
STATUTORY INSTRUMENTS

2020 No. 1637

**The Agricultural Products, Food and Drink
(Amendment etc.) (EU Exit) Regulations 2020**

PART 5

Amendment of retained direct EU legislation

Commission Regulation (EC) No 2870/2000

16.—(1) [Commission Regulation \(EC\) No 2870/2000](#) laying down Community reference methods for the analysis of spirits drinks⁽¹⁾ is amended as follows.

(2) In Article 1, in the words before the first indent—

- (a) omit “Community”;
- (b) for the words from “Regulation ([EEC](#)) No 1576/89⁽²⁾” to “1014/90” substitute “Regulation 110/2008⁽³⁾”.

(3) In Article 3—

- (a) number the existing paragraph as paragraph 1;
- (b) in paragraph 1 (as numbered by sub-paragraph (a)), in the words before point (a)—
 - (i) omit “Community”;
 - (ii) after “down” insert “in retained EU law”;
- (c) in point (a), for “the Annex to [Directive 85/591/EEC](#)” substitute “Annex 3 to 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⁽⁴⁾”;
- (d) in point (d), for the first indent substitute—

“— in relation to an official control being carried out in an individual case, an analytical method approved by the appropriate authority by administrative decision,”;
- (e) after paragraph 1 (as numbered by sub-paragraph (a)) insert—

“2. In this Article:

- (a) regardless of where the analysis itself is carried out, ‘the appropriate authority’ means:

(1) EUR 2000/2870. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and are replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 16 of this instrument.

(2) OJ No. L 160, 12.6.1989, p. 1, repealed by Regulation ([EC](#)) No 110/2008 of the European Parliament and of the Council (OJ No. L 39, 13.2.2008, p. 16).

(3) EUR 2008/110. Prospective amendments were included in [S.I. 2019/759](#), 778. They would have come into force on IP completion day. They are omitted by regulations 4 and 5 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 17 of, and Schedule 1 to, this instrument.

(4) EUR 2017/625.

- (i) in a case of an analysis carried out as part of an official control relating to the production, labelling or marketing of a drink as a spirit drink, or category of spirit drink, in England, the Secretary of State;
 - (ii) in a case of an analysis carried out as part of an official control relating to the production, labelling or marketing of a drink as a spirit drink, or category of spirit drink, in Scotland, the Scottish Ministers;
 - (iii) in a case of an analysis carried out as part of an official control relating to the production, labelling or marketing of a drink as a spirit drink, or category of spirit drink, in Wales, the Welsh Ministers;
 - (b) ‘retained EU law’ has the meaning given in section 6(7) of the European Union (Withdrawal) Act 2018 but does not include any legislation so far as it extends to Northern Ireland.”.
- (4) In Article 4, after point (c) insert—
- “(d) ‘Regulation 110/2008’: means 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.”.
- (5) After Article 5 omit the words from “This Regulation” to “States.”.
- (6) In the Annex—
- (a) in Chapter 3 (determination of volatile substances and methanol of spirit drinks), in Part 3.1 (general remarks)—
 - (i) in paragraph 1, in the words before point 1, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008”;
 - (ii) in paragraph 2, in the second subparagraph, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008”;
 - (b) in Chapter 6 (determination of glycyrrhizic acid using high performance liquid chromatography), in paragraph 1, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008”;
 - (c) in Chapter 7 (high-performance liquid chromatography method for verifying the presence of chalcones in pastis), in paragraph 1, in the second subparagraph, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008”.