

Subsidiary Legislation made under s.11.

**QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT)  
REGULATIONS 2019**

**Revoked by LN.2019/207 as from 01.01.2021**

**LN.2019/071**

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**ARRANGEMENT OF REGULATIONS.**

Regulation

**Part 1  
General**

1. Title.
2. Commencement.

**Part 2  
Amendment of Subordinate Legislation**

3. Amendment of Quality Assurance (Intellectual Property) Regulations.

**Part 3  
Amendment of retained EU legislation**

*Agricultural products and foodstuffs*

4. Amendment to Regulation (EU) No 1151/2012.
5. Amendments to Commission Delegated Regulation (EU) No 664/2014.
6. Commission Delegated Regulation (EU) No 665/2014.
7. Amendment to Regulation (EU) No 668/2014.

*Aromatised wines*

8. Regulation (EU) No 251/2014 of the European Parliament and of the Council.

*Spirit drinks*

9. Commission Implementing Regulation (EU) No 716/2013.

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

10. Annex 2 to the EEA Agreement.
11. Revocations.

SCHEDULE 1

Revocation of direct EU legislation

SCHEDULE 2

Amended EU legislation

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

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*In exercise of the powers conferred on him section 11 of the European Union (Withdrawal) Act 2019 the Minister has made these Regulations-*

**Part 1**  
**General**

**Title.**

1. These Regulations may be cited as the Quality Assurance (Intellectual Property) (EU Exit) Regulations 2019.

**Commencement.**

2. These Regulations come into operation on exit day.

**Part 2**  
**Amendment of Subordinate Legislation**

**Amendment of Quality Assurance (Intellectual Property) Regulations.**

3.(1) The Quality Assurance (Intellectual Property) Regulations 2019 are amended in accordance with the provisions in this regulation.

(2) Regulation 6 is revoked.

“(2) The Minister is responsible for exercising the functions of the designated authority for the purposes of the EU Regulations, except where the EU Regulations specify otherwise.”.

(3) For regulation 13(2) substitute-

(4) In regulation 15-

(a) subregulation (2)(a)(ii) is revoked;

(b) subregulation (3).

**Part 3**  
**Amendment of retained EU legislation**

*Agricultural products and foodstuffs*

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

**Amendment to Regulation (EU) No 1151/2012.**

4.(1) Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs is amended in accordance with this regulation.

(2) In Article 1-

- (a) omit point (a);
- (b) after point (c) omit “and”;
- (c) omit point (d);
- (d) Omit the second subparagraph.

(3) In Article 2-

- (a) in paragraph 1-
  - (i) in the second subparagraph, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56” substitute “the Minister may make regulations”;
  - (ii) omit the second sentence;
- (b) in paragraph 2, for “Annex XIb to Regulation (EC) No 1234/2007” substitute “Part 2 of Annex 7 to Regulation (EU) No 1308/2013 as set out in Annex III”;
- (c) in paragraph 3 for “Union provisions relating to the placing of products on the market and, in particular, to the single common organisation of the markets provisions in, or under, Regulation (EU) No 1308/2013, and provisions relating to, and to food labelling” substitute “provisions in retained EU law”;
- (d) omit paragraph 4.

(4) In Article 3-

- (a) in point (6), for “Union” substitute “Gibraltar”;
- (b) after point (8), insert-

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

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- “(9) ‘Consumer Protection Enforcer’ and ‘CP Enforcer’ means a person appointed under section 34 of the Fair Trading Act 2015;
- (10) ‘Minister’ means the Minister with responsibility for commerce;
- (11) ‘third country’ means a country other than Gibraltar;
- (12) ‘the EUWA’ means the European Union (Withdrawal) Act 2019;
- (13) ‘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 in EU law immediately before exit day;
- (14) ‘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;
- (15) ‘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;
- (16) ‘the Quality Assurance Regulations’ means the Quality Assurance (Intellectual Property) (EU Exit) Regulations 2019;
- (17) ‘the competent authority’, in relation to Gibraltar has the meaning given in the Quality Assurance Regulations;
- (18) ‘the designated authority’ has the meaning given in the Quality Assurance Regulations;
- (19) ‘domestic law’ means the means the law of Gibraltar;
- (20) ‘enactment’ includes:
- (a) enactments of the type specified in paragraphs (a) to (c) of the definition of “enactment” in section 3(1) of the EUWA; and

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (b) except in Article 28, retained direct EU legislation;
  - (21) ‘established protected designation of origin’ means a designation of origin shown as a United Kingdom registered designation of origin on the register maintained by the European Commission pursuant to Article 11 of EU Regulation 1151/2012 as that register stood immediately before exit day;
  - (22) ‘established protected geographical indication’ means a geographical indication shown as a registered United Kingdom geographical indication on the register maintained by the European Commission pursuant to Article 11 of EU Regulation 1151/2012 as that register stood immediately before exit day;
  - (23) ‘established protected traditional speciality guaranteed’ means a traditional speciality guaranteed shown as a registered United Kingdom traditional speciality guaranteed on the register maintained by the European Commission pursuant to Article 22 of EU Regulation 1151/2012 as that register stood immediately before exit day.”.
- (5) In Article 4(b), for the words “territory of the Union” substitute “Gibraltar”.
- (6) In Article 5(4)-
- (a) in the first subparagraph, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”;
  - (b) in the second subparagraph, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”.
- (7) In Article 7-
- (a) in paragraph 1(e), omit the words “taking into account Union law, in particular that on the free movement of goods and the free provision of services”;
  - (b) in paragraph 2-
    - (i) in the first subparagraph, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”;

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

- (ii) in the second subparagraph-
  - (aa) for “Commission may adopt implementing acts” substitute “Minister may make regulations”;
  - (bb) omit the second sentence.
- (8) In Article 8-
  - (a) in paragraph 1, in the words before point (a), omit “(2) or (5)”;
  - (b) omit paragraph 2.
- (9) Omit Article 9.
- (10) In Article 10-
  - (a) in paragraph 1, for “Commission” substitute “Registrar”;
  - (b) omit paragraph 2.
- (11) In Article 11-
  - (a) for paragraph 1, for the words “Commission shall adopt implementing acts, without applying the procedure referred to in Article 57(2), establishing and maintaining” substitute “Registrar must establish and maintain”;
  - (b) in paragraph 2-
    - (i) for “Union” substitute “Gibraltar”,
    - (ii) for “to which the Union is a contracting party” substitute “which applies to or in Gibraltar must be entered in the register where required under the terms of the international agreement but in any other case”;
  - (c) after paragraph 2 insert-
    - “2A. Protected designation of origin and geographical indications that are registered in an equivalent register in the United Kingdom are, upon providing such proof of registration as the Registrar may require and subject to any other obligation in these regulations such as relating to the payment of any fee, entitled to be registered.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

2B. The Registrar must register a protected designation of origin and a geographical indication pertaining to products if the Registrar is of the opinion-

(a) that a failure to enter the protected designation of origin or the geographical indication in the Gibraltar register may adversely affect the protection afforded under an international agreement to the protected designation of origin or geographical indication registered in the United Kingdom; or

(b) that such the protected designation of origin or geographical indication pertaining to products was or should have been registered in the Register maintained by the Commission immediately prior to exit day.”;

(d) omit paragraphs 3 and 4.

(12) In Article 12-

(a) in paragraph 2, for “Union symbols” substitute “Symbols”;

(b) in paragraph 4, for “the Member State” substitute “Gibraltar or third country, as relevant, in which that geographical area of origin is located”;

(c) in paragraph 5-

(i) for “Directive 2000/13/EC” substitute “Regulation 1169/2011”;

(ii) for “referred to in Article 15 of Directive 2008/95/EC” substitute “registered under the Trade Marks Act”;

(d) in paragraph 6, omit “Union”;

(e) in paragraph 7-

(i) in the first subparagraph-

(aa) for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”;



European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

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- (bb) omit “Union”;
  - (ii) in the second subparagraph-
    - (aa) for “Commission may adopt implementing acts” substitute “Minister may make regulations”;
    - (bb) omit “Union”;
    - (cc) omit the second sentence.

(f) after paragraph 7 insert-

“8. Until such time as the Minister makes regulations under paragraph 7-

- (a) the symbols; and
- (b) technical characteristics of the symbols and indications as well as the rules of their use on the products marketed under a protected designation of origin or a protected geographical indication (including rules concerning the appropriate linguistic versions to be used),

as they apply in the United Kingdom shall apply in Gibraltar with such modifications (for example, in nomenclature) as the circumstances in Gibraltar may require.”.

(13) In Article 13(3)-

- (a) in the first subparagraph-
  - (i) for “Member States shall take” substitute “The Minister may make regulations designating the authorities responsible for ensuring that”;
  - (ii) after “judicial steps” insert “are taken”;
  - (iii) for “that Member State” substitute “Gibraltar”;
- (b) omit the second subparagraph.

(14) In Article 14-

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

- (a) in paragraph 1-
  - (i) in the first subparagraph, for “Commission” substitute “Minister”;
  - (ii) in the third subparagraph, for “Directive 2008/95/EC” substitute “the Trade Marks Act”;
- (b) in paragraph 2-
  - (i) omit the words “if that possibility is provided for by the legislation concerned”;
  - (ii) for “the territory of the Union” substitute “Gibraltar”;
  - (iii) for “Commission” substitute “Registrar”;
  - (iv) for the words “under Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (1) or under Directive 2008/95/EC” substitute “in, or under, the Trade Marks Act”.
- (15) In Article 15-
  - (a) in paragraph 1-
    - (i) in the first subparagraph-
      - (aa) for “the Commission may adopt implementing acts granting” substitute “the Registrar may grant”;
      - (bb) omit “originating in a Member State or a third country”;
      - (cc) for “on condition” substitute “if the Registrar is satisfied”;
      - (dd) omit “Article 49(3) or”;
    - (ii) omit the second subparagraph;
  - (b) in paragraph 2-
    - (i) in the first subparagraph-

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

- 
- (aa) in the words before point (a), for the words “Commission may adopt implementing acts extending the transitional period mentioned in paragraph 1 of this Article to 15 years in duly justified cases where it is shown” substitute “an application may be made to the Registrar to extend the transitional period mentioned in paragraph 1 of this Article to 15 years in duly justified cases and the Registrar may grant such an application if the Registrar is satisfied”;
- (bb) in point (a), for “Commission” substitute “Registrar”;
- (ii) omit the second subparagraph;
- (c) in paragraph 4-
- (i) in the first subparagraph-
- (aa) for “a Member State may grant” substitute “the Minister may make provisions for”;
- (bb) after “10 years” insert “to apply”;
- (cc) for “Commission” substitute “Registrar”;
- (dd) omit “to the authorities of the Member State”;
- (ee) omit “national”;
- (ff) for “49(3)” substitute “51”;
- (ii) in the third subparagraph, for “dossier referred to in Article 8(2)” substitute “submitted under Article 8(1)”.

(16) In Article 16-

- (a) in paragraph 1-
- (i) for the words “Names entered in the register provided for in Article 7(6) of Regulation (EC) No 510/2006 shall automatically be entered in” substitute “The Registrar must enter the names of established protected designations of origin and established protected geographical indications on”;

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

- (ii) after “such registrations” insert “under EU Regulation 1151/2012”;
  - (b) in paragraph 2, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”;
  - (c) in paragraph 3-
    - (i) at the beginning insert “In relation to established protected designations of origin and established protected geographical indications,”;
    - (ii) after “Regulation (EC) No 510/2006” insert “, as that Regulation had effect in Gibraltar immediately before it was repealed by EU Regulation 1151/2012,”;
  - (d) after paragraph 3 insert-
    - “4. In paragraph 1, in relation to an established protected designation of origin and an established protected geographical indication, ‘corresponding specifications’ means the product specification for the relevant designation of origin or geographical indication as the specification stood immediately before exit day.”.
- (17) In Article 18-
- (a) in paragraph 3, omit “Member State or in a third”;
  - (b) in paragraph 4, for “Union legislation” substitute “retained EU law”;
  - (c) in paragraph 5, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”.
- (18) In Article 19-
- (a) in paragraph 1(a), omit “, in the appropriate language versions”;
  - (b) in paragraph 2-
    - (i) in the first subparagraph, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”;

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

- (ii) in the second subparagraph-
  - (aa) for “Commission may adopt implementing acts” substitute “Minister may make regulations”;
  - (bb) omit the second sentence.
- (19) In Article 20-
  - (a) in paragraph 1, in the words before point (a), omit “(2) or (5)”;
  - (b) omit paragraph 2.
- (20) In Article 21-
  - (a) in paragraph 1, in the words before point (a), for “Commission” substitute “Registrar”;
  - (b) omit paragraph 2.
- (21) Article 22-
  - (a) in paragraph 1, for the words “Commission shall adopt implementing acts, without applying the procedure referred to in Article 57(2), establishing and maintaining” substitute “Register must establish and maintain”;
  - (b) in paragraph 2-
    - (i) for “Commission may adopt implementing acts” substitute “Minister may make regulations”;
    - (ii) omit the second sentence.
- (22) In Article 23-
  - (a) in paragraph 2, omit “Union”;
  - (b) for paragraph 3 substitute-

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

- “3. This paragraph applies to products that are marketed under a traditional speciality guaranteed registered in accordance with the procedures laid down in this Regulation.

In relation to a product using a traditional speciality guaranteed registered after exit day, the symbol referred to in paragraph 2 must, without prejudice to paragraph 4, appear on the labelling of the product. Where there is more than one version of the symbol one version of the symbol must appear on the labelling of the product.

In all the cases mentioned above:

- (a) the name of the product must appear in the same field of vision;
- (b) the indication ‘traditional speciality guaranteed’ or the corresponding abbreviation ‘TSG’ may appear on the labelling.”;
- (c) in paragraph 4-
  - (i) in the first subparagraph-
    - (aa) for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”;
    - (bb) omit “Union”;
  - (ii) in the second subparagraph-
    - (aa) for the words “Commission may adopt implementing acts” substitute “Minister may make regulations”;
    - (bb) omit “Union”;
    - (cc) omit the words “, including as to the appropriate linguistic versions to be used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2)”;
- (d) after paragraph 4 insert-

- “5. Until such time as the Minister makes regulations under paragraph 4-

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

- (a) the symbols; and
- (b) technical characteristics of the symbols and indications as well as the rules of their use on the products marketed under a protected traditional specialties guaranteed, including rules concerning the appropriate linguistic versions to be used,

in use in or that otherwise applies in the United Kingdom shall apply in Gibraltar with such modifications (for example, in nomenclature) as the circumstances in Gibraltar may require.”.

(23) In Article 24-

- (a) in paragraph 2-
  - (i) for “Member States” substitute “CP enforcers”;
  - (ii) for “at national level” substitute “in Gibraltar”;
- (b) in paragraph 3-
  - (i) for “Commission may adopt implementing acts” substitute “Minister may make regulations”;
  - (ii) omit the second sentence.

(24) In Article 25-

- (a) in paragraph 1-
  - (i) for the words “Names registered in accordance with Article 13(2) of Regulation (EC) No 509/2006 shall be automatically entered in” substitute “The Registrar must enter the names of established protected traditional specialities guaranteed on”;
  - (ii) after “such registrations” insert “under EU Regulation 1151/2012 as it had effect in Gibraltar immediately before exit day”;
- (b) omit paragraph 2;
- (c) in paragraph 3-

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

- (i) for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”;
  - (ii) at the end insert “relating to the entries to be made on the register referred to in Article 22 under paragraph 1”;
  - (d) after paragraph 3 insert-
    - “4. In paragraph 1, in relation to an established protected traditional speciality guaranteed, ‘corresponding specifications’ means the product specification for the traditional speciality guaranteed as the specification stood immediately before exit day.”.
- (25) Omit Article 26.
- (26) In Article 27, for “internal market” substitute “Gibraltar”.
- (27) Omit Article 28.
- (28) In Article 29-
- (a) in paragraph 1-
    - (i) after point (b) omit “and”;
    - (ii) omit point (c);
  - (b) in paragraph 4, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”;
  - (c) in paragraph 5-
    - (i) for “Commission may adopt implementing acts” substitute “Minister may make regulations”;
    - (ii) omit the second sentence;
  - (d) in paragraph 6-



European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**

**2019/071**

**Revoked**

---

- (i) for “adopting delegated acts and implementing acts” substitute “making regulations”;
- (ii) for “Commission” substitute “Minister”.

(29) In Article 30-

- (a) in paragraph 1, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations;
- (b) in paragraph 2, for the words for “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations.

(30) In Article 31-

- (a) in paragraph 2-
  - (i) omit the first sentence;
  - (ii) for “Article 18(1) of Regulation (EC) No 1257/1999” substitute “Article 32 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)”;
- (b) omit paragraph 3;
- (c) omit paragraph 4.

(31) Omit Article 32.

(32) In Article 33(2)-

- (a) for “Commission may adopt implementing acts” substitute “Minister may make regulations”;
- (b) omit the second sentence.

(33) In Article 34-

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (a) for the words “Member States shall undertake checks, based on” substitute “The Minister may, by regulations, impose obligations on the CP enforcers to carry out checks on the basis of”;
  - (b) after “Title and” insert “to ensure that”;
  - (c) omit “shall apply”;
  - (d) at the end insert “are imposed”.
- (34) In Article 36-
- (a) for the heading substitute “Duties of CP enforcers”;
  - (b) in paragraph 1-
    - (i) in the first subparagraph for “In accordance with Regulation (EC) No 882/2004, Member States shall designate the competent authority or authorities responsible for official controls carried out” substitute “The CP enforcers are responsible for ensuring that official controls are carried out”;
    - (ii) omit the second subparagraph.
- (35) In Article 37-
- (a) in paragraph 1-
    - (i) in the first subparagraph-
      - (aa) in the words before point (a), for “the Union” substitute “Gibraltar”;
      - (bb) after “shall be carried out by:” insert “such person as the Minister designates.”;
      - (cc) omit points (a) and (b);
    - (ii) in the second subparagraph delete the second sentence;
  - (b) in paragraph 2-

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

- 
- (aa) after “shall be carried out by:” insert “such person as the Minister designates.”;
- (bb) omit points (a) and (b);
- (c) in paragraph 3-
- (i) in the first subparagraph-
- (aa) for “Member States” substitute “The Minister”;
- (bb) at the end insert “in such manner as appears to be appropriate to the Minister from time to time”;
- (ii) in the second subparagraph-
- (aa) for “Commission” substitute “Minister”;
- (bb) at the end insert “in such manner as appears to be appropriate to the Minister from time to time”;
- (d) omit paragraph 4.
- (36) In Article 38-
- (a) omit the first paragraph;
- (b) for the second paragraph substitute-
- “The Minister may, by regulations, provide for the carrying out of checks, based on a risk analysis, to ensure compliance with the requirements of this Regulation and in the event of breaches, provide such enforcement powers as the Minister considers appropriate to carry out those checks and enable enforcement action to be taken in the event of breaches.”.
- (37) In Article 39-
- (a) in paragraph 1 for “Competent authorities may delegate, in accordance with Article 5 of Regulation (EC) No 882/2004,” substitute “The Minister may delegate”;
- (b) in paragraph 3-

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (i) in point (a) for “the Union in accordance with the provisions of Regulation (EC) No 765/2008” substitute “Gibraltar”;
- (ii) in point (b) for “the Union” substitute “Gibraltar”.

(38) Omit Article 40.

(39) In Article 41-

- (a) in paragraph 1, for “the Union” substitute “Gibraltar”;
- (b) in paragraph 2(b), for “the relevant national or Union” substitute “any relevant”;
- (c) in paragraph 3, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”.

(40) In Article 42(2), for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”.

(41) In Article 43-

- (a) for “Union rules or to those of Member States” substitute “other legislation”;
- (b) for “those” substitute “that”;
- (c) for “those rules” substitute “that legislation”.

(42) In Article 44-

- (a) omit paragraph 2;
- (b) in paragraph 3-
  - (i) for “Commission shall adopt implementing acts” substitute “Minister may make regulations laying down rules for the uniform protection of the indications, abbreviations and symbols referred to in paragraph 1 of this Article”;
  - (ii) omit the second sentence.

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

(43) In Article 45-

- (a) in paragraph 1, for “Regulation (EC) No 1234/2007” substitute “Regulation (EU) No 1308/2013”;
- (b) in point (a) for “competent authorities as referred to in Article 36, or any other competent authority within the framework of Article 13(3)” substitute “a CP enforcer”;
- (c) for paragraph 2 substitute -

“2. The Minister may encourage the formation and functioning of groups in Gibraltar by administrative means. The Minister must publish the names and addresses of the groups referred to in Article 3(2) in such manner as appears to be appropriate to the Minister from time to time.”.

(44) In Article 46-

- (a) in paragraph 1, for “Member States” substitute “The Minister”;
- (b) in paragraph 3, for “Member States” substitute “The Minister”.

(45) In Article 47, for the words “Without prejudice to Regulation (EC) No 882/2004 and in particular the provisions of Chapter VI of Title II thereof, Member States may charge a fee to cover their costs” substitute “The Registrar may, with the consent of the Minister, set fees to be charged in connection with applications under this Regulation”.

(46) In Article 49-

- (a) in paragraph 1, in the first subparagraph-
  - (i) after “Article 48” insert “may be submitted to the Registrar and”;
  - (ii) for “different Member States or third countries” substitute “more than one country”;
- (b) omits paragraphs 2 to 4;
- (c) in paragraph 5, for “Commission,” substitute “Registrar”;
- (d) in paragraph 6, for the words “Commission shall be in one of the official languages of the Union” substitute “Registrar must be in English”;

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

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(e) in paragraph 7-

(i) omit the first subparagraph;

(ii) in the second subparagraph-

(aa) for “Commission may adopt implementing acts” substitute “Minister may make regulations”;

(bb) omit the second sentence.

(47) In Article 50-

(a) in the heading, for “Commission” substitute “Registrar”;

(b) in paragraph 1-

(i) in the first subparagraph-

(aa) for “Commission” in both places it occurs substitute “Registrar”;

(bb) for “that it receives” substitute “the Registrar receives”;

(ii) in the second subparagraph-

(aa) for “Commission” substitute “Registrar”;

(bb) omit “at least each month,”

(cc) after “make public” insert “in such manner as appears to be appropriate to the Registrar from time to time”;

(dd) for “it” substitute “the Registrar”;

(c) in paragraph 2-

(i) in the words before point (a)-

(aa) for “Commission” substitute “Registrar”;

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

- 
- (bb) for “it shall publish in the *Official Journal of the European Union*.” substitute “the Registrar may publish in such manner as appears to be appropriate to the Registrar from time to time.”;
- (ii) in point (a), omit “the reference to the publication of the”.
- (48) In Article 51-
- (a) in paragraph 1-
- (i) in the first subparagraph-
- (aa) for “in the Official Journal of the European Union” substitute “of the documents published under Article 50(2)”;
- (bb) omit “of a Member State or”;
- (cc) omit “and established in a third country”;
- (dd) for “Commission” substitute “Registrar”;
- (ii) omit the second subparagraph;
- (iii) in the last subparagraph, for “Commission” substitute “Registrar”;
- (b) in paragraph 2, for “Commission” in both places it occurs substitute “Registrar”;
- (c) in paragraph 3, in the first, second and third subparagraphs, for “Commission” in each place it occurs substitute “Registrar”;
- (d) in paragraph 4, for “Commission” substitute “Registrar”;
- (e) in paragraph 5-
- (i) for “Commission” substitute “Registrar”;
- (ii) for “one of the official languages of the Union” substitute “English”;
- (f) in paragraph 6-

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (i) in the first subparagraph, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”;
  - (ii) in the second subparagraph-
    - (aa) for “Commission may adopt implementing acts” substitute “Minister may make regulations”;
    - (bb) omit the second sentence.
- (49) In Article 52-
- (a) in paragraph 1-
    - (i) for “Commission” in both places it occurs substitute “Registrar”;
    - (ii) for “it shall adopt implementing acts rejecting” substitute “the Registrar must reject”;
    - (iii) omit the second sentence;
  - (b) in paragraph 2-
    - (i) for “Commission” substitute “Registrar”;
    - (ii) for the words “it shall adopt implementing acts, without applying the procedure referred to in Article 57(2), registering” substitute “the Registrar must register”;
  - (c) in paragraph 3-
    - (i) in the words before point (a)-
      - (aa) for “Commission” substitute “Registrar”;
      - (bb) for “it” substitute “the Registrar”;
    - (ii) in point (a), omit the words “by means of implementing acts adopted without applying the procedure referred to in Article 57(2)”;



European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

- 
- (iii) in point (b), for the words “adopt implementing acts deciding on the registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2)” substitute “decide whether to register the name”;
- (d) for paragraph 4 substitute-
- “4. After making a decision under this Article, the Registrar must publish in such manner as appears to the Registrar to be appropriate from time to time:
- (a) a notice informing the applicant and the public of the decision made in relation to the application, and
- (b) where the application is approved, a copy of the approved product specification.”;
- (e) after paragraph 4 insert-
- “5. An implementing act to which paragraph 6 applies is revoked.
6. This paragraph applies to an implementing act adopted by the European Commission under Article 52 of EU Regulation 1151/2012 and incorporated into domestic law by section 6 of the EUWA.”.
- (50) In Article 53-
- (a) in paragraph 2, in the second subparagraph-
- (i) for “Commission” in both places it occurs substitute “Registrar”;
- (ii) for “the *Official Journal of the European Union*” substitute “such manner as appears to be appropriate to the Registrar”;
- (b) in paragraph 3-
- (i) in the first subparagraph, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56,” substitute “Minister may make regulations”;
- (ii) in the second subparagraph-

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (aa) for the words “Commission may adopt implementing acts” substitute “Minister may make regulations”;
  - (bb) omit the second sentence;
  - (c) after paragraph 3 insert-
    - “4. An implementing act to which paragraph 5 applies is revoked.
    - 5. This paragraph applies to an implementing act relating to an amendment to a product specification adopted by the European Commission pursuant to Article 53 of EU Regulation 1151/2012 and incorporated into domestic law by section 6 of the EUWA.”.
- (51) In Article 54-
- (a) in paragraph 1-
    - (i) in the first subparagraph-
      - (aa) for “Commission may, on it’s” substitute “Registrar may on the Registrar’s”;
      - (bb) omit “adopt implementing acts to”;
    - (ii) in the second subparagraph, for “Commission” substitute “Registrar”;
    - (iii) omit the third subparagraph;
  - (b) in paragraph 2-
    - (i) in the first subparagraph, for the words “Commission shall be empowered to adopt delegated acts, in accordance with Article 56” substitute “Minister may make regulations”;
    - (ii) in the second subparagraph-
      - (aa) for “Commission may adopt implementing acts” substitute “Minister may make regulations”;
      - (bb) omit the second sentence.

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

(c) after paragraph 2 insert-

- “3. An implementing act to which paragraph 4 applies is revoked.
4. This paragraph applies to an implementing act adopted by the European Commission under Article 54 of EU Regulation 1151/2012 and incorporated into domestic law by section 6 of the EUWA.”.

(52) After Title 5 insert the following Title-

**“TITLE VA**  
**APPEALS**

Article 54a

**Appeals: general**

1. An appeal may be made to the Supreme Court against a decision of the Registrar specified in the first column of the table in Annex III.
2. Such an appeal may be made:
  - (a) in all cases, by a person specified in the corresponding entry in the second column of the table in Annex III, and
  - (b) in the case of a decision affecting an application submitted by the authorities of a third country, the authorities of that third country.
3. In determining such an appeal the Supreme Court :
  - (a) must consider the decision appealed against afresh, and
  - (b) may take into account evidence that was not available to the Registrar.
4. The Supreme Court may:
  - (a) dismiss the appeal, or
  - (b) if it allows the appeal, exercise any power specified in the corresponding entry in the third column of the table in Annex III.
5. The Registrar may consider a decision specified in the first column of the table in Annex III afresh if evidence becomes available to the Registrar after making the

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

original decision that was not available to the Registrar at the time of the original decision.

6. Paragraph 5 applies even though an appeal has been made to the Supreme Court in respect of the original decision.
7. Where the Registrar decides to consider an original decision afresh in a case where an appeal has been made to the Supreme Court in respect of that decision, the appeal to the Supreme Court is suspended until such time as the Registrar has made a fresh decision in relation to the matter.
  8. If the Registrar makes the same decision again, the appeal to the Supreme Court restarts. If the Registrar makes a different decision, the appeal to the Supreme Court ceases unless the Supreme Court directs otherwise.

#### *Article 54b*

#### **Appeals: applications to register designations of origin, geographical indications and traditional specialities guaranteed**

1. Where an appeal is made to the Supreme Court relating to a decision to approve an application to register a designation of origin, geographical indication or traditional speciality guaranteed, and the Registrar has made an entry in the relevant register pursuant to Article 52 relating to that registration, the entry in the register is to be maintained but is in suspense and must be marked to indicate that it is in suspense until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar.
2. Where an appeal is made to the Supreme Court relating to a decision to approve an application to register a designation of origin, geographical indication or traditional speciality guaranteed, and the Registrar has not made an entry in the register, the Registrar must not make an entry in the register until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar.

#### *Article 54c*

#### **Appeals: applications to amend product specifications**

1. Paragraph 2 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to approve an application of the type specified in Article 53(2) to amend a product specification relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed and the Registrar has not updated the entry in the relevant register relating to it

pursuant to Article 14(3) of Regulation 668/2014 by replacing the copy of the product specification attached to the relevant register with the amended version of the product specification.

2. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the existing copy of the product specification attached to the entry in the relevant register relating to the protected designation of origin, protected geographical indication or traditional speciality guaranteed applies without amendment but the entry in the relevant register must be marked to indicate that an appeal relating to the amendment of the product specification is pending.
3. Paragraph 4 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to approve an application of the type specified in Article 53(2) in relation to the amendment of a product specification relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed and the Registrar has updated the entry in the relevant register relating to the protected designation of origin, protected geographical indication or traditional speciality guaranteed by replacing the copy of the product specification with the approved amended version.
4. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the previous copy of the product specification attached to the entry in the relevant register is to be restored but the entry in the relevant register must be marked to indicate that an appeal relating to the amendment of the product specification is pending.
5. Paragraph 6 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to reject an application of the type specified in Article 53(2) to amend a product specification relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed.
6. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the existing copy of the product specification attached to the entry in the relevant register is to be maintained but the entry in the register must be marked to indicate that an appeal relating to an application to amend the product specification is pending.
7. Paragraph 8 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to approve an application of the type specified in Article 6(4) and (4)(a) of Regulation 664/2014 to amend a product specification relating to a protected designation of origin, protected geographical indication or

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

traditional speciality guaranteed on a temporary basis and the Registrar has not included an entry in the relevant register relating to the temporary amendment of the product specification pursuant to Article 14(3b) of UK Regulation 668/2014.

8. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the existing copy of the product specification attached to the entry in the relevant register applies without amendment but the entry in the register must be marked to indicate that an appeal relating to the temporary amendment of the product specification is pending.
9. Paragraph 10 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to approve an application of the type specified in Article 6(4) of Regulation 664/2014 in relation to the temporary amendment of a product specification relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed and the Registrar has updated the entry in the relevant register by including an entry relating to the temporary amendment of the product specification.
10. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the copy of the product specification attached to the entry in the relevant register applies and the entry in the relevant register relating to the temporary amendment must be marked to indicate that an appeal relating to the temporary amendment of the product specification is pending.
11. Paragraph 12 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to reject an application of the type specified in Article 6(4) and (4)(a) of Regulation 664/2014 to amend a product specification relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed on a temporary basis.
12. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the copy of the product specification attached to the entry in the relevant register applies but the entry in the register must be marked to indicate that an appeal relating to an application to amend the product specification on a temporary basis is pending.

#### *Article 54d*

#### **Appeals: applications to cancel registered designations of origin, geographical indications and traditional specialities guaranteed**

1. Paragraph 2 applies where an appeal is made to the Supreme Court relating to a decision of the Registrar to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed under Article 54 and the Registrar has not removed the entry in the relevant register.
2. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the entry in the relevant register is to be maintained but must be marked to indicate that an appeal relating to its cancellation is pending.
3. Paragraph 4 applies where an appeal has been made to the Supreme Court relating to a decision of the Registrar to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed and the Registrar has removed the entry in the relevant register.
4. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the entry in the register must be restored but must be marked to indicate that an appeal relating to its cancellation is pending.
5. Paragraph 6 applies where an appeal has been made to the Supreme Court relating to a decision of the Registrar not to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed.
6. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the entry in the relevant register relating to the protected designation of origin, protected geographical indication or traditional speciality guaranteed must be marked to indicate that an appeal relating to the cancellation of the entry is pending.”.

(53) In Title 6, omit Chapters I and II.

(54) In Article 58(1), omit the second subparagraph.

(55) In Article 59 omit the second paragraph.

(56) After Article 59, omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(57) After Annex II insert-

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

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**“Annex III**

**PART II of Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007**

**Categories of grapevine products**

**(1) Wine**

"Wine" means the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must.

Wine shall:

- (a) have, whether or not following application of the processes specified in Section B of Part I of Annex VIII, an actual alcoholic strength of not less than 8,5 % volume provided that the wine derives exclusively from grapes harvested in wine-growing zones A and B referred to in Appendix I to this Annex, and of not less than 9 % volume in other wine-growing zones;
- (b) have, by way of derogation from the otherwise applicable minimum actual alcoholic strength, where it has a protected designation of origin or a protected geographical indication, whether or not following application of the processes specified in Section B of Part I of Annex VIII, an actual alcoholic strength of not less than 4,5 % volume;
- (c) have a total alcoholic strength of not more than 15 % volume. However, by way of derogation:
  - the upper limit for the total alcoholic strength may reach up to 20 % volume for wines which have been produced without any enrichment from certain wine-growing areas of the Union, to be determined by the Commission by means of delegated acts pursuant to Article 75(2),



European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

— the upper limit for the total alcoholic strength may exceed 15 % volume for wines with a protected designation of origin which have been produced without enrichment;

- (d) have, subject to derogations which may be adopted by the Commission by means of delegated acts pursuant to Article 75(2), a total acidity content, expressed as tartaric acid, of not less than 3,5 grams per litre or 46,6 milliequivalents per litre.

"Retsina" means wine produced exclusively in the geographical territory of Greece using grape must treated with resin from the Aleppo pine. The use of Aleppo pine resin is permitted solely for the purpose of obtaining "Retsina" wine under the conditions laid down in Greece's applicable provision.

By way of derogation from point (b) of the second subparagraph "Tokaji eszencia" and "Tokajská esencia" are considered to be wine.

However, Member States may allow the use of the term "wine" if:

- (a) it is accompanied by the name of a fruit in the form of a composite name to market products obtained by the fermentation of fruit other than grapes; or
- (b) it is part of a composite name.

Any confusion with products corresponding to the wine categories in this Annex shall be avoided.

**(2) New wine still in fermentation**

"New wine still in fermentation" means the product in which the alcoholic fermentation is not yet complete and which is not yet separated from its lees.

**(3) Liqueur wine**

"Liqueur wine" means the product:

- (a) which has an actual alcoholic strength of not less than 15 % volume and not more than 22 % volume;
- (b) which has a total alcoholic strength of not less than 17,5 % volume, except for certain liqueur wines with a designation of origin or with a geographical

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

indication appearing on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 75(2);

(c) which is obtained from:

—grape must in fermentation,

—wine,

—a combination of the above products, or

—grape must or a mixture thereof with wine for certain liqueur wines with a protected designation of origin or a protected geographical indication, to be determined by the Commission by means of delegated acts pursuant to Article 75(2);

(d) which has an initial natural alcoholic strength of not less than 12 % volume, except for certain liqueur wines with a protected designation of origin or a protected geographical indication appearing on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 75(2);

(e) to which the following has been added:

(i) individually or in combination:

—neutral alcohol of vine origin, including alcohol produced from the distillation of dried grapes, having an actual alcoholic strength of not less than 96 % volume,

—wine or dried grape distillate, having an actual alcoholic strength of not less than 52 % volume and not more than 86 % volume;

(ii) together with one or more of the following products where appropriate:

—concentrated grape must,

—a combination of one of the products referred to in point (e)(i) with a grape must referred to in the first and fourth indent of point (c);

(f) to which, by way of derogation from point (e), has been added, in so far as certain liqueur wines with a protected designation of origin or a protected

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

geographical indication are concerned which appear on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 75(2):

- (i) either of products listed in point (e)(i) individually or in combination; or
- (ii) one or more of the following products:
  - wine alcohol or dried grape alcohol with an actual alcoholic strength of not less than 95 % volume and not more than 96 % volume,
  - spirits distilled from wine or from grape marc, with an actual alcoholic strength of not less than 52 % volume and not more than 86 % volume,
  - spirits distilled from dried grapes, with an actual alcoholic strength of not less than 52 % volume and of less than 94,5 % volume; and
- (iii) one or more of the following products, where appropriate:
  - partially fermented grape must obtained from raisined grapes,
  - concentrated grape must obtained by the action of direct heat, complying, with the exception of this operation, with the definition of concentrated grape must,
  - concentrated grape must,
  - a combination of one of the products listed in point (f)(ii) with a grape must referred to in the first and fourth indents of point (c).

**(4) Sparkling wine**

"Sparkling wine" means the product:

- (a) which is obtained by first or second alcoholic fermentation:
  - from fresh grapes,
  - from grape must, or
  - from wine;

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (b) which, when the container is opened, releases carbon dioxide derived exclusively from fermentation;
- (c) which has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers; and
- (d) for which the total alcoholic strength of the cuvées intended for their preparation shall not be less than 8,5 % volume.

**(5) Quality sparkling wine**

"Quality sparkling wine" means the product:

(a) which is obtained by first or second alcoholic fermentation:

- from fresh grapes,
- from grape must, or
- from wine;

- (b) which, when the container is opened, releases carbon dioxide derived exclusively from fermentation;
- (c) which has an excess pressure, due to carbon dioxide in solution, of not less than 3,5 bar when kept at a temperature of 20 °C in closed containers; and
- (d) for which the total alcoholic strength of the cuvées intended for their preparation shall not be less than 9 % volume.

**(6) Quality aromatic sparkling wine**

"Quality aromatic sparkling wine" means the quality sparkling wine:

- (a) which is obtained only by making use, when constituting the cuvée, of grape must or grape must in fermentation which is derived from specific wine grape varieties on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 75(2).

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

Quality aromatic sparkling wines traditionally produced using wines when constituting the cuvée shall be determined by the Commission by means of delegated acts pursuant to in Article 75(2);

- (b) which has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20°C in closed containers;
- (c) of which the actual alcoholic strength may not be less than 6 % volume; and
- (d) of which the total alcoholic strength may not be less than 10 % volume.

**(7) Aerated sparkling wine**

"Aerated sparkling wine" means the product which:

- (a) is obtained from wine without a protected designation of origin or a protected geographical indication;
- (b) releases, when the container is opened, carbon dioxide derived wholly or partially from an addition of that gas; and
- (c) has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers.

**(8) Semi-sparkling wine**

"Semi-sparkling wine" means the product which:

- (a) obtained from wine, new wine still in fermentation, grape must or grape must in fermentation in so far as these products have a total alcohol strength of at least 9% vol;
- (b) has an actual alcoholic strength of not less than 7 % volume;
- (c) has an excess pressure, due to endogenous carbon dioxide in solution of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20 °C in closed containers; and
- (d) is placed in containers of 60 litres or less.

**(9) Aerated semi-sparkling wine**

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

"Aerated semi-sparkling wine" means the product which:

- (a) obtained from wine, new wine still in fermentation, grape must or grape must in fermentation;
- (b) has an actual alcoholic strength of not less than 7% volume and a total alcoholic strength of not less than 9% volume;
- (c) has an excess pressure of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20 °C in closed containers due to carbon dioxide in solution which has been wholly or partially added; and
- (d) is placed in containers of 60 litres or less.

**(10) Grape must**

"Grape must" means the liquid product obtained naturally or by physical processes from fresh grapes. An actual alcoholic strength of the grape must of not more than 1 % volume is permissible.

**(11) Partially fermented grape must**

"Grape must in fermentation" means the product obtained from the fermentation of grape must which has an actual alcoholic strength of more than 1 % volume but less than three fifths of its total alcoholic strength by volume.

**(12) Partially fermented grape must extracted from raisined grapes**

"Grape must in fermentation extracted from raisined grapes" means the product obtained from the partial fermentation of grape must obtained from raisined grapes, the total sugar content of which before fermentation is at least 272 grams per litre and the natural and actual alcoholic strength of which shall not be less than 8 % volume. However, certain wines, to be determined by the Commission by means of delegated acts pursuant to Article 75(2), that meet these requirements shall not be considered to be grape must in fermentation extracted from raisined grapes.

**(13) Concentrated grape must**

"Concentrated grape must" means uncaramelised grape must which is obtained by partial dehydration of grape must carried out by any authorised method other than by direct heat in such a way that the figure indicated by a refractometer used in accordance with a method to

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

be prescribed in accordance with the first subparagraph of Article 80(5) and point (d) of the first subparagraph of Article 91 at a temperature of 20 °C is not less than 50,9 %.

An actual alcoholic strength of the concentrated grape must of not more than 1 % volume is permissible.

**(14) Rectified concentrated grape must**

"Rectified concentrated grape must" means:

- (a) the liquid uncaramelised product which:
  - (i) is obtained by partial dehydration of grape must carried out by any authorised method other than direct heat in such a way that the figure indicated by a refractometer used according to a method to be prescribed in accordance with the first subparagraph of Article 80(5) and point (d) of the first subparagraph of Article 91 at a temperature of 20 °C is not less than 61,7 %;
  - (ii) has undergone authorised treatment for de-acidification and elimination of constituents other than sugar;
  - (iii) has the following characteristics:
    - a pH of not more than 5 at 25 Brix,
    - an optical density at 425 nm for a thickness of 1 cm of not more than 0,100 in grape must concentrated at 25 Brix,
    - a sucrose content undetectable by a method of analysis to be defined,
    - a Folin-Ciocalteu index of not more than 6,00 at 25 Brix,
    - a titratable acidity of not more than 15 millequivalents per kilogram of total sugars,
    - a sulphur dioxide content of not more than 25 milligrams per kilogram of total sugars,
    - a total cation content of not more than 8 milliequivalents per kilogram of total sugars,

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

— a conductivity at 25 Brix and 20°C of not more than 120 micro-Siemens/cm,

— a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,

— presence of mesoinositol.

(b) the solid uncaramelised product which:

(i) is obtained by crystallisation of liquid rectified concentrated grape must without the use of solvents;

(ii) has undergone authorised treatment for de-acidification and elimination of constituents other than sugar;

(iii) has the following characteristics after dilution in a solution at 25 Brix:

— a pH of not more than 7,5,

— an optical density at 425 nm for a thickness of 1 cm of not more than 0,100,

— a sucrose content undetectable by a method of analysis to be defined,

— a Folin-Ciocalteu index of not more than 6,00,

— a titratable acidity of not more than 15 millequivalents per kilogram of total sugars,

— a sulphur dioxide content of not more than 10 milligrams per kilogram of total sugars,

— a total cation content of not more than 8 millequivalents per kilogram of total sugars,

— a conductivity at 20 °C of not more than 120 micro-Siemens/cm,

— a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,

— presence of mesoinositol.



European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

An actual alcoholic strength of the rectified concentrated grape must of not more than 1 % volume is permissible.

**(15) Wine from raisined grapes**

"Wine from raisined grapes" means the product which:

- (a) is produced without enrichment, from grapes left in the sun or shade for partial dehydration;
- (b) has a total alcoholic strength of at least 16 % volume and an actual alcoholic strength of at least 9 % volume; and
- (c) has a natural alcoholic strength of at least 16 % volume (or 272 grams sugar/litre).

**(16) Wine of overripe grapes**

"Wine of overripe grapes" means the product which:

- (a) is produced without enrichment;
- (b) has a natural alcoholic strength of more than 15 % volume; and
- (c) has a total alcoholic strength of not less than 15 % volume and an actual alcoholic strength of not less than 12 % volume.

Member States may prescribe a period of ageing for this product.

**(17) Wine vinegar**

"Wine vinegar" means vinegar which:

- (a) is obtained exclusively by acetous fermentation of wine; and
- (b) has a total acidity of not less than 60 grams per litre expressed as acetic acid.”.

**Amendments to Commission Delegated Regulation (EU) No 664/2014.**

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

5.(1) 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 is amended as follows.

(2) Omit Article 2

(3) Omit Article 4.

(4) In Article 5-

(a) at the beginning insert “In the case of an application to which Article 49(5) Regulation (EU) No 1151/2012 applies,”;

(b) omit “of the Member State or”;

(c) for “Commission” substitute “Registrar”;

(d) omit “of a Member State or”.

(5) In Article 6-

(a) in paragraph 1, in the third and fourth subparagraphs, for “Commission” in both places it occurs substitute “Registrar”;

(b) in paragraph 2-

(i) in the first subparagraph-

(aa) in the first sentence, for the words “authorities of the Member State the geographical area of the designation or indication relates to” substitute “Registrar”;

(bb) in the second sentence, for the words “authorities of the Member State in which the group is established” substitute “Registrar”;

(cc) in the third sentence, for “Member State” substitute “Registrar”;

(dd) for the fourth sentence substitute-

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

“Applications for a minor amendment to a product specification concerning products originating in Gibraltar shall be submitted by a group having a legitimate interest.”;

- (ee) in the fifth sentence, for “Commission” substitute “Registrar”;
- (ii) in the third, fourth and fifth subparagraphs, for “Commission” in each place it occurs substitute “Registrar”;
- (c) in paragraph 3-
  - (i) in the first subparagraph-
    - (aa) at the beginning insert-

“This paragraph applies to a temporary amendment to a product specification concerning the production of products originating in a third country.”;
    - (bb) after “public authorities” insert “in a third country”;
    - (cc) at the end insert “in a third country”;
  - (ii) omit the second subparagraph.
- (d) after paragraph 3 insert-
  - “3a. Temporary amendments concerning products originating in third countries must be communicated to the Registrar before the end of the period of two weeks beginning with the day after the first day on which the amendments apply in the relevant third country.
  - 3b. The temporary amendments must be communicated to the Registrar by a group having a legitimate interest or by the authorities of the relevant third country.
  - 3c. The communication must be accompanied by:
    - (a) the reasons for the amendments, and
    - (b) as appropriate, evidence of the relevant sanitary and phytosanitary measures or a copy of a document issued by the authorities of the

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

relevant third country recognising the natural disaster or adverse weather conditions.

- 3d. The Registrar must make the temporary amendments public in such manner as appears appropriate to the Registrar from time to time.
4. Paragraphs 4a to 4j apply to an application (“the temporary amendments application”) for a temporary amendment to a product specification for a protected designation of origin, protected geographical indication or traditional speciality guaranteed concerning the production of products originating in Gibraltar where it is impossible or difficult to comply with a requirement in a product specification in relation to the production of a product in Gibraltar:
- (a) because of the imposition of an obligatory sanitary or phytosanitary measure in Gibraltar by a public authority, including the Registrar, or
  - (b) for reasons linked to a natural disaster or adverse weather conditions recognised by a public authority, including the Registrar.
- 4a. The temporary amendments application may be made to the Registrar.
- 4b. The procedure laid down in Articles 49 to 52 of Regulation (EU) No 1151/2012 does not apply to the temporary amendments application.
- 4c. The temporary amendments application may be made by a group having a legitimate interest in the relevant protected designation of origin, protected geographical indication or traditional speciality guaranteed. If the application is not made by the group (“the original applicant group”) that submitted the application to register the relevant protected designation of origin, protected geographical indication or traditional speciality guaranteed, the Registrar must give the original applicant group the opportunity to make comments on the application if that group still exists.
- 4d. The temporary amendments application must:
- (a) describe the amendment applied for,
  - (b) be accompanied by a copy of the product specification annotated in a way to show the proposed temporary amendment,

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

- 
- (c) compare, for each amendment-
- (i) the original product specification against the proposed amended product specification, and
  - (ii) where relevant, the original single document against the proposed amended single document,
- (d) provide a summary of the reasons why an amendment is required, explaining how the circumstances specified in point (a) or (b) of paragraph 4 affect the production of products to which the protected designation of origin, protected geographical indication or traditional speciality guaranteed applies,
- (e) be accompanied, as the case may be, by:
- (i) evidence of the sanitary or phytosanitary measure or a reference to that measure which will enable the Registrar to identify the measure, and obtain a copy of it, easily, or
  - (ii) a copy of a document issued by the relevant public authority recognising the natural disaster or adverse weather conditions or a reference to that document which will enable the Registrar to identify the document, and obtain a copy of it, easily,
- (f) provide an estimate, where this is possible, of how long it is anticipated that the temporary amendment will be needed for, and
- (g) be self-sufficient and contain all amendments to the product specification, and, where relevant, to the single document, for which approval is sought.
- 4e. A temporary amendments application that does not comply with paragraph 4d is not admissible. The Registrar must inform the applicant if the application is inadmissible as soon as reasonably practicable after receiving the application.
- 4f. The Registrar may approve a temporary amendments application made under the paragraph 4a if the Registrar considers that a temporary amendment to the product specification is appropriate.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- 4g. Where temporary amendments application is approved, the Registrar must specify the period for which the temporary amendment is approved. The Registrar, in deciding that period, must take into account the conditions prevailing at the time the decision to approve the application is taken and how long the Registrar anticipates that those conditions will continue. The Registrar may extend the temporary amendment on one or more occasions if the Registrar considers it is appropriate to do so having regard to the conditions prevailing at the time that decision is made.
- 4h. After making a decision in relation to a temporary amendments application, the Registrar must publish in such manner as appears appropriate to the Registrar:
  - (a) a notice informing the applicant and the public of the decision made in relation to the application, and
  - (b) where the application is approved, details of the temporary amendments made to the product specification and the period during which those temporary amendments apply.
- 4i. Where a temporary amendments application is approved and the period during which such temporary amendments are to apply is extended, the Registrar must, on each and every occasion that the period is extended, publish in such manner as appears appropriate to the Registrar a notice informing the applicant and the public of the extension of the period.
- 4j. In this paragraph ‘public authority’ has the meaning given in section 20(1) of the European Union (Withdrawal) Act 2019.”.

(6) Omit Article 7(2).

(7) Omit Articles 8 and 9.

(8) After Article 10 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(9) Omit the Annex.

**Commission Delegated Regulation (EU) No 665/2014.**

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

6.(1) Commission Delegated Regulation (EU) No 665/2014 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to conditions of use of the optional quality term ‘mountain product’ is amended as follows.

(2) Omit Article 6(2).

(3) After Article 7 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Amendment to Regulation (EU) No 668/2014.**

7.(1) Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs is amended as follows.

(2) Omit Article 1(2).

(3) In Article 6-

(a) in paragraph 1, omit the second subparagraph;

(b) in paragraph 3, for “Commission” in both places it occurs substitute “Registrar”.

(4) In Article 8-

(a) for the words “as referred to in Article 49(1) of Regulation (EU) No 1151/2012 shall be submitted to the Commission by a Member State concerned, or by an applicant group in a third country concerned, directly or through the authorities of that third country. It shall include the declaration referred to in point (c) of Article 8(2) or point (b) of Article 20(2) of Regulation (EU) No 1151/2012 from all the Member States concerned” substitute “by more than one group referred to in the second sentence of the first subparagraph of Article 49(1) of Regulation (EU) No 1151/2012 must be submitted to the Registrar by one of the applicant groups or through the authorities of the relevant third country concerned or by one of the third countries concerned (where there is more than one of them)”;

(b) for “Member States and third” substitute “the”.

(5) In Article 9(3), for “Commission” substitute “Registrar”.

(6) In Article 10-

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

- (a) in paragraph 1, in the first subparagraph, for the words “The reference to the publication of the product specification in the amended single document shall lead to the” substitute “The application shall be accompanied by”;
  - (b) in paragraph 2-
    - (i) in the second subparagraph, for the words “The reference to the publication of the product specification in the amended single document shall lead to the” substitute “It shall also be accompanied by an”;
    - (ii) in the third subparagraph-
      - (aa) omit the first and second sentences;
      - (bb) for the words “the reference to the publication of the updated product specification, for applications originating in Member States, and the updated product specification, for applications originating in third countries” substitute “the updated product specification”;
    - (iii) in the fourth subparagraph, omit the second sentence;
  - (c) in paragraph 3, for “Commission” substitute “Registrar”;
  - (d) in paragraph 4, for “Commission” in both places it occurs substitute “Registrar”.
- (7) In Article 11(1), in the second subparagraph-
- (a) after “accompanied” insert “, where relevant,”;
  - (b) for the words “point (c) of Article 8(2) or point (b) of Article 20(2)” substitute “the second subparagraph of Article 8(1)”.
- (8) In Article 12, for “Commission” substitute “Registrar”.
- (9) In Article 13-
- (a) in paragraph 1, omit “Union”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3, omit “Union”;



European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

(d) omit paragraph 5.

(10) In Article 14-

(a) in paragraph 1-

(i) in the words before point (a)-

(aa) for the words “Upon entry into force of a legal instrument registering” substitute “Following a decision by the Registrar to grant an application to register”;

(bb) for “Commission” substitute “Registrar”;

(ii) for point (c) substitute-

“(c) the date of the Registrar’s decision;”;

(b) in paragraph 2-

(i) in the words before point (a)-

(aa) for the words “Upon entry into force of a legal instrument registering” substitute “Following a decision by the Registrar to grant an application to register”;

(bb) for “Commission” substitute “Registrar”;

(ii) for point (c) substitute-

“(c) the date of the Registrar’s decision;”;

(iii) omit point (f).

(c) for paragraphs 3 and 4 substitute-

“3. Where the Registrar approves an amendment to a product specification and the change in the product specification affects other information recorded in the register, the Registrar must delete the original data, record the new data in the register and attach a copy of the approved amended product specification to the register. The new data, and the provisions in the approved amended product specification, take effect immediately after

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

the expiry of 20 days beginning with the day on which the new data is recorded in the register and the copy of the product specification is attached to the register or, if a copy of the amended 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.

Where the Registrar approves an amendment to a product specification and the change in the product specification does not affect other information recorded in the register, the Registrar must replace the copy of the product specification attached to the entry in the register with a copy of the approved amended product specification. The provisions in the approved amended product specification take effect immediately after the expiry of 20 days beginning with the day on which the copy of the approved amended product specification is attached to the register.

- 3a. Where the Registrar receives a communication of the type referred to in Article 6(3a) of Delegated Regulation (EU) No 664/2014 relating to a temporary amendment of a product specification concerning the production of a product originating in a third country, the Registrar must include an entry in the register relating to the temporary amendment of the product specification. The temporary amendment takes effect from the time that entry is made. From that time the provisions of the product specification attached to the register apply as read with those temporary amendments until the entry relating to the temporary amendment is removed from the register.
- 3b. Where the Registrar approves an application to amend a product specification to which Article 6(4) of Delegated Regulation (EU) No 664/2014 applies (an application for a temporary amendment to a product specification concerning the production of products originating in the Gibraltar), the Registrar must include an entry in the register relating to the temporary amendment of the product specification. The temporary amendment takes effect from the time that entry is made. From that time the provisions of the product specification attached to the register apply as read with those temporary amendments until the entry relating to the temporary amendment is removed from the register.
4. Where the Registrar makes a decision to cancel a protected designation of origin, protected geographical indication or traditional speciality guaranteed pursuant to Article 54 of Regulation (EU) No 1151/2012, the Registrar must delete the name from the register. The cancellation takes

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

effect from the day after the day on which the entry is deleted from the register.”.

- (11) Omit Article 15.
- (12) In Article 16, omit the second and third subparagraphs.
- (13) After Article 16, omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.
- (14) In Annex I-
- (a) omit “EU No: [for EU use only]”;
  - (b) in the heading of point 2, for “Member State” substitute “Gibraltar”;
  - (c) at the end for the words “Reference to publication” to the end substitute-  
**“Product specification**  
[attach copy]”.
- (15) In Annex II-
- (a) for “EU No: [for EU use only]” substitute “GIB No: [for official use only]”;
  - (b) for “Member State” substitute “Gibraltar”.
- (16) In Annex III-
- (a) in point 1, for “*Official Journal (OJ)* publication” substitute “the notice relating to the application published under Article 50(2) of Regulation (EU) No 1151/2012”;
  - (b) in point 2-
    - (i) for “*Official Journal (OJ)* publication” substitute “the notice relating to the application published under Article 50(2) of Regulation (EU) No 1151/2012”;
    - (ii) for “Date of *OJ* publication” substitute “Date of publication”;

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

- (c) in point 3, for “*national*” substitute “*third country*”;
- (d) in point 5, in the second subparagraph, after “authorities” insert “of a third country”.

(17) In Annex IV-

- (a) in point 1, for “*Official Journal (OJ)* publication” substitute “the notice relating to the application published under Article 50(2) of Regulation (EU) No 1151/2012”;
- (b) in point 2-
  - (i) in the heading for “*Official Journal (OJ)* publication” substitute “the notice relating to the application published under Article 50(2) of Regulation (EU) No 1151/2012”;
  - (ii) for “Date of *OJ* publication” substitute “Date of publication”.

(18) In Annex V-

- (a) for “EU No: [for EU use only]” substitute “GIB No: [for official use only]”;
- (b) in point 2, in the heading for “**Member State**” substitute “**Gibraltar**”.

(19) In Annex VI-

- (a) for “EU No: [for EU use only]” substitute “GIB No: [for official use only]”;
- (b) in point 2, in the heading for “**Member State**” substitute “**Gibraltar**”.

(20) In Annex 7-

- (a) for “EU No: [for EU use only]” substitute “GIB No: [for official use only]”;
- (b) in point 2, in the heading for “**Member State**” substitute “**Gibraltar**”.
- (c) in point 6, for points (a) and (b) substitute “[insert the proposed updated product specification]”.

(21) In Annex 8-

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

- 
- (a) for “EU No: [for EU use only]” substitute “GIB No: [for official use only]”;
- (b) in point 1, in the heading for “**Member State**” substitute “**Gibraltar**”.
- (22) In Annex 9-
- (a) for “EU No: [for EU use only]” substitute “GIB No: [for official use only]”;
- (b) in point 2, in the heading for “Member State” substitute “Gibraltar”.
- (23) In Annex 10-
- (a) in the heading, omit “UNION”;
- (b) omit points 1 and 2 -
- (c) in point 4, omit “Union”;
- (d) for points 5 to 7 substitute-
- “5. ‘Protected Designation of Origin’ and its abbreviation**
- Term: protected designation of origin
- Abbreviation: PDO
- 6. ‘Protected Geographical Indication’ and its abbreviation**
- Term: protected geographical indication
- Abbreviation: PGI
- 7. ‘Traditional Speciality Guaranteed’ and its abbreviation**
- Term: traditional speciality guaranteed
- Abbreviation: TSG”.

*Aromatised wines*

**Regulation (EU) No 251/2014 of the European Parliament and of the Council.**

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

8.(1) Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products is amended as follows.

(2) In Article 1(3)-

- (a) for “the Union” in both places it occurs substitute “Gibraltar”;
- (b) for “the Member States” substitute “Gibraltar”.

(3) In Article 2, after point (3), insert-

“(4) ‘third country’ means any country other than the Gibraltar.”.

(4) In Article 4-

(a) in paragraph 2-

- (i) in the first subparagraph, for the words “Commission shall be empowered to adopt delegated acts in accordance with Article 33” substitute “Minister may make regulations”;
- (ii) in the second subparagraph, for “Commission” substitute “Minister”;

(b) in paragraph 3-

- (i) in the first subparagraph-
  - (aa) for the words “Commission shall, where necessary, adopt, by means of implementing acts, methods of analysis” substitute “Minister may, by regulations, specify the methods of analysis to be used”;
  - (bb) omit the second sentence;
- (ii) omit the second subparagraph.

(5) In Article 5-

- (a) in paragraph 1, for “Union” substitute “Gibraltar”;
- (b) in paragraph 5 omit “Without prejudice to Article 26,”.

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

(6) In Article 7-

- (a) after “name” insert ““Gibraltar”, where relevant, or the name”;
- (b) omit “Member State or”.

(7) In Article 8-

- (a) in paragraph 1, in the second subparagraph, for the words “at least one of the official languages of the Union” substitute “English”;
- (b) in paragraph 2, in the second subparagraph, for the words “one or more of the official languages of the Union” substitute “English”.

(8) Omit Article 9.

(9) In Article 10-

- (a) in paragraph 2(f)-
  - (i) omit the words “laid down in Union or national law or, where provided for by Member States, by an organisation which manages the protected geographical indication”;
  - (ii) for “Union”, in the second place it occurs, substitute “retained EU”;

(b) after paragraph 2 insert—

“3. In paragraph 2(f), ‘applicable requirements’ means:

- (a) requirements laid down in law relating to the use of the geographical indication in the country in which the relevant geographical area is located, including, where the geographical area is located in, or partly within, Gibraltar, requirements contained in any enactment, and
- (b) where they must be complied with in the country in which the relevant geographical area is located, requirements laid down by an organisation that manages the protected geographical indication.”.

(10) In Article 11-

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (a) in paragraph 2, for “Commission” substitute “Registrar”;
  - (b) in paragraph 3-
    - (i) for the words “one of the official languages of the Union” substitute “English”;
    - (ii) for the words “one of those languages” substitute “English”.
- (11) Omit Article 13.
- (12) Before Article 14 insert-
- “Article 13a*  
**Application for protection relating to a  
geographical area in the United Kingdom**
- An application for the protection of a geographical indication for an aromatised wine product originating in Gibraltar must be submitted to the Registrar.”.
- (13) In Article 14-
- (a) in the heading, for “Commission” substitute “Registrar”;
  - (b) in paragraph 1, for “Commission” substitute “Registrar”;
  - (c) in paragraph 2-
    - (i) for “Commission” substitute “Registrar”;
    - (ii) omit “referred to in Article 13(5)”;
  - (d) in paragraph 3-
    - (i) for “Commission” substitute “Registrar”;
    - (ii) for the words “it shall it shall, by means of implementing acts adopted without applying the procedure referred to in Article 34(2), publish in the *Official Journal of the European Union* the single document referred to in Article 10(1)(d) and the reference to the publication of the product specification referred to in Article 13(5)(a)” substitute “the Registrar must publish the product specification referred to in Article 10(1)(c) and the



European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01

2019/071

Revoked

---

single document referred to in Article 10(1)(d) in such manner as appears to be appropriate to the Registrar”;

- (e) in paragraph 4-
  - (i) for “Commission” substitute “Registrar”;
  - (ii) for the words “it shall, by means of implementing acts, decide to” insert “the Registrar must”;
  - (iii) omit the second sentence.

(14) In Article 15, in the first paragraph-

- (a) for the words “Member State or third country, or any natural or legal person with a legitimate interest, resident or established in a Member State other than that applying for the protection or in a third country,” substitute “natural or legal person with a legitimate interest or the authorities of a third country”;
- (b) for “Commission” substitute “Registrar”.

(15) In Article 16-

- (a) for “Commission”, in both places it occurs, substitute “Registrar”;
- (b) omit “, by means of implementing acts,”;
- (c) for “Union law” substitute “retained EU law by granting the application”;
- (d) omit the second sentence;
- (e) at the end insert as separate paragraphs-

“After making a decision under the first paragraph, the Registrar must publish in such manner as appears to the Registrar to be appropriate from time to time:

- (a) a notice informing the public of the decision made under this Article in relation to the application;
- (b) a copy of the approved product specification.”.

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

(16) In Article 18(1)-

- (a) in the second subparagraph, for “Union” substitute “Gibraltar”;
- (b) in the third subparagraph-
  - (i) in point (a), for “the Union” substitute “Gibraltar”;
  - (ii) for point (b) substitute “any relevant retained EU law or other relevant Gibraltar law”.

(17) In Article 19-

- (a) in paragraph 1, in the first subparagraph, for “Commission” substitute “Registrar”;
- (b) in paragraph 2, in the first subparagraph-
  - (i) for the words “, if that possibility is provided for by the legislation concerned, in the territory of the Union” substitute “in Gibraltar”;
  - (ii) for “Commission” substitute “Registrar”;
  - (iii) for the words “Directive 2008/95/EC of the European Parliament of the Council or by Council Regulation (EC) No 207/2009” substitute “Trade Marks Act”.

(18) In Article 20-

- (a) in paragraph 3, for “the Union” substitute “Gibraltar”;
- (b) omit paragraph 4.

(19) For Article 21 substitute-

- “1. There is established a register of geographical indications protected under this Regulation for aromatised wine products which shall be publicly accessible.
2. The Minister must by notice in the Gazette appoint a Registrar who is responsible for discharging any functions under this Regulation or such other functions as the Minister may direct.

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

- 
3. Geographical indications pertaining to aromatised wine products-
- (a) registered in an equivalent register in the United Kingdom;
  - (b) of third countries that are protected in the Gibraltar pursuant to an international agreement which has been extended to or applies in Gibraltar,

may upon the payment of the prescribed fee, if any, be registered in the register established under paragraph 1.

Any entry placed on the register by the Registrar, and any amendment of such an entry, or cancellation of such entry, takes effect immediately after the expiry of 20 days beginning with the day on which that entry, amendment or cancellation is made.

4. The Minister may by regulations make further provisions in relation to the register.”.

(20) Omit Article 22.

(21) In Article 23(1)-

- (a) in the words before point (a), for “the Union” substitute “Gibraltar”;
- (b) in point (a) omit “or authorities referred to in Article 22”.

(22) In Article 24-

- (a) in paragraph 1, after “may apply” insert “to the Registrar”;
- (b) in paragraph 2-
  - (i) for “13” substitute “14”;
  - (ii) for “Commission shall, by means of implementing acts,” substitute “Registrar may”;
  - (iii) for “Commission” in the second place it occurs substitute “Registrar”;
  - (iv) omit the words “and in the case of approval, the Commission shall proceed to the publication of the elements referred to in Article 14(3).”

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).”;

(c) after paragraph 2 insert-

“3. In a case where the proposed amendment is only minor and the Registrar decides not to follow the procedure laid down in Articles 14(2) and 15, the Registrar, after making a decision in relation to the application, must publish in such manner as appears appropriate to the Registrar from time to time:

(a) a notice informing the applicant and the public of the decision made in relation to the application, and

(b) where the application is approved, a copy of the single document and product specification for the geographical indication incorporating the approved amendments.”.

(23) In Article 25-

(a) in the first paragraph-

(i) for “Commission may, on its” substitute “Registrar may, on the Registrar’s”;

(ii) omit “a Member State, of”;

(iii) omit “, by means of implementing acts,”;

(iv) omit the second sentence;

(b) in the second paragraph, for “13” substitute “14”.

(24) For Article 26 substitute-

#### *“Article 25a*

#### **Appeals: general**

1. An appeal may be made to the Supreme Court against a decision of the Registrar specified in the first column of the table in Annex IV.

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

2. Such an appeal may be made:
  - (a) in all cases, by a person specified in the corresponding entry in the second column of the table in Annex 4, and
  - (b) in the case of a decision affecting an application submitted by the authorities of a third country, the authorities of that third country.
3. In determining such an appeal, the Supreme Court:
  - (a) must consider the decision appealed against afresh, and
  - (b) may take into account evidence that was not available to the Registrar.
4. The Supreme Court may:
  - (a) dismiss the appeal, or
  - (b) if it allows the appeal, exercise any power specified in the corresponding entry in the third column of the table in Annex 4.
5. The Registrar may consider a decision specified in the first column of the table in Annex 4 afresh if evidence becomes available to the Registrar after making the original decision that was not available to the Registrar at the time of the original decision.
6. Paragraph 5 applies even though an appeal has been made to the Supreme Court in respect of the original decision.
7. Where the Registrar decides to consider an original decision afresh in a case where an appeal has been made to the Supreme Court in respect of that decision, the appeal to the Supreme Court is suspended until such time as the Registrar has made a fresh decision in relation to the matter.
8. If the Registrar makes the same decision again, the appeal to the Supreme Court restarts. If the Registrar makes a different decision, the appeal to the Supreme Court ceases unless the Supreme Court directs otherwise.

*Article 25b*

**Appeals: applications to register geographical indications**

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

1. Where an appeal is made to the Supreme Court relating to a decision to approve an application to register a geographical indication and the Registrar has made an entry in the register relating to that geographical indication, the entry in the register is to be maintained but is in suspense and must be marked to indicate that it is in suspense until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar.
2. Where an appeal is made to the Supreme Court relating to a decision to approve an application to register a geographical indication and the Registrar has not made an entry in the register relating to that geographical indication, the Registrar must not make an entry in the register until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar.

#### *Article 25c*

#### **Appeals: applications to amend product specifications**

1. Paragraph 2 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to approve an application made under Article 24 to amend a product specification for a geographical indication and the Registrar has not updated the entry in the register relating to the indication to incorporate the approved amendment.
2. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the existing entry in the register relating to the geographical indication is to be maintained but must be marked to indicate that an appeal relating to the amendment of the product specification is pending.
3. Paragraph 4 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to approve an application made under Article 24 in relation to the amendment of a product specification for a geographical indication and the Registrar has updated the entry in the register relating to the geographical indication to incorporate the approved amendment.
4. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the previous entry in the register for the protected geographical indication is to be restored but the entry in the register must be marked to indicate that an appeal relating to the amendment of the product specification is pending.

5. Paragraph 6 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to reject an application made under Article 24 to amend a product specification for a protected geographical indication.
6. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the existing entry in the register is to be maintained but the entry in the register must be marked to indicate that an appeal relating to an application to amend the specification is pending.

*Article 25d*

**Appeals: applications to cancel geographical indications**

1. Paragraph 2 applies where an appeal is made to the Supreme Court relating to a decision of the Registrar to cancel the registration of a protected geographical indication under Article 25 and the Registrar has not removed the entry in the register relating to the geographical indication.
2. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the entry in the register for the geographical indication is to be maintained but must be marked to indicate that an appeal relating to its cancellation is pending.
3. Paragraph 4 applies where an appeal has been made to the Supreme Court relating to a decision of the Registrar to cancel the registration of a protected geographical indication and the Registrar has removed the entry in the register for the geographical indication.
4. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the entry in the register must be restored but must be marked to indicate that an appeal relating to its cancellation is pending.
5. Paragraph 6 applies where an appeal has been made to the Supreme Court relating to a decision of the Registrar not to cancel the registration of a protected geographical indication.
6. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the entry in the register relating to the protected geographical indication must be marked to indicate that an appeal relating to the cancellation of the entry is pending.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

#### *Article 26*

#### **Existing geographical designations**

1. Geographical designations of aromatised wine products registered in the register maintained by the European Commission under this regulation as it applied up to exit day, shall automatically be protected as geographical indications under this Regulation.
2. The Registrar may by notice require the provision of information in relation to any geographical indication protected under paragraph 1 and where information requested is not provided in the manner or within the time specified in the notice the Registrar may cancel the protection afforded under paragraph 1.
- 3.. The Minister may by regulations make further provision in relation to the products registered under paragraph 1 including but not limited to the removal or cancellation of any entry and any requirements or obligations for ongoing registration and the reregistration where paragraph 2 applies.”.

(25) In Article 27,

- (a) the existing paragraph is renumbered paragraph 1;
- (b) in the renumbered paragraph 1 for the words “Member States may charge a fee to cover their costs” substitute “The Register, with the prior approval of the Minister must set the fees applicable to any application made under this Regulation or for any examination of the register.”;
- (c) after paragraph 1 insert the following paragraph-

“2. The fees referred to in paragraph 1 must be publicly available.”.

(26) In Article 28-

- (a) for the heading substitute “Regulations”;
- (b) in paragraph 1, in the words before point (a), for the words “Commission shall be empowered to adopt delegated acts in accordance with Article 33” substitute “Minister may make regulations”;
- (c) in paragraph 2, for the words “Commission shall be empowered to adopt delegated acts in accordance with Article 33” substitute “Minister may make regulations”;



European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

(d) in paragraph 3-

- (i) in the words before point (a), for the words “Commission shall be empowered to adopt delegated acts in accordance with Article 33” substitute “Minister may make regulations”;
- (ii) in point (c), for “Commission” substitute “Registrar”;

(e) in paragraph 4, for the words “Commission shall be empowered to adopt delegated acts in accordance with Article 33” substitute “Minister may make regulations”.

(27) In Article 29-

(a) for the heading substitute-

“Further power to make regulations”;

(b) in paragraph 1-

- (i) in the first subparagraph-
- (aa) in the words before point (a), for the words “Commission may, by means of implementing acts, adopt all necessary measures” substitute “Minister may make regulations”;
- (bb) in point (d), for “Member States” substitute “competent authorities”;
- (ii) omit the second subparagraph;

(c) in paragraph 2-

- (i) in the first subparagraph, for “Commission may, by means of implementing acts, adopt” substitute “Minister may, by regulations, make provision for”;
- (ii) omit the second subparagraph.

(28) In Article 30, for the words “Commission shall, by means of implementing acts adopted without applying the procedure referred to in Article 34(2), decide to” substitute “Registrar must”.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

(29) In Article 31-

- (a) omit paragraph 1;
  - (i) omit the second subparagraph;
  - (ii) insert as the last subparagraphs-

“The Minister may make regulations concerning the administrative and physical checks to be conducted with regard to the respect of obligations resulting from the application of Chapter 3 of this Regulation.”.

(30) In Article 32-

- (a) in paragraph 1 for the words “Member States and the Commission shall notify each other of” substitute “The Registrar may exchange”;
- (b) in paragraph 2, for the words before point (a) substitute “The Minister may, by regulations, make further provision relating to the notification, and exchange, of information necessary for the application of this Regulation, and for complying with international obligations concerning the aromatised wine products”;
- (c) in paragraph 3-
  - (i) in the first subparagraph-
    - (aa) in the words before point (a), for “Commission shall, by means of implementing acts, adopt” substitute “Minister may, by regulations, make”;
    - (bb) in point (c), for “the Member States, the” substitute “Registrar or”;
  - (ii) omit the second subparagraph.

(31) Omit Article 33.

(32) Omit Article 34.

(33) In Article 36-

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

- (a) omit paragraph 1;
- (b) in paragraph 2-
  - (i) for “have been” substitute “were”;
  - (ii) after “1601/91” insert “as it had effect in Gibraltar immediately”;
- (c) in paragraph 3-
  - (i) for “have been” substitute “were”;
  - (ii) after “Regulation (EEC) No 1601/91” insert “, as that Regulation applied in Gibraltar immediately before it was repealed.”.

(34) After Article 37, omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(35) In Annex 1, in point (5) in the second subparagraph, for the words “Directive 2009/54/EC of the European Parliament and of the Council and Council Directive 98/83/EC,” substitute “the Public Health (Potable Water) Rules, 1994”.

(36) In Annex 2-

- (a) in Part A, in point (5) omit the second and third paragraphs;
- (b) in Part B-
  - (i) in point (3), in the second paragraph-
    - (aa) for “other Member States” substitute “another country”;
    - (bb) for “Member State” substitute “country”;
  - (ii) in point (4), in the second paragraph-
    - (aa) for “other Member States” substitute “another country”;
    - (bb) for “Member State” substitute “country”;
  - (iii) in point (13), in the second paragraph-

2019-01

## European Union Withdrawal

2019/071

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

(aa) for “other Member States” substitute “another country”;

(bb) for “Member States” substitute “country”.

(37) After Annex III insert-

#### “ANNEX IV APPEALS

<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>Supreme Court’s powers</i>
Decision of the Registrar to approve an application made under Article 11 or 13a to register a geographical indication	The persons are:  (a) a person who lodged a duly substantiated statement of opposition under Article 15;  (b) a person marketing a product that is, or may be, affected by the registration of the geographical indication.	Power to:  (a) quash the decision and (if appropriate) direct the Registrar to reject the application and (if appropriate) restore the register;  (b) remit the matter to the Registrar with a direction to repeat the scrutiny of the application and (if appropriate) to restore the register in the meantime.
Decision of the Registrar to reject an application made under Article 11 or 13a to register a geographical indication	The persons are:  (a) the person who submitted the application to register the geographical indication;  (b) a person marketing a product that is, or may be, affected by the decision not to register the geographical indication.	Power to:  (a) quash the decision and direct the Registrar to approve the application and register the geographical indication;  (b) remit the matter to the Registrar with a direction to repeat the scrutiny of the application.
Decision of the Registrar to approve an application made under Article 24 to amend a product specification for a protected geographical indication	The persons are:  (a) in relation to the approval of an application to which the first sentence of Article 24(2) applies, a person who lodged a duly substantiated statement of opposition under Article 15 as read with Article 24(2);  (b) in relation to the approval of any application under	Power to:  (a) quash the decision and direct the Registrar to reject the application and (if appropriate) restore the register;  (b) remit the matter to the Registrar with a direction to repeat the scrutiny of the application and (if appropriate) to restore the register in the meantime.

<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>Supreme Court's powers</i>
Decision of the Registrar to reject an application made under Article 24 to amend a product specification for a protected geographical indication	<p>Article 24(2), a person marketing a product that is, or may be, affected by the amendment of the product specification.</p> <p>The persons are:</p> <p>(a) the person who submitted the application to amend the product specification;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision to reject the application to amend the product specification.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Registrar to approve the application and update the register;</p> <p>(b) remit the matter to the Registrar with a direction to repeat the scrutiny of the application.</p>
Decision of the Registrar under Article 25 to cancel the registration of a protected geographical indication on the Registrar's initiative	<p>The persons are:</p> <p>(a) a person who lodged a duly substantiated statement of opposition under Article 15 as read with the second paragraph of Article 25;</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the registration of the protected geographical indication.</p>	<p>Power to:</p> <p>(a) quash the decision and (if appropriate) direct the Registrar to restore the register;</p> <p>(b) remit the matter to the Registrar with a direction to repeat the scrutiny relating to the cancellation of the registration and (if appropriate) to restore the register in the meantime.</p>
Decision of the Registrar to approve an application made under Article 25 to cancel the registration of a protected geographical indication	<p>The persons are:</p> <p>(a) a person who lodged a duly substantiated statement of opposition under Article 15 as read with the second paragraph of Article 25;</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the registration of the protected geographical indication.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Registrar to reject the application and (if appropriate) restore the register;</p> <p>(b) remit the matter to the Registrar with a direction to repeat the scrutiny of the application and (if appropriate) to restore the register in the meantime.</p>
Decision of the Registrar to	The persons are:	Power to:

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>Supreme Court's powers</i>
reject an application made under Article 25 to cancel the registration of a protected geographical indication	(a) the person who submitted the application to cancel the registration of the protected geographical indication;  (b) a person marketing a product that is, or may be, affected by the decision to cancel the registration of the protected geographical indication.	(a) quash the decision and direct the Registrar to cancel the registration;  (b) remit the matter to the Registrar with a direction to repeat the scrutiny of the application.”

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”.

#### *Spirit drinks*

#### **Commission Implementing Regulation (EU) No 716/2013.**

9.(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 2, after point (d) insert-

“(e) ‘third country’ means any country, other than the Gibraltar”.

(3) In Article 6 for “Commission” substitute “Registrar”.

(4) In Article 7-

(a) in paragraph 1-

(i) omit the first subparagraph;

(ii) in the second subparagraph, in the words before point (a), for “Commission” substitute “Registrar”;

(iii) in the third subparagraph-

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

- (aa) in the words before point (a)-
    - (A) for “at least one Member State” substitute “Gibraltar”;
    - (B) for “Commission by one of the Member States” substitute “Registrar by private entities from Gibraltar”;
  - (bb) in point (b), for “each of the Member States or” substitute “the”.
- (b) In paragraph 2-
- (i) omit “Member States or the”;
  - (ii) omit “from the third country in question”;
  - (iii) for “Commission”, in both places it occurs, substitute “Registrar”.
- (5) In Article 8-
- (a) in paragraph 1, for “Commission” substitute “Registrar”;
  - (b) in paragraph 2, in the words before point (a)-
    - (i) for “Member State or” substitute “Registrar must send”;
    - (ii) for the words “from the third-country authority or the private entity from the third country in question shall receive” substitute “as the case may be”.
- (6) Omit Articles 8a and 9.
- (7) In Article 11(2), for “Commission”, in both places it occurs, substitute “Registrar”.
- (8) In Article 15-
- (a) in paragraph 1-
    - (i) for “Commission” substitute “Registrar”;
    - (ii) omit “the Member State,”;

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

- (iii) omit “from the third country in question”;
  - (b) in paragraph 2, for “Commission” substitute “Registrar”;
  - (c) in paragraph 3-
    - (i) for “Commission” substitute “Registrar”;
    - (ii) for “it” substitute “the Registrar”;
  - (d) in paragraph 4, for “Commission”, in both places it occurs, substitute “Registrar”.
- (9) In Article 18(1), for “Commission”, in both places it occurs, substitute “Registrar”.
- (10) In Article 19-
- (a) in paragraph 2, for “from the Member State or” substitute “, where relevant, from”;
  - (b) in paragraph 3-
    - (i) in the first subparagraph, for “Commission”, in both places it occurs, substitute “Registrar”;
    - (ii) in the second subparagraph-
      - (aa) for “Commission” substitute “Registrar”;
      - (bb) omit “the Member State,”;
      - (cc) omit “from the third country,”.
- (11) In Article 20-
- (a) in paragraph 1-
    - (i) for “Commission” substitute “Registrar”;
    - (ii) for “it” substitute “the Registrar”;
    - (iii) omit “the Member State or”;



European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

- (iv) omit “from the third country,”;
  - (b) in paragraph 2-
    - (i) for “Commission” substitute “Registrar”;
    - (ii) omit “Member State,”;
    - (iii) omit “from the third country in question”;
  - (c) in paragraph 4-
    - (i) in the first subparagraph-
      - (aa) for “Commission” substitute “Registrar”;
      - (bb) for “it may suspend”, in the second place it occurs, substitute “the Registrar may suspend”;
      - (cc) for “It” substitute “The Registrar”;
    - (ii) in the second subparagraph, for “Commission” substitute “Registrar”.
- (12) After Article 23 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(13) For Annexes I to V substitute-

*“ANNEX I*  
**APPLICATION FOR REGISTRATION OF A GEOGRAPHICAL INDICATION**

Date of receipt (DD/MM/YYYY) ...  
[for official use]  
Number of pages (including this page) ...  
File number ...  
[for official use]

**Geographical indication to be registered ...**

**Category of the spirit drink**

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

Applicant

Name of legal or natural person ...

Full address (street number and name, town/city and postal code, country) ...

Legal status, size and composition (in the case of legal persons) ...

Nationality ...

Tel., e-mail

**Intermediary (if applicable)**

Third-country authority

Name(s) of intermediary(ies) ...

Full address(es) (street number and name, town/city and postal code, country) ...

Tel., e-mail ...

**Proof of protection in third country ...**

Technical file

Number of pages ...

Name(s) of signatory(ies) ...

Signature(s) ...

***ANNEX II***  
**TECHNICAL FILE**

Date of receipt (DD/MM/YYYY) ...

[for official use]

Number of pages (including this page) ...

File number ...

[for official use]

**Geographical indication to be registered ...**

**Category of the spirit drink**

**Description of the spirit drink**

— Physical, chemical and/or organoleptic characteristics

— Specific characteristics (compared to spirit drinks of the same category)

**Geographical area concerned**

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

**Method for obtaining the spirit drink**

**Link with the geographical environment or origin**

- Details of the geographical area or origin relevant to the link
- Specific characteristics of the spirit drink attributable to the geographical area

**National/regional provisions**

**Applicant**

- Third Country or legal/natural person ...
- Full address (street number and name, town/city and postal code, country) ...
- Legal status (in the case of legal persons) ...

**Supplement to the geographical indication**

**Specific labelling rules**

*ANNEX III*  
**OBJECTION TO A GEOGRAPHICAL INDICATION**

Date of receipt (DD/MM/YYYY) ...  
[for official use]  
Number of pages (including this page) ...  
File number ...  
[for official use]

**Objector**

Name of legal or natural person ...  
Full address (street number and name, town/city and postal code, country) ...  
Nationality ...  
Tel., e-mail ...

**Intermediary (if applicable)**

Third-country authority (optional)  
Name(s) of intermediary(ies) ...  
Full address(es) (street number and name, town/city and postal code, country) ...

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

**Objected geographical indication ...**

**Prior rights**

Registered geographical indication (\*)  
National geographical indication (\*)  
[(\*) delete as appropriate]  
Name ...  
Registration number ...  
Date of registration (DD/MM/YYYY) ...  
Trademark  
Sign ...  
List of products and services ...  
Registration number ...  
Date of registration ...  
Country of origin ...  
Reputation/renown (\*) ...  
[(\*) delete as appropriate]

**Grounds for objection**

Name of signatory ...  
Signature ...

*ANNEX IV*  
**APPLICATION FOR THE CANCELLATION OF A GEOGRAPHICAL  
INDICATION**

Date of receipt (DD/MM/YYYY) ...  
[for official use]  
Number of pages (including this page) ...  
Author of request of cancellation ...  
File number ...  
[for official use]  
Name of legal or natural person ...  
Full address (street number and name, town/city and postal code, country) ...  
Nationality ...  
Tel., e-mail ...

**Contested geographical indication ...**

**Legitimate interest of the author of the request ...**

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

**Statement by the third country (where relevant)...**

**Grounds for cancellation**

Name of signatory ...

Signature ...

*ANNEX IV*  
**APPLICATION FOR THE AMENDMENT OF THE TECHNICAL FILE OF A  
GEOGRAPHICAL INDICATION**

Date of receipt (DD/MM/YYYY) ...

[for official use]

Number of pages (including this page) ...

File number ...

[for official use]

**Intermediary (if applicable)**

Third-country authority (optional)

Name(s) of intermediary(ies) ...

Full address(es) (street number and name, town/city and postal code, country) ...

Tel., e-mail ...

**Name of the geographical indication**

**Specification heading affected by the amendment**

Protected name (\*)

Description of product (\*)

Geographical area (\*)

Link (\*)

Names and addresses of control authorities (\*)

Other (\*)

[(\*) delete as appropriate]

**Amendment**

Amendment to the product specification not entailing an amendment of the main specifications (\*)

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

Amendment to the product specification entailing an amendment to the main specifications  
(\*)

[(\*) delete as appropriate]

**Explanation of the amendment ...**

**Amended main specifications**

[on separate sheet]

Name of signatory ...

Signature ...”.

(14) Omit Annex 6.

**Annex 2 to the EEA Agreement.**

10. In Annex 2 to the EEA Agreement, in Chapter 27, omit points 8, 9, 9a, 9b and 9ba.

**Revocations.**

11. The retained direct EU legislation listed in Schedule 1 is revoked.

**Amended Regulations.**

12.(1) The amendments made by these regulations to ~~retained EU law~~ are set out in Schedule 2 for information purposes only.

(2) The Minister may by notice in the Gazette amend Schedule 2.

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

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**SCHEDULE 1**

*Regulation 11*

**Revocation of direct EU legislation**

1. Council Decision 94/184/EC concerning the conclusion of an Agreement between the European Community and Australia on trade in wine.
2. Council Decision 97/361/EC concerning the conclusion of an Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks.
3. Commission Decision 2000/192/EC concerning the conclusion of an Agreement amending the Agreement between the European Community and Australia on trade in wine.
4. Commission Decision 2001/339/EC concerning an Exchange of Letters amending point B of the Annex to the Agreement between the European Community and the Republic of Bulgaria on the reciprocal protection and control of wine names.
5. Commission Decision 2001/581/EC concerning the conclusion of an Agreement amending the Agreement between the European Community and Australia on trade in wine.
6. Council Decision 2001/916/EC on the conclusion of an Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks.
7. Council Decision 2001/917/EC on the conclusion of an Additional Protocol adjusting the trade aspects of the Interim Agreement between the European Community, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks.
8. Council Decision 2001/918/EC on the conclusion of an Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks.

9. Council Decision 2001/919/EC on the conclusion of an Additional Protocol adjusting the trade aspects of the Interim Agreement between the European Community, of the one part, and the Republic of Croatia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks.

10. Council Decision 2001/920/EC on the conclusion of an Additional Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks.

11. Council Decision 2002/51/EC on the conclusion of an Agreement between the European Community and the Republic of South Africa on trade in wine.

12. Council Decision 2002/53/EC concerning the provisional application of the Agreement between the European Community and the Republic of South Africa on trade in wine.

13. Council Decision 2002/55/EC on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of South Africa on trade in wine.

14. Commission Decision 2002/650/EC concerning the conclusion of an Agreement amending the Agreement between the European Community and Australia on trade in wine.

15. Commission Decision 2003/898/EC concerning the conclusion of an agreement amending the Agreement between the European Community and Australia on trade in wine.

16. Council Decision 2004/91/EC on the conclusion of the agreement between the European Community and Canada on trade in wines and spirit drinks.

17. Commission Decision 2004/387/EC on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United Mexican States concerning amendments to Annex I to the Agreement between the European Community and



the United Mexican States on the mutual recognition and protection of designations for spirit drinks, taking into account the enlargement.

18. Commission Decision 2004/483/EC on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the United Mexican States concerning amendments to Annex I of the Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks, taking into account the enlargement.

19. Commission Decision 2004/785/EC on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the United Mexican States concerning amendments to Annex II of the Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks.

20. Council Decision 2005/798/EC concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America on matters related to trade in wine.

21. Council Decision 2006/136/EC on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to the Agreement on Trade in Wines annexed to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part.

22. Council Decision 2006/232/EC on the conclusion of the Agreement between the European Community and the United States of America on trade in wine.

23. Commission Decision 2006/567/EC on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to Appendices I, II, III and IV of the Agreement on Trade in Wines annexed to the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part.

24. Commission Decision 2006/569/EC on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to Appendix VI of the Agreement on Trade in Wines annexed to the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part.

25. Commission Regulation (EC) No 555/2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

regards support programmes, trade with third countries, production potential and on controls in the wine sector.

26. Council Decision 2009/49/EC on the conclusion of the Agreement between the European Community and Australia on trade in wine.

27. Commission Decision 2009/104/EC on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to Appendix V of the Agreement on Trade in Wines annexed to the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part.

28. Council Decision 2011/51/EU on the signing of the Agreement between the European Union and the Swiss Confederation on the protection of designations of origin and geographical indications for agricultural products and foodstuffs, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products.

29. Council Decision 2011/620/EU on the signing, on behalf of the Union, of the Agreement between the European Union and Georgia on protection of geographical indications of agricultural products and foodstuffs.

30. Council Decision 2011/738/EU on the conclusion of the Agreement between the European Union and the Swiss Confederation on the protection of designations of origin and geographical indications for agricultural products and foodstuffs, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products.

31. Commission Implementing Decision 2011/751/EU on the notification of a proposal for amendment to the Annexes to the EC-US Agreement on trade in wine.

32. Council Decision 2012/164/EU on the conclusion of the Agreement between the European Union and Georgia on protection of geographical indications of agricultural products and foodstuffs.

33. Commission Implementing Decision 2012/275/EU on the inclusion of vine varieties in Appendix IV of the Protocol on wine labelling as referred to in Article 8(2) of the EC-US Agreement on trade in wine.

34. Council Decision 2012/292/EU on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs.

35. Council Decision 2012/533/EU on the position to be taken by the European Union within the Joint Committee set up by Article 11 of the Agreement between the European Union and Georgia on protection of geographical indications of agricultural products and foodstuffs, as regards the adoption of the rules of procedure of the Joint Committee.

36. Council Decision 2013/7/EU on the conclusion of the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs.

37. Council Decision 2013/482/EU on the position to be taken by the European Union within the Joint Committee set up by Article 11 of the Agreement between the European Union and the Republic of Moldova on protection of geographical indications of agricultural products and foodstuffs, as regards the adoption of the rules of procedure of the Joint Committee.

38. Council Decision 2014/429/EU on the position to be adopted on behalf of the European Union within the Association Council set up by the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America, on the other, as regards the adoption of a decision by the Association Council on the inclusion in Annex XVIII of the respective geographical indications protected in the territory of the parties.

39. Commission Delegated Regulation (EU) 2016/1149 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector.

40. Commission Implementing Regulation (EU) 2016/1150 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector.

41. Council Decision (EU) 2016/2136 on the signing, on behalf of the European Union, of the Agreement between the European Union and Iceland on the protection of geographical indications for agricultural products and foodstuffs.

42. Council Decision (EU) 2017/1912 on the conclusion of the Agreement between the European Union and Iceland on the protection of geographical indications for agricultural products and foodstuffs.

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

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**SCHEDULE 2**

*Regulation 12*

**Amended EU legislation**

**REGULATION (EU) No 1151/2012 OF THE EUROPEAN PARLIAMENT AND OF  
THE COUNCIL**

**of 21 November 2012**

**on quality schemes for agricultural products and foodstuffs**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) and the first paragraph of Article 118 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee **1**,

Having regard to the opinion of the Committee of the Regions **2**,

Acting in accordance with the ordinary legislative procedure **3**, Whereas:

- (1) The quality and diversity of the Union's agricultural, fisheries and aquaculture production is one of its important strengths, giving a competitive advantage to the Union's producers and making a major contribution to its living cultural and gastronomic heritage. This is due to the skills and determination of Union farmers and producers who have kept traditions alive while taking into account the developments of new production methods and material.
- (2) Citizens and consumers in the Union increasingly demand quality as well as traditional products. They are also concerned to maintain the diversity of the agricultural production in the Union. This generates a demand for agricultural

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**1** OJ C 218, 23.7.2011, p. 114.

**2** OJ C 192, 1.7.2011, p. 28.

**3** Position of the European Parliament of 13 September 2012 (not yet published in the Official Journal) and decision of the Council of 13 November 2012.

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

products or foodstuffs with identifiable specific characteristics, in particular those linked to their geographical origin.

- (3) Producers can only continue to produce a diverse range of quality products if they are rewarded fairly for their effort. This requires that they are able to communicate to buyers and consumers the characteristics of their product under conditions of fair competition. It also requires them to be able to correctly identify their products on the marketplace.
- (4) Operating quality schemes for producers which reward them for their efforts to produce a diverse range of quality products can benefit the rural economy. This is particularly the case in less favoured areas, in mountain areas and in the most remote regions, where the farming sector accounts for a significant part of the economy and production costs are high. In this way quality schemes are able to contribute to and complement rural development policy as well as market and income support policies of the common agricultural policy (CAP). In particular, they may contribute to areas in which the farming sector is of greater economic importance and, especially, to disadvantaged areas.
- (5) The Europe 2020 policy priorities as set out in the Commission Communication entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth', include the aims of achieving a competitive economy based on knowledge and innovation and fostering a high-employment economy delivering social and territorial cohesion. Agricultural product quality policy should therefore provide producers with the right tools to better identify and promote those of their products that have specific characteristics while protecting those producers against unfair practices.
- (6) The set of complementary measures envisaged should respect the principles of subsidiarity and proportionality.
- (7) Agricultural product quality policy measures are laid down in Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails <sup>4</sup>; Council Directive 2001/110/EC of 20 December 2001 relating to honey <sup>5</sup> and in particular in Article 2 thereof, Council Regulation (EC) No 247/2006 of 30 January 2006

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<sup>4</sup> OJ L 149, 14.6.1991, p. 1.

<sup>5</sup> OJ L 10, 12.1.2002, p. 47

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

laying down specific measures for agriculture in the outermost regions of the Union **6** and in particular in Article 14 thereof; Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed **7**; Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs **8**; Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) **9** and in particular in Part II, Title II, Chapter I, Section I and in Section Ia, Subsection I thereof; Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products **10**; and Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks **11**.

- (8) The labelling of agricultural products and foodstuffs should be subject to the general rules laid down in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs **12**, and in particular the provisions aimed at preventing labelling that may confuse or mislead consumers.
- (9) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on agricultural product quality policy identified the achievement of a greater overall coherence and consistency of agricultural product quality policy as a priority.
- (10) The geographical indications scheme for agricultural products and foodstuffs and the traditional specialities guaranteed scheme have certain common objectives and provisions.
- (11) The Union has for some time been pursuing an approach that aims to simplify the regulatory framework of the CAP. This approach should also be applied to regulations in the field of agricultural product quality policy,

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**6** OJ L 42, 14.2.2006, p. 1.

**7** OJ L 93, 31.3.2006, p. 1.

**8** OJ L 93, 31.3.2006, p. 12.

**9** OJ L 299, 16.11.2007, p. 1.

**10** OJ L 189, 20.7.2007, p. 1.

**11** OJ L 39, 13.2.2008, p. 16.

**12** OJ L 109, 6.5.2000, p. 29.

without, in so doing, calling into question the specific characteristics of those products.

- (12) Some regulations that form part of the agricultural product quality policy have been reviewed recently but are not yet fully implemented. As a result, they should not be included in this Regulation. However, they may be incorporated at a later stage, once the legislation has been fully implemented.
- (13) In the light of the aforementioned considerations, the following provisions should be amalgamated into a single legal framework comprising the new or updated provisions of Regulations (EC) No 509/2006 and (EC) No 510/2006 and those provisions of Regulations (EC) No 509/2006 and (EC) No 510/2006 that are maintained.
- (14) In the interests of clarity and transparency, Regulations (EC) No 509/2006 and (EC) No 510/2006 should therefore be repealed and replaced by this Regulation.
- (15) The scope of this Regulation should be limited to the agricultural products intended for human consumption listed in Annex I to the Treaty and to a list of products outside the scope of that Annex that are closely linked to agricultural production or to the rural economy.
- (16) The rules provided for in this Regulation should apply without affecting existing Union legislation on wines, aromatised wines, spirit drinks, product of organic farming, or outermost regions.
- (17) The scope for designations of origin and geographical indications should be limited to products for which an intrinsic link exists between product or foodstuff characteristics and geographical origin. The inclusion in the current scheme of only certain types of chocolate as confectionery products is an anomaly that should be corrected.
- (18) The specific objectives of protecting designations of origin and geographical indications are securing a fair return for farmers and producers for the qualities and characteristics of a given product, or of its mode of production, and providing clear information on products with specific characteristics linked to geographical origin, thereby enabling consumers to make more informed purchasing choices.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (19) Ensuring uniform respect throughout the Union for the intellectual property rights related to names protected in the Union is a priority that can be achieved more effectively at Union level.
- (20) A Union framework that protects designations of origin and geographical indications by providing for their inclusion on a register facilitates the development of those instruments, since the resulting, more uniform, approach ensures fair competition between the producers of products bearing such indications and enhances the credibility of the products in the consumers' eyes. Provision should be made for the development of designations of origin and geographical indications at Union level and for promoting the creation of mechanisms for their protection in third countries in the framework of the World Trade Organisation (WTO) or multilateral and bilateral agreements, thereby contributing to the recognition of the quality of products and of their model of production as a factor that adds value.
- (21) In the light of the experience gained from the implementation of Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>13</sup> and Regulation (EC) No 510/2006, there is a need to address certain issues, to clarify and simplify some rules and to streamline the procedures of this scheme.
- (22) In the light of existing practice, the two different instruments for identifying the link between the product and its geographical origin, namely the protected designation of origin and the protected geographical indication, should be further defined and maintained. Without changing the concept of those instruments, some modifications to the definitions should be adopted in order to better take into account the definition of geographical indications laid down in the Agreement on Trade-Related Aspects of Intellectual Property Rights and to make them simpler and clearer for operators to understand.
- (23) An agricultural product or foodstuff bearing such a geographical description should meet certain conditions set out in a specification, such as specific requirements aimed at protecting the natural resources or landscape of the production area or improving the welfare of farm animals.

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<sup>13</sup> OJ L 208, 24.7.1992, p. 1.



- (24) To qualify for protection in the territories of Member States, designations of origin and geographical indications should be registered only at Union level. With effect from the date of application for such registration at Union level, Member States should be able to grant transitional protection at national level without affecting intra-Union or international trade. The protection afforded by this Regulation upon registration, should be equally available to designations of origin and geographical indications of third countries that meet the corresponding criteria and that are protected in their country of origin.
- (25) The registration procedure at Union level should enable any natural or legal person with a legitimate interest from a Member State, other than the Member State of the application, or from a third country, to exercise their rights by notifying their opposition.
- (26) Entry in the register of protected designations of origin and protected geographical indications should also provide information to consumers and to those involved in trade.
- (27) The Union negotiates international agreements, including those concerning the protection of designations of origin and geographical indications, with its trade partners. In order to facilitate the provision to the public of information about the names so protected, and in particular to ensure protection and control of the use to which those names are put, the names may be entered in the register of protected designations of origin and protected geographical indications. Unless specifically identified as designations of origin in such international agreements, the names should be entered in the register as protected geographical indications.
- (28) In view of their specific nature, special provisions concerning labelling should be adopted in respect of protected designations of origin and protected geographical indications that require producers to use the appropriate Union symbols or indications on packaging. In the case of Union names, the use of such symbols or indications should be made obligatory in order to make this category of products, and the guarantees attached to them, better known to consumers and in order to permit easier identification of these products on the market, thereby facilitating checks. Taking into account the requirements of the WTO, the use of such symbols or indications should be made voluntary for third-country geographical indications and designations of origin.
- (29) Protection should be granted to names included in the register with the aim of ensuring that they are used fairly and in order to prevent practices liable to mislead consumers. In addition, the means of ensuring that geographical indications and designations of origin are protected should be clarified,

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

particularly as regards the role of producer groups and competent authorities of Member States.

- (30) Provision should be made for specific derogations that permit, for transitional periods, the use of a registered name alongside other names. Those derogations should be simplified and clarified. In certain cases, in order to overcome temporary difficulties and with the long-term objective of ensuring that all producers comply with the specifications, those derogations may be granted for a period of up to 10 years.
- (31) The scope of the protection granted under this Regulation should be clarified, in particular with regard to those limitations on registration of new trade marks set out in Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks <sup>14</sup> that conflict with the registration of protected designations of origin and protected geographical indications as is already the case for the registration of new trade marks at Union level. Such clarification is also necessary with regard to the holders of prior rights in intellectual property, in particular those concerning trade marks and homonymous names registered as protected designations of origin or as protected geographical indications.
- (32) Protection of designations of origin and geographical indications should be extended to the misuse, imitation and evocation of the registered names on goods as well as on services in order to ensure a high level of protection and to align that protection with that which applies to the wine sector. When protected designations of origin or protected geographical indications are used as ingredients, the Commission Communication entitled ‘Guidelines on the labelling of foodstuffs using protected designations of origin (PDOs) or protected geographical indications (PGIs) as ingredients’ should be taken into account.
- (33) The names already registered under Regulation (EC) No 510/2006 on 3 January 2013 should continue to be protected under this Regulation and they should be automatically included in the register.
- (34) The specific objective of the scheme for traditional specialities guaranteed is to help the producers of traditional products to communicate to consumers the value-adding attributes of their product. However, as only a few names have been registered, the current scheme for traditional specialities guaranteed has failed to realise its potential. Current provisions should therefore be improved,

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<sup>14</sup> OJ L 299, 8.11.2008, p. 25.

clarified and sharpened in order to make the scheme more understandable, operational and attractive to potential applicants.

- (35) The current scheme provides the option to register a name for identification purposes without reservation of the name in the Union. As this option has not been well understood by stakeholders and since the function of identifying traditional products can be better achieved at Member State or regional level in application of the principle of subsidiarity, this option should be discontinued. In the light of experience, the scheme should only deal with the reservation of names across the Union.
- (36) To ensure that names of genuine traditional products are registered under the scheme, the criteria and conditions for registration of a name should be adapted, in particular those concerning the definition of ‘traditional’, which should cover products that have been produced for a significant period of time.
- (37) To ensure that traditional specialities guaranteed comply with their specification and are consistent, producers organised into groups should themselves define the product in a specification. The option of registering a name as a traditional speciality guaranteed should be open to third-country producers.
- (38) To qualify for reservation, traditional specialities guaranteed should be registered at Union level. The entry in the register should also provide information to consumers and to those involved in the trade.
- (39) In order to avoid creating unfair conditions of competition, any producer, including a third-country producer, should be able to use a registered name of a traditional speciality guaranteed, provided that the product concerned complies with the requirements of the relevant specification and the producer is covered by a system of controls. For traditional specialities guaranteed produced within the Union, the Union symbol should be indicated on the labelling and it should be possible to associate it with the indication ‘traditional speciality guaranteed’.
- (40) In order to protect registered names from misuse, or from practices that might mislead consumers, their use should be reserved.
- (41) For those names already registered under Regulation (EC) No 509/2006 that, on 3 January 2013, would otherwise not be covered by the scope of this Regulation, the terms of use laid down in Regulation (EC) No 509/2006 should continue to apply for a transitional period.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (42) A procedure should be introduced for registering names that are registered without reservation of name pursuant to Regulation (EC) No 509/2006, enabling them to be registered with reservation of name.
- (43) Provision should also be made for transitional measures applicable to registration applications received by the Commission before 3 January 2013.
- (44) A second tier of quality systems, based on quality terms which add value, which can be communicated on the internal market and which are to be applied voluntarily, should be introduced. Those optional quality terms should refer to specific horizontal characteristics, with regard to one or more categories of products, farming methods or processing attributes which apply in specific areas. The optional quality term ‘mountain product’ has met the conditions up to now and will add value to the product on the market. In order to facilitate the application of Directive 2000/13/EC where the labelling of foodstuffs may give rise to consumer confusion in relation to optional quality terms, including in particular ‘mountain products’, the Commission may adopt guidelines.
- (45) In order to provide mountain producers with an effective tool to better market their product and to reduce the actual risks of consumer confusion as to the mountain provenance of products in the market place, provision should be made for the definition at Union level of an optional quality term for mountain products. The definition of mountain areas should build on the general classification criteria employed to identify a mountain area in Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) **15**.
- (46) The added value of the geographical indications and traditional specialities guaranteed is based on consumer trust. It is only credible if accompanied by effective verification and controls. Those quality schemes should be subject to a monitoring system of official controls, in line with the principles set out in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules **16**, and should include a system of checks at all stages of production, processing and distribution. In order to help Member States to better apply provisions of Regulation (EC) No 882/2004 for the controls of geographical indications and traditional specialities guaranteed, references to the most relevant articles should be mentioned in this Regulation.

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**15** OJ L 160, 26.6.1999, p. 80.

**16** OJ L 165, 30.4.2004, p. 1

- (47) To guarantee to the consumer the specific characteristics of geographical indications and traditional specialities guaranteed, operators should be subject to a system that verifies compliance with the product specification.
- (48) In order to ensure that they are impartial and effective, the competent authorities should meet a number of operational criteria. Provisions on delegating some competences of performing specific control tasks to control bodies should be envisaged.
- (49) European standards (EN standards) developed by the European Committee for Standardisation (CEN) and international standards developed by the International Organisation for Standardisation (ISO) should be used for the accreditation of the control bodies as well as by those bodies for their operations. The accreditation of those bodies should take place in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products <sup>17</sup>.
- (50) Information on control activities for geographical indications and traditional specialities guaranteed should be included in the multiannual national control plans and annual report prepared by the Member States in accordance with Regulation (EC) No 882/2004.
- (51) Member States should be authorised to charge a fee to cover the costs incurred.
- (52) Existing rules concerning the continued use of names that are generic should be clarified so that generic terms that are similar to or form part of a name or term that is protected or reserved should retain their generic status.
- (53) The date for establishing the seniority of a trade mark and of a designation of origin or a geographical indication should be that of the date of application of the trade mark for registration in the Union or in the Member States and the date of application for protection of a designation of origin or a geographical indication to the Commission.
- (54) The provisions dealing with the refusal or coexistence of a designation of origin or a geographical indication on the ground of conflict with a prior trade mark should continue to apply.

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<sup>17</sup> OJ L 218, 13.8.2008, p. 30.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (55) The criteria by which subsequent trademarks should be refused or, if registered, invalidated on the ground that they conflict with a prior designation of origin or geographical indication should correspond to the scope of protection of designation of origin or a geographical indication laid down.
- (56) The provisions of systems establishing intellectual property rights, and particularly of those established by the quality scheme for designations of origin and geographical indications or those established under trade mark law, should not be affected by the reservation of names and the establishment of indications and symbols pursuant to the quality schemes for traditional specialities guaranteed and for optional quality terms.
- (57) The role of groups should be clarified and recognised. Groups play an essential role in the application process for the registration of names of designations of origin and geographical indications and traditional specialities guaranteed, as well as in the amendment of specifications and cancellation requests. The group can also develop activities related to the surveillance of the enforcement of the protection of the registered names, the compliance of the production with the product specification, the information and promotion of the registered name as well as, in general, any activity aimed at improving the value of the registered names and effectiveness of the quality schemes. Moreover, it should monitor the position of the products on the market. Nevertheless, these activities should not facilitate nor lead to anti-competitive conduct incompatible with Articles 101 and 102 of the Treaty.
- (58) To ensure that registered names of designations of origin and geographical indications and traditional specialities guaranteed meet the conditions laid down by this Regulation, applications should be examined by the national authorities of the Member State concerned, in compliance with minimum common provisions, including a national opposition procedure. The Commission should subsequently scrutinise applications to ensure that there are no manifest errors and that Union law and the interests of stakeholders outside the Member State of application have been taken into account.
- (59) Registration as designations of origin, geographical indications and traditional specialities guaranteed should be open to names that relate to products originating in third countries and that satisfy the conditions laid down by this Regulation.
- (60) The symbols, indications and abbreviations identifying participation in a quality scheme, and the rights therein pertaining to the Union, should be protected in the Union as well as in third countries with the aim of ensuring that they are used on

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genuine products and that consumers are not misled as to the qualities of products. Furthermore, in order for the protection to be effective, the Commission should have recourse to reasonable budget resources on a centralised basis within the framework of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) **18** and in accordance with Article 5 of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy **19**.

- (61) The registration procedure for protected designations of origin, protected geographical indications and traditional specialities guaranteed, including the scrutiny and the opposition periods, should be shortened and improved, in particular as regards decision making. The Commission, in certain circumstances acting with the assistance of Member States, should be responsible for decision-making on registration. Procedures should be laid down to allow the amendment of product specifications after registration and the cancellation of registered names, in particular if the product no longer complies with the corresponding product specification or if a name is no longer used in the market place.
- (62) In order to facilitate cross-border applications for joint registration of protected designations of origin, protected geographical indications or traditional specialities guaranteed, provision should be made for appropriate procedures.
- (63) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of supplementing the list of products set out in Annex I to this Regulation; establishing the restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin; establishing restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials; laying down rules which limit the information contained in the product specification; establishing the Union symbols; laying down additional transitional rules in order to protect the rights and legitimate interests of producers or stakeholders concerned; laying down further details on the eligibility criteria for the names of traditional specialities guaranteed; laying down detailed rules relating to the criteria for optional quality terms; reserving an additional optional quality term, laying down its conditions of use and amending those conditions; laying down derogations to the use of the term ‘mountain product’ and establishing the methods of production, and other criteria relevant for the application of that optional quality

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**18** OJ L 277, 21.10.2005, p. 1.

**19** OJ L 209, 11.8.2005, p. 1.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

term, in particular, laying down the conditions under which raw materials or feed stuffs are permitted to come from outside the mountain areas; laying down additional rules for determining the generic status of terms in the Union; laying down rules for determining the use of the name of a plant variety or of an animal breed; defining the rules for carrying out the national objection procedure for joint applications concerning more than one national territory; and for complementing the rules of the application process, the opposition process, the amendment application process and the cancellation process in general. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

- (64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards laying down rules on the form of the product specification; laying down detailed rules on the form and content of the register of protected designations of origin and protected geographical indications; defining the technical characteristics of the Union symbols and indications as well as the rules on their use on products, including the appropriate linguistic versions to be used; granting and extending transitional periods for temporary derogations for use of protected designations of origin and protected geographical indication; laying down detailed rules on the form and content of the register of traditional specialities guaranteed; laying down rules for the protection of traditional specialities guaranteed; laying down all measures relating to forms, procedures and other technical details for the application of Title IV; laying down rules for the use of optional quality terms; laying down rules for the uniform protection of indications, abbreviations and symbols referring to the quality schemes; laying down detailed rules on the procedure, form and presentation of applications for registration and of oppositions; rejecting the application; deciding on the registration of a name if an agreement has not been reached; laying down detailed rules on the procedure, form and presentation of an amendment application; cancelling the registration of a protected designation of origin, a protected geographical indication or a traditional speciality guaranteed; and laying down detailed rules on the procedure and form of the cancellation process and on the presentation of the requests for cancellation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for



European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

control by Member States of the Commission's exercise of implementing powers  
**20.**

(65) In respect of establishing and maintaining registers of protected designations of origin, protected geographical indications and traditional specialties guaranteed, recognised under this scheme; defining the means by which the name and address of product certification bodies are to be made public; and registering a name if there is no notice of opposition or no admissible reasoned statement of opposition or in the case there is one the agreement has been reached, the Commission should be empowered to adopt implementing acts without applying Regulation (EU) No 182/2011,

HAVE ADOPTED THIS REGULATION:

TITLE I  
**GENERAL PROVISIONS**

*Article 1*  
**Objectives**

1. This Regulation aims to help producers of agricultural products and foodstuffs to communicate the product characteristics and farming attributes of those products and foodstuffs to buyers and consumers, thereby ensuring:

- (a) *omitted.*
- (b) the availability to consumers of reliable information pertaining to such products;
- (c) respect for intellectual property rights;
- (d) *omitted.*

2. This Regulation establishes quality schemes which provide the basis for the identification and, where appropriate, protection of names and terms that, in particular, indicate or describe agricultural products with:

- (a) value-adding characteristics; or

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

- (b) value-adding attributes as a result of the farming or processing methods used in their production, or of the place of their production or marketing.

#### *Article 2*

##### **Scope**

1. This Regulation covers agricultural products intended for human consumption listed in Annex I to the Treaty and other agricultural products and foodstuffs listed in Annex I to this Regulation.

In order to take into account international commitments or new production methods or material, the Minister may make regulations, supplementing the list of products set out in Annex I to this Regulation.

2. This Regulation shall not apply to spirit drinks, aromatised wines or grapevine products as defined in Part 2 of Annex 7 to Regulation (EU) No 1308/2013 as set out in Annex III, with the exception of wine-vinegars.

3. This Regulation shall apply without prejudice to other specific provisions in retained EU law.

4. *Omitted.*

#### *Article 3*

##### **Definitions**

For the purposes of this Regulation the following definitions shall apply:

- (1) 'quality schemes' means the schemes established under Titles II, III and IV;
- (2) 'group' means any association, irrespective of its legal form, mainly composed of producers or processors working with the same product;
- (3) 'traditional' means proven usage on the domestic market for a period that allows transmission between generations; this period is to be at least 30 years;
- (4) 'labelling' means any words, particulars, trademarks, brand name, pictorial matter or symbol relating to a foodstuff and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such foodstuff;

- (5) ‘specific character’ in relation to a product means the characteristic production attributes which distinguish a product clearly from other similar products of the same category;
- (6) ‘generic terms ’ means the names of products which, although relating to the place, region or country where the product was originally produced or marketed, have become the common name of a product in Gibraltar;
- (7) ‘production step’ means production, processing or preparation;
- (8) ‘processed products’ means foodstuffs resulting from the processing of unprocessed products. Processed products may contain ingredients that are necessary for their manufacture or to give them specific characteristics;
- (9) ‘Consumer Protection Enforcer’ and ‘CP Enforcer’ means a person appointed under section 34 of the Fair Trading Act 2015;
- (10) ‘Minister’ means the Minister with responsibility for commerce;
- (11) ‘third country’ means a country other than Gibraltar;
- (12) ‘the EUWA’ means the European Union (Withdrawal) Act 2019;
- (13) ‘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 in EU law immediately before exit day;
- (14) ‘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;
- (15) ‘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;
- (16) ‘the Quality Assurance Regulations’ means the Quality Assurance (Intellectual Property) (EU Exit) Regulations 2019;

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (17) ‘the competent authority’, in relation to Gibraltar has the meaning given in the Quality Assurance Regulations;
- (18) ‘the designated authority’ has the meaning given in the Quality Assurance Regulations;
- (19) ‘domestic law’ means the law of Gibraltar;
- (20) ‘enactment’ includes:
  - (a) enactments of the type specified in paragraphs (a) to (c) of the definition of “enactment” in section 3(1) of the EUWA; and
  - (b) except in Article 28, retained direct EU legislation;
- (21) ‘established protected designation of origin’ means a designation of origin shown as a United Kingdom registered designation of origin on the register maintained by the European Commission pursuant to Article 11 of EU Regulation 1151/2012 as that register stood immediately before exit day;
- (22) ‘established protected geographical indication’ means a geographical indication shown as a registered United Kingdom geographical indication on the register maintained by the European Commission pursuant to Article 11 of EU Regulation 1151/2012 as that register stood immediately before exit day;
- (23) ‘established protected traditional speciality guaranteed’ means a traditional speciality guaranteed shown as a registered United Kingdom traditional speciality guaranteed on the register maintained by the European Commission pursuant to Article 22 of EU Regulation 1151/2012 as that register stood immediately before exit day.

#### TITLE II

#### **PROTECTED DESIGNATIONS OF ORIGIN AND PROTECTED GEOGRAPHICAL INDICATIONS**

##### *Article 4*

##### **Objective**

A scheme for protected designations of origin and protected geographical indications is established in order to help producers of products linked to a geographical area by:

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

- (a) securing fair returns for the qualities of their products;
- (b) ensuring uniform protection of the names as an intellectual property right in Gibraltar;
- (c) providing clear information on the value-adding attributes of the product to consumers.

*Article 5*

**Requirements for designations of origin and geographical indications**

1. For the purpose of this Regulation, ‘designation of origin’ is a name which identifies a product:

- (a) originating in a specific place, region or, in exceptional cases, a country;
- (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and
- (c) the production steps of which all take place in the defined geographical area.

2. For the purpose of this Regulation, ‘geographical indication’ is a name which identifies a product:

- (a) originating in a specific place, region or country;
- (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and
- (c) at least one of the production steps of which take place in the defined geographical area.

3. Notwithstanding paragraph 1, certain names shall be treated as designations of origin even though the raw materials for the products concerned come from a geographical area larger than, or different from, the defined geographical area, provided that:

- (a) the production area of the raw materials is defined;
- (b) special conditions for the production of the raw materials exist;
- (c) there are control arrangements to ensure that the conditions referred to in point (b) are adhered to; and

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (d) the designations of origin in question were recognised as designations of origin in the country of origin before 1 May 2004.

Only live animals, meat and milk may be considered as raw materials for the purposes of this paragraph.

4. In order to take into account the specific character of production of products of animal origin, the Minister may make regulations concerning restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin.

In addition, in order to take into account the specific character of certain products or areas, the Minister may make regulations concerning restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials.

These restrictions and derogations shall, based on objective criteria, take into account quality or usage and recognised know-how or natural factors.

#### *Article 6*

#### **Generic nature, conflicts with names of plant varieties and animal breeds, with homonyms and trade marks**

1. Generic terms shall not be registered as protected designations of origin or protected geographical indications.
2. A name may not be registered as a designation of origin or geographical indication where it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product.
3. A name proposed for registration that is wholly or partially homonymous with a name already entered in the register established under Article 11 may not be registered unless there is sufficient distinction in practice between the conditions of local and traditional usage and presentation of the homonym registered subsequently and the name already entered in the register, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled.

A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.

4. A name proposed for registration as a designation of origin or geographical indication shall not be registered

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

where, in the light of a trade mark's reputation and renown and the length of time it has been used, registration of the name proposed as the designation of origin or geographical indication would be liable to mislead the consumer as to the true identity of the product.

*Article 7*  
**Product specification**

1. A protected designation of origin or a protected geographical indication shall comply with a specification which shall include at least:

- (a) the name to be protected as a designation of origin or geographical indication, as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area;
- (b) a description of the product, including the raw materials, if appropriate, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
- (c) the definition of the geographical area delimited with regard to the link referred to in point (f)(i) or (ii) of this paragraph, and, where appropriate, details indicating compliance with the requirements of Article 5(3);
- (d) evidence that the product originates in the defined geographical area referred to in Article 5(1) or (2);
- (e) a description of the method of obtaining the product and, where appropriate, the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control,
- (f) details establishing the following:
  - (i) the link between the quality or characteristics of the product and the geographical environment referred to in Article 5(1); or
  - (ii) where appropriate, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 5(2);

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (g) the name and address of the authorities or, if available, the name and address of bodies verifying compliance with the provisions of the product specification pursuant to Article 37 and their specific tasks;
- (h) any specific labelling rule for the product in question.

2. In order to ensure that product specifications provide relevant and succinct information, the Minister may make regulations laying down rules which limit the information contained in the specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications for registration.

The Minister may make regulations laying down rules on the form of the specification.

#### *Article 8*

#### **Content of application for registration**

1. An application for registration of a designation of origin or geographical indication pursuant to Article 49 shall include at least:

- (a) the name and address of the applicant group and of the authorities or, if available, bodies verifying compliance with the provisions of the product specification;
- (b) the product specification provided for in Article 7;
- (c) a single document setting out the following:
  - (i) the main points of the product specification: the name, a description of the product, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area;
  - (ii) a description of the link between the product and the geographical environment or geographical origin referred to in Article 5(1) or (2), as the case may be, including, where appropriate, the specific elements of the product description or production method justifying the link.

An application as referred to in Article 49(5) shall, in addition, include proof that the name of the product is protected in its country of origin.

2. *Omitted.*



European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

*Article 9*

*Omitted.*

*Article 10*

**Grounds for opposition**

1. A reasoned statement of opposition as referred to in Article 51(2) shall be admissible only if it is received by the Registrar within the time limit set out in that paragraph and if it:
  - (a) shows that the conditions referred to in Article 5 and Article 7(1) are not complied with;
  - (b) shows that the registration of the name proposed would be contrary to Article 6(2), (3) or (4);
  - (c) shows that the registration of the name proposed would jeopardise the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in point (a) of Article 50(2); or
  - (d) gives details from which it can be concluded that the name for which registration is requested is a generic term.
2. *Omitted.*

*Article 11*

**Register of protected designations of origin and protected geographical indications**

1. The Registrar must establish and maintain a publicly accessible updated register of protected designations of origin and protected geographical indications recognised under this scheme
  2. Geographical indications pertaining to products of third countries that are protected in Gibraltar under an international agreement which applies to or in Gibraltar must be entered in the register where required under the terms of the international agreement but in any other case may be entered in the register. Unless specifically identified in the said agreement as protected designations of origin under this Regulation, such names shall be entered in the register as protected geographical indications.
- 2A. Protected designation of origin and geographical indications that are registered in an equivalent register in the United Kingdom are, upon providing such proof of registration as

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

the Registrar may require and subject to any other obligation in these regulations such as relating to the payment of any fee, entitled to be registered.

2B. The Registrar must register a protected designation of origin and a geographical indication pertaining to products if the Registrar is of the opinion-

- (a) that a failure to enter the protected designation of origin or the geographical indication in the Gibraltar register may adversely affect the protection afforded under an international agreement to the protected designation of origin or geographical indication registered in the United Kingdom; or
- (b) that such the protected designation of origin or geographical indication pertaining to products was or should have been registered in the Register maintained by the Commission immediately prior to exit day.

3. *Omitted.*

4. *Omitted.*

#### *Article 12*

#### **Names, symbols and indications**

1. Protected designations of origin and protected geographical indications may be used by any operator marketing a product conforming to the corresponding specification.

2. Symbols designed to publicise protected designations of origin and protected geographical indications shall be established.

3. In the case of products originating in the Union that are marketed under a protected designation of origin or a protected geographical indication registered in accordance with the procedures laid down in this Regulation, the Union symbols associated with them shall appear on the labelling. In addition, the registered name of the product should appear in the same field of vision. The indications 'protected designation of origin' or 'protected geographical indication' or the corresponding abbreviations 'PDO' or 'PGI' may appear on the labelling.

4. In addition, the following may also appear on the labelling: depictions of the geographical area of origin, as referred to in Article 5, and text, graphics or symbols referring to Gibraltar or third country, as relevant, in which that geographical area of origin is located and/or region in which that geographical area of origin is located.

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

5. Without prejudice to Regulation 1169/2011, the collective geographical marks registered under the Trade Marks Act may be used on labels, together with the protected designation of origin or protected geographical indication.

6. In the case of products originating in third countries marketed under a name entered in the register, the indications referred to in paragraph 3 or the symbols associated with them may appear on the labelling.

7. In order to ensure that the appropriate information is communicated to the consumer, the Minister may make regulations establishing the symbols.

The Minister may make regulations defining the technical characteristics of the symbols and indications as well as the rules of their use on the products marketed under a protected designation of origin or a protected geographical indication, including rules concerning the appropriate linguistic versions to be used.

8. Until such time as the Minister makes regulations under paragraph 7-

- (a) the symbols; and
- (b) technical characteristics of the symbols and indications as well as the rules of their use on the products marketed under a protected designation of origin or a protected geographical indication (including rules concerning the appropriate linguistic versions to be used),

as they apply in the United Kingdom shall apply in Gibraltar with such modifications (for example, in nomenclature) as the circumstances in Gibraltar may require.

*Article 13*  
**Protection**

1. Registered names shall be protected against:
  - (a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits the reputation of the protected name, including when those products are used as an ingredient;
  - (b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’ or similar, including when those products are used as an ingredient;

- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
- (d) any other practice liable to mislead the consumer as to the true origin of the product.

Where a protected designation of origin or a protected geographical indication contains within it the name of a product which is considered to be generic, the use of that generic name shall not be considered to be contrary to points (a) or (b) of the first subparagraph.

2. Protected designations of origin and protected geographical indications shall not become generic.

3. The Minister may make regulations designating the authorities responsible for ensuring that appropriate administrative and judicial steps are taken to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, as referred to in paragraph 1, that are produced or marketed in Gibraltar.

These authorities shall offer adequate guarantees of objectivity and impartiality, and shall have at their disposal the qualified staff and resources necessary to carry out their functions.

#### *Article 14*

#### **Relations between trade marks, designations of origin and geographical indications**

1. Where a designation of origin or a geographical indication is registered under this Regulation, the registration of a trade mark the use of which would contravene Article 13(1) and which relates to a product of the same type shall be refused if the application for registration of the trade mark is submitted after the date of submission of the registration application in respect of the designation of origin or the geographical indication to the Minister.

Trade marks registered in breach of the first subparagraph shall be invalidated.

The provisions of this paragraph shall apply notwithstanding the provisions of the Trade Marks Act.

2. Without prejudice to Article 6(4), a trade mark the use of which contravenes Article 13(1) which has been applied for, registered, or established by use, in good faith within Gibraltar, before the date on which the application for protection of the designation of origin or geographical indication is submitted to the Registrar, may continue to be used and renewed for that product notwithstanding the registration of a designation of origin or geographical indication, provided that no grounds for its invalidity or revocation exist in, or under, the Trade Marks Act. In such cases, the use of the protected designation of origin or protected geographical indication shall be permitted as well as use of the relevant trade marks.

*Article 15*

**Transitional periods for use of protected designations of origin and protected geographical indications**

1. Without prejudice to Article 14, the Registrar may grant a transitional period of up to five years to enable products the designation of which consists of or contains a name that contravenes Article 13(1) to continue to use the designation under which it was marketed if the Registrar is satisfied that an admissible statement of opposition under Article 51 shows that:

- (a) the registration of the name would jeopardise the existence of an entirely or partly identical name; or
- (b) such products have been legally marketed with that name in the territory concerned for at least five years preceding the date of the publication provided for point (a) of Article 50(2).

2. Without prejudice to Article 14, an application may be made to the Registrar to extend the transitional period mentioned in paragraph 1 of this Article to 15 years in duly justified cases and the Registrar may grant such an application if the Registrar is satisfied that:

- (a) the designation referred to in paragraph 1 of this Article has been in legal use consistently and fairly for at least 25 years before the application for registration was submitted to the Registrar;
- (b) the purpose of using the designation referred to in paragraph 1 of this Article has not, at any time, been to profit from the reputation of the registered name and it is shown that the consumer has not been nor could have been misled as to the true origin of the product.

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

3. When using a designation referred to in paragraphs 1 and 2, the indication of country of origin shall clearly and visibly appear on the labelling.

4. To overcome temporary difficulties with the long-term objective of ensuring that all producers in the area concerned comply with the specification, the Minister may make provisions for a transitional period of up to 10 years to apply, with effect from the date on which the application is lodged with the Registrar, on condition that the operators concerned have legally marketed the products in question, using the names concerned continuously for at least the five years prior to the lodging of the application and have made that point in the opposition procedure referred to in Article 51.

The first subparagraph shall apply *mutatis mutandis* to a protected geographical indication or protected designation of origin referring to a geographical area situated in a third country, with the exception of the opposition procedure.

Such transitional periods shall be indicated in the application submitted under Article 8(1).

*Article 16*

**Transitional provisions**

1. The Registrar must enter the names of established protected designations of origin and established protected geographical indications on the register referred to in Article 11 of this Regulation. The corresponding specifications shall be deemed to be the specifications referred to in Article 7 of this Regulation. Any specific transitional provisions associated with such registrations under EU Regulation 1151/2012 shall continue to apply.

2. In order to protect the rights and legitimate interests of producers or stakeholders concerned, the Minister may make regulations concerning additional transitional rules.

3. In relation to established protected designations of origin and established protected geographical indications, This Regulation shall apply without prejudice to any right of coexistence recognised under Regulation (EC) No 510/2006, as that Regulation had effect in Gibraltar immediately before it was repealed by EU Regulation 1151/2012, in respect of designations of origin and geographical indications, on the one hand, and trade marks, on the other.

4. In paragraph 1, in relation to an established protected designation of origin and an established protected geographical indication, ‘corresponding specifications’ means the product specification for the relevant designation of origin or geographical indication as the specification stood immediately before exit day.

TITLE III

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

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**TRADITIONAL SPECIALITIES GUARANTEED**

*Article 17*  
**Objective**

A scheme for traditional specialities guaranteed is established to safeguard traditional methods of production and recipes by helping producers of traditional product in marketing and communicating the value-adding attributes of their traditional recipes and products to consumers.

*Article 18*  
**Criteria**

1. A name shall be eligible for registration as a traditional speciality guaranteed where it describes a specific product or foodstuff that:
  - (a) results from a mode of production, processing or composition corresponding to traditional practice for that product or foodstuff; or
  - (b) is produced from raw materials or ingredients that are those traditionally used.
2. For a name to be registered as a traditional speciality guaranteed, it shall:
  - (a) have been traditionally used to refer to the specific product; or
  - (b) identify the traditional character or specific character of the product.
3. If it is demonstrated in the opposition procedure under Article 51 that the name is also used in another country, in order to distinguish comparable products or products that share an identical or similar name, the decision on registration taken in accordance with Article 52(3) may provide that the name of the traditional speciality guaranteed is to be accompanied by the claim 'made following the tradition of' immediately followed by the name of a country or a region thereof.
4. A name may not be registered if it refers only to claims of a general nature used for a set of products, or to claims provided for by particular retained EU law.
5. In order to ensure the smooth functioning of the scheme, the Minister may make regulations concerning further details of the eligibility criteria laid down in this Article.

*Article 19*  
**Product specification**

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

1. A traditional speciality guaranteed shall comply with a specification which shall comprise:

- (a) the name proposed for registration;
- (b) a description of the product including its main physical, chemical, microbiological or organoleptic characteristics, showing the product's specific character;
- (c) a description of the production method that the producers must follow, including, where appropriate, the nature and characteristics of the raw materials or ingredients used, and the method by which the product is prepared; and
- (d) the key elements establishing the product's traditional character.

2. In order to ensure that product specifications provide relevant and succinct information, the Minister may make regulations laying down rules which limit the information contained in the specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications for registration.

The Minister may make regulations laying down rules on the form of the specification.

#### *Article 20*

#### **Content of application for registration**

1. An application for registration of a name as a traditional speciality guaranteed referred to in Article 49 shall comprise:

- (a) the name and address of the applicant group;
- (b) the product specification as provided for in Article 19.

2. *Omitted.*

#### *Article 21*

#### **Grounds for opposition**

1. A reasoned statement of opposition as referred to in Article 51(2) shall be admissible only if it is received by the Registrar before expiry of the time limit and if it:

- (a) gives duly substantiated reasons why the proposed registration is incompatible with the terms of this Regulation; or



European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

(b) shows that use of the name is lawful, renowned and economically significant for similar agricultural products or foodstuffs.

2. *Omitted.*

*Article 22*

**Register of traditional specialities guaranteed**

1. The Registrar must establish and maintain a publicly accessible updated register of traditional specialities guaranteed recognised under this scheme.

2. The Minister may make regulations laying down detailed rules on the form and content of the register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).

*Article 23*

**Names, symbol and indication**

1. A name registered as a traditional speciality guaranteed may be used by any operator marketing a product that conforms to the corresponding specification.

2. A symbol shall be established in order to publicise the traditional specialities guaranteed.

3. This paragraph applies to products that are marketed under a traditional speciality guaranteed registered in accordance with the procedures laid down in this Regulation.

In relation to a product using a traditional speciality guaranteed registered after exit day, the symbol referred to in paragraph 2 must, without prejudice to paragraph 4, appear on the labelling of the product. Where there is more than one version of the symbol one version of the symbol must appear on the labelling of the product.

In all the cases mentioned above:

(a) the name of the product must appear in the same field of vision;

(b) the indication ‘traditional speciality guaranteed’ or the corresponding abbreviation ‘TSG’ may appear on the labelling.

4. In order to ensure that the appropriate information is communicated to the consumer, the Minister may make regulations establishing the symbol.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

The Minister may make regulations defining the technical characteristics of the symbol and indication, as well as the rules of their use on the products bearing the name of a traditional speciality guaranteed.

5. Until such time as the Minister makes regulations under paragraph 4-
  - (a) the symbols; and
  - (b) technical characteristics of the symbols and indications as well as the rules of their use on the products marketed under a protected traditional specialties guaranteed, including rules concerning the appropriate linguistic versions to be used,

in use in or that otherwise applies in the United Kingdom shall apply in Gibraltar with such modifications (for example, in nomenclature) as the circumstances in Gibraltar may require.

#### *Article 24*

#### **Restriction on use of registered names**

1. Registered names shall be protected against any misuse, imitation or evocation, or against any other practice liable to mislead the consumer.
2. CP enforces shall ensure that sales descriptions used in Gibraltar do not give rise to confusion with names that are registered.
3. The Minister may make regulations laying down rules for the protection of traditional specialities guaranteed.

#### *Article 25*

#### **Transitional provisions**

1. The Registrar must enter the names of established protected traditional specialties guaranteed on the register referred to in Article 22 of this Regulation. The corresponding specifications shall be deemed to be the specifications referred to in Article 19 of this Regulation. Any specific transitional provisions associated with such registrations under EU Regulation 1151/2012 as it had effect in Gibraltar immediately before exit day shall continue to apply.
2. *Omitted.*

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

3. In order to protect the rights and legitimate interests of producers or stakeholders concerned, the Minister may make regulations laying down additional transitional rules relating to the entries to be made on the register referred to in Article 22 under paragraph 1.

4. In paragraph 1, in relation to an established protected traditional speciality guaranteed, ‘corresponding specifications’ means the product specification for the traditional speciality guaranteed as the specification stood immediately before exit day.

*Article 26*

*Omitted.*

TITLE IV  
**OPTIONAL QUALITY TERMS**

*Article 27*  
**Objective**

A scheme for optional quality terms is established in order to facilitate the communication within the Gibraltar market of the value-adding characteristics or attributes of agricultural products by the producers thereof.

*Article 28*

*Omitted.*

*Article 29*  
**Optional quality terms**

1. Optional quality terms shall satisfy the following criteria:
  - (a) the term relates to a characteristic of one or more categories of products, or to a farming or processing attribute which applies in specific areas;
  - (b) the use of the term adds value to the product as compared to products of a similar type;
  - (c) *Omitted.*
2. Optional quality terms that describe technical product qualities with the purpose of putting into effect compulsory marketing standards and are not intended to inform consumers about those product qualities shall be excluded from this scheme.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

3. Optional quality terms shall exclude optional reserved terms which support and complement specific marketing standards determined on a sectoral or product category basis.
4. In order to take into account the specific character of certain sectors as well as consumer expectations, the Minister may make regulations laying down detailed rules relating to the criteria referred to in paragraph 1 of this Article.
5. The Minister may make regulations laying down all measures related to forms, procedures or other technical details, necessary for the application of this Title.
6. When making regulations in accordance with paragraphs 4 and 5 of this Article, the Minister shall take account of any relevant international standards.

#### *Article 30*

#### **Reservation and amendment**

1. In order to take account of the expectations of consumers, developments in scientific and technical knowledge, the market situation, and developments in marketing standards and in international standards, the Minister may make regulations reserving an additional optional quality term and laying down its conditions of use.
2. In duly justified cases and in order to take into account the appropriate use of the additional optional quality term, the Minister may make regulations laying down amendments to the conditions of use referred to in paragraph 1 of this Article.

#### *Article 31*

#### **Mountain product**

1. The term ‘mountain product’ is established as an optional quality term.

This term shall only be used to describe products intended for human consumption listed in Annex I to the Treaty in respect of which:

- (a) both the raw materials and the feedstuffs for farm animals come essentially from mountain areas;
  - (b) in the case of processed products, the processing also takes place in mountain areas.
2. For third-country products, mountain areas include areas officially designated as mountain areas by the third country or that meet criteria equivalent to those set out in Article

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

32 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

3. *Omitted.*

4. *Omitted.*

*Article 32*

*Omitted.*

*Article 33*

**Restrictions on use**

1. An optional quality term may only be used to describe products that comply with the corresponding conditions of use.
2. The Minister may make regulations laying down rules for the use of optional quality terms.

*Article 34*

**Monitoring**

The Minister may, by regulations, impose obligations on the CP enforcers to carry out checks on the basis of a risk analysis, to ensure compliance with the requirements of this Title and to ensure that, in the event of breach, appropriate administrative penalties are imposed.

TITLE V  
**COMMON PROVISIONS**

CHAPTER I

*Official controls of protected designations of origin, protected geographical indications  
and traditional specialities guaranteed*

*Article 35*

**Scope**

The provisions of this Chapter shall apply in respect of the quality schemes set out in Title II and Title III.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

#### *Article 36*

#### **Duties of CP enforcers**

1. The CP enforcers are responsible for ensuring that official controls are carried out to verify compliance with the legal requirements related to the quality schemes established by this Regulation.
2. The competent authorities referred to in paragraph 1 shall offer adequate guarantees of objectivity and impartiality, and shall have at their disposal the qualified staff and resources necessary to carry out their functions.
3. Official controls shall cover:
  - (a) verification that a product complies with the corresponding product specification; and
  - (b) monitoring of the use of registered names to describe product placed on the market, in conformity with Article 13 for names registered under Title II and in conformity with Article 24 for names registered under Title III.

#### *Article 37*

#### **Verification of compliance with product specification**

1. In respect of protected designations of origin, protected geographical indications and traditional specialities guaranteed that designate products originating within Gibraltar, verification of compliance with the product specification, before placing the product on the market, shall be carried out by: such person as the Minister designates.
  - (a) *Omitted.*
  - (b) *Omitted.*

The costs of such verification of compliance with the specifications may be borne by the operators that are subject to those controls.

2. In respect of designations of origin, geographical indications and traditional specialities guaranteed that designate products originating in a third country, the verification of compliance with the specifications before placing the product on the market shall be carried out by: such person as the Minister designates.
  - (a) *Omitted.*

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

(b) *Omitted.*

3. The Minister shall make public the name and address of the authorities and bodies referred to paragraph 1 of this Article, and update that information periodically in such manner as appears to be appropriate to the Minister from time to time.

The Minister shall make public the name and address of the authorities and bodies referred to in paragraph 2 of this Article and update that information periodically in such manner as appears to be appropriate to the Minister from time to time.

4. *Omitted.*

*Article 38*

**Surveillance of the use of the name in the market place**

The Minister may, by regulations, provide for the carrying out of checks, based on a risk analysis, to ensure compliance with the requirements of this Regulation and in the event of breaches, provide such enforcement powers as the Minister considers appropriate to carry out those checks and enable enforcement action to be taken in the event of breaches.

*Article 39*

**Delegation by competent authorities to control bodies**

1. The Minister may delegate specific tasks related to official controls of the quality schemes to one or more control bodies.

2. Such control bodies shall be accredited in accordance with European Standard EN 45011 or ISO/IEC Guide 65 (General requirements for bodies operating product certification systems).

3. Accreditation referred to in paragraph 2 of this Article may only be performed by:

- (a) a national accreditation body in Gibraltar; or
- (b) an accreditation body outside Gibraltar that is a signatory of a multilateral recognition arrangement under the auspices of the International Accreditation Forum.

*Article 40*

*Omitted.*

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

CHAPTER II

*Exceptions for certain prior uses*

*Article 41*

**Generic terms**

1. Without prejudice to Article 13, this Regulation shall not affect the use of terms that are generic in Gibraltar, even if the generic term is part of a name that is protected under a quality scheme.
2. To establish whether or not a term has become generic, account shall be taken of all relevant factors, in particular:
  - (a) the existing situation in areas of consumption;
  - (b) any relevant legal acts.
3. In order to fully protect the rights of interested parties, the Minister may make regulations laying down additional rules for determining the generic status of terms referred to in paragraph 1 of this Article.

*Article 42*

**Plant varieties and animal breeds**

1. This Regulation shall not prevent the placing on the market of products the labelling of which includes a name or term protected or reserved under a quality scheme described in Title II, Title III, or Title IV that contains or comprises the name of a plant variety or animal breed, provided that the following conditions are met:
  - (a) the product in question comprises or is derived from the variety or breed indicated;
  - (b) consumers are not misled;
  - (c) the usage of the name of the variety or breed name constitutes fair competition;
  - (d) the usage does not exploit the reputation of the protected term; and
  - (e) in the case of the quality scheme described in Title II, production and marketing of the product had spread beyond its area of origin prior to the date of application for registration of the geographical indication.



European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

2. In order to further clarify the extent of rights and freedoms of food business operators to use the name of a plant variety or of an animal breed referred to in paragraph 1 of this Article, the Minister may make regulations concerning rules for determining the use of such names.

*Article 43*

**Relation to intellectual property**

The quality schemes described in Titles III and IV shall apply without prejudice to other legislation governing intellectual property, and in particular to that concerning designations of origin and geographical indications and trade marks, and rights granted under that legislation.

CHAPTER III

*Quality scheme indications and symbols and role of producers*

*Article 44*

**Protection of indications and symbols**

1. Indications, abbreviations and symbols referring to the quality schemes may only be used in connection with products produced in conformity with the rules of the quality scheme to which they apply. This applies in particular to the following indications, abbreviations and symbols:

- (a) ‘protected designation of origin’, ‘protected geographical indication’, ‘geographical indication’, ‘PDO’, ‘PGI’, and the associated symbols, as provided for in Title II;
- (b) ‘traditional speciality guaranteed’, ‘TSG’, and the associated symbol, as provided for in Title III;
- (c) ‘mountain product’, as provided for in Title IV.

2. *Omitted.*

3. The Minister may make regulations laying down rules for the uniform protection of the indications, abbreviations and symbols referred to in paragraph 1 of this Article laying down rules for the uniform protection of the indications, abbreviations and symbols referred to in paragraph 1 of this Article.

*Article 45*

**Role of groups**

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

1. Without prejudice to specific provisions on producer organisations and inter-branch organisations as laid down in Regulation (EU) No 1308/2013, a group is entitled to:

- (a) contribute to ensuring that the quality, reputation and authenticity of their products are guaranteed on the market by monitoring the use of the name in trade and, if necessary, by informing a CP enforcer;
- (b) take action to ensure adequate legal protection of the protected designation of origin or protected geographical indication and of the intellectual property rights that are directly connected with them;
- (c) develop information and promotion activities aiming at communicating the value-adding attributes of the product to consumers;
- (d) develop activities related to ensuring compliance of a product with its specification;
- (e) take action to improve the performance of the scheme, including developing economic expertise, carrying out economic analyses, disseminating economic information on the scheme and providing advice to producers;
- (f) take measures to enhance the value of products and, where necessary, take steps to prevent or counter any measures which are, or risk being, detrimental to the image of those products.

2. The Minister may encourage the formation and functioning of groups in Gibraltar by administrative means. The Minister must publish the names and addresses of the groups referred to in Article 3(2) in such manner as appears to be appropriate to the Minister from time to time.

#### *Article 46*

#### **Right to use the schemes**

1. The Minister shall ensure that any operator complying with the rules of a quality scheme set out in Titles II and III is entitled to be covered by the verification of compliance established pursuant to Article 37.

2. Operators who prepare and store a product marketed under the traditional speciality guaranteed, protected designation of origin or protected geographical indication schemes or who place such products on the market shall also be subject to the controls laid down in Chapter I of this Title.

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

3. The Minister shall ensure that operators willing to adhere to the rules of a quality scheme set out in Titles III and IV are able to do so and do not face obstacles to participation that are discriminatory or otherwise not objectively founded.

*Article 47*  
**Fees**

The Registrar may, with the consent of the Minister, set fees to be charged in connection with applications under this Regulation of managing the quality schemes, including those incurred in processing applications, statements of opposition, applications for amendments and requests for cancellations provided for in this Regulation.

CHAPTER IV

*Application and registration processes for designations of origin, geographical indications, and traditional specialities guaranteed*

*Article 48*  
**Scope of application processes**

The provisions of this Chapter shall apply in respect of the quality schemes set out in Title II and Title III.

*Article 49*  
**Application for registration of names**

1. Applications for registration of names under the quality schemes referred to in Article 48 may be submitted to the Registrar and may only be submitted by groups who work with the products with the name to be registered. In the case of a ‘protected designations of origin’ or ‘protected geographical indications’ name that designates a trans-border geographical area or in the case of a ‘traditional specialities guaranteed’ name, several groups from more than one country may lodge a joint application for registration.

A single natural or legal person may be treated as a group where it is shown that both of the following conditions are fulfilled:

- (a) the person concerned is the only producer willing to submit an application;
- (b) with regard to protected designations of origin and protected geographical indications, the defined geographical area possesses characteristics which differ

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

2. *Omitted.*

3. *Omitted.*

4. *Omitted.*

5. Where the application under the scheme set out in Title II relates to a geographical area in a third country, or where an application under the scheme set out in Title III is prepared by a group established in a third country, the application shall be lodged with the Registrar, either directly or via the authorities of the third country concerned.

6. The documents referred to in this Article which are sent to the Registrar must be in English.

7. The Minister may make regulations laying down detailed rules on procedures, form and presentation of applications, including for applications concerning more than one national territory.

#### *Article 50*

#### **Scrutiny by the Registrar and publication for opposition**

1. The Registrar shall scrutinise by appropriate means any application the Registrar receives pursuant to Article 49, in order to check that it is justified and that it meets the conditions of the respective scheme. This scrutiny should not exceed a period of six months. Where this period is exceeded, the Registrar shall indicate in writing to the applicant the reasons for the delay.

The Registrar shall, make public in such manner as appears to be appropriate to the Registrar from time to time the list of names for which registration applications have been submitted to the Registrar, as well as their date of submission.

2. Where, based on the scrutiny carried out pursuant to the first subparagraph of paragraph 1, the Registrar considers that the conditions laid down in this Regulation are fulfilled, the Registrar may publish in such manner as appears to be appropriate to the Registrar from time to time:

- (a) for applications under the scheme set out in Title II, the single document and product specification;

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

(b) for applications under the scheme set out in Title III, the specification.

*Article 51*  
**Opposition procedure**

1. Within three months from the date of publication of the documents published under Article 50(2), the authorities of a third country, or a natural or legal person having a legitimate interest may lodge a notice of opposition with the Registrar.

A notice of opposition shall contain a declaration that the application might infringe the conditions laid down in this Regulation. A notice of opposition that does not contain this declaration is void.

The Registrar shall forward the notice of opposition to the authority or body that lodged the application without delay.

2. If a notice of opposition is lodged with the Registrar and is followed within two months by a reasoned statement of opposition, the Registrar shall check the admissibility of this reasoned statement of opposition.

3. Within two months after the receipt of an admissible reasoned statement of opposition, the Registrar shall invite the authority or person that lodged the opposition and the authority or body that lodged the application to engage in appropriate consultations for a reasonable period that shall not exceed three months.

The authority or person that lodged the opposition and the authority or body that lodged the application shall start such appropriate consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for registration complies with the conditions of this Regulation. If no agreement is reached, this information shall also be provided to the Registrar.

At any time during these three months, the Registrar may, at the request of the applicant extend the deadline for the consultations by a maximum of three months.

4. Where, following the appropriate consultations referred to in paragraph 3 of this Article, the details published in accordance with Article 50(2) have been substantially amended, the Registrar shall repeat the scrutiny referred to in Article 50.

5. The notice of opposition, the reasoned statement of opposition and the related documents which are sent to the Registrar in accordance with paragraphs 1 to 4 of this Article shall be in English.

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

6. In order to establish clear procedures and deadlines for opposition, the Minister may make regulations complementing the rules of the opposition procedure.

The Minister may make regulations laying down detailed rules on procedures, form and presentation of the oppositions.

#### *Article 52*

#### **Decision on registration**

1. Where, on the basis of the information available to the Registrar from the scrutiny carried out pursuant to the first subparagraph of Article 50(1), the Registrar considers that the conditions for registration are not fulfilled, the Registrar must reject the application.

2. If the Registrar receives no notice of opposition or no admissible reasoned statement of opposition under Article 51, the Registrar must register the name.

3. If the Registrar receives an admissible reasoned statement of opposition, the Registrar shall, following the appropriate consultations referred to in Article 51(3), and taking into account the results thereof, either:

(a) if an agreement has been reached, register the name, and, if necessary, amend the information published pursuant to Article 50(2) provided such amendments are not substantial; or

(b) if an agreement has not been reached, decide whether to register the name.

4. After making a decision under this Article, the Registrar must publish in such manner as appears to the Registrar to be appropriate from time to time:

(a) a notice informing the applicant and the public of the decision made in relation to the application, and

(b) where the application is approved, a copy of the approved product specification.

5. An implementing act to which paragraph 6 applies is revoked.

6. This paragraph applies to an implementing act adopted by the European Commission under Article 52 of EU Regulation 1151/2012 and incorporated into domestic law by section 6 of the EUWA.

#### *Article 53*

#### **Amendment to a product specification**

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

1. A group having a legitimate interest may apply for approval of an amendment to a product specification.

Applications shall describe and give reasons for the amendments requested.

2. Where the amendment involves one or more amendments to the specification that are not minor, the amendment application shall follow the procedure laid down in Articles 49 to 52.

However, if the proposed amendments are minor, the Registrar shall approve or reject the application. In the event of the approval of amendments implying a modification of the elements referred to in Article 50(2), the Registrar shall publish those elements in such manner as appears to be appropriate to the Registrar.

For an amendment to be regarded as minor in the case of the quality scheme described in Title II, it shall not:

- (a) relate to the essential characteristics of the product;
- (b) alter the link referred to in point (f)(i) or (ii) of Article 7(1);
- (c) include a change to the name, or to any part of the name of the product;
- (d) affect the defined geographical area; or
- (e) represent an increase in restrictions on trade in the product or its raw materials.

For an amendment to be regarded as minor in the case of the quality scheme described in Title III, it shall not:

- (a) relate to the essential characteristics of the product;
- (b) introduce essential changes to the production method; or
- (c) include a change to the name, or to any part of the name of the product.

The scrutiny of the application shall focus on the proposed amendment.

3. In order to facilitate the administrative process of an amendment application, including where the amendment does not involve any change to the single document and where it concerns a temporary change in the specification resulting from the imposition of

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

obligatory sanitary or phytosanitary measures by the public authorities, the Minister may make regulations complementing the rules of the amendment application process.

The Minister may make regulations laying down detailed rules on procedures, form and presentation of an amendment application.

4. An implementing act to which paragraph 5 applies is revoked.
5. This paragraph applies to an implementing act relating to an amendment to a product specification adopted by the European Commission pursuant to Article 53 of EU Regulation 1151/2012 and incorporated into domestic law by section 6 of the EUWA.

#### *Article 54* **Cancellation**

1. The Registrar may on the Registrar's own initiative or at the request of any natural or legal person having a legitimate interest, cancel the registration of a protected designation of origin or of a protected geographical indication or of a traditional speciality guaranteed in the following cases:

- (a) where compliance with the conditions of the specification is not ensured;
- (b) where no product is placed on the market under the traditional speciality guaranteed, the protected designation of origin or the protected geographical indication for at least seven years.

The Registrar may, at the request of the producers of product marketed under the registered name, cancel the corresponding registration.

2. In order to ensure legal certainty that all parties have the opportunity to defend their rights and legitimate interests, the Minister may make regulations complementing the rules regarding the cancellation process.

The Minister may make regulations laying down detailed rules on procedures and form of the cancellation process, as well as on the presentation of the requests referred to in paragraph 1 of this Article.

3. An implementing act to which paragraph 4 applies is revoked.
4. This paragraph applies to an implementing act adopted by the European Commission under Article 54 of EU Regulation 1151/2012 and incorporated into domestic law by section 6 of the EUWA.



European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

TITLE VA  
APPEALS

*Article 54a*  
**Appeals: general**

1. An appeal may be made to the Supreme Court against a decision of the Registrar specified in the first column of the table in Annex III.
2. Such an appeal may be made:
  - (a) in all cases, by a person specified in the corresponding entry in the second column of the table in Annex III, and
  - (b) in the case of a decision affecting an application submitted by the authorities of a third country, the authorities of that third country.
3. In determining such an appeal the Supreme Court :
  - (a) must consider the decision appealed against afresh, and
  - (b) may take into account evidence that was not available to the Registrar.
4. The Supreme Court may:
  - (a) dismiss the appeal, or
  - (b) if it allows the appeal, exercise any power specified in the corresponding entry in the third column of the table in Annex III.
5. The Registrar may consider a decision specified in the first column of the table in Annex III afresh if evidence becomes available to the Registrar after making the original decision that was not available to the Registrar at the time of the original decision.
6. Paragraph 5 applies even though an appeal has been made to the Supreme Court in respect of the original decision.
7. Where the Registrar decides to consider an original decision afresh in a case where an appeal has been made to the Supreme Court in respect of that decision, the appeal to the Supreme Court is suspended until such time as the Registrar has made a fresh decision in relation to the matter.

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

8. If the Registrar makes the same decision again, the appeal to the Supreme Court restarts. If the Registrar makes a different decision, the appeal to the Supreme Court ceases unless the Supreme Court directs otherwise.

*Article 54b*

**Appeals: applications to register designations of origin, geographical indications and traditional specialities guaranteed**

1. Where an appeal is made to the Supreme Court relating to a decision to approve an application to register a designation of origin, geographical indication or traditional speciality guaranteed, and the Registrar has made an entry in the relevant register pursuant to Article 52 relating to that registration, the entry in the register is to be maintained but is in suspense and must be marked to indicate that it is in suspense until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar.

2. Where an appeal is made to the Supreme Court relating to a decision to approve an application to register a designation of origin, geographical indication or traditional speciality guaranteed, and the Registrar has not made an entry in the register, the Registrar must not make an entry in the register until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar.

*Article 54c*

**Appeals: applications to amend product specifications**

1. Paragraph 2 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to approve an application of the type specified in Article 53(2) to amend a product specification relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed and the Registrar has not updated the entry in the relevant register relating to it pursuant to Article 14(3) of Regulation 668/2014 by replacing the copy of the product specification attached to the relevant register with the amended version of the product specification.

2. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the existing copy of the product specification attached to the entry in the relevant register relating to the protected designation of origin, protected geographical indication or traditional speciality guaranteed applies without amendment but the entry in the relevant register must be marked to indicate that an appeal relating to the amendment of the product specification is pending.

3. Paragraph 4 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to approve an application of the type specified in Article 53(2) in relation to the amendment of a product specification relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed and the Registrar has updated the entry in the relevant register relating to the protected designation of origin, protected geographical indication or traditional speciality guaranteed by replacing the copy of the product specification with the approved amended version.

4. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the previous copy of the product specification attached to the entry in the relevant register is to be restored but the entry in the relevant register must be marked to indicate that an appeal relating to the amendment of the product specification is pending.

5. Paragraph 6 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to reject an application of the type specified in Article 53(2) to amend a product specification relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed.

6. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the existing copy of the product specification attached to the entry in the relevant register is to be maintained but the entry in the register must be marked to indicate that an appeal relating to an application to amend the product specification is pending.

7. Paragraph 8 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to approve an application of the type specified in Article 6(4) and (4)(a) of Regulation 664/2014 to amend a product specification relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed on a temporary basis and the Registrar has not included an entry in the relevant register relating to the temporary amendment of the product specification pursuant to Article 14(3b) of UK Regulation 668/2014.

8. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the existing copy of the product specification attached to the entry in the relevant register applies without amendment but the entry in the register must be marked to indicate that an appeal relating to the temporary amendment of the product specification is pending.

9. Paragraph 10 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to approve an application of the type specified in Article 6(4) of Regulation 664/2014 in relation to the temporary amendment of a product specification

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed and the Registrar has updated the entry in the relevant register by including an entry relating to the temporary amendment of the product specification.

10. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the copy of the product specification attached to the entry in the relevant register applies and the entry in the relevant register relating to the temporary amendment must be marked to indicate that an appeal relating to the temporary amendment of the product specification is pending.

11. Paragraph 12 applies where an appeal is made to the Supreme Court relating to a decision by the Registrar to reject an application of the type specified in Article 6(4) and (4)(a) of Regulation 664/2014 to amend a product specification relating to a protected designation of origin, protected geographical indication or traditional speciality guaranteed on a temporary basis.

12. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the copy of the product specification attached to the entry in the relevant register applies but the entry in the register must be marked to indicate that an appeal relating to an application to amend the product specification on a temporary basis is pending.

*Article 54d*

**Appeals: applications to cancel registered designations of origin, geographical indications and traditional specialities guaranteed**

1. Paragraph 2 applies where an appeal is made to the Supreme Court relating to a decision of the Registrar to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed under Article 54 and the Registrar has not removed the entry in the relevant register.

2. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the entry in the relevant register is to be maintained but must be marked to indicate that an appeal relating to its cancellation is pending.

3. Paragraph 4 applies where an appeal has been made to the Supreme Court relating to a decision of the Registrar to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed and the Registrar has removed the entry in the relevant register.

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

4. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the entry in the register must be restored but must be marked to indicate that an appeal relating to its cancellation is pending.
5. Paragraph 6 applies where an appeal has been made to the Supreme Court relating to a decision of the Registrar not to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed.
6. Until the Supreme Court has determined the appeal and any necessary consequent action or decision has been taken by the Registrar, the entry in the relevant register relating to the protected designation of origin, protected geographical indication or traditional speciality guaranteed must be marked to indicate that an appeal relating to the cancellation of the entry is pending.

TITLE VI  
PROCEDURAL AND FINAL PROVISIONS

*CHAPTER I*

*Omitted.*

*Article 55*

*Omitted.*

*CHAPTER II*

*Omitted.*

*Article 56*

*Omitted.*

*Article 57*

*Omitted.*

*CHAPTER III*  
***Repeal and final provisions***

*Article 58*

**Repeal**

1. Regulations (EC) No 509/2006 and (EC) No 510/2006 are hereby repealed.

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

2. References to the repealed Regulations shall be construed as references to this Regulation and be read in accordance with the correlation table in Annex II to this Regulation.

*Article 59*

**Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

*ANNEX I*

**AGRICULTURAL PRODUCTS AND FOODSTUFFS REFERRED TO IN ARTICLE  
2(1)**

I. Designations of Origin and Geographical indications

- beer,
- chocolate and derived products,
- bread, pastry, cakes, confectionery, biscuits and other baker's wares,
- beverages made from plant extracts,
- pasta,
- salt,
- natural gums and resins,
- mustard paste,
- hay,
- essential oils,
- cork,
- cochineal,
- flowers and ornamental plants,
- cotton,
- wool,
- wicker,
- scutched flax,
- leather,
- fur,
- feather.

II. Traditional specialities guaranteed

- prepared meals,
- beer,
- chocolate and derived products,

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**

**2019/071**

**Revoked**

- bread, pastry, cakes, confectionery, biscuits and other baker's wares,
- beverages made from plant extracts,
- pasta,
- salt.

*ANNEX II*

**CORRELATION TABLE REFERRED TO IN ARTICLE 58(2)**

Regulation (EC) No 509/2006	This Regulation
Article 1(1)	Article 2(1)
Article 1(2)	Article 2(3)
Article 1(3)	Article 2(4)
Article 2(1), point (a)	Article 3, point (5)
Article 2(1), point (b)	Article 3, point (3)
Article 2(1), point (c)	—
Article 2(1), point (d)	Article 3, point (2)
Article 2(2), first to third subparagraph	—
Article 2(2), fourth subparagraph	—
Article 3	Article 22(1)
Article 4(1), first subparagraph	Article 18(1)
Article 4(2)	Article 18(2)
Article 4(3), first subparagraph	—
Article 4(3), second subparagraph	Article 18(4)
Article 5(1)	Article 43
Article 5(2)	Article 42(1)
Article 6(1)	Article 19(1)
Article 6(1), point (a)	Article 19(1), point (a)
Article 6(1), point (b)	Article 19(1), point (b)

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

Article 6(1), point (c)	Article 19(1), point (c)
Article 6(1), point (d)	—
Article 6(1), point (e)	Article 19(1), point (d)
Article 6(1), point (f)	—
Article 7(1) and (2)	Article 49(1)
Article 7(3), points (a) and (b)	Article 20(1), points (a) and (b)
Article 7(3), point (c)	—
Article 7(3), point (d)	—
Article 7(4)	Article 49(2)
Article 7(5)	Article 49(3)
Regulation (EC) No 509/2006	This Regulation
Article 7(6), points (a), (b) and (c)	Article 49(4)
Article 7(6), point (d)	Article 20(2)
Article 7(7)	Article 49(5)
Article 7(8)	Article 49(6)
Article 8(1)	Article 50(1)
Article 8(2), first subparagraph	Article 50(2), point (b)
Article 8(2), second subparagraph	Article 52(1)
Article 9(1) and (2)	Article 51(1)
Article 9(3)	Article 21(1) and (2)
Article 9(4)	Article 52(2)
Article 9(5)	Article 52(3) and (4)
Article 9(6)	Article 51(5)
Article 10	Article 54
Article 11	Article 53
Article 12	Article 23



European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**

**2019/071**

**Revoked**

Article 13(1)	—
Article 13(2)	—
Article 13(3)	—
Article 14(1)	Article 36(1)
Article 14(2)	Article 46(1)
Article 14(3)	Article 37(3), second subparagraph
Article 15(1)	Article 37(1)
Article 15(2)	Article 37(2)
Article 15(3)	Article 39(2)
Article 15(4)	Article 36(2)
Article 16	—
Article 17(1) and (2)	Article 24(1)
Article 17(3)	Article 24(2)
Article 18	Article 57
Article 19(1), point (a)	—
Article 19(1), point (b)	Article 49(7), second subparagraph
Article 19(1), point (c)	Article 49(7), first subparagraph
Regulation (EC) No 509/2006	This Regulation
Article 19(1), point (d)	Article 22(2)
Article 19(1), point (e)	Article 51(6)
Article 19(1), point (f)	Article 54(1)
Article 19(1), point (g)	Article 23(4)
Article 19(1), point (h)	—

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

Article 19(1), point (i)	—
Article 19(2)	Article 25(1)
Article 19(3), point (a)	—
Article 19(3), point (b)	Article 25(2)
Article 20	Article 47
Article 21	Article 58
Article 22	Article 59
Annex I	Annex I (Part II)

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

Annex III

**PART II of Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007**

**Categories of grapevine products**

**(1) Wine**

"Wine" means the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must.

Wine shall:

- (a) have, whether or not following application of the processes specified in Section B of Part I of Annex VIII, an actual alcoholic strength of not less than 8,5 % volume provided that the wine derives exclusively from grapes harvested in wine-growing zones A and B referred to in Appendix I to this Annex, and of not less than 9 % volume in other wine-growing zones;
- (b) have, by way of derogation from the otherwise applicable minimum actual alcoholic strength, where it has a protected designation of origin or a protected geographical indication, whether or not following application of the processes specified in Section B of Part I of Annex VIII, an actual alcoholic strength of not less than 4,5 % volume;
- (c) have a total alcoholic strength of not more than 15 % volume. However, by way of derogation:
  - the upper limit for the total alcoholic strength may reach up to 20 % volume for wines which have been produced without any enrichment from certain wine-growing areas of the Union, to be determined by the Commission by means of delegated acts pursuant to Article 75(2),
  - the upper limit for the total alcoholic strength may exceed 15 % volume for wines with a protected designation of origin which have been produced without enrichment;

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (d) have, subject to derogations which may be adopted by the Commission by means of delegated acts pursuant to Article 75(2), a total acidity content, expressed as tartaric acid, of not less than 3,5 grams per litre or 46,6 milliequivalents per litre.

"Retsina" means wine produced exclusively in the geographical territory of Greece using grape must treated with resin from the Aleppo pine. The use of Aleppo pine resin is permitted solely for the purpose of obtaining "Retsina" wine under the conditions laid down in Greece's applicable provision.

By way of derogation from point (b) of the second subparagraph "Tokaji eszencia" and "Tokajská esencia" are considered to be wine.

However, Member States may allow the use of the term "wine" if:

- (a) it is accompanied by the name of a fruit in the form of a composite name to market products obtained by the fermentation of fruit other than grapes; or
- (b) it is part of a composite name.

Any confusion with products corresponding to the wine categories in this Annex shall be avoided.

## **(2) New wine still in fermentation**

"New wine still in fermentation" means the product in which the alcoholic fermentation is not yet complete and which is not yet separated from its lees.

## **(3) Liqueur wine**

"Liqueur wine" means the product:

- (a) which has an actual alcoholic strength of not less than 15 % volume and not more than 22 % volume;
- (b) which has a total alcoholic strength of not less than 17,5 % volume, except for certain liqueur wines with a designation of origin or with a geographical indication appearing on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 75(2);
- (c) which is obtained from:
  - grape must in fermentation,

European Union Withdrawal  
QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019

2019-01  
2019/071  
**Revoked**

---

- wine,
- a combination of the above products, or
  - grape must or a mixture thereof with wine for certain liqueur wines with a protected designation of origin or a protected geographical indication, to be determined by the Commission by means of delegated acts pursuant to Article 75(2);
- (d) which has an initial natural alcoholic strength of not less than 12 % volume, except for certain liqueur wines with a protected designation of origin or a protected geographical indication appearing on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 75(2);
- (e) to which the following has been added:
  - (i) individually or in combination:
    - neutral alcohol of vine origin, including alcohol produced from the distillation of dried grapes, having an actual alcoholic strength of not less than 96 % volume,
    - wine or dried grape distillate, having an actual alcoholic strength of not less than 52 % volume and not more than 86 % volume;
  - (ii) together with one or more of the following products where appropriate:
    - concentrated grape must,
    - a combination of one of the products referred to in point (e)(i) with a grape must referred to in the first and fourth indent of point (c);
- (f) to which, by way of derogation from point (e), has been added, in so far as certain liqueur wines with a protected designation of origin or a protected geographical indication are concerned which appear on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 75(2):
  - (i) either of products listed in point (e)(i) individually or in combination; or
  - (ii) one or more of the following products:

**2019-01**

## European Union Withdrawal

**2019/071**

### QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019

**Revoked**

---

—wine alcohol or dried grape alcohol with an actual alcoholic strength of not less than 95 % volume and not more than 96 % volume,

—spirits distilled from wine or from grape marc, with an actual alcoholic strength of not less than 52 % volume and not more than 86 % volume,

—spirits distilled from dried grapes, with an actual alcoholic strength of not less than 52 % volume and of less than 94,5 % volume; and

(iii) one or more of the following products, where appropriate:

—partially fermented grape must obtained from raisined grapes,

—concentrated grape must obtained by the action of direct heat, complying, with the exception of this operation, with the definition of concentrated grape must,

—concentrated grape must,

—a combination of one of the products listed in point (f)(ii) with a grape must referred to in the first and fourth indents of point (c).

#### **(4) Sparkling wine**

"Sparkling wine" means the product:

(a) which is obtained by first or second alcoholic fermentation:

—from fresh grapes,

—from grape must, or

—from wine;

(b) which, when the container is opened, releases carbon dioxide derived exclusively from fermentation;

(c) which has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers; and

(d) for which the total alcoholic strength of the cuvées intended for their preparation shall not be less than 8,5 % volume.

**(5) Quality sparkling wine**

"Quality sparkling wine" means the product:

- (a) which is obtained by first or second alcoholic fermentation:
  - from fresh grapes,
  - from grape must, or
  - from wine;
- (b) which, when the container is opened, releases carbon dioxide derived exclusively from fermentation;
- (c) which has an excess pressure, due to carbon dioxide in solution, of not less than 3,5 bar when kept at a temperature of 20 °C in closed containers; and
- (d) for which the total alcoholic strength of the cuvées intended for their preparation shall not be less than 9 % volume.

**(6) Quality aromatic sparkling wine**

"Quality aromatic sparkling wine" means the quality sparkling wine:

- (a) which is obtained only by making use, when constituting the cuvée, of grape must or grape must in fermentation which is derived from specific wine grape varieties on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 75(2).

Quality aromatic sparkling wines traditionally produced using wines when constituting the cuvée shall be determined by the Commission by means of delegated acts pursuant to in Article 75(2);

- (b) which has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20°C in closed containers;
- (c) of which the actual alcoholic strength may not be less than 6 % volume; and
- (d) of which the total alcoholic strength may not be less than 10 % volume.

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

**(7) Aerated sparkling wine**

"Aerated sparkling wine" means the product which:

- (a) is obtained from wine without a protected designation of origin or a protected geographical indication;
- (b) releases, when the container is opened, carbon dioxide derived wholly or partially from an addition of that gas; and
- (c) has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers.

**(8) Semi-sparkling wine**

"Semi-sparkling wine" means the product which:

- (a) obtained from wine, new wine still in fermentation, grape must or grape must in fermentation in so far as these products have a total alcohol strength of at least 9% vol;
- (b) has an actual alcoholic strength of not less than 7 % volume;
- (c) has an excess pressure, due to endogenous carbon dioxide in solution of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20 °C in closed containers; and
- (d) is placed in containers of 60 litres or less.

**(9) Aerated semi-sparkling wine**

"Aerated semi-sparkling wine" means the product which:

- (a) obtained from wine, new wine still in fermentation, grape must or grape must in fermentation;
- (b) has an actual alcoholic strength of not less than 7% volume and a total alcoholic strength of not less than 9% volume;
- (c) has an excess pressure of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20 °C in closed containers due to carbon dioxide in solution which has been wholly or partially added; and



European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

---

(d) is placed in containers of 60 litres or less.

**(10) Grape must**

"Grape must" means the liquid product obtained naturally or by physical processes from fresh grapes. An actual alcoholic strength of the grape must of not more than 1 % volume is permissible.

**(11) Partially fermented grape must**

"Grape must in fermentation" means the product obtained from the fermentation of grape must which has an actual alcoholic strength of more than 1 % volume but less than three fifths of its total alcoholic strength by volume.

**(12) Partially fermented grape must extracted from raisined grapes**

"Grape must in fermentation extracted from raisined grapes" means the product obtained from the partial fermentation of grape must obtained from raisined grapes, the total sugar content of which before fermentation is at least 272 grams per litre and the natural and actual alcoholic strength of which shall not be less than 8 % volume. However, certain wines, to be determined by the Commission by means of delegated acts pursuant to Article 75(2), that meet these requirements shall not be considered to be grape must in fermentation extracted from raisined grapes.

**(13) Concentrated grape must**

"Concentrated grape must" means uncaramelised grape must which is obtained by partial dehydration of grape must carried out by any authorised method other than by direct heat in such a way that the figure indicated by a refractometer used in accordance with a method to be prescribed in accordance with the first subparagraph of Article 80(5) and point (d) of the first subparagraph of Article 91 at a temperature of 20 °C is not less than 50,9 %.

An actual alcoholic strength of the concentrated grape must of not more than 1 % volume is permissible.

**(14) Rectified concentrated grape must**

"Rectified concentrated grape must" means:

(a) the liquid uncaramelised product which:

**2019-01**

## European Union Withdrawal

**2019/071**

### **QUALITY ASSURANCE (INTELLECTUAL PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

- (i) is obtained by partial dehydration of grape must carried out by any authorised method other than direct heat in such a way that the figure indicated by a refractometer used according to a method to be prescribed in accordance with the first subparagraph of Article 80(5) and point (d) of the first subparagraph of Article 91 at a temperature of 20 °C is not less than 61,7 %;
- (ii) has undergone authorised treatment for de-acidification and elimination of constituents other than sugar;
- (iii) has the following characteristics:
  - a pH of not more than 5 at 25 Brix,
  - an optical density at 425 nm for a thickness of 1 cm of not more than 0,100 in grape must concentrated at 25 Brix,
  - a sucrose content undetectable by a method of analysis to be defined,
  - a Folin-Ciocalteu index of not more than 6,00 at 25 Brix,
  - a titratable acidity of not more than 15 millequivalents per kilogram of total sugars,
  - a sulphur dioxide content of not more than 25 milligrams per kilogram of total sugars,
  - a total cation content of not more than 8 milliequivalents per kilogram of total sugars,
  - a conductivity at 25 Brix and 20°C of not more than 120 micro-Siemens/cm,
  - a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,
  - presence of mesoinositol.
- (b) the solid uncaramelised product which:
  - (i) is obtained by crystallisation of liquid rectified concentrated grape must without the use of solvents;

European Union Withdrawal  
**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**2019-01**  
**2019/071**  
**Revoked**

- 
- (ii) has undergone authorised treatment for de-acidification and elimination of constituents other than sugar;
  - (iii) has the following characteristics after dilution in a solution at 25 Brix:
    - a pH of not more than 7,5,
    - an optical density at 425 nm for a thickness of 1 cm of not more than 0,100,
    - a sucrose content undetectable by a method of analysis to be defined,
    - a Folin-Ciocalteu index of not more than 6,00,
    - a titratable acidity of not more than 15 millequivalents per kilogram of total sugars,
    - a sulphur dioxide content of not more than 10 milligrams per kilogram of total sugars,
    - a total cation content of not more than 8 millequivalents per kilogram of total sugars,
    - a conductivity at 20 °C of not more than 120 micro-Siemens/cm,
    - a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,
    - presence of mesoinositol.

An actual alcoholic strength of the rectified concentrated grape must of not more than 1 % volume is permissible.

**(15) Wine from raisined grapes**

"Wine from raisined grapes" means the product which:

- (a) is produced without enrichment, from grapes left in the sun or shade for partial dehydration;
- (b) has a total alcoholic strength of at least 16 % volume and an actual alcoholic strength of at least 9 % volume; and

**2019-01**

European Union Withdrawal

**2019/071**

**QUALITY ASSURANCE (INTELLECTUAL  
PROPERTY) (EU EXIT) REGULATIONS 2019**

**Revoked**

---

(c) has a natural alcoholic strength of a least 16 % volume (or 272 grams sugar/litre).

**(16) Wine of overripe grapes**

"Wine of overripe grapes" means the product which:

- (a) is produced without enrichment;
- (b) has a natural alcoholic strength of more than 15 % volume; and
- (c) has a total alcoholic strength of not less than 15 % volume and an actual alcoholic strength of not less than 12 % volume.

Member States may prescribe a period of ageing for this product.

**(17) Wine vinegar**

"Wine vinegar" means vinegar which:

- (a) is obtained exclusively by acetous fermentation of wine; and
- (b) has a total acidity of not less than 60 grams per litre expressed as acetic acid.