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STATUTORY INSTRUMENTS

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**2023 No. 743**

**AGRICULTURE**

**The Fruit and Vegetables Aid Scheme  
Closure (England) Regulations 2023**

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|-------------------------------|---------|-----------------------|
| <i>Made</i>                   | - - - - | <i>3rd July 2023</i>  |
| <i>Laid before Parliament</i> |         | <i>4th July 2023</i>  |
| <i>Coming into force</i>      | - -     | <i>25th July 2023</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 15 and 50(3)(d) and (4) of the Agriculture Act 2020<sup>(1)</sup>.

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Fruit and Vegetables Aid Scheme Closure (England) Regulations 2023 and come into force on 25th July 2023.

(2) In these Regulations “the Commission Delegated Regulation” means 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<sup>(2)</sup>.

(3) These Regulations extend to England and Wales.

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

2.—(1) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products<sup>(3)</sup> applies with the following modification 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 England (as established by the application of Article 14A or Article 21A of the Commission Delegated Regulation).

(2) For paragraph 1 of Article 33 (operational programmes) substitute—

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<sup>(1)</sup> 2020 c. 21.

<sup>(2)</sup> EUR 2017/891, amended by [S.I. 2021/756](#); there are other amending instruments, but none is relevant.

<sup>(3)</sup> EUR 2013/1308, amended by [S.I. 2019/821](#); there are other amending instruments, but none is relevant.

“1. Operational programmes in the fruit and vegetables sector shall have a minimum duration of three years and a maximum duration of seven years. They shall 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;
- (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 relevant authority must not approve any new operational programme to commence on or after 1 January 2024.”.

### **Modification of Commission Delegated Regulation (EU) 2017/891**

3.—(1) The Commission Delegated Regulation applies with the following modifications 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 England (as established by the application of Article 14A or Article 21A of the Commission Delegated Regulation).

(2) In Article 31(6) (eligibility of actions under operational programmes)—

- (a) omit the second sub-paragraph;
- (b) in the fourth sub-paragraph, after “paragraph 5”, in the first place it occurs, insert “(including where that period extends beyond the end of the operational programme concerned)”.

(3) In Article 34 (amendments to operational programmes)—

- (a) in the first sub-paragraph of paragraph 1, at the end of the first sentence insert “other than amendments to the duration of an operational programme which would result in the programme ending on or after 1 January 2026.”;
- (b) at the end insert—

“4. The appropriate authority must not approve any request for an amendment to the duration of an operational programme which would result in the programme ending on or after 1 January 2026.”.

*Mark Spencer*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

3rd July 2023

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by sections 15 and 50 of the Agriculture Act 2020 (c. 21) in order to close to English producer organisations the Fruit and Vegetables Aid Scheme established by and under Regulation (EU) No 1308/2013 of the European Parliament and of the Council (“the CMO”).

Regulation 2 modifies the CMO in relation to operational programmes implemented, or to be implemented, by producer organisations (or associations of producer organisations) which have their head office located in England at the relevant time. 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. The effects of the modification are that these operational programmes can have a duration of up to seven years and the relevant authority (the Rural Payments Agency) must not approve any new such operational programme to commence on or after 1 January 2024.

Regulation 3 modifies Commission Delegated Regulation (EU) 2017/891 as it applies to the same producer organisations and their operational programmes. The effect of the modifications is that there can be no amendment to the duration of these operational programmes which would result in the programme ending on or after 1 January 2026. A modification is made to Article 31(6) consequential to the modifications in regulations 2(2) and 3(3).

A full impact assessment has not been published for this instrument as it has no, or minimal, impact on the private sector, the voluntary sector or civil society organisations.