

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

## 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>F1</sup>Great Britain, moved to Northern Ireland] or exported.

2 By way of derogation from [<sup>F2</sup>the provisions of Regulation (EU) No 1308/2013 specified in paragraph 2a], where grapevine products are to be [<sup>F3</sup>moved to Northern Ireland or exported, the Secretary of State may, by administrative decision,] permit particulars and presentations which conflict with [<sup>F4</sup>labelling and presentation rules in retained EU law] if such particulars or presentations of the grapevine products are required by the legislation [<sup>F5</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>F6</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>F7</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>F8</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

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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 (...)*', '*product of (...)*' or '*sekt of (...)*' shall be used, or expressed in equivalent terms supplemented by the name of the Member State or third country where the grapes are harvested and turned into wine;
- b the words '*European Union wine*' or '*blend of wines from different countries of the European Union*', or expressed in equivalent terms in the case of wine resulting from a blending of wines originating in a number of Member States;
- c the words '*European Union wine*' or '*wine obtained in (...) from grapes harvested in (...)*' citing the names of Member States in question, for wines made in a Member State from grapes harvested in another Member State;
- d the words '*blend from (...)*', or expressed in equivalent terms, supplemented by the names of the third countries in question, in the case of wine resulting from a blending of wines originating in a number of third countries;
- e the words '*wine obtained in (...) from grapes harvested in (...)*' citing the names of the third countries in question, for wines made in a third country from grapes harvested in another 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 Member State where the second fermentation took place.

[<sup>X1</sup>The 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 Member State;
- b '*blend made from the produce of two or more European Union countries*' in the case of coupage of grapevine products produced in two or more Member States;
- c '*must obtained in (...) from grapes harvested in (...)*' in case of grape must which has not been made in the Member State where the grapes used were harvested.

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3 As regards the United Kingdom and the provisions laid down in points (a) and (c) of paragraph 1 and in points (a) and (c) of paragraph 2, the name of the Member State may be replaced by the name of the relevant individual country forming part of the United Kingdom in which grapes used to make the grapevine product are harvested.

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- 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 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 European Union and carrying out bottling or having bottling carried out on their behalf;
- 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 Union assuming responsibility for bringing into circulation non-Union goods within the meaning of Article 5(24) of Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>(1)</sup>;
- 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 Member State or third 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 by terms, whose conditions of use are defined by Member States, 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

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- (iii) in an enterprise located in the demarcated geographical area or in the immediate proximity of the demarcated geographical area concerned.

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 Member State, the name of that State. These requirements do not apply where bottling is carried out in a place of immediate proximity to that of the bottler.

In case of containers other than bottles, the words ‘*packager*’ and ‘*packaged by (...)*’ shall replace the words ‘*bottler*’ and ‘*bottled by (...)*’ respectively, except when the language used does not indicate by itself such a difference.

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.

Member States may decide 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 Union, the name of the importer may be replaced or supplemented by the indication of the bottler, in accordance with paragraph 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 determined by the Member State in which the bottler, producer, importer or vendor has its head office. The code shall be supplemented by a reference to the Member State in question. 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.

Member States may decide which option applies to grapevine products produced in their territories.

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### 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.

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.

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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>(2)</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.

### 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>F9</sup>Great Britain], or under the conditions laid down in points (a) and (c), if they are produced in [<sup>F10</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>F11</sup>...

For [<sup>F12</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>F13</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>F14</sup>Northern Ireland or] the third country concerned, including [<sup>F15</sup>, in the case of a third country,] those emanating from representative professional organisations, and [<sup>F16</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;

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- (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.

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>F17</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>F18</sup>Northern Ireland or] a third country are those listed in Part A of Annex IV to this Regulation.

F19  
...

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

- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** 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)**

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## 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>F20</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) of that Regulation are complied with, [<sup>F21</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>F22</sup>‘United Kingdom’];
- (b) the name of the wine grape variety(-ies).

[<sup>F23</sup>2] For grapevine products referred to in [<sup>F24</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>F25</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>F26</sup>4] Article 45 of this Regulation shall not apply in relation to the indication [<sup>F27</sup>, pursuant to this Article, of the name ‘England’, ‘Northern Ireland’, ‘Scotland’, ‘Wales’ or ‘United Kingdom’ or the name of a third country].

[<sup>F28</sup>5] In the case of [<sup>F29</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>F30</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

**F20** 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)**

**F21** 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)**

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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)*

- F22** 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)**
- F23** 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)**
- F24** 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)**
- F25** 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)**
- F26** 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)**
- F27** 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)**
- F28** 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)**
- F29** 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)**
- F30** 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>F31</sup>rules in the] country concerned, including, in the case of third countries, rules emanating from representative professional organisations.

[<sup>F32</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

- F31** 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)**
- F32** 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)**

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## 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.

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 [<sup>F33</sup>Northern Ireland or] a third country that has been fermented, matured or aged in a wood container. <sup>F34</sup>... Third countries may, however, establish other indications equivalent to those laid down in Annex V for such grapevine product. [<sup>F35</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 [<sup>F36</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 [<sup>F37</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 [<sup>F38</sup>Northern Ireland or] a third country provided:

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- 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 underlying the demarcated area of the protected designation of origin or the a geographical indication of [<sup>F39</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>(3)</sup>.

#### Textual Amendments

- F33** 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)**
- F34** 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)**
- F35** 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)**
- F36** 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)**
- F37** 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)**
- F38** 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)**
- F39** 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>F40</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.

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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)*

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

**F40** 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)**

### 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>F41</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>F42</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>F43</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

**F41** 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)**

**F42** 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)**

*Status: Point in time view as at 31/12/2020.*

*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)*

**F43** 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)**

### 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>F44</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>F45</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>F46</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.

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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

- F44** 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)**
- F45** 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)**
- F46** 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>F47</sup>... relating to labelling and presentation

<sup>F48</sup>1

2 [ <sup>F49</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>F50</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>F51</sup>where those grapevine products do not bear a protected designation of origin or geographical indication].

[ <sup>F52</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

- F47** 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)**
- F48** 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)**
- F49** 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)**
- F50** 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)**
- F51** 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)**
- F52** 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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- (1) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ([OJ L 269, 10.10.2013, p. 1](#)).
- (2) 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](#)).
- (3) 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](#)).

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

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