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STATUTORY INSTRUMENTS

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**2020 No. 1661**

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

**PART 3**

Amendment of subordinate legislation

**The Spirit Drinks Regulations 2008**

**11.**—(1) The Spirit Drinks Regulations 2008<sup>(1)</sup> are amended as follows.

(2) So far as it extends to Great Britain, in regulation 6(6)<sup>(2)</sup>, for the words from “being imported” to the end substitute—

“being—

- (a) imported into, or exported from, Great Britain;
- (b) moved into Great Britain from Northern Ireland;
- (c) moved from Great Britain into Northern Ireland.”.

(3) So far as it extends to Northern Ireland, in regulation 6(6), for the words from “being imported” to the end substitute—

“being—

- (a) imported into, or exported from, Northern Ireland;
- (b) moved from Northern Ireland into Great Britain;
- (c) moved into Northern Ireland from Great Britain.”.

**The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019**

**12.** In the Trade Marks (Amendment etc.) (EU Exit) Regulations 2019<sup>(3)</sup>, in Schedule 5, in paragraph 7(1A), after paragraph (d) insert—

- “(e) Article 36a 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<sup>(4)</sup>, or that Article as applied by Article 36d of that Regulation.”.

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(1) [S.I. 2008/3206](#).

(2) Paragraph (6) was inserted by [S.I. 2020/1636](#).

(3) [S.I. 2019/269](#), amended prospectively by [S.I. 2020/1637](#). See also regulation 16(2) of this instrument.

(4) Article 36a is prospectively inserted in EUR 2019/787 by Part 2 of Schedule 5 to this instrument.

### The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019

13.—(1) The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019(5) are amended as follows.

(2) In regulation 2(3)—

- (a) in sub-paragraph (a)(ii), in the inserted text, for “1st January 2021” substitute “1st July 2021”;
- (b) in sub-paragraph (b)(v), in the inserted text, for “1st January 2021” substitute “1st July 2021”.

(3) In regulation 4—

- (a) in paragraph (13)(b), in the inserted text, for “1st January 2021” substitute “1st July 2021”;
- (b) in paragraph (15)(b), in the inserted text, for “1st January 2021” substitute “1st July 2021”;
- (c) in paragraph (18)(a)(iv), in the inserted text, for “1st January 2021” substitute “1st July 2021”;
- (d) in paragraph (25), in the inserted text—
  - (i) in point 5 (control bodies), in the table—
    - (aa) after the row for code number AT-BIO-301 insert—

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“AT-BIO-302	Austria Garantie Landwirtschaft GmbH	Bio- —	www.abg.at”;
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- (bb) omit the row for code number AT-BIO-701;
- (cc) in the row for code number AT-BIO-902, for the internet address in the third column substitute “www.at.sgs.com”;
- (dd) in the row for code number BE-BIO-03, for the name in the second column substitute “Inscert Partner”;
- (ee) omit the rows for code numbers BG-BIO-13 and BG-BIO-16;
- (ff) after the row for code number HR-EKO-10 insert—

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“HR-EKO-11	Nastavni zavod za javno zdravstvo Dr. Andrija Stampar		www.stampar.hr
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HR-EKO-12	BIOTER d.o.o.		www.bioter.hr
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HR-EKO-13	MAREKO d.o.o		www.mareko.hr”;
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- (gg) after the row for code number CY-BIO-004 insert—

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“CY-BIO-005	CertifyBio Ltd		www.certifybio.com”;
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- (hh) in the row for code number CZ-BIO-002, in the second column omit “CZ-BIO-002”, leaving “ABCERT AG”;
- (ii) for the row for code number FI-EKO-201 substitute—

“FI-EKO-201	Ruokavirasto	www.ruokavirasto.fi”;
(jj) omit the row for code number FR-BIO-07;		
(kk) after the row for code number FR-BIO-18 insert—		
“FR-BIO-19	Control Union Inspection France	www.control-union.fr
FR-BIO-20	OCACIA	www.ocacia.fr
FR-BIO-21	AFNOR Certification	certification.afnor.org”;
(ll) in the row for code number DE-OKO-001, for the internet address in the third column substitute “www.bcs-oeko.com”;		
(mm) in the row for code number DE-OKO-003, for the name in the second column substitute “LACON Privatinstitut für Qualitätssicherung und Zertifizierung ökologisch erzeugter Lebensmittel GmbH”;		
(nn) in the row for code number DE-OKO-005, for the internet address in the third column substitute “www.ecocert.de”;		
(oo) for the row for code number DE-OKO-007 substitute—		
“DE-OKO-007	Prüfgesellschaft ökologischer Landbau mbH	www.pruefgesellschaft.bio”;
(pp) in the row for code number DE-OKO-060, for the internet address in the third column substitute “www.qal-gmbh.de”;		
(qq) for the row for code number DE-OKO-070 substitute—		
“DE-OKO-070	Control Union Certifications Germany GmbH	www.controlunion-germany.com”;
(rr) in the row for code number IE-ORG-03, for the internet address in the third column substitute “www.organictrust.ie”;		
(ss) for the row for code number IE-ORG-04 substitute—		
“IE-ORG-04	Global Trust Certification Ltd (SAI Global)	www.saiglobal.com”;
(tt) omit the row for code number IE-ORG-05;		
(uu) in the row for code number IT-BIO-007, for the internet address in the third column substitute “www.bioagricert.org”;		
(vv) in the row for code number IT-BIO-012, for the internet address in the third column substitute “www.sidelitalia.it”;		
(ww) after the row for code number IT-BIO-020 insert—		
“IT-BIO-021	CSQA	www.csqa.it”;

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(xx) for the row for code number LU-BIO-04 substitute—

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“LU-BIO-04	Prüfgesellschaft Ökologischer Landbau mbH (DE-OKO-007)	www.pruefgesellschaft.bio”;
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(yy) in the row for code number LU-BIO-08, for the name in the second column substitute “Inscert Partner S.A. (BE-BIO-03)”;

(zz) after the row for code number LU-BIO-08 insert—

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“LU-BIO-09	Bioagricert Srl (IT- BIO-007)	www.bioagricert.org
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LU-BIO-10	TUV Nord bvba (BE-BIO-02)	www.tuv-nord.com”;
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(aaaa) after the row for code number PL-EKO-12 insert—

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“PL-EKO-13	Krajowe Centrum Badań i Certyfikacji “Gwarantowana Jakość” Sp. z o.o.	www.kcbic.pl	Accredited only for plant production and animal production. Control Body (was authorized to control and certify organic production since 30 <sup>th</sup> August 2019”;
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(bbbb) omit the row for code number PT-BIO-11;

(cccc) in the row for code number PT-BIO-07, for the email address in the third column substitute “www.tradicao-qualidade.pt”;

(dddd) in the row for code number RO-ECO-024, for the name in the second column substitute “CERES ORGANIC CERT SRL”;

(eeee) in the row for code number SK-BIO-004, for the internet address in the third column substitute “www.eko-control.sk”;

(ffff) before the row for code number SI-EKO-001 insert—

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“SLOVENIA	Control Bodies”;
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(gggg) after the row for code number SI-EKO-001 omit the row beginning “SLOVENIA”;

(hhhh) after the row for code number ES-ECO-003-AN insert—

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“ES-ECO-003-CM	AGROCOLOR, S.L. (Castile-La Mancha)	www.agrocolor.es”;
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(iiii) in the row for code number ES-ECO-004-AN, in the third column insert “www.appluscertification.com”;

- (jjjj) omit the row for code number ES-ECO-005-AN;
- (kkkk) omit the row for code number ES-ECO-011-AR;
- (llll) in the row for code number ES-ECO-019-CT, for the name in the second column substitute “CCPAE”;
- (mmmm) in the row for code number ES-ECO-020-CV, for the name in the second column substitute “CAECV”;
- (nnnn) in the row for code number ES-ECO-022-GA, for the name in the second column substitute “CRAEGA”;
- (oooo) in the row for code number ES-ECO-023-MA, for the name in the second column substitute “CAEM”;
- (pppp) in the row for code number ES-ECO-024-MU, for the name in the second column substitute “CAERM”;
- (qqqq) in the row for code number ES-ECO-025-NA, for the name in the second column substitute “CPAEN/NNPEK”;
- (rrrr) in the row for code number ES-ECO-026-VAS, for the name in the second column substitute “ENEEK”;
- (ssss) omit the row for code number ES-ECO-027-RI;
- (tttt) in the row for code number ES-ECO-029-AN, for the name in the second column substitute “BUREAU VERITAS IBERIA S.L.”;
- (uuuu) omit the row for code number ES-ECO-30-CM;
- (vvvv) in the row for code number ES-ECO-031-CL, for the internet address in the third column substitute “www.celcertificacion.es”;
- (wwww) after the row for code number ES-ECO-031-CL insert—

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“ES-ECO-032-AN	SAI GLOBAL ASSURANCE SERVICES OFICINA DE REPRESENTACIÓN EN ESPAÑA, LTD	www.saiglobal.com	Private Body”;	Control
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(xxxx) after the row for code number ES-ECO-032-CL insert—

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“ES-ECO-033- CL	QUALITAS NATURA CERTIFICACIÓN S.L. (Castile-y- Leon)	www.qualitasnatura.es	Private Body”;	Control
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(yyyy) after the row for code number ES-ECO-033-CM insert—

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“ES-ECO-034-AN	OCE GLOBAL SLU (Andalusia)	www.oce- global.com	Private Body”;	Control
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(zzzz) after the row for code number ES-ECO-034-CM insert—

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“ES-ECO-035-RI	CPAER (Rioja)	www.cpaer.org	Control Authority
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ES-ECO-036-CL ACCM (Castile-y- www.accm.es”;  
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(aaaaaa) omit the row for code number SE-EKO-07;

(ii) in point 7 (duration of the inclusion), for “31st December 2020” substitute “31st December 2021”.

### **The Food and Farming (Amendment) (EU Exit) Regulations 2019**

14. Omit regulation 5 of the Food and Farming (Amendment) (EU Exit) Regulations 2019(6).

### **The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019**

15.—(1) The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019(7) are amended as follows.

(2) In regulation 37, in the substituted Article 228(2), after “under Article” insert “102d(4)(8) or Article”.

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

16.—(1) The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020(9) are amended as follows.

(2) In regulation 3, in the new sub-paragraph (1A) to be inserted after paragraph 7(1) of Schedule 5 to the Trade Marks (Amendment etc.) (EU Exit) Regulations 2019—

- (a) in paragraph (a), at the end insert “, or that Article as applied by Article 14d of that Regulation;”;
- (b) in paragraph (b), at the end insert “, or that Article as applied by Article 102d of that Regulation;”;
- (c) in paragraph (c), at the end insert “, or that Article as applied by Article 19d of that Regulation;”;
- (d) in paragraph (d), at the end insert “, or that Article as applied by Article 32d of that Regulation;”.

(3) In regulation 11(5)(a), in the inserted text, after “Regulations” insert “and the 1416/2006 prohibition(10)”.

(4) In regulation 14(4)(a), in the inserted text, after “Regulations” insert “and the 1416/2006 prohibition”.

(5) In regulation 20(2)—

(a) in new paragraph 1a to be inserted into Article 93 of Regulation (EU) No 1308/2013—

(i) for “Article 102a” substitute “Articles 102a, 102c and 102d”;

(ii) before point (a) insert—

“(za) ‘application to register a trade mark’ means an application to register a trade mark made under the TMA(11)

(iii) after point (a) insert—

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(6) S.I. 2019/759. See regulation 3 for amendments to [Commission Regulation \(EC\) No 936/2009](#).

(7) S.I. 2019/831.

(8) Article 102d is inserted by Schedule 2 to this instrument.

(9) S.I. 2020/1637.

(10) See S.I. 2020/1636 for amendments to S.I. 2011/2936 concerning “the 1416/2006 prohibition”.

(11) “The TMA” is defined in Article 93(1a)(g).

- “(aa) ‘bridging arrangements’ has the meaning given in Article 102c(2)(b);”;
- (iv) after point (f) insert—
- “(fa) ‘third country’ means—
- (i) for the purposes of the definition of ‘EUIA’ in paragraph 1a(c), Article 102c and Annex 9A (other than the reference in paragraph (ii)), any country other than—
    - (aa) any part of the British Islands, or
    - (bb) any member State;
  - (ii) for the purposes of the reference in column 2 of row 6 of the Types Table in Part 3 of Annex 9A, any country other than any part of the British Islands;
  - (iii) for all other purposes, any country other than the United Kingdom, and includes:
    - (aa) the Bailiwick of Guernsey;
    - (bb) the Bailiwick of Jersey;
    - (cc) the Isle of Man;”;
- (b) omit paragraph 1b.
- (6) In regulation 28(40), in the substituted Article 46, for paragraph 1 substitute—
- “1. Regulations made under this Regulation are to be made by statutory instrument.
- 1A.** A statutory instrument containing regulations under Article 36d(4) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- 1B.** Any other statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament”.
- (7) In Schedule 2—
- (a) in Part 1, for new Article 3(28) substitute—
- “(28) ‘third country’ means—
- (a) for the purposes of the definition of ‘EUIA’ in point (21), Article 14c and Annex 1A (other than the reference in paragraph (b)), any country other than—
    - (i) any part of the British Islands, or
    - (ii) a member State;
  - (b) for the purposes of the reference in column 2 of row 6 of the Types Table in Part 3 of Annex 1A, any country other than any part of the British Islands;
  - (c) for all other purposes, any country other than the United Kingdom, and includes:
    - (i) the Bailiwick of Guernsey;
    - (ii) the Bailiwick of Jersey;
    - (iii) the Isle of Man;”;
- (b) in Part 3—
- (i) in new Article 14a(2)(b)(i)—
    - (aa) in point (aa), after “enters into force” insert “or the bridging arrangements referred to in that column are made”;

- (bb) in point (bb), after “international agreement” insert “or the making of the bridging arrangements”;
- (ii) in new Article 14a(11)(a), after “11(2)” insert “or 14c(1)”;
- (iii) in new Article 14a(12), omit subparagraph (a);
- (c) in Part 6, in new Article 56(4), after “or Article” insert “14d(4),”;
- (d) in Part 7, in Part 1 of new Annex 1A, in paragraph 1(e)—
  - (i) in point (i), after “geographical”, in the first place it occurs, insert “indication”,
  - (ii) in point (ii), after “geographical”, in the first place it occurs, insert “indication”,
  - (iii) in point (iii), after “geographical” insert “indication”;
- (e) in Part 7, in the Types Table in Part 3 of new Annex 1A, in row 3—
  - (i) in column 2, for paragraph (c) substitute—
    - “(c) must be protected in Great Britain pursuant to—
      - (i) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
      - (ii) bridging arrangements between the United Kingdom and the third country made,
 during the relevant period.”;
    - (ii) in column 3—
      - (aa) in paragraph 1, after “11(2)” insert “or Article 14c(1)”;
      - (bb) for paragraph 2 substitute—
        - “2. A designation of origin or geographical indication that is not on Great Britain’s PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused but must be protected in Great Britain pursuant to—
          - (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
          - (b) bridging arrangements between the United Kingdom and the third country made,
 before the day on which the paragraph 1 trade mark application is accepted or refused.”;
      - (cc) for the entry in column 4 substitute—
        - “A designation of origin or geographical indication that is not on Great Britain’s PDOs and PGIs Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to—
          - (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
          - (b) bridging arrangements between the United Kingdom and the third country made,
 on or after the day on which the relevant trade mark application is accepted.”
- (8) In Schedule 3—
  - (a) in Part 2, in new Article 102a—



- (i) in paragraph 2(b)(i)—
  - (aa) in point (aa), after “force” insert “or the bridging arrangements referred to in that column are made”;
  - (bb) in point (bb), after “agreement” insert “or the making of the bridging arrangements”;
- (ii) in paragraph 11(c), after “pursuant to” insert “Article 102c(1) or”;
- (iii) omit paragraph 12(a);
- (b) in Part 3, in the Types Table in Part 3 of new Annex 9A, in row 3—
  - (i) in column 2, for paragraph (c) substitute—
    - “(c) must be protected in Great Britain pursuant to—
      - (i) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
      - (ii) bridging arrangements between the United Kingdom and the third country made,  
during the relevant period.”;
  - (ii) in column 3—
    - (aa) in paragraph 1 after “pursuant to” insert “Article 102c(1) or”;
    - (bb) for paragraph 2 substitute—
      - “2. A designation of origin or geographical indication that is not on Great Britain’s PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused but must be protected in Great Britain pursuant to—
        - (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
        - (b) bridging arrangements between the United Kingdom and the third country made,  
before the day on which the paragraph 1 trade mark application is accepted or refused.”;
  - (iii) for the entry in column 4 substitute—
    - “A designation of origin or geographical indication that is not on Great Britain’s PDOs and PGIs Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to—
      - (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
      - (b) bridging arrangements between the United Kingdom and the third country made,  
on or after the day on which the relevant trade mark application is accepted”.
- (9) In Schedule 4—
  - (a) in Part 1, for new Article 2(17) substitute—
    - “(17) ‘third country’ means—
      - (a) for the purposes of the definition of ‘EUIA’ in point (10), Article 19c and Annex 2A, any country other than:

- (i) any part of the British Islands, or
  - (ii) a member State;
- (b) for all other purposes, any country other than the United Kingdom, and includes:
  - (i) the Bailiwick of Guernsey;
  - (ii) the Bailiwick of Jersey;
  - (iii) the Isle of Man;”;
- (b) in Part 3, in new Article 19a—
  - (i) in paragraph 2(b)(i)—
    - (aa) in point (aa), after “force” insert “or the bridging arrangements referred to in that column are made”;
    - (bb) in point (bb), after “agreement” insert “or the making of the bridging arrangements”;
  - (ii) omit paragraph 11(a);
- (c) in Part 6, in new Article 33(4), after “under Article 4(2),” insert “19d(4),”
- (d) in Part 8, in the Types Table in Part C of new Annex 2A, in row 2—
  - (i) in column 2, for paragraph (c) substitute—
    - “(c) must be protected in Great Britain pursuant to—
      - (i) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
      - (ii) bridging arrangements between the United Kingdom and the third country made,
 during the relevant period.”;
  - (ii) in column 3—
    - (aa) in paragraph 1, after “Article” insert “19c(1) or”;
    - (bb) for paragraph 2 substitute—
      - “2. A geographical indication that is not on Great Britain’s GIs Register before the day on which the paragraph 1 trade mark application is accepted or refused but must be protected in Great Britain pursuant to—
        - (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
        - (b) bridging arrangements between the United Kingdom and the third country made,
 before the day on which the paragraph 1 trade mark application is accepted or refused.”;
  - (iii) for the entry in column 4 substitute—
    - “A geographical indication that is not on Great Britain’s GIs Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to—
      - (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or

- (b) bridging arrangements between the United Kingdom and the third country made,  
on or after the day on which the relevant trade mark application is accepted.”
- (10) In Schedule 8—
  - (a) in Part 1, for new Article 1a(q), substitute—
    - “(q) ‘third country means—
      - (i) for the purposes of the definition of ‘EUJA’ in point (k), Article 32c and Annex A1 (other than the reference in paragraph (ii)), any country other than:
        - (aa) any part of the British Islands, or
        - (bb) a member State;
      - (ii) for the purposes of the reference in column 2 of row 5 of the Types Table in Part 3 of Annex A1, any country other than any part of the British Islands;
      - (iii) for all other purposes, any country other than the United Kingdom, and includes:
        - (aa) the Bailiwick of Guernsey;
        - (bb) the Bailiwick of Jersey;
        - (cc) the Isle of Man;”;
  - (b) in Part 3, in new Article 32a—
    - (i) in paragraph 2(b)(i)—
      - (aa) in point (aa), after “force” insert “or the bridging arrangements referred to in that column are made”;
      - (bb) in point (bb), after “agreement” insert “or the making of the bridging arrangements”;
    - (ii) omit paragraph 12(a);
  - (c) in Part 6, in the Types Table in Part C of new Annex A1, in row 2—
    - (i) in column 2, for paragraph (c) substitute—
      - “(c) must be protected in Great Britain pursuant to—
        - (i) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
        - (ii) bridging arrangements between the United Kingdom and the third country made,  
during the relevant period.”;
    - (ii) in column 3—
      - (aa) in paragraph 1 after “Article” insert “32c(1) or”;
      - (bb) for paragraph 2 substitute—
        - “2. A traditional term that is not in Great Britain’s Traditional Terms Register before the day on which the paragraph 1 trade mark application is accepted or refused but must be protected in Great Britain pursuant to—
          - (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or

- (b) bridging arrangements between the United Kingdom and the third country made,

before the day on which the paragraph 1 trade mark application is accepted or refused.”;

- (iii) for the entry in column 4 substitute—

“A traditional term that is not in Great Britain’s Traditional Terms Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to—

- (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
- (b) bridging arrangements between the United Kingdom and the third country made,

on or after the day on which the relevant trade mark application is accepted.”.

- (11) In Schedule 10, Part 1, in new Article 3, for point (15) substitute—

“(15) ‘third country’ means—

- (a) for the purposes of the definition of ‘EUIA’ in point (10a), Article 36c and Annex 1A (other than the reference in paragraph (b)), any country other than—
  - (i) any part of the British Islands, or
  - (ii) a member State,
- (b) for the purposes of the reference in column 2 of row 5 of the Types Table in Part 3 of Annex 1A, any country other than any part of the British Islands;
- (c) for all other purposes, any country other than the United Kingdom, and includes:
  - (i) the Bailiwick of Guernsey;
  - (ii) the Bailiwick of Jersey;
  - (iii) the Isle of Man;”.