

EP Amendments # 166, 167, 168, 169, 170, 78, 82
Annex VII, Part II CMO - + Articles 92(1), 93(1)(a)(v)
Dealcoholised / Partially dealcoholised wines and scope of PDO PGI

EP original compromise

To allow total and partial dealcoholisation treatment and the corresponding mandatory labelling for all wines except PDO wines for which only partial dealcoholisation will be allowed.

The compromise was clarified during the super-trilogue meeting of 26/03/2021 and both colegislators agreed to exclude totally dealcoholised wines from the scope of both PDO and PGI.

Description

COM proposal: to allow dealcoholisation for all wines.

The original understanding of COM proposal from Council side was that PGI and PDO did not cover dealcoholised and partially dealcoholised wine products because they constituted two new separated categories in Part II of Annex VII and therefore were not covered in Art 92(1). The discussion showed the pertinence for the COM to clarify the meaning of its proposal in Part II of Annex VII making clear that dealcoholised and partially dealcoholised wine products are not newly proposed separate product categories. Moreover the Council showed preference to not cover total or partially dealcoholised wine products under the scope of PGI and PDO.

EP has shown openness to the COM proposal and has now put the above-mentioned compromise on the table which was confirmed politically by both colegislators at the super-trilogue meeting of 26/03/2021.

Corresponding wording is proposed later in this document.

Council position

At the 8th IITM on 11 February, the Council Presidency confirmed that the EP's compromise proposal was endorsed by a majority of MS in the SCA and is acceptable. This position was confirmed again the 26 March while supporting the clarification made by the EP on equal treatment of both PDO and PGI.

Moreover, the Council position takes account of the fact that there are various minimum alcohol strengths according to the types of wines (e.g. 8.5% in wine-growing zones A and B, 9% in other zones, 4.5% for PDO/PGI wines) by referring to the minimum alcohol content stipulated for products under the scope of this provision (still and sparkling wines). This position would allow to cover all possible wines obtained by partial dealcoholisation. This is included in the compromise wording included in this document.

The Commission shares also with the Council the pertinence to replace the reference to 'total alcoholic strength' in the COM proposal by 'actual alcoholic strength'.

COM position

The Commission regrets that the co-legislators have not been convinced of the merits of its proposal to extend the scope for the introduction of dealcoholized and partially dealcoholized wines for all PDOs and PGIs. The Commission's proposal has health grounds. Allowing dealcoholized and partially dealcoholised wines conveys a message that the sector is responding to the concerns of society. It also addresses a big market opportunity. The overall market for alcohol beverages, including wine, is decreasing while that for dealcoholised beverages is developing, in particular those for low or zero alcohol content. If the Union wine sector does not anticipate this trend, other competitors will.

Allowing only partial dealcoholisation for PGIs and PDOs will not allow to fully take this market opportunity. The Commission considers that, in the future, PDO and PGI producers will regret the exclusion from larger low alcohol or alcohol free segments.

Legal issue

The previously considered exclusion of de-alcoholised wines just for the PDOs, and not for PGI, could not be justified under the PDO/PGI rules. However a specific exclusion of totally de-alcoholised wines for both the PDOs and PGIs will need also to be carefully justified by the colegislators.

During the discussion the co-legislators noted that the higher reputational values of PDO wines could be at risk by protecting totally de-alcoholised wine products. However, the Commission finds this argument not legally consistent with the principles of the scheme.

Additional considerations on oenological practices for dealcoholised wines

Since the Commission's proposal to allow the production of totally or partially dealcoholised wines, discussions have been taking place on the production of such wines. In particular, this subject is being debated in the context of the OIV.

According to information provided at the OIV, wines from which a large volume of alcohol has been removed are hardly drinkable because the processes of dealcoholisation may lead i.a. to very acidic wines. In addition, such processes may also remove water and wine aromas. Therefore, in order to ensure that dealcoholised wines have a pleasant enough taste, some not yet permitted oenological practices might be needed after dealcoholisation in order to rebalance the final product. The Commission is empowered to adopt delegated acts in Article 75(2) of Regulation (EU) No 1308/2013 to introduce new oenological practices.

In view of the ongoing discussions at the OIV on dealcoholisation, it is considered advisable to leave more flexibility for the definition of the related oenological practices, therefore it seems appropriate to limit the proposed Section E of Part I of Annex VIII to general principles for dealcoholised grapevine products so that more dealcoholisation processes can be allowed if necessary without having to return to the co-legislators. These dealcoholisation processes will be defined by means of delegated acts pursuant to Article 75(2) of Regulation (EU) No 1308/2013 and in accordance with Section E of Part I of Annex VIII. Article 80 of Regulation (EU) No 1308/2013 lays down limits and

conditions for the oenological practices. In order to ensure that the necessary oenological practices for the dealcoholisation can be laid down, this article needs to be amended. In addition, in accordance with Article 80 of Regulation (EU) No 1308/2013, the products listed in Part II of Annex VII shall be produced in the Union in accordance with the rules laid down in Annex VIII. Paragraph 1 of Section A. of Part II of Annex VIII would need to be amended to allow for the restitution of water to grapevine products that have undergone a dealcoholisation process.

The possibility to restore the aromas removed via the dealcoholisation process is another issue that might be considered as an oenological practice to be defined by means of a the delegated act pursuant to Article 75(2) of Regulation (EU) No 1308/2013.

Elements of the compromise

Following the various technical inter-institutional meetings and the outcome of the two trilogues where this issue was discussed, The COM has prepared a text which reflects the compromise that is on the table currently. This proposal provides the following:

- I. amending Article 80 to address the limitations to oenological practices for grapevine products that undergo a dealcoholisation process;
- II. allowing partial dealcoholisation for PGIs and PDOs;
- III. dealing with labelling requirements for dealcoholized wine products in Article 119(1) on compulsory labelling particulars; redrafting Part II of annex VII to make clear that dealcoholised wine products are part of the different grapevine products categories and do not constitute separate categories;
- IV. redrafting the proposed Section E of Part I of Annex VIII in order set general principles for dealcoholised grapevine products and allowing completion of the list of the dealcoholisation processes through the secondary legislation, and
- V. amending paragraph 1 of Section A of Part II of Annex VIII to be able to restore water to grapevine products that have been dealcoholised.

The detailed provisions are presented below.

The acceptance of the colegislators of such compromise amendment may require changes in other provisions in order to ensure the consistency of the legislative framework.

I) Limits of oenological practices in Article 80

(xx) Article 80 is amended as follows:

- a) in paragraph 1, subpagraph 3 is replaced by the following:

‘Authorised oenological practices shall only be used for the purposes of ensuring proper vinification, proper preservantion, ~~or~~ proper refinement of the product **or for the purpose of ensuring best quality of products obtained by dealcoholisation in accordance with the processes to be defined**

by means of delegated acts pursuant to Article 75(2) and in accordance with Section E of Part I of Annex VIII.’

b) in paragraph 3, point (d) is replaced by the following:

‘(d) allow the preservation of the natural and essential characteristics of the wine and, for grapevine products other than those which have undergone a dealcoholisation treatment in accordance with the processes to be defined by means of delegated acts pursuant to Article 75(2) and in accordance with Section E of Part I of Annex VIII, not cause a substantial change in the composition of the product concerned.’

II) Coverage of partially dealcoholised products by PDO/PGI

Row 108b of the 4C table related to Art 92(1) of the CMO Regulation:

In Art 1(1) of the draft amending Regulation, the following point (8a) new is added:

(8a) In Article 92(1), the following subparagraph is added:

“However, rules laid down in this section do not apply to products referred to in points (1), (4) to (6), (8) and (9) of Part II of Annex VII when such products have undergone a total dealcoholisation treatment in accordance with the processes to be defined by means of delegated acts pursuant to Article 75(2) and in accordance with Section E of Part I of Annex VIII.”

Moreover in row 116a of the 4C table related to Art 93(1) (a) the EP AM 82 is withdrawn (point (va) new withdrawn).

III) Labelling provision related to dealcoholised wine products

Row 166 on Art 119 of the CMO Regulation:

In Art 1(1) of the draft amending Regulation, letter (a) is replaced by a new text in point (18):

(18) Article 119 is amended as follows: *[initial COM proposal on point (a) to be dropped]*

(a) ~~In paragraph 1 the introductory sentence is replaced by the following:~~

~~‘Labelling and presentation of the products referred to in points 1 to 11, 13, 15, 16, 18 and 19 of Part II of Annex VII marketed in the Union or for export shall contain the following compulsory particulars:’~~

(a) In paragraph 1, point (a) is replaced by the following:

“(a) the designation for the category of the grapevine product in accordance with Part II of Annex VII. For grapevine products categories defined under points (1) and (4) to (9) of Part II of Annex VII, when such products have undergone a dealcoholisation treatment in accordance with the processes to be defined by means of delegated acts pursuant to Article 75(2) and in

accordance with Section E of Part I of Annex VIII, the designation of the category is accompanied by:

- (i) the term “dealcoholised” if the product reaches an actual alcoholic strength of no more than 0,5% by volume, and
- (ii) the term “partially dealcoholised” if the product reaches an actual alcoholic strength above 0,5% by volume and below the minimum actual alcohol strength of the category before dealcoholisation.”

(b) Paragraph 2 is replaced by the following:

‘2. By way of derogation from point (a) of paragraph 1, for grapevine products other than those which have undergone a dealcoholisation treatment in accordance with the processes to be defined by means of delegated acts pursuant to Article 75(2) and in accordance with Section E of Part I of Annex VIII, the reference to the category of the grapevine product may be omitted for wines whose labels include the name of a protected designation of origin or a protected geographical indication.

(c) The following paragraph 4 is added ...”

IV) Rewording of Part II of Annex VII of the CMO

Rows 203b-211 related to Annex VII Part II of the CMO:

In Art 1(1) point (32) is replaced by the following: *[where the second provision (b) is the relevant for dealcoholised wines. Provision (a) has already been endorsed as A point at the 1st Trilogue of 02/12/2020]*

(32) Annex VII is amended as follows:

(a) in Part I, point III.1(A), the row for the United Kingdom is deleted;

(b) in Part II, the following introductory paragraph is added:

“The categories of grapevine products shall be those listed in points 1 to 17. The categories of grapevine products defined in points (1) and (4) to (9) may undergo a total or partial dealcoholisation treatment in accordance with the processes to be defined by means of delegated acts pursuant to Article 75(2) and in accordance with Section E of Part I of Annex VIII, after having reached fully their respective characteristics as described in those points.”

V) Changes to Annex VIII to provide for general principles for dealcoholised wines

Annex VIII is amended as follows:

(a) the title of Part I is replaced by:

‘Enrichment, acidification, de-acidification in certain wine.growing zones **and dealcoholisation**’;

(b) In Part I of Annex VIII, the following Section E is added (the original proposal of the Commission is replaced):

'E. Dealcoholisation

1. The partial or total dealcoholisation of the grapevine products referred to in points 1 and 4 to 9 of Part II of Annex VII is allowed, provided that:

- 1. the dealcoholisation processes shall not be used on grapevine product presenting organoleptic defects;**
- 2. the elimination of ethanol in grapevine products must not be done in conjunction with the increase of the sugar content in the grape must;**
- 3. the dealcoholisation processes shall not result in organoleptic defects of the grapevine product.**

2. The partial or total dealcoholisation referred to in paragraph 1 shall use processes and practices to be authorised by the Commission by mean of delegated acts pursuant to Article 75(2)'.

VI) Allowing the restitution of water lost during dealcoholisation

Paragraph 1 of Section A of Part II of Annex VIII is modified as follows:

“PART II

Restrictions

A. General

1. All authorised oenological practices shall exclude the addition of water, except where required on account of a specific technical necessity **or, in the case of grapevine products that undergo the dealcoholisation process to be defined by means of delegated acts pursuant to Article 75(2) and in accordance with Section E of Part I of Annex VIII, on account of the loss of water resulting from the dealcoholisation process.**”