

SCHEDULE 6

Regulation 23

Commission Implementing Regulation (EU) No 668/2014: new provisions

PART 1

Article 14: new paragraphs 3 to 3n and 4 to 6

“3. Where the Secretary of State publishes a decision notice relating to a decision of the Secretary of State to approve an amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed that is not minor and the amendment includes a change that affects the information recorded in the relevant register pursuant to paragraph 1 or 2, as relevant, the Secretary of State must, as soon as possible after the notice period relating to the decision notice has expired:

- (a) delete the original data and record the new data in the relevant register;
- (b) replace the copy of the product specification attached to the relevant register with a copy of the approved updated product specification.

3a. The new data recorded in the relevant register pursuant to paragraph 3(a) and the provisions in the approved updated product specification attached to the relevant register pursuant to paragraph 3(b) take effect immediately after:

- (a) the new data relating to the designation of origin, geographical indication or traditional speciality guaranteed is recorded in the relevant register, and
- (b) the copy of the approved updated product specification for the designation of origin, geographical indication or traditional speciality guaranteed is attached to the relevant register.

3b. Where the Secretary of State publishes a decision notice relating to a decision of the Secretary of State to approve an amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed that is not minor and the amendment does not include a change that affects the information recorded in the relevant register pursuant to paragraph 1 or 2, as relevant, the Secretary of State must replace the copy of the product specification attached to the relevant register with a copy of the approved updated product specification as soon as possible after the notice period for the decision notice has expired.

3c. The provisions in the approved updated product specification attached to the register pursuant to paragraph 3b take effect immediately after the approved updated product specification is attached to the relevant register.

3d. Where the Secretary of State publishes a notice under the fifth subparagraph of Article 6(2) of Delegated Regulation (EU) No 664/2014 approving a change in the product specification for a designation of origin, geographical indication or traditional speciality guaranteed that is minor, the Secretary of State must replace the copy of the product specification attached to the relevant register with a copy of the approved updated product specification as soon as possible after the notice period for the notice has expired.

3e. The provisions in the approved updated product specification attached to the register pursuant to paragraph 3d take effect immediately after the approved updated product specification is attached to the relevant register.

3f. Where the Secretary of State publishes a notice under Article 6(4m) of Delegated Regulation (EU) No 664/2014 relating to a UK temporary amendment to a product specification for a designation of origin, geographical indication or traditional speciality

guaranteed, the Secretary of State must record an entry in the relevant register relating to the UK temporary amendment as soon as possible after that notice is published.

3g. Based on the information given in the notice published under Article 6(4m) of Delegated Regulation (EU) No 664/2014, the data contained in the entry referred to in paragraph 3f must include the period during which the UK temporary amendment is to apply.

3h. Based on the information given in a notice published under Article 6(4n) of Delegated Regulation (EU) No 664/2014, the period stated in the relevant register pursuant to paragraph 3g as the period during which the UK temporary amendment is to apply must be changed where the period is extended under Article 6(4l) of that Regulation.

3i. The UK temporary amendment referred to in paragraph 3f takes effect immediately after the entry referred to in that paragraph (as read with paragraph 3g) is recorded in the register. From that time, the product specification attached to the relevant register, as read with the UK temporary amendment, applies during the period specified in the relevant register as the period during which the temporary amendment is to apply.

3j. The Secretary of State must remove an entry in Great Britain's PDOs and PGIs Register or Great Britain's TSG Register relating to a UK temporary amendment as soon as possible after the period specified in the relevant register pursuant to paragraph 3g (as read with paragraph 3h) has expired.

3k. Where the Secretary of State publishes a notice relating to a temporary amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed concerning a product originating in a third country under Article 6(3b) of Delegated Regulation (EU) No 664/2014 ('a third country temporary amendment'), the Secretary of State must record an entry in the relevant register relating to the third country temporary amendment as soon as possible after publishing that notice.

3l. Based on the information given in the notice published under Article 6(3b) of Delegated Regulation (EU) No 664/2014, the data contained in the entry referred to in paragraph 3k must include the period during which the third country temporary amendment is to apply.

3m. The third country temporary amendment referred to in paragraph 3k takes effect immediately after the entry referred to in paragraph 3k is recorded in the relevant register. From that time, the product specification attached to the register, as read with the third country temporary amendment, applies during the period specified in the register pursuant to paragraph 3l.

3n. The Secretary of State must remove an entry in Great Britain's PDOs and PGIs Register or Great Britain's TSG Register relating to a third country temporary amendment as soon as possible after the period specified in the relevant register pursuant to paragraph 3l has expired.

4. Where the Secretary of State publishes a decision notice relating to a decision of the Secretary of State to cancel a protected designation of origin, protected geographical indication or traditional speciality guaranteed, the Secretary of State must delete the entry relating to the designation of origin, geographical indication or traditional speciality guaranteed in the relevant register as soon as possible after the notice period has expired. The cancellation takes effect immediately after the entry in the relevant register is deleted from the register.

5. In this Article:

(a) 'decision notice':

(i) in paragraph 3 and 3b means a notice published under Article 52(4) of Regulation (EU) No 1151/2012 as it applies to an application for an amendment to a product specification that is not minor by virtue of the first subparagraph of Article 53(2) of Regulation (EU) No 1151/2012;

- (ii) in paragraph 4 means a notice published under Article 52(4) of Regulation (EU) No 1151/2012 as it applies to cancellations by virtue of Article 7(1) of Delegated Regulation (EU) No 664/2014;
- (b) ‘Great Britain’s TSGs Register’ means the register established and maintained by the Secretary of State under Article 22(1) of Regulation (EU) No 1151/2012;
- (c) in relation to a notice referred to in this Article, ‘notice period’ means the period of 20 days from the day on which the relevant notice is published by the Secretary of State, beginning with the day on which the notice is published.

6. In this Article a reference to ‘the information recorded in the relevant register pursuant to paragraph 1 or 2’ means the information recorded in Great Britain’s PDOs and PGIs Register pursuant to paragraph 1 or Great Britain’s TSG Register pursuant to paragraph 2, as relevant, or, where that information has been amended, that information as amended from time to time.”

PART 2

New Articles 14a and 14b

“Article 14a

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 under Article 11 of Regulation (EU) No 1151/2012 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 the product specification.
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 under Article 11 of Regulation (EU) No 1151/2012 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 agri-food 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 under Article 53 of Regulation (EU) No 1151/2012.

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 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 agri-food 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 under Article 53 of Regulation (EU) No 1151/2012.

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 1151/2012 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 1151/2012 immediately before IP completion day that corresponds to the established protected geographical indication;
- (c) 'established protected designation of origin' has the meaning given in Article 3(18) of Regulation (EU) No 1151/2012;
- (d) 'established protected geographical indication' has the meaning given in Article 3(19) of Regulation (EU) No 1151/2012;
- (e) 'the relevant data', in relation to an established protected designation of origin or established protected geographical indication, means the data specified in Article 14(1)(a), (b), (d) and (e) of EU Regulation 668/2014 that was recorded in the European Union's PDOs and PGIs Register immediately before IP completion day for the corresponding EU designation of origin or corresponding EU geographical indication;

(f) ‘the relevant legislation relating to the GB agri-food scheme’ means:

- (i) Regulation (EU) No 1151/2012,
- (ii) Delegated Regulation (EU) No 664/2014, and
- (iii) this Regulation.

14. In this Article any reference to:

- (a) the EU product specification for a corresponding EU designation of origin or 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 for a corresponding EU designation of origin or 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.

Article 14b

Register: established protected traditional specialities guaranteed

1. The Secretary of State must include the relevant data for each established protected traditional speciality guaranteed in the register established by the Secretary of State pursuant to Article 22 of Regulation (EU) No 1151/2012 at the time when the register is established by the Secretary of State pursuant to that Article or as soon as possible after the register has been established by the Secretary of State.

2. In this Article:

- (a) ‘the corresponding EU traditional speciality guaranteed’, in relation to an established protected traditional speciality guaranteed, means the traditional speciality guaranteed that was protected in the European Union under EU Regulation 1151/2012 immediately before IP completion day that corresponds to the established protected traditional speciality guaranteed;
- (b) ‘established protected traditional speciality guaranteed’ has the meaning given in Article 3(20) of Regulation (EU) No 1151/2012;
- (c) ‘the relevant data’, in relation to an established protected traditional speciality guaranteed, means the data specified in Article 14(2)(a) and (b) and (d) to (f) of EU Regulation 668/2014 that was recorded in the European Union’s TSGs Register immediately before IP completion day for the corresponding EU traditional speciality guaranteed;
- (d) ‘the European Commission’s TSGs Register’ means the register maintained by the European Commission pursuant to Article 22 of EU Regulation 1151/2012.”