
STATUTORY INSTRUMENTS

2020 No. 1637

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

PART 5

Amendment of retained direct EU legislation

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

28.—(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—
- (a) in point (5), for “Regulation (EC) No” substitute “ EU Regulation ”;
 - (b) in point (7), for “Union” substitute “ United Kingdom ”;
 - (c) after point (7) ^{M1} insert points (8) to (15) in Part 1 of Schedule 10.
- (3) In Article 16—
- (a) in the heading omit “**Union**”;
 - (b) in the paragraph 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 “the Union” substitute “ Great Britain ”;
 - (b) in paragraph 4, for “the customs territory of the Union” substitute “ Great Britain ”.
- (6) In Article 22—
- (a) in paragraph 1, in the second subparagraph omit the words from “, taking” to the end;
 - (b) in paragraph 2, for “Regulation (EC) No 110/2008” substitute “ EU Regulation 110/2008 ^{M2} as it had effect in Great Britain before that day ”.
- (7) In Article 23—
- (a) in paragraph 1, in the second subparagraph omit “the publication reference of the product specification and”;

- (b) omit paragraph 2.
- (8) Article 24 is amended in accordance with paragraphs (9) to (14).
- (9) In paragraph 2—
 - (a) for “a Member State may” substitute “ the Secretary of State may, on application to the Secretary of State, ”;
 - (b) omit “dossier”;
 - (c) for “23(2)” substitute “ 23 ”.
- (10) In paragraph 4—
 - (a) in the first subparagraph omit “Member States or third”;
 - (b) in the second subparagraph—
 - (i) in the first sentence—
 - (aa) for “Commission by a Member State concerned, or” substitute “ Secretary of State ”;
 - (bb) omit “in a third country concerned, directly”;
 - (cc) for “of that third country after consultation” substitute “ of a third country concerned, after consultation, in both cases, ”;
 - (ii) omit the second sentence;
 - (iii) in the last sentence, for “in all Member States and third” substitute “ , as relevant, in all the ”.
- (11) In paragraph 5—
 - (a) in the first subparagraph—
 - (i) for “a Member State” substitute “ the United Kingdom ”;
 - (ii) for “authorities of that Member State” substitute “ Secretary of State ”;
 - (b) omit the second subparagraph.
- (12) Omit paragraphs 6 and 7.
- (13) In paragraph 8, for “Commission” substitute “ Secretary of State ”.
- (14) In paragraph 9, for “Commission” substitute “ Secretary of State ”.
- (15) Omit Article 25.
- (16) In Article 26—
 - (a) in the heading, for “**Commission**” substitute “ **Secretary of State** ”;
 - (b) in paragraph 1—
 - (i) in the first subparagraph—
 - (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 “outside the Member State of application” substitute “ both inside and outside of Great Britain ”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “it” substitute “ the Secretary of State ”;
 - (cc) omit “Member State or third”;
 - (dd) after the second sentence insert—

“In a case of an application relating to an area in more than one country, the names of all the relevant countries must be stated on the list.”;

- (c) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for the words from “it” 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 from time to time ”.
- (17) 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 Great Britain or elsewhere), 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—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “authority or body” substitute “ applicant or authority ”;
 - (ii) in the second subparagraph—
 - (aa) for “authority or body” substitute “ applicant or authority ”;
 - (bb) for “Commission” substitute “ Secretary of State ”;
 - (iii) in the third subparagraph—
 - (aa) for “authorities of the Member State or” substitute “ applicant 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 ”.
- (18) In Article 28—
- (a) in paragraph 1, in the words before point (a), for “Commission” substitute “ Secretary of State ”;

- (b) in paragraph 2, for “the Union” substitute “ Great Britain, except that, in relation to paragraph 1(b) as it relates to Article 35(1), the opposition must be assessed in relation to the territory of the United Kingdom ”.
- (19) 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 Great Britain ”;
- (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.
- (20) 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 Great Britain'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 Great Britain'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 decides to do so, register the name in Great Britain's GIs Register ”;
- (d) after paragraph 4 insert—

“5. 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:
 - (i) informing the applicant 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 43 against the decision and the period within which an appeal may be made, and
- (b) where the application is approved, a copy of the approved product specification.

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

7. This paragraph applies to an implementing act adopted by the European Commission under Article 30 of EU Regulation 2019/787 ^{M3} and incorporated into domestic law by section 3(1) of the EUWA.”.

(21) In Article 31—

- (a) in paragraph 3, number the third subparagraph as paragraph 8;
- (b) renumber paragraph 4 as paragraph 9;
- (c) renumber paragraph 5 as paragraph 11;
- (d) renumber paragraph 6 as paragraph 12;
- (e) in paragraph 2—
 - (i) in point (a)—
 - (aa) for “Union”, in the first place it occurs, substitute “ non-standard ”;
 - (bb) for “at Union level” substitute “ under Article 27, as applied to applications for non-standard amendments by paragraph 9 ”;
 - (ii) in point (b)—
 - (aa) after “amendments” insert “ . Standard amendments to a product specification for a geographical indication relating to an area in a third country are ”;
 - (bb) omit “Member State or”;
- (f) in paragraph 3, in the words before point (a), for “Union” substitute “ non-standard ”;
- (g) after the second subparagraph of paragraph 3 insert—

“4. Standard amendments are classified into four sub-categories taking into account the geographical area of the geographical indication affected by the amendment, the reason

for the amendments and whether the amendments are being applied for on a temporary basis, as follows:

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

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

6. A UK temporary amendment is a standard amendment concerning a temporary change in a product specification for a geographical indication relating to a geographical area in the United Kingdom:

- (a) resulting from the imposition of obligatory sanitary and 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.

7. A third country standard amendment is a standard amendment of a product specification for a geographical indication relating to a geographical area in a third country.”;

- (h) in paragraph 8 (as numbered by sub-paragraph (a))—
 - (i) after “A” insert “ third country ”;
 - (ii) after “considered a” insert “ third country ”;
 - (iii) after “authorities”, in both places it occurs, insert “ of the third country concerned ”;
- (i) in paragraph 9 (as renumbered by sub-paragraph (b))—
 - (i) for “Union”, in the first place it occurs, substitute “ Non-standard ”;
 - (ii) for “Commission” substitute “ Secretary of State ”;
 - (iii) for “Union”, in the second place it occurs, substitute “ non-standard ”;

(j) after paragraph 9 (as renumbered by sub-paragraph (b)) insert—

“**10.** A UK standard amendment and a UK temporary amendment must be approved by the Secretary of State.”;

(k) in paragraph 11 (as renumbered by sub-paragraph (c))—

(i) omit the first sentence;

(ii) in the second sentence, for “As regards third countries,” substitute “ Third country standard amendments and third country temporary ”;

(l) after paragraph 12 (as renumbered by sub-paragraph (d)) insert—

“**13.** An implementing act to which paragraph 14 applies is revoked.

14. This paragraph applies to an implementing act:

(a) concerning a decision of the European Commission relating to an application to amend a product specification for a geographical indication protected in the European Union at the time the application was submitted,

(b) adopted by the European Commission pursuant to Article 31 of EU Regulation 2019/787 following the procedure referred to in paragraph 4 of that Article, and

(c) incorporated into domestic law by section 3(1) of the EUWA.”.

(22) 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 at the end as paragraphs 5 to 7—

“**5.** An implementing act to which paragraph 6 applies is revoked.

6. This paragraph applies to an implementing act adopted by the European Commission under Article 32 of EU Regulation 2019/787 and incorporated into domestic law by section 3(1) of the EUWA.

7. In this Article, in relation to a geographical indication to which paragraph 1 or 2 applies, ‘the original applicant’ means the person who submitted the application to the Secretary of State under Article 24 that resulted in the Secretary of State making the decision to register the geographical indication under this Regulation.”.

(23) In Article 33—

- (a) in paragraph 1, for the words from “Commission” to “establishing” substitute “ Secretary of State must establish and maintain ”;
- (b) 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) in the fourth subparagraph, for the words from “Commission” to “by” substitute “ Secretary of State may make regulations ”;
- (c) in paragraph 3—
 - (i) for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
 - (ii) for “Union”, in the second place it occurs, substitute “ United Kingdom ”;
 - (iii) at the end insert—
 - “The entry in the register is to be treated as taking effect:
 - (a) in a case where the register is established by the Secretary of State after IP completion day but before the end of the day following the day on which IP completion day falls and the entry is in the register as established during that period, on IP completion day;
 - (b) in any other case, immediately the entry is entered in the register.”.

(24) In Article 35—

- (a) in paragraph 1, in the second subparagraph—
 - (i) in point (a), for “the Union” substitute “ Great Britain ”;
 - (ii) in point (b) omit “Union or national”;
- (b) after paragraph 3 insert—

“4. In this Article, ‘the relevant legislation’ 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;
- (b) retained direct EU legislation;
- (c) Northern Ireland legislation, an enactment contained in an instrument made under Northern Ireland legislation, and, so far as it applies to Northern Ireland, anything that forms part of domestic law by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;

- (d) an Act of the Scottish Parliament and an enactment contained in an instrument made under an Act of the Scottish Parliament;
 - (e) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.”.
- (25) In Article 36(2)—
- (a) omit the words from “if” to “concerned,”;
 - (b) for “Union” substitute “ United Kingdom ”;
 - (c) for “Commission” substitute “ Secretary of State ”;
 - (d) for the words from “under” to the end substitute “ in, or under, the Trade Marks Act 1994 ”.
- (26) In Article 37—
- (a) in the heading, for “**Existing registered**” substitute “ **Established** ”;
 - (b) in the first sentence, for the words from the beginning to “that Regulation” substitute “ Established geographical indications ”;
 - (c) in the second sentence—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) at the end insert “ and the registration takes effect on IP completion day ”.
- (27) Article 38 is amended in accordance with paragraphs (28) to (34).
- (28) In paragraph 1—
- (a) for “Member States” substitute “ The Secretary of State ”;
 - (b) after “drinks” insert “ in Great Britain ”.
- (29) In paragraph 2—
- (a) in the first subparagraph—
 - (i) in the words before point (a), for “the Union” substitute “ Great Britain ”;
 - (ii) for point (a) and the “or” following it substitute—
 - “(a) the authority designated for that purpose by regulation 5 of the Spirit Drinks Regulations 2008 ^{M4} as that regulation extends to Great Britain; or”;
 - (iii) in point (b)—
 - (aa) for “control” substitute “ delegated ”;
 - (bb) for “(EC) No 882/2004” substitute “ (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ”;
 - (b) in the second subparagraph, for “a Member State applies Article 24(2)” substitute “ Article 24(2) applies ”;
 - (c) omit the third subparagraph.
- (30) After paragraph 2 insert—

“**2a.** But, to the extent specified in paragraph 2b, paragraph 2 does not apply where the authority referred to in paragraph 2(a) or a delegated body referred to in paragraph 2(b) has previously verified that the relevant spirit drink complies with the specifications in a corresponding EU product specification for a corresponding EU geographical indication in connection with the placing of the relevant spirit drink on the market in Northern Ireland.

2b. Paragraph 2a applies to the extent that the specifications in the corresponding EU product specification for the corresponding EU geographical indication are the same as the specifications in the GB product specification for the registered geographical indication.”.

(31) In paragraph 3—

- (a) in the words before point (a), after “within” insert “ Northern Ireland or ”;
- (b) after the words before point (a) insert as point (aa)—

“(aa) in relation to a product produced in Northern Ireland, the authority designated for that purpose by regulation 5 of the Spirit Drinks Regulations 2008 ^{M5} as that regulation extends to Northern Ireland;”;

- (c) in point (a), at the beginning insert “ in relation to a product produced in a third country, ”;
- (d) in point (b), at the beginning insert “ in relation to a product produced in Northern Ireland or a third country, ”.

(32) 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.”.

(33) In paragraph 5—

- (a) for “control” substitute “ delegated ”;
- (b) omit the words from “or” to the end.

(34) After paragraph 6 insert—

“7. In relation to a relevant spirit drink that is to be placed on the market in Great Britain—

- (a) ‘a corresponding EU geographical indication’ means a geographical indication which is protected in the European Union under EU Regulation 2019/787 and that corresponds to the registered geographical indication;
- (b) ‘a corresponding EU product specification’ means—
 - (i) a product specification for a corresponding EU geographical indication, as that product specification stands at the time when, but for paragraph 2a, the authority or a delegated body referred to in paragraph 2 would otherwise be obliged, under paragraph 2, to verify that the relevant spirit drink complies with the specifications in the GB product specification for the registered geographical indication, or
 - (ii) a technical file for a corresponding EU geographical indication that is deemed to be a product specification under Article 22 of EU Regulation 2019/787 by virtue of Article 22(2) of that Regulation as that product specification stands at the time when, but for paragraph 2a, the authority or a delegated body referred to in paragraph 2 would otherwise be obliged, under paragraph 2, to verify that the relevant spirit drink complies with the specifications in the GB product specification for the registered geographical indication;

- (c) ‘the GB product specification’ means the product specification referred to in Article 22(1) for the registered geographical indication and includes a technical file for a registered geographical indication that is deemed to be a product specification under that Article by virtue of Article 22(2).”.
- (35) In Article 39—
- (a) in paragraph 1—
- (i) for “Member States shall carry out checks” substitute “ Checks must be carried out ”;
- (ii) omit “shall take”;
- (iii) after “measures” insert “ must be taken ”;
- (b) in paragraph 2—
- (i) in the first subparagraph—
- (aa) omit “Member States shall take”;
- (bb) after “steps” insert “ must be taken ”;
- (cc) for “their territory” substitute “ Great Britain ”;
- (ii) in the second subparagraph—
- (aa) for “Member States shall designate the authorities that” substitute “ the authorities designated in regulation 6 of the Spirit Drinks Regulations 2008 in relation to this Article, as that regulation extends to Great Britain, ”;
- (bb) omit the words from “, in” to the end;
- (c) in paragraph 3—
- (i) omit the first sentence;
- (ii) in the second sentence—
- (aa) for “Commission” substitute “ Secretary of State ”;
- (bb) at the end insert “ in such manner as appears appropriate to the Secretary of State from time to time ”.
- (36) In Article 40—
- (a) in paragraph 1, for “(EC) No 882/2004” substitute “ (EU) 2017/625 ”;
- (b) in paragraph 2—
- (i) for “Member States” substitute “ The Secretary of State ”;
- (ii) for “41 to 43 of Regulation (EC) No 882/2004” substitute “ 109(1), 110(2) and 111(2) of Regulation (EU) 2017/625 ”;
- (c) in paragraph 3, for “44(1) of Regulation (EC) No 882/2004” substitute “ Article 113(1) of Regulation (EU) 2017/625 ”.
- (37) 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 “the Union” substitute “ non-standard ”.
- (38) 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)—
 - (aa) for “Union amendments” substitute “ non-standard, UK standard and UK temporary amendments as referred to in Article 31(3), (5) and (6) respectively, ”;
 - (bb) for “standard and” substitute “ third country standard and third country ”;
 - (cc) for “31(4) and (5)” substitute “ 31(7) and (8) ”;
 - (iii) in point (e) omit “by the Member States”;
 - (c) in paragraph 2, for the words from “Commission” to “acts” substitute “ Secretary of State may make regulations ”;
 - (d) omit paragraph 3.
- (39) After Chapter 3 insert the new Chapter 4 in Part 2 of Schedule 10.
- (40) For Article 46 substitute—

*“Article 46
Regulations*

[^{F1}1. Regulations made under this Regulation are to be made by statutory instrument.

1A. A statutory instrument containing regulations under Article 36d(4) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

1B. Any other statutory instrument containing regulations made under this Regulation is 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 an enactment);
- (b) make different provision for different purposes.

3. In this Article, ‘enactment’ means:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that the enactment extends to Northern Ireland;
 - (b) regulations made under retained direct principal EU legislation, except to the extent that they extend to Northern Ireland;
 - (c) retained direct minor EU legislation, except to the extent that it extends to Northern Ireland.”.
- (41) Omit Article 47.
- (42) In Article 49—
- (a) omit paragraphs 1 and 2;
 - (b) in paragraph 3—
 - (i) after “shall” insert “, so far as they relate to matters previously covered by Chapter 3 of Regulation (EC) No 110/2008 as it had effect in EU law before it was repealed by Article 49 of EU Regulation 2019/787, ”;
 - (ii) for “correlation table” substitute “ entries in the correlation table relating to that Chapter ”.
- (43) In Article 50—
- (a) omit paragraph 1;
 - (b) omit paragraph 4;
 - (c) in paragraph 6—
 - (i) in the first sentence, for the words from “geographical” to the end substitute “ an established geographical indication originally registered in accordance with EU Regulation 110/2008 the Secretary of State must, at the request of any natural or legal person having a legitimate interest, or, in the case of an established geographical indication relating to an area in a third country, via the authorities of the third country, publish a single document relating to the geographical indication submitted by that applicant or authority ”;
 - (ii) in the second sentence—
 - (aa) for “the publication reference” substitute “ a copy ”;
 - (bb) after “and” insert “ , unless the Secretary of State decides otherwise, ”.
- (44) After Annex 1 insert the new Annex 2 in Part 3 of Schedule 10.

Textual Amendments

- F1** Words in [reg. 28\(40\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), [regs. 1\(2\)\(b\)](#), [16\(6\)](#)

Commencement Information

- II** Reg. 28 in force at 31.12.2020, see [reg. 1\(7\)](#)

Marginal Citations

- M1** 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 stands immediately before IP completion day, do not form part of domestic law because those points were not operative immediately before IP completion day so are not provisions of EU law to which section 3 of the [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#) applies.

- M2** 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).
- M3** OJ No. L 130, 17.5.2019, p. 1.
- M4** The Commissioners for Her Majesty's Revenue and Customs are designated as the authority responsible for the purpose of verifying compliance with product specifications pursuant to Article 38 of EUR 2019/787 in relation to products produced in Great Britain by regulation 5 of the Spirit Drinks Regulations 2008 as that regulation extends to Great Britain ([S.I. 2018/3206](#) as amended by [S.I. 2019/1289](#) and regulation 10 of this instrument).
- M5** The Commissioners for Her Majesty's Revenue and Customs are designated as the authority responsible for the purpose of verifying compliance with product specifications pursuant to Article 38 of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1) in relation to products produced in Northern Ireland by regulation 5 of the Spirit Drinks Regulations 2008 as that regulation extends to Northern Ireland ([S.I. 2018/3206](#) as amended by [S.I. 2019/1289](#) and regulation 13 of this instrument).

Changes to legislation:

There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, Section 28.