
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 167

AGRICULTURE

The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Amendment Regulations 2015

<i>Made</i>	- - - -	<i>2nd April 2015</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th April 2015</i>
<i>Coming into force</i>	- -	<i>25th May 2015</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972⁽¹⁾ and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in that section and it appears to the Scottish Ministers that it is expedient for the references in these Regulations to the SCMO Regulations (as defined in regulation 3(a)(ii)) to be construed as references to those Regulations as amended from time to time.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Amendment Regulations 2015 and come into force on 25th May 2015.

(2) In these Regulations, “the principal Regulations” means the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004⁽²⁾.

Amendment of the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 5.
3. In regulation 2 (interpretation)—
 - (a) in paragraph (1)—

(1) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (‘the 1998 Act’), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (‘the 2006 Act’)). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7) (‘the 2008 Act’), section 3(3) and Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and was amended by the 2008 Act, Schedule, Part 1.

(2) S.S.I. 2004/278, amended by S.I. 2011/1043 and S.S.I. 2011/83.

- (i) after the definition of “applicant” omit “and”; and
 - (ii) after definition of “date of notification of the decision” omit the full stop and insert—
“; and
“the SCMO Regulations” means the Regulations listed in the Schedule, as amended from time to time.”; and
 - (b) omit paragraph (3).
4. For regulation 3(1) (application) substitute—
“(1) These Regulations apply in relation to decisions made by or on behalf the Scottish Ministers under any of the SCMO Regulations, and directed to applicants whose principal trading address was in Scotland at the date of the decision to be reviewed.”.
5. For the Schedule (schemes in respect of which decisions are amenable to review and appeal) substitute—

“SCHEDULE

Regulations 2(1) and 3

The SCMO Regulations in respect of which decisions are amenable to review and appeal

Regulation (EEC) No 100/72 of the Commission laying down detailed rules on the denaturing of sugar for animal feed(3);

Commission Regulation (EEC) No 1361/76 laying down certain detailed rules for applying the export refund on rice and on mixtures of rice(4);

Commission Regulation (EEC) No 189/77 laying down detailed rules for the application of the system of minimum stocks in the sugar sector(5);

Commission Regulation (EEC) No 1842/81 laying down detailed rules for implementing Regulation (EEC) No 1188/81 relating to general rules for granting refunds adjusted in the case of cereals exported in the form of certain spirituous beverages(6);

Commission Regulation (EEC) No 2180/81 laying down rules implementing restrictions on investment aids for pig production(7);

Commission Regulation (EEC) No 3423/81 on communication by the Member States of data concerning exports of cereal and rice products as food aid(8);

Commission Regulation (EEC) No 3556/87 laying down additional detailed rules for the application of the system of advance-fixing certificates in the case of certain cereal sector products exported in the form of pasta falling within subheadings 19021100 and 190219 of the combined nomenclature(9);

Commission Regulation (EEC) No 3164/89 laying down detailed rules for the application of special measures in respect of hemp seed(10);

Commission Regulation (EC) No 3330/94 on the tariff classification of certain poultry cuts and amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff(11);

(3) OJ L 12, 15.1.1972, p.15, as last amended by Commission Regulation (EC) No 260/96 (OJ L 34, 13.2.1996, p.16).
(4) OJ L 154, 15.06.1976, p.11.
(5) OJ L 25, 29.1.1977, p.27, as last amended by Commission Regulation (EC) No 986/97 (OJ L 141, 31.5.1997, p.65).
(6) OJ L 183, 4.7.1981, p.10, as last amended by Commission Regulation (EEC) No 2187/86 (OJ L 190, 12.7.1986, p.51).
(7) OJ L 211, 31.7.1981, p.28.
(8) OJ L 345, 1.12.1981, p.50.
(9) OJ L 337, 27.11.1987, p.57, as last amended by Commission Regulation (EEC) No 1613/92 (OJ L 170, 25.6.1992, p.14).
(10) OJ L 307, 24.10.1989, p.22, as last amended by Commission Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p.52).
(11) OJ L 350, 31.12.1994, p.52.

[Commission Regulation \(EC\) No 1439/95](#) laying down detailed rules for the application of [Council Regulation \(EEC\) No 3013/89](#) as regards the import and export of products in the sheepmeat and goatmeat sector**(12)**;

[Commission Regulation \(EC\) No 1517/95](#) laying down detailed rules for the application of [Regulation \(EEC\) No 1766/92](#) as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending [Regulation \(EC\) No 1162/95](#) laying down special detailed rules for the application of the system of import and export licences for cereals and rice**(13)**;

[Commission Regulation \(EC\) No 2810/95](#) on the tariff classification of pig carcasses and half carcasses and amending [Council Regulation \(EEC\) No 2658/87](#) on the tariff and statistical nomenclature and on the Common Customs Tariff**(14)**;

[Commission Regulation \(EC\) No 440/96](#) opening and providing for the administration of Community tariff quotas for certain mixtures of malt sprouts and barley screenings**(15)**;

[Commission Regulation \(EC\) No 1831/96](#) opening and providing for the administration of Community tariff quotas bound under GATT for certain fruit and vegetables and processed fruit and vegetable products from 1996**(16)**;

[Commission Regulation \(EC\) No 2390/98](#) laying down detailed rules for the application of [Council Regulation \(EC\) No 1706/98](#) as regards the arrangements for importing certain cereal substitute products and processed cereal and rice products originating in the African, Caribbean and Pacific States or in the overseas countries and territories and repealing [Regulation \(EEC\) No 2245/90](#)**(17)**;

[Regulation \(EC\) No 1760/2000](#) of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing [Council Regulation \(EC\) No 820/97](#)**(18)**;

[Commission Regulation \(EC\) No 1825/2000](#) laying down detailed rules for the application of [Regulation \(EC\) No 1760/2000](#) of the European Parliament and of the Council as regards the labelling of beef and beef products**(19)**;

[Commission Regulation \(EC\) No 1488/2001](#) laying down rules for the application of [Council Regulation \(EC\) No 3448/93](#) as regards the placement of certain quantities of certain basic products listed in Annex I to the Treaty establishing the European Community under the inward processing arrangements without prior examination of the economic conditions**(20)**;

[Commission Regulation \(EC\) No 2133/2001](#) opening and providing for the administration of certain Community tariff quotas and tariff ceilings in the cereals sector and repealing [Regulations \(EC\) No 1897/94](#), [\(EC\) No 306/96](#), [\(EC\) No 1827/96](#), [\(EC\) No 1970/96](#), [\(EC\) No 1405/97](#), [\(EC\) No 1406/97](#), [\(EC\) No 2492/98](#), [\(EC\) No 2809/98](#) and [\(EC\) No 778/1999](#)**(21)**;

[Commission Regulation \(EC\) No 2298/2001](#) laying down detailed rules for the export of products supplied as food aid**(22)**;

(12) OJ L 143, 27.6.1995, p.7, as last amended by [Commission Regulation \(EU\) No 519/2013](#) (OJ L 158, 10.6.2013, p.74).

(13) OJ L 147, 30.6.1995, p.51.

(14) OJ L 291, 6.12.1995, p.24.

(15) OJ L 61, 12.3.1996, p.2.

(16) OJ L 243, 24.9.1996, p.35, amended by [Commission Regulation \(EU\) No 385/2010](#) (OJ L 113, 6.5.2010, p.11).

(17) OJ L 297, 6.11.1998, p.7, as last amended by [Commission Regulation \(EU\) No 519/2013](#) (OJ L 158, 10.6.2013, p.74).

(18) OJ L 204, 11.8.2000, p.1, as last amended by [Commission Regulation \(EU\) No 653/2014](#) (OJ L 189, 27.6.2014, p.33).

(19) OJ L 216, 26.8.2000, p.8, as last amended by [Commission Regulation \(EC\) No 275/2007](#) (OJ L 76, 16.3.2007, p.12).

(20) OJ L 196, 20.7.2001, p.9, as last amended by [Commission Regulation \(EU\) No 519/2013](#) (OJ L 158, 10.6.2013, p.74).

(21) OJ L 287, 31.10.2001, p.12, as last amended by [Commission Regulation \(EC\) No 1381/2007](#) (OJ L 309, 27.11.2007, p.24).

(22) OJ L 308, 27.11.2001, p.16, as last amended by [Commission Regulation \(EU\) No 1335/2014](#) (OJ L 360, 17.12.2014, p.6).

[Commission Regulation \(EC\) No 2535/2001](#) laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas(23);

[Commission Regulation \(EC\) No 315/2002](#) on the survey of prices of fresh or chilled sheep carcasses on representative markets in the Community(24);

[Commission Regulation \(EC\) No 2004/2002](#) relating to the procedure for determining the meat and fat content of certain pigmeat products(25);

[Commission Regulation \(EC\) No 546/2003](#) on certain notifications regarding the application of Council Regulations (EEC) No 2771/75, (EEC) No 2777/75 and (EEC) No 2783/75 in the eggs and poultrymeat sectors(26);

[Commission Regulation \(EC\) No 1082/2003](#) laying down detailed rules for the implementation of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals(27);

[Commission Regulation \(EC\) No 1342/2003](#) laying down special detailed rules for the application of the system of import and export licences for cereals and rice(28);

[Commission Regulation \(EC\) No 2305/2003](#) opening and providing for the administration of a Community tariff quota for imports of barley from third countries(29);

[Commission Regulation \(EC\) No 2336/2003](#) introducing certain detailed rules for applying Council Regulation (EC) No 670/2003 laying down specific measures concerning the market in ethyl alcohol of agricultural origin(30);

[Commission Regulation \(EC\) No 595/2004](#) laying down detailed rules for applying Council Regulation (EC) No 1788/2003 establishing a levy in the milk and milk products sector(31);

[Commission Regulation \(EC\) No 917/2004](#) on detailed rules to implement Council Regulation (EC) No 797/2004 on actions in the field of beekeeping(32);

[Commission Regulation \(EC\) No 1345/2005](#) laying down detailed rules for the application of the system of import licences for olive oil(33);

[Commission Regulation \(EC\) No 1993/2005](#) on the adjustment of the export refunds on malt under Article 15(4) of Council Regulation (EC) No 1784/2003(34);

[Commission Regulation \(EC\) No 937/2006](#) opening and providing for the administration of a Community tariff quota of corn gluten originating in the United States of America(35);

(23) OJ L 341, 22.12.2001, p.29, as last amended by Commission Implementing Regulation (EU) No 1335/2014 (OJ L 360, 17.12.2014, p.6).

(24) OJ L 50, 21.2.2002, p.47.

(25) OJ L 308, 09.11.2002, p.22.

(26) OJ L 81, 28.3.2003, p.12, as last amended by Commission Regulation (EU) No 41/2010 (OJ L 12, 19.1.2010, p.1).

(27) OJ L 156, 25.6.2003, p.9, as last amended by Commission Regulation (EU) No 1034/2010 (OJ L 298, 16.11.2010, p.7).

(28) OJ L 189, 29.7.2003, p.12, as last amended by Commission Regulation (EU) No 1354/2014 (OJ L 265, 19.12.2014, p.75).

(29) OJ L 342, 30.12.2003, p.7, as last amended by Commission Implementing Regulation (EU) No 1253/2011 (OJ L 319, 2.12.2011, p.47).

(30) OJ L 346, 31.12.2003, p.19, as last amended by Commission Regulation (EU) No 74/210 (OJ L 23, 27.1.2010, p.28).

(31) OJ L 94, 31.3.2004, p.22, as last amended by Commission Implementing Regulation (EU) No 1380/2014 (OJ L 367, 23.12.2014, p.82).

(32) OJ L 163, 30.4.2004, p.83, as last amended by Commission Implementing Regulation (EU) No 768/2013 (OJ L 214, 09.8.2013, p.7).

(33) OJ L 212, 17.8.2005, p.13, as last amended by Commission Implementing Regulation (EU) No 1333/2013 (OJ L 335, 14.12.2013, p.8).

(34) OJ L 320, 8.12.2005, p.26.

(35) OJ L 172, 24.6.2006, p.9.

[Commission Regulation \(EC\) No 952/2006](#) laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system(36);

[Commission Regulation \(EC\) No 967/2006](#) laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota(37);

[Commission Regulation \(EC\) No 969/2006](#) opening and providing for the administration of a Community tariff quota for imports of maize from third countries(38);

[Commission Regulation \(EC\) No 972/2006](#) laying down special rules for imports of Basmati rice and a transitional control system for determining their origin(39);

[Commission Regulation \(EC\) No 1301/2006](#) of 31st August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences(40);

[Commission Regulation \(EC\) No 1505/2006](#) implementing Council Regulation (EC) No 21/2004 as regards the minimum level of checks to be carried out in relation to the identification and registration of ovine and caprine animals(41);

[Commission Regulation \(EC\) No 1557/2006](#) laying down detailed rules for implementing Council Regulation (EC) No 1952/2005 as regards registration of contracts and the communication of data concerning hops(42);

[Commission Regulation \(EC\) No 1643/2006](#) laying down detailed rules for the application of granting of assistance for the export of beef and veal products which may benefit from a special import treatment in a third country(43);

[Commission Regulation \(EC\) No 1670/2006](#) laying down certain detailed rules for the application of Council Regulation (EC) No 1784/2003 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks(44);

[Commission Regulation \(EC\) No 1731/2006](#) on special detailed rules for the application of export refunds in the case of certain preserved beef and veal products(45);

[Commission Regulation \(EC\) No 1741/2006](#) laying down the conditions for granting the special export refund on boned meat of adult male bovine animals placed under the customs warehousing procedure prior to export(46);

[Commission Regulation \(EC\) No 1850/2006](#) laying down detailed rules for the certification of hops and hop products(47);

[Commission Regulation \(EC\) No 1918/2006](#) opening and providing for the administration of tariff quota for olive oil originating in Tunisia(48);

(36) OJ L 178, 1.7.2006, p.39, as last amended by Commission Implementing Regulation (EU) No 994/2013 (OJ L 276, 17.10.2013, p.1).

(37) OJ L 176, 30.6.2006, p.22, as last amended by Commission Implementing Regulation (EU) No 1278/2014 (OJ L 346, 2.12.2014, p.26).

(38) OJ L 176, 30.6.2006, p.44, as last amended by Commission Implementing Regulation (EU) No 1253/2011 (OJ L 319, 2.12.2011, p.47).

(39) OJ L 176, 30.6.2006, p.53, as last amended by Commission Implementing Regulation (EU) No 706/2014 (OJ L 186, 26.6.2014, p.54).

(40) OJ L 238, 1.9.2006, p.13, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(41) OJ L 280, 12.10.2006, p.3, as amended by Commission Regulation (EU) No 1033/2010 (OJ L 298, 16.11.2010, p.5).

(42) OJ L 288, 19.10.2006, p.18, as amended by Commission Regulation (EU) No. 173/2011 (OJ No. L 49, 24.2.2011, p.16).

(43) OJ L 308, 8.11.2006, p.7.

(44) OJ L 312, 11.11.2006, p.33, as amended by Commission Regulation (EU) No 1913/2006 (OJ L 365, 21.12.2006, p.52).

(45) OJ L 325, 24.11.2006, p.12, as last amended by Commission Implementing Regulation (EU) No 565/2013 (OJ L 167, 19.6.2013, p.26).

(46) OJ L 329, 25.11.2006, p.7, as last amended by Commission Regulation (EU) No 173/2011 (OJ L 49, 24.2.2011, p.16).

(47) OJ L 355, 15.12.2006, p.72, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(48) OJ L 365, 21.12.2006, p.84, as amended by Commission Regulation (EU) No 514/2008 (OJ L 150, 10.6.2008, p.7).

[Commission Regulation \(EC\) No 1964/2006](#) laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to [Council Regulation \(EEC\) No 3491/90](#)(49);

[Commission Regulation \(EC\) No 1979/2006](#) opening and providing for the administration of tariff quotas for preserved mushrooms imported from third countries(50);

[Commission Regulation \(EC\) No 88/2007](#) laying down special detailed rules for the application of the system of export refunds on cereals exported in the form of pasta products falling within CN codes 19021100 and 190219(51);

[Commission Regulation \(EC\) No 341/2007](#) opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries(52);

[Commission Regulation \(EC\) No 433/2007](#) laying down the conditions for granting special export refunds for beef and veal(53);

[Commission Regulation \(EC\) No 445/2007](#) laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of [Council Regulation \(EEC\) No 1898/87](#) on the protection of designations used in the marketing of milk and milk products(54);

[Commission Regulation \(EC\) No 504/2007](#) laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector(55);

[Commission Regulation \(EC\) No 533/2007](#) opening and providing for the administration of tariff quotas in the poultrymeat sector(56);

[Commission Regulation \(EC\) No 536/2007](#) opening and providing for the administration of a tariff quota for poultrymeat allocated to the United States of America(57);

[Commission Regulation \(EC\) No 539/2007](#) opening and providing for the administration of tariff quotas in the egg sector and for egg albumin(58);

[Commission Regulation \(EC\) No 616/2007](#) opening and providing for the administration of Community tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries(59);

[Council Regulation \(EC\) No 1234/2007](#) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products(60);

[Commission Regulation \(EC\) No 1299/2007](#) on the recognition of producer groups for hops(61);

[Commission Regulation \(EC\) No 1359/2007](#) laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals(62);

(49) OJ L 408, 30.12.2006, p.19, as amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(50) OJ L 368, 23.12.2006, p.91, as last amended by Commission Implementing Regulation (EU) No 637/2014 (OJ L 175, 14.6.2014, p.20).

(51) OJ L 21, 30.1.2007, p.16, as amended by Commission Regulation (EU) No 2861/2010 (OJ L 87, 7.4.2010, p.21).

(52) OJ L 90, 30.3.2007, p.12, as last amended by Commission Implementing Regulation No (EU) 628/2014 (OJ L 174, 13.6.2014, p.31).

(53) OJ L 104, 21.10.2007, p.3.

(54) OJ L 106, 24.4.2007, p.24, as last amended by Commission Regulation No. 445/2007 (OJ L, 24.3.2009, p.588).

(55) OJ L 119, 09.5.2007, p.7, as last amended by Commission Regulation (EU) No 248/2010 (OJ L 79, 25.3.2010, p.1).

(56) OJ L 125, 15.5.2007, p.9, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(57) OJ L 128, 16.5.2007, p.6, as last amended by Commission Regulation (EU) No. 2015/262 (OJ L 59, 3.3.2015, p.1).

(58) OJ L 128, 16.5.2007, p.19, as amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(59) OJ L 142, 5.6.2007, p.3, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(60) OJ L 299, 16.11.2007, p.1, as last amended by Council Regulation (EU) No 517/2013 (OJ L 158, 10.6.2013, p.1).

(61) OJ L 289, 7.11.2007, p.4, as last amended by Commission Regulation (EU) No 557/2010 (OJ L 159, 25.6.2010, p.13).

(62) OJ L 304, 22.11.2007, p.21, as amended by Commission Regulation (EU) No 173/2011 (OJ L 49, 24.2.2011, p.16).

[Commission Regulation \(EC\) No 1375/2007](#) on imports of residues from the manufacture of starch from maize from the United States of America**(63)**;

[Commission Regulation \(EC\) No 1384/2007](#) laying down detailed rules for the application of Council Regulation (EC) No 2398/96 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Israel**(64)**;

[Commission Regulation \(EC\) No 1385/2007](#) laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat**(65)**;

[Commission Regulation \(EC\) No 1454/2007](#) laying down common rules for establishing a tender procedure for fixing export refunds for certain agricultural products**(66)**;

Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries**(67)**;

[Commission Regulation \(EC\) No 133/2008](#) on imports of pure-bred breeding animals of the bovine species from the third countries and the granting of export refunds thereon**(68)**;

[Commission Regulation \(EC\) No 273/2008](#) laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards methods for the analysis and quality evaluation of milk and milk products**(69)**;

[Commission Regulation \(EC\) No 376/2008](#) laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products**(70)**;

[Commission Regulation \(EC\) No 382/2008](#) on rules of application for import and export licences in the beef and veal sector**(71)**;

[Commission Regulation \(EC\) No 412/2008](#) opening and providing for the administration of an import tariff quota for frozen beef intended for processing**(72)**;

[Commission Regulation \(EC\) No 431/2008](#) opening and providing for the administration of an import tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 02062991**(73)**;

[Commission Regulation \(EC\) No 507/2008](#) laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre**(74)**;

[Commission Regulation \(EC\) No 508/2008](#) on the definition, applicable to the granting of export refunds, of hulled grains and pearled grains of cereals**(75)**;

(63) OJ L 307, 24.11.2007, p.5.

(64) OJ L 309, 27.11.2007, p.40, as amended by [Commission Regulation \(EC\) No 1153/2009](#) (OJ L 313, 28.11.2009, p.50).

(65) OJ L 309, 27.11.2007, p.47, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(66) OJ L 325, 11.12.2007, p.69, as amended by Commission Implementing Regulation (EU) No 1333/2013 (OJ L 335, 14.12.2013, p.8).

(67) OJ L 3, 5.1.2008, p.1, as last amended by Council Regulation (EC) No 153/2009 (OJ L 51, 24.2.2009, p.1).

(68) OJ L 41, 15.2.2008, p.11.

(69) OJ L 88, 29.3.2008, p.1, as amended by Commission Implementing Regulation (EU) No 565/2013 (OJ L 167, 19.6.2013, p.26).

(70) OJ L 114, 26.4.2008, p.3, as last amended by Commission Delegated Regulation (EU) No 907/2014 (OJ L 255, 28.8.2014, p.18).

(71) OJ L 115, 29.4.2008, p.10, as last amended by Commission Implementing Regulation (EU) No 1212/2012 (OJ L 348, 18.12.2012, p.7).

(72) OJ L 125, 9.5.2008, p.7, as last amended by Commission Implementing Regulation (EU) No 1059/2012 (OJ L 313, 13.11.2012, p.16).

(73) OJ L 130, 20.5.2008, p.3.

(74) OJ L 149, 7.6.2008, p.38.

(75) OJ L 149, 7.6.2008, p.55.

[Commission Regulation \(EC\) No 543/2008](#) laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat(76);

[Commission Regulation \(EC\) No 566/2008](#) laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less(77);

[Commission Regulation \(EC\) No 589/2008](#) laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs(78);

[Commission Regulation \(EC\) No 617/2008](#) laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks(79);

[Commission Regulation \(EC\) No 657/2008](#) laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments(80);

[Commission Regulation \(EC\) No 748/2008](#) on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 02062991(81);

[Commission Regulation \(EC\) No 826/2008](#) laying down common rules for the granting of private storage aid for certain agricultural products(82);

[Commission Regulation \(EC\) No 903/2008](#) on special conditions for granting export refunds on certain pigmeat products(83);

[Commission Regulation \(EC\) No 951/2008](#) fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty(84);

[Commission Regulation \(EC\) No 1041/2008](#) laying down certain detailed rules for granting of assistance for the export of beef and veal which may benefit from a special import treatment in Canada(85);

[Commission Regulation \(EC\) No 1067/2008](#) opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007(86);

[Commission Regulation \(EC\) No 1249/2008](#) laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof(87);

(76) OJ L 157, 17.6.2008, p.46, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(77) OJ L 160, 19.6.2008, p.22, as amended by Commission Implementing Regulation (EU) No 565/2013 (OJ L 167, 19.6.2013, p.26).

(78) OJ L 163, 24.6.2008, p.6, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(79) OJ L 168, 28.6.2008, p.5, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(80) OJ L 183, 11.7.2008, p.17, as last amended by Commission Implementing Regulation (EU) No 756/2013 (OJ L 211, 7.8.2013, p.1).

(81) OJ L 202, 31.7.2008, p.28, as last amended by Commission Implementing Regulation (EU) No 1212/2012 (OJ L 348, 18.12.2012, p.7).

(82) OJ L 223, 21.8.2008, p.8, as last amended by Commission Delegated Regulation (EU) No 501/2014 (OJ L 145, 16.5.2014, p. 14).

(83) OJ L 249, 18.9.2008, p.3.

(84) OJ L 258, 26.9.2008, p.66.

(85) OJ L 281, 24.10.2008, p.3.

(86) OJ L 290, 31.10.2008, p.3, as amended by Commission Implementing Regulation (EU) No 1253/2011 (OJ L 319, 2.12.2011, p.47).

(87) OJ L 337, 16.12.2008, p.3, as last amended by Commission Implementing Regulation (EU) No 148/2014 (OJ L 46, 18.2.2014, p.1).

[Commission Regulation \(EC\) No 1276/2008](#) on the monitoring by physical checks of exports of agricultural products receiving refunds or other amounts**(88)**;

[Commission Regulation \(EC\) No 1295/2008](#) on the importation of hops from third countries**(89)**;

[Commission Regulation \(EC\) No 1312/2008](#) fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing**(90)**;

[Commission Regulation \(EC\) No 147/2009](#) on defining the destination zones for exports refunds, export levies and certain export licences for cereals and rice**(91)**;

[Commission Regulation \(EC\) No 296/2009](#) on detailed rules for administrative assistance with the exportation of certain cheeses subject to quota restrictions that qualifies for special treatment on importation into the United States of America**(92)**;

[Commission Regulation \(EC\) No 388/2009](#) laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the import and export system for products processed from cereals and rice**(93)**;

[Commission Regulation \(EC\) No 437/2009](#) opening and providing for the administration of a Community import tariff quota for young male bovine animals for fattening**(94)**;

[Commission Regulation \(EC\) No 438/2009](#) opening and providing for the administration of Community tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds**(95)**;

[Commission Regulation \(EC\) No 442/2009](#) opening and providing for the administration of Community tariff quotas in the pigmeat sector**(96)**;

[Commission Regulation \(EC\) No 610/2009](#) laying down detailed rules for the application of the tariff quota for beef and veal originating in Chile**(97)**;

[Commission Regulation \(EC\) No 612/2009](#) on laying down common detailed rules for the application of the system of export refunds on agricultural products**(98)**;

[Commission Regulation \(EC\) No 828/2009](#) laying down detailed rules of application for the marketing years 2009/2010 to 2014/2015 for the import and refining of sugar products of tariff heading 1701 under preferential agreements**(99)**;

[Commission Regulation \(EC\) No 891/2009](#) opening and providing for the administration of certain Community tariff quotas in the sugar sector**(100)**;

[Commission Regulation \(EC\) No 933/2009](#) laying down detailed rules for the application of Council Regulation (EC) No 779/98 as regards opening and providing for the administration

(88) OJ L 339, 18.12.2008, p.53, as last amended by Commission Implementing Regulation (EU) No 996/2011 (OJ L 264, 8.10.2011, p.25).

(89) OJ L 340, 19.12.2008, p.45, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.06.2013, p.74).

(90) OJ L 344, 20.12.2008, p.56.

(91) OJ L 50, 21.2.2009, p.5, as amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(92) OJ L 95, 09.4.2009, p.9.

(93) OJ L 118, 13.5.2009, p.72.

(94) OJ L 128, 27.5.2009, p.54, as amended by Commission Regulation (EU) No 291/2010 (OJ L 88, 08.4.2010, p.9).

(95) OJ L 128, 27.5.2009, p.57, as amended by Commission Regulation (EU) No 291/2010 (OJ L 88, 08.4.2010, p.9).

(96) OJ L 129, 28.5.2009, p.13, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(97) OJ L 180, 11.7.2009, p.5, as amended by Commission Implementing Regulation (EU) No 1212/2012 (OJ L 348, 18.12.2012, p. 7).

(98) OJ L 186, 17.7.2009, p.1, as last amended by Commission Delegated Regulation (EU) No 907/2014 (OJ L 255, 28.8.2014, p.18).

(99) OJ L 240, 11.9.2009, p.14, as last amended by Commission Implementing Regulation (EU) No 1278/2014 (OJ L 346, 2.12.2014, p.26).

(100) OJ L 254, 26.9.2009, p.82, as last amended by Commission Implementing Regulation (EU) No 1278/2014 (OJ L 346, 2.12.2014, p.26).

of certain quotas for imports into the Community of poultrymeat products originating in Turkey(**101**);

Commission Regulation (EC) No 1064/2009 opening and providing for the administration of a Community import tariff quota for malting barley from third countries(**102**);

Commission Regulation (EC) No 1130/2009 laying down common detailed rules for verifying the use and/or destination of products from intervention(**103**);

Commission Regulation (EC) No 1187/2009 laying down special detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products(**104**);

Commission Regulation (EU) No 1272/2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention(**105**);

Commission Regulation (EU) No 234/2010 laying down certain detailed rules for the application of Council Regulation (EC) No 1234/2007 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals(**106**);

Commission Regulation (EU) No 479/2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States' notifications to the Commission in the milk and milk products sector(**107**);

Commission Regulation (EU) No 578/2010 on the implementation of Council Regulation (EC) No 1216/2009 as regards the system of granting export refunds for certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds(**108**);

Commission Regulation (EU) No 642/2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No 1234/2007(**109**);

Commission Regulation (EU) No 817/2010 laying down detailed rules pursuant to Council Regulation (EC) No 1234/2007 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport(**110**);

Commission Regulation (EU) No 1085/2010 opening and providing for the administration of certain annual tariff quotas for importing sweet potatoes, manioc, manioc starch and other products falling within CN codes 0714 90 11 and 0714 90 19 and amending Regulation (EU) No 1000/2010(**111**);

Commission Regulation (EU) No 1178/2010 laying down detailed rules for implementing the system of export licences in the egg sector(**112**);

(101) OJ L 263, 7.10.2009, p.9.

(102) OJ L 291, 7.11.2009, p.14, as amended by Commission Regulation (EU) No 291/2010 (OJ L 88, 8.4.2010, p.9).

(103) OJ L 310, 25.11.2009, p.5, as amended by Commission Implementing Regulation (EU) No 1333/2013 (OJ L 335, 14.12.2013, p.8).

(104) OJ L 318, 4.12.2009, p.1, as last amended by Commission Implementing Regulation (EU) No 990/2013 (OJ L 275, 16.10.2013, p.3).

(105) OJ L 349, 29.12.2009, p.1, as last amended by Commission Implementing Regulation (EU) No 340/2014 (OJ L 99, 2.4.2014, p.10).

(106) OJ L 72, 20.3.2010, p.3, as amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(107) OJ L 135, 2.6.2010, p.26, as amended by Commission Implementing Regulation (EU) No 1097/2014 (OJ L 300, 18.10.2014, p.39).

(108) OJ L 171, 6.7.2010, p.1, as last amended by Commission Implementing Regulation (EU) No 599/2013 (OJ L 172, 25.6.2013, p.11).

(109) OJ L 187, 21.7.2010, p.5, as last amended by Commission Implementing Regulation (EU) No 265/2014 (OJ L 76, 15.3.2014, p.26).

(110) OJ L 245, 17.9.2010, p.16, as last amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(111) OJ L 310, 28.11.2010, p.3.

(112) OJ L 328, 14.12.2010, p.1, as amended by Commission Implementing Regulation (EU) No 1379/2011 (OJ L 343, 23.12.2011, p.20).

Commission Regulation (EU) No 1255/2010 laying down detailed rules for the application of the import tariff quotas for ‘baby beef’ products originating in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia(**113**);

Commission Regulation (EU) No 90/2011 laying down detailed rules for implementing the system of export licences in the poultrymeat sector(**114**);

Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors(**115**);

Commission Implementing Regulation (EU) No 789/2011 opening the procedure for the allocation of export licences for cheese to be exported to the United States of America in 2012 under certain GATT quotas(**116**);

Commission Implementing Regulation (EU) No 1273/2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice(**117**);

Commission Implementing Regulation (EU) No 1288/2011 on the notification of wholesale prices for bananas within the common organisation of agricultural markets(**118**);

Commission Implementing Regulation (EU) No 1333/2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector(**119**);

Commission Implementing Regulation (EU) No 1354/2011 opening annual Union tariff quotas for sheep, goats, sheepmeat and goatmeat(**120**);

Commission Implementing Regulation (EU) No 480/2012 opening and providing for the management of a tariff quota for broken rice of CN code 10064000 for production of food preparations of CN code 19011000(**121**);

Commission Implementing Regulation (EU) No 481/2012 laying down rules for the management of a tariff quota for high-quality beef(**122**);

Commission Implementing Regulation (EU) No 511/2012 on notifications concerning producer and interbranch organisations and contractual negotiations and relations provided for in Council Regulation (EC) No 1234/2007 in the milk and milk products sector(**123**);

Commission Delegated Regulation (EU) No 880/2012 supplementing Council Regulation (EC) No 1234/2007 as regards transnational cooperation and contractual negotiations of producer organisations in the milk and milk products sector(**124**);

Commission Implementing Regulation (EU) No 1223/2012 laying down detailed rules for the application of an import tariff quota for live bovine animals of a weight exceeding 160

(113) OJ L 342, 28.12.2010, p.1, as last amended by Commission Implementing Regulation (EU) No 666/2012 (OJ L 194 21.7.2012, p.3).

(114) OJ L 30, 4.2.2011, p.1, as amended by Commission Implementing Regulation (EU) No 1191/2013 (OJ L 314, 23.11.2013, p.1).

(115) OJ L 157, 15.6.2011, p.1, as last amended by Commission Implementing Regulation (EU) No 1139/2014 (OJ L 307, 28.10.2014, p.34).

(116) OJ L 203, 6.8.2011, p.26.

(117) OJ L 325, 8.12.2011, p.6, as amended by Commission Implementing Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(118) OJ L 328, 10.12.2011, p.42.

(119) OJ L 336, 20.12.2011, p.23, as amended by Commission Implementing Regulation (EU) No 565/2013 (OJ L 167, 19.6.2013, p.26).

(120) OJ L 338, 21.12.2011, p.36 .

(121) OJ L 148, 8.6.2012, p.1, as amended by Commission Regulation (EU) No 519/2013 (OJ L 158, 10.6.2013, p.74).

(122) OJ L 148, 8.6.2012, p.9, as amended by Commission Implementing Regulation (EU) No 238/2013 (OJ L 74, 16.3.2013, p.24).

(123) OJ L 156, 16.6.2012, p.39.

(124) OJ L 263, 28.9.2012, p.8, as amended by Commission Implementing Regulation (EU) No 1166/2014 (OJ L 314, 31.10.2014, p.12).

kg and originating in Switzerland provided for in the Agreement between the European Community and the Swiss Confederation on trade in agricultural products(**125**);

Commission Implementing Regulation (EU) No 82/2013 laying down detailed rules for the application of an import tariff quota of dried boneless beef originating in Switzerland(**126**);

Commission Implementing Regulation (EU) No 456/2013 laying down transitional measures as regards milk import quotas under Regulation (EC) No 2535/2001, and beef import quotas under Regulations (EC) No 412/2008 and (EC) No 431/2008, by reason of the accession of Croatia to the European Union(**127**);

Commission Implementing Regulation (EU) No 457/2013 derogating from Regulations (EC) No 412/2008 and (EC) No 431/2008 as regards beef import quotas for the period running from 1st July 2013 to 30th June 2014(**128**);

Commission Implementing Regulation (EU) No 593/2013 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat(**129**);

Commission Implementing Regulation (EU) No 807/2013 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the survey of prices of certain bovine animals on representative Union markets(**130**);

Regulation (EU) No 1308/2013 of the European Parliament and of the Council 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(**131**);

Council Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products(**132**);

Commission Implementing Regulation (EU) No 1373/2013 laying down detailed rules for implementing the system of export licences in the pigmeat sector(**133**);

Commission Implementing Regulation (EU) No 266/2014 on the division between deliveries and direct sales of national milk quotas fixed for 2013/2014 in Annex IX to Council Regulation (EC) No 1234/2007(**134**);

Commission Implementing Regulation (EU) No 411/2014 opening and providing for the administration of a Union import tariff quota for fresh and frozen beef and veal originating in Ukraine(**135**);

Commission Implementing Regulation (EU) No 412/2014 opening and providing for the administration of Union import tariff quotas for eggs, egg products and albumins originating in Ukraine(**136**);

Commission Implementing Regulation (EU) No 413/2014 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine(**137**);

(125) OJ L 349, 19.12.2012, p.39, as amended by Commission Regulation (EU) No. 82/2013 (OJ L 34, 5.2.2014, p.8).

(126) OJ L 28, 30.1.2013, p.3, as amended by Commission Implementing Regulation (EU) No 1169/2014 (OJ L 314, 31.10.2014, p.23).

(127) OJ L 133, 17.5.2013, p.13.

(128) OJ L 133, 17.5.2013, p.15.

(129) OJ L 170, 22.6.2013, p.32, as amended by Commission Regulation (EU) No 457/2013 (OJ L 185, 4.7.2013, p.19).

(130) OJ L 228, 27.8.2013, p.5, as amended by Commission Regulation (EU) No 807/2013 (OJ L 95, 29.3.2014 p.70).

(131) OJ L 347, 20.12.2013, p.671.

(132) OJ L 346, 20.12.2013, p.12.

(133) OJ L 346, 20.12.2013, p.29.

(134) OJ L 76, 15.3.2014, p.31.

(135) OJ L 121, 24.4.2014, p.27, as amended by Commission Regulation (EU) No 1164/2014 (OJ L 314 31.10.2014, p.1).

(136) OJ L 121, 24.4.2014, p.27, as amended by Commission Implementing Regulation (EU) No 1166/2014 (OJ L 314, 31.10.2014, p.12).

(137) OJ L 121, 24.4.2014, p.37, as amended by Commission Regulation (EU) No 1167/2014 (OJ L 314, 31.10.2014, p.17).

Commission Implementing Regulation (EU) No 414/2014 opening and providing for the administration of Union import tariff quotas for fresh and frozen pigmeat originating in Ukraine(**138**);

Commission Implementing Regulation (EU) No 416/2014 opening and providing for the administration of import tariff quotas for certain cereals originating in Ukraine(**139**);

Regulation (EU) No 510/2014 of the European Parliament and of the Council laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009(**140**);

Commission Implementing Regulation (EU) No 776/2014 fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2014/2015 marketing year(**141**);

Commission Implementing Regulation (EU) No 1033/2014 fixing the representative prices and additional import duties applicable to molasses in the sugar sector from 1st October 2014(**142**).”.

St Andrew’s House,
Edinburgh
2nd April 2015

RICHARD LOCHHEAD
A member of the Scottish Government

(**138**) OJ L 121, 24.4.2014, p.44, as amended by Commission Implementing Regulation (EU) No 1168/2014 (OJ L 314, 31.10.2014, p.23).

(**139**) OJ L 121, 24.4.2014, p.53, as amended by Commission Implementing Regulation (EU) No 1169/2014 (OJ L 314, 31.10.2014, p.28).

(**140**) OJ L 150, 20.5.2014, p.1.

(**141**) OJ L 210, 17.7.2014, p.11, as amended by Commission Regulation (EU) No 1248/2014 (OJ L 335, 22.11.2014, p.5).

(**142**) OJ L 284, 30.9.2014, p.42.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004 ([S.S.I. 2004/278](#)) (“the principal Regulations”), which provide for a review of certain decisions of the Scottish Ministers in relation to decisions made under certain Common Agricultural Policy support schemes.

The decisions fall under various EU instruments under the framework of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (OJ L 347, 20.12.2013, p.671). These are collectively known as “the SCMO Regulations”.

Regulation 3 amends regulation 2(1) of the principal Regulations to insert an ambulatory definition of “the SCMO Regulations” (by reference to the EU instruments set out in the Schedule to the principal Regulations, as substituted by regulation 5) and in consequence omits regulation 2(3) of the principal Regulations.

Regulation 4 amends regulation 3(1) of the principal Regulations to provide that those Regulations apply to decisions made by or on behalf of the Scottish Ministers under any of the SCMO Regulations in respect of applicants whose principal trading address was in Scotland at the date of the decision to be reviewed.

A business and regulatory impact assessment has not been prepared for this instrument as no impact on businesses, charities or voluntary bodies is foreseen.