

BRIEF INTRODUCTION TO THE COMMON AGRICULTURE POLICY WINE REGULATIONS OF THE EUROPEAN COMMUNITY (E.C.)

The Wine Standards Branch became part of the Food Standards Agency in July 2006 which then assumed the task of enforcement of European Community wine regulations in the UK. These responsibilities are detailed in Statutory Instruments, The Wine Regulations, issued separately for England and each of the devolved regions: Northern Ireland, Scotland and Wales. They are amended periodically.

These notes are intended to give general guidance to wholesalers, bottlers and importers of wine concerning EC regulations. They should not be quoted as authoritative interpretations of the law.

1. Control by Documents and Records

(a) Records

All traders must keep records of their stock of all wine products (e.g. wine, grape must, liqueur wine, sparkling wine etc). For every entry or withdrawal of wines the following information must be shown: date, quantity, product, and document number. Normally accompanying documents, or in their absence commercial invoices, serve this purpose for bottled wine.

In addition to the records mentioned in the preceding paragraph those handling wine in bulk must keep records in which entries of the following information shall be made: nature and quantity of products used, vat numbers, number and capacity of bottles filled, date, and accompanying document number. Where wine is bottled under contract, the name and address of the person who commissioned the bottling must be shown.

Records and accompanying documents must be kept for at least 5 years after the product they refer to has been disposed of. They should be made available at all times for examination by WSB inspectors.

(b) Accompanying documents.

Community products:

In bulk –

A Commercial Accompanying Document (CAD) (or an accompanying document as required by the Regulations) must be used. These are supplied by the consignor. For journeys originating in the UK the forms can be obtained from the WSB head office.

In small containers –

A commercial document (e.g. an invoice or delivery note) must be used except under the circumstances listed below.

- i) Pre-packed, labelled wine sealed with a non-reusable closure (e.g. cork +capsule), which enables the bottler to be identified. This only applies if the total Quantity of the consignment does not exceed 100 litres.
- ii) diplomatic supplies
- iii) commercial samples.

Commercial documents must contain the following information: date of issue and carriage, document number, the number and capacity of containers, the total quantity and a description of the product. In addition, for delivery notes the names and addresses of the consignor and consignee must be shown. The description of the product must include either the following information, or use a code/bin number which relates to the consignor's records: quality designation/type of product, country of origin or euroblend phrase, colour. If they appear on the labelling, the following must also appear: vine varieties, production details, vintage and geographic area. In view of the amount of information required it is recommended that a code number is used.

Instructions for completion of accompanying documents are available with the forms.

3rd Country Products:

Wine products entering the EC must be accompanied by a VI form provided by the consignor in the country of origin. Once customs duty (but not necessarily excise) has been paid, the same rules apply as for EC products.

HM Revenue and Customs should be contacted for advice on other documentation required.

2. Description and Presentation (Labels)

Note that new labelling regulations will be introduced from 1 August 2009, though labels in conformity with existing requirements will be allowed until December 2010. This advice will be fully updated after the regulation has been studied.

(a) General

For description and presentation, wines must be divided into the following categories:-

- i. Light still wines (see (b))
- ii. Sparkling wines (see (c))
- iii. Semi-Sparkling wines and Liqueur ('fortified') wines (see (d))
- iv. Partially Fermented Grape Must (see (e))
- v. Aromatized Wines (e.g. vermouth)

Aromatized Wines must carry a sales description set out in the aromatized wines Council Regulation. The Community has made it mandatory for products i – iv to show the actual alcoholic strength in characters at least 3 mm high followed by the symbol '%vol.' De-Alcoholised Wine and Made (British) Wine are covered by UK Food Labelling Regulations.

(b) Light Still Wines

(i) From 1 August 2009, light still wines are divided into 3 broad categories for labelling purposes:

- Wines
- Protected Designation of Origin
- Protected Geographical Indication

Some notes on the mandatory information which is required on labels of light still wines are given below. There is also provision for optional information (e.g. colour, sweet/ dry etc), which varies for the different categories of wine. Further details are available in the Guide to the Law page on the website or directly in the regulations. The Wine and Spirit Trade Association publishes Check List. primarily for the benefit of its members , web site

<http://www.wsta.co.uk/Publications.html#Checklist> tel 020 7089 3877 fax 020 7089 3870.

- (ii) Briefly, it is mandatory to show the following on a label of a light still wine produced in an EC member state:
- The category of wine, either " Wine" or an traditional expression where a controlled geographic denomination (e.g. Vin de Pays or Appellation Controlee) is shown, or the term Protected Designation of Origin or Protected Geographical Indication. In the latter case a geographic unit must usually be shown (e.g. Beaujolais).
 - The bottler's name and head office address including Member State, preceded by the words 'Bottler', 'Bottled by', 'Bottled for' as appropriate. All of the bottler's address must be in lettering of the same type and size and not more than half the size of 'table wine' or of the specified region.

If the wine is bottled at a different location to that of the bottler's head office this should be stated.

- The nominal volume of the wine in litres, centilitres or millilitres, as set out in UK national legislation: height 2 mm for volumes up to 5 cl; 3 mm for 5 cl to 20 cl; 4mm over 20 cl up to 1 litre and 6 mm over 1 litre.
- The actual alcoholic strength in whole or half units (e.g. 10.0, 10.5, 11.0 etc.) followed by the symbol "% vol". The size of lettering is to be at least 2 mm for volumes up to 20 cl; 3mm over 20 cl up to 1 litre and 5 mm over 1 litre.
- The country of origin
- Lot mark
- Allergenic ingredients
 - Contains sulphites (or contains sulphur dioxide).

All mandatory information must be grouped together in the same field of vision apart from the lot mark

- (iii) For light still wines imported from outside the EC, the mandatory items are:
- the term 'wine' plus country of origin: "Wine of x", "Produced in x" "Product of x"
 - If bottled in the Community, the bottler's details as above. If bottled outside the Community, the Importer's name and head office address preceded by a phrase such as 'Imported by'. The address

must be in lettering not more than half the size of the country of origin for imported wine or of the geographic unit if shown.

- The nominal volume (as above).
- The actual alcoholic strength (as above).
- a geographical designation, if entitled to show this.
- Lot mark
- Allergenic ingredients
- Contains sulphites (or contains sulphur dioxide).

All mandatory information must be grouped together in the same field of vision except for Importer's details and the lot mark, and must be clearly legible.

- (iv) There is extensive EC legislation covering the optional information (both specified and additional) which can be shown on labels of light still wines produced in the Community or imported. You should consult the Wine and Spirit Trade Association Check List or contact the WSB.
- (v) Information on labels, both on wines produced in the community and imported, may be in one or more of the Official languages of the Community; but note that, for certain types of wines such as blends from more than one country, some information must be in English when held for sale in UK. The phrases 'Blend of wines from different countries of the European Community/outside the European Community/[names of Third Countries]' and 'Wine made in from grapes harvested in' must be in English.
- (vi) The EC regulations concerning description and presentation extend to all forms of advertising, including price lists, and care must be taken to ensure that lists are not misleading or confusing. For example, table wines should not be listed under headings bearing the names of quality wine regions.

(c) Sparkling Wines

Some notes on the mandatory requirements for Sparkling wines are given below. Further details appear in the Wine & Spirit Trade Association Check List (see 3(b) (i)).

- (i) Briefly, it is mandatory to show the following on a bottle of sparkling wine:
 - The official category of the product i.e:

Aerated Sparkling Wine accompanied by 'obtained by the addition of

(or *adding*) carbon dioxide' in same type/size lettering.

Sparkling Wine.

Quality Sparkling Wine or Sekt (EC or recognised 3rd countries only).

Quality Aromatic Sparkling Wine (EC or recognised 3rd countries only).

Protected Designation of Origin or Protected Geographical Indication One of these terms must be shown together with the region of production: Champagne, Asti and Cava are among a few still and sparkling wines which do not need the PDO/PGI term.

- the name of the country, combined with either “Produced in..” “Wine of..” “Product of”
- The nominal volume of the product.
- The actual alcoholic strength.

The type of product, as determined by the residual sugar content. There are six types and the most common terms used for each are listed below:

extra brut' (0-6 g/1); 'brut' (0-15 g/1); 'extra dry', 'extra trocken', 'extra secco' (12-20 g/1); 'sec', 'trocken', 'secco', 'dry', (17-35 g/1); 'demi-sec', 'halbtrocken', 'abboccato', 'medium dry' (33-50 g/1); 'doux', 'dolce', 'sweet' (50 + g/1).

Only one type can be specified for each wine.

- For sparkling wines produced in the EC: the name and business name of the producer or of a vendor established in the community, and the names of the local administrative area (or part thereof) and the member state in which the head office is situated.
- For sparkling wines imported into the EC: the name or business name of the Importer and the names of the local administrative area and Member State in which his head office is situated, AND the name or business name of the producer and the names of the local administrative area and third country in which his head office is situated.

Details of the producer, vendor and importer should be preceded by an indication of their relationship to the wine e.g. produced by, distributed by or imported by.

- (ii) There is additional mandatory information for certain categories of wine viz:

For products produced from wines originating in third countries, the description must declare this and specify the third country in which the wine used for the cuvee originated.

For Sparkling Wine with protected designation of origin, the name of the specified region in which the grapes were harvested.

For Quality Sparkling Wine of the aromatic type, the name of the vine variety or the words 'produced from aromatic varieties of grape'.

- (iii) All mandatory information must be grouped together in the same field of vision and must be clear and legible, except for Importer's details, see 3(b) (iii).
- (iv) Additional information which may appear on the labelling includes such items as name of another geographic unit, name of a vine variety, expressions such as 'bottle fermented' or 'bottle fermented by the traditional method' (under certain specified conditions), vintage year and indications of superior quality. Generally these additional items may only be used for Sparkling Wine with protected designation of origin and Quality Sparkling Wine.
- (v) Information on the labels has to be given in one or more of the official languages of the Community so that the final consumer can easily understand the information. However, names of specified regions and geographical units must be given in the language of the country of production (for Greece this may be repeated in another official language).

For products imported into the EC, an official language of that country of origin may be used in addition to an EC language.

- (vi) The description and presentation of the products and their advertising must not be incorrect nor misleading or confusing to the persons to whom they are addressed; particularly as regards use of words such as 'type' or 'style', the characteristics of the product (alcohol, origin, quality etc), the identity and status of the people involved in its production and distribution.

(d) Liqueur and Semi-sparkling Wines

Apart from the sales description Liqueur Wine or Semi-sparkling Wine, these are covered in much the same way as still wine. Quality Liqueur/semi-sparkling wines psr are subject to the provisions governing other quality wines: the quality wine region on its own for Port, Sherry and Madeira or the quality region and a traditional specific term in place of the Community description e.g. French Quality Liqueur Wine 'Muscat de Beaume de Venise' uses the specific term Vin Doux Naturel.

(e) Partially Fermented Grape Must

Details of the labelling rules for this product may be obtained from WSB inspectors.

3. Composition of Wine

Certain constituents in wine must be within legal levels (eg sulphur dioxide content, alcoholic strength and volatile acidity) and details are given in Regulation 606/2009 'certain detailed rules for oenological practices and processes'.) There is also reference to these requirements in the Wine & Spirit Trade Association Check List mentioned above.

4. Sampling

WSB inspectors are empowered to take samples of wine during either transit or in storage in order to verify their authenticity.

5. Responsibilities of other authorities in the UK

- local authorities

Retail sector and food legislation

Local authorities have responsibility for wine sector sales at retail level as well as non-wine sector legislation which affects wine as a foodstuff. This includes requirements for Lot Marking, accurate fill of bottles and use of e-mark (Weights and Measures) and maximum levels for various materials e.g. lead (general heading of the Food Safety Act). Local Authorities are also responsible for other alcoholic beverages including spirits and beer. Local Authorities also supervise measures taken under product recall notices.

Trading Standards is usually the relevant local authority in England, Wales and Northern Ireland; Environmental Health in Scotland.

Licencing System

A new Licencing System was introduced in 2005, under the control of local Councils. This is in two parts, a personal licence valid for 10 years and a premises licence (annual fee payable). You should either contact your local Trading Standards department for further information or look at the Department of Culture, Media and Sport website:

http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/default.aspx

One way to find your local Trading Standards using your postcode is to look on the Trading Standards Institute website

<http://www.tradingstandards.gov.uk/>

- Rural Payments Agency : Import Licences

From 1 August 2008, import licences are no longer required for wines from Third Countries.

- HM Revenue and Customs

Information about Import Duty, Excise and VAT can be found on their web site <http://www.hmrc.gov.uk/home.htm>, via the Advice Line tel 0845 010 9000 or obtained from your local HM Revenue and Customs office.

Customs also checks that wines from non EC countries are accompanied by V11 forms.

6. Legislation

Copies of Statutory instruments (including the Wine Regulations), may be purchased from The Stationery Office Ltd, Customer Services, PO Box 29, Norwich NR3 1GN tel 0870 600 0522 <http://www.tso.co.uk/site.asp> or accessed on the Office of Public Sector Information web site (<http://www.opsi.gov.uk>).

EC Regulations, published in Official Journals, may also be purchased from The Stationery Office or are available on the EC web site <http://eur-lex.europa.eu/en/legis/20080901/chap0360.htm> select Wine.

7. Further Information

When you have decided the actual wines that you intend to market and the type of container(s) to be used, you may obtain further information from our Head Office or contact one of our local Inspectors.

You are advised to have your labels checked by your Local Inspector. Proposals and drafts can also be checked and this could avoid the expense of subsequent alteration.

Your Local Inspector can be found on the Wine Standards page of the website.

<http://www.food.gov.uk/enforcement/sectorrules/winestandards/contactinspectors>