
5 The Austrian Wine Law

5.1 The Wine Law of 1999

The Wine Law of 1999 brought new regulation of the wine areas and wine regions: the larger wine-growing areas of Niederösterreich (Lower Austria) and Burgenland were added and the wine regions Weinland and Bergland were created. Adaptations of the regulations on fruit wine were made to reflect modern technologies while at the same time providing protection to fruit must produced in the traditional manner. Moreover, a large number of simplifications, clarifications and adaptations to EU Community law were provided for.

Since it was passed in 1985, the Wine Law has been amended several times. The deletion of old and the addition of new sections had made the external form of the law imprecise and difficult for the people who should be following it to interpret. The present amendment is the result of an official petition to rephrase the Wine Law. The text of this rewording is in accordance with the petition, but renumbering as well as a clear distinction between the regulations on wine made from grapes and wine made from fruit has been undertaken. The new Wine Law of 1999 is a response to a long-standing desire, especially on the part of the wine industry, to create a lucid wine law as an integrated whole. In addition, the new Wine Law represents an adaptation to EU Community law in both a physical and a terminological respect.

Simultaneous to this amendment, the Agrarian Market Austria (AMA) Law was also altered to permit the levying of marketing fees for wine shipped to destinations outside Austria in containers larger than 50 litres. Thus an independent motion in accordance with Section 27 of the Rules of Procedure was also introduced.

Two committee rulings were made. The first confirmed the customary definition of a *G'spritzer* as a drink containing at least 50% wine, no more than 50% soda water or mineral water, and at least 4.5% alcohol. The second ruling established that use of the name "*Obstmost traditionell bäuerlicher Produktion*" (traditional farm-made fruit must) will be restricted to farms.

The Most Important Points at a Glance:

- Creation of larger wine-growing areas (the wine-growing areas of Niederösterreich and Burgenland) while retaining the smaller ones. Creation of the wine-growing regions Weinland and Bergland.
- Revision of the chapter on fruit wine.
- In particular, authorisation of the use of "modern concentrate technology" and creation of an "*Obstmost traditionell bäuerlicher Produktion*" (traditional farm-made fruit wine). In addition, the outdated portions of the law on fruit wine are being adapted to the new requirements.
- Adaptation of the regulations on wine monitoring to the requirements of actual practice (especially the possibility of warnings issued by federal winery inspectors).

- Terminological corrections:
Concretisation of wine terminology in each individual passage of the text; deletion of all references to “versetzt” (fortified) and “nichtversetzt” (non-fortified) wine. Catalogue of regulated terms to supplement those already regulated under EU law; in addition, a comprehensive terminological adaptation to EU law.
- Adaptation to achieve conformity with the regulations of EU law in all areas (e.g. fortification, sweetening and designation) that already had de facto validity.
- Adaptation of the definition of marketing to the requirements of practice.
- Clarification e.g. in the case of pearl wine, alcohol-free or low-alcohol wine.
- Deletion of blended wine drinks (with wine content under 50%) from the scope of the Wine Law.
- Empowerment for the Federal Minister for Agriculture, Forestry, Environment and Water Supply to issue regulations to implement regulations of the European Community that are not immediately applicable concerning the marketing of products covered by the Wine Law (e.g. Community guidelines on food labelling and additives).
- Deletion of the requirement for harvest and stock declaration on April 30th. Levying of a marketing fee to include wine that is shipped to other countries in containers larger than 50 litres since this wine is bottled abroad and then sold by retailers as Austrian wine.

5.2 The 2000 Amendment to the Wine Law

The 2000 Amendment to the Wine Law consists essentially of the following points:

1. Changes with regard to contents:

- Changing the act of sweetening of *Prädikat* wines from an offence requiring court action to one requiring administrative action.
- Adaptation of the Wine Law of 1999 to the new common organisation of the market in wine (COMW).
- Inclusion of empowerment for the creation and regulation of industry associations (also made necessary by the new COMW).
- Deletion of all competencies of examination of the other federal ministers (except for those of the Minister of Finance) in issuing regulations.
- Deletion of the requirement for harvest and stock declaration as of 30 November.
- Adoption of a requirement that *Heuriger* (wine from the last vintage), *Schilcher* and *Bergwein* must be produced in Austria.

2. Changes with regard to wording:

- Replacement of the term *Inländischer Wein* (domestic wine) by *Österreichischer Wein* (Austrian wine).
- Deletion of the declaratory regulation on the composition of certain additives that are forbidden in wine production.
- Clarification that if a smaller geographic unit is specified, 100% of the grapes must not necessarily come from this unit but that the statutory exemption under Section 24 Z 2 may also apply.
- Adoption of permissibility of the specification of three grape varieties in the case of *Schaumwein* (sparkling wine) as already permitted under labelling regulations.
- Clarification of which regulations of the Wine Law actually apply to fruit wine.
- Replacement of the word *Frist* (fixed period of time) by *Stichtag* (fixed deadline date) in the penal regulation concerning harvest and stock declarations.
- Insertion of a subsidiary clause in the case of certain administrative offences as in Paragraph 1 and 2; “...if the offence is not punishable by a heavier penalty in accordance with other regulations”.
- Adaptation of the nomenclature of the federal ministries to the 2000 Amendment to the Law on Federal Ministries.

5.3 The 2002 Amendment to the Wine Law

The most significant points of article 10 of the Agrarian Policy Reform 2002 (BGFBL I Nr. 110) amending the Wine Law 1999 (BGB1 I Nr. 141) are as follows:

Section 3, Paragraph 6:

In comparison to the previous formulation of Section 3, Paragraph 6 it is made clear that in all phases of wine production perfect hygiene must be maintained. The term wine production as defined in Section 2, Paragraph 1 is to be included here, in which all phases of production, from harvesting and vinification to transfer and storage to sale, are described.

A corresponding civil offence constituent was added to Section 66, Paragraph 1 in which the repeated disrespect for hygienic circumstances during the production of wine as described in Section 3, Paragraph 6 is punishable by law. Criminal charge is to be made through the Federal Wine Cellar Inspection at the district court in addition to notification as specified in Section 3, Paragraph 7.

Section 4, Paragraph 1:

The limit of 15 g residual sugar was up until now described in detail only in the sweetening process as specified in Section 5, Paragraph 1. The regulation from the old Wine Law 1985 that “sugar or concentrated grape juice can be added for fermentation purposes only” was not taken over into the new Wine Law 1999. Despite this the tolerance limit of 15 g per litre for chaptalization continued to be enforced in order to prevent the production of sweet wines through the addition of sweeteners. A new formulation includes the 15 g per litre limit of the

addition of sweeteners in a clear way that no longer leaves room for legal misinterpretation as did the original phrase “for fermentation purposes only”.

Section 10, Paragraph 4:

European Union labelling laws make it possible for Austrian quality wines with predicate to state the predicate level alone on the label. The previous requirement for a further quality statement for wines with the predicate “Kabinett” is no longer necessary.

Section 10, Paragraph 6:

The Wine Law Amendment 2001 introduced Section 39a, Paragraph 1 in which the Federal Minister for Agriculture, Forestry, Water, and Environment is empowered to establish interprofessional branch organisations. This enabling act includes regulations for creating stipulations for typical regional quality wines of geographic origin upon file of application from these organisations.

The corresponding Interprofessional Branch Organisation Decree (BGB1 II Nr. 138/2001) provides that regional wine committees resolve definitions of stipulations for the production and marketing of typical regional quality wines of geographic origin.

The new Paragraph 6 of Section 10 provides for the possibility to market typical regional quality wines of geographic origin under the designation “Districtus Austria Controllatus” or “DAC”. This market designation is a “traditional specific term” as defined in Appendix VII A Z 2 and anchored in the new commission enforcement decree for EU labelling regulations. This designation takes the place of another quality statement on the label such as Qualitätswein or the various predicate levels.

Section 11, Paragraph 1 Z 7:

Up until now the grapes for the production of Strohwein were required to be dried for a minimum of three months. This strict time regulation proved to be too long under certain weather conditions. In some instances the three-month period minimized the quality of the harvested grapes. The wine law reform has provided for the possibility for improvement of Strohwein by permitting grapes to be pressed after two months storage as long as a minimum must weight of 30° KMW has been reached. If it is discovered afterwards through analysis that the must actually had less than 30° KMW, the wine cannot be labelled as Strohwein even if 25° KMW were reached. As with the old regulations and the regulations for ice wine, this wine must not be devalued as industrial wine, but may be marketed as quality wine without predicate.

The quality designation “Schilfwein” has been provided for in the new wine law. Like other predicate levels this qualifies as a traditional specific term as defined in Appendix VII A Z 2 and anchored in the new commission enforcement decree for EU labelling regulations.

Section 21, Paragraph 3 Z 3:

The wine law reform provides for a new wine area “Steiermark” and the wine region “Steierland”. The other wine areas remain the same just as in the solution for Niederösterreich (Lower Austria) and Burgenland.

5.4 Wine Labelling Regulations in Keywords

(excerpt from a summary by the study group of the Federal Winery Inspector's Office)

General Points on Naming and Labelling

The name of a product is an important part of its product information and thus a means by which the seller creates a relationship with the buyer.

The purpose of every name and form of presentation is thus to provide exact and truthful information to the buyer.

New EU labelling laws will apply as of January 1st, 2003. In the case of product names it is necessary to differentiate between **PRESCRIBED** (mandatory) information, which is necessary for the identification of the product and its classification in the appropriate product category and **PERMISSIBLE** (optional) information, which serves more as additional information about the special qualities of the wine.

Certain additional information on wine labels, pertaining for example to the grape variety or vintage, lie under strict parameters. Despite these specific restrictions, a certain liberalization comes into effect as of January 1st, 2003. All labelling terms will be allowed that are not misleading and which can be proved as truthful by the producer. This brings the long expected departure from the **PROHIBITION PRINCIPLE** of the old EU wine labelling regulations where all names and information not expressly permitted by law were forbidden.

Products that are subject to the labelling regulations of EU wine law may not be sold without labels. Each individual bottle must be marked with the required information. This labelling is mandatory not only for sales to consumers but also for shipping. The marketing of unlabelled bottles is illegal, even if the correct labels are provided at the same time.

The **PRESCRIBED** information must be provided either on the label or on several labels glued to the same container in the same visual field. It must be clearly legible, indelible and in sufficiently large letters and must stand out clearly from the background and all other written information and illustrations. Thus the prescribed information must be in the same visual area. Important: it is insufficient for part of the prescribed information to be on the front of the bottle and another part on the back (rear label). The buyer must be able to grasp all the prescribed information at a glance.

PERMISSIBLE information must be provided in the same or another visual area, i.e. on the same label as the prescribed information or on one or several additional labels (exceptions are apparent in the present elaboration).

All the information for wine can also be affixed immediately to the container itself.

The following elaboration of the labelling regulations is given point by point for each product – depending on the visual area. The regulations are cited only in abbreviated form.

When in doubt concerning a particular labelling term, producers are advised to turn to the Federal Ministry for Agriculture, Forestry, Environment, and Water Supply (BMLFUW) for consultation. The following labelling terms serve as a basic guideline for the much larger and more detailed wine labelling regulations.

5.4.1 Austrian *Qualitätswein* (Quality Wine)

1. Prescribed information in the same visual area:

- *Österreichischer...* (Austrian...), *Wein aus Österreich* (wine from Austria), *Österreich* (Austria).
- Wine-growing area (specific area).
 - a) *Qualitätswein* (quality wine) or *Qualitätswein mit Staatlicher Prüfnummer* (quality wine with federal inspection number) or *Qualitätswein bestimmter Anbaugebiete* (quality wine produced in a specific region), or *Qualitätswein b. A.* (quality wine produced in a specific region)
 - b) *Qualitätswein* (quality wine) or *Qualitätswein mit Staatlicher Prüfnummer* (quality wine with state inspection number) or *Qualitätswein bestimmter Anbaugebiete* (quality wine produced in a specific region), or *Qualitätswein b. A.* (quality wine produced in a specific region) and, in addition, *Kabinett* or *Kabinettwein*.
 - c) *Prädikatswein* (predicate wine) or *Qualitätswein (quality wine)* of special ripening and harvesting plus information on the level of *Prädikat* (*Spätlese* etc.).
- Federal inspection number.
- Nominal volume (e may be added).
- *Abfüller* (bottler) or *abgefüllt durch* (bottled by); in the case of contract bottling – *abgefüllt für* (bottled for): name or company name, community or area of the village/town and state of the head office and, if applicable, the actual place of bottling.
- Coding is permitted (company number and postal code as well as information about a marketing participant).
- *Erzeugerabfüllung* (bottled by producer), *Gutsabfüllung* (estate bottled), *Hauerabfüllung* (bottled by wine-grower); these replaced *Abfüller* (bottler).
- Alcohol content in % by volume; only full and half percentage points permitted.
- *Trocken* (sec, dry), *halbtrocken* (demi-sec, medium dry), *lieblich* (demi-doux, semi-sweet), *süß* (doux, sweet).
- Lot identification

2. Additional labelling terms that lie under specific legal parameters:

- Red wine – rosé – white wine.
- Vintage (85%).
- Brand names.
- Marketing participants: position, name or company name, community or area of the village/town of the head office.
- Information about the composition (g/l of residual sugar).
- for "Landwein" and "Qualitätswein": *Heuriger* (wine from the last vintage) (+ vintage), *Bergwein* (+ region), *Schilcher*.
- Sensory qualities that are characteristic of the wine.
- Wine-growing region.
- Smaller geographic units as the wine-growing area (large vineyard site or *vignoble*, community, small vineyard site or *cru* – 85%).
- One (85%) or two or three (100%) and more grape varieties.
- Awards
- Number of the container or the lot.

- Proper names: *Weinkellerei* (winery), *Weinhandlung* (wine merchant).
- *Weingut* (estate), *Weingutsbesitzer* (estate owner), *Winzer* (wine-grower), *Weinbau* (viticulture), *Winzerhof*, *Rebenhof*... (wine-farm).
- Names and terms such as: *Cuvée* (blend), *Gemischter Satz* (mixed grape varieties from the same vineyard, vinified together), *Primus* (new season's wine), *Der Junge* (the young wine), *Der Neue* (the new wine).
- *Gelesen*... (harvested)
- Traditional names such as *Selektion* (selection), *Auswahl* (choice), *Ausstich* (choicest), *Erste Wahl* (first choice), *Klassik* (classic) (or optionally *Classique*)
- *Für Diabetiker geeignet* (suitable for diabetics) if residual sugar is not more than 4 g (currently permitted only in Austria)

5.4.2 Austrian *Landwein* (Vin de Pays)

1. Prescribed information in the same visual area:

- *Österreichischer*... (Austrian...), *Wein aus Österreich* (wine from Austria), *Österreich* (Austria).
- *Landwein* (vin de pays).
- Wine-growing region.
- Nominal volume (e may be added).
- *Abfüller* (bottler) or *abgefüllt durch* (bottled by); in the case of contract bottling – *abgefüllt für* (bottled for): name or company name, community or area of the village/town and state of the head office and, if applicable, the actual place of bottling.
- Coding is permitted (company number and postal code as well as information about a marketing participant).
- *Erzeugerabfüllung* (bottled by producer), *Gutsabfüllung* (estate bottled), *Hauerabfüllung* (bottled by wine-grower); these replaced *Abfüller* (bottler).
- Alcohol content in % by volume; only full and half percentage points permitted.
- *Trocken* (sec, dry), *halbtrocken* (demi-sec, medium dry), *lieblich* (demi-doux, semi-sweet), *süß* (doux, sweet).
- Lot identification

2. Additional labelling terms that lie under specific legal parameters:

- Red wine – Rosé – white wine.
- Brand names.
- Market participants: position, name or company name, community or are of the village/town of the head office
- Information on the composition (only g/l residual sugar).
- *Heuriger* (wine from the last vintage) (+ vintage), *Bergwein* (+ region), *Schilcher*.
- Sensory qualities that are characteristic of the wine.
- Proper name of the company, *Weinkellerei* (winery), *Weinhandlung*... (wine merchant).
- 1 (85%) or 2 or 3 (100%) and more grape varieties.
- Awards.
- Number of the container or the lot.
- Proper names: *Weinkellerei* (winery), *Weinhandlung* (wine merchant).

- *Weingut* (estate), *Weingutsbesitzer* (estate owner), *Winzer* (wine-grower), *Weinbau* (viticulture), *Winzerhof*, *Rebenhof*... (wine-farm).
- Names and terms such as: *Cuvée* (blend), *Gemischter Satz* (mixed grape varieties from the same vineyard, vinified together), *Primus* (new season's wine), *Der Junge* (the young wine), *Der Neue* (the new wine).

5.4.3 Austrian *Tafelwein* (Table Wine)

1. Prescribed information in the same visual area:

- *Österreichischer*... (Austrian...), *Wein aus Österreich* (wine from Austria), *Österreich* (Austria).
- *Tafelwein* (table wine)
- Nominal volume (e may be added)
- *Abfüller* (bottler) or *abgefüllt durch* (bottled by); in the case of contract bottling – *abgefüllt für* (bottled for): name or company name, community or area of the village/town and state of the head office and, if applicable, the actual place of bottling.
- Coding is permitted (company number and postal code as well as information about a marketing participant).
- *Erzeugerabfüllung* (bottled by producer), *Gutsabfüllung* (estate bottled), *Hauerabfüllung* (bottled by wine-grower); these replaced *Abfüller* (bottler)
- Alcohol content in % by volume; only full and half percentage points permitted
- *Trocken* (sec, dry), *halbtrocken* (demi-sec, medium dry), *lieblich* (demi-doux, semi-sweet), *süß* (doux, sweet)
- Lot identification

2. Additional labelling terms that lie under specific legal parameters:

- Red wine – rosé – white wine.
- Brand names.
- Marketing participants: position, name or company name, community or area of the village/town of the head office; *geerntet durch* (harvested by), *verteilt durch* (distributed by) or *importiert durch* (imported by).
- *Für Diabetiker geeignet* (suitable for diabetics) if residual sugar is not more than 4 g (currently possible only in Austria).
- Information about the composition (only g/l residual sugar).
- Sensory qualities that are characteristic of the wine.
- Proper names of the establishment: *Weinkellerei* (winery), *Weinhandlung* (wine merchant)...
- *Weingut* (estate), *Weingutsbesitzer* (estate owner), *Winzer* (wine-grower), *Weinbau* (viticulture), *Winzerhof*, *Rebenhof*... (wine farm).

Note: For *Tafelwein* (table wine) from EU Member states the following must be stated: either

- the name of the member state if the grapes were harvested and the wine produced there (e.g. Italy),

- “*Verschnitt von Weinen aus mehreren Ländern der Europäischen Gemeinschaft*” *) (“blend of wines from several countries of the European Community”) and code for specifying the location of the bottler (i.e. A-2230 = postal code) or
- “*In... aus in... geernteten grapes hergestellter Wein*” (“wine produced in... of grapes harvested in...”) and code for specifying the location of the bottler (i.e. A-2230 = postal code). This information must be provided in the same visual area.

*) If the wine is marketed in Austria, the following abbreviated form can be used: “*Verschnitt aus mehreren Ländern der EG*” “blend from several countries of the EEC”. The appropriate font size must be used.

5.4.4 Austrian *Schaumwein* (Sparkling Wine)

1. Prescribed information in the same visual area:

- *Schaumwein*
- Nominal volume (e may be added)

Taste information:

	sugar content in g/l
brut nature, <i>naturherb</i>	under 3
extra brut, <i>extra herb</i> , extra bruto	0- 6
brut, <i>herb</i> , bruto	under 15
extra dry, <i>extra dry</i> , extra secco	12- 20
sec, <i>dry</i> , secco, asciutto, dry, secco	17- 35
demi-sec, <i>halbtrocken</i> , abboccato, medium dry, semi-sec	33- 50
doux, <i>mild</i> , dolce, sweet, dulce	over 50

Sugar content is expressed in the respective national language.

Instead of the terms “doux”, etc. if the sugar content is above 50g/l it can also be expressed in g/l.

- Alcohol content in % by volume; only full and half percentage points permitted.
- Producer or vendor: NAME, COMMUNITY/STATE.
(Space does not permit the provision of more details here.)

2. Prescribed information in the same or other visual area:

- *Importeur, Einführer* (importer); *importiert durch, eingeführt durch* (imported by): name or company name, community(area) and state.
- Lot identification, in Austria only after a regulation has been issued; mandatory for marketing on the EU market.

3. Authorised information in the same or other visual area:

- Information that is not misleading.
- 1 (85%), 2 or 3 (100%) of the grape varieties. “Pinot” as a synonym for the Burgundy varieties.
- Name of the member state: if the grapes were harvested and the wine was produced and bottled there.
- Medals, prizes and awards.

- Brand names.

4. Prohibited information – examples:

- Misleading information and packaging.
- Smaller geographic units than the state as designation of origin.
- Vintage.
- *Flaschengärung* etc. (bottle fermentation) as well as *Methode Champenoise* or *Champagner Methode* (Champagne method).
- *Hauersekt* (sparkling wine from the wine-grower).
- Mention of health-related effects as well as *natur* (natural), *echt* (genuine), *rein* (pure), *alternativ* (alternative).
- Information about higher quality.
- *Premium* or *Reserve*.

Note:

Third-country wine used as a raw material may come only from certain areas and varieties of Romania. The sense conveyed by the labelling must be: Aus rumänischem Wein hergestellt (produced from Romanian wine). This information must be provided in the same visual area.

The term ***Hauersekt*** (sparkling wine from the winegrower) may be used in Austria for *Qualitätsschaumwein bestimmter Anbaugebiete* or *Sekt b. A.* (“quality sparkling wine produced in a specified region” or “sparkling wine produced in a specific region”) only if

1. the winery has grown the grapes (quality varieties) and produced the wine made from them itself,
2. the wine was fermented in the bottle according to the traditional method (second fermentation to sparkling wine; from the moment the blend is created it must be constantly aged on its own lees for at least nine months in the same winery and be separated from the sediment by disgorging),
3. it was produced outside the winery under contract because trade regulations prohibit the winery from making sparkling wine,
4. marketing is conducted by the winery that made wine from the grapes,
5. the label specifies the winery, the variety and the vintage,
6. the conditions and labelling requirements for *Qualitätsschaumwein bestimmter Anbaugebiete* (quality sparkling wine produced in a specified region) are met.

Important: The name of the wine-growing area must also appear on the cork. Smaller geographic information than that of the wine-growing area is permitted. If the outside company producing the sparkling wine under contract is in a different community from the winery, the place of manufacture of the sparkling wine is placed in the same visual area. The term *Hauersekt* can also be used by production co-operatives.

The term *Winzersekt* (another term for sparkling wine from the wine-grower) is reserved for German *Qualitätsschaumwein b. A.* (quality sparkling wine produced in a specific region).

Note: If the sparkling wine producer operates vineyards, it may take the wine it produced from them under the above conditions and make and market *Hauersekt*.