

Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008

[^{F1}CHAPTER 4

GEOGRAPHICAL INDICATIONS: APPEALS

[^{F1}Article 43

Appeals

- 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 2.
- 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 2;
 - 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.
3. In determining such an appeal the FTT:
 - a must consider the decision appealed against afresh;
 - 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 column 3 of the table in Part 2 of Annex 2.
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 Chapter and Annex 2 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 2 does not prevent an entry recorded on Great Britain's GIs 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:

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

- 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.]

Textual Amendments

- F1** Ch. 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), 28(39), **Sch. 10 Pt. 2**

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