

Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008

TITLE V

CONTROL SYSTEMS AND PENALTIES

CHAPTER IV

Other provisions on checks and penalties

Article 89

Other checks and penalties related to marketing rules

1 [F¹The relevant authority] shall take measures to ensure that the products referred to in Article 119(1) of Regulation (EU) No 1308/2013 which are not labelled in conformity with the provisions of that Regulation are not placed on, or are withdrawn from, the market.

[F²In this paragraph and in paragraph 4, ‘relevant authority’ means:

- a) in England, the Secretary of State;
- b) in Wales, the Welsh Ministers;
- c) in Scotland, the Scottish Ministers.]

2 Without prejudice to any specific provisions [F³in retained direct EU legislation], imports into the [F⁴United Kingdom] of the products specified in points (a) and (b) of paragraph 1 of Article 189 of Regulation (EU) No 1308/2013 shall be subject to checks to determine whether the conditions provided for in paragraph 1 of that Article are met.

[X¹³ [F⁵The relevant authority] shall carry out checks, based on a risk analysis, in order to verify whether products referred to in Annex I to Regulation (EU) No 1308/2013 conform to the rules laid down in Section I of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 and shall apply administrative penalties as appropriate.]

4 [F⁶Without prejudice to provisions regarding the wine sector made under, or adopted on the basis of, Article 64, in the event of infringement of rules in the wine sector, the relevant authority shall apply penalties in accordance with the law applying in the constituent nation.] Such penalties shall not apply in the cases set out in points (a) to (d) of Article 64(2) and where the non-compliance is of a minor nature.

5 In order to protect F⁷... the identity, provenance and quality of [F⁸wine originating in Great Britain], the [F⁹Secretary of State may make regulations] relating to:

- a) the establishment of an analytical databank of isotopic data to help detect fraud to be constructed on the basis of samples collected by [F¹⁰the relevant authority];
- b) rules on control bodies and the mutual assistance between them;
- [F¹¹c) rules on the use of findings].

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6 The [^{F12}Secretary of State may make regulations] laying down all measures necessary for:

- a the procedures relating to ^{F13}... the analytical databank of isotopic data that will help detect fraud;
- b the procedures relating to cooperation and assistance between control authorities and bodies;
- c as regards the obligation referred to in paragraph 3, rules for performing the checks of compliance with marketing standards, rules on the authorities responsible for performing the checks, as well as on the content, the frequency and the marketing stage to which those checks are to apply.

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[^{F157} The Secretary of State may not make regulations under paragraph 5 or 6 without the consent of the relevant authorities for Wales and Scotland.

8 Where the relevant authority for Wales or Scotland requests that the Secretary of State makes regulations under paragraph 5 or 6, the Secretary of State must have regard to that request.]

Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations \(EEC\) No 352/78, \(EC\) No 165/94, \(EC\) No 2799/98, \(EC\) No 814/2000, \(EC\) No 1290/2005 and \(EC\) No 485/2008 \(Official Journal of the European Union L 347 of 20 December 2013\).](#)

Textual Amendments

- F1** Words in Art. 89(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(27\)\(a\)\(i\)](#) (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 89(1) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(27\)\(a\)\(ii\)](#) (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 89(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(27\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 89(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(27\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 89(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(27\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 89(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing,](#)

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- Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(27)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 89(5) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 89(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(a)(ii)** (as amended by S.I. 2020/1453, regs. 1(2)(b), 12(12)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 89(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 89(5)(a) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 89(5)(c) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(a)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 89(6) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 89(6)(a) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 89(6) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Art. 89(7)(8) inserted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(c)** (as amended by S.I. 2020/1453, regs. 1(2)(b), 12(12)(b)); 2020 c. 1, Sch. 5 para. 1(1)

Article 90

Checks related to designation of origin and geographical indications and protected traditional terms

1 [F16The relevant authority] shall take the necessary steps to stop unlawful use of protected designations of origin, protected geographical indication and protected traditional terms referred to in Regulation (EU) No 1308/2013.

2 [F17The relevant authority] shall designate the competent authority responsible for carrying out the checks in respect of the obligations laid down in Section II of Chapter I of Title II of Part 2 of Regulation (EU) No 1308/2013 in accordance with the criteria laid down in Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Council⁽¹⁾ and shall ensure that any operator complying with those obligations is entitled to be covered by a system of checks.

[F18In this Article, ‘relevant authority’ means:

- a) in England, the Secretary of State;
- b) in Wales, the Welsh Ministers;
- c) in Scotland, the Scottish Ministers.]

3 Within [F19Great Britain], annual verification of compliance with the product specification, during the production and during or after conditioning of the wine shall be ensured by the competent authority referred to in paragraph 2 or by one or more control bodies within the meaning of point 5 of the second subparagraph of Article 2 of Regulation (EC) No 882/2004 operating as a product certification body in accordance with the criteria laid down in Article 5 of that Regulation.

4 The [F20Secretary of State may make regulations] concerning the following:

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- F21 a
- b rules on the authority responsible for the verification of compliance with the product specification, including where the geographical area is in a third country;
- c the actions to be implemented ^{F22}... to prevent the unlawful use of protected designations of origin, protected geographical indications and protected traditional terms;
- d the checks and verification to be carried out ^{F23}..., including testing.

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Textual Amendments

- F16** Words in Art. 90 substituted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(28)(a)** (as inserted by S.I. 2019/812, regs. 1, 3(2)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 90 substituted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(28)(aa)** (as inserted by S.I. 2019/812, regs. 1, 3(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 90(2) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(28)(ab)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(j)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 90(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(28)(b)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(j)(ii)); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 90(4) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/828), regs. 1, **58(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Art. 90(4)(a) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/828), regs. 1, **58(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 90(4)(c) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/828), regs. 1, **58(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 90(4)(d) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/828), regs. 1, **58(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in Art. 90(4) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/828), regs. 1, **58(d)**; 2020 c. 1, Sch. 5 para. 1(1)

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- (1) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ([OJ L 165, 30.4.2004, p. 1](#)).

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulation power to modify conferred (temp.) by [2020 asp 17 s. 2](#)
- Regulation power to modify conferred (temp.) by [2020 asp 17 s. 3](#)
- Regulation power to modify conferred (temp.) by [2020 asp 17 s. 4](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 2(1)(p) inserted by [S.I. 2019/748 reg. 3](#)
- Art. 2(1)(p) inserted by [S.I. 2019/831 reg. 62](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 62 omitted immediately before IP completion day by virtue of S.I. 2020/1445, reg. 16(9))
- Art. 28A inserted by S.I. 2019/748, reg. 8A (as inserted) by [S.I. 2019/1344 reg. 7](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 78(b) words substituted by [S.I. 2019/748 reg. 19\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 19(b) substituted immediately before IP completion day by S.I. 2020/1445, reg. 10(9))