

COMMISSION DELEGATED REGULATION (EU) 2023/1606**of 30 May 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 products

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 89, Article 109(3), point (b) and Article 122 thereof,

Whereas:

- (1) Regulation (EU) 2021/2117 of the European Parliament and of the Council ⁽²⁾ has amended Regulation (EU) No 1308/2013.
- (2) In the context of that amendment, the provisions of Articles 6, 10, 12, 14, 15, 20 and 22 of Commission Delegated Regulation (EU) 2019/33 ⁽³⁾ have been inserted in Article 96(5) and (6), Article 97(2), Article 98(2), (3), (4) and (5), and Articles 105, 106 and 106a of Regulation (EU) No 1308/2013.
- (3) In particular, Article 15 of Delegated Regulation (EU) 2019/33 is no longer useful since it sets out a specific procedure for approval of Union amendments to a product specification – allowing their approvals without vote of the Committee in case no opposition is lodged against that amendment following the publication in the *Official Journal of the European Union* – which has now become the standard procedure for registration of a protected designation of origin or protected geographical indication under Article 99 of Regulation (EU) No 1308/2013, but also for approval of Union amendments to product specifications by virtue of Article 105(3), first subparagraph, of Regulation (EU) No 1308/2013.
- (4) For the sake of clarity and ease of use for the operators, Articles 6, 10, 12, 14, 15, 20 and 22 of Delegated Regulation (EU) 2019/33 should be deleted and references to those Articles changed.
- (5) Following the addition of a new paragraph 3 in Article 97 of Regulation (EU) No 1308/2013 by Regulation (EU) 2021/2117, the existing paragraph 3 of that Article became paragraph 4. Following the addition of new points, points (a)(iii) and (b)(iii) of Article 93(1) of Regulation (EU) No 1308/2013 became points (a)(iv) and (b)(iv) of that Article respectively. References in Article 5(1), (2) and (3) of Delegated Regulation (EU) 2019/33 to points (a)(iii) and (b)(iii) of Article 93(1) of Regulation (EU) No 1308/2013 and references in point (c)(iii) of Article 11(1) and in point (b) of the second subparagraph of Article 13(1) of Delegated Regulation (EU) 2019/33 to Article 97(3) of Regulation (EU) No 1308/2013 should be adjusted accordingly.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽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⁾ 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).

- (6) Annex III, Section B, point 3, second paragraph of Commission Delegated Regulation (EU) 2019/934 ⁽⁴⁾ provides that as concerns liqueur wines bearing the protected designation of origin 'Condado de Huelva', 'Málaga' and 'Jerez-Xérès-Sherry', the must of raisined grapes to which neutral alcohol of vine origin has been added to prevent fermentation, obtained from the Pedro Ximénez vine variety, may come from the 'Montilla-Moriles' region. However, Article 5(3) of Delegated Regulation (EU) 2019/33 states currently that this derogation only applies to liqueur wines with the protected designation of origin 'Málaga' and 'Jerez-Xérès-Sherry'. To ensure consistency with the provisions of Delegated Regulation (EU) 2019/934 and with the specifications of the liqueur wines bearing the protected designation of origin 'Condado de Huelva', it is necessary to amend Article 5(3) of Delegated Regulation (EU) 2019/33 and clarify that the derogation concerning the provenance of the must of raisined grapes to which neutral alcohol of vine origin has been added to prevent fermentation applies also to liqueur wines with the protected designation of origin 'Condado de Huelva'.
- (7) For all grapevine products that have undergone a de-alcoholisation treatment and have an actual alcoholic strength by volume of less than 10 %, Regulation (EU) 2021/2117 introduced the date of minimum durability as a compulsory particular in Article 119(1) of Regulation (EU) No 1308/2013. However, in accordance with the requirements of Regulation (EU) No 1169/2011 of the European Parliament and of the Council ⁽⁵⁾ that are applicable to all foodstuffs, it is appropriate to establish that the date of minimum durability, whenever displayed on the container, does not need to appear in the same field of vision as required for other compulsory particulars referred to in Article 119 of Regulation (EU) No 1308/2013.
- (8) Regulation (EU) 2021/2117 also added the list of ingredients and the nutrition declaration pursuant to Article 9(1), points (b) and (l), respectively, of Regulation (EU) No 1169/2011, to the list of compulsory particulars set out in Article 119(1) of Regulation (EU) No 1308/2013. Regulation (EU) 2021/2117, by amending Article 122 of Regulation (EU) No 1308/2013, also empowered the Commission to adopt specific rules concerning the indication and designation of ingredients for the application of the new requirement laid down in Article 119(1), point (i), of Regulation (EU) No 1308/2013. It is therefore appropriate to provide for the rules necessary to take into account the specific characteristics of grapevine products and the specific processes and timing of their production, while providing consumers with comprehensive and accurate information. These rules should apply when the list of ingredients is provided on the wine 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 119(5) of Regulation (EU) No 1308/2013.
- (9) Article 119(5), point (c), of Regulation (EU) No 1308/2013, read in conjunction with Article 9, paragraph 1, point (c), of Regulation (EU) No 1169/2011, lays down that, where the list of ingredients 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. For reasons of consistency with the requirements of Regulation (EU) No 1169/2011, which already apply for wine, it is appropriate that the derogation provided for in Article 40(2) of Delegated Regulation (EU) 2019/33 allowing to indicate those substances outside the same field of vision continues to apply in those cases. However, where the list of ingredients is presented on the package or on a label attached thereto, it shall appear in the same field of vision on the container and the allergenic substances must also be indicated in this list, in accordance with Article 21(1), point (a), of Regulation (EU) No 1169/2011.

⁽⁴⁾ 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).

⁽⁵⁾ 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).

- (10) Since grapevine products are always produced from grapes, it is appropriate to allow the use of a single term to indicate the basic raw material in the list of ingredients irrespective of whether the winemaker has used fresh grapes or grape must. In fact, the consistent use of the term 'grapes' in the list of ingredients for grapevine products allows a harmonised, comprehensible, and clear information for consumers.
- (11) The substances authorised under Union law for different oenological purposes such as enrichment and sweetening, including sucrose, concentrated grape must, and rectified concentrated grape must are ingredients and are therefore part of the list of ingredients. In order to facilitate the understanding of consumers and the management by winemakers of the listing of substances based on grape must, it is appropriate to allow using the term 'concentrated grape must' to designate both concentrated grape must and rectified concentrated grape must.
- (12) In addition to the indication of grapes, sweetening and enrichment substances, and possibly tirage liqueur and expedition liqueur, the list of ingredients should be completed with an indication of the additives used in the production of grapevine products, as well as the processing aids that may cause allergies or intolerances. It is appropriate to specify that the full list of these oenological compounds that may be in the list of ingredients are those referred to in Annex I, Part A, Table 2, of Delegated Regulation (EU) 2019/934, which also contains the terms to designate them and the E numbers that can be alternatively used to present them as ingredients.
- (13) Wine is a product that remains biochemically active, and its intrinsic characteristics can vary widely all along its life, even within the same lot. The grapes used to produce one single wine are different, due to factors such as fruit maturity, harvesting conditions, or the local soils and weather. External conditions during vinification and ageing before bottling, in barrels or other special containers, also influence the final product. Additives are used at various stages of production, from the first fermentation to the bottling; for certain oenological functions, the most suitable additives may differ due to the interaction between the wine characteristics and the external factors, and the frequent need to blend different wines. The decision to use certain additives is often taken on the spot by the responsible oenologists based on an *ad hoc* analysis conducted at different moments of the production to ensure the integrity of wine (e.g. on acidity, freshness) and its stability. Such decision is very often taken late in the process, when labels are already printed. In addition, last minute flexibility is often required to meet the needs of the wine market, depending on the final destination and buyers of the wine. This is, in particular, the case for additives falling under the categories 'acidity regulators' and 'stabilising agents'. In line with the above, in order to allow for the flexibility required for oenological, labelling and commercial purposes, while ensuring the necessary provision of sufficient information to consumers, and taking into account the limited amount of authorised oenological compounds, which are strictly regulated by Delegated Regulation (EU) 2019/934, it is appropriate to allow operators to present, in the list of ingredients, the 'acidity regulators' and 'stabilising agents' by means of no more than three alternative ingredients, where they are similar or mutually substitutable in their function, under the condition that at least one of those additives be present in the final product.
- (14) Article 41 of Delegated Regulation (EU) 2019/33 provides for the terms that shall be used for labelling certain substances or products causing allergies or intolerances, as referred to in Article 21 of Regulation (EU) No 1169/2011, concerning sulphites/sulfites, eggs and egg-based products and milk and milk-based products. Those terms should continue to be used, also within the list of ingredients when it is presented on the package or on a label, for consistency reasons and taking into account that consumers are familiar therewith.
- (15) Certain additives used as packaging gases (carbon dioxide, argon and nitrogen) have as main objective the displacing of oxygen during the bottling of grapevine products, but they do not become part of the product that is consumed. Moreover, it is also a specificity of the wine market that these gases are sometimes decided on an *ad hoc* basis at the time of bottling after labels have been produced, depending on commercial factors such as the destination market, the means of transport or the needs of buyers. Therefore, it appears appropriate to allow operators to replace the listing of packaging gases with a specific particular that describes their function by using the statement 'Bottled in a protective atmosphere' or 'Bottling may happen in a protective atmosphere'.

- (16) Certain oenological practices for the production of sparkling wines consist in the addition of a 'tirage liqueur' to the cuvée, to provoke the secondary fermentation, and the addition of an 'expedition liqueur' to confer those wines their specific organoleptic properties. All possible constituents of both the tirage liqueur and the expedition liqueur are regulated in Annex II to Delegated Regulation (EU) 2019/934, and consist of sucrose, grape must, concentrated grape must and/or wine, but these are not used for sweetening or enrichment. Given their very specific oenological functions, the simple indication of the individual components of the tirage liqueur and the expedition liqueur together with the other ingredients may be misleading for the consumers, unless they are grouped under the relevant specific terms. Therefore, it should be allowed to display the terms 'tirage liqueur' and 'expedition liqueur' in the list of ingredients, either alone or accompanied by a list of their actual constituents.
- (17) Certain provisions of Delegated Regulation (EU) 2019/33 specific to the United Kingdom, such as Article 45(3) or Article 51, fourth paragraph, have become obsolete since that country is no longer a Member State of the Union. Therefore, those provisions should be deleted.
- (18) In accordance with Article 57(1), point (a), of Delegated Regulation (EU) 2019/33, the foil sheathing the fastening of the sparkling wine bottle is generally reserved as a compulsory distinctive feature of sparkling wines, quality sparkling wines and aromatic quality sparkling wines. The use of the foils should therefore continue to be reserved as a distinctive feature for these wines, with the exceptions defined in Article 57(2) of that Delegated Regulation. However, producers and bottlers should be allowed to refrain from using foil for operational reasons such as cost savings, waste avoidance or improvement of marketing, provided that it is ensured that there is no safety risk for the product by unintentional opening or manipulation of the fastening.
- (19) Annex III, Part B, of Delegated Regulation (EU) 2019/33, defining the conditions of use of the terms referred to in Article 52(1) of that Delegated Regulation to be used for other products than those listed in Part A, should be amended to clarify further the conditions of use of those terms.
- (20) The list of ingredients and the nutrition declaration, as compulsory particulars, become an integral part of the 'description of the product' in the accompanying documents referred to in Article 10, in accordance with the requirements for the use of accompanying documents, concerning the description of the product, as set-up in Annex V, section A, of Commission Delegated Regulation (EU) 2018/273 ⁽⁹⁾, from the date of entry into force of the relevant provisions, and shall apply to both wine transported in bulk and to labelled packaged wine products. Conversely, in order to ensure that wine imported into the Union is labelled in accordance with Union rules, the requirements for the VI-1 document and VI-2 extracts set out in Annex VII to that Delegated Regulation should be amended to ensure that the list of ingredients is an integral part of the description of the imported product.
- (21) Delegated Regulations (EU) 2019/33 and (EU) 2018/273 should therefore be amended accordingly.
- (22) In accordance with Article 6, fifth subparagraph of Regulation (EU) 2021/2117, the obligation to list the ingredients and to indicate the date of minimum durability of partially de-alcoholised and de-alcoholised grapevine products with an actual alcoholic strength by volume of less than 10 % are to apply from 8 December 2023. Consequently, the amendments related to those obligations should apply from that same date,

⁽⁹⁾ 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).

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2019/33

Delegated Regulation (EU) 2019/33 is amended as follows:

- (1) Article 5 is replaced by the following:

'Article 5

Derogations concerning production in the demarcated geographical area

1. By way of derogation from Article 93(1), points (a)(iv) and (b)(iv), of Regulation (EU) No 1308/2013, and on condition that the product specification so provides, a product which has a protected designation of origin or geographical indication may be made into wine in any of the following locations:

- (a) in an area in the immediate proximity of the demarcated area in question;
- (b) in an area located within the same administrative unit or within a neighbouring administrative unit, in conformity with national rules;
- (c) in the case of a trans-border designation of origin or geographical indication, or where an agreement on control measures exists between two or more Member States or between one or more Member States and one or more third countries, in an area situated in the immediate proximity of the demarcated area in question.

2. By way of derogation from Article 93(1), point (a)(iv), of Regulation (EU) No 1308/2013, and on condition that the product specification so provides, a product may be made into sparkling wine or semi-sparkling wine bearing a protected designation of origin beyond the immediate proximity of the demarcated area in question if this practice was in use prior to 1 March 1986.

3. By way of derogation from Article 93(1), point (a)(iv), of Regulation (EU) No 1308/2013, with regard to liqueur wines with the protected designation of origin "Condado de Huelva", "Málaga" and "Jerez-Xérès-Sherry", the must of raisined grapes to which neutral alcohol of vine origin has been added to prevent fermentation, obtained from Pedro Ximénez vine variety, may come from the "Montilla-Moriles" region.;

- (2) Article 6 is deleted;
- (3) Article 10 is deleted;
- (4) in Article 11(1), first subparagraph, point (c), point (iii) is replaced by the following:

'(iii) the registration of the proposed name would jeopardise the rights of a trade mark holder or of a user of a fully homonymous name or of a compound name, one term of which is identical to the name to be registered, or the existence of partially homonymous names or of other names similar to the name to be registered which refer to grapevine products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 97(4) of Regulation (EU) No 1308/2013.;

- (5) Article 12 is deleted;
- (6) in Article 13(1), second subparagraph, point (b) is replaced by the following:

'(b) of partially homonymous names or of other names similar to the name to be registered which refer to grapevine products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 97(4) of Regulation (EU) No 1308/2013.;

- (7) Article 14 is deleted;
- (8) Article 15 is deleted;

- (9) in Article 17(1), the third subparagraph is replaced by the following:

‘The application for a standard amendment shall provide a description of the standard amendments, provide a summary of the reasons for which the amendments are required and demonstrate that the proposed amendments qualify as standard in accordance with Article 105(2), third subparagraph, of Regulation (EU) No 1308/2013.’;

- (10) Article 20 is deleted;

- (11) Article 22 is deleted;

- (12) in Article 40, paragraph 2 is replaced by the following:

‘2. By way of derogation from paragraph 1, the following compulsory particulars may appear outside the field of vision referred to in that paragraph:

- (a) the substances or products causing allergies or intolerances referred to in Article 9(1), point (c), of Regulation (EU) No 1169/2011, where the list of ingredients is provided by electronic means;
- (b) the indication of the importer;
- (c) the lot number; and
- (d) the date of minimum durability.’;

- (13) in Article 45, paragraph 3 is deleted;

- (14) the following Article is inserted:

‘Article 48a

List of ingredients

1. The term “grapes” may be used to replace the indication of the grapes and/or the grape must used as raw materials for the production of grapevine products.
2. The term “concentrated grape must” may be used to replace the indication of the concentrated grape must and/or the rectified concentrated grape must used for the production of grapevine products.
3. The oenological compounds categories, names and E numbers to be used in the list of ingredients are set out in Annex I, Part A, Table 2, of Delegated Regulation (EU) 2019/934.
4. Without prejudice to Article 41(1) of this Regulation, the terms to be used to indicate the oenological compounds causing allergies or intolerances in the list of ingredients, are laid down in column 1 of Table 2 of Part A of Annex I to Delegated Regulation (EU) 2019/934.
5. Additives under the categories “acidity regulators” and “stabilising agents” which are similar or mutually substitutable, may be indicated in the list of ingredients by using the expression “contains... and/or”, followed by no more than three additives, where at least one of those is present in the final product.
6. The indication of additives falling under the category “packaging gases” in the list of ingredients may be replaced by the specific particular “Bottled in a protective atmosphere” or “Bottling may happen in a protective atmosphere”.
7. The addition of tirage liqueur and expedition liqueur to grapevine products may be indicated by the specific particulars “tirage liqueur” and “expedition liqueur”, alone or accompanied, in brackets, by a list of their constituents, as laid down in Annex II to Delegated Regulation (EU) 2019/934.’;

- (15) in Article 51, the fourth paragraph is deleted;

- (16) in Article 57(1), the following third subparagraph is added:

‘By way of derogation from the first subparagraph, point (a), producers of sparkling wine, quality sparkling wine and quality aromatic sparkling wine may decide not to sheath the fastening with a foil.’;

(17) in Article 58, paragraph 1 is replaced by the following:

‘1. Member States may render the use of the particulars and rules of presentation referred to in Articles 49, 50, 52, 53 and 55, and Article 57(1), third subparagraph, of this Regulation and Article 14 of Commission Implementing Regulation (EU) 2019/34 (*) compulsory, prohibited or limited for grapevine products bearing a protected designation of origin or geographical indication produced on their territory, by introducing conditions stricter than those laid down in this Chapter through the corresponding product specifications of those grapevine products.

(*) Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of 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, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks (OJ L 9, 11.1.2019, p. 46).’;

(18) in Annex III, Part B, the table is replaced by the following:

Terms	Conditions of use
cyxo, seco, suché, tør, trocken, kuiv, ξηρός, dry, sec, secco, asciutto, sausais, sausas, száraz, droog, wytrawne, seco, sec, suho, kuiva, torrt	If its sugar content does not exceed: — 4 grams per litre, or — 9 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 2 grams below the residual sugar content.
полусухо, semiseco, polosuché, halvtør, halbtrocken, poolkuiv, ημιξηρός, medium dry, demi-sec, abboccato, pussausais, pusiau sausas, félszáraz, halfdroog, półwytrawne, meio seco, adamado, demisec, polsuho, puolikuiva, halvtorrt, polusuho	If its sugar content exceeds the maximum set at above but does not exceed: — 12 grams per litre, or — 18 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 10 grams below the residual sugar content.
полусладко, semidulce, polosladké, halvsød, lieblich, poolmagus, ημιγλυκός, medium, medium sweet, moelleux, amabile, pussaldais, pusiau saldus, félédés, halfzoet, półsłodkie, meio doce, demidulce, polsladko, puolimakea, halvsött, poluslatko	If its sugar content exceeds the maximum set out in the second row of this table but does not exceed 45 grams per litre.
сладко, dulce, sladké, sød, süss, magus, γλυκός, sweet, doux, dolce, saldais, saldus, édes, helu, zoet, słodkie, doce, dulce, sladko, makea, sött, slatko.	If its sugar content is of at least 45 grams per litre.’

Article 2

Amendment to Delegated Regulation (EU) 2018/273

In Annex VII, Part III, point C, of Delegated Regulation (EU) 2018/273, the following indent is added to the content of Box 6: (Box 5 for VI-2): Description of the imported product:

‘— List of ingredients.’.

*Article 3***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*.

Article 1, points (12) and (14), and Article 2 shall apply from 8 December 2023.

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

Done at Brussels, 30 May 2023.

For the Commission

The President

Ursula VON DER LEYEN
