
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in response to, and in connection with, the declaration made by the Secretary of State on 11th November 2021 under section 20 of the Agriculture Act 2020 (c. 21) to the effect that the Secretary of State considers that exceptional market conditions exist which justify use of the powers referred to in section 21 of that Act. The declaration describes the exceptional market conditions in question and the grounds for considering that they justify making use of the powers referred to in section 21.

These Regulations apply only in relation to England.

[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 (“the CMO Regulation”) confers various powers on the Secretary of State to make provision for, and in connection with, the grant of aid for private storage (“PSA”) for certain products including pigmeat.

These Regulations provide for the grant of PSA for the storage in England of certain pigmeat products (“eligible products”) for fixed periods of 60, 90, 120, 150 or 180 days. PSA cannot be granted under the Regulations for any eligible products which are already in storage. The total quantity (“the PSA threshold”) in respect of which PSA may be granted is 14,000 tonnes of eligible products.

The general framework under which PSA for eligible products may be granted, in England, is currently provided for in retained direct EU law including, in particular:

- (a) the CMO Regulation;
- (b) Council [Regulation \(EU\) No 1370/2013](#) determining measures fixing certain aids and refunds related to the common organisation of the markets in agricultural products;
- (c) Commission Delegated Regulation (EU) No 2016/1238 supplementing [Regulation \(EU\) No 1308/2013](#);
- (d) Commission Implementing Regulation (EU) No 2016/1240 laying down rules for the application of [Regulation \(EU\) No 1308/2013](#).

These Regulations supplement that framework by:

- (a) setting, as required by Article 4(2) of Council [Regulation \(EU\) No 1370/2013](#), the amount of PSA which may be granted for private storage for eligible products;
- (b) setting the amount of the security that eligible operators who apply for PSA must pay in accordance with Article 40(b) of Commission Delegated Regulation (EU) No 2016/1240;
- (c) setting various requirements for applications for PSA. Such applications can be made until noon on 2nd February 2022, unless the PSA threshold is met before then. If the PSA threshold is met, no further applications will be accepted from that time. The requirements that an application must meet are in addition to those set out in Articles 2 and 40 of Commission Delegated Regulation (EU) No 2016/1240;
- (d) modifying Article 45 of Commission Delegated Regulation (EU) No 2016/1240 as it applies for the purposes of this scheme, to make clear the circumstances in which the Secretary of State may reduce the quantity in an application for PSA and the circumstances in which applications for PSA are to be rejected;

Status: This is the original version (as it was originally made).

- (e) modifying Commission Delegated [Regulation \(EU\) No 907/2014](#) as it applies in relation to securities which are to be lodged for the purposes of this scheme.

No impact assessment has been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen.