. 2019/823. Point A1 is inserted by S.I. 2023/124, which extends to England and Wales.

(b) Annex 6 is relevantly amended by S.I. 2019/823. Additional text is inserted by S.I. 2023/124, which extends to England and Wales.

(c) EUR 2016/1240, relevantly amended by S.I. 2019/823 and S.I. 2019/831.

(d) Article 2 is relevantly amended by S.I. 2019/823. Paragraph 9 is inserted by S.I. 2023/124, which extends to England and Wales.

(e) In each of Articles 3, 15, 17, 18, 20, 22, 30, 33, 38 and 57, paragraph 4 is inserted by S.I. 2023/124, which extends to England and Wales.

checks relating to public intervention for cereals and rice) and 59(a) (specific provisions for the takeover in storage place of the storekeeper for cereals and rice), after paragraph 3, insert—

“4. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(5) In each of Articles 6 (level of the security for buying-in of products), 10 (submission of offers for buying-in of common wheat, butter and skimmed milk powder at fixed price), 16 (limitation of buying-in for beef), 24 (obligations of the operator), 25 (deboning requirement for beef) and 35(b) (payments), at the end, insert—

“This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(6) In each of Articles 12 (tendering procedure), 28 (opening of the tendering procedure) and 34(c) (specific rules for the allocation of beef, butter and skimmed milk powder), after paragraph 6, insert—

“7. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(7) In Article 19(d) (transport costs for cereals and rice), after paragraph 1A, insert—

“1B. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(8) In each of Articles 21 (specific provisions for the packing, delivery and storage of butter and skimmed milk powder), 29 (notice of invitation to tender and arrangements related to the invitation to tender), 36 (sales by the paying agency) and 65(e) (notifications of information on intervention stocks), after paragraph 5, insert—

“6. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(9) In Article 39(f) (opening of tendering procedures and fixing aid in advance), after paragraph 1A, insert—

“1B. In relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023, paragraph 1 is to be read as if point (i) were omitted.

(a) In each of Articles 4, 5, 7, 8, 11, 13, 14, 23, 26, 27, 32, 37, 58, and 59 paragraph 3 is inserted by S.I. 2023/124, which extends to England and Wales.

(b) In each of Articles 6, 10, 16, 24, 25 and 35 additional text is inserted by S.I. 2023/124, which extends to England and Wales. Article 16 is relevantly amended by S.I. 2019/823.

(c) In each of Articles 12, 28 and 34 paragraph 6 is inserted by S.I. 2023/124, which extends to England and Wales. Articles 12 and 28 are relevantly amended by S.I. 2019/831.

(d) Article 19 is relevantly amended by S.I. 2019/823. Paragraph 1A is inserted by S.I. 2023/124, which extends to England and Wales.

(e) In each of Articles 21, 29, 36 and 65, paragraph 5 is inserted by S.I. 2023/124, which extends to England and Wales. Articles 29, 36 and 65 are relevantly amended by S.I. 2019/831.

(f) Article 39 is relevantly amended by S.I. 2019/831. Paragraph 1A is inserted by S.I. 2023/124, which extends to England and Wales.

1C. In relation to private storage aid schemes in Scotland, paragraph 1 is to be read as if point (i) were omitted.”.

(10) In Article 40(a) (submission and admissibility of tenders and applications for aid for private storage), at the end, insert—

“In relation to private storage aid schemes in Scotland, this Article is to be read as if—

- (a) in point (a)(vi), for “euro” there were substituted “sterling”,
- (b) point (b) were omitted.”.

(11) In Article 52(b) (obligations of the operator), after paragraph 2A, insert—

“2B. In relation to private storage aid schemes in Scotland, paragraph 2 is to be read as if—

- (a) point (i) were omitted;
- (b) in point (ii), “for other products” were omitted.”.

(12) In Article 56(c) (general provisions on checks relating to public intervention and aid for private storage), after paragraph 5, insert—

“6. This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(13) In Article 60(d) (specific provisions on checks relating to aid for private storage)—

(a) after paragraph 2A, insert—

“2B. In relation to Scotland, the first subparagraph of paragraph 2 is to be read as if for “5%”, in both places it appears, there were substituted “10%”.”,

(b) after paragraph 3A, insert—

“3B. Paragraph 3 does not apply in relation to Scotland.”,

(c) after paragraph 4A, insert—

“4B. In relation to Scotland, the second subparagraph of paragraph 4 is to be read as if, for “5%”, in both places it appears, there were substituted “10%”.”,

(d) after paragraph 6, insert—

“7. In relation to Scotland, paragraph 5 is to be read as if for “paragraphs 3 and” there were substituted “paragraph”.”.

(14) In Article 60a(e) (specific provision on checks relating to public intervention and aid for private storage for milk and milk products), after paragraph 3, insert—

“4. In relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023, this Article is to be read as if—

- (a) in the heading, “public intervention and” were omitted,

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- (a) Article 40 is relevantly amended by S.I. 2019/823. Additional text is inserted by S.I. 2023/124, which extends to England and Wales.
 - (b) Article 52 is relevantly amended by S.I. 2019/823. Paragraph 2A is inserted by S.I. 2023/124, which extends to England and Wales.
 - (c) Article 56 is relevantly amended by S.I. 2019/823. Paragraph 5 is inserted by S.I. 2023/124, which extends to England and Wales.
 - (d) Paragraphs 2A, 3A, 4A and 6 are inserted by S.I. 2023/124, which extends to England and Wales.
 - (e) Article 60a is relevantly amended by S.I. 2019/823. Paragraph 3 is inserted by S.I. 2023/124, which extends to England and Wales.

(b) in paragraph 1, in the second subparagraph, the words from “n force” to the end were omitted.

5. In relation to private storage aid schemes in Scotland, this Article is to be read as if—

(a) in the heading, “public intervention and” were omitted,

(b) in paragraph 1, in the second subparagraph, the words from “n force” to the end were omitted.”.

(15) In each of Annexes 1 (cereals) to 5(a) (skimmed milk powder), after point A1, insert—

“A2. This Annex ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.”.

(16) In the Appendix to Annex 9(b), after the second paragraph, insert—

“In relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023, this paragraph is to be read as if for “public intervention and private storage legislation lay” there were substituted “private storage legislation lays”.”.

Transitional provision

10.—(1) Regulations 3 to 9 are of no effect in so far as they relate to any admissible offer for public intervention which is received before 1 July 2023.

(2) For the purposes of this regulation, an admissible offer for public intervention is an offer which is received in accordance with Articles 2 and 7 of Commission Implementing Regulation (EU) 2016/1240 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage.

MAIRI GOUGEON
A member of the Scottish Government

St Andrew’s House,
Edinburgh
18th May 2023

(a) In each of Annexes 1 to 5, point A1 is inserted by S.I. 2023/124, which extends to England and Wales.

(b) In the Appendix to Annex 9, the second paragraph is inserted by S.I. 2023/124, which extends to England and Wales.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations suspend legislation on public intervention for a period of 5 years beginning on 1 July 2023. These Regulations also amend legislation on private storage aid. Public intervention and private storage aid legislation is retained EU law.

These Regulations make further amendments to retained EU law which are consequential to the suspension of legislation on public intervention and the amendment of legislation on private storage aid.

These Regulations come into force on 1 July 2023.

With respect to the framework for private storage aid, the amendments made by these Regulations remove the requirement to carry out unannounced, on the spot checks during the period of storage of the product to ensure the presence and identity of the contractual quantity in the place of private storage. They also increase the minimum percentage of physical checks at the beginning and end of the storage period from 5% to 10%.

In addition, these Regulations remove the requirement for operators to lodge a security when submitting a tender or an application for aid for private storage. They also amend the requirement for tenders for private storage aid to set out the amount of proposed aid in euro, so that this is instead set out in sterling.

In respect of the products that are eligible for private storage aid, these Regulations remove the requirement for cheese to have a protected designation of origin or geographical indication in order to be eligible for private storage aid.

Regulation 10 contains a transitional provision which provides that the amendments made by regulations 3 to 9 and the revocation made by regulation 11 are of no effect in so far as they relate to an admissible offer for public intervention which is received before the coming into force of the instrument.

A Business and Regulatory Impact Assessment has not been produced for this instrument as no, or no significant, impact on business, charities or voluntary bodies is foreseen.

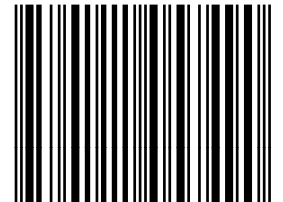
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