



## NEW EU NUTRITION AND INGREDIENT LABELING REQUIREMENTS

### FAQ Document

Version 1 August 5, 2022

**IMPORTANT NOTE:** The information available on the new EU regulations on nutrition and ingredient labeling continues to expand and evolve. Given the unprecedented nature of the new requirements and the implementation of e-labels, there are several areas where questions remain about the regulations and how they will be implemented. It is also important to note that while the regulations have been adopted at the EU level, they will be monitored and enforced at the EU Member State level so it is possible that some national authorities will take different approaches to enforcement. Wine Institute will continue to follow this issue closely and provide updated versions of this document as warranted.

This FAQ Document and all other guidance materials that Wine Institute provides are intended for informational purposes only and do not constitute legal advice. Wine Institute is not undertaking to render professional or other services for or on behalf of any person or entity. These materials are not intended to implement, interpret, replace, create, or constitute compliance with any legal requirements. Any entity or person who reads this FAQ Document should refer to and review all relevant regulations and documents and rely on their own judgment or, as appropriate, seek the advice of a competent professional for assistance to ensure each user is meeting all requirements for their operation(s).

### Background

**Q: What is the origin of the new EU labeling requirements?**

**A:** Since its enactment in 2011, Regulation (EU) [1169/2011](#) of the European Parliament and of the Council on the Provision of Food Information to Consumers ("FIC") had exempted alcoholic beverages above 1.2 percent alcohol-by-volume ("ABV") from mandatory requirements to indicate the list of ingredients and the nutrition information on the label. That exemption also existed in labeling regulations that pre-dated the FIC but removal of the exemption was always anticipated. In recent years, the EU wine sector sought adoption of new mandatory labeling rules to respond to consumers expectations and increase transparency while ensuring a uniform regulatory framework to govern the disclosure of this information.

**Q: How did the EU regulatory framework change?**

**A:** In December 2021, Regulation (EU) No. [2021/2117](#) amended previous regulations and removed the longstanding exemptions for wine and aromatized wine (e.g., vermouth or aperitifs like Lillet) regarding ingredient and nutrition labeling in the FIC. Thus, starting on December 8, 2023, the ingredient and nutrition labeling requirements as set forth in the FIC will apply to wine.

Regulation (EU) No. 2021/2117 also provides that “producers should have the option of limiting the contents of the nutrition declaration on the package or on a label attached thereto to only the energy value and of making the full nutrition declaration and the list of ingredients available by electronic means, provided that they avoid any collection or tracking of user data and do not provide information aimed at marketing purposes.” Accordingly, while producers must list on the physical label the energy (i.e., calorie) value and any substances in the wine that potentially cause allergies or intolerances, they may communicate the mandatory lists of ingredients and nutritional information via an electronic label (an “e-label”).

## **Applicability & Timing**

**Q: What products do the new rules cover?**

**A:** The new rules cover all wines and aromatized wines sold in the EU market. The new mandatory requirements do not cover beer or spirits, though several producers of these products have begun providing this information to consumers voluntarily. It is anticipated that mandatory labeling requirements will extend to beer and spirits in the near term.

**Q: When will the new rules go into effect?**

**A:** The legislative acts including the new rules were finalized in December of 2021 and established a two-year transition period, meaning the new requirements will become mandatory on December 8, 2023. Specifically, the amended regulation provides that wines “produced and labelled before that date [i.e., December 8, 2023] may continue to be placed on the market until stocks are exhausted.”

**Q: At what point will the new rules apply to US wines exported to the EU?**

**A:** While the regulation provides that wines “produced and labelled” before December 8, 2023 may continue to be placed in the market until stocks are exhausted, at present it remains unclear how regulators will interpret the phrase “produced and labelled.” It is also unclear what procedures or documents producers will need to use to demonstrate their wine meets this requirement.

**Q: Is it possible that retailers or wine buyers will request that wineries begin complying with the new rules before the end of the transition period on December 8, 2023?**

**A:** Yes, it is likely that EU wine producers will begin complying with the new rules soon to demonstrate the effectiveness of e-labels to European regulators. As a result, it is possible retailers and wine buyers in the EU may begin asking producers to comply before the end of the transition period.

**Q: How will regulators handle enforcement of the new requirements?**

**A:** In short, it is unclear. While the new labeling requirements have been established at the EU level, enforcement will be handled at the national level by each individual EU Member State. It is possible individual countries will take different approaches to compliance monitoring and enforcement.

## **New Disclosure Requirements**

**Q: What information must be disclosed?**

A: All wines and aromatized wine products commercialized in the EU market will have to communicate the list of ingredients and the nutritional declaration expressed per 100 ml.

**Q: Is there flexibility in how the information is disclosed?**

A: Generally, yes. The new mandatory information can be communicated to consumers either directly on the physical label of the product or digitally through an e-label. If the nutritional declaration is provided digitally, then the energy (i.e., calorie) value of the product must still appear on the physical label. If the list of ingredients is provided digitally, a reference to any substance potentially causing allergies or intolerances in the wine must be maintained on the physical label.

**Q: What information MUST be on the physical label on the bottle?**

A: The physical label must include a statement of the energy (i.e., calories) expressed per 100 ml. To simplify the format and avoid the need for language translation, the symbol “E” will be used to identify the information on energy contents. The information must be presented in both kilojoules and kilocalories. Below is an example of the format to be used:

**(100ml) E= ## kJ / ## kcal**

As is currently required, the physical label must also disclose any substance potentially causing allergies or intolerances that are contained in the wine.

**Q: What information can be disclosed digitally on an e-label?**

A: Notwithstanding the on-label requirements mentioned above, the new rules allow for the disclosure of the mandatory full nutritional declaration and list of ingredients to be done digitally through an e-label. See more on e-labels below. The e-label format will also allow for the communication of additional optional information on responsible consumption and/or sustainability and recycling.

**Q: What nutritional components must be included in the nutritional declaration?**

A:

DECLARATION	VALUE /100ml
Energy	kJ/kcal
Fat	g
of which: saturated fat	g
Carbohydrates	g
of which: sugars	g
Protein	g
Salt	g

**Q: How do wineries determine the values for the various components of the nutritional declaration and are wineries required to perform a lab analysis on each wine?**

A: Wineries are not required under the current EU regulations to perform a lab analysis on each wine, although they may do so voluntarily. Similar to the US menu labeling requirements,

wineries may also use a calculation from known or actual average values of ingredients used, or a calculation from generally established or accepted data.

**Q: Does the metric used for the nutritional declaration have to be expressed per 100 ml?**

**A:** Yes, nutritional information must be based on and expressed per 100 ml. Producers may, however, provide the information based on an additional metric. In this case, the label must also indicate the number of servings per bottle.

**Q: Is there additional information that can be voluntarily included on the label or e-label?**

**A:** Yes, information on the sustainability of the product and/or responsible consumption may be included.

**Q: Do the new EU rules require a health warning statement or graphic?**

**A:** The existing EU labeling regulations do not require a health warning statement, but some Member States already have in place measures addressing health warnings. The EU is continuing to work on new regulations on a health warning statement and it is possible an EU-wide requirement will be added in the future. As is the case at present, the new provision gives the possibility to supply information on responsible consumption (including graphics) to be included in the e-label and many EU producers are expected to do so. Examples of these graphics include:



## **Ingredient Disclosure**

**Q: What components must be listed in the ingredients?**

**A:** The FIC states that an ingredient is: “any substance or product, including flavourings, food additives and food enzymes, and any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if in altered form; residues shall not be considered as ingredients.”

**Q: How does the ingredient information need to be presented?**

**A:** The FIC provides that the list of ingredients shall be headed or preceded by a suitable heading which consists of or includes the word “ingredients.” The list of ingredients shall include all the ingredients of the food in descending order of weight, as recorded at the time of their use in the manufacture of the food. The regulations state that the ingredients shall be designated by their specific name.

**Q: Do processing aids that do not remain in the final product need to be listed as ingredients?**

**A:** No.

**Q: Do wine additives (e.g., acids) need to be included in the list of ingredients?**

**A:** Yes, the FIC requires that all additives used in a specific wine are indicated on the list of ingredients for that wine.

**Q: Where can I find a list of wine additives approved in the EU?**

**A:** The most current version is found in Table 2 of Delegated Regulation (EU) [2022/68](#), which amended Delegated Regulation (EU) 2019/934.

**Q: Are there examples of ingredient listings that we can look at?**

**A:** Yes. See the e-labels linked in the QR codes below.

## **E-Labels and the U-Label.com Platform**

**Q: What are e-labels and how do they work?**

**A:** An e-label is a dedicated webpage compiling structured information on a precise product, for a specific market. The e-label is made available to consumers through a unique QR-code printed on the back label of the product. By scanning the QR-code with a smartphone camera, consumers are directed to the e-label of the product they have scanned, in the appropriate language, defined through geo-location.

**Q: What is the U-Label Platform?**

**A:** [U-Label](#) is a private IT company that has partnered with the EU wine and spirits sectors to develop an online tool to support wine and spirits companies in providing EU consumers with relevant, accurate information about their products by means of an e-label, accessible to consumers through a QR code printed on the back label of the bottle. The platform is open to all wineries based on a subscription fee service.

**Q: Do wineries have to use the U-Label platform to comply with the new rules?**

**A:** No, wineries do not have to use U-Label. However, currently it is the only known third-party vendor providing this service. A winery could choose to develop the e-label technology in-house. It is also possible additional vendors will offer this service in the future. Producers are also free to put mandatory ingredient and nutrition information on the physical label instead but would need to do so in all appropriate languages for the intended countries of sale.

**Q: Can the U-Label platform accommodate ingredients other than those approved in European Winemaking regulations?**

**A:** Yes, but they must be added manually which means no automatic translation. However, if U-label develops the relevant platform setup assistant or “wizard” for other markets, the additives will be added to the translation databases.

**Q: May wine producers or e-label providers collect data on or track consumers accessing e-labels?**

**A:** No. Collection of consumer data is not allowed beyond geo-location of the consumer to determine the appropriate language to present the e-label information in.

**Q: Can an e-label include additional marketing information about a wine or winery?**

**A:** No. A link to a winery’s website homepage may be included, but not other marketing information is allowed on an e-label.

**Q: Are there examples of e-labels that we can look at?**

**A:** Yes. These QR codes will take you to live e-labels of wines currently in the EU market.



## Technical Compliance Questions

**Q:** Can the calorie/energy information and QR code be placed onto the label in the form of a sticker added by the European importer instead of being placed on the label in the wine's country of origin?

**A:** In principle yes, it can be added to the bottle independently if it is in clear view of the consumer.

**Q:** When placed on the label, does the QR code need to be accompanied by any text, symbol or descriptor identifying its purpose to the consumer?

**A:** No official symbol has been set in regulation but based on discussions with the European Commission, the EU wine sector is recommending the use of the (i) symbol as U-label does. See examples above.

**Q:** Do e-label providers (including U-Label) need to comply with EU General Data Protection Regulation (GDPR) requirements?

**A:** Yes.

**Q:** How will e-labels address different lots of wine for the same vintage and varietal wine? For example, would each bottling/lot require a new QR code and e-label entry?

**A:** Not in principle. A digital label needs to be seen as the equivalent of a paper label: if all the information included on the e-label is applicable to the wine in the bottle, then you can use it. But if any of the information (such as harvest year) included on the e-label is *not* applicable to the wine in the bottle, then you need another e-label.

## **Resources**

[U-Label Company](#)

[FAS GAIN Report on New EU Requirements](#)

[FAS Brussels Page on EU Food Labeling Rules](#)

[EU Regulation 2021/2117 New Common Ag Policy Relating to Wine Labeling](#)

[EU Food Information to Consumers \(FIC\) Regulation 1169/2011](#)