

*Regulations made by the Secretary of State, laid before Parliament under paragraph 5(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament within 28 days beginning with the day on which the Regulations were made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.*

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STATUTORY INSTRUMENTS

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**2019 No. 1342**

**EXITING THE EUROPEAN UNION**

**AGRICULTURE**

**FOOD**

**INTELLECTUAL PROPERTY**

**TRIBUNALS AND INQUIRIES**

**The Agricultural Products, Food and Drink (Amendment etc.)  
(EU Exit) Regulations 2019**

*Made - - - - at 2.20 p.m. on 14th October 2019*

*Laid before Parliament at 4.30 p.m. on 14th October 2019*

*Coming into force in accordance with regulation 1*

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SCHEDULE 1 — The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015: new regulation 4A

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The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(a)</sup>.

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament.

### PART 1

#### Introductory

#### Citation and commencement

1. These Regulations may be cited as the Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2019 and come into force—

- (a) as regards this regulation and regulations 4 and 5, immediately before exit day;

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(a) 2018 c. 16.

- (b) otherwise, on exit day.

## PART 2

### Amendment of subordinate legislation

#### **The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009**

**2.**—(1) The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009(a) are amended as follows.

(2) In rule 1(3), after the definition of “respondent” insert—

““spirit drink decision” means a decision of the Secretary of State specified in column 1 of the table in Annex 2 to Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages(b);

“traditional term wine decision” means a decision of the Secretary of State specified in column 1 of the table in Annex 8 to Commission Delegated Regulation (EU) 2019/33 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(c);”.

(3) In rule 22(6), after sub-paragraph (j) insert—

“(k) in an appeal against a spirit drink decision, within 28 days of the date on which the decision was published;

(l) in an appeal against a traditional term wine decision, within 28 days of the date on which the decision was published.”.

#### **The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015**

**3.** In the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015(d), after regulation 4 insert the new regulation 4A in Schedule 1.

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

**4.**—(1) The Food and Farming (Amendment) (EU Exit) Regulations 2019(e) are amended as follows.

(2) Omit regulation 3.

(3) In regulation 4—

(a) in paragraph (3), in the inserted Article 1a—

(i) in the definition of “the appropriate authority”, for point (b) substitute—

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- (a) S.I. 2009/1976; relevant amending instruments are S.I. 2010/43 and, prospectively on exit day, S.I. 2019/828.
- (b) It is prospectively amended on exit day by regulation 15 of, and Schedule 4 to, these Regulations; Annex 2 is prospectively inserted by regulation 15(36) and Part 2 of Schedule 4 on exit day.
- (c) It is prospectively amended on exit day by S.I. 2019/759, 778 and regulation 13 of, and Schedule 3 to, these Regulations; Annex 8 is prospectively inserted on exit day by regulation 13(28) of, and Part 2 of Schedule 3 to, these Regulations. See the definition of “the Article 25 Register” and “third country” in Article 1a which are prospectively inserted on exit day by S.I. 2019/759.
- (d) S.R. 2015 No 365, amended by S.R. 2017 No 201 and, prospectively on exit day, by S.I. 2019/353.
- (e) S.I. 2019/759.

“(b) in relation to Northern Ireland:

- (i) in Article 4 and paragraphs 3 and 5(c) of Annex 1 D, the Department of Agriculture, Environment and Rural Affairs;
- (ii) in any other case, the Department of Health;”;
- (ii) in the definition of “relevant legislation”, in point (b), for “Department of Agriculture, Environment and Rural Affairs” substitute “Department of Health”;
- (b) for paragraph (14) substitute—  
“(14) Omit Article 12a.”.
- (4) Omit regulation 6(7)(c)(ii).
- (5) In regulation 7(2), in the inserted Article 1a, for “Department of Agriculture, Environment and Rural Affairs” substitute “Department of Health”—
  - (a) in the definition of “the appropriate authority”, in point (b);
  - (b) in the definition of “relevant legislation”, in point (b).

### **The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019**

**5.**—(1) The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

- (2) Omit regulation 3.
- (3) In regulation 4—
  - (a) in paragraph (4)(a)(i), for “referred to in” substitute “acts referred to in”;
  - (b) for paragraph (17)(b)(i) substitute—  
“(i) for “the Commission may adopt implementing acts” substitute “regulations may be made”;”.

## **PART 3**

### **Amendment of retained direct EU legislation**

#### **Regulation (EC) No 110/2008 of the European Parliament and of the Council**

**6.**—(1) Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks(b) is amended as follows.

- (2) In Article 1—
  - (a) in paragraph 2, in the first sentence, for “Community”, in each place it occurs, substitute “United Kingdom”;
  - (b) in paragraph 3, for the words from “the regulatory” to the end substitute “paragraphs 4 to 6”;
  - (c) after paragraph 3 insert—  
“4. A derogation may be granted:
    - (a) by regulations, or

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(a) S.I. 2019/778.

(b) Following the entry into force of certain provisions of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1) repealing certain provisions of Regulation (EC) No 110/2008 of the European Parliament and of the Council (“the 2008 Regulation”) on 8th June 2019, prospective amendments made to the 2008 Regulation on exit day are revoked by regulations 4(2) and 5(2) of this instrument and replaced with the amendments in regulation 6 of this instrument prospectively amending provisions of the 2008 Regulation that apply on exit day.

(b) on application, by administrative decision, where regulations have not been made or where regulations have been made but do not apply in a particular case.

5. An application of the type referred to in paragraph 4(b) may be made:

(a) in the case of an operator intending to export a consignment of a spirit drink to a relevant third country from England, to the Secretary of State;

(b) in the case of an operator intending to export a consignment of a spirit drink to a relevant third country from Northern Ireland, to the Department of Agriculture, Environment and Rural Affairs;

(c) in the case of an operator intending to export a consignment of a spirit drink to a relevant third country from Scotland, to the Scottish Ministers;

(d) in the case of an operator intending to export a consignment of a spirit drink to a relevant third country from Wales, to the Welsh Ministers.

6. An application of the type referred to in paragraph 4(b) must be made in relation to one type of spirit drink and on a consignment by consignment basis.

7. In this Article, ‘consignment’ means a quantity of one type of spirit drink covered by a single document required for customs formalities and may be composed of more than one lot.”.

(3) After Article 2 insert—

*“Article 2a*

**Definition of third country**

In this Regulation, ‘third country’ means a country, other than the United Kingdom, and includes:

(a) the Bailiwick of Guernsey;

(b) the Bailiwick of Jersey;

(c) the Isle of Man.”.

(4) In Article 5—

(a) in paragraph 1(e), for the words from “shall be decided” to the end substitute “may be specified in regulations”;

(b) in paragraph 2(e) omit the words from “and taking” to the end.

(5) Omit Article 6.

(6) In Article 7, after the existing paragraph insert—

“In this Chapter, ‘the United Kingdom’s GIs Register’ means the register established and maintained by the Secretary of State under Article 33(1) of Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages.”.

(7) In Article 8, for “Article 5 of Directive 2000/13/EC” substitute “Article 17 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers(a)”.

(8) In Article 9—

(a) in paragraph 4, for “Annex III” substitute “the United Kingdom’s GIs Register”;

(b) in paragraph 5—

(i) for “Annex III” substitute “the United Kingdom’s GIs Register”;

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(a) It is prospectively amended on exit day by S.I. 2019/529, 778. Regulation 5(3) of this instrument also makes relevant prospective amendments to S.I. 2019/778 on exit day.

- (ii) after “Chapter III” insert “of Regulation (EU) 2019/787”;
- (c) in paragraph 6—
  - (i) in the words before point (a), for “Annex III” substitute “the United Kingdom’s GIs Register”;
  - (ii) in point (a), for the words from “established” to “Article 20, or” substitute—
 

“any of the following geographical indications:

    - (i) Irish Cream;
    - (ii) Irish Whiskey, Irish Whisky, Uisce Beatha Eireannach;
    - (iii) Scotch Whisky; or”;
  - (iii) in point (b), for “Article 17(1)” substitute “paragraph 1 of Article 22 of Regulation (EU) 2019/787, as read with paragraph 2 of that Article”;
- (d) in paragraph 7, for “Annex III” substitute “the United Kingdom’s GIs Register”;
- (e) in paragraph 9, for “Directive 2000/13/EC” substitute “Regulation (EU) No 1169/2011”.
- (9) In Article 10—
  - (a) in paragraph 1—
    - (i) for “Directive 2000/13/EC” substitute “Regulation (EU) No 1169/2011”;
    - (ii) for “Annex III” substitute “the United Kingdom’s GIs Register”;
  - (b) in paragraph 4 omit “in the Community”.
- (10) In Article 11(4), in the first subparagraph, for “Directive 2000/13/EC” substitute “Regulation (EU) No 1169/2011”.
- (11) In Article 12(3)—
  - (a) omit the words from the beginning to “25(3),”;
  - (b) at the end insert as a new sentence—
 

“Regulations may specify derogations in respect of this requirement.”.
- (12) In Article 14—
  - (a) in paragraph 2, for “Annex III” substitute “the United Kingdom’s GIs Register”;
  - (b) in paragraph 4, for “Community” substitute “United Kingdom”.
- (13) Omit Articles 17(2), 20, 24 and 24a.
- (14) For Article 25 substitute the new Articles 25 to 25d in Schedule 2.
- (15) For Article 26 substitute—

*“Article 26*

**Amendment of the Annexes**

Annexes 1 and 2 may be amended by regulations.”.

- (16) For Article 27 substitute—

*“Article 27*

**Implementing regulations**

1. Regulations may be made to make such provision as appears necessary to the appropriate authority in relation to the implementation of this Regulation.
  2. In this Article, ‘the appropriate authority’ means the person specified in Article 25(1) or, in a case where the Secretary of State is to exercise the power to make regulations under this Article pursuant to Article 25(2) (having obtained the necessary consents as provided for in Article 25(2)), the Secretary of State.”.
- (17) In Article 28—
    - (a) omit paragraph 1;

- (b) in paragraph 2—
    - (i) for the words from the beginning to “adopted” substitute “Regulations may be made”;
    - (ii) omit “Community”;
  - (c) in paragraph 3—
    - (i) omit the first sentence;
    - (ii) in the second sentence, for “prior to 20 February 2008 or until” substitute “as it had effect in the United Kingdom immediately before”.
- (18) After Article 30 omit the words from “This Regulation” to “Member States.”.
- (19) In Annex 1—
- (a) in point (6)—
    - (i) in the first paragraph, for the words from “Council Directive 80/777/EEC” to “consumption” substitute “any relevant water quality legislation”;
    - (ii) after the second paragraph insert—

“In this point, ‘relevant water quality legislation’ means:

    - (a) in relation to spirit drinks marketed in England:
      - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(a);
      - (ii) the Water Supply (Water Quality) Regulations 2016(b);
      - (iii) the Private Water Supplies (England) Regulations 2016(c);
    - (b) in relation to spirit drinks marketed in Northern Ireland:
      - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015;
      - (ii) the Private Water Supplies Regulations (Northern Ireland) 2017(d);
      - (iii) the Water Supply (Water Quality) Regulations (Northern Ireland) 2017(e);
    - (c) in relation to spirit drinks marketed in Scotland:
      - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007(f);
      - (ii) the Public Water Supplies (Scotland) Regulations 2014(g);
      - (iii) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(h);
    - (d) in relation to spirit drinks marketed in Wales:
      - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015(i);

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(a) S.I. 2007/2785, amended by S.I. 2009/1598, 2010/433, 2011/451, 1043, 2014/1855, 2018/352, 2019/526 and prospectively on exit day by S.I. 2019/150, 775, 778.

(b) S.I. 2016/614, amended by S.I. 2017/506, 2018/378, 706, 2019/526.

(c) S.I. 2016/618, amended by S.I. 2017/506, 2018/707 and prospectively on exit day by S.I. 2019/558.

(d) S.R. 2017 No. 211, amended by S.I. 2019/112 from a date to be appointed.

(e) S.R. 2017 No. 212, amended by S.I. 2019/112 from a date to be appointed.

(f) S.S.I. 2007/483, amended by S.S.I. 2009/273, 2010/89, 127, 2011/94, S.I. 2011/1043, S.S.I. 2014/312, 2015/100, 363, 2017/287.

(g) S.S.I. 2014/364; relevant amending instruments are S.S.I. 2015/346, 2017/281.

(h) S.S.I. 2017/282, amended by S.S.I. 2017/321.

(i) S.I. 2015/1867 (W. 274), amended by S.I. 2017/935 (W. 229).

- (ii) the Private Water Supplies (Wales) Regulations 2017(a);
  - (iii) the Water Supply (Water Quality) Regulations 2018(b).”;
  - (b) in point (10), for the words from “colorants” to the end substitute “colours, as defined in entry 2 of Annex 1 to Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives”.
- (20) In Annex 2—
- (a) in category 1—
    - (i) in point (a)(ii) omit the last sentence;
    - (ii) omit point (f);
  - (b) in category 9, in point (f), in the first subparagraph, omit the second sentence;
  - (c) in category 15, in point (d), for “13(2) of Directive 2000/13/EC” substitute “13(1) of Regulation (EU) No 1169/2011”;
  - (d) in point (c) of each of categories 25, 26, 27, 28 and 29, for “1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC” substitute “3(2)(c) and (d) of Regulation (EC) No 1334/2008”;
  - (e) in category 32, in point (d), in the first subparagraph, in the words before the first indent omit “produced in the Community”;
  - (f) in category 37, in point (c), for “1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC” substitute “3(2)(c) and (d) of Regulation (EC) No 1334/2008”;
  - (g) in category 37a—
    - (i) in the second paragraph omit “Member State or third”;
    - (ii) after the second paragraph insert—
 

“In the second paragraph, in relation to the United Kingdom, ‘country of the manufacture’ means the United Kingdom as a whole and does not mean any of the individual constituent nations forming part of the United Kingdom.”;
  - (h) in point (c) of categories 42, 43, 45 and 46, for “1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC” substitute “3(2)(c) and (d) of Regulation (EC) No 1334/2008”;
  - (i) in the section headed “*Other spirit drinks*”—
    - (i) in the paragraph numbered 1 (*Rum-Verschnitt*), in the final sentence omit the words from “Where” to “market.”;
    - (ii) in the paragraph numbered 2 (*Slivovice*), in the third sentence omit the words from “If” to “Community.”.
- (21) Omit Annex 3.

### **Commission Regulation (EC) No 606/2009**

7.—(1) Commission Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions(c) is amended as follows.

- (2) In Article 4(4)—
- (a) in the first sentence, for the words from the beginning to “continue” substitute “In relation to an experiment authorised under paragraph 1 and on the basis of the results of that experiment, the appropriate authority may, on the application of the person who made the application for the original experiment under paragraph 1, authorise the continuation of”;

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- (a) S.I. 2017/1041 (W. 270); relevant amending instruments are S.I. 2019/460 (W. 110) prospectively on exit day and S.I. 2019/463 (W. 111).
  - (b) S.I. 2018/647 (W. 121), amended by itself, by S.I. 2019/460 (W. 110) prospectively on exit day and S.I. 2019/463 (W. 111).
  - (c) It is prospectively amended on exit day by S.I. 2019/759, as amended by regulation 4(3) of this instrument. See the definitions of “the appropriate authority” and “relevant legislation” in Article 1a; inserted by S.I. 2019/759 and amended by regulation 4(3) of this instrument.



(b) for the second sentence substitute—

“The applicant must submit an appropriate dossier in support of the application.”;

(c) in the third sentence, for the words from “Commission” to “shall” substitute “appropriate authority must, by administrative decision,”.

(3) In Article 14b—

(a) in paragraph 3, for “Member States may decide” substitute “Nothing in this Regulation prevents the appropriate authority from using any power the authority has to make subordinate legislation to provide”;

(b) in paragraph 5—

(i) for “Member States may decide” substitute “Nothing in this Regulation prevents the appropriate authority from using any power the authority has to make subordinate legislation to provide”;

(ii) omit “made”.

### **Commission Delegated Regulation (EU) No 664/2014**

**8.** In 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 omit Article 2 and the Annex.

### **Commission Implementing Regulation (EU) No 668/2014**

**9.** In Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (a) omit Article 13(1), (2) and (5) and Annex 10.

### **Commission Delegated Regulation (EU) 2018/273**

**10.**—(1) Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties (b) is amended as follows.

(2) In Article 9—

(a) in paragraph 1—

(i) in point (b)(i), for the words from “by the” to “begins” substitute “, by administrative decision, on a case by case basis in relation to each such transportation, by the competent authority for the area in which the place where the transport operation begins is situated”;

(ii) after point (e) insert—

“(f) wine products not subject to excise duty.”;

(b) in paragraph 2—

(i) after “Where” insert “the transport operation begins in the United Kingdom and”;

(ii) omit the words from “or other” to the end.

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(a) It is prospectively amended on exit day by S.I. 2019/865.

(b) It is prospectively amended on exit day by S.I. 2019/865.

(3) In Annex 5, in Section B, in point 1.6—

- (a) in the first subparagraph, in the second sentence omit the words from “, in” to “State,”;
- (b) omit the second subparagraph.

### **Commission Implementing Regulation (EU) 2018/274**

**11.**—(1) Commission Implementing Regulation (EU) 2018/274 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks<sup>(a)</sup> is amended as follows.

(2) After Article 1 insert—

*“Article 1a*

#### **The competent authority**

The competent authority, in relation to a function to be exercised in the United Kingdom, or any part of it, under this Regulation means the person designated to carry out that function by regulation 4 of the Wine Regulations 2011<sup>(b)</sup>.”

(3) In Article 12—

- (a) in paragraph 2, in the first subparagraph omit “and Chapter VI of this Regulation”;
- (b) in paragraph 3 omit “of the Member States”.

(4) In Article 13(2)(b) omit the words from “presented” to the end.

(5) In Article 15(3), in the first subparagraph omit the second sentence.

(6) Omit Article 19.

(7) In Article 20(4)—

- (a) in the first subparagraph, for the words from “Member” to “days” substitute “on a case by case basis, the Food Standards Agency, in relation to England, Northern Ireland and Wales, and Food Standards Scotland, in relation to Scotland, may, on the application of an operator, authorise longer deadlines not exceeding 30 days where the Food Standards Agency or Food Standards Scotland (as the case may be) considers it appropriate to do so”;
- (b) omit the second subparagraph.

### **Regulation (EU) 2018/1670 of the European Parliament and of the Council**

**12.** Regulation (EU) 2018/1670 of the European Parliament and of the Council amending Regulation (EC) No 110/2008 as regards nominal quantities for the placing on the Union market of single distilled *shochu* produced by pot still and bottled in Japan is revoked.

### **Commission Delegated Regulation (EU) 2019/33**

**13.**—(1) Commission Delegated Regulation (EU) 2019/33 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 is amended as follows.

(2) In Article 1a—

- (a) in the definition of “the Article 25 Register”, for “means” substitute “and ‘the United Kingdom’s Traditional Terms Register’ mean”;

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(a) It is prospectively amended on exit day by S.I. 2019/865.

(b) S.I. 2011/2936; relevant amending instruments are S.I. 2019/524 and, prospectively on exit day, S.I. 2019/865.

- (b) after the definition of “country” insert—
  - “‘FTT’ means the First-tier Tribunal;”.
- (3) In Article 9(1), in the first subparagraph, for “, 95 and 96” substitute “and 95”.
- (4) In Article 11—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) in point (a), for “Commission” substitute “Secretary of State”;
      - (bb) in point (c)(i), for “the provisions adopted pursuant thereto” substitute “any provision in force adopted or made pursuant to them (whether adopted before exit day, or made on or after exit day)”;
    - (ii) in the second subparagraph, for “Union” substitute “United Kingdom”;
  - (b) in paragraph 2—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) for “it” substitute “the Secretary of State”.
- (5) In Article 12—
  - (a) in paragraph 1—
    - (i) in the first sentence—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) for “it” substitute “the Secretary of State”;
    - (ii) in the second sentence—
      - (aa) after “on which” insert “the single document and the product specification submitted in connection with”;
      - (bb) for the words from “is published” to “*Union*” substitute “are published under Article 97(3) of Regulation (EU) No 1308/2013(a)”;
    - (iii) in the last sentence, for “Commission” substitute “Secretary of State”;
  - (b) in paragraph 3—
    - (i) in the first sentence—
      - (aa) for “established in the third country or” substitute “or, where relevant,”;
      - (bb) omit “of the Member State or”;
      - (cc) for “Commission” substitute “Secretary of State”;
    - (ii) in the second sentence—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) omit “national”;
    - (iii) in the last sentence, for “Commission shall adopt” substitute “Secretary of State must make”;
  - (c) in paragraph 4—
    - (i) in the first sentence—
      - (aa) for the words from “established” to “of the third country,” substitute “or, where relevant, the authorities of the third country”;
      - (bb) for “Commission” substitute “Secretary of State”;
    - (ii) in the second sentence, for “Commission shall adopt” substitute “Secretary of State must make”.

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(a) Relevant amending instruments, prospectively on exit day, are S.I. 2019/821, 828, .

(6) In Article 13—

- (a) in paragraph 4, in the first subparagraph, in the first sentence—
  - (i) for “a Member State may” substitute “nothing in this Regulation prevents the Secretary of State from using any power the Secretary of State has to make regulations to”;
  - (ii) for “Commission” substitute “Secretary of State”;
  - (iii) for “to the authorities of the Member State” substitute “with the Secretary of State”;
  - (iv) omit “national”;
  - (v) for “96(3)” substitute “98”;
- (b) after paragraph 4 insert—

“5. 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.”

(7) In Article 14—

- (a) in paragraph 1—
  - (i) in the first subparagraph, for the words from “importance” to the end substitute—

“importance:

    - (a) ‘non-standard amendments’, which are amendments requiring an objection procedure under Article 98 of Regulation (EU) No 1308/2013, and
    - (b) ‘standard amendments’, which are amendments not requiring an objection procedure under Article 98 of Regulation (EU) No 1308/2013 and which, in the case of an amendment relating to a product specification for a third country designation of origin or geographical indication, are to be dealt with at third country level;”;
  - (ii) in the second subparagraph, in the words before point (a), for “Union” substitute “non-standard”;
  - (iii) in the third subparagraph, for “Union” substitute “non-standard”;
- (b) in paragraph 2, for “recognised by the competent authorities” substitute—

“recognised by:

- (a) in a case where a geographical area in a third country is affected, a competent authority in the third country;
- (b) in a case where a geographical area in the United Kingdom is affected:
  - (i) in a case of adverse weather conditions, the Met Office;
  - (ii) in any case, the Secretary of State or the Food Standards Agency”;

- (c) after paragraph 2 insert—

“3. In this Article, ‘the Met Office’ means the Met Office of the Department for Business, Energy and Industrial Strategy.”.

(8) In Article 15—

- (a) in the heading, for “**Union**” substitute “**non-standard**”;
- (b) in paragraph 1—
  - (i) for “Union” substitute “non-standard”;
  - (ii) for “96” substitute “97”;
- (c) in paragraph 3, for “Union”, in each place it occurs, substitute “non-standard”;

- (d) in paragraph 4, for “Commission” substitute “Secretary of State”.
- (9) In Article 16—
- (a) in the heading, for “**Union**” substitute “**non-standard**”;
  - (b) in paragraph 1—
    - (i) in the first and second subparagraphs, for “Union” substitute “non-standard”;
    - (ii) in the third subparagraph—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) for “Union” substitute “non-standard”;
  - (c) in paragraph 2, for the words from “competent authorities” to “in a third country” substitute “applicant or, in the case of a third country application, the applicant established in, or the competent authorities of, the third country.”.
- (10) Article 17 is amended in accordance with paragraphs (11) to (18).
- (11) In paragraph 1—
- (a) for the first subparagraph substitute—
 

“1. Standard amendments relating to a designation of origin or a geographical indication for a geographical area in the United Kingdom 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.”;
  - (b) in the second subparagraph—
    - (i) in the first sentence, for the words from “authorities” to the end substitute “Secretary of State”;
    - (ii) in the third sentence, for “Member State” substitute “Secretary of State”.
- (12) In paragraph 2—
- (a) in the first subparagraph, in the first sentence—
    - (i) for “Member State” substitute “Secretary of State”;
    - (ii) for “it” substitute “the Secretary of State”;
  - (b) in the second subparagraph—
    - (i) in the first sentence omit “in the Member State”;
    - (ii) omit the second sentence.
- (13) In paragraph 3, for “Commission”, in both places it occurs, substitute “Secretary of State”.
- (14) In paragraph 5—
- (a) for “Commission” substitute “Secretary of State”;
  - (b) omit the words from “in the *Official*” to “series.”;
  - (c) after “months from” insert “the date of the Secretary of State’s decision to approve the amendment under paragraph 2, or, in the case of an amendment approved pursuant to paragraph 3.”;
  - (d) omit “Member State.”.
- (15) In paragraph 6—
- (a) for the words from “Commission” to “to in” substitute “Secretary of State must make public, in accordance with”;
  - (b) after “months from” insert “the date of the Secretary of State’s decision to approve the amendment under paragraph 2, or, in the case of an amendment approved pursuant to paragraph 3.”;
  - (c) omit “Member State.”.
- (16) In paragraph 7—
- (a) for “territory of the Union” substitute “United Kingdom”;

- (b) for the words from “in the *Official*” to “to in” substitute “by the Secretary of State in accordance with”.

(17) In paragraph 8—

- (a) in the first subparagraph—
  - (i) in the first sentence—
    - (aa) for “one Member State, the Member State concerned” substitute “the United Kingdom, the Secretary of State”;
    - (bb) for “their territory” substitute “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”;
  - (ii) in the second sentence, for “national decision of approval” substitute “of the approving decisions by the Secretary of State and the authority of the relevant third country”;
  - (iii) in the last sentence—
    - (aa) for “Member State last” substitute “authority of the third country”;
    - (bb) for “Commission” substitute “Secretary of State”;
- (b) omit the second subparagraph.

(18) After paragraph 8 insert—

“9. 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, the standard amendment only becomes applicable after the last of the approving decisions by the authorities of the relevant third countries becomes applicable. If 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.”.

(19) In Article 18—

- (a) for paragraph 1 substitute—
  - “1. Paragraphs 1a to 1n apply to an application for temporary amendments to a product specification for a protected designation of origin or protected geographical indication that relates to a geographical area in the United Kingdom (‘a temporary amendments application’).
  - 1a. A temporary amendments 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 temporary amendments application.
  - 1c. A temporary amendments 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 amendments application may be made by that person.
  - 1d. If a temporary amendments application is not made by the single applicant or group of producers who submitted the original application (‘the original applicant’), the Secretary of State must give the original applicant the opportunity to make comments on the application if that applicant still exists.
  - 1e. A temporary amendments application must:

- (a) describe the amendment applied for,
- (b) be accompanied by a copy of the product specification showing the proposed temporary amendments,
- (c) compare for each amendment:
  - (i) the original product specification against the proposed amended product specification, and
  - (ii) where relevant, the original single document against the proposed amended 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 temporary amendments application that does not comply with paragraph 1e is inadmissible.

1g. Where a temporary amendments 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 temporary amendments application if the Secretary of State considers that a temporary amendment to the product specification is appropriate.

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

1j. The period during which any approved temporary amendments are 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 any approved temporary amendments are to apply, must take into account the conditions prevailing at the time the decision to approve the application is taken and 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 temporary amendments application under paragraph 1a, as read with paragraph 1c, extend the period during which any relevant approved temporary amendments are 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 temporary amendments 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 informing the applicant and the public of the decision made in relation to the application, and
- (b) where the application is approved, details of the temporary amendments made to the product specification and the period during which those temporary amendments are to apply.

1n. Where a temporary amendments application is approved and the period during which the temporary amendments are 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 a notice informing the applicant and the public that the period has been extended and specifying the extended period during which the temporary amendments are to apply.”;

- (b) in paragraph 2—
  - (i) in the first sentence—
    - (aa) for “more than one Member State” substitute “areas in the United Kingdom and a third country, or areas in more than one third country”;
    - (bb) for “Member States concerned” substitute “United Kingdom and the third country, or in the respective third countries concerned,”;
  - (ii) in the third sentence—
    - (aa) for “The Member State last” substitute “In the case of a temporary amendment covering an area in a third country, the competent authority in that country”;
    - (bb) for “Commission” substitute “Secretary of State”;
  - (iii) omit the fourth sentence;
- (c) in paragraph 3, for “Commission” substitute “Secretary of State”;
- (d) in paragraph 5—
  - (i) in the first sentence—
    - (aa) for “Commission” substitute “Secretary of State”;
    - (bb) for the words from “date” to the end substitute “relevant date”;
  - (ii) in the second sentence—
    - (aa) for “Union” substitute “United Kingdom”;
    - (bb) for “Commission” substitute “Secretary of State”;
- (e) after paragraph 5 insert—
  - “6. In paragraph 5, ‘relevant date’ means:
    - (a) in respect of a temporary amendments application referred to in paragraph 1a, the date of the approving decision of the Secretary of State referred to in paragraph 1h;
    - (b) in a case where paragraph 2 applies:
      - (i) in a case where the temporary amendments concern products originating in the United Kingdom and a third country, the date of the approving decision of the Secretary of State in respect of the temporary amendments application, or the date of the third country communication referred to in paragraph 2, whichever is later;
      - (ii) in a case where the temporary amendments concern products originating in more than one third country, the date of the last communication of a national decision of approval of the amendments referred to in paragraph 2;
    - (c) in a case where paragraph 3 applies, the date on which the communication referred to in that paragraph is received.”.
- (20) In Article 19—
  - (a) in the first paragraph, for “96” substitute “97”;
  - (b) in the second paragraph—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) for the words from “the *Official*” to the end substitute “such manner as appears appropriate to the Secretary of State from time to time”.
- (21) In Article 21(2)—
  - (a) for “Commission” substitute “Secretary of State”;
  - (b) for “it” substitute “the Secretary of State”;
  - (c) omit “Member State or”.
- (22) In Article 22—
  - (a) in the heading omit “**Temporary**”;



- (b) omit the first paragraph;
  - (c) in the second paragraph omit “Union” in each place it occurs;
  - (d) omit the third paragraph.
- (23) In Article 31—
- (a) in paragraph 1—
    - (i) in the first subparagraph, in the first sentence—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) for “it” substitute “the Secretary of State”;
    - (ii) in the second subparagraph—
      - (aa) for “its” substitute “the Secretary of State’s”;
      - (bb) for “Commission” substitute “Secretary of State”;
  - (b) in paragraph 2, for “Commission” substitute “Secretary of State”;
  - (c) in paragraph 3—
    - (i) in the first sentence—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) for “it” substitute “the Secretary of State”;
    - (ii) in the second sentence, for “Commission” substitute “Secretary of State”;
    - (iii) omit the third sentence;
  - (d) after paragraph 3 insert—
 

“3a. After making a decision about the application, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State a notice informing the applicant, any objector and the public of the decision made in relation to the application.”;
  - (e) in paragraph 4, in the first subparagraph, for “Commission”, in both places it occurs, substitute “Secretary of State”.
- (24) In Article 34, after the second paragraph insert—
- “All implementing acts adopted by the European Commission before exit day modifying a protected traditional term are revoked, including:
- (a) implementing acts adopted by the European Commission pursuant to an application made under this Article, as it had effect before exit day, and
  - (b) implementing acts adopted by the European Commission pursuant to an application made under Article 42a of Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products(a).”.
- (25) In Article 35, after the second paragraph insert—
- “All implementing acts adopted by the European Commission before exit day cancelling a protected traditional term are revoked, including:
- (a) implementing acts adopted by the European Commission under this Article, as it had effect before exit day, and
  - (b) implementing acts adopted by the European Commission pursuant to a request made under Article 45 of Commission Regulation (EC) No 607/2009.”.
- (26) In Chapter 3, after Section 5 insert the new Section 6 in Part 1 of Schedule 3.
- (27) In Article 59—

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(a) OJ No. L 193, 24.7.2009, p. 60, repealed by Commission Delegated Regulation (EU) 2019/33 (OJ No. L 9, 11.1.2019, p. 2).

- (a) for “Commission” substitute “Secretary of State”;
  - (b) for “to 98 and Articles” substitute “, 95, 97, 98,”.
- (28) After Annex 7 insert the new Annex 8 in Part 2 of Schedule 3.

**Commission Implementing Regulation (EU) 2019/34**

**14.**—(1) Commission Implementing Regulation (EU) 2019/34 laying down rules for the application of 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, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks(a) is amended as follows.

(2) In Article 7(2)—

- (a) for “Member State” substitute “applicant”;
- (b) omit the words from “or the” to “question,”;
- (c) for “Commission” substitute “Secretary of State”.

(3) In Chapter 2, in Section 6, in the heading omit “*Union*”.

(4) In Article 14—

- (a) in the heading omit “**Union**”;
- (b) omit “Union”;
- (c) for the words from “reproduced” to the end substitute “the symbol for a protected designation of origin or protected geographical indication, as relevant, established pursuant to Article 12(2) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs(b), as read with Article 12(7) of that Regulation”.

(5) In Article 15—

- (a) omit paragraph 6;
- (b) insert as paragraph 7—

“7. In this Article, in relation to the United Kingdom, ‘the responsible competent authorities’ means the competent authority specified in regulation 4(1) of the Wine Regulations 2011, as read with paragraph (3) of that regulation in relation to Scotland.”.

(6) Omit Article 16.

(7) In Article 25, after paragraph 2 insert—

“3. A traditional term to which paragraph 4 applies may be entered on the United Kingdom’s Traditional Terms Register where the condition in paragraph 5 is satisfied.

4. This paragraph applies to a traditional term used in a third country that must be protected in the United Kingdom pursuant to an international agreement to which the United Kingdom and the third country are contracting parties (‘the UK-third country agreement’).

5. The condition is that the traditional term is a traditional term that was protected in the European Union immediately before exit day pursuant to an international agreement to which the European Union and the third country were contracting parties.

6. The same protection is to be afforded to a traditional term entered in the United Kingdom’s Traditional Terms Register pursuant to paragraph 3 as a traditional term

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(a) It is prospectively amended on exit day by S.I. 2019/759.  
 (b) It is prospectively amended on exit day by S.I. 2019/865.

included on the register following the approval of an application submitted in compliance with this Regulation and Delegated Regulation (EU) 2019/33.

7. In relation to the protection of a traditional term entered on the United Kingdom's Traditional Terms Register pursuant to paragraph 3, the following conditions apply to the use of the term:

- (a) insofar as relevant, the conditions laid down in the law of the third country relating to the use of the traditional term, and
- (b) any conditions laid down in the UK-third country agreement relating to the use of the traditional term.

8. Unless the Secretary of State, when making an entry, specifies a date in the United Kingdom's Traditional Terms Register as the date the entry is to take effect, the entry is to be treated as taking effect:

- (a) in a case where the entry is on the register as established by the Secretary of State on exit day, on exit day;
- (b) in any other case, immediately the entry is made.

9. In this Article 'the United Kingdom's Traditional Terms Register' means the register referred to in paragraph 1."

(8) In Annex 3—

- (a) for the sections headed "1. **Name of product**" and "2. **Official reference**" substitute—

**1. Name of product**

[as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013]

**2. Official reference**

[as given by the Secretary of State in relation to the application when publishing the single document under Article 97(3) of Regulation (EU) No 1308/2013]

Reference number:

Date of publication under Article 97(3) of Regulation (EU) No 1308/2013:";

- (b) in the section headed "3. **Name of the objector (Person, body, Member State or Third Country)**", in the heading omit ", **Member State**".

## **Regulation (EU) 2019/787 of the European Parliament and of the Council**

**15.**—(1) Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages is amended as follows.

(2) In Article 3, after point (7)(a) insert—

"(8) 'EU Regulation 110/2008' means Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks(b) as it had effect before exit day;

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(a) Points (8) to (12) of Article 3 of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1), as that Article stood immediately before exit day, do not form part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018 (c. 16) because those points were not operative immediately before exit day.

(b) OJ No. L 39, 13.2.2008, p. 16, last amended by Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1).

(9) ‘EU Regulation 2019/787’ means Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages<sup>(a)</sup> as it had effect before exit day;

(10) ‘EUWA’ means the European Union (Withdrawal) Act 2018;

(11) ‘FTT’ means the First-tier Tribunal;

(12) ‘third country’ means a country, other than the United Kingdom, and includes:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man;

(13) ‘United Kingdom established geographical indications’ means the following geographical indications:

- (a) Irish Cream, as covered by the entry in category 32 (liqueur) of Annex 3 to EU Regulation 110/2008 and as read with footnote (5) of that Annex;
- (b) Irish Poteen/Irish Poitín, as covered by the entry in the section in Annex 3 to EU Regulation 110/2008 relating to other spirit drinks and as read with footnote (6) of that Annex;
- (c) Irish Whiskey/Irish Whisky/Uisce Beatha Eireannach, as covered by the entry in category 2 (whisky/whiskey) of Annex 3 to EU Regulation 110/2008 and as read with footnote (1) of that Annex;
- (d) Scotch Whisky, as covered by the entry in category 2 (whisky/whiskey) of Annex 3 to EU Regulation 110/2008;
- (e) Somerset Cider Brandy, as covered by the entry in category 10 (cider spirit and perry spirit) of Annex 3 to EU Regulation 110/2008;

(14) ‘the United Kingdom’s GIs Register’ means the register established and maintained by the Secretary of State under Article 33(1).”.

(3) In Article 16—

- (a) in the heading omit “**Union**”;
- (b) omit “Union”.

(4) For Article 20 substitute—

*“Article 20*

**Power to make regulations: symbol**

The Secretary of State may, by regulations, make rules on the use of the symbol referred to in Article 16 in the description, presentation and labelling of spirit drinks.”.

(5) In Article 21—

- (a) in paragraph 3, for “Union” substitute “United Kingdom”;
- (b) in paragraph 4, for “customs territory of the Union” substitute “United Kingdom”.

(6) In Article 22—

- (a) in paragraph 1, in the second subparagraph omit the words from “, taking” to the end;
- (b) in paragraph 2, after “110/2008” insert “as it had effect in the United Kingdom before that day”.

(7) In Article 23—

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(a) OJ No. L 130, 17.5.2019, p. 1.

- (a) in paragraph 1, in the second subparagraph, for “the publication reference” substitute “a copy”;
  - (b) in paragraph 2—
    - (i) omit point (c);
    - (ii) in point (d), for “the publication reference” substitute “a copy”.
- (8) Article 24 is amended in accordance with paragraphs (9) to (12).
- (9) In paragraph 2, in the first sentence, for “a Member State may” substitute “the Secretary of State may, on application,”.
- (10) In paragraph 4—
- (a) in the first subparagraph, for “different Member States or third countries” substitute “the United Kingdom and the third country concerned, or from the different third countries concerned, as relevant,”;
  - (b) in the second subparagraph—
    - (i) in the first sentence—
      - (aa) for “Commission by a Member State concerned” substitute “Secretary of State by an applicant group in the United Kingdom, where relevant”;
      - (bb) for “authorities and” substitute “third country authorities and all the”;
    - (ii) omit the second sentence;
    - (iii) in the last sentence, for “Member States and” substitute “the”.
- (11) For paragraph 8 substitute—
- “8. The application must be submitted to the Secretary of State.
- 8a. In the case of an application relating to a geographical area in a third country, the application may be submitted directly by the applicant group or via the authorities of the third country concerned.”.
- (12) In paragraph 9, for “Commission” substitute “Secretary of State”.
- (13) Omit Article 25.
- (14) Article 26 is amended in accordance with paragraphs (15) to (17).
- (15) In the heading, for “**Commission**” substitute “**Secretary of State**”.
- (16) In paragraph 1—
- (a) in the first subparagraph—
    - (i) in the first sentence—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) for “it”, in the first place it occurs, substitute “the Secretary of State”;
      - (cc) for “outside the Member State of application” substitute “both inside and outside of the United Kingdom”;
    - (ii) in the third sentence, for “Commission” substitute “Secretary of State”;
  - (b) in the second subparagraph—
    - (i) in the first sentence—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) for “it” substitute “the Secretary of State”;
    - (ii) in the second sentence omit “Member State or third”;
    - (iii) after the second sentence insert—
- “In a case where an application is submitted that relates to an area in the United Kingdom and a third country, or an area in more than one third country, this must be stated on the list.”.

- (17) In paragraph 2—
- (a) for “Commission” substitute “Secretary of State”;
  - (b) for the words from “it shall publish” to the end substitute “the Secretary of State must publish the product specification referred to in Article 23(1)(b) and the single document referred to in Article 23(1)(c) in such manner as appears appropriate to the Secretary of State”.
- (18) In Article 27—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for the words from “of publication” to “in a third country” substitute “on which the product specification and single document are published in accordance with Article 26(2), a natural or legal person having a legitimate interest (whether established in the United Kingdom or a third country), or the authorities of a third country,”;
      - (bb) for “Commission” substitute “Secretary of State”;
    - (ii) omit the second subparagraph;
    - (iii) in the last subparagraph—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) for “authority or body” substitute “applicant or authority”;
  - (b) in paragraph 2, for “Commission”, in both places it occurs, substitute “Secretary of State”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, in the first sentence—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) for “authority or body” substitute “applicant or authority”;
    - (ii) in the second subparagraph—
      - (aa) in the first sentence, for “authority or body” substitute “applicant or authority”;
      - (bb) in the last sentence, for “Commission” substitute “Secretary of State”;
    - (iii) in the third subparagraph—
      - (aa) for “authorities of the Member State or” substitute “applicant group that submitted the application or the authorities”;
      - (bb) for “Commission” substitute “Secretary of State”;
      - (cc) omit “of a Member State or”;
    - (iv) in the fourth and fifth subparagraphs, for “Commission” substitute “Secretary of State”;
  - (d) in paragraph 4, for “Commission” substitute “Secretary of State”;
  - (e) in paragraph 5, for “Commission” substitute “Secretary of State”.
- (19) In Article 28—
- (a) in paragraph 1, in the words before point (a), for “Commission” substitute “Secretary of State”;
  - (b) in paragraph 2, for “Union” substitute “United Kingdom”.
- (20) In Article 29—
- (a) in paragraph 1—
    - (i) in the first subparagraph, in the words before point (a)—

- (aa) for “Commission may adopt implementing acts granting” substitute “Secretary of State may, by regulations, grant”;
- (bb) for the words from “spirit” to “country” substitute “a spirit drink, wherever it originates from”;
- (cc) for “they were marketed” substitute “it was marketed in the United Kingdom”;
- (dd) omit “Article 24(6) or”;
- (ii) omit the second subparagraph;
- (b) in paragraph 2—
  - (i) in the first subparagraph—
    - (aa) in the words before point (a), for “Commission may adopt implementing acts extending” substitute “Secretary of State may, by regulations, extend”;
    - (bb) in point (a), for “Commission” substitute “Secretary of State”;
  - (ii) omit the second subparagraph.
- (21) In Article 30—
  - (a) in paragraph 1—
    - (i) in the first sentence—
      - (aa) for “Commission”, in both places it occurs, substitute “Secretary of State”;
      - (bb) for “it”, in the first place it occurs, substitute “the Secretary of State”;
      - (cc) for “Member State or third country applicant” substitute “applicant or the authorities of the third country”;
      - (dd) for “it”, in the second place it occurs, substitute “the applicant or the authorities, as applicable,”;
    - (ii) in the second sentence—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) for “it”, in the first place it occurs, substitute “the Secretary of State”;
      - (cc) for “it shall, by means of implementing acts,” substitute “the Secretary of State must”;
    - (iii) omit the last sentence;
  - (b) in paragraph 2—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) for the words from “it” to “47(2), to” substitute “the Secretary of State must”;
    - (iii) at the end insert “in the United Kingdom’s GIs Register”;
  - (c) in paragraph 3—
    - (i) in the words before point (a)—
      - (aa) for “Commission” substitute “Secretary of State”;
      - (bb) for “it” substitute “the Secretary of State”;
    - (ii) in point (a), for the words from “by” to “47(2),” substitute “in the United Kingdom’s GIs Register”;
    - (iii) in point (b), for the words from “adopt” to the end substitute “decide whether to register the name, and, if the Secretary of State then decides to do so, register the name in the United Kingdom’s GIs Register”;
    - (iv) for paragraph 4 substitute—
 

“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 informing the applicant and the public of the decision made in relation to the application, and
- (b) where the application is approved, a copy of the approved product specification.”;
- (d) after the substituted paragraph 4 insert—

“5. Any entry for a geographical indication added to the United Kingdom’s GIs Register by the Secretary of State pursuant to this Article grants the protection for the geographical indication referred to in Article 21 with that protection taking effect immediately after the expiry of the period of 20 days beginning with the day on which that entry is made.

6. An implementing act to which paragraph 7 applies is revoked.

7. This paragraph applies to an implementing act that was adopted by the European Commission under Article 30 of EU Regulation 2019/787 and incorporated into domestic law by section 3 of the EUWA.”.

(22) In Article 31—

- (a) in paragraph 2—
  - (i) in the words before point (a)—
    - (aa) for “two” substitute “three”;
    - (bb) at the end insert “and the geographical area the geographical indication affected by the amendment relates to”;
  - (ii) for point (a) substitute—
    - “(a) amendments that are not standard amendments (‘non-standard amendments’);”;
  - (iii) after the substituted point (a) insert—
    - “(aa) amendments that are standard amendments (other than standard amendments to be dealt with at third country level);”;
  - (iv) in point (b) omit “Member State or”;
- (b) in paragraph 3, in the words before point (a), for “Union” substitute “non-standard amendment”;
- (c) in paragraph 4—
  - (i) in the first sentence—
    - (aa) for “Union” substitute “Non-standard”;
    - (bb) for “Commission” substitute “Secretary of State”;
  - (ii) in the third sentence, for “Union” substitute “non-standard”;
- (d) after paragraph 4 insert—

“4a. Amendments that are standard amendments (other than standard amendments to be dealt with at third country level) must be approved by the Secretary of State. The approval procedure must follow, *mutatis mutandis*, the procedure laid down in Articles 24, 26 and 30. The opposition procedure in Article 27 does not apply.”;

- (e) in paragraph 5—
  - (i) omit the first sentence;
  - (ii) in the second sentence, for “As regards third countries, amendments” substitute “Standard amendments to be dealt with at third country level”;
- (f) after paragraph 6 insert—

“7. 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 informing the applicant and the public of the decision made in relation to the application, and
- (b) where the application is approved, a copy of the amended product specification.



8. Any amendment made to the United Kingdom’s GIs Register by the Secretary of State pursuant to this Article takes effect immediately after the expiry of the period of 20 days beginning with the day on which that amendment is made.

9. An implementing act to which paragraph 10 applies is revoked.

10. This paragraph applies to an implementing act relating to the amendment of a product specification that was adopted by the European Commission pursuant to Article 31 of EU Regulation 2019/787 and incorporated into domestic law by section 3 of the EUWA.”.

(23) In Article 32—

- (a) in paragraph 1, in the first subparagraph, in the words before point (a)—
  - (i) for “Commission may, on its” substitute “Secretary of State may, on the Secretary of State’s”;
  - (ii) omit “adopt implementing acts to”;
- (b) in paragraph 2—
  - (i) for “Commission” substitute “Secretary of State”;
  - (ii) for “adopt implementing acts cancelling” substitute “cancel”;
- (c) in paragraph 3—
  - (i) for the words from “adopting” to “unless” substitute “taking a decision to cancel a geographical indication, the Secretary of State must consult the original applicant. In the case of a geographical indication relating to an area in a third country, the Secretary of State must, where possible, consult the third country applicant who originally applied for the registration of the geographical indication or, where this is not possible, the authorities of the relevant third country. The provisions of this paragraph do not apply if”;
  - (ii) for “those original applicants” substitute “the original applicant”;
- (d) omit paragraph 4;
- (e) insert as paragraphs 5 to 7—

“5. The removal of a geographical indication from the United Kingdom’s GIs Register by the Secretary of State pursuant to a decision to cancel the registration taken under this Article takes effect immediately after the expiry of the period of 20 days beginning with the day on which the entry is removed.

6. An implementing act to which paragraph 7 applies is revoked.

7. This paragraph applies to an implementing act that was adopted by the European Commission under Article 32 of EU Regulation 2019/787 and incorporated into domestic law by section 3 of the EUWA.”.

(24) In Article 33—

- (a) in paragraph 1, for the words from “Commission” to “establishing” substitute “Secretary of State must establish and maintain”;
- (b) after paragraph 1 insert—
  - “1a. In relation to each geographical indication added to the register, the register must at least contain the following information:
    - (a) the registered name (or names) of the geographical indication,
    - (b) an indication of the country or countries of origin,
    - (c) where the geographical indication is added to the register pursuant to an application submitted to the Secretary of State under Article 24, the date on which the application was submitted to the Secretary of State, and
    - (d) the date on which the geographical indication is added to the register.”;

- (c) in paragraph 2—
  - (i) in the second subparagraph, for the words from “provide” to the end substitute “contain a copy of the single document and product specification for each geographical indication”;
  - (ii) for the third subparagraph substitute—
 

“For United Kingdom established geographical indications, the register, as established, must contain a copy of the technical file for the geographical indication as it stood immediately before exit day.”;
  - (iii) in the fourth subparagraph, for the words from “Commission” to “by” substitute “Secretary of State may make regulations”;

- (d) in paragraph 3—
  - (i) for “Union”, in both places it occurs, substitute “United Kingdom”;
  - (ii) at the end insert—
 

“Unless the Secretary of State, when making an entry, specifies a date in the register as the date the entry is to take effect, the entry is to be treated as taking effect:

    - (a) in a case where the entry is on the register as established by the Secretary of State on exit day, on exit day;
    - (b) in any other case, immediately the entry is made.”.

(25) In Article 35—

- (a) in paragraph 1, in the second subparagraph—
  - (i) in point (a), for “Union” substitute “United Kingdom”;
  - (ii) for point (b) substitute—
 

“(b) any relevant retained EU law or relevant enactment.”;
- (b) after paragraph 3 insert—
 

“4. In this Article, ‘enactment’:

  - (a) includes an enactment of the type specified in paragraphs (a) to (f) of the definition of ‘enactment’ in section 20(1) of the EUWA;
  - (b) but does not include an enactment of the type specified in paragraph (g) of the definition of ‘enactment’ in section 20(1) of the EUWA.”.

(26) In Article 37—

- (a) renumber the existing paragraph as paragraph 1;
- (b) in paragraph 1 (as renumbered)—
  - (i) in the first sentence, for the words from the beginning to “that Regulation” substitute “United Kingdom established geographical indications”;
  - (ii) in the second sentence—
    - (aa) for “Commission” substitute “Secretary of State”;
    - (bb) at the end insert “and the registration takes effect on and from exit day”;
- (c) after paragraph 1 (as renumbered) insert—
 

“2. The product specification relating to the geographical indication ‘Somerset Cider Brandy’ is deemed to include a requirement that the use of that geographical indication must be accompanied by the sales denomination ‘cider spirit’. When adding the entry relating to Somerset Cider Brandy to the register, the Secretary of State must include a note on the register to this effect.”.

(27) In Article 38—

- (a) in paragraph 1, for “Member States” substitute “The Secretary of State”;
- (b) in paragraph 2—

- (i) in the first subparagraph—
    - (aa) in the words before point (a), for “Union” substitute “United Kingdom”;
    - (bb) for point (a) and the “or” following it substitute—
  - “(a) the Commissioners for Her Majesty’s Revenue and Customs(a); or”;
  - (ii) in the second subparagraph, for “a Member State applies Article 24(2)” substitute “Article 24(2) applies”;
  - (iii) omit the third subparagraph;
  - (c) for paragraph 4 substitute—
- “4. The Secretary of State must:
- (a) publish, in such manner as appears appropriate to the Secretary of State, the names and addresses of the competent authorities and bodies referred to in paragraphs 2 and 3, and
  - (b) update that information in such manner as appears appropriate to the Secretary of State from time to time.”.

(28) Omit Article 39.

(29) In Article 40(2), for “Member States” substitute “The Secretary of State”.

(30) In Article 41—

- (a) for the heading substitute—

*“Article 41*

**Power to make supplementary provisions by regulations”;**

- (b) in paragraph 1—
  - (i) in the words before point (a), for the words from “Commission” to “46” substitute “Secretary of State may make regulations”;
  - (ii) in point (b)—
    - (aa) omit the words from the beginning to “24.”;
    - (bb) for “Commission” substitute “Secretary of State”;
- (c) in paragraph 2—
  - (i) for the words from “Commission” to “46” substitute “Secretary of State may make regulations”;
  - (ii) for “Union” substitute “non-standard”.

(31) In Article 42—

- (a) for the heading substitute—

*“Article 42*

**Power to make detailed rules by regulations”;**

- (b) in paragraph 1—
  - (i) in the words before point (a), for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
  - (ii) in point (c), for “Union” substitute “non-standard”;
  - (iii) in point (e) omit “by the Member States”;
- (c) in paragraph 2, for the words from “Commission” to “acts” substitute “The Secretary of State may make regulations”;
- (d) omit paragraph 3.

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(a) The Commissioners for Her Majesty’s Revenue and Customs are designated by regulation 5 of the Spirit Drinks Regulations 2008 (S.I. 2019/3206 as amended by S.I. 2019/ ) as the authority responsible for carrying out the verification of products to which Article 38(2) of Regulation (EU) 2019/787 of the European Parliament and of the Council applies.

(32) After Chapter 3 insert the new Chapter 4 in Part 1 of Schedule 4.

(33) For Article 46 substitute—

*“Article 46*

**Regulations**

1. Regulations made under this Regulation are to be made by statutory instrument and are subject to annulment in pursuance of a resolution of either House of Parliament.

2. Such regulations may:

- (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.

3. In this Article, ‘enactments’ means:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act,
- (b) an enactment contained in an instrument made under an Act of the Scottish Parliament,
- (c) an enactment contained in an instrument made under a Measure or Act of the National Assembly for Wales,
- (d) an enactment contained in an instrument made under Northern Ireland legislation, and
- (e) retained direct minor EU legislation.”.

(34) Omit Article 47.

(35) In Article 50—

- (a) omit paragraph 4;
- (b) for paragraph 6 substitute—

“6. For the purpose of this Regulation, the technical files for United Kingdom established geographical indications are deemed to be product specifications for the purposes of this Regulation and, unless and until they are amended following an application made under Article 31, have effect, on and from exit day, as they stood immediately before exit day.”.

(36) Insert as Annex 2 the new Annex 2 in Part 2 of Schedule 4.

At 2.20 p.m. on 14th October 2019

*Zac Goldsmith*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

## SCHEDULE 1

Regulation 3

### The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015: new regulation 4A

**“Transitional provision: withdrawal from the EEA and the EU**

**4A.**—(1) The following waters are accredited, that is to say treated for the purposes of these Regulations as if they were natural mineral waters recognised by the Agency under regulation 4(2)(d)(i)—

- (a) established EU recognised natural mineral waters;

- (b) established Icelandic recognised natural mineral waters;
- (c) established Norwegian recognised natural mineral waters.

(2) The accreditation in paragraph (1) continues to have effect in relation to a natural mineral water to which subparagraph (a), (b) or (c) of that paragraph applies unless a notification is given under paragraph (3), (4) or (5) respectively, in which case the accreditation ceases on the relevant accreditation cessation date.

(3) In the case of an established EU recognised natural mineral water, if the Department of Health is of the opinion that there is at least one established recognised UK natural mineral water that is not treated by the responsible authority in at least one member State as a recognised mineral water for the purposes of Directive 2009/54/EC<sup>(a)</sup>, the Department of Health may notify the European Commission that the accreditation provided for in paragraph (1)(a) in relation to established EU recognised natural mineral waters is to cease on a date specified in that notification.

(4) In the case of an established Icelandic recognised natural mineral water, if the Department of Health is of the opinion that there is at least one established recognised UK natural mineral water that is not treated as a recognised mineral water in Iceland for the purposes of Directive 2009/54/EC, the Department of Health may notify the Icelandic Food and Veterinary Authority that the accreditation provided for in paragraph (1)(b) in relation to established Icelandic recognised natural mineral waters is to cease on a date specified in that notification.

(5) In the case of an established Norwegian recognised natural mineral water, if the Department of Health is of the opinion that there is at least one established recognised UK natural mineral water that is not treated in Norway as a recognised mineral water for the purposes of Directive 2009/54/EC, the Department of Health may notify the Norwegian Food Safety Authority that the accreditation provided for in paragraph (1)(c) in relation to established Norwegian recognised natural mineral waters is to cease on a date specified in that notification.

(6) No notification may be given under paragraph (3), (4) or (5) before the end of the period of six months beginning on the day on which exit day falls.

(7) The accreditation cessation date specified in a notification given under paragraph (3), (4) or (5) must be a date that is at least six months after the date on which the notification is given, beginning with the day after the day on which that notification is given.

(8) The Department of Health must publish a copy of any notification given under paragraph (3), (4) or (5) in such manner as appears appropriate to the Department of Health in order to bring its effect to the notice of those that the Department of Health considers likely to be, or representative of those likely to be, affected in Northern Ireland as soon as is reasonably practicable.

(9) The Department of Health must from time to time publish, in such manner as appears appropriate to the Department of Health, a list of the names of the established EU, Icelandic and Norwegian recognised natural mineral waters that are treated as accredited natural mineral waters under paragraph (1) (“the paragraph 9 list”).

(10) Where a notification is given under paragraph (3), (4) or (5), the Department of Health must update the paragraph 9 list as soon as reasonably practicable after the accreditation cessation date specified in the notification.

(11) The paragraph 9 list is to be treated as conclusive evidence that the waters are accredited natural mineral waters for the purposes of these Regulations.

(12) In this regulation—

“accreditation cessation date” means the cessation date as notified by the Department of Health under paragraph (3), (4) or (5);

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(a) OJ No L 164, 26.6.2009, p. 45.

“Directive 2009/54/EC” means Directive 2009/54/EC as incorporated into the EEA Agreement, and as it had effect, immediately before exit day;

“established EU recognised natural mineral water” means—

- (a) a natural mineral water extracted from the ground in any member State—
  - (i) that immediately before exit day had the status of a recognised natural mineral water for the purposes of Directive 2009/54/EC, and
  - (ii) for which that recognition remains in force in the member State in which it was extracted from the ground;
- (b) a natural mineral water extracted from the ground in a third country—
  - (i) that immediately before exit day had the status of a recognised natural mineral water for the purposes of Directive 2009/54/EC, having been recognised by any member State as a natural mineral water for the purposes of Directive 2009/54/EC based on a certificate (“Article 1(2) certificate”) of the type referred to in the second subparagraph of Article 1(2) of Directive 2009/54/EC issued by the responsible authority in the country of extraction,
  - (ii) for which that recognition remains in force in any member State, and
  - (iii) for which the Article 1(2) certificate remains valid;

“established Icelandic recognised natural mineral water” means a natural mineral water extracted from the ground in Iceland—

- (a) that immediately before exit day had the status of a recognised natural mineral water for the purposes of Directive 2009/54/EC, and
- (b) for which that recognition remains in force in any member State;

“established Norwegian recognised natural mineral water” means a natural mineral water extracted from the ground in Norway—

- (a) that immediately before exit day had the status of a recognised natural mineral water for the purposes of Directive 2009/54/EC, and
- (b) for which that recognition remains in force in any member State;

“established recognised UK natural mineral water” means a natural mineral water extracted from the ground in the United Kingdom—

- (a) that immediately before exit day had the status of a recognised natural mineral water for the purposes of Directive 2009/54/EC by virtue of a recognition granted under any legislation made in any part of the United Kingdom implementing that Directive, and
- (b) for which the recognition granted under that legislation remains in force in any part of the United Kingdom (albeit not for the purposes of Directive 2009/54/EC);

“member State” means a member State of the EU as constituted immediately after exit day;

“third country” has the same meaning as in Directive 2009/54/EC.”

## SCHEDULE 2

Regulation 6

### Regulation (EC) No 110/2008 of the European Parliament and of the Council: new provisions

“Article 25

#### **Regulations: general**

1. Any power to make regulations under this Regulation is exercisable by:
  - (a) the Secretary of State in relation to England;

- (b) the Department of Agriculture, Environment and Rural Affairs in relation to Northern Ireland;
- (c) the Scottish Ministers in relation to Scotland;
- (d) the Welsh Ministers in relation to Wales.

2. But the power to make regulations may be exercised by the Secretary of State for the whole or part of the United Kingdom if consent is given by:

- (a) the Department of Agriculture, Environment and Rural Affairs for regulations applying in relation to Northern Ireland;
- (b) the Scottish Ministers for regulations applying in relation to Scotland;
- (c) the Welsh Ministers for regulations applying in relation to Wales.

3. Such regulations may:

- (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.

4. In this Article, 'enactments' means:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act,
- (b) an enactment contained in an instrument made under an Act of the Scottish Parliament,
- (c) an enactment contained in an instrument made under a Measure or Act of the National Assembly for Wales,
- (d) an enactment contained in an instrument made under Northern Ireland legislation, and
- (e) retained direct minor EU legislation.

#### *Article 25a*

#### **Regulations: the Secretary of State**

1. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.

2. Except as specified in paragraph 3, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

3. A statutory instrument containing regulations made by the Secretary of State under Article 26 that amend Annex 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

#### *Article 25b*

#### **Regulations: Northern Ireland**

1. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(a).

2. Except as specified in paragraph 3, regulations made by the Department of Agriculture, Environment and Rural Affairs are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(b) as if they were a statutory instrument within the meaning of that Act.

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(a) S.I. 1979/1573 (N.I. 12).

(b) 1954 c. 33 (N.I.); section 41(6) was amended by S.I. 1999/663.

3. Regulations made under Article 26 that amend Annex 2 may not be made by the Department of Agriculture, Environment and Rural Affairs unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

*Article 25c*

**Regulations: Scotland**

1. For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(a).

2. Except as specified in paragraph 3, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

3. Regulations made by the Scottish Ministers under Article 26 that amend Annex 2 are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

*Article 25d*

**Regulations: Wales**

1. Regulations made by the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. Subject to paragraph 3, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

3. A statutory instrument containing regulations made by the Welsh Ministers under Article 26 that amend Annex 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”

**SCHEDULE 3**

Regulation 13

**Commission Delegated Regulation (EU) 2019/33: new provisions**

**PART 1**

**Chapter 3: new Section 6**

**“SECTION 6**

***Appeals***

*Article 39a*

**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 Annex 8.

2. Such an appeal may be made:

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(a) 2010 asp 10.



- (a) in all cases, by a person specified in the corresponding entry in column 2 of the table in Annex 8;
  - (b) in the case of a decision affecting an application submitted by the authorities of a third country, 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 Annex 8.
5. The Secretary of State may consider a decision specified in column 1 of the table in Annex 8 afresh (“the original decision”) 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 the original decision was made.
6. Paragraph 5 applies even though an appeal has been made in respect of the original decision.
7. 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 person who made the appeal against the decision 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;
  - (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 person who made the appeal against the decision and the public of that decision.
8. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
9. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise.

*Article 39b*

**Appeals: applications to protect traditional terms**

1. Where an appeal is made to the FTT relating to a decision to recognise a traditional term and the Secretary of State has made an entry in the United Kingdom’s Traditional Terms Register registering the traditional term, the entry in the register is to be maintained but is in suspense and must be marked to indicate that it is in suspense.
2. The suspension provided for in paragraph 1 continues until the FTT has determined the appeal and:
- (a) the marking relating to the suspension of the entry is removed from the register by the Secretary of State in a case where the FTT dismisses the appeal;
  - (b) the entry relating to the traditional term is removed from the register by the Secretary of State in a case where the FTT determines that the decision must be quashed and

directs the Secretary of State to remove the entry relating to the traditional term from the register;

- (c) the marking relating to the suspension of the entry is removed from the register by the Secretary of State in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision and the Secretary of State, following such reconsideration, decides to approve the application and maintain the entry on the register relating to the traditional term;
- (d) the entry relating to the traditional term is removed from the register by the Secretary of State in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision and the Secretary of State, following such reconsideration, decides to reject the application relating to the geographical indication.

3. 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 applicant and the public of that fresh decision;
- (b) the provisions of this Section and Annex 8 apply to the fresh decision made by the Secretary of State.

4. After making a change to the United Kingdom's Traditional Terms Register of the type specified in points (a) to (d) of paragraph 2, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time a notice informing the applicant and the public of the action taken.

5. Where an appeal is made to the FTT relating to a decision to recognise a traditional term and the Secretary of State has not made an entry in the United Kingdom's Traditional Terms Register, the Secretary of State must not make an entry in the register until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.

#### *Article 39c*

#### **Appeals: applications to modify traditional terms**

1. Paragraph 2 applies where an appeal is made to the FTT relating to a decision of the Secretary of State to approve an application to modify a traditional term and the Secretary of State has not updated the entry in the United Kingdom's Traditional Terms Register relating to it pursuant to Article 27(2) of Implementing Regulation (EU) 2019/34.

2. Until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, the entry in the United Kingdom's Traditional Terms Register relating to the traditional term must be maintained without modification but the entry in the register must be marked to indicate that an appeal relating to the modification of the traditional term is pending.

3. Paragraph 4 applies where an appeal is made to the FTT relating to a decision of the Secretary of State to approve an application to modify a traditional term and the Secretary of State has updated the entry in the United Kingdom's Traditional Terms Register.

4. Until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, the previous entry in the United Kingdom's Traditional Terms Register is to be restored but the entry in the register must be marked to indicate that an appeal relating to the modification of the traditional term is pending.

5. Where an appeal is made to the FTT relating to a decision of the Secretary of State to reject an application to modify a traditional term, the existing entry in the United

Kingdom’s Traditional Terms Register is to be maintained until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, but the entry must be marked to indicate that an appeal relating to an application to modify the traditional term is pending.

*Article 39d*

**Appeals: applications to cancel the protection of a traditional term**

1. Where an appeal is made to the FTT relating to a decision of the Secretary of State to cancel the protection of a traditional term and the Secretary of State has not removed the entry from the United Kingdom’s Traditional Terms Register, the entry in the register is to be maintained but must be marked to indicate that an appeal relating to the cancellation of the entry is pending until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.

2. Where an appeal has been made to the FTT relating to a decision of the Secretary of State to cancel the protection of a traditional term and the Secretary of State has removed the entry in the United Kingdom’s Traditional Terms Register, the entry in the register is to be restored but must be marked to indicate that an appeal relating to the cancellation of the entry is pending until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.

3. Where an appeal has been made to the FTT relating to a decision of the Secretary of State not to cancel the protection of a traditional term, the entry in the United Kingdom’s Traditional Terms Register relating to the traditional term must be marked to indicate that an appeal relating to the cancellation of the entry is pending until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.”

**PART 2**

**New Annex 8**

**“ANNEX 8**

**Appeals**

<i>Column 1</i> Decision	<i>Column 2</i> Persons who may appeal against the decision	<i>Column 3</i> FTT powers
Decision of the Secretary of State to approve an application submitted under Article 21 of Implementing Regulation (EU) 2019/34 to protect a traditional term	The persons are: (a) a person who submitted an objection to the application to register the traditional term under Article 22 of Implementing Regulation (EU) 2019/34; (b) a person marketing a product that is, or may be, affected by the registration of the traditional term.	Power to: (a) quash the decision and (if appropriate) direct the Secretary of State to remove the entry relating to the traditional term from the United Kingdom’s Traditional Terms Register; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 21 of	The persons are: (a) the person who submitted the application to protect the	Power to: (a) quash the decision and direct the Secretary of State to

<i>Column 1</i> Decision	<i>Column 2</i> Persons who may appeal against the decision	<i>Column 3</i> FTT powers
Implementing Regulation (EU) 2019/34 to protect a traditional term	traditional term; (b) a person marketing a product that is, or may be, affected by the decision not to protect the traditional term.	add an entry relating to the traditional term on the United Kingdom's Traditional Terms Register; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to approve an application submitted under Article 34 to modify a traditional term	The persons are: (a) a person who submitted an objection to the application to register the traditional term under Article 22 of Implementing Regulation (EU) 2019/34 (as it applies to modification applications by virtue of the first paragraph of Article 27 of Implementing Regulation (EU) 2019/34); (b) a person marketing a product that is, or may be, affected by the modification of the traditional term.	Power to: (a) quash the decision and (if appropriate) direct the Secretary of State to restore the entry relating to the traditional term on the United Kingdom's Traditional Terms Register; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 34 to modify a traditional term	The persons are: (a) the person who submitted the application to modify the traditional term; (b) a person marketing a product that is, or may be, affected by the decision to reject the application to modify the traditional term.	Power to: (a) quash the decision and direct the Secretary of State to record the new specifications for the traditional term on the United Kingdom's Traditional Terms Register; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to approve an application submitted under Article 35 to cancel the protection of a traditional term	The persons are: (a) a person who submitted an objection in relation to the application to cancel the traditional term under the first subparagraph of Article 29(1) of Implementing Regulation (EU) 2019/34; (b) a person marketing a product that is, or may be, affected by the cancellation of the protection of the traditional term.	Power to: (a) quash the decision and (if appropriate) direct the Secretary of State to restore the entry relating to the traditional term on the United Kingdom's Traditional Terms Register, (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 35 to cancel the protection of a traditional term	The persons are: (a) the person who submitted the application to cancel the protection of the traditional term; (b) a person marketing a	Power to: (a) quash the decision and direct the Secretary of State to remove the entry relating to the traditional term from the United Kingdom's Traditional

<i>Column 1</i> Decision	<i>Column 2</i> Persons who may appeal against the decision	<i>Column 3</i> FTT powers
	product that is, or may be, affected by the maintenance of the protection of the traditional term.	Terms Register; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.”

## SCHEDULE 4

Regulation 15

### Regulation (EU) 2019/787 of the European Parliament and of the Council: new provisions

#### PART 1

#### New Chapter 4

#### “CHAPTER 4

### **GEOGRAPHICAL INDICATIONS: APPEALS**

#### *Article 43*

#### **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 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 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 Annex 2.
5. The Secretary of State may consider a decision specified in column 1 of the table in Annex 2 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.
6. Paragraph 5 applies even though an appeal has been made in respect of the original decision.
7. 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 person who made the appeal against the decision 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;
  - (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 person who made the appeal against the decision and the public of that decision.
8. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
9. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise.

*Article 43a*

**Appeals: applications to register geographical indications**

1. Where an appeal is made to the FTT relating to a decision to register a geographical indication and the Secretary of State has made an entry in the United Kingdom's GIs Register registering the geographical indication, the entry in the register is to be maintained but is in suspense, and must be marked to indicate that it is in suspense.
2. The suspension provided for in paragraph 1 continues until the FTT has determined the appeal and:
- (a) the marking relating to the suspension of the entry is removed from the register by the Secretary of State in a case where the FTT dismisses the appeal;
  - (b) the entry relating to the geographical indication is removed from the register by the Secretary of State in a case where the FTT determines that the decision must be quashed and directs the Secretary of State to remove the entry relating to the geographical indication from the register;
  - (c) the marking relating to the suspension of the entry is removed from the register by the Secretary of State in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision and the Secretary of State, following such reconsideration, decides to approve the application and maintain the entry on the register relating to the geographical indication;
  - (d) the entry relating to the geographical indication is removed from the register by the Secretary of State in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision and the Secretary of State, following such reconsideration, decides to reject the application relating to the geographical indication.
3. 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 applicant and the public of that fresh decision;
  - (b) the provisions of this Chapter and Annex 2 apply to the fresh decision made by the Secretary of State.
4. After making a change to the United Kingdom's GIs Register of the type specified in points (a) to (d) of paragraph 2, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time a notice informing the applicant and the public of the action taken.

5. Where an appeal is made to the FTT relating to a decision to register a geographical indication and the Secretary of State has not made an entry in the United Kingdom's GIs Register, the Secretary of State must not make an entry in the register until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.

*Article 43b*

**Appeals: applications to amend product specifications**

1. Paragraph 2 applies where an appeal is made to the FTT relating to a decision of the Secretary of State to approve an application to amend a product specification for a geographical indication and the Secretary of State has not replaced the copy of the product specification attached to the entry for the geographical indication in the United Kingdom's GIs Register with the approved amended product specification.

2. Until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, the copy of the product specification attached to the entry in the United Kingdom's GIs Register for the geographical indication applies without amendment but the entry in the register must be marked to indicate that an appeal relating to the amendment of the product specification is pending.

3. Paragraph 4 applies where an appeal is made to the FTT relating to a decision of the Secretary of State to approve an application to amend the product specification for a geographical indication and the Secretary of State has attached a copy of the amended product specification to the entry for the geographical indication in the United Kingdom's GIs Register.

4. Until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, the copy of the product specification in the United Kingdom's GIs Register is to be replaced with a copy of the previous version of the product specification but the entry in the register must be marked to indicate that an appeal relating to the amendment of the product specification is pending.

5. Where an appeal is made to the FTT relating to a decision of the Secretary of State to reject an application to amend a product specification for a geographical indication, the existing provisions of the product specification attached to the entry for the geographical indication in the United Kingdom's GIs Register apply until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, but the entry for the geographical indication must be marked to indicate that an appeal relating to an application to amend the product specification is pending.

*Article 43c*

**Appeals: applications to cancel geographical indications**

1. Where an appeal is made to the FTT relating to a decision of the Secretary of State to cancel the registration of a geographical indication and the Secretary of State has not removed the entry from the United Kingdom's GIs Register, the entry in the register is to be maintained but must be marked to indicate that an appeal relating to the cancellation of the entry is pending until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.

2. Where an appeal has been made to the FTT relating to a decision of the Secretary of State to cancel the protection of a geographical indication and the Secretary of State has removed the entry in the United Kingdom's GIs Register, the entry in the register is to be restored but must be marked to indicate that an appeal relating to the cancellation of the entry is pending until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.

3. Where an appeal has been made to the FTT relating to a decision of the Secretary of State not to cancel the registration of a geographical indication, the entry in the United Kingdom's GIs Register relating to the geographical indication must be marked to indicate

that an appeal relating to the cancellation of the entry is pending until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.”

## PART 2

### New Annex 2

#### “ANNEX 2

#### APPEALS

<i>Column 1</i> Decision	<i>Column 2</i> Persons who may appeal against the decision	<i>Column 3</i> FTT powers
Decision of the Secretary of State to approve an application submitted under Article 24 to register a geographical indication	The persons are: (a) a person who submitted a notice of opposition in relation to the application in accordance with Article 27(1); (b) a person marketing a product that is, or may be, affected by the registration of the geographical indication.	Power to: (a) quash the decision and (if appropriate) direct the Secretary of State to remove the entry relating to the geographical indication from the United Kingdom’s GIs Register; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 24 to register a geographical indication	The persons are: (a) the person who submitted the application to register the geographical indication; (b) a person marketing a product that is, or may be, affected by the decision not to register the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to add an entry relating to the geographical indication to the United Kingdom’s GIs Register; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to approve an application submitted under Article 31 to amend a product specification for a geographical indication	The persons are: (a) a person who submitted a notice of opposition in relation to the application in accordance with the procedure provided for in Article 27(1) (as it applies to an application to amend a product specification by virtue of Article 31(4)); (b) a person marketing a product that is, or may be, affected by the amendment of the product specification.	Power to: (a) quash the decision; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of	The persons are:	Power to:



<i>Column 1</i> Decision	<i>Column 2</i> Persons who may appeal against the decision	<i>Column 3</i> FTT powers
State to reject an application submitted under Article 31 to amend a product specification for a geographical indication	(a) the person who submitted the application to amend the product specification; (b) a person marketing a product that is, or may be, affected by the decision not to amend the product specification.	(a) quash the decision and direct the Secretary of State to replace the copy of the product specification attached to the United Kingdom's GIs Register with a copy of the amended product specification; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State under Article 32, on the Secretary of State's own initiative, to cancel the registration of a geographical indication	The persons are: (a) a person who submitted a notice of opposition in relation to the proposed decision to cancel the geographical indication under Article 27(1) (as it applies to the cancellation of a geographical indication by virtue of the second subparagraph of Article 32(1)); (b) a person marketing a product that is, or may be, affected by the cancellation of the geographical indication.	Power to: (a) quash the decision and (if appropriate) direct the Secretary of State to restore the entry for the geographical indication in the United Kingdom's GIs Register; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to approve a request submitted under Article 32 to cancel the registration of a geographical indication	The persons are: (a) a person who submitted a notice of opposition under Article 27(1) in relation to the request (as it applies to a request to cancel a geographical indication by virtue of the second subparagraph of Article 32(1)); (b) a person marketing a product that is, or may be, affected by the cancellation of the geographical indication.	Power to: (a) quash the decision and (if appropriate) direct the Secretary of State to restore the entry for the geographical indication in the United Kingdom's GIs Register; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject a request submitted under Article 32 to cancel the registration of a geographical indication	The persons are: (a) the person who submitted the request to cancel the geographical indication; (b) a person marketing a product that is, or may be, affected by the decision not to cancel the geographical indication.	Power to: (a) quash the decision and (if appropriate) direct the Secretary of State to remove the entry relating to the geographical indication from the United Kingdom's GIs Register; (b) remit the matter to the Secretary of State for reconsideration and fresh decision.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (c), (d) and (e)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to—

- (a) agricultural products and foodstuffs;
- (b) natural mineral water;
- (c) tribunal procedure rules concerning decisions relating to spirit drinks geographical indications and traditional terms for wines;
- (d) spirit drinks;
- (e) wine.

Part 2 and Schedule 1 amend domestic legislation relating to natural mineral water, tribunal procedure rules, spirit drinks and wine.

Part 3 and Schedules 2 to 4 amend retained direct EU legislation relating to agricultural products and foodstuffs, spirit drinks and wine.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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