POLICY NOTE

THE COMMON AGRICULTURAL POLICY NON-IACS SUPPORT SCHEMES (APPEALS) (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI 2015/167

Introduction

1. The above instrument was made in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. The instrument is subject to negative resolution procedure. It was laid before the Scottish Parliament on 8 April 2015 and will come into force on 25 May 2015.

Background

2. As agreed with, and on behalf of, the devolved administrations, on a pan-UK basis, the Rural Payments Agency (RPA) administers an EU funded CMO (Common Organization of Markets) mechanism under the Common Agricultural Policy, which regulates the markets in agricultural products by way of a range of aid schemes. In relation to Scotland, this is underpinned by agency and service level agreements between the RPA and the Scottish Ministers.

3. The current framework EU rules governing the CMO is 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, which came into force in 2014. It carries forward most of the existing rules for the management of agricultural markets in the EU, including rules on public intervention, private storage, marketing and quality standards, import and export rules, crisis measures and competition and state aid rules. The framework instrument is supplemented by a range of other EU delegated and implementing instruments, which regulate in more detail the technical aspects of the CMO as applicable to the circumstances of different agricultural sectors. Although some of these supplementary EU instruments pre-date Regulation (EU) No 1308/2013 (as those were made under previous framework rules) they remain applicable though have been amended on a fairly regular basis.

4. The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004 provide for a review and appeal of decisions made by or on behalf of the Scottish Ministers in relation to the administration of schemes under the CMO, by persons whose principal trading address is in Scotland. The Schedule to those Regulations set out the decisions under the applicable EU instruments which are amenable to review and appeal. An amendment to those Regulations is now required to reflect changes made to the relevant EU instruments since 2004 as well as to reflect other relevant EU instruments regulating the CMO.

5. This amending legislation is required to continue to ensure that any Scottish business that feels they are adversely affected by a decision taken by RPA in relation to CMO activities can appeal to Scottish Ministers to have that decision reviewed.

6. In the last 7 years, there has been only 1 appeal of this type.

Policy Objectives and Stakeholder Engagement

7. To ensure that Scottish producers have the opportunity to appeal against CMO decisions taken by RPA.

8. It is deemed not necessary to discuss this legislative change with stakeholders as it is being introduced to continue to protect their activities.

Effect of Instrument

9. As in point 3 above. It should also be noted that this legislative change does not impact on the direct aids and rural development schemes under the Common Agricultural Policy as administered by Scottish Ministers and for which a separate, revised appeals regulation is currently being drafted.

Impact Assessments

10. A Business and Regulatory Impact Assessment (BRIA) is not required for this amending legislation.

Financial Effects

11. None.

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