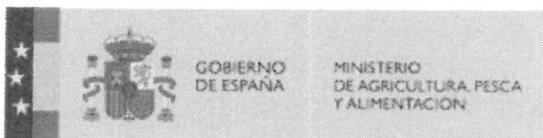




*Ministero dell'agricoltura, della sovranità alimentare e delle foreste*

DIPARTIMENTO DELLE POLITICHE EUROPEE E INTERNAZIONALI E DELLO SVILUPPO RURALE  
DIREZIONE GENERALE DELLE POLITICHE INTERNAZIONALI  
E DELL'UNIONE EUROPEA  
PIUE VII



**SECRETARIA GENERAL DE  
AGRICULTURA Y ALIMENTACIÓN**



**MINISTÈRE  
DE L'AGRICULTURE  
ET DE LA SOUVERAINETÉ  
ALIMENTAIRE**

*Liberté  
Égalité  
Fraternité*

Direction Générale de la Performance Economique et Environnementale des Entreprises

 **REPÚBLICA PORTUGUESA  
AGRICULTURA E ALIMENTAÇÃO**

Mr. Wolfgang Bartscher  
DG AGRI. European Commission

Dear Director General,

Italy, France, Portugal and Spain are writing to you concerning the new labelling rules foreseen in Regulation (EU) 2021/2117 to request your urgent action to avoid a disruption of the EU wine market, and economic damage to wine operators and legal uncertainty in the Single Market.

The new labelling rules will require all wines and aromatised wine products produced after 8 December 2023 and commercialised in the EU market to communicate, on a mandatory basis, the list of ingredients and the nutritional declaration. This can be done either directly on the physical label of the product or by digital means (e-labels).

With the new labelling rules coming into force in less than two months, thousands of operators have already started printing their labels and labelling their products with a QR-Code to place compliant products on the EU market. Many of these bottles can be found on the market.

In compliance with Regulation (EU) 2021/2117, a large majority of wine operators have decided to identify the QR-codes with the registered ISO 2760 symbol which is universally known for identifying a place where information may be found.

We believe this practice to be in line with the legislation and a valid way to identify universally the QR-code on the label to guide consumers to the information provided digitally.

The late discussions held in September in the context of the wine GREX meeting on Commission's "Questions and answers on the implementation of new EU wine labelling provisions" and more precisely on the potential identification of the QR-code by indicating close to it the terms "ingredients" and "nutritional declaration", have brought legal uncertainty for wine operators only 2 months before the entry into force of the new rules.

In order to provide certainty to wine operators and to avoid the unnecessary destruction of existing labels, we request the European Commission not to include in the final version of the Commission Guidelines that would be published on 27 November, just some days before the date of application of the new rules, this new interpretation.

In parallel, and in order to guarantee a harmonized solution in the EU Single market for wines to identify the electronic means on the label, we suggest developing a system of identification which is language-free, universal and that does not need to be adapted each time that new information can be conveyed through an e-label.

The system to identify the digital support should be universal and language-free and would require:

- a minimum size for the letter "i" within the ISO 2760 symbol to be placed within or next to the QR code ;
- to integrate next to one another or within a single frame, the QR-code, the ISO symbol and the reference to the energy content.

I hope that we can count on your urgent support to avoid the destruction of the already prepared labels and legal uncertainty in the Single Market for wine products.

Yours sincerely,

Le Directeur Général de la performance économique et environnementale des entreprises  
Ministère français de l'agriculture et de la souveraineté alimentaire

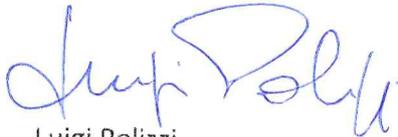


Philippe Duclaud

El Secretario General de agricultura y alimentación  
Ministerio de agricultura, pesca y alimentación de España

Fernando Miranda Sotillos

Il Direttore Generale delle politiche internazionali e dell'Unione Europea  
Ministero italiano dell'agricoltura, della sovranità alimentare e delle foreste



Luigi Polizzi

O Presidente do Conselho Diretivo Instituto da Vinha e do Vinho, IP  
Ministério da Agricultura e Alimentação de Portugal

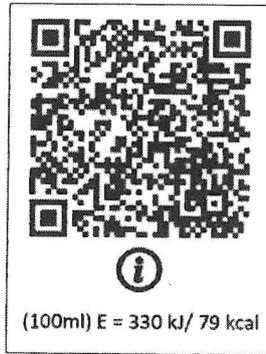
Bernardo Gouvêa

ANNEX I

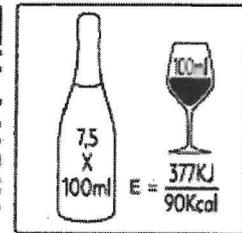
Examples of presentation of QR-codes on labels:



(100ml) E= 330 kJ/ 79 kcal



(100ml) E = 330 kJ/ 79 kcal



ANNEX II

COM Draft Guidelines	PROPOSAL
<p>38) <i>How should the information provided by electronic means be identified on the label to inform about the content of the electronic means? Can the QR code be identified with a symbol (e.g., the letter 'i' intended for "information for consumers") or should it explicitly refer with wording to the mandatory information the QR code leads to? Would a wording be too much burdensome and risk of fragmenting the internal market?</i></p> <p>Article 13(1) of the FIC Regulation provides that 'mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from, or interrupted by any other written or pictorial matter or any other intervening material.' <del>If there is no clear reference on the label as to the content of the information provided by electronic means, consumers can hardly interpret and understand the nature of the information (compulsory or not) contained in the link. This can be considered as mandatory information being hidden, non-conspicuous and non-easily visible.</del></p> <p>The presentation of a QR code should therefore be clear for the consumers regarding its content i.e., the compulsory information that is presented by electronic means. <del>Generic terms or symbols (like an 'i') are not sufficient to fulfil the requirements of this provision.</del></p> <p>Where the information provided by electronic means (identified by e.g., a QR code) is the list of ingredients, a heading, as referred to in Article 18(1) of the FIC Regulation, must be used, in the same way as the current practice used for the paper labels for other food (i.e. containing the word 'ingredients').</p> <p><del>For the terms being used, their language regime is subject to the same rules as the other compulsory particulars referred to in Article 119 of the CMO Regulation, i.e., the rules defined as <i>lex specialis</i> in Article 121 of the CMO Regulation.</del></p>	<p><i>How should the information provided by electronic means be identified on the label to inform about the content of the electronic means? Can the QR code be identified with a symbol (e.g., the letter 'i' intended for "information for consumers") or should it explicitly refer with wording to the mandatory information the QR code leads to? Would a wording be too much burdensome and risk of fragmenting the internal market?</i></p> <p>Article 13(1) of the FIC Regulation provides that 'mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from, or interrupted by any other written or pictorial matter or any other intervening material.' <del>If there is no clear reference on the label as to the content of the information provided by electronic means, consumers can hardly interpret and understand the nature of the information (compulsory or not) contained in the link. This can be considered as mandatory information being hidden, non-conspicuous and non-easily visible.</del></p> <p>The presentation of a QR code should therefore be clear for the consumers regarding <i>the fact it contains relevant information and should be identified with appropriate language free presentation modalities, for instance through symbols like the ISO 2760 one ('i')</i> to fulfil the requirements of this provision.</p> <p><del>Where the information provided by electronic means (identified by e.g., a QR code) is the list of ingredients, a heading, as referred to in Article 18(1) of the FIC Regulation, must be used, in the same way as the current practice used for the paper labels for other food (i.e. containing the word 'ingredients').</del></p> <p><i>For the terms being used regarding the list of ingredients, their language regime is subject to the same rules as the other compulsory particulars referred to in Article 119 of the CMO Regulation, i.e., the rules defined as <i>lex specialis</i> in Article 121 of the CMO Regulation.</i></p>