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Is a new EU wine policy coming? The unexpected role of regulatory measures

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Abstract

On January 1, 2023, a “reformed” Common Agricultural Policy (CAP) will come into force, which is innovative by nature in structural terms, and focused on environmental and social sustainability issues, aimed at a comprehensive digitization-based modernization of the agri-food sector. The new CAP keeps the current structure based on *expenditure* and regulatory *measures*, but includes a new planning tool, the national CAP Strategic Plan, a new CAP management model, and the new delivery model (NDM). Concerning EU wine policy, the new regulations foresee a number of specific amendments to existing rules, including changes that will apply to financial support for the wine sector with a reduced budget and to the regulatory measures. Among the latter, the most globally impacting are labelling rules, which require more information to consumers and allow the use of an e-label, the use of hybrid grape varieties for the production of appellation wines, and the inclusion among CAP regulated products of partially or totally de-alcoholised wines.

Key words: Common agricultural policy, de-alcoholised wine, hybrid grape varieties, labelling

Introduction

On January 1, 2023, a new system of regulations will come into force that defines the next EU common agricultural policy (CAP), ending a long process that started in June 2018, when the European Commission, led by Jean-Claude Juncker, presented a proposal that profoundly reshaped the CAP with the aim of defining a new governance model for post-2020 European agriculture. However, the approval process was slowed down by the issues of Brexit dependant budget cuts, the reshaping of rules for the management of the EU Multiannual Financial Framework (MFF), the settlement of a new EU Commission led by Ursula von del Leyen, which launched the *European Green Deal* Strategy and the consequent *From Farm to Fork* agricultural Strategy, and finally, by the COVID-19 pandemic. Therefore, the reform proposal adapted to the new context completed the process of approval in December 2022, with the official publication of the new CAP regulations.

The “reformed” CAP has an innovative nature in structural terms, being much more focused on environmental and social sustainability issues, as clearly expressed by the 3 general objectives[1], each of them detailed in three specific objectives, and aimed at a comprehensive digitization-based modernization of the agri-food sector (1).

[1] Reg. 2117/2021, art. 5: (a) to foster a smart, competitive, resilient and diversified agricultural sector ensuring long-term food security; (b) to support and strengthen environmental protection, including biodiversity, and climate action and to contribute to achieving the environmental and climate-related objectives of the Union, including its commitments under the Paris Agreement; (c) to strengthen the socioeconomic fabric of rural areas.

As the wine sector in the EU is highly supported and regulated by CAP (2, 3, 4), and the EU is a key actor in the global wine market, a new CAP may have a quite significant relevant effect on such markets in terms of competitive scenarios, product innovation and institutional settings. Therefore, it is of some interest to look at the key aspects of CAP reform in general and in relation to wine, whose policy to date has been characterized by many peculiarities, which will be mitigated in the next programming period, thanks to the New Delivery Model. Despite this, European wine policy remains structured on two main blocks of interventions: expenditure measures on the one hand, and regulatory measures on the other. For this reason, it is worth to reflect on what news and what effects can be expected following its entry into force, starting from January 2023.

1 The main changes

In terms of general architecture, the new CAP maintains the current structure, which combines two components of equivalent importance, *expenditure* and regulatory *measures*[2]. On the one hand, the expenditure measures consist of *direct payments* to farmers to ensure income stability and to remunerate them for public goods not normally paid for by the market, *sectoral interventions* to stabilise and/or improve the functioning of the concerned markets, and *rural development policy*, which provides for the structural strengthening of the agricultural sector and rural areas. On the other hand, the regulatory measures, defined by a very large number of different provisions, include provisions concerning many different areas of interest for agriculture and agri-food products.
However, beyond this element of continuity, the main novelty of the CAP 2023-2027 is a new tool, the Strategic Plan, that each Member States can draw upon for the joint programming of all expenditure measures to achieve the CAP objectives, also setting quantitative targets and milestones consistent with the achievement of the "more ambitious" environmental and social targets (5). This novelty, which actually empowers EU Member States in the shaping of the CAP intervention, is part of the intended innovation of the CAP management, defined as a new delivery model (NDM) aimed "to shift the policy focus from compliance to performance, and rebalance responsibilities between the EU and the MS level with more subsidiarity [….] improving policy coherence across the future CAP and with other EU objectives"[3].
The rules concerning the CAP Strategic Plan and therefore the management of all expenditure measures are laid down by the new Regulation 2115/2021 (CAP Strategic Plan Regulation). The regulatory measures in force with the reformed CAP are those included in Regulation 1308/2013,

[2] These measures define a complex framework which represents a characterising part of CAP; but nevertheless, the EU agricultural policy is frequently identified only with its expenditure measures.
[3] Explanatory memorandum to reform proposals (6, p. 2).

modified by the new Regulation 2117/2021 (Amendment Regulation). Below, a brief but complete description is presented of the numerous and diverse changes that have been approved for the wine sector as a result of this long and complex reform process in the final stages, with the approval of the national Strategic Plans scheduled for the end of 2022.

2 Towards a new wine policy

The CAP reform introduces changes in the wine sectoral intervention and regulatory measures, but does not turn upside-down the "EU wine policy" structure, consistently with the Commission view on the effectiveness of the current asset of such policy: "while the successive 2008 and 2013 reforms of the wine policy have overall reached their objectives, resulting in economically vibrant wine sector, new economic, environmental and climatic challenges have appeared. Therefore, the regulation foresees a number of specific amendments to existing rules to cope with these challenges"[4]. AS a matter of fact, the analysis of the performance of the EU wine sector in the recent past has shown that there is no evidence of satisfactory progress towards high levels of environmental sustainability and a satisfactory exploitation of the potential of vitivinicultural activities in the development of marginal areas (1).

2.1 The new financial support

The set of spending measures destined to the wine sectors will rely on a reduced budget with respect to the "old" CAP (approximately 1 billion €/year, - 3.9%), but with an enlargement of the range of the intervention types, or measures, that Member States may make available for wine actors[5].

In the new policy framework, wine growers and wine producers and marketers will be potential beneficiaries of seven types of "structural" measures that aim to strengthen the competitiveness of the wine sector in MSs, allowing the financial support of improvements at different levels of the supply chain. One measure sustains wine growers for "restructuring and conversion of vineyards" with the objective of improving sustainability by changing the vineyard management techniques, replanting the vineyard in better sites or using varieties more suited to the eco-physiological condition of the farm. Four different measures sustain material (physical assets) and immaterial (software, design costs, licenses, patents) investment and promote innovation activities and best practices to achieve better wine quality from the perspective of sensory properties and environmental and social sustainability. A new measure is included in this group, specifically designed to finance investment

[4] Explanatory memorandum to reform proposals (6, p. 14). Such arguments are consistent with the last evaluation of CAP measures applicable to the wine sector (7).

[5] The complete description of the new CAP sectoral interventions for wine is included in article 58 of Regulation 2021/2115 (CAP Strategic Plan Regulation).

targeted to achieve specific improvements in terms of the carbon or water footprint. Two measures are designed to improve the position in the market of EU wines, including within Third Countries, which involves financing wine producer's true promotion activities, public relations, advertising, wine exhibitions, while inside the EU are admitted only actions limited to information campaigns about PDO and PGI, to comply with the opposition of the Directorate General for Health and Consumer Protection of the European Commission (DG SANCO) policies that could result in an increase in alcohol consumption in the EU.

Three measures offer a set of tools to assist enterprises in facing different economic risks: harvest insurance, mutual funds and green harvesting. These were conceived as preventive instruments able to encourage a responsible approach to crisis situations after the dismantling of the traditional market protection measures (price support, distillations, and private storage, with most aid in force until 2008) and are confirmed in the new CAP.

Two new measures finance actions undertaken by interbranch organisations recognised by Member States[6] in the wine sector aimed at i) enhancing the reputation of Union vineyards by promoting wine tourism in production regions, and ii) improving market knowledge.

Finally, a new measure finances the access of companies in the wine sector to advisory services, particularly concerning the conditions of employment, employer obligations and occupational health and safety, explicitly introducing the social dimension within sectoral wine interventions.

It is up to each Member State to decide which measures to make available for its own actors in the wine production chain[7] and how to distribute the wine national budget, with only an obligation to allocate at least 5% of the budget for actions with a positive impact on the environment, climate change or sectoral sustainability. Interestingly, a first analysis of the projects[8] of the CAP Strategic Plan delivered by Member States to the European Commission shows that the resources assigned are almost totally directed to the "old" structural measures, almost replicating the previous allocation patterns (1, 8). The exclusion of the new measures is probably partially related to the fact that these were introduced only in the last version of the regulation, when the draft of the CAP Strategic Plans was already in an advanced phase, and the stakeholders did not have enough time to evaluate their real interest. To this must be added the fact that the measures directed to interbranch organisation are not applicable in all EU wine producers' countries, as those existing are not always recognised under the EU rules. The new measures could eventually be selected in the case of a future update of the

[6] According to Regulation (EU) 1308/2013.
[7] It is worth to remember that the wine sectoral interventions are addressed to different beneficiaries along the wine production chain, including nonagricultural actors.
[8] The projects of CAP Strategic Plans are currently (October 2022) in a revision phase according to the comments that the Commission sent to Member States and will be fully operative before the end of the year.

CAP strategic plans. Finally, it should be underlined that some (old and new) sectoral measures are addressed to objectives also pursued through the rural development policy. In these cases, the interest in their implementation under the sectoral interventions could be greatly reduced, as confirmed, for example, by the limited resources allocated by MSs in favour of the risk management measures, which are usually supported within the rural development policy framework.

If the wine sector, as a whole, is going to be less funded by sectoral intervention, more financial resources should reach winegrowers[9] through the renewed mechanisms for calculating the CAP direct payments. Winegrowers are only receiving direct payments from 2013, and in some of the wine EU-producing countries, they received only a small amount of money[10]. Now, the new CAP should bring good news for agricultural actors in the wine sector, as the reform has among its targets the rebalancing of the distribution of such payments in all Member States. In the future, all winegrowers should receive a payment proportional to the farm area similar to that received in other sectors, under the condition that they comply with some basic requirements related to the adoption of sustainable practices. Moreover, they could benefit, according to the national decision, from additional payments in the case of the adoption of the new voluntary environmentally friendly practices laid down in each CAP Strategic Plan (the so-called eco-schemes[11]). Regardless, the actual increase in the resources coming from the direct payment budget will likely be different in each Member State, as both the increase in the basic payment assigned or the number of eco-schemes actually accessible for wine growers will depend on the single Member State decisions.

As already mentioned, in the "new" CAP, as in the "old", actors in the wine sector may also apply for financial support from the rural development policy in competition with actors belonging to other agricultural sectors, as no preassigned budget for grape or wine producers exists. Regardless, in the new policy framework, rural development measures open to vitivinicultural actors should be planned consistently with those of sectoral intervention inside the CAP Strategic Plan, with the aim of facilitating the accomplishment of the CAP objectives and of those specifically defined for the wine sector[12].

[9] In the CAP, the definition of "winegrowers" refers only to producers which are also involved in the agricultural phase of grape productions.

[10] The current value of the payment per hectare of vineyards is, in some Member States, different from other surfaces due to different rules in the Member States used in the implementation of the decoupling processes started with Agenda 2000 (9).

[11] Reg. (EU) 2117/2021, art. 31

[12] Reg. (EU) 2117/2021, art. 57.

2.2 New rules

Most of the amendments to the EU wine policy announced by the Explanatory Memorandum to deal with the new economic, environmental and climatic challenges concern the rules for the marketing of agricultural products and the functioning of the agricultural sector, which are laid down by the Amendment Regulation[13] and includes relevant novelties.

The Amendment Regulation allows the inclusion of varieties coming from a cross between *Vitis vinifera* and other species of the genus *Vitis* in the production of wines with a protected designation of origin (PDO). This rule change is rather radical, as genetic purity has been, over time, a distinctive aspect of the regulation of European terroir-linked wines (2). In introducing this change, the EU recognises that these new varieties may represent a gamechanger for the future of sustainable winemaking [10]. Indeed, genetic research and nursery activities are delivering new interspecific hybrids obtained by multiple 'backcrosses' between some of the widely planted *Vitis vinifera* grape varieties (e.g., Merlot and Chardonnay) with non-*vinifera* grape varieties, obtaining new varieties with a high percentage of the *Vitis vinifera* genome, thus aiming to preserve most of the sensorial properties of the "noble parent" [11].

Such novel genotypes have an innate resistance against cryptogamic diseases, allowing a reduction in the use of synthetic pesticides by more than 80% [12] - far greater than the 50% objective set by the European Green Deal, allowing for approximately 60% savings/ha in the cost of treatments and 15% savings/ha in vineyard operating costs (13]. The first studies show a positive attitude of consumers towards these new varieties, also known as PIWI[14] (14), which therefore promotes all three dimensions of sustainability. Their diffusion could be fostered by the subsidies for restructuring and the conversion of vineyards under the sectoral intervention of the CAP described above.

Concerning new production options, the Amendment Regulation lays down the inclusion of the products obtained by wine de-alcoholisation with an alcoholic degree lower than the minimum indicated by the definition of wine[15] among the products covered by the wine sector. Such products can currently be produced and marketed only as beverages, but from January 2023, such products will be labelled wine if they comply with the EU approved wine oenological practices[16]. The de-alcoholisation can be total and partial, but only partial de-alcoholisation will be authorised for wines with a protected geographical indication or protected designation of origin. For such wine, the

[13] Regulation (EU) 2021/2117, art. 1, concerning changes to Regulation 1308/2013.

[14] From German: Pilzwiderstandsfahige (disease resistant).

[15] Regulation (EU) 1308/2013, Appendix I: At least 8.5% in the northern part of EU (Wine-growing zones A and B); at least 9% in the south (Wine-growing zone C).

[16] In the EU, products covered under the wine sector can be produced only by means of the oenological practices and using the substances listed in the EU Regulations: Reg (EU) 1308/2013, Reg. 934/2019, Reg 203/2012..

possibility of de-alcoholising must be included in the product specification, which should contain a description of the partially de-alcoholised wine and, where applicable, the specific oenological practices to be used to make the partially de-alcoholised wine or wines, as well as the relevant restrictions on making them.

The Amendment Regulation recognises that further research and experimentation is necessary to improve the quality of the de-alcoholised wines, but the inclusion of such products in the wine sector allows producers to obtain subsidies for investments and R&D activities using sectoral intervention or rural development measures, again showing the high level of interconnection among different instruments (expenditures and regulatory measures) within the CAP for the wine sector. Regardless, it will likely be necessary to define new specific rules for the production of such products as the subtraction of alcohol, especially if the final result is zero or very low alcohol, requires specific technological interventions to rebuild the sensory equilibrium, which are currently not included in the list of EU oenological practices.

Interestingly enough, inclusion in the list of EU vitiviniculturalproducts of de-alcoholised and partially de-alcoholised wines was not considered in the first draft of the Amendment Regulation, as a result of the co-decision process after the renovation of the EU Commission and Parliament in 2019. Such novelty also represents a break from the traditional European wine regulation, as the alcohol content was considered an essential part of the identity of wine in the European tradition. Not by chance, within the OIV for years EU Countries, although with different nuances, have been against the inclusion of such product in the wine categories of the OIV International Code of Oenological Practices, pressing for their inclusion in the category of "Products derived from grapes, grape must or wine". Likely, most European wine stakeholders are now confident that the market opportunities of such products are more important of the tradition[17]. The products of wine de-alcoholisation are not new in the market, but only recently have experienced a relevant growth. In particular, they have grown from US $7.8 billion in 2018 to $10 billion in 2022 in ten different key markets. Moreover, IWSR forecasts that no- and low-alcohol product volumes will grow by +8% yearly between 2021 and 2025.

Further amendments of the EU wine regulatory framework concern rules about labelling, new planting of vineyards and interbranch organisations related to PDO wines.

[17] The preliminary statements of the Amendment Regulation (whereas 40) explain the choice concerning de-alcoholised wines only referring to market opportunities. But it can be assumed that such choice was supported also by the awareness that these products comply with the recommendations recently expressed by WHO in the framework of the *Global Action Plan on Harmful Consumption of Alcohol* (https://apps.who.int/gb/ebwha/pdf_files/EB150/B150_7Add1-en.pdf).

To provide a higher level of information to consumers, complying with the EU general regulation of labelling of food products, the wine label will include a nutrition declaration and a list of ingredients. Producers will have the option of limiting the contents of the nutrition declaration on the package or on a label to only the energy value, making the full nutrition declaration and the list of ingredients available on electronic support[18]. The Commission is delegated to lay down rules for the indication and designation of ingredients, with new rules coming into force after December 2023. The task of the Commission is not trivial, as the listing of what is an ingredient, beyond grape and must, is not straightforward. In principle, all the oenological substances listed in regulation 934/2019 as additives should be labelled[19], but professional organisations are lobbying to limit the obligation of labelling to those that are not already present in the grape.

Moving on to the scheme of authorisations for vine plantings, in force since 1 January 2016, it is extended from 2030 to 2045, with two mid-term reviews in 2028 and 2040 to evaluate the operation of the scheme and, if appropriate, apply changes. It is therefore significantly extended, with minor revisions, the current regime that allows Member States to make available each year authorisations for new plantings corresponding to 1% of the total area actually planted with vines in their territory[20]. This choice also confirms the impossibility of reallocating the area corresponding to the grubbed-up vineyards in farms that give up viticulture to other farms. The outcome of the CAP reform results in a substantial confirmation of the recently reformed scheme, which is effective in preventing structural surpluses of supply, but that in progress could determine a depletion of the production potential and hinder the structural strengthening of active and competitive farms in well developed areas, as well the improvement of the socioeconomic fabric of marginal areas developing vitivinicultural activity, which represents one of the few productive options for farmers.

The CAP reform introduces new rules that can empower interbranch organisation related to PDO and PGI wines[21] in managing the position of the wines of interest in the market and deal with the distribution of added value along the supply chain. According to the new rules, interbranch organisation of producers of PDO and PGI wines will be allowed to request of Member States to lay down, for a limited period of time, binding rules for the regulation of the supply of their wines of interest. Moreover, such interbranch organisations may provide non-mandatory price guidance

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[18] Anticipating the coming in force of the Amendment Regulation, some actors of the European wine industry developed the already operating *U Label platform* (https://www.u-label.com/) which can support wineries in implementing the e-labelling for wine products.

[19] The substances listed in the Regulation 934/2019 are classified in additives and processing aids; the processing aids, which are the most numerous oenological substances and that could be present in the wine only as residues, must not be labelled.

[20] As measured on 31 July of the previous year.

[21] Recognised by Member States according to Regulation (EU) 1308/2013.

indicators concerning the sale of grapes for the production of wines of interest, provided that such guidance does not eliminate competition with respect to a substantial proportion of the products in question. In any case, the intention of the EU to empower interbranch organisations is also revealed by the new measures introduced in the sectoral intervention reserved to these bodies. However, the extension of the powers of interbranch organisations may raise questions about conformity with the principles of competition law but up to now no concern has been expressed by stakeholders.

3. Potential impacts

In summary, the CAP reform is leading to interesting changes in the wine policy, which has potential impacts in the wine market at the European and global levels.

The amount of financial resources to be transferred to wine actors is not expected to change much, but complex rule changes should determine other substantial evolutions, such as the improvement of the sustainability level that could make EU wine supply more consistent with the market demand and comparable to non-EU competitors. Therefore, the balance of power on the market should not be affected by the new CAP. Moreover, the scheme of authorisations for vine plantings represents a remarkable contribution of the EU to the global market equilibrium, which, however, could hamper the reaction of EU wine producers in the case of a wine demand rise.

More significative impacts of the CAP reforms will be on the labelling practices and innovation options.

Concerning labelling, the new EU rules are going to define a new global standard for trading. Third Country producers will be required to comply with such rules, and consumers of EU wines in Third Countries will become accustomed to the new labelling rules. These could also be a driver for a new OIV wine labelling standard[22]. However, beyond the aspects related to the technicalities of labelling, the new regulation could have interesting indirect effects in terms of changes in oenological practices. Such changes could result in a demand for new equipment or new services. In fact, most additives (i.e., the substances subject to labelling), which do not correspond to substances already present in the grape, can be substituted with physical treatments[23]. Therefore, wineries could be induced to change their processes to limit, as much as possible, the list of labelled items. As such, physical treatments require specific equipment that could be hard to pay back in small or medium wineries,

[22] The EU decision to allow the electronic labelling of mandatory information is likely something without precedents; this is very relevant because the question of electronic labelling is being debated in Codex Alimentarius at the present time.

[23] As suggested by prof. Moio in his contribution "Vers une logique de l'etiquetage du vin" presented at the Conference at the Bordeaux University, June 21, 2018.

and a new demand for external services could emerge, which will proceed in parallel to the demand for the supply of services for managing the e-label that will be linked with the physical label.
Moreover, the disclosure of a limited category of oenological substances could bring the attention of media and of consumers to the whole of complex oenological substances and practices that are allowed in the EU and are of common use elsewhere. The awareness of most consumers about how the wine is produced is currently quite scarce, so the additional compulsory information could result in an increasing demand for full disclosure on how wines are made, going beyond what is requested by the new rules, resulting in pressure for the exclusion of practices and processing aids that could be badly perceived by consumers. The final results could be positive, including a general orientation towards a “light” or “precision” oenology, which rely on high-quality grapes and minimal intervention in the winery. On the other hand, the higher transparency of the complex oenological practices and substances commonly used in wine making should be accompanied by an appropriate communication effort to prevent dangerous and unjustified trust issues.
Concerning the new rules about the partially or totally de-alcoholised wine and the use of hybrids in the production of PDO wines, these will have practical impacts that are currently difficult to foresee. The EU is opening to de-alcoholised products presented as “wine”, along with the contemporary positive forecast of market analysis agencies, are now arousing the interest of many EU companies. The resources of the sectoral intervention could ease access to indispensable investments, at least for the larger of them. The actual market growth will depend, first on how much the interested companies will be successful in delivering quality consistent wines, and second, on successfully managing production costs that are rather high (15, 16). Moreover, the possible societal concern for the adverse social (overcompensation alcohol assumption - 17) and environmental (energy use -18) implications of these products may also play a role. In the case of wide consumer acceptance, it is possible to foresee that new service providers will emerge, organised to manage in specialised plants, compliant with the strict fiscal regulation of alcohol production and conservation, the dealcoholisation process and complementary operations.
Concerning the new hybrid resistant varieties, the actual speed and dimension of their diffusion will depend on the solution to many issues. Permission to include such varieties is increasing the interest of producers and policy-makers, but new fungus-resistant grapevine varieties still represent an immature technology whose adoption requires investments with a long payback (19). In fact, the stability of resistance/tolerance to the targeted pathogens is unknown, and a strong research effort is even now devoted to obtaining new fungus-resistant grapevine varieties with multiple genes for resistance (11). Moreover, the implications of the use of such new varieties regarding other pathogens are not clear. Last but not least, the choice of available new varieties is still restricted with respect to

the huge differences in wine styles, soil and climate conditions of viticulture, and a large uncertainty persists concerning the optimal viticulture and oenological practices to adopt.

The EU wine sector is moving in the coming years towards a normative framework with many differences with respect to the past. With regard to the new CAP organisation, only when the CAP Strategic Plans, in particular, and the new delivery model, in general, will be in force will it be possible to understand if this new organisation will be more effective in sustaining the wine sector, also reducing the red tape burden frequently criticised by practitioners and scholars (2, 3). With regard to the wine policy, EU wine producers will likely be better supported in achieving more ambitious environmental targets and will be inspired to evaluate new options in terms of product and processes and to deal with public opinion pressures that could result from the new labelling rules. The labelling rules, at least in the short run, could result in an additional non-tariff barrier to trade (20, 21). Regardless, a relevant consequence of the CAP reform is a significant change of some identity elements of the “European wine charter”: the minimum alcohol degree is no longer a constitutive element of the definition of wine, the wine is no longer the result of a magic (black) box fed only with grape, and the (high) quality of the EU wine is no longer exclusively linked to the *Vitis vinifera*. Dramatic changes, indeed, that could have unforeseen consequences on the global wine market.

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