

## **ANNEX-TBT-5: TRADE IN WINE**

### **Article 1: Scope and definitions**

1. This Annex applies to wine falling under Heading 22.04 of the Harmonised System.
2. For the purposes of this Annex, “wine produced in” means fresh grapes, grape must and grape must in fermentation that have been turned into wine or added to wine in the territory of the exporting Party.

### **Article 2: Product definitions, oenological practices and processes**

1. Oenological practices for wine recommended and published by the International Organisation of the Vine and Wine (“OIV”) shall be considered relevant international standards for the purposes of this Annex.
2. Each Party shall authorise the importation and sale for consumption of wine produced in the other Party, if that wine has been produced in accordance with:
  - (a) product definitions authorised in each Party under the laws and regulations referred to in Appendix A;
  - (b) the oenological practices established in each Party under the laws and regulations referred to in Appendix A that are in accordance with the relevant OIV standards; and
  - (c) Oenological practices and restrictions established in each Party that are not in accordance with the relevant OIV standards, listed in Appendix B.
3. The Partnership Council shall have the power to amend the Appendices referred to in paragraph 2.

### **Article 3: Certification requirements on import in the respective territories of the Parties**

1. For wine produced in a Party and placed on the market in the other Party, the documentation and certification that may be required by either Party shall be limited to a certificate, as set out in Appendix C, authenticated in conformity with the exporting Party’s laws and regulations.
2. A certificate required under paragraph 1 may take the form of an electronic document. Access to the electronic document or to the data necessary for its establishment shall be given by each Party on request of the competent authorities of the other Party where the goods are to be released into free circulation. If access to the relevant electronic systems is not available, the necessary data may also be requested in the form of a paper document.
3. The Partnership Council shall have the power to amend Appendix C.
4. The methods of analysis recognised as reference methods by the OIV and published by the OIV shall be the reference methods for the determination of the analytical composition of the wine in the context of control operations.

#### Article 4: Food information and lot codes

1. Unless otherwise specified in this Article, labelling of wine imported and marketed under this Agreement shall be conducted in compliance with the laws and regulations that apply in the territory of the importing Party.
2. A Party shall not require any of the following dates or their equivalent to appear on the container, label, or packaging of wine:
  - (a) the date of packaging;
  - (b) the date of bottling;
  - (c) the date of production or manufacture;
  - (d) the date of expiration, use by date, use or consume by date, expire by date;
  - (e) the date of minimum durability, best-by-date, best quality before date; or
  - (f) the sell-by-date.

By way of derogation from point (e) of the first subparagraph, a Party may require the display of a date of minimum durability on products that on account of the addition of perishable ingredients could have a shorter date of minimum durability than would normally be expected by the consumer.

3. Each Party shall ensure that a code is indicated on the label of packaged products that allows for the identification of the lot to which the product belongs, in accordance with the legislation of the Party exporting the packaged product. The lot code shall be easily visible, clearly legible and indelible. A Party shall not allow the marketing of packaged products which do not comply with the requirements set out in this paragraph.
4. Each Party shall permit mandatory information, including translations or an indication of the number of standard drinks or alcohol units whenever required, to be displayed on a supplementary label affixed to a wine container. Supplementary labels may be affixed to a wine container after importation but prior to the product being placed on the market in the Party's territory, provided that the mandatory information is fully and accurately displayed.
5. The importing Party shall not require the display on the label of allergens which have been used in the production of wine but are not present in the final product.

#### Article 5: Transitional measures

Wine which, at the date of entry into force of this Agreement, has been produced, described and labelled in accordance with the laws and regulations of a Party but in a manner that does not comply with this Annex, may continue to be labelled and placed on the market as follows:

- (a) by wholesalers or producers, for a period of two years from the entry into force of this Agreement; and
- (b) by retailers, until stocks are exhausted.

#### Article 6: Information exchange

The Parties shall cooperate and exchange information on any issue relevant for the implementation of this Annex within the Trade Specialised Committee on Technical Barriers to Trade.

#### Article 7: Review

No later than three years from the entry into force of this Agreement, the Parties shall consider further steps to facilitate trade in wine between the Parties.

## APPENDIX A – LAWS AND REGULATIONS OF THE PARTIES

### ***Laws and regulations of the United Kingdom<sup>114</sup>***

#### Laws and regulations referred to in Article 2(2) concerning:

- a) product definitions:
  - (i) Retained Regulation (EU) No 1308/2013, in particular production rules in the wine sector, in accordance with Articles 75, 81 and 91, Part IV of Annex II and Part II of Annex VII to that Regulation and its implementing rules, including subsequent modifications;
  - (ii) Retained Commission Delegated Regulation (EU) 2019/33, in particular Articles 47, 52 to 54 and Annexes III, V and VI to that Regulation, including subsequent modifications;
  - (iii) Retained Regulation (EU) No 1169/2011 and its implementing rules, including subsequent modifications;
- b) oenological practices and restrictions:
  - (i) Retained Regulation (EU) No 1308/2013, in particular oenological practices and restrictions in accordance with Articles 80 and 83 and Annex VIII to that Regulation and its implementing rules, including subsequent modifications;
  - (ii) Retained Commission Delegated Regulation (EU) 2019/934, including subsequent modifications.

### ***Laws and regulations of the Union:***

#### Laws and regulations referred to in Article 2(2) concerning:

- a) product definitions:
  - (i) Regulation (EU) No 1308/2013 of the European Parliament and of the Council<sup>115</sup>, in particular production rules in the wine sector, in accordance with Articles 75, 81 and 91, Part IV of Annex II and Part II of Annex VII to that Regulation and its implementing rules, including subsequent modifications;
  - (ii) Commission Delegated Regulation (EU) 2019/33<sup>116</sup>, in particular Articles 47, 52 to 54 and Annexes III, V and VI to that Regulation, including subsequent modifications;

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<sup>114</sup> References in this list to Retained Union law are deemed to be references to such legislation, as amended by the United Kingdom to apply to the United Kingdom.

<sup>115</sup> Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

<sup>116</sup> 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 (OJ L 9, 11.1.2019, p. 2).

(iii) Regulation (EU) No 1169/2011 of the European Parliament and of the Council<sup>117</sup>, including subsequent modifications.

a) oenological practices and restrictions:

- (i) Regulation (EU) No 1308/2013, in particular oenological practices and restrictions in accordance with Articles 80 and 83 and Annex VIII to that Regulation and its implementing rules, including subsequent modifications;
- (ii) Commission Delegated Regulation (EU) 2019/934<sup>118</sup>, including subsequent modifications.

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<sup>117</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

<sup>118</sup> Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files (OJ L 149, 7.6.2019, p. 1).

## **APPENDIX B – ADDITIONAL OENOLOGICAL PRACTICES AND RESTRICTIONS JOINTLY ACCEPTED BY THE PARTIES**

- (1) Concentrated grape must, rectified concentrated grape must and sucrose may be used for enrichment and sweetening under the specific and limited conditions set out in Part I of Annex VIII to Regulation (EU) No 1308/2013 and in Part I of Annex VIII to Retained Regulation (EU) No 1308/2013, subject to the exclusion of use of these products in a reconstituted form in wines covered by this Agreement.
- (2) The addition of water in winemaking is not allowed, except where required on account of a specific technical necessity.
- (3) Fresh lees may be used under the specific and limited conditions set out in line item 11.2 of Table 2 of Part A of Annex I to Commission Delegated Regulation (EU) 2019/934 and in line item 11.2 of Table 2 of Part A of Annex I to Retained Commission Delegated Regulation (EU) 2019/934.

**APPENDIX C – TEMPLATE FOR SELF-CERTIFICATE FOR WINE IMPORTED FROM THE [EUROPEAN UNION / UNITED KINGDOM] INTO THE [UNITED KINGDOM / EUROPEAN UNION] (1)**

1. Exporter (name and address)	2. Serial No (2)
3. Importer (name and address)	4. Competent authority at the place of dispatch in the [European Union / United Kingdom] (3)
5. Customs stamp (for official [European Union / United Kingdom] use only)	
6. Means of transport and transport details (4)	7. Place of unloading (if different from 3)
8. Description of the imported product (5)	9. Quantity in l/hl/kg
	10. Number of containers (6)
<p><b>11. Certificate</b></p> <p>‘The product described above is intended for direct human consumption and complies with the definitions and oenological practices authorised under Annex TBT-5: Trade in Wine to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part. It has been produced by a producer who is subject to inspection and supervision by the following competent authority (7):</p> <p>Consignor certifying the above information (8)</p> <p>Identification of the consignor (9)</p> <p>Place, date and signature of the consignor</p>	

- (1) In accordance with Article 3(1) of Annex TBT-5: Trade in Wine to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.
- (2) Indicate the traceability number of the consignment, i.e. a serial number that identifies the consignment in the records of the exporter.
- (3) Indicate full name, address and contact details of the competent authority in one of the Member States of the European Union or in the United Kingdom from which the consignment is exported that is responsible for verifying the information referred to in this certificate.
- (4) Indicate transport used for delivery to the point of entry into the European Union or the United Kingdom; specify transport mode (ship, airplane, etc.), give name of the mean of transport (name of ship, number of flight, etc.)
- (5) Indicate the following information:
  - sale designation, as it appears on the label,
  - name of producer,
  - wine-growing region,
  - name of the country of production (one of the Member States of the European Union, or the United Kingdom),
  - name of the GI, if relevant,
  - total alcoholic strength by volume,
  - colour of the product (state 'red', 'rosé', 'pink' or 'white' only),
  - Combined Nomenclature code (CN code).
- (6) A container means a receptacle for wine of less than 60 litres. The number of containers may be the number of bottles.
- (7) Indicate full name, address and contact details of relevant competent authority in one of the Member States of the European Union or in the United Kingdom.
- (8) Indicate full name, address and contact details of the consignor.
- (9) Indicate:
  - For the European Union: the System of Exchange of Excise Data (SEED) excise number, or VAT number in case the consignor has no SEED number, or reference to the number in the list or register provided for in Article 8(3) of Commission Delegated Regulation (EU) 2018/273<sup>119</sup>;
  - For the United Kingdom: the System of Exchange of Excise Data (SEED) excise number, or VAT number in case the consignor has no SEED number, or reference to the WSB number.

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<sup>119</sup> Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560 (OJ L 58, 28.2.2018, p. 1).