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STATUTORY INSTRUMENTS

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**2020 No. 1637**

The Agricultural Products, Food and Drink  
(Amendment etc.) (EU Exit) Regulations 2020

PART 5

Amendment of retained direct EU legislation

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

**26.**—(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) After Article 1 insert the new Articles 1a and 1b in Part 1 of Schedule 8.
- (3) In Article 4(2) omit the words from “, taking” to the end.
- (4) In Article 5(1)(c) omit the words from “Member”, in the first place it occurs, to “third”.
- (5) Omit Articles 6 to 8.
- (6) In Article 9—
  - (a) in paragraph 1, in the first subparagraph, for “, 95 and 96” substitute “and 95”;
  - (b) in paragraph 2—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) for the words from “it” to “a third country” substitute “the Secretary of State must inform the applicant, or, in the case of a third country application, the applicant established in, or the authorities of, that country,”;
  - (c) in paragraph 3—
    - (i) for “Commission shall make public” substitute “Secretary of State must publish”;
    - (ii) for “it” substitute “the Secretary of State”;
    - (iii) for “Member State or third” substitute “relevant”;
    - (iv) at the end insert (as the second sentence)—

“The list may be published in such manner as appears appropriate to the Secretary of State from time to time.”.
- (7) In Article 10, for “Commission”, in each place it occurs, substitute “Secretary of State”.
- (8) 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 IP completion day, or made on or after IP completion day)”;
    - (ii) in the second subparagraph, for “the Union” substitute “Great Britain, except that, in relation to paragraph 1(c)(ii) so far as it relates to Article 101(1) of Regulation (EU) No 1308/2013, the objection must be assessed in relation to the territory of the United Kingdom”;
  - (b) in paragraph 2—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) for “it” substitute “the Secretary of State”.
- (9) 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”;
    - (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 “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”.
- (10) In Article 13—
- (a) in paragraph 1—
    - (i) in the first subparagraph—

- (aa) for “Commission may adopt implementing acts granting” substitute “Secretary of State may, by regulations, grant”;
- (bb) for “a Member State” substitute “the United Kingdom”;
- (ii) in the second subparagraph—
  - (aa) in the words before point (a) omit “Article 96(3) or”;
  - (bb) in point (b), after “market” insert “in Great Britain”;
- (b) in paragraph 2—
  - (i) in the words before point (a), for “Commission may adopt implementing acts extending” substitute “Secretary of State may, by regulations, extend”;
  - (ii) in point (a), for “Commission” substitute “Secretary of State”;
- (c) in paragraph 4, in the first subparagraph—
  - (i) for “a Member State may” substitute “the Secretary of State may use 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”;
- (d) 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.”.
- (11) In Article 14—
  - (a) number the second subparagraph of paragraph 1 as paragraph 1a;
  - (b) number the third subparagraph of paragraph 1 as paragraph 1b;
  - (c) number the final subparagraph of paragraph 1 as paragraph 1c;
  - (d) renumber paragraph 2 as paragraph 2d;
  - (e) in paragraph 1, in the first subparagraph—
    - (i) for the words from “at Union” to “and amendments” substitute “under Article 98 of Regulation (EU) No 1308/2013, as applied to applications for amendments by Article 15 (‘non-standard amendments’), and amendments that do not (‘standard amendments’). Standard amendments for a product specification for a protected designation of origin or protected geographical indications relating to an area in a third country are”;
    - (ii) omit “Member State or”;
    - (iii) after “level (“” insert “third country”;
  - (f) in paragraph 1a (as numbered by sub-paragraph (a)), in the words before point (a), for “Union” substitute “non-standard”;
  - (g) in paragraph 1b (as numbered by sub-paragraph (b)), for “Union” substitute “non-standard”;

(h) after paragraph 1c (as numbered by sub-paragraph (c)) insert—

“2. Standard amendments are classified into four sub-categories taking into account the geographical area of the designation of origin or geographical indication affected by the amendment and whether the amendments are temporary as follows:

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

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

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

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

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

(i) in paragraph 2d (as renumbered by sub-paragraph (d))—

- (i) for the words from the beginning to “1308/2013, a” substitute “A third country”;
- (ii) after “specification” insert “for a designation of origin or geographical indication relating to a geographical area in a third country”;
- (iii) after “authorities”, in both places it occurs, substitute “of the third country”.

(12) 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 2—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) for “it shall publish the application for a Union” substitute “the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time, the application for a non-standard”;
    - (iii) omit the words from “in the *Official*” to “series”;
    - (iv) for the second sentence substitute—

“The Secretary of State, taking into account any admissible objection that has been lodged, must decide whether to approve or reject the application.”;
  - (d) in paragraph 3, for “Union”, in each place it occurs, substitute “non-standard”;
  - (e) in paragraph 4, for “Commission” substitute “Secretary of State”.
- (13) 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” to “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,”.
- (14) In Article 17—
- (a) in paragraph 1—
    - (i) for the first subparagraph substitute—

“1. UK standard amendments must be approved by the Secretary of State and made public in such manner as appears appropriate to the Secretary of State from time to time.”;
    - (ii) in the second subparagraph—
      - (aa) after “of a”, in both places it occurs, insert “UK”;
      - (bb) for the words from “authorities” to “relates” substitute “Secretary of State”;
      - (cc) for “Member State”, in the second place it occurs, substitute “Secretary of State”;
    - (iii) in the third subparagraph after “for a” insert “UK”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) for “Member State” substitute “Secretary of State”;
      - (bb) for “it” substitute “the Secretary of State”;
      - (cc) for “and make public the” substitute “the UK”;
    - (ii) omit the second subparagraph;

- (c) after paragraph 2 insert—
- “2a. After making a decision in relation to an application for a UK standard amendment, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:
- (a) a notice:
- (i) informing the applicant, the original (protection) applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
- (ii) providing information about the right to appeal under Article 99a of Regulation (EU) No 1308/2013 against the decision and the period within which an appeal may be made, and
- (b) where the application is approved, a copy of the modified consolidated product specification and, where relevant, a copy of the modified consolidated single document.”;
- (d) in paragraph 3—
- (i) after “approving” insert “third country”;
- (ii) omit “concerning grapevine products originating in third countries”;
- (iii) for “Commission”, in both places it occurs, substitute “Secretary of State”;
- (e) in paragraph 4, after “communication of” insert “third country”;
- (f) in paragraph 5—
- (i) after “that the” insert “third country”;
- (ii) for “Commission” substitute “Secretary of State”;
- (iii) for the words from “the *Official*” to “series,” substitute “such manner as appears appropriate to the Secretary of State from time to time”;
- (iv) omit “Member State,”;
- (g) in paragraph 6—
- (i) after “that the” insert “third country”;
- (ii) for the words from “Commission” to “2019/34” substitute “Secretary of State must make public, in such manner as appears appropriate to the Secretary of State from time to time”;
- (iii) omit “Member State,”;
- (h) omit paragraph 7;
- (i) in paragraph 8—
- (i) in the first subparagraph—
- (aa) for “one Member State, the Member States 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”;
- (cc) omit the second sentence;
- (dd) for “Member State last” substitute “authority of the third country”;
- (ee) for “Commission” substitute “Secretary of State”;
- (ii) omit the second subparagraph;

- (j) 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 and a national decision in relation to part of an area in a third country is not taken or adopted by the authority of the third country, an application in respect of the amendment in relation to the geographical area as a whole may be submitted under the non-standard amendment procedure.”
- (15) In Article 18—
  - (a) for paragraph 1 substitute the new paragraphs 1 to 1n in Part 2 of Schedule 8;
  - (b) in paragraph 2—
    - (i) for “more than one Member State” substitute “areas in the United Kingdom and a third country, or areas in more than one third country”;
    - (ii) for “the Member States concerned” substitute “relation to the United Kingdom and the third country concerned, or in the respective third countries concerned,”;
    - (iii) omit the second sentence;
    - (iv) in the third sentence—
      - (aa) for “The Member State last” substitute “Paragraph 3 applies in relation to the communication of the decision of the authorities of the third country, or each third country,”;
      - (bb) omit the words from “shall communicate” to the end;
    - (v) omit the fourth sentence;
  - (c) in paragraph 3—
    - (i) at the beginning insert “Third country”;
    - (ii) omit “concerning grapevine products originating in third countries”;
    - (iii) for “Commission” substitute “Secretary of State”;
  - (d) in paragraph 4, after “communication of” insert “third country”;
  - (e) in paragraph 5—
    - (i) in the first sentence—
      - (aa) for “Commission shall make public such amendments” substitute “Secretary of State must,”;
      - (bb) omit “Member State,”;
      - (cc) at the end insert “publish a notice, in such manner as appears appropriate to the Secretary of State from time to time, providing the public with details of the third country temporary amendment and the period during which that temporary amendment is to apply”;
    - (ii) omit the second sentence.
- (16) 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”.
- (17) In Article 21(2)—
- (a) for “Commission” substitute “Secretary of State”;
  - (b) for “it” substitute “the Secretary of State”;
  - (c) omit “Member State or”.
- (18) In Article 22—
- (a) in the heading, for “Temporary labelling and presentation” substitute “Symbols”;
  - (b) omit the first paragraph;
  - (c) in the second paragraph omit “Union” in each place it occurs;
  - (d) omit the third paragraph.
- (19) In Article 24(1)(a) omit “Member State or third”.
- (20) In Article 25(1)—
- (a) omit “the Member States or”;
  - (b) after “in” insert “the United Kingdom or”.
- (21) In Article 26—
- (a) in paragraph 2 omit—
    - (i) “of the Member State concerned”;
    - (ii) “third”;
  - (b) after paragraph 2 insert—
 

“**2a.** In the case of an application concerning a term originating in Great Britain, a copy of an enactment need not be provided under paragraph 2 where the title of the enactment is given together with its year and chapter, serial or other identifying number.

**2b.** In the case of an application concerning a term originating in Northern Ireland, a copy of the following enactments need not be provided under paragraph 2 where the title of the relevant enactment is given together with its year and chapter, serial or other identifying number:

    - (a) an Act that extends to Northern Ireland, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under such an Act that extends to Northern Ireland;
    - (b) Northern Ireland legislation and an enactment contained in an instrument made under Northern Ireland legislation but not any legislation that forms part of the domestic law of Northern Ireland by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”;
  - (c) in paragraph 4, for the words from “authorities” to “question” substitute “applicant, in the case of an application concerning a term originating in the United Kingdom, or, in the case of an application concerning a term originating in a third country, the authorities of the third country or the applicant established in the third country in question,”;
  - (d) after paragraph 4 insert—
 

“**5.** In paragraph 2a, ‘enactment’ means the following legislation whenever passed or made:



- (a) an Act, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that they extend to Northern Ireland;
  - (b) retained direct EU legislation, except to the extent that it extends to Northern Ireland;
  - (c) an Act of the Scottish Parliament, and an enactment contained in an instrument made under an Act of the Scottish Parliament;
  - (d) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.”.
- (22) Article 27 is amended in accordance with paragraphs (23) to (25).
- (23) In paragraph 1—
- (a) in the first subparagraph—
    - (i) in point (b)—
      - (aa) in point (i) omit “Union or of the third”;
      - (bb) in point (ii) omit “Member State or third”;
    - (ii) in point (d), for “Member State’s legislation or” substitute “legislation of the relevant country or, in the case of an application concerning a term originating in a third country, is”;
  - (b) after the second subparagraph insert—

“In point (d), ‘legislation of the relevant country’, in relation to the United Kingdom, includes legislation that does not apply to all the constituent nations of the United Kingdom but only applies to one or more of them.”.
- (24) In paragraph 2(a) omit “Member State or third”.
- (25) In paragraph 3, for “Union” substitute “United Kingdom”.
- (26) In Article 28—
- (a) in the heading, for “**Commission**” substitute “**Secretary of State**”;
  - (b) in paragraphs 1 and 2, for “Commission” substitute “Secretary of State”;
  - (c) in paragraph 3—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) for the words from “it” to the end substitute “the Secretary of State must publish the application in such manner as appears appropriate to the Secretary of State from time to time”;
  - (d) in paragraph 4, for “Commission” substitute “Secretary of State”;
  - (e) in paragraph 5, for the words from “Commission” to the end substitute “Secretary of State must reject the application”;
  - (f) after paragraph 5 insert—

“**6.** After making a decision to reject an application under paragraph 5, the Secretary of State must publish a notice in such manner as appears appropriate to the Secretary of State from time to time:

    - (a) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
    - (b) providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made.

7. An implementing act to which paragraph 8 applies is revoked.

8. This paragraph applies to an implementing act adopted by the European Commission under Article 28 of EU Regulation 2019/33(1) and incorporated into domestic law by section 3(1) of the EUWA.”.

(27) In Article 29, for “Commission” substitute “Secretary of State”.

(28) In Article 30—

(a) in paragraph 1—

(i) in point (a) omit “Member State or”;

(ii) in point (b), for “Commission” substitute “Secretary of State”;

(b) in paragraph 2, for the words from “Member” to the end substitute “applicant, or, in the case of an application submitted by a third country authority, that authority”.

(29) In Article 31—

(a) in paragraph 1—

(i) in the first subparagraph—

(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) for “Commission”, in both places it occurs, substitute “Secretary of State”;

(ii) for “it” substitute “the 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:

(a) informing the applicant, any objector and the public of the decision made in relation to the application and the reasons for that decision, and

(b) providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made.”;

(e) in paragraph 4, in the first subparagraph, for “Commission”, in both places it occurs, substitute “Secretary of State”.

(30) In Article 32—

(a) in paragraph 1(a), for “Commission” substitute “Secretary of State”;

(b) in paragraph 3, in the first subparagraph—

(i) omit “where national legislation so provides,”;

(ii) for “Union” substitute “United Kingdom”;

(iii) for the words from “under Directive” to the end substitute “in, or under, the TMA”.

(31) After Article 32 insert the new Articles 32a and 32b in Part 3 of Schedule 8.

(32) In Article 34, after the second paragraph insert—

“An implementing act to which the fourth paragraph applies is revoked.

This paragraph applies to an implementing act:

- (a) concerning a decision of the European Commission relating to an application to modify a traditional term registered in the European Union at the time the application was submitted,
- (b) adopted by the European Commission pursuant to Article 34 of EU Regulation 2019/33 following the procedure referred to in the second paragraph of that Article, and
- (c) incorporated into domestic law by section 3(1) of the EUWA.”.

(33) In Article 35—

(a) in the first paragraph—

- (i) for the words from the beginning to “Commission” substitute “The Secretary of State”;
- (ii) omit “a Member State.”;
- (iii) for “adopt implementing acts cancelling” substitute “cancel”;

(b) after the second paragraph insert—

“An implementing act to which the fourth paragraph applies is revoked.

This paragraph applies to an implementing act adopted by the European Commission pursuant to Article 35 of EU Regulation 2019/33 following the procedure referred to in the second paragraph of that Article and incorporated into domestic law by section 3(1) of the EUWA.”.

(34) In Article 37—

(a) in paragraph 1, in the first subparagraph, in point (a), for “Commission by a Member State,” substitute “Secretary of State by”;

(b) in paragraph 2—

- (i) for “Commission” substitute “Secretary of State”;
- (ii) for “it” substitute “the Secretary of State”;

(c) in paragraph 3, for “Commission” substitute “Secretary of State”.

(35) In Article 38—

(a) in the heading, after “in” insert “**Northern Ireland and**”;

(b) in paragraph 1—

- (i) after “used in” insert “Northern Ireland or”;
- (ii) for “legislation of” substitute “legislation applying in Northern Ireland or”;

(c) in paragraph 2—

- (i) after “originating” insert “in Northern Ireland or”;
- (ii) for the words from “the electronic” to “2019/34,” substitute “Great Britain’s Traditional Terms Register”;
- (iii) after “applicable in” insert “Northern Ireland or”;
- (iv) for “including” substitute “as relevant, including, in the case of a third country,”.

(36) For Article 39 substitute—

*“Article 39**Established protected traditional terms*

The Secretary of State must enter the names of established protected traditional terms on Great Britain’s Traditional Terms Register. The entries are to be treated as taking effect on IP completion day.”.

(37) In Chapter 3, after Section 5 insert the new Section 6 in Part 4 of Schedule 8.

(38) In Article 42—

- (a) in paragraph 1, for “the Union” substitute “Great Britain, moved to Northern Ireland”;
- (b) in paragraph 2—
  - (i) for the words from “Subsection” to “1308/2013” substitute “the provisions of Regulation (EU) No 1308/2013 specified in paragraph 2a”;
  - (ii) for “exported, Member States may” substitute “moved to Northern Ireland or exported, the Secretary of State may, by administrative decision,”;
  - (iii) for “Union labelling and presentation rules in force” substitute “labelling and presentation rules in retained EU law”;
  - (iv) after “legislation” insert “that applies in Northern Ireland or”;
- (c) after paragraph 2 insert—

“**2a.** For the purpose of paragraph 2, the provisions of Regulation (EU) No 1308/2013 are:

- (a) Subsection 3 of Section 2 of Chapter 1 of Title 2 of Part 2;
- (b) the first paragraph of Article 118, except so far as it relates to the Food (Lot Marking) Regulations 1996 and Regulation (EU) No 1169/2011;
- (c) paragraph 1(b) of Article 119 (as read with paragraph 3 of that Article);
- (d) points (d), (e) and (g) of Article 120(1);
- (e) paragraph 1 of Article 121, as read with paragraph 3 of that Article, so far as it relates to:
  - (i) the compulsory particulars specified in paragraph 1(b) of Article 119 (as read with paragraph 3 of that Article);
  - (ii) the optional particulars specified in points (d), (e) and (g) of Article 120(1);
- (f) Article 121(2).

**2b.** By way of derogation from the provisions specified in paragraph 2c, where grapevine products are to be moved to Northern Ireland or exported, the appropriate authority may, by administrative decision, permit particulars and presentations which conflict with labelling and presentation rules in retained EU law if such particulars or presentations of the grapevine products are required by the legislation that applies in Northern Ireland or of the third country in question. These particulars may appear in languages other than English.

**2c.** For the purpose of paragraph 2b, the provisions of Regulation (EU) No 1308/2013 are:

- (a) the first paragraph of Article 118 so far as it relates to:
  - (i) the Food (Lot Marking) Regulations 1996, and
  - (ii) Regulation (EU) No 1169/2011;

- (b) paragraph 1(a) and (c) to (g) of Article 119 (as read with paragraphs 2 and 4 of that Article);
- (c) Article 120, except for points (d), (e) and (g) of paragraph 1;
- (d) paragraph 1 of Article 121, as read with paragraph 3 of that Article, so far as it relates to:
  - (i) paragraph 1(a) and (c) to (g) of Article 119 (as read with paragraphs 2 and 4 of that Article);
  - (ii) Article 120, except for points (d), (e) and (g) of paragraph 1.”;
- (d) in paragraph 3, for the words from “Member” to “force” substitute “the Secretary of State may use any power the Secretary of State may have to permit the use of presentations that conflict with presentation rules in force in retained EU law”;
- (e) after paragraph 3 insert—

“4. In this Article, ‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland.”.
- (39) In Article 50—
  - (a) in paragraph 1—
    - (i) in the words before point (a)—
      - (aa) for “the Union” substitute “Great Britain”;
      - (bb) after “produced in”, in the second place it occurs, insert “Northern Ireland or”;
    - (ii) in point (b)—
      - (aa) omit the first subparagraph;
      - (bb) in the second subparagraph, for the words from “Member” to “1308/2013,” substitute “wines produced in Great Britain,”;
    - (iii) in point (c)—
      - (aa) after “originating in” insert “Northern Ireland or”;
      - (bb) after “producers in” insert “Northern Ireland or”;
      - (cc) after “including” insert “, in the case of a third country,”;
      - (dd) after “and” insert “, in both cases,”;
  - (b) in paragraph 2, in the second subparagraph omit the words from “and the equivalent” to “languages”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, after “indication of” insert “Northern Ireland or”;
    - (ii) omit the second subparagraph.
- (40) In Article 51—
  - (a) number the first paragraph as paragraph 1;
  - (b) number the second paragraph as paragraph 2;
  - (c) number the third paragraph as paragraph 4;
  - (d) number the fourth paragraph as paragraph 5;
  - (e) in paragraph 1 (as numbered by sub-paragraph (a))—
    - (i) in the words before point (a), for the words from “Member” to “‘varietal wine’” substitute “nothing in this Regulation prevents regulations being made under the

1990 Act permitting the use of the term ‘varietal wine’ on grapevine products produced in Great Britain.”;

- (ii) in point (a), for “of the Member State(s) concerned” substitute “‘United Kingdom’”;
- (f) in paragraph 2 (as numbered by sub-paragraph (b)), for “the first paragraph” substitute “paragraph 1 produced in a third country”;
- (g) after paragraph 2 (as numbered by sub-paragraph (b)) insert—
  - “3. Nothing in this Regulation prevents a relevant NI grapevine product from being placed on the market in Great Britain using the term ‘varietal wine’ supplemented by the name ‘United Kingdom’ if the law that applies in Northern Ireland permits the use of the term ‘varietal wine’ in relation to that product when marketed in Northern Ireland.”;
- (h) in paragraph 4 (as numbered by sub-paragraph (c)), for the words from “of the name(s)” to the end substitute “, pursuant to this Article, of the name ‘England’, ‘Northern Ireland’, ‘Scotland’, ‘Wales’ or ‘United Kingdom’ or the name of a third country”;
- (i) in paragraph 5 (as numbered by sub-paragraph (d)), for the words from “the United” to “State” substitute “a grapevine product to which paragraph 1 applies, the name ‘United Kingdom’”;
- (j) after paragraph 5 (as numbered by sub-paragraph (d)) insert—

“6. In the case of a grapevine product to which paragraph 3 applies, the name ‘United Kingdom’ may be replaced by the name ‘Northern Ireland’.

7. In paragraph 3, ‘relevant NI grapevine product’ means a grapevine product:

- (a) of a type referred to in any of points (1) to (9) or (16) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013,
  - (b) that is produced in Northern Ireland from grapes harvested in the United Kingdom,
  - (c) that does not bear a protected designation of origin or protected geographical indication or any other geographical indication, and
  - (d) that bears the name of one or more wine grape varieties on its label.”.
- (41) In Article 52—

- (a) in paragraph 4, for the words from “the Member” to “the third” substitute “ rules in the”;
- (b) after paragraph 4 insert—

“5. For the purpose of paragraph 4, ‘rules’ includes:

- (a) in relation to a constituent nation of Great Britain, regulations made under the 1990 Act;
- (b) in relation to Northern Ireland, regulations made under the Food Safety (Northern Ireland) Order 1991(2).”.

(42) In Article 53—

- (a) in paragraph 2, in the first subparagraph—
  - (i) in the first sentence, after “indication of” insert “Northern Ireland or”;
  - (ii) in the second sentence omit “Member States and”;
  - (iii) after the second sentence insert—

“Nothing in this Regulation prevents the use of other indications equivalent to those laid down in Annex 5 for such grapevine products of Northern Ireland if those other

- indications may be used, in accordance with the law that applies in Northern Ireland, on those products when marketed in Northern Ireland.”;
- (b) in paragraph 3, in the words before point (a), after “indication of” insert “Northern Ireland or”;
- (c) in paragraph 4, in the words before point (a), after “indication of” insert “Northern Ireland or”;
- (d) in paragraph 5—
- (i) in the first subparagraph, in the words before point (a), after “indication of” insert “Northern Ireland or”;
- (ii) in the second subparagraph, after “indication of” insert “Northern Ireland or”.
- (43) In Article 54(2) omit the first sentence.
- (44) In Article 55—
- (a) in paragraph 1, after “indication of” insert “Northern Ireland or”;
- (b) in paragraph 2—
- (i) in the first subparagraph omit the second sentence;
- (ii) omit the third subparagraph.
- (45) In Article 57—
- (a) in paragraph 1—
- (i) in the first subparagraph, in the words before point (a), for “the Union” substitute “Great Britain”;
- (ii) in the second subparagraph, for “the Union” substitute “Great Britain”;
- (b) in paragraph 2, for “Member States may decide” substitute “regulations may be made under the 1990 Act to provide”.
- (46) In Article 58—
- (a) in the heading omit “**laid down by the producing Member States**”;
- (b) omit paragraph 1;
- (c) in paragraph 2, for “Member States may” substitute “Nothing in this Regulation prevents regulations from being made under the 1990 Act to”;
- (d) in paragraph 3—
- (i) for “Member States may decide” substitute “nothing in this Regulation prevents regulations from being made under the 1990 Act”;
- (ii) at the end insert “where those grapevine products do not bear a protected designation of origin or geographical indication”;
- (e) for paragraph 4 substitute—
- “4. Nothing in this Regulation prevents regulations from being made for control purposes under the 1990 Act to apply Articles 118, 119(1) (other than point (b)) and 120(1) (other than point (d)) of Regulation (EU) No 1308/2013 to a grapevine product that:
- (a) has been bottled on their territory,
- (b) does not bear a protected designation of origin or geographical indication, and
- (c) has not been placed on the market.”.
- (47) In Article 59—
- (a) for “Commission” substitute “Secretary of State”;

- (b) for “to 98 and Articles” substitute “, 95, 97, 98,”.
- (48) For Article 61 substitute the new Article 61 in Part 5 of Schedule 8.
- (49) After Article 62 omit the words from “This Regulation” to “States.”.
- (50) Before Annex 1 insert the new Annexes A1 and A2 in Part 6 of Schedule 8.
- (51) In Annex 1, for Part A substitute the new Part A in Part 7 of Schedule 8.
- (52) For Annexes 2 and 3 substitute the new Annexes 2 and 3 in Part 8 of Schedule 8.