

## SCHEDULE 8

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

## PART 2

### Article 18: new paragraphs 1 to 1n

**“1.** 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.

**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:

- (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.”