

SCHEDULE 8

Commission Delegated Regulation (EU) 2019/33: new provisions

PART 1

New Articles 1a and 1b

“Article 1a

Definitions

In this Regulation:

- (a) ‘the 1990 Act’ means the Food Safety Act 1990;
- (b) ‘the EUWA’ means the European Union (Withdrawal) Act 2018;
- (c) ‘Regulation 607/2009’ means [Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;
- (d) ‘EU Regulation 2019/33’ means Commission Delegated Regulation (EU) 2019/33 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 as it had effect before IP completion day;
- (e) ‘the appropriate authority’ means:
 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Scotland, the Scottish Ministers;
 - (iii) in relation to Wales, the Welsh Ministers;
- (f) ‘an Article 115(2) approval notice’ means a notice published under the second subparagraph of Article 115(2) of Regulation (EU) No 1308/2013 relating to a decision of the Secretary of State to approve an application to protect a traditional term;
- (g) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales as the case may be;
- (h) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;
- (i) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;
- (j) ‘established protected traditional terms’ means traditional terms within the meaning of Article 112 of Regulation (EU) No 1308/2013 to which Article 54(2) of the EU withdrawal agreement applies;
- (k) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a traditional term used in the third country in the European Union;
- (l) ‘FTT’ means the First-tier Tribunal;

- (m) ‘Great Britain’s Traditional Terms Register’ mean the register referred to in Article 25 of Implementing Regulation (EU) 2019/34;
- (n) ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a traditional term following the submission of an application under Article 21 of Implementing Regulation (EU) 2019/34 or Article 34 of this Regulation, or a request made under Article 35 of this Regulation, means the person who submitted the application or request;
- (o) ‘the original (protection) applicant’, in relation to a traditional term protected under Article 113 of Regulation (EU) No 1308/2013 following the approval of an application submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34, means the person who submitted that application;
- (p) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;
- (q) ‘third country’ means a country, other than the United Kingdom, and, except in the definition of ‘EUIA’ in point (k) of this Article and in Annex A1, includes:
 - (i) the Bailiwick of Guernsey;
 - (ii) the Bailiwick of Jersey;
 - (iii) the Isle of Man;
- (r) ‘third country standard amendment’ has the meaning given by Article 14(2c);
- (s) ‘third country temporary amendment’ has the meaning given by Article 14(2d);
- (t) ‘the TMA’ means the Trade Marks Act 1994;
- (u) ‘the Types Table’ means the table in Part C of Annex A1;
- (v) ‘UK standard amendment’ has the meaning given by Article 14(2a);
- (w) ‘UK temporary amendment’ has the meaning given by Article 14(2b).

Article 1b

Definitions: types of traditional term

In Article 32a and Annex A1 any reference to:

- (a) ‘a type 1 traditional term’ means a traditional term of a type described in column 2 of row 1 of the Types Table;
- (b) ‘a type 2A traditional term’ means a traditional term of the type described in column 2 of row 2 of the Types Table to which paragraph 1 or 2 in column 3 of that row applies;
- (c) ‘a type 2B traditional term’ means a traditional term of the type described in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A traditional term’ means a traditional term of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 in column 3 of that row applies;
- (e) ‘a type 3B traditional term’ means a traditional term of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of that row apply;
- (f) ‘a type 4A traditional term’ means a traditional term of the type described in column 2 of row 4 of the Types Table to which paragraph 1 or 2 in column 3 of row 3 of that table applies;
- (g) ‘a type 4B traditional term’ means a traditional term of the type described in column 2 of row 4 of the Types Table to which the provisions in column 4 of row 3 of that table apply;

- (h) ‘a type 5A traditional term’ means a traditional term of the type described in column 2 of row 5 of the Types Table to which paragraph 1 or 2 in column 3 of row 3 of that table applies;
- (i) ‘a type 5B traditional term’ means a traditional term of the type described in column 2 of row 5 of the Types Table to which the provisions in column 4 of row 3 of that table apply.”