

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.

[^{X12} 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.

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 [^{F1}Great Britain, moved to Northern Ireland] or exported.

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

[^{F6}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, [^{F7}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 [^{F8}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 (...)*’ [^{F9}or ‘*product of (...)*’] shall be used, or expressed in equivalent terms supplemented by the name of the [^{F10}constituent nation] or third country where the grapes are harvested and turned into wine;

^{F11}b

^{F12}c

- d the words ‘*blend from (...)*’, or expressed in equivalent terms, supplemented by the names of the [^{F13}constituent nations or] third countries in question, in the case of wine resulting from a blending of wines originating in a number of [^{F13}constituent nations or] third countries;
- e the words ‘*wine obtained in (...) from grapes harvested in (...)*’ citing the names of the [^{F14}constituent nations or] third countries in question, for wines made in a [^{F15}constituent nation or] third country from grapes harvested in another [^{F15}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 [^{F16}constituent nation or third country] where the second fermentation took place.

[^{X1}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 [^{F17}constituent nation in which the grapevine product was produced];
- b ‘*blend made from the produce of two or more [^{F18}constituent nations]*’ in the case of coupage of grapevine products produced in two or more [^{F19}constituent nations];
- c ‘*must obtained in (...) from grapes harvested in (...)*’ in case of grape must which has not been made in the [^{F20}same constituent nation] where the grapes used were harvested.

[^{F21}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

- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** 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)**
- F20** 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)**
- F21** 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 [^{F22}United Kingdom] and carrying out bottling or having bottling carried out on their behalf [^{F23}, but for the purposes of paragraph 4, until (and including) 30 September 2022, 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 [^{F24}United Kingdom or, until (and including) 30 September 2022, in the European Union] assuming responsibility for bringing into circulation [^{F25}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 ^{F26}... 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 ^{F27}... 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 [^{F28}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 [^{F29}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^{F30}....

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.

[^{F31}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 [^{F32}United Kingdom], the name of the importer may be replaced or supplemented by the indication of the bottler, in accordance with paragraph [^{F33}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 [^{F34}, if specified in legislation]. The code shall be supplemented by a reference to the [^{F35}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.

F36
...

Textual Amendments

- F22** 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)**
- F23** 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)**
- F24** 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)**
- F25** 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)**
- F26** 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)**

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- F27** 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)**
- F28** 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)**
- F29** 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)**
- F30** 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)**
- F31** 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)**
- F32** 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)**
- F33** 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)**
- F34** 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)**
- F35** 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)**
- F36** 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.

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.

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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*’.

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