

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION
WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND
NORTHERN IRELAND PROTOCOL**

7862/22, C(2022) 1932 FINAL

**COMMISSION DELEGATED REGULATION OF 1.4.2022 AMENDING 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**

Submitted by the Department for Environment, Food and Rural Affairs

27 May 2022

SUBJECT MATTER

1. The European Commission have introduced changes to Article 53 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council (the EU Regulation under which the amending Delegated Regulation will be adopted) relating to the system by which amendments to a product specification for a protected designation of origin, protected geographical indication or traditional speciality guaranteed can be made. The changes bring the amendment process in line with the regulations for the two other EU GI regimes for wine and spirit drinks and replace the categories into which amendments falls from 'non-minor' and 'minor' amendments to 'Union' and 'Standard' amendments.
2. The Regulation will make changes to Article 6 of Delegating Regulation (EU) No 664/2014 which contains procedural rules for the amendment process. The changes will apply to amendments to the product specifications for Member States and Third Countries GIs. Whereas previously all amendment applications (both minor and non-minor) have had to be sent to the Commission for assessment and decision, 'Standard' (previously minor) amendments will now be processed by the Member State, or Third Country, and the decision and updated specifications will then be communicated to the Commission. Likewise, this will also be the case for Temporary amendments. However, the process for Union (non-minor) amendments remains the same.
3. This Delegated Regulation contains technical provisions that supplement the rules on Union and Standard amendments to ensure the functioning of the new system.

Notably this includes a) processing, publishing, and reporting requirements for Standard and Temporary amendments to a product specification by Member States or Third Countries b) rules to establish procedural coordination in cases where Union and Standard amendments to a product specification are pending at the same time c) outlining the admissibility requirements of Union amendments.

SCRUTINY HISTORY

4. The Parliamentary scrutiny history relevant to this Explanatory Memorandum is contained in Annex A.

MINISTERIAL RESPONSIBILITY

5. The Secretary of State for the Department for Environment, Food and Rural Affairs has primary responsibility for GI policy.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

6. The UK's policy on geographical Indications is a reserved matter under the UK's devolution settlements, and consultation is not required for the purposes of this EM. However, as the proposals will apply directly in Northern Ireland, and all devolved administrations have an interest in the registration and enforcement of protected food and drink names in Northern Ireland and the EU, the devolved administrations have been consulted in the preparation of this EM. No substantive policy comments or concerns were received although officials in NICS/DAERA confirmed there would be negligible impact from these changes on the regulatory scheme in place in Northern Ireland.

LEGAL AND PROCEDURAL ISSUES

7.

- i. **Legal Base**

The first subparagraph of Article 53(3) of Regulation (EU) No 1151/2012.

- ii. **Voting Procedure**

The power to adopt delegated acts is conferred on the Commission by Article 56 of Regulation (EU) No 1151/2012. Being a delegated act, Member States do not vote on the proposal.

- iii. **Timetable for adoption and implementation**

We understand that the Regulation was adopted on 1st April 2022 and will apply from 8th June 2022.

POLICY IMPLICATIONS

8. The UK GI schemes protect registered product names when they are sold in Great Britain (England, Scotland and Wales). The EU GI schemes protect registered products names when they are sold in Northern Ireland and the EU. The proposed Regulation is concerned with the EU GI Scheme applying to agri-food product names that directly apply in Northern Ireland and the EU. UK Government engage with the EU as a 3rd country in respect of GB produced GI products, and maintain the role of Competent Authority for delivery of these EU Regulations within NI.
9. Applications for the approval of amendments to a product registered under the EU GI schemes will need to be processed in-line with the Delegated Regulation. This includes the requirement for Member States to make public and report approval decisions to the Commission, and for Third Countries to communicate approval decisions to the Commission. In practice, this will not result in processing divergence between GIs from Great Britain and Northern Ireland under the EU regime.
10. As both a Competent Authority for NI in respect of the EU scheme, and as a Third Country to the EU for GB, the changes will streamline the process of amending UK produced agri-food GI product specifications registered in the EU. This is because Standard amendments will be processed by the UK and then sent to Commission to publish the amended specification, as protected under the EU scheme, rather than the amendment requiring further scrutiny by the Commission. The changes to the EU process will require minimal change in the UK Government's operational responsibilities.
11. The divergence in terminology between the EU and UK schemes should be noted ('Standard' replaces 'Minor', 'Union' replaces 'Non-minor'), but has no practical implications beyond terminology changes in the NI focussed parts of gov.uk guidance.
12. Whereas the EU scheme will in future simply require notification for these 'Standard' amendments, the UK GI scheme remains unchanged - there will still be a requirement for 3rd countries to submit an application for the changes which will then be appraised by UK Government. This could result in the UK scheme being perceived as more cumbersome in respect to applications made for 'Minor' amendments to the specification of non-UK GIs under the UK GI Scheme, although we have no evidence to suggest this will be the case.
13. We recognise the impact the Northern Ireland Protocol is having on the ground. The UK Government has been clear for some time that the Protocol has been causing serious problems. We are continuing to work with the EU to find a solution to sort out these very real issues for the people of Northern Ireland. It is perfectly possible for the United Kingdom and EU to work out a solution which delivers for the people of Northern Ireland.

CONSULTATION

14. The Commission undertook consultation with experts from the 27 Member States within the Expert Group for Sustainability and Quality of Agriculture and Rural Development, where verbal and written comments were taken into account. The Commission met with stakeholders in the context of the Civil Dialogue Group on Quality and Promotion. Consultation was also undertaken on the Better Regulation Portal from 9 February to 9 March 2022.
15. The Government has not undertaken any consultation of external stakeholders, nor have any impact assessments been produced.

FINANCIAL IMPLICATIONS

16. No new systems are required, and no charges are being introduced.



VICTORIA PRENTIS MP
MINISTER OF STATE FOR FARMING, FISHERIES AND FOOD
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

COMMISSION DELEGATED REGULATION OF 1.4.2022 AMENDING 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

EM 7639/22: PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN UNION GEOGRAPHICAL INDICATIONS FOR WINE, SPIRIT DRINKS AND AGRICULTURAL PRODUCTS, AND QUALITY SCHEMES FOR AGRICULTURAL PRODUCTS, AMENDING REGULATIONS (EU) NO 1308/2013, (EU) 2017/1001 AND (EU) 2019/787 AND REPEALING REGULATION (EU) NO 1151/2012

DATE DEFRA EM SIGNED: 04/05/2022

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 3 25/5/22)	NOT CLEARED. SIFTED FOR SCRUTINY TO THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 18; 16/5/22)

EM 8793/21, C(2021) 2837 FINAL: COMMISSION DELEGATED REGULATION (EU) .../... OF 12.5.2021 SUPPLEMENTING REGULATION (EU) 2019/787 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL WITH RULES CONCERNING APPLICATIONS FOR REGISTRATION OF GEOGRAPHICAL INDICATIONS OF SPIRIT DRINKS, AMENDMENTS TO PRODUCT SPECIFICATIONS, CANCELLATION OF THE REGISTRATION AND THE REGISTER

DATE DEFRA EM SIGNED: 04/06/2021

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 7 23/06/2021)	CLEARED BY HOL LETTER 10/09/2021. SIFTED FOR SCRUTINY TO THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 3; 10/06/2021)

**13313/21+ADD 1 COMMISSION DELEGATED REGULATION (EU) .../... OF
27.10.2021 AMENDING DELEGATED REGULATION (EU) 2019/934
SUPPLEMENTING REGULATION (EU) NO 1308/2013 OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL AS REGARDS AUTHORISED
OENOLOGICAL PRACTICES**

DATE DEFRA EM SIGNED: 05/01/2022

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 26 26/1/22)	DRAWN TO THE ATTENTION OF THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 13; 25/1/22)

**EM 15121/16: PROPOSAL FOR A REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL ON THE DEFINITION, PRESENTATION
AND LABELLING OF SPIRIT DRINKS, THE USE OF THE NAMES OF SPIRIT
DRINKS IN THE PRESENTATION AND LABELLING OF OTHER FOODSTUFFS
AND THE PROTECTION OF GEOGRAPHICAL INDICATIONS FOR SPIRIT DRINKS**

**15121/16 ADD 1: ANNEXES TO THE PROPOSAL FOR A REGULATION OF THE
EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE DEFINITION,
PRESENTATION AND LABELLING OF SPIRIT DRINKS, THE USE OF THE NAMES
OF SPIRIT DRINKS IN THE PRESENTATION AND LABELLING OF OTHER
FOODSTUFFS AND THE PROTECTION OF GEOGRAPHICAL INDICATIONS FOR
SPIRIT DRINKS**

DATE DEFRA EM SIGNED: 15/12/2016

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
CLEARED AS NOT IMPORTANT (REPORT 25;10/01/2017)	CLEARED (ENERGY AND ENVIRONMENT) AT CHAIRMAN'S SIFT 1643- 12/01/2017

**REGULATION 1308/2013 WAS SCRUTINISED AS PROPOSAL 15397/11.
COM(11)626, PROPOSAL FOR A REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL ESTABLISHING A COMMON
ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS
(SINGLE CMO REGULATION)**

DATE DEFRA EM SIGNED: 29/10/2011

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
THE COMMITTEE REPORTED ON 5 OCCASIONS LASTLY IN REPORT 12, 13/14 AND THE PROPOSAL WAS DEBATED IN EUROPEAN COMMITTEE A ON 18 JUNE 2013	THE PROPOSAL WAS EXAMINED IN THE THEN SUB-COMMITTEE D AND SCRUTINY WAS COMPLETED ON 22 MAY 2013

**REGULATION 1151/212 WAS SCRUTINISED AS 17672/10,
COM(10)733, PROPOSAL FOR A REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL ON AGRICULTURAL PRODUCT
QUALITY SCHEMES.**

DATE DEFRA EM SIGNED: 11/01/11

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
COMPLETED SCRUTINY AS RAISING ISSUES OF POLITICAL IMPORTANCE IN REPORT 14, 10-12 ON 19/1/2011	THE PROPOSAL WAS EXAMINED BY THE THEN SUB-COMMITTEE D AND COMPLETED SCRUTINY ON 14/9/2011