“Wine labelling: future perspectives”

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Wine labelling: future perspectives

Luis González Vaque* and Sebastián Romero Melchor**

I. Introduction

At the beginning of July 2007, the Commission presented a “Proposal for a Council Regulation on the common organisation of the market in wine and amending certain Regulations”.¹ This document is part of the continuing Common Agricultural Policy (CAP) reforms of 2003². It takes into account Community policies related to sustainable development, agreed at the Göteborg European Council, on greater competitiveness in the relaunched Lisbon Strategy and on Simplification and Better Regulation for the CAP.

The Commission’s proposal nearly covers all the aspects of the pre-cited common market organization (CMO). Nevertheless, in the present paper we exclusively refer to the measures that are foreseen in the said document related to the labelling and, in this field, we will also briefly analyse the references made to the designations of origin and geographical indications of wines [which is dealt with in Chapter III of Title III (“Regulatory measures”) of the proposed Regulation]³.

Before delving further into the topic, it is worth underlying that one of the Commission’s planned objectives is precisely to achieve a clearer, more coherent and therefore more market oriented wine classification and labelling. Moreover we would like to remind that the said Community Institution [bearing in mind that the concept of EU quality wines is based upon a geographical origin approach (quality wine produced in a specific region)], and that this approach is currently being confirmed, adapted, promoted, and enhanced worldwide] already announced in the

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² See the epigraph n° 1 of the “Explanatory memorandum” of the document COM(2007) 372 final quoted in the previous footnote.

³ Therefore, we will not analyse here the provisions relating to oenological practices [articles 20, 21, 22, 23, 24, 25 and 26 of the proposed text in Document COM(2007) 372 final quoted in note 2 supra], which, probably, will be the object of a future monographic study.
Communication “Towards a sustainable wine sector”\(^4\) its intention to «... revise the current quality regulatory framework, with a view to enhancing the conformity of EC quality policy as regards international rules»\(^5\).

II. Labelling

1. Establishing a unique framework

The Commission proposes to simplify the labelling provisions by setting up a single legal framework applying to all the different categories of wine and particulars relating to them. It would be tailored to the expressed needs of consumers and more consistent with the wine quality policy. In particular, this would involve:

- transferring the competence from the Council to the Commission;
- the use of a single legal tool for all wines by complementing the rules in the horizontal labelling Directive 2000/13/EC which horizontally regulates the labelling of food products\(^6\) as appropriate to meet the particularities of the wine sector as regards compulsory and optional labelling needs;
- improving the flexibility of the labelling policy, in taking into account the WTO policies: by removing the distinction between the rules on labelling wines with and without geographical indications, and, most importantly, facilitating the indication of vine variety and vintage on wines without geographical indication status but which abide by certain requisites on appropriate traceability; and
- ensuring health and consumer information and protection, fully informing the consumer of the origin of the product, which will imply the adoption of labelling provisions on traceability\(^7\).

2. Definition of labelling

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\(^5\) See paragraph 6.3 of the document COM(2006) 319 final quoted in the previous footnote [although SEGURA RODA (in "Denominaciones de origen de los vinos europeos: ¿comunitarizar o no comunitarizar?", Gaceta del InDeAl, Vol. 9, n. 11, 2007, 22-23) believes that the real objective is to reinforce the conformity of the varied (and often absurd) domestic norms in the field with the Community policy in question].


\(^7\) See recital n° 73 of the proposed Regulation in the document COM(2007) 372 final quoted in note 2 supra, in which it is stated that «in order to provide for a satisfactory level of traceability of the products concerned, in particular in the interest of consumer protection, provision should be made for all the products covered by this Regulation to have an accompanying document when circulating within the Community» (the italics are ours).
In article 47 of the Regulation proposed by the Commission, labelling is defined as “any words, particulars, trademarks, brand name, pictorial matter or symbol placed on any packaging, document, notice, label, ring or collar accompanying or referring to a given product.” We ignore the reason for which the Commission did not refer to the definition appearing in Directive 2000/13/CE whose applicability is confirmed in article 48. In our opinion, this represents an inconsistency which will impede on the transposition on wine labels of such effective concepts as the presentation inherent to labelling, etc.

3. Compulsory information

Labelling of the products abiding by the future Regulation shall contain the following compulsory particulars:

- the category of the grapevine product (wine, liqueur wine, sparkling wine, aerated sparkling wine, etc.);

- the actual alcoholic strength by volume;

- an indication of provenance of the wine;

- an indication of the bottler; and

- an indication of the importer in the case of imported wines.

For wines whose labels include the protected name of a designation of origin or geographical indication, it would be compulsory to specify:

- the terms protected designation of origin or protected geographical indication; and,

- the name of the protected designation of origin or protected geographical indication in question.

In the case of the said wines, the reference to the category of the grapevine product may be omitted when the name of the protected designation of origin or protected geographical indication is displayed on the label.

However, it will not be necessary to include the terms protected designation of origin or protected geographical indication in the following cases:

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• where a national specific designation as regulated by national law is displayed on the label; and

• where, in exceptional circumstances\textsuperscript{10}, the name of the protected designation of origin or protected geographical indication is displayed on the label.

4. Optional particulars

According to article 50 of the Regulation proposed by the Commission, some labels may contain the following optional particulars:

• the vintage year;

• the name of one or more wine grape varieties;

• terms indicating the sugar content; or

• terms referring to certain production methods;

For wines with the protected designation of origin or geographical indication, some labels may include references to:

• traditional terms other than the designations of origin and geographical indications which designate the production or ageing method or the characteristics, colour, type of place of the wine concerned; or

• the Community symbol indicating the protected designation of origin or geographical indication.

It is surprising to observe that whilst in Regulation n° 510/2006\textsuperscript{11} the Community symbols associated with the protected designation of origin or geographical indication are included in the compulsory particulars (when the names of the “protected designation of origin” or “protected geographical indication” are not displayed on the label\textsuperscript{12}), such a symbol is merely optional for wines...

\textsuperscript{10} Which will be determined pursuant to the Management Committee’s procedure [see articles 49.3(b) and 104.1 of the proposed Regulation in the document COM(2007) 372 final quoted in footnote 2].


\textsuperscript{12} See article 8.2 of the Regulation n° 510/2006 quoted in the previous footnote.
5. Languages

The topic of “Languages” is approached in Article 51, which provides that “compulsory particulars [...] shall, where expressed in words, appear in one or more of the official languages of the Community”. However, “the name of a protected designation of origin or geographical indication or the national specific designation shall appear on the label in the official language or languages of the Member State where the wine originates.”

This provision raises certain doubts over the possible movement of wines bearing indications which are incomprehensible for consumers of the Member State in which they are commercialised... We suppose the Council will amend it.

III. Indication of the geographic origin

1. A new approach

The Commission’s new approach in this field is in line with the general objectives set forth to change the wine sector’s Community regime by proposing to:

• consolidate the reputation of Community quality wine as the best in the world14; and,

• recover old markets and winning new ones in the Community and worldwide; and,

• create a wine regime that operates through clear, simple and effective rules that balance supply and demand; creating a wine regime that preserves the best traditions of Community wine production, reinforcing the social fabric of many rural areas, and ensuring that all production respects the environment.

2. And new definitions...

Recital n° 24 of the Commission’s proposed Regulation insists that the concept of quality wines in the Community is based, among other things, on the specific characteristics attributable to the wine’s geographical origin. Moreover, “such wines are identified for consumers via protected designations of origin and geographical indications although the current system is not fully developed in this respect15.”

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13 See also article 50 of the proposed Regulation in the document COM(2007) 372 final quoted in footnote 2.


15 Our emphasis.
The alternative system proposed by the Commission is fundamentally based upon the common notions of designation of origin and geographical indication, which are defined in article 27.1 of the abovementioned Regulation as follows:

- **designation of origin**: the name of a region, a specific place or, in exceptional cases, a country used to describe a wine, a liqueur wine, a sparkling wine, an aerated sparkling wine, a semi sparkling wine or a wine of overripe grapes that complies with the following requirements:

  i) its quality and characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors;

  ii) the grapes from which it is produced come exclusively from this geographical area;

  iii) it is obtained from vine varieties belonging to *Vitis vinifera*.

- **Geographical indication**: an indication referring to a region, a specific place or, in exceptional cases, a country, used to describe a wine, a liqueur wine, a sparkling wine, an aerated sparkling wine, a semi sparkling wine or a wine of overripe grapes which complies with the following requirements:

  i) its quality, characteristics or reputation are essentially attributable to its geographical origin;

  ii) at least 85% of the grapes used for its production come exclusively from this geographical area;

  iii) it is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*.

Yet, article 27.2 forecasts:

“Traditional names shall be considered as a designation of origin where they:

a) designate a wine;

b) refer to a geographical name;

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16 See also Recital n° 24 of the proposed Regulation in the document COM(2007) 372 final quoted in footnote 2.
c) fulfil the conditions referred to in points (i) to (iii) of paragraph 1(a)\(^\text{17}\).

3. Coexistence of new and existing designations

*Brevitatis causa,* we shall not deal with the various procedural requirements to comply with when filing an application for the protection of certain names by means of including them in the category of Community designations of origin or geographical indications.\(^\text{18}\)

In any case, we consider it useful to refer to article 44 of the future Regulation, according to which:

“1. Wine names, which are protected in accordance with Article 54 of Regulation (EC) No 1493/1999\(^\text{19}\) and Article 28 of Regulation (EC) No 753/2002\(^\text{20}\), shall *automatically*\(^\text{21}\) be protected under this Regulation. The Commission shall list them in the register provided for in Article 39.

2. Member States shall, in respect of the designations of origin and geographical indications referred to in paragraph 1, transmit to the Commission:

a) the technical files as provided for in Article 28(1);

b) the national decision indicating their validity.

3. Names referred to in paragraph 1, for which the information referred to in paragraph 2 is not submitted by 31 December 2010, shall lose protection under this Regulation. The Commission shall take the corresponding formal steps to remove such names from the register provided for in Article 39.

4. By way of derogation from Article 43, it may be decided, until 31 December 2013, at the initiative of the Commission and in accordance with the procedure referred to in Article 104(1), to cancel protection of designations

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\(^{17}\) In other words, its quality, characteristics or reputation are essentially attributable to its geographical origin, with its related natural and human characteristics; the grapes used for its production come exclusively from this geographical area; and is obtained from vine varieties belonging to *Vitis vinifera*.


\(^{19}\) Council regulation (CE) 17th May 1999 through which is established the common organisation of the market in wine (JO n° L 179 of 14th July 1999, p. 1).


\(^{21}\) Our emphasis.
of origin or geographical indications referred to in paragraph 1 of this Article if they do not meet the relevant conditions for protection.”

**IV. Conclusion**

It is surely too early as yet to reach definite conclusions. However, we consider it praiseworthy that, at last, it is a question of eliminating “differences between the laws of the Member States on the labelling of wine products [which] may impede the smooth functioning of the internal market.”22 Furthermore, it appears coherent that the applicability, with horizontal character, of Directive 2000/13/EC should be maintained, considering that, “experience has shown that a differentiation in terms of labelling rules according to the category of wine product is not expedient.”23

If the *communautarisation* of wine labelling is welcomed, the one of the regime applicable to designations of origin and geographical indications is equally opportune. As far as the latter is concerned, the Commission’s proposal presents several positive aspects such as, for instance, foreseeing that “protection should be open to designations of origin and geographical indications of third countries where these are protected in their country of origin.”24 On the contrary, some other authors have criticised the fact that the Commission believes that “in order to preserve the particular quality characteristics of wines with a designation of origin or a geographical indication, Member States should be allowed to apply more stringent rules in that respect.”25

[Resumen de Cristina Vidreras]

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23 *Ibidem*, Recital n° 38.

24 *Ibidem*, Recital n° 27.

25 *Ibidem*, Recital n° 25 (see also: MARTÍNEZ JAVALAMBRE, work quoted in footnote 19, 16-17).