

Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs

TITLE IV

OPTIONAL QUALITY TERMS

Article 27

Objective

A scheme for optional quality terms is established in order to facilitate the communication within [^{F1}Great Britain] of the value-adding characteristics or attributes of agricultural products by the producers thereof.

Textual Amendments

- F1** Words in [Art. 27](#) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(28)**

[^{F2}Article 28

Existing enactments

1. Nothing in this Regulation prevents the maintenance of any enactment in domestic legislation on optional quality terms that is not covered by this Regulation and is in force immediately before IP completion day, provided that the enactment is not contrary to retained EU law.
2. In paragraph 1:
 - a ‘enactment in domestic legislation’ means an enactment contained in:
 - i an Act or in an Order in Council, order, rules, regulations or other instrument made under an Act;
 - ii an Act of the Scottish Parliament or in an instrument made under an Act of the Scottish Parliament;
 - iii a Measure or Act of Senedd Cymru or in an instrument made under a Measure or Act of Senedd Cymru;
 - b ‘maintenance’ includes repeal and replacement, and revocation and replacement, without, in both cases, any substantive modification of the provisions describing and regulating the use of the relevant optional quality term.
3. A modification of provisions relating to the enforcement of an enactment in domestic legislation on optional quality terms is not to be regarded as a modification of the enactment in domestic legislation on optional quality terms.]

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

- F2** Art. 28 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(29)**

Article 29

Optional quality terms

- 1 Optional quality terms shall satisfy the following criteria:
 - a the term relates to a characteristic of one or more categories of products, or to a farming or processing attribute which applies in specific areas;
 - b the use of the term adds value to the product as compared to products of a similar type; and
 - c the term has a [^{F3}Great British] dimension.
- 2 Optional quality terms that describe technical product qualities with the purpose of putting into effect compulsory marketing standards and are not intended to inform consumers about those product qualities shall be excluded from this scheme.
- 3 Optional quality terms shall exclude optional reserved terms which support and complement specific marketing standards determined on a sectoral or product category basis.
- 4 In order to take into account the specific character of certain sectors as well as consumer expectations, the [^{F4}Secretary of State may make regulations] laying down detailed rules relating to the criteria referred to in paragraph 1 of this Article.
- 5 The [^{F5}Secretary of State may make regulations] laying down all measures related to forms, procedures or other technical details, necessary for the application of this Title. ^{F6}...
- 6 When [^{F7}making regulations] in accordance with paragraphs 4 and 5 of this Article, the [^{F8}Secretary of State] shall take account of any relevant international standards.

Textual Amendments

- F3** Words in Art. 29(1)(c) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(30)(a)**
- F4** Words in Art. 29(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(30)(b)**
- F5** Words in Art. 29(5) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(30)(c)(i)**
- F6** Words in Art. 29(5) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(30)(c)(ii)**
- F7** Words in Art. 29(6) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(30)(d)(i)**
- F8** Words in Art. 29(6) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(30)(d)(ii)**

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Article 30

Reservation and amendment

1 In order to take account of the expectations of consumers, developments in scientific and technical knowledge, the market situation, and developments in marketing standards and in international standards, the [F9Secretary of State may make regulations] reserving an additional optional quality term and laying down its conditions of use.

2 In duly justified cases and in order to take into account the appropriate use of the additional optional quality term, the [F10Secretary of State may make regulations] laying down amendments to the conditions of use referred to in paragraph 1 of this Article.

Textual Amendments

F9 Words in Art. 30(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(31)(a)**

F10 Words in Art. 30(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(31)(b)**

Article 31

Mountain product

1 The term ‘mountain product’ is established as an optional quality term.

This term shall only be used to describe products intended for human consumption listed in Annex I to the Treaty in respect of which:

- a both the raw materials and the feedstuffs for farm animals come essentially from mountain areas;
- b in the case of processed products, the processing also takes place in mountain areas.

2 For the purposes of this Article, mountain areas within [F11Great Britain] are those delimited pursuant to [F12Article 32(1)(a) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)]. For [F13Northern Ireland and] third-country products, mountain areas include areas officially designated as mountain areas by the [F14authorities in Northern Ireland or the relevant] third country or that meet criteria equivalent to those set out in [F15Article 32(2) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council].

3 In duly justified cases and in order to take into account natural constraints affecting agricultural production in mountain areas, the [F16Secretary of State may make regulations] laying down derogations from the conditions of use referred to in paragraph 1 of this Article. In particular, the [F17Secretary of State may make regulations] laying down the conditions under which raw materials or feedstuffs are permitted to come from outside the mountain areas, the conditions under which the processing of products is permitted to take place outside of the mountain areas in a geographical area to be defined, and the definition of that geographical area.

4 In order to take into account natural constraints affecting agricultural production in mountain areas, the [F18Secretary of State may make regulations] concerning the establishment

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of the methods of production, and other criteria relevant for the application of the optional quality term established in paragraph 1 of this Article.

Textual Amendments

- F11** Words in Art. 31(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(32)(a)(i)(aa)**
- F12** Words in Art. 31(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(32)(a)(i)(bb)**
- F13** Words in Art. 31(2) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(32)(a)(ii)(aa)**
- F14** Words in Art. 31(2) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(32)(a)(ii)(bb)**
- F15** Words in Art. 31(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(32)(a)(ii)(cc)**
- F16** Words in Art. 31(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(32)(b)(i)**
- F17** Words in Art. 31(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(32)(b)(ii)**
- F18** Words in Art. 31(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(32)(c)**

^{F19} Article 32

Product of island farming

Textual Amendments

- F19** Art. 32 omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(33)**

Article 33

Restrictions on use

1 An optional quality term may only be used to describe products that comply with the corresponding conditions of use.

2 The [^{F20}Secretary of State may make regulations] laying down rules for the use of optional quality terms.^{F21} ...

Textual Amendments

- F20** Words in Art. 33(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(34)(a)**
- F21** Words in Art. 33(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(34)(b)**

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Article 34

Monitoring

[^{F22}The designated authority] shall undertake checks, based on a risk analysis, to ensure compliance with the requirements of this Title and, in the event of breach, shall apply appropriate administrative penalties.

Textual Amendments

F22 Words in Art. 34 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(35)**

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