

Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation

## CHAPTER II

### PROTECTED DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

#### SECTION 3

##### *Amendments to product specifications*

##### *Article 14*

##### **Types of amendments**

1 For the purposes of Article 105 of Regulation (EU) No 1308/2013 amendments to a product specification are classified into two categories as regards their importance: amendments requiring an objection procedure [<sup>F1</sup>under Article 98 of Regulation (EU) No 1308/2013, as applied to applications for amendments by Article 15 ('non-standard amendments'), and amendments that do not ('standard amendments'). Standard amendments for a product specification for a protected designation of origin or protected geographical indications relating to an area in a third country are] to be dealt with at <sup>F2</sup>... third country level ('<sup>F3</sup>third country] standard amendments').

[<sup>F4</sup>1a] An amendment is considered to be a [<sup>F5</sup>non-standard] amendment where:

- a it includes a change in the name of the protected designation of origin or protected geographical indication;
- b it consists of a change, a deletion or an addition of a category of grapevine product, as referred to in Part II of Annex VII to Regulation (EU) No 1308/2013;
- c it could potentially void the link referred to in point (a)(i) or in point (b)(i) of Article 93(1) of Regulation (EU) No 1308/2013;
- d it entails further restrictions on the marketing of the product.

[<sup>F6</sup>1b] Applications for [<sup>F7</sup>non-standard] amendments submitted by third countries or by third country producers shall contain proof that the requested amendment complies with the laws on the protection of designations of origin or geographical indications in force in that third country.

[<sup>F8</sup>1c] All other amendments are considered standard amendments.

2 [<sup>F9</sup>Standard amendments are classified into four sub-categories taking into account the geographical area of the designation of origin or geographical indication affected by the amendment and whether the amendments are temporary as follows:

- a UK standard amendments;
- b UK temporary amendments;

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- c third country standard amendments;
- d third country temporary amendments.

2a A UK standard amendment is a standard amendment of a product specification for a designation of origin or geographical indication relating to a geographical area in the United Kingdom.

2b A UK temporary amendment is a standard amendment concerning a temporary change in a product specification for a designation of origin or geographical indication for a geographical area in the United Kingdom:

- a resulting from the imposition of obligatory sanitary or phytosanitary measures, or linked to natural disasters formally recognised, by the Secretary of State, or imposed or formally recognised by:
  - i the Environment Agency in a case where, and to the extent that, a relevant geographical area in England is affected;
  - ii the Department of Agriculture, Environment and Rural Affairs, or the Department of Health, in a case where, and to the extent that, a relevant geographical area in Northern Ireland is affected;
  - iii the Scottish Ministers, Food Standards Scotland or the Scottish Environment Protection Agency, in a case where, and to the extent that, a relevant geographical area in Scotland is affected;
  - iv the Welsh Ministers, or the Natural Resources Body for Wales, in a case where, and to the extent that, a relevant geographical area in Wales is affected;
  - v the Food Standards Agency in a case where, and to the extent that, a relevant geographical area in England, Northern Ireland or Wales is affected, or
- b linked to adverse weather conditions formally recognised by the Met Office of the Department for Business, Energy and Industrial Strategy.

2c A third country standard amendment is a standard amendment of a product specification for a designation of origin or geographical indication relating to a geographical area in a third country.]

[<sup>F10</sup>2d] [<sup>F11</sup>A third country] temporary amendment is a standard amendment concerning a temporary change in the product specification [<sup>F12</sup>for a designation of origin or geographical indication relating to a geographical area in a third country] resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities [<sup>F13</sup>of the third country] or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities [<sup>F13</sup>of the third country].

#### Textual Amendments

- F1** Words in Art. 14(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(11)(e)(i)**
- F2** Words in Art. 14(1) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(11)(e)(ii)**
- F3** Words in Art. 14(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(11)(e)(iii)**
- F4** Words in Art. 14(1) renumbered as Art. 14(1a) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(11)(a)**
- F5** Word in Art. 14(1a) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(11)(f)**
- F6** Words in Art. 14(1) renumbered as Art. 14(1b) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(11)(b)**

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- F7** Word in Art. 14(1b) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(g)**
- F8** Words in Art. 14(1) renumbered as Art. 14(1c) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(c)**
- F9** Art. 14(2)-(2c) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(h)**
- F10** Art. 14(2) renumbered as Art. 14(2d) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(d)**
- F11** Words in Art. 14(2d) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(i)(i)**
- F12** Words in Art. 14(2d) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(i)(ii)**
- F13** Words in Art. 14(2d) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(i)(iii)**

## Article 15

### Procedure for [<sup>F14</sup>non-standard] amendments to product specifications

1 An application for approval of a [<sup>F15</sup>non-standard] amendment to a product specification, as defined in Article 14 of this Regulation, shall follow the procedure laid down in Article 94 and Articles [<sup>F16</sup>97] to 99 of Regulation (EU) No 1308/2013, in Sections 1, 2 and 3 of Chapter II of this Regulation and in Sections 1, 2 and 3 of Chapter II of Implementing Regulation (EU) 2019/34 *mutatis mutandis*.

2 Where, based on the examination carried out pursuant to Article 97(2) of Regulation (EU) No 1308/2013, the [<sup>F17</sup>Secretary of State] considers that the conditions required under Article 97(3) of that Regulation are met, [<sup>F18</sup>the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time, the application for a non-standard] amendment referred to in Article 9(1) of Implementing Regulation (EU) 2019/34 <sup>F19</sup>.... [<sup>F20</sup>The Secretary of State, taking into account any admissible objection that has been lodged, must decide whether to approve or reject the application.]

3 An application for approval of [<sup>F21</sup>non-standard] amendments shall contain [<sup>F21</sup>non-standard] amendments exclusively. If an application for [<sup>F21</sup>non-standard] amendments also contains standard or temporary amendments the procedure for [<sup>F21</sup>non-standard] amendments shall apply only to the [<sup>F21</sup>non-standard] amendments. The standard or temporary amendments shall be deemed as not submitted.

4 In examining the applications for amendment, the [<sup>F22</sup>Secretary of State] shall focus on the proposed amendments.

#### Textual Amendments

- F14** Word in Art. 15 heading substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(a)**
- F15** Word in Art. 15(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(b)(i)**
- F16** Word in Art. 15(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(b)(ii)**
- F17** Words in Art. 15(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(c)(i)**

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- F18** Words in Art. 15(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(c)(ii)**
- F19** Words in Art. 15(2) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(c)(iii)**
- F20** Words in Art. 15(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(c)(iv)**
- F21** Word in Art. 15(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(d)**
- F22** Words in Art. 15(4) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(e)**

## Article 16

### Admissibility of applications for [F23 non-standard] amendment

1 Applications for approval of a [F24 non-standard] amendment to a product specification are considered admissible if they are submitted in accordance with Article 105 of Regulation (EU) No 1308/2013 and with Article 3 and Article 9(2) of Implementing Regulation (EU) 2019/34 *mutatis mutandis*, and if they are duly completed.

An application for approval of a [F24 non-standard] amendment to a product specification shall be considered to be duly completed where it is comprehensive and exhaustive and where it complies with the requirements set out in Article 2 and Article 9(1) of Implementing Regulation (EU) 2019/34.

The approval by the [F25 Secretary of State] of an application for approval of a [F26 non-standard] amendment to a product specification shall only cover the amendments submitted in the application itself.

2 If the application is considered inadmissible, the [F27 applicant or, in the case of a third country application, the applicant established in, or the competent authorities of, the third country,] shall be informed of the reasons for the inadmissibility.

#### Textual Amendments

- F23** Word in Art. 16 heading substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(13)(a)**
- F24** Word in Art. 16(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(13)(b)(i)**
- F25** Words in Art. 16(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(13)(b)(ii)(aa)**
- F26** Word in Art. 16(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(13)(b)(ii)(bb)**
- F27** Words in Art. 16(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(13)(c)**

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## Article 17

### Standard amendments

1 [F28UK standard amendments must be approved by the Secretary of State and made public in such manner as appears appropriate to the Secretary of State from time to time.]

Applications for approval of a [F29UK] standard amendment to a product specification shall be submitted to the [F30Secretary of State]. Applicants shall satisfy the conditions laid down in Article 95 of Regulation (EU) No 1308/2013. If the application for approval of a [F29UK] standard amendment to a product specification does not come from the applicant which had submitted the application for protection of the name or names to which the product specification refers, the [F31Secretary of State] shall give that applicant the opportunity to comment on the application, if that applicant still exists.

The application for a [F32UK] standard amendment shall provide a description of the standard amendments, provide a summary of the reasons for which the amendments are required and demonstrate that the proposed amendments qualify as standard in accordance with Article 14 of this Regulation.

2 Where the [F33Secretary of State] considers that the requirements of Regulation (EU) No 1308/2013 and the provisions adopted pursuant thereto are met, [F34the Secretary of State] may approve [F35the UK] standard amendment. The approval decision shall include the modified consolidated single document, where relevant, and the modified consolidated product specification.

F36  
...

2a [F37After making a decision in relation to an application for a UK standard amendment, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- a a notice:
  - i informing the applicant, the original (protection) applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
  - ii providing information about the right to appeal under Article 99a of Regulation (EU) No 1308/2013 against the decision and the period within which an appeal may be made, and
- b where the application is approved, a copy of the modified consolidated product specification and, where relevant, a copy of the modified consolidated single document.]

3 Decisions approving [F38third country] standard amendments F39... shall be taken in accordance with the system in force in the third country concerned and shall be communicated to the [F40Secretary of State] by a single producer within the meaning of Article 3 or a group of producers having a legitimate interest, either directly to the [F40Secretary of State] or via the authorities of that third country, not later than one month following the date they are made public.

4 The communication of [F41third country] standard amendments shall be considered to be duly completed when it complies with Article 10 of Implementing Regulation (EU) 2019/34.

5 In the event that the [F42third country] standard amendment implies a modification of the single document, the [F43Secretary of State] shall publish the description of the standard

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amendment referred to in Article 10 of Implementing Regulation (EU) 2019/34 and the modified single document in [F<sup>44</sup>such manner as appears appropriate to the Secretary of State from time to time] within three months from the date on which the communication is received from the F<sup>45</sup>... third country or third country single producer or group of producers.

6 In the event that the [F<sup>46</sup>third country] standard amendment does not imply a modification of the single document, the [F<sup>47</sup>Secretary of State must make public, in such manner as appears appropriate to the Secretary of State from time to time], the description of the standard amendment within three months from the date on which the communication is received from the F<sup>48</sup>... third country or applicant established in the third country.

F<sup>49</sup>7 .....

8 If the geographical area covers more than [F<sup>50</sup>the United Kingdom, the Secretary of State] shall apply the procedure for standard amendments separately for the part of the area which falls within [F<sup>51</sup>the United Kingdom and, in relation to the part of the area that does not fall within the United Kingdom, the procedure in paragraph 3 applies]. F<sup>52</sup>... The [F<sup>53</sup>authority of the third country] approving the standard amendment shall send the [F<sup>54</sup>Secretary of State] the communication referred to in paragraph 4 not later than one month following the date on which its decision approving the standard amendment is made public.

F<sup>55</sup> ...

9 [F<sup>56</sup>If a geographical area covers more than the United Kingdom and the national decision necessary in relation to the part of the area in a third country is not taken or adopted by the authority of the third country, an application in relation to that part of the area may be submitted under the non-standard amendment procedure.

10 If a geographical area covers areas in two or more third countries and a national decision in relation to part of an area in a third country is not taken or adopted by the authority of the third country, an application in respect of the amendment in relation to the geographical area as a whole may be submitted under the non-standard amendment procedure.]

#### Textual Amendments

- F28 Words in Art. 17(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(a)(i)**
- F29 Word in Art. 17(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(a)(ii)(aa)**
- F30 Words in Art. 17(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(a)(ii)(bb)**
- F31 Words in Art. 17(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(a)(ii)(cc)**
- F32 Word in Art. 17(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(a)(iii)**
- F33 Words in Art. 17(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(b)(i)(aa)**
- F34 Words in Art. 17(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(b)(i)(bb)**
- F35 Words in Art. 17(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(b)(i)(cc)**
- F36 Words in Art. 17(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(b)(ii)**
- F37 Art. 17(2a) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(c)**



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- F38** Words in Art. 17(3) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(d)(i)**
- F39** Words in Art. 17(3) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(d)(ii)**
- F40** Words in Art. 17(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(d)(iii)**
- F41** Words in Art. 17(4) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(e)**
- F42** Words in Art. 17(5) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(f)(i)**
- F43** Words in Art. 17(5) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(f)(ii)**
- F44** Words in Art. 17(5) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(f)(iii)**
- F45** Words in Art. 17(5) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(f)(iv)**
- F46** Words in Art. 17(6) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(g)(i)**
- F47** Words in Art. 17(6) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(g)(ii)**
- F48** Words in Art. 17(6) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(g)(iii)**
- F49** Art. 17(7) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(h)**
- F50** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(aa)**
- F51** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(bb)**
- F52** Words in Art. 17(8) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(cc)**
- F53** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(dd)**
- F54** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(ee)**
- F55** Words in Art. 17(8) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(ii)**
- F56** Art. 17(9)(10) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(j)**

## Article 18

### Temporary amendments

<sup>F571</sup> Paragraphs 1a to 1n apply to an application for a UK temporary amendment to a product specification for a protected designation of origin or protected geographical indication ('a UK temporary amendment application').

1a A UK temporary amendment application must be made to the Secretary of State.

1b The procedures laid down in Articles 94 and 97 to 99 of Regulation (EU) No 1308/2013 do not apply to a UK temporary amendment application.

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1c A UK temporary amendment application may be made by a group of producers having a legitimate interest in the relevant protected designation of origin or protected geographical indication unless the application to register the designation of origin or geographical indication was made by a single applicant, in which case the temporary amendment application may be made by that person.

1d If a UK temporary amendment application is not made by the original (protection) applicant, the Secretary of State must give the original (protection) applicant the opportunity to make comments on the application if that applicant still exists.

1e A UK temporary amendment application must:

- a describe the amendment applied for,
- b be accompanied by a copy of the product specification and, where relevant, the single document, showing the proposed temporary amendment,
- c compare for each amendment:
  - i the original product specification against the proposed modified product specification, and
  - ii where relevant, the original single document against the proposed modified single document,
- d provide an explanation of why the temporary amendment is needed, and
- e provide an estimate, where this is possible, of how long it is anticipated that the temporary amendment will be needed for.

1f A UK temporary amendment application that does not comply with paragraph 1e is inadmissible.

1g Where a UK temporary amendment application is inadmissible, the Secretary of State must inform the applicant that the application is inadmissible as soon as reasonably practicable after receiving the application.

1h The Secretary of State may approve a UK temporary amendment application if the Secretary of State considers that a temporary amendment to the product specification is appropriate.

1i Where a UK temporary amendment application is approved, the Secretary of State must specify the period during which the temporary amendment is to apply.

1j The period during which an approved temporary amendment is to apply may be specified by reference to a set period of time or may be specified by reference to the happening of a specified event.

1k The Secretary of State, in deciding the period for which an approved temporary amendment is to apply, must take into account the conditions prevailing at the time the decision to approve the application is taken and, where possible, the period for which the Secretary of State anticipates that those conditions will continue.

1l The Secretary of State may, on an application by a group of producers or single applicant who made a UK temporary amendment application under paragraph 1a, as read with paragraph 1c, extend the period during which a relevant approved temporary amendment is to apply on one or more occasions if the Secretary of State considers that it is appropriate to do so having regard to the conditions prevailing at the time that decision is made.

1m After making a decision on a UK temporary amendment application, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:



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- a a notice:
  - i informing the applicant, the original (protection) applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
  - ii providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made, and
- b where the application is approved, details of the approved temporary amendment and the period during which that temporary amendment is to apply.

1n Where a UK temporary amendment application is approved and the period during which the temporary amendment is to apply is extended, the Secretary of State must, on each occasion the period is extended, publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the applicant, the original (protection) applicant (if different) and the public that the period has been extended and the reasons for that decision and specifying the extended period during which the temporary amendment is to apply.]

2 Where the geographical area covers [<sup>F58</sup>areas in the United Kingdom and a third country, or areas in more than one third country], the procedure for temporary amendment applies separately in [<sup>F59</sup>relation to the United Kingdom and the third country concerned, or in the respective third countries concerned,] for the part of the area which falls within their territory. <sup>F60</sup> ... [<sup>F61</sup>Paragraph 3 applies in relation to the communication of the decision of the authorities of the third country, or each third country,] approving the temporary amendment <sup>F62</sup> ... <sup>F63</sup> ...

3 [<sup>F64</sup>Third country] temporary amendments <sup>F65</sup> ... shall be communicated to the [<sup>F66</sup>Secretary of State], together with the reasons supporting the temporary amendments, by a single producer within the meaning of Article 3 or a group of producers having a legitimate interest, either directly or via the authorities of that third country, not later than one month following their approval.

4 The communication of [<sup>F67</sup>third country] temporary amendments shall be considered to be duly completed when it contains all the elements referred to in Article 11 of Implementing Regulation (EU) 2019/34.

5 The [<sup>F68</sup>Secretary of State must,] within three months from the date on which the communication is received from the <sup>F69</sup> ... third country or third country single producer or group of producers [<sup>F70</sup>publish a notice, in such manner as appears appropriate to the Secretary of State from time to time, providing the public with details of the third country temporary amendment and the period during which that temporary amendment is to apply]. <sup>F71</sup> ...

#### Textual Amendments

- F57** Art. 18(1)-(1n) substituted for Art. 18(1) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 26(15)(a), **Sch. 8 Pt. 2**
- F58** Words in Art. 18(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(b)(i)**
- F59** Words in Art. 18(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(b)(ii)**
- F60** Words in Art. 18(2) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(b)(iii)**
- F61** Words in Art. 18(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(b)(iv)(aa)**
- F62** Words in Art. 18(2) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(b)(iv)(bb)**

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**Changes to legislation:** *There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- F63** Words in Art. 18(2) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(b)(v)**
- F64** Words in Art. 18(3) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(c)(i)**
- F65** Words in Art. 18(3) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(c)(ii)**
- F66** Words in Art. 18(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(c)(iii)**
- F67** Words in Art. 18(4) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(d)**
- F68** Words in Art. 18(5) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(e)(i)(aa)**
- F69** Words in Art. 18(5) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(e)(i)(bb)**
- F70** Words in Art. 18(5) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(e)(i)(cc)**
- F71** Words in Art. 18(5) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(e)(ii)**

### Changes to legislation:

There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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### Changes and effects yet to be applied to the whole legislation item and associated provisions

- Ch. 3 s. 6 inserted by [S.I. 2019/1342 Sch. 3 Pt. 1](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Signature words omitted by [S.I. 2019/759 reg. 7\(30\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 1a inserted by [S.I. 2019/759 reg. 7\(2\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 1a words inserted by [S.I. 2019/1342 reg. 13\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 1a words inserted by [S.I. 2019/1366 reg. 6\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
- Art. 1a words inserted by [S.I. 2019/1366 reg. 6\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
- Art. 1a words inserted by [S.I. 2019/1366 reg. 6\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
- Art. 1a words inserted by [S.I. 2019/1366 reg. 6\(2\)\(d\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
- Art. 1a words substituted by [S.I. 2019/1342 reg. 13\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 1a words substituted in earlier amending provision S.I. 2019/759, reg. 7(a) by [S.I. 2019/1342 reg. 4\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated

- and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 1a words substituted in earlier amending provision S.I. 2019/759, reg. 7(a) by [S.I. 2019/1342 reg. 4\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Art. 1b inserted by [S.I. 2019/1366 Sch. 4 Pt. 1](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
  - Art. 5(1)(c) word omitted by [S.I. 2019/759 reg. 7\(4\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Annex 8 inserted by [S.I. 2019/1342 Sch. 3 Pt. 2](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Art. 11(1)(a) words substituted by [S.I. 2019/1342 reg. 13\(4\)\(a\)\(i\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Art. 11(1)(c)(i) words substituted by [S.I. 2019/1342 reg. 13\(4\)\(a\)\(i\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Art. 13(1)(b) words inserted by [S.I. 2019/778 reg. 6\(2\)\(a\)\(ii\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 5)
  - Art. 13(2)(a) words substituted by [S.I. 2019/778 reg. 6\(2\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 5)
  - Art. 13(5)-(7) inserted by [S.I. 2019/1342 reg. 13\(6\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Art. 14para. 2b(b) words substituted by [S.I. 2023/424 Sch. para. 81](#)
  - Art. 14(3) inserted by [S.I. 2019/1342 reg. 13\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Art. 17(9)(10) inserted by [S.I. 2019/1342 reg. 13\(18\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Art. 18(1)-(1n) substituted for Art. 18(1) by [S.I. 2019/1342 reg. 13\(19\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has

- no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 18(6) inserted by [S.I. 2019/1342 reg. 13\(19\)\(e\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Art. 26(2a) inserted by [S.I. 2019/759 reg. 7\(11\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 27(1)(b)(i) words omitted by [S.I. 2019/759 reg. 7\(12\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 27(1)(b)(ii) words omitted by [S.I. 2019/759 reg. 7\(12\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 27(1)(d) words substituted by [S.I. 2019/759 reg. 7\(12\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 27(2)(a) words omitted by [S.I. 2019/759 reg. 7\(12\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 30(1)(a) words omitted by [S.I. 2019/759 reg. 7\(15\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 30(1)(b) words substituted by [S.I. 2019/759 reg. 7\(15\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 31(3a) inserted by [S.I. 2019/1342 reg. 13\(23\)\(d\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
  - Art. 32(1)(a) words substituted by [S.I. 2019/759 reg. 7\(16\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 32a32b inserted by [S.I. 2019/1366 Sch. 4 Pt. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
  - Art. 37(1)(a) words substituted by [S.I. 2019/759 reg. 7\(18\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 46(1)(a) words omitted by [S.I. 2023/1362 Sch. 2 para. 5\(2\)\(b\)\(ii\)](#)
  - Art. 46(1)(d) omitted by [S.I. 2023/1362 Sch. 2 para. 5\(2\)\(b\)\(iii\)](#)
  - Art. 46(1)(f) words substituted by [S.I. 2023/1362 Sch. 2 para. 5\(2\)\(b\)\(iv\)](#)
  - Art. 50(1)(b) words omitted by [S.I. 2019/759 reg. 7\(22\)\(a\)\(ii\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 50(1)(b) words substituted by [S.I. 2019/759 reg. 7\(22\)\(a\)\(ii\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
  - Art. 50(1b) inserted by [S.I. 2023/394 reg. 3\(3\)](#)

- Art. 51(a) words substituted by [S.I. 2019/759 reg. 7\(23\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 51(1) words omitted by [S.I. 2023/1362 Sch. 2 para. 5\(5\)](#)
- Art. 52(5) inserted by [S.I. 2019/759 reg. 7\(24\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 53(7)(8) inserted by [S.S.I. 2024/11 reg. 2](#)
- Art. 53(7)(8) inserted by [S.I. 2024/115 reg. 2](#)
- Art. 53(7)(8) inserted by [S.I. 2024/83 reg. 2](#)
- Art. 57(1)(a) revoked by [S.I. 2023/1362 Sch. 1](#)
- Art. 57(1)(b) revoked by [S.I. 2023/1362 Sch. 1](#)
- Art. 58(4)(5) substituted for Art. 58(4) by [S.I. 2019/759 reg. 7\(28\)\(e\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)