
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 361

**The Agriculture (Retained EU Law and Data) (Scotland)
Act 2020 (Consequential Modifications) and Agricultural
Products, Aquatic Animal Health and Genetically Modified
Organisms (EU Exit) (Amendment) Regulations 2022**

PART 2

Amendment of retained direct EU legislation

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

6.—(1) [Commission 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](#)⁽¹⁾ is amended as follows.

(2) In Article 11 (products eligible for public intervention), for “pursuant to Articles 19 or 20” substitute “under any of Articles 19 and 20 of this Regulation and section 11 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”.

(3) In Article 13(4) (public intervention), for “Article 7(1)” substitute “Article 1a of 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⁽²⁾”.

(4) In Article 17 (eligible products) for “pursuant to Articles 18, 19 or 20” substitute “under any of Articles 18, 19 and 20 of this Regulation and section 11 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”.

(5) In Article 76(1) (additional requirements for marketing of products in the fruit and vegetables sector), omit “referred to in Article 75”.

(6) In Article 80(1) (oenological practices and methods of analyses)—

(a) omit “point (g) of Article 75(3) and”,

(b) after “and (3)” insert “of this Regulation, Commission Delegated Regulation (EU) 2019/934 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files⁽³⁾, and regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020,”.

(1) EUR 2013/1308, relevantly amended by [S.I. 2019/821](#), [S.I. 2019/831](#) and [S.I. 2019/1422](#).

(2) EUR 2013/1370, relevantly amended by [S.I. 2019/1422](#).

(3) EUR 2019/934, relevantly amended by [S.I. 2020/637](#) and [S.I. 2021/632](#).

Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (Consequential Modifications) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms (EU Exit) (Amendment) Regulations 2022, Section 6. (See end of Document for details)

- (7) In Article 83(1) (rules for certain products and sectors), for “Notwithstanding Article 75(2), nothing” substitute “Nothing”.
- (8) In Article 85 (existing optional reserved terms)—
- (a) in paragraph 1, for “shall be laid down pursuant to point (a) of Article 86” substitute “may be laid down in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”,
 - (b) in paragraph 2, omit “pursuant to Article 86”.
- (9) In Article 90(2) (special provisions for the imports of wine)—
- (a) in paragraph (1), after “Article 78 of this Regulation” insert “and in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, insofar as they relate to wine,”,
 - (b) in paragraph (2)—
 - (i) after “this Regulation or” insert “regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, or”,
 - (ii) omit “pursuant to Article 80(3)”.
- (10) In Article 228(9) (regulations: the Secretary of State), omit point (a).
- (11) In Article 230(1)(c) (repeals)—
- (a) before “Article 117(1)” insert “and”,
 - (b) omit “and point (e)(iv) of Article 121”,
 - (c) after “of this Regulation” insert “, and section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”.
- (12) In Annex VII (definitions, designations and sales description of products referred to in Article 78)—
- (a) in Part II (categories of grapevine products)—
 - (i) in paragraph (1) (wine)—
 - (aa) in sub-paragraph (c), for “under Article 75(2)” substitute “in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”,
 - (bb) in sub-paragraph (d), for “under Article 75(2)” substitute “in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”,
 - (ii) in paragraph (3) (liqueur wine)—
 - (aa) in sub-paragraph (b), for “pursuant to Article 75(2)” substitute “in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”,
 - (bb) in sub-paragraph (c), in the fourth indent, for “under Article 75(2)” substitute “in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”,
 - (cc) in sub-paragraph (d), for “pursuant to Article 75(2)” substitute “in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”,
 - (dd) in sub-paragraph (f), for “pursuant to Article 75(2)” substitute “in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”,

- (iii) in paragraph 6(a) (quality aromatic sparkling wine), for “on any list” to the end substitute “set out in the list in the Appendix to Annex II to Regulation (EU) 2019/934, or in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020;”;
- (iv) in paragraph (12) (partially fermented grape must extracted from raisined grapes), for “pursuant to Article 75(2)” substitute “in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”;
- (v) in paragraph (13) (concentrated grape must), after for “Article 91” insert “of this Regulation or in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”;
- (vi) in paragraph (14)(a)(i) (rectified concentrated grape must), after “Article 91” insert “of this Regulation or in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”;
- (b) in Part VI (eggs of hens of the *Gallus gallus* species), in point I(1) (scope) omit “Article 75 concerning”;
- (c) in Part VIII (descriptions and definitions of olive oil and olive pomace oils)—
 - (i) in paragraph (1) (virgin olive oils)—
 - (aa) in sub-paragraph (a), for “accordance with Article 75(2)” substitute “Commission Regulation (EEC) 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis⁽⁴⁾, Commission Implementing Regulation (EU) No 29/2012 on marketing standards for olive oil (codification)⁽⁵⁾ and regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”;
 - (bb) in paragraphs (b) and (c), for “accordance with Article 75(2)” substitute “Regulation (EEC) 2568/91, Regulation (EU) 29/2012, and regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”;
 - (ii) in points (2) to (6), for “accordance with Article 75(2)” substitute “Regulation (EEC) 2568/91, Regulation (EU) 29/2012, and regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”.
- (13) In Annex VIII (oenological practices referred to in Article 80)—
 - (a) in Part 1 (enrichment, acidification and de-acidification in certain wine-growing zones)—
 - (i) in Section C, in paragraph 7 for “made under Article 75(2)” substitute “in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”;
 - (ii) in Section D, in paragraphs 1 and 4, for “under Article 75(2)” substitute “in Regulation (EU) 2019/934 or in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”;
 - (b) in Part 2 (restrictions), in Section D, in paragraph 5, for “prescribed under Article 75(2)” substitute “set out in Article 14 of Regulation (EU) 2019/934 and in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”.

⁽⁴⁾ EUR 1991/2568, relevantly amended by [S.I. 2019/1422](#).

⁽⁵⁾ EUR 2012/29, relevantly amended by [S.I. 2019/1422](#).

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Commencement Information

II [Reg. 6](#) in force at 2.2.2023, see [reg. 1](#)

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