

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 I

GENERAL PROVISIONS

Article 1

Objectives

1 This Regulation aims to help producers of agricultural products and foodstuffs to communicate the product characteristics and farming attributes of those products and foodstuffs to buyers and consumers, thereby ensuring:

- a fair competition for farmers and producers of agricultural products and foodstuffs having value-adding characteristics and attributes;
- b the availability to consumers of reliable information pertaining to such products; [^{F1}and]
- c respect for intellectual property rights. ^{F2}...
- ^{F3}d

The measures set out in this Regulation are intended to support agricultural and processing activities and the farming systems associated with high quality products, thereby contributing to the achievement of rural development policy objectives.

2 This Regulation establishes quality schemes which provide the basis for the identification and, where appropriate, protection of names and terms that, in particular, indicate or describe agricultural products with:

- a value-adding characteristics; or
- b value-adding attributes as a result of the farming or processing methods used in their production, or of the place of their production or marketing.

Textual Amendments

- F1** Word in Art. 1(1)(b) 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(2)(a)**
- F2** Word in Art. 1(1)(c) 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(2)(b)**
- F3** Art. 1(1)(d) 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(2)(c)**

Article 2

Scope

1 This Regulation covers agricultural products intended for human consumption listed in Annex I to the Treaty and other agricultural products and foodstuffs listed in Annex I to this Regulation.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

In order to take into account international commitments or new production methods or material, the [F4Secretary of State may make regulations] supplementing the list of products set out in Annex I to this Regulation. Such products shall be closely linked to agricultural products or to the rural economy.

2 This Regulation shall not apply to spirit drinks, aromatised wines or grapevine products as defined in [F5Part 2 of Annex 7 to Regulation 1308/2013], with the exception of wine-vinegars.

3 This Regulation shall apply without prejudice to other specific [F6provisions in retained EU law] relating to the placing of products on the market and, in particular, to [F7provisions in, or under, Regulation 1308/2013 and provisions relating] to food labelling.

F84

Textual Amendments

- F4 Words in Art. 2(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(3)(a)
- F5 Words in Art. 2(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(3)(b)
- F6 Words in Art. 2(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(3)(c)(i)
- F7 Words in Art. 2(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(3)(c)(ii)
- F8 Art. 2(4) 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(3)(d)

Article 3

Definitions

For the purposes of this Regulation the following definitions shall apply:

- (1) ‘quality schemes’ means the schemes established under Titles II, III and IV;
- (2) ‘group’ means any association, irrespective of its legal form, mainly composed of producers or processors working with the same product;
- (3) ‘traditional’ means proven usage on the domestic market for a period that allows transmission between generations; this period is to be at least 30 years;
- (4) ‘labelling’ means any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a foodstuff and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such foodstuff;
- (5) ‘specific character’ in relation to a product means the characteristic production attributes which distinguish a product clearly from other similar products of the same category;
- (6) ‘generic terms ’ means the names of products which, although relating to the place, region or country where the product was originally produced or marketed, have become the common name of a product in the [F9United Kingdom];
- (7) ‘production step’ means production, processing or preparation;

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- (8) ‘processed products’ means foodstuffs resulting from the processing of unprocessed products. Processed products may contain ingredients that are necessary for their manufacture or to give them specific characteristics;
- (9) [^{F10}‘the EUWA’ means the European Union (Withdrawal) Act 2018;]
- (10) [^{F10}‘EU Regulation 1151/2012’ means Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as it had effect before IP completion day;]
- (11) [^{F10}‘Regulation 1308/2013’ means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products;]
- (12) [^{F10}‘Regulation 664/2014’ means Commission Delegated Regulation (EU) No 664/2014 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules;]
- (13) [^{F10}‘the Quality Schemes Regulations’ means the Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 as they extend to Great Britain;]
- (13a) [^{F11}‘application to register a trade mark’ means an application to register a trade mark made under the TMA;]
- (14) [^{F10}‘an Article 52(4) approval notice’ means a notice published under Article 52(4) relating to a decision of the Secretary of State to approve an application to register a designation of origin or geographical indication;]
- (14a) [^{F12}‘bridging arrangements’ has the meaning given in Article 14c(2)(b);]
- (15) [^{F10}‘the designated authority’ means:
- (a) unless point (b) or (c) applies, the person specified in regulation 3(2) of the Quality Schemes Regulations as the person responsible for carrying out the relevant function;
 - (b) in a case where an official control has been delegated to a delegated body in accordance with Article 39, the delegated body to which the relevant function has been delegated;
 - (c) in a case where an enforcement authority has been appointed under regulation 6(2) of the Quality Schemes Regulations to carry out the relevant function in respect of a specified area, the appointed enforcement authority in relation to that area;]
- (16) [^{F10}‘domestic law’ means the means the law of England and Wales and Scotland;]
- (17) [^{F10}‘enters into force’, in relation to a reference 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;]
- (18) [^{F10}‘established protected designation of origin’ means a designation of origin within the meaning of Article 5(1) to which Article 54(2) of the EU withdrawal agreement applies;]

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- (19) [^{F10}‘established protected geographical indication’ means a geographical indication within the meaning of Article 5(2) to which Article 54(2) of the EU withdrawal agreement applies;]
- (20) [^{F10}‘established protected traditional speciality guaranteed’ means a traditional speciality guaranteed within the meaning of Article 18(1) to which Article 54(2) of the EU withdrawal agreement applies;]
- (21) [^{F10}‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a designation of origin or geographical indication of the third country in the European Union;]
- (22) [^{F10}‘FTT’ means the First-tier Tribunal;]
- (23) [^{F10}‘Great Britain's PDOs and PGIs Register’ means the register established and maintained by the Secretary of State under Article 11(1);]
- (24) [^{F10}‘Great Britain's TSGs Register’ means the register established and maintained by the Secretary of State under Article 22(1);]
- (25) [^{F10}‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a designation of origin, geographical indication or traditional speciality guaranteed under Article 54, or following the submission of an application under Article 49 or 53, or a request submitted under Article 54, means the person who submitted the application or request;]
- (26) [^{F10}‘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;]
- (27) [^{F10}‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland;]
- (28) [^{F10} ‘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;]
- (29) [^{F10}‘the TMA’ means the Trade Marks Act 1994;]
- (30) [^{F10}‘the Types Table’ means the table in Part 3 of Annex 1A.]

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Textual Amendments

- F9** Words in Art. 3(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(4)(a)**
- F10** Art. 3(9)-(30) 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(4)(b), **Sch. 2 Pt. 1** (as amended by S.I. 2020/1661, regs. 1(2)(b), **16(7)(a)**)
- F11** Art. 3(13a) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(3), **4(2)(a)**
- F12** Art. 3(14a) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(3), **4(2)(b)**

^{F13} Article 3a

Definitions: types of designation of origin and geographical indication

In Article 14a and Annex 1A any reference to:

- (a) ‘a type 1 designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 1 of the Types Table;
- (b) ‘a type 2A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 2 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (c) ‘a type 2B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (e) ‘a type 3B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of that row apply;
- (f) ‘a type 4A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 4 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (g) ‘a type 4B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 4 of the Types Table to which the provisions in column 4 of that row apply;
- (h) ‘a type 5A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 5 of the Types Table to which paragraph 1 or 2 of column 3 of row 4 of that table applies;
- (i) ‘a type 5B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 5 of the Types Table to which the provisions in column 4 of row 4 of that table apply;

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(j) ‘a type 6A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 6 of the Types Table to which paragraph 1 or 2 of column 3 of row 4 of that table applies;

(k) ‘a type 6B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 6 of the Types Table to which the provisions in column 4 of row 4 of that table apply.]

Textual Amendments

F13 Art. 3a 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(5), **Sch. 2 Pt. 2**

TITLE II

PROTECTED DESIGNATIONS OF ORIGIN AND PROTECTED GEOGRAPHICAL INDICATIONS

Article 4

Objective

A scheme for protected designations of origin and protected geographical indications is established in order to help producers of products linked to a geographical area by:

- (a) securing fair returns for the qualities of their products;
- (b) ensuring uniform protection of the names as an intellectual property right in the territory of [^{F14}Great Britain];
- (c) providing clear information on the value-adding attributes of the product to consumers.

Textual Amendments

F14 Words in Art. 4(b) 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(6)**

Article 5

Requirements for designations of origin and geographical indications

1 For the purpose of this Regulation, ‘designation of origin’ is a name which identifies a product:

- a originating in a specific place, region or, in exceptional cases, a country;
- b whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and
- c the production steps of which all take place in the defined geographical area.

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2 For the purpose of this Regulation, ‘geographical indication’ is a name which identifies a product:

- a originating in a specific place, region or country;
- b whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and
- c at least one of the production steps of which take place in the defined geographical area.

3 Notwithstanding paragraph 1, certain names shall be treated as designations of origin even though the raw materials for the products concerned come from a geographical area larger than, or different from, the defined geographical area, provided that:

- a the production area of the raw materials is defined;
- b special conditions for the production of the raw materials exist;
- c there are control arrangements to ensure that the conditions referred to in point (b) are adhered to; and
- d the designations of origin in question were recognised as designations of origin in the country of origin before 1 May 2004.

Only live animals, meat and milk may be considered as raw materials for the purposes of this paragraph.

4 In order to take into account the specific character of production of products of animal origin, the [^{F15}Secretary of State may make regulations] concerning restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin.

In addition, in order to take into account the specific character of certain products or areas, the [^{F16}Secretary of State may make regulations] concerning restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials.

These restrictions and derogations shall, based on objective criteria, take into account quality or usage and recognised know-how or natural factors.

Textual Amendments

F15 Words in Art. 5(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(7)(a)**

F16 Words in Art. 5(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(7)(b)**

Article 6

Generic nature, conflicts with names of plant varieties and animal breeds, with homonyms and trade marks

1 Generic terms shall not be registered as protected designations of origin or protected geographical indications.

2 A name may not be registered as a designation of origin or geographical indication where it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product.

3 A name proposed for registration that is wholly or partially homonymous with a name already entered in the register established under Article 11 may not be registered unless

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there is sufficient distinction in practice between the conditions of local and traditional usage and presentation of the homonym registered subsequently and the name already entered in the register, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled.

A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.

4 A name proposed for registration as a designation of origin or geographical indication shall not be registered where, in the light of a trade mark's reputation and renown and the length of time it has been used, registration of the name proposed as the designation of origin or geographical indication would be liable to mislead the consumer as to the true identity of the product.

Article 7

Product specification

1 A protected designation of origin or a protected geographical indication shall comply with a specification which shall include at least:

- a the name to be protected as a designation of origin or geographical indication, as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area;
- b a description of the product, including the raw materials, if appropriate, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
- c the definition of the geographical area delimited with regard to the link referred to in point (f)(i) or (ii) of this paragraph, and, where appropriate, details indicating compliance with the requirements of Article 5(3);
- d evidence that the product originates in the defined geographical area referred to in Article 5(1) or (2);
- e a description of the method of obtaining the product and, where appropriate, the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control ^{F17} ...;
- f details establishing the following:
 - (i) the link between the quality or characteristics of the product and the geographical environment referred to in Article 5(1); or
 - (ii) where appropriate, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 5(2);
- g the name and address of the authorities or, if available, the name and address of bodies verifying compliance with the provisions of the product specification pursuant to Article 37 and their specific tasks;
- h any specific labelling rule for the product in question.

2 In order to ensure that product specifications provide relevant and succinct information, the [^{F18}Secretary of State may make regulations] laying down rules which limit the

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information contained in the specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications for registration.

The ^{F19}Secretary of State may make regulations] laying down rules on the form of the specification. ^{F20}...

Textual Amendments

- F17** Words in Art. 7(1)(e) 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(8)(a)**
- F18** Words in Art. 7(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(8)(b)(i)**
- F19** Words in Art. 7(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(8)(b)(ii)(aa)**
- F20** Words in Art. 7(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(8)(b)(ii)(bb)**

Article 8

Content of application for registration

1 An application for registration of a designation of origin or geographical indication pursuant to Article ^{F21}49] shall include at least:

- a the name and address of the applicant group and of the authorities or, if available, bodies verifying compliance with the provisions of the product specification;
- b the product specification provided for in Article 7;
- c a single document setting out the following:
 - i) the main points of the product specification: the name, a description of the product, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area;
 - ii) a description of the link between the product and the geographical environment or geographical origin referred to in Article 5(1) or (2), as the case may be, including, where appropriate, the specific elements of the product description or production method justifying the link.

An application as referred to in Article 49(5) shall, in addition, include proof that the name of the product is protected in its country of origin.

^{F22}2

Textual Amendments

- F21** Word in Art. 8(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(9)(a)**
- F22** Art. 8(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(9)(b)**

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^{F23}Article 9

Transitional national protection

Textual Amendments

F23 Art. 9 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(10)**

Article 10

Grounds for opposition

1 A reasoned statement of opposition as referred to in Article 51(2) shall be admissible only if it is received by the [^{F24}Secretary of State] within the time limit set out in that paragraph and if it:

- a shows that the conditions referred to in Article 5 and Article 7(1) are not complied with;
- b shows that the registration of the name proposed would be contrary to Article 6(2), (3) or (4);
- c shows that the registration of the name proposed would jeopardise the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in point (a) of Article 50(2); or
- d gives details from which it can be concluded that the name for which registration is requested is a generic term.

2 The grounds for opposition shall be assessed in relation to the territory of [^{F25}Great Britain, except that, in relation to paragraph 1(d), the grounds for opposition must be assessed in relation to the territory of the United Kingdom].

Textual Amendments

F24 Words in Art. 10(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(11)(a)**

F25 Words in Art. 10(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(11)(b)**

Article 11

Register of protected designations of origin and protected geographical indications

1 The [^{F26}Secretary of State must establish and maintain] a publicly accessible updated register of protected designations of origin and protected geographical indications recognised under this scheme.

2 Geographical indications pertaining to products of third countries that are protected in [^{F27}Great Britain] under an international agreement to which the [^{F28}United Kingdom] is

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a contracting party may be entered in the register. Unless specifically identified in the said agreement as protected designations of origin under this Regulation, such names shall be entered in the register as protected geographical indications. ^{F29}The entry in the register is to be treated as taking effect:

- a in a case where the register is established by the Secretary of State after IP completion day but before the end of the day following the day on which IP completion day falls and the entry is in the register as established during that period, on IP completion day;
- b in any other case, immediately the entry is made.]

3 The ^{F30}Secretary of State may make regulations] laying down detailed rules on the form and content of the register. ^{F31}...

4 The ^{F32}Secretary of State] shall make public and regularly update the list of the international agreements referred to in paragraph 2 as well as the list of geographical indications protected under those agreements.

Textual Amendments

- F26** Words in Art. 11(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(12)(a)**
- F27** Words in Art. 11(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(12)(b)(i)**
- F28** Words in Art. 11(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(12)(b)(ii)**
- F29** Words in Art. 11(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(12)(b)(iii)**
- F30** Words in Art. 11(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(12)(c)(i)**
- F31** Words in Art. 11(3) 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(12)(c)(ii)**
- F32** Words in Art. 11(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(12)(d)**

Article 12

Names, symbols and indications

1 Protected designations of origin and protected geographical indications may be used by any operator marketing a product conforming to the corresponding specification.

2 ^{F33}... Symbols designed to publicise protected designations of origin and protected geographical indications shall be established.

3 In the case of products originating in ^{F34}Great Britain] that are marketed ^{F35}in Great Britain] under a protected designation of origin or a protected geographical indication ^{F36}to which paragraph 3a applies], the ^{F37}... symbols associated with them shall appear on the labelling. In addition, the registered name of the product should appear in the same field of vision. The indications 'protected designation of origin' or 'protected geographical indication' or the corresponding abbreviations 'PDO' or 'PGI' may appear on the labelling.

^{F38}3a. This paragraph applies to:

- a an established protected designation of origin and an established protected geographical indication;

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Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- b a protected designation of origin and a protected geographical indication registered following a decision made by the Secretary of State under Article 52 in relation to an application made under Article 49(2).]

4 In addition, the following may also appear on the labelling: depictions of the geographical area of origin, as referred to in Article 5, and text, graphics or symbols referring to the ^{F39}United Kingdom or the third country, or region, as relevant, in which that geographical area of origin is located].

5 Without prejudice to ^{F40}Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, the collective geographical marks registered under the TMA] may be used on labels, together with the protected designation of origin or protected geographical indication.

6 In the case of products originating in ^{F41}Northern Ireland or] third countries marketed under a name entered in the register, the indications referred to in paragraph 3 or the ^{F42}... symbols associated with them may appear on the labelling.

7 In order to ensure that the appropriate information is communicated to the consumer, the ^{F43}Secretary of State may make regulations] establishing the ^{F44}... symbols.

The ^{F45}Secretary of State may make regulations] defining the technical characteristics of the ^{F46}... symbols and indications as well as the rules of their use on the products marketed under a protected designation of origin or a protected geographical indication

^{F47}
^{F48} ...

Textual Amendments

- F33** Word in Art. 12(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(13)(a)**
- F34** Words in Art. 12(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(13)(b)(i)**
- F35** Words in Art. 12(3) 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(13)(b)(ii)**
- F36** Words in Art. 12(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(13)(b)(iii)**
- F37** Word in Art. 12(3) 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(13)(b)(iv)**
- F38** Art. 12(3a) 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(13)(c)**
- F39** Words in Art. 12(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(13)(d)**
- F40** Words in Art. 12(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(13)(e)**
- F41** Words in Art. 12(6) 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(13)(f)(i)**
- F42** Word in Art. 12(6) 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(13)(f)(ii)**
- F43** Words in Art. 12(7) 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(13)(g)(i)(aa)**
- F44** Word in Art. 12(7) 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(13)(g)(i)(bb)**
- F45** Words in Art. 12(7) 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(13)(g)(ii)(aa)**

Status: Point in time view as at 31/12/2020.

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- F46** Word in Art. 12(7) 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(13)(g)(ii)(bb)**
- F47** Words in Art. 12(7) 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(13)(g)(ii)(cc)**
- F48** Words in Art. 12(7) 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(13)(g)(ii)(dd)**

Article 13

Protection

- 1 Registered names shall be protected against:
- any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits the reputation of the protected name, including when those products are used as an ingredient;
 - any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’ or similar, including when those products are used as an ingredient;
 - any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
 - any other practice liable to mislead the consumer as to the true origin of the product.

Where a protected designation of origin or a protected geographical indication contains within it the name of a product which is considered to be generic, the use of that generic name shall not be considered to be contrary to points (a) or (b) of the first subparagraph.

2 Protected designations of origin and protected geographical indications shall not become generic.

3 [^{F49}The designated authority] shall take appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, as referred to in paragraph 1, that are produced or marketed in [^{F50}Great Britain].

^{F51}
...

[^{F52}The designated authority] shall offer adequate guarantees of objectivity and impartiality, and shall have at their disposal the qualified staff and resources necessary to carry out their functions.

Textual Amendments

- F49** Words in Art. 13(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(14)(a)(i)**
- F50** Words in Art. 13(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(14)(a)(ii)**
- F51** Words in Art. 13(3) 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(14)(b)**

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F52 Words in Art. 13(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(14)(c)**

Article 14

Relations between trade marks, designations of origin and geographical indications

1 Where a designation of origin or a geographical indication is registered under this Regulation, the registration of a trade mark the use of which would contravene Article 13(1) and which relates to a product of the same type shall be refused if the application for registration of the trade mark is submitted after the date of submission of the registration application in respect of the designation of origin or the geographical indication to the ^{F53}Secretary of State].

Trade marks registered in breach of the first subparagraph shall be invalidated.

The provisions of this paragraph shall apply notwithstanding the provisions of ^{F54}the TMA].

2 Without prejudice to Article 6(4), a trade mark the use of which contravenes Article 13(1) which has been applied for, registered, or established by use ^{F55}..., in good faith within the territory of the ^{F56}United Kingdom], before the date on which the application for protection of the designation of origin or geographical indication is submitted to the ^{F57}Secretary of State], may continue to be used and renewed for that product notwithstanding the registration of a designation of origin or geographical indication, provided that no grounds for its invalidity or revocation exist ^{F58}in, or under, the TMA]. In such cases, the use of the protected designation of origin or protected geographical indication shall be permitted as well as use of the relevant trade marks.

Textual Amendments

- F53** Words in Art. 14(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(15)(a)(i)**
- F54** Words in Art. 14(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(15)(a)(ii)**
- F55** Words in Art. 14(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(15)(b)(i)**
- F56** Words in Art. 14(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(15)(b)(ii)**
- F57** Words in Art. 14(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(15)(b)(iii)**
- F58** Words in Art. 14(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(15)(b)(iv)**

^{F59}Article 14a

Transitional provisions: relations between trade marks, designations of origin and geographical indications

1 Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where,

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if the trade mark is registered, the use of the trade mark will contravene Article 13(1) in relation to a category A designation of origin or geographical indication.

2 Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

- a if the trade mark is registered, the use of the trade mark will contravene Article 13(1) in relation to a category B designation of origin or geographical indication, and
- b after the application for the trade mark is accepted but before the trade mark is registered:
 - i in the case of a type 3B designation of origin or geographical indication:
 - aa the international agreement referred to in paragraph (c) of column 2 of row 3 of the Types Table enters into force or the bridging arrangements referred to in that column are made, and
 - bb the entry into force of the international agreement or the making of the bridging arrangements is brought to the attention of the registrar before the trade mark is registered;
 - ii in the case of any other category B designation of origin or geographical indication:
 - aa the Secretary of State publishes an Article 52(4) approval notice relating to the designation of origin or geographical indication, and
 - bb the Article 52(4) approval notice is brought to the attention of the registrar before the trade mark is registered.

3 Where an application for a declaration of invalidity is made under the TMA (as applied by Article 14b(1) and modified by Article 14b(2)) in relation to the registration of a trade mark, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:

- a the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,
- b the use of the trade mark contravenes, or will, if used, contravene, Article 13(1) in relation to a category B designation of origin or geographical indication, and
- c in the case of a type 2B, 4B, 5B or 6B designation of origin or geographical indication, the Secretary of State publishes an Article 52(4) approval notice relating to the designation of origin or geographical indication on or after the day on which the trade mark application is accepted.

4 This paragraph applies where a column 5 date applies in relation to a category A or B designation of origin or geographical indication and, taking account of any priority claimed in respect of an application to register the trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant designation of origin or geographical indication.

5 As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 3A, 4A or 5A designation of origin or geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the designation of origin or geographical indication provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the designation of origin or geographical indication

6 As regards paragraph 3, a column 5 date does not apply in relation to a type 3B, 4B or 5B designation of origin or geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the designation of origin or geographical

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indication provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EU IA providing for the protection of the use of the designation of origin or geographical indication.

7 Where a designation of origin or geographical indication falls within the definition of more than one type of designation of origin or geographical indication in Article 3a, the column 5 date to be taken into account for the purpose of paragraph 4 is the earliest of the column 5 dates for the relevant types of designation of origin or geographical indication.

8 In a case of a category A or B designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register at the time an assessment is carried out under paragraph 1, 2 or 3, the name of the designation of origin or geographical indication is to be treated, for the purpose of the assessment, as having a registered name in determining whether the use of the trade mark will contravene Article 13(1) in relation to that designation of origin or geographical indication.

9 A trade mark that could be used in the United Kingdom under Article 14(2) of EU Regulation 1151/2012 immediately before IP completion day may continue to be used in Great Britain on and after IP completion day:

- a notwithstanding that the use of the trade mark would contravene Article 13(1) of this Regulation in Great Britain in relation to a designation of origin or geographical indication registered by the Secretary of State under this Regulation;
- b provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

10 Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 14(2) of EU Regulation 1151/2012 immediately before IP completion day from being renewed after IP completion day:

- a notwithstanding that the use of the renewed trade mark would contravene Article 13(1) in Great Britain in relation to a designation of origin or geographical indication registered by the Secretary of State under this Regulation;
- b provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

11 Where paragraph 9 or 10 applies to the use or renewal of a trade mark, this does not affect the use of:

- a a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register by the Secretary of State under Article 11(2) or 14c(1);
- b an established protected designation of origin or an established protected geographical indication entered on Great Britain's PDOs and PGIs Register pursuant to Article 16;
- c a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register following a decision by the Secretary of State to approve an application to register the designation of origin or geographical indication following an application submitted under Article 49.

12 In this Article:

- b 'a category A designation of origin or geographical indication' means a type 1, 2A, 3A, 4A, 5A or 6A designation of origin or geographical indication;
- c 'a category B designation of origin or geographical indication' means a type 2B, 3B, 4B, 5B or 6B designation of origin or geographical indication;
- d 'column 5 date', in relation to a designation of origin or geographical indication that is a category A or B designation of origin or geographical indication, means the date

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- described in column 5 of the Types Table in the row relating to the relevant type of designation of origin or geographical indication;
- e 'date of filing':
- i in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;
 - ii in the case of an ITM-based trade mark application, means:
 - aa in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - bb in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - iii in any other case, has the meaning given by section 33 of the TMA;
 - f 'EUTM-based trade mark application' means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
 - g 'existing EUTM application' has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
 - h 'existing ITM application' has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
 - i 'existing request for EU extension' has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
 - j 'ITM-based trade mark application' means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
 - k 'the registrar' has the meaning given by section 62 of the TMA.
- 13 Any reference in this Article to:
- a 'priority claimed in respect of an application':
 - i in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
 - ii in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
 - iii in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;
 - b an application to register a trade mark that was 'pending immediately before IP completion day' is a reference to an application that was neither refused, nor resulted in the registration of the trade mark that is the subject of the application, before IP completion day;
 - c a trade mark includes a reference to:
 - i a collective mark as defined in section 49(1) of the TMA;
 - ii a certification mark as defined in section 50(1) of the TMA.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F59 Arts. 14a, 14b 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(16), **Sch. 2 Pt. 3** (as amended by [S.I. 2020/1661](#), regs. 1(2)(b), **16(7)(b)**)

f^{F59} Article 14b

Application and modification of trade mark provisions

1 For the purpose of Article 14a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- a subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 14a(3);
- b section 72 (registration to be prima face evidence of validity);
- c section 73 (certificate of validity of contested application);
- d section 74 (registrar's appearance in proceedings involving the register of trade marks);
- e section 75 (definition of 'the court');
- f section 76 (appeals) except for subsection (5);
- g section 77(1) (persons appointed to hear and determine appeals).

2 The modifications are:

- a section 47 applies as if:
 - i in subsection (3), in the words before paragraph (a), after 'invalidity' there were inserted 'made under this section, as applied by Article 14b(1) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs,';
 - ii in subsection (5), for 'grounds of invalidity exist' there were substituted 'ground for invalidity specified in Article 14a(3) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council exists';
- b section 74(1) applies as if, for the words from 'for' to 'the registrar' there were substituted 'for a declaration of the invalidity of the registration of a trade mark, the registrar';
- c section 76(1) applies as if:
 - i in the first paragraph, for the words from 'under' to the end there were substituted 'made under Article 14a of Regulation (EU) No 1151/2012 of the European Parliament and of the Council';
 - ii the second paragraph were omitted;
- d section 77(1) applies as if, at the end there were inserted 'as applied by Article 14b(1) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council'.

3 In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:

- a an application to invalidate a trade mark referred to in Article 14a(3);
- b an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a).]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F59 Arts. 14a, 14b 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(16), **Sch. 2 Pt. 3** (as amended by [S.I. 2020/1661](#), regs. 1(2)(b), **16(7)(b)**)

f^{F60} Article 14c

Third Country designations of origin and geographical indications covered by bridging arrangements

1 A designation of origin or geographical indication to which paragraph 2 applies is, for the protection period, to be entered on Great Britain's PDOs and PGIs Register.

2 This paragraph applies to a designation of origin or geographical indication which relates to a geographical area in a third country ('C') which:

- a was, immediately before IP completion day, protected in the European Union under an EU IA to which the European Union and C were contracting parties, and
- b is, before a qualifying international agreement enters into force, to be protected in Great Britain pursuant to any written arrangements made by the United Kingdom and C ("bridging arrangements").

3 For the purposes of this Article, 'the protection period', in relation to a designation of origin or geographical indication, is the period for which:

- a the relevant bridging arrangements have effect, or
- b if only part of the relevant bridging arrangements relates to the designation of origin or geographical indication, that part has effect.

4 In this Article 'qualifying international agreement' means an international agreement between the United Kingdom and C, which has been initialled.]

Textual Amendments

F60 Arts. 14c, 14d inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), reg. 1(3), **Sch. 1**

f^{F60} Article 14d

Transitional provisions: relations between trade marks, designations of origin and geographical indications when bridging arrangements are in effect

1 Where a designation of origin or geographical indication is entered on Great Britain's PDOs and PGIs Register under Article 14c, Articles 14a and 14b and Annex 1A apply for the purposes of determining:

- a whether an application to register a trade mark which was pending before IP completion day or was made during the relevant period, must be refused, or
- b if a relevant invalidity application was made, whether the registration of a trade mark must be declared invalid,

but subject to the general modifications specified in paragraphs 2 and 3 and any further modifications made by regulations (if any) (see paragraph 4).

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

2 The modifications mentioned in paragraph 1 are that Articles 14a and 14b and Annex 1A are to be read as if:

- a in the case of a type A term, any reference to a type 3A designation of origin or geographical indication included a reference to a type A term;
- b in the case of a type B term, any reference to a type 3B designation of origin or geographical indication included a reference to a type B term.

3 In addition, Article 14b and Annex 1A are to be read as if any reference to Article 14a included a reference to that Article as applied by this Article.

4 The Secretary of State may, by regulations, make such further modifications to Article 14a or 14b or Annex 1A as the Secretary of State considers necessary for the purpose of ensuring that the relative priorities afforded to designations of origin, geographical indications and trade marks before IP completion day continue to apply appropriately during the relevant period.

5 In this Article:

‘relevant invalidity application’ means an application for a declaration of invalidity made under the TMA (as applied by Article 14b(1) and modified by Article 14b(2)) in relation to the registration of a trade mark;

‘type A term’ means a designation of origin or geographical indication which:

- i immediately before the application to register a trade mark is accepted, is entered in Great Britain’s PDOs and PGIs Register under article 14c, or
- ii is not so entered when the application to register a trade mark is accepted, but is to be protected under bridging arrangements which come into effect before the application to register a trade mark is accepted;

‘type B term’ means a designation of origin or geographical indication which is not entered in Great Britain’s PDOs and PGIs Register under article 14c when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to bridging arrangements made on or after the day on which the relevant trade mark application is accepted.]

Textual Amendments

F60 Arts. 14c, 14d inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), reg. 1(3), **Sch. 1**

Article 15

Transitional periods for use of protected designations of origin and protected geographical indications

1 Without prejudice to Article 14, the [^{F61}Secretary of State may, by regulations, make provision for a transitional period of up to five years to apply] to enable products ^{F62}... the designation of which consists of or contains a name that contravenes Article 13(1) to continue to use the designation under which it was marketed [^{F63}if the Secretary of State is satisfied] that an admissible statement of opposition under ^{F64}... Article 51 shows that:

- a the registration of the name would jeopardise the existence of an entirely or partly identical name; or

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- b such products have been legally marketed with that name in the territory concerned for at least five years preceding the date of the publication provided for point (a) of Article 50(2).

F65
...

2 Without prejudice to Article 14, [^{F66}an application may be made to the Secretary of State to extend the transitional period mentioned in paragraph 1 to 15 years in duly justified cases and the Secretary of State may, by regulations, make provision for such a transitional provision if the Secretary of State is satisfied] that:

- a the designation referred to in paragraph 1 of this Article has been in legal use consistently and fairly for at least 25 years before the application for registration was submitted to the [^{F67}Secretary of State];
- b the purpose of using the designation referred to in paragraph 1 of this Article has not, at any time, been to profit from the reputation of the registered name and it is shown that the consumer has not been nor could have been misled as to the true origin of the product.

F68
...

3 When using a designation referred to in paragraphs 1 and 2, the indication of country of origin shall clearly and visibly appear on the labelling.

4 To overcome temporary difficulties with the long-term objective of ensuring that all producers in the area concerned comply with the specification, [^{F69}nothing in this Regulation prevents the Secretary of State from using any power the Secretary of State has to make regulations to provide for a transitional period of up to 10 years to apply], with effect from the date on which the application is lodged with the [^{F70}Secretary of State], on condition that the operators concerned have legally marketed the products in question, using the names concerned continuously for at least the five years prior to the lodging of the application ^{F71}... and have made that point in the ^{F72}... opposition procedure referred to in Article [^{F73}51].

The first subparagraph shall apply *mutatis mutandis* to a protected geographical indication or protected designation of origin referring to a geographical area situated in a third country, with the exception of the opposition procedure.

Such transitional periods shall be indicated in the application [^{F74}submitted under Article 8(1)].

Textual Amendments

- F61** Words in Art. 15(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(17)(a)(i)(aa)**
- F62** Words in Art. 15(1) 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(17)(a)(i)(bb)**
- F63** Words in Art. 15(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(17)(a)(i)(cc)**
- F64** Words in Art. 15(1) 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(17)(a)(i)(dd)**
- F65** Words in Art. 15(1) 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(17)(a)(ii)**
- F66** Words in Art. 15(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(17)(b)(i)(aa)**
- F67** Words in Art. 15(2)(a) 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(17)(b)(i)(bb)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- F68** Words in Art. 15(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(17)(b)(ii)**
- F69** Words in Art. 15(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(17)(c)(i)(aa)**
- F70** Words in Art. 15(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(17)(c)(i)(bb)**
- F71** Words in Art. 15(4) 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(17)(c)(i)(cc)**
- F72** Word in Art. 15(4) 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(17)(c)(i)(dd)**
- F73** Word in Art. 15(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(17)(c)(i)(ee)**
- F74** Words in Art. 15(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(17)(c)(ii)**

Article 16

Transitional provisions

1 [F75The Secretary of State must enter the names of established protected designations of origin and established protected geographical indications in] the register referred to in Article 11 of this Regulation. [F76The entries are to be treated as taking effect on IP completion day.] The corresponding specifications shall be deemed to be the specifications referred to in Article 7 of this Regulation. Any specific transitional provisions associated with such registrations [F77under EU Regulation 1151/2012, as they stood immediately before IP completion day,] shall continue to apply.

2 In order to protect the rights and legitimate interests of producers or stakeholders concerned, the [F78Secretary of State may make regulations] concerning additional transitional rules.

3 [F79In relation to established protected designations of origin and established protected geographical indications,] this Regulation shall apply without prejudice to any right of coexistence recognised under Regulation (EC) No 510/2006 [F80, as that Regulation had effect in Great Britain immediately before it was repealed by EU Regulation 1151/2012,] in respect of designations of origin and geographical indications, on the one hand, and trade marks, on the other.

[F814. Article 12(3) (which requires that the symbol associated with the marketing in Great Britain of a product originating in Great Britain must appear on the labelling of certain products) is disapplied in respect of a product to which it would otherwise apply, for a period of three years, beginning with the day after the day on which IP completion day falls, on condition that the product concerned is marketed under an established protected designation of origin or an established protected geographical indication.

5. In paragraph 1, in relation to an established protected designation of origin and an established protected geographical indication, ‘corresponding specifications’ means the product specification for the relevant designation of origin or geographical indication as the specification stood immediately before IP completion day.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F75** Words in Art. 16(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(18)(a)(i)**
- F76** Words in Art. 16(1) 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(18)(a)(ii)**
- F77** Words in Art. 16(1) 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(18)(a)(iii)**
- F78** Words in Art. 16(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(18)(b)**
- F79** Words in Art. 16(3) 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(18)(c)(i)**
- F80** Words in Art. 16(3) 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(18)(c)(ii)**
- F81** Art. 16(4)(5) 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(18)(d)**

TITLE III

TRADITIONAL SPECIALITIES GUARANTEED

Article 17

Objective

A scheme for traditional specialities guaranteed is established to safeguard traditional methods of production and recipes by helping producers of traditional product in marketing and communicating the value-adding attributes of their traditional recipes and products to consumers.

Article 18

Criteria

1 A name shall be eligible for registration as a traditional speciality guaranteed where it describes a specific product or foodstuff that:

- a results from a mode of production, processing or composition corresponding to traditional practice for that product or foodstuff; or
- b is produced from raw materials or ingredients that are those traditionally used.

2 For a name to be registered as a traditional speciality guaranteed, it shall:

- a have been traditionally used to refer to the specific product; or
- b identify the traditional character or specific character of the product.

3 If it is demonstrated in the opposition procedure under Article 51 that the name is also used in another ^{F82}... country, in order to distinguish comparable products or products that share an identical or similar name, the decision on registration taken in accordance with Article 52(3) may provide that the name of the traditional speciality guaranteed is to be accompanied by the claim ‘made following the tradition of’ immediately followed by the name of a country or a region thereof.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

4 A name may not be registered if it refers only to claims of a general nature used for a set of products, or to claims provided for by particular [F83retained EU law].

5 In order to ensure the smooth functioning of the scheme, the [F84Secretary of State may make regulations] concerning further details of the eligibility criteria laid down in this Article.

Textual Amendments

- F82** Words in Art. 18(3) 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(19)(a)**
- F83** Words in Art. 18(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(19)(b)**
- F84** Words in Art. 18(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(19)(c)**

Article 19

Product specification

1 A traditional speciality guaranteed shall comply with a specification which shall comprise:

- a the name proposed for registration ^{F85}...;
- b a description of the product including its main physical, chemical, microbiological or organoleptic characteristics, showing the product's specific character;
- c a description of the production method that the producers must follow, including, where appropriate, the nature and characteristics of the raw materials or ingredients used, and the method by which the product is prepared; and
- d the key elements establishing the product's traditional character.

2 In order to ensure that product specifications provide relevant and succinct information, the [F86Secretary of State may make regulations] laying down rules which limit the information contained in the specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications for registration.

The [F87Secretary of State may make regulations] laying down rules on the form of the specification. ^{F88}...

Textual Amendments

- F85** Words in Art. 19(1)(a) 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(20)(a)**
- F86** Words in Art. 19(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(20)(b)(i)**
- F87** Words in Art. 19(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(20)(b)(ii)(aa)**
- F88** Words in Art. 19(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(20)(b)(ii)(bb)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 20

Content of application for registration

1 An application for registration of a name as a traditional speciality guaranteed referred to in Article 49^{F89}... shall comprise:

- a the name and address of the applicant group;
- b the product specification as provided for in Article 19.

^{F90}2

Textual Amendments

F89 Words in Art. 20(1) 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(21)(a)**

F90 Art. 20(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(21)(b)**

Article 21

Grounds for opposition

1 A reasoned statement of opposition as referred to in Article 51(2) shall be admissible only if it is received by the [^{F91}Secretary of State] before expiry of the time limit and if it:

- a gives duly substantiated reasons why the proposed registration is incompatible with the terms of this Regulation; or
- b shows that use of the name is lawful, renowned and economically significant for similar agricultural products or foodstuffs.

2 The criteria referred to in point (b) of paragraph 1 shall be assessed in relation to the territory of [^{F92}Great Britain].

Textual Amendments

F91 Words in Art. 21(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(22)(a)**

F92 Words in Art. 21(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(22)(b)**

Article 22

Register of traditional specialities guaranteed

1 The [^{F93}Secretary of State must establish and maintain] a publicly accessible updated register of traditional specialties guaranteed recognised under this scheme.

2 The [^{F94}Secretary of State may make regulations] laying down detailed rules on the form and content of the register.^{F95} ...

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F93** Words in Art. 22(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(23)(a)**
- F94** Words in Art. 22(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(23)(b)(i)**
- F95** Words in Art. 22(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(23)(b)(ii)**

Article 23

Names, symbol and indication

1 A name registered as a traditional speciality guaranteed may be used by any operator marketing a product that conforms to the corresponding specification.

2 A ^{F96}... symbol shall be established in order to publicise the traditional specialities guaranteed.

3 In the case of the products originating in [^{F97}Great Britain] that are marketed [^{F98}in Great Britain] under a traditional speciality guaranteed [^{F99}to which paragraph 3a applies], the symbol referred to in paragraph 2 shall, without prejudice to paragraph 4, appear on the labelling. In addition, the name of the product should appear in the same field of vision. The indication ‘traditional speciality guaranteed’ or the corresponding abbreviation ‘TSG’ may also appear on the labelling.

The symbol shall be optional on the labelling of traditional specialities guaranteed which are produced outside [^{F100}Great Britain].

[^{F101}3a. This paragraph applies to:

- a an established protected traditional speciality guaranteed;
- b a traditional speciality guaranteed registered following a decision made by the Secretary of State under Article 52 in relation to an application made under Article 49(2).]

4 In order to ensure that the appropriate information is communicated to the consumer, the [^{F102}Secretary of State may make regulations] establishing the ^{F103}... symbol.

The [^{F104}Secretary of State may make regulations] defining the technical characteristics of the ^{F105}... symbol and indication, as well as the rules of their use on the products bearing the name of a traditional speciality guaranteed ^{F106}....

Textual Amendments

- F96** Word in Art. 23(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(24)(a)**
- F97** Words in Art. 23(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(24)(b)(i)(aa)**
- F98** Words in Art. 23(3) 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(24)(b)(i)(bb)**
- F99** Words in Art. 23(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(24)(b)(i)(cc)**
- F100** Words in Art. 23(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(24)(b)(ii)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- F101** Art. 23(3a) 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(24)(c)**
- F102** Words in Art. 23(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(24)(d)(i)(aa)**
- F103** Word in Art. 23(4) 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(24)(d)(i)(bb)**
- F104** Words in Art. 23(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(24)(d)(ii)(aa)**
- F105** Word in Art. 23(4) 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(24)(d)(ii)(bb)**
- F106** Words in Art. 23(4) 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(24)(d)(ii)(cc)**

Article 24

Restriction on use of registered names

- 1 Registered names shall be protected against any misuse, imitation or evocation, or against any other practice liable to mislead the consumer.
- 2 ^{F107}The designated authority] shall ensure that sales descriptions used ^{F108}in Great Britain] do not give rise to confusion with names that are registered.
- 3 The ^{F109}Secretary of State may make regulations] laying down rules for the protection of traditional specialities guaranteed. ^{F110}...

Textual Amendments

- F107** Words in Art. 24(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(25)(a)(i)**
- F108** Words in Art. 24(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(25)(a)(ii)**
- F109** Words in Art. 24(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(25)(b)(i)**
- F110** Words in Art. 24(3) 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(25)(b)(ii)**

Article 25

Transitional provisions

- 1 ^{F111}The Secretary of State must enter the names of established protected traditional specialities guaranteed in] the register referred to in Article 22 of this Regulation. ^{F112}The entries are to be treated as taking effect on IP completion day.] The corresponding specifications shall be deemed to be the specifications referred to in Article 19 of this Regulation. Any specific transitional provisions associated with such registrations ^{F113}under EU Regulation 1151/2012 as it had effect in Great Britain immediately before IP completion day] shall continue to apply.
- 2 ^{F114}An unreserved TSG name] may continue to be used under the conditions provided for in Regulation (EC) No 509/2006 until 4 January 2023 ^{F115}....

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

[^{F116}When the Secretary of State records an entry relating to the name on Great Britain's TSGs Register under paragraph 1, the Secretary of State must include a statement that the name may continue to be used as a traditional speciality guaranteed until 4 January 2023.

The Secretary of State must remove the entry relating to the name from Great Britain's TSGs Register on, or as soon as possible after, 4 January 2023, unless the second subparagraph of paragraph 2 applies to the entry relating to that name in the meantime.]

[^{F117}2a. An application to register an unreserved TSG name may be made to the Secretary of State under Article 49 of this Regulation.

If successful, the entry for the name in Great Britain's TSGs Register must be adjusted, as appropriate, and, following that adjustment, the entry in Great Britain's TSGs Register for that name applies without any time restriction.]

3 In order to protect the rights and legitimate interests of producers or stakeholders concerned, the [^{F118}Secretary of State may make regulations] laying down additional transitional rules [^{F119}relating to the entries to be made in the register referred to in Article 22 under paragraph 1].

[^{F120}4. Article 23(3) (which requires that the symbol associated with the marketing in Great Britain of a product originating in Great Britain must appear on the labelling of certain products) is disapplied in respect of a product to which it would otherwise apply, for a period of three years, beginning with the day after the day on which IP completion day falls, if the product concerned is marketed under an established protected traditional speciality guaranteed.

5. In this Article—

- a in relation to an established protected traditional speciality guaranteed, ‘corresponding specifications’ means the product specification for the relevant traditional speciality guaranteed as the specification stood immediately before IP completion day;
- b ‘the European Commission's TSGs Register’ means the register maintained by the European Commission pursuant to Article 22 of EU Regulation 1151/2012;
- c ‘an unreserved TSG name’ means the name of a traditional speciality guaranteed that was registered on the European Commission's TSGs Register in accordance with the requirements laid down in Article 13(1) of Regulation (EC) No 509/2006, including a name registered pursuant to an application referred to in the second subparagraph of Article 58(1) of EU Regulation 1151/2012, before IP completion day, but does not include a name for which:
 - i a successful application was made to the European Commission under Article 26 of EU Regulation 1151/2012 before IP completion day, and
 - ii any necessary adjustment has been made to the entry for that name on the European Commission's TSGs Register pursuant to Article 26(4) of EU Regulation 1151/2012 before IP completion day.]

Textual Amendments

- F111** Words in Art. 25(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(26)(a)(i)**
- F112** Words in Art. 25(1) 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(26)(a)(ii)**
- F113** Words in Art. 25(1) 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(26)(a)(iii)**
- F114** Words in Art. 25(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(26)(b)(i)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- F115** Words in Art. 25(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(26)(b)(ii)**
- F116** Words in Art. 25(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(26)(b)(iii)**
- F117** Art. 25(2a) 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(26)(c)**
- F118** Words in Art. 25(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(26)(d)(i)**
- F119** Words in Art. 25(3) 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(26)(d)(ii)**
- F120** Art. 25(4)(5) 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(26)(e)**

^{F121}Article 26

Simplified procedure

Textual Amendments

- F121** Art. 26 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(27)**

TITLE IV

OPTIONAL QUALITY TERMS

Article 27

Objective

A scheme for optional quality terms is established in order to facilitate the communication within [^{F122}Great Britain] of the value-adding characteristics or attributes of agricultural products by the producers thereof.

Textual Amendments

- F122** 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)**

^{F123}Article 28

Existing enactments

- 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

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.]

Textual Amendments

F123 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 ^{F124}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 ^{F125}Secretary of State may make regulations] laying down detailed rules relating to the criteria referred to in paragraph 1 of this Article.
- 5 The ^{F126}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. ^{F127}...
- 6 When ^{F128}making regulations] in accordance with paragraphs 4 and 5 of this Article, the ^{F129}Secretary of State] shall take account of any relevant international standards.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F124** 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)**
- F125** 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)**
- F126** 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)**
- F127** 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)**
- F128** 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)**
- F129** 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)**

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 [^{F130}Secretary 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 [^{F131}Secretary of State may make regulations] laying down amendments to the conditions of use referred to in paragraph 1 of this Article.

Textual Amendments

- F130** 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)**
- F131** 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 [^{F132}Great Britain] are those delimited pursuant to [^{F133}Article 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

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Fund for Rural Development (EAFRD)]. For [^{F134}Northern Ireland and] third-country products, mountain areas include areas officially designated as mountain areas by the [^{F135}authorities in Northern Ireland or the relevant] third country or that meet criteria equivalent to those set out in [^{F136}Article 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 [^{F137}Secretary of State may make regulations] laying down derogations from the conditions of use referred to in paragraph 1 of this Article. In particular, the [^{F138}Secretary 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 [^{F139}Secretary of State may make regulations] concerning the establishment 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

- F132** 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)**
- F133** 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)**
- F134** 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)**
- F135** 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)**
- F136** 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)**
- F137** 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)**
- F138** 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)**
- F139** 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)**

^{F140} Article 32

Product of island farming

Textual Amendments

- F140** 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)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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 [^{F141}Secretary of State may make regulations] laying down rules for the use of optional quality terms.^{F142}...

Textual Amendments

F141 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)**

F142 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)**

Article 34

Monitoring

[^{F143}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

F143 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)**

TITLE V

COMMON PROVISIONS

CHAPTER I

Official controls of protected designations of origin, protected geographical indications and traditional specialities guaranteed

Article 35

Scope

The provisions of this Chapter shall apply in respect of the quality schemes set out in Title II and Title III.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 36

[^{F144}Content of official controls]

F145₁

F145₂

[^{F1443} Official controls performed in accordance with Regulation [^{X1}(EU) 2017/625] of the European Parliament and of the Council⁽¹⁾ shall cover:]

- a verification that a product complies with the corresponding product specification; and
- b monitoring of the use of registered names to describe product placed on the market, in conformity with Article 13 for names registered under Title II and in conformity with Article 24 for names registered under Title III.

Editorial Information

X1 Substituted by Corrigendum to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Official Journal of the European Union L 95 of 7 April 2017).

Textual Amendments

F144 Substituted by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance).

F145 Deleted by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance).

Article 37

Verification of compliance with product specification

[^{F144}1 In respect of protected designations of origin, protected geographical indications and traditional specialities guaranteed that designate products originating within the Union, verification of compliance with the product specification, before placing the product on the market, shall be carried out by:

- a the competent authorities designated in accordance with Article 4 of Regulation [^{X1}(EU) 2017/625]; or
- b delegated bodies as defined in Article 3(5) of Regulation [^{X1}(EU) 2017/625].]

The costs of such verification of compliance with the specifications may be borne by the operators that are subject to those controls. [^{F146}Nothing in this Regulation prevents the Secretary of State from contributing] to these costs.

2 In respect of designations of origin, geographical indications and traditional specialities guaranteed that designate products originating in [^{F147}Northern Ireland or] a third country, the verification of compliance with the specifications before placing the product on the market shall be carried out by:

- a one or more of the public authorities designated by the [^{F148}authorities in Northern Ireland or the relevant] third country; and/or
- b one or more of the product certification bodies.

3 [^{F145}Member States shall make public the name and address of the authorities and bodies referred to paragraph 1 of this Article, and update that information periodically.]

The [^{F149}Secretary of State] shall make public the name and address of the authorities and bodies referred to in paragraph 2 of this Article and update that information periodically [^{F150}, in such manner as appears appropriate to the Secretary of State from time to time].

^{F151}4

Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations \(EC\) No 999/2001, \(EC\) No 396/2005, \(EC\) No 1069/2009, \(EC\) No 1107/2009, \(EU\) No 1151/2012, \(EU\) No 652/2014, \(EU\) 2016/429 and \(EU\) 2016/2031 of the European Parliament and of the Council, Council Regulations \(EC\) No 1/2005 and \(EC\) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations \(EC\) No 854/2004 and \(EC\) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC \(Official Controls Regulation\) \(Official Journal of the European Union L 95 of 7 April 2017\).](#)

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F144** Substituted by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance).
- F145** Deleted by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance).
- F146** Words in Art. 37(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(36)(a)**
- F147** Words in Art. 37(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(36)(b)(i)**
- F148** Words in Art. 37(2)(a) 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(36)(b)(ii)**
- F149** Words in Art. 37(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(36)(c)(i)**
- F150** Words in Art. 37(3) 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(36)(c)(ii)**
- F151** Art. 37(4) 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(36)(d)**

F145 Article 38

[^{F145}Surveillance of the use of the name in the market place]

Textual Amendments

- F145** Deleted by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance).

^{F144}Article 39

Delegated bodies performing controls in [^{F152}Northern Ireland and] third countries

The delegated bodies performing controls in [^{F153}Northern Ireland or] the third countries referred to in paragraph 2(b) of Article 37 shall be accredited to the relevant harmonised standard for ‘Conformity assessment- Requirements for bodies certifying products, processes and services’. These delegated bodies may be accredited either by a national accreditation body outside the Union, in accordance with Regulation (EC) No 765/2008, or by an accreditation body outside the Union that is a signatory of a multilateral recognition arrangement under the auspices of the International Accreditation Forum.]

Textual Amendments

- F144** Substituted by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance).
- F152** Words in Art. 39 heading 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(37)(a)**
- F153** Words in Art. 39 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(37)(b)**

Article 40

Planning and reporting of control activities

1 [^{F154}The Secretary of State] shall ensure that activities for the control of obligations under this Chapter are specifically included in a separate section within the multi-annual national control plans in accordance with Articles [^{F155}109(1), 110(2) and 111(2) of Regulation (EU) 2017/625].

2 The annual reports concerning the control of the obligations established by this Regulation shall include a separate section comprising the information laid down in Article [^{F156}113(1) of Regulation (EU) 2017/625].

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F154** Words in Art. 40(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(38)(a)(i)**
- F155** Words in Art. 40(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(38)(a)(ii)**
- F156** Words in Art. 40(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(38)(b)**

CHAPTER II

Exceptions for certain prior uses

Article 41

Generic terms

1 Without prejudice to Article 13, this Regulation shall not affect the use [^{F157}in Great Britain] of terms that are generic in the [^{F158}United Kingdom], even if the generic term is part of a name that is protected under a quality scheme.

2 To establish whether or not a term has become generic, account shall be taken of all relevant factors, in particular:

- a the existing situation in areas of consumption;
- b the relevant ^{F159}... legal acts.

3 In order to fully protect the rights of interested parties, the [^{F160}Secretary of State may make regulations] laying down additional rules for determining the generic status of terms referred to in paragraph 1 of this Article.

[^{F161}4. In this Article, ‘legal acts’ means legislation of the following kind whenever passed, made or adopted:

- a an Act and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- b Northern Ireland legislation, an enactment contained in an instrument made under Northern Ireland legislation, and, so far as it applies to Northern Ireland, anything that forms part of domestic law by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;
- c an Act of the Scottish Parliament and an enactment contained in an instrument made under an Act of the Scottish Parliament;
- d a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru;
- e retained direct EU legislation.]

Textual Amendments

- F157** Words in Art. 41(1) 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(39)(a)(i)**
- F158** Words in Art. 41(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(39)(a)(ii)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- F159** Words in Art. 41(2)(b) 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(39)(b)**
- F160** Words in Art. 41(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(39)(c)**
- F161** Art. 41(4) 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(39)(d)**

Article 42

Plant varieties and animal breeds

1 This Regulation shall not prevent the placing on the market of products the labelling of which includes a name or term protected or reserved under a quality scheme described in Title II, Title III, or Title IV that contains or comprises the name of a plant variety or animal breed, provided that the following conditions are met:

- a the product in question comprises or is derived from the variety or breed indicated;
- b consumers are not misled;
- c the usage of the name of the variety or breed name constitutes fair competition;
- d the usage does not exploit the reputation of the protected term; and
- e in the case of the quality scheme described in Title II, production and marketing of the product had spread beyond its area of origin prior to the date of application for registration of the geographical indication.

2 In order to further clarify the extent of rights and freedoms of food business operators to use the name of a plant variety or of an animal breed referred to in paragraph 1 of this Article, the [F162Secretary of State may make regulations] concerning rules for determining the use of such names.

Textual Amendments

- F162** Words in Art. 42(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(40)**

Article 43

Relation to intellectual property

The quality schemes described in Titles III and IV shall apply without prejudice to [F163retained EU law and any other enactments] governing intellectual property, and in particular to those concerning designations of origin and geographical indications and trade marks, and rights granted under [F164that law and those enactments].

Textual Amendments

- F163** Words in Art. 43 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(41)(a)**
- F164** Words in Art. 43 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(41)(b)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

CHAPTER III

Quality scheme indications and symbols and role of producers

Article 44

Protection of indications and symbols

1 Indications, abbreviations and symbols referring to the quality schemes may only be used in connection with products produced in conformity with the rules of the quality scheme to which they apply. This applies in particular to the following indications, abbreviations and symbols:

- a ‘protected designation of origin’, ‘protected geographical indication’, ‘geographical indication’, ‘PDO’, ‘PGI’, and the associated symbols, as provided for in Title II;
- b ‘traditional speciality guaranteed’, ‘TSG’, and the associated symbol, as provided for in Title III;
- c ‘mountain product’, as provided for in Title IV.

^{F165}2

3 The [^{F166}Secretary of State may make regulations] laying down rules for the uniform protection of the indications, abbreviations and symbols referred to in paragraph 1 of this Article.
^{F167} ...

Textual Amendments

F165 Art. 44(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(42)(a)**

F166 Words in Art. 44(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(42)(b)(i)**

F167 Words in Art. 44(3) 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(42)(b)(ii)**

Article 45

Role of groups

1 Without prejudice to specific provisions on producer organisations and inter-branch organisations as laid down in [^{F168}Regulation 1308/2013], a group is entitled to:

- a contribute to ensuring that the quality, reputation and authenticity of their products are guaranteed on the market by monitoring the use of the name in trade and, if necessary, by informing [^{F169}the competent authority or any designated] authority within the framework of Article 13(3);
- b take action to ensure adequate legal protection of the protected designation of origin or protected geographical indication and of the intellectual property rights that are directly connected with them;
- c develop information and promotion activities aiming at communicating the value-adding attributes of the product to consumers;
- d develop activities related to ensuring compliance of a product with its specification;

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Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- e take action to improve the performance of the scheme, including developing economic expertise, carrying out economic analyses, disseminating economic information on the scheme and providing advice to producers;
- f take measures to enhance the value of products and, where necessary, take steps to prevent or counter any measures which are, or risk being, detrimental to the image of those products.

2 ^[F170]The Secretary of State] may encourage the formation and functioning of groups ^[F171]in Great Britain] by administrative means. ^[F172]The Secretary of State must publish the names and addresses of the groups referred to in Article 3(2) in such manner as appears appropriate to the Secretary of State from time to time.]

^[F173]3. In this Article, ‘the competent authority’ means the person specified in regulation 3(1) of the Quality Schemes Regulations.]

Textual Amendments

- F168** Words in Art. 45(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(43)(a)(i)**
- F169** Words in Art. 45(1)(a) 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(43)(a)(ii)**
- F170** Words in Art. 45(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(43)(b)(i)**
- F171** Words in Art. 45(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(43)(b)(ii)**
- F172** Words in Art. 45(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(43)(b)(iii)**
- F173** Art. 45(3) 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(43)(c)**

Article 46

Right to use the schemes

1 ^[F174]The Secretary of State] shall ensure that any operator complying with the rules of a quality scheme set out in Titles II and III is entitled to be covered by the verification of compliance established pursuant to Article 37.

2 Operators who prepare and store a product marketed under the traditional speciality guaranteed, protected designation of origin or protected geographical indication schemes or who place such products on the market shall also be subject to the controls laid down in Chapter I of this Title.

3 ^[F175]The Secretary of State] shall ensure that operators willing to adhere to the rules of a quality scheme set out in Titles III and IV are able to do so and do not face obstacles to participation that are discriminatory or otherwise not objectively founded.

Textual Amendments

- F174** Words in Art. 46(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(44)(a)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

F175 Words in Art. 46(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(44)(b)**

Article 47

Fees

Without prejudice to Regulation [^{F176}(EU) 2017/625] and in particular the provisions of Chapter VI of Title II thereof, [^{F177}nothing in this Regulation prevents the Secretary of State from charging] a fee to cover their costs of managing the quality schemes, including those incurred in processing applications, statements of opposition, applications for amendments and requests for cancellations provided for in this Regulation.

Textual Amendments

F176 Words in Art. 47 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(45)(a)**

F177 Words in Art. 47 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(45)(b)**

CHAPTER IV

Application and registration processes for designations of origin, geographical indications, and traditional specialities guaranteed

Article 48

Scope of application processes

The provisions of this Chapter shall apply in respect of the quality schemes set out in Title II and Title III.

Article 49

Application for registration of names

1 Applications for registration of names under the quality schemes referred to in Article 48 may only be submitted by groups who work with the products with the name to be registered. In the case of a ‘protected designations of origin’ or ‘protected geographical indications’ name that designates a trans-border geographical area or in the case of a ‘traditional specialities guaranteed’ name, several groups from different ^{F178}... countries may lodge a joint application for registration.

A single natural or legal person may be treated as a group where it is shown that both of the following conditions are fulfilled:

- a the person concerned is the only producer willing to submit an application;
- b with regard to protected designations of origin and protected geographical indications, the defined geographical area possesses characteristics which differ appreciably from

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those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

2 Where the application under the scheme set out in Title II relates to a geographical area in [^{F179}the United Kingdom], or where an application under the scheme set out in Title III is prepared by a group established in [^{F179}the United Kingdom], the application shall be [^{F180}lodged with the Secretary of State].

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F182 4

5 Where the application under the scheme set out in Title II relates to a geographical area in a third country, or where an application under the scheme set out in Title III is prepared by a group established in a third country, the application shall be lodged with the [^{F183}Secretary of State], either directly or via the authorities of the third country concerned.

6 The documents referred to in this Article which are sent to the [^{F184}Secretary of State] shall be in one of the official languages of the Union.

7 ^{F185} ...

The [^{F186}Secretary of State may make regulations] laying down detailed rules on procedures, form and presentation of applications, including for applications concerning more than one national territory. ^{F187} ...

[^{F188}8. In relation to the reference to “different countries” in paragraph 1, the United Kingdom is to be regarded as being one country.]

Textual Amendments

- F178 Words in Art. 49(1) 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(46)(a)**
- F179 Words in Art. 49(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(46)(b)(i)(aa)**
- F180 Words in Art. 49(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(46)(b)(i)(bb)**
- F181 Words in Art. 49(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(46)(b)(ii)**
- F182 Art. 49(3)(4) 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(46)(c)**
- F183 Words in Art. 49(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(46)(d)**
- F184 Words in Art. 49(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(46)(e)**
- F185 Words in Art. 49(7) 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(46)(f)(i)**
- F186 Words in Art. 49(7) 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(46)(f)(ii)(aa)**
- F187 Words in Art. 49(7) 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(46)(f)(ii)(bb)**
- F188 Art. 49(8) 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(46)(g)**

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Article 50

Scrutiny by the ^{F189}Secretary of State] and publication for opposition

1 The ^{F190}Secretary of State] shall scrutinise by appropriate means any application ^{F191}received] pursuant to Article 49, in order to check that it is justified and that it meets the conditions of the respective scheme. This scrutiny should not exceed a period of six months. Where this period is exceeded, the ^{F190}Secretary of State] shall indicate in writing to the applicant the reasons for the delay.

The ^{F192}Secretary of State] shall, at least each month, make public ^{F193}, in such manner as appears appropriate to the Secretary of State from time to time,] the list of names for which registration applications have been submitted to ^{F194}the Secretary of State], as well as their date of submission.

2 Where, based on the scrutiny carried out pursuant to the first subparagraph of paragraph 1, the ^{F195}Secretary of State] considers that the conditions laid down in this Regulation are fulfilled, ^{F196}the Secretary of State] shall publish in ^{F197}such manner as appears appropriate to the Secretary of State from time to time]:

- a for applications under the scheme set out in Title II, the single document and ^{F198}... product specification;
- b for applications under the scheme set out in Title III, the specification.

Textual Amendments

- F189** Words in Art. 50 heading 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(47)(a)**
- F190** Words in Art. 50(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(47)(b)(i)(aa)**
- F191** Word in Art. 50(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(47)(b)(i)(bb)**
- F192** Words in Art. 50(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(47)(b)(ii)(aa)**
- F193** Words in Art. 50(1) 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(47)(b)(ii)(bb)**
- F194** Words in Art. 50(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(47)(b)(ii)(cc)**
- F195** Words in Art. 50(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(47)(c)(i)(aa)**
- F196** Words in Art. 50(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(47)(c)(i)(bb)**
- F197** Words in Art. 50(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(47)(c)(i)(cc)**
- F198** Words in Art. 50(2)(a) 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(47)(c)(ii)**

Status: Point in time view as at 31/12/2020.

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Article 51

Opposition procedure

1 Within three months from the date of publication [^{F199}of the documents published under Article 50(2)], the authorities ^{F200}... of a third country, or a natural or legal person having a legitimate interest ^{F201}... may lodge a notice of opposition with the [^{F202}Secretary of State].

^{F203}
...

A notice of opposition shall contain a declaration that the application might infringe the conditions laid down in this Regulation. A notice of opposition that does not contain this declaration is void.

The [^{F204}Secretary of State] shall forward the notice of opposition to the authority or body that lodged the application without delay.

2 If a notice of opposition is lodged with the [^{F205}Secretary of State] and is followed within two months by a reasoned statement of opposition, the [^{F205}Secretary of State] shall check the admissibility of this reasoned statement of opposition.

3 Within two months after the receipt of an admissible reasoned statement of opposition, the [^{F206}Secretary of State] shall invite the authority or person that lodged the opposition and the authority or body that lodged the application to engage in appropriate consultations for a reasonable period that shall not exceed three months.

The authority or person that lodged the opposition and the authority or body that lodged the application shall start such appropriate consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for registration complies with the conditions of this Regulation. If no agreement is reached, this information shall also be provided to the [^{F206}Secretary of State].

At any time during these three months, the [^{F206}Secretary of State] may, at the request of the applicant extend the deadline for the consultations by a maximum of three months.

4 Where, following the appropriate consultations referred to in paragraph 3 of this Article, the details published in accordance with Article 50(2) have been substantially amended, the [^{F207}Secretary of State] shall repeat the scrutiny referred to in Article 50.

5 The notice of opposition, the reasoned statement of opposition and the related documents which are sent to the [^{F208}Secretary of State] in accordance with paragraphs 1 to 4 of this Article shall be in one of the official languages of the Union.

6 In order to establish clear procedures and deadlines for opposition, the [^{F209}Secretary of State may make regulations] complementing the rules of the opposition procedure.

The [^{F210}Secretary of State may make regulations] laying down detailed rules on procedures, form and presentation of the oppositions. ^{F211}...

Textual Amendments

F199 Words in Art. 51(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(48)(a)(i)(aa)**

F200 Words in Art. 51(1) 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(48)(a)(i)(bb)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- F201** Words in Art. 51(1) 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(48)(a)(i)(cc)**
- F202** Words in Art. 51(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(48)(a)(i)(dd)**
- F203** Words in Art. 51(1) 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(48)(a)(ii)**
- F204** Words in Art. 51(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(48)(a)(iii)**
- F205** Words in Art. 51(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(48)(b)**
- F206** Words in Art. 51(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(48)(c)**
- F207** Words in Art. 51(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(48)(d)**
- F208** Words in Art. 51(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(48)(e)**
- F209** Words in Art. 51(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(48)(f)(i)**
- F210** Words in Art. 51(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(48)(f)(ii)(aa)**
- F211** Words in Art. 51(6) 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(48)(f)(ii)(bb)**

Article 52

Decision on registration

1 Where, on the basis of the information available to the [^{F212}Secretary of State] from the scrutiny carried out pursuant to the first subparagraph of Article 50(1), the [^{F212}Secretary of State] considers that the conditions for registration are not fulfilled, [^{F213}the Secretary of State must reject] the application. ^{F214}...

2 If the [^{F215}Secretary of State] receives no notice of opposition or no admissible reasoned statement of opposition under Article 51, [^{F216}the Secretary of State must register] the name.

3 If the [^{F217}Secretary of State] receives an admissible reasoned statement of opposition, [^{F218}the Secretary of State] shall, following the appropriate consultations referred to in Article 51(3), and taking into account the results thereof, either:

- a if an agreement has been reached, register the name ^{F219}...; or
- b if an agreement has not been reached, [^{F220}decide whether to register the name].

[^{F221}4 After making a decision under this Article, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- a a notice:
 - i informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
 - ii providing information about the right to appeal under Article 54a against the decision and the period within which an appeal may be made, and
- b where the application is approved, a copy of the approved product specification.

5. An implementing act to which paragraph 6 applies is revoked.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

6. This paragraph applies to an implementing act adopted by the European Commission under Article 52 of EU Regulation 1151/2012 and incorporated into domestic law by section 3(1) of the EUWA.]

Textual Amendments

- F212** Words in Art. 52(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(49)(a)(i)**
- F213** Words in Art. 52(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(49)(a)(ii)**
- F214** Words in Art. 52(1) 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(49)(a)(iii)**
- F215** Words in Art. 52(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(49)(b)(i)**
- F216** Words in Art. 52(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(49)(b)(ii)**
- F217** Words in Art. 52(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(49)(c)(i)(aa)**
- F218** Words in Art. 52(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(49)(c)(i)(bb)**
- F219** Words in Art. 52(3)(a) 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(49)(c)(ii)**
- F220** Words in Art. 52(3)(b) 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(49)(c)(iii)**
- F221** Art. 52(4)-(6) substituted for Art. 52(4) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **18(49)(d)**

[^{F222} Article 52a

Applications pending on IP completion day

1 A pending application made under EU Regulation 1151/2012 before IP completion day is deemed to be an application made under Article 49(2) of this Regulation for which scrutiny under Article 50(1) of this Regulation has not been commenced.

2 Unless requested not to do so in writing by the applicant who submitted the application under EU Regulation 1151/2012, the Secretary of State must scrutinise a pending application under Article 50(1) of this Regulation.

3 But the Secretary of State may decide not to scrutinise a pending application under paragraph 2 in a case where the pending application is an application that has been sent to the European Commission for scrutiny under Article 50(1) of EU Regulation 1151/2012 before IP completion day.

4 The six month period specified in Article 50(1) starts from the day on which IP completion day falls.

5 Where a request of the type specified in paragraph 2 is made in relation to a pending application by an applicant referred to in that paragraph, the pending application is to be treated as having been withdrawn.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

6 In this Article ‘pending application’ means an application submitted to the Secretary of State on or after 1st January 2019 or the Secretary of State or the Department for Environment, Food and Rural Affairs before that date:

- a to register:
 - i a name of a geographical area in, or partly in, the United Kingdom as a designation of origin;
 - ii a name of a geographical area in, or partly in, the United Kingdom as a geographical indication;
 - iii a name as a traditional speciality guaranteed, and
- b for which the European Commission has not adopted an implementing act under Article 52 of EU Regulation 1151/2012 before IP completion day.]

Textual Amendments

F222 Art. 52a 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(50), **Sch. 2 Pt. 4**

Article 53

Amendment to a product specification

1 A group having a legitimate interest may apply for approval of an amendment to a product specification.

Applications shall describe and give reasons for the amendments requested.

2 Where the amendment involves one or more amendments to the specification that are not minor, the amendment application shall follow the procedure laid down in Articles 49 to 52.

However, if the proposed amendments are minor, the [^{F223}Secretary of State] shall approve or reject the application. In the event of the approval of amendments implying a modification of the elements referred to in Article 50(2), the [^{F223}Secretary of State] shall publish those elements in [^{F224}such manner as appears appropriate to the Secretary of State from time to time].

For an amendment to be regarded as minor in the case of the quality scheme described in Title II, it shall not:

- a relate to the essential characteristics of the product;
- b alter the link referred to in point (f)(i) or (ii) of Article 7(1);
- c include a change to the name, or to any part of the name of the product;
- d affect the defined geographical area; or
- e represent an increase in restrictions on trade in the product or its raw materials.

For an amendment to be regarded as minor in the case of the quality scheme described in Title III, it shall not:

- a relate to the essential characteristics of the product;
- b introduce essential changes to the production method; or
- c include a change to the name, or to any part of the name of the product.

The scrutiny of the application shall focus on the proposed amendment.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

3 In order to facilitate the administrative process of an amendment application, including where the amendment does not involve any change to the single document and where it concerns a temporary change in the specification resulting from the imposition of obligatory sanitary or phytosanitary measures by the public authorities, the [F225Secretary of State may make regulations] complementing the rules of the amendment application process.

The [F226Secretary of State may make regulations] laying down detailed rules on procedures, form and presentation of an amendment application. F227 ...

[F228]4. An implementing act to which paragraph 5 applies is revoked.

5. This paragraph applies to an implementing act:

- a concerning a decision of the European Commission relating to an application to amend a product specification for a designation of origin, geographical indication or traditional speciality guaranteed protected in the European Union at the time the application was submitted,
- b adopted by the European Commission pursuant to Article 53(2) of EU Regulation 1151/2012 following the appropriate procedure referred to in that paragraph, and
- c incorporated into domestic law by section 3(1) of the EUWA.]

Textual Amendments

- F223** Words in Art. 53(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(51)(a)(i)**
- F224** Words in Art. 53(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(51)(a)(ii)**
- F225** Words in Art. 53(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(51)(b)(i)**
- F226** Words in Art. 53(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(51)(b)(ii)(aa)**
- F227** Words in Art. 53(3) 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(51)(b)(ii)(bb)**
- F228** Art. 53(4)(5) 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(51)(c)**

Article 54

Cancellation

1 The [F229Secretary of State] may, on [F230the Secretary of State's] own initiative or at the request of any natural or legal person having a legitimate interest, [F231decide to] cancel the registration of a protected designation of origin or of a protected geographical indication or of a traditional speciality guaranteed in the following cases:

- a where compliance with the conditions of the specification is not ensured;
- b where no product is placed on the market under the traditional speciality guaranteed, the protected designation of origin or the protected geographical indication for at least seven years.

The [F232Secretary of State] may, at the request of the producers of product marketed under the registered name, cancel the corresponding registration.

F233 ...

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

2 In order to ensure legal certainty that all parties have the opportunity to defend their rights and legitimate interests, the ^{F234}[Secretary of State may make regulations] complementing the rules regarding the cancellation process.

The ^{F235}[Secretary of State may make regulations] laying down detailed rules on procedures and form of the cancellation process, as well as on the presentation of the requests referred to in paragraph 1 of this Article. ^{F236}...

^{F237}3. An implementing act to which paragraph 4 applies is revoked.

4. This paragraph applies to an implementing act adopted by the European Commission under Article 54(1) of EU Regulation 1151/2012 and incorporated into domestic law by section 3(1) of the EUWA.]

Textual Amendments

- F229** Words in Art. 54(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(52)(a)(i)(aa)**
- F230** Words in Art. 54(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(52)(a)(i)(bb)**
- F231** Words in Art. 54(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(52)(a)(i)(cc)**
- F232** Words in Art. 54(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(52)(a)(ii)**
- F233** Words in Art. 54(1) 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(52)(a)(iii)**
- F234** Words in Art. 54(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(52)(b)(i)**
- F235** Words in Art. 54(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(52)(b)(ii)(aa)**
- F236** Words in Art. 54(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(52)(b)(ii)(bb)**
- F237** Art. 54(3)(4) 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(52)(c)**

^{F238}TITLE 5A

APPEALS

Article 54a

Appeals: general

1 An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 1B.

2 Such an appeal may be made:

- a in all cases, by a person specified in the corresponding entry in column 2 of the table in Part 2 of Annex 1B;
- b in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- 3 In determining such an appeal the FTT:
- a must consider the decision appealed against afresh, and
 - b may take into account evidence that was not available to the Secretary of State.
- 4 The FTT may:
- a dismiss the appeal, or
 - b if it allows the appeal, exercise any power specified in the corresponding entry in the third column of the table in Part 2 of Annex 1B.
- 5 Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:
- a the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the original applicant, the appellant (if different) and the public of that fresh decision and the reasons for that decision;
 - b the provisions of this Title and Annex 1B apply to the fresh decision made by the Secretary of State.
- 6 An appeal made under paragraph 1 in relation to a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 1B does not prevent an entry recorded on Great Britain's PDOs or PGIs Register or Great Britain's TSGs Register by the Secretary of State following that decision from having effect.
- 7 The entry referred to in paragraph 6 continues to have effect, despite the appeal, unless the appeal is allowed by the FTT and:
- a in a case where the FTT quashes the Secretary of State's decision and directs the Secretary of State to take specified action, that action has been taken;
 - b in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision, the relevant entry ceases to have effect as a result of consequent action taken in relation to the entry in the register following the fresh decision taken by the Secretary of State.

Article 54b

Secretary of State decision to consider a decision afresh and the effect of that decision on an appeal

- 1 The Secretary of State may consider a decision specified in column 1 of the table in Part 2 of Annex 1B ('the original decision') afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.
- 2 Paragraph 1 applies even though an appeal has been made to the FTT in respect of the original decision.
- 3 Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:
- a the Secretary of State must notify the FTT of the Secretary of State's decision to consider the original decision afresh and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
 - b the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- c the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant, (if different) and the public of that decision and the reasons for that decision.
- 4 If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
- 5 If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise.]

Textual Amendments

F238 Title 5A 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(53), **Sch. 2 Pt. 5**

TITLE VI

PROCEDURAL AND FINAL PROVISIONS

^{F239}CHAPTER I

Local farming and direct sales

Textual Amendments

F239 Title 6 Ch. 1 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(54)**

CHAPTER II

Procedural rules

^{F240}Article 56

Regulations

- 1 Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
- 2 Such regulations may:
- contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking an enactment);
 - make different provision for different purposes.
- 3 Except as specified in paragraph 4, a statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

4 A statutory instrument containing regulations made under the second subparagraph of Article 2(1) or Article 14d(4), 18(5), 30(1) or 41(3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

5 Before making any regulations under this Regulation, the Secretary of State must consult:

- a such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations;
- b such other bodies or persons as the Secretary of State may consider appropriate.

6. In this Article, ‘enactment’ means:

- a an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except so far as it extends to Northern Ireland;
- b regulations made under retained direct principal EU legislation, except so far as they extend to Northern Ireland;
- c retained direct minor EU legislation, except so far as it extends to Northern Ireland.]

Textual Amendments

F240 Art. 56 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(55), **Sch. 2 Pt. 6** (as amended by [S.I. 2020/1661](#), regs. 1(2)(b), **16(7)(c)**)

F241 Article 57

Committee procedure

Textual Amendments

F241 Art. 57 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(56)**

CHAPTER III

Repeal and final provisions

Article 58

Repeal

1 Regulations (EC) No 509/2006 and (EC) No 510/2006 are hereby repealed.

F242 ...

2 References to the repealed Regulations shall be construed as references to this Regulation and be read in accordance with the correlation table in Annex II to this Regulation.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F242 Words in [Art. 58\(1\)](#) 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(57)**

Article 59

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

F243
...

Textual Amendments

F243 Words in [Art. 59](#) 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(58)**

F244
...

Textual Amendments

F244 Words in Signature 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(59)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (1) ^{F144} Regulation ^{X1}(EU) 2017/625] of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (^{X1} OJ L 95, 7.4.2017, p. 1).]

Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations \(EC\) No 999/2001, \(EC\) No 396/2005, \(EC\) No 1069/2009, \(EC\) No 1107/2009, \(EU\) No 1151/2012, \(EU\) No 652/2014, \(EU\) 2016/429 and \(EU\) 2016/2031 of the European Parliament and of the Council, Council Regulations \(EC\) No 1/2005 and \(EC\) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations \(EC\) No 854/2004 and \(EC\) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC \(Official Controls Regulation\) \(Official Journal of the European Union L 95 of 7 April 2017\).](#)

Textual Amendments

- F144** Substituted by [Regulation \(EU\) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations \(EC\) No 999/2001, \(EC\) No 396/2005, \(EC\) No 1069/2009, \(EC\) No 1107/2009, \(EU\) No 1151/2012, \(EU\) No 652/2014, \(EU\) 2016/429 and \(EU\) 2016/2031 of the European Parliament and of the Council, Council Regulations \(EC\) No 1/2005 and \(EC\) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations \(EC\) No 854/2004 and \(EC\) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC \(Official Controls Regulation\) \(Text with EEA relevance\).](#)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) No 1151/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.