
STATUTORY INSTRUMENTS

2020 No. 1661

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

PART 2

Amendment of retained direct EU legislation

Regulation (EU) 2019/787

10.—(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⁽¹⁾ is amended as follows.

(2) In Article 3—

(a) after point (9) insert—

“(9a) ‘application to register a trade mark’ means an application to register a trade mark made under the TMA;

(9b) ‘an Article 30(5) approval notice’ means a notice published under Article 30(5) relating to a decision of the Secretary of State to approve an application for a geographical indication;

(9c) ‘bridging arrangements’ has the meaning given in Article 36c(2)(b);

(9d) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales;

(9e) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;

(9f) ‘enters into force’ in relation to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;”

(b) after point (10) insert—

“(10a) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a geographical indication of the third country in the European Union;”;

(c) after point (14) insert—

“(14a) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;”;

(1) EUR 2019/787, amended prospectively by [S.I. 2020/1637](#).

- (d) after point (15) insert—
- “(16) ‘the TMA’ means the Trade Marks Act 1994⁽²⁾;
- (17) ‘the Types Table’ means the table in Part 3 of Annex 1A.”.
- (3) After Article 3 insert the new Article 4 in Part 1 of Schedule 5.
- (4) In Article 30—
- (a) in paragraph 4—
- (i) omit the first subparagraph;
- (ii) in the second subparagraph, after “registration” insert “under paragraph 5a”;
- (b) after paragraph 5 insert—
- “5a.** Where the Secretary of State publishes a notice under paragraph 5 giving notice of the Secretary of State’s decision to register a geographical indication, the Secretary of State must as soon as possible after the notice period has expired:
- (a) record the relevant data relating to the geographical indication in the register, and
- (b) attach a copy of the product specification for the geographical indication to the register.
- 5b.** An entry for a geographical indication added to the register pursuant to paragraph 5a(a), and the provisions in the product specification attached to the register pursuant to paragraph 5a(b), take effect in relation to the registration of a geographical indication immediately after:
- (a) the entry has been made in the register, and
- (b) the product specification has been attached to the register.”;
- (c) after paragraph 7 insert—
- “8.** In this Article:
- (a) ‘notice period’ means the period of 20 days from the day on which the notice referred to in paragraph 5 is published, beginning with the day on which the notice is published;
- (b) the reference to ‘the relevant data’ in paragraph 5a(a) means the product category, the geographical indication and the country of origin.”
- (5) After Article 36 insert the new Articles 36a to 36d in Part 2 of Schedule 5.
- (6) In Article 37—
- (a) number the existing paragraph as paragraph 1;
- (b) after paragraph 1 (as numbered by sub-paragraph (a)) insert—
- “2.** The geographical indication for which the names ‘*Irish Whiskey*’, ‘*Uisce Beatha Eireannach*’ and ‘*Irish Whisky*’ are listed in category 2 of the table in Annex 3 to EU Regulation 110/2008⁽³⁾ covers whisky/whiskey produced in Ireland, Northern Ireland or in both Ireland and Northern Ireland.
- 3.** The protection of the geographical indication ‘*Pisco*’ (as listed in category 9 of the table in Annex 3 to EU Regulation 110/2008) under this Regulation is without prejudice to the use of the name ‘*Pisco*’ for products originating in Chile protected under the Association Agreement between the United Kingdom and Chile.

(2) 1994 c. 26.

(3) 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).

4. The product specification relating to the geographical indication ‘*Somerset Cider Brandy*’ (as listed in category 10 of the table in Annex 3 to EU Regulation 110/2008) is deemed to include a requirement that the use of that geographical indication must be accompanied by the sales denomination ‘cider spirit’.

5. The product specification relating to the geographical indication for which the names ‘*Polska Wódka*’ and ‘*Polish Vodka*’ are listed in category 15 of the table in Annex 3 to EU Regulation 110/2008 is deemed to include a requirement that the use of the geographical indication must be accompanied by the sales denomination ‘flavoured vodka’. The term ‘flavoured’ may be replaced by the name of the predominant flavour.

6. The geographical indication ‘*Irish Cream*’ (as listed in category 32 of the table in Annex 3 to EU Regulation 110/2008) covers the corresponding liqueur produced in Ireland, Northern Ireland or in both Ireland and Northern Ireland.

7. The geographical indication for which the names ‘*Irish Poteen*’ or ‘*Irish Poitín*’ are listed in the category ‘Other spirit drinks’ of the table in Annex 3 to EU Regulation 110/2008 covers the corresponding spirit drink produced in Ireland, Northern Ireland or in both Ireland and Northern Ireland.

8. When adding an entry relating to a geographical indication covered by any of paragraphs 2 to 7 to the register, the Secretary of State must include a note in the register relating to the matter specified in the relevant paragraph.”.

(7) After Annex 1 insert the new Annex 1A in Part 3 of Schedule 5.