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QUESTIONS AND ANSWERS ON DE-ALCOHOLISED WINES

This document provides replies to the various questions that the Commission services have received in relation to the application of the rules on the de-alcoholisation of wines introduced by Regulation (EU) 2021/2117¹, amending Regulation (EU) No 1308/2013².

Those replies express the views of the Commission services and do not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Question 1: We are reading the second sentence of the following provision as a **restriction**: "*The de-alcoholisation processes used shall not result in organoleptic defects of the grapevine product. The elimination of ethanol in grapevine products shall not be done in conjunction with an increase of the sugar content in the grape must.*" (Regulation (EU) No 1308/2013, Annex VIII, Part I, Section E).

Reply: We agree. This provision was introduced because it would be incoherent to start increasing the alcohol content of wine through enrichment of musts and later on remove alcohol through de-alcoholisation. This is also in line with file 3.5.16 of the OIV code of oenological practices.

Question 2: At first glance, it seems to be logical that the elimination of ethanol in grapevine products shall not be done in conjunction with an increase of the sugar content in the grape must. However, no market for these wines exist as yet (early 2022). Consequently, the **producers would have to wait** for the next harvest, because most of the basic wine made in Germany is made with enrichment.

¹ 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).

² 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).

Reply: We agree with this analysis. If there is no basic wine from the harvest 2021 made without enrichment, it is not admissible to produce de-alcoholised wines in 2021-2022. That possibility would only materialise from the harvest 2022. It is the responsibility of wine producers to programme their production each year in response to the market demand.

Question 3: However, we might have to read the provision as **follows**: “*The elimination of ethanol in grapevine products shall not be done in conjunction with an increase of the sugar content in the grape must*”, **but it might be done in conjunction with an increase of the sugar content in the grapes or new wine still in fermentation**. (Reasons: (a) grape must and new wine still in fermentation are **different categories** of grapevine products due to CMO, annex VII part II and (b) grape must and grapes are **different categories** of wine products due to Annex I to Delegated Regulation (EU) 2019/934).

Reply: The second sub-paragraph of Section E of Annex VIII to Regulation (EU) No 1308/2013 prohibits dealcoholisation if the grape must has been enriched. It indeed does not refer to the addition of sugar (or musts) to grapes or new wine still in fermentation for the purpose of enrichment.

However, in this respect, several questions arise:

- Is the enrichment of grapes or new wine still in fermentation a common practice or even feasible?
- If such practice is used, would that be in line with the spirit of the above legislation?
- Adding sugar (or must) to grapes harvested in the autumn 2021 is no longer a practical possibility as we are already in summer 2022. Does this remain a possibility for new wine still in fermentation in the same period?

In the view of the Commission services, it appears questionable to authorise dealcoholisation in case of enriched grapes or new wine still in fermentation since the rationale of the above provision does not support this interpretation. The intention of the co-legislators was clear: to make mutually incompatible dealcoholisation and all enrichment practices (sucrose, musts, enrichment techniques).

Question 4: Can dealcoholized wine be blended with wine?

Reply: Blending and coupage should not be used to circumvent the rules on dealcoholisation and to place on the market as “wine” a blend of wine and dealcoholised wine, which is done with the purpose to correct the alcoholic content of the wine or to produce a partially de-alcoholised wine without having recourse to a dealcoholisation process. However, the EU legislation does not appear to oppose carrying out such a blend if the resulting product is not called “wine” or “partially dealcoholised wine” and the consumer is properly informed about the characteristics of this product in accordance with Regulation (EU) No 1169/2011 on the provision of food information to consumers.

Question 5: In relation to sparkling wines:

a. Why is it not possible to produce low alcohol sparkling wine with a second alcoholic fermentation of dealcoholized wine?

Reply: This question merits a discussion with Member States representatives in the Expert Group for Agricultural Markets, in particular concerning aspects falling under the single CMO – Wine.

b. Why is it legal to call a product ‘de-alcoholised sparkling wine’, even if it not possible to dealcoholize a sparkling wine?

Reply: This question merits a discussion with Member States representatives in the Expert Group for Agricultural Markets, in particular concerning aspects falling under the single CMO – Wine.

Question 6: We have not understood whether the legal framework established by Regulation (EU) 2021/2117 is sufficient, or whether the Commission will work in the coming months to amend secondary legislation (Delegated Regulation (EU) 2019/33).

In particular, a recurring question from the undertakings is whether a de-alcoholised wine may include on the label the optional indication of the vintage and/or variety.

In other words, from the point of view of the labelling rule, would the principle be that the product obtained (de-alcoholised or partially de-alcoholised) ‘bears with it’ all the characteristics/terms which the base wine had (e.g. vintage year ‘2020’, ‘Pinot Grigio’ variety?), applying the provisions of the current Delegated Regulation (EU) 2019/33, or the way in which these elements are presented on dealcoholised products, will be specifically detailed in the secondary legislation?

Reply: The Commission is not preparing secondary legislation on de-alcoholised wines, including in relation to labelling. In line with Regulation (EU) 2021/2117, the label of partially de-alcoholised and totally de-alcoholised wines will have to specify the category of wine accompanied by the terms ‘partially de-alcoholised’ and ‘de-alcoholised’ respectively. The other labelling rules under Regulation (EU) No 1308/2013 and Delegated Regulation (EU) 2019/33 remain valid and apply to de-alcoholised wine products. It will therefore be possible to place particulars such as the vintage year or the variety name on the label, if the applicable conditions for these particulars are met.

Question 7: The Regulation provides that the terms ‘de-alcoholised’ and ‘partially de-alcoholised’ are to accompany the names of certain categories of grapevine products (e.g. wine, sparkling wine, semi-sparkling wine, etc.), if they meet certain characteristics.

Wine operators ask if other sales denominations are needed, (e.g. wine without alcohol, free wine in English, alkoholfreier Wein in German), can be used in addition to (or instead of) the terms laid down in the Regulation, or will they still have to be regulated in secondary legislation?

Reply: Other sales denominations than ‘partially de-alcoholised’ and ‘de-alcoholised’ are not provided for in the revised CMO. They are therefore not allowed. The Commission has not received an empowerment to develop secondary legislation in this respect.

Question 8: On oenological practices, the Commission clarified that, at present, the oenological practices permitted are only those currently provided for in current EU legislation (Regulation (EU) No 1308/2013 and Delegated Regulation (EU) 2019/934).

Does this mean that these practices can be carried out not only on the “base wine” used for dealcoholisation, but also once the de-alcoholised or partially de-alcoholised product has been obtained?

To name an example: part D of Appendix 10 to Delegated Regulation (EU) 2019/934 regulates the limits and conditions for sweetening wines. If the Regulation provides that sweetening of wines is authorised in certain ways, can we conclude that this practice can also be carried out — under the same conditions as those laid down in Part D of Appendix 10 — on a dealcoholised or partially dealcoholised product?

Reply: This question merits a discussion with Member States representatives in the Expert Group for Agricultural Markets, in particular concerning aspects falling under the single CMO – Wine..

Nevertheless, nothing in the new rules precludes the possibility to de-alcoholise wine products that still contain, before de-alcoholisation, a certain amount of unfermented sugars, as far as such base wine products comply with the requirements applicable to their category. In other words, it is possible to produce a sweet or semi-sweet wine (without enrichment) by stopping fermentation. If that wine is subsequently de-alcoholised, the natural sugars remaining therein can then counterbalance the increased acidity resulting from de-alcoholisation.