STATUTORY INSTRUMENTS

2019 No. 759

EXITING THE EUROPEAN UNION
AGRICULTURE
ENVIRONMENTAL PROTECTION
FOOD
INTELLECTUAL PROPERTY

The Food and Farming (Amendment) (EU Exit) Regulations 2019

Made - - - - 28th March 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**1**).

In relation to Part 2 of this instrument, there has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**2**).

In accordance with paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Food and Farming (Amendment) (EU Exit) Regulations 2019 and come into force—

(**1**) 2018 c. 16.
(**2**) OJ No L 31, 1.2.2002, p 1, to which there are amendments not relevant to these Regulations.

(a) as regards regulations 11, 12 and 13 and Part 4, immediately before exit day;

(b) otherwise, on exit day.

PART 2

Amendment of retained direct EU legislation relating to food and drink

Commission Regulation (EC) No 2870/2000

2. In Commission Regulation (EC) No 2870/2000 laying down Community reference methods for the analysis of spirits drinks, in Article 1, in the words before the first indent—

(a) omit "Community";

(b) for the words from "Regulation (EEC) No 1576/89" to "1014/90" substitute "Regulation 110/2008".

Regulation (EC) No 110/2008 of the European Parliament and of the Council

3.—(1) Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks is amended as follows.

(2) In Article 1(2), in the first sentence, for "Community", in each place it occurs, substitute "United Kingdom".

(3) After Article 2 insert—

"Article 2a

Other definitions

In this Regulation:

'enactment' includes enactments of the type specified in paragraphs (a) to (f) of the definition of 'enactment' in section 20(1) of the European Union (Withdrawal) Act 2018;

'third country' means a country, other than the United Kingdom, and includes:

(a) the Bailiwick of Guernsey;

(b) the Bailiwick of Jersey;

(c) the Isle of Man.".

(4) In Article 5(2)(e) omit the words from "and taking" to the end.

(5) In Article 6—

(a) for the heading substitute—

"Stricter rules";

(b) in paragraph 1—

(i) for the words from "and in" to "down" substitute ", nothing in this Regulation prevents the making of regulations imposing";

(ii) after "labelling" insert "in relation to a category of spirit drink in Annex 2";

(iii) for "Community" substitute "retained EU";

(c) for paragraph 2 substitute—

"**2.** In paragraph 1, 'regulations' means:

(a) in relation to England, any regulations made by the Secretary of State under the Food Safety Act 1990(**3**) using an enabling power in that Act that confers power on the Secretary of State to make regulations imposing such stricter rules;

(b) in relation to Northern Ireland, any regulations made by the Department of Agriculture, Environment and Rural Affairs under the Food Safety (Northern Ireland) Order 1991(**4**) using an enabling power in that Order that confers power on that Department to make regulations imposing such stricter rules;

(c) in relation to Scotland, any regulations made by the Scottish Ministers under the Food Safety Act 1990 using an enabling power in that Act that confers power on the Scottish Ministers to make regulations imposing such stricter rules;

(d) in relation to Wales, any regulations made by the Welsh Ministers under the Food Safety Act 1990 using an enabling power in that Act that confers power on the Welsh Ministers to make regulations imposing such stricter rules.".

(6) In Article 8, for "Article 5 of Directive 2000/13/EC" substitute "Article 17 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers".

(7) In Article 9—

(a) in paragraph 6(a), for the words from "established" to "Article 20; or" substitute—

"any of the following geographical indications:

(i) Irish Cream;

(ii) Irish Whiskey, Irish Whisky, Uisce Beatha Eireannach;

(iii) Scotch Whisky; or";

(b) in paragraph 9, for "Directive 2000/13/EC" substitute "Regulation (EU) No 1169/2011".

(8) In Article 10—

(a) in paragraph 1, for "Directive 2000/13/EC" substitute "Regulation (EU) No 1169/2011";

(b) in paragraph 4 omit "in the Community".

(9) In Article 11(4), in the first subparagraph, for "Directive 2000/13/EC" substitute "Regulation (EU) No 1169/2011".

(10) In Article 14(4), for "Community" substitute "United Kingdom".

(11) In Article 15(3), in the third subparagraph, for "Community" substitute "United Kingdom".

(12) In Article 17—

(a) in paragraph 1, for "Commission" substitute "Secretary of State";

(b) in paragraph 2—

(i) for "Community" substitute "United Kingdom";

(ii) for the words from "by the" to the end substitute "to the Secretary of State";

(c) in paragraph 3, for "Commission" substitute "Secretary of State";

(d) for paragraph 4(f) substitute—

"(f) any requirements relating to the use of the geographical indication laid down:

(**3**) 1990 c. 16.
(**4**) S.I. 1991/762 (N.I. 7).

(i) in the case of a geographical indication relating to an area that falls within the United Kingdom, or falls partly within the United Kingdom, in any enactment or retained EU law;

(ii) in the case of a geographical indication relating to an area that falls within a third country, or partly within a third country, in any provisions that apply in that area, including:

(aa) regional provisions, and

(bb) in the case of a member State, any EU legislation;";

(e) in paragraph 5, for "Commission" substitute "Secretary of State";

(f) in paragraph 6—

(i) for "Commission" substitute "Secretary of State";

(ii) for the words from "the *Official*" to the end substitute "such manner as appears appropriate to the Secretary of State";

(g) in paragraph 7, for "Commission" substitute "Secretary of State".

(13) Omit Article 20.

(14) In Article 21, for "Articles 17(1) and 20(1)" substitute "Article 17(1)".

(15) In Article 22(1)—

(a) in the first subparagraph, in the words before the first indent, for "Community" substitute "United Kingdom";

(b) for the first indent (but not the final "and/or") substitute—

"— the authority designated as the authority responsible for carrying out such verification by regulation 5 of the Spirit Drinks Regulations 2008(**5**),".

(16) In Article 23—

(a) in paragraph 2—

(i) omit "With due regard to Community law,";

(ii) omit the words from " if that" to "concerned,";

(iii) for "of the Community" substitute "of the United Kingdom";

(iv) for the words from "as specified" to the end substitute "in, or under, the Trade Marks Act 1994(**6**)";

(b) in paragraph 3, for "Community" substitute "United Kingdom".

(17) Omit Article 24.

(18) In Article 28(3)—

(a) omit the first sentence;

(b) in the second sentence, for "prior to 20 February 2008 or until" substitute "as it had effect in the United Kingdom immediately before".

(19) After Article 30 omit the words from "This Regulation" to "Member States.".

(20) In Annex 1—

(a) in point (6)—

(i) in the first paragraph, for the words from "Council Directive 80/777/EEC" to "consumption" substitute "any relevant water quality legislation";

(**5**) S.I. 2008/3206, amended by S.I. 2011/1043; there are other amending instructions but none is relevant.
(**6**) 1994 c. 26.

(ii) after the second paragraph insert—

"In this point, 'relevant water quality legislation' means:

(a) in relation to spirit drinks marketed in England:

(i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(**7**);

(ii) the Water Supply (Water Quality) Regulations 2016(**8**);

(iii) the Private Water Supplies (England) Regulations 2016(**9**);

(b) in relation to spirit drinks marketed in Northern Ireland:

(i) the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015(**10**);

(ii) the Private Water Supplies Regulations (Northern Ireland) 2017(**11**);

(iii) the Water Supply (Water Quality) Regulations (Northern Ireland) 2017(**12**);

(c) in relation to spirit drinks marketed in Scotland:

(i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007(**13**);

(ii) the Public Water Supplies (Scotland) Regulations 2014(**14**);

(iii) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(**15**);

(d) in relation to spirit drinks marketed in Wales:

(i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015(**16**);

(ii) the Private Water Supplies (Wales) Regulations 2017(**17**);

(iii) the Water Supply (Water Quality) Regulations 2018(**18**).";

(b) in point (10), for the words from "colorants" to the end substitute "colours, as defined in entry 2 of Annex 1 to Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives".

(21) In Annex 2—

(a) in category 1—

(i) in point (a)(ii) omit the second sentence;

(ii) omit point (f);

(b) in category 9, in point (f), in the first subparagraph, omit the second sentence;

(c) in category 15, in point (d), for "13(2) of Directive 2000/13/EC" substitute "13(1) of Regulation (EU) No 1169/2011";

(**7**) S.I. 2007/2785, amended by S.I. 2009/1598, 2010/433, 2011/451, 1043, 2014/1855, 2018/352.
(**8**) S.I. 2016/614, amended by S.I. 2017/506, 2018/378, 706.
(**9**) S.I. 2016/618, amended by S.I. 2017/506, 2018/707.
(**10**) S.R. 2015 No.365, amended by S.R. 2017 No.201.
(**11**) S.R. 2017 No. 211, amended by S.R. 2018 No. 200.
(**12**) S.R. 2017 No. 212, amended by S.R. 2018 No. 200.
(**13**) S.S.I. 2007/483, amended by S.S.I. 2009/273, 2010/89, 127, 2011/94, 1043, 2014/312, 2015/100, 363, 2017/287.
(**14**) S.S.I. 2014/364, amended by S.S.I. 2015/346, 2017/281.
(**15**) S.S.I. 2017/282, amended by S.S.I. 2017/321.
(**16**) S.I. 2015/1867 (W. 274), amended by S.I. 2017/935 (W. 229).
(**17**) S.I. 2017/1041 (W. 270).
(**18**) S.I. 2018/647 (W. 121).

(d) in point (c) of each of categories 25, 26, 27, 28 and 29, for "1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC" substitute "3(2)(c) and (d) of Regulation (EC) No 1334/2008";

(e) in category 32, in point (d), in the first paragraph, in the words before the first indent omit "produced in the Community";

(f) in category 37, in point (c), for "1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC" substitute "3(2)(c) and (d) of Regulation (EC) No 1334/2008";

(g) in category 37a—

(i) in the second paragraph omit "Member State or third";

(ii) after the second paragraph insert—

"In the second paragraph, in relation to the United Kingdom, 'country of the manufacture' means the United Kingdom as a whole and does not mean any of the individual constituent nations forming part of the United Kingdom.";

(h) in point (c) of categories 42, 43, 45 and 46, for "1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC" substitute "3(2)(c) and (d) of Regulation (EC) No 1334/2008";

(i) in the section headed "*Other spirit drinks*"—

(i) in the paragraph numbered 1 (*Rum-Verschnitt*), in the final sentence omit the words from "Where" to "market,";

(ii) in the paragraph numbered 2 (*Slivovice*), in the third sentence omit the words from "If this" to "Community,".

(22) For Annex 3 substitute the Annex in the Schedule.

Commission Regulation (EC) No 606/2009

4.—(1) Commission Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions is amended as follows.

(2) For Article 1 substitute—

"Article 1

Purpose

This Regulation lays down detailed rules for the application of the following provisions of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products:

(a) Articles 75, 80, 83 and 90;

(b) Part 2 of Annex 7;

(c) Annex 8.".

(3) After Article 1 insert—

"Article 1a

Definitions

In this Regulation:

'the appropriate authority' means:

(a) in relation to England, the Secretary of State;

(b) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(c) in relation to Scotland, the Scottish Ministers;

(d) in relation to Wales, the Welsh Ministers;

'constituent nation' means England, Northern Ireland, Scotland or Wales;

'relevant legislation', in relation to the making of regulations referred to in a provision, means:

(a) in relation to England, Scotland and Wales, regulations made under the Food Safety Act 1990 using an enabling power in that Act that confers power on the appropriate authority to make regulations about the matter specified in the provision in question;

(b) in relation to Northern Ireland, regulations made under the Food Safety (Northern Ireland) Order 1991 using an enabling power in that Order that confers power on the Department of Agriculture, Environment and Rural Affairs to make regulations about the matter specified in the provision in question.".

(4) Omit Article 2.

(5) In Article 3(1), for the words from "Regulation" to "thereof," substitute "Part 2 of Annex 7 to Regulation (EU) No 1308/2013".

(6) In Article 4—

(a) in paragraph 1, in the first subparagraph—

(i) in the words before point (a), for the words from "Article 29(2)" to "use" substitute "Article 83(3) of Regulation (EU) No 1308/2013, the appropriate authority may, on application, authorise, by administrative decision, the use by the applicant";

(ii) in point (a), for the words from "Articles" to the end substitute "the third subparagraph of Article 80(1), and Article 80(3)(b) to (e), of Regulation (EU) No 1308/2013";

(iii) in point (c)—

(aa) for "Member State" substitute "appropriate authority";

(bb) for "Commission and the other Member States" substitute "other appropriate authorities";

(b) in paragraph 2—

(i) for "Member State", in the first place it occurs, substitute "constituent nation of the United Kingdom";

(ii) for "Member State", in the second place it occurs, substitute "constituent nation";

(iii) for "Member State", in the third place it occurs, substitute "appropriate authority";

(iv) for "competent authorities of the Member State" substitute "appropriate authority of the constituent nation";

(c) in paragraph 3—

(i) in the first sentence—

(aa) for "Member State" substitute "appropriate authority";

(bb) for "Commission" substitute "other appropriate authorities";

(ii) omit the second sentence;

(d) omit paragraph 5.

(7) In Article 5—

(a) for the words from "point (b)" to "of Regulation (EC) No 479/2008" substitute "points (4), (5) and (6) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013";

(b) for "in Regulation (EC) No 479/2008" substitute "in Regulation (EU) No 1308/2013".

(8) In Article 6—

(a) for the words from "point (c)" to "of Regulation (EC) No 479/2008" substitute "point (3) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013";

(b) for "in Regulation (EC) No 479/2008" substitute "in Regulation (EU) No 1308/2013".

(9) In Article 7(1), for the words from "point (d)" to "479/2008" substitute "Article 75(3)(h) of Regulation (EC) No 1308/2013".

(10) In Article 8(1)—

(a) in the first subparagraph, for "Regulation (EC) No 479/2008" substitute "Regulation (EU) No 1308/2013";

(b) in the third subparagraph, for "Annex I to Regulation (EC) No 479/2008" substitute "point 12 of Part 4 of Annex 2 to Regulation (EU) No 1308/2013".

(11) In Article 9(1)—

(a) for "Commission Directive 2008/84/EC" substitute "Commission Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council";

(b) for the words from "point (e)" to "479/2008" substitute "Article 75(3)(f) of Regulation (EU) No 1308/2013".

(12) In Article 10—

(a) in the heading, for the words from "**Chapter II**" to "**479/2008**" substitute "**Article 80 of Regulation (EU) No 1308/2013**";

(b) in paragraph 1—

(i) for the words from "Chapter II" to "479/2008" substitute "Article 80 of Regulation (EU) No 1308/2013";

(ii) for "Member States may authorise" substitute "nothing in this Regulation prevents the appropriate authority from making regulations under the relevant legislation authorising";

(iii) for "they shall determine" substitute "are specified in the regulations";

(c) for paragraph 3 substitute—

"**3.** Nothing in this Regulation prevents the appropriate authority from making regulations under the relevant legislation:

(a) requiring denaturing agents or indicators to be added to wines referred to in the first sentence of paragraph 1 in order to make them more easily identifiable;

(b) where the appropriate authority is of the opinion that it is justified, prohibiting the uses provided for in the second sentence of paragraph 1 and requiring relevant products to be disposed of.";

(d) in paragraph 4, for "Community or national rules in force" substitute "law that was in force in the relevant constituent nation immediately".

(13) In Article 11—

(a) in the first sentence, for "Annex V to Regulation (EC) No 479/2008" substitute "Annex 8 to Regulation (EU) No 1308/2013";

(b) in the second sentence, for "Member States may permit" substitute "nothing in this Regulation prevents the appropriate authority from making regulations under the relevant legislation authorising";

(c) in the final sentence, for "Annex V to Regulation (EC) No 479/2008" substitute "Annex 8 to Regulation (EU) No 1308/2013".

(14) In Article 12a—

(a) in the heading, for "**Member States'**" substitute "**appropriate authority**";

(b) in paragraph 1—

(i) in the first sentence—

(aa) for "Member States" substitute "An appropriate authority";

(bb) for "Commission" substitute "other appropriate authorities";

(cc) for "adopt" substitute "make";

(ii) in the second sentence, for "Member States" substitute "appropriate authority";

(c) omit paragraphs 2 and 3.

(15) Omit Article 14.

(16) In Article 14a—

(a) in paragraph 1—

(i) for "Member States shall" substitute "the appropriate authority must, by regulations made under the relevant legislation,";

(ii) for "Member States may" substitute "The appropriate authority may, by regulations made under the relevant legislation,";

(b) in paragraph 2, for "by Member States" substitute "in regulations made by the appropriate authority";

(c) in paragraph 3, for the words from "in the different" to the end substitute "is 8.0%".

(17) In Article 14b—

(a) in paragraph 1, for "Member States" substitute "relevant constituent nation";

(b) in paragraph 2, for "Union legislation" substitute "retained EU law";

(c) in paragraph 4, for "Member State" substitute "relevant constituent nation".

(18) In Article 15—

(a) in the heading omit "**Community**";

(b) in paragraph 1—

(i) for the words from "the second paragraph" to "479/2008" substitute "Article 80(5) of Regulation (EU) No 1308/2013, as read with Article 75(5)(d) of that Regulation,";

(ii) for "at Community level" substitute "in retained EU law";

(c) omit paragraph 2.

(19) After Article 17 omit the words from "This Regulation" to "Member States.".

(20) In Annex 1 A—

(a) in the table—

(i) in paragraphs 12 and 13, in the column numbered 2, for the words from "points" to "479/2008" substitute "Sections C and D of Part 1 of Annex 8 to Regulation (EU) No 1308/2013";

(ii) in paragraph 21, in the column numbered 2, for the words from "paragraphs" to the end substitute "points (1), (3) to (9), (15) and (16) of Part 2 of Annex 7 to Regulation (EC) No 1308/2013";

(iii) in paragraph 23, in the column numbered 2, for the words from "paragraphs" to the end substitute "points (1), (7) and (9) of Part 2 of Annex 7 to Regulation (EC) No 1308/2013";

(iv) in paragraphs 24 to 31, in the column numbered 2, for the words from "paragraphs" to "479/2008" substitute "points (1), (3) to (9), (15) and (16) of Part 2 of Annex 7 to Regulation (EC) No 1308/2013";

(v) in paragraph 32, in the column numbered 1, for the words from "Directive" to "foodstuffs" substitute "point 2 of Annex 1 to Regulation (EC) No 1333/2008";

(vi) omit paragraph 33;

(vii) in paragraphs 34 to 37 and 43, in the column numbered 2, for the words from "paragraphs" to "479/2008" substitute "points (1), (3) to (9), (15) and (16) of Part 2 of Annex 7 to Regulation (EC) No 1308/2013";

(viii) in paragraphs 46 and 48, in the column numbered 2, for the words from "points" to "1234/2007" substitute "Sections C and D of Part 1 of Annex 8 to Regulation (EC) No 1308/2013";

(ix) in paragraph 49, in the column numbered 2, for the words from "point" to "1234/2007" substitute "point 10 of Part 2 of Annex 7 to Regulation (EC) No 1308/2013";

(x) in paragraph 50, in the column numbered 2, for the words from "points" to "1234/2007" substitute "Sections C and D of Part 1 of Annex 8 to Regulation (EU) No 1308/2013";

(xi) in paragraph 52, in the column numbered 2, for the words from "paragraphs" to "1234/2007" substitute "points (1), (3) to (9), (15) and (16) of Part 2 of Annex 7 to Regulation (EC) No 1308/2013";

(b) in Appendix 2, in paragraph 2, for "Directive 2008/84/EC" substitute "Regulation (EU) No 231/2012";

(c) in Appendix 4—

(i) in the first paragraph, for the words from "Community" to "thereof" substitute "retained EU law";

(ii) in the second paragraph—

(aa) for "authorities of the Member States" substitute "appropriate authority";

(bb) after "authorities shall" insert ", by regulations made under the relevant legislation,";

(d) in Appendix 5—

(i) for the first paragraph substitute—

"Potassium ferrocyanide or calcium phytate, the use of which is provided for in paragraph 26 of Annex 1 A, or DL tartaric acid, the use of which is provided for in paragraph 29 of Annex 1 A, may be used only under the supervision of an oenologist or technician officially approved by the appropriate authority in whose territory the process is carried out. Where the appropriate authority considers it necessary to fix the responsibilities of such oenologists and technicians, nothing in this Regulation prevents the authority from making regulations under the relevant legislation for that purpose.";

(ii) for the third paragraph substitute—

"The appropriate authority must make regulations under the relevant legislation regulating the supervision of the use of the product referred to in the first paragraph.";

(e) in Appendix 6, in the part headed "REQUIREMENTS"—

(i) in the second indent, for "Directive 2008/84/EC" substitute "Regulation (EU) No 231/2012";

(ii) in the third indent, for "Article 185c(2) of Regulation (EC) No 1234/2007" substitute "Article 147(2) of Regulation (EU) No 1308/2013";

(f) in Appendix 7—

(i) in the part headed "1. MEMBRANE REQUIREMENTS", in paragraph 1.4, in the first subparagraph—

(aa) in the first indent, for "Annex II to Commission Directive 2002/72/EC" substitute "Annex 1 to Commission Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food";

(bb) in the third indent, for "Directive 2002/72/EC" substitute "Regulation (EU) No 10/2011";

(ii) in the part headed "2. MEMBRANE UTILISATION REQUIREMENTS", in the second paragraph, for "Article 112(2) of Regulation (EC) No 479/2008" substitute "Article 147(2) of Regulation (EU) No 1308/2013";

(g) in Appendix 9, in the part headed "PURITY", in the second paragraph, for "Article 112(2) of Regulation (EC) No 479/2008" substitute "Article 147(2) of Regulation (EU) No 1308/2013";

(h) in Appendix 10, in the part headed "Requirements:"—

(i) in point (3), for "Annex XVa to Regulation (EC) No 1234/2007" substitute "Part 1 of Annex 8 to Regulation (EU) No 1308/2013";

(ii) in point (4), for the words from "subparagraph (a)" to the end substitute "point (a) of the second paragraph of point (1) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013";

(iii) in point (6), for "Article 185c(2) of Regulation (EC) No 1234/2007" substitute "Article 147(2) of Regulation (EU) No 1308/2013";

(iv) in point (7), for "The Member States may require" substitute "Nothing in this Regulation prevents the appropriate authority from making regulations under the relevant legislation requiring";

(i) in Appendix 12, in the part headed "**Requirements**"—

(i) in paragraph 3, for "Article 112(2) of Regulation (EC) No 479/2008" substitute "Article 147(2) of Regulation (EU) No 1308/2013";

(ii) in paragraph 4, for "Community and national provisions adopted thereunder" substitute "retained EU law adopted under that Regulation, national provisions implementing Regulation (EC) No 1935/2004";

(j) in Appendix 14, in the third indent, for "Article 185c(2) of Regulation (EC) No 1234/2007" substitute "Article 147(2) of Regulation (EU) No 1308/2013";

(k) in Appendix 15, in the part headed "Requirements:"—

(i) in point (6), for "Article 185c(2) of Regulation (EC) No 1234/2007" substitute "Article 147(2) of Regulation (EU) No 1308/2013";

(ii) in point (7), for "EU and national provisions adopted thereunder" substitute "retained EU law adopted under that Regulation, national provisions implementing Regulation (EC) No 1935/2004";

(l) in Appendix 16, in the part headed "Requirements:"—

(i) in point (4), for "Annex XVa to Regulation (EC) No 1234/2007" substitute "Part 1 of Annex 8 to Regulation (EU) No 1308/2013";

(ii) in point (9), for "adopted" substitute "made";

(m) in Appendix 17, in the part headed "Requirements:"—

(i) in point (6), for "Article 185c(2) of Regulation (EC) No 1234/2007" substitute "Article 147(2) of Regulation (EU) No 1308/2013";

(ii) in point (7), for "adopted" substitute "made";

(n) in Appendix 18, in the part headed "REQUIREMENTS"—

(i) in point (3), for "Article 185c(2) of Regulation (EC) No 1234/2007" substitute "Article 147(2) of Regulation (EU) No 1308/2013";

(ii) in point (4), for "adopted" substitute "made";

(o) in Appendix 19, in the part headed "Requirements:", in point (3), for "adopted" substitute "made".

(21) In Annex 1 C—

(a) in paragraph 2—

(i) in point (a), for "Community" substitute "United Kingdom";

(ii) in point (b)—

(aa) for "third countries" substitute "countries other than the British Islands";

(bb) for "Community" substitute "United Kingdom";

(b) in paragraph 3—

(i) in the first subparagraph, for the words before point (a), substitute—

"Nothing in this Regulation prevents the appropriate authority from making regulations under the relevant legislation derogating from paragraph 1:";

(ii) for the second subparagraph substitute—

"The appropriate authority must notify those derogations to the other appropriate authorities.".

(22) In Annex 1 D—

(a) in paragraph 2, for "Community", in both places it occurs, substitute "United Kingdom";

(b) in paragraph 3, in the first subparagraph, in the words before point (a), for "a Member State" substitute "on a case by case basis, by the appropriate authority, by administrative decision";

(c) in paragraph 5—

(i) in point (a), for "Member State" substitute "constituent nation";

(ii) in point (c), for "Member States may" substitute "the appropriate authority may, by administrative decision,".

(23) In Annex 2—

(a) in point A—

(i) in paragraph 3, for "Regulation (EC) No 479/2008" substitute "Regulation (EU) No 1308/2013";

(ii) in paragraph 8, for "Regulation (EC) No 479/2008" substitute "Regulation (EU) No 1308/2013";

(b) in point B, omit paragraph 2;

(c) in point C, in paragraph 5, for the words from "paragraph 5(c)" to "479/2008" substitute "point 5(c) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013".

(24) In Annex 3, in Part A—

(a) in point 1—

(i) for "paragraph 3(c) of Annex IV to Regulation (EC) No 479/2008" substitute "point (3)(c) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013";

(ii) for "in Regulation (EC) No 479/2008" substitute "in Regulation (EU) No 1308/2013";

(b) for point 3 substitute—

"**3.** Unless otherwise prohibited by law, the oenological practices referred to in Regulation (EC) No 1308/2013 and in this Regulation are authorised for liqueur wines and liqueur wines with a protected designation of origin or a protected geographical indication.";

(c) in point 4(b), for the words from "paragraphs 3(e)" to "479/2008" substitute "points (3)(e) and (f) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013";

(d) in point 5—

(i) for the words from "paragraph 3(c)" to "to Regulation (EC) No 479/2008" substitute "point (3)(c) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013";

(ii) for "Article 24(1) of Regulation (EC) No 479/2008" substitute "Article 81(2) of Regulation (EC) No 1308/2013".

Commission Regulation (EC) No 936/2009

5.—(1) Commission Regulation (EC) No 936/2009 applying the agreements between the European Union and third countries on the mutual recognition of certain spirit drinks, so far as it relates to the products of the United States of America described in the first and second rows of the table in Annex 1 to that Regulation (Tennessee Whisky, Tennessee Whiskey and Bourbon Whisky etc.), is amended as follows.

(2) In Article 1—

(a) in paragraph 1—

(i) for "third countries referred to therein" substitute "United States of America";

(ii) for "third countries concerned" substitute "United States of America";

(b) in paragraph 2, for the words from "referred to" to the end substitute "contained in the Spirit Drinks Regulations 2008 under the conditions laid down in the Agreement between the United Kingdom of Great Britain and Northern Ireland and the United States of America on the mutual recognition of certain distilled spirits/spirit drinks as if the product descriptions were registered Annex 3 geographical indications (as defined in those Regulations)".

(3) After Article 3 omit the words from "This Regulation" to "Member States.".

(4) In Annex 1, in the table omit the last two rows (relating to tequila and mescal).

Commission Implementing Regulation (EU) No 716/2013

6.—(1) Commission Implementing Regulation (EU) No 716/2013 laying down rules for the application of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks is amended as follows.

(2) In Article 1(b) omit "Union".

(3) In Article 6, in the words before point (a), for "Commission" substitute "Secretary of State".

(4) In Article 12—

(a) in paragraph 1—

(i) for "Commission" substitute "Secretary of State";

(ii) omit "the Member State,";

(iii) omit "from the third country in question";

(b) in paragraph 2—

(i) omit "the Member State,";

(ii) omit "from the third country in question";

(iii) for "Commission" substitute "Secretary of State".

(5) In Article 13(1), for "Commission", in both places it occurs, substitute "Secretary of State".

(6) In Article 14—

(a) in paragraph 2, for "Union" substitute "United Kingdom";

(b) in paragraph 4, for "Commission", in both places it occurs, substitute "Secretary of State".

(7) In Article 16—

(a) in the heading, for "**Commission**" substitute "**Secretary of State**";

(b) in paragraph 1—

(i) in the first subparagraph—

(aa) for "Commission" substitute "Secretary of State";

(bb) for "it" substitute "the Secretary of State";

(ii) in the second subparagraph—

(aa) omit "the Member State,";

(bb) omit "from the third country in question";

(c) in paragraph 2—

(i) for "Commission" substitute "Secretary of State";

(ii) for "in Annex III to that Regulation" substitute ", publish the decision in accordance with Article 17(8a) of that Regulation and amend Annex 3 to that Regulation to include the geographical indication in that Annex in accordance with that Article".

(8) In Article 20(3)—

(a) in the first subparagraph—

(i) for "Commission" substitute "Secretary of State";

(ii) for "it" substitute "the Secretary of State";

(iii) for "It" substitute "The Secretary of State";

(b) in the second subparagraph—

(i) omit "the Member State,";

(ii) omit "from the third country in question".

(9) In Article 21(3), for "Commission" substitute "Secretary of State".

Commission Delegated Regulation (EU) 2019/33

7.—(1) 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 is amended as follows.

(2) After Article 1 insert—

"Article 1a

Definitions

In this Regulation:

'the appropriate authority' means:

(a) in relation to England, the Secretary of State;

(b) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(c) in relation to Scotland, the Scottish Ministers;

(d) in relation to Wales, the Welsh Ministers;

'the Article 25 Register' means the register referred to in Article 25 of Implementing Regulation (EU) 2019/34;

'constituent nation' means England, Northern Ireland, Scotland or Wales;

'country', in relation to the United Kingdom, means the United Kingdom as a whole and does not mean any of the individual constituent nations forming part of the United Kingdom;

'third country' means a country, other than the United Kingdom, and includes:

(a) the Bailiwick of Guernsey;

(b) the Bailiwick of Jersey;

(c) the Isle of Man;

'relevant legislation', in relation to the making of regulations referred to in a provision, means:

(a) in relation to England, Scotland and Wales, regulations made under the Food Safety Act 1990 using an enabling power in that Act that confers power on the appropriate authority to make regulations about the matter, or for the purpose, specified in the provision in question;

(b) in relation to Northern Ireland, regulations made under the Food Safety (Northern Ireland) Order 1991 using an enabling power in that Order that confers power on the Department of Agriculture, Environment and Rural Affairs to make regulations about the matter, or for the purpose, specified in the provision in question.".

(3) In Article 4(2) omit the words from ", taking" to the end.

(4) In Article 5(1)(c) omit the words from "Member States", in the first place it occurs, to "third".

(5) Omit Articles 6 to 8.

(6) In Article 9—

(a) in paragraph 2—

(i) for "Commission" substitute "Secretary of State";

(ii) for the words from "it shall inform" to "in a third country" substitute "the Secretary of State must inform the applicant, or, in the case of a third country application, the applicant established in, or the authorities of, that country,";

(b) in paragraph 3—

(i) for "Commission shall make public" substitute "Secretary of State must publish";

(ii) for "it" substitute "the Secretary of State";

(iii) omit "Member State";

(iv) at the end insert (as the second sentence)—

"The list may be published in such manner as appears appropriate to the Secretary of State from time to time.".

(7) In Article 10, for "Commission", in each place it occurs, substitute "Secretary of State".

(8) Omit Article 23.

(9) In Article 24(1) omit "Member State or third".

(10) In Article 25(1)—

(a) omit "the Member State or";

(b) after "established in" insert "the United Kingdom or".

(11) In Article 26—

(a) in paragraph 2 omit "of the Member State concerned";

(b) after paragraph 2 insert—

"**2a.** In the case of an application concerning the United Kingdom, a copy of the legislation referred to in paragraph 2 need not be provided where the title of the relevant legislation is given together with its year and chapter or serial number.";

(c) in paragraph 4, for the words from "authorities" to "question" substitute "applicant, in the case of an application concerning the United Kingdom, or, in the case of an application concerning a third country, the authorities of the third country or the applicant established in the third country in question,".

(12) In Article 27—

(a) in paragraph 1—

(i) in point (b)—

(aa) in point (i) omit "Union or of the third";

(bb) in point (ii) omit "Member State or third";

(ii) in point (d), for "Member State's legislation or" substitute "legislation of the relevant country or, in the case of an application concerning a third country, is";

(b) in paragraph 2(a) omit "Member State or third";

(c) in paragraph 3, for "Union" substitute "United Kingdom".

(13) In Article 28—

(a) in the heading, for "**Commission**" substitute "**Secretary of State**";

(b) in paragraphs 1, 2 and 4, for "Commission" substitute "Secretary of State".

(14) In Article 29, for "Commission" substitute "Secretary of State".

(15) In Article 30—

(a) in paragraph 1—

(i) in point (a) omit "Member State or";

(ii) in point (b), for "Commission" substitute "Secretary of State";

(b) in paragraph 2, for the words from "Member State" to the end substitute "applicant, or, in the case of an application submitted by a third country authority, that authority".

(16) In Article 32—

(a) in paragraph 1(a), for "Commission" substitute "Secretary of State";

(b) in paragraph 3, in the first subparagraph—

(i) for the words from "where national legislation" to "Union," substitute "in the United Kingdom";

(ii) for the words from "under Directive" to the end substitute "in, or under, the Trade Marks Act 1994".

(17) Omit Article 33(2).

(18) In Article 37—

(a) in paragraph 1, in the first subparagraph, in point (a), for "Commission by a Member State," substitute "Secretary of State by";

(b) in paragraph 2—

(i) for "Commission" substitute "Secretary of State";

(ii) for "it" substitute "the Secretary of State";

(c) in paragraph 3, for "Commission" substitute "Secretary of State".

(19) In Article 38(2), for the words from "electronic database" to "2019/34" substitute "Article 25 Register".

(20) For Article 39 substitute—

"Article 39

Existing protected traditional terms

1. The Secretary of State must enter the names of established traditional terms on the Article 25 Register.

2. In this Article 'established traditional terms' means traditional terms shown as registered traditional terms under the country name 'United Kingdom' on the E-Bacchus wine register maintained by European Commission as that register stood immediately before exit day.".

(21) In Article 42—

(a) in paragraph 1, for "Union" substitute "United Kingdom";

(b) in paragraph 2—

(i) for "Member States may" substitute "the Secretary of State may, by administrative decision,";

(ii) for "Union labelling and presentation rules in force" substitute "labelling and presentation rules in retained EU law".

(22) In Article 50—

(a) in paragraph 1—

(i) in the words before point (a), for "Union" substitute "United Kingdom";

(ii) in point (b)—

(aa) omit the first subparagraph;

(bb) in the second subparagraph, for the words from "Member States" to "Regulation (EU) No 1308/2013" substitute "wines produced in the United Kingdom";

(b) in paragraph 2, in the second subparagraph omit the words from "and the equivalent" to "languages".

(23) In Article 51—

(a) in the first paragraph—

(i) in the words before point (a), for the words from "Member States" to "'varietal wine'" substitute "nothing in this Regulation prevents the appropriate authority from making regulations under the relevant legislation permitting the use of the term 'varietal wine' on grapevine products produced in the United Kingdom,";

(ii) in point (a), for "of the Member State(s) concerned" substitute "'United Kingdom'";

(b) in the third paragraph, for the words from "name(s)" to the end substitute "name 'United Kingdom' or the name of a third country";

(c) in the fourth paragraph, for "of the Member State" substitute "'United Kingdom'".

(24) In Article 52—

(a) in paragraph 4, for "by the Member States or" substitute "in relation to a constituent nation of the United Kingdom, by law, or, in relation to a third country, are";

(b) after paragraph 4 insert—

"**5.** For the purpose of paragraph 4, in relation to a constituent nation of the United Kingdom, 'by law' includes regulations made under the relevant legislation.".

(25) In Article 53(2), in the first subparagraph omit "Member States and".

(26) In Article 55(2)—

(a) in the first subparagraph omit the second sentence;

(b) omit the third subparagraph.

(27) In Article 57—

(a) in paragraph 1, in the first subparagraph, in the words before point (a), and in the second subparagraph, for "Union" substitute "United Kingdom";

(b) in paragraph 2, for "Member States may decide" substitute "nothing in this Regulation prevents regulations from being made under the relevant legislation to provide".

(28) In Article 58—

(a) in the heading omit "**laid down by the producing Member States**";

(b) omit paragraph 1;

(c) in paragraph 2, for "Member States may" substitute "Nothing in this Regulation prevents regulations from being made under the relevant legislation to";

(d) in paragraph 3—

(i) for "Member State may decide" substitute "nothing in this Regulation prevents regulations from being made under the relevant legislation";

(ii) at the end insert "where those grapevine products do not bear a protected designation of origin or geographical indication";

(e) for paragraph 4 substitute—

"**4.** For control purposes, nothing in this Regulation prevents regulations from being made under the relevant legislation to apply Articles 118, 119(1) (other than point (b)) and 120(1) (other than point (d)) to products to which paragraph 5 applies.

5. This paragraph applies to grapevine products bottled in the territory of the appropriate authority that do not bear a protected designation of origin or geographical indication and have not been placed on the market.".

(29) For Article 61 substitute—

"Article 61

Transitional provisions

1. Products to which paragraph 2 applies may be marketed until stocks are exhausted.

2. This paragraph applies to grapevine products:

(a) placed on the market, or labelled without being placed on the market, in the United Kingdom before 14th January 2019,

(b) that do not comply with the requirements in force under this Regulation, and

(c) that comply with the requirements of Regulation 607/2009 as those requirements had effect immediately before Regulation 607/2009 was repealed by this Regulation(**19**) as it stood before its incorporation into domestic law by section 3 of the European Union (Withdrawal) Act 2018.

3. Products to which paragraph 4 applies may be marketed:

(a) before the relevant day, and

(b) in relation to stocks of such products in existence immediately before the relevant day, on and after the relevant day until stocks are exhausted.

4. This paragraph applies to grapevine products:

(a) placed on the market, or labelled without being placed on the market, in the United Kingdom, before the relevant day,

(b) that do not comply with the requirements in force under this Regulation, and

(c) that comply with the requirements of this Regulation as it stood before its incorporation into domestic law by section 3 of the European Union (Withdrawal) Act 2018.

5. In this Article:

'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(**20**);

'the relevant day' means the day that falls 21 months after the day on which exit day falls.".

(30) After Article 62 omit the words from "This Regulation" to "Member States.".

(31) In Annex 1, for Part A substitute—

(**19**) OJ No. L 9, 11.1.2019, p. 2.

(**20**) OJ No. L 193, 24.7.2009, p. 60, repealed by Commission Delegated Regulation (EU) 2019/33 (OJ No. L 9, 11.1.2019, p. 2) and as last amended, before its repeal, by Commission Delegated Regulation (EU) 2018/273 (OJ No. L 58, 28.2.2018, p. 1).

“PART A

Terms referred to in Article 41(1)

Terms concerning sulphites/sulfites:

‘sulphites’ or ‘sulfites’

‘sulphur dioxide’ or ‘sulfur dioxide’

Terms concerning eggs and egg-based products:

‘egg’

‘egg protein’

‘egg product’

‘egg lysozyme’

‘egg albumin’

Terms concerning milk and milk-based products:

‘milk’

‘milk products’

‘milk casein’ or ‘milk protein’”.

(32) For Annexes 2 and 3 substitute—

“ANNEX 2

Words referred to in point (b) of the second subparagraph of Article 46(3)

Words authorised instead of ‘producer’: ‘processor’ or ‘winemaker’

Words authorised instead of ‘produced by’: ‘processed by’ or ‘made by’

ANNEX 3

Indication of the sugar content

PART A

List of terms referred to in Article 47(1), to be used for sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine

Terms	*Conditions of use*
extra dry	If its sugar content is between 12 and 17 grams per litre.
dry	If its sugar content is between 17 and 32 grams per litre.

Terms	*Conditions of use*
medium dry	If its sugar content is between 32 and 50 grams per litre.
mild, sweet	If its sugar content is greater than 50 grams per litre.

PART B

List of terms referred to in Article 52(1), to be used for used for products other than those listed in Part A

Terms	*Conditions of use*
dry	If its sugar content does not exceed: — 4 grams per litre, or — 9 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 2 grams below the residual sugar content.
medium dry	If its sugar content exceeds the maximum permitted but does not exceed: — 12 grams per litre, or — 18 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 10 grams below the residual sugar content.
medium, medium sweet	If its sugar content exceeds the maximum permitted but does not exceed 45 grams per litre.
sweet	If its sugar content is at least 45 grams per litre.”.

Commission Implementing Regulation (EU) 2019/34

8.—(1) 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 is amended as follows.

(2) In Article 1(f) omit “Union”.

(3) After Article 1 insert—

“Article 1a

Definition of ‘third country’

In this Regulation, ‘third country’ means a country, other than the United Kingdom, and includes:

(a) the Bailiwick of Guernsey;

(b) the Bailiwick of Jersey;

(c) the Isle of Man.".

(4) Omit Article 2.

(5) In Article 3, for "Commission" substitute "Secretary of State".

(6) In Article 4—

(a) for paragraph 1 substitute—

"**1.** A joint application, as referred to in Article 95(3) of Regulation (EU) No 1308/2013, must be submitted to the Secretary of State by one of the applicants.

1a. An applicant (within the meaning of Article 3) in one of the third countries concerned, may submit the application directly or through the authorities of that third country.

1b. Where a joint application concerns a geographical area that includes an area in the United Kingdom, the application must fulfil the requirements laid down in Article 94 of Regulation (EU) No 1308/2013 in relation to that area, except for the requirement in paragraph 3 of that Article. In addition, the application must fulfil all of the requirements laid down in Article 94, including the requirement in paragraph 3, in relation to the area in the third country concerned.

1c. Where a joint application concerns a geographical area that includes an area in two or more third countries, the application must fulfil the requirements laid down in Article 94 of Regulation (EU) No 1308/2013 in relation to each of those areas, including the requirement laid down in paragraph 3 of that Article.";

(b) in paragraph 2—

(i) for the words from "Member State" to "in a third country" substitute "applicant";

(ii) for "Commission", in both places it occurs, substitute "Secretary of State".

(7) In Article 5—

(a) in paragraph 1—

(i) for point (b) substitute—

"(b) where the demarcated area, or any part of it, is situated in the United Kingdom, the name 'United Kingdom';";

(ii) after point (b) insert—

"(ba) where the demarcated area, or any part of it, is situated in a third country, the name of the third country;";

(b) in paragraph 3, for the words from "in accordance" to "shall use" substitute "using".

(8) In Article 7—

(a) in paragraph 1—

(i) in the first subparagraph—

(aa) for "Commission" substitute "Secretary of State";

(bb) for "Member State" substitute "applicant";

(cc) for the words from "or the" to "question" substitute ", where relevant,";

(ii) in the second subparagraph—

(aa) for "before the" substitute "a";

(bb) for the words from "is sent" to "lead to the" substitute ", where relevant, and a";

(cc) at the end insert "must be submitted to the Secretary of State";

(b) in paragraph 3—

(i) for "Commission", in both places it occurs, substitute "Secretary of State";

(ii) for "it" substitute "the Secretary of State";

(iii) for "Member State" substitute "applicant";

(iv) for the words from "or the applicant" to "question" substitute ", as relevant,".

(9) In Article 8—

(a) in paragraph 1(a), for the words from "reference" to "series" substitute "the name of the proposed designation of origin or geographical indication";

(b) in paragraph 3, for "Commission" substitute "Secretary of State".

(10) In Article 9—

(a) in the heading, for "**Union**" substitute "**non-standard**";

(b) in paragraph 1—

(i) in the words before point (a), for "Union" substitute "non-standard";

(ii) in point (f), for "the electronic reference to the publication" substitute "a copy";

(c) in paragraph 2—

(i) in the first subparagraph—

(aa) for "Union" substitute "a non-standard";

(bb) for the words from "in accordance" to "use" substitute "using";

(ii) in the second subparagraph—

(aa) omit the second sentence;

(bb) for the third sentence substitute—

"The application must include a copy of the consolidated version of the product specification.".

(11) In Article 10—

(a) in paragraph 1(e), for "the electronic reference to the publication" substitute "a copy";

(b) omit paragraph 2;

(c) in paragraph 3 omit the second sentence;

(d) for paragraph 4 substitute—

"**4.** The Secretary of State may publish a form to be used for the purpose of the communication referred to in paragraph 1. Where such a form is published, it must be used for the communication. The Secretary of State may publish the form in such manner as appears appropriate to the Secretary of State from time to time.".

(12) In Article 11—

(a) in paragraph 1—

(i) in point (c), at the beginning insert "in the case of products originating in a third country,";

(ii) after point (c) insert—

"(d) a consolidated copy of the product specification incorporating the temporary amendment in a way that makes the temporary amendment readily apparent.";

(b) omit paragraph 2;

(c) in paragraph 3 omit the second sentence;

(d) for paragraph 4 substitute—

"**4.** The Secretary of State may publish a form to be used for the purpose of the communication referred to in paragraph 1. Where such a form is published, it must be used for the communication. The Secretary of State may publish the form in such manner as appears appropriate to the Secretary of State from time to time.".

(13) In Article 12—

(a) in paragraph 1—

(i) in the words before point (a)—

(aa) for the words from the beginning to "conferring" substitute "Following a decision of the Secretary of State to confer";

(bb) for "Commission" substitute "Secretary of State";

(ii) omit points (f), (g) and (h);

(b) after paragraph 1 insert—

"**1a.** Following a decision of the type referred to in paragraph 1, the Secretary of State must attach a copy of the single document and the product specification relating to the relevant designation of origin or geographical indication to the register.";

(c) in paragraph 2—

(i) for "Commission" substitute "Secretary of State";

(ii) for "it" substitute "the Secretary of State";

(iii) for the words from "with effect" to the end substitute "in the register and attach a copy of the approved amended product specification to the register";

(d) after paragraph 2 insert—

"**2a.** The new data, and the approved amended product specification, take effect:

(a) where a date is specified in the Secretary of State's approval decision as the date on which the new data and the approved amended product specification are to take effect, on that date, or

(b) otherwise, immediately after the expiry of 20 days beginning with the day on which the register entry is made, or, if a copy of the product specification is attached to the register at a later date, immediately after the expiry of 20 days beginning with the day on which the copy of the product specification is attached to the register.";

(e) in paragraph 3, for "Commission" substitute "Secretary of State";

(f) omit paragraph 4.

(14) In Article 17—

(a) for the heading substitute—

"Names and addresses of competent authorities etc.";

(b) omit the first sentence;

(c) in the second sentence—

(i) for "Commission shall make public" substitute "Secretary of State must make public, in such manner as appears appropriate to the Secretary of State from time to time,";

(ii) at the end insert "responsible for carrying out checks relating to the use of protected designations of origin and protected geographical indications in the United Kingdom".

(15) In Article 18—

(a) in the heading, for "**Commission**" substitute "**Secretary of State**";

(b) in the words before point (a), for "Commission, at its" substitute "Secretary of State, at the Secretary of State's".

(16) In Article 19—

(a) in paragraph 1—

(i) in the second subparagraph, in the words before point (a) omit the words from "in the" to "place";

(ii) in the third subparagraph—

(aa) omit "Member States opt to conduct";

(bb) for ", they" substitute "are carried out, the competent authority or the control body";

(iii) in the fourth subparagraph—

(aa) omit "Member States opt to conduct";

(bb) for ", they" substitute "is carried out, the competent authority or control authority";

(b) omit paragraph 5;

(c) in paragraph 6, for "5" substitute "4";

(d) omit paragraphs 7 and 8.

(17) In Article 20—

(a) in point (b)(ii), for "Member States legislation or product specifications of" substitute "any other enactment relating to, or in the product specification of, the";

(b) after the existing paragraph insert—

"In this Article, 'enactment' includes:

(a) enactments of the type specified in paragraphs (a) to (f) of the definition of 'enactment' in section 20(1) of the European Union (Withdrawal) Act 2018, and

(b) retained direct EU legislation.".

(18) In Article 21—

(a) in paragraph 1, for the words from "Commission" to "in third countries" substitute "Secretary of State by a representative professional organisation established in the United Kingdom or a third country, as relevant, or, in the case of a third country, by a competent authority of that third country,";

(b) in paragraph 2—

(i) omit "established in a third country";

(ii) for "Commission", in both places it occurs, substitute "Secretary of State".

(19) In Article 22—

(a) in paragraph 1—

(i) for "Member State, third country," substitute "third country";

(ii) for the words from "of publication" to "to in" substitute "on which the Secretary of State publishes the application under";

(b) in paragraph 2, for "Commission" substitute "Secretary of State".

(20) In Article 23(3)—

(a) for "Commission", in both places it occurs, substitute "Secretary of State";

(b) omit "the Member State or";

(c) omit "established in the third country in question".

(21) In Article 24—

(a) in paragraph 1, for "Commission" substitute "Secretary of State";

(b) in paragraph 2—

(i) for "Commission" substitute "Secretary of State";

(ii) for "its" substitute "the Secretary of State's".

(22) In Article 25(1)—

(a) in the words before point (a)—

(i) for the words from the beginning to "conferring" substitute "Following a decision by the Secretary of State to confer";

(ii) for "Commission" substitute "Secretary of State";

(b) in point (e) omit "Member State or third".

(23) In Article 27—

(a) in paragraph 2—

(i) for "Commission" substitute "Secretary of State";

(ii) for "it" substitute "the Secretary of State";

(iii) for the words from "with effect" to the end substitute "in the register referred to in Article 25";

(b) after paragraph 2 insert—

"**3.** The new specifications take effect:

(a) where a date is specified in the Secretary of State's approval decision as the date on which the new specifications are to take effect, on that date, or

(b) otherwise, immediately after the expiry of 20 days beginning with the day on which they are recorded on the register referred to in Article 25.".

(24) In Article 28(2), for "Commission", in both places it occurs, substitute "Secretary of State".

(25) In Article 29—

(a) in paragraph 1—

(i) in the first subparagraph—

(aa) for "Commission" substitute "Secretary of State";

(bb) for "it" substitute "the Secretary of State";

(cc) omit "the Member State or";

(dd) omit "established in the third country in question";

(ii) in the second subparagraph, for "Commission" substitute "Secretary of State";

(b) in paragraph 2—

(i) omit "the Member State or";

(ii) omit "established in the third country in question";

(iii) for "Commission" substitute "Secretary of State";

(c) in paragraph 3—

(i) in the first subparagraph—

(aa) for "Commission" substitute "Secretary of State";

(bb) for "it" substitute "the Secretary of State";

(cc) for "It" substitute "The Secretary of State";

(ii) omit the second subparagraph;

(d) after paragraph 3 insert—

"**3a.** After making a decision whether to cancel the protection of the traditional term, the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State, a notice informing the author of the cancellation request, the public and, where relevant, the third country authorities in question of the decision made by the Secretary of State.";

(e) in paragraph 4, in the first subparagraph, for "Commission", in both places it occurs, substitute "Secretary of State";

(f) in paragraph 5, for "Commission" substitute "Secretary of State".

(26) In Article 30 is amended in accordance with paragraphs (27) to (31).

(27) In the heading, for "**Commission, the Member States**" substitute "**Secretary of State, applicants**".

(28) In paragraph 1, for the words from "Commission as" to the end substitute "Secretary of State by electronic mail, using the forms set out in Annexes 1 to 7".

(29) Omit paragraph 2.

(30) In paragraph 3, for "Commission" substitute "Secretary of State".

(31) In paragraph 4—

(a) in the first subparagraph—

(i) omit the first sentence;

(ii) in the final sentence—

(aa) for "paragraphs 2 and" substitute "paragraph";

(bb) for "Commission to the Member States," substitute "Secretary of State to";

(b) omit the second subparagraph.

(32) In Article 31—

(a) in paragraph 1, for "Commission" substitute "Secretary of State";

(b) omit paragraph 2;

(c) in paragraph 3—

(i) in the first subparagraph, for "Commission" substitute "Secretary of State";

(ii) in the second subparagraph—

(aa) for "It" substitute "The Secretary of State";

(bb) for "Union" substitute "non-standard";

(iii) in the fourth subparagraph, for "Commission" substitute "Secretary of State";

(d) omit paragraph 4.

(33) In Article 32—

(a) for "Commission", in the first place it occurs, substitute "Secretary of State";

(b) for the words from "through" to the end substitute "in such manner as appears appropriate to the Secretary of State from time to time".

(34) In Article 33—

(a) in the first paragraph—

(i) for "Union" substitute "non-standard";

(ii) for the words from "in the" to the end substitute "by the Secretary of State. They may be published in such manner as appears appropriate to the Secretary of State from time to time";

(b) in the second paragraph, for the words from "in the" to the end substitute "by the Secretary of State. They may be published in such manner as appears appropriate to the Secretary of State from time to time".

(35) After Article 34 omit the words from "This Regulation" to "Member States.".

(36) In Annex 2—

(a) for the sections headed "1. **Name of product**" and "2. **Official reference**" substitute—

"**1. Name of product**

[as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013]

…

2. Official reference

2. [as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013]

Reference number: …

Date of publication under Article 97(3) of Regulation (EU) No 1308/2013: …";

(b) in the section headed '3. **Name of the objector (Person, body, Member State or Third Country)**", in the heading omit "**, Member State**".

(37) In Annex 4—

(a) in the heading, for "**UNION**" substitute "**NON-STANDARD**";

(b) for "EU No: [for EU use only]" substitute "UK No: [for official use only]";

(c) in the section headed "4. **Type of amendment(s)**", for "*Union*" substitute "*non-standard*";

(d) in the section headed "6. **Annexes**", in the section numbered 6.2 omit the words from "as published" to the end.

(38) In Annex 5—

(a) for "EU No: [for EU use only]" substitute "UK No: [for official use only]";

(b) in the section headed "4. **Annexes**", in the section numbered 4.5 omit the words from "as published" to the end.

(39) In Annex 6, for "EU No: [for EU use only]" substitute "UK No: [for official use only]".

(40) In Annex 7—

(a) for "EU No: [for EU use only]" substitute "UK No: [for official use only]";

(b) in the section headed "2. **Member State or Third Country to which the demarcated area belongs**", for the heading substitute—

"2. **Country to which the demarcated area belongs** ('United Kingdom' or name of third country)";

(c) in the section headed "3. **Person, body, Member State or Third Country making the cancellation request**", in the heading omit "**, Member State**".

(41) In Annex 8—

(a) for "*[to be completed by the Commission]*", in both places it occurs, substitute "*[for official use only]*";

(b) in the section headed "**Applicant**" omit "Competent authority of the Member State (*)".

(42) In Annex 9—

(a) for "*[to be completed by the Commission]*", in both places it occurs, substitute "*[for official use only]*";

(b) in the section headed "**Objector**" omit "*Member State or*";

(c) for the section headed "**Intermediary**"—

(i) omit the first indent;

(ii) for the second indent substitute—

"Third country authority (optional)";

(iii) omit "*[(*) delete as appropriate]*".

(43) In Annex 10, for "*[to be completed by the Commission]"*, in both places it occurs, substitute "*[for official use only]*".

(44) In Annex 11, for "*[to be completed by the Commission]"*, in both places it occurs, substitute "*[for official use only]*".

(45) Omit Annex 12.

PART 3

Amendment of subordinate legislation relating to genetically modified organisms

The Genetically Modified Organisms (Deliberate Release) Regulations 2002

9.—(1) The Genetically Modified Organisms (Deliberate Release) Regulations 2002(**21**) are amended as follows.

(2) In regulation 23—

(a) in paragraph (1)—

(i) omit sub-paragraphs (b) and (e);

(ii) in sub-paragraph (d)(ii), at the end, for ", and" substitute ".";

(b) in paragraph (3), for "periods" substitute "period";

(c) for paragraph (4) substitute—

"(4) Where the assessment report referred to in paragraph (1)(d) indicates that the genetically modified organisms to which an application relates should be permitted to be marketed, the Secretary of State must invite any person, by means of a request placed on

(**21**) S.I. 2002/2443, amended by S.I. 2004/2411, 2005/2759, 2009/1892, 2011/1043, 2018/575 and 2019/88.

the register, to make representations on the assessment report, which must be received by the Secretary of State within a period of 30 days beginning with the day on which the request is placed on the register (which must not be earlier than the day on which the assessment report is placed on the register under regulation 35(7A)).".

(3) In regulation 24, for paragraphs (1) to (3) substitute—

"**24.**—(1) The Secretary of State must not grant an application for consent to market genetically modified organisms under section 111(1) of the Act as it relates to the protection of human health without the agreement of the Health and Safety Executive.

(2) Where the Secretary of State invites representations on an assessment report relating to an application for consent to market genetically modified organisms—

(a) the Secretary of State must not determine whether to grant or refuse the application before the period for making representations under regulation 23(4) has ended and the Secretary of State has considered any representations made in accordance with that regulation;

(b) the Secretary of State must, within 105 days after the end of the period for making representations under regulation 23(4)—

(i) determine the application, and

(ii) notify the applicant in writing of the decision to grant or refuse the application, and the reasons for the decision.

(3) The period referred to in paragraph (2)(b) does not include any period beginning with the day on which the Secretary of State gives notice in writing under section 111(6) of the Act that further information in respect of the application is required and ending on the day on which that information is received by the Secretary of State.".

(4) In regulation 34, after paragraph (7) insert—

"(7A) A copy of any assessment report produced in accordance with regulation 23(1)(d) or regulation 25(1)(c).".

(5) In regulation 35—

(a) in paragraph (2), after "(a) to (g)" insert "and (i)";

(b) after paragraph (3) insert—

"(3A) The information prescribed in regulation 34(3A) shall be placed on the register within twelve days of receipt by the Secretary of State of the application for consent to market.";

(c) after paragraph (7) insert—

"(7A) The information prescribed in regulation 34(7A) shall be placed on the register within twelve days of its production.".

The Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003

10.—(1) The Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(**22**) are amended as follows.

(2) In regulation 23—

(a) in paragraph (1)—

(i) omit sub-paragraphs (b) and (e);

(**22**) S.R. 2003 No.167, amended by S.R. 2005 No. 272 and S.I. 2019/190.

(ii) in sub-paragraph (d)(ii), at the end, for "and" substitute ".";

(b) in paragraph (3), for "periods" substitute "period";

(c) for paragraph (4) substitute—

"(4) Where the assessment report referred to in paragraph (1)(d) indicates that the genetically modified organisms to which an application relates should be permitted to be marketed, the Department must invite any person, by means of a request placed on the register, to make representations on the assessment report, which must be received by the Department within a period of 30 days beginning with the day on which the request is placed on the register (which must not be earlier than the day on which the assessment report is placed on the register under regulation 35(7A)).".

(3) In regulation 24, for paragraphs (1) to (3) substitute—

"**24.**—(1) The Department must not grant an application for consent to market genetically modified organisms under Article 8(1) of the Order as it relates to the protection of human health without the agreement of the Health and Safety Executive Northern Ireland.

(2) Where the Department invites representations on the assessment report relating to an application for consent to market genetically modified organisms—

(a) the Department must not determine whether to grant or refuse the application before the period for making representations under regulation 23(4) has ended and the Department has considered any representations made in accordance with that regulation;

(b) the Department must, within 105 days after the end of the period for making representations under regulation 23(4)—

(i) determine the application, and

(ii) notify the applicant in writing of the decision to grant or refuse the application, and the reasons for that decision.

(3) The period referred to in paragraph (2)(b) does not include any period beginning with the day on which the Department gives notice in writing under Article 8(6) of the Order that further information in respect of the application is required and ending on the day on which that information is received by the Department.".

(4) In regulation 34, after paragraph (7) insert—

"(7A) A copy of any assessment report produced in accordance with regulation 23(1)(d) or regulation 25(1)(c).".

(5) In regulation 35—

(a) in paragraph (2), after "(a) to (g)" insert "and (i)";

(b) after paragraph (3) insert—

"(3A) The information prescribed in regulation 34(3A) shall be placed on the register within twelve days of its receipt by the Department of the application for consent to market.";

(c) after paragraph (7) insert—

"(7A) The information prescribed in regulation 34(7A) shall be placed on the register within twelve days of its production.".

The Genetically Modified Organisms (Amendment) (England) (EU Exit) Regulations 2019

11. In the Genetically Modified Organisms (Amendment) (England) (EU Exit) Regulations 2019(**23**), in regulation 3, omit paragraphs (9)(a) and (d) and (10)(a).

The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019

12.—(1) The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019(**24**) are amended as follows.

(2) For regulation 5(3)(a) substitute—

"(a) for paragraph 10(a) substitute—

"(a) the permanent or temporary leaving of the United Kingdom of GMOs which originated—

(i) in the United Kingdom, or

(ii) in a third country but have entered, and are in free circulation in, the United Kingdom;";".

(3) In regulation 6(2), in paragraph 1 of substituted Article 1, in the words before point (a), for "and" in the second place it occurs substitute "or".

The Genetically Modified Organisms (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

13. In the Genetically Modified Organisms (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(**25**), in regulation 3, omit paragraphs (9)(a) and (d) and (10)(a).

PART 4

Amendment of subordinate legislation relating to direct payments to farmers

The Common Agricultural Policy (Direct Payments to Farmers) (Amendment) (EU Exit) Regulations 2019

14.—(1) The Common Agricultural Policy (Direct Payments to Farmers) (Amendment) (EU Exit) Regulations 2019(**26**) are amended in accordance with paragraph (2).

(2) In regulation 5(23)(a), in the substituted text, after "grasslands" insert "which are environmentally sensitive".

The Common Agricultural Policy (Rules for Direct Payments) (Amendment) (EU Exit) Regulations 2019

15.—(1) The Common Agricultural Policy (Rules for Direct Payments) (Amendment) (EU Exit) Regulations 2019(**27**) are amended in accordance with paragraph (2).

(2) In regulation 6—

(a) for paragraph (6)(b)(ii) substitute—

"(ii) omit the words from "a change", in the second place it occurs, to "scheme";

(**23**) S.I. 2019/88.
(**24**) S.I. 2019/90.
(**25**) S.I. 2019/190.
(**26**) S.I. 2019/207.
(**27**) S.I. 2019/208.

(iii) for "a Member State" substitute "the relevant authority";

(iv) omit the last sentence.";

(b) for paragraph (7)(a)(ii) substitute—

"(ii) in the second subparagraph—

(aa) for "Member State", in the first place it occurs, substitute "relevant authority";

(bb) omit the last sentence;";

(c) in paragraph (8)—

(i) for sub-paragraph (a) substitute—

"(a) in paragraph 2, in the first subparagraph—

(i) after "production", in the first place it occurs, insert "during the period fixed by the relevant authority";

(ii) omit the second and third sentences;

(iii) for "Member States", in the second place it occurs, substitute "the relevant authority";

(iv) for "Member States", in the third place it occurs, substitute "The relevant authority;";

(ii) after sub-paragraph (g) insert—

"(ga) in paragraph 8a—

(i) for "Member States", in the first place it occurs, substitute "the relevant authority";

(ii) for "Member States", in the second place it occurs, substitute "The relevant authority";";

(iii) for sub-paragraph (j) substitute—

"(j) in paragraph 10a, in the second subparagraph, for the words from "However" to "allow" substitute "Nothing in this Article prevents the relevant authority, using any power the relevant authority has, from allowing".".

Robert Goodwill
Minister of State
Department for Environment, Food and Rural Affairs

28th March 2019

SCHEDULE Regulation 3

Regulation (EC) No 110/2008 of the European Parliament and of the Council: new Annex 3

*"**ANNEX 3***

GEOGRAPHICAL INDICATIONS

Product category	*Geographical indication*	*Country of origin (the precise geographical origin is described in the technical file)*
Whisky/Whiskey		
	Scotch Whisky	United Kingdom (Scotland)
	Irish Whiskey/ Irish Whisky/ Uisce Beatha Eireannach[(1)]	Ireland
Cider spirit and perry spirit		
	Somerset Cider Brandy[(2)]	United Kingdom
Liqueur		
	Irish Cream[(3)]	Ireland
Other spirit drinks		
	Irish Poteen/Irish Poitín	Ireland[(4)]

[(1)] The geographical indications '*Irish Whiskey', 'Irish Whisky' and 'Uisce Beatha Eireannach'* cover whisky/whiskey produced in Ireland and Northern Ireland.

[(2)] The geographical indication '*Somerset Cider Brandy*' must be accompanied by the sales denomination 'cider spirit'.

[(3)] The geographical indication '*Irish Cream*' covers the corresponding liqueur produced in Ireland and Northern Ireland.

[(4)] The geographical indication '*Irish Poteen/Irish Poitín'* covers the corresponding spirit drink produced in Ireland and Northern Ireland."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively

and other deficiencies (in particular under section 8(2)(a), (b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to food and drink, genetically modified organisms and direct payments to farmers.

Part 2 amends retained direct EU legislation relating to food and drink.

Part 3 amends subordinate legislation relating to genetically modified organisms.

Part 4 amends subordinate legislation relating to direct payments to farmers.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.