

SCHEDULE 9

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

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.”