

**2021 No. 1269**

**AGRICULTURE, ENGLAND**

**The Private Storage Aid for Pigmeat (England) Regulations  
2021**

*Made* - - - - at 2.30 p.m. on 11th November 2021

*Laid before Parliament* 15th November 2021

*Coming into force* - - 16th November 2021

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 4 and 15 of 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(a), Articles 18(2)(a), 20 and 227 of 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(b) (“the CMO Regulation”), Article 39 of Commission Implementing Regulation (EU) No 2016/1240 of 18 May 2016 laying down rules for the application of the CMO Regulation with regard to public intervention and aid for private storage(c) and sections 22(1) and 50(3) of the Agriculture Act 2020(d).

These Regulations are made in response to, and in connection with, the exceptional market conditions which are the subject of the declaration made by the Secretary of State under section 20 of the Agriculture Act 2020 on 11th November 2021.

**Citation, commencement, extent and application**

1.—(1) These Regulations may be cited as the Private Storage Aid for Pigmeat (England) Regulations 2021.

(2) These Regulations come into force on the day after the day on which they are laid before Parliament.

(3) These Regulations extend to England and Wales, but apply only in relation to England.

**Interpretation**

2. In these Regulations—

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(a) EUR 2013/1370. Article 4 was amended by S.I. 2019/821 and 831. Article 15 was substituted by S.I. 2019/831. “The appropriate authority” is defined in Article 1(c). Article 1C was inserted by S.I. 2019/821 and amended by S.I. 2020/1445.  
(b) EUR 2013/1308. Article 18 was amended, and Article 227 was substituted, by S.I. 2019/831. “The appropriate authority” is defined in Article 3(5)(c). The definition of “appropriate authority” was inserted by S.I. 2019/821.  
(c) EUR 2016/1240. Article 39 was amended by S.I. 2019/831. “The appropriate authority” is defined in Article 1A. Article 1A was inserted by S.I. 2019/823.  
(d) 2020 c. 21.

“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(a);

“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;

“the commencement day” means the day on which these Regulations come into force;

“eligible operator” means an operator to whom Article 2 of Regulation (EU) No 2016/1238(b) applies;

“eligible product” means a product which—

(a) is in table 1 or table 2, and

(b) satisfies the requirements of Article 3(1) and (3) of Regulation (EU) No 2016/1238(c) (eligibility of products);

“PSA application” has the meaning given in regulation 5(1);

“the specified rate” has the meaning given in regulation 4(2);

“table 1” means table 1 in the Schedule;

“table 2” means table 2 in the Schedule.

### **Private storage aid for eligible products**

**3.**—(1) The Secretary of State may grant aid for the private storage in England for eligible products(d) in response to the exceptional market conditions which are the subject of the declaration made by the Secretary of State under section 20 of the Agriculture Act 2020 on 11th November 2021.

(2) The Secretary of State may not grant such aid for eligible products which have already been placed into storage.

(3) The maximum total quantity of eligible products in respect of which the Secretary of State may grant such aid is 14,000 tonnes.

### **Rates of private storage aid for eligible products**

**4.**—(1) Aid for private storage in England for eligible products may be granted at the specified rate.

(2) For the purposes of these Regulations “the specified rate” is—

(a) in relation to the products in table 1, the rate specified in column 3 of that table for the period for which the products are to be stored;

(b) in relation to the products in table 2, the rate specified in column 4 of that table for the period for which the products are to be stored.

### **Applications for private storage aid**

**5.**—(1) An eligible operator may make an application for aid for private storage for eligible products (a “PSA application”) at any time—

(a) on or after the commencement day, and

(b) before noon on 2nd February 2022.

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(a) EUR 2016/1238.

(b) Article 2 was amended by S.I. 2019/823.

(c) Annex 6 was amended by S.I. 2019/823.

(d) Article 17 of Regulation (EU) No 1308/2013 provides for the grant of aid for private storage of products including pigmeat.

- (2) An eligible operator may make more than one PSA application.
- (3) A PSA application must—
- (a) be for a storage period of 60, 90, 120, 150 or 180 days;
  - (b) relate to only one of the following—
    - (i) one of the products in table 1;
    - (ii) one of the products described in the entry in column 3 of table 2 relating to category 3;
    - (iii) products in category 5;
    - (iv) products in category 6.
  - (c) be in respect of at least—
    - (i) 15 tonnes of eligible products, where the application relates to products in table 1;
    - (ii) 10 tonnes of eligible products, where the application relates to products in table 2;
  - (d) not relate to any eligible products which have already been placed into storage.
- (4) For the purposes of paragraph (3)(b) a reference to a numbered category is a reference to the corresponding numbered category in column 1 of table 2.
- (5) This regulation is subject to Article 45 of Regulation (EU) No 2016/1240(a) (decisions on applications for aid for private storage fixed in advance) as modified by regulation 7.

## Security

**6.—**(1) The amount of the security to be lodged, in accordance with Article 40(b) of Regulation (EU) No 2016/1240(b) (submission etc. of applications for aid for private storage), by an eligible operator who makes a PSA application is to be determined in accordance with this regulation.

(2) The amount of the security is an amount, in sterling, corresponding to 20% of  $(A \times T)$  where—

- (a) “A” is the specified rate;
- (b) “T” is the quantity, in tonnes, of eligible products which are to be stored.

(3) Article 20 and Chapter 5 of Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation 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(c) (use of euro) do not apply in relation to the security to be lodged by an eligible operator who makes a PSA application.

## Decisions on PSA applications

**7.—**(1) Article 45 of Regulation (EU) No 2016/1240 (decisions on applications for aid for private storage fixed in advance) has effect in connection with decisions on PSA applications 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—

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(a) Article 45 was amended by S.I. 2019/823.

(b) Article 40(b) was amended by S.I. 2019/823. Further provision about securities is made in Chapter 4 of Commission Delegated Regulation (EU) No 907/2014 (EUR 2014/907).

(c) EUR 2014/907.

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

2B. The Secretary of State must reject PSA applications made before the PSA threshold is met the acceptance of which would have been decided after that threshold is met.”.

(d) for paragraph 3 there is substituted—

“3. Paragraph 4 applies where a PSA application is submitted which, if accepted by the Secretary of State in the form in which it is submitted, would mean that the PSA threshold would be exceeded.

4. Where this paragraph applies, the Secretary of State—

- (a) may reduce the quantity in the PSA application to not less than the minimum quantity, if making the reduction would mean that the PSA threshold is not exceeded;
- (b) otherwise, must reject the application.

By way of derogation from Article 2(6), the operator who made the relevant PSA application may, if the Secretary of State 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 Secretary of State notifies the operator that the Secretary of State has decided to make the reduction.

5. In this Article—

- (a) “PSA application” has the meaning given in the PSA Regulations;
- (b) “the PSA Regulations” means the Private Storage Aid for Pigmeat (England) Regulations 2021;
- (c) “the PSA threshold” means the threshold specified in regulation 3(3) of the PSA Regulations;
- (d) “the minimum quantity”, in relation to a PSA application, means—
  - (i) 15 tonnes, where the application relates to products in table 1 in the Schedule to the PSA Regulations;
  - (ii) 10 tonnes, where the application relates to products in table 2 in that Schedule.”.

*Victoria Prentis*  
Minister of State

At 2.30 p.m. on 11th November 2021      Department for the Environment, Food and Rural Affairs

## SCHEDULE

Regulations 2, 4 and 5

### Eligible products and rates of aid

**Table 1 (Bone in products)**

<i>Column 1</i> CN code	<i>Column 2</i> Description of products in respect of which aid may be granted	<i>Column 3</i> Rate of aid (in £/per tonne) for a storage period of				
		<i>60 days</i>	<i>90 days</i>	<i>120 days</i>	<i>150 days</i>	<i>180 days</i>
ex 0203 12 11 ex 0203 12 19 ex 0203 19 15	legs, bone in shoulders, bone in middles with loins, bone in	150	185	220	255	290

**Table 2 (Bone out products)**

Column 1 Category	Column 2 CN Code	Column 3 Description(s) of products in respect of which aid may be granted	Column 4 Rate of aid (in £/per tonne) for a storage period of				
			60 days	90 days	120 days	150 days	180 days
<b>Category 3</b>	ex 0203 19 55 <sup>(a)</sup>	– legs, bone out; – shoulders, bone out; – fore-ends, bone out; – loins, with or without neck-ends, bone out; – neck-ends, bone out – loins, with or without chump, bone out	145	180	215	250	285
<b>Category 5</b>	ex 0203 19 55	bellies, whole or trimmed by rectangular cut, without rind and ribs					
<b>Category 6</b>	ex 0203 19 55 <sup>(b)</sup>	cuts corresponding to “middles”, with or without rind or fat, bone out					

<sup>(a)</sup> Loins and neck-ends may be with or without rind, but the adherent layer of fat may not exceed 25mm in depth.

<sup>(b)</sup> Same presentation as for products falling within CN code 0210 1920.

### 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;
- (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.

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