These draft Regulations supersede the draft of the same title which was laid before the Scottish Parliament on 16 December 2024 and published on the same date (ISBN 978-0-11-106167-1). It is being issued free of charge to all known recipients of those draft Regulations.

Draft Regulations laid before the Scottish Parliament under section 2(3) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, for approval by resolution of the Scottish Parliament.

D R A F T S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2025 No. 000

AGRICULTURE

The Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) Regulations 2025

Made - - - - 2025

Coming into force - - 5th March 2025

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 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 2(3) of that Act, a draft of this instrument has been laid before and approved by the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) Regulations 2025 and come into force on 5 March 2025.

Modification of Regulation (EU) 1306/2013

2.—(1) Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy (**b**) is amended as follows.

(2) In Article 77 (application of administrative penalties), in paragraph (2) after point (e) insert—

"(ea) where the non-compliance relates to a failure to comply with Article 43a of Regulation (EU) 1307/2013;".

(**a**) 2020 asp 17.

(**b**) EUR 2013/1306. EUR 2013/1306 was incorporated into domestic law in so far as relating to the CAP direct payment schemes by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

Modification of Regulation (EU) 1307/2013

3.—(1) Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(**a**) is amended as follows.

(2) After Article 43 (general rules) insert—

"*Article 43a*

Plans for, and reports in respect of, a holding

1. A farmer entitled to a payment under the basic payment scheme must prepare in respect of the claim year to which the payment relates any two or more of the plans or reports specified in paragraph 2.

2. The plans and reports referred to in paragraph 1 are—

(a) an animal health and welfare plan;

(b) a carbon plan;

(c) a habitats report;

(d) an integrated pest management plan;

(e) a soil report.

3. A plan or report referred to in this Article must be as described in Annex IXa in respect of the plan or report.

4. In this Article, "claim year" has the same meaning as in Article 5A(6)(**b**).".

(3) After Annex IX (list of equivalent practices referred to in Article 43(3)) insert—

"*ANNEX IXa*

Matters to be included in a plan or report referred in Article 43a(1)

1. Animal health and welfare plan

(1) An animal health and welfare plan (in this paragraph, a "plan") must have been prepared not more than one year before the start of the claim year to which it relates.

(2) A plan must include information about animals kept on the holding, including in particular the number and sex of each species of animal.

(3) A plan must include the name and address of, and contact information for, each person who manages animals on the holding.

(4) A plan must include—

(a) the name and address of, and contact information for, any attending veterinary surgeon; and

(b) information about the veterinary services expected to be provided in respect of animals on the holding.

(5) A plan must include information about animals kept on the holding for breeding, including in particular—

(i) the number and species of such animals; and

(**a**) EUR 2013/1307, as relevantly amended by S.I. 2020/91. EUR 2013/1307 was incorporated into domestic law on exit day by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

(**b**) Article 5A was inserted by regulation 2(3) of the Direct Payments to Farmers (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/460).

(ii) the number and species of animals expected to be born on the holding during the claim year.

(6) A plan must include information about animal management activities expected to be carried out during the claim year, including in particular—

(a) the type of activity (for example, scanning a pregnant animal); and

(b) the period during which the activity is expected to be carried out.

(7) A plan must include information about the method by which an animal would where necessary or appropriate be euthanised, including in particular—

(a) the killing method;

(b) the name of, and contact information for, the person who will kill the animal;

(c) the qualification or training which enables that person to euthanise the animal.

(8) A plan must include information about how fallen stock is managed.

(9) A plan must include information about how animal disease is managed, and in particular must specify for each disease that may in the opinion of the person who manages an animal (acting reasonably) occur on the holding—

(a) the likelihood of the disease occurring;

(b) the risks to animal health of the disease;

(c) the measures that are considered necessary or appropriate—

(i) to prevent the onset or spread of a disease; and

(ii) to prevent or mitigate harm from a disease.

(10) In this paragraph—

(a) a reference to an animal means an alpaca, an animal of a bovine species, a goat, a llama, a pig, or a sheep;

(b) a reference to a disease includes a parasite; and

(c) a reference to a person who manages an animal includes, but is not limited to, the keeper.

2. Carbon plan

(1) A carbon plan (in this paragraph, a "plan") must have been prepared not more than five years before the start of the claim year to which it relates.

(2) A plan must include information about emissions from the holding over at least a 12 month period, measured in tonnes of carbon dioxide equivalent.

(3) A plan must include information about how those emissions will be prevented or reduced.

(4) In this paragraph—

(a) a reference to emissions means emissions of a greenhouse gas—

(i) from buildings and machinery used for agricultural purposes on the holding; and

(ii) from agricultural activities carried out on the holding; and

(b) "greenhouse gas" means carbon dioxide, methane and nitrous oxide.

3. Habitats report

(1) A habitats report (in this paragraph, a "report") must have been prepared not more than five years before the start of the claim year to which it relates.

(2) A report must include a map of land on the holding that is managed on a permanent basis showing, at a minimum, the location of any habitat types described in subparagraph (3).

(3) The habitat types referred to in subparagraph (2) are—

(a) coastal land;

(b) cropped land;

(c) grassland;

(d) linear features;

(e) peatland;

(f) upland grazings;

(g) wetlands; and

(h) land designated by a competent authority for cultural, environmental, historic, scenic or scientific purposes.

(4) In this paragraph—

(a) "linear feature" includes drystone dykes, hedges, and watercourses;

(b) a reference to a competent authority is a reference to a body or person exercising a function under an enactment;

(c) a reference to land managed on a permanent basis does not include land let for a period of less than a year.

4. Integrated pest management plan

(1) An integrated pest management plan (in this paragraph, a "plan") must have been prepared not more than one year before the start of the claim year to which it relates.

(2) A plan must describe the measures intended to prevent or control the introduction or spread of plant pests on the holding, including any use of a plant protection product.

(3) A plan must describe how those measures are consistent with the general principles of integrated pest management as described in Annex III of the Directive.

(4) In this paragraph—

(a) "the Directive" means Directive 2009/128/EC of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides(**a**), as that Directive is defined in regulation 2(1) of the Plant Protection Products (Sustainable Use) Regulations 2012(**b**); and

(b) "plant protection product" includes herbicides, nematicides, pesticides, plant growth regulators, and slug control agents.

5. Soil report

(1) A soil report (in this paragraph, a "report") must have been prepared not more than five years before the start of the claim year to which it relates.

(2) A report must provide the specified information for each field on the holding that is—

(a) region 1 land managed on a permanent basis; and

(b) land to which an artificial fertiliser or organic manure is applied.

(3) The specified information is any two of—

(a) the pH of the soil;

(b) the amount of organic matter in the soil;

(c) the amount of phosphorus in the soil;

(d) the amount of potassium in the soil.

(4) In this paragraph—

(a) "region 1" means the region applied by the Scottish Ministers under and in accordance with Article 23(1) as region 1 of Scotland and comprising better quality agricultural land;

(**a**) OJ L 309, 24.11.2009, p. 71.

(**b**) S.I. 2012/1657, as relevantly amended by the Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/306).

(b) a reference to land managed on a permanent basis does not include land—

(i) let for a period of less than a year; and

(ii) used for common grazing.".

Modification of Regulation (EU) 809/2014

4.—(1) Commission Implementing Regulation (EU) No 809/2014 of the European Parliament and of the Council of 17 July 2014 laying down rules for the application of Regulation (EU)1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance(**a**) is amended as follows.

(2) In Article 14 (contents of the single application or payment claim), in paragraph (1) after point (g) insert—

"(ga) where appropriate, a statement by the beneficiary specifying which plans or reports are selected for the purposes of Article 43a(1) of Regulation (EU) No 1307/2013;".

(3) In Article 14a(**b**) (collective claims), in paragraph (1) after point (g) insert—

"(ga) where appropriate, a statement by the beneficiary specifying which plans or reports are selected for the purposes of Article 43a(1) of Regulation (EU) No 1307/2013;".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

(**a**) EUR 2014/809. EUR 2014/908 was incorporated into domestic law in so far are as relating to the CAP direct payment schemes by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

(**b**) Article 14a was inserted by Commission Implementing Regulation (EU) No 2015/2333 (OJ L 329,15.12.2015, p. 1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make modifications to improve the operation of the provisions of Regulation (EU) No 1306/2013 (the "Horizontal Regulation"), Regulation (EU) No 1307/2013 (the "Direct Payments Regulation"), and Commission Implementing Regulation (EU) No 809/2014 (the integrated administration and control regulation or "IACS Regulation").

Regulation 2 modifies Article 77 of the Horizontal Regulation, with the effect that the Scottish Ministers do not require to apply an administrative penalty in respect of any failure to comply with Article 43a of the Direct Payments Regulation as inserted by regulation 3 of these Regulations.

Regulation 3 modifies the Direct Payments Regulation by inserting a new Article 43a and a new Annex IXa. The effect is that it is a condition for receipt of basic payments that the claimant has in place any two or more of the plans as specified in Article 43a(2) and as described in Annex IXa.

Regulation 4 modifies Articles 14 and 14a of the IACS Regulation, with the effect that a claimant must state in the single application form that includes a claim for basic payment which such plans or reports they will prepare in respect of the applicable claim year.

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