
STATUTORY INSTRUMENTS

2020 No. 1661

**The Agricultural Products, Food and Drink
(Amendment) (EU Exit) Regulations 2020**

PART 2

Amendment of retained direct EU legislation

Commission Regulation (EC) No 1416/2006

2.—(1) Commission Regulation (EC) No 1416/2006 laying down specific rules on the implementation of Article 7(2) of the Agreement between the European Community and the United States of America on trade in wine concerning the protection of US names of origin in the Community is amended as follows.

(2) In Article 1—

(a) in paragraph (1), for “Member States” substitute “United Kingdom”;

(b) in paragraph (2)(a), for “Community”, in both places it occurs, substitute “United Kingdom”.

(3) Omit Article 2.

(4) After Article 2 omit the words from “This Regulation” to “Member States”.

Commission Regulation (EC) No 936/2009

3.—(1) Commission Regulation (EC) No 936/2009 applying the agreements between the European Union and third countries on the mutual recognition of certain spirit drinks⁽¹⁾ is amended as follows.

(2) In Article 1(2), for the words from “referred to”, in the second place they occur, to “110/2008”, substitute “contained in the Spirit Drinks Regulations 2008”.

(3) After Article 3 omit the words from “This Regulation” to “Member States”.

Regulation (EU) No 1151/2012

4.—(1) Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs⁽²⁾ is amended as follows.

(2) In Article 3—

(a) after point (13) insert—

“(13a) ‘application to register a trade mark’ means an application to register a trade mark made under the TMA⁽³⁾”;

(1) EUR 2009/936. Prospective amendments were included in S.I. 2019/759. They would have come into force on IP completion day. They are omitted by regulation 14 of this instrument and replaced with the amendments in regulation 3 of this instrument.

(2) EUR 2012/1151, amended prospectively by S.I. 2020/1637.

(3) “The TMA” is defined in Article 3(29). Point (29) is inserted by S.I. 2020/1637.

(b) after point (14) insert—

“(14a) ‘bridging arrangements’ has the meaning given in Article 14c(2)(b);”.

(3) After Article 14b insert the new Articles 14c and 14d in Schedule 1.

(4) In Annex 1, in paragraph 1 at the end insert—

“— rush”.

Commission Implementing Regulation (EU) No 716/2013

5.—(1) Commission Implementing Regulation (EU) No 716/2013 laying down the rules for the application of Regulation (EC) No 716/2013 laying down rules for the application of Regulation (EC) 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⁽⁴⁾ is amended as follows.

(2) Omit paragraph (b) of Article 1.

(3) Omit paragraph (b) of Article 2.

(4) Omit Articles 6 to 22.

Regulation (EU) No 1308/2013

6.—(1) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products⁽⁵⁾ is amended as follows.

(2) In Article 90, after paragraph 3 insert—

“4. Paragraph 3 does not apply to products imported from the European Union until the end of the period of 6 months beginning on the day after that on which IP completion day falls provided that the products comply with paragraph 1.”.

(3) After Article 102b insert the new articles 102c and 102d in Schedule 2.

Regulation (EU) No 251/2014

7.—(1) Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products⁽⁶⁾ is amended as follows.

(2) In Article 2—

(a) after point (4) insert—

“(4a) ‘an application to register a trade mark’ means an application to register a trade mark made under the TMA⁽⁷⁾”;

(b) after point (5) insert—

“(5a) ‘bridging arrangements’ has the meaning given in Article 19c(2)(b);”.

(3) After Article 19b, insert the new articles 19c and 19d in Schedule 3.

(4) EUR 2013/716, amended prospectively by S.I. 2020/1637.

(5) EUR 2013/1308, amended prospectively by S.I. 2019/821, 2019/828 and 2020/1637. There are other amending instruments but none are relevant.

(6) EUR 2014/251, amended prospectively by S.I. 2020/1637.

(7) “The TMA” is defined in Article 2(18). Point (18) is inserted by S.I. 2020/1637.

Commission Implementing Regulation 668/2014

8.—(1) Commission Implementing Regulation 668/2014 laying down the rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs⁽⁸⁾ is amended as follows.

(2) In Annex 11, in paragraph 2, after “– Class 2.20. feather” insert—

“

– Class 2.20a. rush”.

Commission Delegated Regulation (EU) 2019/33

9.—(1) Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protections of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation⁽⁹⁾ is amended as follows.

(2) In Article 1a—

(a) after point (d) insert—

“(da) ‘application to register a trade mark’ means an application to register a trade mark made under the TMA⁽¹⁰⁾”;

(b) after point (f) insert—

“(fa) ‘bridging arrangements’ has the meaning given in Article 32c(2)(b)”.

(3) After Article 32 insert the new articles 32c and 32d in Schedule 4.

Regulation (EU) 2019/787

10.—(1) 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⁽¹¹⁾ is amended as follows.

(2) In Article 3—

(a) after point (9) insert—

“(9a) ‘application to register a trade mark’ means an application to register a trade mark made under the TMA;

(9b) ‘an Article 30(5) approval notice’ means a notice published under Article 30(5) relating to a decision of the Secretary of State to approve an application for a geographical indication;

(9c) ‘bridging arrangements’ has the meaning given in Article 36c(2)(b);

(9d) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales;

(9e) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;

⁽⁸⁾ EUR 2014/668, amended prospectively by [S.I. 2020/1637](#).

⁽⁹⁾ EUR 2019/33, amended prospectively by [S.I. 2020/1637](#).

⁽¹⁰⁾ “The TMA” is defined in Article 1a(i).

⁽¹¹⁾ EUR 2019/787, amended prospectively by [S.I. 2020/1637](#).

- (9f) ‘enters into force’ in relation to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;”
- (b) after point (10) insert—
- “(10a) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a geographical indication of the third country in the European Union;”;
- (c) after point (14) insert—
- “(14a) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;”;
- (d) after point (15) insert—
- “(16) ‘the TMA’ means the Trade Marks Act 1994⁽¹²⁾;
- “(17) ‘the Types Table’ means the table in Part 3 of Annex 1A.”.
- (3) After Article 3 insert the new Article 4 in Part 1 of Schedule 5.
- (4) In Article 30—
- (a) in paragraph 4—
- (i) omit the first subparagraph;
- (ii) in the second subparagraph, after “registration” insert “under paragraph 5a”;
- (b) after paragraph 5 insert—
- “**5a.** Where the Secretary of State publishes a notice under paragraph 5 giving notice of the Secretary of State’s decision to register a geographical indication, the Secretary of State must as soon as possible after the notice period has expired:
- (a) record the relevant data relating to the geographical indication in the register, and
- (b) attach a copy of the product specification for the geographical indication to the register.
- 5b.** An entry for a geographical indication added to the register pursuant to paragraph 5a(a), and the provisions in the product specification attached to the register pursuant to paragraph 5a(b), take effect in relation to the registration of a geographical indication immediately after:
- (a) the entry has been made in the register, and
- (b) the product specification has been attached to the register.”;
- (c) after paragraph 7 insert—
- “**8.** In this Article:
- (a) ‘notice period’ means the period of 20 days from the day on which the notice referred to in paragraph 5 is published, beginning with the day on which the notice is published;
- (b) the reference to ‘the relevant data’ in paragraph 5a(a) means the product category, the geographical indication and the country of origin.”
- (5) After Article 36 insert the new Articles 36a to 36d in Part 2 of Schedule 5.
- (6) In Article 37—

(12) 1994 c. 26.

- (a) number the existing paragraph as paragraph 1;
- (b) after paragraph 1 (as numbered by sub-paragraph (a)) insert—
- “2. The geographical indication for which the names ‘*Irish Whiskey*’, ‘*Uisce Beatha Eireannach*’ and ‘*Irish Whisky*’ are listed in category 2 of the table in Annex 3 to EU Regulation 110/2008⁽¹³⁾ covers whisky/whiskey produced in Ireland, Northern Ireland or in both Ireland and Northern Ireland.
3. The protection of the geographical indication ‘*Pisco*’ (as listed in category 9 of the table in Annex 3 to EU Regulation 110/2008) under this Regulation is without prejudice to the use of the name ‘*Pisco*’ for products originating in Chile protected under the Association Agreement between the United Kingdom and Chile.
4. The product specification relating to the geographical indication ‘*Somerset Cider Brandy*’ (as listed in category 10 of the table in Annex 3 to EU Regulation 110/2008) is deemed to include a requirement that the use of that geographical indication must be accompanied by the sales denomination ‘cider spirit’.
5. The product specification relating to the geographical indication for which the names ‘*Polska Wódka*’ and ‘*Polish Vodka*’ are listed in category 15 of the table in Annex 3 to EU Regulation 110/2008 is deemed to include a requirement that the use of the geographical indication must be accompanied by the sales denomination ‘flavoured vodka’. The term ‘flavoured’ may be replaced by the name of the predominant flavour.
6. The geographical indication ‘*Irish Cream*’ (as listed in category 32 of the table in Annex 3 to EU Regulation 110/2008) covers the corresponding liqueur produced in Ireland, Northern Ireland or in both Ireland and Northern Ireland.
7. The geographical indication for which the names ‘*Irish Poteen*’ or ‘*Irish Poitín*’ are listed in the category ‘Other spirit drinks’ of the table in Annex 3 to EU Regulation 110/2008 covers the corresponding spirit drink produced in Ireland, Northern Ireland or in both Ireland and Northern Ireland.
8. When adding an entry relating to a geographical indication covered by any of paragraphs 2 to 7 to the register, the Secretary of State must include a note in the register relating to the matter specified in the relevant paragraph.”
- (7) After Annex 1 insert the new Annex 1A in Part 3 of Schedule 5.

(13) OJ No. L 39, 13.2.2008, p. 16, last amended by Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1).