



Transparency applied to the wine sector: a comparative approach

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TRANSPARENCY APPLIED TO THE WINE SECTOR : A COMPARATIVE APPROACH

Aborder la transparence concernant le secteur viticole peut s'avérer complexe, la cible est internationale et mouvante, le propos nécessairement réducteur, l'approximation guette mais l'enjeu de la santé environnementale est incontournable.

TOWA (*Transparency for Organic Wine Association*) is the organisation behind this Transparency concerning the ingredients in wine founded in August 2015¹. TOWA over 1,500 organic/ biodynamic growers spanning 15 EU Member States. TOWA operates under the aegis of doctors specialising in toxins, biologist, agronomists and lawyers, who join forces to make accessible phytosanitary analyses of finished wine products, whilst also seeking to achieve a major transition towards organic agriculture.

What are the origins of the project ? The aim was to carry out phytosanitary analyses on finished wine products in order to reveal the toxicity of their residues - toxins which have become well known amongst scientists as a result of the Glyphosate Scandal. By a judgment handed down on 7 March 2019², the Court of Justice of European Communities (CJEC) quashed the decision of the European Food Standards Agency (EFSA), which had been to refuse unfettered access to 12 studies into the carcinogenicity of the active substance of

¹ TOWA was born at a time when the European MP Marc Tarabella (SDE) proposed an amendment to regulation 834/2007 of the Council of 28 June 2017 on organic production and labelling of organic products (Haüsling report) – « in a bid to give transparency to consumers, it is helpful that the inclusion of yeast and sulfite content in particular feature on the labels of organic wines »

² <https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-03/cp190025en.pdf>

glyphosate. In effect, the CJEC held that the EFSA was required to respond cooperatively to a request for information about emissions in the environment despite the threat it may pose to the commercial interests of those companies manufacturing the chemical. According to the CJEC, it is always the case that "overriding public interest in disclosing the studies is deemed to exist". Michèle RIVASI³, is at the heart of this groundbreaking jurisprudence and therefore this victory in transparency. Effectively, the forum of the CJEC provided an opportunity to remedy the dysfunction that had resulted from the right to confidentiality over one's affairs, at the expense of public health. Going forward, there is now protection against litigation threats by firms all the while the intention is to discover the content of other scientific studies. Elsewhere, the hair analyses made public by the Green party in November 2018 ⁴ show that we are all covered in pesticides, a large number of them being suspected or alleged endocrine disruptors. It is now known to be a fact that glyphosate caused health-related effects which were passed down over 3 generations - according to a study published on 23 April 2019 by the team led by Michael SKINNER at Washington State University Pullman in America ⁵.

The glyphosate decision therefore acts as the starting point for a large-scale comparative study looking into 148 molecules, carried out by TOWA at the behest of Michèle RIVASI and André CIOLELLA⁶, with the assistance of the Dubernet Laboratory. The objective was to analyse the extent to which residues were contaminated by pesticides and endocrine disruptors - covering 18 conventional and organic wines produced internationally across 9 countries (France, Italy, Spain, Greece, Germany, Switzerland, USA, Chile and Australia). The results of the study were presented to the European Parliament in Brussels on 3 April 2019.

What does the study reveal ?

³ The Deputy of the Green Party (ALE)

⁴ <https://detoxproject.org>

⁵ <https://www.nature.com/articles/s41598-019-42860-0>

⁶ Professor in toxicology and President of the Environmental Health Network

Observations on the phytosanitary wine study undertaken by Transparency for Organic Wine Association (December 2019)

Among the 148 molecules analysed, 29 substances and residues of concern were detected in the 18 wines. 8 of those were classified as endocrine disruptors and Carcinogens, Mutagens and Reprotoxins (CMR) regularly found in conventional wines with concentrations varying from 1 to 10. These toxicities were studied by Professor Gilles-Eric SERALINI⁷. The toxicities were also known to international agencies regulating pesticides, American and European agencies (EPA, FDA, EFSA, and national agencies falling under ministerial responsibility), and regulatory databases. It is noteworthy, according to Gilles-Eric SERALINI, that the declared active ingredients of pesticides are marketed with co-formulants which can be even more toxic and yet do not require to be declared.

Precisely which toxins are present and what is their impact on health ?

- *Boscalid*: this is a fungicide that is potentially carcinogenic and an endocrine disruptor that was at the heart of the impact study scenarios in the 2016 Commission report. It targets the liver and the thyroid. The study has shown the presence of this toxin in all conventional wines (except for conventional Australian wine), but also in organic wines from Germany and USA which contain approximately the same amount of the toxin its conventional wine counterparts. Authorisation of its use ceases in July 2019.
- *Cyprodinil*: This is a fungicide capable of causing cellular changes in the liver. It is "suspected" by The Endocrinian Disruptor Exchange (TEDX) to be an endocrine

⁷ Co-Director of the Network of Risks, Quality and Sustainable Development MRSH, University of Caen and National Centre of Scientific Research, and responsible for Training Seminars at Spark-Vie. Autor « Le goût des pesticides dans le vin », Broché, 17 janvier 2018.

disruptor. It is present solely in conventional Greek wine. Its use is authorised until 2020.

- *Dimethomorph*: This is a hepatotoxic fungicide (causing damage to the liver) and "suspected" to be an endocrine disruptor by The Endocrinian Disruptor Exchange (TEDX). Large quantities are found in conventional wines from France and Italy. Its use is authorised until July 2019.
- *Fenhexamid*: This is a fungicide that is "suspected" by The Endocrinian Disruptor Exchange (TEDX) to be an endocrine disruptor. It is found in all conventional wines, except for those coming from France, Australia and Greece. It is also found in organic wines from USA. Its use has been authorised since 2016, and until 2030.
- *Folpet*: This is a fungicide and a likely carcinogen for EPA (Category 2 in the EU). It is present in conventional wines from Germany, France, Italy, Spain and Switzerland. It is also found in Swiss and German organic wines. Its use is authorised until 2019.
- *Iprodione*: This is fungicide that is likely to be carcinogenic, and it is a potential endocrine disruptor (known to cause lesions in the testicles, ovaries and adrenal glands). It is found only in conventional wines from Australia, Chile, Spain and Greece. Its use is unauthorised.
- *Iprovalicarb*: This is a fungicide capable of causing hepatic and renal damage, reproduction toxicity, and a range of tumours in men and women. It is listed by Pesticides Action Network (PAN) as an endocrine disruptor. It is found in conventional wines from Germany, Spain and Switzerland. It is authorised for use until 2031.
- *Pyrimethanil*: This is a fungicide that is potentially carcinogenic and is capable of affecting the thyroid. It is acknowledged as an endocrine disruptor by the Pesticides Action Network (PAN) and its properties are quoted by the The Endocrinian Disruptor

Exchange (TEDX). It is found in all conventional wines, except in USA. It is also found in German organic wine. It is authorised for use until 2020.

The study reveals that the toxin « *Carbendazine* » is found in conventional wines from Italy, Spain and Greece with a vintage of 2009 and later, even though the ban on its use in the EU dates back to 2009. « *Thiametoxane* » is also present in conventional Italian wine from 2016, however its use has been forbidden since 2018. A ban has therefore not prevented the marketing of the wine.

According to the scientific community of doctors in TOWA - André CICOLELLA, Patrizia GENTILINI⁸, Luc LONLAS⁹ and Jean-François HARLET¹⁰ - these molecules, which have a CMR or ED impact in their own right - can no longer be safely considered in isolation. They must be viewed as being part of a complex combination ; having what is known as a 'cocktail effect'. In effect, the combination of several toxins cannot be ignored. The modifications to the exposome and the epigenetic require us to take these new parameters into account.

One can note from this study that conventional wines are most obviously affected by the problem of CMRs and EDs, however the presence of these chemical pesticides in German, American and Swiss organic wines shows that the boundary between conventional wines and organic wines may sometimes appear thin. Furthermore, that there exists a significant failure to harmonise the respective organic specifications, creating confusion for consumers at the point of purchase.

⁸ Toxicologist at the University of Bologna and member of the International Society of Doctors for Environment

⁹ General Practitioner at the University of Bordeaux

¹⁰ Stomatologist at the University of Bordeaux

According to Hervé HANNIN¹¹ *"I doubt that organic viticulture can represent a majority in the short term. In France, following a strong growth since 2010, one expects the majority to plateau at around 10% (and hardly likely to exceed 15%)".* This is why, with the sole objective of adding value to organic wines - and at the risk of watching this sector become impoverished and beaten (rightly or wrongly) by labelled competitors such as HVE¹² - and whilst not discounting health - it is appropriate that transparency first of all be applied to organic wines, and then, ideally, to the whole wine sector.

Below you'll find the details of the dubernet analysis. More specifically, the assessment of the number of residues (1), focus on the target molecules (2) and other data (alcohol, SO₂, calories, sugars, PH) (3)

DETAILS OF THE DUBERNET ANALYSES

1 – ASSESSMENT OF THE NUMBER OF RESIDUES

INFO CUVÉE			BILAN RESIDUS			
Pays	Domaine + Cuvée	Label	Nbr de molécules détectées	Nbr de molécules cibles (CMR et Pert endo)	Autres résidus retrouvés non cible	Détails autres résidus
France	CONFIDENTIEL	AB - ABD- ORG	0	0	0	voir analyses COFRAC
Allemagne	CONFIDENTIEL	AB - ABD- ORG	5	4	1	voir analyses COFRAC
United State of America	CONFIDENTIEL	AB - ABD- ORG	3	2	1	voir analyses COFRAC
Grèce	CONFIDENTIEL	AB - ABD- ORG	0	0	0	voir analyses COFRAC
Suisse	CONFIDENTIEL	AB - ABD- ORG	3	2	1	voir analyses COFRAC
Chili	CONFIDENTIEL	AB - ABD- ORG	0	0	0	voir analyses COFRAC
Italie	CONFIDENTIEL	AB - ABD- ORG	1	0	1	voir analyses COFRAC
Australie	CONFIDENTIEL	AB - ABD- ORG	0	0	0	voir analyses COFRAC
Espagne	CONFIDENTIEL	AB - ABD- ORG	0	0	0	voir analyses COFRAC
Allemagne	CONFIDENTIEL	Conventionnel	11	6	5	voir analyses COFRAC
France	CONFIDENTIEL	Conventionnel	6	5	1	voir analyses COFRAC
Australie	CONFIDENTIEL	Conventionnel	3	2	1	voir analyses COFRAC
Chili	CONFIDENTIEL	Conventionnel	7	4	3	voir analyses COFRAC
Italie	CONFIDENTIEL	Conventionnel	14	6	8	voir analyses COFRAC
United State of America	CONFIDENTIEL	Conventionnel	4	2	2	voir analyses COFRAC
Espagne	CONFIDENTIEL	Conventionnel	16	7	9	voir analyses COFRAC
Grèce	CONFIDENTIEL	Conventionnel	12	4	8	voir analyses COFRAC
Suisse	CONFIDENTIEL	Conventionnel	8	6	2	voir analyses COFRAC

2 – FOCUS ON THE TARGET MOLECULES (8)

¹¹ Director of Development at the Institute of Higher Studies of Winegrowing and Wine

¹² High Environmental Value (HVE) is the highest of the three levels of environmental certification of agricultural holdings.

INFO CUVÉE			MOLECULES CIBLES SÉRIALISÉES							
Pays	Domaine + Cuvée	Label	BOSCALID GC	CYPRODINIL GC (METHOMORPH)	FENHEXAMIDIL GC	FOLPUL DIF PRODHIONE GC	OVALICARBE GC	PHTALIMIDE GC	PYRIMETHANIL GC	
France	CONFIDENTIEL	AB - ABD - ORG	nd	nd	nd	nd	nd	nd	nd	nd
Allemagne	CONFIDENTIEL	AB - ABD - ORG	≤0,001	nd	nd	0,0202	nd	nd	≤0,02	≤0,001
United State of America	CONFIDENTIEL	AB - ABD - ORG	0,014	nd	≤0,005	nd	nd	nd	nd	nd
Grèce	CONFIDENTIEL	AB - ABD - ORG	nd	nd	nd	nd	nd	nd	nd	nd
Suisse	CONFIDENTIEL	AB - ABD - ORG	nd	nd	nd	0,0202	nd	nd	≤0,02	nd
Chili	CONFIDENTIEL	AB - ABD - ORG	nd	nd	nd	nd	nd	nd	nd	nd
Italie	CONFIDENTIEL	AB - ABD - ORG	nd	nd	nd	nd	nd	nd	nd	nd
Australie	CONFIDENTIEL	AB - ABD - ORG	nd	nd	nd	nd	nd	nd	nd	nd
Espagne	CONFIDENTIEL	AB - ABD - ORG	nd	nd	nd	nd	nd	nd	nd	nd
Allemagne	CONFIDENTIEL	Conventionnel	0,003	nd	≤0,005	0,3891	nd	0,081	0,193	≤0,001
France	CONFIDENTIEL	Conventionnel	0,158	nd	≤0,01	nd	0,0242	nd	nd	≤0,02
Australie	CONFIDENTIEL	Conventionnel	nd	nd	nd	nd	≤0,005	nd	nd	≤0,001
Chili	CONFIDENTIEL	Conventionnel	0,016	nd	0,021	nd	≤0,005	nd	nd	0,005
Italie	CONFIDENTIEL	Conventionnel	0,008	nd	≤0,01	0,012	0,0181	nd	nd	≤0,02
United State of America	CONFIDENTIEL	Conventionnel	0,056	nd	≤0,005	nd	nd	nd	nd	nd
Espagne	CONFIDENTIEL	Conventionnel	0,012	nd	≤0,005	0,0726	≤0,005	≤0,005	0,038	0,003
Grèce	CONFIDENTIEL	Conventionnel	0,01	≤0,01	nd	nd	0,021	nd	nd	≤0,001
Suisse	CONFIDENTIEL	Conventionnel	0,003	nd	0,111	0,1068	nd	0,036	0,053	≤0,001

3 – OTHER DATA (ALCOHOL, SO₂, CALORIES, SUGARS, PH)

INFO CUVÉE			AUTRES INFOS					
Pays	Domaine + Cuvée	Label	SO2 TOTAL seq	TAV IRTF E+FRUCTOSE IRTF	VALEUR ENERGETIQUE	pH IRTF	ETHANAL seq	
France	CONFIDENTIEL	AB - ABD - ORG	34	12,62	nd	74	3,09	21
Allemagne	CONFIDENTIEL	AB - ABD - ORG	81	12,22	6	74	3,16	38
United State of America	CONFIDENTIEL	AB - ABD - ORG	nd	12,19	nd	71	3,9	8
Grèce	CONFIDENTIEL	AB - ABD - ORG	nd	12,96	1,2	76	3,65	12
Suisse	CONFIDENTIEL	AB - ABD - ORG	29	13,65	nd	80	3,57	11
Chili	CONFIDENTIEL	AB - ABD - ORG	26	12,43	nd	73	3,73	22
Italie	CONFIDENTIEL	AB - ABD - ORG	nd	13,92	1,5	81	3,53	6
Australie	CONFIDENTIEL	AB - ABD - ORG	38	14,08	≤1,0	83	3,73	18
Espagne	CONFIDENTIEL	AB - ABD - ORG	nd	14,88	1,3	88	3,52	7
Allemagne	CONFIDENTIEL	Conventionnel	115	11,23	7,5	68	2,95	34
France	CONFIDENTIEL	Conventionnel	51	12,02	nd	70	3,2	30
Australie	CONFIDENTIEL	Conventionnel	52	13,63	2,9	81	3,71	9
Chili	CONFIDENTIEL	Conventionnel	70	12,9	1,6	76	3,54	22
Italie	CONFIDENTIEL	Conventionnel	99	12,91	2,4	77	3,47	32
United State of America	CONFIDENTIEL	Conventionnel	71	14,36	1,7	84	3,65	26
Espagne	CONFIDENTIEL	Conventionnel	73	13,66	nd	80	3,64	23
Grèce	CONFIDENTIEL	Conventionnel	83	12,04	7	73	3,61	22
Suisse	CONFIDENTIEL	Conventionnel	35	12,84	1,8	76	3,73	11

One will recall that the Member States of the European Union have delegated a certain amount of authority to the EU, with the effect that the EU is empowered to negotiate, authorise, sign and ratify international agreements in particular areas.

Where exclusive authority is given, Member States may no longer intervene, except in connection with the authority that the Council gives to the Commission to negotiate, where the Commission speaks with a common voice ¹³ and represents the EU within international surroundings. On the other hand, where mixed authority is given, the Commission intervenes to take the side of Member States. On occasion, the Court of Justice of the European Union intervenes in order to offer legal remedies, as demonstrated by the case at the Council, brought against the Commission, concerning the Rotterdam Convention on the Prior Informed Consent

¹³ CJCE, 12 February 2009, C-45/07, Commission v Greece.

Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ¹⁴. It is relevant that from the moment a Member State gives authority to the EU in a matter, the Member State forfeits the right to enter bilateral treaties with third States. A-national - or "transnational" - law goes beyond State borders; it adapts according to the needs of EU Members. A-national norms can derive from businesses (by means of quality marks, good industry practice, etc) in order to define norms, for example, for "eco-responsible" publicity campaigns. The importance of "disciplining" manufacturers since 2007 has taken off following an increasing number of consumer complaints about the abuse of environmental arguments in communications from businesses.

In addition, transparency has a certain *educational impact*. On the one hand, it encourages wine producers to have greater awareness about their production methods, but also about the classification of their products as "organic". It also encourages consumers to be more prudent. Even if these educational and empowerment aspects are not measurable in legal terms, it does not alter the fact that it is transparency which sets the conditions - not wholly sufficient conditions, but conditions which are necessary for such awareness.

This thorny issue of transparency presupposes that European criteria match those of third States and that import protocols for goods are harmonised. It also presupposes that wines labelled as "organic" should be the first to improve the quality of information made available to consumers.

The imposition of similar constraints on wines imported into Europe from Third States remains a major concern from the point of the rights of the World Trade Organisation (WTO).

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¹⁴ Decision of the Council of 19 December 2002, OJ L.63/27, 2003