



Brussels  
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Dear Mr Sánchez Recarte,

I refer to your letter of 15 April 2020, concerning ‘natural wine’ and the possibility to use the terms ‘natural’ or ‘vin méthode nature’ to describe such wine. You will appreciate that this is an issue which has not been raised at official level previously and therefore required careful consideration. This and the priority given to COVID-related issues in the wine sector explains the delay in reply.

The Commission has looked carefully at your concerns in the light of relevant legislation and notes the following.

- 1) The term ‘natural wine’ is not defined in the EU legislation and also not included in the list of categories of grapevine products listed in Part II of Annex VII of Regulation (EU) No 1308/2013<sup>1</sup>. Therefore, this product can be marketed and labelled as a grapevine product only if it complies with one of the existing categories listed in the above annex, in particular the category of ‘wine’ as defined in point (1). The ‘wine’ definition provided for in point (1) of Part II of Annex VII is the following:

*“Wine” means the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must.’*

In addition, Article 80(1) of the same Regulation refers to the oenological practices authorised in the EU for the production of wine and states further that those oenological practices shall be used exclusively for ensuring proper vinification, proper preservation or proper refinement of the product. Therefore, the practices authorised in the EU are such as to preserve the natural and essential characteristics of the wine and do not cause a substantial change in the composition of the product concerned. Therefore, as long as a grapevine product complies with the definition of any of the respective categories listed in Part II of Annex VII and follows the established oenological practices and limits, it can be placed on the market under the respective name regardless of the number of the authorised oenological practices.

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<sup>1</sup> OJ L 347, 20.12.2013, p. 671–854

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It follows from the above that the product ‘natural wine’ can be placed on the market as *wine* as long as it complies with the above definition and irrespective of the which authorised oenological practices are used in its production and indeed whether any oenological practices have been used at all.

- 2) It should be further analysed whether the term ‘natural’ can be used in the description of the product in combination with the name of the category *wine* as an additional voluntary indication. As regards any voluntary indication, other than the regulated optional particulars laid down in Article 120 of Regulation (EU) No 1308/2013, Article 118 of the same Regulation establishes that:

*‘The labelling of the products referred to in points 1 to 11, 13, 15 and 16 of Part II of Annex VII may not be supplemented by any particulars other than those provided for in this Regulation unless those particulars satisfy the requirements of Directive 2000/13/EC or Regulation (EU) No 1169/2011.’*

In this respect, Article 36(2) of Regulation (EU) No 1169/2011<sup>2</sup> on voluntary food information states that:

*‘Food information provided on a voluntary basis shall meet the following requirements:*  
*(a) it shall not mislead the consumer, as referred to 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.’*

Article 7(1) of Regulation (EU) No 1169/2011 on the provision of food information to consumers lays down that:

*‘1. Food information shall not be misleading, particularly:*

*(a) as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production;*

*(b) by attributing to the food effects or properties which it does not possess;*

*(c) by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients;*

*(d) by suggesting, by means of the appearance, the description or pictorial representations, the presence of a particular food or an ingredient, while in reality a component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.’*

In the light of the above provisions and considering the absence of a definition of the term ‘natural’ in the EU legislation, the issue arises if the use of the indication ‘natural’ in combination with the term ‘wine’ can be potentially misleading to the consumer as to the characteristics of the so-called ‘natural wine’ in comparison with the product ‘wine’. This assessment should be done by taking into consideration:

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<sup>2</sup> OJ L 304, 22.11.2011, p. 18–63

- the existing EU legal framework on wine, namely the definition and labelling rules outlined above and the authorised wine-making practices;
- the average consumers understanding of those rules and of the basic characteristics of wine.

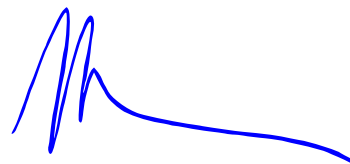
In particular, it should be assessed whether the indication ‘natural wine’ may be perceived by the average consumer as referring to a higher-quality and healthier product than "wine", by suggesting substantial differences in its composition and nature. Should the above be the case, it could be considered that using the term wine accompanied by the term ‘natural’ might mislead consumers and interfere with their right to objective information.

- 3) Concerning the indication ‘vin méthode nature’, which seems to describe the method used for the production of a certain wine, the Commission is currently enquiring on the possible implementation, at national level, of labelling provisions referring to the ‘natural’ connotation of wine or of its method of production.

Therefore, at this stage, the Commission services are of the view that the wine production methods as laid down in Article 53 and in Annex V of Delegated Regulation (EU) 2019/33<sup>3</sup> do not include the mention ‘méthode nature’ and that, for any indication including the term ‘nature’, the considerations outlined above as regards the possibility for the consumer to be misled potentially arise. The Commission services will continue to monitor the situation closely, in particular in the light of the views of Member States and stakeholders including CEEV.

The present opinion is provided on the basis of the facts as set out in your letter of 15 April 2020, it 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,



Wolfgang Burtscher

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<sup>3</sup> OJ L 9, 11.1.2019, p. 2–45