



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels
AGRI.E.2/AGT/pgg (2023)12545518

Dear Mr Miranda Sotillos,
Dear Mr Duclaud,
Dear Mr Polizzi,
Dear Mr Gouvea,

I refer to your letter dated 14 November 2023 (our reference Ares(2023)7727963), which expresses concerns with the entry into application of the new wine labelling rules, adopted back in December 2021, following the decisions taken by part of the industry on the interpretation of those rules, in particular regarding the presentation of the information by electronic means and its identification. The content of your letter has to a great extent been replied orally at the meeting of the Expert Group for Wine on 1 December 2023, but I would like to provide you with a written reply that addresses all the elements contained in your letter.

Your letter states that the discussions on the identification of the electronic means (i.e. a QR code) took place only in September and was included in the guidance document only a few days before the application date, and this has brought uncertainty to operators. I would like to clarify that the discussions on this particular topic started immediately after

Mr Philippe Duclaud
Le Directeur Général de la performance économique et environnementale des entreprises
Ministère français de l'agriculture et de la souveraineté alimentaire
France
E-mail: philippe.duclaud@agriculture.gouv.fr

Mr Fernando Miranda Sotillos
Secretario General de Agricultura y Alimentación
Ministerio de Agricultura, Pesca y Alimentación
España
E-mail: fmiranda@mapa.es

Mr Luigi Polizzi
Il Direttore Generale delle politiche internazionali e dell'Unione Europea
Ministero italiano dell'agricoltura, della sovranità alimentare e delle foreste
Italia
E-mail: l.polizzi@masaf.gov.it

Mr Bernardo Gouvea
O Presidente do Conselho Diretivo Instituto da Vinha e do Vinho, IP
Ministério da Agricultura e Alimentação
Portugal
E-mail: bgouvea@ivv.gov.pt

the question was first raised, and the Commission has always been consistent since the answer was provided in the GREX of June 2023, as reported in the minutes of the Member States expert group meetings. Moreover, even before the June's GREX meeting, the Commission has always replied to the sector in the same way and recommending to the sector a very prudent interpretation and judicious use of the QR code, which is a unique advantage granted to the wine sector for presenting certain compulsory information to consumers. The official publication in late November of the Commission Notice followed a formal procedural adoption that, as you know, takes time, but the substantial content (including the identification of the QR code with "ingredients") was known well in advance by all Member States and the representatives of the sector. In the GREX meeting of September, the Commission clearly invited Member States representatives to widely communicate the final content of the document to their sector. Therefore, this should not have come as a surprise when the Notice was published.

Let me remind you that the Commission Notice was produced and published at the strong request of Member States and widely discussed with national experts and the sector. It does not introduce new legal requirements but provides technical replies to questions the Member States themselves and the sector asked the Commission to provide guidance on. Those replies indeed aim at providing a harmonised understanding of the new labelling rules adopted in December 2021, based on a sound legal interpretation of the provisions contained in various existing EU regulations.

Your letter proposes to develop a language-free system for the identification of the QR code using the symbol circled "i" (ISO 2760) to guarantee a harmonised solution in the EU single market. As extensively explained in the September GREX meeting already, the Commission has no empowerment to regulate on the identification or format of the QR code. Therefore, apart from the fact that the choice of this symbol is quite unfortunate (see definition of ISO 2760¹) and potentially misleading to consumers, the Commission has no legal basis for acknowledging the symbol "i" as the unique identifier of the QR code. The interpretation of the Commission made in the guidance document, on the other hand, achieves your objective to guarantee a harmonised solution for the whole EU single market based on existing EU legislation.

Let me also highlight that, as explained in Question (38) of the guidance document, the language regime of the term is subject to the same rules as the other compulsory particulars referred to in Article 119 of Regulation (EU) 1308/2013, i.e. the rules defined as *lex specialis* in Article 121 of the same Regulation. Concretely this means that this term shall appear in one or more official languages of the Union. Therefore, this term does not require translation for sales within the internal market and thus does not represent additional burden. Labels, including their language, on bottles of wine exported from the EU may have to be adjusted to the national law of the importing third country. Other elements you mention in your letter, like the link of the QR code to the presentation of the energy value, were never discussed before.

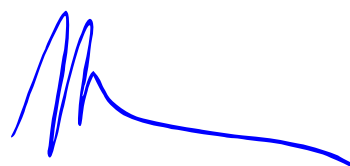
I understand your concerns about the already printed labels not in line with the interpretation given in the Commission Notice. In this respect, please note that only wines produced after 8 December 2023 need to meet the new labelling requirements. Wines produced before that date may continue to be placed on the market following the labelling requirements applicable before 8 December 2023, until stocks are exhausted. Indeed,

¹ <https://www.iso.org/obp/ui#iso:grs:7000:2760>

following the Corrigendum adopted on 31 July to Regulation (EU) 2021/2117² the great majority of wines produced from the harvest 2023, and earlier harvests, are not subject to the new labelling rules.

The Commission, in its frequent communication with the sector and the national administrations on this topic, has been insisting on the importance to make a responsible use of the electronic label in a moment of growing difficulties for the sector *vis-à-vis* consumers and the society as a whole. I believe it is in the general interest of the wine sector if a similar message is also conveyed by the national administrations of the key producing Member States. This would help the sector gain credibility with the society and avoid the criticism that may come from many angles in case of a misuse of the unique flexibilities granted to wine.

Yours sincerely,



Wolfgang BURTSCHER

² [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2117R\(04\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2117R(04))