

SCHEDULE 5

Commission Delegated Regulation (EU) No 664/2014: new provisions

PART 1

Article 6: new paragraphs 4 to 4o

“4. This paragraph and paragraphs 4a to 4o apply to UK temporary amendments.

A UK temporary amendment is a temporary amendment made to a product specification for a protected designation of origin, protected geographical indication or traditional speciality guaranteed to take account of difficulties that would otherwise arise in connection with the production of a product in the United Kingdom in compliance with the product specification:

- (a) because of the imposition of an obligatory sanitary or phytosanitary measure in the United Kingdom (or any part of the United Kingdom) by, or linked to a natural disaster formally recognised by, the Secretary of State or 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) for reasons linked to adverse weather conditions in the United Kingdom, or any part of the United Kingdom, formally recognised by the Met Office of the Department for Business, Energy and Industrial Strategy.

4a. A UK temporary amendment application must be made to the Secretary of State.

4b. The procedure laid down in Articles 49 to 52 of Regulation (EU) No 1151/2012 does not apply to a UK temporary amendment application.

4c. A UK temporary amendment application may be made by a group having a legitimate interest in the relevant protected designation of origin, protected geographical indication or traditional speciality guaranteed.

4d. 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 UK temporary amendment application if that applicant still exists.

4e. A UK temporary amendment application must:

- (a) describe the amendment applied for,
- (b) be accompanied by a copy of the product specification annotated in a way to show the proposed temporary amendment,
- (c) compare for each amendment—

- (i) the original product specification against the proposed amended product specification, and
- (ii) where relevant, the original single document against the proposed amended single document,
- (d) provide a summary of the reasons why an amendment is required, explaining how the circumstances specified in point (a) or (b) of the second subparagraph of paragraph 4 affect the production of a product for which the protected designation of origin, protected geographical indication or traditional speciality guaranteed may be used,
- (e) be accompanied, as the case may be, by:
 - (i) evidence of the sanitary or phytosanitary measure or a reference to that measure that will enable the Secretary of State to identify the measure, and easily obtain a copy of it,
 - (ii) a copy of a document issued by the relevant authority recognising the natural disaster or a reference to that document that will enable the Secretary of State to identify the document and easily obtain a copy of it, or
 - (iii) a copy of a document issued by the Met Office of the Department for Business, Energy and Industrial Strategy recognising the adverse weather conditions or a reference to that document that will enable the Secretary of State to identify the document and easily obtain a copy of it,
- (f) provide an estimate, where this is possible, of the period during which it is anticipated that the UK temporary amendment will need to apply, and
- (g) contain all amendments to the product specification, and, where relevant, to the single document, for which approval is sought.

4f. A UK temporary amendment application that does not comply with paragraph 4e is not admissible.

4g. The Secretary of State must inform an applicant if a UK temporary amendment application is inadmissible as soon as reasonably practicable after receiving the application.

4h. The Secretary of State may approve a UK temporary amendment application if the Secretary of State considers that a temporary amendment to the relevant product specification is appropriate.

4i. Where a UK temporary amendment application is approved, the Secretary of State must specify the period for which the UK temporary amendment is to apply.

4j. That period may be specified by reference to a set period of time or may be specified by reference to a period expiring on the happening of an event specified in the decision.

4k. The Secretary of State, in deciding a period during which an approved UK 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.

4l. The Secretary of State may extend the period during which a UK temporary amendment is to apply on one or more occasions if the Secretary of State considers it is appropriate to do so having regard to the conditions prevailing at the time that decision is made.

4m. After making a decision in relation to 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:

- (a) a notice:

- (i) informing the applicant, the original 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 54a of Regulation (EU) No 1151/2012 and the period within which an appeal may be made, and
- (b) where the application is approved, details of the temporary amendment made to the product specification and the period during which those temporary amendments apply.

4n. 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 that 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 applicant (if different) and the public of the extension of the period.

4o. In this Article, ‘a UK temporary amendment application’ means an application for a UK temporary amendment.”