

Producing food products protected by a ‘geographical indication’ if there’s no Brexit deal

Summary

How producers of food products with geographical indication (GI) protection would be affected if the UK leaves the EU with no deal.

Detail

If the UK leaves the EU in March 2019 without a deal, find out how this would affect producers of food products with GI protections. The UK currently has 86 products which have EU GI protection including foods, wines and spirits.

A scenario in which the UK leaves the EU without agreement (a ‘no deal’ scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including ‘no deal’, until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential ‘no deal’ outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a ‘no deal’ outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a ‘no deal’ scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario/>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

Purpose

This notice informs UK producers about what might happen to geographical indication (GI) protection, and action they may wish to consider taking, should the UK leave the EU in March 2019 without a deal.

Before 29 March 2019

Producers in the EU can protect the names of their products under GI regulations put in place by the EU. These ensure that EU countries, including the UK, comply with the World Trade Organisation Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), and that UK GIs are protected from imitation and evocation throughout the EU.

There are currently 86 GI-protected UK product names, comprising 76 agricultural and food products, five wines and five spirit drinks which together make up a quarter of the value of UK food and drink exports. These products make an important contribution to local economies and enhance the UK's reputation for high-quality food and drink.

After 29 March 2019 if there's no deal

An independent UK GI scheme

When we leave the EU we will set up our own GI schemes which will be WTO TRIPS compliant, broadly mirror the current EU regime and be no more burdensome to producers. Details to be explored in a public consultation include the UK GI logo and appeals process. The protections will be similar to those enjoyed now by UK GI producers, with all 86 UK GIs given new UK GI status automatically. The UK would no longer be required to recognise EU GI status. EU producers would be able to apply for UK GI status. We will be publishing guidance on the UK GI schemes in early 2019.

In the unlikely event of a no deal scenario, there are two issues for UK producers of GI products to consider:

- the use of a new UK logo on products marketed in the UK;

- the preparation of an application for GI status in the EU, or other steps that producers may wish to take in order to protect product integrity - applying for trade mark protection, for example.

A new UK logo

We expect to introduce a new UK logo for GI products to replace the EU logo, whether or not we leave the EU with a withdrawal agreement. Producers of GI products wishing to use this logo will need to make preparations to comply with the new rules around use of this logo within the deadline. This will be subject to consultation. When a new UK GI logo is finalised, we plan to promote this with stakeholders and the wider public.

EU protection of UK GIs

After we leave the EU, we anticipate that all current UK GIs will continue to be protected by the EU's GI schemes.

If this is not the case, UK producers wishing to regain the protection offered by EU GI status, and the right to use the EU GI logo, would need to submit their applications to the European Commission as 'third country' producers. The application process would be similar to that used by EU countries, with the additional need to show that the GI was protected in the UK. The UK Government would provide support and guidance for this process.

Alternatively, or in addition, producers might consider protecting their products by applying for EU Collective Marks or EU Certification Marks. These are granted by the EU Intellectual Property Office, either directly or through the World Intellectual Property Organisation (Madrid system), and can be applied for individually or collectively. We would recommend that producers seek legal advice in respect of their options.

After March 2019, irrespective of the outcome of negotiations, Irish Whiskey, Irish Cream and Irish Potteen, which are GIs that can be produced anywhere on the island of Ireland, will continue to be fully protected in the EU as well as the UK.

International protection of UK GIs

The UK Government is working with its global trading partners to replicate EU free trade agreements and other sectoral agreements, including accommodating the protection of UK GIs in third countries. After March 2019, irrespective of the outcome

of EU negotiations, we expect UK GIs currently named in and protected by EU free trade agreements and other sectoral agreements will continue to be protected.

More information

The UK has set out its proposed approach to GIs in the [White Paper](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/725288/The_future_relationship_between_the_United_Kingdom_and_the_European_Union.pdf) on the UK's future relationship between the EU and UK. Negotiations with the EU continue.

Further information and guidance on the new UK schemes will be published in the coming months. We aim to give businesses and individuals as much certainty as possible as soon as we can, and to ensure that any new requirements are not unduly burdensome.

Information on the EU application process for all GI schemes can be found on the EU's Europa.eu website. Further information on GI protection requirements for WTO members under TRIPS can be found on the WTO.org website.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.

The UK government is clear that in this scenario we must respect our unique relationship with Ireland, with whom we share a land border and who are co-signatories of the Belfast Agreement. The UK government has consistently placed upholding the Agreement and its successors at the heart of our approach. It enshrines the consent principle on which Northern Ireland's constitutional status rests. We recognise the basis it has provided for the deep economic and social cooperation on the island of Ireland. This includes North-South cooperation between Northern Ireland and Ireland, which we're committed to protecting in line with the letter and spirit of Strand two of the Agreement.

The Irish government have indicated they would need to discuss arrangements in the event of no deal with the European Commission and EU Member States. The UK would stand ready in this scenario to engage constructively to meet our commitments and act in the best interests of the people of Northern Ireland, recognising the very significant challenges that the lack of a UK-EU legal agreement would pose in this unique and highly sensitive context.

It remains, though, the responsibility of the UK government, as the sovereign government in Northern Ireland, to continue preparations for the full range of potential outcomes, including no deal. As we do, and as decisions are made, we'll take full account of the unique circumstances of Northern Ireland.

Norway, Iceland and Liechtenstein are party to the Agreement on the European Economic Area and participate in other EU arrangements. As such, in many areas, these countries adopt EU rules. Where this is the case, these technical notices may also apply to them, and EEA businesses and citizens should consider whether they need to take any steps to prepare for a 'no deal' scenario.