

STATES OF JERSEY



DRAFT EUROPEAN UNION (WINES, SPIRITS, MILK AND DAIRIES – SAVINGS) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 11th February 2019
by the Minister for External Relations**

STATES GREFFE



Jersey

DRAFT EUROPEAN UNION (WINES, SPIRITS, MILK AND DAIRIES – SAVINGS) (JERSEY) REGULATIONS 201-

REPORT

Background

The Draft European Union (Wines, Spirits, Milk and Dairies – Savings) (Jersey) Regulations 201- (“draft Regulations”) would amend 2 Orders, one in relation to wines and spirits, and the other in relation to milk and dairies, to save the effect of the Orders and of the European Union Regulations underlying them, after Protocol 3 to the United Kingdom’s Treaty of Accession (“Protocol 3”) ceases to give direct effect in Jersey to those European Union Regulations.

Details

Geographical indications in wines and spirits

Regulation 1 of the draft Regulations ensures the continued protection of geographical indications in wines and spirits by preserving an Order made in 2016 and the underlying European Union Regulations. Without this Regulation, provision for the protection of geographical indications in wines and spirits would otherwise become inoperable once Protocol 3 to the United Kingdom’s Treaty of Accession ceases to give direct effect in Jersey to those European Union Regulations.

Enhanced protection for geographical indications relating to wines and spirits is a requirement of the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”). The World Trade Organisation requires members to comply with standards on intellectual property contained in TRIPS. Preserving the Order and the EU Regulations will mean Jersey continues to meet TRIPS’ requirements in this area.

Milk and dairies

Regulation 2 of the draft Regulations amends the EU Legislation (Milk and Dairies) (Jersey) Order 2017. The Regulation maintains the implementation of European food hygiene requirements in such establishments.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

Explanatory Note

These Regulations would amend 2 Orders, one in relation to wines and spirits and the other in relation to milk and dairies, to save the effect of the Orders and of the European Union Regulations underlying them, after Protocol 3 to the United Kingdom's accession treaty ("Protocol 3") ceases to give direct effect in Jersey to those European Union Regulations.

Regulation 1 amends the EU Legislation (Geographical Indications – Wines and Spirits) (Jersey) Order 2016. That Order currently provides for the enforcement of provisions in 2 Regulations made by the European Union, designed to prevent use of geographical indications being applied to wines and spirits that originate elsewhere. Those provisions currently have effect directly in Jersey under the arrangements in Protocol 3.

The amendment ensures that those provisions will continue to have effect in Jersey, after they cease to do so directly. The amendment also saves the effect of the Order itself after the repeal of the power under which it was made. That power was in Article 2(1) of the European Union Legislation (Implementation) (Jersey) Law 2014, which will be repealed when Article 6(a) of the European Union (Repeal and Amendment) (Jersey) Law 2018 is brought into force.

Regulation 2 amends the EU Legislation (Milk and Dairies) (Jersey) Order 2017. That Order currently provides for the enforcement of provisions in 5 Regulations made by the European Union, that impose standards on the operation of dairy farms and processing dairies. Those provisions currently have effect directly in Jersey under the arrangements in Protocol 3.

As with *Regulation 1*, this amendment ensures that those provisions will continue to have effect in Jersey, after they cease to do so directly. The amendment also similarly saves the effect of the Order itself after the repeal of Article 2(1) of the European Union Legislation (Implementation) (Jersey) Law 2014, when Article 6(a) of the European Union (Repeal and Amendment) (Jersey) Law 2018 is brought into force.

Regulation 3 gives the title by which these Regulations may be cited and provides for their commencement. The Regulations would be brought into force on a day appointed by an Order by the Minister for External Relations (which would be the same day on which Protocol 3 ceases to give direct effect in Jersey to European Union legislation, which would be either on the United Kingdom leaving without a withdrawal agreement or at the end of a transitional period provided for in a withdrawal agreement).



Jersey

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MILK AND DAIRIES – SAVINGS) (JERSEY)
REGULATIONS 201-**

Arrangement

Regulation

1	Amendment of EU Legislation (Geographical Indications – Wines and Spirits) (Jersey) Order 2016	7
2	Amendment of EU Legislation (Milk and Dairies) (Jersey) Order 2017	7
3	Citation and commencement	8



Jersey

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 2, 5A and 6A of the European Union Legislation (Implementation) (Jersey) Law 2014¹, have made the following Regulations –

1 Amendment of EU Legislation (Geographical Indications – Wines and Spirits) (Jersey) Order 2016

In Article 2 (enforcement of EU Regulations and disclosure of information) of the EU Legislation (Geographical Indications – Wines and Spirits) (Jersey) Order 2016² –

- (a) in the heading to the Article, for “Enforcement” there is substituted “Effect and enforcement”;
- (b) before paragraph (1) there is inserted –
 - “(A1) The EU Regulations have effect as if they were enactments.
 - (A2) This Order continues in force on and after the commencement of Article 6(a) of the European Union (Repeal and Amendment) (Jersey) Law 2018³, as if Article 2(1) of the European Union Legislation (Implementation) (Jersey) Law 2014⁴ had not been repealed.”.

2 Amendment of EU Legislation (Milk and Dairies) (Jersey) Order 2017

After Article 1 of the EU Legislation (Milk and Dairies) (Jersey) Order 2017⁵ there is inserted –

“1A Effect of relevant EU provisions

- (1) The relevant EU provisions have effect, in relation to a relevant person or premises, as if they were enactments.

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- (2) This Order continues in force on and after the commencement of Article 6(a) of the European Union (Repeal and Amendment) (Jersey) Law 2018⁶, as if Article 2(1) of the European Union Legislation (Implementation) (Jersey) Law 2014⁷ had not been repealed.”

3 Citation and commencement

- (1) These Regulations may be cited as the European Union (Wines, Spirits, Milk and Dairies – Savings) (Jersey) Regulations 201-.
- (2) These Regulations come into force on such day or days, and time or times, as the Minister for External Relations may by Order appoint.

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- 1 *chapter 17.245*
 - 2 *chapter 17.245.65*
 - 3 *L.17/2018*
 - 4 *chapter 17.245*
 - 5 *chapter 17.245.88*
 - 6 *L.17/2018*
 - 7 *chapter 17.245*