
STATUTORY INSTRUMENTS

2020 No. 1578

**The World Trade Organisation Agreement on
Agriculture (Domestic Support) Regulations 2020**

New or amended schemes

5.—(1) When a proposing authority proposes—

- (a) to provide a new form of domestic support, or
- (b) to make amendments to an existing form of domestic support which would change the information referred to in paragraph (6) previously notified in relation to that domestic support,

the proposing authority must give written notice of that support, in accordance with this regulation, as soon as practicable, and, unless paragraph (2) or (3) apply, at least six months before the day on which the proposing authority intends to adopt the new or amended domestic support.

(2) This paragraph applies if—

- (a) the proposing authority is giving notice of amendments to an existing scheme, and
- (b) in the opinion of the proposing authority, the amendments being proposed do not affect the classification of the support provided under that scheme.

(3) This paragraph applies if—

- (a) the proposed domestic support is being introduced in response to—
 - (i) exceptional market conditions in one or more countries in the United Kingdom, or
 - (ii) a crisis in the sector to which the support relates in one or more countries in the United Kingdom, and
- (b) the condition set out in paragraph (4) in relation to exceptional market conditions, or in paragraph (5) in relation to a sectoral crisis, is satisfied.

(4) The condition in this paragraph is satisfied if—

- (a) where England is affected, the Secretary of State has made a declaration under section 20 of the Agriculture Act 2020;
- (b) where Scotland is affected, the Scottish Ministers consider that the conditions set out in any of Articles 219 to 221 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products, as that Regulation has effect in Scotland under section 3 of the European Union (Withdrawal) Act 2018⁽¹⁾, for the measures provided for in those Articles, are satisfied;
- (c) where Wales is affected, the Welsh Ministers have made a declaration under paragraph 7(1) of Schedule 5 to the Agriculture Act 2020;
- (d) where Northern Ireland is affected, DAERA considers that the conditions set out in paragraph 8(1) of Schedule 6 to the Agriculture Act 2020 are satisfied.

⁽¹⁾ 2018 c. 16. Section 3 has been amended by s. 25 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(5) The condition in this paragraph is satisfied if the Secretary of State, in consultation with the devolved authorities, agrees that the requirement in paragraph (1) for six months' notice of the proposed domestic support is to be waived.

(6) The notice required under paragraph (1) must set out the following information in relation to the proposed domestic support—

- (a) the full title of the domestic support;
- (b) the legislation, if any, under which the domestic support is or will be adopted;
- (c) a full description of the domestic support being provided;
- (d) whether the domestic support applies to a specified agricultural product, and, if so, which specified agricultural product it applies to;
- (e) an estimate of the monetary value of the domestic support per reporting year;
- (f) the date on which it is proposed that the domestic support will enter into force;
- (g) the proposed classification of the domestic support;
- (h) if relevant, the additional information required by paragraph (7) or (8).

(7) If the classification proposed for the domestic support is green box domestic support, the notice must, unless paragraph (9) applies, also set out—

- (a) the type of domestic support, by reference to the measure types listed in supporting table DS:1 in the Notification Requirements;
- (b) evidence demonstrating how the domestic support satisfies—
 - (i) the general criteria in paragraph 1 of Annex 2; and
 - (ii) each of the policy specific criteria and conditions applicable to that type of domestic support under Annex 2.

(8) If the classification proposed for the domestic support is blue box domestic support, the notice must, unless paragraph (9) applies, also set out—

- (a) which provision of Article 6(5)(a) of the Agreement on Agriculture applies to the domestic support; and
- (b) evidence demonstrating how the domestic support satisfies the conditions set out in Article 6(5)(a) of the Agreement on Agriculture.

(9) This paragraph applies if—

- (a) the proposed domestic support replaces a previous scheme which has been adopted in the United Kingdom, or any part of the United Kingdom, which had the same classification as is proposed for the proposed scheme; and
- (b) the notice is accompanied by a list of the differences between the previous scheme and the proposed scheme.

(10) Subject to paragraph (11), the proposing authority must give the notice referred to in paragraph (1) to the UK co-ordinating body, which must send a copy of that notice to the other appropriate authorities.

(11) Where no UK co-ordinating body has been designated, the proposing authority must give notice direct to the other appropriate authorities.