

Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation

## CHAPTER II

### PROTECTED DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

#### SECTION 1

##### *Application for protection*

##### *Article 2*

##### **Name to be protected**

1 The name to be protected as a designation of origin or geographical indication shall be registered only in the languages which are or were historically used to describe the specific product in the demarcated geographical area.

2 The name of a designation of origin or a geographical indication shall be registered in its original script. Where the original script is not in Latin characters, a transcription in Latin characters shall be registered together with the name in its original script.

##### *Article 3*

##### **Applicant**

A single producer may be deemed an applicant within the meaning of Article 95(1) of Regulation (EU) No 1308/2013 if it is shown that:

- (a) the person concerned is the only producer willing to submit an application; and
- (b) the demarcated geographical area possesses characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

The circumstance by which a protected designation of origin or geographical indication consists of or contains the name of the holding of the single applicant producer shall not prevent other producers from using that name provided that they comply with the product specification.

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## Article 4

### Additional requirements for product specifications

1 The description of the grapevine products shall indicate the relevant category or categories of grapevine products from amongst the categories set out in Part II of Annex VII to Regulation (EU) No 1308/2013.

2 Where the product specification indicates that packaging, including bottling, shall take place within the demarcated geographical area or within an area in the immediate proximity of the demarcated area in question, it shall also include a justification showing why, in the specific case, the packaging must take place in the particular geographical area to safeguard quality, to ensure the origin or to ensure control <sup>F1</sup>....

#### Textual Amendments

- F1** Words in [Art. 4\(2\)](#) 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), **26(3)**

## Article 5

### Derogations concerning production in the demarcated geographical area

1 By way of derogation from points (a)(iii) and (b)(iii) of Article 93(1) of Regulation (EU) No 1308/2013, and on condition that the product specification so provides, a product which has a protected designation of origin or geographical indication may be made into wine in any of the following locations:

- a in an area in the immediate proximity of the demarcated area in question;
- b in an area located within the same administrative unit or within a neighbouring administrative unit, in conformity with national rules;
- c in the case of a trans-border designation of origin or geographical indication, or where an agreement on control measures exists between two or more <sup>F2</sup>... countries, in an area situated in the immediate proximity of the demarcated area in question.

2 By way of derogation from point (a)(iii) of Article 93(1) of Regulation (EU) No 1308/2013, and on condition that the product specification so provides, a product may be made into sparkling wine or semi-sparkling wine bearing a protected designation of origin beyond the immediate proximity of the demarcated area in question if this practice was in use prior to 1 March 1986.

3 By way of derogation from point (a)(iii) of Article 93(1) of Regulation (EU) No 1308/2013, with regard to liqueur wines with the protected designation of origin ‘Málaga’ and ‘Jerez-Xérès-Sherry’, the must of raisined grapes to which neutral alcohol of vine origin has been added to prevent fermentation, obtained from Pedro Ximénez vine variety, may come from the ‘Montilla-Moriles’ region.

#### Textual Amendments

- F2** Words in [Art. 5\(1\)\(c\)](#) 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), **26(4)**

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### *F3* Article 6

#### National procedure

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##### Textual Amendments

- F3** Arts. 6-8 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), **26(5)**

### *F3* Article 7

#### Joint applications

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##### Textual Amendments

- F3** Arts. 6-8 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), **26(5)**

### *F3* Article 8

#### Transitional national protection

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##### Textual Amendments

- F3** Arts. 6-8 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), **26(5)**

### Article 9

#### Admissibility of the application

1 Applications for protection are considered admissible if they are submitted in accordance with Articles 94 [<sup>F4</sup>and 95] of Regulation (EU) No 1308/2013 and Article 3 and Article 5(3) of Implementing Regulation (EU) 2019/34 and if they are duly completed.

An application for protection shall be considered to be duly completed when it complies with Article 94(1) and (3) of Regulation (EU) No 1308/2013 and Article 2 of Implementing Regulation (EU) 2019/34 and if the single document is duly completed.

The single document summarising the product specification, referred to in Article 94(1)(d) of Regulation (EU) No 1308/2013 shall be considered to be duly completed when it complies with the requirements listed in Article 5(1) and (2) of Implementing

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Regulation (EU) 2019/34. The product specification shall be considered duly completed when it complies with the requirements set out in Article 94(2) of Regulation (EU) No 1308/2013.

2 If the [<sup>F5</sup>Secretary of State] considers that an application is inadmissible, [<sup>F6</sup>the Secretary of State must inform the applicant, or, in the case of a third country application, the applicant established in, or the authorities of, that country,] of the reasons grounding the finding of inadmissibility.

3 At least once a month the [<sup>F7</sup>Secretary of State must publish] the list of names for which [<sup>F8</sup>the Secretary of State] has received applications for protection as designations of origin or geographical indications, the name of the applicant [<sup>F9</sup>relevant] country and the date of submission of the application. [<sup>F10</sup>The list may be published in such manner as appears appropriate to the Secretary of State from time to time.]

#### Textual Amendments

- F4** Words in Art. 9(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), **26(6)(a)**
- F5** Words in Art. 9(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), **26(6)(b)(i)**
- F6** Words in Art. 9(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), **26(6)(b)(ii)**
- F7** Words in Art. 9(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), **26(6)(c)(i)**
- F8** Words in Art. 9(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), **26(6)(c)(ii)**
- F9** Word in Art. 9(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), **26(6)(c)(iii)**
- F10** Words in Art. 9(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), **26(6)(c)(iv)**

### Article 10

#### Scrutiny of the application

An examination of the application by the [<sup>F11</sup>Secretary of State], as referred to in Article 97(2) of Regulation (EU) No 1308/2013, shall consist of a check that there are no manifest errors in the application. When examining the application the [<sup>F11</sup>Secretary of State] shall examine the single document in particular. The examination should be completed within a period of 6 months. Where this period is exceeded, the [<sup>F11</sup>Secretary of State] shall inform the applicant in writing of the reasons for the delay.

#### Textual Amendments

- F11** Words in Art. 10 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(7)**

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## SECTION 2

### Objection procedure

#### Article 11

#### Admissibility and grounds of objection

1 For the purposes of Article 98 of Regulation (EU) No 1308/2013 a substantiated statement of objection shall be admissible where:

- a it is received by the [<sup>F12</sup>Secretary of State] within the deadline set out in Article 98 of Regulation (EU) No 1308/2013;
- b it complies with the requirements set out in Article 8(1) of Implementing Regulation (EU) 2019/34;

and:

- c it shows that the application for protection or amendment to the product specification or for cancellation of the protection is incompatible with the rules on designations of origin and geographical indications because:
  - (i) it would conflict with Articles 92 to 95, 105 or 106 of Regulation (EU) No 1308/2013 and with [<sup>F13</sup>any provision in force, adopted or made pursuant to them (whether adopted before IP completion day, or made on or after IP completion day)];
  - (ii) the registration of the proposed name would conflict with Article 100 or 101 of Regulation (EU) No 1308/2013;
  - (iii) the registration of the proposed name would jeopardise the rights of a trade mark holder or of a user of a fully homonymous name or of a compound name, one term of which is identical to the name to be registered, or the existence of partially homonymous names or of other names similar to the name to be registered which refer to grapevine products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 97(3) of Regulation (EU) No 1308/2013.

The grounds of objection shall be assessed in relation to the territory of [<sup>F14</sup>Great Britain, except that, in relation to paragraph 1(c)(ii) so far as it relates to Article 101(1) of Regulation (EU) No 1308/2013, the objection must be assessed in relation to the territory of the United Kingdom].

Where an objection is filed by a natural or legal person, the duly substantiated statement of objection shall be admissible only if it shows the legitimate interest of the objector.

2 Where the [<sup>F15</sup>Secretary of State] considers that the objection is inadmissible, [<sup>F16</sup>the Secretary of State] shall inform the authority or natural or legal person that objected of the reasons grounding the finding of inadmissibility.

#### Textual Amendments

**F12** Words in Art. 11(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), **26(8)(a)(i)(aa)**

**F13** Words in Art. 11(1)(c)(i) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(8)(a)(i)(bb)**

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- F14** 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), **26(8)(a)(ii)**
- F15** 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), **26(8)(b)(i)**
- F16** 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), **26(8)(b)(ii)**

## Article 12

### Objection procedure

1 If the [<sup>F17</sup>Secretary of State] considers that the objection is admissible [<sup>F18</sup>the Secretary of State] shall invite the authority or natural or legal person that lodged the objection and the authority or natural or legal person that lodged the application for protection to engage in appropriate consultations for a period of three months. The invitation shall be issued within a period of four months from the date on which [<sup>F19</sup>the single document and the product specification submitted in connection with] the application for protection, to which the substantiated statement of objection relates, [<sup>F20</sup>are published under Article 97(3) of Regulation (EU) No 1308/2013] and it shall be accompanied by a copy of the substantiated statement of objection. At any time during these three months, the [<sup>F21</sup>Secretary of State] may, at the request of the authority or natural or legal person that lodged the application, extend the deadline for the consultations by a maximum of three months.

2 The authority or person that lodged the objection and the authority or person that lodged the application for protection shall start such consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for protection complies with the conditions of this Regulation and of Regulation (EU) No 1308/2013.

3 If the parties reach an agreement, either the applicant [<sup>F22</sup>or, where relevant,] the authorities [<sup>F23</sup>... of the third country from which the application for protection was lodged shall notify the [<sup>F24</sup>Secretary of State] of the results of the consultations carried out and of all the factors which enabled that agreement to be reached, including the opinions of the parties. If the details published in accordance with Article 97(3) of Regulation (EU) No 1308/2013 have been substantially amended, the [<sup>F25</sup>Secretary of State] shall repeat the scrutiny referred to in Article 97(2) of that Regulation after a [<sup>F26</sup>... procedure ensuring adequate publication of those amended details has been carried out. Where, following the agreement, there are no amendments to the product specification or where the amendments are not substantial, the [<sup>F27</sup>Secretary of State must make] a decision in accordance with Article 99 of Regulation (EU) No 1308/2013 conferring protection on the designation of origin or geographical indication.

4 If no agreement is reached, either the applicant [<sup>F28</sup>or, where relevant, the authorities of the third country] from which the application for protection was lodged shall notify the [<sup>F29</sup>Secretary of State] of the results of the consultations carried out and of all the related information and documents. The [<sup>F30</sup>Secretary of State must make] a decision in accordance with Article 99 of Regulation (EU) No 1308/2013 either conferring protection or rejecting the application.

#### Textual Amendments

- F17** Words in Art. 12(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), **26(9)(a)(i)(aa)**

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- F18** Words in Art. 12(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), **26(9)(a)(i)(bb)**
- F19** Words in Art. 12(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), **26(9)(a)(ii)(aa)**
- F20** Words in Art. 12(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), **26(9)(a)(ii)(bb)**
- F21** Words in Art. 12(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), **26(9)(a)(iii)**
- F22** 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), **26(9)(b)(i)(aa)**
- F23** Words 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), **26(9)(b)(i)(bb)**
- F24** 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), **26(9)(b)(i)(cc)**
- F25** 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), **26(9)(b)(ii)(aa)**
- F26** 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), **26(9)(b)(ii)(bb)**
- F27** 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), **26(9)(b)(iii)**
- F28** 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), **26(9)(c)(i)(aa)**
- F29** 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), **26(9)(c)(i)(bb)**
- F30** 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), **26(9)(c)(ii)**

### Article 13

#### Restrictions on the use of protected designations of origin and protected geographical indications

1 Without prejudice to Article 102 of Regulation (EU) No 1308/2013, the [<sup>F31</sup>Secretary of State may, by regulations, grant] a transitional period of up to five years to enable products originating in [<sup>F32</sup>the United Kingdom] or a third country, the designation of which consists of or contains a name that contravenes Article 103(2) of Regulation (EU) No 1308/2013, to continue to use the designation under which they were marketed.

The granting of such transitional period is conditional upon the submission of an admissible statement of objection under <sup>F33</sup>... Article 98 of Regulation (EU) No 1308/2013 showing that the decision conferring protection over the name would jeopardise the existence:

- a of an entirely identical name or of a compound name, one term of which is identical to the name to be registered; or
- b of partially homonymous names or of other names similar to the name to be registered which refer to grapevine products which have been legally on the market [<sup>F34</sup>in Great Britain] for at least five years preceding the date of the publication provided for in Article 97(3) of Regulation (EU) No 1308/2013.

2 The [<sup>F35</sup>Secretary of State may, by regulations, extend] the transitional period referred to in paragraph 1 up to 15 years in duly justified cases where it is shown that:

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- a the designation referred to in paragraph 1 has been in legal use consistently and fairly for at least 25 years before the application for protection was submitted to the [<sup>F36</sup>Secretary of State];
- b the purpose of using the designation referred to in paragraph 1 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.

3 When using a designation referred to in paragraphs 1 and 2, the indication of the 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 product specification, [<sup>F37</sup>the Secretary of State may use any power the Secretary of State has to make regulations to] grant protection for a transitional period, starting from the date on which the application is forwarded to the [<sup>F38</sup>Secretary of State], on condition that the operators concerned have legally marketed the grapevine products in question using the names concerned continuously for at least the five years prior to the lodging of the application [<sup>F39</sup>with the Secretary of State] and that these temporary difficulties had been raised in the <sup>F40</sup>... objection procedure referred to in Article [<sup>F41</sup>98] of Regulation (EU) No 1308/2013. The transitional period shall be as short as possible and shall not exceed 10 years.

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 objection procedure.

Such transitional periods shall be indicated in the application file referred to in Article 94(1) of Regulation (EU) No 1308/2013.

[<sup>F425</sup> The powers to make regulations conferred on the Secretary of State by paragraphs 1 and 2 are exercisable by statutory instrument.

6 A statutory instrument containing regulations made under paragraph 1 or 2 is subject to annulment in pursuance of a resolution of either House of Parliament.

7 Such regulations may contain supplementary, incidental or consequential provision.]

#### Textual Amendments

- F31** Words in Art. 13(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), **26(10)(a)(i)(aa)**
- F32** Words in Art. 13(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), **26(10)(a)(i)(bb)**
- F33** Words in Art. 13(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), **26(10)(a)(ii)(aa)**
- F34** Words in Art. 13(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), **26(10)(a)(ii)(bb)**
- F35** Words in Art. 13(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), **26(10)(b)(i)**
- F36** Words in Art. 13(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), **26(10)(b)(ii)**
- F37** Words in Art. 13(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), **26(10)(c)(i)**
- F38** Words in Art. 13(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), **26(10)(c)(ii)**

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| <b>F39</b> | Words in Art. 13(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), <b>26(10)(c)(iii)</b>     |
| <b>F40</b> | Word in Art. 13(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), <b>26(10)(c)(iv)</b> |
| <b>F41</b> | Word in Art. 13(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), <b>26(10)(c)(v)</b>        |
| <b>F42</b> | Art. 13(5)-(7) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), <b>26(10)(d)</b>                  |

### SECTION 3

#### *Amendments to product specifications*

##### *Article 14*

#### **Types of amendments**

1 For the purposes of Article 105 of Regulation (EU) No 1308/2013 amendments to a product specification are classified into two categories as regards their importance: amendments requiring an objection procedure [<sup>F43</sup>under Article 98 of Regulation (EU) No 1308/2013, as applied to applications for amendments by Article 15 ('non-standard amendments'), and amendments that do not ('standard amendments'). Standard amendments for a product specification for a protected designation of origin or protected geographical indications relating to an area in a third country are] to be dealt with at <sup>F44</sup>... third country level ('<sup>F45</sup>third country] standard amendments').

- [<sup>F46</sup>1a] An amendment is considered to be a [<sup>F47</sup>non-standard] amendment where:
- a it includes a change in the name of the protected designation of origin or protected geographical indication;
  - b it consists of a change, a deletion or an addition of a category of grapevine product, as referred to in Part II of Annex VII to Regulation (EU) No 1308/2013;
  - c it could potentially void the link referred to in point (a)(i) or in point (b)(i) of Article 93(1) of Regulation (EU) No 1308/2013;
  - d it entails further restrictions on the marketing of the product.

[<sup>F48</sup>1b] Applications for [<sup>F49</sup>non-standard] amendments submitted by third countries or by third country producers shall contain proof that the requested amendment complies with the laws on the protection of designations of origin or geographical indications in force in that third country.

[<sup>F50</sup>1c] All other amendments are considered standard amendments.

2 [<sup>F51</sup>Standard amendments are classified into four sub-categories taking into account the geographical area of the designation of origin or geographical indication affected by the amendment and whether the amendments are temporary as follows:

- a UK standard amendments;
- b UK temporary amendments;
- c third country standard amendments;
- d third country temporary amendments.

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2a A UK standard amendment is a standard amendment of a product specification for a designation of origin or geographical indication relating to a geographical area in the United Kingdom.

2b A UK temporary amendment is a standard amendment concerning a temporary change in a product specification for a designation of origin or geographical indication for a geographical area in the United Kingdom:

- a resulting from the imposition of obligatory sanitary or phytosanitary measures, or linked to natural disasters formally recognised, by the Secretary of State, or imposed or formally recognised by:
  - i the Environment Agency in a case where, and to the extent that, a relevant geographical area in England is affected;
  - ii the Department of Agriculture, Environment and Rural Affairs, or the Department of Health, in a case where, and to the extent that, a relevant geographical area in Northern Ireland is affected;
  - iii the Scottish Ministers, Food Standards Scotland or the Scottish Environment Protection Agency, in a case where, and to the extent that, a relevant geographical area in Scotland is affected;
  - iv the Welsh Ministers, or the Natural Resources Body for Wales, in a case where, and to the extent that, a relevant geographical area in Wales is affected;
  - v the Food Standards Agency in a case where, and to the extent that, a relevant geographical area in England, Northern Ireland or Wales is affected, or
- b linked to adverse weather conditions formally recognised by the Met Office of the Department for Business, Energy and Industrial Strategy.

2c A third country standard amendment is a standard amendment of a product specification for a designation of origin or geographical indication relating to a geographical area in a third country.]

[<sup>F52</sup>2d] [<sup>F53</sup>A third country] temporary amendment is a standard amendment concerning a temporary change in the product specification [<sup>F54</sup>for a designation of origin or geographical indication relating to a geographical area in a third country] resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities [<sup>F55</sup>of the third country] or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities [<sup>F55</sup>of the third country].

#### Textual Amendments

- F43** 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), **26(11)(e)(i)**
- F44** Words in Art. 14(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), **26(11)(e)(ii)**
- F45** Words in Art. 14(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), **26(11)(e)(iii)**
- F46** Words in Art. 14(1) renumbered as Art. 14(1a) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(a)**
- F47** Word in Art. 14(1a) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(f)**
- F48** Words in Art. 14(1) renumbered as Art. 14(1b) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(b)**
- F49** Word in Art. 14(1b) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(g)**

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

*Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. 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)*

- F50** Words in Art. 14(1) renumbered as Art. 14(1c) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(c)**
- F51** Art. 14(2)-(2c) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(h)**
- F52** Art. 14(2d): Art. 14(2) renumbered as Art. 14(2d) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(d)**
- F53** Words in Art. 14(2d) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(i)(i)**
- F54** Words in Art. 14(2d) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(i)(ii)**
- F55** Words in Art. 14(2d) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(i)(iii)**

## Article 15

### Procedure for [<sup>F56</sup>non-standard] amendments to product specifications

1 An application for approval of a [<sup>F57</sup>non-standard] amendment to a product specification, as defined in Article 14 of this Regulation, shall follow the procedure laid down in Article 94 and Articles [<sup>F58</sup>97] to 99 of Regulation (EU) No 1308/2013, in Sections 1, 2 and 3 of Chapter II of this Regulation and in Sections 1, 2 and 3 of Chapter II of Implementing Regulation (EU) 2019/34 *mutatis mutandis*.

2 Where, based on the examination carried out pursuant to Article 97(2) of Regulation (EU) No 1308/2013, the [<sup>F59</sup>Secretary of State] considers that the conditions required under Article 97(3) of that Regulation are met, [<sup>F60</sup>the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time, the application for a non-standard] amendment referred to in Article 9(1) of Implementing Regulation (EU) 2019/34 <sup>F61</sup>.... [<sup>F62</sup>The Secretary of State, taking into account any admissible objection that has been lodged, must decide whether to approve or reject the application.]

3 An application for approval of [<sup>F63</sup>non-standard] amendments shall contain [<sup>F63</sup>non-standard] amendments exclusively. If an application for [<sup>F63</sup>non-standard] amendments also contains standard or temporary amendments the procedure for [<sup>F63</sup>non-standard] amendments shall apply only to the [<sup>F63</sup>non-standard] amendments. The standard or temporary amendments shall be deemed as not submitted.

4 In examining the applications for amendment, the [<sup>F64</sup>Secretary of State] shall focus on the proposed amendments.

#### Textual Amendments

- F56** Word in Art. 15 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), **26(12)(a)**
- F57** Word 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), **26(12)(b)(i)**
- F58** Word 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), **26(12)(b)(ii)**
- F59** 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), **26(12)(c)(i)**
- F60** 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), **26(12)(c)(ii)**

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- F61** 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), **26(12)(c)(iii)**
- F62** 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), **26(12)(c)(iv)**
- F63** Word in Art. 15(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), **26(12)(d)**
- F64** 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), **26(12)(e)**

## Article 16

### Admissibility of applications for [<sup>F65</sup>non-standard] amendment

1 Applications for approval of a [<sup>F66</sup>non-standard] amendment to a product specification are considered admissible if they are submitted in accordance with Article 105 of Regulation (EU) No 1308/2013 and with Article 3 and Article 9(2) of Implementing Regulation (EU) 2019/34 *mutatis mutandis*, and if they are duly completed.

An application for approval of a [<sup>F66</sup>non-standard] amendment to a product specification shall be considered to be duly completed where it is comprehensive and exhaustive and where it complies with the requirements set out in Article 2 and Article 9(1) of Implementing Regulation (EU) 2019/34.

The approval by the [<sup>F67</sup>Secretary of State] of an application for approval of a [<sup>F68</sup>non-standard] amendment to a product specification shall only cover the amendments submitted in the application itself.

2 If the application is considered inadmissible, the [<sup>F69</sup>applicant or, in the case of a third country application, the applicant established in, or the competent authorities of, the third country,] shall be informed of the reasons for the inadmissibility.

#### Textual Amendments

- F65** Word in Art. 16 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), **26(13)(a)**
- F66** Word 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), **26(13)(b)(i)**
- F67** 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), **26(13)(b)(ii)(aa)**
- F68** Word 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), **26(13)(b)(ii)(bb)**
- F69** 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), **26(13)(c)**

## Article 17

### Standard amendments

1 [<sup>F70</sup>UK standard amendments must be approved by the Secretary of State and made public in such manner as appears appropriate to the Secretary of State from time to time.]

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Applications for approval of a [F71UK] standard amendment to a product specification shall be submitted to the [F72Secretary of State]. Applicants shall satisfy the conditions laid down in Article 95 of Regulation (EU) No 1308/2013. If the application for approval of a [F71UK] standard amendment to a product specification does not come from the applicant which had submitted the application for protection of the name or names to which the product specification refers, the [F73Secretary of State] shall give that applicant the opportunity to comment on the application, if that applicant still exists.

The application for a [F74UK] standard amendment shall provide a description of the standard amendments, provide a summary of the reasons for which the amendments are required and demonstrate that the proposed amendments qualify as standard in accordance with Article 14 of this Regulation.

2 Where the [F75Secretary of State] considers that the requirements of Regulation (EU) No 1308/2013 and the provisions adopted pursuant thereto are met, [F76the Secretary of State] may approve [F77the UK] standard amendment. The approval decision shall include the modified consolidated single document, where relevant, and the modified consolidated product specification.

F78  
...

2a [F79After making a decision in relation to an application for a UK standard amendment, 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, the original (protection) applicant (if different) 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 99a of Regulation (EU) No 1308/2013 against the decision and the period within which an appeal may be made, and

b where the application is approved, a copy of the modified consolidated product specification and, where relevant, a copy of the modified consolidated single document.]

3 Decisions approving [F80third country] standard amendments F81 ... shall be taken in accordance with the system in force in the third country concerned and shall be communicated to the [F82Secretary of State] by a single producer within the meaning of Article 3 or a group of producers having a legitimate interest, either directly to the [F82Secretary of State] or via the authorities of that third country, not later than one month following the date they are made public.

4 The communication of [F83third country] standard amendments shall be considered to be duly completed when it complies with Article 10 of Implementing Regulation (EU) 2019/34.

5 In the event that the [F84third country] standard amendment implies a modification of the single document, the [F85Secretary of State] shall publish the description of the standard amendment referred to in Article 10 of Implementing Regulation (EU) 2019/34 and the modified single document in [F86such manner as appears appropriate to the Secretary of State from time to time] within three months from the date on which the communication is received from the F87 ... third country or third country single producer or group of producers.

6 In the event that the [F88third country] standard amendment does not imply a modification of the single document, the [F89Secretary of State] must make public, in such manner as appears appropriate to the Secretary of State from time to time], the description of the standard

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amendment within three months from the date on which the communication is received from the <sup>F90</sup>... third country or applicant established in the third country.

<sup>F91</sup>7 .....

8 If the geographical area covers more than [<sup>F92</sup>the United Kingdom, the Secretary of State] shall apply the procedure for standard amendments separately for the part of the area which falls within [<sup>F93</sup>the United Kingdom and, in relation to the part of the area that does not fall within the United Kingdom, the procedure in paragraph 3 applies]. <sup>F94</sup>... The [<sup>F95</sup>authority of the third country] approving the standard amendment shall send the [<sup>F96</sup>Secretary of State] the communication referred to in paragraph 4 not later than one month following the date on which its decision approving the standard amendment is made public.

<sup>F97</sup> ...

9 [<sup>F98</sup>If a geographical area covers more than the United Kingdom and the national decision necessary in relation to the part of the area in a third country is not taken or adopted by the authority of the third country, an application in relation to that part of the area may be submitted under the non-standard amendment procedure.

10 If a geographical area covers areas in two or more third countries and a national decision in relation to part of an area in a third country is not taken or adopted by the authority of the third country, an application in respect of the amendment in relation to the geographical area as a whole may be submitted under the non-standard amendment procedure.]

#### Textual Amendments

- F70** Words in Art. 17(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), **26(14)(a)(i)**
- F71** Word in Art. 17(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), **26(14)(a)(ii)(aa)**
- F72** Words in Art. 17(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), **26(14)(a)(ii)(bb)**
- F73** Words in Art. 17(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), **26(14)(a)(ii)(cc)**
- F74** Word in Art. 17(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), **26(14)(a)(iii)**
- F75** Words in Art. 17(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), **26(14)(b)(i)(aa)**
- F76** Words in Art. 17(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), **26(14)(b)(i)(bb)**
- F77** Words in Art. 17(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), **26(14)(b)(i)(cc)**
- F78** Words in Art. 17(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), **26(14)(b)(ii)**
- F79** Art. 17(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), **26(14)(c)**
- F80** Words in Art. 17(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), **26(14)(d)(i)**
- F81** Words in Art. 17(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), **26(14)(d)(ii)**
- F82** Words in Art. 17(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), **26(14)(d)(iii)**

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- F83** Words in Art. 17(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), **26(14)(e)**
- F84** Words in Art. 17(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), **26(14)(f)(i)**
- F85** Words in Art. 17(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), **26(14)(f)(ii)**
- F86** Words in Art. 17(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), **26(14)(f)(iii)**
- F87** Words in Art. 17(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), **26(14)(f)(iv)**
- F88** Words in Art. 17(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), **26(14)(g)(i)**
- F89** Words in Art. 17(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), **26(14)(g)(ii)**
- F90** Words in Art. 17(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), **26(14)(g)(iii)**
- F91** Art. 17(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), **26(14)(h)**
- F92** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(aa)**
- F93** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(bb)**
- F94** Words in Art. 17(8) 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), **26(14)(i)(i)(cc)**
- F95** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(dd)**
- F96** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(ee)**
- F97** Words in Art. 17(8) 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), **26(14)(i)(ii)**
- F98** Art. 17(9)(10) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(j)**

## Article 18

### Temporary amendments

[<sup>F99</sup>1 Paragraphs 1a to 1n apply to an application for a UK temporary amendment to a product specification for a protected designation of origin or protected geographical indication ('a UK temporary amendment application').

1a A UK temporary amendment application must be made to the Secretary of State.

1b The procedures laid down in Articles 94 and 97 to 99 of Regulation (EU) No 1308/2013 do not apply to a UK temporary amendment application.

1c A UK temporary amendment application may be made by a group of producers having a legitimate interest in the relevant protected designation of origin or protected geographical indication unless the application to register the designation of origin or geographical indication was made by a single applicant, in which case the temporary amendment application may be made by that person.

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1d If a UK temporary amendment application is not made by the original (protection) applicant, the Secretary of State must give the original (protection) applicant the opportunity to make comments on the application if that applicant still exists.

1e A UK temporary amendment application must:

- a describe the amendment applied for,
- b be accompanied by a copy of the product specification and, where relevant, the single document, showing the proposed temporary amendment,
- c compare for each amendment:
  - i the original product specification against the proposed modified product specification, and
  - ii where relevant, the original single document against the proposed modified single document,
- d provide an explanation of why the temporary amendment is needed, and
- e provide an estimate, where this is possible, of how long it is anticipated that the temporary amendment will be needed for.

1f A UK temporary amendment application that does not comply with paragraph 1e is inadmissible.

1g Where a UK temporary amendment application is inadmissible, the Secretary of State must inform the applicant that the application is inadmissible as soon as reasonably practicable after receiving the application.

1h The Secretary of State may approve a UK temporary amendment application if the Secretary of State considers that a temporary amendment to the product specification is appropriate.

1i Where a UK temporary amendment application is approved, the Secretary of State must specify the period during which the temporary amendment is to apply.

1j The period during which an approved temporary amendment is to apply may be specified by reference to a set period of time or may be specified by reference to the happening of a specified event.

1k The Secretary of State, in deciding the period for which an approved temporary amendment is to apply, must take into account the conditions prevailing at the time the decision to approve the application is taken and, where possible, the period for which the Secretary of State anticipates that those conditions will continue.

1l The Secretary of State may, on an application by a group of producers or single applicant who made a UK temporary amendment application under paragraph 1a, as read with paragraph 1c, extend the period during which a relevant approved temporary amendment is to apply on one or more occasions if the Secretary of State considers that it is appropriate to do so having regard to the conditions prevailing at the time that decision is made.

1m After making a decision on a UK temporary amendment application, 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, the original (protection) applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and

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- ii providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made, and
- b where the application is approved, details of the approved temporary amendment and the period during which that temporary amendment is to apply.

1n Where a UK temporary amendment application is approved and the period during which the temporary amendment is to apply is extended, the Secretary of State must, on each occasion the period is extended, publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the applicant, the original (protection) applicant (if different) and the public that the period has been extended and the reasons for that decision and specifying the extended period during which the temporary amendment is to apply.]

2 Where the geographical area covers [<sup>F100</sup>areas in the United Kingdom and a third country, or areas in more than one third country], the procedure for temporary amendment applies separately in [<sup>F101</sup>relation to the United Kingdom and the third country concerned, or in the respective third countries concerned,] for the part of the area which falls within their territory. <sup>F102</sup> ... [<sup>F103</sup>Paragraph 3 applies in relation to the communication of the decision of the authorities of the third country, or each third country,] approving the temporary amendment <sup>F104</sup> ... <sup>F105</sup> ...

3 [<sup>F106</sup>Third country] temporary amendments <sup>F107</sup>... shall be communicated to the [<sup>F108</sup>Secretary of State], together with the reasons supporting the temporary amendments, by a single producer within the meaning of Article 3 or a group of producers having a legitimate interest, either directly or via the authorities of that third country, not later than one month following their approval.

4 The communication of [<sup>F109</sup>third country] temporary amendments shall be considered to be duly completed when it contains all the elements referred to in Article 11 of Implementing Regulation (EU) 2019/34.

5 The [<sup>F110</sup>Secretary of State must,] within three months from the date on which the communication is received from the <sup>F111</sup>... third country or third country single producer or group of producers [<sup>F112</sup>publish a notice, in such manner as appears appropriate to the Secretary of State from time to time, providing the public with details of the third country temporary amendment and the period during which that temporary amendment is to apply]. <sup>F113</sup> ...

#### Textual Amendments

- F99** Art. 18(1)-(1n) substituted for Art. 18(1) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 26(15)(a), **Sch. 8 Pt. 2**
- F100** Words in Art. 18(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), **26(15)(b)(i)**
- F101** Words in Art. 18(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), **26(15)(b)(ii)**
- F102** Words in Art. 18(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), **26(15)(b)(iii)**
- F103** Words in Art. 18(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), **26(15)(b)(iv)(aa)**
- F104** Words in Art. 18(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), **26(15)(b)(iv)(bb)**
- F105** Words in Art. 18(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), **26(15)(b)(v)**
- F106** Words in Art. 18(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), **26(15)(c)(i)**

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- F107** 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), **26(15)(c)(ii)**
- F108** Words in Art. 18(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), **26(15)(c)(iii)**
- F109** Words in Art. 18(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), **26(15)(d)**
- F110** 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), **26(15)(e)(i)(aa)**
- F111** Words in Art. 18(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), **26(15)(e)(i)(bb)**
- F112** Words in Art. 18(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), **26(15)(e)(i)(cc)**
- F113** Words in Art. 18(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), **26(15)(e)(ii)**

## SECTION 4

### *cancelling a protected designation of origin or geographical indication*

#### *Article 19*

#### **Cancellation procedure**

Requests to cancel a protected designation of origin or geographical indication, as referred to in Article 106 of Regulation (EU) No 1308/2013, shall follow the procedure laid down in Article 94 and Articles [F114]97] to 99 of that Regulation together with provisions of Sections 1, 2 and 4 of Chapter II of this Regulation and of Sections 1, 2, 4 and 5 of Chapter II of Implementing Regulation (EU) 2019/34 *mutatis mutandis*.

The [F115]Secretary of State] shall publish the cancellation request referred to in Article 13 of Implementing Regulation (EU) 2019/34 in [F116]such manner as appears appropriate to the Secretary of State from time to time].

#### **Textual Amendments**

- F114** Word in Art. 19 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(16)(a)**
- F115** Words in Art. 19 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(16)(b)(i)**
- F116** Words in Art. 19 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(16)(b)(ii)**

#### *Article 20*

#### **Grounds for cancellation**

For the purposes of Article 106 of Regulation (EU) No 1308/2013 compliance with the product specification shall also be deemed not to be ensured where no product bearing the protected name has been placed on the market for at least seven consecutive years.

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## Article 21

### Admissibility of cancellation requests

1 For the purpose of Articles 106 of Regulation (EU) No 1308/2013 a substantiated cancellation request shall be admissible where:

- a the cancellation request complies with the requirements set out in Article 13(1) of Implementing Regulation (EU) 2019/34; and
- b the cancellation request is based on the grounds referred to in Article 106 of Regulation (EU) No 1308/2013.

2 Where the [<sup>F117</sup>Secretary of State] considers that the cancellation request is not admissible [<sup>F118</sup>the Secretary of State] shall inform the [<sup>F119</sup>... third country authority or the natural or legal person that submitted the request of the reasons supporting the finding of inadmissibility.

3 Substantiated statements of objection to cancellation shall be admissible only where they show commercial reliance by an interested person on the registered name.

#### Textual Amendments

**F117** 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), **26(17)(a)**

**F118** 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), **26(17)(b)**

**F119** Words in Art. 21(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), **26(17)(c)**

## SECTION 5

### Use of symbols, indications and abbreviations

## Article 22

### [<sup>F120</sup>Symbols]

**F121** .....

**F122** ... symbols indicating the protected designation of origin or the protected geographical indication, the [<sup>F122</sup>... indications ‘protected designation of origin’ or ‘protected geographical indication’ and the [<sup>F122</sup>... abbreviations ‘PDO’ or ‘PGI’ may appear on the labelling only after the publication of the decision conferring protection on that designation of origin or geographical indication.

**F123** .....

#### Textual Amendments

**F120** Word in Art. 22 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), **26(18)(a)**

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**F121** Words in Art. 22 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), **26(18)(b)**

**F122** Word in Art. 22 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), **26(18)(c)**

**F123** Words in Art. 22 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), **26(18)(d)**

### Article 23

#### **Derogations from the obligation to use the term ‘protected designation of origin’ on labels**

In accordance with Article 119(3) of Regulation (EU) No 1308/2013, references to the terms ‘protected designation of origin’ may be omitted for wines bearing the following protected designations of origin:

- (a) Greece:  
Σάμος (Samos);
- (b) Spain:  
Cava, Jerez, Xérès or Sherry, Manzanilla;
- (c) France:  
Champagne;
- (d) Italy:  
Asti, Marsala, Franciacorta;
- (e) Cyprus:  
Κουμανδαρία (Commandaria);
- (f) Portugal:  
Madeira or Madère, Port or Porto.

**Status:**

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**Changes to legislation:**

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referenced with annotations.