
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 311

AGRICULTURE

**The Common Organisation of the Markets in
Agricultural Products (Fruit and Vegetables)
(Amendment) (Scotland) Regulations 2023**

Made - - - - *31st October 2023*
Laid before the Scottish
Parliament - - - - *2nd November 2023*
Coming into force - - *15th December 2023*

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

Citation and commencement

1. These Regulations may be cited as the Common Organisation of the Markets in Agricultural Products (Fruit and Vegetables) (Amendment) (Scotland) Regulations 2023 and come into force on 15 December 2023.

Amendment of [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council

2. For paragraph 1 of Article 33 (operational programmes) 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 and repealing Council Regulations ([EEC](#)) No 922/72, ([EEC](#)) No 234/79, ([EC](#)) No 1037/2001 and ([EC](#)) No 1234/2007(2) substitute—

“1. Operational programmes in the fruit and vegetables sector shall have a minimum duration of two years and a maximum duration of three years.

Operational programmes must have at least two of the objectives referred to in point (c) of Article 152(1) or two of the following objectives:

- (a) planning of production, including production and consumption forecasting and follow-up;

(1) 2020 asp 17.

(2) EUR 2013/1308. Article 33 is amended by EUR 2020/2220.

- (b) improvement of product quality, whether in a fresh or processed form;
- (c) boosting products' commercial value;
- (d) promotion of the products, whether in a fresh or processed form;
- (e) environmental measures, particularly those relating to water, and methods of production respecting the environment, including organic farming;
- (f) crisis prevention and management.

Operational programmes shall be submitted to the relevant authority for its approval.

The first subparagraph applies to any operational programme of a producer organisation, or association of producer organisations, which has, at the time of the implementation, or proposed implementation, of that programme, its head office located in Scotland (as established by the application of Article 14A or Article 21A of 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\(3\)](#)).”.

St Andrew's House,
Edinburgh
31st October 2023

MAIRI GOUGEON
A member of the Scottish Government

(3) EUR 2017/891, relevantly amended by [S.I. 2021/756](#).

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations are made in exercise of the powers conferred by section 7(1) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 in order to clarify the minimum duration of an operational programme in the fruit and vegetables sector under Article 33 of [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council (“the CMO”).

Article 33 of the CMO is amended by [Regulation \(EU\) 2020/2220](#) of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF), which created a derogation, the operation of which is ambiguous, from the duration of operational programmes.

Regulation 2 amends Article 33 to remove any uncertainty with the effect that the duration of an operational programme in the fruit and vegetables sector is from two to three years.

The amendment only applies to operational programmes of producer organisations, or associations of producer organisations which have their head office located in Scotland. Articles 14A and 21A of Commission Delegated [Regulation \(EU\) 2017/891](#) make provision regarding the location of the head office of a producer organisation and an association of producer organisations respectively.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.