

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**

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## **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 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 as a preparation for and during 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.

# 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**

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 1601/91<sup>1</sup>, and in particular Article 6a(4) thereof,

Whereas:

- (1) Regulation (EU) 2021/2117 of the European Parliament and of the Council<sup>2</sup> 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 Council<sup>3</sup>, 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. It is therefore appropriate to further specify the rules for the indication and designation of ingredients, taking into account the specific characteristics of aromatised wine products and the specific processes and timing of their production, while providing consumers with comprehensive and accurate information. Those 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 electronic means identified on the package or on a label attached thereto, in accordance with Article 6a(2) of Regulation (EU) No 251/2014.

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<sup>1</sup> OJ L 84, 20.3.2014, p. 14.

<sup>2</sup> 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).

<sup>3</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 Text with EEA relevance (OJ L 304, 22.11.2011, p. 18).

- (3) 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 Council<sup>4</sup>, it is appropriate to require that the ingredients of grapevine products used in the production of aromatised wine are listed in accordance with the specific rules concerning the indication and designation of ingredients for grapevine products laid down in Article 48a of Commission Delegated Regulation (EU) 2019/33<sup>5</sup> as amended by Commission Delegated Regulation (EU) 2023/XXXX<sup>6</sup>.
- (4) Where concentrated grape must and rectified concentrated grape must are added to the base grapevine products used to produce an aromatised wine product in order to sweeten it, they should be part of the list of ingredients. For reasons of consistency with the rules on the indication of ingredients in 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.
- (5) Article 6a(3), first subparagraph, point (c), of Regulation (EU) No 251/2014, read in conjunction with Article 9(1), point (c), of Regulation (EU) No 1169/2011, lays down that, where the list of ingredients for aromatised wine products is provided by electronic means, the indication of the substances causing allergies or intolerances is to appear directly on the package or on a label attached thereto. However, where the list of ingredients is presented on the package or on a label attached thereto, the allergenic substances must be indicated in the list of ingredients, in accordance with Article 21(1), first subparagraph, point (a), of Regulation (EU) No 1169/2011. The substances or products causing allergies or intolerances added to the aromatised wine product before bottling should be indicated by using the same terms as those allowed for grapevine products. Those terms have been traditionally used in the labelling of aromatised wine products and should continue to be used, also within the list of ingredients when it is presented on the package or on a label, for reasons of consistency with past labelling practices and taking into account that consumers are familiar therewith.
- (6) 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

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<sup>4</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>5</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).

<sup>6</sup> Commission Delegated Regulation (EU) 2019/33 of XX XXXXX 2023 amending Delegated Regulation (EU) 2019/33 as regards certain provisions on protected denominations of origin and protected geographical indications for wine and on the presentation of compulsory particulars for grapevine products and specific rules for the indication and designation of ingredients for grapevine products, and Delegated Regulation (EU) 2018/273 as regards the certification of imported wine product (OJ L x, xx.xx.2023, p. x).

with a specific particular that describes their function by using the term ‘Bottled in a protective atmosphere’.

- (7) In accordance with Article 6, fifth paragraph, of Regulation (EU) 2021/2117, the obligation to list the ingredients is to apply from 8 December 2023. Consequently, the specific rules related to that obligation should apply from that same date,

HAS ADOPTED THIS REGULATION:

### *Article 1*

#### **List of ingredients**

1. The grapevine products used to produce an aromatised wine product shall be indicated in its list of ingredients with the term ‘wine’ or the name of the specific grapevine products used. Those terms shall be accompanied, in brackets, by the ingredients of those grapevine products listed in accordance with Article 48a of Delegated Regulation (EU) 2019/33.
2. Where ‘concentrated grape must’ and/or ‘rectified concentrated grape must’ are added to the base grapevine products used for the production of an aromatised wine product, they may be indicated outside of the brackets referred to in paragraph 1 by using the term ‘concentrated grape must’.
3. For the purpose of indicating certain substances or products causing allergies or intolerances, in accordance with Article 21(1) of Regulation (EU) No 1169/2011, where sulphites/sulfites, eggs and egg-based products and milk and milk-based products are added to the aromatised wine product before bottling, they shall be indicated in the list of ingredients by using the terms listed in Part A of Annex I to Delegated Regulation (EU) 2019/33.

If the list of ingredients is provided by electronic means, those terms shall also appear on the package or on a label attached thereto, following the word ‘contains’.

4. The terms referred to in paragraph 3 may be accompanied by the relevant pictogram set out in Part B of Annex I to Delegated Regulation (EU) 2019/33.
5. The indication in the list of ingredients of the additives carbon dioxide, argon and nitrogen, where used as ‘packaging gases’ during the bottling of an aromatised wine product, may be replaced by the specific particular ‘Bottled in a protective atmosphere’.

### *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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