Draft Regulations laid before Parliament under section 7(4) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2026 No.

AGRICULTURE

The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetables) (Miscellaneous Amendment) (Scotland) Regulations 2026

Made - - - -	*2026*
Coming into force - -	*30th January 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 7(1) and 21(1) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020(**a**) and all other powers enabling them to do so.

In accordance with section 7(4) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament(**b**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Organisation of the Markets in Agricultural Products (Fruit and Vegetables) (Miscellaneous Amendment) (Scotland) Regulations 2026 and come into force on 30 January 2026.

(2) In these Regulations—

"CMO Regulation" means 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 243/79, (EC) No 1307/2001 and (EC) No 1234/2007(**c**),

"Commission Delegated Regulation" means Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011(**d**),

(**a**) 2020 asp 17. Section 7 was amended by section 27 of the Agriculture and Rural Communities (Scotland) Act 2024 (asp 11).
(**b**) The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). These Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.
(**c**) EUR 2013/1308.
(**d**) EUR 2017/891.

"Commission Implementing Regulation" means Commission Implementing Regulation (EU) No 2017/892 of the European Parliament and of the Council of 13 March 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors(**a**).

Amendment of the Common Agriculture Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004

2. In the schedule (regulations in respect of which decisions are amenable to review and appeal) of the Common Agricultural Policy NON-IACS Support Schemes (Appeals) (Scotland) Regulations 2004(**b**), at the end insert—

"Commission Delegated Regulation (EU) 2017/891 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011,

Commission Implementing Regulation (EU) 2017/892 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors.".

Amendment of the CMO Regulation

3.—(1) The CMO Regulation is amended in accordance with paragraphs (2) and (3).

(2) In paragraph 1 of Article 33 (operational programmes)(**c**) for "a minimum duration of two years and a maximum duration of three years" substitute "a duration of three years".

(3) In Article 34 (financial assistance)(**d**)—

(a) for paragraph 2, substitute—

"2. The financial assistance is to be limited to 4.1% of the value of the marketed production of produce which is grown in Scotland of each producer organisation or of their association.",

(b) omit paragraph 3.

Amendment of the Commission Delegated Regulation

4.—(1) The Commission Delegated Regulation is amended in accordance with paragraphs (2) and (3).

(2) For paragraph 2 of Article 23 (reference period and ceiling on financial assistance)(**e**) substitute—

"2. Except where paragraph 2A applies, the ceiling on financial assistance referred to in Article 34(2) of Regulation (EU) No 1308/2013 is to be calculated for every year of the operational programme on the basis of the value of the marketed production of produce grown in Scotland during the reference period of the producers who are members of the producer organisation or association of producer organisations on 1 January of the first year of the operational programme during which the aid is requested.".

(**a**) EUR 2017/892.
(**b**) S.S.I. 2004/278, relevantly amended by S.S.I. 2015/167 and 2017/178.
(**c**) Article 33(1) was relevantly amended by S.S.I. 2023/311.
(**d**) Article 34 was amended by S.I. 2019/821 and S.I. 2019/1422.
(**e**) Article 23 was amended by S.I. 2020/1446 and S.I. 2021/756.

(3) In Article 26(1) (notification of estimated amount)(**a**) for "15 September", at both places it occurs, substitute "1 March".

Amendment of the Commission Implementing Regulation

5.—(1) Article 6 (time limit for submission)(**b**) of the Commission Implementing Regulation is amended in accordance with paragraphs (2) and (3).

(2) For paragraph 1 substitute—

"1. An operational programme is to be submitted for approval by a producer organisation which has its head office in Scotland to the appropriate authority by 15 September in any applicable year.".

(3) After paragraph 2, insert—

"3. An appropriate authority may only approve an operational programme if the producer organisation submitting it has notified the appropriate authority by 1 March, or such later date as may be set by the appropriate authority in accordance with Article 26(1) of Delegated Regulation (EU) 2017/891, in the year preceding the applicable year of the estimated amount of financial assistance of its members and of the producer organisation or association itself, to the operational funds for the period for which the programme is to be implemented(**c**).

4. For the purposes of this Article, the "applicable year" means 2025 and every third year thereafter (so 2028, 2031, 2034 and so on).".

Transitional provision

6.—(1) Financial assistance under Article 34(2) of the CMO Regulation for the period beginning on 1 January 2026 and ending on 31 December 2028 given to a producer organisation which meets the condition specified in paragraph (2) is to be calculated in accordance with paragraph (3).

(2) The condition specified is that the producer organisation has submitted an operational plan—

(a) for a period ending on 31 December 2025, which was approved under Article 33 of the Commission Delegated Regulation, and

(b) for the period beginning on 1 January 2026 for approval in accordance with Article 6 of respect of the Commission Implementing Regulation.

(3) The financial assistance is to be calculated as if—

(a) the amendment in regulation 3(3)(a) has no effect,

(b) for paragraph 2 of Article 34 (financial assistance) of the CMO Regulation, there were substituted—

"2. The financial assistance is to be limited to 4.1% of the value of the marketed production of produce of each producer organisation or of their association of produce which is—

(a) grown by a person who was a member of the producer organisation or association before 30 January 2026, and

(b) grown in Scotland by a person who became a member of the producer organisation or association on or after 30 January 2026.", and

(c) in Article 23(2) of the Commission Delegated Regulation, "grown in Scotland" were omitted.

(**a**) Article 26 was amended by S.I. 2021/756.
(**b**) Article 6 was amended by S.I. 2021/756.
(**c**) A producer organisation is required to notify the appropriate authority of the estimated financial assistance by virtue of Article 26 of EUR 2017/891 (as amended by S.I. 2021/756 and S.S.I. 2026/XXX).

Revocation

7. The Common Organisation of the Markets in Agricultural Produce (Fruit and Vegetables) (Amendment) (Scotland) Regulations 2023(**a**) are revoked.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

(**a**) S.S.I. 2023/311.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to legislation requiring provision of support to producer organisations in connection with their operational programmes in the fruit and vegetables sector. These Regulations come into force on 16 January 2026.

Regulation 2 amends the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004 to include decisions made under Regulations (EU) No 2017/891 and 2017/892 to the schedule of the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004, and so creates a right of appeal to the Scottish Ministers in the first instance.

Regulation 3 makes amendments to the CMO Regulation. Article 33 is amended to provide that operational programmes must have a duration of 3 years. Article 34 is amended so that the level of financial support to be provided by the Scottish Ministers to the operational fund of a producer organisation is limited to 4.1% of the value of the marketed production of produce which is grown in Scotland.

Regulation 4 makes amendments to Commission Delegated Regulation (EU) 2017/891. These amendments provide for the value of marketed produce to be calculated on the basis of produce grown in Scotland. Article 26 is amended so that a producer must notify the Scottish Ministers of the estimated amount of financial assistance by 1 March, earlier than the previous deadline of 15 September.

Regulation 5 makes amendments to Regulation (EU) No 2017/892. Operational programmes can now only be submitted in every third year. A producer organisation is required to submit the estimated amount of financial assistance by 1 March in the year preceding the applicable year.

Regulation 6 makes transitional provision. The changes to the basis on which financial support is calculated are not to apply to aid given to producer organisations whose operational plans were approved for a period ending on 31 December 2025 and who have submitted an operational plan for implementation in the period beginning on 1 January 2026 for approval in accordance with Article 6 of Regulation (EU) No 2017/892.

Regulation 7 revokes the Common Organisation of the Markets in Agricultural Produce (Fruit and Vegetables) (Amendment) (Scotland) Regulations 2023, which are spent.

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