
STATUTORY INSTRUMENTS

2019 No. 1289

**The Spirit Drinks and Scotch Whisky
(Amendment) Regulations 2019**

Amendment of the Spirit Drinks Regulations 2008

2.—(1) The Spirit Drinks Regulations 2008(1) are amended as follows.

(2) In regulation 3—

(a) after the definition of “premises” insert—

““registered geographical indication” means a geographical indication listed in Annex 3 of Regulation (EC) No 110/2008 or a geographical indication included in any register drawn up in accordance with Article 33(1) of Regulation (EU) 2019/787;”;

(b) omit the definition of “registered Annex III geographical indication”;

(c) after the definition of “Regulation (EC) No 110/2008” insert—

““Regulation (EU) 2019/787” means 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, and repealing Regulation (EC) No 110/2008;”.

(3) In regulation 4—

(a) for paragraph (1) substitute—

“(1) A person is guilty of an offence if they contravene or fail to comply with—

(a) any provision of Regulation (EC) No 110/2008 mentioned in column 1 of Part 2 of Schedule 2, or

(b) any provision of Regulation (EU) 2019/787 mentioned in column 1 of Part 3 of Schedule 2,

as read with any provision mentioned in any corresponding entry in column 2 of that Part of that Schedule.”;

(b) in paragraph (2)—

(i) in sub-paragraph (a)—

(aa) omit “Annex III”;

(bb) for “Article 16(a) of Regulation (EC) No 110/2008” substitute “Article 21(2)(a) of Regulation (EU) 2019/787”;

(ii) in sub-paragraph (b), omit “Annex III”;

(1) S.I. 2008/3206, as amended by S.I. 2011/1043, 2012/1809, 2014/1855. This instrument is prospectively amended by S.I. 2019/865 from exit day.

- (iii) in sub-paragraphs (c) and (d) for “Annex III product” substitute “geographical indication”;
 - (c) in paragraph (3)—
 - (i) in sub-paragraph (a)(ii) omit “or”;
 - (ii) at the end insert—
 - “(c) as regards the description, presentation or labelling of a spirit drink that is labelled before 8th June 2019 if that description, presentation or labelling complies with Articles 16 and 23 of Regulation (EC) No 110/2008.”;
 - (d) omit paragraph (4).
- (4) In regulation 5—
- (a) in the heading, for “Article 22 of Regulation (EC) No 110/2008” substitute “Article 38 of Regulation (EU) 2019/787”;
 - (b) in paragraph (1)—
 - (i) after “using a” insert “registered”;
 - (ii) omit “registered in Annex III to Regulation (EC) No 110/2008”;
 - (c) in paragraph (2)(a)—
 - (i) after “uses a” insert “registered”;
 - (ii) omit “registered in Annex III to Regulation (EC) No 110/2008”;
 - (iii) at the end, omit “or”;
 - (d) at the end of paragraph (2) insert—
 - “(c) it is a liqueur produced in Northern Ireland that uses the geographical indication “Irish Cream”;
 - (d) it is a spirit drink produced in Northern Ireland that uses the geographical indication “Irish Poteen” or “Irish Poitin”.”.
- (5) In regulation 6—
- (a) for the heading substitute—

“Designation of competent authorities”;
 - (b) at the end insert—
 - “(3) Each food authority is designated as the competent authority for the purpose of Articles 39(1) and (2) of Regulation (EU) 2019/787 for surveillance and enforcement of the use of registered geographical indications in its area except to the extent that a port health authority is designated as the competent authority within any part of that area under paragraph (4).
 - (4) Each port health authority is designated as the competent authority for the purpose of Articles 39(1) and (2) of Regulation (EU) 2019/787 for the surveillance and enforcement of the use of registered geographical indications in its district for drinks being imported into or exported from the United Kingdom.”.
- (6) In regulation 11(5)—
- (a) in point (a) omit “or”;
 - (b) after point (a) insert—

“(aa) that O reasonably believes contravenes any provision of Regulation (EU) 2019/787 mentioned in column 1 of Part 3 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part of that Schedule; or”.

(7) Schedule 2 is amended in accordance with paragraphs (8) and (9).

(8) In the table at Part 2—

- (a) in row 10 (Article 9(4)), in the second column, for “Annexes II and III” substitute “Annex 2”;
- (b) in row 11 (Article 9(5)), for the entry in the second column substitute “Chapter 3 of Regulation (EU) 2019/787”;
- (c) in row 12 (Article 9(6))—
 - (i) for the entry in the second column substitute “Articles 23(2) and 24(9) of Regulation (EU) 2019/787”;
 - (ii) in the third column, omit “Annex III”;
- (d) in row 13 (Article 9(7))—
 - (i) in the second column—
 - (aa) omit “and Annex III”;
 - (bb) at the end insert “and Article 21(2)(b) of Regulation (EU) 2019/787”;
 - (ii) in the third column, omit “Annex III”;
- (e) in row 16 (Article 10(1)), in the second column, omit “and Annex III”;
- (f) in row 17, in the third column, omit “Annex III”;
- (g) in row 27 (Article 14(2))—
 - (i) in the second column, for “Annexes II and III” substitute “Annex 2”;
 - (ii) in the third column, omit “Annex III”;
- (h) omit row 28 (Article 15(4)).

(9) After Part 2 insert—

“PART 3

The provisions of Regulation (EU) 2019/787

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Relevant provision of Regulation (EU) 2019/787	Provisions to be read with the provision of Regulation (EU) 2019/787 mentioned in column 1	Subject matter
Article 22(1)	Articles 23 and 38 of Regulation (EU) 2019/787 and specification for Article 17(2) of, and Annex 3 to, Regulation (EC) 110/2008	Compliance with product specification for spirit drinks bearing a registered geographical indication”