



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director General, in charge of Directorates G, H and I

Brussels,
AGRI.DDG3/ [REDACTED] (2020)3983952

Dear Mr [REDACTED],

Thank you for your mail of 30 June 2020 to [REDACTED], registered under our reference Ares(2020)3414276, by which you ask whether and under which conditions it is possible to indicate on the label of aromatised wine products (governed by Regulation (EU) No 251/2014) the name of a wine variety – for instance “Chardonnay”.

You suggest that in this case, the labelling would be as follows:

- Sales denomination “Aromatised wine”
- Additional information on the label “Chardonnay” or “Made from Chardonnay” (not necessarily in the same visual field as the sales denomination).

As you rightly point out in your mail, according to Article 5(1) of Regulation (EU) No 251/2014, *the sales denominations set out in Annex II shall be used for any aromatised wine product placed on the market in the Union, provided that it complies with the requirements for the corresponding sales denomination laid down in that Annex. Sales denominations may be supplemented by a customary name as defined in Article 2(2)(o) of Regulation (EU) No 1169/2011.*

Article 2(2)(o) of Regulation (EU) No 1169/2011 on the provision of food information to consumers (also known as ‘FIC Regulation’) defines ‘customary name’ as *a name which is accepted as the name of the food by consumers in the Member State in which that food is sold, without that name needing further explanation.*

Moreover, Article 6(3) of Regulation (EU) No 251/2014 provides that *sales denominations may also be supplemented by a reference to the main flavouring used.*

Neither of the above provisions seems to apply to the name of the wine grape variety used for the production of the grapevine product from which the aromatised wine product is obtained in accordance with Article 3(2), (3) and (4) of Regulation (EU) No 251/2014.

Regulation (EU) No 251/2014 has therefore not provided explicitly for the possibility to supplement the sales denomination with the indication of the wine grape

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variety. However, this does not mean that the producer would not be allowed to indicate any additional food information, as provided for by Regulation (EU) No 1169/2011.

Consequently, the possibility to indicate the wine grape variety used for the grapevine product from which the aromatised wine product is obtained on the label of this aromatised wine product needs to be assessed against the general rules of Regulation (EU) No 1169/2011, which applies to the presentation and labelling of aromatised wine products pursuant to Article 1(2) of Regulation (EU) No 251/2014. In particular, Chapter V of Regulation (EU) No 1169/2011 allows food business operators to provide voluntary food information, if the requirements of Article 36 of the FIC Regulation are fulfilled.

In this respect, Article 36(2) of the FIC Regulation states that *food information provided on a voluntary basis shall meet the following requirements:*


- (a) *it shall not mislead the consumer, as referred in Article 7;*
- (b) *it shall not be ambiguous or confusing for the consumer; and*
- (c) *it shall, where appropriate, be based on the relevant scientific data.*

Consequently, the name of a wine variety such as ‘Chardonnay’ may appear on the label of an aromatised wine product as a voluntary information describing the product, on condition that the information is truthful and not misleading for the consumer. In particular, this entails that the wine from which such aromatised wine product is obtained, is indeed produced from the indicated grape wine variety **in conformity with the applicable wine legislation**. The indication of the grape wine variety on the label of such aromatised wine product should then relate to the original wine product from which the aromatised wine product is obtained, rather than to the aromatised wine product directly, e.g. “Made from Chardonnay wine” instead of “Made of Chardonnay grapes”. Please note that as enforcement of EU law is entrusted to Member States, the competent national authorities should examine on a case by case basis whether the conditions of Article 36(2) of the FIC Regulation are met. Moreover, please note that concerning the names of the wine grape varieties or their synonyms that may be used respectively for grapevine products produced in the Union or originating in third countries, the rules indicated in Article 50(1)(b) and (c) Commission Delegated Regulation (EU) 2019/33 need to be respected.

Finally, a particular attention should be also paid to Article 100(3) of Regulation (EU) No 1308/2013 and more specifically to Annex IV to Commission Delegated Regulation (EU) 2019/33 which lists the wine grape varieties and their synonyms consisting of or (partially) containing a PDO or PGI that may appear on the labelling of wines in accordance with Articles 50(3) and (4) but whose use is restricted and reserved to PDO or PGI wine produced in certain countries only.

The present opinion is provided on the basis of the facts set out in your e-mail of 30 June 2020, expresses the view of the Commission services and does 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.

Yours sincerely,



Michael SCANNELL