SCHEDULE 10

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

PART 3

New Annex 2

Commencement Information

Sch. 10 Pt. 3 in force at 31.12.2020, see reg. 1(7)

"ANNEX 2

APPEALS

PART 1

Interpretation

In the table in Part 2, 'a valid notice of opposition' means a notice of opposition that contains the declaration required by the second subparagraph of Article 27(1).

PART 2

Appellants and powers of the FTT on appeal

Decision of the Secretary of The persons are: State to approve an application (a) a person who submits a valid (a) quash the decision and direct submitted under Article 24 notice of opposition in relation the Secretary of State to: to register a geographical to the application; indication.

Column 1 Decision

Column 2 Persons who may appeal against the decision

product that is, or may be, Great Britain's GIs Register, affected by the registration of and the geographical indication.

Column 3 FTT powers

Power to:

- (i) remove the entry for the (b) a person marketing a geographical indication from
 - (ii) remove the copy of the product specification for geographical indication attached to Great Britain's GIs Register, or
 - (b) remit the matter the Secretary of State for reconsideration and fresh decision.

Decision of the Secretary of The persons are: State to reject an application

Power to:

1

submitted under Article 24 (a) the person who submitted (a) quash the decision and direct to register a geographical the application; indication.

- product that is, or may be, (i) making an entry for indication.

the Secretary of State to register (b) a person marketing a the geographical indication by:

- affected by the decision not the geographical indication in to register the geographical Great Britain's GIs Register, and
 - (ii) attaching a copy of the product specification for the geographical indication to the register, or
 - (b) remit the matter to the Secretary of State for and fresh reconsideration decision

Decision of the Secretary of The persons are: for a geographical indication.

- State to approve an application (a) a person who submits a (a) quash the decision and amend a product specification relation to the application under Secretary of State to: Article 27(1) (as it applies (i) restore the data in the entry to an application to amend a for the geographical indication of Article 31(9));
 - the product specification.

Power to:

- submitted under Article 31 to valid notice of opposition in (as appropriate) direct the
 - product specification by virtue in Great Britain's GIs Register; (ii) remove the copy of the (b) a person marketing a modified product specification product that is, or may be, for the geographical indication affected by the amendment of attached to Great Britain's GIs Register and replace it with a copy of the product specification that was attached to Great Britain's GIs Register immediately before the Secretary of State decided to approve the application, or
 - (b) remit the matter to the Secretary of State for reconsideration and fresh decision.

Decision of the Secretary of The persons are: State to reject an application (a) the person who submitted (a) quash the decision and submitted under Article 31 to the application; amend a product specification (b) a person marketing a Secretary of State: for a geographical indication.

- product that is, or may (i) in the case of an amendment be, affected by the decision to the product specification that not to amend the product is not a temporary amendment: specification.

Power to:

- (as appropriate) direct the
- (aa) to make such change to the data in the entry for the geographical indication in Great Britain's GIs Register as the amendment to the product specification may entail;
- (bb) to replace the copy of the product specification

Decision of the Secretary The persons are: of State under Article 32, (a) a person who submits a (a) quash the decision and direct on the Secretary of State's valid notice of opposition under the Secretary of State to: own initiative, to cancel the Article 27(1) in relation to the (i) restore the entry for registration of a geographical proposed decision (as it applies the geographical indication in indication.

- to a decision to cancel the Great Britain's GIs Register, registration of a geographical and
- (b) a person marketing a the the geographical indication.

for the geographical indication attached to Great Britain's GIs Register with a copy of the modified product specification; (ii) in the case of a temporary amendment to the product specification, to make an appropriate entry relating to the temporary amendment to the product specification for the geographical indication in Great Britain's GIs Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision

Power to:

- indication by virtue of the (ii) reattach to Great Britain's second subparagraph of Article GIs Register a copy of the product specification for geographical indication product that is, or may be, that was attached to the affected by the cancellation of register immediately before the Secretary of State decided to cancel the registration of the geographical indication, or (b) remit the matter the Secretary of State for
 - reconsideration and fresh decision.

Decision of the Secretary of The persons are: State to approve a request (a) a person who submits a (a) quash the decision and direct submitted under Article 32 to valid notice of opposition under the Secretary of State to: cancel the registration of a Article 27(1) in relation to (i) restore the entry for geographical indication.

- the request (as it applies to a the geographical indication in request to cancel a geographical Great Britain's GIs Register, indication by virtue of the and second subparagraph of Article (ii) reattach to Great Britain's 32(1));
- product that is, or may be, the geographical indication affected by the cancellation of that was attached to the the geographical indication.

Power to:

- GIs Register a copy of (b) a person marketing a the product specification for register immediately before the Secretary of State decided to cancel the registration of the geographical indication, or

Decision of the Secretary of The persons are: State to reject a request (a) the person who submitted (a) quash the decision and direct submitted under Article 32 to the request;

geographical indication.

to cancel the geographical and indication.

(b) remit the matter to the Secretary of State for reconsideration and fresh decision.

Power to:

- the Secretary of State to;
- cancel the registration of a (b) a person marketing a (i) remove the entry for the product that is, or may be, geographical indication from affected by the decision not Great Britain's GIs Register,
 - (ii) remove the copy of the product specification for the geographical indication attached to Great Britain's GIs Register, or
 - (b) remit the matter to the Secretary of State for reconsideration and fresh decision."

Changes to legislation:
There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, PART 3.