

SCHEDULE 2

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

PART 4

New Article 52a

“Article 52a

Applications pending on IP completion day

1. A pending application made under EU Regulation 1151/2012 before IP completion day is deemed to be an application made under Article 49(2) of this Regulation for which scrutiny under Article 50(1) of this Regulation has not been commenced.

2. Unless requested not to do so in writing by the applicant who submitted the application under EU Regulation 1151/2012, the Secretary of State must scrutinise a pending application under Article 50(1) of this Regulation.

3. But the Secretary of State may decide not to scrutinise a pending application under paragraph 2 in a case where the pending application is an application that has been sent to the European Commission for scrutiny under Article 50(1) of EU Regulation 1151/2012 before IP completion day.

4. The six month period specified in Article 50(1) starts from the day on which IP completion day falls.

5. Where a request of the type specified in paragraph 2 is made in relation to a pending application by an applicant referred to in that paragraph, the pending application is to be treated as having been withdrawn.

6. In this Article ‘pending application’ means an application submitted to the Secretary of State on or after 1st January 2019 or the Secretary of State or the Department for Environment, Food and Rural Affairs before that date:

(a) to register:

(i) a name of a geographical area in, or partly in, the United Kingdom as a designation of origin;

(ii) a name of a geographical area in, or partly in, the United Kingdom as a geographical indication;

(iii) a name as a traditional speciality guaranteed, and

(b) for which the European Commission has not adopted an implementing act under Article 52 of EU Regulation 1151/2012 before IP completion day.”