

SCHEDULE 9

Regulation 27

Commission Implementing Regulation (EU) 2019/34: new provisions

PART 1

New Article 1a

“Article 1a

Definitions

In this Regulation:

- (a) ‘EU Regulation 1308/2013’ means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products as it had effect immediately before IP completion day;
- (b) ‘EU Regulation 2017/625’ means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products as it had effect immediately before IP completion day;
- (c) ‘EU Regulation 2019/34’ means Commission Implementing Regulation (EU) 2019/34 laying down rules for the application of 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, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks as it had effect immediately before IP completion day;
- (d) ‘Regulation 2017/625’ means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;
- (e) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales;
- (f) ‘control body’ has the same meaning as in EU Regulation 2019/34 and is to be interpreted taking into account the repeal and replacement of Regulation (EC) No 882/2004 by EU Regulation 2017/625;
- (g) ‘competent authority’, ‘the national competent authorities’ and ‘the responsible competent authorities’ each mean:
 - (i) in relation to England and Wales, the competent authority specified in regulation 4(1) of the Wine Regulations 2011 as that regulation extends to Great Britain;
 - (ii) in relation to Scotland, the competent authority specified in regulation 4(1) of the Wine Regulations 2011, as read with paragraph (3) of that regulation, as that regulation extends to Great Britain;
- (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) ‘Great Britain’s Traditional Terms Register’ means the register referred to in Article 25(1);

- (j) ‘notice period’, in relation to a notice referred to in this Regulation, means the period of 20 days from the day on which the relevant notice is published, beginning with the day on which the notice is published;
- (k) ‘third country’ means a country, other than the United Kingdom, and includes:
 - (i) the Bailiwick of Guernsey;
 - (ii) the Bailiwick of Jersey;
 - (iii) the Isle of Man;
- (l) ‘third country standard amendment’ has the meaning given by Article 14(2c) of Delegated Regulation (EU) 2019/33;
- (m) ‘third country temporary amendment’ has the meaning given by Article 14(2d) of Delegated Regulation (EU) 2019/33;
- (n) ‘UK standard amendment’ has the meaning given by Article 14(2a) of Delegated Regulation (EU) 2019/33;
- (o) ‘UK temporary amendment’ has the meaning given by Article 14(2b) of Delegated Regulation (EU) 2019/33.”

PART 2

Article 12: new paragraphs 2 to 2l

“**2.** Where the Secretary of State publishes a notice to which paragraph 2d applies relating to an amendment to a product specification for a designation of origin or geographical indication that entails a change to the information recorded in the register, the Secretary of State must as soon as possible after the expiry of the notice period for the notice:

- (a) record the new data for the designation of origin or geographical indication, as relevant, in the register, and
- (b) attach a copy of the modified consolidated product specification and, where relevant, a copy of the modified single document, for the designation of origin or geographical indication, as relevant, to the register.

2a. The new data recorded in the register pursuant to paragraph 2(a), and the modified consolidated product specification attached to the register pursuant to paragraph 2(b), take effect immediately after:

- (a) the new data has been recorded in the register, and
- (b) the copy of the modified consolidated product specification is attached to the register.

2b. Where the Secretary of State publishes a notice to which paragraph 2d applies relating to an amendment to a product specification for a designation of origin or geographical indication that does not entail a change to the information recorded in the register, the Secretary of State must attach a copy of the modified consolidated product specification and, where relevant, a copy of the modified single document, for the designation of origin or geographical indication to the register as soon as possible after the notice period for the notice has expired.

2c. The modified consolidated product specification attached to the register pursuant to paragraph 2b takes effect immediately after the copy of it is attached to the register.

2d. This paragraph applies to:

- (a) a notice relating to the approval of a non-standard amendment to a product specification for a designation of origin or geographical indication published under Article 99(3) of Regulation (EU) No 1308/2013 (as it applies to an application for

a non-standard amendment by virtue of Article 15(1) of Delegated Regulation (EU) 2019/33);

- (b) a notice relating to the approval of a UK standard amendment to a product specification for a designation of origin or geographical indication published under the Article 17(2a) of Delegated Regulation (EU) 2019/33;
- (c) a notice making an approved third country standard amendment to a product specification for a designation of origin or geographical indication public published under Article 17(5) or (6) of Delegated Regulation (EU) 2019/33.

2e. Where the Secretary of State publishes a notice under Article 18(1m) of Delegated Regulation (EU) 2019/33 relating to the approval of a UK temporary amendment to a product specification for a designation of origin or geographical indication, the Secretary of State must record an entry in the register relating to the UK temporary amendment in the register as soon as possible after publishing that notice.

2f. Based on the information given in a notice published under Article 18(1m) of Delegated Regulation (EU) 2019/33, the data recorded in an entry referred to in paragraph 2e must include the period during which the UK temporary amendment is to apply.

2g. Based on the information given in a notice published under Article 18(1n) of Delegated Regulation (EU) 2019/33, the period stated in the register as the period during which the UK temporary amendment is to apply must be changed where the period is extended under Article 18(1l) of that Regulation and a notice relating to that extension of that period is published under Article 18(1n) of that Regulation.

2h. A UK temporary amendment referred to in paragraph 2e takes effect immediately after the entry referred to in that paragraph (as read with paragraphs 2f) is recorded in the register. The product specification attached to the register applies, as read with the UK temporary amendment, during the period specified in the register as the period during which the UK temporary amendment is to apply.

2i. Where the Secretary of State publishes a notice making a third country temporary amendment to a product specification for a designation of origin or geographical indication public under Article 18(5) of Delegated Regulation (EU) 2019/33, the Secretary of State must record an entry in the register relating to the third country temporary amendment as soon as possible after publishing that notice.

2j. Based on the information given in a notice published under Article 18(5) of Delegated Regulation (EU) 2019/33, the information contained in the entry referred to in paragraph 2i must include the period during which the third country temporary amendment is to apply.

2k. A third country temporary amendment referred to in paragraph 2i takes effect immediately after the entry referred to in that paragraph (as read with paragraph 2j) is recorded in the register. The product specification attached to the register applies, as read with the third country temporary amendment, during the period specified in the register pursuant to paragraph 2j.

2l. The Secretary of State must remove an entry in the register relating to a UK temporary amendment or a third country temporary amendment as soon as possible after the period specified in the register as the period during which the amendment is to apply has expired.”

PART 3

New Article 12a

“Article 12a

Register: established protected designations of origin and established protected geographical indications

1. The Secretary of State must include the relevant data for each established protected designation of origin and established protected geographical indication in Great Britain’s PDOs and PGIs Register.

2. The Secretary of State must include the relevant data referred to in paragraph 1 in Great Britain’s PDOs and PGIs Register at the time the register is established by the Secretary of State or as soon as possible after the register has been established by the Secretary of State.

3. The Secretary of State must use the Secretary of State’s best endeavours in relation to each established protected designation of origin and established protected geographical indication to obtain a copy of the EU product specification for the corresponding EU designation of origin or corresponding EU geographical indication, and attach that document to Great Britain’s PDOs and PGIs Register.

4. Where the EU product specification for a corresponding EU designation of origin or corresponding EU geographical indication is in a foreign language the Secretary of State must attach an English language translation of that product specification to the register instead of the foreign language version of that document.

5. The Secretary of State must attach the product specification referred to in paragraph 3 (as read with paragraph 4) to Great Britain’s PDOs and PGIs Register at the time when the register is established by the Secretary of State or as soon as possible after the register has been established by the Secretary of State.

6. The EU product specification attached to Great Britain’s PDOs and PGIs Register pursuant to paragraph 3 (as read with paragraph 4) must be treated as the product specification for the relevant established protected designation of origin or established protected geographical indication for the purposes of the relevant legislation relating to the GB wine scheme.

7. Paragraph 6 does not prevent a product specification attached to Great Britain’s PDOs and PGIs Register pursuant to paragraph 3 (as read with paragraph 4) and treated as a product specification for an established protected designation of origin or established protected geographical indication by virtue of paragraph 6 from being amended or replaced following an application made under Article 106 of Regulation (EU) No 1308/2013.

8. Where paragraph 9 applies, the Secretary of State may, in relation to an established protected designation of origin or established protected geographical indication, attach a copy of an EU single document for the corresponding EU designation of origin or corresponding EU geographical indication to the register.

9. This paragraph applies if, in relation to an established protected designation of origin or established protected geographical indication, the Secretary of State is unable to obtain a copy of the EU product specification for the corresponding EU designation of origin or corresponding EU geographical indication within a period of three years beginning with the day after the day on which IP completion day falls.

10. Where the Secretary of State decides to attach an EU single document for a corresponding EU designation of origin or corresponding EU geographical indication to Great

Britain's PDOs and PGIs Register under paragraph 8 and that EU single document is in a foreign language, the Secretary of State must attach an English language translation of that single document to the register instead of the foreign language version of that document.

11. The copy of the EU single document attached to the register pursuant to paragraph 8 (as read with paragraph 10) is to be treated as the product specification for the relevant established protected designation of origin or established protected geographical indication for the purposes of the relevant legislation relating to the GB wine scheme.

12. Paragraph 11 does not prevent a single document attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 8 (as read with paragraph 10) and treated as a product specification for an established protected designation of origin or established protected geographical indication by virtue of paragraph 11 from being amended or replaced following an application made under Article 106 of Regulation (EU) No 1308/2013.

13. In this Article:

- (a) 'the corresponding EU designation of origin', in relation to an established protected designation of origin, means the designation of origin that was protected in the European Union under EU Regulation 1308/2013 immediately before IP completion day that corresponds to the established protected designation of origin;
- (b) 'the corresponding EU geographical indication', in relation to an established protected geographical indication, means the geographical indication that was protected in the European Union under EU Regulation 1308/2013 immediately before IP completion day that corresponds to the established protected geographical indication;
- (c) 'established protected designation of origin' has the meaning given by Article 107(2)(a) of Regulation (EU) No 1308/2013;
- (d) 'established protected geographical indication' has the meaning given by Article 107(2)(b) of Regulation (EU) No 1308/2013;
- (e) 'the European Commission's PDOs and PGIs Register' means the register established by the Commission under Article 104 of EU Regulation 1308/2013;
- (f) 'Great Britain's PDOs and PGIs Register' means the register established by the Secretary of State under Article 104 of Regulation (EU) No 1308/2013;
- (g) 'the legislation relating to the GB wine scheme' means:
 - (i) the provisions in Section 2 of Title 2 of Part 2 of Regulation (EU) No 1308/2013,
 - (ii) Delegated Regulation (EU) 2019/33, and
 - (iii) this Regulation;
- (h) 'the relevant data', in relation to an established protected designation of origin or established protected geographical indication, means the data specified in Article 12(1)(a), (c) and (d) of EU Regulation 2019/34 that is recorded in the European Commission's PDOs and PGIs Register for the corresponding EU designation of origin or corresponding EU geographical indication immediately before IP completion day.

14. In this Article any reference to:

- (a) the EU product specification relating to a corresponding EU designation of origin or a corresponding EU geographical indication is to be read as a reference to the product specification for the corresponding EU designation of origin or corresponding EU geographical indication as that product specification stood immediately before IP completion day;

- (b) the EU single document relating to a corresponding EU designation of origin or a corresponding EU geographical indication is to be read as a reference to the single document for the corresponding EU designation of origin or corresponding EU geographical indication as that single document stood immediately before IP completion day.”

PART 4

New Article 25a

“Article 25a

Register: established protected traditional terms

1. The Secretary of State must include the relevant data for each established protected traditional term in Great Britain’s Traditional Terms Register when the register is established by the Secretary of State or, if that is not possible, as soon as possible after the register is established.

2. In this Article:

- (a) ‘the corresponding EU traditional term’, in relation to an established protected traditional term, means the traditional term that was protected in the European Union under EU Regulation 1308/2013 immediately before IP completion day that corresponds to the established protected traditional term;
- (b) ‘an established protected traditional term’ has the meaning given by Article 1a(j) of Delegated Regulation (EU) 2019/33;
- (c) ‘Great Britain’s Traditional Terms Register’ has the meaning given by Article 1a(m) of Delegated Regulation (EU) 2019/33;
- (d) ‘the European Commission’s Traditional Terms Register’ means the register maintained by the European Commission under Article 25 of EU Regulation 2019/34;
- (e) ‘the relevant data’, in relation to an established protected traditional term, means the data specified in Article 25(1)(a) to (g) of EU Regulation 2019/34 that is in the European Commission’s Traditional Terms Register for the corresponding EU traditional term immediately before IP completion day.”