

Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation

COMMISSION DELEGATED REGULATION (EU) 2019/33

of 17 October 2018

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard 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<sup>(1)</sup>, and in particular Article 109, Article 114 and Article 122 thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007<sup>(2)</sup>. Sections 2 and 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 lay down rules on designations of origin, geographical indications, traditional terms, labelling and presentation in the wine sector and empower the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the wine market in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace the provisions of Commission Regulation (EC) No 607/2009<sup>(3)</sup> which should therefore be repealed.
- (2) Experience gained from the application of Regulation (EC) No 607/2009 has demonstrated that the current procedures for the registration, amendment and cancellation of Union or third country designations of origin or geographical indications can be intricate, burdensome and time consuming. Regulation (EU) No 1308/2013 has created legal vacuums, in particular as regards the procedure to be followed in applications to amend product specifications. Rules of procedure concerning designations of origin and geographical indications in the wine sector are inconsistent with the rules applicable to quality schemes in the foodstuffs, spirit drinks and aromatised wines sectors of Union law. This gives rise to inconsistencies in how this category of intellectual property rights is implemented. These discrepancies

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should be addressed in light of the right to protection of intellectual property established in Article 17(2) of the Charter of Fundamental Rights of the European Union. This Regulation should therefore simplify, clarify, complete and harmonise the relevant procedures. Procedures should be modelled as far as possible on the efficient and well tested procedures for protecting intellectual property rights relating to agricultural products and foodstuffs laid down in Regulation (EU) No 1151/2012 of the European Parliament and of the Council<sup>(4)</sup>, Commission Delegated Regulation (EU) No 664/2014<sup>(5)</sup> and Commission Implementing Regulation (EU) No 668/2014<sup>(6)</sup>, and adapted to take account of the specificities of the wine sector.

- (3) Designations of origin and geographical indications are intrinsically linked to the territory of Member States. National and local authorities have the best expertise and knowledge of the relevant facts. This should be reflected in the relevant procedural rules, having regard to the principle of subsidiarity set out in Article 5(3) of the Treaty on European Union.
- (4) The name to be protected as a designation of origin or a geographical indication should only be registered in a language that has at least a historical link with the geographical area in which the product is produced. Specific rules concerning the use of linguistic characters for a PDO and a PGI should be laid down in order to ensure that operators and consumers in all Member States are better able to read and understand such names.
- (5) The conditions in which a single producer may qualify as an eligible applicant should be defined. Single producers should not be penalised if prevailing circumstances prevent the creation of a producer group. However, it should be clarified that the protected name may be used by other producers established in the demarcated geographical area provided the conditions laid down in the product specification are met, even where the protected name consists of or contains the name of the holding of the single applicant producer.
- (6) Where a wine sector product bearing a designation of origin or geographical indication must only be packaged within a demarcated geographical area according to the product specification, this constitutes a restriction on the free movement of goods and freedom to provide services. In light of the case-law of the Court of Justice such restrictions may be imposed only if they are necessary and proportionate to safeguard quality, to certify the origin of the product or to ensure control. It is therefore necessary to provide that any restrictions on packaging should be duly justified from the point of view of the free movement of goods and the freedom to provide services.
- (7) Regulation (EC) No 607/2009 laid down a number of derogations concerning production in the demarcated geographical area. These derogations should be maintained to preserve traditional production practices. They should be clearly set out for the sake of legal certainty and clarity.
- (8) Applications for protection are examined by the national authorities of the Member State concerned through a preliminary national procedure. In the case of protected designations of origin, Member States should pay particular attention to the description of the link between the quality and characteristics of the product and the particular geographical environment. In the case of protected geographical indications, Member

States should pay particular attention to the description of the link between a specific quality, reputation or other characteristic and the geographical origin of the product, taking into account the demarcated area and the characteristics of the product. The definition of the demarcated area should be detailed, precise and unambiguous so that producers, the competent authorities and the control bodies can ascertain whether operations are being carried out within the demarcated geographical area.

- (9) The assessment carried out by the competent authorities of Member States is an essential step in the procedure. Member States have knowledge, expertise and access to data and facts that make them the best placed to assess whether an application concerning a designation of origin or a geographical indication fulfils the requirements for protection. Therefore, Member States should guarantee that the result of this assessment, which should be faithfully recorded in a single document summarising the relevant elements of the product specification, is reliable and accurate. Having regard to the principle of subsidiarity, 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.
- (10) In order to facilitate joint applications for protection of designations of origin and geographical indications, the specific steps in the procedures for those applications should be defined.
- (11) Where Member States consider that the name subject to the application for protection is eligible for registration as a protected designation of origin or geographical indication in compliance with Regulation (EU) No 1308/2013, Member States should be able to grant transitional protection at national level while the Commission is conducting the assessment on the application for protection.
- (12) The information to be submitted by an applicant in order for applications for protection, amendment, objection or cancellation requests to be deemed admissible should be set out in order to facilitate the management of such applications and in order to speed up the examination of the files.
- (13) The objection procedure should be shortened and improved. For the sake of legal certainty, deadlines should be fixed for the various steps in the procedure and grounds of objection should be specified. An amicable step should be introduced to allow the parties to communicate with a view to potentially reaching agreement.
- (14) Provision should be made for specific derogations that permit grapevine products that do not comply with the product specification to use a protected name for a transitional period. In order to overcome temporary difficulties and in order to ensure that all producers comply with the specifications in the long term, Member States should be allowed to grant derogations for a period of up to 10 years in certain cases.
- (15) Producers of grapevine products bearing a name protected as a designation of origin or geographical indication have to face a changing and challenging market. They require procedures allowing them to swiftly adapt to market demands, however, they are in fact penalised by the length and complexity of the current amendment procedure, the effect of which impedes their ability to react quickly to the market. Producers of

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grapevine products bearing a name protected as a designation of origin or geographical indication should also be allowed to take account of developments in scientific and technical knowledge and of environmental changes. In order to reduce the steps of such procedures and to give effect in this area to the principle of subsidiarity, decisions on amendments which do not concern essential elements of the product specification should be approved at Member State's level. Producers should be enabled to apply those amendments immediately on the conclusion of the national procedure. There should be no requirement to re-examine the application for approval at Union level.

- (16) However, in order to protect the interests of third parties established in Member States other than the one in which the grapevine products is produced, the Commission should remain responsible for approving amendments for which an objection procedure is required at Union level. Therefore, a new classification of amendments should be introduced: standard amendments, which apply immediately following the approval by the Member State since they do not require an objection procedure at Union level, and Union amendments, which apply only following approval by the Commission subsequent upon the completion of an objection procedure at Union level.
- (17) Temporary amendments should be introduced to allow grapevine products bearing a protected designation of origin or geographical indication to continue to be marketed under the protected names in cases of natural disaster or adverse weather conditions or adoption of sanitary or phytosanitary measures which temporarily prevent operators from complying with the product specification. Due to their emergency nature, temporary amendments should apply immediately following the approval by the Member State. The list of emergency grounds for temporary amendments is exhaustive due to the exceptional character of temporary amendments.
- (18) Union amendments should follow the procedure governing applications for protection in order to have the same efficiency and guarantees. It should be applied *mutatis mutandis* with the exclusion of certain steps which should be omitted with a view to reducing the administrative burden. The procedure for standard amendments and temporary amendments should be established to allow Member States to carry out an appropriate assessment of the applications and to guarantee a consistent approach across Member States. The accuracy and exhaustiveness of Member States' assessment should be equivalent to the accuracy and exhaustiveness required for the assessment process within the procedure governing applications for the protection.
- (19) Standard and temporary amendments related to the protected designations of origin and geographical indications of third countries should follow the approach provided for Member States, and the approval decision should be taken in accordance with the system in force in the third country in question.
- (20) The cancellation procedure should be more transparent and clear. In particular, it should be possible to oppose the cancellation request. To that end, the cancellation procedure should follow the standard procedure governing applications for protection, *mutatis mutandis*, with the exclusion of certain steps which should be omitted to reduce the administrative burden. It should be possible to cancel protected names if a name is no longer in use in the market place.

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- (21) Rules on temporary labelling and the presentation of grapevine products whose name has been the subject of an application for protection as a designation of origin or geographical indication should be adopted in order to ensure the protection of the legitimate interests of the operators while taking into account the principle of fair competition and the obligation to ensure that appropriate information is communicated to consumers.
- (22) Certain protected designations of origin benefit from derogations from the obligation to use the term ‘protected designation of origin’ on labels. In order to maintain this historical concession it is appropriate to confirm the existence of this derogation for such names.
- (23) The use of traditional terms to describe grapevine products is a long-established practice in the Union. Such terms designate a production or ageing method, the quality, colour, type of place or a particular event linked to the history of a grapevine product bearing a protected designation of origin or geographical indication or indicate that it is a grapevine product having a protected designation of origin or geographical indication. Articles 112 and 113 of Regulation (EU) No 1308/2013 lay down the general rules regarding the use and protection of traditional terms. So as to ensure fair competition and avoid misleading consumers, a common framework should be laid down regarding the protection and registration of such traditional terms. Furthermore, the procedures concerning the grant of protection to traditional terms should be simplified and harmonised, where possible, with the procedures applicable to the grant of protection to designations of origin and geographical indications.
- (24) A traditional term may evoke the particular characteristics of the grapevine product bearing that traditional term. Therefore, in order to convey clear information, that term should be indicated only in the language customarily used, with its original spelling and script.
- (25) In order to ensure that consumers are not misled, the use of traditional terms for grapevine products manufactured in third countries should be allowed provided they fulfil the same or equivalent conditions to those required from Member States. Therefore, both Member States and third countries should have the possibility to apply for the protection of a traditional term at Union level. Having regard to the fact that some third countries do not have the same centralised system of protection of traditional terms as the Union, the definition of ‘representative professional organisations’ operating in third countries should be laid down to ensure the same guarantees as those provided for in the Union rules.
- (26) Member States, third countries or representative professional organisations operating in third countries should ensure that the application for protection submitted to the Commission is complete and contains all relevant information that allows the Commission to establish that the traditional term complies with the conditions laid down in Article 112 of Regulation (EU) No 1308/2013 and proves that the traditional term is already protected in the Member State.

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- (27) Protection should only be granted to traditional terms that are widely known and have a significant economic impact on the grapevine products for which they are reserved. Therefore, the Commission should approve applications for the protection of a traditional term only where the application provides exhaustive evidence that the term is traditionally used to describe grapevine products produced in a large part of the territory of the Union or is a reputed name traditionally used in the entire territory of a Member State or third country, that fair competition is guaranteed for producers that used that term prior to the grant of protection and that the traditional term is not a generic term. To this end, the meaning of ‘traditional use’ and ‘generic’ should be defined in this Regulation.
- (28) The Commission should scrutinise the application for protection of a traditional term in order to ensure that the application is duly completed and complies with the conditions laid down by this Regulation. If the application requirements are not met, the Commission should request the applicant to make the necessary modifications or to withdraw the application. In the absence of action on the part of the applicant, the application should be rejected.
- (29) To ensure the absence of any obstacle to the protection of a traditional term, any Member State or third country, or any natural or legal person having a legitimate interest, should have the option of objecting to the protection of that traditional term. In order for the objection to be deemed admissible, the objection should be substantiated and should demonstrate that the application is not in compliance with Union rules on traditional terms. Furthermore, in case the objection is considered admissible, the Commission should provide the applicant with a copy of the objection received in order to facilitate the parties to reach an agreement. If no agreement between the parties is reached, the Commission should rule on the objection and grant the protection or reject the application for protection of the traditional term.
- (30) In order to ensure clarity for consumers as regards the nature and origin of the product and in order to ensure fair competition among producers, it is necessary to establish the conditions of use for trade marks that contain or consist of a traditional term and for the use of homonymous traditional terms.
- (31) In order to take account of the evolution in consumption patterns and to address grapevine products production and marketing developments, it should be possible for Member States and third countries to apply to modify or cancel a traditional term. To be deemed admissible, applications to modify or cancel a traditional term should be duly substantiated.
- (32) The system in place in third countries for the protection and use of traditional terms may differ from the one in place within the Union. For consistency purposes, the use of traditional terms to describe grapevine products produced in third countries should be allowed provided that they do not conflict with Union law.
- (33) The acquired right of protection of traditional terms protected under Regulation (EC) No 607/2009 should be taken into account. Those terms should therefore continue to be automatically protected under this Regulation.

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- (34) Articles 117 to 121 of Regulation (EU) No 1308/2013 lay down the general rules for the labelling and presentation of grapevine products. That Regulation also harmonises the use of terms other than those expressly specified by Union legislation, provided that they are not misleading. For the smooth functioning of the internal market, Union rules on the use of compulsory labelling particulars for grapevine products should be laid down. Moreover, in order not to mislead consumers, provisions on the use of optional labelling particulars should also be set out.
- (35) In order to assist consumers, mandatory information should be grouped in a single visual field on the container. However, in accordance with the requirements of Regulation (EU) No 1169/2011 of the European Parliament and of the Council<sup>(7)</sup>, certain compulsory particulars, such as the indication of the importer and listing of ingredients that may cause allergies or intolerances should be exempt from this obligation.
- (36) Under the terms of Regulation (EU) No 1169/2011 the substances or products that may cause allergies or intolerances and the terms to be used to indicate them on the label of foodstuffs are those listed in Annex II therein. In the case of grapevine products, other terms are also used to refer to egg products, milk products and sulphites. Those terms should therefore be used for the labelling of grapevine products.
- (37) Grapevine products produced within the Union are exported to third countries. In order to ensure that consumers of those countries understand the information related to the product they purchase, it should be possible to have the label translated into the languages of the importing country. Moreover, in order to facilitate trade, provision should be made permitting the labels to display any particulars required by the legislation of the importing country, whether or not compliant with Union law. Moreover, for security reasons, it should also be possible to derogate from Union presentation requirements for grapevine products to be consumed on board of airplanes, such as the obligation to use glass-bottles for sparkling wines.
- (38) The use of lead-based capsules to cover the closing devices of containers holding products covered by Regulation (EU) No 1308/2013 should continue to be banned in order to avoid any risk of contamination by contact with such capsules and environmental pollution from waste.
- (39) Due regard should be given to the particular nature of grapevine products and the degree of variability of their alcohol content. Therefore, positive and negative tolerances should be allowed as regards the indication of the actual alcoholic strength by volume on the label.
- (40) In order to ensure traceability, rules on the ‘indication of provenance’ should be introduced. Moreover, those rules should take into account the expectation of consumers as regards the origin of the grapevine products and that of the grape and must used to produce the final product.
- (41) For the smooth operation of the internal market and to ensure that the consumer is not misled, there should be a compulsory indication of the name and address of the bottler, producer, vendor or importer.

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- (42) Consumers often make purchasing decisions based on the information provided concerning the sugar content of sparkling wine, aerated sparkling wine, quality sparkling wine and quality aromatic sparkling wine. The indication of sugar content should therefore be compulsory for those categories of grapevine products while it should remain optional for other categories of grapevine products.
- (43) Consumers are not always aware of the characteristics and production methods of aerated sparkling wine and aerated semi-sparkling wine, especially as regards the use of carbon dioxide. It is therefore necessary to indicate on the label of that wine that it has been produced by adding carbon dioxide.
- (44) The indication of the vintage year and the indication of one or more wine grape varieties require specific rules to ensure that the information conveyed to consumers is not misleading. In particular, restrictions should be established for the use of grape variety names consisting of or containing a protected designation of origin or geographical indication.
- (45) Consumers also often make purchasing decisions based on the wine grape variety used. In order to prevent misleading labelling practices, rules on the conditions of use of the names used to indicate wine grape varieties should be laid down. Furthermore, considering the economic importance of varietal wines for producers, it should be possible for producers of grapevine products not bearing a protected designation of origin or geographical indication to indicate the information 'varietal wine', together with the name of the country where the grapevine product was produced, on the label.
- (46) The sugar content of grapevine products other than sparkling wine, aerated sparkling wine, quality sparkling wine and quality aromatic sparkling wine is not an essential element of information for the consumer. It should therefore be optional for producers to indicate the sugar content of those grapevine products on the label. However, in order not to mislead the consumers, the voluntary use of terms related to the sugar content for those products should be regulated.
- (47) In order to ensure the veracity and accuracy of the information conveyed to the consumer, specific conditions should be set out for indicating production methods on the label, especially as regards production methods for sparkling wines and ageing practices for all grapevine products. These terms evoke higher standard grapevine products in the consumer's mind, and should therefore be reserved for grapevine products bearing a protected designation of origin or geographical indication.
- (48) The indication of the holding which exploits the vineyards from which the grapevine products come and where all the winemaking processes are carried out, may constitute an added value for producers and a higher quality indication for consumers. It should therefore be permissible for producers to indicate the name of a holding on the labels of grapevine products bearing a protected designation of origin or protected geographical indication.
- (49) The indication on the label of the name of a geographical area which is smaller or larger than the area of a protected designation of origin or geographical indication should be permitted for grapevine products bearing a protected designation of origin or



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geographical indication, in order to better inform the consumer about the place where the grapevine product was produced, in particular where such places are well known by consumers.

- (50) The use of bottles having a particular shape for certain grapevine products bearing a protected designation of origin or geographical indication is a long-established practice within the Union and such use can evoke certain characteristics or the provenance of those grapevine products in the mind of consumers. Such bottle shapes should therefore be reserved for the wines in question.
- (51) The traditional type of glass bottle and closure of sparkling wines reflect traditional production and bottling practices. They should therefore be reserved to sparkling wine. However, Member States should be able to authorise the use of such type of bottle and closure for other beverages, provided that they do not mislead the consumer as to the real nature of the product.
- (52) Member States should be enabled, for the implementation of their quality policy, to lay down additional rules for the labelling of grapevine products produced on their territories, provided that they are compatible with Union law.
- (53) Any documents or information sent to the Commission concerning an application for protection, amendment or cancellation of a protected designation of origin, geographical indication or traditional term should be in one of the official languages of the Union or accompanied by the translation in one of those languages, in order to allow the Commission to carry out the correct analysis of the submitted documentation and information.
- (54) To ensure a smooth transition from the rules of Regulation (EC) No 607/2009 to the new rules set out in this Regulation and Commission Implementing Regulation (EU) 2019/34<sup>(6)</sup>, transitional periods should be provided for in order to enable economic operators established in the Union and in third countries to comply with the labelling requirements. Provisions should be enacted to ensure that grapevine products labelled in accordance with the existing rules may continue to be marketed until stocks are exhausted,

HAS ADOPTED THIS REGULATION:

## CHAPTER I

### INTRODUCTORY PROVISION

#### *Article 1*

#### **Subject matter**

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 concerning protected designations of origin, protected geographical indications and traditional terms, in addition to labelling and presentation in the wine sector as regards:

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- (a) applications for protection;
- (b) the objection procedure;
- (c) restrictions of use of protected designation of origin and protected geographical indications
- (d) amendments to product specifications and modifications of traditional terms;
- (e) cancellation of protection;
- (f) labelling and presentation.

### [<sup>F1</sup>Article 1a

#### Definitions

In this Regulation:

- a ‘the 1990 Act’ means the Food Safety Act 1990;
- b ‘the EUWA’ means the European Union (Withdrawal) Act 2018;
- c ‘Regulation 607/2009’ means Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;
- d ‘EU Regulation 2019/33’ means Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation as it had effect before IP completion day;
- da) [<sup>F2</sup>‘application to register a trade mark’ means an application to register a trade mark made under the TMA;]
- e ‘the appropriate authority’ means:
  - i in relation to England, the Secretary of State;
  - ii in relation to Scotland, the Scottish Ministers;
  - iii in relation to Wales, the Welsh Ministers;
- f ‘an Article 115(2) approval notice’ means a notice published under the second subparagraph of Article 115(2) of Regulation (EU) No 1308/2013 relating to a decision of the Secretary of State to approve an application to protect a traditional term;
- fa) [<sup>F3</sup>‘bridging arrangements’ has the meaning given in Article 32c(2)(b);]
- g ‘constituent nation’ means England, Northern Ireland, Scotland or Wales as the case may be;
- h ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;
- i ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;

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- j ‘established protected traditional terms’ means traditional terms within the meaning of Article 112 of Regulation (EU) No 1308/2013 to which Article 54(2) of the EU withdrawal agreement applies;
- k ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a traditional term used in the third country in the European Union;
- l ‘FTT’ means the First-tier Tribunal;
- m ‘Great Britain's Traditional Terms Register’ mean the register referred to in Article 25 of Implementing Regulation (EU) 2019/34;
- n ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a traditional term following the submission of an application under Article 21 of Implementing Regulation (EU) 2019/34 or Article 34 of this Regulation, or a request made under Article 35 of this Regulation, means the person who submitted the application or request;
- o ‘the original (protection) applicant’, in relation to a traditional term protected under Article 113 of Regulation (EU) No 1308/2013 following the approval of an application submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34, means the person who submitted that application;
- p ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;
- q ‘third country means—
  - i for the purposes of the definition of ‘EUIA’ in point (k), Article 32c and Annex A1 (other than the reference in paragraph (ii)), any country other than:
    - aa any part of the British Islands, or
    - bb a member State;
  - ii for the purposes of the reference in column 2 of row 5 of the Types Table in Part 3 of Annex A1, any country other than any part of the British Islands;
  - iii for all other purposes, any country other than the United Kingdom, and includes:
    - aa the Bailiwick of Guernsey;
    - bb the Bailiwick of Jersey;
    - cc the Isle of Man;
- r ‘third country standard amendment’ has the meaning given by Article 14(2c);
- s ‘third country temporary amendment’ has the meaning given by Article 14(2d);
- t ‘the TMA’ means the Trade Marks Act 1994;
- u ‘the Types Table’ means the table in Part C of Annex A1;
- v ‘UK standard amendment’ has the meaning given by Article 14(2a);
- w ‘UK temporary amendment’ has the meaning given by Article 14(2b).]

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#### Textual Amendments

- F1** Arts. 1a, 1b inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 26(2), **Sch. 8 Pt. 1** (as amended by S.I. 2020/1661, regs. 1(2)(b), **16(10)(a)**)
- F2** Art. 1a(da) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(3), **9(2)(a)**
- F3** Art. 1a(fa) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(3), **9(2)(b)**

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## [<sup>F1</sup>Article 1b

### Definitions: types of traditional term

In Article 32a and Annex A1 any reference to:

- a ‘a type 1 traditional term’ means a traditional term of a type described in column 2 of row 1 of the Types Table;
- b ‘a type 2A traditional term’ means a traditional term of the type described in column 2 of row 2 of the Types Table to which paragraph 1 or 2 in column 3 of that row applies;
- c ‘a type 2B traditional term’ means a traditional term of the type described in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- d ‘a type 3A traditional term’ means a traditional term of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 in column 3 of that row applies;
- e ‘a type 3B traditional term’ means a traditional term of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of that row apply;
- f ‘a type 4A traditional term’ means a traditional term of the type described in column 2 of row 4 of the Types Table to which paragraph 1 or 2 in column 3 of row 3 of that table applies;
- g ‘a type 4B traditional term’ means a traditional term of the type described in column 2 of row 4 of the Types Table to which the provisions in column 4 of row 3 of that table apply;
- h ‘a type 5A traditional term’ means a traditional term of the type described in column 2 of row 5 of the Types Table to which paragraph 1 or 2 in column 3 of row 3 of that table applies;
- i ‘a type 5B traditional term’ means a traditional term of the type described in column 2 of row 5 of the Types Table to which the provisions in column 4 of row 3 of that table apply.]

#### Textual Amendments

- F1** Arts. 1a, 1b inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 26(2), **Sch. 8 Pt. 1** (as amended by S.I. 2020/1661, regs. 1(2)(b), **16(10)(a)**)

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## CHAPTER II

### PROTECTED DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

#### SECTION 1

##### *Application for protection*

###### *Article 2*

###### **Name to be protected**

1 The name to be protected as a designation of origin or geographical indication shall be registered only in the languages which are or were historically used to describe the specific product in the demarcated geographical area.

2 The name of a designation of origin or a geographical indication shall be registered in its original script. Where the original script is not in Latin characters, a transcription in Latin characters shall be registered together with the name in its original script.

###### *Article 3*

###### **Applicant**

A single producer may be deemed an applicant within the meaning of Article 95(1) of Regulation (EU) No 1308/2013 if it is shown that:

- (a) the person concerned is the only producer willing to submit an application; and
- (b) the demarcated geographical area possesses characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

The circumstance by which a protected designation of origin or geographical indication consists of or contains the name of the holding of the single applicant producer shall not prevent other producers from using that name provided that they comply with the product specification.

###### *Article 4*

###### **Additional requirements for product specifications**

1 The description of the grapevine products shall indicate the relevant category or categories of grapevine products from amongst the categories set out in Part II of Annex VII to Regulation (EU) No 1308/2013.

2 Where the product specification indicates that packaging, including bottling, shall take place within the demarcated geographical area or within an area in the immediate proximity of the demarcated area in question, it shall also include a justification showing why, in the specific case, the packaging must take place in the particular geographical area to safeguard quality, to ensure the origin or to ensure control <sup>F4</sup>....

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#### Textual Amendments

- F4** Words in Art. 4(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(3)**

### Article 5

#### Derogations concerning production in the demarcated geographical area

1 By way of derogation from points (a)(iii) and (b)(iii) of Article 93(1) of Regulation (EU) No 1308/2013, and on condition that the product specification so provides, a product which has a protected designation of origin or geographical indication may be made into wine in any of the following locations:

- a in an area in the immediate proximity of the demarcated area in question;
- b in an area located within the same administrative unit or within a neighbouring administrative unit, in conformity with national rules;
- c in the case of a trans-border designation of origin or geographical indication, or where an agreement on control measures exists between two or more <sup>F5</sup>... countries, in an area situated in the immediate proximity of the demarcated area in question.

2 By way of derogation from point (a)(iii) of Article 93(1) of Regulation (EU) No 1308/2013, and on condition that the product specification so provides, a product may be made into sparkling wine or semi-sparkling wine bearing a protected designation of origin beyond the immediate proximity of the demarcated area in question if this practice was in use prior to 1 March 1986.

<sup>F6</sup>3 .....

#### Textual Amendments

- F5** Words in Art. 5(1)(c) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(4)**
- F6** Art. 5(3) omitted (27.5.2021) by virtue of [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(2)**

### <sup>F7</sup>Article 6

#### National procedure

.....

#### Textual Amendments

- F7** Arts. 6-8 omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(5)**

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## <sup>F7</sup>Article 7

### Joint applications

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#### Textual Amendments

- F7** Arts. 6-8 omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(5)**

## <sup>F7</sup>Article 8

### Transitional national protection

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#### Textual Amendments

- F7** Arts. 6-8 omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(5)**

## Article 9

### Admissibility of the application

1 Applications for protection are considered admissible if they are submitted in accordance with Articles 94 <sup>F8</sup>and 95] of Regulation (EU) No 1308/2013 and Article 3 and Article 5(3) of Implementing Regulation (EU) 2019/34 and if they are duly completed.

An application for protection shall be considered to be duly completed when it complies with Article 94(1) and (3) of Regulation (EU) No 1308/2013 and Article 2 of Implementing Regulation (EU) 2019/34 and if the single document is duly completed.

The single document summarising the product specification, referred to in Article 94(1)(d) of Regulation (EU) No 1308/2013 shall be considered to be duly completed when it complies with the requirements listed in Article 5(1) and (2) of Implementing Regulation (EU) 2019/34. The product specification shall be considered duly completed when it complies with the requirements set out in Article 94(2) of Regulation (EU) No 1308/2013.

2 If the <sup>F9</sup>Secretary of State] considers that an application is inadmissible, <sup>F10</sup>the Secretary of State must inform the applicant, or, in the case of a third country application, the applicant established in, or the authorities of, that country,] of the reasons grounding the finding of inadmissibility.

3 At least once a month the <sup>F11</sup>Secretary of State must publish] the list of names for which <sup>F12</sup>the Secretary of State] has received applications for protection as designations of origin or geographical indications, the name of the applicant <sup>F13</sup>relevant] country and the date

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of submission of the application. [F14The list may be published in such manner as appears appropriate to the Secretary of State from time to time.]

#### Textual Amendments

- F8** Words in Art. 9(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(6)(a)**
- F9** Words in Art. 9(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(6)(b)(i)**
- F10** Words in Art. 9(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(6)(b)(ii)**
- F11** Words in Art. 9(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(6)(c)(i)**
- F12** Words in Art. 9(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(6)(c)(ii)**
- F13** Word in Art. 9(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(6)(c)(iii)**
- F14** Words in Art. 9(3) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(6)(c)(iv)**

### Article 10

#### Scrutiny of the application

An examination of the application by the [F15Secretary of State], as referred to in Article 97(2) of Regulation (EU) No 1308/2013, shall consist of a check that there are no manifest errors in the application. When examining the application the [F15Secretary of State] shall examine the single document in particular. The examination should be completed within a period of 6 months. Where this period is exceeded, the [F15Secretary of State] shall inform the applicant in writing of the reasons for the delay.

#### Textual Amendments

- F15** Words in Art. 10 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(7)**

### SECTION 2

#### Objection procedure

### Article 11

#### Admissibility and grounds of objection

1 For the purposes of Article 98 of Regulation (EU) No 1308/2013 a substantiated statement of objection shall be admissible where:

- a it is received by the [F16Secretary of State] within the deadline set out in Article 98 of Regulation (EU) No 1308/2013;



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- b it complies with the requirements set out in Article 8(1) of Implementing Regulation (EU) 2019/34;
- and:
- c it shows that the application for protection or amendment to the product specification or for cancellation of the protection is incompatible with the rules on designations of origin and geographical indications because:
- (i) it would conflict with Articles 92 to 95, 105 or 106 of Regulation (EU) No 1308/2013 and with <sup>F17</sup>[<sup>F17</sup>any provision in force, adopted or made pursuant to them (whether adopted before IP completion day, or made on or after IP completion day)];
  - (ii) the registration of the proposed name would conflict with Article 100 or 101 of Regulation (EU) No 1308/2013;
  - (iii) the registration of the proposed name would jeopardise the rights of a trade mark holder or of a user of a fully homonymous name or of a compound name, one term of which is identical to the name to be registered, or the existence of partially homonymous names or of other names similar to the name to be registered which refer to grapevine products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 97(3) of Regulation (EU) No 1308/2013.

The grounds of objection shall be assessed in relation to the territory of [<sup>F18</sup>Great Britain, except that, in relation to paragraph 1(c)(ii) so far as it relates to Article 101(1) of Regulation (EU) No 1308/2013, the objection must be assessed in relation to the territory of the United Kingdom].

Where an objection is filed by a natural or legal person, the duly substantiated statement of objection shall be admissible only if it shows the legitimate interest of the objector.

2 Where the [<sup>F19</sup>Secretary of State] considers that the objection is inadmissible, [<sup>F20</sup>the Secretary of State] shall inform the authority or natural or legal person that objected of the reasons grounding the finding of inadmissibility.

#### Textual Amendments

- F16** Words in Art. 11(1)(a) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(8)(a)(i)(aa)**
- F17** Words in Art. 11(1)(c)(i) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(8)(a)(i)(bb)**
- F18** Words in Art. 11(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(8)(a)(ii)**
- F19** Words in Art. 11(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(8)(b)(i)**
- F20** Words in Art. 11(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(8)(b)(ii)**

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## Article 12

### Objection procedure

1 If the [F<sup>21</sup>Secretary of State] considers that the objection is admissible [F<sup>22</sup>the Secretary of State] shall invite the authority or natural or legal person that lodged the objection and the authority or natural or legal person that lodged the application for protection to engage in appropriate consultations for a period of three months. The invitation shall be issued within a period of four months from the date on which [F<sup>23</sup>the single document and the product specification submitted in connection with] the application for protection, to which the substantiated statement of objection relates, [F<sup>24</sup>are published under Article 97(3) of Regulation (EU) No 1308/2013] and it shall be accompanied by a copy of the substantiated statement of objection. At any time during these three months, the [F<sup>25</sup>Secretary of State] may, at the request of the authority or natural or legal person that lodged the application, extend the deadline for the consultations by a maximum of three months.

2 The authority or person that lodged the objection and the authority or person that lodged the application for protection shall start such consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for protection complies with the conditions of this Regulation and of Regulation (EU) No 1308/2013.

3 If the parties reach an agreement, either the applicant [F<sup>26</sup>or, where relevant,] the authorities [F<sup>27</sup>... of the third country from which the application for protection was lodged shall notify the [F<sup>28</sup>Secretary of State] of the results of the consultations carried out and of all the factors which enabled that agreement to be reached, including the opinions of the parties. If the details published in accordance with Article 97(3) of Regulation (EU) No 1308/2013 have been substantially amended, the [F<sup>29</sup>Secretary of State] shall repeat the scrutiny referred to in Article 97(2) of that Regulation after a [F<sup>30</sup>... procedure ensuring adequate publication of those amended details has been carried out. Where, following the agreement, there are no amendments to the product specification or where the amendments are not substantial, the [F<sup>31</sup>Secretary of State must make] a decision in accordance with Article 99 of Regulation (EU) No 1308/2013 conferring protection on the designation of origin or geographical indication.

4 If no agreement is reached, either the applicant [F<sup>32</sup>or, where relevant, the authorities of the third country] from which the application for protection was lodged shall notify the [F<sup>33</sup>Secretary of State] of the results of the consultations carried out and of all the related information and documents. The [F<sup>34</sup>Secretary of State must make] a decision in accordance with Article 99 of Regulation (EU) No 1308/2013 either conferring protection or rejecting the application.

#### Textual Amendments

- F21** Words in Art. 12(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(9)(a)(i)(aa)**
- F22** Words in Art. 12(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(9)(a)(i)(bb)**
- F23** Words in Art. 12(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(9)(a)(ii)(aa)**
- F24** Words in Art. 12(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(9)(a)(ii)(bb)**

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- F25** Words in Art. 12(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(9)(a)(iii)**
- F26** Words in Art. 12(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(9)(b)(i)(aa)**
- F27** Words in Art. 12(3) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(9)(b)(i)(bb)**
- F28** Words in Art. 12(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(9)(b)(i)(cc)**
- F29** Words in Art. 12(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(9)(b)(ii)(aa)**
- F30** Word in Art. 12(3) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(9)(b)(ii)(bb)**
- F31** Words in Art. 12(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(9)(b)(iii)**
- F32** Words in Art. 12(4) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(9)(c)(i)(aa)**
- F33** Words in Art. 12(4) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(9)(c)(i)(bb)**
- F34** Words in Art. 12(4) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(9)(c)(ii)**

### Article 13

#### **Restrictions on the use of protected designations of origin and protected geographical indications**

1 Without prejudice to Article 102 of Regulation (EU) No 1308/2013, the [<sup>F35</sup>Secretary of State may, by regulations, grant] a transitional period of up to five years to enable products originating in [<sup>F36</sup>the United Kingdom] or a third country, the designation of which consists of or contains a name that contravenes Article 103(2) of Regulation (EU) No 1308/2013, to continue to use the designation under which they were marketed.

The granting of such transitional period is conditional upon the submission of an admissible statement of objection under <sup>F37</sup>... Article 98 of Regulation (EU) No 1308/2013 showing that the decision conferring protection over the name would jeopardise the existence:

- a of an entirely identical name or of a compound name, one term of which is identical to the name to be registered; or
- b of partially homonymous names or of other names similar to the name to be registered which refer to grapevine products which have been legally on the market [<sup>F38</sup>in Great Britain] for at least five years preceding the date of the publication provided for in Article 97(3) of Regulation (EU) No 1308/2013.

2 The [<sup>F39</sup>Secretary of State may, by regulations, extend] the transitional period referred to in paragraph 1 up to 15 years in duly justified cases where it is shown that:

- a the designation referred to in paragraph 1 has been in legal use consistently and fairly for at least 25 years before the application for protection was submitted to the [<sup>F40</sup>Secretary of State];
- b the purpose of using the designation referred to in paragraph 1 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.

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3 When using a designation referred to in paragraphs 1 and 2, the indication of the 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 product specification, [<sup>F41</sup>the Secretary of State may use any power the Secretary of State has to make regulations to] grant protection for a transitional period, starting from the date on which the application is forwarded to the [<sup>F42</sup>Secretary of State], on condition that the operators concerned have legally marketed the grapevine products in question using the names concerned continuously for at least the five years prior to the lodging of the application [<sup>F43</sup>with the Secretary of State] and that these temporary difficulties had been raised in the <sup>F44</sup>... objection procedure referred to in Article [<sup>F45</sup>98] of Regulation (EU) No 1308/2013. The transitional period shall be as short as possible and shall not exceed 10 years.

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 objection procedure.

Such transitional periods shall be indicated in the application file referred to in Article 94(1) of Regulation (EU) No 1308/2013.

[<sup>F46</sup>5 The powers to make regulations conferred on the Secretary of State by paragraphs 1 and 2 are exercisable by statutory instrument.

6 A statutory instrument containing regulations made under paragraph 1 or 2 is subject to annulment in pursuance of a resolution of either House of Parliament.

7 Such regulations may contain supplementary, incidental or consequential provision.]

#### Textual Amendments

- F35** Words in Art. 13(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(a)(i)(aa)**
- F36** Words in Art. 13(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(a)(i)(bb)**
- F37** Words in Art. 13(1) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(a)(ii)(aa)**
- F38** Words in Art. 13(1)(b) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(a)(ii)(bb)**
- F39** Words in Art. 13(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(b)(i)**
- F40** Words in Art. 13(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(b)(ii)**
- F41** Words in Art. 13(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(c)(i)**
- F42** Words in Art. 13(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(c)(ii)**
- F43** Words in Art. 13(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(c)(iii)**
- F44** Word in Art. 13(4) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(c)(iv)**
- F45** Word in Art. 13(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(10)(c)(v)**

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**F46** Art. 13(5)-(7) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(10)(d)**

## SECTION 3

### *Amendments to product specifications*

#### *Article 14*

#### **Types of amendments**

1 For the purposes of Article 105 of Regulation (EU) No 1308/2013 amendments to a product specification are classified into two categories as regards their importance: amendments requiring an objection procedure [<sup>F47</sup>under Article 98 of Regulation (EU) No 1308/2013, as applied to applications for amendments by Article 15 ('non-standard amendments'), and amendments that do not ('standard amendments'). Standard amendments for a product specification for a protected designation of origin or protected geographical indications relating to an area in a third country are] to be dealt with at <sup>F48</sup>... third country level ('<sup>F49</sup>third country] standard amendments').

[<sup>F50</sup>1a] An amendment is considered to be a [<sup>F51</sup>non-standard] amendment where:

- it includes a change in the name of the protected designation of origin or protected geographical indication;
- it consists of a change, a deletion or an addition of a category of grapevine product, as referred to in Part II of Annex VII to Regulation (EU) No 1308/2013;
- it could potentially void the link referred to in point (a)(i) or in point (b)(i) of Article 93(1) of Regulation (EU) No 1308/2013;
- it entails further restrictions on the marketing of the product.

[<sup>F52</sup>1b] Applications for [<sup>F53</sup>non-standard] amendments submitted by third countries or by third country producers shall contain proof that the requested amendment complies with the laws on the protection of designations of origin or geographical indications in force in that third country.

[<sup>F54</sup>1c] All other amendments are considered standard amendments.

2 [<sup>F55</sup>Standard amendments are classified into four sub-categories taking into account the geographical area of the designation of origin or geographical indication affected by the amendment and whether the amendments are temporary as follows:

- UK standard amendments;
- UK temporary amendments;
- third country standard amendments;
- third country temporary amendments.

2a A UK standard amendment is a standard amendment of a product specification for a designation of origin or geographical indication relating to a geographical area in the United Kingdom.

2b A UK temporary amendment is a standard amendment concerning a temporary change in a product specification for a designation of origin or geographical indication for a geographical area in the United Kingdom:

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- a resulting from the imposition of obligatory sanitary or phytosanitary measures, or linked to natural disasters formally recognised, by the Secretary of State, or imposed or formally recognised by:
- i the Environment Agency in a case where, and to the extent that, a relevant geographical area in England is affected;
  - ii the Department of Agriculture, Environment and Rural Affairs, or the Department of Health, in a case where, and to the extent that, a relevant geographical area in Northern Ireland is affected;
  - iii the Scottish Ministers, Food Standards Scotland or the Scottish Environment Protection Agency, in a case where, and to the extent that, a relevant geographical area in Scotland is affected;
  - iv the Welsh Ministers, or the Natural Resources Body for Wales, in a case where, and to the extent that, a relevant geographical area in Wales is affected;
  - v the Food Standards Agency in a case where, and to the extent that, a relevant geographical area in England, Northern Ireland or Wales is affected, or
- b linked to adverse weather conditions formally recognised by the Met Office of the Department for Business, Energy and Industrial Strategy.
- 2c A third country standard amendment is a standard amendment of a product specification for a designation of origin or geographical indication relating to a geographical area in a third country.]

[<sup>F56</sup>2d] [<sup>F57</sup>A third country] temporary amendment is a standard amendment concerning a temporary change in the product specification [<sup>F58</sup>for a designation of origin or geographical indication relating to a geographical area in a third country] resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities [<sup>F59</sup>of the third country] or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities [<sup>F59</sup>of the third country].

#### Textual Amendments

- F47** Words in Art. 14(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(e)(i)**
- F48** Words in Art. 14(1) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(e)(ii)**
- F49** Words in Art. 14(1) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(e)(iii)**
- F50** Words in Art. 14(1) renumbered as Art. 14(1a) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(a)**
- F51** Word in Art. 14(1a) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(f)**
- F52** Words in Art. 14(1) renumbered as Art. 14(1b) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(b)**
- F53** Word in Art. 14(1b) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(g)**
- F54** Words in Art. 14(1) renumbered as Art. 14(1c) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(c)**
- F55** Art. 14(2)-(2c) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(h)**
- F56** Art. 14(2) renumbered as Art. 14(2d) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(d)**

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- F57** Words in Art. 14(2d) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(i)(i)**
- F58** Words in Art. 14(2d) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(i)(ii)**
- F59** Words in Art. 14(2d) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(11)(i)(iii)**

## Article 15

### Procedure for [<sup>F60</sup>non-standard] amendments to product specifications

1 An application for approval of a [<sup>F61</sup>non-standard] amendment to a product specification, as defined in Article 14 of this Regulation, shall follow the procedure laid down in Article 94 and Articles [<sup>F62</sup>97] to 99 of Regulation (EU) No 1308/2013, in Sections 1, 2 and 3 of Chapter II of this Regulation and in Sections 1, 2 and 3 of Chapter II of Implementing Regulation (EU) 2019/34 *mutatis mutandis*.

2 Where, based on the examination carried out pursuant to Article 97(2) of Regulation (EU) No 1308/2013, the [<sup>F63</sup>Secretary of State] considers that the conditions required under Article 97(3) of that Regulation are met, [<sup>F64</sup>the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time, the application for a non-standard] amendment referred to in Article 9(1) of Implementing Regulation (EU) 2019/34 <sup>F65</sup>.... [<sup>F66</sup>The Secretary of State, taking into account any admissible objection that has been lodged, must decide whether to approve or reject the application.]

3 An application for approval of [<sup>F67</sup>non-standard] amendments shall contain [<sup>F67</sup>non-standard] amendments exclusively. If an application for [<sup>F67</sup>non-standard] amendments also contains standard or temporary amendments the procedure for [<sup>F67</sup>non-standard] amendments shall apply only to the [<sup>F67</sup>non-standard] amendments. The standard or temporary amendments shall be deemed as not submitted.

4 In examining the applications for amendment, the [<sup>F68</sup>Secretary of State] shall focus on the proposed amendments.

#### Textual Amendments

- F60** Word in Art. 15 heading substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(a)**
- F61** Word in Art. 15(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(b)(i)**
- F62** Word in Art. 15(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(b)(ii)**
- F63** Words in Art. 15(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(c)(i)**
- F64** Words in Art. 15(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(c)(ii)**
- F65** Words in Art. 15(2) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(c)(iii)**
- F66** Words in Art. 15(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(c)(iv)**
- F67** Word in Art. 15(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(12)(d)**

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**F68** Words in Art. 15(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(12)(e)**

## Article 16

### Admissibility of applications for [<sup>F69</sup>non-standard] amendment

1 Applications for approval of a [<sup>F70</sup>non-standard] amendment to a product specification are considered admissible if they are submitted in accordance with Article 105 of Regulation (EU) No 1308/2013 and with Article 3 and Article 9(2) of Implementing Regulation (EU) 2019/34 *mutatis mutandis*, and if they are duly completed.

An application for approval of a [<sup>F70</sup>non-standard] amendment to a product specification shall be considered to be duly completed where it is comprehensive and exhaustive and where it complies with the requirements set out in Article 2 and Article 9(1) of Implementing Regulation (EU) 2019/34.

The approval by the [<sup>F71</sup>Secretary of State] of an application for approval of a [<sup>F72</sup>non-standard] amendment to a product specification shall only cover the amendments submitted in the application itself.

2 If the application is considered inadmissible, the [<sup>F73</sup>applicant or, in the case of a third country application, the applicant established in, or the competent authorities of, the third country,] shall be informed of the reasons for the inadmissibility.

#### Textual Amendments

- F69** Word in Art. 16 heading substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(13)(a)**
- F70** Word in Art. 16(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(13)(b)(i)**
- F71** Words in Art. 16(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(13)(b)(ii)(aa)**
- F72** Word in Art. 16(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(13)(b)(ii)(bb)**
- F73** Words in Art. 16(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(13)(c)**

## Article 17

### Standard amendments

1 [<sup>F74</sup>UK standard amendments must be approved by the Secretary of State and made public in such manner as appears appropriate to the Secretary of State from time to time.]

Applications for approval of a [<sup>F75</sup>UK] standard amendment to a product specification shall be submitted to the [<sup>F76</sup>Secretary of State]. Applicants shall satisfy the conditions laid down in Article 95 of Regulation (EU) No 1308/2013. If the application for approval of a [<sup>F75</sup>UK] standard amendment to a product specification does not come from the applicant which had submitted the application for protection of the name or names to which the product specification refers, the [<sup>F77</sup>Secretary of State] shall give that applicant the opportunity to comment on the application, if that applicant still exists.



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The application for a [F78UK] standard amendment shall provide a description of the standard amendments, provide a summary of the reasons for which the amendments are required and demonstrate that the proposed amendments qualify as standard in accordance with Article 14 of this Regulation.

2 Where the [F79Secretary of State] considers that the requirements of Regulation (EU) No 1308/2013 and the provisions adopted pursuant thereto are met, [F80the Secretary of State] may approve [F81the UK] standard amendment. The approval decision shall include the modified consolidated single document, where relevant, and the modified consolidated product specification.

F82  
...

2a [F83After making a decision in relation to an application for a UK standard amendment, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- a a notice:
  - i informing the applicant, the original (protection) applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
  - ii providing information about the right to appeal under Article 99a of Regulation (EU) No 1308/2013 against the decision and the period within which an appeal may be made, and
- b where the application is approved, a copy of the modified consolidated product specification and, where relevant, a copy of the modified consolidated single document.]

3 Decisions approving [F84third country] standard amendments F85... shall be taken in accordance with the system in force in the third country concerned and shall be communicated to the [F86Secretary of State] by a single producer within the meaning of Article 3 or a group of producers having a legitimate interest, either directly to the [F86Secretary of State] or via the authorities of that third country, not later than one month following the date they are made public.

4 The communication of [F87third country] standard amendments shall be considered to be duly completed when it complies with Article 10 of Implementing Regulation (EU) 2019/34.

5 In the event that the [F88third country] standard amendment implies a modification of the single document, the [F89Secretary of State] shall publish the description of the standard amendment referred to in Article 10 of Implementing Regulation (EU) 2019/34 and the modified single document in [F90such manner as appears appropriate to the Secretary of State from time to time] within three months from the date on which the communication is received from the F91... third country or third country single producer or group of producers.

6 In the event that the [F92third country] standard amendment does not imply a modification of the single document, the [F93Secretary of State must make public, in such manner as appears appropriate to the Secretary of State from time to time], the description of the standard amendment within three months from the date on which the communication is received from the F94... third country or applicant established in the third country.

F957  
.....

8 If the geographical area covers more than [F96the United Kingdom, the Secretary of State] shall apply the procedure for standard amendments separately for the part of the area which falls within [F97the United Kingdom and, in relation to the part of the area that does not fall within the United Kingdom, the procedure in paragraph 3 applies]. F98... The [F99authority of

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the third country] approving the standard amendment shall send the [<sup>F100</sup>Secretary of State] the communication referred to in paragraph 4 not later than one month following the date on which its decision approving the standard amendment is made public.

F101 ...

9 [<sup>F102</sup>If a geographical area covers more than the United Kingdom and the national decision necessary in relation to the part of the area in a third country is not taken or adopted by the authority of the third country, an application in relation to that part of the area may be submitted under the non-standard amendment procedure.

10 If a geographical area covers areas in two or more third countries and a national decision in relation to part of an area in a third country is not taken or adopted by the authority of the third country, an application in respect of the amendment in relation to the geographical area as a whole may be submitted under the non-standard amendment procedure.]

#### Textual Amendments

- F74 Words in Art. 17(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(a)(i)**
- F75 Word in Art. 17(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(a)(ii)(aa)**
- F76 Words in Art. 17(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(a)(ii)(bb)**
- F77 Words in Art. 17(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(a)(ii)(cc)**
- F78 Word in Art. 17(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(a)(iii)**
- F79 Words in Art. 17(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(b)(i)(aa)**
- F80 Words in Art. 17(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(b)(i)(bb)**
- F81 Words in Art. 17(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(b)(i)(cc)**
- F82 Words in Art. 17(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(b)(ii)**
- F83 Art. 17(2a) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(c)**
- F84 Words in Art. 17(3) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(d)(i)**
- F85 Words in Art. 17(3) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(d)(ii)**
- F86 Words in Art. 17(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(d)(iii)**
- F87 Words in Art. 17(4) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(e)**
- F88 Words in Art. 17(5) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(f)(i)**
- F89 Words in Art. 17(5) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(f)(ii)**
- F90 Words in Art. 17(5) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(f)(iii)**
- F91 Words in Art. 17(5) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(14)(f)(iv)**

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- F92** Words in Art. 17(6) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(g)(i)**
- F93** Words in Art. 17(6) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(g)(ii)**
- F94** Words in Art. 17(6) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(g)(iii)**
- F95** Art. 17(7) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(h)**
- F96** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(aa)**
- F97** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(bb)**
- F98** Words in Art. 17(8) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(cc)**
- F99** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(dd)**
- F100** Words in Art. 17(8) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(i)(ee)**
- F101** Words in Art. 17(8) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(i)(ii)**
- F102** Art. 17(9)(10) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(14)(j)**

## Article 18

### Temporary amendments

[<sup>F103</sup>1 Paragraphs 1a to 1n apply to an application for a UK temporary amendment to a product specification for a protected designation of origin or protected geographical indication ('a UK temporary amendment application').

1a A UK temporary amendment application must be made to the Secretary of State.

1b The procedures laid down in Articles 94 and 97 to 99 of Regulation (EU) No 1308/2013 do not apply to a UK temporary amendment application.

1c A UK temporary amendment application may be made by a group of producers having a legitimate interest in the relevant protected designation of origin or protected geographical indication unless the application to register the designation of origin or geographical indication was made by a single applicant, in which case the temporary amendment application may be made by that person.

1d If a UK temporary amendment application is not made by the original (protection) applicant, the Secretary of State must give the original (protection) applicant the opportunity to make comments on the application if that applicant still exists.

1e A UK temporary amendment application must:

- a describe the amendment applied for,
- b be accompanied by a copy of the product specification and, where relevant, the single document, showing the proposed temporary amendment,
- c compare for each amendment:
  - i the original product specification against the proposed modified product specification, and

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- ii where relevant, the original single document against the proposed modified single document,
  - d provide an explanation of why the temporary amendment is needed, and
  - e provide an estimate, where this is possible, of how long it is anticipated that the temporary amendment will be needed for.
- 1f A UK temporary amendment application that does not comply with paragraph 1e is inadmissible.
- 1g Where a UK temporary amendment application is inadmissible, the Secretary of State must inform the applicant that the application is inadmissible as soon as reasonably practicable after receiving the application.
- 1h The Secretary of State may approve a UK temporary amendment application if the Secretary of State considers that a temporary amendment to the product specification is appropriate.
- 1i Where a UK temporary amendment application is approved, the Secretary of State must specify the period during which the temporary amendment is to apply.
- 1j The period during which an approved temporary amendment is to apply may be specified by reference to a set period of time or may be specified by reference to the happening of a specified event.
- 1k The Secretary of State, in deciding the period for which an approved temporary amendment is to apply, must take into account the conditions prevailing at the time the decision to approve the application is taken and, where possible, the period for which the Secretary of State anticipates that those conditions will continue.
- 1l The Secretary of State may, on an application by a group of producers or single applicant who made a UK temporary amendment application under paragraph 1a, as read with paragraph 1c, extend the period during which a relevant approved temporary amendment is to apply on one or more occasions if the Secretary of State considers that it is appropriate to do so having regard to the conditions prevailing at the time that decision is made.
- 1m After making a decision on a UK temporary amendment application, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:
- a a notice:
    - i informing the applicant, the original (protection) applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
    - ii providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made, and
  - b where the application is approved, details of the approved temporary amendment and the period during which that temporary amendment is to apply.
- 1n Where a UK temporary amendment application is approved and the period during which the temporary amendment is to apply is extended, the Secretary of State must, on each occasion the period is extended, publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the applicant, the original (protection) applicant (if different) and the public that the period has been extended and the reasons for that decision and specifying the extended period during which the temporary amendment is to apply.]

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2 Where the geographical area covers [<sup>F104</sup>areas in the United Kingdom and a third country, or areas in more than one third country], the procedure for temporary amendment applies separately in [<sup>F105</sup>relation to the United Kingdom and the third country concerned, or in the respective third countries concerned.] for the part of the area which falls within their territory. <sup>F106</sup>... [<sup>F107</sup>Paragraph 3 applies in relation to the communication of the decision of the authorities of the third country, or each third country,] approving the temporary amendment <sup>F108</sup>... <sup>F109</sup>...

3 [<sup>F110</sup>Third country] temporary amendments <sup>F111</sup>... shall be communicated to the [<sup>F112</sup>Secretary of State], together with the reasons supporting the temporary amendments, by a single producer within the meaning of Article 3 or a group of producers having a legitimate interest, either directly or via the authorities of that third country, not later than one month following their approval.

4 The communication of [<sup>F113</sup>third country] temporary amendments shall be considered to be duly completed when it contains all the elements referred to in Article 11 of Implementing Regulation (EU) 2019/34.

5 The [<sup>F114</sup>Secretary of State must,] within three months from the date on which the communication is received from the <sup>F115</sup>... third country or third country single producer or group of producers [<sup>F116</sup>publish a notice, in such manner as appears appropriate to the Secretary of State from time to time, providing the public with details of the third country temporary amendment and the period during which that temporary amendment is to apply]. <sup>F117</sup>...

#### Textual Amendments

- F103** Art. 18(1)-(1n) substituted for Art. 18(1) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 26(15)(a), **Sch. 8 Pt. 2**
- F104** Words in Art. 18(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(b)(i)**
- F105** Words in Art. 18(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(b)(ii)**
- F106** Words in Art. 18(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(b)(iii)**
- F107** Words in Art. 18(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(b)(iv)(aa)**
- F108** Words in Art. 18(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(b)(iv)(bb)**
- F109** Words in Art. 18(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(b)(v)**
- F110** Words in Art. 18(3) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(c)(i)**
- F111** Words in Art. 18(3) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(c)(ii)**
- F112** Words in Art. 18(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(c)(iii)**
- F113** Words in Art. 18(4) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(d)**
- F114** Words in Art. 18(5) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(e)(i)(aa)**
- F115** Words in Art. 18(5) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(e)(i)(bb)**
- F116** Words in Art. 18(5) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(15)(e)(i)(cc)**

*Status: Point in time view as at 30/09/2022.*

*Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

**F117** Words in Art. 18(5) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(15)(e)(ii)**

## SECTION 4

### *cancelling a protected designation of origin or geographical indication*

#### Article 19

#### **Cancellation procedure**

Requests to cancel a protected designation of origin or geographical indication, as referred to in Article 106 of Regulation (EU) No 1308/2013, shall follow the procedure laid down in Article 94 and Articles [F118 97] to 99 of that Regulation together with provisions of Sections 1, 2 and 4 of Chapter II of this Regulation and of Sections 1, 2, 4 and 5 of Chapter II of Implementing Regulation (EU) 2019/34 *mutatis mutandis*.

The [F119 Secretary of State] shall publish the cancellation request referred to in Article 13 of Implementing Regulation (EU) 2019/34 in [F120 such manner as appears appropriate to the Secretary of State from time to time].

#### **Textual Amendments**

**F118** Word in Art. 19 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(16)(a)**

**F119** Words in Art. 19 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(16)(b)(i)**

**F120** Words in Art. 19 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(16)(b)(ii)**

#### Article 20

#### **Grounds for cancellation**

For the purposes of Article 106 of Regulation (EU) No 1308/2013 compliance with the product specification shall also be deemed not to be ensured where no product bearing the protected name has been placed on the market for at least seven consecutive years.

#### Article 21

#### **Admissibility of cancellation requests**

1 For the purpose of Articles 106 of Regulation (EU) No 1308/2013 a substantiated cancellation request shall be admissible where:

- a the cancellation request complies with the requirements set out in Article 13(1) of Implementing Regulation (EU) 2019/34; and
- b the cancellation request is based on the grounds referred to in Article 106 of Regulation (EU) No 1308/2013.

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2 Where the [<sup>F121</sup>Secretary of State] considers that the cancellation request is not admissible [<sup>F122</sup>the Secretary of State] shall inform the <sup>F123</sup>... third country authority or the natural or legal person that submitted the request of the reasons supporting the finding of inadmissibility.

3 Substantiated statements of objection to cancellation shall be admissible only where they show commercial reliance by an interested person on the registered name.

#### Textual Amendments

**F121** Words in Art. 21(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(17)(a)**

**F122** Words in Art. 21(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(17)(b)**

**F123** Words in Art. 21(2) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(17)(c)**

## SECTION 5

### *Use of symbols, indications and abbreviations*

#### *Article 22*

#### [<sup>F124</sup>Symbols]

<sup>F125</sup> .....

<sup>F126</sup>... symbols indicating the protected designation of origin or the protected geographical indication, the <sup>F126</sup>... indications ‘protected designation of origin’ or ‘protected geographical indication’ and the <sup>F126</sup>... abbreviations ‘PDO’ or ‘PGI’ may appear on the labelling only after the publication of the decision conferring protection on that designation of origin or geographical indication.

<sup>F127</sup> .....

#### Textual Amendments

**F124** Art. 22 heading substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(18)(a)**

**F125** Words in Art. 22 omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(18)(b)**

**F126** Word in Art. 22 omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(18)(c)**

**F127** Words in Art. 22 omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(18)(d)**

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### <sup>F128</sup> Article 23

## Derogations from the obligation to use the term 'protected designation of origin' on labels

### Textual Amendments

**F128** Art. 23 omitted (27.5.2021) by virtue of [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(3)**

## CHAPTER III

### TRADITIONAL TERMS

#### SECTION 1

#### *Applications for protection and examination procedure*

#### Article 24

### Language and spelling of the traditional term

- 1 A traditional term shall be registered:
  - a in the official language or regional language of the <sup>F129</sup>... country from which the term originates; or
  - b in the language used in trade for this term.
- 2 A traditional term shall be registered with its original spelling and in its original script. Where the original script is not in Latin characters, a transcription in Latin characters shall be registered together with the name in its original script.

### Textual Amendments

**F129** Words in Art. 24(1)(a) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(19)**

#### Article 25

### Applicants

- 1 Competent authorities of <sup>F130</sup>... third countries or representative professional organisations established in [<sup>F131</sup>the United Kingdom or] third countries may apply for the protection of a traditional term.



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2 ‘Representative professional organisation’ shall mean any producer organisation or association of producer organisations having adopted the same rules, operating in the area of one or more wine designations of origin or geographical indications where it includes in its membership at least two thirds of the producers established in the area in which it operates and accounts for at least two thirds of the production of that area. A representative professional organisation may lodge an application for protection only for grapevine products which it produces.

#### Textual Amendments

**F130** Words in Art. 25(1) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(20)(a)**

**F131** Words in Art. 25(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(20)(b)**

### Article 26

#### Admissibility of the application

1 Applications for protection are considered admissible where they are submitted in compliance with Article 25 of this Regulation and Article 21 and Article 30(3) of Implementing Regulation (EU) 2019/34 and are duly completed.

An application shall be considered to be duly completed where it contains the following information:

- a the name to be protected as a traditional term;
- b the type of traditional term, whether it falls under Article 112(a) or (b) of Regulation (EU) No 1308/2013;
- c the language in which the name to be protected as a traditional term is expressed;
- d the grapevine product category or categories concerned;
- e a summary of the definition and conditions of use;
- f the protected designations of origin or protected geographical indications concerned.

2 The application shall be accompanied by a copy of the legislation <sup>F132</sup>... or rules applicable to wine producers in the <sup>F133</sup>... country or countries concerned, governing the use of the term in question, and a reference to the publication of that legislation or those rules.

[<sup>F134</sup>2a In the case of an application concerning a term originating in Great Britain, a copy of an enactment need not be provided under paragraph 2 where the title of the enactment is given together with its year and chapter, serial or other identifying number.

2b In the case of an application concerning a term originating in Northern Ireland, a copy of the following enactments need not be provided under paragraph 2 where the title of the relevant enactment is given together with its year and chapter, serial or other identifying number:

- a an Act that extends to Northern Ireland, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under such an Act that extends to Northern Ireland;
- b Northern Ireland legislation and an enactment contained in an instrument made under Northern Ireland legislation but not any legislation that forms part of the domestic law of Northern Ireland by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.]

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3 If the application is not duly completed or if the documents referred to in paragraph 2 have not been provided with the application, the application shall be inadmissible.

4 Where the application is inadmissible, the [<sup>F135</sup>applicant, in the case of an application concerning a term originating in the United Kingdom, or, in the case of an application concerning a term originating in a third country, the authorities of the third country or the applicant established in the third country in question,] shall be informed of the reasons for its inadmissibility and that they are entitled to submit another application duly completed.

[<sup>F1365</sup> In paragraph 2a, ‘enactment’ means the following legislation whenever passed or made:

- a an Act, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that they extend to Northern Ireland;
- b retained direct EU legislation, except to the extent that it extends to Northern Ireland;
- c an Act of the Scottish Parliament, and an enactment contained in an instrument made under an Act of the Scottish Parliament;
- d a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.]

#### Textual Amendments

- F132** Words in Art. 26(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(21)(a)(i)**
- F133** Word in Art. 26(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(21)(a)(ii)**
- F134** Art. 26(2a)(2b) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(21)(b)**
- F135** Words in Art. 26(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(21)(c)**
- F136** Art. 26(5) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(21)(d)**

### Article 27

#### Conditions of validity

1 An application for the protection of a traditional term shall be deemed valid if the name for which the protection is sought:

- a fulfils the requirements of a traditional term as defined in Article 112 of Regulation (EU) No 1308/2013 as well as the requirements laid down in Article 24 of this Regulation;
- b consists exclusively of either:
  - (i) a name traditionally used in trade in a large part of the territory of the <sup>F137</sup>... country in question, to distinguish specific categories of grapevine products referred to in Article 92(1) of Regulation (EU) No 1308/2013; or
  - (ii) a reputed name traditionally used in trade in at least the territory of the <sup>F138</sup>... country in question, to distinguish specific categories of grapevine products referred to in Article 92(1) of Regulation (EU) No 1308/2013;
- c has not become generic, and

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- d is defined and regulated in the [F139]legislation of the relevant country or, in the case of an application concerning a term originating in a third country, is] subject to conditions of use as provided for by rules applicable to wine producers in the third country in question, including those emanating from representative professional organisations.

Point (b) shall not apply to traditional terms referred to in Article 112(a) of Regulation (EU) No 1308/2013.

[F140]In point (d), ‘legislation of the relevant country’, in relation to the United Kingdom, includes legislation that does not apply to all the constituent nations of the United Kingdom but only applies to one or more of them.]

- 2 For the purposes of paragraph (1) (b), traditional use means:
- a use amounting to a period of at least five years in case of terms filed in the official language or regional language of the [F141]... country where the term originates;
  - b use amounting to a period of at least 15 years in case of terms filed in the language used for trade.
- 3 For the purposes of paragraph (1)(c), a name that has become ‘generic’ means the name which, although it relates to a specific production method or ageing method, or the quality, colour, type of place, or a particular event linked to the history of a grapevine product, has become the common name of that product in the [F142]United Kingdom].

#### Textual Amendments

- F137** Words in Art. 27(1)(b)(i) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(23)(a)(i)(aa)**
- F138** Words in Art. 27(1)(b)(ii) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(23)(a)(i)(bb)**
- F139** Words in Art. 27(1)(d) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(23)(a)(ii)**
- F140** Words in Art. 27(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(23)(b)**
- F141** Words in Art. 27(2)(a) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(24)**
- F142** Words in Art. 27(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(25)**

#### Article 28

##### Scrutiny by the [F143]Secretary of State]

- 1 The date of submission of an application for protection of a traditional term shall be the date on which the application is received by the [F144]Secretary of State].
- 2 The [F145]Secretary of State] shall examine whether the application for protection meets the conditions laid down in this Chapter.
- 3 Where the [F146]Secretary of State] considers that the conditions laid down in Articles 26 and 27 are met, [F147]the Secretary of State must publish the application in such manner as appears appropriate to the Secretary of State from time to time].

*Status: Point in time view as at 30/09/2022.*

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4 If an application for the protection of a traditional term does not meet the conditions laid down in this Chapter, the [<sup>F148</sup>Secretary of State] shall inform the applicant of the grounds for refusal, setting a deadline for the withdrawal or modification of the application or for the submission of comments.

5 If the obstacles are not remedied by the applicant within the deadline referred to in paragraph 4, the [<sup>F149</sup>Secretary of State must reject the application].

[<sup>F150</sup>6 After making a decision to reject an application under paragraph 5, the Secretary of State must publish a notice in such manner as appears appropriate to the Secretary of State from time to time:

- a informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
- b providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made.

7 An implementing act to which paragraph 8 applies is revoked.

8 This paragraph applies to an implementing act adopted by the European Commission under Article 28 of EU Regulation 2019/33 and incorporated into domestic law by section 3(1) of the EUWA.]

#### **Textual Amendments**

- F143** Words in Art. 28 heading substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(26)(a)**
- F144** Words in Art. 28(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(26)(b)**
- F145** Words in Art. 28(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(26)(b)**
- F146** Words in Art. 28(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(26)(c)(i)**
- F147** Words in Art. 28(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(26)(c)(ii)**
- F148** Words in Art. 28(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(26)(d)**
- F149** Words in Art. 28(5) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(26)(e)**
- F150** Art. 28(6)-(8) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(26)(f)**

## *SECTION 2*

### *Objection procedure*

#### *Article 29*

#### **Submission of an objection**

The date of submission of an objection shall be the date on which the objection is received by the [<sup>F151</sup>Secretary of State].

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*Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F151** Words in Art. 29 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(27)**

### Article 30

#### Admissibility and grounds of objection

- 1 A substantiated objection shall be admissible where:
  - a it is submitted by any <sup>F152</sup>... third country, or any natural or legal person having a legitimate interest;
  - b it is received by the [<sup>F153</sup>Secretary of State] within the deadline provided for in Article 22(1) of Implementing Regulation (EU) 2019/34;
  - c it demonstrates that the application for protection is incompatible with the rules on traditional terms because it does not comply with Article 27 of this Regulation or because the registration of the name proposed would conflict with Article 32 or 33 of this Regulation.
- 2 An objection that is deemed admissible shall be notified to the [<sup>F154</sup>applicant, or, in the case of an application submitted by a third country authority, that authority].

#### Textual Amendments

**F152** Words in Art. 30(1)(a) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(28)(a)(i)**

**F153** Words in Art. 30(1)(b) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(28)(a)(ii)**

**F154** Words in Art. 30(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(28)(b)**

### Article 31

#### Scrutiny of an objection

1 Where the [<sup>F155</sup>Secretary of State] does not reject the objection in accordance with Article 23(3) of Implementing Regulation (EU) 2019/34, [<sup>F156</sup>the Secretary of State] shall communicate the objection to the applicant that submitted the application and shall invite the applicant to file observations within the time period referred to in Article 24(1) of Implementing Regulation (EU) 2019/34. Any observations received within this period shall be communicated to the objector.

In the course of [<sup>F157</sup>the Secretary of State's] scrutiny of an objection, the [<sup>F158</sup>Secretary of State] shall request the parties to provide comments, if appropriate, within the time period referred to in Article 24(2) of Implementing Regulation (EU) 2019/34, on the communications received from the other parties.

2 Where the applicant or the objector do not file any observations in response, or where the time periods for filing observations and for submitting comments referred to in Article 24

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of Implementing Regulation (EU) 2019/34 are not respected, the [F159Secretary of State] shall proceed to rule on the objection.

3 A decision to reject or recognise the traditional term in question shall be taken by the [F160Secretary of State] on the basis of the evidence available to [F161the Secretary of State]. The [F160Secretary of State] shall consider whether the conditions referred to or laid down in Articles 27, 32 or 33 of this Regulation are fulfilled. F162 ...

3a [F163After making a decision about the application, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State a notice:

- a informing the applicant, any objector and the public of the decision made in relation to the application and the reasons for that decision, and
- b providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made.]

4 Where multiple objections are lodged, a preliminary examination of one or more such objections may prevent an application for protection from proceeding. In these circumstances, the [F164Secretary of State] may suspend the other objection procedures. The [F164Secretary of State] shall inform the other objectors of any decision affecting them which was taken in the course of the procedure.

Where an application is rejected, objection procedures which have been suspended shall be deemed to be closed and the objectors concerned shall be duly informed.

#### Textual Amendments

- F155** Words in Art. 31(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(29)(a)(i)(aa)**
- F156** Words in Art. 31(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(29)(a)(i)(bb)**
- F157** Words in Art. 31(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(29)(a)(ii)(aa)**
- F158** Words in Art. 31(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(29)(a)(ii)(bb)**
- F159** Words in Art. 31(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(29)(b)**
- F160** Words in Art. 31(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(29)(c)(i)**
- F161** Words in Art. 31(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(29)(c)(ii)**
- F162** Words in Art. 31(3) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(29)(c)(iii)**
- F163** Art. 31(3a) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(29)(d)**
- F164** Words in Art. 31(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(29)(e)**

*Status: Point in time view as at 30/09/2022.*

*Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## SECTION 3

### Protection

#### Article 32

#### Relationship with trade marks

1 The registration of a trade mark that contains or consists of a traditional term which does not respect the definition and conditions of use of that traditional term as referred to in Article 112 of Regulation (EU) No 1308/2013, and that relates to a product falling under one of the categories listed in Part II of Annex VII thereto shall be:

- a refused if the application for registration of the trade mark is submitted after the date of submission of the application for protection of the traditional term to the [<sup>F165</sup>Secretary of State] and the traditional term is subsequently protected; or
- b invalidated.

2 A name shall not be protected as a traditional term where, in the light of a trade mark's reputation and renown, such protection is liable to mislead the consumer as to the true identity, nature, characteristic or quality of the grapevine product.

3 Without prejudice to paragraph 2, a trade mark referred to in paragraph 1 which has been applied for, registered or established by use in good faith, <sup>F166</sup>... in the territory of the [<sup>F167</sup>United Kingdom], prior to the date of protection of the traditional term in the country of origin, may continue to be used and renewed notwithstanding the protection of a traditional term, provided that no grounds for the trade mark's invalidity or revocation exist [<sup>F168</sup>in, or under, the TMA].

In such cases, the use of the traditional term shall be permitted alongside the relevant trade marks.

#### Textual Amendments

**F165** Words in Art. 32(1)(a) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(30)(a)**

**F166** Words in Art. 32(3) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(30)(b)(i)**

**F167** Words in Art. 32(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(30)(b)(ii)**

**F168** Words in Art. 32(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(30)(b)(iii)**

#### [<sup>F169</sup>Article 32a

#### Transitional provision: relationship with trade marks

1 Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where, if the trade mark is registered, the use of the trade mark will not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and the conditions of use in Article 113 of that Regulation in relation to a category A traditional term.

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*Status: Point in time view as at 30/09/2022.*

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2 Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

- a if the trade mark is registered, the use of the trade mark will not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a category B traditional term, and
- b after the application for the trade mark is accepted but before the trade mark is registered:
  - i in the case of a type 2B traditional term:
    - aa the international agreement referred to in paragraph (c) of column 2 of row 2 of the Types Table enters into force or the bridging arrangements referred to in that column are made, and
    - bb the entry into force of the international agreement or the making of the bridging arrangements is brought to the attention of the registrar before the trade mark is registered;
  - ii in the case of any other category B traditional term:
    - aa the Secretary of State publishes an Article 115(2) approval notice relating to the traditional term, and
    - bb the Article 115(2) approval notice is brought to the attention of the registrar before the trade mark is registered.

3 Where an application for a declaration of invalidity is made under the TMA (as applied by Article 32b(1) and modified by Article 32b(2)) in relation to the registration of a trade mark, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:

- a the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,
- b the use of the trade mark does not, or will not, if used, respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a category B traditional term, and
- c in the case of a type 3B, 4B or 5B traditional term, the Secretary of State publishes an Article 115(2) approval notice relating to the traditional term on or after the day on which the trade mark application is accepted.

4 This paragraph applies where a column 5 date applies in relation to a category A or B traditional term and, taking account of any priority claimed in respect of an application to register the trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant traditional term.

5 As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 2A, 3A or 4A traditional term where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the traditional term provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the traditional term

6 As regards paragraph 3, a column 5 date does not apply in relation to a type 2B, 3B or 4B traditional term where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the traditional term provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EUIA providing for the protection of the use of the traditional term.



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7 Where a traditional term falls within the definition of more than one type of traditional term in Article 1b, the column 5 date to be taken into account for the purpose of paragraph 4 is the earliest of the column 5 dates for the relevant types of traditional term.

8 In a case of a category A or B traditional term that is not on Great Britain's Traditional Terms Register at the time an assessment is carried out under paragraph 1, 2 or 3, the traditional term is to be treated, for the purpose of the assessment, as being a protected traditional term in determining whether the use of the trade mark will contravene Article 113 in relation to that traditional term.

9 A trade mark that could be used under Article 32(3) of EU Regulation 2019/33 in the United Kingdom immediately before IP completion day may continue to be used in Great Britain on and after IP completion day:

- a notwithstanding that the use of the trade mark would not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a traditional term registered by the Secretary of State under this Regulation;
- b provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

10 Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 32(3) of EU Regulation 2019/33 immediately before IP completion day from being renewed after IP completion day:

- a notwithstanding that the use of the renewed trade mark would not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a traditional term registered by the Secretary of State under this Regulation;
- b provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

11 Where paragraph 9 or 10 applies to the use or renewal of a trade mark, this does not affect the use of:

- a an established protected traditional term entered on Great Britain's Traditional Terms Register pursuant to Article 39;
- b a traditional term entered on Great Britain's Traditional Terms Register by the Secretary of State following a decision by the Secretary of State to approve an application to protect the traditional term submitted under Article 21 of Implementing Regulation (EU) 2019/34;
- c a traditional term entered on Great Britain's Traditional Terms Register by the Secretary of State under Article 25(3) of Implementing Regulation (EU) 2019/34.

12 In this Article:

- a .....
- b 'a category A traditional term' means a type 1, 2A, 3A, 4A or 5A traditional term;
- c 'a category B traditional term' means a type 2B, 3B, 4B or 5B traditional term;
- d 'column 5 date', in relation to a traditional term that is a category A or B traditional term, means the date specified, or provided for, in column 5 of the Types Table in the row relating to the relevant type of traditional term;
- e 'date of filing':
  - i in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;

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- ii in the case of an ITM-based trade mark application, means:
    - aa in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
    - bb in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
    - iii in any other case, has the meaning given by section 33 of the TMA;
  - f ‘EUTM-based trade mark application’ means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
  - g ‘existing EUTM application’ has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
  - h ‘existing ITM application’ has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
  - i ‘existing request for EU extension’ has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
  - j ‘ITM-based trade mark application’ means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
  - k ‘the registrar’ has the meaning given by section 62 of the TMA.
- 13 Any reference in this Article to:
- a ‘priority claimed in respect of an application’:
    - i in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
    - ii in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
    - iii in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;
  - b an application to register a trade mark that was ‘pending immediately before IP completion day’ is a reference to an application that was neither refused, nor resulted in the registration of the trade mark that is the subject of the application, before IP completion day;
  - c a trade mark includes a reference to:
    - i a collective mark as defined in section 49(1) of the TMA;
    - ii a certification mark as defined in section 50(1) of the TMA.]

#### Textual Amendments

**F169** Arts. 32a, 32b inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 26(31), **Sch. 8 Pt. 3** (as amended by [S.I. 2020/1661](#), regs. 1(2)(b), **16(10)(b)**)

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## <sup>F169</sup> Article 32b

### **Application and modification of trade mark provisions**

1 For the purpose of Article 32a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- a subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 32a(3);
- b section 72 (registration to be prima face evidence of validity);
- c section 73 (certificate of validity of contested application);
- d section 74 (registrar's appearance in proceedings involving the register of trade marks);
- e section 75 (definition of 'the court');
- f section 76 (appeals) except for subsection (5);
- g section 77(1) (persons appointed to hear and determine appeals).

2 The modifications are:

- a section 47 applies as if:
  - i in subsection (3), in the words before paragraph (a), after 'invalidity' there were inserted 'made under this section, as applied by Article 32b(1) of Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation,';
  - ii in subsection (5), for 'grounds of invalidity' there were substituted 'ground for invalidity specified in Article 32a(3) of Commission Delegated Regulation (EU) 2019/33 exists';
- b section 74(1) applies as if, for the words from 'for' to 'the registrar' there were substituted 'for a declaration of the invalidity of the registration of a trade mark, the registrar';
- c section 76(1) applies as if:
  - i in the first paragraph, for the words from 'under' to the end there were substituted 'made under Article 32a(3) of Commission Delegated Regulation (EU) 2019/33';
  - ii the second paragraph were omitted;
- d section 77(1) applies as if, at the end there were inserted 'as applied by Article 32b(1) of Commission Delegated Regulation (EU) 2019/33'.

3 In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:

- a an application to invalidate a trade mark referred to in Article 32a(3);
- b an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a).]

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#### Textual Amendments

**F169** Arts. 32a, 32b inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 26(31), **Sch. 8 Pt. 3** (as amended by [S.I. 2020/1661](#), regs. 1(2)(b), **16(10)(b)**)

### *[<sup>F170</sup> Article 32c*

#### **Third Country traditional terms covered by bridging arrangements**

1 A traditional term to which paragraph 2 applies is, for the protection period, to be entered on Great Britain's Traditional Terms Register.

2 This paragraph applies to a traditional term which relates to a wine sector product produced in a third country ("C") which:

- a was, immediately before IP completion day, protected in the European Union under an EU IA to which the European Union and C were contracting parties, and
- b is, before a qualifying international agreement enters into force, to be protected in Great Britain pursuant to any written arrangements made by the United Kingdom and C ("bridging arrangements").

3 For the purposes of this Article, "the protection period", in relation to a traditional term, is the period for which:

- a the relevant bridging arrangements have effect, or
- b if only part of the relevant bridging arrangements relates to the traditional term, that part has effect.

4 In this Article "qualifying international agreement" means an international agreement between the United Kingdom and C, which has been initialled.]

#### Textual Amendments

**F170** Arts. 32c, 32d inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), reg. 1(3), **Sch. 4**

### *[<sup>F170</sup> Article 32d*

#### **Transitional provisions: relations between trade marks and traditional terms when bridging arrangements are in effect**

1 Where a traditional term is entered on Great Britain's Traditional Terms Register under Article 32c, Articles 32a and 32b and Annex A1 apply for the purposes of determining:

- a whether an application to register a trade mark which was pending before IP completion day or made during the relevant period, must be refused, or
- b if a relevant invalidity application was made, whether the registration of a trade mark must be declared invalid,

but subject to the general modifications specified in paragraphs 2 and 3 and any further modifications made by regulations (if any) (see paragraph 4).

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2 The modifications mentioned in paragraph 1 are that Articles 32a and 32b and Annex A1 are to be read as if:

- a in the case of a type A term, any reference to a type 2A traditional term included a reference to a type A term;
- b in the case of a type B term, any reference to a type 2B traditional term included a reference to a type B term.

3 In addition, Article 32b and Annex A1 are to be read as if any reference to Article 32a included a reference to that Article as applied by this Article.

4 The Secretary of State may, by regulations, make such further modifications to Article 32a or 32b or Annex A1 as the Secretary of State considers necessary for the purpose of ensuring that the relative priorities afforded to traditional terms and trade marks before IP completion day continue to apply appropriately during the relevant period.

5 For the purposes of this Article:

‘relevant invalidity application’ means an application for a declaration of invalidity made under the TMA (as applied by Article 32b(1) and modified by Article 32b(2)) in relation to the registration of a trade mark;

‘type A term’ means a traditional term which—

- i is, immediately before the application to register a trade mark is accepted, entered in Great Britain’s Traditional Terms Register under Article 32c, or
- ii is not so entered when the application to register a trade mark is accepted, but is to be protected under bridging arrangements which come into effect before the application to register a trade mark is accepted;

‘type B term’ means a traditional term which is not entered in Great Britain’s Traditional Terms Register under Article 32c when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to bridging arrangements made on or after the day on which the relevant trade mark application is accepted.

6 The power to make regulations conferred on the Secretary of State by paragraph 4 is exercisable by statutory instrument.

7 A statutory instrument containing regulations under paragraph 4 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

8 Such regulations may:

- a contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking an enactment);
- b make different provision for different purposes.

9 In this Article, ‘enactment’ means:

- a an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except so far as it extends to Northern Ireland;
- b regulations made under retained direct principal EU legislation, except so far as they extend to Northern Ireland;
- c retained direct minor EU legislation, except so far as it extends to Northern Ireland.]

*Status: Point in time view as at 30/09/2022.*

*Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F170** Arts. 32c, 32d inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), reg. 1(3), **Sch. 4**

## Article 33

### Homonyms

1 A term for which an application for protection is submitted and which is wholly or partially homonymous with a traditional term already protected under Article 113 of Regulation (EU) No 1308/2013 shall be registered with due regard to local and traditional usage and the risk of confusion.

A homonymous term which misleads consumers as to the nature, quality or the true origin of the grapevine products shall not be registered even if the term is accurate.

A registered homonymous term may be used only if there is a sufficient distinction in practice between the homonym registered subsequently and the term already in the register, having regard to the need to treat the producers concerned in an equitable manner and the need to avoid misleading the consumer.

2 Paragraph 1 shall apply *mutatis mutandis* for traditional terms protected before 1 August 2009 which are wholly or partially homonymous with a protected designation of origin or geographical indication or a wine grape variety name or its synonym listed in Annex IV.

## SECTION 4

### Modification and cancellation

## Article 34

### Modification of a traditional term

An applicant satisfying the conditions of Article 25 may apply for approval of a modification of a registered traditional term concerning the elements referred to in points (b), (c) and (d) of Article 26(1).

Articles 26 to 31 shall apply *mutatis mutandis* to applications for modification.

[<sup>F171</sup>An implementing act to which the fourth paragraph applies is revoked.]

This paragraph applies to an implementing act:

- a concerning a decision of the European Commission relating to an application to modify a traditional term registered in the European Union at the time the application was submitted,
- b adopted by the European Commission pursuant to Article 34 of EU Regulation 2019/33 following the procedure referred to in the second paragraph of that Article, and
- c incorporated into domestic law by section 3(1) of the EUWA.]

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*Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F171** Words in [Art. 34](#) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(32)**

### Article 35

#### Cancellation of a traditional term

[<sup>F172</sup>The Secretary of State] may, on a duly substantiated request by <sup>F173</sup>... a third country or a natural or legal person having a legitimate interest, [<sup>F174</sup>cancel] the protection of a traditional term.

Articles 26 to 31 shall apply *mutatis mutandis* to applications for cancellation.

[<sup>F175</sup>An implementing act to which the fourth paragraph applies is revoked.

This paragraph applies to an implementing act adopted by the European Commission pursuant to Article 35 of EU Regulation 2019/33 following the procedure referred to in the second paragraph of that Article and incorporated into domestic law by section 3(1) of the EUWA.]

#### Textual Amendments

**F172** Words in [Art. 35](#) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(33)(a)(i)**

**F173** Words in [Art. 35](#) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(33)(a)(ii)**

**F174** Word in [Art. 35](#) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(33)(a)(iii)**

**F175** Words in [Art. 35](#) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(33)(b)**

### Article 36

#### Grounds for cancellation

The protection of a traditional term shall be cancelled where:

- (a) the traditional term no longer meets the requirements laid down in Articles 27, 32 or 33;
- (b) compliance with the corresponding definition and conditions of use is no longer ensured.

### Article 37

#### Admissibility of a cancellation request

- 1 A substantiated cancellation request shall be admissible where:

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- a it was submitted to the [<sup>F176</sup>Secretary of State by] a third country or a natural or legal person having a legitimate interest; and
- b it is based on one of the grounds referred to in Article 36.

The duly substantiated cancellation request shall be admissible only if it demonstrates the legitimate interest of the applicant.

2 Where the [<sup>F177</sup>Secretary of State] considers that the cancellation request is not admissible [<sup>F178</sup>the Secretary of State] shall inform the authority or person that sent the request of the reasons for inadmissibility.

3 The [<sup>F179</sup>Secretary of State] shall make the cancellation request available to the authorities and persons affected in accordance with Article 30(4) of Implementing Regulation (EU) 2019/34.

4 Substantiated statements of objection to cancellation requests shall be admissible only if they show continued commercial reliance on the registered name by an interested person.

#### Textual Amendments

**F176** Words in Art. 37(1)(a) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(34)(a)**

**F177** Words in Art. 37(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(34)(b)(i)**

**F178** Words in Art. 37(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(34)(b)(ii)**

**F179** Words in Art. 37(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(34)(c)**

### Article 38

#### Rules concerning traditional terms used in [<sup>F180</sup>Northern Ireland and] third countries

1 The definition of traditional terms provided for in Article 112 of Regulation (EU) No 1308/2013 shall apply *mutatis mutandis* to terms traditionally used in [<sup>F181</sup>Northern Ireland or] third countries for grapevine products covered by geographical indications or designations of origin under the [<sup>F182</sup>legislation applying in Northern Ireland or] those third countries.

2 Grapevine products originating [<sup>F183</sup>in Northern Ireland or] in third countries whose labels bear traditional indications other than the traditional terms listed in [<sup>F184</sup>Great Britain's Traditional Terms Register] may use these traditional indications on wine labels in accordance with the rules applicable in [<sup>F185</sup>Northern Ireland or] the third countries concerned, [<sup>F186</sup>as relevant, including, in the case of a third country,] those emanating from representative professional organisations.

#### Textual Amendments

**F180** Words in Art. 38 heading inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(35)(a)**

**F181** Words in Art. 38(1) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(35)(b)(i)**

**F182** Words in Art. 38(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(35)(b)(ii)**



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**Status:** Point in time view as at 30/09/2022.

**Changes to legislation:** There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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**F183** Words in Art. 38(2) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(35)(c)(i)**

**F184** Words in Art. 38(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(35)(c)(ii)**

**F185** Words in Art. 38(2) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(35)(c)(iii)**

**F186** Words in Art. 38(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(35)(c)(iv)**

## SECTION 5

### <sup>F187</sup> Article 39

#### Established protected traditional terms

The Secretary of State must enter the names of established protected traditional terms on Great Britain's Traditional Terms Register. The entries are to be treated as taking effect on IP completion day.]

#### Textual Amendments

**F187** Art. 39 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(36)**

## <sup>F188</sup> SECTION 6

### Appeals

#### Article 39a

#### Appeals: general

- 1 An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Annex A2.
- 2 Such an appeal may be made:
  - a in all cases, by a person or third country authority specified in the corresponding entry in column 2 of the table in Annex A2;
  - b in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.
- 3 In determining such an appeal the FTT:
  - a must consider the decision appealed against afresh;
  - b may take into account evidence that was not available to the Secretary of State.
- 4 The FTT may:
  - a dismiss the appeal, or

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- b if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the table in Annex A2.

5 Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:

- a the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the original applicant, the appellant (if different) and the public of that fresh decision and the reasons for that decision;
- b the provisions of this Section and Annex A2 apply to the fresh decision made by the Secretary of State.

6 An appeal made under paragraph 1 in relation to a decision of the Secretary of State specified in column 1 of the table in Annex A2 does not prevent an entry recorded on Great Britain's Traditional Terms Register by the Secretary of State following that decision from having effect.

7 The entry referred to in paragraph 6 continues to have effect, despite the appeal, unless the appeal is allowed by the FTT and:

- a in a case where the FTT quashes the Secretary of State's decision and directs the Secretary of State to take specified action, that action has been taken;
- b in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision, the relevant entry ceases to have effect as a result of consequent action taken in relation to the entry in the register following the fresh decision taken by the Secretary of State.

#### *Article 39b*

### **Secretary of State decision to consider a decision afresh and the effect of that decision on appeal**

1 The Secretary of State may consider a decision specified in column 1 of the table in Annex A2 ('the original decision') afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time the original decision was made.

2 Paragraph 1 applies even though an appeal has been made in respect of the original decision.

3 Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:

- a the Secretary of State must notify the FTT of the Secretary of State's decision to consider the original decision afresh and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
- b the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
- c the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision and the reasons for that decision.

4 If the Secretary of State makes the same decision again, the appeal to the FTT restarts.

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5 If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise.]

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**Textual Amendments**

**F188** Ch. 3 Section 6 inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 26(37), **Sch. 8 Pt. 4**

## CHAPTER IV

### LABELLING AND PRESENTATION

#### SECTION 1

#### *Compulsory particulars*

##### *Article 40*

#### **Presentation of compulsory particulars**

1 Compulsory particulars referred to in Article 119 of Regulation (EU) No 1308/2013 shall appear in the same field of vision on the container, in such a way as to be simultaneously legible without having to turn the container, in indelible characters and shall be clearly distinguishable from surrounding text or graphics.

[<sup>X12</sup> By way of derogation from paragraph 1, the compulsory particulars referred to in Article 41(1), the indication of the importer and the lot number may appear outside the field of vision referred to in that paragraph.]

3 The size of the characters of the particulars referred to in paragraph 1 of this Article and in Article 41(1) must be equal to or greater than 1,2 mm, regardless of the character format used.

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**Editorial Information**

**X1** Substituted by Corrigendum to Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (Official Journal of the European Union L 9 of 11 January 2019).

##### *Article 41*

#### **Application of certain horizontal rules**

1 For the purposes of indicating certain substances or products causing allergies or intolerances, as referred to in Article 21 of Regulation (EU) No 1169/2011, the terms concerning

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sulphites/sulfites, eggs and egg-based products and milk and milk-based products that shall be used are those listed in Part A of Annex I.

2 The terms referred to in paragraph 1 may be accompanied by the relevant pictogram shown in Part B of Annex I.

## *Article 42*

### **Marketing and export**

1 Grapevine products whose label or presentation does not conform to the corresponding conditions laid down in this Regulation shall not be marketed within [<sup>F189</sup>Great Britain, moved to Northern Ireland] or exported.

2 By way of derogation from [<sup>F190</sup>the provisions of Regulation (EU) No 1308/2013 specified in paragraph 2a], where grapevine products are to be [<sup>F191</sup>moved to Northern Ireland or exported, the Secretary of State may, by administrative decision,] permit particulars and presentations which conflict with [<sup>F192</sup>labelling and presentation rules in retained EU law] if such particulars or presentations of the grapevine products are required by the legislation [<sup>F193</sup>that applies in Northern Ireland or] of the third country in question. These particulars may appear in languages other than the official languages of the Union.

[<sup>F194</sup>2a For the purpose of paragraph 2, the provisions of Regulation (EU) No 1308/2013 are:

- a Subsection 3 of Section 2 of Chapter 1 of Title 2 of Part 2;
- b the first paragraph of Article 118, except so far as it relates to the Food (Lot Marking) Regulations 1996 and Regulation (EU) No 1169/2011;
- c paragraph 1(b) of Article 119 (as read with paragraph 3 of that Article);
- d points (d), (e) and (g) of Article 120(1);
- e paragraph 1 of Article 121, as read with paragraph 3 of that Article, so far as it relates to:
  - i the compulsory particulars specified in paragraph 1(b) of Article 119 (as read with paragraph 3 of that Article);
  - ii the optional particulars specified in points (d), (e) and (g) of Article 120(1);
- f Article 121(2).

2b By way of derogation from the provisions specified in paragraph 2c, where grapevine products are to be moved to Northern Ireland or exported, the appropriate authority may, by administrative decision, permit particulars and presentations which conflict with labelling and presentation rules in retained EU law if such particulars or presentations of the grapevine products are required by the legislation that applies in Northern Ireland or of the third country in question. These particulars may appear in languages other than English.

2c For the purpose of paragraph 2b, the provisions of Regulation (EU) No 1308/2013 are:

- a the first paragraph of Article 118 so far as it relates to:
  - i the Food (Lot Marking) Regulations 1996, and
  - ii Regulation (EU) No 1169/2011;
- b paragraph 1(a) and (c) to (g) of Article 119 (as read with paragraphs 2 and 4 of that Article);
- c Article 120, except for points (d), (e) and (g) of paragraph 1;
- d paragraph 1 of Article 121, as read with paragraph 3 of that Article, so far as it relates to:
  - i paragraph 1(a) and (c) to (g) of Article 119 (as read with paragraphs 2 and 4 of that Article);

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ii Article 120, except for points (d), (e) and (g) of paragraph 1.]

3 By way of derogation from Subsection 3 of Section 2 and Section 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013, where grapevine products are to be consumed on board of airplanes, [<sup>F195</sup>the Secretary of State may use any power the Secretary of State may have to permit the use of presentations that conflict with presentation rules in force in retained EU law] if such presentations of the grapevine products are necessary for security reasons.

4 [<sup>F196</sup>In this Article, ‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland.]

#### Textual Amendments

- F189** Words in Art. 42(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(38)(a)**
- F190** Words in Art. 42(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(38)(b)(i)**
- F191** Words in Art. 42(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(38)(b)(ii)**
- F192** Words in Art. 42(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(38)(b)(iii)**
- F193** Words in Art. 42(2) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(38)(b)(iv)**
- F194** Art. 42(2a)-(2c) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(38)(c)**
- F195** Words in Art. 42(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(38)(d)**
- F196** Art. 42(4) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(38)(e)**

#### Article 43

##### Prohibition of lead-based capsules or foil

The closing devices for grapevine products referred to in points (1) to (11), (13), (15) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013 shall not be enclosed in lead-based capsules or foil.

#### Article 44

##### Actual alcoholic strength

The actual alcoholic strength by volume referred to in Article 119(1)(c) of Regulation (EU) No 1308/2013 shall be indicated in percentage units or half units.

The figure shall be followed by the ‘% vol’ symbol and may be preceded by the words ‘actual alcoholic strength’, ‘actual alcohol’ or ‘alc’. As regards partially fermented grape must or new wine still in fermentation, the indication of the actual alcoholic strength may be replaced or completed by the figure of the total alcoholic strength followed by the ‘% vol’ symbol and preceded by the words ‘total alcoholic strength’ or ‘total alcohol’.

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Without prejudice to the tolerances set for the reference analysis method used, the strength shown may not differ by more than 0,5 % vol from that given by analysis. However, the alcoholic strength of grapevine products with protected designations of origin or geographical indications stored in bottles for more than three years, sparkling wines, quality sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated semi-sparkling wines, liqueur wines and wines of overripe grapes, without prejudice to the tolerances set for the reference analysis method used, may not differ by more than 0,8 % vol from that given by analysis.

#### Article 45

### Indication of provenance

1 The indication of provenance as referred to in Article 119(1)(d) of Regulation (EU) No 1308/2013 shall be indicated as follows:

- a for grapevine products referred to in points (1), (3) to (9), (15) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013, the words ‘*wine of (...)*’, ‘*produced in (...)*’ [F197] or ‘*product of (...)*’] shall be used, or expressed in equivalent terms supplemented by the name of the [F198]constituent nation] or third country where the grapes are harvested and turned into wine;

F199 b .....

F200 c .....

- d the words ‘*blend from (...)*’, or expressed in equivalent terms, supplemented by the names of the [F201]constituent nations or] third countries in question, in the case of wine resulting from a blending of wines originating in a number of [F201]constituent nations or] third countries;
- e the words ‘*wine obtained in (...) from grapes harvested in (...)*’ citing the names of the [F202]constituent nations or] third countries in question, for wines made in a [F203]constituent nation or] third country from grapes harvested in another [F203]constituent nation or] third country.

By way of derogation from point (a) of the first subparagraph, for grapevine products referred to in points (4), (5) and (6) of Part II of Annex VII to Regulation (EU) No 1308/2013 that do not bear a protected designation of origin or geographical indication, the indication referred to in that point (a) may be replaced by the indication ‘*produced in (...)*’, or expressed in equivalent terms, supplemented by the name of the [F204]constituent nation or third country] where the second fermentation took place.

[X1The first and second subparagraphs are without prejudice to Articles 46 and 55.]

2 The indication of provenance, as referred to in Article 119(1)(d) of Regulation (EU) No 1308/2013, for grapevine products referred to in points (2), (10), (11) and (13) of Part II of Annex VII to Regulation (EU) No 1308/2013 shall be indicated as follows:

- a ‘*must of (...)*’ or ‘*must produced in (...)*’ or expressed in equivalent terms, supplemented by the name of the [F205]constituent nation in which the grapevine product was produced];
- b ‘*blend made from the produce of two or more [F206]constituent nations]*’ in the case of coupage of grapevine products produced in two or more [F207]constituent nations];
- c ‘*must obtained in (...) from grapes harvested in (...)*’ in case of grape must which has not been made in the [F208]same constituent nation] where the grapes used were harvested.

[F209]3 As regards the provisions laid down in paragraph 1 and 2, ‘United Kingdom’ may be used instead of constituent nation to indicate provenance.

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4 In this Article, ‘constituent nation’ means England, Northern Ireland, Scotland or Wales, as the case may be.]

#### Editorial Information

**X1** Substituted by [Corrigendum to Commission Delegated Regulation \(EU\) 2019/33 of 17 October 2018 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation \(Official Journal of the European Union L 9 of 11 January 2019\)](#).

#### Textual Amendments

- F197** Words in Art. 45(1)(a) substituted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(5)(a)(i)(aa)**
- F198** Words in Art. 45(1)(a) substituted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(5)(a)(i)(bb)**
- F199** Art. 45(1)(b) omitted (27.5.2021) by virtue of [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(5)(a)(ii)**
- F200** Art. 45(1)(c) omitted (27.5.2021) by virtue of [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(5)(a)(ii)**
- F201** Words in Art. 45(1)(d) inserted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(5)(a)(iii)**
- F202** Words in Art. 45(1)(e) inserted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(5)(a)(iv)(aa)**
- F203** Words in Art. 45(1)(e) inserted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(5)(a)(iv)(bb)**
- F204** Words in Art. 45(1) substituted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(5)(b)**
- F205** Words in Art. 45(2)(a) substituted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(6)(a)**
- F206** Words in Art. 45(2)(b) substituted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(6)(b)(aa)**
- F207** Words in Art. 45(2)(b) substituted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(6)(b)(b)**
- F208** Words in Art. 45(2)(c) substituted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(6)(c)**
- F209** Art. 45(3)(4) substituted for Art. 45(3) (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **9(7)**

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## Article 46

### Indication of the bottler, producer, importer and vendor

1 For the purposes of the application of Article 119(1)(e) and (f) of Regulation (EU) No 1308/2013 and of this Article:

- a ‘*bottler*’ means a natural or legal person or a group of such persons established in the [<sup>F210</sup>United Kingdom] and carrying out bottling or having bottling carried out on their behalf [<sup>F211</sup>, but for the purposes of paragraph 4, until (and including) [<sup>F212</sup>31 December 2023], the bottler may be established in the European Union];
- b ‘*bottling*’ means putting the product concerned in containers of a capacity *not* exceeding 60 litres for subsequent sale;
- c ‘*producer*’ means a natural or legal person or a group of such persons by whom or on whose behalf the processing of the grapes or of the grape musts into wine or the processing of grape must or wine into sparkling wines, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wines is carried out;
- d ‘*importer*’ means a natural or legal person or group of such persons established in the [<sup>F213</sup>United Kingdom or, until (and including) [<sup>F214</sup>31 December 2023], in the European Union] assuming responsibility for bringing into circulation [<sup>F215</sup>chargeable goods within the meaning given by section 2 of the Taxation (Cross-border Trade) Act 2018];
- e ‘*vendor*’ means a natural or legal person or a group of such persons, not covered by the definition of producer, purchasing and then putting sparkling wines, aerated sparkling wines, quality sparkling wines or quality aromatic sparkling wines into circulation;
- f ‘*address*’ means the indications of the local administrative area and the <sup>F216</sup>... country in which the premises or head office of the bottler, producer, vendor or importer is situated.

2 The name and address of the bottler shall be supplemented either:

- a by the words ‘*bottler*’ or ‘*bottled by (...)*’, which may be supplemented by terms referring to the producer's holding, or
- b <sup>F217</sup>... where bottling of grapevine products with protected designation of origin or geographical indication takes place:
  - (i) on the producer's holding, or
  - (ii) on the premises of a producer group, or
  - (iii) in an enterprise located in the demarcated geographical area or in the immediate proximity of the demarcated geographical area [<sup>F218</sup>concerned, by any term authorised by the appropriate authority under legislation that prescribes the conditions under which any such term may be used, provided that the term is used in accordance with any such conditions.]

In case of contract bottling, the indication of the bottler shall be supplemented by the words ‘*bottled for (...)*’ or, where the name, address of the person who has carried out the bottling on behalf of a third party are indicated, by the words ‘*bottled for (...) by (...)*’.

Where bottling takes place in another place than that of the bottler, the particulars referred to in this paragraph shall be accompanied by a reference to the exact place where the operation took place and, if it is carried out in another [<sup>F219</sup>country, the name of that country]. These requirements do not apply where bottling is carried out in a place of immediate proximity to that of the bottler.



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In case of containers other than bottles, the words ‘packager’ and ‘packaged by (...)’ shall replace the words ‘bottler’ and ‘bottled by (...)’ respectively<sup>F220</sup>....

3 The name and address of the producer or vendor shall be supplemented by the terms ‘producer’ or ‘produced by’ and ‘vendor’ or ‘sold by’, or equivalent.

[<sup>F221</sup>Nothing in this Regulation prevents the appropriate authority from making legislation to]:

- a make it compulsory to identify the producer;
- b to authorise the replacement of the words ‘producer’ or ‘produced by’ by the words listed in Annex II.

4 The *name* and address of the importer shall be preceded by the words ‘importer’ or ‘imported by (...)’. For grapevine products imported in bulk and bottled in the [<sup>F222</sup>United Kingdom], the name of the importer may be replaced or supplemented by the indication of the bottler, in accordance with paragraph [<sup>F223</sup>1(a) and] 2.

5 The indications referred to in paragraphs 2, 3 and 4 may be grouped together if they concern the same natural or legal person.

One of these indications may be replaced by a code [<sup>F224</sup>, if specified in legislation]. The code shall be supplemented by a reference to the [<sup>F225</sup>country in which the bottler, producer, importer or vendor has its head office]. The name and address of another natural or legal person involved in the commercial distribution other than the bottler, producer, importer or vendor indicated by a code shall also appear on the wine label of the product concerned.

6 Where the name or the address of the bottler, producer, importer or vendor consists of or contains a protected designation of origin or geographical indication, it shall appear on the label:

- a in characters which are no more than half the size of those used either for the protected designation of origin or geographical indications or for the designation of the category of the grapevine product concerned; or
- b by using a code as provided for in the second subparagraph of paragraph 5.

<sup>F226</sup>  
...

#### Textual Amendments

**F210** Words in Art. 46(1)(a) substituted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(a)(i)(aa)**

**F211** Words in Art. 46(1)(a) inserted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(a)(i)(bb)**

**F212** Words in Art. 46(1)(a) substituted (E.) (30.9.2022) by The Food Information (Amendment of Transitional Provisions) (England) Regulations 2022 (S.I. 2022/938), regs. 1(1), **15**; substituted (W.) (30.9.2022) by The Food Information (Amendment of Transitional Provisions) (Wales) Regulations 2022 (S.I. 2022/939), regs. 1(2), **15**; and substituted (S.) (30.9.2022) by The Food Information (Transitional Provisions) (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/265), regs. 1(1), **6**

**F213** Words in Art. 46(1)(d) substituted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(a)(ii)(aa)**

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*Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- F214** Words in Art. 46(1)(d) substituted (E.) (30.9.2022) by The Food Information (Amendment of Transitional Provisions) (England) Regulations 2022 (S.I. 2022/938), regs. 1(1), **15**; substituted (W.) (30.9.2022) by The Food Information (Amendment of Transitional Provisions) (Wales) Regulations 2022 (S.I. 2022/939), regs. 1(2), **15**; and substituted (S.) (30.9.2022) by The Food Information (Transitional Provisions) (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/265), regs. 1(1), **6**
- F215** Words in Art. 46(1)(d) substituted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(a)(ii)(bb)**
- F216** Words in Art. 46(1)(f) omitted (27.5.2021) by virtue of The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(a)(iii)**
- F217** Words in Art. 46(2)(b) omitted (27.5.2021) by virtue of The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(b)(i)(aa)**
- F218** Words in Art. 46(2)(b)(iii) substituted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(b)(i)(bb)**
- F219** Words in Art. 46(2) substituted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(b)(ii)**
- F220** Words in Art. 46(2) omitted (27.5.2021) by virtue of The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(b)(iii)**
- F221** Words in Art. 46(3) substituted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(c)**
- F222** Words in Art. 46(4) substituted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(d)(i)**
- F223** Words in Art. 46(4) inserted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(d)(ii)**
- F224** Words in Art. 46(5) substituted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(e)(i)**
- F225** Words in Art. 46(5) substituted (27.5.2021) by The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(e)(ii)**
- F226** Words in Art. 46(6) omitted (27.5.2021) by virtue of The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(8)(f)**

#### Article 47

#### Indication of the sugar content on sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine

1 The terms listed in Part A of Annex III to this Regulation indicating the sugar content shall appear on the label of the grapevine products provided for in Article 119(1)(g) of Regulation (EU) No 1308/2013.

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2 If the sugar content of the grapevine products, expressed in terms of fructose, glucose and sucrose, justifies the use of two of the terms listed in Part A of Annex III, only one of those two terms shall be chosen.

3 Without prejudice to the conditions of use described in Part A of Annex III, the sugar content may not differ by more than 3 grams per litre from what appears on the product label.

#### *Article 48*

### **Specific rules for aerated sparkling wine, aerated semi-sparkling wine and quality sparkling wine**

1 The terms ‘*aerated sparkling wine*’ and ‘*aerated semi-sparkling wine*’ as referred to in Part II of Annex VII to Regulation (EU) No 1308/2013 shall be supplemented in characters of the same type and size by the words ‘*obtained by adding carbon dioxide*’ or ‘*obtained by adding carbon anhydride*’, even where Article 119(2) of Regulation (EU) No 1308/2013 applies.

2 Paragraph 1 shall not apply when the language used indicates by itself that carbon dioxide has been added.

3 For quality sparkling wines, the reference to the category of the grapevine product may be omitted for wines whose labels include the term ‘*Sekt*’.

#### *SECTION 2*

### ***Optional particulars***

#### *Article 49*

### **Vintage year**

1 The vintage year referred to in Article 120(1)(a) of Regulation (EU) No 1308/2013 may appear on the labels of grapevine products referred to in points (1) to (11), (13), (15) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013, provided that at least 85 % of the grapes used to make those products have been harvested in the year in question. This does not include:

- a any quantity of grapevine products used in sweetening, ‘*expedition liqueur*’ or ‘*tirage liqueur*’; or
- b any quantity of grapevine product as referred to in point (3)(e) and (f) of Part II of Annex VII to Regulation (EU) No 1308/2013.

2 For the purposes of paragraph 1, grapevine products that do not bear a protected designation of origin or a geographical indication but which bear an indication of the vintage year on their label, shall be certified according to Article 12 of Commission Implementing Regulation (EU) 2018/274<sup>(9)</sup>.

3 For grapevine products traditionally obtained from grapes harvested in January or February, the vintage year to appear on the label of grapevine products shall be that of the previous calendar year.

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## Article 50

### Name of wine grape variety

1 The names of the wine grape varieties or their synonyms referred to in Article 120(1) (b) of Regulation (EU) No 1308/2013, used for the production of grapevine products referred to in points (1) to (11), (13), (15) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013, may appear on the label of those products under the conditions laid down in points (a) and (b), if they are produced in [<sup>F227</sup>Great Britain], or under the conditions laid down in points (a) and (c), if they are produced in [<sup>F228</sup>Northern Ireland or] third countries.

a The names of the wine grape varieties or their synonyms may be indicated under the following conditions:

- (i) if only one wine grape variety or its synonym is named, at least 85 % of the product must have been made from that variety, not including:
  - any quantity of grapevine products used in sweetening, ‘expedition liqueur’ or ‘tirage liqueur’, or
  - any quantity of grapevine product referred to in point (3)(e) and (f) of Part II of Annex VII to Regulation (EU) No 1308/2013;
- (ii) if two or more wine grape varieties or their synonyms are named, 100 % of the product concerned must have been made from these varieties, not including:
  - any quantity of grapevine products used in sweetening, ‘expedition liqueur’ or ‘tirage liqueur’, or
  - any quantity of grapevine product referred to in point (3)(e) and (f) of Part II of Annex VII to Regulation (EU) No 1308/2013;

The wine grape varieties must appear on the label in descending order of the proportion used and in characters of the same size.

b <sup>F229</sup> ...

For [<sup>F230</sup>wines produced in Great Britain,] the names of the wine grape varieties or synonyms shall be those specified in the ‘International list of vine varieties and their synonyms’ managed by the International Organisation of Vine and Wine.

c For grapevine products originating in [<sup>F231</sup>Northern Ireland or] third countries, the conditions of use of the names of the wine grape varieties or their synonyms shall comply with the rules applicable to wine producers in [<sup>F232</sup>Northern Ireland or] the third country concerned, including [<sup>F233</sup>, in the case of a third country,] those emanating from representative professional organisations, and [<sup>F234</sup>, in both cases,] the names of the wine grape varieties or their synonyms shall be those specified in the list of at least one of the following organisations:

- (i) the International Organisation of Vine and Wine;
- (ii) the International Union for the Protection of New Varieties of Plants;
- (iii) the International Board for Plant Genetic Resources.

2 For the purposes of paragraph 1, a grapevine product that does not bear a protected designation of origin or a geographical indication but bears an indication of the grape variety on its label, shall be certified according to Article 12 of Implementing Regulation (EU) 2018/274.

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In the case of sparkling wines and quality sparkling wines, the wine grape variety names used to supplement the description of the product, namely, ‘pinot blanc’, ‘pinot noir’, ‘pinot meunier’ or ‘pinot gris’<sup>F235</sup> ..., may be replaced by the synonym ‘pinot’.

3 The wine grape variety names and their synonyms consisting of or containing a protected designation of origin or geographical indication which may appear on the label of a product bearing a protected designation of origin or geographical indication or geographical indication of [<sup>F236</sup>Northern Ireland or] a third country are those listed in Part A of Annex IV to this Regulation.

F237  
...

4 The wine grape variety names and their synonyms listed in Part B of Annex IV to this Regulation, that partially contain a protected designation of origin or geographical indication and directly refer to the geographical element of the protected designation of origin or geographical indication in question, may only appear on the label of a product bearing a protected designation of origin or geographical indication or geographical indication of a third country.

#### Textual Amendments

- F227 Words in Art. 50(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(a)(i)(aa)**
- F228 Words in Art. 50(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(a)(i)(bb)**
- F229 Words in Art. 50(1)(b) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(a)(ii)(aa)**
- F230 Words in Art. 50(1)(b) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(a)(ii)(bb)**
- F231 Words in Art. 50(1)(c) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(a)(iii)(aa)**
- F232 Words in Art. 50(1)(c) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(a)(iii)(bb)**
- F233 Words in Art. 50(1)(c) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(a)(iii)(cc)**
- F234 Words in Art. 50(1)(c) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(a)(iii)(dd)**
- F235 Words in Art. 50(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(b)**
- F236 Words in Art. 50(3) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(c)(i)**
- F237 Words in Art. 50(3) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(39)(c)(ii)**

#### Article 51

#### Specific rules for the indication of wine grape varieties on grapevine products that do not bear a protected designation of origin or geographical indication

[<sup>F238</sup>1] For grapevine products referred to in points (1) to (9) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013 that do not bear a protected designation of origin or protected geographical indication and provided that the conditions laid down in Article 120(2)

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of that Regulation are complied with, [<sup>F239</sup>nothing in this Regulation prevents regulations being made under the 1990 Act permitting the use of the term ‘varietal wine’ on grapevine products produced in Great Britain,] supplemented by one or both of the following:

- (a) the name [<sup>F240</sup>‘United Kingdom’];
- (b) the name of the wine grape variety(-ies).

[<sup>F241</sup>2] For grapevine products referred to in [<sup>F242</sup>paragraph 1 produced in a third country] not bearing a protected designation of origin, protected geographical indication or not having a geographical indication of a third country which bear the name of one or more wine grape varieties on their labels, third countries may decide to use the terms ‘varietal wine’ supplemented by the name(s) of the third country(ies) concerned.

[<sup>F243</sup>3] Nothing in this Regulation prevents a relevant NI grapevine product from being placed on the market in Great Britain using the term ‘varietal wine’ supplemented by the name ‘United Kingdom’ if the law that applies in Northern Ireland permits the use of the term ‘varietal wine’ in relation to that product when marketed in Northern Ireland.]

[<sup>F244</sup>4] Article 45 of this Regulation shall not apply in relation to the indication [<sup>F245</sup>, pursuant to this Article, of the name ‘England’, ‘Northern Ireland’, ‘Scotland’, ‘Wales’ or ‘United Kingdom’ or the name of a third country].

[<sup>F246</sup>5] In the case of [<sup>F247</sup>a grapevine product to which paragraph 1 applies, the name ‘United Kingdom’] may be replaced by the name of the relevant individual country forming part of United Kingdom in which grapes used to make the grapevine products are harvested.

[<sup>F248</sup>6] In the case of a grapevine product to which paragraph 3 applies, the name ‘United Kingdom’ may be replaced by the name ‘Northern Ireland’.

- 7 In paragraph 3, ‘relevant NI grapevine product’ means a grapevine product:
- a of a type referred to in any of points (1) to (9) or (16) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013,
  - b that is produced in Northern Ireland from grapes harvested in the United Kingdom,
  - c that does not bear a protected designation of origin or protected geographical indication or any other geographical indication, and
  - d that bears the name of one or more wine grape varieties on its label.]

#### Textual Amendments

**F238** Words in Art. 51 renumbered as Art. 51(1) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(a)**

**F239** Words in Art. 51(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(e)(i)**

**F240** Words in Art. 51(1)(a) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(e)(ii)**

**F241** Words in Art. 51 renumbered as Art. 51(2) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(b)**

**F242** Words in Art. 51(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(f)**

**F243** Art. 51(3) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(g)**

**F244** Words in Art. 51 renumbered as Art. 51(4) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(c)**

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- F245** Words in Art. 51(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(h)**
- F246** Words in Art. 51 renumbered as Art. 51(5) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(d)**
- F247** Words in Art. 51(5) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(i)**
- F248** Art. 51(6)(7) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(40)(j)**

## Article 52

### Indication of the sugar content for grapevine products other than sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine

1 The sugar content expressed as fructose and glucose as provided for in Part B of Annex III to this Regulation, may appear on the label of the grapevine products other than those referred to in Article 119(1)(g) of Regulation (EU) No 1308/2013.

2 Where the sugar content of the grapevine products justifies the use of two of the terms listed in Part B of Annex III to this Regulation, only one of those two terms shall be chosen.

3 Without prejudice to the conditions of use described in Part B of Annex III to this Regulation, the sugar content may not differ by more than 1 gram per litre from what appears on the product label.

4 Paragraph 1 shall not apply to grapevine products referred to in points (3), (8) and (9) of Part II of Annex VII to Regulation (EU) No 1308/2013 provided that the conditions of the use of the indication of the sugar content are regulated by [<sup>F249</sup>rules in the] country concerned, including, in the case of third countries, rules emanating from representative professional organisations.

[<sup>F250</sup>5 For the purpose of paragraph 4, ‘rules’ includes:

- a in relation to a constituent nation of Great Britain, regulations made under the 1990 Act;
- b in relation to Northern Ireland, regulations made under the Food Safety (Northern Ireland) Order 1991 .]

#### Textual Amendments

- F249** Words in Art. 52(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(41)(a)**
- F250** Art. 52(5) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(41)(b)**

## Article 53

### Terms referring to certain production methods

1 In accordance with Article 120(1)(f) of Regulation (EU) No 1308/2013, grapevine products referred to points (1) to (11), (13), (15) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013 may bear indications referring to certain production methods. These indications may include the production methods referred to in this Article.

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2 Only the terms used to refer to indications of certain production methods which are listed in Annex V shall be used to describe a grapevine product bearing a protected designation of origin or a protected geographical indication or bearing a geographical indication of [F<sup>251</sup>Northern Ireland or] a third country that has been fermented, matured or aged in a wood container. F<sup>252</sup>... third countries may, however, establish other indications equivalent to those laid down in Annex V for such grapevine product. [F<sup>253</sup>Nothing in this Regulation prevents the use of other indications equivalent to those laid down in Annex 5 for such grapevine products of Northern Ireland if those other indications may be used, in accordance with the law that applies in Northern Ireland, on those products when marketed in Northern Ireland.]

Use of one of the indications referred to in the first subparagraph shall be permitted where the grapevine product has been aged in a wood container in accordance with the national rules in force, even when the ageing process continues in another type of container.

The indications referred to in the first subparagraph may not be used to describe a grapevine product that has been produced with the aid of oak chips, even in association with the use of wood containers.

3 The expression ‘bottle-fermented’ may be used only to describe sparkling wines bearing a protected designation of origin or a geographical indication of [F<sup>254</sup>Northern Ireland or] a third country or quality sparkling wines provided that:

- a the product was made sparkling by a second alcoholic fermentation in a bottle;
- b the length of the production process, including ageing in the undertaking where the product was made, calculated from the start of the fermentation process designed to make the cuvée sparkling, has not been less than nine months;
- c the process of fermentation designed to make the cuvée sparkling and the presence of the cuvée on the lees lasted at least 90 days;
- d the product was separated from the lees by filtering in accordance with the racking method or by disgorging.

4 The expressions ‘bottle-fermented by the traditional method’ or ‘traditional method’ or ‘classical method’ or ‘classical traditional method’ may only be used to describe sparkling wines bearing a protected designation of origin or a geographical indication of [F<sup>255</sup>Northern Ireland or] a third country or quality sparkling wines provided the product:

- a was made sparkling by a second alcoholic fermentation in the bottle;
- b stayed without interruption in contact with the lees for at least nine months in the same undertaking from the time when the cuvée was constituted;
- c was separated from the lees by disgorging.

5 The expression ‘Crémant’ may only be used for white or ‘rosé’ quality sparkling wines bearing a protected designation of origin or a geographical indication of [F<sup>256</sup>Northern Ireland or] a third country provided:

- a the grapes shall be harvested manually;
- b the wine is made from must obtained by pressing whole or destemmed grapes. The quantity of must obtained shall not exceed 100 litres for every 150 kg of grapes;
- c the maximum sulphur dioxide content does not exceed 150 mg/l;
- d the sugar content is less than 50 g/l;
- e the wine complies with the requirements laid down in paragraph 4.

Without prejudice to Article 55, the term ‘Crémant’ shall be indicated on labels of quality sparkling wines in combination with the name of the geographical unit



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underlying the demarcated area of the protected designation of origin or the a geographical indication of [<sup>F257</sup>Northern Ireland or] a third country in question.

Point (a) of the first subparagraph and the second subparagraph shall not apply to producers who own trade marks containing the term ‘Crémant’ registered before 1 March 1986.

6 References to the organic production of grapes are governed by Council Regulation (EC) No 834/2007<sup>(10)</sup>.

#### Textual Amendments

- F251** Words in Art. 53(2) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(42)(a)(i)**
- F252** Words in Art. 53(2) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(42)(a)(ii)**
- F253** Words in Art. 53(2) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(42)(a)(iii)**
- F254** Words in Art. 53(3) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(42)(b)**
- F255** Words in Art. 53(4) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(42)(c)**
- F256** Words in Art. 53(5) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(42)(d)(i)**
- F257** Words in Art. 53(5) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(42)(d)(ii)**

### Article 54

#### Indication of the holding

1 The terms referring to a holding listed in Annex VI, other than the indication of the name of the bottler, producer or vendor, shall be reserved for grapevine products with protected designations of origin or geographical indications.

Those terms shall only be used if the grapevine product is made exclusively from grapes harvested in vineyards exploited by that holding and the winemaking is entirely carried out on that holding.

2 <sup>F258</sup> ... Third countries shall establish the rules on use applicable to their respective terms listed in Annex VI, including those emanating from representative professional organisations.

3 The operators involved in the marketing of the grapevine product produced in such holding may only use the name of the holding for the labelling and presentation of that grapevine product if the holding in question agrees to that use.

#### Textual Amendments

- F258** Words in Art. 54(2) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(43)**

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## Article 55

### Reference to names of geographical units smaller or larger than the area underlying the protected designation of origin or geographical indication

1 Pursuant to Article 120(1)(g) of Regulation (EU) No 1308/2013 and without prejudice to Articles 45 and 46, only a grapevine product bearing a protected designation of origin, protected geographical indication or a geographical indication of [<sup>F259</sup>Northern Ireland or] a third country may have a reference on the label to the name of a geographical unit that is smaller or larger than the area of that designation of origin or geographical indication.

2 Where reference is made to names of geographical units which are smaller than the area underlying the designation of origin or geographical indication, the area of the geographical unit in question shall be well defined by the applicant in the product specification and the single document. <sup>F260</sup> ...

For grapevine products produced in a smaller geographical unit the following applies:

- a at least 85 % of the grapes from which the grapevine product has been produced shall originate in that smaller geographical unit. This does not include:
  - (i) any quantity of grapevine products used in sweetening, ‘expedition liqueur’ or ‘tirage liqueur’,
  - (ii) any quantity of grapevine product referred to in point (3)(e) and (f) of Part II of Annex VII to Regulation (EU) No 1308/2013;
- b The remaining grapes used in the production shall originate in the geographical demarcated area of the designation of origin or geographical indication concerned.

<sup>F261</sup> ...

3 The name of a geographical unit smaller or larger than the area underlying the designation of origin or geographical indication or a geographical area references shall refer to:
 

- a a locality or group of localities;
- b a local administrative area or part thereof;
- c a wine-growing sub-region or part thereof;
- d an administrative area.

#### Textual Amendments

**F259** Words in Art. 55(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(44)(a)**

**F260** Words in Art. 55(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(44)(b)(i)**

**F261** Words in Art. 55(2) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(44)(b)(ii)**

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## SECTION 3

### **Rules on certain specific bottle shapes and closures**

#### *Article 56*

#### **Conditions of use of certain specific bottle shapes**

To qualify for inclusion in the list of specific types of bottle set out in Annex VII, a bottle type shall meet the following requirements:

- (a) it shall have been exclusively, genuinely and traditionally used for the last 25 years for a grapevine product bearing a particular protected designation of origin or geographical indication; and
- (b) its use shall evoke for consumers a grapevine product bearing a particular protected designation of origin or geographical indication.

Annex VII sets out the conditions governing the use of the recognised specific types of bottles.

#### *Article 57*

### **Rules on presentation for certain grapevine products**

1 Sparkling wine, quality sparkling wine and quality aromatic sparkling wine produced within [<sup>F262</sup>Great Britain] shall be marketed or exported in ‘sparkling wine’ type glass bottles closed with:

- a for bottles with a nominal volume more than 0,20 litres: a mushroom-shaped stopper made of cork or other material permitted to come into contact with foodstuffs, held in place by a fastening, covered, if necessary, by a cap and sheathed in foil completely covering the stopper and all or part of the neck of the bottle;
- b for bottles with a nominal volume content not exceeding 0,20 litres: any other suitable closure.

Other beverages produced in [<sup>F263</sup>Great Britain] shall not be marketed or exported in either ‘sparkling wine’ type glass bottles or with a closure as described in point (a) of the first subparagraph.

2 By way of derogation from the second subparagraph of paragraph 1, [<sup>F264</sup>regulations may be made under the 1990 Act to provide] that other beverages may be marketed or exported in ‘sparkling wine’ type glass bottles or with a closure as described in point (a) of the first subparagraph of paragraph 1, or both, provided that they are traditionally bottled in such bottles and they do not mislead consumers with regard to the real nature of the beverage.

#### **Textual Amendments**

**F262** Words in Art. 57(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(45)(a)(i)**

**F263** Words in Art. 57(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(45)(a)(ii)**

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**F264** Words in Art. 57(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(45)(b)**

## Article 58

### Additional provisions <sup>F265</sup> ... relating to labelling and presentation

<sup>F266</sup>1

2 <sup>F267</sup>Nothing in this Regulation prevents regulations from being made under the 1990 Act to] render it compulsory to use the particulars referred to in Articles 52 and 53 of this Regulation for grapevine products produced on their territory where those grapevine products do not bear a protected designation of origin or geographical indication.

3 For control purposes, <sup>F268</sup>nothing in this Regulation prevents regulations from being made under the 1990 Act] to define and regulate particulars other than those listed in Articles 119(1) and 120(1) of Regulation (EU) No 1308/2013 for grapevine products produced in their territories <sup>F269</sup>where those grapevine products do not bear a protected designation of origin or geographical indication].

<sup>F270</sup>4 Nothing in this Regulation prevents regulations from being made for control purposes under the 1990 Act to apply Articles 118, 119(1) (other than point (b)) and 120(1) (other than point (d)) of Regulation (EU) No 1308/2013 to a grapevine product that:

- a has been bottled on their territory,
- b does not bear a protected designation of origin or geographical indication, and
- c has not been placed on the market.]

#### Textual Amendments

**F265** Words in Art. 58 heading omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(46)(a)**

**F266** Art. 58(1) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(46)(b)**

**F267** Words in Art. 58(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(46)(c)**

**F268** Words in Art. 58(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(46)(d)(i)**

**F269** Words in Art. 58(3) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(46)(d)(ii)**

**F270** Art. 58(4) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(46)(e)**

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## CHAPTER V

### GENERAL, TRANSITIONAL AND FINAL PROVISIONS

#### Article 59

#### Procedural language

All documents and information sent to the [<sup>F271</sup>Secretary of State] in respect of an application for protection, an application for amendment of the product specification, the objection procedure and the cancellation procedure of a designation of origin or geographical indication in accordance with Articles 94 [<sup>F272</sup>, 95, 97, 98,] 105 and 106 of Regulation (EU) No 1308/2013, and of a traditional term, in accordance with Articles 25 to 31 and Articles 34 and 35 of this Regulation, shall be in one of the official languages of the Union or accompanied by a certified translation into one of those languages.

#### Textual Amendments

**F271** Words in Art. 59 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(47)(a)**

**F272** Words in Art. 59 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(47)(b)**

#### Article 60

#### Repeal

Regulation (EC) No 607/2009 is repealed.

#### <sup>F273</sup> Article 61

#### Transitional measures

- 1 Without prejudice to Article 41 of the EU withdrawal agreement, products to which paragraphs 2 and 3 apply may be marketed until stocks are exhausted.
- 2 This paragraph applies to grapevine products that:
  - a were labelled in the United Kingdom but not placed on the market in the United Kingdom or a member State before 14th January 2019,
  - b do not comply with the requirements in force under this Regulation, and
  - c comply with the requirements of Regulation 607/2009 as those requirements had effect immediately before Regulation 607/2009 was repealed by EU Regulation 2019/33.
- 3 This paragraph applies to grapevine products that:
  - a were labelled in the United Kingdom but not placed on the market in the United Kingdom or a member State before IP completion day,
  - b do not comply with the requirements in force under this Regulation, and
  - c comply with the requirements of EU Regulation 2019/33 as it had effect immediately before IP completion day.

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- 4 Products to which paragraph 5 applies may be marketed:
- a before the relevant day, and
  - b in relation to stocks of such products in existence immediately before the relevant day, on and after the relevant day until stocks are exhausted.
- 5 This paragraph applies to grapevine products that:
- a were labelled without being placed on the market, in the United Kingdom on or after IP completion day and before the relevant day,
  - b do not comply with the requirements in force under this Regulation, and
  - c comply with the requirements of EU Regulation 2019/33 as it had effect immediately before IP completion day.
- 6 In this Article:
- a ‘making available on the market’ has the meaning given in Article 40(a) of the EU withdrawal agreement;
  - b ‘placed on the market’ means the first making available on the market of a grapevine product;
  - c ‘the relevant day’ means the day that falls 21 months after the day on which IP completion day falls.]

#### Textual Amendments

**F273** Art. 61 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 26(48), **Sch. 8 Pt. 5**

### Article 62

#### Entry into force and application

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

F274 ...

#### Textual Amendments

**F274** Words in [Signature](#) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(49)**

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## ∫<sup>F275</sup> ANNEX A1

### Types of traditional term to which Article 32a applies

#### Textual Amendments

**F275** Annex A1 inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 26(50), **Sch. 8 Pt. 6** (as amended by [S.I. 2020/1661](#), regs. 1(2)(b), **16(10)(c)**)

## PART A

### Interpretation

1. In the table in Part C:
  - (a) ‘EU Regulation 2019/34’ means Commission Implementing Regulation (EU) 2019/34 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks as it had effect before IP completion day;
  - (b) ‘the European Commission's Traditional Terms Register’ means the register maintained by the European Commission under Article 25 of EU Regulation 2019/34;
  - (c) ‘grapevine product’ means a product referred to in point 1, 3 to 6, 8, 9, 11, 15 or 16 of Part 2 of Annex 7 to Regulation (EC) No 1308/2013;
  - (d) ‘the paragraph 1 trade mark application’ means the application to register a trade mark referred to in Article 32a(1);
  - (e) ‘the relevant EUIA-based date’ means the date determined in accordance with Part B;
  - (f) ‘the relevant pre-IP completion day legislation’ means:
    - (i) in the case of an application to register a traditional term submitted to the European Commission under Regulation 607/2009, Article 29 of that Regulation;
    - (ii) in the case of an application to register a traditional term submitted to the European Commission under EU Regulation 2019/34, Article 21 of that Regulation;
  - (g) ‘the relevant trade mark application’ means the application to register a trade mark referred to in Article 32a(2) or (3)(a), as relevant.

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## PART B

### The relevant EUIA-based date

2. In the table in Part C, in a case where the relevant EUIA-based date applies, the relevant EUIA-based date means:
  - (a) the date provided for in paragraph 3, or
  - (b) where paragraph 3 does not apply, the date provided for in the relevant point of paragraph 4, or paragraph 5, as relevant to the traditional term.
3. In a case where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to a traditional term contained priority provisions that applied to the traditional term, the relevant EUIA-based date is the priority date provided for in the EUIA that applied to that traditional term.
4. In a case of a type 2A, 2B, 3A or 3B traditional term to which paragraph 3 does not apply, the relevant EUIA-based date is:
  - (a) in a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA (without the need for further action to be taken under the EUIA), the date on which the amendment entered into force;
  - (b) in a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to a provision in the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the provision was provisionally applied;
  - (c) in a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the amendment was provisionally applied;
  - (d) in a case where the traditional term was protected in the European Union immediately before IP completion day following the submission and processing of a request, or application, for protection or assessment (however described) under a provision in the EUIA providing for such requests, or applications, the date on which the request, or application, for protection or assessment was submitted under the EUIA;
  - (e) in any other case, including a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to provisions in the EUIA that applied from the date that the EUIA entered into force (without the need for further action to be taken under the EUIA), the date on which the relevant EUIA entered into force.
5. In a case of a type 4A or 4B traditional term to which paragraph 3 does not apply and for which a request, or application, for protection or assessment (however described) was submitted before IP completion day in accordance with provisions in the EUIA, the relevant EUIA-based date is the date on which the request, or application, for protection or assessment was submitted in accordance with the EUIA.
6. Any reference in this Part to:



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- (a) ‘the priority date’ means the date provided for in priority provisions in an EUIA as the date that must be taken into account when determining whether an application for a trade mark may be granted, including:
- (i) a calendar date specified in the EUIA;
  - (ii) a date relating to the happening of a specified event;
- (b) ‘priority provisions’ means provisions in an EUIA that governed the relationship between trade marks and traditional terms that provided (however expressed):
- (i) that, in the circumstances specified in the EUIA, an application for a trade mark must be refused if the application for the trade mark was filed after a date provided for in the EUIA,
  - (ii) that, in the circumstances specified in the EUIA, the registration of a trade mark must be invalidated if the application that resulted in the registration of that trade mark was filed after a date provided for in the EUIA, or
  - (iii) for both the refusal of applications for trade marks, and the invalidation of the registration of trade marks, as provided for in points (i) and (ii);
- (c) ‘without the need for further action to be taken under the EUIA’, in relation to a traditional term protected in the European Union immediately before IP completion day pursuant to an EUIA, means that the provisions in the EUIA providing for the traditional term to be protected in the European Union did not require:
- (i) a request or application (however described) to be submitted by the contracting third country under the EUIA in relation to the protection of the traditional term;
  - (ii) an assessment to be carried out under the EUIA in relation to the traditional term.

## PART C

### Types of traditional term (the Types Table)

<i>Column 1 Row No.</i>	<i>Column 2 Description of the traditional term</i>	<i>Column 3 Type A provisions</i>	<i>Column 4 Type B provisions</i>	<i>Column 5 The column 5 date</i>
1.	Established protected traditional terms.	Not applicable.	Not applicable.	1. In relation to a traditional term listed in Annex 3 to Commission Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the

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				<p>description, designation, presentation and protection of certain wine sector products when that Regulation was published in the Official Journal of the European Union, 4th May 2002.</p> <p>2. In relation to a traditional term added to Annex 3 to Regulation (EC) No 753/2002 after 4th May 2002, the date on which the addition of the traditional term to that Annex first applies.</p> <p>3. In any other case, the date on which the application that resulted in the first registration of the traditional term was submitted to the European Commission under the relevant pre-IP completion day legislation.</p>
2.	A traditional term that: (a) is used in relation to a grapevine product produced in a third country, (b) was protected in the European Union	1. A traditional term that is in Great Britain's Traditional Terms Register before the day on which the paragraph 1 trade mark application is accepted or	A traditional term that is not in Great Britain's Traditional Terms Register when the relevant trade mark application is accepted but must be protected	The relevant EUIA-based date that applies to the traditional term in relation to the EUIA referred to in point (b) of column 2.

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	<p>immediately before IP completion day pursuant to an EUIA to which the European Union and the third country were contracting parties, and (c) must be protected in Great Britain pursuant to— (i) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or (ii) bridging arrangements between the United Kingdom and the third country made, during the relevant period.</p>	<p>refused and is entered in that register pursuant to Article 32c(1) or 39. 2. A traditional term that is not in Great Britain's Traditional Terms Register before the day on which the paragraph 1 trade mark application is accepted or refused but must be protected in Great Britain pursuant to— (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or (b) bridging arrangements between the United Kingdom and the third country made, before the day on which the paragraph 1 trade mark application is accepted or refused.</p>	<p>in Great Britain pursuant to— (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or (b) bridging arrangements between the United Kingdom and the third country made, on or after the day on which the relevant trade mark application is accepted.</p>	
3.	<p>A traditional term that: (a) is used in relation to a grapevine product produced in a third country, and</p>	<p>1. A traditional term that is in Great Britain's Traditional Terms Register before the day on which the paragraph 1 trade mark</p>	<p>A traditional term: (a) that is not in Great Britain's Traditional Terms Register when the relevant trade</p>	<p>The relevant EUIA-based date that applies to the traditional term in relation to the EUIA referred to in point (b) of column 2.</p>

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<p>(b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the third country were contracting parties.</p>	<p>application is accepted or refused and is entered in that register following the approval of an application to register the traditional term submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34 during the relevant period.</p> <p>2. A traditional term:</p> <p>(a) that is not in Great Britain's Traditional Terms Register before the day on which the paragraph 1 trade mark application is accepted or refused,</p> <p>(b) for which an application to register the traditional term is submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34 during the relevant period, and</p> <p>(c) for which an Article 115(2) approval notice relating to the application is published before the day on which the paragraph</p>	<p>mark application is accepted, and (b) for which an application to register the traditional term is submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34 during the relevant period and that application:</p> <p>(i) is not submitted before the relevant trade mark application is accepted, or</p> <p>(ii) is submitted before the relevant trade mark application is accepted but for which a notice published by the Secretary of State under the second subparagraph of Article 115(2) of Regulation (EU) No 1308/2013 relating to the application to register the traditional term is not published before the relevant trade mark application is accepted.</p>
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		1 trade mark application is accepted or refused.		
4.	A traditional term: (a) that is used in relation to a grapevine product produced in a third country, (b) for which an assessment relating to the protection of the traditional term was being carried out, or a request for protection, or an application for assessment for protection, was submitted, before IP completion day in respect of the traditional term under an EUIA, and (c) for which no decision was made pursuant to the EUIA before IP completion day as to whether the traditional term should be protected in the European Union.	See the entry in row 3 of this column.	See the entry in row 3 of this column.	The relevant EUIA-based date that applies to the traditional term in relation to the EUIA referred to in point (b) of column 2.
5.	A traditional term: (a) that is used in relation to a grapevine product produced in a third country, and	See the entry in row 3 of this column.	See the entry in row 3 of this column.	The date on which the application referred to in point (b) of column 2 was submitted to the European Commission under the

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<p>(b) for which an application to register the traditional term was submitted to the European Commission under Article 29 of Regulation 607/2009, or Article 21 of EU Regulation 2019/34, before IP completion day that was neither refused nor resulted in traditional term being added to the European Commission's Traditional Terms Register before IP completion day.</p>			<p>relevant pre-IP completion day legislation.]</p>
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<sup>F276</sup> ANNEX A2

Appeals

**Textual Amendments**  
**F276** Annex A2 inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 26(50), **Sch. 8 Pt. 6**

<b>Column 1 Decision</b>	<b>Column 2 Persons and third country authorities who may appeal against the decision</b>	<b>Column 3 FTT powers</b>
<p>Decision of the Secretary of State to approve an application submitted under Article 21 of Implementing Regulation (EU) 2019/34 to protect a traditional term.</p>	<p>The persons are:                      (a) a person who submits a duly substantiated objection to the application under Article 22 of Implementing Regulation (EU) 2019/34;                      (b) a person marketing a product that is, or may be, affected by the protection of the traditional term.</p>	<p>Power to:                      (a) quash the decision and direct the Secretary of State to remove the entry for the traditional term from Great Britain's Traditional Terms Register, or                      (b) remit the matter to the Secretary of State for</p>

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		reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 21 of Implementing Regulation (EU) 2019/34 to protect a traditional term.	The persons are: (a) the person who submitted the application; (b) a person marketing a product that is, or may be, affected by the decision not to protect the traditional term.	Power to: (a) quash the decision and direct the Secretary of State to register the traditional term by making an entry for the traditional term in Great Britain's Traditional Terms Register, recording the data specified in Article 25(1) of Implementing Regulation (EU) 2019/34 in that register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to approve a request submitted under Article 34 to modify a traditional term.	The persons are: (a) a person who submits an objection to the modification of the traditional term under Article 22 of Implementing Regulation (EU) 2019/34 (as it applies to a request to modify a traditional term by virtue of the first paragraph of Article 27 of Implementing Regulation (EU) 2019/34); (b) a person marketing a product that is, or may be, affected by the modification of the traditional term.	Power to: (a) quash the decision and direct the Secretary of State to restore the data in the entry for the traditional term in Great Britain's Traditional Terms Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject a request submitted under Article 34 to modify a traditional term.	The persons are: (a) the person who submitted the request; (b) a person marketing a product that is, or may be, affected by the decision not to modify the traditional term.	Power to: (a) quash the decision and direct the Secretary of State to make such change to the data in the entry for the traditional term in Great Britain's Traditional Terms Register as the modification of the traditional terms entails, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to approve a request submitted under Article 35	The persons are: (a) a third country authority which, or the applicant	Power to: (a) quash the decision and direct the Secretary of State

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<p>to cancel the protection of a traditional term.</p>	<p>(within the meaning of Article 29(1) of Implementing Regulation (EU) 2019/34) who, submits observations to the Secretary of State in relation to the cancellation request having been invited to do so by the Secretary of State under the first subparagraph of Article 29(1) of Implementing Regulation (EU) 2019/34;</p> <p>(b) a person who submits an objection in relation to the request in accordance with the objection in Section 2 of Chapter III (as it applies in relation to a request to cancel the protection of a traditional term by virtue of the second paragraph of Article 35);</p> <p>(c) a person marketing a product that is, or may be, affected by the cancellation of the protection of the traditional term.</p>	<p>to restore the entry for the traditional term in Great Britain's Traditional Terms Register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
<p>Decision of the Secretary of State to reject a request submitted under Article 35 to cancel the protection of a traditional term.</p>	<p>The persons are:</p> <p>(a) the person who submitted the request;</p> <p>(b) a third country authority which, or the applicant (within the meaning of Article 29(1) of Implementing Regulation (EU) 2019/34) who, submits observations to the Secretary of State in relation to the cancellation request having been invited to do so by the Secretary of State under the first subparagraph of Article 29(1) of Implementing Regulation (EU) 2019/34;</p> <p>(c) a person marketing a product that is, or may be, affected by the continued protection of the traditional term.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to remove the entry for the traditional term from Great Britain's Traditional Terms Register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.]</p>



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## ANNEX I

### [<sup>F277</sup> PART A

#### Terms referred to in Article 41(1)

Terms concerning sulphites/sulfites:

‘sulphites’ or ‘sulfites’

‘sulphur dioxide’ or ‘sulfur dioxide’

Terms concerning eggs and egg-based products:

‘egg’

‘egg protein’

‘egg product’

‘egg lysozyme’

‘egg albumin’

Terms concerning milk and milk-based products:

‘milk’

‘milk products’

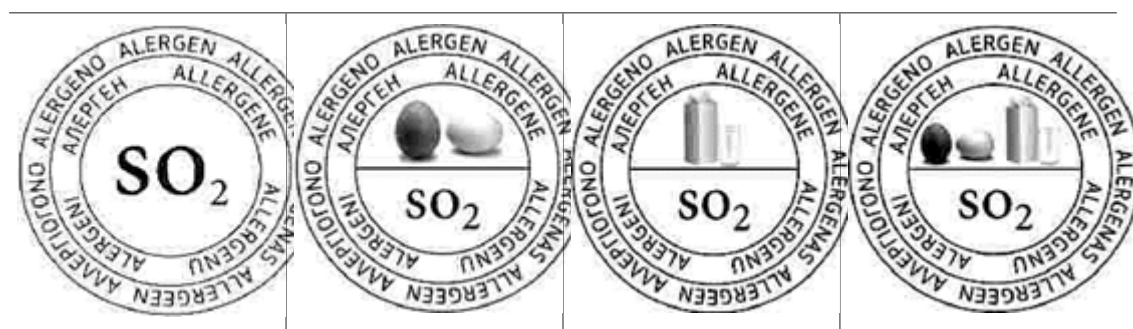
‘milk casein’ or ‘milk protein’]

#### Textual Amendments

**F277** Annex 1 Pt. A substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 26(51), **Sch. 8 Pt. 7**

## PART B

#### Pictograms referred to in Article 41(2)



*Status: Point in time view as at 30/09/2022.*

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## [<sup>F278</sup> ANNEX II

Words referred to in point (b) of the second subparagraph of Article 46(3)

### Textual Amendments

**F278** Annex 2 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 26(52), **Sch. 8 Pt. 8**

Words authorised instead of ‘producer’: ‘processor’ or ‘winemaker’

Words authorised instead of ‘produced by’: ‘processed by’ or ‘made by’]

## [<sup>F279</sup> ANNEX III

Indication of the sugar content

### Textual Amendments

**F279** Annex 3 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 26(52), **Sch. 8 Pt. 8**

## PART A

List of terms referred to in Article 47(1), to be used for sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine

<i>Terms</i>	<i>Conditions of use</i>
extra dry	If its sugar content is between 12 and 17 grams per litre.
dry	If its sugar content is between 17 and 32 grams per litre.
medium dry	If its sugar content is between 32 and 50 grams per litre.
mild, sweet	If its sugar content is greater than 50 grams per litre.

*Status: Point in time view as at 30/09/2022.*

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## PART B

List of terms referred to in Article 52(1), to be used for products other than those listed in Part A

<b>Terms</b>	<b>Conditions of use</b>
dry	If its sugar content does not exceed: — 4 grams per litre, or — 9 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 2 grams below the residual sugar content.
medium dry	If its sugar content exceeds the maximum permitted but does not exceed: — 12 grams per litre, or — 18 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 10 grams below the residual sugar content.
medium, medium sweet	If its sugar content exceeds the maximum permitted but does not exceed 45 grams per litre.
sweet	If its sugar content is at least 45 grams per litre.]

## ANNEX IV

LIST OF WINE GRAPE VARIETIES AND THEIR SYNONYMS  
THAT MAY APPEAR ON THE LABELLING OF WINES<sup>(11)</sup>

### PART A

List of wine grape varieties and their synonyms that may appear on the labelling of wines in accordance with Article 50(3)

	<b>Name of a protected designation of origin or geographical indication</b>	<b>Variety name or its synonyms</b>	<b>Countries that may use the variety name or one of its synonyms<sup>a</sup></b>
1	Alba (IT)	<b>Albarossa</b>	Italy <sup>o</sup>
<b>a</b>	For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.		
<b>b</b>	Solely for the 'Hrvatska Istra' PDO (PDO-HR-A1652), on condition that 'Hrvatska Istra' and 'Teran' appear in the same visual field and that the font size of the name 'Teran' is smaller than that of the words 'Hrvatska Istra'.		

*Status: Point in time view as at 30/09/2022.*

*Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

2	Alicante (ES)	<b>Alicante Bouschet</b>	<b>Greece<sup>o</sup>, Italy<sup>o</sup>, Portugal<sup>o</sup>, Algeria<sup>o</sup>, Tunisia<sup>o</sup>, United States<sup>o</sup>, Cyprus<sup>o</sup>, South Africa, Croatia</b> NB: <i>The name 'Alicante' may not be used on its own to designate wine.</i>
3		<b>Alicante Branco</b>	<b>Portugal<sup>o</sup></b>
4		<b>Alicante Henri Bouschet</b>	<b>France<sup>o</sup>, Serbia and Montenegro (6)</b>
5		<b>Alicante</b>	<b>Italy<sup>o</sup></b>
6		Alikant Buse	Serbia and Montenegro (4)
7	Avola (IT)	Nero d'Avola	Italy
8	Bohotin (RO)	<b>Busuioacă de Bohotin</b>	<b>Romania</b>
9	Borba (PT)	<b>Borba</b>	<b>Spain<sup>o</sup></b>
10	Bourgogne (FR)	Blauburgunder	Former Yugoslav Republic of Macedonia (13-20-30), Austria (18-20), Canada (20-30), Chile (20-30), Italy (20-30), Switzerland
11		<b>Blauer Burgunder</b>	<b>Austria (10-13), Serbia and Montenegro (17-30)</b>
12		<b>Blauer Frühburgunder</b>	<b>Germany (24)</b>
13		<b>Blauer Spätburgunder</b>	<b>Germany (30), Former Yugoslav Republic of Macedonia (10-20-30), Austria (10-11), Bulgaria (30), Canada (10-30), Chile (10-30),</b>

**a** For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

**b** Solely for the 'Hrvatska Istra' PDO (PDO-HR-A1652), on condition that 'Hrvatska Istra' and 'Teran' appear in the same visual field and that the font size of the name 'Teran' is smaller than that of the words 'Hrvatska Istra'.

**Status:** Point in time view as at 30/09/2022.

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		Romania (30), Italy (10-30)
14	<b>Burgund Mare</b>	<b>Romania</b> (35, 27, 39, 41)
14a	Borgonja istarska	Croatia
15	<b>Burgundac beli</b>	<b>Serbia and Montenegro</b> (34)
15a	Burgundac bijeli	Croatia
17	<b>Burgundac crni</b>	<b>Serbia and Montenegro</b> (11-30), Croatia
18	<b>Burgundac sivi</b>	Croatia <sup>o</sup> , <b>Serbia and Montenegro</b> <sup>o</sup>
19	<b>Burgundec bel</b>	<b>Former Yugoslav Republic of Macedonia</b> <sup>o</sup>
20	<b>Burgundec crn</b>	<b>Former Yugoslav Republic of Macedonia</b> (10-13-30)
21	<b>Burgundec siv</b>	<b>Former Yugoslav Republic of Macedonia</b> <sup>o</sup>
22	<b>Early Burgundy</b>	<b>United States</b> <sup>o</sup>
23	Fehér Burgundi, Burgundi	Hungary (31)
24	Frühburgunder	Germany (12), <b>Netherlands</b> <sup>o</sup>
25	Grauburgunder	Germany, Bulgaria, Hungary <sup>o</sup> , Romania (26)
26	Grauer Burgunder	Canada, Romania (25), Germany, <b>Austria</b>
27	Grossburgunder	Romania (37, <b>14</b> , 40, 42)
28	Kisburgundi kék	Hungary (30)
29	Nagyburgundi	Hungary <sup>o</sup>

**a** For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

**b** Solely for the 'Hrvatska Istra' PDO (PDO-HR-A1652), on condition that 'Hrvatska Istra' and 'Teran' appear in the same visual field and that the font size of the name 'Teran' is smaller than that of the words 'Hrvatska Istra'.

**Status:** Point in time view as at 30/09/2022.

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30		Spätburgunder	Former Yugoslav Republic of Macedonia (10-13- <b>20</b> ), Serbia and Montenegro (11- <b>17</b> ), Bulgaria (13), Canada (10-13), Chile, Hungary (29), Moldova <sup>o</sup> , Romania (13), Italy (10-13), <b>United Kingdom</b> , Germany ( <b>13</b> )
31		Weißburgunder	South Africa (33), Canada, Chile (32), Hungary (23), Germany ( <b>32</b> , 33), Austria ( <b>32</b> ), United Kingdom <sup>o</sup> , Italy
32		<b>Weißer Burgunder</b>	<b>Germany</b> (31, 33), <b>Austria</b> (31), Chile (31), Slovenia, Italy
33		<b>Weissburgunder</b>	South Africa (31), Germany (31, <b>32</b> ), United Kingdom, Italy, <b>Switzerland</b> <sup>o</sup>
34		Weisser Burgunder	Serbia and Montenegro ( <b>15</b> )
35	Calabria (IT)	Calabrese	<b>Italy</b>
36	Cotnari (RO)	<b>Grasă de Cotnari</b>	<b>Romania</b>
37	Franken (DE)	<b>Blaifränkisch</b>	Czech Republic ( <b>39</b> ), Austria <sup>o</sup> , Germany, Slovenia ( <b>Modra frankinja</b> , Frankinja), Hungary, Romania ( <b>14</b> , 27, 39, 41)
38		<b>Frâncușă</b>	<b>Romania</b>
39		<b>Frankovka</b>	<b>Czech Republic</b> (37), Slovakia ( <b>40</b> ), Romania ( <b>14</b> , 27, 38, 41), Croatia,

**a** For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

**b** Solely for the 'Hrvatska Istra' PDO (PDO-HR-A1652), on condition that 'Hrvatska Istra' and 'Teran' appear in the same visual field and that the font size of the name 'Teran' is smaller than that of the words 'Hrvatska Istra'.

**Status:** Point in time view as at 30/09/2022.

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40		<b>Frankovka modrá</b>	<b>Slovakia (39)</b>
41		<b>Kékfrankos</b>	Hungary, Romania (37, 14, 27, 39)
42	Friuli (IT)	Friulano	Italy
43	Graciosa (PT)	<b>Graciosa</b>	<b>Portugal<sup>o</sup></b>
44	Мелник (BU) <i>Melnik</i>	<b>Мелник</b> <i>Melnik</i>	<b>Bulgaria</b>
45	Montepulciano (IT)	<b>Montepulciano</b>	<b>Italy<sup>o</sup></b>
46	Moravské (CZ)	Cabernet Moravia	<b>Czech Republic<sup>o</sup></b>
47		Moravia dulce	<b>Spain<sup>o</sup></b>
48		Moravia agria	<b>Spain<sup>o</sup></b>
49		<b>Muškat moravský</b>	<b>Czech Republic<sup>o</sup>, Slovakia</b>
50	Odobești (RO)	<b>Galbenă de Odobești</b>	<b>Romania</b>
51	Porto (PT)	<b>Portoghese</b>	<b>Italy<sup>o</sup></b>
52	Rioja (ES)	<b>Torrontés riojano</b>	<b>Argentina<sup>o</sup></b>
53	Sardegna (IT)	Barbera Sarda	Italy
54	Sciaccà (IT)	Sciaccarello	France
55	Teran (SI)	Teran	Croatia <sup>b</sup>

**a** For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

**b** Solely for the 'Hrvatska Istra' PDO (PDO-HR-A1652), on condition that 'Hrvatska Istra' and 'Teran' appear in the same visual field and that the font size of the name 'Teran' is smaller than that of the words 'Hrvatska Istra'.

## PART B

### List of wine grape varieties and their synonyms that may appear on the labelling of wines in accordance with Article 50(4)

	<b>Name of a protected designation of origin or geographical indication</b>	<b>Variety name or its synonyms</b>	<b>Countries that may use the variety name or one of its synonyms<sup>a</sup></b>
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**a** For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

**b** Use authorised in accordance with the provisions of Article 22(4) of the Agreement of 1 December 2008 between the European Community and Australia on trade in wine (OJ L 28, 30.1.2009, p. 3).

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1	Mount Athos — Agioritikos (GR)	<b>Agiorgitiko</b>	Greece, Cyprus <sup>o</sup>
2	Aglianico del Taburno (IT)	<b>Aglianico</b>	Italy <sup>o</sup> , Greece <sup>o</sup> , Malta <sup>o</sup> , United States
2a	Aglianico del Taburno	Aglianico crni	Croatia
	Aglianico del Vulture (IT)	<b>Aglianicone</b>	Italy <sup>o</sup>
4	Aleatico di Gradoli (IT) Aleatico di Puglia (IT)	<b>Aleatico</b>	Italy, Australia, United States
5	Ansonica Costa dell'Argentario (IT)	<b>Ansonica</b>	Italy, Australia
6	Conca de Barbera (ES)	<b>Barbera Bianca</b>	Italy <sup>o</sup>
7		<b>Barbera</b>	South Africa <sup>o</sup> , Argentina <sup>o</sup> , Australia <sup>o</sup> , Croatia <sup>o</sup> , Mexico <sup>o</sup> , Slovenia <sup>o</sup> , Uruguay <sup>o</sup> , United States <sup>o</sup> , Greece <sup>o</sup> , Italy <sup>o</sup> , Malta <sup>o</sup>
8		<b>Barbera Sarda</b>	Italy <sup>o</sup>
9	Malvasia di Castelnuovo Don Bosco (IT) Bosco Eliceo (IT)	<b>Bosco</b>	Italy <sup>o</sup>
10	Brachetto d'Acqui (IT)	<b>Brachetto</b>	Italy, Australia
11	Etyek-Buda (HU)	<b>Budai</b>	Hungary <sup>o</sup>
12	Cesanese del Piglio (IT) Cesanese di Olevano Romano (IT) Cesanese di Affile (IT)	<b>Cesanese</b>	Italy, Australia
13	Cortese di Gavi (IT)	<b>Cortese</b>	Italy, Australia, United States

**a** For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

**b** Use authorised in accordance with the provisions of Article 22(4) of the Agreement of 1 December 2008 between the European Community and Australia on trade in wine (OJ L 28, 30.1.2009, p. 3).



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	Cortese dell'Alto Monferrato (IT)			
14	Duna (HU)	<b>Duna gyöngye</b>	<b>Hungary</b>	
15	Dunajskostredský (SK)	<b>Dunaj</b>	<b>Slovakia</b>	
16	Côte de Duras (FR)	<b>Durasa</b>	<b>Italy</b>	
17	Korinthos-Korinthiakos (GR)	<b>Corinto Nero</b>	<b>Italy<sup>o</sup></b>	
18		<b>Korinthiaki</b>	<b>Greece<sup>o</sup></b>	
19	Fiano di Avellino (IT)	<b>Fiano</b>	<b>Italy, Australia, United States</b>	
20	Fortana del Taro (IT)	<b>Fortana</b>	<b>Italy, Australia</b>	
21	Freisa d'Asti (IT) Freisa di Chieri (IT)	<b>Freisa</b>	<b>Italy, Australia, United States</b>	
22	Greco di Bianco (IT) Greco di Tufo (IT)	<b>Greco</b>	<b>Italy, Australia</b>	
23	Grignolino d'Asti (IT) Grignolino del Monferrato Casalese (IT)	<b>Grignolino</b>	<b>Italy, Australia, United States</b>	
24	Izsáki Arany Sárfehér (HU)	<b>Izsáki Sárfehér</b>	<b>Hungary</b>	
25	Lacrima di Morro d'Alba (IT)	<b>Lacrima</b>	<b>Italy, Australia</b>	
26	Lambrusco Grasparossa di Castelvetro	<b>Lambrusco grasparossa</b>	<b>Italy</b>	
27		<b>Lambrusco</b>	<b>Italy, Australia<sup>b</sup>, United States</b>	
28				Lambrusco di Sorbara (IT)
29				Lambrusco Mantovano (IT)
30	Lambrusco Salamino di Santa Croce (IT)	<b>Lambrusco Salamino</b>	<b>Italy</b>	
31				
32	Colli Maceratesi	Maceratino	<b>Italy, Australia</b>	
33	Nebbiolo d'Alba (IT)	<b>Nebbiolo</b>	<b>Italy, Australia, United States, Croatia</b>	

**a** For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

**b** Use authorised in accordance with the provisions of Article 22(4) of the Agreement of 1 December 2008 between the European Community and Australia on trade in wine (OJ L 28, 30.1.2009, p. 3).

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34	Colli Orientali del Friuli Picolit (IT)	<b>Picolit</b>	<b>Italy</b>
35		<b>Pikolit</b>	<b>Slovenia</b>
36	Colli Bolognesi Classico Pignoletto (IT)	<b>Pignoletto</b>	<b>Italy, Australia</b>
37	Primitivo di Manduria	<b>Primitivo</b>	<b>Italy, Australia, United States, Croatia</b>
38	Rheingau (DE)	<b>Rajnai rizling</b>	<b>Hungary (41)</b>
39	Rheinhessen (DE)	Rajnski rizling	Serbia and Montenegro (40-41- <b>46</b> ), Croatia
40		Renski rizling	Serbia and Montenegro (39-43- <b>46</b> ), <b>Slovenia</b> <sup>o</sup> (45)
41		Rheinriesling	Bulgaria <sup>o</sup> , Austria, Germany (43), Hungary ( <b>38</b> ), Czech Republic ( <b>49</b> ), Italy (43), Greece, Portugal, Slovenia
42		Rhine Riesling	South Africa <sup>o</sup> , Australia <sup>o</sup> , Chile (44), Moldova <sup>o</sup> , New Zealand <sup>o</sup> , <b>Cyprus, Hungary</b> <sup>o</sup>
43		Riesling renano	Germany (41), Serbia and Montenegro (39-40- <b>46</b> ), <b>Italy</b> (41)
44		Riesling Renano	Chile (42), <b>Malta</b> <sup>o</sup>
45		Radgonska ranina	<b>Slovenia, Croatia</b>
46		<b>Rizling rajnski</b>	<b>Serbia and Montenegro</b> (39-40-43)
47		<b>Rizling Rajnski</b>	<b>Former Yugoslav Republic of Macedonia</b> <sup>o</sup> , <b>Croatia</b> <sup>o</sup>

**a** For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

**b** Use authorised in accordance with the provisions of Article 22(4) of the Agreement of 1 December 2008 between the European Community and Australia on trade in wine (OJ L 28, 30.1.2009, p. 3).

**Status:** Point in time view as at 30/09/2022.

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48		<b>Rizling rýnsky</b>	<b>Slovakia<sup>o</sup></b>
49		<b>Ryzlink rýnský</b>	<b>Czech Republic (41)</b>
50	Rossese di Dolceacqua (IT)	<b>Rossese</b>	<b>Italy, Australia</b>
51	Sangiovese di Romagna (IT)	<b>Sangiovese</b>	<b>Italy, Australia, United States, Croatia</b>
52	Štajerska Slovenija (SI)	Štajerska belina	Slovenia, Croatia
52a	Štajerska Slovenija (SI)	Štajerka	Croatia
53	Teroldego Rotaliano (IT)	Teroldego	<b>Italy, Australia, United States</b>
54	Vinho Verde (PT)	<b>Verdea</b>	<b>Italy<sup>o</sup></b>
55		<b>Verdeca</b>	<b>Italy</b>
56		<b>Verdese</b>	<b>Italy<sup>o</sup></b>
57	Verdicchio dei Castelli di Jesi (IT) Verdicchio di Matelica (IT)	<b>Verdicchio</b>	<b>Italy, Australia</b>
58	Vermentino di Gallura (IT) Vermentino di Sardegna (IT)	<b>Vermentino</b>	<b>Italy, Australia, United States of America, Croatia</b>
59	Vernaccia di San Gimignano (IT) Vernaccia di Oristano (IT) Vernaccia di Serrapetrona (IT)	<b>Vernaccia</b>	<b>Italy, Australia</b>
60	Zala (HU)	<b>Zalagyöngye</b>	<b>Hungary</b>

**a** For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

**b** Use authorised in accordance with the provisions of Article 22(4) of the Agreement of 1 December 2008 between the European Community and Australia on trade in wine (OJ L 28, 30.1.2009, p. 3).

## ANNEX V

Indications authorised for use on wine labelling pursuant to Article 53(2)

<b>barrel fermented</b>	<b>barrel matured</b>	<b>barrel aged</b>
[...]-cask fermented	[...]-cask matured	[...]-cask aged

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[indicate the type of wood]	[indicate the type of wood]	[indicate the type of wood]
cask fermented	cask matured	cask aged

The word ‘cask’ may be replaced with the word ‘barrel’.

## ANNEX VI

### Terms referred to in Article 54(1)

Member State	Terms
Austria	Burg, Domäne, Eigenbau, Familie, Gutswein, Güterverwaltung, Hof, Hofgut, Kloster, Landgut, Schloss, Stadtgut, Stift, Weinbau, Weingut, Weingärtner, Winzer, Winzermeister
Czech Republic	Sklep, vinařský dům, vinařství
Germany	Burg, Domäne, Kloster, Schloss, Stift, Weinbau, Weingärtner, Weingut, Winzer
France	Abbaye, Bastide, Campagne, Chapelle, Château, Clos, Commanderie, Cru, Domaine, Mas, Manoir, Mont, Monastère, Monopole, Moulin, Prieuré, Tour
Greece	Αγρέπαυλη (Agrepavlis), Αμπελι (Ampeli), Αμπελώνας(-ες) (Ampelonas(-es)), Αρχοντικό (Archontiko), Κάστρο (Kastro), Κτήμα (Ktima), Μετόχι (Metochi), Μοναστήρι (Monastiri), Ορεινό Κτήμα (Orino Ktima), Πύργος (Pyrgos)
Italy	abbazia, abtei, ansitz, burg, castello, kloster, rocca, schlofl, stift, torre, villa
Cyprus	Αμπελώνας (-ες) (Ampelonas (-es)), Κτήμα (Ktima), Μοναστήρι (Monastiri), Μονή (Moni)
Portugal	Casa, Herdade, Paço, Palácio, Quinta, Solar
Slovenia	Klet, Kmetija, Posestvo, Vinska klet
Slovakia	Kaštieľ, Kúria, Pivnica, Vinárstvo, Usadlost'

## ANNEX VII

### Restrictions on the use of specific types of bottle, as referred to in Article 56

1. ‘Flûte d'Alsace’:

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- (a) type: a glass bottle consisting of a straight cylindrical body with a long neck, with the following approximate proportions:
- total height/diameter at base = 5:1,
  - height of the cylindrical body = total height/3;
- (b) the wines for which this type of bottle is reserved, in the case of wines produced from grapes harvested on French territory, are wines bearing the following protected designations of origin:
- ‘Alsace’ or ‘vin d’Alsace’, ‘Alsace Grand Cru’,
  - ‘Crépy’,
  - ‘Château-Grillet’,
  - ‘Côtes de Provence’, red and rosé,
  - ‘Cassis’,
  - ‘Jurançon’, ‘Jurançon sec’,
  - ‘Béarn’, ‘Béarn-Bellocq’, rosé,
  - ‘Tavel’, rosé.

However, the restriction on the use of bottles of this type shall apply only to wines produced from grapes harvested on French territory.

2. ‘Bocksbeutel’ or ‘Cantil’:

- (a) type: short-necked glass bottle, pot-bellied but flattened in shape; the base and the cross-section of the bottle at the point of greatest convexity are ellipsoidal:
- the ratio between the long and short axes of the ellipsoidal cross-section = 2:1,
  - the ratio of the height of the convex body to the cylindrical neck of the bottle = 2,5:1;
- (b) wines for which this type of bottle is reserved:
- (i) German wines bearing the following protected designations of origin:
- Franken,
  - Baden:
    - originating in Taubertal and Schüpfergrund,
    - originating in the following parts of the local administrative area of Baden-Baden: Neuweier, Steinbach, Umweg and Varnhalt;
- (ii) Italian wines bearing the following protected designations of origin:
- Santa Maddalena (St. Magdalener),
  - Valle Isarco (Eisacktaler), made from the Sylvaner and Müller-Thurgau varieties,
  - Terlaner, made from the Pinot bianco variety,
  - Bozner Leiten,
  - Alto Adige (Südtiroler), made from the Riesling, Müller-Thurgau, Pinot nero, Moscato giallo, Sylvaner, Lagrein, Pinot bianco (Weissburgunder) and Moscato rosa (Rosenmuskateller) varieties,
  - Greco di Bianco,
  - Trentino, made from the Moscato variety;
- (iii) Greek wines:

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- Agioritiko,
  - Rombola Kefalonias,
  - wines from the island of Kefalonia,
  - wines from the island of Paros,
  - wines bearing a protected geographical indication from Peloponnese;
- (iv) Portuguese wines:
- rosé wines and other wines bearing protected designations of origin and geographical indications which can be proven to have already been correctly and traditionally presented in ‘cantil’-type bottles before they were classified as wines with protected designations of origin and geographical indications.
3. ‘Clavelin’:
- (a) type: a short-necked glass bottle containing 0,62 litres, consisting of a cylindrical body with broad shoulders, giving the bottle a squat appearance, with approximately the following proportions:
- total height/diameter at base = 2,75,
  - height of the cylindrical part = total height/2;
- (b) wines for which this type of bottle is reserved:
- French wines bearing the following protected designations of origin:
  - Côte du Jura,
  - Arbois,
  - L'Etoile,
  - Château Chalon.
4. ‘Tokaj’:
- (a) type: a straight, long-necked, colourless glass bottle consisting of a cylindrical body with the following proportions:
- height of cylindrical body/total height = 1:2,7,
  - total height/diameter at base = 1:3,6,
  - capacity: 500 ml; 375 ml, 250 ml, 100 ml or 187,5 ml (in case of exporting to a third country),
  - a seal made of the material of the bottle referring to the wine region or the producer may be placed on the bottle;
- (b) wines for which this type of bottle is reserved:
- Hungarian and Slovak wines bearing the following protected designations of origin:
- Tokaj,
  - Vinohradnícka oblasť Tokaj,
- supplemented by one of the following protected traditional terms:
- aszú/výber,
  - aszúeszencia/výberová esencia,
  - eszencia/esencia,
  - másas/máslás,
  - fordítás/forditás,

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— szamorodni/samorodné.

However, the restriction on the use of bottles of this type shall apply only to wines produced from grapes harvested in Hungarian or Slovakian territory.

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- (1) [OJ L 347, 20.12.2013, p. 671.](#)
- (2) 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) ([OJ L 299, 16.11.2007, p. 1.](#))
- (3) Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products ([OJ L 193, 24.7.2009, p. 60.](#))
- (4) 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 ([OJ L 343, 14.12.2012, p. 1.](#))
- (5) Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 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 ([OJ L 179, 19.6.2014, p. 17.](#))
- (6) Commission Implementing Regulation (EU) No 668/2014 of 13 June 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 ([OJ L 179, 19.6.2014, p. 36.](#))
- (7) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 ([OJ L 304, 22.11.2011, p. 18.](#))
- (8) Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks (See page 46 of this Official Journal).
- (9) Commission Implementing Regulation (EU) 2018/274 of 11 December 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks, and repealing Commission Implementing Regulation (EU) 2015/561 ([OJ L 58, 28.2.2018, p. 1.](#))
- (10) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ([OJ L 189, 20.7.2007, p. 1.](#))
- (11) LEGEND:
 

— terms in italic	:	reference to the synonym for the wine grape variety
— ‘o’	:	no synonym
— terms in bold	:	column 3: name of the wine grape variety column 4: country where the name corresponds to a variety and reference to the variety
— terms not in bold	:	column 3: name of the synonym of a vine variety column 4: name of the country using the synonym of a vine variety



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