

STATUTORY INSTRUMENTS

2019 No. 1342

The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2019 (expired—not approved)

PROSPECTIVE

[^{X1}PART 3

Amendment of retained direct EU legislation

[^{X1}Regulation (EC) No 110/2008 of the European Parliament and of the Council

6.—(1) Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks ^{M1} is amended as follows.

(2) In Article 1—

- (a) in paragraph 2, in the first sentence, for “Community”, in each place it occurs, substitute “United Kingdom”;
- (b) in paragraph 3, for the words from “the regulatory” to the end substitute “ paragraphs 4 to 6 ”;
- (c) after paragraph 3 insert—

“4. A derogation may be granted:

- (a) by regulations, or
- (b) on application, by administrative decision, where regulations have not been made or where regulations have been made but do not apply in a particular case.

5. An application of the type referred to in paragraph 4(b) may be made:

- (a) in the case of an operator intending to export a consignment of a spirit drink to a relevant third country from England, to the Secretary of State;
- (b) in the case of an operator intending to export a consignment of a spirit drink to a relevant third country from Northern Ireland, to the Department of Agriculture, Environment and Rural Affairs;
- (c) in the case of an operator intending to export a consignment of a spirit drink to a relevant third country from Scotland, to the Scottish Ministers;
- (d) in the case of an operator intending to export a consignment of a spirit drink to a relevant third country from Wales, to the Welsh Ministers.

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6. An application of the type referred to in paragraph 4(b) must be made in relation to one type of spirit drink and on a consignment by consignment basis.

7. In this Article, ‘consignment’ means a quantity of one type of spirit drink covered by a single document required for customs formalities and may be composed of more than one lot.”.

(3) After Article 2 insert—

“Article 2a

Definition of third country

In this Regulation, ‘third country’ means a country, other than the United Kingdom, and includes:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man.”.

(4) In Article 5—

- (a) in paragraph 1(e), for the words from “shall be decided” to the end substitute “ may be specified in regulations ”;
- (b) in paragraph 2(e) omit the words from “and taking” to the end.

(5) Omit Article 6.

(6) In Article 7, after the existing paragraph insert—

“In this Chapter, ‘the United Kingdom’s GIs Register’ means the register established and maintained by the Secretary of State under Article 33(1) of Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages.”.

(7) In Article 8, for “Article 5 of Directive 2000/13/EC” substitute “ Article 17 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers ^{M2}”.

(8) In Article 9—

- (a) in paragraph 4, for “Annex III” substitute “ the United Kingdom’s GIs Register ”;
- (b) in paragraph 5—
 - (i) for “Annex III” substitute “ the United Kingdom’s GIs Register ”;
 - (ii) after “Chapter III” insert “ of Regulation (EU) 2019/787 ”;

(c) in paragraph 6—

- (i) in the words before point (a), for “Annex III” substitute “ the United Kingdom’s GIs Register ”;
- (ii) in point (a), for the words from “established” to “Article 20, or” substitute—
 - “any of the following geographical indications:
 - (i) Irish Cream;
 - (ii) Irish Whiskey, Irish Whisky, Uisce Beatha Eireannach;

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- (iii) Scotch Whisky; or”;
- (iii) in point (b), for “Article 17(1)” substitute “ paragraph 1 of Article 22 of Regulation (EU) 2019/787, as read with paragraph 2 of that Article ”;
- (d) in paragraph 7, for “Annex III” substitute “ the United Kingdom's GIs Register ”;
- (e) in paragraph 9, for “Directive 2000/13/EC” substitute “ Regulation (EU) No 1169/2011 ”.
- (9) In Article 10—
 - (a) in paragraph 1—
 - (i) for “Directive 2000/13/EC” substitute “ Regulation (EU) No 1169/2011 ”;
 - (ii) for “Annex III” substitute “ the United Kingdom's GIs Register ”;
 - (b) in paragraph 4 omit “in the Community”.
- (10) In Article 11(4), in the first subparagraph, for “Directive 2000/13/EC” substitute “ Regulation (EU) No 1169/2011 ”.
- (11) In Article 12(3)—
 - (a) omit the words from the beginning to “25(3),”;
 - (b) at the end insert as a new sentence—

“Regulations may specify derogations in respect of this requirement.”.
- (12) In Article 14—
 - (a) in paragraph 2, for “Annex III” substitute “ the United Kingdom's GIs Register ”;
 - (b) in paragraph 4, for “Community” substitute “ United Kingdom ”.
- (13) Omit Articles 17(2), 20, 24 and 24a.
- (14) For Article 25 substitute the new Articles 25 to 25d in Schedule 2.
- (15) For Article 26 substitute—

“Article 26

Amendment of the Annexes

Annexes 1 and 2 may be amended by regulations.”.

- (16) For Article 27 substitute—

“Article 27

Implementing regulations

1. Regulations may be made to make such provision as appears necessary to the appropriate authority in relation to the implementation of this Regulation.

2. In this Article, ‘the appropriate authority’ means the person specified in Article 25(1) or, in a case where the Secretary of State is to exercise the power to make regulations under this Article pursuant to Article 25(2) (having obtained the necessary consents as provided for in Article 25(2)), the Secretary of State.”.

- (17) In Article 28—
 - (a) omit paragraph 1;
 - (b) in paragraph 2—

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- (i) for the words from the beginning to “adopted” substitute “ Regulations may be made ”;
- (ii) omit “Community”;
- (c) in paragraph 3—
 - (i) omit the first sentence;
 - (ii) in the second sentence, for “prior to 20 February 2008 or until” substitute “ as it had effect in the United Kingdom immediately before ”.
- (18) After Article 30 omit the words from “This Regulation” to “Member States.”.
- (19) In Annex 1—
 - (a) in point (6)—
 - (i) in the first paragraph, for the words from “Council Directive 80/777/EEC” to “consumption” substitute “ any relevant water quality legislation ”;
 - (ii) after the second paragraph insert—

“In this point, ‘relevant water quality legislation’ means:

 - (a) in relation to spirit drinks marketed in England:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 ^{M3};
 - (ii) the Water Supply (Water Quality) Regulations 2016 ^{M4};
 - (iii) the Private Water Supplies (England) Regulations 2016 ^{M5};
 - (b) in relation to spirit drinks marketed in Northern Ireland:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015;
 - (ii) the Private Water Supplies Regulations (Northern Ireland) 2017 ^{M6};
 - (iii) the Water Supply (Water Quality) Regulations (Northern Ireland) 2017 ^{M7};
 - (c) in relation to spirit drinks marketed in Scotland:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007 ^{M8};
 - (ii) the Public Water Supplies (Scotland) Regulations 2014 ^{M9};
 - (iii) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 ^{M10};
 - (d) in relation to spirit drinks marketed in Wales:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015 ^{M11};
 - (ii) the Private Water Supplies (Wales) Regulations 2017 ^{M12};
 - (iii) the Water Supply (Water Quality) Regulations 2018 ^{M13}.”;
 - (b) in point (10), for the words from “colorants” to the end substitute “ colours, as defined in entry 2 of Annex 1 to Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives ”.
 - (20) In Annex 2—
 - (a) in category 1—

- (i) in point (a)(ii) omit the last sentence;
- (ii) omit point (f);
- (b) in category 9, in point (f), in the first subparagraph, omit the second sentence;
- (c) in category 15, in point (d), for “13(2) of Directive [2000/13/EC](#)” substitute “ 13(1) of Regulation (EU) No 1169/2011 ”;
- (d) in point (c) of each of categories 25, 26, 27, 28 and 29, for “1(2)(b)(i) and Article 1(2)(c) of Directive [88/388/EEC](#)” substitute “ 3(2)(c) and (d) of Regulation (EC) No 1334/2008”;
- (e) in category 32, in point (d), in the first subparagraph, in the words before the first indent omit “produced in the Community”;
- (f) in category 37, in point (c), for “1(2)(b)(i) and Article 1(2)(c) of Directive [88/388/EEC](#)” substitute “ 3(2)(c) and (d) of Regulation (EC) No 1334/2008”;
- (g) in category 37a—
 - (i) in the second paragraph omit “Member State or third”;
 - (ii) after the second paragraph insert—

“In the second paragraph, in relation to the United Kingdom, ‘country of the manufacture’ means the United Kingdom as a whole and does not mean any of the individual constituent nations forming part of the United Kingdom.”;
- (h) in point (c) of categories 42, 43, 45 and 46, for “1(2)(b)(i) and Article 1(2)(c) of Directive [88/388/EEC](#)” substitute “ 3(2)(c) and (d) of Regulation (EC) No 1334/2008”;
- (i) in the section headed “*Other spirit drinks*”—
 - (i) in the paragraph numbered 1 (*Rum-Verschnitt*), in the final sentence omit the words from “Where” to “market,”;
 - (ii) in the paragraph numbered 2 (*Slivovice*), in the third sentence omit the words from “If” to “Community,”.

(21) Omit Annex 3.]

Editorial Information

- X1** This statutory instrument was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.

Marginal Citations

- M1** Following the entry into force of certain provisions of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1) repealing certain provisions of Regulation (EC) No 110/2008 of the European Parliament and of the Council (“the 2008 Regulation”) on 8th June 2019, prospective amendments made to the 2008 Regulation on exit day are revoked by regulations 4(2) and 5(2) of this instrument and replaced with the amendments in regulation 6 of this instrument prospectively amending provisions of the 2008 Regulation that apply on exit day.
- M2** It is prospectively amended on exit day by [S.I. 2019/529](#), 778. Regulation 5(3) of this instrument also makes relevant prospective amendments to [S.I. 2019/778](#) on exit day.
- M3** [S.I. 2007/2785](#), amended by [S.I. 2009/1598](#), 2010/433, 2011/451, 1043, 2014/1855, 2018/352, 2019/526 and prospectively on exit day by [S.I. 2019/150](#), 775, 778.
- M4** [S.I. 2016/614](#), amended by [S.I. 2017/506](#), 2018/378, 706, 2019/526.
- M5** [S.I. 2016/618](#), amended by [S.I. 2017/506](#), 2018/707 and prospectively on exit day by [S.I. 2019/558](#).

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- M6** S.R. 2017 No. 211, amended by S.I. 2019/112 from a date to be appointed.
- M7** S.R. 2017 No. 212, amended by S.I. 2019/112 from a date to be appointed.
- M8** S.S.I. 2007/483, amended by S.S.I. 2009/273, 2010/89, 127, 2011/94, S.I. 2011/1043, S.S.I. 2014/312, 2015/100, 363, 2017/287.
- M9** S.S.I. 2014/364; relevant amending instruments are S.S.I. 2015/346, 2017/281.
- M10** S.S.I. 2017/282, amended by S.S.I. 2017/321.
- M11** S.I. 2015/1867 (W. 274), amended by S.I. 2017/935 (W. 229).
- M12** S.I. 2017/1041 (W. 270); relevant amending instruments are S.I. 2019/460 (W. 110) prospectively on exit day and S.I. 2019/463 (W. 111).
- M13** S.I. 2018/647 (W. 121), amended by itself, by S.I. 2019/460 (W. 110) prospectively on exit day and S.I. 2019/463 (W. 111).

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