

## SCHEDULE 3

Regulation 9(3)(b), (20)(c), (22), (29),  
(34)(b) and (36)

Regulation (EU) No 251/2014 of the European Parliament and of the Council: new provisions

### PART 1

#### Article 2(1): new definitions

- “(4) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales;
- (5) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean any of the individual constituent nations forming part of the United Kingdom;
- (6) ‘enactment’ includes enactments of the type specified in paragraphs (a) to (f) of the definition of ‘enactment’ in section 20(1) of the European Union (Withdrawal) Act 2018 but does not include enactments of the type specified in paragraphs (g) and (h) of that definition;
- (7) ‘FTT’ means the First-tier Tribunal;
- (8) ‘register’ means the register established and maintained by the Secretary of State pursuant to Article 21;
- (9) ‘third country’ means any country, other than the United Kingdom, and includes:
- (a) the Bailiwick of Guernsey;
  - (b) the Bailiwick of Jersey;
  - (c) the Isle of Man.”

### PART 2

#### Article 24: new paragraph 3

- “3. In a case where the proposed amendment is only minor and the Secretary of State decides not to follow the procedure laid down in Articles 14(2) and 15, the Secretary of State, after making a decision in relation to the application, 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 single document and product specification for the geographical indication incorporating the approved amendment.”

### PART 3

#### New Articles 25a to 25d

##### *“Article 25a*

##### *Appeals: general*

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in the first column of the table in Annex 4.

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2. Such an appeal may be made:
  - (a) in all cases, by a person specified in the corresponding entry in the second column of the table in Annex 4;
  - (b) in the case of a decision affecting an application submitted by the authorities of a third country, the authorities of that third country.
3. In determining such an appeal, the FTT:
  - (a) must consider the decision appealed against afresh, and
  - (b) may take into account evidence that was not available to the Secretary of State.
4. The FTT may:
  - (a) dismiss the appeal, or
  - (b) if it allows the appeal, exercise any power specified in the corresponding entry in the third column of the table in Annex 4.
5. The Secretary of State may consider a decision specified in the first column of the table in Annex 4 afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.
6. Paragraph 5 applies even though an appeal has been made to the FTT in respect of the original decision.
7. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision, the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter.
8. If the Secretary of State makes the same decision again, the appeal to the FTT restarts. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise.

#### *Article 25b*

##### *Appeals: applications to register geographical indications*

1. Where an appeal is made to the FTT relating to a decision to approve an application to register a geographical indication and the Secretary of State has made an entry in the register relating to that geographical indication, the entry in the register is to be maintained but is in suspense and must be marked to indicate that it is in suspense until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.
2. Where an appeal is made to the FTT relating to a decision to approve an application to register a geographical indication and the Secretary of State has not made an entry in the register relating to that geographical indication, the Secretary of State must not make an entry in the register until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State.

#### *Article 25c*

##### *Appeals: applications to amend product specifications*

1. Paragraph 2 applies where an appeal is made to the FTT relating to a decision by the Secretary of State to approve an application made under Article 24 to amend a product

specification for a geographical indication and the Secretary of State has not updated the entry in the register relating to the indication to incorporate the approved amendment.

2. Until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, the existing entry in the register relating to the geographical indication is to be maintained but must be marked to indicate that an appeal relating to the amendment of the product specification is pending.

3. Paragraph 4 applies where an appeal is made to the FTT relating to a decision by the Secretary of State to approve an application made under Article 24 in relation to the amendment of a product specification for a geographical indication and the Secretary of State has updated the entry in the register relating to the geographical indication to incorporate the approved amendment.

4. Until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, the previous entry in the register for the protected geographical indication is to be restored but the entry in the register must be marked to indicate that an appeal relating to the amendment of the product specification is pending.

5. Paragraph 6 applies where an appeal is made to the FTT relating to a decision by the Secretary of State to reject an application made under Article 24 to amend a product specification for a protected geographical indication.

6. Until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, the existing entry in the register is to be maintained but the entry in the register must be marked to indicate that an appeal relating to an application to amend the specification is pending.

#### *Article 25d*

##### *Appeals: applications to cancel geographical indications*

1. Paragraph 2 applies where an appeal is made to the FTT relating to a decision of the Secretary of State to cancel the registration of a protected geographical indication under Article 25 and the Secretary of State has not removed the entry in the register relating to the geographical indication.

2. Until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, the entry in the register for the geographical indication is to be maintained but must be marked to indicate that an appeal relating to its cancellation is pending.

3. Paragraph 4 applies where an appeal has been made to the FTT relating to a decision of the Secretary of State to cancel the registration of a protected geographical indication and the Secretary of State has removed the entry in the register for the geographical indication.

4. Until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, the entry in the register must be restored but must be marked to indicate that an appeal relating to its cancellation is pending.

5. Paragraph 6 applies where an appeal has been made to the FTT relating to a decision of the Secretary of State not to cancel the registration of a protected geographical indication.

6. Until the FTT has determined the appeal and any necessary consequent action or decision has been taken by the Secretary of State, the entry in the register relating to the protected geographical indication must be marked to indicate that an appeal relating to the cancellation of the entry is pending.”

## PART 4

### New Article 33

#### “Article 33

##### *Provisions relating to regulations*

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
2. Such regulations may:
  - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking enactments and retained direct EU legislation);
  - (b) make different provision for different purposes.
3. Except as specified in paragraph 4, a statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
4. A statutory instrument containing regulations under Article 28 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

## PART 5

### Annex 1, point (5): new subparagraph

“In this point, ‘relevant water quality legislation’ means:

- (a) in relation to aromatised wine products marketed in England:
  - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(1);
  - (ii) the Water Supply (Water Quality) Regulations 2016(2);
  - (iii) the Private Water Supplies (England) Regulations 2016(3);
- (b) in relation to aromatised wine products marketed in Northern Ireland:
  - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Northern Ireland) Regulations 2015(4);
  - (ii) the Private Water Supplies Regulations (Northern Ireland) 2017(5);
  - (iii) the Water Supply (Water Quality) Regulations (Northern Ireland) 2017(6);
- (c) in relation to aromatised wine products marketed in Scotland:
  - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007(7);

(1) S.I. 2007/2785, amended by S.I. 2009/1598, 2010/433, 2011/451, 1043, 2014/1855, 2018/352.

(2) S.I. 2016/614, amended by S.I. 2017/506, 2018/706.

(3) S.I. 2016/618, amended by S.I. 2017/506, 2018/707.

(4) S.R. 2015 No.365, amended by S.R. 2017 No.201.

(5) S.R. 2017 No. 211.

(6) S.R. 2017 No. 212.

(7) S.S.I. 2007/483, amended by S.S.I. 2009/273, 2010/89, 127, 2011/94, 2014/312, 2015/100, 363, 2017/287.

- (ii) the Public Water Supplies (Scotland) Regulations 2014<sup>(8)</sup>;
- (iii) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017<sup>(9)</sup>;
- (d) in relation to aromatised wine products marketed in Wales:
  - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015<sup>(10)</sup>;
  - (ii) the Private Water Supplies (Wales) Regulations 2017<sup>(11)</sup>;
  - (iii) the Water Supply (Water Quality) Regulations 2018<sup>(12)</sup>.”

## PART 6

### New Annex 4

#### “ANNEX 4

#### APPEALS

<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
Decision of the Secretary of State to approve an application made under Article 11 or 13a to register a geographical indication	The persons are: <ul style="list-style-type: none"><li>(a) a person who lodged a duly substantiated statement of opposition under Article 15;</li><li>(b) a person marketing a product that is, or may be, affected by the registration of the geographical indication.</li></ul>	Power to: <ul style="list-style-type: none"><li>(a) quash the decision and (if appropriate) direct the Secretary of State to reject the application and (if appropriate) restore the register;</li><li>(b) remit the matter to the Secretary of State with a direction to repeat the scrutiny of the application and (if appropriate) to restore the register in the meantime.</li></ul>
Decision of the Secretary of State to reject an application made under Article 11 or 13a to register a geographical indication	The persons are: <ul style="list-style-type: none"><li>(a) the person who submitted the application to register the geographical indication;</li><li>(b) a person marketing a product that is, or may be, affected by the decision not</li></ul>	Power to: <ul style="list-style-type: none"><li>(a) quash the decision and direct the Secretary of State to register the geographical indication;</li><li>(b) remit the matter to the Secretary of State with a</li></ul>

<sup>(8)</sup> S.S.I. 2014/364; relevant amending instruments are S.S.I. 2015/346, 2017/281.

<sup>(9)</sup> S.S.I. 2017/282, amended by S.S.I. 2017/321.

<sup>(10)</sup> S.I. 2015/1867 (W. 274), amended by S.I. 2017/935.

<sup>(11)</sup> S.I. 2017/1041 (W. 270).

<sup>(12)</sup> S.I. 2018/647 (W. 121).

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<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
	to register the geographical indication.	direction to repeat the scrutiny of the application.
Decision of the Secretary of State to approve an application made under Article 24 to amend a product specification for a protected geographical indication	<p>The persons are:</p> <p>(a) in relation to the approval of an application to which the first sentence of Article 24(2) applies, a person who lodged a duly substantiated statement of opposition under Article 15 as read with Article 24(2);</p> <p>(b) in relation to the approval of any application under Article 24(2), a person marketing a product that is, or may be, affected by the amendment of the product specification.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to reject the application and (if appropriate) restore the register;</p> <p>(b) remit the matter to the Secretary of State with a direction to repeat the scrutiny of the application and (if appropriate) to restore the register in the meantime.</p>
Decision of the Secretary of State to reject an application made under Article 24 to amend a product specification for a protected geographical indication	<p>The persons are:</p> <p>(a) the person who submitted the application to amend the product specification;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision to reject the application to amend the product specification.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to approve the application and update the register;</p> <p>(b) remit the matter to the Secretary of State with a direction to repeat the scrutiny of the application.</p>
Decision of the Secretary of State under Article 25 to cancel the registration of a protected geographical indication on the Secretary of State’s initiative	<p>The persons are:</p> <p>(a) a person who lodged a duly substantiated statement of opposition under Article 15 as read with the second paragraph of Article 25;</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the registration of the protected geographical indication.</p>	<p>Power to:</p> <p>(a) quash the decision and (if appropriate) direct the Secretary of State to restore the register;</p> <p>(b) remit the matter to the Secretary of State with a direction to repeat the scrutiny relating to the cancellation of the registration and (if appropriate) to restore the register in the meantime.</p>
Decision of the Secretary of State to approve an application made under Article 25 to cancel the registration of a protected geographical indication	<p>The persons are:</p> <p>(a) a person who lodged a duly substantiated statement of opposition under Article 15 as</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to reject the application and</p>

<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
	read with the second paragraph of Article 25;	(if appropriate) restore the register;
	(b) a person marketing a product that is, or may be, affected by the cancellation of the registration of the protected geographical indication.	(b) remit the matter to the Secretary of State with a direction to repeat the scrutiny of the application and (if appropriate) to restore the register in the meantime.
Decision of the Secretary of State to reject an application made under Article 25 to cancel the registration of a protected geographical indication	<p>The persons are:</p> <p>(a) the person who submitted the application to cancel the registration of the protected geographical indication;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to cancel the registration of the protected geographical indication.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to cancel the registration;</p> <p>(b) remit the matter to the Secretary of State with a direction to repeat the scrutiny of the application.”</p>