



Brussels, XXX
[...] (2023) XXX draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

supplementing Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards specific rules for the indication and designation of ingredients for aromatised wine products

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 has amended certain provisions of Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 in relation to the aromatised wine products sector. The obligation to indicate the nutrition declaration and the list of ingredients for aromatised wine products has been introduced.

Regulation (EU) No 251/2014 empowers the Commission to adopt delegated acts to further specify the rules for the indication and designation of ingredients for aromatised wine products.

The purpose of this delegated act is to supplement Regulation (EU) No 251/2014 as regards certain specific rules for the ingredients labelling of aromatised wine products.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations, involving experts from all the 27 Member States have been carried out in the context of the meetings of the Expert Group for the Common Organisation of Agricultural Markets – Wine held (virtually), on 14 March, 18 April and 19 June 2023.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act is based on Article 6a(4) of Regulation (EU) No 251/2014 and should be adopted by means of the procedure in accordance with Article 33 of the same Regulation.

Article 1: This Article provides the specific rules on the indication and designation of ingredients for aromatised wine products.

Article 2: This Article provides for the applicability of the delegated act from 8 December 2023, in line with the provision of Article 6, fifth subparagraph, of Regulation (EU) 2021/2117.

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of **XXX**

supplementing Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards specific rules for the indication and designation of ingredients for aromatised wine products

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation and labelling of aromatised wine products and repealing Council Regulation (EEC) No 1601/91¹, and in particular Article 6a(4) thereof,

Whereas:

- (1) Regulation (EU) 2021/2117 of the European Parliament and of the Council² has amended Regulation (EU) No 251/2014.
- (2) In the context of that amendment, the list of ingredients and the nutrition declaration referred to in Article 9(1), points (b) and (l), respectively, of Regulation (EU) No 1169/2011 of the European Parliament and of the Council³, were introduced as mandatory particulars in Article 6a of Regulation (EU) No 251/2014. Regulation (EU) 2021/2117 also empowered the Commission to adopt delegated acts supplementing Regulation (EU) No 251/2014 by further specifying the rules for the indication and designation of ingredients for the application of the new labelling requirement.
- (3) Although the relevant provisions of Regulation (EU) No 1169/2011 apply to the indication and designation of ingredients for aromatised wine products, it is appropriate to lay down specific rules that take into account certain specific characteristics of aromatised wine products and the peculiar processes and timing of their production, in view of providing consumers with comprehensive and accurate information. These rules should apply when the list of ingredients is provided on the aromatised wine product's label, but also when the list of ingredients is provided by

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¹ OJ L 84, 20.3.2014, p. 14.

² Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021, amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262).

³ 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).

electronic means identified on the package or on a label attached thereto, in accordance with Article 6a(2) of Regulation (EU) No 251/2014.

- (4) Since aromatised wine products are always obtained from one or more of the grapevine products defined in points 1, 2 and 4 to 11 of Part II of Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council⁴, it is appropriate to require that all the ingredients of the grapevine products used in the production of aromatised wine products are listed in accordance with the specific rules concerning the indication and designation of ingredients of grapevine products as laid down in Article 48a of Commission Delegated Regulation (EU) 2019/33⁵.
- (5) The ingredients of the grapevine products used as a base to obtain the aromatised wine product should be visually distinguished from the other ingredients added to them. The ingredients of the grapevine products should therefore be indicated within brackets, following the term 'wine' or another term identifying the specific grapevine products used, while all other ingredients added to the base grapevine products should appear outside of the brackets in descending order of volume or weight as recorded at the time of their use in the manufacture of the aromatised wine product, as provided for by Article 18(1) of Regulation (EU) No 1169/2011.
- (6) However, where certain ingredients are added to the base grapevine products used to obtain the aromatised wine product, specific rules should apply for their designation in the list of the ingredients.
- (7) For reasons of consistency with the rules on the indication of ingredients of grapevine products and in order to facilitate the understanding of consumers, it is appropriate to allow using the term 'concentrated grape must' to designate both concentrated grape must and rectified concentrated grape must where they are added to the grapevine products used to obtain the aromatised wine product.
- (8) Where sulphites/sulfites, eggs and egg-based products and/or milk and milk-based products are used in the production of aromatised wine products, they should be indicated on the label using the terms traditionally used in the labelling of grapevine products. Those allergens should be indicated within brackets where they are used in the production of the grapevine products, while they should appear outside of the brackets where they are added to the aromatised wine product before bottling.
- (9) For the same reason, it is appropriate to allow for aromatised wine products the use of the same pictograms illustrating sulphites/sulfites, eggs and egg-based products and/or milk and milk-based products as those that are used for grapevine products.
- (10) Where any other substances or products causing allergies or intolerances are added to an aromatised wine product before bottling, they are to be presented in accordance with Article 21(1) of Regulation (EU) No 1169/2011.

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⁴ 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).

⁵ 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).

- (11) Where sulphites/sulfites, eggs and egg-based products and/or milk and milk-based products are both used in the base grapevine products and added to the aromatised wine product before bottling, they should be indicated only once on the package or on a label attached thereto following the term ‘contains’ if the full list of ingredients is provided by electronic means.
- (12) Certain additives used as packaging gases (carbon dioxide, argon and nitrogen) have as main objective the displacing of oxygen during the bottling of aromatised wine products, but they do not become part of the product that is consumed. As their indication in the list of ingredients may confuse consumers as to the true nature and composition of the aromatised wine product, it appears appropriate to replace them with a specific particular that describes their function by using the term ‘Bottled in a protective atmosphere’.
- (13) Due to the obligation to list the ingredients as from 8 December 2023 in accordance with Article 6, fifth paragraph, of Regulation (EU) 2021/2117, this Regulation should apply from 8 December 2023,

HAS ADOPTED THIS REGULATION:

Article 1

List of ingredients

1. The grapevine products used to obtain an aromatised wine product shall be indicated in its list of ingredients by the term ‘wine’ or the name of the specific grapevine products used. Those terms shall be immediately followed by the ingredients of those grapevine products listed in accordance with Article 48a of Delegated Regulation (EU) 2019/33, indicated within brackets.
2. Where the following ingredients are added to the base grapevine products before or during the bottling of the aromatised wine product, they may be indicated outside of the brackets referred to in paragraph 1 as follows:
 - (a) ‘concentrated grape must’ and/or ‘rectified concentrated grape must’ may be indicated by using the term ‘concentrated grape must’;
 - (b) sulphites/sulfites, eggs and egg-based products and milk and milk-based products may be indicated by using the terms listed in Part A of Annex I to Delegated Regulation (EU) 2019/33;
 - (c) additives falling under the category ‘packaging gases’ may be replaced by the specific particular ‘Bottled in a protective atmosphere’.

For the purposes of the first subparagraph, point (b), where the list of ingredients is provided by electronic means, those terms shall also appear once on the package or on a label attached thereto, following the word ‘contains’ along with the indication of any other possible substances or products causing allergies or intolerances used in the production of the aromatised wine product. Those terms may be accompanied by the relevant pictogram set out in Part B of Annex I to Delegated Regulation (EU) 2019/33.

Article 2

Entry into force and application

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

It shall apply from 8 December 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN

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