



FINAL EU NUTRITION AND INGREDIENT LABELING REQUIREMENTS

FAQ Document v. 2

December 2023

IMPORTANT NOTE:

The EU published [final guidance in the European Journal](#) (the “EU Guidance Document”) on 24 November 2023. This document provides additional information on key issues relating to the new labeling requirements, including specifics on nutrition, ingredient, and allergen labeling, as well as e-labels.

Wine Institute will continue to update this document as new information becomes available. The EU has still not addressed several outstanding issues with respect to how wineries will comply with the new regime. **If feasible, wineries should consider waiting to produce or print labels until there is more clarity about how the QR code should be identified on the physical label and several other issues mentioned below.**

Additional resources are available to Wine Institute members via the members’ website. A full list of resources and links is included at the end of this document.

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Key Updates

Q: When must California wines comply with the EU labeling requirements?

A: The regulations and the EU Guidance Document make clear that the EU labeling requirements are effective starting on 8 December 2023 but “wines ‘produced’ before that date may continue to be placed on the market ... until stocks are exhausted.”¹ **This means that still wines from the 2023 California vintage are not subject to nutrition and ingredient labeling requirements.**

¹ See Question 3 in the EU Guidance Document.

The EU Guidance Document addresses when a wine is considered “produced” for those purposes.² In relevant part, it states:

‘Wine’ (category 1) 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, wine must have achieved the required alcoholic strength and acidity content, as set out in point (1) of Part II of Annex VII of the [CMO Regulation](#).

In the case of a ‘sparkling wine’ (category 4), when produced through second alcoholic fermentation, it can only be considered as ‘produced’ after the second fermentation has taken place, and the product has achieved its alcoholic strength and excess pressure conditions as set out in Part II of Annex VII of the CMO Regulation. The simple vinification of the base wines or the preparation of the cuvée before 8 December 2023 would not justify an exemption from nutritional labelling.

As a result, sparkling wines produced in 2023 may be subject to the EU labeling requirements if the second fermentation occurred after December 8, 2023. Wines produced in 2024 and beyond will need to comply with the EU labeling requirements.

Enforcement of the EU labeling requirements is likely to occur at the point of entry into the EU. Some importers are erroneously telling U.S. exporters that all wine that enters the EU after December 8, 2023, must comply regardless of when the wine was produced. Please contact Wine Institute if your importer requests compliance for exempt wines.

Q: Is it possible that importers, retailers, or wine buyers will request wineries provide ingredient information for wines that enter the EU after 8 December 2023, even though they were produced before that date and are thus exempt from the legal requirement?

A: Yes, we are aware of instances where such information is already being requested.

Q: Is it possible that enforcement authorities will expect compliance by any wines imported after 8 December 2023, even if that wine was produced before that date?

A: Yes, we expect some initial confusion regarding compliance with the measure. If members encounter this situation, they should cite the answer to Question 5 in the EU Guidance Document³ and alert Wine Institute.

² See Question 4 in the EU Guidance Document.

³ Question 5: *How would the labelling rules be verified, in particular concerning the ‘produced’?* The enforcement of wine labelling rules rests within the competence of the Member States’ authorities. All domestic or imported wines placed on the EU market after 8 December 2023 must, in principle, meet the new labelling requirements. However, wine produced before 8 December 2023 (for ‘produced’ see Question 4) may continue to be placed on the market in line with the labelling requirements applicable before that date until stocks are exhausted. As regards imported wines, wines imported before this date are considered as produced before and therefore eligible to this exemption.

Q: Do QR codes need to be identified in a particular manner or with a specific heading on the wine label?

A: The EU Guidance Document includes new and updated information on how QR codes should be identified on the label. This guidance runs counter to the longstanding proposal from the EU wine sector to identify the QR code with a language neutral symbol such as the registered ISO 7000 2760 symbol ⓘ which is universally known for identifying a place where information may be found.

In Question 38, the EU Guidance Document states: “Generic terms or symbols (like an ‘i’) are not sufficient to fulfil the requirements of this provision. Where the information provided by electronic means (identified by e.g. a QR code) is the list of ingredients, a heading, as referred to in Article 18(1) of the FIC Regulation, must be used, in the same way as the current practice used for the paper labels for other food (i.e. containing the word ‘ingredients’).”

Wine Institute views this guidance as highly problematic given that it may lead to individual EU Member States imposing specific language requirements for the heading that would be highly burdensome to comply with. Wine Institute is in regular contact with EU industry colleagues as we work together to determine the best path forward for compliance. **If feasible, wineries should consider waiting to produce or print labels until there is more clarity about how the QR code should be identified on the physical label.**

NOTE: Italy will continue to require a QR code for the communication of recycling information (via the nutrition and ingredient e-label) to be labeled with the (i) symbol. The new EU guidance does not preclude the inclusion of the (i) symbol, but rather says that the symbol by itself is inadequate.

Q: My winery chose to comply with the measure on current exports to the EU before it was required. Consequently, we have bottles in circulation with labels that do not identify the QR code. What should we do?

A: European regulatory authorities are not expected to enforce the measure on wines produced before 8 December 2023. If an authority or importer objects to labels that voluntarily complied with the EU labeling regulations before they became mandatory, we suggest you (1) note that you are aware of the effective date and that your wines are not subject to the EU labeling regulations, (2) direct the authority or importer to the EU Guidance Document—in particular, Questions 3 and 4—and the regulations cited therein, and (3) contact Wine Institute if problems persist.

Q: Do I need to include a list of ingredients on the Simplified Export Certificate (SEC)? I don't see a box to include such information.

A: No, there is no box on the SEC to include a list of ingredients and U.S. exporters are not required to include them on the SEC. The U.S. government has confirmed that the European Commission is not seeking to amend the SEC, at this time, to add a box for mandatory and compulsory information. Note: this does not preclude importers or retailers from asking for ingredient information in some other format. However, there is no requirement to provide such information for wine produced before December 8, 2023.

Q: Can a winery website link be included in the e-label?

A: No. A winery website is considered marketing material and therefore not allowed as a part of the e-label. See Question 37 in the EU Guidance Document.

Background

General

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. Additionally, if the full nutritional information and ingredients are provided via an e-label, then a QR code must also be on the label.

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.

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.

Nutrition and Ingredient Labeling

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. **Wine Institute members also have access to an EU nutrition labeling calculator developed by the Technical Advisory Committee (WITAC) and available on the members website.** For additional information on nutrition labeling refer to Questions 20-24 in the EU Guidance Document.

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: 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:



Q: What components must be listed in the ingredients?

A: Regulation (EU) No. [1169/2011](#) (the “Food Information to Consumers” or “FIC” regulation) 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. See Question 6 in the EU Guidance Document for more information.

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. Please refer to Questions 7 and 8 in the EU Guidance Document for more information.

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: How should allergenic substances be labeled?

A: The EU Guidance Document states the following⁴:

All substances causing allergies or intolerances present in the finished product, even in an altered form, must be indicated on the label. There are two possibilities for their presentation on the label:

- a) Where the list of ingredients is presented on the label, all substances causing allergies or intolerances must be indicated as ingredients in the list of ingredients. The name of the substance or product must be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the font, style or background colour, in accordance with Article 21(1) of the FIC Regulation.
- b) Where the list of ingredients is presented by electronic means, all substances causing allergies or intolerances must be indicated on the package or the label attached thereto. Their presentation must be preceded by the word ‘contains’, followed by the name of the

⁴ See Question 9 in EU Guidance Document

corresponding substance(s) or product(s) displayed in line with Article 41, Article 48a(4) and Annex I of Delegated Regulation (EU) 2019/33. In such case, the full list of ingredients presented by electronic means should follow the same rules as described in paragraph a).

For additional information on allergen labeling refer to Questions 10 and 11 in the EU Guidance Document.

E-Labels

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: Do wineries have to use a particular platform to comply with the new rules?

A: No, wineries may choose from a number of vendors that provide e-label services. A winery could also choose to develop e-labeling technology in-house. 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: 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 geolocation 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.

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: Yes, it can be added to the bottle independently if it is in the same field of vision with but does not obstruct the other compulsory information and is not easily removable from the container. See Question 28 in the EU Guidance Document.

Q: Do e-label providers 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

[EU Guidance Document](#)

[Wine Institute EU Nutrition Calculator](#)

[Wine Institute June Webinar Recording](#)

[Presentation Slides from June Webinar](#)

[Wine Institute Ingredient Labeling Webinar Recording - Sept 14 2023](#)

[Presentation Slides from Ingredient Labeling Webinar](#)