
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Food and Drink, Veterinary Medicines and Residues (Amendment etc.) (EU Exit) Regulations 2019

PART 3

Amendment and revocation of retained direct EU legislation relating to food and drink

Regulation (EU) No 1151/2012 of the European Parliament and of the Council

7.—(1) Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs is amended as follows.

(2) In Article 1—

- (a) at the end of point (b) insert “and”;
- (b) at the end of point (c) omit “and”;
- (c) omit point (d).

(3) In Article 2—

- (a) in paragraph 1, in the second subparagraph, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;
- (b) in paragraph 2, for “Annex XIb to Regulation (EC) No 1234/2007” substitute “Part 2 of Annex 7 to Regulation 1308/2013”;
- (c) in paragraph 3—
 - (i) for “Union provisions” substitute “provisions in retained EU law”;
 - (ii) for “the single common organisation of the markets, and” substitute “provisions in, or under, Regulation 1308/2013 and provisions relating”;
- (d) omit paragraph 4.

(4) In Article 3—

- (a) in point (6), for “Union” substitute “United Kingdom”;
- (b) after point (8) insert the points in Part 1 of Schedule 1.

(5) In Article 4(b), for “Union” substitute “United Kingdom”.

(6) In Article 5(4)—

- (a) in the first subparagraph, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;
- (b) in the second subparagraph, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”.

(7) In Article 7—

- (a) in paragraph 1(e) omit the words from “, taking into account” to the end of that point;

- (b) in paragraph 2—
 - (i) in the first subparagraph, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (bb) omit the second sentence.
- (8) In Article 8—
 - (a) in paragraph 1, in the words before point (a), for “49(2) or (5)” substitute “49”;
 - (b) omit paragraph 2.
- (9) Omit Article 9.
- (10) In Article 10—
 - (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”.
- (11) In Article 11—
 - (a) for paragraph 1, for the words from “Commission” to “maintaining” substitute “Secretary of State must establish and maintain”;
 - (b) in paragraph 2, for “Union”, in both places it occurs, substitute “United Kingdom”;
 - (c) in paragraph 3—
 - (i) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (ii) omit the second sentence;
 - (d) in paragraph 4, for “Commission” substitute “Secretary of State”.
- (12) In Article 12—
 - (a) in paragraph 2 omit “Union”;
 - (b) in paragraph 4, for “Member State” substitute “United Kingdom or third country, as relevant, in which that geographical area of origin is located”;
 - (c) in paragraph 5, for the words from “[Directive 2000/13/EC](#)” to “[Directive 2008/95/EC](#)” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, the collective geographical marks registered under the Trade Marks Act 1994(1)”;
 - (d) in paragraph 6 omit “Union”;
 - (e) in paragraph 7—
 - (i) in the first subparagraph—
 - (aa) for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;
 - (bb) omit “Union”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;

(1) 1994 c. 26.

- (bb) omit “Union”;
 - (cc) omit the second sentence.
- (13) In Article 13(3)—
- (a) in the first subparagraph—
 - (i) for “Member States” substitute “The designated authority”;
 - (ii) for “that Member State” substitute “the United Kingdom”;
 - (b) omit the second subparagraph.
- (14) In Article 14(1)—
- (a) in the first subparagraph, for “Commission” substitute “Secretary of State”;
 - (b) in the third subparagraph, for “[Directive 2008/95/EC](#)” substitute “the Trade Marks Act 1994”.
- (15) In Article 15—
- (a) in paragraph 1—
 - (i) in the first subparagraph, in the words before point (a)—
 - (aa) for the words from “Commission” to “five years” substitute “Secretary of State may, by regulations, make provision for a transitional period of up to five years to apply”;
 - (bb) omit “originating in a Member State or a third country”;
 - (cc) for “on condition” substitute “if the Secretary of State is satisfied”;
 - (dd) omit “Article 49(3) or”;
 - (ii) omit the second subparagraph;
 - (b) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) in the words before point (a), for the words from “the Commission” to “shown” substitute “an application may be made to the Secretary of State to extend the transitional period mentioned in paragraph 1 to 15 years in duly justified cases and the Secretary of State may, by regulations, make provision for such a transitional provision if the Secretary of State is satisfied”;
 - (bb) in point (a), for “Commission” substitute “Secretary of State”;
 - (ii) omit the second subparagraph;
 - (c) in paragraph 4—
 - (i) in the first subparagraph—
 - (aa) for the words from “a Member State may” to “10 years” substitute “nothing in this Regulation prevents the Secretary of State from using any power the Secretary of State has to make regulations to provide for a transitional period of up to 10 years to apply”;
 - (bb) for “Commission” substitute “Secretary of State”;
 - (cc) omit “to the authorities of the Member State”;
 - (dd) omit “national”;
 - (ee) for “49(3)” substitute “51”;

(ii) in the third subparagraph, for “dossier referred to in Article 8(2)” substitute “submitted under Article 8(1)”.

(16) In Article 16—

(a) in paragraph 1—

(i) for the words from the beginning to “entered in”, in the second place it occurs, substitute “The Secretary of State must enter the names of established protected designations of origin and established protected geographical indications on”;

(ii) after “such registrations” insert “under EU Regulation 1151/2012(2)”;

(b) in paragraph 2, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;

(c) in paragraph 3—

(i) at the beginning insert “In relation to established protected designations of origin and established protected geographical indications,”;

(ii) after “Regulation (EC) No 510/2006” insert “, as that Regulation had effect in the United Kingdom immediately before it was repealed by EU Regulation 1151/2012,”;

(d) after paragraph 3 insert—

“4. In paragraph 1, in relation to an established protected designation of origin and an established protected geographical indication, ‘corresponding specifications’ means the product specification for the relevant designation of origin or geographical indication as the specification stood immediately before exit day.”.

(17) In Article 18—

(a) in paragraph 3 omit “Member State or in a third”;

(b) in paragraph 4, for “Union legislation” substitute “retained EU law”;

(c) in paragraph 5, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”.

(18) In Article 19—

(a) in paragraph 1(a) omit “, in the appropriate language versions”;

(b) in paragraph 2—

(i) in the first subparagraph, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;

(ii) in the second subparagraph—

(aa) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;

(bb) omit the second sentence.

(19) In Article 20—

(a) in paragraph 1, in the words before point (a), for “49(2) or (5)” substitute “49”;

(b) omit paragraph 2.

(20) In Article 21—

(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”.

(2) OJNo. L 343, 14.12.2012, p. 1, to which there are amendments not relevant to these Regulations.

- (21) In Article 22—
- (a) in paragraph 1, for the words from “Commission” to “maintaining” substitute “Secretary of State must establish and maintain”;
 - (b) in paragraph 2—
 - (i) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (ii) omit the second sentence.
- (22) In Article 23—
- (a) in paragraph 2 omit “Union”;
 - (b) in paragraph 4—
 - (i) in the first subparagraph—
 - (aa) for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;
 - (bb) omit “Union”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (bb) omit “Union”;
 - (cc) omit the words from “, including” to the end.
- (23) In Article 24—
- (a) in paragraph 2—
 - (i) for “Member States” substitute “The designated authority”;
 - (ii) for “at national level” substitute “in the United Kingdom”;
 - (b) in paragraph 3—
 - (i) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (ii) omit the second sentence.
- (24) In Article 25—
- (a) in paragraph 1—
 - (i) for the words from the beginning to “entered in” substitute “The Secretary of State must enter the names of established protected traditional specialities guaranteed on”;
 - (ii) after “such registrations” insert “under EU Regulation 1151/2012 as it had effect in the United Kingdom immediately before exit day”;
 - (b) omit paragraph 2;
 - (c) in paragraph 3—
 - (i) for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;
 - (ii) at the end insert “relating to the entries to be made on the register referred to in Article 22 under paragraph 1”;
 - (d) after paragraph 3 insert—

“4. In paragraph 1, in relation to an established protected traditional speciality guaranteed, ‘corresponding specifications’ means the product specification for the traditional speciality guaranteed as the specification stood immediately before exit day.”.

- (25) Omit Article 26.
- (26) In Article 27, for “internal market” substitute “United Kingdom”.
- (27) For Article 28 substitute the Article in Part 2 of Schedule 1.
- (28) In Article 29—
- (a) in paragraph 1(c), for “European” substitute “United Kingdom”;
 - (b) in paragraph 4, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;
 - (c) in paragraph 5—
 - (i) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (ii) omit the second sentence;
 - (d) in paragraph 6—
 - (i) for “adopting delegated and implementing acts” substitute “making regulations”;
 - (ii) for “Commission” substitute “Secretary of State”.
- (29) In Article 30—
- (a) in paragraph 1, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;
 - (b) in paragraph 2, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”.
- (30) In Article 31—
- (a) in paragraph 2—
 - (i) for “Union” substitute “United Kingdom”;
 - (ii) for “Article 18(1) of Regulation (EC) No 1257/1999”, in the first place it occurs, substitute “Article 32 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)”;
 - (iii) for “Article 18(1) of Regulation (EC) No 1257/1999”, in the second place it occurs, substitute “Article 32 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council”;
 - (b) in paragraph 3—
 - (i) for the words from “Commission”, in the first place it occurs, to “Article 56,” substitute “Secretary of State may make regulations”;
 - (ii) for the words from “Commission”, in the second place it occurs, to “delegated act” substitute “Secretary of State may make regulations”;
 - (c) in paragraph 4, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”.
- (31) Omit Article 32.
- (32) In Article 33(2)—
- (a) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;

- (b) omit the second sentence.
- (33) In Article 34, for “Member States” substitute “The designated authority”.
- (34) In Article 36—
 - (a) for the heading substitute—

“Official controls”;
 - (b) in paragraph 1 omit the first subparagraph;
 - (c) in paragraph 2 omit “referred to in paragraph 1”.
- (35) In Article 37—
 - (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) in the words before point (a), for “Union” substitute “United Kingdom”;
 - (bb) in point (a), for the words from the beginning to “Regulation” substitute “the competent authority”;
 - (ii) in the second subparagraph, for “Member States” substitute “Secretary of State”;
 - (b) in paragraph 3—
 - (i) in the first subparagraph, for “Member States” substitute “The Secretary of State”;
 - (ii) in the second subparagraph, for “Commission” substitute “the Secretary of State”;
 - (iii) after the second subparagraph insert—

“The Secretary of State may make the information specified in the first and second subparagraphs public, and update that information periodically, in such manner as appears appropriate to the Secretary of State from time to time.”;
 - (c) omit paragraph 4.
- (36) In Article 38—
 - (a) omit the first paragraph;
 - (b) in the second paragraph—
 - (i) for “Member States”, in the first place it occurs, substitute “The designated authority”;
 - (ii) for “Member States”, in the second place it occurs, substitute “that authority”.
- (37) In Article 39(3), in both points (a) and (b), for “Union” substitute “United Kingdom”.
- (38) In Article 40(1), for “Member States” substitute “The Secretary of State”.
- (39) In Article 41—
 - (a) in paragraph 1, for “Union” substitute “United Kingdom”;
 - (b) for paragraph 2(b) substitute—

“(b) any relevant enactment.”;
 - (c) in paragraph 3, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”.
- (40) In Article 42(2), for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”.
- (41) In Article 43—

- (a) for “Union rules or to those of Member States” substitute “retained EU law and any other enactments”;
 - (b) for “those rules” substitute “such law and those enactments”.
- (42) In Article 44—
- (a) omit paragraph 2;
 - (b) in paragraph 3—
 - (i) for “Commission shall adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (ii) omit the second sentence.
- (43) In Article 45—
- (a) in paragraph 1—
 - (i) in the words before point (a), for “Regulation (EC) No 1234/2007” substitute “Regulation 1308/2013”;
 - (ii) in point (a), for the words from “competent authorities” to “other competent” substitute “the competent authority or any designated”;
 - (b) in paragraph 2—
 - (i) for “Member States”, in the first place it occurs, substitute “The Secretary of State”;
 - (ii) for “on their territories” substitute “in the United Kingdom”;
 - (iii) for the second and third sentences substitute—

“The Secretary of State must publish the names and addresses of the groups referred to in Article 3(2) in such manner as appears appropriate to the Secretary of State from time to time.”.
- (44) In Article 46—
- (a) in paragraph 1, for “Member States” substitute “The Secretary of State”;
 - (b) in paragraph 3, for “Member States” substitute “The Secretary of State”.
- (45) Omit Article 47.
- (46) In Article 49—
- (a) in paragraph 1, in the first subparagraph—
 - (i) after “Article 48” insert “may be submitted to the Secretary of State”. They”;
 - (ii) for “different Member States or third countries” substitute “the United Kingdom and a third country, or from more than one country, as relevant,”;
 - (b) omit paragraphs 2 to 4;
 - (c) in paragraph 5, for “Commission,” substitute “Secretary of State”;
 - (d) in paragraph 6, for “Commission” substitute “Secretary of State”;
 - (e) in paragraph 7—
 - (i) omit the first subparagraph;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (bb) omit the second sentence.
- (47) In Article 50—
- (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 “that it receives” substitute “received”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission” substitute “Secretary of State”;
 - (bb) after “public” insert “, in such manner as appears appropriate to the Secretary of State from time to time,”;
 - (cc) for “it” substitute “the Secretary of State”;
- (c) in paragraph 2—
 - (i) in the words before point (a)—
 - (aa) for “Commission” substitute “Secretary of State”;
 - (bb) for “it” substitute “the Secretary of State”;
 - (cc) for “the *Official Journal of the European Union*” substitute “such manner as appears appropriate to the Secretary of State from time to time”;
 - (ii) in point (a) omit “the reference to the publication of the”.
- (48) In Article 51—
 - (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “in the *Official Journal of the European Union*” substitute “of the documents published by virtue of Article 50(2)”;
 - (bb) omit “of a Member State or”;
 - (cc) omit “and established in a third country”;
 - (dd) for “Commission” substitute “Secretary of State”;
 - (ii) omit the second subparagraph;
 - (iii) in the last subparagraph, for “Commission” substitute “Secretary of State”;
 - (b) in paragraph 2, for “Commission”, in both places it occurs, substitute “Secretary of State”;
 - (c) in paragraph 3, in the first, second and third subparagraphs, for “Commission”, in each place it occurs, substitute “Secretary of State”;
 - (d) in paragraph 4, for “Commission” substitute “Secretary of State”;
 - (e) in paragraph 5, for “Commission” substitute “Secretary of State”;
 - (f) in paragraph 6—
 - (i) in the first subparagraph, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (bb) omit the second sentence.
- (49) In Article 52—
 - (a) in paragraph 1—
 - (i) for “Commission”, in both places it occurs, substitute “Secretary of State”;

- (ii) for “it shall adopt implementing acts rejecting” substitute “the Secretary of State must reject”;
- (iii) omit the second sentence;
- (b) in paragraph 2—
 - (i) for “Commission” substitute “Secretary of State”;
 - (ii) for the words from “it shall” to “registering” substitute “the Secretary of State must 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) omit the words from “by means” to “substantial”;
 - (iii) in point (b), for the words from “adopt” to the end substitute “decide whether to register the name”;
- (d) 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.”;
- (e) after paragraph 4 insert—

“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 52 of EU Regulation 1151/2012 and incorporated into domestic law by section 3 of the European Union (Withdrawal) Act 2018.”.
- (50) After Article 52 insert the Article in Part 3 of Schedule 1.
- (51) In Article 53—
 - (a) in paragraph 2, in the second subparagraph—
 - (i) for “Commission”, in both places it occurs, substitute “Secretary of State”;
 - (ii) for “the *Official Journal of the European Union*” substitute “such manner as appears appropriate to the Secretary of State from time to time”;
 - (b) in paragraph 3—
 - (i) in the first subparagraph, for the words from “Commission” to “Article 56,” substitute “Secretary of State may make regulations”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (bb) omit the second sentence;
 - (c) after paragraph 3 insert—

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

5. This paragraph applies to an implementing act relating to an amendment to a product specification adopted by the European Commission pursuant to Article 53 of EU Regulation 1151/2012 and incorporated into domestic law by section 3 of the EUWA.”.

(52) In Article 54—

(a) in paragraph 1—

(i) in the first subparagraph, in the words before point (a)—

(aa) for “Commission” substitute “Secretary of State”;

(bb) for “its” substitute “the Secretary of State’s”;

(cc) omit “adopt implementing acts to”;

(ii) in the second subparagraph, for “Commission” substitute “Secretary of State”;

(iii) omit the third subparagraph;

(b) in paragraph 2—

(i) in the first subparagraph, for the words from “Commission” to “Article 56” substitute “Secretary of State may make regulations”;

(ii) in the second subparagraph—

(aa) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;

(bb) omit the second sentence.

(c) after paragraph 2 insert—

“3. An implementing act to which paragraph 4 applies is revoked.

4. This paragraph applies to an implementing act adopted by the European Commission under Article 54 of EU Regulation 1151/2012 and incorporated into domestic law by section 3 of the EUWA.”.

(53) After Title 5 insert the Title in Part 4 of Schedule 1.

(54) In Title 6 omit Chapter 1.

(55) For Article 56 substitute the Article in Part 5 of Schedule 1.

(56) Omit Article 57.

(57) In Article 58(1) omit the second subparagraph.

(58) In Article 59 omit the second paragraph.

(59) After Article 59 omit the words from “This Regulation” to “Member States.”.

(60) After Annex 2 insert the Annex in Part 6 of Schedule 1.