

SCHEDULE 2

Regulation (EU) No 1151/2012 of the European Parliament and of the Council: new provisions

PART 1

Article 3: new definitions

Commencement Information

II Sch. 2 Pt. 1 in force at 31.12.2020, see reg. 1(7)

“(9) ‘the EUWA’ means the European Union (Withdrawal) Act 2018;

(10) ‘EU Regulation 1151/2012’ means Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as it had effect before IP completion day;

(11) ‘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;

(12) ‘Regulation 664/2014’ means Commission Delegated Regulation (EU) No 664/2014 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules;

(13) ‘the Quality Schemes Regulations’ means the Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 as they extend to Great Britain;

(14) ‘an Article 52(4) approval notice’ means a notice published under Article 52(4) relating to a decision of the Secretary of State to approve an application to register a designation of origin or geographical indication;

(15) ‘the designated authority’ means:

- (a) unless point (b) or (c) applies, the person specified in regulation 3(2) of the Quality Schemes Regulations as the person responsible for carrying out the relevant function;
- (b) in a case where an official control has been delegated to a delegated body in accordance with Article 39, the delegated body to which the relevant function has been delegated;
- (c) in a case where an enforcement authority has been appointed under regulation 6(2) of the Quality Schemes Regulations to carry out the relevant function in respect of a specified area, the appointed enforcement authority in relation to that area;

(16) ‘domestic law’ means the means the law of England and Wales and Scotland;

(17) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;

(18) ‘established protected designation of origin’ means a designation of origin within the meaning of Article 5(1) to which Article 54(2) of the EU withdrawal agreement applies;

(19) ‘established protected geographical indication’ means a geographical indication within the meaning of Article 5(2) to which Article 54(2) of the EU withdrawal agreement applies;

(20) ‘established protected traditional speciality guaranteed’ means a traditional speciality guaranteed within the meaning of Article 18(1) to which Article 54(2) of the EU withdrawal agreement applies;

Changes to legislation: There are currently no known outstanding effects for the *The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, PART 1.* (See end of Document for details)

(21) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a designation of origin or geographical indication of the third country in the European Union;

(22) ‘FTT’ means the First-tier Tribunal;

(23) ‘Great Britain’s PDOs and PGIs Register’ means the register established and maintained by the Secretary of State under Article 11(1);

(24) ‘Great Britain’s TSGs Register’ means the register established and maintained by the Secretary of State under Article 22(1);

(25) ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a designation of origin, geographical indication or traditional speciality guaranteed under Article 54, or following the submission of an application under Article 49 or 53, or a request submitted under Article 54, means the person who submitted the application or request;

(26) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;

(27) ‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland;

[^{F1}(28) ‘third country’ means—

(a) for the purposes of the definition of ‘EUIA’ in point (21), Article 14c and Annex 1A (other than the reference in paragraph (b)), any country other than—

- (i) any part of the British Islands, or
- (ii) a member State;

(b) for the purposes of the reference in column 2 of row 6 of the Types Table in Part 3 of Annex 1A, any country other than any part of the British Islands;

(c) for all other purposes, any country other than the United Kingdom, and includes:

- (i) the Bailiwick of Guernsey;
- (ii) the Bailiwick of Jersey;
- (iii) the Isle of Man;]

(29) ‘the TMA’ means the Trade Marks Act 1994;

(30) ‘the Types Table’ means the table in Part 3 of Annex 1A.”

F1 Words in Sch. 2 Pt. 1 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(7\)\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, PART 1.