
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 150

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

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⁽¹⁾ is amended in accordance with paragraphs (2) to (16).

(2) In Article 2⁽²⁾ (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⁽³⁾ (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 checks relating to public intervention for cereals and rice) and 59⁽⁴⁾ (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.”.

(1) EUR 2016/1240, relevantly amended by [S.I. 2019/823](#) and [S.I. 2019/831](#).

(2) 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.

(3) 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.

(4) 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.

(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(5) (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(6) (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(7) (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(8) (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(9) (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

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

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- (5) 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](#).
- (6) 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](#).
- (7) 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.
- (8) 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](#).
- (9) 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.
- (10) 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.

“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(**11**) (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(**12**) (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(**13**) (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(**14**) (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,
- (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,

(11) 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.

(12) 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.

(13) Paragraphs 2A, 3A, 4A and 6 are inserted by [S.I. 2023/124](#), which extends to England and Wales.

(14) 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.”.

(15) In each of Annexes 1 (cereals) to 5(15) (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(16), 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”.”.

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

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